

Reprint
as at 20 September 2007

Niue Amendment Act 1971

Public Act 1971 No 143
Date of assent 9 December 1971

Niue Amendment Act 1971: repealed, on 20 September 2007, by section 7(1) of
the Niue Amendment Act 2007 (2007 No 71).

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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.

This Act is administered in the Ministry of Foreign Affairs and Trade.

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An Act to amend the Niue Act 1966

1 Short Title

This Act may be cited as the Niue Amendment Act 1971, and shall be read together with and deemed part of the Niue Act 1966 (hereinafter referred to as the principal Act).

Part 1 Constitutional provisions

2

Sections 2–13 were repealed, as from 19 October 1974, by section 3(1) Niue Amendment Act 1974 (1974 No 43). *See* regulation 2 Niue Constitution Act Commencement Order 1974 (SR 1974/286).

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Sections 2–13 were repealed, as from 19 October 1974, by section 3(1) Niue Amendment Act 1974 (1974 No 43). *See* regulation 2 Niue Constitution Act Commencement Order 1974 (SR 1974/286).

Part 2 Aerodromes

14 Control of use of land in vicinity of aerodromes

- (1) For the purposes of ensuring the safety of flight operations into, out of, and in the vicinity of any aerodrome, the Cabinet may, by notice published in the Niue Island Gazette,—
- (a) Prohibit, either absolutely or beyond a height specified in the notice, the erection or placing or extension of any building, pole, mast, or other structure of any kind on the land described in the notice:
 - (b) Limit the height to which trees, shrubs, vegetation, or foliage may be permitted to grow on the land described in the notice:
 - (c) Limit and specify the purposes for which land described in the notice may be used, and the species and varieties of trees, shrubs, vegetation, or foliage which may be

grown or permitted to grow on any land described in the notice.

- (2) Where any land, building, pole, mast, or other structure interferes in any way with the use by aircraft of any aerodrome, the Cabinet may, by notice in writing served on the *Leveki Mangafaoa* and the occupier of the land and on all other persons known to have any right or estate therein, require the removal or lowering of the land or of the building, pole, mast, or other structure to the satisfaction of the Cabinet, within 2 months after service of the notice.
- (3) The Cabinet of Ministers may, if there is a failure to comply with any notice served under subsection (2) of this section, take any steps the Cabinet considers necessary to ensure compliance with the terms of the notice.
- (4) The Cabinet of Ministers may take any steps the Cabinet considers necessary to remove, top, or trim any tree, shrub, vegetation, or foliage on any land for the purpose of ensuring the safety of flight operations into, out of, and in the vicinity of any aerodrome. Before exercising the powers conferred by this subsection, the Cabinet of Ministers shall give not less than one month's notice in writing to the *Leveki Mangafaoa* and to the occupier of the land.

Subsections (1) and (2) were amended, as from 19 October 1974, by section 2(1) Niue Amendment Act 1974 (1974 No 43) by substituting the words “the Cabinet” for the words “the Resident Commissioner”. See regulation 2 Niue Constitution Act Commencement Order 1974 (SR 1974/286).

Subsections (3) and (4) were amended, as from 19 October 1974, by section 2(1) Niue Amendment Act 1974 (1974 No 43) by substituting the words “the Cabinet considers” for the words “he considers”. See regulation 2 Niue Constitution Act Commencement Order 1974 (SR 1974/286).

In subsections (3) and (4) the words “the Cabinet of Ministers” were substituted, as from 19 October 1974, for the words “the Resident Commissioner” pursuant to section 2(2)(c) Niue Amendment Act 1974 (1974 No 43). See regulation 2 Niue Constitution Act Commencement Order 1974 (SR 1974/286).

15 Compensation

- (1) Every person having any right or interest in any land injuriously affected, or suffering any damage, from the exercise of any powers given by section 14 of this Act shall be entitled to compensation, which shall be determined by the Land Court in the same manner as is prescribed by section 13 of the Niue

Amendment Act (No 2) 1968 in the case of land taken under the provisions of that Act.

- (2) In the case of any claim to compensation for restrictions placed upon the use of land, the Court shall, in assessing compensation, take into account not only the loss caused by the restrictions but also the cost of labour reasonably incurred by any *Leveki Mangafaoa* or occupier in ensuring compliance with the restrictions.

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Section 16 was repealed, as from 19 October 1974, by section 3(1) Niue Amendment Act 1974 (1974 No 43). *See* regulation 2 Niue Constitution Act Commencement Order 1974 (SR 1974/286).

Part 3

Miscellaneous amendments

17

18 Amendments and repeal consequential on section 17

- (1)
(2)
(3)

- (a)
(b)

- (4) Every reference to the Chief Medical Officer of Niue in any other enactment or in any agreement, deed, instrument, application, licence, notice, or other document whatsoever in force at the passing of this Act shall after the passing of this Act be read as a reference to the Director of Health of Niue.
- (5) Section 5 of the Niue Amendment Act 1970 is hereby consequentially repealed.

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Sections 19–20 were repealed, as from 19 October 1974, by section 3(1) Niue Amendment Act 1974 (1974 No 43). *See* regulation 2 Niue Constitution Act Commencement Order 1974 (SR 1974/286).

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Sections 19–20 were repealed, as from 19 October 1974, by section 3(1) Niue Amendment Act 1974 (1974 No 43). *See* regulation 2 Niue Constitution Act Commencement Order 1974 (SR 1974/286).

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26 Niuean antiquities

- (a)
- (b)
- (c)
- (d)
- (e)
- (f)
- (g)
- (h)
- (i)
- (j)
- (k)

Paragraph (k) was repealed, as from 19 October 1974, by section 3(1) Niue Amendment Act 1974 (1974 No 43). *See* regulation 2 Niue Constitution Act Commencement Order 1974 (SR 1974/286).

27 Repeal of provisions as to housing improvement

- (1) *Part 17 of the principal Act is hereby repealed.*
- (2) The Schedule to the Niue Amendment Act (No 2) 1968 is hereby consequentially amended by repealing so much thereof as relates to sections 468, 472, 477, and 480 of the principal Act.

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Section 29 was repealed, as from 19 October 1974, by section 3(1) Niue Amendment Act 1974 (1974 No 43). *See* regulation 2 Niue Constitution Act Commencement Order 1974 (SR 1974/286).

30 Director of Agriculture and Director of Works

Every reference in any enactment, deed, instrument, application, licence, notice, or other document whatsoever in force at

the passing of this Act shall after the passing of this Act, in its application to Niue, be read—

- (a) In the case of a reference to the Chief Agricultural Officer, as a reference to the Director of Agriculture:
 - (b) In the case of a reference to the Public Works Officer or to the Superintendent of Works, as a reference to the Director of Works.
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Notes**1 *General***

This is an eprint of the Niue Amendment Act 1971. It incorporates all the amendments to the Niue Amendment Act 1971 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): section 7(1)
