

**Reprint  
as at 1 March 2017**



**Niue Act 1966**

Public Act      1966 No 38  
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Commencement      see section 1

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**Note**

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.  
Note 4 at the end of this reprint provides a list of the amendments incorporated.

**This Act is administered by the Ministry of Foreign Affairs and Trade.**

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**An Act to consolidate and amend certain enactments of the Parliament of New Zealand relating to the Government and laws of Niue**

Title: amended, on 1 January 1987, pursuant to section 29(2) of the Constitution Act 1986 (1986 No 114).

**1 Short Title and commencement**

- (1) This Act may be cited as the Niue Act 1966.
- (2) Part 30 shall come into force on a date to be appointed for the commencement thereof, by Order in Council.
- (3) Except as provided in subsection (2), this Act shall come into force on 1 January 1967 (hereinafter referred to as the **commencement of this Act**).

Section 1(2): Part 30 brought in force, on 1 January 1970, by the Niue Act Commencement Order 1969 (SR 1969/232).

**2 Interpretation**

In this Act, unless the context otherwise requires,—

**Cabinet** means the Cabinet of Ministers of Niue established by Article 2 of the Constitution

**Comptroller of Customs** means the officer of the Niue Public Service holding the position of Comptroller of Customs; and includes his deputy lawfully acting in place of the Comptroller

**constable** means an officer of police of the Niue Public Service

**the Constitution** means the Constitution of Niue, as set out in the Niuean language in Schedule 1 of the Niue Constitution Act 1974 and in the English language in Schedule 2 of that Act

**Director of Health** means the Director of Health of Niue appointed under section 23

**enactment** has the same meaning as in Article 82(1) of the Constitution

**external affairs** includes relations with other countries, and with international organisations, and the representation of other countries in Niue

**High Court** means the High Court of Niue

**judgment** includes any judicial decree, order, or determination, whether in an action or in any other judicial proceeding, whether civil or criminal

**Land Appellate Court** means the Land Appellate Court of Niue

**Land Court** means the Land Court of Niue

**medical officer** means any person authorised, pursuant to section 21, to engage in the practice of medicine or surgery in Niue, for fee, salary, or other remuneration or reward; and includes the Director of Health

**Minister** means the Minister of Foreign Affairs and Trade

**New Zealand** means New Zealand exclusive of Niue, the Cook Islands, and Tokelau

**Niue Public Service** has the same meaning as in Article 82(1) of the Constitution

**Niue Public Service Commission** or **Commission** means the Niue Public Service Commission established by Article 82(1) of the Constitution

**Niuean** means a person belonging to the aboriginal race of Niue; and includes a person descended from a Niuean

**offence** includes all offences punishable by way of criminal proceedings under this or any other enactment

**order** means, in respect of the High Court or the Land Court, any order, judgment, decision, or determination of that court

**Premier** has the same meaning as in Article 82(1) of the Constitution

**Registrar**, in relation to any court, includes the Deputy Registrar

**regulations** means regulations made under this Act or continuing in force under this Act.

Compare: 1915 No 40 ss 2(1), 226(4); 1921 No 14 s 2; 1943 No 4 s 5(2), (5), (6); 1946 No 30 s 41; 1950 No 92 s 11; 1957 No 103 ss 89(2), 95(1); 1965 No 1 s 3(1)

Section 2 **Act**: repealed, on 20 September 2007, by section 4 of the Niue Amendment Act 2007 (2007 No 71).

Section 2 **aerodrome** and **aircraft**: repealed, on 20 September 2007, by section 4 of the Niue Amendment Act 2007 (2007 No 71).

Section 2 **alienation**: repealed, on 1 November 1969, by section 102(1) of the Niue Amendment Act (No 2) 1968 (1968 No 132).

Section 2 **Attorney-General**: repealed, on 20 September 2007, by section 4 of the Niue Amendment Act 2007 (2007 No 71).

Section 2 **Cabinet**: inserted, at 11 pm on 19 October 1974, by section 2(1) of the Niue Amendment Act 1974 (1974 No 43).

Section 2 **Commission**: repealed, at 11 pm on 19 October 1974, by section 2(1) of the Niue Amendment Act 1974 (1974 No 43).

Section 2 **the Constitution**: inserted, at 11 pm on 19 October 1974, by section 2(1) of the Niue Amendment Act 1974 (1974 No 43).

Section 2 **Crown land**: repealed, on 1 November 1969, by section 102(1) of the Niue Amendment Act (No 2) 1968 (1968 No 132).

Section 2 **customary land**: repealed, on 1 November 1969, by section 102(1) of the Niue Amendment Act (No 2) 1968 (1968 No 132).

Section 2 **Defence**: repealed, on 20 September 2007, by section 4 of the Niue Amendment Act 2007 (2007 No 71).

Section 2 **Director of Health**: inserted, on 9 December 1971, by section 18(1) of the Niue Amendment Act 1971 (1971 No 143).

Section 2 **enactment**: replaced, at 11 pm on 19 October 1974, by section 2(1) of the Niue Amendment Act 1974 (1974 No 43).

Section 2 **European**: repealed, on 20 September 2007, by section 4 of the Niue Amendment Act 2007 (2007 No 71).

Section 2 **European land**: repealed, on 1 November 1969, by section 102(1) of the Niue Amendment Act (No 2) 1968 (1968 No 132).

Section 2 **Executive Committee**: repealed, at 11 pm on 19 October 1974, by section 2(1) of the Niue Amendment Act 1974 (1974 No 43).

Section 2 **Island Assembly**: repealed, at 11 pm on 19 October 1974, by section 2(1) of the Niue Amendment Act 1974 (1974 No 43).

Section 2 **Leader of Government**: repealed, at 11 pm on 19 October 1974, by section 2(1) of the Niue Amendment Act 1974 (1974 No 43).

Section 2 **medical officer**: replaced, on 9 December 1971, by section 18(2) of the Niue Amendment Act 1971 (No 1971 No 143).

Section 2 **Minister**: replaced, on 8 November 1974, by section 2(1) of the Niue Amendment Act (No 2) 1974 (1974 No 110).

Section 2 **Minister**: amended, on 1 July 1993, pursuant to section 9(3) of the Foreign Affairs Amendment Act 1993 (1993 No 48).

Section 2 **New Zealand**: amended, on 9 December 1976, pursuant to section 3(8) of the Tokelau Amendment Act 1976 (1976 No 122).

Section 2 **Niue Assembly** or **Assembly**: repealed, on 20 September 2007, by section 4 of the Niue Amendment Act 2007 (2007 No 71).

Section 2 **Niue Public Service**: replaced, at 11 pm on 19 October 1974, by section 2(1) of the Niue Amendment Act 1974 (1974 No 43).

Section 2 **Niue Public Service Commission** or **Commission**: inserted, at 11 pm on 19 October 1974, by section 2(1) of the Niue Amendment Act 1974 (1974 No 43).

Section 2 **Niuean custom**: repealed, on 20 September 2007, by section 4 of the Niue Amendment Act 2007 (2007 No 71).

Section 2 **Niuean freehold land**: repealed, on 1 November 1969, by section 102(1) of the Niue Amendment Act (No 2) 1968 (1968 No 132).

Section 2 **Niuean land**: repealed, on 1 November 1969, by section 102(1) of the Niue Amendment Act (No 2) 1968 (1968 No 132).

Section 2 **Ordinance**: repealed, on 20 September 2007, by section 4 of the Niue Amendment Act 2007 (2007 No 71).

Section 2 **Premier**: inserted, at 11 pm on 19 October 1974, by section 2(1) of the Niue Amendment Act 1974 (1974 No 43).

Section 2 **prescribed**: repealed, on 20 September 2007, by section 4 of the Niue Amendment Act 2007 (2007 No 71).

Section 2 **public place**: repealed, on 20 September 2007, by section 4 of the Niue Amendment Act 2007 (2007 No 71).

Section 2 **Resident Commissioner**: repealed, at 11 pm on 19 October 1974, by section 2(1) of the Niue Amendment Act 1974 (1974 No 43).

Section 2 **rules of court**: repealed, on 20 September 2007, by section 4 of the Niue Amendment Act 2007 (2007 No 71).

Section 2 **Secretary**: repealed, on 20 September 2007, by section 4 of the Niue Amendment Act 2007 (2007 No 71).

Section 2 **valuable security**: repealed, on 20 September 2007, by section 4 of the Niue Amendment Act 2007 (2007 No 71).

Section 2 **will**: repealed, on 20 September 2007, by section 4 of the Niue Amendment Act 2007 (2007 No 71).

### 3 **Application**

Except so far as a contrary intention appears, this Act shall apply to Niue only and not to New Zealand.

Compare: 1915 No 40 s 3

## **Part 1** **The Executive Government of Niue** *[Repealed]*

Part 1: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

### 4 **Executive government vested in the Crown**

*[Repealed]*

Section 4: repealed, at 11 pm on 19 October 1974, by section 2(1) of the Niue Amendment Act 1974 (1974 No 43).

**5 Resident Commissioner of Niue**

*[Repealed]*

Section 5: repealed, at 11 pm on 19 October 1974, by section 2(1) of the Niue Amendment Act 1974 (1974 No 43).

**6 Deputy of Resident Commissioner**

*[Repealed]*

Section 6: repealed, at 11 pm on 19 October 1974, by section 2(1) of the Niue Amendment Act 1974 (1974 No 43).

**7 Seal of Niue**

*[Repealed]*

Section 7: repealed, at 11 pm on 19 October 1974, by section 2(1) of the Niue Amendment Act 1974 (1974 No 43).

*The Executive Committee of Niue*

*[Repealed]*

Heading: repealed, at 11 pm on 19 October 1974, pursuant to section 2(1) of the Niue Amendment Act 1974 (1974 No 43).

**8 Executive Committee**

*[Repealed]*

Section 8: repealed, at 11 pm on 19 October 1974, by section 2(1) of the Niue Amendment Act 1974 (1974 No 43).

**9 Leader of Government**

*[Repealed]*

Section 9: repealed, at 11 pm on 19 October 1974, by section 2(1) of the Niue Amendment Act 1974 (1974 No 43).

**10 Appointment of members of Executive Committee after election of Leader of Government**

*[Repealed]*

Section 10: repealed, at 11 pm on 19 October 1974, by section 2(1) of the Niue Amendment Act 1974 (1974 No 43).

**11 Vote of confidence in Executive Committee**

*[Repealed]*

Section 11: repealed, at 11 pm on 19 October 1974, by section 2(1) of the Niue Amendment Act 1974 (1974 No 43).

**12 Vacation of office by appointed members of Executive Committee**

*[Repealed]*

Section 12: repealed, at 11 pm on 19 October 1974, by section 2(1) of the Niue Amendment Act 1974 (1974 No 43).

**13 Temporary members of Executive Committee**

*[Repealed]*

Section 13: repealed, at 11 pm on 19 October 1974, by section 2(1) of the Niue Amendment Act 1974 (1974 No 43).

**14 Assignment of responsibilities to members of Executive Committee**

*[Repealed]*

Section 14: repealed, at 11 pm on 19 October 1974, by section 2(1) of the Niue Amendment Act 1974 (1974 No 43).

**14A Meetings of Executive Committee**

*[Repealed]*

Section 14A: repealed, at 11 pm on 19 October 1974, by section 2(1) of the Niue Amendment Act 1974 (1974 No 43).

**14B Exercise of powers of Resident Commissioner**

*[Repealed]*

Section 14B: repealed, at 11 pm on 19 October 1974, by section 2(1) of the Niue Amendment Act 1974 (1974 No 43).

**14C Rules, other enactments, and decisions of Executive Committee or Resident Commissioner**

*[Repealed]*

Section 14C: repealed, at 11 pm on 19 October 1974, by section 2(1) of the Niue Amendment Act 1974 (1974 No 43).

**14D Clerk of the Executive Committee**

*[Repealed]*

Section 14D: repealed, at 11 pm on 19 October 1974, by section 2(1) of the Niue Amendment Act 1974 (1974 No 43).

*The public revenues of Niue*

*[Repealed]*

Heading: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**15 Public funds and public revenue**

*[Repealed]*

Section 15: repealed, at 11 pm on 19 October 1974, by section 2(1) of the Niue Amendment Act 1974 (1974 No 43).

**16 Loans to Niue Government Account**

*[Repealed]*

Section 16: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**17 Treasurer of Niue**

*[Repealed]*

Section 17: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**18 Revenue and expenditure**

*[Repealed]*

Section 18: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**19 Traders' deposit accounts**

*[Repealed]*

Section 19: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**20 Audit**

*[Repealed]*

Section 20: repealed, at 11 pm on 19 October 1974, by section 2(1) of the Niue Amendment Act 1974 (1974 No 43).

*Public health*

*[Repealed]*

Heading: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**21 Persons authorised to practise medicine or surgery**

*[Repealed]*

Section 21: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**22 Offences**

*[Repealed]*

Section 22: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**23 Director of Health**

*[Repealed]*

Section 23: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**23A Medical services**

*[Repealed]*

Section 23A: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).



**24 Hospitals and other institutions of public health**

*[Repealed]*

Section 24: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**25 Compulsory transfer of lepers**

*[Repealed]*

Section 25: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

*Prisons and police*

*[Repealed]*

Heading: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**26 Establishment of prisons**

*[Repealed]*

Section 26: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**27 Detention of persons in custody**

*[Repealed]*

Section 27: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**28 Labour instead of imprisonment**

*[Repealed]*

Section 28: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**29 Appointment of officers of police and prisons**

*[Repealed]*

Section 29: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

*Education*

*[Repealed]*

Heading: repealed, at 11 pm on 19 October 1974, pursuant to section 2(1) of the Niue Amendment Act 1974 (1974 No 43).

**30 Education to be provided for people of Niue**

*[Repealed]*

Section 30: repealed, at 11 pm on 19 October 1974, by section 2(1) of the Niue Amendment Act 1974 (1974 No 43).

## **Part 2**

### **The Legislative Government of Niue**

*[Repealed]*

Part 2: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

#### *The Niue Island Assembly*

*[Repealed]*

Heading: repealed, at 11 pm on 19 October 1974, pursuant to section 2(1) of the Niue Amendment Act 1974 (1974 No 43).

#### **31 Niue Island Assembly**

*[Repealed]*

Section 31: repealed, at 11 pm on 19 October 1974, by section 2(1) of the Niue Amendment Act 1974 (1974 No 43).

#### **31A Speaker of Island Assembly**

*[Repealed]*

Section 31A: repealed, at 11 pm on 19 October 1974, by section 2(1) of the Niue Amendment Act 1974 (1974 No 43).

#### **32 Prorogation and dissolution of Island Assembly**

*[Repealed]*

Section 32: repealed, at 11 pm on 19 October 1974, by section 2(1) of the Niue Amendment Act 1974 (1974 No 43).

#### **33 Members to take oath of allegiance**

*[Repealed]*

Section 33: repealed, at 11 pm on 19 October 1974, by section 2(1) of the Niue Amendment Act 1974 (1974 No 43).

#### **34 Procedure of Island Assembly**

*[Repealed]*

Section 34: repealed, at 11 pm on 19 October 1974, by section 2(1) of the Niue Amendment Act 1974 (1974 No 43).

#### **35 Privileges of Island Assembly and of its members**

*[Repealed]*

Section 35: repealed, at 11 pm on 19 October 1974, by section 2(1) of the Niue Amendment Act 1974 (1974 No 43).

#### **36 Clerk of the Island Assembly**

*[Repealed]*

Section 36: repealed, at 11 pm on 19 October 1974, by section 2(1) of the Niue Amendment Act 1974 (1974 No 43).

*Ordinances*

*[Repealed]*

Heading: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**37 Island Assembly may make Ordinances**

*[Repealed]*

Section 37: repealed, at 11 pm on 19 October 1974, by section 2(1) of the Niue Amendment Act 1974 (1974 No 43).

**38 Ordinances repugnant to New Zealand Acts and regulations**

*[Repealed]*

Section 38: repealed, at 11 pm on 19 October 1974, by section 2(1) of the Niue Amendment Act 1974 (1974 No 43).

**39 Partial validity of Ordinances**

*[Repealed]*

Section 39: repealed, at 11 pm on 19 October 1974, by section 2(1) of the Niue Amendment Act 1974 (1974 No 43).

**40 Introduction of Bills, etc, into Island Assembly**

*[Repealed]*

Section 40: repealed, at 11 pm on 19 October 1974, by section 2(1) of the Niue Amendment Act 1974 (1974 No 43).

**41 Assent to Bills by Resident Commissioner**

*[Repealed]*

Section 41: repealed, at 11 pm on 19 October 1974, by section 2(1) of the Niue Amendment Act 1974 (1974 No 43).

**42 Commencement of Ordinances**

*[Repealed]*

Section 42: repealed, at 11 pm on 19 October 1974, by section 2(1) of the Niue Amendment Act 1974 (1974 No 43).

**43 Transmission to Secretary of Ordinances assented to**

*[Repealed]*

Section 43: repealed, at 11 pm on 19 October 1974, by section 2(1) of the Niue Amendment Act 1974 (1974 No 43).

**44 Disallowance of Ordinances**

*[Repealed]*

Section 44: repealed, at 11 pm on 19 October 1974, by section 2(1) of the Niue Amendment Act 1974 (1974 No 43).

**45 Transmission to Minister of reserved Bills**

*[Repealed]*

Section 45: repealed, on 4 March 1972, by section 10(2) of the Niue Amendment Act 1971 (1971 No 143).

**46 Assent to reserved Bills**

*[Repealed]*

Section 46: repealed, on 4 March 1972, by section 10(2) of the Niue Amendment Act 1971 (1971 No 143).

**47 Language of Ordinances**

*[Repealed]*

Section 47: repealed, at 11 pm on 19 October 1974, by section 2(1) of the Niue Amendment Act 1974 (1974 No 43).

**48 Publication of Ordinances, etc, in *Niue Island Gazette***

*[Repealed]*

Section 48: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

*Regulations*

*[Repealed]*

Heading: repealed, at 11 pm on 19 October 1974, pursuant to section 2(1) of the Niue Amendment Act 1974 (1974 No 43).

**49 Governor-General in Council may make regulations**

*[Repealed]*

Section 49: repealed, at 11 pm on 19 October 1974, by section 2(1) of the Niue Amendment Act 1974 (1974 No 43).

*Village Councils*

*[Repealed]*

Heading: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**50 Village Councils**

*[Repealed]*

Section 50: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**51 Village Council bylaws**

*[Repealed]*

Section 51: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**52 Validity and disallowance of bylaws**

*[Repealed]*

Section 52: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**Part 3**  
**The High Court of Niue**

*Constitution of the High Court*

*[Repealed]*

Heading: repealed, on 20 September 2007, pursuant to section 5 of the Niue Amendment Act 2007 (2007 No 71).

**53 High Court established**

*[Repealed]*

Section 53: repealed, at 11 pm on 19 October 1974, by section 2(1) of the Niue Amendment Act 1974 (1974 No 43).

**54 Judges and Commissioners of the High Court**

*[Repealed]*

Section 54: repealed, at 11 pm on 19 October 1974, by section 2(1) of the Niue Amendment Act 1974 (1974 No 43).

**55 Appointment and tenure of Judges and Commissioners**

*[Repealed]*

Section 55: repealed, at 11 pm on 19 October 1974, by section 2(1) of the Niue Amendment Act 1974 (1974 No 43).

**56 Temporary Judges or Commissioners**

*[Repealed]*

Section 56: repealed, at 11 pm on 19 October 1974, by section 2(1) of the Niue Amendment Act 1974 (1974 No 43).

**57 Salaries of Judges and Commissioners**

*[Repealed]*

Section 57: repealed, at 11 pm on 19 October 1974, by section 2(1) of the Niue Amendment Act 1974 (1974 No 43).

**58 Powers of Judges**

*[Repealed]*

Section 58: repealed, at 11 pm on 19 October 1974, by section 2(1) of the Niue Amendment Act 1974 (1974 No 43).

**59 Resident Commissioner may act as Judge of High Court**

*[Repealed]*

Section 59: repealed, at 11 pm on 19 October 1974, by section 2(1) of the Niue Amendment Act 1974 (1974 No 43).

**60 Commissioners of the High Court**

*[Repealed]*

Section 60: repealed, at 11 pm on 19 October 1974, by section 2(1) of the Niue Amendment Act 1974 (1974 No 43).

**61 Justices of the Peace**

*[Repealed]*

Section 61: repealed, at 11 pm on 19 October 1974, by section 2(1) of the Niue Amendment Act 1974 (1974 No 43).

**62 Registrar and Deputy Registrar of the High Court**

*[Repealed]*

Section 62: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**63 Administrative officers**

*[Repealed]*

Section 63: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**64 Seal of the High Court**

*[Repealed]*

Section 64: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**65 Records of the High Court**

*[Repealed]*

Section 65: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

*Jurisdiction of the High Court*

*[Repealed]*

Heading: repealed, on 20 September 2007, pursuant to section 5 of the Niue Amendment Act 2007 (2007 No 71).

**66 Jurisdiction of the High Court**

*[Repealed]*

Section 66: repealed, at 11 pm on 19 October 1974, by section 2(1) of the Niue Amendment Act 1974 (1974 No 43).

**67 Injunction, certiorari, mandamus, and prohibition**

*[Repealed]*

Section 67: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**68 Habeas corpus**

*[Repealed]*

Section 68: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**69 Custody of minors**

*[Repealed]*

Section 69: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

*Procedure of the High Court*

**70 Rules of court**

*[Repealed]*

Section 70: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**71 Procedure so far as not governed by rules of court**

*[Repealed]*

Section 71: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**72 Forms**

*[Repealed]*

Section 72: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**73 Summons to witnesses**

*[Repealed]*

Section 73: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**74 Default of witness**

*[Repealed]*

Section 74: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**75 Commissioners to take evidence**

- (1) The High Court may, in any civil or criminal proceedings where it appears necessary for the purposes of justice, make an order for the examination on

oath before any officer of the court or any other person or persons, and at any place either in or out of Niue, of any witness or person and may order any deposition so taken to be filed in the court, and may empower any party to the proceedings to give the deposition in evidence therein.

- (2) Any person before whom any witness or person is to be examined in New Zealand pursuant to an order made under subsection (1) shall, for the purpose of examining that witness or person, have in New Zealand all the powers of a Commission of Inquiry under the Commissions of Inquiry Act 1908, and all the provisions of that Act shall apply as if the examination were an inquiry under that Act.

Compare: 1915 No 40 s 123; 1963 No 123 s 3

#### **76 Evidence by affidavit sworn out of Niue**

*[Repealed]*

Section 76: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

#### **77 Witnesses may be ordered out of court**

*[Repealed]*

Section 77: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

#### **78 Affidavits in Niue**

*[Repealed]*

Section 78: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

#### **79 Evidence by affidavit**

*[Repealed]*

Section 79: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

#### **80 Right of audience in the High Court**

*[Repealed]*

Section 80: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

#### **81 Costs**

*[Repealed]*

Section 81: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).



**82 Security for costs**

*[Repealed]*

Section 82: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**83 Court fees**

*[Repealed]*

Section 83: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**84 Minutes of judgments**

*[Repealed]*

Section 84: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**85 Amendments**

*[Repealed]*

Section 85: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**86 Rehearing of civil proceedings**

*[Repealed]*

Section 86: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**87 Rehearing of criminal proceedings**

*[Repealed]*

Section 87: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

*Execution of judgments*

**88 Writs of sale and possession**

*[Repealed]*

Section 88: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**89 Effect of writ of possession**

*[Repealed]*

Section 89: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**90 Effect of writ of sale**

*[Repealed]*

Section 90: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**91 Issue of writs of sale or possession**

*[Repealed]*

Section 91: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**92 Charging orders**

*[Repealed]*

Section 92: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**93 Stay of execution**

*[Repealed]*

Section 93: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**94 Judgment summons**

*[Repealed]*

Section 94: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**95 Enforcement of judgments of High Court in Supreme Court of New Zealand**

- (1) Any person in whose favour any judgment whereby any sum of money is made payable has been obtained in civil proceedings in the High Court may cause a memorial thereof, authenticated by the seal of the High Court, to be filed in any office of the Supreme Court of New Zealand.
- (2) Judicial notice may be taken by the Supreme Court of the seal of the High Court so affixed to any such memorial.
- (3) Every such memorial shall set forth the names and additions of the parties to the proceedings in which the judgment was given, the form or nature of the proceedings, the date on which the judgment was given, and the amount payable thereunder.
- (4) Every such memorial being so filed shall thenceforth be a record of the judgment, and execution may issue thereon with the leave of the Supreme Court, in the same manner as if the like judgment had been given by the Supreme Court, subject, however, to such terms and conditions as the Supreme Court may think fit to impose.
- (5) Leave to issue execution may be given by the Supreme Court on the application of the party by whom the memorial was filed, and either *ex parte* or on notice to the party against whom execution is to be issued, as the Supreme Court thinks fit.
- (6) Such leave shall not be granted, unless the Supreme Court is satisfied, by affidavit or otherwise,—

- (a) that the person against whom execution is to be issued was resident or present in Niue at the commencement of the proceedings in which the judgment was given; or
- (b) that the cause of action in the proceedings or some material part of that cause of action arose in Niue.
- (7) Every such affidavit shall, if made in Niue, be sworn before a Judge of the High Court or a Commissioner of the Supreme Court.

Compare: 1915 No 40 s 142

### *Absconding debtors*

*[Repealed]*

Heading: repealed, on 20 September 2007, pursuant to section 5 of the Niue Amendment Act 2007 (2007 No 71).

#### **96 Order of arrest of absconding debtor**

*[Repealed]*

Section 96: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

#### **97 Security to be given**

*[Repealed]*

Section 97: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

#### **98 Enforcement of security**

*[Repealed]*

Section 98: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

#### **99 Arrest in actions for penalties**

*[Repealed]*

Section 99: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

#### **100 Enforcement of security in actions for penalties**

*[Repealed]*

Section 100: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

### *Contempt of the High Court*

*[Repealed]*

Heading: repealed, on 20 September 2007, pursuant to section 5 of the Niue Amendment Act 2007 (2007 No 71).

**101 Contempt of court defined**

*[Repealed]*

Section 101: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**102 Penalty for contempt**

*[Repealed]*

Section 102: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**103 Jurisdiction in contempt**

*[Repealed]*

Section 103: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**104 Contempt in the face of the court**

*[Repealed]*

Section 104: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**105 Discharge of persons in contempt**

*[Repealed]*

Section 105: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**Part 4****The Supreme Court of New Zealand***Jurisdiction of the Supreme Court in Niue*

*[Repealed]*

Heading: repealed, on 20 September 2007, pursuant to section 5 of the Niue Amendment Act 2007 (2007 No 71).

**106 Civil jurisdiction of Supreme Court extends to Niue**

*[Repealed]*

Section 106: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**107 Jurisdiction under the Declaratory Judgments Act 1908**

*[Repealed]*

Section 107: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**108 Criminal jurisdiction of Supreme Court in respect of Niue**

*[Repealed]*

Section 108: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

*Cases stated by the High Court or Land Court or Land Appellate Court*

*[Repealed]*

Heading: repealed, on 20 September 2007, pursuant to section 5 of the Niue Amendment Act 2007 (2007 No 71).

**109 High Court or Land Court or Land Appellate Court may state a case for the Court of Appeal**

*[Repealed]*

Section 109: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

*Cases stated by Supreme Court for Land Appellate Court*

*[Repealed]*

Heading: repealed, on 20 September 2007, pursuant to section 5 of the Niue Amendment Act 2007 (2007 No 71).

**110 Supreme Court may state case for Land Appellate Court**

*[Repealed]*

Section 110: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

*Appeals from the High Court*

*[Repealed]*

Heading: repealed, on 20 September 2007, pursuant to section 5 of the Niue Amendment Act 2007 (2007 No 71).

**111 Jurisdiction of Supreme Court on appeal from the High Court**

*[Repealed]*

Section 111: repealed, at 11 pm on 19 October 1974, by section 2(1) of the Niue Amendment Act 1974 (1974 No 43).

**112 Order granting leave to appeal**

*[Repealed]*

Section 112: repealed, at 11 pm on 19 October 1974, by section 2(1) of the Niue Amendment Act 1974 (1974 No 43).

**113 Transmission of record**

*[Repealed]*

Section 113: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**114 Dismissal of appeal for non-prosecution**

*[Repealed]*

Section 114: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**115 Procedure on appeal**

*[Repealed]*

Section 115: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**116 Special leave to appeal may be granted by Supreme Court**

*[Repealed]*

Section 116: repealed, at 11 pm on 19 October 1974, by section 2(1) of the Niue Amendment Act 1974 (1974 No 43).

**117 Powers of Court of Appeal on appeal**

*[Repealed]*

Section 117: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**118 Evidence on appeal**

*[Repealed]*

Section 118: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**119 Stay of execution**

*[Repealed]*

Section 119: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**120 Release of appellant from custody**

*[Repealed]*

Section 120: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**121 Appeal not to be allowed for irregularities in procedure**

*[Repealed]*

Section 121: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**122 Right of audience on appeal**

*[Repealed]*

Section 122: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**123 Transmission of order of Court of Appeal on appeal**

*[Repealed]*

Section 123: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**124 No appeal to the Court of Appeal**

*[Repealed]*

Section 124: repealed, at 11 pm on 19 October 1974, by section 2(1) of the Niue Amendment Act 1974 (1974 No 43).

**125 No certiorari, mandamus, or prohibition**

*[Repealed]*

Section 125: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

*Enforcement in Niue of judgments of New Zealand courts*

**126 Judgments of Supreme Court or District Court in New Zealand may be enforced by the High Court**

*[Repealed]*

Section 126: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**127 Enforcement of judgments of Supreme Court by High Court by way of proceedings for contempt**

- (1) When by any judgment of the Supreme Court of New Zealand any person has been ordered to do or abstain from doing any act in Niue, other than the payment of money, the Supreme Court may then or at any time thereafter direct a memorial of the judgment under the seal of the court to be filed in the High Court.
- (2) On the filing of such a memorial, any disobedience to the judgment, whether before or after the filing of the memorial, shall be deemed to be a contempt of the High Court.

Compare: 1915 No 40 s 174

*Commissioners of the Supreme Court*

**128 Commissioners of the Supreme Court may be appointed in Niue**

Sections 30 to 32 of the Senior Courts Act 2016 (relating to Commissioners to administer oaths) shall in New Zealand be construed and operate as if Niue were a place beyond the jurisdiction of the Supreme Court within the meaning of section 30 aforesaid, and Commissioners in Niue may be appointed by a Judge of the Supreme Court accordingly.

Compare: 1915 No 40 s 175

Section 128: amended, on 1 March 2017, by section 183(b) of the Senior Courts Act 2016 (2016 No 48).

## **Part 5**

### **Criminal offences**

#### **129 Seditious offences defined**

*[Repealed]*

Section 129: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

#### **130 Punishment of seditious offences**

*[Repealed]*

Section 130: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

#### **131 Homicide defined**

*[Repealed]*

Section 131: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

#### **132 Killing of a child**

*[Repealed]*

Section 132: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

#### **133 Culpable homicide**

*[Repealed]*

Section 133: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

#### **134 Murder defined**

*[Repealed]*

Section 134: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

#### **135 Further definition of murder**

*[Repealed]*

Section 135: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

#### **136 Provocation**

*[Repealed]*

Section 136: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).



**137 Illegal arrest may be evidence of provocation**

*[Repealed]*

Section 137: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**138 Punishment of murder**

*[Repealed]*

Section 138: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**139 Manslaughter**

*[Repealed]*

Section 139: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**140 Punishment of manslaughter**

*[Repealed]*

Section 140: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**141 Omissions dangerous to life**

*[Repealed]*

Section 141: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**142 Duty to provide the necessaries of life**

*[Repealed]*

Section 142: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**143 Duty of parent or guardian to provide necessaries**

*[Repealed]*

Section 143: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**144 Liability of persons having charge of dangerous things**

*[Repealed]*

Section 144: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**145 Hastening death**

*[Repealed]*

Section 145: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**146 Indirect cause of death**

*[Repealed]*

Section 146: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**147 Attempted murder**

*[Repealed]*

Section 147: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**148 Conspiracy and inciting to murder**

*[Repealed]*

Section 148: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**149 Counselling suicide**

*[Repealed]*

Section 149: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**150 Concealment of birth**

*[Repealed]*

Section 150: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**151 Grievous bodily harm**

*[Repealed]*

Section 151: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**152 Actual bodily harm**

*[Repealed]*

Section 152: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**153 Omissions resulting in bodily harm**

*[Repealed]*

Section 153: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**154 Intentionally endangering persons on aerodromes, etc**

*[Repealed]*

Section 154: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**155 Wantonly endangering persons on or near aerodromes, etc**

*[Repealed]*

Section 155: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**156 Indecent assault**

*[Repealed]*

Section 156: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**157 Assault**

*[Repealed]*

Section 157: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**157A Cruelty to a child**

*[Repealed]*

Section 157A: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**158 Resisting constable in execution of his duty**

*[Repealed]*

Section 158: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**159 Abduction of girl under 15**

*[Repealed]*

Section 159: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**160 Abduction of children**

*[Repealed]*

Section 160: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**161 Sexual intercourse defined**

*[Repealed]*

Section 161: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**162 Rape**

*[Repealed]*

Section 162: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**163 Sexual intercourse or indecency with girl under 12**

*[Repealed]*

Section 163: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**164 Sexual intercourse or indecency with girl between 12 and 15**

*[Repealed]*

Section 164: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**165 Sexual intercourse with woman or girl who is an idiot or imbecile or of unsound mind**

*[Repealed]*

Section 165: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**166 Procuring miscarriage of woman or girl**

*[Repealed]*

Section 166: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**167 Act of woman or girl procuring her own miscarriage**

*[Repealed]*

Section 167: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**168 Supplying means of miscarriage**

*[Repealed]*

Section 168: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**169 Bigamy**

*[Repealed]*

Section 169: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**170 Buggery**

*[Repealed]*

Section 170: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**171 Attempted buggery and indecent assaults on males**

*[Repealed]*

Section 171: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**172 Incest**

*[Repealed]*

Section 172: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**173 Indecent acts**

*[Repealed]*

Section 173: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**174 Indecent documents**

*[Repealed]*

Section 174: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**175 Brothels**

*[Repealed]*

Section 175: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**176 Gaming houses**

*[Repealed]*

Section 176: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**177 Riot**

*[Repealed]*

Section 177: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**178 Forcible entry**

*[Repealed]*

Section 178: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**179 Affrays**

*[Repealed]*

Section 179: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**180 Official corruption**

*[Repealed]*

Section 180: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**181 Perjury**

*[Repealed]*

Section 181: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**182 Fabricating evidence**

*[Repealed]*

Section 182: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**183 Conspiracy to pervert justice**

*[Repealed]*

Section 183: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**184 Breaking prison**

*[Repealed]*

Section 184: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**185 Escape**

*[Repealed]*

Section 185: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**186 Rescue**

*[Repealed]*

Section 186: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**187 Criminal libel or slander**

*[Repealed]*

Section 187: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**188 Definition of theft**

*[Repealed]*

Section 188: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**189 Ineffectual defences to charge of theft**

*[Repealed]*

Section 189: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**190 Extended definition of theft**

*[Repealed]*

Section 190: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**191 Obtaining money or goods by false pretences to be deemed theft**

*[Repealed]*

Section 191: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**192 Punishment of theft**

*[Repealed]*

Section 192: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**193 Stealing documents**

*[Repealed]*

Section 193: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**194 Receiving stolen goods**

*[Repealed]*

Section 194: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**195 Robbery**

*[Repealed]*

Section 195: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**196 Conversion or attempted conversion of motorcars, etc**

*[Repealed]*

Section 196: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**197 Breach of trust**

*[Repealed]*

Section 197: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**198 Menaces**

*[Repealed]*

Section 198: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**199 Witchcraft**

*[Repealed]*

Section 199: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**200 Obtaining credit by fraud**

*[Repealed]*

Section 200: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**201 Accusation of criminal offences**

*[Repealed]*

Section 201: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**202 Conspiracy to defraud**

*[Repealed]*

Section 202: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**203 Obtaining execution of valuable securities by fraud**

*[Repealed]*

Section 203: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**204 Burglary**

*[Repealed]*

Section 204: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**205 Unlawful entry of dwellinghouse, etc**

*[Repealed]*

Section 205: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**205A Unlawfully entering premises for a criminal purpose**

*[Repealed]*

Section 205A: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**206 Threats to kill or do bodily harm**

*[Repealed]*

Section 206: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).



**207 Forgery**

*[Repealed]*

Section 207: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**208 Extended definition of forgery**

*[Repealed]*

Section 208: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**209 Making counterfeit coin**

*[Repealed]*

Section 209: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**210 Lightning coin**

*[Repealed]*

Section 210: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**211 Uttering counterfeit coin**

*[Repealed]*

Section 211: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**212 Arson**

*[Repealed]*

Section 212: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**213 Wilful mischief to property**

*[Repealed]*

Section 213: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**214 Provoking breach of the peace**

*[Repealed]*

Section 214: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**215 Profane, indecent, or obscene language**

*[Repealed]*

Section 215: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**216 Disorderly conduct in public places**

*[Repealed]*

Section 216: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**217 Obstructing public place**

*[Repealed]*

Section 217: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**218 Drunkenness**

*[Repealed]*

Section 218: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**219 Animal trespass**

*[Repealed]*

Section 219: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**220 Prostitution**

*[Repealed]*

Section 220: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**221 Laying poison**

*[Repealed]*

Section 221: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**222 Polluting water**

*[Repealed]*

Section 222: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**223 Sale of unwholesome provisions**

*[Repealed]*

Section 223: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**224 Insanitary premises**

*[Repealed]*

Section 224: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**225 Wilful trespass**

*[Repealed]*

Section 225: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**226 Cruelty to animals**

*[Repealed]*

Section 226: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**227 Falsely trading as an incorporated company**

*[Repealed]*

Section 227: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**228 Conspiracy**

*[Repealed]*

Section 228: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

*Attempts*

*[Repealed]*

Heading: repealed, on 20 September 2007, pursuant to section 5 of the Niue Amendment Act 2007 (2007 No 71).

**229 Attempts to commit offences**

*[Repealed]*

Section 229: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**230 Attempt proved when offence is charged**

*[Repealed]*

Section 230: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**231 Offence proved when attempt is charged**

*[Repealed]*

Section 231: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

*Parties to offences*

*[Repealed]*

Heading: repealed, on 20 September 2007, pursuant to section 5 of the Niue Amendment Act 2007 (2007 No 71).

**232 Inciting**

*[Repealed]*

Section 232: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**233 Parties to offences**

*[Repealed]*

Section 233: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**234 Common criminal purpose**

*[Repealed]*

Section 234: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**235 Counselling or procuring**

*[Repealed]*

Section 235: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**236 Accessory after the fact**

*[Repealed]*

Section 236: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**237 Punishment of accessories**

*[Repealed]*

Section 237: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

*Infancy*

*[Repealed]*

Heading: repealed, on 20 September 2007, pursuant to section 5 of the Niue Amendment Act 2007 (2007 No 71).

**237A Children under 10**

*[Repealed]*

Section 237A: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**237B Children between 10 and 14**

*[Repealed]*

Section 237B: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

*Defences*

*[Repealed]*

Heading: repealed, on 20 September 2007, pursuant to section 5 of the Niue Amendment Act 2007 (2007 No 71).

**238 Common law defences**

*[Repealed]*

Section 238: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**239 Common law offences**

*[Repealed]*

Section 239: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

*Sentences*

**240 Power to fine instead of or in addition to imprisonment**

*[Repealed]*

Section 240: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**241 Enforcement of fines**

*[Repealed]*

Section 241: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**242 Imprisonment in Niue**

*[Repealed]*

Section 242: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**243 Transfer of convicted persons to New Zealand**

- (1) Every person sentenced to imprisonment, or committed to prison, for 6 months or more including an offender who has been recalled under section 244A may, by warrant of the Cabinet and under the Seal of Niue, be transferred to some prison in New Zealand named or described in the warrant.
- (2) On the issue of any such warrant, the person named therein shall thereupon be taken in custody from Niue to New Zealand, and there forthwith delivered to the Superintendent of the prison named or described in the warrant.
- (3) The warrant shall be delivered to the said Superintendent together with a certificate under the hand of a Judge of the High Court and the seal of that court setting forth the fact of the conviction or commitment of the person named in the

warrant, the offence of which he was convicted or the reason of the commitment, and the term for which he has been so sentenced or committed.

- (4) Where any person brought to New Zealand under the provisions of this section is imprisoned in New Zealand under any of the foregoing provisions of this section,—
- (a) the period during which he has been in custody since the sentence was imposed in Niue until his delivery to the Superintendent in New Zealand shall for all purposes be computed as part of the term of his imprisonment:
  - (b) subject to the provisions of section 244, he shall be imprisoned in New Zealand in the same manner in all respects and shall be subject in all respects to the same laws, as far as applicable, as if he had been sentenced by the Supreme Court of New Zealand to imprisonment for the like offence, or committed to prison by that court on the like grounds.

Compare: 1915 No 40 s 275; 1962 No 40 s 7(2); 1964 No 70 s 57(1); 1965 No 1 s 3(3)

Section 243(1): amended, at 11 pm on 19 October 1974, by section 2(1) of the Niue Amendment Act 1974 (1974 No 43).

Section 243(1): amended, on 31 October 1968, by section 3(2) of the Niue Amendment Act 1968 (1968 No 15).

#### **244 Release of prisoners transferred to New Zealand**

- (1) Where any person (in this section referred to as the **offender**) brought to New Zealand under the provisions of section 243 is imprisoned in New Zealand under the provisions of that section,—
- (a) the Minister of Justice, with the concurrence of the Minister of Foreign Affairs and Trade,—
    - (i) may at any time, by warrant signed by him, grant to the offender, not being an offender serving a sentence of life imprisonment, remission of any part of his sentence, not exceeding one-fourth of the term thereof, on the ground of his good conduct and industry; and
    - (ii) may, where he considers that the conduct of the offender has been exemplary during his sentence, or that the offender has during his sentence performed some outstanding act of service, grant to the offender, not being an offender serving a sentence of life imprisonment, in addition to any remission which may be granted to him under subparagraph (i), a special remission of part of his sentence, not exceeding one-twelfth of the term; and may revoke any such remission at any time before the offender is released; and
    - (iii) may, in the case of any offender who is a Niuean, direct by warrant signed by him that on the release of the offender he be allowed to remain in New Zealand:

- (b) where any offender is granted a remission of any part of his sentence under paragraph (a), then,—
    - (i) if pursuant to this section he is to be released in New Zealand, the Minister of Justice, with the concurrence of the Minister of Foreign Affairs and Trade, may, by warrant at any time before the offender is released, impose such special conditions of probation as he thinks fit in addition to those that apply by virtue of the provisions of section 38 of the Criminal Justice Act 1954:
    - (ii) if pursuant to this section he is to be returned to Niue, the Minister of Justice, with the like concurrence, may, by warrant at any time before the offender is released for the purpose of being returned to Niue, direct that, until a date specified in the warrant (being a date not later than the date of expiry of the term of the original sentence), the offender shall be subject to supervision by a person to be nominated from time to time by the Premier, and shall comply with the directions of that person with respect to such matters as are specified in the warrant:
  - (c) the provisions of section 33A of the Criminal Justice Act 1954 (as enacted by section 4 of the Criminal Justice Amendment Act 1961), as far as they are applicable but subject to the provisions of this section, shall apply with respect to the offender as if he had been sentenced to imprisonment by the Supreme Court of New Zealand.
- (2) The Prisons Parole Board, on considering the case of any offender under section 33A of the Criminal Justice Act 1954 (as so enacted), shall have regard, in addition to the matters specified in subsection (6) of that section, to such other matters of any kind whatsoever as it considers relevant in the circumstances of the case, and may, in its discretion, recommend that the offender—
- (a) be returned to Niue and released on his arrival there; or
  - (b) be returned in custody to Niue and continue to serve the sentence of imprisonment in some prison in Niue until a date specified by the board (being, in the case of a prisoner undergoing a sentence of life imprisonment, such date as the board thinks fit, and, in the case of any other prisoner, a date not later than 3 months after his return to Niue) and be released on the date so specified; or
  - (c) be released in New Zealand.
- (3) Any recommendation of the Prisons Parole Board under subsection (2) may be subject to such conditions as the board thinks fit, including, if the board thinks fit, a condition, in the case of a prisoner to whom paragraph (a) or paragraph (b) of that subsection applies, that, until a date specified by the board (being, in the case of an offender undergoing a sentence of life imprisonment, such date as the board thinks fit, and in any other case a date not later than the date of the expiry of the term of the original sentence), he shall be subject to supervision

by a person to be nominated from time to time by the Premier and shall comply with the directions of that person with respect to such matters as the board specifies.

- (4) The provisions of the Criminal Justice Act 1954 relating to the release of an offender on probation shall not apply with respect to any offender who is to be returned to Niue pursuant to this section.
- (5) Where pursuant to this section any offender is released in New Zealand, the provisions of sections 35 to 39 of the Criminal Justice Act 1954, as far as they are applicable, shall apply as if he had been so released at or before the expiry of a term of imprisonment imposed by the Supreme Court of New Zealand.
- (6) Where any offender who pursuant to this section is released in New Zealand desires to return to Niue before the expiration of the term of his probation, the Minister of Justice, on the application of the offender and with the concurrence of the Minister of Foreign Affairs and Trade, may cancel the probationary licence as from the date on which the offender leaves New Zealand, and by warrant direct that as from the date of the arrival of the offender in Niue until a date specified in the warrant (being not later than the date on which the term of probation would have expired if the probationary licence had not been cancelled) the offender shall be subject to supervision by a person to be nominated from time to time by the Premier and shall comply with the directions of that person with respect to such matters as are specified in the warrant.
- (7) Every offender, if he is a Niuean, shall, as soon as he is entitled to be released or as soon thereafter as may be, unless he is to be released in New Zealand under this section, be returned to Niue pursuant to a warrant signed by the Minister of Justice, and in the meantime shall be detained in custody in some prison in New Zealand appointed by that warrant.
- (8) A recommendation of the Prisons Parole Board under this section may be given effect to pursuant to a warrant signed by the Minister of Justice with the concurrence of the Minister of Foreign Affairs and Trade.
- (9) For the purposes of this section, cumulative terms of imprisonment shall be treated as 1 term.
- (10) Where any offender is for the time being subject to supervision in Niue under this section, the term of his sentence shall continue to run while he is subject to supervision as if he were still serving the sentence; and the date of expiry of the sentence shall be determined accordingly.

Compare: 1915 No 40 s 275A; 1962 No 40 s 7(1); 1963 No 132 s 8(2)(b), (3), (4); 1964 No 70 s 57(1); 1965 No 1 s 3(3)

Section 244(1)(a): amended, on 1 July 1993, pursuant to section 9(3) of the Foreign Affairs Amendment Act 1993 (1993 No 48).

Section 244(1)(b)(i): amended, on 1 July 1993, pursuant to section 9(3) of the Foreign Affairs Amendment Act 1993 (1993 No 48).

Section 244(1)(b)(ii): amended, at 11 pm on 19 October 1974, by section 2(1) of the Niue Amendment Act 1974 (1974 No 43).



Section 244(3): amended, at 11 pm on 19 October 1974, by section 2(1) of the Niue Amendment Act 1974 (1974 No 43).

Section 244(6): amended, on 1 July 1993, pursuant to section 9(3) of the Foreign Affairs Amendment Act 1993 (1993 No 48).

Section 244(6): amended, on 8 November 1974, pursuant to section 2(4)(a) of the Niue Amendment Act (No 2) 1974 (1974 No 110).

Section 244(6): amended, at 11 pm on 19 October 1974, by section 2(1) of the Niue Amendment Act 1974 (1974 No 43).

Section 244(8): amended, on 1 July 1993, pursuant to section 9(3) of the Foreign Affairs Amendment Act 1993 (1993 No 48).

Section 244(10): inserted, on 31 October 1968, by section 2 of the Niue Amendment Act 1968 (1968 No 15).

#### **244A Recall of offender subject to supervision**

- (1) Where any offender undergoing a sentence of imprisonment for life is for the time being subject to supervision in Niue pursuant to section 244, the Cabinet may at any time before the expiration of the period of supervision, by warrant, direct that the offender be recalled.
- (2) On the giving of that direction, the supervision shall be deemed to be cancelled, and the offender may be arrested without warrant by any constable, and, subject to section 244, shall continue to serve his original sentence.
- (3) The powers conferred by subsection (1) may be exercised on such grounds as the Cabinet thinks fit, and whether or not the offender has committed a breach of any condition of his supervision.

Section 244A: inserted, on 31 October 1968, by section 3(1) of the Niue Amendment Act 1968 (1968 No 15).

Section 244A(1): amended, at 11 pm on 19 October 1974, by section 2(1) of the Niue Amendment Act 1974 (1974 No 43).

Section 244A(3): amended, at 11 pm on 19 October 1974, by section 2(1) of the Niue Amendment Act 1974 (1974 No 43).

#### **245 Person conditionally released from imprisonment, or portion of whose sentence is conditionally remitted, may be reimprisoned**

- (1) Any person who is released from imprisonment—
  - (a) pursuant to a remission of part of his sentence under paragraph (a) of subsection (1) of section 244 or to a recommendation of the Prisons Parole Board under paragraph (c) of that subsection subject to any conditions imposed under that section, and is returned to Niue under that section (including a person who returns to Niue pursuant to subsection (6) of that section); or
  - (b) pursuant to a remission of part of his sentence under section 286 subject to any conditions imposed under that section,—

and who commits a breach of any such condition may be arrested by any constable without warrant and brought before a Judge of the High Court, and may be sentenced to imprisonment, in the case of a person who was undergoing a

sentence of life imprisonment, for such period as the court thinks fit, and in any other case for any period not exceeding the unexpired portion of the term of his original sentence.

- (2) For the purposes of this section, cumulative terms of imprisonment shall be treated as 1 term.

Compare: 1915 No 40 s 275B; 1962 No 40 s 8

#### **246 Cumulative sentences**

*[Repealed]*

Section 246: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

### **Part 6 Criminal procedure**

*[Repealed]*

Part 6: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

#### **247 District Court Judges**

*[Repealed]*

Section 247: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

#### **248 Jurisdiction of High Court**

*[Repealed]*

Section 248: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

#### **249 Felonies and misdemeanours**

*[Repealed]*

Section 249: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

#### *Preliminary proceedings*

*[Repealed]*

Heading: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

#### **250 Arrest without warrant**

*[Repealed]*

Section 250: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**251 Arrest on warrant of District Court Judge**

*[Repealed]*

Section 251: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**251A Duty of persons arresting**

*[Repealed]*

Section 251A: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**252 Committal by District Court Judge for trial**

*[Repealed]*

Section 252: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

*Trial by the High Court*

*[Repealed]*

Heading: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**253 Information**

*[Repealed]*

Section 253: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**254 Warrant or summons**

*[Repealed]*

Section 254: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**255 Warrant after issue of summons**

*[Repealed]*

Section 255: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**255A Arrested person may be released on bail by constable in certain cases**

*[Repealed]*

Section 255A: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**256 Prisoners brought before Judge of High Court before commencement of prosecution**

*[Repealed]*

Section 256: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**257 Remand**

*[Repealed]*

Section 257: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**258 Trial of accused in his absence**

*[Repealed]*

Section 258: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

*Assessors*

*[Repealed]*

Heading: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**259 Constitution of court on criminal trials**

*[Repealed]*

Section 259: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**260 Judge with assessors**

*[Repealed]*

Section 260: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**261 Judge without assessors**

*[Repealed]*

Section 261: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**262 Judge with or without assessors as he thinks fit**

*[Repealed]*

Section 262: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**263 Order appointing assessors**

*[Repealed]*

Section 263: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**264 Number and qualifications of assessors**

*[Repealed]*

Section 264: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**265 Default of assessors**

*[Repealed]*

Section 265: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**266 Remuneration of assessors**

*[Repealed]*

Section 266: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**267 Oath of assessors**

*[Repealed]*

Section 267: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**268 Change of assessors**

*[Repealed]*

Section 268: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**269 Discharge of assessors and new trial**

*[Repealed]*

Section 269: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**270 Concurrence of assessors**

*[Repealed]*

Section 270: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**271 Concurrence of Judge**

*[Repealed]*

Section 271: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**272 Sentence**

*[Repealed]*

Section 272: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**273 Concurrence of assessors not necessary except for conviction**

*[Repealed]*

Section 273: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

*Miscellaneous provisions**[Repealed]*

Heading: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**274 Alternative and cumulative charges***[Repealed]*

Section 274: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**275 Relation between information and conviction***[Repealed]*

Section 275: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**276 Withdrawal of information***[Repealed]*

Section 276: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**277 Drawing up of conviction***[Repealed]*

Section 277: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**278 Defects of information, summons, or warrant***[Repealed]*

Section 278: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**279 Payment of witnesses***[Repealed]*

Section 279: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**280 Court may order convicted person to come up for sentence if called upon***[Repealed]*

Section 280: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**281 Conviction without sentence or discharge without conviction***[Repealed]*

Section 281: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**282 Bail**

*[Repealed]*

Section 282: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**283 Stay of proceedings by Cabinet**

*[Repealed]*

Section 283: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**284 Search warrants**

*[Repealed]*

Section 284: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**284A Power to enter premises to arrest offender or prevent offence**

*[Repealed]*

Section 284A: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**285 Transmission of certain warrants and orders by telegram**

*[Repealed]*

Section 285: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**286 Pardon and remission of sentence**

*[Repealed]*

Section 286: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**287 Compensation for loss of property**

*[Repealed]*

Section 287: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**Part 7  
Law of evidence**

*[Repealed]*

Part 7: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**288 Definitions**

*[Repealed]*

Section 288: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**289 Discretionary power of admitting or rejecting evidence**

*[Repealed]*

Section 289: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**290 All witnesses competent**

*[Repealed]*

Section 290: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**291 Evidence of parties and their husbands and wives**

*[Repealed]*

Section 291: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**292 Evidence of accused persons and their husbands and wives**

*[Repealed]*

Section 292: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**293 Cross-examination as to credit**

*[Repealed]*

Section 293: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**294 Criminating questions**

*[Repealed]*

Section 294: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**295 Evidence of prisoners**

*[Repealed]*

Section 295: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**296 Judicial notice of Acts, etc**

*[Repealed]*

Section 296: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**297 Judicial notice of seals, etc**

*[Repealed]*

Section 297: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).



**298 Power to administer oaths**

*[Repealed]*

Section 298: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**299 Form of oath**

*[Repealed]*

Section 299: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**300 Absence of religious belief**

*[Repealed]*

Section 300: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**301 Affirmation may be made instead of oath**

*[Repealed]*

Section 301: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**302 Form of affirmation**

*[Repealed]*

Section 302: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**303 Evidence of children without oath**

*[Repealed]*

Section 303: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**304 Necessity of oath**

*[Repealed]*

Section 304: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**Part 8  
Extradition**

*Extradition from Niue to New Zealand or to the Cook Islands*

**305 Arrest in Niue of fugitive offenders from New Zealand or the Cook Islands**

When a warrant has been lawfully issued by any competent authority in New Zealand or in the Cook Islands for the arrest of any person and that person is suspected of being in Niue or of being about to come into Niue, a Judge of the High Court may, if he is satisfied in any manner that the warrant has been

issued, and whether it has been produced to him or not, issue his warrant for the arrest of that person in Niue, and that warrant shall be addressed to such person or persons as the Judge thinks fit.

Compare: 1915 No 40 s 333

### **306 Order of return to New Zealand or to the Cook Islands**

On the arrest of any person in pursuance of a warrant so issued by a Judge of the High Court, the person so arrested shall be forthwith brought before the High Court, which may, on the production of the original warrant issued in New Zealand or in the Cook Islands, order the return of that person to New Zealand or to the Cook Islands, as the case may be.

Compare: 1915 No 40 s 334

### **307 Refusal of order in case of hardship**

The High Court may refuse to make any such order if, having regard to the nature of the charge or to the circumstances of the case, the court is of opinion that the return of that person to New Zealand or to the Cook Islands would be the cause of undue hardship or would otherwise be unjustifiable or inexpedient.

Compare: 1915 No 40 s 335

### **308 Imprisonment or release pending return**

Pending the making of any such order of return, or pending the return of any such person to New Zealand or to the Cook Islands, the High Court may either commit him to prison or admit him to bail in such manner and on such conditions as the court thinks fit.

Compare: 1915 No 40 s 336

### **309 Release on security instead of return**

- (1) Instead of making such an order of return, the High Court may release that person on bail conditioned for the payment of such sum or sums of money or the performance of such conditions with relation to the matters in respect of which the original warrant was issued in New Zealand or the Cook Islands as the High Court thinks fit.
- (2) On any breach of the conditions on which that person has been so released, he may be again arrested in Niue under a warrant issued by a Judge of the High Court, and an order for his return to New Zealand or to the Cook Islands may be made in the same manner as if he had not been so released.

Compare: 1915 No 40 s 337

### **310 Return to New Zealand or to the Cook Islands in custody**

Any person against whom an order of return to New Zealand or to the Cook Islands has been so made shall, so soon as practicable thereafter, be taken from Niue to New Zealand or to the Cook Islands, as the case may be, in the custody of such person as a Judge of the High Court may approve, and, in the case of a

person against whom an order of return to New Zealand has been made, shall on arrival in New Zealand be there delivered into the custody of a constable, to be dealt with in the same manner as if he had been arrested in New Zealand in pursuance of the original warrant issued there for his arrest.

Compare: 1915 No 40 s 338

### **311 Cancellation of order of return**

If any person so ordered to be returned to New Zealand or to the Cook Islands is not returned in accordance with the order within a reasonable time after the making thereof, the High Court may cancel the order.

Compare: 1915 No 40 s 339

## *Extradition from New Zealand to Niue*

### **312 Arrest in New Zealand of fugitive offenders from Niue**

When a warrant has been lawfully issued by any competent authority in Niue for the arrest of any person, and that person is suspected of being in New Zealand or of being about to come into New Zealand, a District Court Judge in New Zealand may, if he is satisfied in any manner that the warrant has been issued, and whether it has been produced to him or not, issue his warrant for the arrest of that person in New Zealand, and that warrant shall be addressed to such person or persons as the District Court Judge thinks fit.

Compare: 1915 No 40 s 340

Section 312: amended, on 1 April 1980, pursuant to section 18(2) of the District Courts Amendment Act 1979 (1979 No 125).

### **313 Order of return to Niue**

On the arrest of any person in pursuance of any warrant so issued by a District Court Judge, the person so arrested shall be forthwith brought before a District Court Judge in New Zealand, who may, on the production of the original warrant issued in Niue, order the return of that person to Niue.

Compare: 1915 No 40 s 341

Section 313: amended, on 1 April 1980, pursuant to section 18(2) of the District Courts Amendment Act 1979 (1979 No 125).

### **314 Judicial notice of signature to warrant**

On making any such order, the District Court Judge may take judicial notice of the signature to the warrant issued in Niue, and may receive such evidence as he thinks fit, whether legally admissible in other proceedings or not.

Compare: 1915 No 40 s 342

Section 314: amended, on 1 April 1980, pursuant to section 18(2) of the District Courts Amendment Act 1979 (1979 No 125).

**315 Refusal of order in case of hardship**

A District Court Judge may refuse to make any such order if, having regard to the nature of the charge or to the circumstances of the case, the District Court Judge is of opinion that the return of that person to Niue would be the cause of undue hardship or would otherwise be unjustifiable or inexpedient.

Compare: 1915 No 40 s 343

Section 315: amended, on 1 April 1980, pursuant to section 18(2) of the District Courts Amendment Act 1979 (1979 No 125).

**316 Imprisonment or release pending return**

Pending the making of any such order of return, or pending the return of any such person to Niue, a District Court Judge may either commit him to prison or admit him to bail in such manner and on such conditions as the District Court Judge thinks fit.

Compare: 1915 No 40 s 344; 1950 No 92 s 15

Section 316: amended, on 1 April 1980, pursuant to section 18(2) of the District Courts Amendment Act 1979 (1979 No 125).

**317 Release on security instead of return**

- (1) Instead of making such an order of return, the District Court Judge may release that person on bail conditioned for the payment of such sum or sums of money or the performance of such conditions with relation to the matter in respect of which the original warrant was issued in Niue as the District Court Judge thinks fit.
- (2) On any breach of the conditions on which that person has been so released, he may be again arrested in New Zealand under a warrant issued by a District Court Judge, and an order for his return to Niue may be made in the same manner as if he had not been so released.

Compare: 1915 No 40 s 345

Section 317(1): amended, on 1 April 1980, pursuant to section 18(2) of the District Courts Amendment Act 1979 (1979 No 125).

Section 317(2): amended, on 1 April 1980, pursuant to section 18(2) of the District Courts Amendment Act 1979 (1979 No 125).

**318 Return to Niue in custody**

Any person against whom an order of return to Niue has been so made shall, so soon as practicable thereafter, be taken from New Zealand to Niue in the custody of such person as a District Court Judge may approve, and shall on arrival in Niue be there delivered into lawful custody, to be dealt with in the same manner as if he had been arrested in Niue in pursuance of the original warrant issued there for his arrest.

Compare: 1915 No 40 s 346

Section 318: amended, on 1 April 1980, pursuant to section 18(2) of the District Courts Amendment Act 1979 (1979 No 125).

### **319 Cancellation of order of return**

If any person so ordered to be returned to Niue is not returned in accordance with the order within a reasonable time after the making thereof, a District Court Judge or a Judge of the Supreme Court may cancel the order for his return.

Compare: 1915 No 40 s 347

Section 319: amended, on 1 April 1980, pursuant to section 18(2) of the District Courts Amendment Act 1979 (1979 No 125).

### *Application of Extradition Act to Niue*

### **320 Extradition Act in force in Niue**

- (1) Subject to the provisions of this Act, the Extradition Act 1965, so far as it is applicable, shall extend to and be in force in Niue.
- (2) In the application of the Extradition Act 1965 to Niue, unless the context otherwise requires,—
  - (a) every reference in that Act to New Zealand shall be read as a reference to Niue:
  - (b) every reference in that Act to the court, or to the High Court or a Judge thereof, or to a District Court Judge or Justice, shall be read as a reference to the High Court of Niue or a Judge of that court:
  - (c) every reference in that Act to the Minister of Justice shall be read as a reference to the Minister of Justice acting with the concurrence of the Minister of Foreign Affairs and Trade:
  - (d) the reference in the definition of the expression “extradition offence” in subsection (1) of section 2 of that Act to the crimes described in Schedule 1 of that Act shall be read as a reference to such of the criminal offences described in Part 5 as correspond to the crimes described in Part 1 of that schedule, and also as a reference to such of the enactments specified in Part 2 of that schedule as are in force in Niue:
  - (e) the references in subsection (2) of section 2 of that Act to sections 310, 311, and 312 of the Crimes Act 1961 shall be read as references to sections 228, 229, 232, 235, and 237 of this Act, as the case may require:
  - (f) the references in subsections (3) and (4) of section 5 of that Act (as amended by section 5(2) of the Criminal Justice Amendment Act 1969) to Part 5A of the Criminal Justice Act 1954 and Part 4 of the Mental Health Act 1969 shall be read as references to sections 617 and 619 of this Act, as the case may require:
  - (g) the references in sections 8 and 15 of that Act to the preliminary hearing of an information for an indictable offence shall be read as references to the trial of an offence punishable by the High Court in the ordinary course of its criminal jurisdiction and procedure:

- (h) the reference in section 8 of that Act to the Summary Proceedings Act 1957 shall be read as a reference to this Act, and the reference in that section (as amended by section 5(2) of the Criminal Justice Amendment Act 1969) to Part 5A of the Criminal Justice Act 1954 shall be construed as a reference to sections 616, 618, and 619 of this Act.

Compare: 1915 No 40 s 349A; 1965 No 44 s 18(1)

Section 320(2)(b): amended, on 1 April 1980, pursuant to section 12 of the Judicature Amendment Act 1979 (1979 No 124).

Section 320(2)(b): amended, on 1 April 1980, pursuant to section 18(2) of the District Courts Amendment Act 1979 (1979 No 125).

Section 320(2)(c): amended, on 1 July 1993, pursuant to section 9(2) of the Foreign Affairs Amendment Act 1993 (1993 No 48).

Section 320(2)(f): amended, on 1 April 1970, by section 5(3)(a) of the Criminal Justice Amendment Act 1969 (1969 No 17).

Section 320(2)(h): amended, on 1 April 1970, by section 5(3)(b) of the Criminal Justice Amendment Act 1969 (1969 No 17).

## **Part 9**

### **Crown suits**

*[Repealed]*

Part 9: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

#### **321 Crown proceedings in Niue**

*[Repealed]*

Section 321: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

#### **322 Authority of Attorney-General and Solicitor-General**

*[Repealed]*

Section 322: repealed, at 11 pm on 19 October 1974, by section 2(1) of the Niue Amendment Act 1974 (1974 No 43).

## **Part 10**

### **Crown land**

*[Repealed]*

Part 10: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

#### **323 All land in Niue vested in the Crown**

*[Repealed]*

Section 323: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**324 Grants of Crown land**

*[Repealed]*

Section 324: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**325 Reserves of Crown land for public purposes**

*[Repealed]*

Section 325: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**326 Taking of land for public purposes**

*[Repealed]*

Section 326: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**327 Revocation of Order in Council taking land**

*[Repealed]*

Section 327: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**328 Compensation for land taken**

*[Repealed]*

Section 328: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**329 Resumption of Crown land for public purposes**

*[Repealed]*

Section 329: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**330 Reservation of land so taken or resumed**

*[Repealed]*

Section 330: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**331 Purchase of land for public purposes**

*[Repealed]*

Section 331: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**332 Control of Crown land by Resident Commissioner**

*[Repealed]*

Section 332: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**333 Public purposes defined**

*[Repealed]*

Section 333: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**334 Saving of reserves under the Cook Islands Government Act 1908**

*[Repealed]*

Section 334: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**Part 11****The Land Court of Niue**

*[Repealed]*

Part 11: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

*Constitution of the Land Court*

*[Repealed]*

Heading: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**335 Land Court established**

*[Repealed]*

Section 335: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**336 Judges and Commissioners of the Land Court**

*[Repealed]*

Section 336: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**337 Appointment and tenure of Judges and Commissioners**

*[Repealed]*

Section 337: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**338 Temporary Judges**

*[Repealed]*

Section 338: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).



**339 Judges of Maori Land Court may be appointed to Niue Land Court**

*[Repealed]*

Section 339: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**340 Salary of Judges and Commissioners**

*[Repealed]*

Section 340: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**341 Resident Commissioner may act as Judge of the Land Court**

*[Repealed]*

Section 341: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**342 Commissioner of Land Court**

*[Repealed]*

Section 342: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**343 Registrar and Deputy Registrar of Land Court**

*[Repealed]*

Section 343: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**344 Administrative officers**

*[Repealed]*

Section 344: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**345 Records of Land Court**

*[Repealed]*

Section 345: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**346 Registers**

*[Repealed]*

Section 346: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**347 Seal of the Land Court**

*[Repealed]*

Section 347: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**348 Deputy of Chief Judge**

*[Repealed]*

Section 348: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

*Procedure of the Land Court*

*[Repealed]*

Heading: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**349 Rules of court**

*[Repealed]*

Section 349: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**350 Applications to court**

*[Repealed]*

Section 350: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**351 Exercise of supplementary jurisdiction**

*[Repealed]*

Section 351: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**352 Powers of Judges**

*[Repealed]*

Section 352: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**353 Proceedings in Land Court before different Judges**

*[Repealed]*

Section 353: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**354 Sittings of court**

*[Repealed]*

Section 354: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**355 Summons to witnesses**

*[Repealed]*

Section 355: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**356 Costs**

*[Repealed]*

Section 356: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**357 Security for costs**

*[Repealed]*

Section 357: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**358 Costs may be charged on land**

*[Repealed]*

Section 358: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**359 Right of audience**

*[Repealed]*

Section 359: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**360 Amendments of defects**

*[Repealed]*

Section 360: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**361 Amendments of records**

*[Repealed]*

Section 361: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**362 Rehearing**

*[Repealed]*

Section 362: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

*Orders*

*[Repealed]*

Heading: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**363 Amendment of orders after title ascertained**

*[Repealed]*

Section 363: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**364 Annulment of orders obtained by fraud**

*[Repealed]*

Section 364: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**365 Enforcement of orders of Land Court by High Court**

*[Repealed]*

Section 365: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**366 Enforcement of charges**

*[Repealed]*

Section 366: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**367 Final orders**

*[Repealed]*

Section 367: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**368 Partition orders**

*[Repealed]*

Section 368: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**369 Orders in respect of deceased persons**

*[Repealed]*

Section 369: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**370 Orders bind all persons interested**

*[Repealed]*

Section 370: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**371 Validity of orders**

*[Repealed]*

Section 371: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

*Contempt of the Land Court*

*[Repealed]*

Heading: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**372 Contempt of court defined**

*[Repealed]*

Section 372: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**373 Penalty for contempt**

*[Repealed]*

Section 373: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**374 Jurisdiction in contempt**

*[Repealed]*

Section 374: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**375 Contempt in face of the court**

*[Repealed]*

Section 375: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**376 Arrest on warrant**

*[Repealed]*

Section 376: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**377 Conviction by Land Court**

*[Repealed]*

Section 377: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**378 Enforcement of fine**

*[Repealed]*

Section 378: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**379 Discharge of persons in contempt**

*[Repealed]*

Section 379: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**380 Jurisdiction in contempt may be exercised at any time or place**

*[Repealed]*

Section 380: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

*Additional jurisdiction**[Repealed]*

Heading: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**381 Miscellaneous jurisdiction of Land Court***[Repealed]*

Section 381: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**382 Access to Niuean land***[Repealed]*

Section 382: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**383 Order in Council may confer jurisdiction on Land Court***[Repealed]*

Section 383: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

*Surveys**[Repealed]*

Heading: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**384 Land Court may order surveys***[Repealed]*

Section 384: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**385 Entry for purpose of survey***[Repealed]*

Section 385: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**Part 12****The Land Appellate Court of Niue***[Repealed]*

Part 12: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**386 Land Appellate Court established**

*[Repealed]*

Section 386: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**387 Judges of the Land Appellate Court**

*[Repealed]*

Section 387: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**388 Proceedings may be continued before different Judges**

*[Repealed]*

Section 388: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**389 Decision of majority to be decision of court**

*[Repealed]*

Section 389: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**390 Officers of Land Court to be officers of Land Appellate Court**

*[Repealed]*

Section 390: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**391 Seal**

*[Repealed]*

Section 391: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**392 Rules of court**

*[Repealed]*

Section 392: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**393 Sittings of Land Appellate Court**

*[Repealed]*

Section 393: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**394 Appeals from Land Court**

*[Repealed]*

Section 394: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**395 Appeals from provisional determinations as to title to land**

*[Repealed]*

Section 395: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**396 Successive appeals in respect of same matter**

*[Repealed]*

Section 396: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**397 Powers of Land Appellate Court on appeal**

*[Repealed]*

Section 397: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**398 Dismissal of appeal for non-prosecution**

*[Repealed]*

Section 398: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**399 Variation deemed part of original order**

*[Repealed]*

Section 399: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**400 Orders of Land Appellate Court**

*[Repealed]*

Section 400: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**401 Witnesses and costs in Land Appellate Court**

*[Repealed]*

Section 401: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**402 Right of audience and contempt**

*[Repealed]*

Section 402: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**403 Enforcement of orders and charges**

*[Repealed]*

Section 403: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).



**404 Land Appellate Court may order surveys**

*[Repealed]*

Section 404: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**Part 13  
Customary land**

*[Repealed]*

Part 13: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**405 Order in Council declaring land to be free from customary title**

*[Repealed]*

Section 405: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**406 Validity of dispositions of land by the Crown**

*[Repealed]*

Section 406: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**407 Niuean customary title limited by high-water mark**

*[Repealed]*

Section 407: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**408 For certain purposes customary land to be deemed Crown land**

*[Repealed]*

Section 408: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**409 Investigation of title to customary land**

*[Repealed]*

Section 409: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**410 Niuean customs to be recognised**

*[Repealed]*

Section 410: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**411 Freehold orders**

*[Repealed]*

Section 411: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**412 Effect of freehold orders**

*[Repealed]*

Section 412: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**413 Tenancy in common**

*[Repealed]*

Section 413: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**414 Freehold orders in favour of persons deceased**

*[Repealed]*

Section 414: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**Part 14****Partition and exchange of Niuean land**

*[Repealed]*

Part 14: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

*Partition orders*

*[Repealed]*

Heading: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**415 Jurisdiction to partition Niuean land**

*[Repealed]*

Section 415: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**416 Partition orders**

*[Repealed]*

Section 416: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**417 Apportionment of encumbrances on partition**

*[Repealed]*

Section 417: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**418 Mode of partition**

*[Repealed]*

Section 418: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**419 Land to be partitioned into suitable areas**

*[Repealed]*

Section 419: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**420 Combination of several areas of land for purpose of partition**

*[Repealed]*

Section 420: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**421 Payments by way of equality of partition**

*[Repealed]*

Section 421: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**422 Trustees on partition**

*[Repealed]*

Section 422: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**423 Encumbrances or undivided interests on partition**

*[Repealed]*

Section 423: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

*Orders of exchange*

*[Repealed]*

Heading: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**424 Jurisdiction to effect exchange of Niuean land**

*[Repealed]*

Section 424: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**425 Exchange of freehold interests only**

*[Repealed]*

Section 425: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**426 Conditions of exchange**

*[Repealed]*

Section 426: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**427 Exchange for Crown land**

*[Repealed]*

Section 427: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**428 Effect of order of exchange**

*[Repealed]*

Section 428: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**429 Payment for equality of exchange**

*[Repealed]*

Section 429: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**430 Land obtained in exchange becomes Niuean land**

*[Repealed]*

Section 430: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**Part 15****Alienation of Niuean land**

*[Repealed]*

Part 15: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

*Restrictions on alienation*

*[Repealed]*

Heading: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**431 Removal on restrictions on alienation**

*[Repealed]*

Section 431: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**432 Alienation of customary land prohibited**

*[Repealed]*

Section 432: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**433 Alienation in fee simple prohibited**

*[Repealed]*

Section 433: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**434 Alienation for a longer period than 60 years prohibited**

*[Repealed]*

Section 434: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**435 Leases for public purposes or church purposes**

*[Repealed]*

Section 435: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**436 Land Court may make orders as to occupation of Niuean land**

*[Repealed]*

Section 436: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**437 Alienation by way of security prohibited**

*[Repealed]*

Section 437: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**438 Alienation of things growing on or attached to land deemed an alienation of land**

*[Repealed]*

Section 438: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**439 Disposition of life interest to be deemed an alienation of land**

*[Repealed]*

Section 439: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**440 Assignment of rents or profits prohibited**

*[Repealed]*

Section 440: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**441 Alienation by trustees of Niuean land**

*[Repealed]*

Section 441: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

*Execution of instruments of alienation*

*[Repealed]*

Heading: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**442 Alienations must be in writing**

*[Repealed]*

Section 442: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**443 Execution of instruments out of Niue**

*[Repealed]*

Section 443: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**444 Execution of renewals of leases**

*[Repealed]*

Section 444: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

*Confirmation*

*[Repealed]*

Heading: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**445 Confirmation necessary**

*[Repealed]*

Section 445: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**446 Application for confirmation**

*[Repealed]*

Section 446: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**447 Orders of confirmation**

*[Repealed]*

Section 447: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**448 Effect of confirmation**

*[Repealed]*

Section 448: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**449 Confirmation of inconsistent instruments**

*[Repealed]*

Section 449: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**450 Conditions of confirmation**

*[Repealed]*

Section 450: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**451 Alienation in pursuance of confirmed contracts**

*[Repealed]*

Section 451: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**452 Alteration of instruments on confirmation**

*[Repealed]*

Section 452: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**453 Validity and operation of confirmed instruments**

*[Repealed]*

Section 453: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**454 Alienation to the Crown**

*[Repealed]*

Section 454: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

*Niuean reservations*

*[Repealed]*

Heading: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**455 Establishment of Niuean reservations**

*[Repealed]*

Section 455: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**456 Revocation or variation of reservation**

*[Repealed]*

Section 456: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**457 Reservations inalienable**

*[Repealed]*

Section 457: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**458 Management and control of reservations**

*[Repealed]*

Section 458: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

*Miscellaneous provisions*

*[Repealed]*

Heading: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**459 Niuean land not to be taken in execution**

*[Repealed]*

Section 459: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**460 Payment into Land Court of rents and other proceeds of alienations**

*[Repealed]*

Section 460: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

## Part 16

### Land development

*[Repealed]*

Part 16: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**461 Application of this Part**

*[Repealed]*

Section 461: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).



**462 Cabinet of Ministers may cultivate land on behalf of owners**

*[Repealed]*

Section 462: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**463 Disposal of revenues received by Cabinet of Ministers**

*[Repealed]*

Section 463: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**464 Money to be paid out of or into Niue Government Account**

*[Repealed]*

Section 464: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**465 Resident Commissioner may delegate powers**

*[Repealed]*

Section 465: repealed, at 11 pm on 19 October 1974, by section 2(1) of the Niue Amendment Act 1974 (1974 No 43).

**466 Interference and obstruction prohibited**

*[Repealed]*

Section 466: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**467 Regulations**

*[Repealed]*

Section 467: repealed, at 11 pm on 19 October 1974, by section 2(1) of the Niue Amendment Act 1974 (1974 No 43).

**Part 17**  
**Housing improvement**

*[Repealed]*

Part 17: repealed, on 9 December 1971, by section 27(1) of the Niue Amendment Act 1971 (1971 No 143).

**468 Interpretation**

*[Repealed]*

Section 468: repealed, on 9 December 1971, by section 27(1) of the Niue Amendment Act 1971 (1971 No 143).

**469 Housing Improvement Fund**

*[Repealed]*

Section 469: repealed, on 9 December 1971, by section 27(1) of the Niue Amendment Act 1971 (1971 No 143).

**470 Housing improvement scheme**

*[Repealed]*

Section 470: repealed, on 9 December 1971, by section 27(1) of the Niue Amendment Act 1971 (1971 No 143).

**471 Rate of interest**

*[Repealed]*

Section 471: repealed, on 9 December 1971, by section 27(1) of the Niue Amendment Act 1971 (1971 No 143).

**472 Security for advances other than to societies**

*[Repealed]*

Section 472: repealed, on 9 December 1971, by section 27(1) of the Niue Amendment Act 1971 (1971 No 143).

**473 Advances to societies**

*[Repealed]*

Section 473: repealed, on 9 December 1971, by section 27(1) of the Niue Amendment Act 1971 (1971 No 143).

**474 Repayment of advances**

*[Repealed]*

Section 474: repealed, on 9 December 1971, by section 27(1) of the Niue Amendment Act 1971 (1971 No 143).

**475 Securities to be taken in name of Her Majesty**

*[Repealed]*

Section 475: repealed, on 9 December 1971, by section 27(1) of the Niue Amendment Act 1971 (1971 No 143).

**476 Assignment of money as security may be irrevocable**

*[Repealed]*

Section 476: repealed, on 9 December 1971, by section 27(1) of the Niue Amendment Act 1971 (1971 No 143).

**477 Alienation and assignment as security for advances**

*[Repealed]*

Section 477: repealed, on 9 December 1971, by section 27(1) of the Niue Amendment Act 1971 (1971 No 143).

**478 Assignments of money from land vested in trustees**

*[Repealed]*

Section 478: repealed, on 9 December 1971, by section 27(1) of the Niue Amendment Act 1971 (1971 No 143).

**479 Advances to be paid as Resident Commissioner directs**

*[Repealed]*

Section 479: repealed, on 9 December 1971, by section 27(1) of the Niue Amendment Act 1971 (1971 No 143).

**480 Charging order may be made**

*[Repealed]*

Section 480: repealed, on 9 December 1971, by section 27(1) of the Niue Amendment Act 1971 (1971 No 143).

**481 Discharge of charging orders**

*[Repealed]*

Section 481: repealed, on 9 December 1971, by section 27(1) of the Niue Amendment Act 1971 (1971 No 143).

**482 Appointment of receiver to enforce charges**

*[Repealed]*

Section 482: repealed, on 9 December 1971, by section 27(1) of the Niue Amendment Act 1971 (1971 No 143).

**483 Expenditure for protection of securities**

*[Repealed]*

Section 483: repealed, on 9 December 1971, by section 27(1) of the Niue Amendment Act 1971 (1971 No 143).

**Part 18  
Vesting orders**

*[Repealed]*

Part 18: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**484 Vesting orders**

*[Repealed]*

Section 484: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**485 Duty on vesting orders**

*[Repealed]*

Section 485: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**486 Court may cancel vesting order**

*[Repealed]*

Section 486: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**487 Succession to interest under vesting order**

*[Repealed]*

Section 487: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**488 Land subject to mortgage or encumbrance**

*[Repealed]*

Section 488: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**Part 19  
Niuean succession**

*[Repealed]*

Part 19: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**489 Wills of Niueans**

*[Repealed]*

Section 489: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**490 Succession to deceased Niueans**

*[Repealed]*

Section 490: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**491 Niuean land not to vest in administrator**

*[Repealed]*

Section 491: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**492 Succession orders**

*[Repealed]*

Section 492: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**493 Effect of succession order**

*[Repealed]*

Section 493: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**494 Revocation of succession orders**

*[Repealed]*

Section 494: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**495 No action without succession order**

*[Repealed]*

Section 495: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**496 No alienation without succession order**

*[Repealed]*

Section 496: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**497 Niuean land not assets for payment of debts**

*[Repealed]*

Section 497: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**498 Estate of Niuean other than land to be assets for payment of debts**

*[Repealed]*

Section 498: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**499 Interest in Niuean land to include all things growing on or attached to land**

*[Repealed]*

Section 499: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**Part 20  
Trustees for Niueans**

*[Repealed]*

Part 20: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**500 Definition of person under disability**

*[Repealed]*

Section 500: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**501 Trustee orders**

*[Repealed]*

Section 501: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**502 Matters to be set forth in trustee orders**

*[Repealed]*

Section 502: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**503 Appointment of new trustees**

*[Repealed]*

Section 503: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**504 Orders restricting powers of trustees**

*[Repealed]*

Section 504: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**505 Cancellation of trustee orders**

*[Repealed]*

Section 505: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**506 Determination of trustee orders**

*[Repealed]*

Section 506: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**507 Trust property not to vest in trustee**

*[Repealed]*

Section 507: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**508 Administration of property by trustee**

*[Repealed]*

Section 508: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**509 Alienation of property by trustee**

*[Repealed]*

Section 509: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**510 Powers of trustee**

*[Repealed]*

Section 510: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**511 Expenditure of revenues of trust property**

*[Repealed]*

Section 511: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**512 Enforcement of trusts**

*[Repealed]*

Section 512: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**513 Co-trustees must act jointly**

*[Repealed]*

Section 513: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**514 Remuneration of trustees**

*[Repealed]*

Section 514: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**Part 21**  
**Marriage**  
*[Repealed]*

Part 21: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**515 Prohibited degrees of consanguinity or affinity**

*[Repealed]*

Section 515: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**516 Marriages to take place before marriage officer**

*[Repealed]*

Section 516: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**517 Marriage officer defined**

*[Repealed]*

Section 517: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**518 Appointment of marriage officers**

*[Repealed]*

Section 518: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**519 Offence**

*[Repealed]*

Section 519: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**520 Notice of marriage**

*[Repealed]*

Section 520: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**521 Mode of solemnisation**

*[Repealed]*

Section 521: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**522 Record of marriage**

*[Repealed]*

Section 522: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**523 Signature of record**

*[Repealed]*

Section 523: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**524 Transmission of record**

*[Repealed]*

Section 524: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**525 Minimum age of marriage**

*[Repealed]*

Section 525: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**526 Marriage of minors**

*[Repealed]*

Section 526: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**527 Offence by marriage officer**

*[Repealed]*

Section 527: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**528 Signature of false record by party or witness**

*[Repealed]*

Section 528: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).



**529 Misrepresentation as to facts to procure marriage**

*[Repealed]*

Section 529: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**Part 22**

**Divorce**

*[Repealed]*

Part 22: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**530 Jurisdiction of High Court in divorce**

*[Repealed]*

Section 530: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**531 Nullity of marriage and dissolution of voidable marriage**

*[Repealed]*

Section 531: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**532 Limitation of jurisdiction**

*[Repealed]*

Section 532: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**533 Domicile and residence**

*[Repealed]*

Section 533: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**534 Grounds of divorce and jurisdiction of High Court**

*[Repealed]*

Section 534: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**535 Grounds of refusal of divorce**

*[Repealed]*

Section 535: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**536 Discretion to refuse decree in certain cases**

*[Repealed]*

Section 536: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**537 Co-respondent as a party**

*[Repealed]*

Section 537: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**538 Intervention**

*[Repealed]*

Section 538: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**539 Agreement no bar to divorce**

*[Repealed]*

Section 539: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**540 No appeal to Court of Appeal**

*[Repealed]*

Section 540: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**541 Remarriage of divorced persons**

*[Repealed]*

Section 541: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**542 Costs**

*[Repealed]*

Section 542: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**543 Order for maintenance of divorced wife**

*[Repealed]*

Section 543: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**544 Order as to custody of children**

*[Repealed]*

Section 544: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**545 Molestation of divorced wife by her husband**

*[Repealed]*

Section 545: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**546 Jurisdiction of Supreme Court**

*[Repealed]*

Section 546: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**Part 23**

**Maintenance and affiliation**

*[Repealed]*

Part 23: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**547 Interpretation**

*[Repealed]*

Section 547: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

*Maintenance and affiliation orders*

*[Repealed]*

Heading: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**548 Jurisdiction of High Court**

*[Repealed]*

Section 548: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**549 Applications**

*[Repealed]*

Section 549: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**550 Jurisdiction discretionary**

*[Repealed]*

Section 550: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**551 Affiliation orders**

*[Repealed]*

Section 551: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**552 Evidence**

*[Repealed]*

Section 552: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**553 Maintenance order in favour of child born out of wedlock**

*[Repealed]*

Section 553: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**554 Maintenance order against father in favour of child**

*[Repealed]*

Section 554: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**555 Maintenance order against mother in favour of child**

*[Repealed]*

Section 555: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**556 Maintenance order against husband in favour of wife**

*[Repealed]*

Section 556: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**557 Maintenance order against wife in favour of husband**

*[Repealed]*

Section 557: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**558 Maintenance order against any person in favour of father or mother**

*[Repealed]*

Section 558: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**559 Disobedience to maintenance order**

*[Repealed]*

Section 559: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**560 Maintenance money a debt**

*[Repealed]*

Section 560: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**561 Order in favour of non-residents**

*[Repealed]*

Section 561: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**562 Order against non-residents**

*[Repealed]*

Section 562: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**563 Orders *in absentia***

*[Repealed]*

Section 563: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**564 Repeated applications**

*[Repealed]*

Section 564: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**565 Payments not to be made in advance**

*[Repealed]*

Section 565: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**566 Cancellation, variation, and suspension of orders**

*[Repealed]*

Section 566: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**567 Payment of maintenance money**

*[Repealed]*

Section 567: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**568 Security for obedience to maintenance orders**

*[Repealed]*

Section 568: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**569 Operation of agreements**

*[Repealed]*

Section 569: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**570 Purport and duration of maintenance orders**

*[Repealed]*

Section 570: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**571 Order for past maintenance**

*[Repealed]*

Section 571: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

*Offences*

*[Repealed]*

Heading: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**572 Leaving Niue while maintenance money in arrear**

*[Repealed]*

Section 572: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**573 Leaving Niue after affiliation order and before birth of child**

*[Repealed]*

Section 573: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**574 Leaving Niue with intent to disobey maintenance order**

*[Repealed]*

Section 574: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**575 Leaving Niue while failing to maintain wife**

*[Repealed]*

Section 575: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**576 Leaving Niue while failing to maintain child**

*[Repealed]*

Section 576: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**577 Leaving Niue with intent to desert wife or child**

*[Repealed]*

Section 577: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**578 Attempting to leave Niue**

*[Repealed]*

Section 578: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**579 Evidence of intent**

*[Repealed]*

Section 579: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**Part 24**

**Adoption of children by Niueans**

*[Repealed]*

Part 24: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**580 Adoption by Niuean custom invalid**

*[Repealed]*

Section 580: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**581 Adoption by Niuean custom before 1 April 1916 by parent dying before 5 December 1921**

*[Repealed]*

Section 581: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**582 Validity of adoption registered before 1 April 1916**

*[Repealed]*

Section 582: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**583 Orders of adoption**

*[Repealed]*

Section 583: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**584 Applications for adoption**

*[Repealed]*

Section 584: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**585 Who may be adopted**

*[Repealed]*

Section 585: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**586 Conditions of adoption**

*[Repealed]*

Section 586: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**587 Consent of natural parents required**

*[Repealed]*

Section 587: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**588 Adoptions by more than 1 person**

*[Repealed]*

Section 588: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**589 Annulment of orders of adoption**

*[Repealed]*

Section 589: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**590 Effect of adoption**

*[Repealed]*

Section 590: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**591 Effect of orders of adoption on interests in Niuean land**

*[Repealed]*

Section 591: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**592 Orders of adoption under Cook Islands Amendment Act 1921**

*[Repealed]*

Section 592: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).



**Part 25**  
**Adoption of children by Europeans and Niuean spouses of  
Europeans**  
*[Repealed]*

Part 25: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**593 High Court may make adoption orders**

*[Repealed]*

Section 593: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**594 Persons who may apply for adoption order**

*[Repealed]*

Section 594: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**595 Who may be adopted**

*[Repealed]*

Section 595: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**596 Restrictions on making adoption orders**

*[Repealed]*

Section 596: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**597 Consents to adoptions**

*[Repealed]*

Section 597: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**598 Effect of order of adoption**

*[Repealed]*

Section 598: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**599 Annulment of order of adoption**

*[Repealed]*

Section 599: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

## **Part 26**

### **Persons of unsound mind**

#### *Orders of medical custody*

#### **600 Application by Medical Officer to High Court**

*[Repealed]*

Section 600: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

#### **601 Medical certificates as to persons of unsound mind**

*[Repealed]*

Section 601: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

#### **602 Order of medical custody**

*[Repealed]*

Section 602: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

#### **603 Renewal of order**

*[Repealed]*

Section 603: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

#### **604 Cancellation of order**

*[Repealed]*

Section 604: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

#### **605 Discharge from custody**

*[Repealed]*

Section 605: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

#### **606 Arrest and detention of persons committed to medical custody**

*[Repealed]*

Section 606: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

#### **607 Treatment of person so detained**

*[Repealed]*

Section 607: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**608 Removal from Niue to New Zealand**

When an order of medical custody has been so made against any person, the High Court may, at the same time or at any time thereafter while the order remains in force, issue under the seal of the court a warrant for the removal of that person from Niue to New Zealand.

Compare: 1915 No 40 s 582

**609 Conditions of removal**

No such warrant shall be issued unless the court is satisfied, on the certificate by the Director of Health or by 2 Medical Officers, and on the examination of the person alleged to be of unsound mind, that his removal from Niue to New Zealand is necessary in his own interests or for the safety of other persons.

Compare: 1915 No 40 s 583; 1956 No 27 s 12(2); 1963 No 132 s 16(2)

Section 609: amended, on 9 December 1971, by section 18(3)(b) of the Niue Amendment Act 1971 (1971 No 143).

**610 Method of removal**

On the issue of any such warrant for the removal of any person to New Zealand, he may be taken to New Zealand in the custody of any person appointed in that behalf by a Medical Officer in any ship belonging to Her Majesty or in any Commonwealth ship or in any aircraft which is approved by the Director of Health or 2 Medical Officers as suitable for the purpose.

Compare: 1915 No 40 s 584; 1923 No 9 s 5(4); 1963 No 132 s 17

Section 610: amended, on 9 December 1971, by section 18(3)(b) of the Niue Amendment Act 1971 (1971 No 143).

**611 Admission to hospital of persons removed to New Zealand**

- (1) Where any person in respect of whom a warrant for removal to New Zealand is made under section 608 arrives in New Zealand pursuant to the warrant, then, on the delivery to the Superintendent of a hospital within the meaning of the Mental Health (Compulsory Assessment and Treatment) Act 1992 of copies, under the seal of the High Court, of that warrant, the order of medical custody made in respect of that person under section 602, the application to the High Court for the last-mentioned order, and the certificate produced to the High Court pursuant to section 601 in respect of that application, the Superintendent shall receive that person and may detain him in the hospital in accordance with the provisions of this section.
- (2) Where any person is received into a hospital pursuant to this section, the order and warrant made or issued in respect of him under sections 602 and 608 shall be sufficient authority for his detention in the hospital for a period of 7 days.
- (3) At any time before the expiration of that period, the Superintendent of the hospital may apply for a reception order under the Mental Health Act 1969 in respect of the person so received into the hospital; and the fact that such an appli-

cation has been made shall be sufficient authority for the Superintendent to detain that person until the application is finally determined.

Compare: 1915 No 40 ss 585, 586; 1956 No 27 s 12(3)

Section 611 heading: amended, on 1 April 1970, pursuant to section 129(5) of the Mental Health Act 1969 (1969 No 16).

Section 611(1): amended, on 1 November 1992, pursuant to section 137(1) of the Mental Health (Compulsory Assessment and Treatment) Act 1992 (1992 No 46).

Section 611(1): amended, on 1 April 1970, pursuant to section 129(5) of the Mental Health Act 1969 (1969 No 16).

Section 611(2): amended, on 1 April 1970, pursuant to section 129(5) of the Mental Health Act 1969 (1969 No 16).

Section 611(3): amended, on 1 April 1970, pursuant to section 129(1) of the Mental Health Act 1969 (1969 No 16).

Section 611(3): amended, on 1 April 1970, pursuant to section 129(5) of the Mental Health Act 1969 (1969 No 16).

## **612 Administration of estates of persons of unsound mind**

*[Repealed]*

Section 612: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

## **613 No committee of estate of person of unsound mind**

*[Repealed]*

Section 613: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

## **614 Warrant for arrest of persons of unsound mind**

*[Repealed]*

Section 614: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

## **615 Arrest without warrant of persons of unsound mind**

*[Repealed]*

Section 615: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

### *Persons of unsound mind charged with offences*

## **616 Insane persons not to be tried for offences**

*[Repealed]*

Section 616: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**617 Detention of accused persons acquitted on ground of insanity**

*[Repealed]*

Section 617: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**618 Discharge**

*[Repealed]*

Section 618: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**619 Orders of medical custody**

- (1) When any person is so detained, whether in the case of a charge of murder or manslaughter or otherwise, the High Court shall have the same jurisdiction to make an order of medical custody or to issue a warrant for removal to New Zealand as in the case of any other person of unsound mind.
- (2) Any order of medical custody so made shall supersede the order for detention during the pleasure of the Cabinet of Ministers or the Governor-General, save that, in the case of a charge of murder or manslaughter, no person shall be discharged from custody either in Niue or New Zealand except with the consent of the Governor-General.

Compare: 1915 No 40 s 593; 1965 No 1 s 3(1)

Section 619(2): amended, at 11 pm on 19 October 1974, pursuant to section 2(2)(c) of the Niue Amendment Act 1974 (1974 No 43).

**620 The defence of insanity in criminal prosecutions**

*[Repealed]*

Section 620: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**Part 27**  
**Intoxicating liquor**

*[Repealed]*

Part 27: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**621 Interpretation**

*[Repealed]*

Section 621: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**621A Importation of intoxicating liquor**

*[Repealed]*

Section 621A: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**622 Liquor control authority**

*[Repealed]*

Section 622: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**623 Manufacture of intoxicating liquor prohibited**

*[Repealed]*

Section 623: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**624 Importation of intoxicating liquor**

*[Repealed]*

Section 624: repealed, on 1 October 1996, by section 289(1) of the Customs and Excise Act 1996 (1996 No 27).

**625 Cabinet of Ministers may import intoxicating liquor**

*[Repealed]*

Section 625: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**626 Offences as to intoxicating liquor illegally manufactured or imported**

*[Repealed]*

Section 626: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**627 Sale of intoxicating liquor**

*[Repealed]*

Section 627: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**628 Restrictions on giving intoxicating liquor to other persons**

*[Repealed]*

Section 628: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**629 Arrest of persons suspected of having illegally dealt with intoxicating liquor**

*[Repealed]*

Section 629: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**630 Seizure and forfeiture of intoxicating liquor**

*[Repealed]*

Section 630: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**631 Search warrant**

*[Repealed]*

Section 631: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**632 Persons found on premises deemed illegally dealing in intoxicating liquor**

*[Repealed]*

Section 632: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**633 Names of persons found on premises searched may be demanded**

*[Repealed]*

Section 633: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**Part 28  
Roads**

*[Repealed]*

Part 28: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**634 Road defined**

*[Repealed]*

Section 634: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**635 Existing roads**

*[Repealed]*

Section 635: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**636 Proclamation of existing roads**

*[Repealed]*

Section 636: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**637 Proclamation of new roads**

*[Repealed]*

Section 637: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**638 Roads not to vest in the Crown**

*[Repealed]*

Section 638: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**639 Maintenance and control of roads**

*[Repealed]*

Section 639: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**640 Effect of freehold order on roads**

*[Repealed]*

Section 640: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**641 Roads laid out on portion or investigation of title**

*[Repealed]*

Section 641: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**642 Dedication of roads by Niueans**

*[Repealed]*

Section 642: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**643 Closing of roads**

*[Repealed]*

Section 643: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

**644 Warrants as to roads to be gazetted**

*[Repealed]*

Section 644: repealed, on 1 November 1969, by section 103 of the Niue Amendment Act (No 2) 1968 (1968 No 132).

## Part 29 Niuean antiquities

*[Repealed]*

Part 29: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**645 Interpretation**

*[Repealed]*

Section 645: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**646 Cabinet of Ministers may acquire Niuean antiquities**

*[Repealed]*

Section 646: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).



**647 Niuean antiquities to be offered for sale before exportation**

*[Repealed]*

Section 647: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**648 Power to detain Niuean antiquities attempted to be exported**

*[Repealed]*

Section 648: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**649 Exporting Niuean antiquities without permission**

*[Repealed]*

Section 649: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**650 Power to remove antiquities in certain cases**

*[Repealed]*

Section 650: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**651 Right to copy of antiquities intended to be exported**

*[Repealed]*

Section 651: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**652 Cabinet of Ministers to decide what articles come under this Part**

*[Repealed]*

Section 652: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**653 Regulations**

*[Repealed]*

Section 653: repealed, on 9 December 1971, by section 26(j) of the Niue Amendment Act 1971 (1971 No 143).

**Part 30**

**Customs**

*[Repealed]*

Part 30: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**654 Customs and Excise Act 1996 in force in Niue**

*[Repealed]*

Section 654: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**655 Niue Assembly may modify Tariff or substitute new Tariff**

*[Repealed]*

Section 655: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**656 Goods may be imported from New Zealand or Cook Islands free of duty**

*[Repealed]*

Section 656: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**657 Niue Assembly may impose duties in certain cases**

*[Repealed]*

Section 657: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**658 Actions and prosecutions in relation to Niue**

*[Repealed]*

Section 658: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

## Part 31 The Niue Public Service

**659 Interpretation**

In this Part, unless the context otherwise requires,—

**employee** means a person employed in the Niue Public Service

**New Zealand controlling authority** means, in respect of a person employed in any branch of the New Zealand Government Service to which the State Sector Act 1988 applies, the Commission, and, in respect of a person employed in any other branch of the New Zealand Government Service, the Minister in charge of that branch

**New Zealand Government Service** means the service of Her Majesty in respect of the Government of New Zealand, not being honorary service; and includes service which is education service within the meaning of the Government Superannuation Fund Act 1956.

Compare: 1957 No 103 s 76; 1965 No 1 s 3(1)

Section 659 **New Zealand controlling authority**: amended, on 1 April 1988, pursuant to section 90(a) of the State Sector Act 1988 (1988 No 20).

Section 659 **New Zealand Government Service**: amended, on 1 November 1976, pursuant to section 3(3) of the Government Superannuation Fund Amendment Act 1976 (1976 No 30).

Section 659 **Niue Public Service**: repealed, at 11 pm on 19 October 1974, by section 2(1) of the Niue Amendment Act 1974 (1974 No 43).

**660 Appointments of employees**

*[Repealed]*

Section 660: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**661 Exemptions**

*[Repealed]*

Section 661: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**662 State Sector Act 1988 not applicable**

*[Repealed]*

Section 662: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**663 Delegation of powers**

*[Repealed]*

Section 663: repealed, at 11 pm on 19 October 1974, by section 2(1) of the Niue Amendment Act 1974 (1974 No 43).

**664 Functions, powers, and duties of State Services Commission**

*[Repealed]*

Section 664: repealed, at 11 pm on 19 October 1974, by section 2(1) of the Niue Amendment Act 1974 (1974 No 43).

**665 Public Service Regulations**

*[Repealed]*

Section 665: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**666 Payment of salary and allowances**

*[Repealed]*

Section 666: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**667 Bonds and deeds of covenant by employees or prospective employees**

*[Repealed]*

Section 667: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**668 Concurrent offices**

*[Repealed]*

Section 668: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**669 Employment in New Zealand Government Service and Niue Public Service**

- (1) Any person permanently employed in the New Zealand Government Service may, with the consent of the New Zealand controlling authority, be appointed to any position in the Niue Public Service in all respects as if he were an employee thereof; but, until he is appointed to a position in the Niue Public Service, no such person shall have any right of appeal against any determination of the Commission in relation to any appointment, promotion, or transfer in or to the Niue Public Service.
- (2) Any person permanently employed in the Niue Public Service may be appointed to any position in the New Zealand Government Service in all respects as if he were permanently employed therein; but, until he is appointed to a position in the New Zealand Government Service, no such person shall have any right of appeal against any determination of the New Zealand controlling authority in relation to any appointment, promotion, or transfer in the New Zealand Government Service.
- (3) Any person appointed to a position in the Niue Public Service under subsection (1) or to a position in the New Zealand Government Service under subsection (2) may hold positions concurrently in both services, and in such a case—
  - (a) his status, rights, and liabilities in each service shall be unaffected by the fact that he holds a position in the other service; and
  - (b) in respect of each position he shall be subject to the laws governing the service to which that position belongs, irrespective of his tenure of a position in the other service; and
  - (c) he shall in respect of each service be qualified for promotion, increase of salary, and appointment to any other position as if he held no position in the other service.
- (4) So long as any person so holds positions concurrently in both services, he shall be deemed to be absent on leave without pay from the New Zealand Government Service or, as the case may be, from the Niue Public Service, unless the New Zealand controlling authority or, as the case may be, the Commission otherwise directs.
- (5) When an employee of the New Zealand Government Service is appointed to a position in the Niue Public Service, and then or thereafter ceases to hold a position in the New Zealand Government Service, he shall not be deemed for that reason to have retired from the New Zealand Government Service, but shall become a supernumerary employee of that service, and, unless he sooner resigns from the New Zealand Government Service, shall so remain until he ceases to be employed in the Niue Public Service and for such further period, not exceeding 6 months, as the New Zealand controlling authority may from time to time in any case allow.

- (6) When an employee of the Niue Public Service is appointed to a position in the New Zealand Government Service, and then or thereafter ceases to hold a position in the Niue Public Service, he shall not be deemed for that reason to have retired from the Niue Public Service, but shall become a supernumerary employee of that service, and, unless he sooner resigns from the Niue Public Service, shall so remain until he ceases to be employed in the New Zealand Government Service and for such further period, not exceeding 6 months, as the Commission may from time to time in any case allow.
- (7) A supernumerary employee shall receive no pay in respect of the service of which he is a supernumerary employee, but shall for all other purposes be deemed to remain an employee of that service.
- (8) Any employee of the Niue Public Service may, with the consent of the New Zealand controlling authority, be attached to the New Zealand Government Service for training or experience, and during the period of his service in New Zealand that employee shall be paid such salary and allowances as may be determined by the New Zealand controlling authority.

Compare: 1957 No 103 s 85; 1962 No 40 s 18; 1965 No 1 s 3(2)

**670 Contribution to Government Superannuation Fund by employees of the Niue Public Service**

- (1) The provisions of subsections (2) and (3) of section 50 of the Government Superannuation Fund Act 1956 shall not apply to any permanent employee of the Niue Public Service who was not ordinarily resident in Niue immediately before his appointment to the Niue Public Service, or, in the case of an appointment made before the commencement of this Act, to the Cook Islands Public Service, unless at any time, by notice in writing to the Government Superannuation Fund Authority, he elects to become a contributor to that Fund; and, if he so elects,—
  - (a) he shall be a contributor to that Fund from the dates specified in subsection (2) or subsection (3), as the case may be, of the said section 50, or from such date as he may elect pursuant to the provisions of section 22 of the Government Superannuation Fund Act 1956; and
  - (b) he shall have the right, pursuant to section 28 of that Act, to cease to be a contributor.
- (2) While any employee to whom subsection (1) of section 669 applies holds positions concurrently in both services, or is a supernumerary employee of the New Zealand Government Service in accordance with the provisions of subsection (5) of that section, and is a contributor to the Government Superannuation Fund, the salary together with increments, if any, that in the opinion of the New Zealand controlling authority he would have been entitled to receive in respect of his employment in the New Zealand Government Service had he not been appointed to the Niue Public Service shall be deemed to be his salary for the purposes of the Government Superannuation Fund Act 1956:

provided that, when any such employee has held a position in the Niue Public Service for a continuous period of 6 years, he may, at any time after the expiration of that period while he still holds a position in that service, or, if he is transferred to or returns to employment in the New Zealand Government Service, within 1 year after the termination of service in Niue, elect to contribute on the salary received by him in respect of his employment in the Niue Public Service (exclusive of any special allowance received by him in respect of his residence in Niue) with effect from the date of his appointment in the last-mentioned service.

(3) For the purposes of the proviso to subsection (2), an appointment to a position in the Cook Islands Public Service in relation to the Government of Niue made before the commencement of this Act shall be deemed to be an appointment to the Niue Public Service, and service in that position before the commencement of this Act shall be deemed to be service in a position in the Niue Public Service.

(4) While any person to whom subsection (2) of section 669 applies holds positions concurrently in both services or is a supernumerary employee of the Niue Public Service under subsection (6) of that section, or is attached to the New Zealand Government Service under subsection (8) of that section, the salary together with increments, if any, that in the opinion of the Commission he would have been entitled to receive in respect of his employment in the Niue Public Service had he not been appointed to a position in or been attached to the New Zealand Government Service shall be deemed to be his salary for the purposes of the Government Superannuation Fund Act 1956:

provided that, when any such employee has held a position in the New Zealand Government Service for a continuous period of 6 years, he may, at any time after the expiration of that period while he still holds a position in that service, or, if he is transferred to or returns to employment in the Niue Public Service, within 1 year after the termination of service in New Zealand, elect to contribute on the salary received by him in respect of his employment in the New Zealand Government Service with effect from the date of his appointment in the last-mentioned service.

(5) Upon any such election, there shall be payable by the employee to the Fund, within such time and in such manner as the Government Superannuation Fund Authority determines, such sum as that Authority fixes in respect of the excess of his salary during the past period as an employee of the Cook Islands Public Service or of the Niue Public Service or of the New Zealand Government Service, as the case may be, over the amount deemed to be his salary during that period under the foregoing provisions of this subsection.

(6) In this section the term **employee** includes—

- (a) a Judge of the High Court:
- (b) a Judge of the Land Court:

- (c) the holder of any position specified in a declaration made pursuant to section 661:
- (d) the holder of any position specified in a notice given in relation to the Government of Niue pursuant to paragraph (e) of subsection (9) of section 50 of the Government Superannuation Fund Act 1956 (as enacted by section 2 of the Government Superannuation Fund Amendment Act 1958).

Compare: 1957 No 103 s 85A; 1962 No 40 s 19(1); 1965 No 1 s 3(2)

Section 670(1): amended, on 2 October 2001, by section 40 of the Government Superannuation Fund Amendment Act 2001 (2001 No 47).

Section 670(1): amended, on 1 November 1976, pursuant to section 3(3) of the Government Superannuation Fund Amendment Act 1976 (1976 No 30).

Section 670(1)(a): amended, on 1 November 1976, pursuant to section 3(3) of the Government Superannuation Fund Amendment Act 1976 (1976 No 30).

Section 670(2): amended, on 1 November 1976, pursuant to section 3(3) of the Government Superannuation Fund Amendment Act 1976 (1976 No 30).

Section 670(4): amended, on 1 November 1976, pursuant to section 3(3) of the Government Superannuation Fund Amendment Act 1976 (1976 No 30).

Section 670(5): amended, on 2 October 2001, by section 40 of the Government Superannuation Fund Amendment Act 2001 (2001 No 47).

Section 670(5): amended, on 1 October 1995, by section 31 of the Government Superannuation Fund Amendment Act 1995 (1995 No 28).

Section 670(6)(d): amended, on 1 November 1976, pursuant to section 3(3) of the Government Superannuation Fund Amendment Act 1976 (1976 No 30).

## **671 Employees of New Zealand Government Service seconded to Tokelau Islands Administration**

*[Repealed]*

Section 671: repealed, on 1 January 1969, by section 17 of the Tokelau Islands Amendment Act 1967 (1967 No 38).

## **Part 32**

### **The laws of Niue: General provisions**

#### *Application of the laws of New Zealand*

## **672 Law of England as in the year 1840 to be in force in Niue**

*[Repealed]*

Section 672: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

## **673 Jurisdiction of the High Court**

*[Repealed]*

Section 673: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**674 Common law and equity to be administered concurrently**

*[Repealed]*

Section 674: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**675 Statute law of New Zealand not applicable to Niue**

*[Repealed]*

Section 675: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**676 When enactment in force in Niue, amendments and regulations to be in force also**

*[Repealed]*

Section 676: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**677 Other enactments in force in Niue to be read subject to this Act**

*[Repealed]*

Section 677: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**678 Criminal procedure in Niue**

*[Repealed]*

Section 678: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**679 Interpretation Act in force in Niue**

*[Repealed]*

Section 679: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**680 Administration Act in force in Niue**

*[Repealed]*

Section 680: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**681 Arbitration Act in force in Niue**

*[Repealed]*

Section 681: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**682 Bills of Exchange Act in force in Niue**

*[Repealed]*

Section 682: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).



**683 Carriage of Goods Act in force in Niue**

*[Repealed]*

Section 683: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**683A Charitable Trusts Act in force in Niue**

- (1) The Charitable Trusts Act 1957 shall be in force in Niue.
- (2) In that Act the term “New Zealand” shall, both in New Zealand and in Niue, be read as including Niue.

Section 683A: inserted, on 31 October 1968, by section 5 of the Niue Amendment Act 1968 (1968 No 15).

**684 Personal Property Securities in force in Niue**

*[Repealed]*

Section 684: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**684A Citizenship Act in force in Niue**

*[Repealed]*

Section 684A: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**685 Sections 23, 25, and 26 of Control of Prices Act in force in Niue**

*[Repealed]*

Section 685: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**686 Copyright Act in force in Niue**

- (1) The Copyright Act 1994 shall be in force in Niue in the same manner in all respects as if Niue were for all purposes part of New Zealand, and the term “New Zealand” as used in that Act shall, both in New Zealand and in Niue, be read as including Niue accordingly.
- (2) The High Court shall have no jurisdiction in civil proceedings under that Act.

Compare: 1915 No 40 s 627

Section 686(1): amended, on 1 January 1995, pursuant to section 236(2) of the Copyright Act 1994 (1994 No 143).

**687 Deaths by Accidents Compensation Act in force in Niue**

*[Repealed]*

Section 687: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**688 Demise of the Crown Act in force in Niue**

*[Repealed]*

Section 688: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**689 Designs Act in force in Niue**

- (1) The Designs Act 1953 shall be in force in Niue in the same manner in all respects as if Niue were for all purposes part of New Zealand, and the term “New Zealand” as used in that Act shall, both in New Zealand and in Niue, be read as including Niue accordingly.
- (2) The High Court shall have no jurisdiction in civil proceedings under that Act.
- (3) All designs registered in New Zealand at the commencement of this Act shall have the same protection in Niue as in New Zealand.

Compare: 1915 No 40 s 635; 1965 No 1 s 3(1)

**689A Misuse of Drugs Act in force in Niue**

*[Repealed]*

Section 689A: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**690 Incorporated Societies Act in force in Niue**

- (1) The Incorporated Societies Act 1908 shall be in force in Niue.
- (2) In that Act the term “New Zealand” shall, both in New Zealand and in Niue, be read as including Niue.

Compare: 1952 No 32 s 5

**691 Industrial and Provident Societies Act in force in Niue**

*[Repealed]*

Section 691: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**692 Parts of Infants Act in force in Niue**

*[Repealed]*

Section 692: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**693 Marine Insurance Act in force in Niue**

*[Repealed]*

Section 693: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**694 Mercantile Law Act in force in Niue**

- (1) The Mercantile Law Act 1908 shall be in force in Niue.

- (2) Both in the application of that Act to Niue and in its application to New Zealand the term “New Zealand” as used in that Act shall be deemed to include Niue as being part of New Zealand.

Compare: 1915 No 40 s 632

**695 Merchandise Marks Act in force in Niue**

- (1) The Merchandise Marks Act 1954 shall be in force in Niue in all respects as if Niue were for all purposes part of New Zealand, and the term “New Zealand” as used in that Act shall, both in New Zealand and in Niue, be read as including Niue accordingly.

- (2) The High Court shall have no jurisdiction in civil proceedings under that Act.

Compare: 1915 No 40 s 635; 1965 No 1 s 3(1)

**696 Occupiers Liability Act in force in Niue**

*[Repealed]*

Section 696: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**697 Partnership Act in force in Niue**

*[Repealed]*

Section 697: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**698 Patents Act in force in Niue**

- (1) The Patents Act 1953 shall be in force in Niue in the same manner in all respects as if Niue were for all purposes part of New Zealand, and the term “New Zealand” as used in that Act shall, both in New Zealand and in Niue, be read as including Niue accordingly.

- (2) The High Court shall have no jurisdiction in civil proceedings under that Act.

- (3) All patents in force in New Zealand at the commencement of this Act shall extend to and be in force in Niue in the same manner as in New Zealand.

Compare: 1915 No 40 s 635; 1965 No 1 s 3(1)

**699 Post Office Act in force in Niue**

- (1) The Post Office Act 1959, except Parts 13 to 16, shall be in force in Niue in the same manner in all respects as if Niue were for all purposes part of New Zealand, subject to the following modifications.

- (2) All powers conferred upon a District Court Judge by that Act may be exercised in Niue by the High Court.

- (3) The term “New Zealand” as used in that Act shall, both in New Zealand and in Niue, be read as including Niue.

Compare: 1915 No 40 s 636

Section 699(2): amended, on 1 April 1980, pursuant to section 18(2) of the District Courts Amendment Act 1979 (1979 No 125).

## **700 Property Law Act in force in Niue**

*[Repealed]*

Section 700: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

## **701 Sale of Goods Act in force in Niue**

*[Repealed]*

Section 701: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

## **701A Seal of New Zealand Act in force in Niue**

*[Repealed]*

Section 701A: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

## **702 Trade Marks Act in force in Niue**

- (1) The Trade Marks Act 2002 shall be in force in Niue in the same manner in all respects as if Niue were for all purposes part of New Zealand, and the term “New Zealand” as used in that Act shall, both in New Zealand and in Niue, be read as including Niue accordingly.
- (2) The High Court shall have no jurisdiction in civil proceedings under that Act.
- (3) All trade marks registered in New Zealand at the commencement of this Act shall have the same protection in Niue as in New Zealand.

Compare: 1915 No 40 s 635; 1965 No 1 s 3(1)

Section 702(1): amended, on 20 August 2003, pursuant to section 202(1) of the Trade Marks Act 2002 (2002 No 49).

## **703 Trustee Act in force in Niue**

*[Repealed]*

Section 703: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

## **704 Wills Act Amendment Act 1852 in force in Niue**

*[Repealed]*

Section 704: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

## **705 Merchant Shipping Act (UK) not to apply to Niue**

*[Repealed]*

Section 705: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**706 Limitation of actions**

- (1) The law of Niue as to prescription and the limitation of actions shall be the same as that which is in force for the time being in New Zealand.
- (2) For the purposes of the law as to prescription and the limitation of actions, New Zealand shall in Niue be deemed to be parts beyond the seas, and Niue shall in New Zealand be deemed to be parts beyond the seas.
- (3) No right, title, estate, or interest in Niuean land shall be acquired or lost by prescription or limitation.

Compare: 1915 No 40 s 641

*Miscellaneous rules of law*

**707 Legal status of married women**

*[Repealed]*

Section 707: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**708 Legitimacy**

*[Repealed]*

Section 708: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**709 Joint liability**

*[Repealed]*

Section 709: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**710 Contracts of guarantee**

*[Repealed]*

Section 710: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**711 Contracts**

*[Repealed]*

Section 711: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**712 Securities given by Niueans**

*[Repealed]*

Section 712: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**713 Employer's liability**

*[Repealed]*

Section 713: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**714 Liability of owners of dogs**

*[Repealed]*

Section 714: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**715 Distress for rent abolished**

*[Repealed]*

Section 715: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**716 Libel and slander actionable without proof of special damage**

*[Repealed]*

Section 716: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**717 Calendar of Niue**

*[Repealed]*

Section 717: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**718 Time of day in Niue**

*[Repealed]*

Section 718: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**719 Statutory references to time**

*[Repealed]*

Section 719: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**720 Statutory declarations**

- (1) Any Judge or Commissioner of the High Court or the Land Court, the Registrar of the High Court or of the Land Court, any Judge of the Land Appellate Court, the Resident Commissioner, the Comptroller of Customs, or any Justice of the Peace for Niue, Medical Officer, Commissioner of the Supreme Court, or solicitor of the Supreme Court, may in Niue take and receive in any matter the declaration of any person voluntarily making it before him in the form in Schedule 2.
- (2) If any person wilfully makes a declaration that is false in any material particular, he is liable to imprisonment for a term not exceeding 2 years.

- (3) Any declaration made in Niue under and in accordance with this section shall be deemed to be a statutory declaration within the meaning of that term as used in any enactment in force in Niue or in New Zealand.

Compare: 1915 No 40 s 653; 1946 No 30 s 53; 1965 No 1 s 3(1)

**721 Execution of documents in Niue for use in New Zealand**

Where in any enactment (whether in force in Niue or not) it is provided that any document executed outside New Zealand shall be admissible in New Zealand before any court or any person acting judicially or be accepted for registration or deposit in New Zealand if the execution thereof is witnessed by a notary public, Commonwealth representative, consular officer, or overseas representative of the Government of New Zealand, or any person holding any other specified office, it shall be a sufficient compliance with that provision, in the case of a document executed in Niue, if the execution is witnessed by the Resident Commissioner or by a Judge, or Commissioner, or the Registrar of the High Court.

**722 Taxes on Niuean land**

*[Repealed]*

Section 722: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**723 Bankruptcy**

*[Repealed]*

Section 723: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**724 Warrants of arrest**

*[Repealed]*

Section 724: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**725 Trespass *ab initio***

*[Repealed]*

Section 725: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

*Miscellaneous provisions*

*[Repealed]*

Heading: repealed, on 20 September 2007, pursuant to section 5 of the Niue Amendment Act 2007 (2007 No 71).

**726 Banking**

*[Repealed]*

Section 726: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**727 Sale of island products by Cabinet of Ministers on behalf of planters**

*[Repealed]*

Section 727: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

*Oath of allegiance and judicial oath*

*[Repealed]*

Heading: repealed, on 20 September 2007, pursuant to section 5 of the Niue Amendment Act 2007 (2007 No 71).

**728 Certain officers to take oath of allegiance and judicial oath**

*[Repealed]*

Section 728: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**Part 33****Transitional provisions, savings, and consequential amendments**

*[Repealed]*

Part 33: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**729 Cook Islands Act and amendments not to apply to Niue**

*[Repealed]*

Section 729: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**730 The High Court**

*[Repealed]*

Section 730: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**731 The Land Court**

*[Repealed]*

Section 731: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).



**732 The Land Appellate Court**

*[Repealed]*

Section 732: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**733 The Niue Public Service**

*[Repealed]*

Section 733: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**734 Customs**

*[Repealed]*

Section 734: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**735 Consequential amendments**

*[Repealed]*

Section 735: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**Schedule 1**  
**Reserved enactments**

*[Repealed]*

s 38(2)(a)

Schedule 1: repealed, at 11 pm on 19 October 1974, by section 2(1) of the Niue Amendment Act 1974 (1974 No 43).

## Schedule 2 Form of declaration

s 720

I, AB [*insert place of abode and occupation or description*], solemnly and sincerely declare that [*insert facts*]. And I make this solemn declaration conscientiously believing the same to be true, and by virtue of an Act of Parliament of New Zealand entitled the Niue Act 1966.

AB

Declared at [*place*] in Niue this [*date*] before me—

CD,

Judge of the High Court of Niue (*or* Judge of the Land Court, Judge of the Land Appellate Court, Commissioner of the High Court, Commissioner of the Land Court, Registrar of the High Court, Registrar of the Land Court, Resident Commissioner of Niue, Comptroller of Customs, Justice of the Peace for Niue, Medical Officer of Niue, solicitor of the Supreme Court of New Zealand, *as the case may be*)

**Schedule 3**  
**Enactments ceasing to be in force in Niue**  
*[Repealed]*

s 729(1)

Schedule 3: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

## Reprints notes

### 1 *General*

This is a reprint of the Niue Act 1966 that incorporates all the amendments to that Act as at the date of the last amendment to it.

### 2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

### 3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

### 4 *Amendments incorporated in this reprint*

Senior Courts Act 2016 (2016 No 48): section 183(b)

Niue Amendment Act 2007 (2007 No 71)

Trade Marks Act 2002 (2002 No 49): section 202(1)

Government Superannuation Fund Amendment Act 2001 (2001 No 47): section 40

Customs and Excise Act 1996 (1996 No 27): section 289(1)

Government Superannuation Fund Amendment Act 1995 (1995 No 28): section 31

Copyright Act 1994 (1994 No 143): section 236(2)

Foreign Affairs Amendment Act 1993 (1993 No 48): section 9(3)

Mental Health (Compulsory Assessment and Treatment) Act 1992 (1992 No 46): section 137(1)

State Sector Act 1988 (1988 No 20): section 90(a)

Constitution Act 1986 (1986 No 114): section 29(2)

District Courts Amendment Act 1979 (1979 No 125): section 18(2)

Judicature Amendment Act 1979 (1979 No 124) section 12

Tokelau Amendment Act 1976 (1976 No 122): section 3(8)

Government Superannuation Fund Amendment Act 1976 (1976 No 30): section 3(3)

Niue Amendment Act (No 2) 1974 (1974 No 110)

Niue Amendment Act 1974 (1974 No 43)

Niue Amendment Act 1971 (1971 No 143)

Niue Act Commencement Order 1969 (SR 1969/232)

Criminal Justice Amendment Act 1969 (1969 No 17): section 5(3)

Mental Health Act 1969 (1969 No 16): section 129(5)

Niue Amendment Act (No 2) 1968 (1968 No 132)

Niue Amendment Act 1968 (1968 No 15)

Tokelau Islands Amendment Act 1967 (1967 No 38): section 17