



ANALYSIS

1. Short Title
2. Writing off losses
3. New sections

1989, No. 8

An Act to amend the Public Money and Stores Act 1987

(2 May 1989)

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 Public Money and Stores Amendment Act 1989 and shall be read together with and deemed part of the Public Money and Stores Act 1987 (hereinafter referred to as "the principal Act").

2. Writing off losses - Section 37 of the principal Act is amended by deleting the word "Parliament", and substituting the words "the Financial Secretary acting with the concurrence of the Minister".

3. New sections - The principal Act is amended by adding after section 90 the following new sections -

"90A. Payments without probate - (1) On the death of any person to whom any sum of money not exceeding \$2,000 may be payable by the Government, the Financial Secretary, on being satisfied of the expediency of dispensing with probate or letters of administration, may authorise the payment of that sum or any parts thereof to any person or persons whom the Financial Secretary may consider to be entitled thereto without requiring the production of probate or letters of administration.

(2) Any payment made under this section shall be valid against all persons whatsoever, and all persons acting under it shall be absolutely discharged from all liability in respect of any money duly paid or applied by them under this section.

90B. Recovery of money due to Government - (1) Every accounting officer or person into whose hands or under whose control any public money or stores come shall be deemed to owe to the Government all such money or the value of all such stores for which he has not accounted in such manner as the Financial Secretary may direct (whether such public money or stores shall have come into that person's hands before or after the commencement of this Act); and all such money or all of such stores, together with full costs of suit, shall be recoverable in the High Court as money due to the Government.

(2) If it appears to the Financial Secretary that money is due to the Public Account pursuant to subsection (1) or on account of overpayment to any person due to mistake of fact, failure of any person to pay for any service for which a charge has been lawfully made, or failure to repay any loan or advance in terms of the agreement under which the advance or loan was made or granted (whether such mistake or failure occurred before or after the commencement of this Act) the matter shall be reported to the Minister who may direct that no amount payable to or claimed by that person shall be paid until the money due, overpayment or debt has been recovered: Provided that the amount withheld under this section shall not exceed one-fifth of the net salary or wages of that person for any pay period.

(3) The exercise by the Minister of the authority contained in subsection (2) shall not affect the right of the Government to sue for recovery by process of law.

90C. Set off - The Financial Secretary may set off against the claim of any person against the Government, and of any person claiming by through or under that person, any public money for which the first-mentioned person is indebted to the Government by reason of misappropriation or failure to account, and any debt for which the Government holds his acknowledgment in writing and which is not statute-barred, whether the respective claims and debts concern the same or different Government Departments, and arose before or after the coming into force of this Act.

90D. Passing of payments without receipts - The Financial Secretary, on production of proof to his satisfaction that any receipts or other requisite papers have been lost or destroyed or that it is not possible to obtain or replace them, may order that any payment of public money be allowed as paid without the production of receipts, and the Audit Office may pass the payment accordingly."

This Act is administered in the Treasury Department