Reprint
as at 20 September 2007

Niue Act 1966

Public Act 1966 No 38
Date of assent 7 October 1966
Commencement see section 1

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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.

This Act is administered by the Ministry of Foreign Affairs and Trade.
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### Schedule 2

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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).


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 Con-
stitution
Registrar, in relation to any court, includes the Deputy Regis-
strar
regulations means regulations made under this Act or con-
tinuing 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
Section 2 aerodrome and aircraft: repealed, on 20 September 2007, by section
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)
Section 2 the Constitution: inserted, at 11 pm on 19 October 1974, by section
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Section 2 Crown land: repealed, on 1 November 1969, by section 102(1) of
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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. **Secretary**: 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

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**Part 1**

**The Executive Government of Niue**

[Repealed]


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]
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]  

17  Treasurer of Niue  
[Repealed]  

18  Revenue and expenditure  
[Repealed]  

19  Traders’ deposit accounts  
[Repealed]  

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]  

21  Persons authorised to practise medicine or surgery  
[Repealed]  
22 **Offences**

[Repealed]


23 **Director of Health**

[Repealed]


23A **Medical services**

[Repealed]


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

[Repealed]


25 **Compulsory transfer of lepers**

[Repealed]


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**Prisons and police**

[Repealed]


26 **Establishment of prisons**

[Repealed]


27 **Detention of persons in custody**

[Repealed]

28  **Labour instead of imprisonment**  
[Repealed]  

29  **Appointment of officers of police and prisons**  
[Repealed]  

**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]  

**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]

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]

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]

50 Village Councils
[Repealed]

51 Village Council bylaws
[Repealed]
52 **Validity and disallowance of bylaws**

*Repealed*


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**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).

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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).

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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).

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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).

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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).

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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]

63  Administrative officers
    [Repealed]

64  Seal of the High Court
    [Repealed]

65  Records of the High Court
    [Repealed]
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]


68 Habeas corpus

[Repealed]


69 Custody of minors

[Repealed]


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]


72 Forms

[Repealed]

73  **Summons to witnesses**  
[Repealed]  

74  **Default of witness**  
[Repealed]  

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]  

77  **Witnesses may be ordered out of court**  
[Repealed]  
78 Affidavits in Niue
[Repealed]

79 Evidence by affidavit
[Repealed]

80 Right of audience in the High Court
[Repealed]

81 Costs
[Repealed]

82 Security for costs
[Repealed]

83 Court fees
[Repealed]

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]
86  Rehearing of civil proceedings
   [Repealed]

87  Rehearing of criminal proceedings
   [Repealed]

Execution of judgments

88  Writs of sale and possession
    [Repealed]

89  Effect of writ of possession
    [Repealed]

90  Effect of writ of sale
    [Repealed]

91  Issue of writs of sale or possession
    [Repealed]

92  Charging orders
    [Repealed]
93 Stay of execution
[Repealed]

94 Judgment summons
[Repealed]

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]

97 Security to be given
[Repealed]

98 Enforcement of security
[Repealed]

99 Arrest in actions for penalties
[Repealed]

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]

102 Penalty for contempt
[Repealed]

103 Jurisdiction in contempt
[Repealed]

104 Contempt in the face of the court
[Repealed]

105 Discharge of persons in contempt
[Repealed]

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]

107 Jurisdiction under the Declaratory Judgments Act 1908
[Repealed]

108 Criminal jurisdiction of Supreme Court in respect of Niue
[Repealed]

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]

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]
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]

114 Dismissal of appeal for non-prosecution
[Repealed]

115 Procedure on appeal
[Repealed]

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]
Evidence on appeal  [Repealed]

Stay of execution  [Repealed]

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).

Appeal not to be allowed for irregularities in procedure  [Repealed]

Right of audience on appeal  [Repealed]

Transmission of order of Court of Appeal on appeal  [Repealed]

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).

No certiorari, mandamus, or prohibition  [Repealed]
Enforcement in Niue of judgments of New Zealand courts

126 Judgment of Supreme Court or District Court in New Zealand may be enforced by the High Court
[Repealed]

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 47 to 49 of the Judicature Act 1908 (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 47 aforesaid, and Commissioners in Niue may be appointed by a Judge of the Supreme Court accordingly.
Compare: 1915 No 40 s 175

Part 5
Criminal offences

129 Seditious offences defined
[Repealed]
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]

132 Killing of a child
[Repealed]

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]

135 Further definition of murder
[Repealed]

136 Provocation
[Repealed]

137 Illegal arrest may be evidence of provocation
[Repealed]
138 Punishment of murder
[Repealed]

139 Manslaughter
[Repealed]

140 Punishment of manslaughter
[Repealed]

141 Omissions dangerous to life
[Repealed]

142 Duty to provide the necessaries of life
[Repealed]

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]
146 Indirect cause of death
[Repealed]

147 Attempted murder
[Repealed]

148 Conspiracy and inciting to murder
[Repealed]

149 Counselling suicide
[Repealed]

150 Concealment of birth
[Repealed]

151 Grievous bodily harm
[Repealed]

152 Actual bodily harm
[Repealed]

153 Omissions resulting in bodily harm
[Repealed]
154 Intentionally endangering persons on aerodromes, etc
[Repealed]

155 Wantonly endangering persons on or near aerodromes, etc
[Repealed]

156 Indecent assault
[Repealed]

157 Assault
[Repealed]

157A Cruelty to a child
[Repealed]

158 Resisting constable in execution of his duty
[Repealed]

159 Abduction of girl under 15
[Repealed]

160 Abduction of children
[Repealed]
161  Sexual intercourse defined
[Repealed]

162  Rape
[Repealed]

163  Sexual intercourse or indecency with girl under 12
[Repealed]

164  Sexual intercourse or indecency with girl between 12 and 15
[Repealed]

165  Sexual intercourse with woman or girl who is an idiot or imbecile or of unsound mind
[Repealed]

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]
168 Supplying means of miscarriage
[Repealed]

169 Bigamy
[Repealed]

170 Buggery
[Repealed]

171 Attempted buggery and indecent assaults on males
[Repealed]

172 Incest
[Repealed]

173 Indecent acts
[Repealed]

174 Indecent documents
[Repealed]

175 Brothels
[Repealed]
176 Gaming houses
[Repealed]

177 Riot
[Repealed]

178 Forcible entry
[Repealed]

179 Affrays
[Repealed]

180 Official corruption
[Repealed]

181 Perjury
[Repealed]

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]
184 Breaking prison  
[Repealed]  

185 Escape  
[Repealed]  

186 Rescue  
[Repealed]  

187 Criminal libel or slander  
[Repealed]  

188 Definition of theft  
[Repealed]  

189 Ineffectual defences to charge of theft  
[Repealed]  

190 Extended definition of theft  
[Repealed]  

191 Obtaining money or goods by false pretences to be deemed theft  
[Repealed]  
192 Punishment of theft  
[Repealed]

193 Stealing documents  
[Repealed]

194 Receiving stolen goods  
[Repealed]

195 Robbery  
[Repealed]

196 Conversion or attempted conversion of motorcars, etc  
[Repealed]

197 Breach of trust  
[Repealed]

198 Menaces  
[Repealed]

199 Witchcraft  
[Repealed]
200 Obtaining credit by fraud
[Repealed]

201 Accusation of criminal offences
[Repealed]

202 Conspiracy to defraud
[Repealed]

203 Obtaining execution of valuable securities by fraud
[Repealed]

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]

205A Unlawfully entering premises for a criminal purpose
[Repealed]

206 Threats to kill or do bodily harm
[Repealed]
207 Forgery
   [Repealed]

208 Extended definition of forgery
   [Repealed]

209 Making counterfeit coin
   [Repealed]

210 Lightening coin
   [Repealed]

211 Uttering counterfeit coin
   [Repealed]

212 Arson
   [Repealed]

213 Wilful mischief to property
   [Repealed]

214 Provoking breach of the peace
   [Repealed]
215 Profane, indecent, or obscene language
[Repealed]

216 Disorderly conduct in public places
[Repealed]

217 Obstructing public place
[Repealed]

218 Drunkenness
[Repealed]

219 Animal trespass
[Repealed]

220 Prostitution
[Repealed]

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]
Sale of unwholesome provisions
[Repealed]

Insanitary premises
[Repealed]

Wilful trespass
[Repealed]

Cruelty to animals
[Repealed]

Falsely trading as an incorporated company
[Repealed]

Conspiracy
[Repealed]

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

Attempts to commit offences
[Repealed]
230  Attempt proved when offence is charged
[Repealed]

231  Offence proved when attempt is charged
[Repealed]

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]

233  Parties to offences
[Repealed]

234  Common criminal purpose
[Repealed]

235  Counselling or procuring
[Repealed]

236  Accessory after the fact
[Repealed]
237 Punishment of accessories
[Repealed]

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]

237B Children between 10 and 14
[Repealed]

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]

239 Common law offences
[Repealed]
Sentences

240 Power to fine instead of or in addition to imprisonment
[Repealed]

241 Enforcement of fines
[Repealed]

242 Imprisonment in Niue
[Repealed]

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 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, 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 sub-
section (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 proba-
tionary 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).
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).

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]


Part 6

Criminal procedure

[Repealed]


247 District Court Judges

[Repealed]


248 Jurisdiction of High Court

[Repealed]


249 Felonies and misdemeanours

[Repealed]


Preliminary proceedings

[Repealed]

250 Arrest without warrant
[Repealed]

251 Arrest on warrant of District Court Judge
[Repealed]

251A Duty of persons arresting
[Repealed]

252 Committal by District Court Judge for trial
[Repealed]

Trial by the High Court
[Repealed]

253 Information
[Repealed]

254 Warrant or summons
[Repealed]

255 Warrant after issue of summons
[Repealed]
255A Arrested person may be released on bail by constable in certain cases
[Repealed]

256 Prisoners brought before Judge of High Court before commencement of prosecution
[Repealed]

257 Remand
[Repealed]

258 Trial of accused in his absence
[Repealed]

Assessors
[Repealed]

259 Constitution of court on criminal trials
[Repealed]

260 Judge with assessors
[Repealed]
261 Judge without assessors
[Repealed]

262 Judge with or without assessors as he thinks fit
[Repealed]

263 Order appointing assessors
[Repealed]

264 Number and qualifications of assessors
[Repealed]

265 Default of assessors
[Repealed]

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]

268 Change of assessors
[Repealed]
269 Discharge of assessors and new trial
[Repealed]

270 Concurrence of assessors
[Repealed]

271 Concurrence of Judge
[Repealed]

272 Sentence
[Repealed]

273 Concurrence of assessors not necessary except for conviction
[Repealed]

Miscellaneous provisions
[Repealed]

274 Alternative and cumulative charges
[Repealed]

275 Relation between information and conviction
[Repealed]
Part 6 s 276 Niue Act 1966 Reprinted as at 20 September 2007

276 **Withdrawal of information**
[Repealed]

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

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]

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

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

282 **Bail**
[Repealed]
283 Stay of proceedings by Cabinet
[Repealed]

284 Search warrants
[Repealed]

284A Power to enter premises to arrest offender or prevent offence
[Repealed]

285 Transmission of certain warrants and orders by telegram
[Repealed]

286 Pardon and remission of sentence
[Repealed]

287 Compensation for loss of property
[Repealed]

Part 7
Law of evidence
[Repealed]
288 Definitions
[Repealed]

289 Discretionary power of admitting or rejecting evidence
[Repealed]

290 All witnesses competent
[Repealed]

291 Evidence of parties and their husbands and wives
[Repealed]

292 Evidence of accused persons and their husbands and wives
[Repealed]

293 Cross-examination as to credit
[Repealed]

294 Criminating questions
[Repealed]

295 Evidence of prisoners
[Repealed]
296 Judicial notice of Acts, etc
[Repealed]

297 Judicial notice of seals, etc
[Repealed]

298 Power to administer oaths
[Repealed]

299 Form of oath
[Repealed]

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]

302 Form of affirmation
[Repealed]

303 Evidence of children without oath
[Repealed]
304 Necessity of oath
[Repealed]

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
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).


Part 9  
Crown suits  
[Repealed]

321 Crown proceedings in Niue  
[Repealed]

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).
Part 10

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).
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).

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).

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).

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).

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).

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).

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).
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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]


461 Application of this Part
[Repealed]

462 Cabinet of Ministers may cultivate land on behalf of owners
[Repealed]

463 Disposal of revenues received by Cabinet of Ministers
[Repealed]

464 Money to be paid out of or into Niue Government Account
[Repealed]

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]

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]

489 Wills of Niueans
[Repealed]

490 Succession to deceased Niueans
[Repealed]

491 Niuean land not to vest in administrator
[Repealed]

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]

498 Estate of Niuean other than land to be assets for payment of debts
[Repealed]

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).
Reprinted as at
20 September 2007  Niue Act 1966  Part 20 s 506

Part 20
Trustees for Niueans
[Repealed]


500 Definition of person under disability
[Repealed]

501 Trustee orders
[Repealed]

502 Matters to be set forth in trustee orders
[Repealed]

503 Appointment of new trustees
[Repealed]

504 Orders restricting powers of trustees
[Repealed]

505 Cancellation of trustee orders
[Repealed]

506 Determination of trustee orders
[Repealed]
507  **Trust property not to vest in trustee**  
[Repealed]

508  **Administration of property by trustee**  
[Repealed]

509  **Alienation of property by trustee**  
[Repealed]

510  **Powers of trustee**  
[Repealed]

511  **Expenditure of revenues of trust property**  
[Repealed]

512  **Enforcement of trusts**  
[Repealed]

513  **Co-trustees must act jointly**  
[Repealed]

514  **Remuneration of trustees**  
[Repealed]
Part 21
Marriage

[Repealed]


515 Prohibited degrees of consanguinity or affinity

[Repealed]


516 Marriages to take place before marriage officer

[Repealed]


517 Marriage officer defined

[Repealed]


518 Appointment of marriage officers

[Repealed]


519 Offence

[Repealed]


520 Notice of marriage

[Repealed]


521 Mode of solemnisation

[Repealed]

522 Record of marriage
[Repealed]

523 Signature of record
[Repealed]

524 Transmission of record
[Repealed]

525 Minimum age of marriage
[Repealed]

526 Marriage of minors
[Repealed]

527 Offence by marriage officer
[Repealed]

528 Signature of false record by party or witness
[Repealed]

529 Misrepresentation as to facts to procure marriage
[Repealed]
Part 22
Divorce
[Repealed]


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]

532 Limitation of jurisdiction
[Repealed]

533 Domicile and residence
[Repealed]

534 Grounds of divorce and jurisdiction of High Court
[Repealed]

535 Grounds of refusal of divorce
[Repealed]

536 Discretion to refuse decree in certain cases
[Repealed]
537  Co-respondent as a party
   [Repealed]

538  Intervention
   [Repealed]

539  Agreement no bar to divorce
   [Repealed]

540  No appeal to Court of Appeal
   [Repealed]

541  Remarriage of divorced persons
   [Repealed]

542  Costs
   [Repealed]

543  Order for maintenance of divorced wife
   [Repealed]

544  Order as to custody of children
   [Repealed]
545 Molestation of divorced wife by her husband
[Repealed]

546 Jurisdiction of Supreme Court
[Repealed]

Part 23
Maintenance and affiliation
[Repealed]

547 Interpretation
[Repealed]

Maintenance and affiliation orders
[Repealed]

548 Jurisdiction of High Court
[Repealed]

549 Applications
[Repealed]
550 Jurisdiction discretionary
[Repealed]

551 Affiliation orders
[Repealed]

552 Evidence
[Repealed]

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]

555 Maintenance order against mother in favour of child
[Repealed]

556 Maintenance order against husband in favour of wife
[Repealed]

557 Maintenance order against wife in favour of husband
[Repealed]
558 Maintenance order against any person in favour of father or mother
[Repealed]

559 Disobedience to maintenance order
[Repealed]

560 Maintenance money a debt
[Repealed]

561 Order in favour of non-residents
[Repealed]

562 Order against non-residents
[Repealed]

563 Orders in absentia
[Repealed]

564 Repeated applications
[Repealed]

565 Payments not to be made in advance
[Repealed]
566 Cancellation, variation, and suspension of orders
[Repealed]

567 Payment of maintenance money
[Repealed]

568 Security for obedience to maintenance orders
[Repealed]

569 Operation of agreements
[Repealed]

570 Purport and duration of maintenance orders
[Repealed]

571 Order for past maintenance
[Repealed]

Offences
[Repealed]

572 Leaving Niue while maintenance money in arrear
[Repealed]
573 Leaving Niue after affiliation order and before birth of child
[Repealed]

574 Leaving Niue with intent to disobey maintenance order
[Repealed]

575 Leaving Niue while failing to maintain wife
[Repealed]

576 Leaving Niue while failing to maintain child
[Repealed]

577 Leaving Niue with intent to desert wife or child
[Repealed]

578 Attempting to leave Niue
[Repealed]

579 Evidence of intent
[Repealed]
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]

601  Medical certificates as to persons of unsound mind
[Repealed]

602  Order of medical custody
[Repealed]

603  Renewal of order
[Repealed]

604  Cancellation of order
[Repealed]

605  Discharge from custody
[Repealed]
606 Arrest and detention of persons committed to medical custody
[Repealed]

607 Treatment of person so detained
[Repealed]

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)

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
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 application 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]

613 No committee of estate of person of unsound mind
[Repealed]

614 Warrant for arrest of persons of unsound mind
[Repealed]

615 Arrest without warrant of persons of unsound mind
[Repealed]

Persons of unsound mind charged with offences

616 Insane persons not to be tried for offences
[Repealed]

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]
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]

Part 27
Intoxicating liquor
[Repealed]

621 Interpretation
[Repealed]

621A Importation of intoxicating liquor
[Repealed]
622 Liquor control authority
[Repealed]

623 Manufacture of intoxicating liquor prohibited
[Repealed]

624 Importation of intoxicating liquor
[Repealed]

625 Cabinet of Ministers may import intoxicating liquor
[Repealed]

626 Offences as to intoxicating liquor illegally manufactured or imported
[Repealed]

627 Sale of intoxicating liquor
[Repealed]

628 Restrictions on giving intoxicating liquor to other persons
[Repealed]
629 Arrest of persons suspected of having illegally dealt with intoxicating liquor
[Repealed]

630 Seizure and forfeiture of intoxicating liquor
[Repealed]

631 Search warrant
[Repealed]

632 Persons found on premises deemed illegally dealing in intoxicating liquor
[Repealed]

633 Names of persons found on premises searched may be demanded
[Repealed]

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]

645 Interpretation
[Repealed]

646 Cabinet of Ministers may acquire Niuean antiquities
[Repealed]

647 Niuean antiquities to be offered for sale before exportation
[Repealed]

648 Power to detain Niuean antiquities attempted to be exported
[Repealed]
649 Exporting Niuean antiquities without permission
[Repealed]

650 Power to remove antiquities in certain cases
[Repealed]

651 Right to copy of antiquities intended to be exported
[Repealed]

652 Cabinet of Ministers to decide what articles come under this Part
[Repealed]

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]

654 Customs and Excise Act 1996 in force in Niue
[Repealed]
655 Niue Assembly may modify Tariff or substitute new Tariff
[Repealed]

656 Goods may be imported from New Zealand or Cook Islands free of duty
[Repealed]

657 Niue Assembly may impose duties in certain cases
[Repealed]

658 Actions and prosecutions in relation to Niue
[Repealed]

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 **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]


661 **Exemptions**  
[Repealed]


662 **State Sector Act 1988 not applicable**  
[Repealed]


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]

666 Payment of salary and allowances
[Repealed]

667 Bonds and deeds of covenant by employees or prospective employees
[Repealed]

668 Concurrent offices
[Repealed]

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 subsection (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)
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).

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**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]


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673 **Jurisdiction of the High Court**

[Repealed]


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674 **Common law and equity to be administered concurrently**

[Repealed]


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675 **Statute law of New Zealand not applicable to Niue**

[Repealed]


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676 **When enactment in force in Niue, amendments and regulations to be in force also**

[Repealed]

677 Other enactments in force in Niue to be read subject to this Act
[Repealed]

678 Criminal procedure in Niue
[Repealed]

679 Interpretation Act in force in Niue
[Repealed]

680 Administration Act in force in Niue
[Repealed]

681 Arbitration Act in force in Niue
[Repealed]

682 Bills of Exchange Act in force in Niue
[Repealed]

683 Carriage of Goods Act in force in Niue
[Repealed]

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]


684A Citizenship Act in force in Niue

[Repealed]


685 Sections 23, 25, and 26 of Control of Prices Act in force in Niue

[Repealed]


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]

688 Demise of the Crown Act in force in Niue
[Repealed]

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]

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]

692 Parts of Infants Act in force in Niue
[Repealed]
693 **Marine Insurance Act in force in Niue**

[Repealed]


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]


697 **Partnership Act in force in Niue**

[Repealed]


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]


701 Sale of Goods Act in force in Niue

[Repealed]


701A Seal of New Zealand Act in force in Niue

[Repealed]


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)

703 Trustee Act in force in Niue
[Repealed]

704 Wills Act Amendment Act 1852 in force in Niue
[Repealed]

705 Merchant Shipping Act (UK) not to apply to Niue
[Repealed]

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]

708 Legitimacy
[Repealed]

709 Joint liability
[Repealed]

710 Contracts of guarantee
[Repealed]

711 Contracts
[Repealed]

712 Securities given by Niueans
[Repealed]

713 Employer’s liability
[Repealed]

714 Liability of owners of dogs
[Repealed]
715 Distress for rent abolished
[Repealed]

716 Libel and slander actionable without proof of special damage
[Repealed]

717 Calendar of Niue
[Repealed]

718 Time of day in Niue
[Repealed]

719 Statutory references to time
[Repealed]

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]

723 Bankruptcy
[Repealed]

724 Warrants of arrest
[Repealed]

725 Trespass ab initio
[Repealed]
Part 32 s 726  Niue Act 1966  Reprinted as at 20 September 2007

 Miscellaneouss provisions  
[Repealed]

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

726 Banking  
[Repealed]


727 Sale of island products by Cabinet of Ministers on behalf of planters  
[Repealed]


 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]


Part 33  
Transitional provisions, savings, and consequential amendments  
[Repealed]


729 Cook Islands Act and amendments not to apply to Niue  
[Repealed]

730 **The High Court**

[Repealed]


731 **The Land Court**

[Repealed]


732 **The Land Appellate Court**

[Repealed]


733 **The Niue Public Service**

[Repealed]


734 **Customs**

[Repealed]


735 **Consequential amendments**

[Repealed]

Schedule 1

Reserved enactments

[Repealed]

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

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]

Contents
1 General
2 Status of reprints
3 How reprints are prepared
4 Changes made under section 17C of the Acts and Regulations Publication Act 1989
5 List of amendments incorporated in this reprint (most recent first)

Notes
1 General
This is a reprint of the Niue Act 1966. The reprint incorporates all the amendments to the Act as at 20 September 2007, 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)
Niue Amendment Act 2007 (2007 No 71)
Trade Marks Act 2002 (2002 No 49): section 202(1)
Customs and Excise Act 1996 (1996 No 27): section 289(1)
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)
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