



## ANALYSIS

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| 1. Title<br>Short Title | 2. Offences relating to<br>passports |
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1994, No. 8

An Act to amend the Crimes Act 1969 by making provision for offences relating to passports

(15 August 1994)

BE IT ENACTED by the Parliament of the Cook Islands in Session assembled, and by the authority of the same, as follows:

1. Short Title - This Act may be cited as the Crimes Amendment Act 1994 and shall be read together with and deemed part of the Crimes Act 1969 (hereinafter referred to as "the principal Act").

2. Offences relating to passports - The principal Act is amended, by inserting after Part X, the following new Part -

**"PART XA**  
**OFFENCES RELATING TO PASSPORTS**

328A Interpretation - In this Part, unless the context otherwise requires -

"Applicant", in relation to an application for a passport, means the person who will be the holder of the passport if the application is granted;

"Certificate of identity" means a document (other than a passport) issued by the Government of any country to any person for the purposes of facilitating his entry into or his exit from any country, and purporting to establish the identity but not the nationality of that person;

"New Zealand passport" means a passport issued by or on behalf of the Government of New Zealand to a New Zealand citizen;

"Passport" means a document that is issued by or on behalf of the Government of any country, and that purports to establish the identity and nationality of the holder; but does not include such a document that has expired and is incapable of being renewed, or that has been cancelled.

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328B Possession of unauthorised material - (1) Every person commits an offence who, without lawful authority or reasonable excuse, makes or uses or has in his possession or disposes of any paper or other material that he knows is specially provided by the proper authorities for any purpose relating to passports.

(2) Every person who commits an offence against subsection (1) is liable on conviction to imprisonment for a term not exceeding 2 years or to a fine not exceeding \$1,000, or to both.

328C Misusing passport - (1) Every person commits an offence who, -

- (a) Except as may be permitted by law for purposes of travel and without reasonable excuse, uses a New Zealand passport that has expired or has been cancelled; or
- (b) For purposes of travel or identification and without reasonable excuse, uses a New Zealand passport that was issued to or in respect of another person; or
- (c) Being a person to whom a New Zealand passport has been issued, without reasonable excuse permits another person to use that passport for purposes of travel or identification; or
- (d) Without lawful authority, takes or retains in his possession or under his control a New Zealand passport against the will of the holder; or
- (e) Without reasonable excuse, has in his possession or under his control
  - (i) a New Zealand passport that he knows or has reason to suspect has been falsified; or
  - (ii) a document (not being a New Zealand passport) that purports to be a passport; or
- (f) Without reasonable excuse, has in his possession or under his control within the Cook Islands -
  - (i) a passport issued by or on behalf of the Government of any country other than New Zealand, being a passport that he knows or has reason to suspect has been falsified; or
  - (ii) a document (not being a passport issued at any time by or on behalf of the Government of any country other than New Zealand) that purports to be a passport issued by or on behalf of such a Government.

(2) Every person commits an offence who wilfully defaces or destroys a New Zealand passport.

(3) Every person who commits an offence against subsection (1) or subsection (2) of this section is liable on conviction to imprisonment for a term not exceeding 2 years or to a fine not exceeding \$1,000, or to both.

328D False representation - (1) Every person commits an offence who whether for his own benefit or for the benefit of any other person -

- (a) makes a statement that he knows to be false in a material particular; or
- (b) recklessly makes a statement that is false in a material particular -

for the purpose of procuring a passport, seeking a renewal or endorsement of any such passport, or procuring the issue, endorsement or renewal of any certificate of identity.

(2) Every person who commits an offence against subsection (1) of this section is liable on conviction to imprisonment for a term not exceeding 2 years, or to a fine not exceeding \$1,000, or to both."