

**Reprint**  
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**Niue Act 1966**

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**Note**

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

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

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544	Order as to custody of children <i>[Repealed]</i>	99
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*[Repealed]*

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*[Repealed]*

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	<i>[Repealed]</i>	

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**An Act to consolidate and amend certain enactments of the General Assembly relating to the Government and laws of Niue**

**BE IT ENACTED by the General Assembly of New Zealand in Parliament, and by the authority of the same, as follows:**

**1 Short Title and commencement**

- (1) This Act may be cited as the Niue Act 1966.
- (2) Part 30 of this Act 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) of this section, this Act shall come into force on the 1st day of January 1967 (hereinafter referred to as the commencement of this Act).

**2 Interpretation**

In this Act, unless the context otherwise requires,—

**Alienation***[Repealed]*

Alienation: this definition was repealed by section 102(1) of the Niue Amendment Act (No 2) 1968.

*[Repealed]*

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

Cabinet: this definition was inserted by section 2(1) of the Niue Amendment Act 1974.

**Commission***[Repealed]*

Commission: this definition was repealed by section 2(1) of the Niue Amendment Act 1974.

*[Repealed]*

**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 to the Niue Constitution Act 1974 and in the English language in Schedule 2 to that Act

The Constitution: this definition was inserted by section 2(1) of the Niue Amendment Act 1974.

**Crown land and Customary land***[Repealed]*

Crown land and Customary land: these definitions were repealed by section 102(1) of the Niue Amendment Act (No 2) 1968.

*[Repealed]*

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

Director of Health: this definition was inserted by section 18(1) of the Niue Amendment Act 1971.

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

Enactment: this definition was substituted for the former definition (as substituted by section 4(2) of the Niue Amendment Act 1971) by section 2(1) of the Niue Amendment Act 1974.

**European land***[Repealed]*

European land: this definition was repealed by section 102(1) of the Niue Amendment Act (No 2) 1968.

*[Repealed]*

**Executive Committee***[Repealed]*

Executive Committee: this definition was inserted by section 4(1) of the Niue Amendment Act 1971 and was repealed by section 2(1) of the Niue Amendment Act 1974.

*[Repealed]*

**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

**Island Assembly***[Repealed]*

Island Assembly: this definition (as substituted by section 5(1) of the Niue Amendment Act 1973) was repealed by section 2(1) of the Niue Amendment Act 1974.

*[Repealed]*

**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

**Leader of Government***[Repealed]*

Leader of Government: this definition was inserted by section 4(1) of the Niue Amendment Act 1971 and was repealed by section 2(1) of the Niue Amendment Act 1974.

*[Repealed]*

**Medical officer** means any person authorised, pursuant to section 21 of this Act, 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

Medical Officer: this definition was substituted by section 18(2) of the Niue Amendment Act 1971.

**Minister** means the Minister of Foreign Affairs

Minister: this definition was substituted by section 8(1) Maori and Island Affairs Department Act 1968.

Minister: this definition was substituted by section 2(1) Niue Amendment Act (No 2) 1974.

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

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

New Zealand: the reference to Tokelau was substituted for a reference to the Tokelau Islands by section 3(8) Tokelau Amendment Act 1976.

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

Niue Public Service: this definition was substituted for the definition of the term Niue Public Service by section 2(1) Niue Amendment Act 1974.

Niue Public Service: this definition was repealed by section 2(1) Niue Amendment Act 1974.

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

Niue Public Service Commission: this definition was inserted by section 2(1) of the Niue Amendment Act 1974.

**Niuean freehold land** and **Niuean land***[Repealed]*

Niuean freehold land and Niuean land: these definitions were repealed by section 102(1) of the Niue Amendment Act (No 2) 1968.

*[Repealed]*

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

**Order** means, in respect of the High Court or the Land Court, any order, judgment, decision, or determination of that Court  
**Premier** has the same meaning as in Article 82(1) of the Constitution

Premier: this definition was inserted by section 2(1) of the Niue Amendment Act 1974.

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

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

**Resident Commissioner***[Repealed]*

Resident Commissioner: this definition was substituted by section 4(2) of the Niue Amendment Act 1971.

Resident Commissioner: this definition was repealed by section 2(1) of the Niue Amendment Act 1974.

*[Repealed]*

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

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

Act: this definition was inserted by section 2(1) of the Niue Amendment Act 1974.

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

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

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

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

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

Niue Assembly or Assembly: this definition was inserted by section 2(1) Niue Amendment Act 1974.

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

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

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

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

Secretary: the definition was substituted by section 2(2) of the Niue Amendment Act (No 2) 1974.

Secretary: the definition was substituted by section 8(1) of the Maori and Island Affairs Department Act 1968.

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

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

### 3 **Application**

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

Compare: 1915 No 40 s 3

## **Part 1** **The Executive Government of Niue**

*[Repealed]*

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

4

Section 4 was repealed by section 2(1) of the Niue Amendment Act 1974.

5

Section 5 was repealed by section 2(1) of the Niue Amendment Act 1974.

6

Section 6 was repealed by section 2(1) of the Niue Amendment Act 1974.

7

Section 7 was repealed by section 2(1) of the Niue Amendment Act 1974.

8

Section 8 was repealed by section 2(1) of the Niue Amendment Act 1974.

9

Section 9 was repealed by section 2(1) of the Niue Amendment Act 1974.

10

Section 10 was repealed by section 2(1) of the Niue Amendment Act 1974.

**11**

Section 11 was repealed by section 2(1) of the Niue Amendment Act 1974.

**12**

Section 12 was repealed by section 2(1) of the Niue Amendment Act 1974.

**13**

Section 13 was repealed by section 2(1) of the Niue Amendment Act 1974.

**14D**

Section 14D was repealed by section 2(1) of the Niue Amendment Act 1974.

*The public revenues of Niue*  
*[Repealed]*

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

**15**

Section 15 was repealed by section 2(1) of the Niue Amendment Act 1974.

**16 Loans to Niue Government Account**

*[Repealed]*

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

**17 Treasurer of Niue**

*[Repealed]*

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

**18 Revenue and expenditure**

*[Repealed]*

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

**19 Traders' deposit accounts**

*[Repealed]*

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

**20**

Section 20 was repealed by section 2(1) of the Niue Amendment Act 1974.

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

*[Repealed]*

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

**22 Offences**

*[Repealed]*

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

**23 Director of Health**

*[Repealed]*

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

**23A Medical services**

*[Repealed]*

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

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

*[Repealed]*

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

**25 Compulsory transfer of lepers**

*[Repealed]*

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

*Prisons and police*

*[Repealed]*

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

**26 Establishment of prisons**

*[Repealed]*

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

**27 Detention of persons in custody***[Repealed]*

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

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

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

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

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

*Education**[Repealed]*

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

**30**

Section 30 was repealed by section 2(1) of the Niue Amendment Act 1974.

**Part 2****The Legislative Government of Niue***[Repealed]*

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

**31**

Section 31 was repealed by section 2(1) of the Niue Amendment Act 1974.

**32**

Section 32 was repealed by section 2(1) of the Niue Amendment Act 1974.

**33**

Section 33 was repealed by section 2(1) of the Niue Amendment Act 1974.

**34**

Section 34 was repealed by section 2(1) of the Niue Amendment Act 1974.

**35**

Section 35 was repealed by section 2(1) of the Niue Amendment Act 1974.

**36**

Section 36 was repealed by section 2(1) of the Niue Amendment Act 1974.

**37**

Section 37 was repealed by section 2(1) of the Niue Amendment Act 1974.

**38**

Section 38 was repealed by section 2(1) of the Niue Amendment Act 1974.

**39**

Section 39 was repealed by section 2(1) of the Niue Amendment Act 1974.

**40**

Section 40 was repealed by section 2(1) of the Niue Amendment Act 1974.

**41**

Section 41 was repealed by section 2(1) of the Niue Amendment Act 1974.

**42**

Section 42 was repealed by section 2(1) of the Niue Amendment Act 1974.

**43**

Section 43 was repealed by section 2(1) of the Niue Amendment Act 1974.

**44**

Section 44 was repealed by section 2(1) of the Niue Amendment Act 1974.

**45**

Section 45 was repealed by section 10(2) of the Niue Amendment Act 1971.

**46**

Section 46 was repealed by section 10(2) of the Niue Amendment Act 1971.

**47**

Section 47 was repealed by section 2(1) of the Niue Amendment Act 1974.

**48 Publication of enactments in Niue Island Gazette**

*[Repealed]*

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

*Regulations*

*[Repealed]*

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

**49**

Section 49 was repealed by section 2(1) of the Niue Amendment Act 1974.

*Village councils*  
*[Repealed]*

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

**50 Village Councils**  
*[Repealed]*

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

**51 Village Council bylaws**  
*[Repealed]*

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

**52 Validity and disallowance of bylaws**  
*[Repealed]*

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

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

**53** *Constitution of the High Court*

Section 53 was repealed by section 2(1) of the Niue Amendment Act 1974.

**54**

Section 54 was repealed by section 2(1) of the Niue Amendment Act 1974.

**55**

Section 55 was repealed by section 2(1) of the Niue Amendment Act 1974.

**56**

Section 56 was repealed by section 2(1) of the Niue Amendment Act 1974.

**57**

Section 57 was repealed by section 2(1) of the Niue Amendment Act 1974.

**58**

Section 58 was repealed by section 2(1) of the Niue Amendment Act 1974.

**59**

Section 59 was repealed by section 2(1) of the Niue Amendment Act 1974.

**60**

Section 60 was repealed by section 2(1) of the Niue Amendment Act 1974.

**61**

Section 61 was repealed by section 2(1) of the Niue Amendment Act 1974.

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

*[Repealed]*

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

**63 Administrative officers**

*[Repealed]*

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

**64 Seal of the High Court**

*[Repealed]*

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

**65 Records of the High Court**

*[Repealed]*

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

**66**

*Jurisdiction of the High Court*

Section 66 was repealed by section 2(1) of the Niue Amendment Act 1974.

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

*[Repealed]*

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

**68 Habeas corpus**

*[Repealed]*

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

**69 Custody of minors***[Repealed]*

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

*Procedure of the High Court**[Repealed]*

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

**70 Rules of Court***[Repealed]*

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

**71 Procedure so far as not governed by rules of Court***[Repealed]*

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

**72 Forms***[Repealed]*

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

**73 Summons to witnesses***[Repealed]*

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

**74 Default of witness***[Repealed]*

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

**75 Commissioners to take evidence**

- (1) The High Court may, in any civil or criminal proceedings where it appears necessary for the purposes of justice, make an order for the examination on oath before any officer of the Court or any other person or persons, and at any place either

in or out of Niue, of any witness or person and may order any deposition so taken to be filed in the Court, and may empower any party to the proceedings to give the deposition in evidence therein.

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

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

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

*[Repealed]*

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

**77 Witnesses may be ordered out of Court**

*[Repealed]*

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

**78 Affidavits in Niue**

*[Repealed]*

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

**79 Evidence by affidavit**

*[Repealed]*

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

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

*[Repealed]*

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

**81 Costs***[Repealed]*

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

**82 Security for costs***[Repealed]*

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

**83 Court fees***[Repealed]*

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

**84 Minutes of judgments***[Repealed]*

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

**85 Amendments***[Repealed]*

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

**86 Rehearing of civil proceedings***[Repealed]*

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

**87 Rehearing of criminal proceedings***[Repealed]*

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

*Execution of judgments**[Repealed]*

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

**88 Writs of sale and possession**

*[Repealed]*

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

**89 Effect of writ of possession**

*[Repealed]*

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

**90 Effect of writ of sale**

*[Repealed]*

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

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

*[Repealed]*

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

**92 Charging orders**

*[Repealed]*

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

**93 Stay of execution**

*[Repealed]*

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

**94 Judgment summons**

*[Repealed]*

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

**95 Enforcement of judgments of High Court in High 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, authen-

ticated by the seal of the High Court, to be filed in any office of the High Court of New Zealand.

- (2) Judicial notice may be taken by the High 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 High Court, in the same manner as if the like judgment had been given by the High Court, subject, however, to such terms and conditions as the High Court may think fit to impose.
- (5) Leave to issue execution may be given by the High 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 High Court thinks fit.
- (6) Such leave shall not be granted, unless the High 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 High Court.

Compare: 1915 No 40 s 142

The words “Supreme Court” have been changed to “High Court” pursuant to section 12 Judicature Amendment Act 1979 (1979 No 124).

### *Absconding debtors*

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

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

*[Repealed]*

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

**97 Security to be given**

*[Repealed]*

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

**98 Enforcement of security**

*[Repealed]*

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

**99 Arrest in actions for penalties**

*[Repealed]*

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

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

*[Repealed]*

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

*Contempt of the High Court*

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

**101 Contempt of Court defined**

*[Repealed]*

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

**102 Penalty for contempt**

*[Repealed]*

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

**103 Jurisdiction in contempt**

*[Repealed]*

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

**104 Contempt in the face of the Court***[Repealed]*

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

**105 Discharge of persons in contempt***[Repealed]*

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

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

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

**106 Civil jurisdiction of Supreme Court extends to Niue***[Repealed]*

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

**107 Jurisdiction under the Declaratory Judgments Act 1908***[Repealed]*

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

**108 Criminal jurisdiction of High Court in respect of Niue***[Repealed]*

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

*Cases stated by the High Court or Land Court  
or Land Appellate Court**[Repealed]*

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

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

*[Repealed]*

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

*Cases stated by High 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 High Court may state case for Land Appellate Court**

*[Repealed]*

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

**111**

*Appeals from the High Court*

Section 111 was repealed by section 2(1) of the Niue Amendment Act 1974.

**112**

Section 112 was repealed by section 2(1) of the Niue Amendment Act 1974.

**113 Transmission of record**

*[Repealed]*

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

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

*[Repealed]*

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

**115 Procedure on appeal**

*[Repealed]*

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

**116**

Section 116 was repealed by section 2(1) of the Niue Amendment Act 1974.

**117 Powers of Court of Appeal on appeal***[Repealed]*

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

**118 Evidence on appeal***[Repealed]*

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

**119 Stay of execution***[Repealed]*

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

**120 Release of appellant from custody***[Repealed]*

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

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

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

**122 Right of audience on appeal***[Repealed]*

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

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

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

**124**

Section 124 was repealed by section 2(1) of the Niue Amendment Act 1974.

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

*[Repealed]*

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

*Enforcement in Niue of judgments of New Zealand Courts*

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

*[Repealed]*

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

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

- (1) When by any judgment of the High 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 High 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

The words “Supreme Court” have been changed to “High Court” pursuant to section 12 Judicature Amendment Act 1979 (1979 No 124).

*Commissioners of the High Court*

The words “Supreme Court” have been changed to “High Court” pursuant to section 12 Judicature Amendment Act 1979 (1979 No 124).

**128 Commissioners of the High 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 High Court within the meaning of section 47 afore-

said, and Commissioners in Niue may be appointed by a Judge of the High Court accordingly.

Compare: 1915 No 40 s 175

The words “Supreme Court” have been changed to “High Court” pursuant to section 12 Judicature Amendment Act 1979 (1979 No 124).

The words “Judge of the Supreme Court” have been changed to “Judge of the High Court” pursuant to section 12 Judicature Amendment Act 1979 (1979 No 124).

## **Part 5**

### **Criminal offences**

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

*[Repealed]*

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

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

*[Repealed]*

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

#### **131 Homicide defined**

*[Repealed]*

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

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

*[Repealed]*

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

#### **133 Culpable homicide**

*[Repealed]*

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

#### **134 Murder defined**

*[Repealed]*

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

**135 Further definition of murder**

*[Repealed]*

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

**136 Provocation**

*[Repealed]*

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

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

*[Repealed]*

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

**138 Punishment of murder**

*[Repealed]*

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

**139 Manslaughter**

*[Repealed]*

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

**140 Punishment of manslaughter**

*[Repealed]*

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

**141 Omissions dangerous to life**

*[Repealed]*

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

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

*[Repealed]*

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

**143 Duty of parent or guardian to provide necessities***[Repealed]*

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

**144 Liability of persons having charge of dangerous things***[Repealed]*

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

**145 Hastening death***[Repealed]*

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

**146 Indirect cause of death***[Repealed]*

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

**147 Attempted murder***[Repealed]*

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

**148 Conspiracy and inciting to murder***[Repealed]*

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

**149 Counselling suicide***[Repealed]*

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

**150 Concealment of birth***[Repealed]*

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

**151 Grievous bodily harm**

*[Repealed]*

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

**152 Actual bodily harm**

*[Repealed]*

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

**153 Omissions resulting in bodily harm**

*[Repealed]*

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

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

*[Repealed]*

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

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

*[Repealed]*

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

**156 Indecent assault**

*[Repealed]*

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

**157 Assault**

*[Repealed]*

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

**157A Cruelty to a child**

*[Repealed]*

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

**158 Resisting constable in execution of his duty***[Repealed]*

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

**159 Abduction of girl under 15***[Repealed]*

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

**160 Abduction of children***[Repealed]*

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

**161 Sexual intercourse defined***[Repealed]*

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

**162 Rape***[Repealed]*

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

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

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

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

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

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

*[Repealed]*

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

**166 Procuring miscarriage of woman or girl**

*[Repealed]*

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

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

*[Repealed]*

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

**168 Supplying means of miscarriage**

*[Repealed]*

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

**169 Bigamy**

*[Repealed]*

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

**170 Buggery**

*[Repealed]*

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

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

*[Repealed]*

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

**172 Incest**

*[Repealed]*

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

**173 Indecent acts***[Repealed]*

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

**174 Indecent documents***[Repealed]*

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

**175 Brothels***[Repealed]*

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

**176 Gaming houses***[Repealed]*

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

**177 Riot***[Repealed]*

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

**178 Forcible entry***[Repealed]*

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

**179 Affrays***[Repealed]*

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

**180 Official corruption***[Repealed]*

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

**181 Perjury**

*[Repealed]*

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

**182 Fabricating evidence**

*[Repealed]*

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

**183 Conspiracy to pervert justice**

*[Repealed]*

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

**184 Breaking prison**

*[Repealed]*

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

**185 Escape**

*[Repealed]*

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

**186 Rescue**

*[Repealed]*

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

**187 Criminal libel or slander**

*[Repealed]*

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

**188 Definition of theft**

*[Repealed]*

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

**189 Ineffectual defences to charge of theft***[Repealed]*

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

**190 Extended definition of theft***[Repealed]*

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

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

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

**192 Punishment of theft***[Repealed]*

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

**193 Stealing documents***[Repealed]*

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

**194 Receiving stolen goods***[Repealed]*

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

**195 Robbery***[Repealed]*

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

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

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

**197 Breach of trust**

*[Repealed]*

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

**198 Menaces**

*[Repealed]*

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

**199 Witchcraft**

*[Repealed]*

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

**200 Obtaining credit by fraud**

*[Repealed]*

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

**201 Accusation of criminal offences**

*[Repealed]*

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

**202 Conspiracy to defraud**

*[Repealed]*

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

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

*[Repealed]*

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

**204 Burglary**

*[Repealed]*

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

**205 Unlawful entry of dwellinghouse, etc***[Repealed]*

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

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

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

**206 Threats to kill or do bodily harm***[Repealed]*

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

**207 Forgery***[Repealed]*

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

**208 Extended definition of forgery***[Repealed]*

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

**209 Making counterfeit coin***[Repealed]*

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

**210 Lightening coin***[Repealed]*

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

**211 Uttering counterfeit coin***[Repealed]*

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

**212 Arson**

*[Repealed]*

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

**213 Wilful mischief to property**

*[Repealed]*

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

**214 Provoking breach of the peace**

*[Repealed]*

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

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

*[Repealed]*

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

**216 Disorderly conduct in public places**

*[Repealed]*

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

**217 Obstructing public place**

*[Repealed]*

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

**218 Drunkenness**

*[Repealed]*

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

**219 Animal trespass**

*[Repealed]*

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

**220 Prostitution***[Repealed]*

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

**221 Laying poison***[Repealed]*

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

**222 Polluting water***[Repealed]*

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

**223 Sale of unwholesome provisions***[Repealed]*

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

**224 Insanitary premises***[Repealed]*

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

**225 Wilful trespass***[Repealed]*

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

**226 Cruelty to animals***[Repealed]*

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

**227 Falsely trading as an incorporated company***[Repealed]*

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

**228 Conspiracy**

*[Repealed]*

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

*Attempts*  
*[Repealed]*

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

**229 Attempts to commit offences**

*[Repealed]*

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

**230 Attempt proved when offence is charged**

*[Repealed]*

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

**231 Offence proved when attempt is charged**

*[Repealed]*

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

*Parties to offences*  
*[Repealed]*

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

**232 Inciting**

*[Repealed]*

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

**233 Parties to offences**

*[Repealed]*

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

**234 Common criminal purpose***[Repealed]*

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

**235 Counselling or procuring***[Repealed]*

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

**236 Accessory after the fact***[Repealed]*

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

**237 Punishment of accessories***[Repealed]*

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

*Infancy*  
*[Repealed]*

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

**237A Children under 10***[Repealed]*

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

**237B Children between 10 and 14***[Repealed]*

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

*Defences*  
*[Repealed]*

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

**238 Common law defences**

*[Repealed]*

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

**239 Common law offences**

*[Repealed]*

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

*Sentences*  
*[Repealed]*

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

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

*[Repealed]*

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

**241 Enforcement of fines**

*[Repealed]*

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

**242 Imprisonment in Niue**

*[Repealed]*

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

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

- (1) Every person sentenced to imprisonment, or committed to prison, for 6 months or more including an offender who has been recalled under section 244A of this Act 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 of this Act, 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 High 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)

In subsection (1) the words in the first set of square brackets were inserted by section 3(2) of the Niue Amendment Act 1968, and the words “of the Cabinet” were substituted for the words “under the hand of the Resident Commissioner” by section 2(1) of the Niue Amendment Act 1974.

In its application to Tokelau, subsection (1) was modified by substituting the words “under the hand of the Administrator of Tokelau” for the words “of the Cabinet and the Seal of Niue” by regulation 2(2)(b) of the Tokelau Crimes Regulations 1975 (SR 1975/279).

The words “Supreme Court” have been changed to “High Court” pursuant to section 12 Judicature Amendment Act 1979 (1979 No 124).

## **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 of

this Act 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,
  - (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) of this paragraph, 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) of this subsection, 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, 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 High Court of New Zealand.
- (2) The Prisons Parole Board, on considering the case of any offender under section 33A of the Criminal Justice Act 1954 (as so enacted), shall have regard, in addition to the matters specified in subsection (6) of that section, to such other matters of any kind whatsoever as it considers relevant in the circumstances of the case, and may, in its discretion, recommend that the offender—
- (a) Be returned to Niue and released on his arrival there; or
  - (b) Be returned in custody to Niue and continue to serve the sentence of imprisonment in some prison in Niue until a date specified by the Board (being, in the case of a prisoner undergoing a sentence of life imprisonment, such date as the Board thinks fit, and, in the case of any other prisoner, a date not later than 3 months after his return to Niue) and be released on the date so specified; or
  - (c) Be released in New Zealand.
- (3) Any recommendation of the Prisons Parole Board under subsection (2) of this section 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 High 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, may cancel the probationary licence as from the date on which the offender leaves New Zealand, and by warrant direct that as from the date of the arrival of the offender in Niue until a date specified in the warrant (being not later than the date on which the term of probation would have expired if the probationary licence had not been cancelled) the offender shall be subject to supervision by a person to be nominated from time to time by the Premier and shall comply with the directions of that person with respect to such matters as are specified in the warrant.
- (7) Every offender, if he is a Niuean, shall, as soon as he is entitled to be released or as soon thereafter as may be, unless he is to be released in New Zealand under this section, be returned to Niue pursuant to a warrant signed by the Minister of Justice, and in the meantime shall be detained in custody in some prison in New Zealand appointed by that warrant.
- (8) A recommendation of the Prisons Parole Board under this section may be given effect to pursuant to a warrant signed by the Minister of Justice with the concurrence of the Minister of Foreign Affairs.

- (9) For the purposes of this section, cumulative terms of imprisonment shall be treated as one 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)

In subsections (1)(a), (1)(b)(i), (6), and (8) the references to the Minister of Foreign Affairs were substituted for references to the Minister of Island Affairs (as substituted by section 8(2) of the Maori and Island Affairs Department Act 1968) by section 2(4)(a) of the Niue Amendment Act (No 2) 1974.

In subsections (1)(b)(ii), (3), and (6) the word “Premier” was substituted for the words “Resident Commissioner” by section 2(1) of the Niue Amendment Act 1974.

Subs (10) was added by section 2 of the Niue Amendment Act 1968.

The words “Supreme Court” have been changed to “High Court” pursuant to section 12 Judicature Amendment Act 1979 (1979 No 124).

#### **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 of this Act, 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 of this Act, shall continue to serve his original sentence.
- (3) The powers conferred by subsection (1) of this section 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 was inserted by section 3(1) of the Niue Amendment Act 1968.

In subsection (1) the words “the Cabinet” were substituted for the words “the Minister of Justice, on the application of the Resident Commissioner and with the concurrence of the Minister of Island Affairs”, and the words “signed by him” were omitted, by section 2(1) of the Niue Amendment Act 1974.

In subsection (3) the words “the Cabinet thinks fit” were substituted for the words “the Minister of Justice and the Minister of Island Affairs think fit” by section 2(1) of the Niue Amendment Act 1974.

**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 of this Act 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 of this Act 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 one term.

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

**246 Cumulative sentences**

*[Repealed]*

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

**Part 6  
Criminal procedure**

*[Repealed]*

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

**247 District Court Judges***[Repealed]*

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

**248 Jurisdiction of High Court***[Repealed]*

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

**249 Felonies and misdemeanours***[Repealed]*

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

*Preliminary proceedings**[Repealed]*

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

**250 Arrest without warrant***[Repealed]*

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

**251 Arrest on warrant of District Court Judge***[Repealed]*

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

**251A Duty of persons arresting***[Repealed]*

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

**252 Committal by District Court Judge for trial***[Repealed]*

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

*Trial by the High Court*  
*[Repealed]*

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

**253 Information**

*[Repealed]*

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

**254 Warrant or summons**

*[Repealed]*

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

**255 Warrant after issue of summons**

*[Repealed]*

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

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

*[Repealed]*

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

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

*[Repealed]*

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

**257 Remand**

*[Repealed]*

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

**258 Trial of accused in his absence***[Repealed]*

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

*Assessors**[Repealed]*

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

**259 Constitution of Court on criminal trials***[Repealed]*

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

**260 Judge with assessors***[Repealed]*

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

**261 Judge without assessors***[Repealed]*

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

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

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

**263 Order appointing assessors***[Repealed]*

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

**264 Number and qualifications of assessors***[Repealed]*

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

**265 Default of assessors**

*[Repealed]*

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

**266 Remuneration of assessors**

*[Repealed]*

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

**267 Oath of assessors**

*[Repealed]*

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

**268 Change of assessors**

*[Repealed]*

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

**269 Discharge of assessors and new trial**

*[Repealed]*

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

**270 Concurrence of assessors**

*[Repealed]*

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

**271 Concurrence of Judge**

*[Repealed]*

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

**272 Sentence**

*[Repealed]*

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

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

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

*Miscellaneous provisions**[Repealed]*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*[Repealed]*

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

**281 Conviction without sentence or discharge without conviction**

*[Repealed]*

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

**282 Bail**

*[Repealed]*

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

**283 Stay of proceedings by Cabinet**

*[Repealed]*

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

**284 Search warrants**

*[Repealed]*

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

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

*[Repealed]*

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

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

*[Repealed]*

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

**286 Pardon and remission of sentence***[Repealed]*

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

**287 Compensation for loss of property***[Repealed]*

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

**Part 7  
Law of evidence***[Repealed]*

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

**288 Definitions***[Repealed]*

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

**289 Discretionary power of admitting or rejecting evidence***[Repealed]*

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

**290 All witnesses competent***[Repealed]*

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

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

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

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

*[Repealed]*

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

**293 Cross-examination as to credit**

*[Repealed]*

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

**294 Criminating questions**

*[Repealed]*

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

**295 Evidence of prisoners**

*[Repealed]*

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

**296 Judicial notice of Acts, etc**

*[Repealed]*

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

**297 Judicial notice of seals, etc**

*[Repealed]*

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

**298 Power to administer oaths**

*[Repealed]*

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

**299 Form of oath**

*[Repealed]*

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

**300 Absence of religious belief***[Repealed]*

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

**301 Affirmation may be made instead of oath***[Repealed]*

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

**302 Form of affirmation***[Repealed]*

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

**303 Evidence of children without oath***[Repealed]*

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

**304 Necessity of oath***[Repealed]*

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

## **Part 8 Extradition**

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

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

When a warrant has been lawfully issued by any competent authority in New Zealand or in the Cook Islands for the arrest of any person and that person is suspected of being in Niue or of being about to come into Niue, a Judge of the High Court may, if he is satisfied in any manner that the warrant has been issued, and whether it has been produced to him or not, issue his warrant for the arrest of that person in Niue, and that war-

rant 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

The words “District Court Judge” have been substituted for the word “Magistrate” pursuant to section 18 District Courts Amendment Act 1979 (1979 No 125).

The words “District Court Judge” have been substituted for the word “Magistrate” pursuant to section 18 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

The words “District Court Judge” have been substituted for the word “Magistrate” pursuant to section 18 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

The words “District Court Judge” have been substituted for the word “Magistrate” pursuant to section 18 District Courts Amendment Act 1979 (1979 No 125).

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

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

Compare: 1915 No 40 s 343

The words “District Court Judge” have been substituted for the word “Magistrate” pursuant to section 18 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

The words “District Court Judge” have been substituted for the word “Magistrate” pursuant to section 18 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

The words “District Court Judge” have been substituted for the word “Magistrate” pursuant to section 18 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

The words “District Court Judge” have been substituted for the word “Magistrate” pursuant to section 18 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 High Court may cancel the order for his return.

Compare: 1915 No 40 s 347

The words “Judge of the Supreme Court” have been changed to “Judge of the High Court” pursuant to section 12 Judicature Amendment Act 1979 (1979 No 124).

The words “District Court Judge” have been substituted for the word “Magistrate” pursuant to section 18 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:
  - (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 to that Act shall be read as a reference to such of the criminal offences described in Part 5 of this Act 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)

In subsection (2)(c) the reference to the Minister of Foreign Affairs was substituted for a reference to the Minister of Island Affairs (as amended by section 8(2) of the Maori and Island Affairs Department Act 1968) by section 2(4)(a) of the Niue Amendment Act (No 2) 1974.

In subsection (2)(f) the words in square brackets were substituted for the words “to sections 31 and 38 of the Mental Health Act 1911” by section 5(3)(a) of the Criminal Justice Amendment Act 1969.

In subsection (2)(h) the words in square brackets were substituted for the words “to sections 32, 34, and 35 of the Mental Health Act 1911” by section 5(3)(b) of the Criminal Justice Amendment Act 1969.

The words “Supreme Court” have been changed to “High Court” pursuant to section 12 Judicature Amendment Act 1979 (1979 No 124).

The words “District Court Judge” have been substituted for the word “Magistrate” pursuant to section 18 District Courts Amendment Act 1979 (1979 No 125).

**Part 9**  
**Crown suits**  
*[Repealed]*

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

**321 Crown proceedings in Niue**  
*[Repealed]*

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

**322**

Section 322 was repealed by section 2(1) of the Niue Amendment Act 1974.

**Part 10**  
**Crown land**

**323**

Section 323 was repealed by section 103 of the Niue Amendment Act (No 2) 1968.

**324**

Section 324 was repealed by section 103 of the Niue Amendment Act (No 2) 1968.

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Section 325 was repealed by section 103 of the Niue Amendment Act (No 2) 1968.

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Section 326 was repealed by section 103 of the Niue Amendment Act (No 2) 1968.

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Section 327 was repealed by section 103 of the Niue Amendment Act (No 2) 1968.

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Section 331 was repealed by section 103 of the Niue Amendment Act (No 2) 1968.

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Section 332 was repealed by section 103 of the Niue Amendment Act (No 2) 1968.

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Section 333 was repealed by section 103 of the Niue Amendment Act (No 2) 1968.

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Section 334 was repealed by section 103 of the Niue Amendment Act (No 2) 1968.

## **Part 11**

### **The Land Court of Niue**

**335**

Section 335 was repealed by section 103 of the Niue Amendment Act (No 2) 1968.

**336**

Section 336 was repealed by section 103 of the Niue Amendment Act (No 2) 1968.

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Section 337 was repealed by section 103 of the Niue Amendment Act (No 2) 1968.

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Section 338 was repealed by section 103 of the Niue Amendment Act (No 2) 1968.

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Section 343 was repealed by section 103 of the Niue Amendment Act (No 2) 1968.

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Section 344 was repealed by section 103 of the Niue Amendment Act (No 2) 1968.

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Section 353 was repealed by section 103 of the Niue Amendment Act (No 2) 1968.

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Section 354 was repealed by section 103 of the Niue Amendment Act (No 2) 1968.

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Section 367 was repealed by section 103 of the Niue Amendment Act (No 2) 1968.

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Section 382 was repealed by section 103 of the Niue Amendment Act (No 2) 1968.

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Section 383 was repealed by section 103 of the Niue Amendment Act (No 2) 1968.

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Section 384 was repealed by section 103 of the Niue Amendment Act (No 2) 1968.

**385**

Section 385 was repealed by section 103 of the Niue Amendment Act (No 2) 1968.

## **Part 12**

### **The Land Appellate Court of Niue**

**386**

Section 386 was repealed by section 103 of the Niue Amendment Act (No 2) 1968.

**387**

Section 387 was repealed by section 103 of the Niue Amendment Act (No 2) 1968.

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Section 388 was repealed by section 103 of the Niue Amendment Act (No 2) 1968.

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Section 389 was repealed by section 103 of the Niue Amendment Act (No 2) 1968.

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Section 392 was repealed by section 103 of the Niue Amendment Act (No 2) 1968.

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Section 393 was repealed by section 103 of the Niue Amendment Act (No 2) 1968.

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Section 394 was repealed by section 103 of the Niue Amendment Act (No 2) 1968.

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Section 399 was repealed by section 103 of the Niue Amendment Act (No 2) 1968.

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Section 400 was repealed by section 103 of the Niue Amendment Act (No 2) 1968.

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Section 401 was repealed by section 103 of the Niue Amendment Act (No 2) 1968.

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Section 402 was repealed by section 103 of the Niue Amendment Act (No 2) 1968.

**403**

Section 403 was repealed by section 103 of the Niue Amendment Act (No 2) 1968.

**404**

Section 404 was repealed by section 103 of the Niue Amendment Act (No 2) 1968.

## **Part 13**

### **Customary land**

**405**

Section 405 was repealed by section 103 of the Niue Amendment Act (No 2) 1968.

**406**

Section 406 was repealed by section 103 of the Niue Amendment Act (No 2) 1968.

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Section 407 was repealed by section 103 of the Niue Amendment Act (No 2) 1968.

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Section 408 was repealed by section 103 of the Niue Amendment Act (No 2) 1968.

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Section 409 was repealed by section 103 of the Niue Amendment Act (No 2) 1968.

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Section 410 was repealed by section 103 of the Niue Amendment Act (No 2) 1968.

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Section 411 was repealed by section 103 of the Niue Amendment Act (No 2) 1968.

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Section 412 was repealed by section 103 of the Niue Amendment Act (No 2) 1968.

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Section 413 was repealed by section 103 of the Niue Amendment Act (No 2) 1968.

**414**

Section 414 was repealed by section 103 of the Niue Amendment Act (No 2) 1968.

**Part 14****Partition and exchange of Niuean land****415**

Section 415 was repealed by section 103 of the Niue Amendment Act (No 2) 1968.

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Section 416 was repealed by section 103 of the Niue Amendment Act (No 2) 1968.

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Section 417 was repealed by section 103 of the Niue Amendment Act (No 2) 1968.

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Section 421 was repealed by section 103 of the Niue Amendment Act (No 2) 1968.

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Section 427 was repealed by section 103 of the Niue Amendment Act (No 2) 1968.

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Section 428 was repealed by section 103 of the Niue Amendment Act (No 2) 1968.

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Section 429 was repealed by section 103 of the Niue Amendment Act (No 2) 1968.

**430**

Section 430 was repealed by section 103 of the Niue Amendment Act (No 2) 1968.

## **Part 15**

### **Alienation of Niuean land**

**431**

Section 431 was repealed by section 103 of the Niue Amendment Act (No 2) 1968.

**432**

Section 432 was repealed by section 103 of the Niue Amendment Act (No 2) 1968.

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Section 433 was repealed by section 103 of the Niue Amendment Act (No 2) 1968.

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Section 434 was repealed by section 103 of the Niue Amendment Act (No 2) 1968.

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Section 458 was repealed by section 103 of the Niue Amendment Act (No 2) 1968.

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Section 459 was repealed by section 103 of the Niue Amendment Act (No 2) 1968.

**460**

Section 460 was repealed by section 103 of the Niue Amendment Act (No 2) 1968.

## **Part 16**

### **Land development**

*[Repealed]*

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

**461 Application of this Part**

*[Repealed]*

Section 461: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**462 Cabinet of Ministers may cultivate land on behalf of owners**

*[Repealed]*

Section 462: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**463 Disposal of revenues received by Cabinet of Ministers**

*[Repealed]*

Section 463: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**464 Money to be paid out of or into Niue Government Account**

*[Repealed]*

Section 464: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

465

Section 465 was repealed by section 2(1) of the Niue Amendment Act 1974.

**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

Section 467 was repealed by section 2(1) of the Niue Amendment Act 1974.

**Part 17**  
**Housing improvement**

468

Section 468 was repealed by section 27(1) of the Niue Amendment Act 1971.

469

Section 469 was repealed by section 27(1) of the Niue Amendment Act 1971.

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Section 470 was repealed by section 27(1) of the Niue Amendment Act 1971.

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Section 471 was repealed by section 27(1) of the Niue Amendment Act 1971.

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Section 472 was repealed by section 27(1) of the Niue Amendment Act 1971.

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Section 473 was repealed by section 27(1) of the Niue Amendment Act 1971.

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Section 474 was repealed by section 27(1) of the Niue Amendment Act 1971.

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Section 475 was repealed by section 27(1) of the Niue Amendment Act 1971.

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Section 476 was repealed by section 27(1) of the Niue Amendment Act 1971.

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Section 477 was repealed by section 27(1) of the Niue Amendment Act 1971.

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Section 478 was repealed by section 27(1) of the Niue Amendment Act 1971.

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Section 479 was repealed by section 27(1) of the Niue Amendment Act 1971.

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Section 480 was repealed by section 27(1) of the Niue Amendment Act 1971.

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Section 481 was repealed by section 27(1) of the Niue Amendment Act 1971.

**482**

Section 482 was repealed by section 27(1) of the Niue Amendment Act 1971.

**483**

Section 483 was repealed by section 27(1) of the Niue Amendment Act 1971.

## **Part 18**

### **Vesting orders**

**484**

Section 484 was repealed by section 103 of the Niue Amendment Act (No 2) 1968.

**485**

Section 485 was repealed by section 103 of the Niue Amendment Act (No 2) 1968.

**486**

Section 486 was repealed by section 103 of the Niue Amendment Act (No 2) 1968.

**487**

Section 487 was repealed by section 103 of the Niue Amendment Act (No 2) 1968.

**488**

Section 488 was repealed by section 103 of the Niue Amendment Act (No 2) 1968.

## **Part 19**

### **Niuean succession**

*[Repealed]*

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

**489 Wills of Niueans**

*[Repealed]*

Section 489: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**490 Succession to deceased Niueans**

*[Repealed]*

Section 490: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**491 Niuean land not to vest in administrator**

*[Repealed]*

Section 491: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**492**

Section 492 was repealed by section 103 of the Niue Amendment Act (No 2) 1968.

**493**

Section 493 was repealed by section 103 of the Niue Amendment Act (No 2) 1968.

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Section 494 was repealed by section 103 of the Niue Amendment Act (No 2) 1968.

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Section 495 was repealed by section 103 of the Niue Amendment Act (No 2) 1968.

**496**

Section 496 was repealed by section 103 of the Niue Amendment Act (No 2) 1968.

**497 Niuean land not assets for payment of debts**

*[Repealed]*

Section 497: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**498 Estate of Niuean other than land to be assets for payment of debts**

*[Repealed]*

Section 498: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**499**

Section 499 was repealed by section 103 of the Niue Amendment Act (No 2) 1968.

## **Part 20**

### **Trustees for Niueans**

*[Repealed]*

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

#### **500 Definition of person under disability**

*[Repealed]*

Section 500: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

#### **501 Trustee orders**

*[Repealed]*

Section 501: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

#### **502 Matters to be set forth in trustee orders**

*[Repealed]*

Section 502: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

#### **503 Appointment of new trustees**

*[Repealed]*

Section 503: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

#### **504 Orders restricting powers of trustees**

*[Repealed]*

Section 504: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

#### **505 Cancellation of trustee orders**

*[Repealed]*

Section 505: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

#### **506 Determination of trustee orders**

*[Repealed]*

Section 506: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**507 Trust property not to vest in trustee**

*[Repealed]*

Section 507: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**508 Administration of property by trustee**

*[Repealed]*

Section 508: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**509 Alienation of property by trustee**

*[Repealed]*

Section 509: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**510 Powers of trustee**

*[Repealed]*

Section 510: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**511 Expenditure of revenues of trust property**

*[Repealed]*

Section 511: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**512 Enforcement of trusts**

*[Repealed]*

Section 512: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**513 Co-trustees must act jointly**

*[Repealed]*

Section 513: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**514 Remuneration of trustees**

*[Repealed]*

Section 514: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**Part 21**  
**Marriage**  
*[Repealed]*

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

**515 Prohibited degrees of consanguinity or affinity**  
*[Repealed]*

Section 515: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**516 Marriages to take place before marriage officer**  
*[Repealed]*

Section 516: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**517 Marriage Officer defined**  
*[Repealed]*

Section 517: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**518 Appointment of marriage officers**  
*[Repealed]*

Section 518: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**519 Offence**  
*[Repealed]*

Section 519: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**520 Notice of marriage**  
*[Repealed]*

Section 520: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**521 Mode of solemnisation**  
*[Repealed]*

Section 521: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**522 Record of marriage**

*[Repealed]*

Section 522: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**523 Signature of record**

*[Repealed]*

Section 523: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**524 Transmission of record**

*[Repealed]*

Section 524: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**525 Minimum age of marriage**

*[Repealed]*

Section 525: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**526 Marriage of minors**

*[Repealed]*

Section 526: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**527 Offence by marriage officer**

*[Repealed]*

Section 527: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**528 Signature of false record by party or witness**

*[Repealed]*

Section 528: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**529 Misrepresentation as to facts to procure marriage**

*[Repealed]*

Section 529: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**Part 22****Divorce***[Repealed]*

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

**530 Jurisdiction of High Court in divorce***[Repealed]*

Section 530: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**531 Nullity of marriage and dissolution of voidable marriage***[Repealed]*

Section 531: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**532 Limitation of jurisdiction***[Repealed]*

Section 532: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**533 Domicile and residence***[Repealed]*

Section 533: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

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

Section 534: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**535 Grounds of refusal of divorce***[Repealed]*

Section 535: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**536 Discretion to refuse decree in certain cases***[Repealed]*

Section 536: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**537 Co-respondent as a party**

*[Repealed]*

Section 537: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**538 Intervention**

*[Repealed]*

Section 538: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**539 Agreement no bar to divorce**

*[Repealed]*

Section 539: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**540 No appeal to Court of Appeal**

*[Repealed]*

Section 540: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**541 Remarriage of divorced persons**

*[Repealed]*

Section 541: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**542 Costs**

*[Repealed]*

Section 542: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**543 Order for maintenance of divorced wife**

*[Repealed]*

Section 543: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**544 Order as to custody of children**

*[Repealed]*

Section 544: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**545 Molestation of divorced wife by her husband***[Repealed]*

Section 545: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**546 Jurisdiction of High Court***[Repealed]*

Section 546: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**Part 23  
Maintenance and affiliation***[Repealed]*

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

**547 Interpretation***[Repealed]*

Section 547: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

*Maintenance and affiliation orders**[Repealed]*

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

**548 Jurisdiction of High Court***[Repealed]*

Section 548: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**549 Applications***[Repealed]*

Section 549: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**550 Jurisdiction discretionary**

*[Repealed]*

Section 550: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**551 Affiliation orders**

*[Repealed]*

Section 551: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**552 Evidence**

*[Repealed]*

Section 552: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**553 Maintenance order in favour of child born out of wedlock**

*[Repealed]*

Section 553: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**554 Maintenance order against father in favour of child**

*[Repealed]*

Section 554: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**555 Maintenance order against mother in favour of child**

*[Repealed]*

Section 555: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**556 Maintenance order against husband in favour of wife**

*[Repealed]*

Section 556: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**557 Maintenance order against wife in favour of husband**

*[Repealed]*

Section 557: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**558 Maintenance order against any person in favour of father or mother***[Repealed]*

Section 558: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**559 Disobedience to maintenance order***[Repealed]*

Section 559: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**560 Maintenance money a debt***[Repealed]*

Section 560: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**561 Order in favour of non-residents***[Repealed]*

Section 561: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**562 Order against non-residents***[Repealed]*

Section 562: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**563 Orders *in absentia****[Repealed]*

Section 563: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**564 Repeated applications***[Repealed]*

Section 564: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**565 Payments not to be made in advance***[Repealed]*

Section 565: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**566 Cancellation, variation, and suspension of orders**

*[Repealed]*

Section 566: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**567 Payment of maintenance money**

*[Repealed]*

Section 567: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**568 Security for obedience to maintenance orders**

*[Repealed]*

Section 568: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**569 Operation of agreements**

*[Repealed]*

Section 569: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**570 Purport and duration of maintenance orders**

*[Repealed]*

Section 570: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**571 Order for past maintenance**

*[Repealed]*

Section 571: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

*Offences*  
*[Repealed]*

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

**572 Leaving Niue while maintenance money in arrear**

*[Repealed]*

Section 572: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**573 Leaving Niue after affiliation order and before birth of child***[Repealed]*

Section 573: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

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

Section 574: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**575 Leaving Niue while failing to maintain wife***[Repealed]*

Section 575: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**576 Leaving Niue while failing to maintain child***[Repealed]*

Section 576: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

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

Section 577: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**578 Attempting to leave Niue***[Repealed]*

Section 578: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**579 Evidence of intent***[Repealed]*

Section 579: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

## **Part 24**

### **Adoption of children by Niueans**

**580**

Section 580 was repealed by section 103 of the Niue Amendment Act (No 2) 1968.

**581**

Section 581 was repealed by section 103 of the Niue Amendment Act (No 2) 1968.

**582**

Section 582 was repealed by section 103 of the Niue Amendment Act (No 2) 1968.

**583**

Section 583 was repealed by section 103 of the Niue Amendment Act (No 2) 1968.

**584**

Section 584 was repealed by section 103 of the Niue Amendment Act (No 2) 1968.

**585**

Section 585 was repealed by section 103 of the Niue Amendment Act (No 2) 1968.

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Section 586 was repealed by section 103 of the Niue Amendment Act (No 2) 1968.

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Section 587 was repealed by section 103 of the Niue Amendment Act (No 2) 1968.

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Section 588 was repealed by section 103 of the Niue Amendment Act (No 2) 1968.

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Section 589 was repealed by section 103 of the Niue Amendment Act (No 2) 1968.

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Section 590 was repealed by section 103 of the Niue Amendment Act (No 2) 1968.

**591**

Section 591 was repealed by section 103 of the Niue Amendment Act (No 2) 1968.

**592**

Section 592 was repealed by section 103 of the Niue Amendment Act (No 2) 1968.

**Part 25****Adoption of children by Europeans and  
Niuean spouses of Europeans****593**

Section 593 was repealed by section 103 of the Niue Amendment Act (No 2) 1968.

**594**

Section 594 was repealed by section 103 of the Niue Amendment Act (No 2) 1968.

**595**

Section 595 was repealed by section 103 of the Niue Amendment Act (No 2) 1968.

**596**

Section 596 was repealed by section 103 of the Niue Amendment Act (No 2) 1968.

**597**

Section 597 was repealed by section 103 of the Niue Amendment Act (No 2) 1968.

**598**

Section 598 was repealed by section 103 of the Niue Amendment Act (No 2) 1968.

**599**

Section 599 was repealed by section 103 of the Niue Amendment Act (No 2) 1968.

**Part 26****Persons of unsound mind***Orders of medical custody***600 Application by Medical Officer to High Court***[Repealed]*

Section 600: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

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

Section 601: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**602 Order of medical custody**

*[Repealed]*

Section 602: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**603 Renewal of order**

*[Repealed]*

Section 603: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**604 Cancellation of order**

*[Repealed]*

Section 604: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**605 Discharge from custody**

*[Repealed]*

Section 605: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**606 Arrest and detention of persons committed to medical custody**

*[Repealed]*

Section 606: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**607 Treatment of person so detained**

*[Repealed]*

Section 607: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**608 Removal from Niue to New Zealand**

When an order of medical custody has been so made against any person, the High Court may, at the same time or at any time thereafter while the order remains in force, issue under the seal of the Court a warrant for the removal of that person from Niue to New Zealand.

Compare: 1915 No 40 s 582

**609 Conditions of removal**

No such warrant shall be issued unless the Court is satisfied, on the certificate by the Director of Health or by 2 Medical Officers, and on the examination of the person alleged to be of unsound mind, that his removal from Niue to New Zealand is necessary in his own interests or for the safety of other persons.

Compare: 1915 No 40 s 583; 1956 No 27 s 12(2); 1963 No 132 s 16(2)

The words “Director of Health” were substituted for the words “Chief Medical Officer” by section 18(3)(b) of the Niue Amendment Act 1971.

**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

The words “Director of Health” were substituted for the words “Chief Medical Officer” by section 18(3)(b) of the Niue Amendment Act 1971.

**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 of this Act 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 Act 1969 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 of this Act, the application to the High Court for the last-mentioned order, and the certificate produced to the High Court pursuant to section 601 of this Act 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 of this Act 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)

In subss. (1) and (3) the Mental Health Act 1969 has been substituted for the repealed Mental Health Act 1911.

In subsections (1), (2), and (3) the references to a hospital, wherever they occur, were substituted for references to an institution by section 129(5) of the Mental Health Act 1969.

**612 Administration of estates of persons of unsound mind**

*[Repealed]*

Section 612: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**613 No committee of estate of person of unsound mind**

*[Repealed]*

Section 613: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**614 Warrant for arrest of persons of unsound mind**

*[Repealed]*

Section 614: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**615 Arrest without warrant of persons of unsound mind**

*[Repealed]*

Section 615: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

*Persons of unsound mind charged with offences*

*[Repealed]*

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

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

Section 616: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**617 Detention of accused persons acquitted on ground of insanity***[Repealed]*

Section 617: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**618 Discharge***[Repealed]*

Section 618: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**619 Orders of medical custody**

- (1) When any person is so detained, whether in the case of a charge of murder or manslaughter or otherwise, the High Court shall have the same jurisdiction to make an order of medical custody or to issue a warrant for removal to New Zealand as in the case of any other person of unsound mind.
- (2) Any order of medical custody so made shall supersede the order for detention during the pleasure of the Cabinet of Ministers or the Governor-General, save that, in the case of a charge of murder or manslaughter, no person shall be discharged from custody either in Niue or New Zealand except with the consent of the Governor-General.

Compare: 1915 No 40 s 593; 1965 No 1 s 3(1)

In subsection (2) the reference to the Cabinet of Ministers was substituted for a reference to the Resident Commissioner by section 2(2)(c) of the Niue Amendment Act 1974.

**620 The defence of insanity in criminal prosecutions***[Repealed]*

Section 620: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**Part 27**  
**Intoxicating liquor**  
*[Repealed]*

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

**621 Interpretation**  
*[Repealed]*

Section 621: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**621A Importation of intoxicating liquor**  
*[Repealed]*

Section 621A: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**622 Liquor control authority**  
*[Repealed]*

Section 622: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**623 Manufacture of intoxicating liquor prohibited**  
*[Repealed]*

Section 623: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**624 Importation of intoxicating liquor prohibited**  
*[Repealed]*

Section 624 was repealed, as from 1 October 1996, by section 289(1) Customs and Excise Act 1996 (1996 No 27).

In the original subsection (1) the words “section 6211A or” were inserted by section 4(2) of the Niue Amendment Act 1968.

**625 Cabinet of Ministers may import intoxicating liquor**  
*[Repealed]*

Section 625: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

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

Section 626: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**627 Sale of intoxicating liquor***[Repealed]*

Section 627: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**628 Restrictions on giving intoxicating liquor to other persons***[Repealed]*

Section 628: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**629 Arrest of persons suspected of having illegally dealt with intoxicating liquor***[Repealed]*

Section 629: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**630 Seizure and forfeiture of intoxicating liquor***[Repealed]*

Section 630: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**631 Search warrant***[Repealed]*

Section 631: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

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

Section 632: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**633 Names of persons found on premises searched may be demanded**

*[Repealed]*

Section 633: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**Part 28  
Roads**

**634**

Section 634 was repealed by section 103 of the Niue Amendment Act (No 2) 1968.

**635**

Section 635 was repealed by section 103 of the Niue Amendment Act (No 2) 1968.

**636**

Section 636 was repealed by section 103 of the Niue Amendment Act (No 2) 1968.

**637**

Section 637 was repealed by section 103 of the Niue Amendment Act (No 2) 1968.

**638**

Section 638 was repealed by section 103 of the Niue Amendment Act (No 2) 1968.

**639**

Section 639 was repealed by section 103 of the Niue Amendment Act (No 2) 1968.

**640**

Section 640 was repealed by section 103 of the Niue Amendment Act (No 2) 1968.

**641**

Section 641 was repealed by section 103 of the Niue Amendment Act (No 2) 1968.

**642**

Section 642 was repealed by section 103 of the Niue Amendment Act (No 2) 1968.

**643**

Section 643 was repealed by section 103 of the Niue Amendment Act (No 2) 1968.

**644**

Section 644 was repealed by section 103 of the Niue Amendment Act (No 2) 1968.

## **Part 29**

### **Niuean antiquities**

*[Repealed]*

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

#### **645 Interpretation**

*[Repealed]*

Section 645: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

#### **646 Minister may acquire Niuean antiquities**

*[Repealed]*

Section 646: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

#### **647 Niuean antiquities to be offered for sale before exportation**

*[Repealed]*

Section 647: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

#### **648 Power to detain Niuean antiquities attempted to be exported**

*[Repealed]*

Section 648: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

#### **649 Exporting Niuean antiquities without permission**

*[Repealed]*

Section 649: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**650 Power to remove antiquities in certain cases**

*[Repealed]*

Section 650: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**651 Right to copy of antiquities intended to be exported**

*[Repealed]*

Section 651: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**652 Cabinet of Ministers to decide what articles come under this Part**

*[Repealed]*

Section 652: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**653**

Section 653 was repealed by section 26(j) of the Niue Amendment Act 1971.

**Part 30  
Customs**

*[Repealed]*

Part 30: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**654 Customs Act 1966 in force in Niue**

*[Repealed]*

Section 654: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**655 Niue Assembly may modify Tariff or substitute new Tariff**

*[Repealed]*

Section 655: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**656 Goods may be imported from New Zealand or Cook Islands free of duty**

*[Repealed]*

Section 656: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

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

Section 657: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**658 Actions and prosecutions in relation to Niue***[Repealed]*

Section 658: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

## **Part 31**

### **The Niue Public Service**

**659 Interpretation**

In this Part of this Act, 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 Services Act 1962 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.

New Zealand Government Service: the reference to the Government Superannuation Fund Act 1956 was substituted for a reference to the former Superannuation Act 1956 by section 3(3) of the Government Superannuation Fund Amendment Act 1976.

Compare: 1957 No 103 s 76; 1965 No 1 s 3(1)

**660 Appointments of employees***[Repealed]*

Section 660: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**661 Exemptions**

*[Repealed]*

Section 661: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**662 State Services Act 1962 not applicable**

*[Repealed]*

Section 662: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**663**

Section 663 was repealed by section 2(1) of the Niue Amendment Act 1974.

**664**

Section 664 was repealed by section 2(1) of the Niue Amendment Act 1974.

**665 Public Service Regulations**

*[Repealed]*

Section 665: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**666 Payment of salary and allowances**

*[Repealed]*

Section 666: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**667 Bonds and deeds of covenant by employees or prospective employees**

*[Repealed]*

Section 667: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**668 Concurrent offices**

*[Repealed]*

Section 668: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**669 Employment in New Zealand Government Service and Niue Public Service**

- (1) Any person permanently employed in the New Zealand Government Service may, with the consent of the New Zealand

controlling authority, be appointed to any position in the Niue Public Service in all respects as if he were an employee thereof; but, until he is appointed to a position in the Niue Public Service, no such person shall have any right of appeal against any determination of the Commission in relation to any appointment, promotion, or transfer in or to the Niue Public Service.

- (2) Any person permanently employed in the Niue Public Service may be appointed to any position in the New Zealand Government Service in all respects as if he were permanently employed therein; but, until he is appointed to a position in the New Zealand Government Service, no such person shall have any right of appeal against any determination of the New Zealand controlling authority in relation to any appointment, promotion, or transfer in the New Zealand Government Service.
- (3) Any person appointed to a position in the Niue Public Service under subsection (1) of this section or to a position in the New Zealand Government Service under subsection (2) of this section may hold positions concurrently in both services, and in such a case—
  - (a) His status, rights, and liabilities in each service shall be unaffected by the fact that he holds a position in the other service; and
  - (b) In respect of each position he shall be subject to the laws governing the service to which that position belongs, irrespective of his tenure of a position in the other service; and
  - (c) He shall in respect of each service be qualified for promotion, increase of salary, and appointment to any other position as if he held no position in the other service.
- (4) So long as any person so holds positions concurrently in both services, he shall be deemed to be absent on leave without pay from the New Zealand Government Service or, as the case may be, from the Niue Public Service, unless the New Zealand controlling authority or, as the case may be, the Commission otherwise directs.
- (5) When an employee of the New Zealand Government Service is appointed to a position in the Niue Public Service, and then

or thereafter ceases to hold a position in the New Zealand Government Service, he shall not be deemed for that reason to have retired from the New Zealand Government Service, but shall become a supernumerary employee of that service, and, unless he sooner resigns from the New Zealand Government Service, shall so remain until he ceases to be employed in the Niue Public Service and for such further period, not exceeding 6 months, as the New Zealand controlling authority may from time to time in any case allow.

- (6) When an employee of the Niue Public Service is appointed to a position in the New Zealand Government Service, and then or thereafter ceases to hold a position in the Niue Public Service, he shall not be deemed for that reason to have retired from the Niue Public Service, but shall become a supernumerary employee of that service, and, unless he sooner resigns from the Niue Public Service, shall so remain until he ceases to be employed in the New Zealand Government Service and for such further period, not exceeding 6 months, as the Commission may from time to time in any case allow.
- (7) A supernumerary employee shall receive no pay in respect of the service of which he is a supernumerary employee, but shall for all other purposes be deemed to remain an employee of that service.
- (8) Any employee of the Niue Public Service may, with the consent of the New Zealand controlling authority, be attached to the New Zealand Government Service for training or experience, and during the period of his service in New Zealand that employee shall be paid such salary and allowances as may be determined by the New Zealand controlling authority.

Compare: 1957 No 103 s 85; 1962 No 40 s 18; 1965 No 1 s 3(2)

**670 Contribution to Government Superannuation Fund by employees of the Niue Public Service**

- (1) The provisions of subsections (2) and (3) of section 50 of the Government Superannuation Fund Act 1956 shall not apply to any permanent employee of the Niue Public Service who was not ordinarily resident in Niue immediately before his appointment to the Niue Public Service, or, in the case of an appointment made before the commencement of this Act, to the Cook

Islands Public Service, unless at any time, by notice in writing to the Government Superannuation Fund Authority, he elects to become a contributor to that Fund; and, if he so elects,—

- (a) He shall be a contributor to that Fund from the dates specified in subsection (2) or subsection (3), as the case may be, of the said section 50, or from such date as he may elect pursuant to the provisions of section 22 of the Government Superannuation Fund Act 1956; and
  - (b) He shall have the right, pursuant to section 28 of that Act, to cease to be a contributor.
- (2) While any employee to whom subsection (1) of section 669 of this Act 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 one 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) of this section, 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 of this Act 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 one 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 of this Act:

- (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)

Subsections (1), (2) and (4): the references to the Government Superannuation Fund Act 1956 and the Government Superannuation Fund Amendment Act 1958 were substituted for references to the former Superannuation Act 1956 and Superannuation Amendment Act 1958 by section 3(3) of the Government Superannuation Fund Amendment Act 1976.

Subsection (1) was amended, as from 2 October 2001, by section 40 Government Superannuation Fund Amendment Act 2001 (2001 No 47), by substituting the words “the Government Superannuation Fund Authority” for the words “the Superintendent of the Government Superannuation Fund”. *See* sections 2(3) and 2(4) of that Act for transitional provisions relating to the period between 21 August 2001 (the date the Government Superannuation Fund Amendment Act 2001 was assented) and 2 October 2001. *See* section 28 Government Superannuation Fund Amendment Act 2001, which allows the minister to enter into transitional agreements. *See* Part 2 of that Act as to various miscellaneous provisions.

Subsection (5) was amended, as from 1 October 1995, by section 31 Government Superannuation Fund Amendment Act 1995 (1995 No 28) by substituting the words “the Superintendent of the Government Superannuation Fund determines, such sum as the Superintendent fixes” for the words “the Government Superannuation Board determines, such sum as the Board fixes”.

Subsection (5) was amended, as from 2 October 2001, by section 40 Government Superannuation Fund Amendment Act 2001 (2001 No 47) by substituting the words “the Government Superannuation Fund Authority determines, such sum as that Authority” for the words “the Superintendent of the Government Superannuation Fund determines, such sum as the Superintendent”. *See* sections 2(3) and 2(4) of that Act for transitional provisions relating to the period between 21 August 2001 (the date the Government Superannuation Fund Amendment Act 2001 was assented) and 2 October 2001. *See* section 28 Government Superannuation Fund Amendment Act 2001, which allows the minister to enter into transitional agreements. *See* Part 2 of that Act as to various miscellaneous provisions.

Subsection (6)(dd): the references to the Government Superannuation Fund Act 1956 and the Government Superannuation Fund Amendment Act 1958 were substituted for references to the former Superannuation Act 1956 and Superannuation Amendment Act 1958 by section 3(3) of the Government Superannuation Fund Amendment Act 1976.

## 671

Section 671 was repealed by section 17 of the Tokelau Islands Amendment Act 1967.

## **Part 32**

### **The laws of Niue: general provisions**

#### *Application of the laws of New Zealand*

**672 Law of England as in the year 1840 to be in force in Niue**

*[Repealed]*

Section 672: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**673 Jurisdiction of the High Court**

*[Repealed]*

Section 673: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

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

*[Repealed]*

Section 674: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

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

*[Repealed]*

Section 675: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

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

*[Repealed]*

Section 676: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**677 Other enactments in force in Niue to be read subject to this Act**

*[Repealed]*

Section 677: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**678 Criminal procedure in Niue**

*[Repealed]*

Section 678: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**679 Acts Interpretation Act in force in Niue***[Repealed]*

Section 679: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**680 Administration Act in force in Niue***[Repealed]*

Section 680: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**681 Arbitration Act in force in Niue***[Repealed]*

Section 681: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

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

Section 682: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**683 Carriers Act in force in Niue***[Repealed]*

Section 683: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**683A Charitable Trusts Act in force in Niue**

- (1) The Charitable Trusts Act 1957 shall be in force in Niue.
- (2) In that Act the term **New Zealand** shall, both in New Zealand and in Niue, be read as including Niue.

Section 683A was inserted by section 5 of the Niue Amendment Act 1968.

**684 Chattels Transfer Act in force in Niue***[Repealed]*

Section 684: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**684A Citizenship Act in force in Niue**

*[Repealed]*

Section 684A: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

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

*[Repealed]*

Section 685: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**686 Copyright Act in force in Niue**

- (1) The Copyright Act 1962 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

**687 Deaths by Accidents Compensation Act in force in Niue**

*[Repealed]*

Section 687: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**688 Demise of the Crown Act in force in Niue**

*[Repealed]*

Section 688: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**689 Designs Act in force in Niue**

- (1) The Designs Act 1953 shall be in force in Niue in the same manner in all respects as if Niue were for all purposes part of New Zealand, and the term **New Zealand** as used in that Act shall, both in New Zealand and in Niue, be read as including Niue accordingly.
- (2) The High Court shall have no jurisdiction in civil proceedings under that Act.

- (3) All designs registered in New Zealand at the commencement of this Act shall have the same protection in Niue as in New Zealand.

Compare: 1915 No 40 s 635; 1965 No 1 s 3(1)

**689A Misuse of Drugs Act in force in Niue**

*[Repealed]*

Section 689A: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**690 Incorporated Societies Act in force in Niue**

- (1) The Incorporated Societies Act 1908 shall be in force in Niue.  
(2) In that Act the term **New Zealand** shall, both in New Zealand and in Niue, be read as including Niue.

Compare: 1952 No 32 s 5

**691 Industrial and Provident Societies Act in force in Niue**

*[Repealed]*

Section 691: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**692 Parts of Infants Act in force in Niue**

*[Repealed]*

Section 692: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**693 Marine Insurance Act in force in Niue**

*[Repealed]*

Section 693: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**694 Mercantile Law Act in force in Niue**

- (1) The Mercantile Law Act 1908 shall be in force in Niue.  
(2) Both in the application of that Act to Niue and in its application to New Zealand the term **New Zealand** as used in that Act shall be deemed to include Niue as being part of New Zealand.

Compare: 1915 No 40 s 632

**695 Merchandise Marks Act in force in Niue**

- (1) The Merchandise Marks Act 1954 shall be in force in Niue in all respects as if Niue were for all purposes part of New Zealand, and the term **New Zealand** as used in that Act shall, both in New Zealand and in Niue, be read as including Niue accordingly.
- (2) The High Court shall have no jurisdiction in civil proceedings under that Act.

Compare: 1915 No 40 s 635; 1965 No 1 s 3(1)

**696 Occupiers Liability Act in force in Niue**

*[Repealed]*

Section 696: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**697 Partnership Act in force in Niue**

*[Repealed]*

Section 697: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**698 Patents Act in force in Niue**

- (1) The Patents Act 1953 shall be in force in Niue in the same manner in all respects as if Niue were for all purposes part of New Zealand, and the term **New Zealand** as used in that Act shall, both in New Zealand and in Niue, be read as including Niue accordingly.
- (2) The High Court shall have no jurisdiction in civil proceedings under that Act.
- (3) All patents in force in New Zealand at the commencement of this Act shall extend to and be in force in Niue in the same manner as in New Zealand.

Compare: 1915 No 40 s 635; 1965 No 1 s 3(1)

**699 Post Office Act in force in Niue**

- (1) The Post Office Act 1959, except Parts 13 to 16, shall be in force in Niue in the same manner in all respects as if Niue were for all purposes part of New Zealand, subject to the following modifications.

- (2) All powers conferred upon a District Court Judge by that Act may be exercised in Niue by the High Court.
- (3) The term **New Zealand** as used in that Act shall, both in New Zealand and in Niue, be read as including Niue.

Compare: 1915 No 40 s 636

The words “District Court Judge” have been substituted for the word “Magistrate” pursuant to section 18 District Courts Amendment Act 1979 (1979 No 125).

#### **700 Property Law Act in force in Niue**

*[Repealed]*

Section 700: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

#### **701 Sale of Goods Act in force in Niue**

*[Repealed]*

Section 701: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

#### **701A Seal of New Zealand Act in force in Niue**

*[Repealed]*

Section 701A: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

#### **702 Trade Marks Act in force in Niue**

- (1) The Trade Marks Act 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 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]*

Section 703: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**704 Wills Act Amendment Act 1852 in force in Niue**

*[Repealed]*

Section 704: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**705 Merchant Shipping Act (UK) not to apply to Niue**

*[Repealed]*

Section 705: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**706 Limitation of actions**

- (1) The law of Niue as to prescription and the limitation of actions shall be the same as that which is in force for the time being in New Zealand.
- (2) For the purposes of the law as to prescription and the limitation of actions, New Zealand shall in Niue be deemed to be parts beyond the seas, and Niue shall in New Zealand be deemed to be parts beyond the seas.
- (3) No right, title, estate, or interest in Niuean land shall be acquired or lost by prescription or limitation.

Compare: 1915 No 40 s 641

*Miscellaneous rules of law*

**707 Legal status of married women**

*[Repealed]*

Section 707: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**708 Legitimacy**

*[Repealed]*

Section 708: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**709 Joint liability***[Repealed]*

Section 709: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**710 Contracts of guarantee***[Repealed]*

Section 710: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**711 Contracts***[Repealed]*

Section 711: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**712 Securities given by Niueans***[Repealed]*

Section 712: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**713 Employer's liability***[Repealed]*

Section 713: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**714 Liability of owners of dogs***[Repealed]*

Section 714: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**715 Distress for rent abolished***[Repealed]*

Section 715: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

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

Section 716: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**717 Calendar of Niue**

*[Repealed]*

Section 717: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**718 Time of day in Niue**

*[Repealed]*

Section 718: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**719 Statutory references to time**

*[Repealed]*

Section 719: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**720 Statutory declarations**

- (1) Any Judge or Commissioner of the High Court or the Land Court, the Registrar of the High Court or of the Land Court, any Judge of the Land Appellate Court, the Resident Commissioner, the Comptroller of Customs, or any Justice of the Peace for Niue, Medical Officer, Commissioner of the High Court, or Solicitor of the High 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 to this Act.
- (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)

The words “Supreme Court” have been changed to “High Court” pursuant to section 12 Judicature Amendment Act 1979 (1979 No 124).

**721 Execution of documents in Niue for use in New Zealand**

Where in any enactment (whether in force in Niue or not) it is provided that any document executed outside New Zealand shall be admissible in New Zealand before any Court or any

person acting judicially or be accepted for registration or deposit in New Zealand if the execution thereof is witnessed by a notary public, Commonwealth representative, Consular officer, or overseas representative of the Government of New Zealand, or any person holding any other specified office, it shall be a sufficient compliance with that provision, in the case of a document executed in Niue, if the execution is witnessed by the Resident Commissioner or by a Judge, or Commissioner, or the Registrar of the High Court.

**722 Taxes on Niuean land**

*[Repealed]*

Section 722: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**723 Bankruptcy**

*[Repealed]*

Section 723: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**724 Warrants of arrest**

*[Repealed]*

Section 724: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**725 Trespass *ab initio***

*[Repealed]*

Section 725: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

*Miscellaneous provisions*

*[Repealed]*

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

**726 Banking**

*[Repealed]*

Section 726: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**727 Sale of island products by Cabinet of Ministers on behalf of planters**

*[Repealed]*

Section 727: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

*Oath of allegiance and judicial oath*

*[Repealed]*

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

**728 Certain officers to take Oath of Allegiance and Judicial Oath**

*[Repealed]*

Section 728: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**Part 33**

**Transitional provisions, savings, and consequential amendments**

*[Repealed]*

Part 33: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**729 Cook Islands Act and amendments not to apply to Niue**

*[Repealed]*

Section 729: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**730 The High Court**

*[Repealed]*

Section 730: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**731 The Land Court**

*[Repealed]*

Section 731: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**732 The Land Appellate Court***[Repealed]*

Section 732: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**733 The Niue Public Service***[Repealed]*

Section 733: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**734 Customs***[Repealed]*

Section 734: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

**735 Consequential amendments***[Repealed]*

Section 735: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

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**Schedule 1**

Section 38(2)(a)

**Reserved enactments***[Repealed]*

Schedule 1 was repealed by section 2(1) Niue Amendment Act 1974 (1974 No 43).

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**Schedule 2**

Section 720

**Form of declaration**

I, A B [*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.

A B

Declared at in Niue this day of 19 before me—

C D,

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 High Court of New Zealand, as the case may be].

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### **Schedule 3**

Section 729(1)

#### **Enactments ceasing to be in force in Niue**

*[Repealed]*

Schedule 3: repealed, on 20 September 2007, by section 5 of the Niue Amendment Act 2007 (2007 No 71).

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**Notes****1 General**

This is an eprint of the Niue Act 1966. It incorporates all the amendments to the Niue Act 1966 as at 20 September 2007. The list of amendments at the end of these notes specifies all the amendments incorporated into this eprint since 3 September 2007. Relevant provisions of any amending enactments that contain transitional, savings, or application provisions are also included, after the Principal enactment, in chronological order.

**2 About this eprint**

This eprint has not been officialised. For more information about officialisation, please see "Making online legislation official" under "Status of legislation on this site" in the About section of this website.

**3 List of amendments incorporated in this eprint  
(most recent first)**

Niue Amendment Act 2007 (2007 No 71)

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