

**Reprint
as at 25 October 2012**



**Tokelau Administration
Regulations 1993
(SR 1993/257)**

Catherine A Tizard, Governor-General

Order in Council

At Wellington this 9th day of August 1993

Present:
The Right Hon D C McKinnon presiding in Council

Pursuant to the Tokelau Act 1948, Her Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

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Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

These regulations are administered by the Ministry of Foreign Affairs and Trade.

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Regulations

1 Title and commencement

- (1) These regulations may be cited as the Tokelau Administration Regulations 1993.
- (2) These regulations shall come into force on 1 October 1993.

2 Interpretation

In these regulations, unless the context otherwise requires,—

Administrator includes any person exercising the functions and powers of Administrator under regulation 3(4)

Minister means the Minister of Foreign Affairs and Trade

Secretary means the Secretary of Foreign Affairs and Trade.

3 Administrator of Tokelau

- (1) The Minister may from time to time appoint such person as he or she thinks fit to be the Administrator of Tokelau.
- (2) An appointment made under subclause (1) shall be for such term not exceeding 3 years, and subject to such conditions, as the Minister thinks fit.
- (3) Any person appointed as Administrator shall be eligible for reappointment from time to time.
- (4) On the occurrence from any cause of a vacancy in the office of Administrator (whether by reason of death, resignation, or otherwise), and in the case of the absence from duty of the Administrator (from whatever cause arising), the Secretary, or the person for the time being discharging the duties of the office of Secretary, shall have and may exercise all the functions and powers of the Administrator.

4 Duties of Administrator

- (1) The Administrator shall be charged with the administration of the executive Government of Tokelau, and shall have such other functions and powers as are conferred on the Administrator by these regulations or any other enactment in force in Tokelau.
- (2) The Administrator shall, in the exercise of the Administrator's functions and powers, be subject to the control of the Minister.

5 Delegation of powers

- (1) Subject to this regulation and to regulation 6, the Administrator may, from time to time, delegate to the General Fono, or to such other person or persons as the Administrator thinks fit, all or any of the powers exercisable by the Administrator under any enactment, including any powers delegated to the Administrator under any enactment.
- (2) The Administrator shall not delegate—
 - (i) any power delegated to the Administrator by the Minister, without the written consent of the Minister.
 - (ii) *[Revoked]*
- (3) Any delegation under this regulation may be made—
 - (i) to a specified person or to persons of a specified class, or to the holder or holders for the time being of a specified office or specified class of offices:
 - (ii) subject to such restrictions and conditions as the Administrator thinks fit:
 - (iii) either generally or in relation to any particular case or class of cases.
- (4) No person to whom any power is delegated under this regulation may delegate that power to any other person, unless that delegation authorises that person to delegate that power to other persons.

Regulation 5(2)(ii): revoked, on 20 September 2007, by section 7 of the Tokelau Amendment Act 2007 (2007 No 84).

6 Further provisions relating to delegations

- (1) Every delegation under regulation 5 shall be in writing.

- (2) Subject to any general or special directions given or restrictions or conditions imposed by the Administrator, the person to whom any power is delegated under regulation 5 may exercise the power so delegated in the same manner and with the same effect as if that power had been conferred on that person directly by that regulation and not by delegation.
- (3) Every person purporting to act pursuant to any delegation under regulation 5 shall, in the absence of proof to the contrary, be presumed to be acting in accordance with the terms of the delegation.
- (4) Any delegation under regulation 5 shall be revocable at will, and no such delegation shall prevent the exercise of any power by the Administrator.
- (5) Any delegation under regulation 5, until that delegation is revoked, shall continue in force according to its tenor, notwithstanding that the Administrator by whom it was made may have ceased to hold office, and shall continue to have effect as if made by the successor in office of that Administrator.

7 Delegation to General Fono

Where, pursuant to regulation 5, the Administrator delegates any power to the General Fono, then, in any case where the General Fono is not in session, the Council for the Ongoing Government may exercise that power in the same manner and with the same effect as if the power had been delegated to the Council for the Ongoing Government under that regulation.

Regulation 7: amended, on 25 October 2012, by regulation 58(2) of the Tokelau (Exclusive Economic Zone) Fishing Regulations 2012 (SR 2012/278).

8 Revocation

The Tokelau Administration Regulations 1980 (SR 1980/189) are hereby revoked.

Diane Wilderspin,
Acting for Clerk of the Executive Council.

Reprinted as at
25 October 2012 **Tokelau Administration Regulations 1993**

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 12 August 1993.

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Notes

1 *General*

This is a reprint of the Tokelau Administration Regulations 1993. The reprint incorporates all the amendments to the regulations as at 25 October 2012, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, see <http://www.pco.parliament.govt.nz/reprints/>.

2 *Status of reprints*

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 *How reprints are prepared*

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and provisions that are repealed or revoked

are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

4 *Changes made under section 17C of the Acts and Regulations Publication Act 1989*

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

5 *List of amendments incorporated in this reprint
(most recent first)*

Tokelau (Exclusive Economic Zone) Fishing Regulations 2012 (SR 2012/278):
regulation 58

Tokelau Amendment Act 2007 (2007 No 84): section 7
