

1975/279



THE TOKELAU ISLANDS CRIMES REGULATIONS 1975

DENIS BLUNDELL, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 24th day of November
1975

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

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

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Tokelau Islands Crimes Regulations 1975.

(2) These regulations shall come into force on the date of the commencement of Part I of the Tokelau Islands Amendment Act 1970.

2. Parts V to VII of Niue Act 1966 to apply to Tokelau Islands—

(1) Subject to the provisions of these regulations, the provisions of Parts V, VI, and VII of the Niue Act 1966 shall be in force in the Tokelau Islands.

(2) Unless the context otherwise requires, in the application to the Tokelau Islands of the provisions of Parts V, VI, and VII of the Niue Act 1966 (as amended by section 2 of the Niue Amendment Act 1974),—

(a) There shall be substituted for the respective terms set out in the first column of the First Schedule to these regulations the corresponding terms set out in the second column of that Schedule:

(b) Parts V, VI, and VII of the Niue Act 1966 shall have effect as if they had been amended in the manner specified in the Second Schedule to these regulations.

3. Right to be defended—Every person accused of any offence against any enactment may make his full defence thereto either by himself, or by any barrister or solicitor of the Supreme Court of New Zealand, or, with the prior leave of the High Court of Niue, by any other person.

Reg. 2 (2) (a)

FIRST SCHEDULE

MODIFICATION OF PORTIONS OF NIUE ACT 1966 IN APPLICATION TO
TOKELAU ISLANDS

Term Used in Niue Act 1966	Corresponding Term in Tokelau Islands
Cabinet of Ministers of Niue, or Cabinet Niue Niue Government Account Niuean Niuean custom Niue Public Service Premier	Administrator of the Tokelau Islands Tokelau Islands Tokelau Islands General Account Tokelauan Tokelauan custom Tokelau Islands Public Service Administrator of the Tokelau Islands

SECOND SCHEDULE

MODIFICATIONS OF PARTS V, VI, AND VII OF THE NIUE ACT 1966 IN THEIR
APPLICATION TO THE TOKELAU ISLANDS

Section of Act Amended	Amendment
Section 162	By adding to paragraph (b) of subsection (4) the words "or in the Tokelau Islands".
Section 242	By omitting the words "Act of the Niue Assembly", and substituting the word "enactment".
Section 243	By omitting the words "of the Cabinet and the Seal of Niue", and substituting the words "under the hand of the Administrator of the Tokelau Islands".
Section 247	By repealing this section, and substituting the following section: "247. Magistrates —In this Part of this Act the term 'Magistrate' means the Administrator of the Tokelau Islands, the Commissioner for Atafu or for Fakaofu or for Nukunonu, or the Registrar of the High Court."
Section 253	By adding the words "or the Commissioner for Atafu or for Fakaofu or for Nukunonu".
Section 254	By inserting, after the words "Judge of the High Court", the words "or the Commissioner for Atafu or for Fakaofu or for Nukunonu".

SECOND SCHEDULE—*continued*MODIFICATIONS OF PARTS V, VI, AND VII OF THE NIUE ACT 1966 IN THEIR APPLICATION TO THE TOKELAU ISLANDS—*continued*

Section of Act Amended	Amendment
Section 255	By inserting, after the words "High Court", the words "or the Commissioner for Atafu or for Fakaofu or for Nukunonu".
Section 256	By inserting in subsection (1), after the words "Judge of the High Court", the words "or the Commissioner for Atafu or for Fakaofu or for Nukunonu". By inserting in subsection (1), after the words "the Judge" wherever they occur, the words "or the Commissioner, as the case may be".
Section 264	By omitting from subsection (2) the words "published in the <i>Niue Island Gazette</i> ", and substituting the words "under his hand".
Section 276	By inserting in subsection (1), after the words "High Court", the words "or the Commissioner for Atafu or for Fakaofu or for Nukunonu".
Section 296	By omitting the words "Acts, Acts of the Niue Assembly, Orders in Council, regulations, Proclamations", and substituting the word "enactments".

P. G. MILLEN,
Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations provide a criminal code for the Tokelau Islands, in substitution for the provisions of Part II of the Schedule to the Native Laws Ordinance 1917 of the Gilbert and Ellice Islands Colony.

The regulations apply, with appropriate modifications, the provisions of Part V (Criminal Offences), Part VI (Criminal Procedure), and Part VII (Law of Evidence) of the Niue Act 1966.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 27 November 1975.

These regulations are administered in the Ministry of Foreign Affairs.