



THE TOKELAU POLICE REGULATIONS 1989

PAUL REEVES, Governor-General

ORDER IN COUNCIL

At Wellington this 18th day of September 1989

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

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

ANALYSIS

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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Tokelau Police Regulations 1989.

(2) These regulations shall come into force on the 1st day of November 1989.

2. Interpretation—(1) In these regulations, unless the context otherwise requires,—

“Administrator” means the Administrator of Tokelau:

“Ammunition” means ammunition for a firearm:

“Commissioner” means a Commissioner appointed under section 5 of the Tokelau Amendment Act 1986; and includes any person exercising the functions, duties, and powers of a Commissioner pursuant to section 6 of that Act:

“Explosive” does not include coloured flares, fog signals, or fireworks:

“Firearm” includes an airgun:

“Police officer” means—

(i) Any employee of the Tokelau Public Service who is designated under regulation 3 (1) of these regulations as a police officer:

(ii) Any member of the New Zealand Police who is designated under regulation 3 (2) of these regulations as a police officer.

Police Officers

3. Designation of police officers—(1) The Official Secretary may from time to time designate any member of the Tokelau Public Service as a police officer, and may at any time revoke any such designation.

(2) The Administrator may from time to time, with the concurrence of the Commissioner of the Police of New Zealand, designate any member of the Police of New Zealand as a police officer, and may at any time revoke any such designation.

4. Identification card—(1) The Official Secretary shall issue to every police officer an identification card identifying the holder as a police officer.

(2) Every identification card shall be signed by the Official Secretary, and shall contain the full name of, and be signed by, the person to whom it is issued.

(3) Every police officer shall, at all times when on duty, produce the identification card issued to that police officer to any person who requests to see it.

(4) Every person who ceases to hold office as a police officer shall forthwith return to the Official Secretary the identification card issued under this regulation.

5. Functions of police officers—Police officers shall have the following functions:

(i) The preservation of the public peace:

(ii) The prevention, detection, investigation, and prosecution of offences against the law of Tokelau:

(iii) The apprehension of persons who have committed, or are suspected of having committed, offences against the law of Tokelau:

(iv) The maintenance of order at the sittings of Courts in Tokelau:

- (v) The maintenance of order in public places, including regulating processions and gatherings, preventing the obstruction of public places, and removing obstructions from public places:
- (vi) Assisting in the maintenance of order on vessels visiting Tokelau:
- (vii) The service and execution of the process of any Court:
- (viii) Assisting the Taupulega of any village to give effect to the decisions of that Taupulega, and to the rules of that village:
- (ix) The performance of any other function conferred by or under the law of Tokelau on a police officer.

6. Powers and duties of police officers—(1) While on duty, a police officer shall have all the powers and duties conferred by law on a constable.

(2) For the purposes of subclause (1) of this regulation, a police officer shall be deemed to be on duty whenever the circumstances require him or her to act as a police officer, whether or not he or she is in uniform.

7. Control of police officers—(1) Every police officer shall comply with any general directions issued by the Administrator and relating to the execution, by police officers, of their duties.

(2) Every police officer shall carry out every lawful order given to that police officer by the Official Secretary or a Faipule.

8. Police officers to keep records—Every police officer shall keep such records and make such reports as the Official Secretary may direct.

9. Protection of police officers—Where any process has been issued out of any Court, or by any Judge or Commissioner, no proceedings, whether civil or criminal, shall lie against any police officer in respect of any act done in good faith by that police officer in obedience to any such process, notwithstanding that there is any irregularity in the issuing of the process, or that the Court, Judge, or Commissioner had no jurisdiction to issue the process.

Powers of Police Officers in Cases of Fire

10. Powers of police officers in cases of fire—In the event of any fire, or where it is suspected, on reasonable grounds, that a fire is occurring, any police officer may, for the purposes of extinguishing the fire or suspected fire, or preventing the spread of the fire or suspected fire, or saving any lives or property endangered by the fire or suspected fire,—

- (i) Enter on any land:
- (ii) Enter, and, if necessary, break into, any building or structure:
- (iii) Do all other things that are reasonably necessary for protecting life or property in dealing with the fire or suspected fire.

Lost Property and Property in Police Possession

11. Return of property in possession of Police—Except as provided in any other enactment, and subject to regulations 13 and 14 of these regulations, any property that has come into the possession of any police officer and is no longer required for any purpose relating to the detection, investigation, or prosecution of any offence shall be returned to the person entitled to the possession of the property.

12. Unclaimed property to become property of finder—(1) This regulation applies to any property that is delivered into the custody of a police officer by any person who is not the owner of the property.

(2) Except as provided in any other enactment, where any property to which this regulation applies is not claimed by—

(i) Its owner; or

(ii) Any person entitled to possession of it (other than the person who delivered it into the custody of a police officer)—

within the period of 2 months beginning on the date on which the property was delivered into the custody of a police officer, the person who delivered the property into the custody of a police officer shall be deemed to be the owner of the property.

13. Unclaimed property may be sold or destroyed—(1) Subject to regulation 14 (2) of these regulations, any property that has come into the possession of any police officer and is unclaimed after being held for not less than 3 months shall, if a Commissioner so directs, be sold or destroyed.

(2) Notwithstanding anything in subclause (1) of this regulation or in regulation 11 or regulation 12 of these regulations, any perishable goods that have come into the possession of a police officer may, if a Commissioner so directs, be sold or destroyed at any time.

14. Proceeds of sale to be paid to village—(1) The proceeds of every sale made pursuant to regulation 13 of these regulations shall be paid to the appropriate village.

(2) Any money that has come into the possession of any police officer and is unclaimed after being held for not less than 3 months shall be paid to the appropriate village.

Control of Explosives, Firearms, and Ammunition

15. Explosives, firearms, and ammunition to be handed to police officer on arrival in Tokelau—(1) Where any person lands on any of the islands of Tokelau, that person shall, as soon as practicable after landing on that island, deliver to a police officer any explosive, firearm, or ammunition which that person has in that person's possession and for which that person does not have a permit allowing that person to import that explosive, firearm, or ammunition into Tokelau.

(2) Where any explosive, firearm, or ammunition is delivered to a police officer in accordance with subclause (1) of this regulation, that police officer shall record in writing the following details:

(i) The name of the person who delivered the explosive, firearm, or ammunition to the police officer:

(ii) The date on which the explosive, firearm, or ammunition was so delivered:

(iii) A description of the explosive, firearm, or ammunition, including its make and serial number (if any).

(3) Where, in accordance with subclause (1) of this regulation, any explosive, firearm, or ammunition is delivered to a police officer by any person who lands on any of the islands of Tokelau, that explosive, firearm, or ammunition shall be retained in safe custody by that police officer, and shall be returned to that person on that person's departure from that island.

16. Production of explosive, firearm, or ammunition at request of police officer—Every person in possession of any explosive, firearm, or ammunition shall, at the request of a police officer, produce that explosive, firearm, or ammunition to that police officer.

17. Reporting of loss or theft of explosive, firearm, or ammunition—Whenever any explosive, firearm, or ammunition is lost or stolen, the person entitled to ownership or possession of the explosive, firearm, or ammunition shall, within 24 hours after becoming aware of the loss or theft, report that loss or theft to a police officer.

Offences

18. Offences—(1) Every person commits an offence against these regulations who,—

- (i) Not being a police officer, by words, conduct, or demeanour pretends to be a police officer, or puts on or assumes the dress, name, designation, or description of a police officer; or
 - (ii) Requests or incites or induces any police officer to act in any manner contrary to the police officer's duty; or
 - (iii) Fails to comply with regulation 4 (4) or regulation 15 (1) or regulation 16 or regulation 17 of these regulations.
- (2) Every person who commits an offence against these regulations shall be liable on conviction to imprisonment for a term not exceeding 3 months or to a fine not exceeding \$150.

C. J. HILL,
for 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, which come into force on 1 November 1989, contain general provisions relating to the exercise or performance, by Tokelau police officers, of their functions, duties, and powers.

The regulations also contain specific provisions relating to—

- (a) The powers of Tokelau police officers in dealing with cases of fire;
- (b) Unclaimed property in Tokelau;
- (c) The control of explosives, firearms, and ammunition in Tokelau.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 22 September 1989.

These regulations are administered in the Ministry of External Relations and Trade.