

Niue

# LEGISLATION (CORRECTION OF ERRORS AND MINOR AMENDMENTS) ACT 2004

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## AN ACT

to

remove from Niue legislation laws which conflict with the Constitution, to repeal laws that are obsolete or irrelevant to the contemporary situation of Niue, to correct errors in the laws, to provide a suitable basis for an up-to-date reprint of Niue laws, and generally to make the law more accessible and appropriate to Niue circumstances

### 1 Short title and commencement

This Act may be cited as the Legislation (Correction of Errors and Minor Amendments) Act 2004.

### 2 Administration Act 1969 amended

The Administration Act 1969 is amended—

(1) In section 2(1)—

(a) By repealing the definitions of “Maori”, “trustee company” and “trustee corporation”;

(b) By deleting in the definition of “personal chattels” the words “or as purchaser under a hire purchase agreement within the meaning of the Hire Purchase Act 1971”;

(2) By repealing section 2 (2);

(3) In section 15(4), by deleting the words “Governor-General in Council or the security of the State Insurance General Manager” and inserting in their place the word “Cabinet”;

(4) In section 18—

(a) By repealing subsection (2);

(b) In subsection (3), by deleting the words “under the Land Transfer Act 1952 or of any mining privilege under the Mining Act 1926”, “District Land Registrar or Mining Registrar or”, and “(except where a caveat has been lodged under the authority of the Land Transfer Act 1952)”;

(c) In subsection (4), by deleting the words “Governor-General in Council” and replacing them with the word “Cabinet”.

(5) In section 19—

(a) In subsection (1), by deleting the words “of the Public Trustee or of the Maori Trustee or”;

(b) By repealing subsections (3), (4), and (5);

- (6) By repealing section 20;
- (7) In section 25, by repealing paragraph (c);
- (8) In section 31, by deleting the words "within the meaning of Part XVII of the Insolvency Act 1967";
- (9) In section 32, by repealing subsection (1);
- (10) By repealing sections 35 and 36;
- (11) By repealing section 39 (3);
- (12) In section 39(2), by deleting the words "the Governor-General by Order in Council, and where no such Order in Council" and inserting in their place the words "Cabinet, and while no such regulation";
- (13) By repealing sections 46, 47, and 48;
- (14) In section 49(3), by repealing paragraph (a);
- (15) By repealing section 58;
- (16) In section 59, by deleting the first phrase and inserting in its place the words "Cabinet may make rules of court, including rules—";
- (17) In section 61, by repealing paragraph (f);
- (18) By repealing sections 62, 64, 65, and 66;
- (19) In section 67—
  - (a) In subsection (1) By deleting the words "any of the provisions of section 109 of the Shipping and Seamen Act 1952, section 86 of the Patents Act 1953, section 41 of the Designs Act 1953, section 58 of the Trademarks Act 1953, or section 86 of the Companies Act 1955, or of any other enactment for the time being in force" and inserting in their place the words "any enactment";
  - (b) By repealing subsection (2);
- (20) In section 71(1), by repealing paragraphs (a), (b), and (c) and inserting in their place the words "in a competent court in any country";
- (21) By repealing sections 75 and 76;
- (22) In section 77—
  - (a) In subsection (1)(a), by deleting the phrase in parenthesis;
  - (b) By repealing subsections (2) and (3);
- (23) By repealing section 80;
- (24) In section 82, by deleting the words "the Insolvency Act 1967 or of any other Act or" and inserting in their place the word "any";
- (25) By repealing section 84;
- (26) By repealing the Second and Fourth Schedules.

**3 Agriculture Quarantine Act 1984 amended**

The Agriculture Quarantine Act 1984 is amended in section 4 by deleting the words "from time to time, under Part XXXI of the Niue Act 1966".

**4 Air Services Licensing Act 1992 repealed**

The Air Services Licensing Act 1992 is repealed.

**5 Arbitration Act 1908 amended**

The Arbitration Act 1908 is amended—

(1) In section 1, by repealing subsection (2);

(2) In section 5, by repealing subsection (2);

(3) In section 14, by repealing subsection (1) and replacing it with the following subsection:

"(1) Subject to rules of Court, the Court may refer any question arising in any cause or matter (other than a criminal proceeding) for inquiry or report to an official or special referee."

(4) By repealing section 24 and replacing it with the following section—

**"24 Act binds the Government**

This Act binds the Government of Niue but no arbitration involving the Government shall proceed without the consent of Cabinet."

**6 Arbitration Amendment Act 1938 amended**

The Arbitration Amendment Act 1938 is amended—

(1) By repealing section 4;

(2) In section 11(3), by deleting the words "within the meaning of section 66 of the Judicature Act 1908 (which relates to the jurisdiction to the Court of Appeal to hear and determine appeals from any judgment of the Court)";

(3) By repealing sections 19, 20, and 21;

(4) By repealing the Second and Third Schedules.

**7 Arbitration Clauses (Protocol) and the Arbitration (Foreign Awards) Act 1933 amended**

The Arbitration Clauses (Protocol) and the Arbitration (Foreign Awards) Act 1933 is amended—

(a) In section 4(1), by repealing paragraphs (b) and (c) and inserting in their place the following paragraphs—

- “(b) Between persons of whom one is subject to the jurisdiction of one of the powers which is a party to the Convention and of whom the other is subject to the jurisdiction of another of those powers; and
- (c) In one of the territories to which the Convention applies,”;

(b) By repealing subsection (2).

#### **8 Atomic Energy Act 1945 amended**

The Atomic Energy Act 1945 is amended—

- (1) In section 2, in the definition of “prescribed substance”, by deleting the words “the Minister may prescribe by notice in the Gazette” and inserting in their place the words “Cabinet may prescribe”;
- (2) By repealing section 3;
- (3) In section 10(1), by deleting the words “, on behalf of Her Majesty,”.

#### **9 Aviation Crimes Act 1973 amended**

The Aviation Crimes Act 1973 is amended by deleting the words “Minister of Foreign Affairs of New Zealand” wherever they appear and inserting in their place the word “Minister”.

#### **10 Bills of Exchange Act 1908 amended**

The Bills of Exchange Act 1908 is amended—

- (1) By repealing the definition of “non-business day” inserted by section 12(1) of the Statutes Amendment Act 1946 (NZ) and inserting in section 2 the following definition—

“Non-business day” means every day on which bank premises are not open for business’;

- (2) In section 4, by deleting the words “the Australasian colonies” and inserting in their place the words “New Zealand or the Commonwealth of Australia or any state or territory of Australia”;
- (3) By repealing section 98(2).

**11 Broadcasting Act 1989 amended**

The Broadcasting Act 1989 is amended in section 25(2), by deleting the word "Order" and inserting in its place the word "regulation".

**12 Carriage by Air Act 1967 amended**

The Carriage by Air Act 1967 is amended—

- (1) Sections 3, 4 and sections 17 to 45 are repealed
- (2) Sections 15 and 16 are repealed and the following new section inserted—

**"15 Regulations**

Cabinet may make such regulations as it thinks fit for the purpose of this Act."

**13 Carriers Act 1948 repealed**

The Carriers Act 1948 is repealed.

**14 Census Act 1971 amended**

The Census Act 1971 is amended in section 8(2) by repealing paragraph (c) and inserting in its place the following paragraph—

- "(c) (i) Population and dwellings, migration (internal and external), vital and other demographic and social matters;
- (ii) Health, welfare, and morbidity;
- (iii) Cultural participation, education, and recreation;
- (iv) Law enforcement and the administration of justice;
- (v) Matters relating to the social and physical environment;
- (vi) Labour and manpower, including conditions of employment; work descriptions; wages, including direct and indirect emoluments; hours of work and labour disputes;
- (vii) Accidents, including industrial injuries;
- (viii) Household (including family) characteristics, conditions, and activities;
- (ix) Assets (including savings), liabilities, and wealth of persons, and undertakings;
- (x) Prices of commodities and services at any or all transaction levels;
- (xi) Travel, internal and overseas;
- (xii) Economic, financial, production, and other matters relating to undertakings; forestry, fishing, trapping; agriculture; mines, quarries, and wells; manufacturing; construction; transportation, storage, and communications; electric power, gas, and water utilities; wholesale and retail trade;

finance, insurance, and real estate; restaurants; hotels and accommodation; and other community, business, welfare, and personal services."

**15 Charitable Trusts Act 1957 repealed**

The Charitable Trusts Act 1957 is repealed.

**16 Chattels Transfer Act 1924 amended**

The Chattels Transfer Act 1924 is amended –

- (1) In section 2, in the definition of "Chattels" by deleting the words "and wood", and in the second definition of "Instrument" by deleting paragraphs (d), (j) and (l); and by deleting the definition of "Schedule";
- (2) By inserting as section 3 sections 6(2), (3) and (4) of the Statutes Amendment Act 1939, and repealing section 6 of the Statutes Amendment Act 1939;
- (3) By repealing section 4(2);
- (4) By repealing section 5(1) and (2) and inserting in their place the following new subsection 1 –

"(1) Registration of an instrument shall be effected by filing it and all schedules endorsed on it or referred to in it, or a true copy of the instrument and schedules, and a certificate in the form numbered 1 in the First Schedule, with the Registrar of the High Court";

- (5) In section 8(1) by deleting the two provisos;
- (6) By repealing sections 12, 13 and 14(2);
- (7) In section 14(3) by deleting the words "where the instrument was originally registered";
- (8) By repealing section 19A and inserting the following new section –

**" 61 Regulations**

Cabinet may make such regulations as it thinks fit for the purposes of this Act and may prescribe the fees to be payable under this Act.";

- (9) By repealing sections 27, 38-41, 42(2) proviso, 44 and 57 (6) and (8);
- (10) By inserting as section 57A section 16 of the Statutes Amendment Act 1936 and repealing section 16 of the Statutes Amendment Act 1936 ;
- (11) By inserting as section 57B section 2 (1), (2), (4) and (5) of the Chattels Transfer Amendment Act 1931 and repealing section 2 of the Chattels Transfer Amendment Act 1931;

- (12) In section 57B by deleting the definition of "Customary chattels" and inserting in its place the following definition "Customary chattels means chattels described in the Seventh Schedule";
- (13) By inserting as section 57C section 3 of the Chattels Transfer Amendment Act 1931 and repealing section 3 of the Chattels Transfer Amendment Act 1931;
- (14) By repealing sections 59, 59A and 60 and inserting the following new section—

**"62 Act binds the Government**

This Act binds the Government in respect of all instruments to which the Government is a party."

- (15) In the Fourth Schedule by deleting paragraph 12;
- (16) In the Seventh Schedule by deleting the entries relating to law books and law reports and the Public Acts of New Zealand and Halsbury's Statutes of England.

**17 Cheques Act 1960 amended**

The Cheques Act 1960 is amended in section 5(2)—

- (1) By repealing paragraph (c) and inserting in its place the following paragraph:

"(c) Any document, not being a bill of exchange, issued by a member of the Niue Public Service which is intended to enable a person to obtain payment from a Niue public account of the sum mentioned in the document:"

- (2) By repealing paragraph (d).

**18 Commissions of Inquiry Act 1968 amended**

The Commissions of Inquiry Act 1968 is amended by repealing section 15(3).

**19 Constitutional Provisions Act 1982 repealed**

The Constitutional Provisions Act 1982 is repealed.

**20 Consular Privileges and Immunities Act 1971 amended**

The Consular Privileges and Immunities Act 1971 is amended—

- (1) In section 2, by deleting the definition of "Minister";
- (2) In section 4(2), by deleting the words "without prejudice to the provisions of subsection (1) of this section, the Minister, with the concurrence of the

Minister of Finance, may from time to time" and inserting in their place the words "subject to subsection (1), Cabinet may";

- (3) In section 4(3), by deleting the words "the Governor-General may from time to time, by Order in Council" and inserting in their place the words "Cabinet may, by regulation";
- (4) In section 4(4), by deleting the words "an Order in Council" and inserting in their place the words "a regulation";
- (5) In section 4(7)(k), by deleting the words "the Minister" and inserting in their place the word "Cabinet", and by deleting the words "an Order in Council" and inserting in their place the words "a regulation";
- (6) In section 6(1), by deleting the words "the Governor-General" and inserting in their place the word "Cabinet", and by deleting the words "he may, by Order in Council" and inserting in their place the words "Cabinet may, by regulation";
- (7) By repealing section 6(2);
- (8) In sections 7(1) and 7(2), by deleting the words "the Governor-General may from time to time, by Order in Council" and inserting in their place the words "Cabinet may, by regulation";
- (9) In sections 7(1), 7(2), and 7(3), by deleting the word "order" and inserting in its place the word "regulation";
- (10) In section 7(3), by deleting the words "Order in Council" and inserting in their place the word "regulation";
- (11) In section 11, by deleting the words "the Governor-General may from time to time, by Order in Council" and inserting in their place the words "Cabinet may".

## **21 Continental Shelf Act 1964 amended**

The Continental Shelf Act 1964 is amended—

- (1) By repealing section 4 and inserting in its place the following section—

**"4 Mining for petroleum on the continental shelf**  
The Mining Act 1977 shall, as far as applicable and with any necessary modification, apply with respect to petroleum in the seabed and subsoil of the continental shelf."

- (2) In section 5(3), by repealing paragraph (a) and inserting in its place the following paragraph—

“(a) To comply with such conditions as to safety as are specified in the licence:”

- (3) By repealing section 5(6);
- (4) By repealing section 6;
- (5) In section 7(1)(e), by deleting the words “without limiting the provisions of the Customs Acts (as defined in the Customs Act 1913)” and inserting in their place the words “subject to the customs laws”;
- (6) In section 7(2), by deleting the words “the Governor-General may from time to time, by Order in Council” and inserting in their place the words “Cabinet may, by regulation”;
- (7) In section 7(4), by deleting the words “consent of the Attorney-General and on his certificate” and inserting in their place the words “the certificate of Cabinet”;
- (8) In section 7(4) proviso by deleting the word “Attorney-General” and inserting in its place the word “Cabinet”;
- (9) In section 8(1), by deleting the words “the Governor-General may from time to time, by Order in Council,” and inserting in their place the words “Cabinet may”;
- (10) In section 8(1)(d) and (j), by deleting the words “the Governor-General” and inserting in their place the word “Cabinet”.

#### 22 Copra Act 1969 amended

The Copra Act 1969 is amended in section 5(2) by deleting the word “Magistrate” and inserting in its place the words “Registrar of the High Court”.

#### 23 Credit Restriction Act 1971 repealed

The Credit Restriction Act 1971 is repealed.

#### 24 Crown Proceedings Act 1950 amended

The Crown Proceedings Act 1950 is amended—

(1) In section 2(1)—

- (a) By repealing the definition of “Attorney-General”;
- (b) In the definition of “civil proceedings”, by deleting the words “review under Part I of the Judicature Amendment Act 1972” and inserting in their place the words “judicial review”;
- (c) By repealing the definition of “Court”;

- (d) By deleting the definition of "Government Department" and inserting in its place the following definition:

"Department" means any department or instrument of the executive government of Niue:';

- (e) By deleting the definition of "Her Majesty";  
(f) By deleting the definition of "Officer" and inserting in its place the following definition—

"Officer", in relation to the Government of Niue, includes any Niue public servant, a member of Cabinet, and a member of the New Zealand armed forces, but does not include the Governor-General or any judicial officer:'

- (g) By deleting the definition of "Servant" and inserting in its place the following definition—

"Servant" has the same meaning as "Officer":'

- (2) In section 3(2), by deleting the words "(whether a subject of Her Majesty or not)";  
(3) By repealing section 4;  
(4) By repealing section 5(2);  
(5) In section 7 by repealing subsections (1) and (2) and inserting in their place the following subsection—

"(1) Where an officer or agent of the Government of Niue infringes an intellectual property right protected by the law of Niue and the infringement is committed with the authority of the Government, civil proceedings in respect of the infringement shall lie against the Government under this Act.";

- (6) By repealing sections 11 and 15;  
(7) In section 16, by deleting the words "in Wellington" and the words "at his said office";  
(8) In section 20(1), by deleting the words "a Judge or Magistrate of";  
(9) In section 21(1), by deleting the words "a Judge or Magistrate of the Court before which, or the Justice before whom," and inserting in their place the words "the Court before which";

- (10) In section 21(2), by deleting the words “, Magistrate, or Justice”;
- (11) By repealing section 22;
- (12) In section 24(3), by deleting the word “Governor-General” and inserting in its place the word “Treasurer”;
- (13) In section 24(4), by deleting the word “Parliament” and inserting in its place the words “the Assembly”;
- (14) In section 30(2)(a), by deleting the words “against persons, whether British subjects or not”;
- (15) In section 35(2)(e), by deleting the words “, or material in respect of any benefit provided in accordance with Part III of the Social Security Act 1938”;
- (16) In section 35(2) by deleting paragraphs (i) to (m);
- (17) By repealing the Second Schedule.

## **25 Customs Act 1966 amended**

The Customs Act 1966 is amended—

- (1) In section 2(1), by repealing the definitions of “British preferential tariff”, “Coastal ship”, “District”, “Holiday”, and “Prescribed”;
- (2) By repealing section 3(1) and inserting in its place the following subsection—

“(1) In this Act, “Customs Acts” means this Act, the General Agreement on Tariffs and Trade Act 1948, the Niue Customs Tariff Act 1982, and all enactments made under any of these Acts.”;

- (3) In sections 6, 7 and 8, by deleting the words “under the State Services Act 1962”;
- (4) By repealing sections 12 and 13;
- (5) In section 14, by deleting the words “Governor-General may from time to time, by Order in Council,” and inserting in their place the words “Cabinet may”;
- (6) In section 16(f) and (g), by deleting the words “Distillation Act 1971” and inserting in their place the words “Liquor Act 1975”;
- (7) In section 36(1), by deleting the words “except a coastal ship”;
- (8) In section 48(2), by deleting the words “Governor-General may from time to time by Order in Council” and inserting in their place the words “Cabinet may by regulation”;
- (9) In section 48(3), by deleting the word “Governor-General” and inserting in its place the word “Cabinet”;

- (10) In section 48(3)(e), by deleting the words "within the meaning of the Health Act 1956";
- (11) By repealing section 48(6);
- (12) In section 48(7)(a), by deleting the words "or by any Order in Council made thereunder and in force at the time of importation";
- (13) In section 48(7)(b), by deleting the words "Order in Council" and inserting in their place the word "regulation";
- (14) In section 48(9), by deleting the words "an Order in Council and inserting in their place the word "regulations";
- (15) In section 70(1), by deleting the words "the Governor-General may from time to time, by Order in Council" and inserting in their place the words "Cabinet may, by regulation";
- (16) In section 70(2), by deleting the words "on the Governor-General";
- (17) By repealing section 70(5);
- (18) In section 70(6)(b), by deleting the words "Order in Council" and inserting in their place the word "regulations";
- (19) In section 81(1), by deleting the words "for the district";
- (20) By repealing section 86;
- (21) In section 112, by repealing subsection (6);
- (22) By repealing sections 117, 117A, 119 to 135, 158, 159, and 166;
- (23) In section 167(1), by deleting the words "Governor-General may from time to time, by Order in Council" and inserting in their place the words "Cabinet may, by regulation";
- (24) In section 167(2), by deleting the words "any Order in Council made for the purposes of";
- (25) In section 169(1), by deleting the words "subject to Part IX of the Shipping and Seamen Act 1952";
- (26) By repealing sections 186 to 202;
- (27) In sections 210 and 211, by deleting the words "lake, river,";
- (28) In section 213(2), by deleting the words "a Justice of the Peace or";
- (29) In section 213(3), by deleting the words "Justice of the Peace or"
- (30) In section 213(5), by deleting the words "or Justice of the Peace as aforesaid";
- (31) In section 236(2), by deleting paragraph (b);
- (32) By repealing section 237;
- (33) In section 259, by deleting the words "under the Summary Proceedings Act 1957";

- (34) In section 260, by deleting the words "notwithstanding anything to the contrary in the Summary Proceedings Act 1957";
- (35) In section 281, by deleting the words "Attorney-General or a Judge of the High Court" and inserting in their place the words "High Court";
- (36) By repealing sections 282 and 287;
- (37) In section 303(2), by deleting the words ", or before any person authorised under the Oaths and Declarations Act 1957 to take declarations";
- (38) In section 305(2), by deleting the words "the Governor-General may from time to time, by Order in Council," and inserting in their place the words "Cabinet may";
- (39) In section 305(3), by deleting the words "under the Post Office Act 1959";
- (40) In section 306, by deleting the words "the Governor-General may from time to time, by Order in Council," and inserting in their place the words "Cabinet may";
- (41) In section 307, by deleting the words "by the Governor-General in Council";
- (42) In section 308, by deleting the words "Without limiting the Acts Interpretation Act 1924, no Order in Council or" and inserting in their place the word "No";
- (43) By repealing sections 308 to 313;
- (44) In the First Schedule, by deleting the first paragraph;
- (45) In the First Schedule, by deleting the third paragraph and inserting in its place the following paragraph:

"All indecent documents and articles.";

- (46) By repealing the Fourth Schedule.

## **26 Deaths by Accident Compensation Act 1952 amended**

The Deaths by Accident Compensation Act 1952 is amended—

- (1) In section 10(3), by repealing paragraph (b) and inserting in its place the following paragraph—

"(b) No grant of administration has been made in Niue in respect of the estate.";

- (2) In section 11, by repealing paragraph (a) and inserting in its place the following paragraph—

- (a) "trustee" means the trustee appointed by the Court;
- (3) In section 11(b), by deleting the words "provision of the Mental Health Act 1969" and inserting in their place the word "enactment";
- (4) By repealing section 16(2);
- (5) In section 17, by deleting the words "as aforesaid or in the hands of the Public Trustee or any other trustee under section 66 of the Public Trust Office Act 1957 or section 35 of the Statutes Amendment Act 1945";
- (6) By repealing sections 19(d), 21, 22, and 23.

**27 Demise of the Crown Act 1908 repealed**

The Demise of the Crown Act 1908 is repealed.

**28 Diplomatic Privileges and Immunities Act 1968 amended**

The Diplomatic Privileges and Immunities Act 1968 is amended—

- (1) By repealing section 2;
- (2) In section 5(2), by deleting the words "the Minister with the concurrence of the Minister of Finance" and inserting in their place the word "Cabinet";
- (3) In section 5(3), by deleting the words "the Governor-General may from time to time, by Order in Council" and inserting in their place the words "Cabinet may, by regulation";
- (4) In section 5(6)(h), by deleting the words "an Order in Council" and inserting in their place the word "regulations";
- (5) In section 7(1), by deleting the words "the Governor-General" and inserting in their place the word "Cabinet", by deleting the words "he may, by Order in Council" and inserting the words "it may, by regulation", and by deleting the words "to him to be";
- (6) By repealing section 7(2);
- (7) By repealing section 8;
- (8) In section 9(1), by deleting the words "the Governor-General by Order in Council" and inserting in their place the words "Cabinet by regulation";
- (9) In section 9(2), by deleting the words "the Governor-General may from time to time, by Order in Council" and inserting in their place the words "Cabinet may, by regulation";
- (10) In section 9(2), by repealing the proviso and inserting in its place the following subsection—

"(3) No regulation under this section shall confer any privilege or immunity upon any representative of the

Government of Niue or any member of the staff of such a representative.”;

(11) In section 9A(1), by deleting the words “the Governor-General may from time to time, by Order in Council” and inserting in their place the words “Cabinet may, by regulation”;

(12) In section 9A(1), by repealing the proviso and inserting in its place the following subsection—

“(1A) No regulation under this section shall confer any privilege or immunity upon any representative of the Government of Niue or any member of the staff of such a representative.”;

(13) In section 10, by deleting the words “the Governor-General may from time to time, by Order in Council” and inserting in their place the words “Cabinet may, by regulation”;

(14) In section 12, by deleting the words “the Governor-General in Council” and inserting in their place the words “Cabinet, by regulation,”;

(15) In section 19(1), by deleting the words “, with the concurrence of the Minister of Finance,”;

(16) In section 20(1), by deleting the words “the Governor-General in Council” and inserting in their place the word “Cabinet”, and by deleting the words “stamp duty under the Stamp Duties Act 1954 and from”;

(17) By repealing sections 20(2), 21, and 23;

(18) By repealing section 24, and inserting in its place the following section—

**“24 Regulations**

Cabinet may make such regulations as it thinks fit for the purposes of this Act.”;

(19) By repealing sections 25, 26, and 27.

**29 Electric Power Supply Act 1960 amended**

The Electric Power Supply Act 1960 is amended in section 8(1) by deleting the proviso.

**30 Film and Public Entertainment Act 1979 amended**

The Film and Entertainment Act 1979 is amended in section 19 by adding at the end the following words “without the prior written permission of the Board”.

**31 Guardianship Act 1968 amended**

- (1) The Guardianship Act is amended in section 2 by deleting the definitions of "Court", "Director-General", "Magistrates", "Court", "prescribed", "Social Worker" and "Supreme Court";
- (2) Section 4 is repealed;
- (3) Section 9(2) is amended by the repeal of paragraph (b);
- (4) Section 11(1) is amended by deleting the words "subject to section 24 of this Act and to subsection (2) of section 15 of the Domestic Proceedings Act 1968" and inserting in their place "subject to section 24";
- (5) Section 12(1) is amended by deleting the following words "subject to section 24 of this Act and to subsection (2) of section 15 of the Domestic Proceedings Act 1968, in any proceedings for nullity, separation, restitution of conjugal rights, dissolution of avoidable marriage," and inserting in their place the following words "subject to section 24, in any proceedings for nullity, separation";
- (6) Section 12 is amended by deleting subsection (5);
- (7) Section 13 is amended in subsection (3) by deleting the words "unless the order has been removed into a Magistrates Court pursuant to section 26 of this Act";
- (8) Section 14 is repealed and replaced by the following section "A child of or over the age of 16 years who is affected by a decision or by a refusal of consent by a parent or guardian in an important matter may apply to the Court, which may, if it thinks it reasonable to do so, review the decision or refusal and make such order in respect of the matter as the Court thinks fit.";
- (9) Section 17 is amended by the repeal of subsection (4) and its replacement by the following subsection—

“(4) This section does not apply to an interim order or to an adoption order”.
- (10) Section 20(1) is amended by deleting the following words "any Judge or Magistrate or, if no judge or magistrate is available, any registrar of the High Court or of a Magistrate's Court, (not being a constable)" and inserting in their place the words "a Judge or the registrar of the High Court";
- (11) Section 25(3) is amended by deleting the words "a Magistrate or the Director General" and inserting in their place "the Court";
- (12) Section 25(6) is repealed;

- (13) Section 26 is repealed;
- (14) Section 29 is repealed;
- (15) Section 31 is amended by the repeal of subsection (1) and by the repeal of the proviso to subsection (2);
- (16) Section 32 is repealed and replaced by the following section —

**“32 Regulations**

Cabinet may make regulations for the purposes of this Act and for providing for the enforcement in Niue of orders with respect to the custody and upbringing of and access to children made in other countries, and relating to the enforcement in other countries of orders made in Niue with respect to the custody and upbringing of and access to children.”

- (17) Section 33(3) is repealed and replaced by the following subsection—

“(3) In matters not provided for by this Act, the Court shall have all the powers in respect of the persons of children as does the High Court of New Zealand”.

- (18) Section 34 is repealed.

**32 Income Tax Act 1961 amended**

The Income Tax Act 1961 is amended—

- (1) By repealing section 26(2);
- (2) In section 32(1), by deleting the words “of New Zealand”;
- (3) By repealing section 32 (2);
- (4) In section 113E(4), by deleting the words “as defined in section 44 of this Act”.

**33 Incorporated Societies Act 1908 amended**

The Incorporated Societies Act 1908 is amended—

- (1) By the repeal of section 2;
- (2) In section 3, by the deletion of the definition of “regulation”;
- (3) In section 24, by repealing subsection (2);
- (4) In section 26, by deleting subsection (3);
- (5) By repealing section 32;
- (6) In section 33, by repealing subsections 2A, 4 and 5;
- (7) By repealing section 36 and inserting in its place the following section—

**"36 Regulations**

Cabinet may make such regulations as it thinks fit for the purposes of this Act."

(8) In the Incorporated Societies Amendment Act 1920 by the repeal of section 8.

**34 Industrial and Provident Societies Act 1908 repealed**

The Industrial and Provident Societies Act 1908 is repealed.

**35 Land Act 1969 amended**

The Land Act 1969 is amended in section 2(1) by deleting the definition of "Court" and inserting the following definitions—

"'Court' means the Land Court"; "'Land Court' means the land division of the High Court".

**36 Commonwealth countries**

The following Acts are repealed—

Lesotho Act 1967

Malaysia Act 1963

Republic of Bangladesh Act 1972

Republic of Botswana Act 1967

Republic of Cyprus Act 1961

Republic of the Gambia Act 1970

Republic of Ghana Act 1960

Republic of Guyana Act 1970

Republic of India Act 1950

Republic of Ireland Act 1950

Republic of Kenya Act 1965

Republic of Malawi Act 196

Republic of Nauru Act 1969

Republic of Nigeria Act 1963

Republic of Pakistan Act 1956

Republic of Sierra Leone Act 1971

Republic of Singapore Act 1966

Republic of Sri Lanka Act 1972

Republic of Tanzania Act 1966

Republic of Zambia Act 1965

Swaziland Act 1968

Tonga Act 1970

Uganda Act 1964

**37 Mercantile Law Act 1908 amended**

The Mercantile Law Act 1908 is amended in section 1 by the repeal of subsections (2), (3), (4) and (5).

**38 Merchandise Marks Act 1954 amended**

The Merchandise Marks Act 1954 is amended—

- (1) In section 2 (1), by deleting the definitions of "Board of Trade", "Certification trademark" and "Minister", and by inserting the following new definition: "Certification trademark" includes any mark which is used on or in connection with goods for the purpose of indicating that they are the goods of the proprietor of the mark by virtue of certification";
- (2) In section 2 (1), in the definition of "False trade description" in paragraph (a), by inserting after "1953" "(NZ)", and in paragraph (b) after "1953" by inserting "(NZ)";
- (3) In Section 2(1), in the definition of "Sale" by deleting the words "Order in Council" and inserting in their place the word "regulations";
- (4) In section 2(1), in the definition of "Trade mark" by inserting after "1953" "(NZ)";
- (5) In section 3(1), by deleting the words "The Governor- General may from time to time, by Order in Council," and inserting in their place the words "Cabinet may by regulation";
- (6) In section 3(1), by repealing paragraph (c) and inserting in its place "(c) Exclude specified items from any class or description of goods";
- (7) In section 3(2), by deleting the words "Order in Council" and inserting in their place the word "regulation", and every reference in subsection (2)(b) to an order shall be substituted by a reference to a regulation;

- (8) In section 3(3), 6, 7 and 8, by deleting the words "Order in Council has" and inserting in their place the words "regulations have", and by deleting the second sentence, and every reference to an order shall be replaced by a reference to a regulation;
- (9) By repealing section 3(4);
- (10) By repealing section 5;
- (11) In section 19 by deleting the references to a Magistrate's Court and inserting in their place references to the High Court;
- (12) In section 19(4)(a) by deleting the words "Order in Council" and inserting in their place the word "regulation";
- (13) In section 22(1)(c) by deleting the words "the Governor-General may from time to time, by Order in Council," and inserting in their place the words "Cabinet may";
- (14) By repealing section 22(2).

**39 Minors' Contracts Act 1969 amended**

The Minors' Contracts Act 1969 is amended—

- (1) In section 2, by deleting the definition of "Court";
- (2) By repealing sections 5(1)(b) and 5 (4);
- (3) In section 5(5), in paragraph (a) by deleting the words "by a Magistrate's Court";
- (4) In section 9 by deleting the references to a Magistrate's Court and inserting in their place a reference to the High Court;
- (5) In section 9(3), by deleting the words "or to the Public Trustee or Maori Trustee";
- (6) In section 12(4) by deleting the words "the Public Trustee or any other" and inserting in their place the word "a";
- (7) By repealing section 12(6);
- (8) In section 12(8) by repealing paragraphs (b) and (c);
- (9) By repealing section 13(1) and inserting in its place the following—

"The Court may vary any order made under section 12 insofar as the order relates to the payment, investment, or application of money held on trust or the income from such trust."

- (10) By repealing section 14 and inserting in its place the following section—

**"14 Jurisdiction of Court**

The High Court may exercise any of the powers conferred by sections 5 to 7 where—

- (1) The occasion for the exercise of the power arises in civil proceedings (other than an application for the purposes of section 5(2) or section 6(2)) before the Court; or
- (2) The value of the consideration for the promise or act of any minor under the contract is no more than \$2000.

**40 Mosquito Control Act 1980 amended**

The Mosquito Control Act 1980 is amended in section 3(2) by inserting after the word "domestic" and the words "use in any receptacle".

**41 New Zealand Laws Act 1979 repealed**

The New Zealand Laws Act 1979 is repealed.

**42 Nine Act 1966 amended**

The Nine Act 1966 is amended—

- (1) By repealing sections 3 and 16-19
- (2) In section 21, by deleting the words "under the Medical Practitioners Act 1968" and inserting in their place the words "in New Zealand", and by deleting the words "prescribed by Act of the Nine Assembly";
- (3) In section 23(4), by deleting the words "in the service of the Government of New Zealand or of the Government of Niue";
- (4) In section 23(8), by deleting the words ", subject to the general control of the Cabinet of Ministers,";
- (5) By repealing sections 24 and 25;
- (6) In section 27(1), by deleting the words "the Cabinet of Ministers or of";
- (7) In section 28(2), by deleting the word "Premier" and inserting in its place the words "Chief of Police";
- (8) By repealing section 29;
- (9) In section 29A, by deleting the words "the Cabinet may from time to time issue in the form of a penal manual instructions and directives to provide for" and inserting in their place the words "Cabinet may by regulations provide for";
- (10) By inserting the following as a new section 49—

**"49 Regulations**

Cabinet may make such regulations as it thinks fit for the purposes of this Act and in such regulations provide for the taking of fees, the imposing of charges, and the imposition of penalties for contravention of regulations.";

- (11) By repealing sections 50-52 and 62(1);
- (12) In section 62(2), by inserting after the word "Registrar" the words "of the Court";
- (13) In section 62(3), by deleting the words "there may also be appointed under the provisions of Part XXXI of this Act a Deputy Registrar of the High Court, who" and inserting in their place the words "the Deputy Registrar of the Court";
- (14) By repealing sections 63 and 67;
- (15) In section 70, by deleting the words "by enactment";
- (16) In sections 71 and 72, by deleting the words "the provisions of this Act and of rules of Court" and inserting in their place the words "any enactment";
- (17) By repealing section 75(2);
- (18) By repealing section 76 and inserting in its place the following section:

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

In any proceedings in the Court, an affidavit made out of Niue may, with the leave of the Court, be received in evidence if made before a solicitor of the High Court of New Zealand, or in any other manner by which the affidavit would be admissible in civil proceedings in New Zealand.";

- (19) In section 78(1)(b), by deleting the word "Supreme" and inserting in its place the word "High";
- (20) In section 78(2), by deleting the words "Supreme Court of New Zealand" and inserting in their place the words "High Court of Niue";
- (21) In section 80, by deleting the word "Supreme" and inserting in its place the word "High";
- (22) In section 81, by deleting the word "civil";
- (23) In section 83, by deleting the words "by enactment";
- (24) In section 87(3), by deleting the words ", subject to the provisions of section 257 of this Act," and inserting after the word "custody" the words "or admit the accused to bail, with or without sureties";
- (25) By repealing section 95 and inserting in its place the following section--

**"95 Recognition and enforcement of foreign judgments**

(1) In this section—

"judgment" means a final decision of a court other than a court of Niue, in criminal or civil proceedings, for the payment of a sum of money as compensation or damages, and includes arbitral awards and maintenance orders but excludes sums payable in respect of a fine or other penalty;

"final decision" means a judgment from which there is no appeal in the courts of the country where the judgment was originally made or, when the judgment is executory, because the time for appealing the judgment has expired;

"judgment creditor" means the person in whose favour a judgment was given and any person who has rights under a judgment.

(2) A judgment may be enforceable in Niue if—

- (i) The foreign court had jurisdiction to decide the matter; and
- (ii) It is for a definite sum of money; and
- (iii) Enforcement would not be contrary to the public policy of Niue; and
- (iv) A certified copy of the judgment has been filed for registration in the High Court within 2 years from the date on which it was made or became executory.

(3) After receiving an application to register a judgment, the High Court shall issue a summons—

- (i) Calling upon the person against whom the judgment was obtained to show within 30 days why execution should not issue upon such judgment; and
- (ii) Giving notice that in default of appearance an order for execution of the judgment will be issued.

(4) In default of appearance within 30 days, or if the person served with such summons fails to show sufficient cause against it, the judgment will be registered.

(5) No order of registration shall be issued where a judgment creditor has shown that the judgment—

- (i) Has been wholly satisfied; or
- (ii) Could not be enforced in the courts of the country where the judgment was originally made.

- (6) Where a judgment has been partially satisfied, it shall be registered only in respect of a sum remaining unpaid under it.
- (7) After registration the judgment may be enforced in the same manner as if it were a judgment originally given in the High Court on the date of registration.
- (8) No foreign judgment shall be enforced in Niue other than by way of registration under this section.
- (9) A judgment shall be recognised by a court of Niue as conclusive between the parties in a case founded on the same cause of action and as a defence or counter-claim if it satisfies subsections (i), (ii) and (iii) of subsection (2)."

(26) In section 105, by deleting the words "either" and "or by warrant under the hand of the Cabinet of Ministers";

(27) By repealing section 106;

(28) By repealing section 107 and inserting in its place the following section—

**" 107 Declarations**

A person may apply to the High Court for a declaration where—

- (i) The applicant has done or desires to do an act the validity, legality, or effect of which depends on the construction or validity of an enactment or of any document; or
- (ii) Claims to have acquired any rights under any such enactment or document, or in any other manner to be interested in its construction or validity; or
- (iii) Wishes to have a formal statement as to the existence or non-existence of a marriage or the validity of a dissolution of marriage."

(29) By repealing section 108;

(30) By repealing section 109 and inserting in its place the following section—

**"109 Cases stated**

- (1) The High Court may in any proceedings before it, either on the application of a party or of its own motion, state a case on a question of law for determination by the Court of Appeal.
- (2) In the order of the Court of Appeal which determines the case stated, the Court of Appeal

may fix the costs of the argument and determination of the case stated."

- (31) By repealing section 110;
- (32) In section 113, by deleting the words "of New Zealand, pursuant to Article 51 of the Constitution" and "by the Registrar of the High Court under the seal of that Court";
- (33) In section 114, by deleting the words "either to the High Court or to the Court of Appeal" and inserting in their place the words "to the High Court", and by deleting the words "by either Court";
- (34) In sections 119, 120 and 121, by deleting the words "of New Zealand";
- (35) In section 122, by deleting the words "of New Zealand", and by deleting the words "barrister of the Supreme Court" and inserting in their place the words "person who has right of audience in the High Court";
- (36) In section 123, by deleting the words "transmitted to the Registrar of the High Court by the Registrar of the Court of Appeal under the seal of that Court, and judgment shall thereupon be";
- (37) By repealing sections 125 and 128;
- (38) In section 162(4), by deleting paragraphs (a) and (b) and inserting in their place the words "a separation order granted in Niue or New Zealand was in force in respect of the marriage";
- (39) In section 176A, by deleting the words "by order" and inserting in their place the words "make regulations to", and by deleting the words "as Cabinet may make in such order" and inserting in their place the words "and to prescribe fees and offences in respect of such activities";
- (40) In section 229(4), by deleting the words "Act of the New Zealand Parliament that extends to Niue, or by any Act of the Niue Assembly, regulation, bylaw, or other";
- (41) In section 244A(1), by deleting the word "Cabinet" and inserting in its place the words "Court on application of the Chief of Police";
- (42) In section 244A(3), by deleting the word "Cabinet" and inserting in its place the word "Court";
- (43) By repealing sections 247 and 249;
- (44) In section 250(2)(a), by deleting the words "treason (as defined in section 73 of the Crimes Act 1961) or any offence" and insert in their place the words "any offence";
- (45) In section 250(2)(b) and (c), by deleting the words "or treason (as so defined);
- (46) In section 251, by deleting the words "a Magistrate" and inserting in their place the words "a Commissioner", and by deleting after the word

"Judge" the words "or a Magistrate" and inserting in their place the words "or the Registrar";

- (47) In section 252(1), by deleting the words "Magistrate, the Magistrate may" and inserting in their place the words "Judge or the Registrar, the Judge or Registrar may";
- (48) In section 252(2), by deleting the words "by a Magistrate";
- (49) In section 256(1), by deleting the words "by a Magistrate" and inserting in their place the words "under section 251";
- (50) In section 280(1), by deleting the word "Premier" and inserting in its place the words "Chief of Police";
- (51) In section 282(1), by deleting the words "Her Majesty the Queen" and inserting in their place the words "the Government";
- (52) By repealing section 282(2);
- (53) In section 282(3) and (4), by deleting the words ", a Magistrate";
- (54) In section 282(5), by deleting the words ", Magistrate," wherever they occur;
- (55) Section 282(8), by deleting the words "Her Majesty the Queen" and inserting in their place the words "the Government";
- (56) By repealing section 283;
- (57) In section 284(1), by deleting the words "of the High Court or Magistrate" and inserting in their place the words "or the Registrar of the High Court";
- (58) In section 284A(1)(a) by deleting the words "treason (as defined in section 73 of the Crimes Act 1961) or";
- (59) By repealing sections 285 and 286;
- (60) By repealing section 296 and inserting in its place the following section—

**"296 Judicial notice of enactments**

In all proceedings the Court shall take judicial notice of all enactments";

- (61) In section 297, by deleting the words "or of any member of the Executive Council of New Zealand, or of the Attorney-General or Solicitor-General of New Zealand, and of the signature of any Judge of the Supreme Court of New Zealand, and of the seal of that Court or of any Registrar thereof";
- (62) By repealing section 310 and 321;
- (63) In section 489, by repealing subsections (2), (3), (4) and (5);

(64) In section 490, by deleting the words "in the same manner as if the deceased were a European" and inserting in their place the words "under the Administration Act 1969";

(65) By repealing section 498;

(66) By repealing section 515(1) and inserting in its place the following subsection—

"(1) A marriage forbidden by the following schedule is void—

**SCHEDULE**

**Forbidden Marriages**

1. A man may not marry his -

- |                         |                                  |
|-------------------------|----------------------------------|
| (1) Grandmother:        | (11) Sons' wife:                 |
| (2) Grandfather's wife: | (12) Sister:                     |
| (3) Wife's grandmother: | (13) Son's daughter:             |
| (4) Father's sister:    | (14) Daughter's daughter:        |
| (5) Mother's sister:    | (15) Son's son's wife:           |
| (6) Mother:             | (16) Daughter's son's wife:      |
| (7) Stepmother          | (17) Wife's son's daughter:      |
| (8) Wife's mother:      | (18) Wife's daughter's daughter: |
| (9) Daughter:           | (19) Brother's daughter:         |
| (10) Wife's daughter:   | (20) Sister's daughter.          |

2. A woman may not marry her -

- |                            |                                     |
|----------------------------|-------------------------------------|
| (1) Grandfather:           | (11) Daughter's husband:            |
| (2) Grandmother's husband: | (12) Brother:                       |
| (3) Husband's grandfather: | (13) Son's son:                     |
| (4) Father's brother:      | (14) Daughter's son:                |
| (5) Mother's brother:      | (15) Son's daughter's husband:      |
| (6) Father:                | (16) Daughter's daughter's husband: |
| (7) Stepfather:            | (17) Husband's son's son:           |
| (8) Husband's father:      | (18) Husband's daughter's son:      |
| (9) Son:                   | (19) Brother's son                  |
| (10) Husband's son:        | (20) Sister's son                   |

3. This Schedule shall apply whether the relationship is by whole blood or by the half blood.

4. In this Schedule "wife" includes a former wife, whether she is alive or deceased, and whether her marriage was terminated by death or divorce or otherwise; and "husband" has a corresponding meaning.

(67) By repealing sections 516, 517 and 518; and inserting in their place the following section—

**“516 Marriages to take place before Marriage Officer**

- (1) Every marriage shall take place in the presence of a Marriage Officer and of at least two other witnesses.
- (2) In this section, “Marriage Officer” means any Judge or Commissioner of the High Court, the Registrar of the High Court, or any person appointed as a Marriage Officer under subsection (3).
- (3) The Cabinet may appoint any minister of religion, or person whom it believes to be a fit and proper person, as a Marriage Officer.
- (4) A marriage celebrated other than in accordance with this section is void.”;

(68) By repealing section 530;

(69) In section 531, by deleting the words “or of dissolution of a voidable marriage”;

(70) By repealing section 532;

(71) By repealing section 533 and inserting in its place the following section—

**“533 Domicile of a married woman**

The domicile of a married woman shall be determined as if she were an adult and single.”;

(72) In section 534(3), in paragraph (e), by deleting the words “or section 191 of the Cook Islands Act 1915 (which relate to causing grievous bodily harm)”, and in paragraph (m), by deleting the words “decree of separation made in New Zealand, or a separation order made in Niue or in New Zealand or in the Cook Islands, or to a decree, order, or judgment made in any other” and inserting in their place the words “decree, order, or judgment made in Niue or in any”;

(73) By repealing sections 534 (4), 534 (5), 538, 541, and 542;

(74) In section 540, by deleting the words “of New Zealand” and “or of dissolution of a voidable marriage”;

(75) In section 543(1), by deleting the words “or of dissolution of a voidable marriage”;

- (76) In section 544(1), by deleting the words "dissolution of a voidable marriage" and inserting in their place the words "nullity";
- (77) By repealing sections 544(2) and 546;
- (78) In section 547, by deleting the definition of "Affiliation order";
- (79) In section 547, in the definition of "Defendant" by deleting the words "or under Part XX of the Cook Islands Act 1915" and in the definition of "Maintenance order" by deleting the words "; and includes such order made under Part XX of the Cook Islands Act 1915 and continuing in force at the commencement of this Act";
- (80) By repealing sections 548 and 550;
- (81) By repealing section 559 and inserting in its place the following section—

**"559 Disobedience to maintenance order**

Every person who disobeys a maintenance order commits an offence and is liable on conviction to a fine not exceeding \$100 and imprisonment for a term not exceeding six months."

- (82) By repealing sections 578, 605, 607 and 612;
- (83) In section 613, by deleting the words "shall have no jurisdiction to" and inserting in their place the word "may";
- (84) In section 615, by deleting the words "or any other person," and "or before any officer of the Niue Public Service,";
- (85) In section 616, by deleting the words "until the pleasure of the Cabinet of Ministers or (in the case of a charge of murder or manslaughter) the pleasure of the Governor-General is known";
- (86) In section 617, by deleting the words "until the pleasure of the Cabinet of Ministers or (in the case of a charge of murder or manslaughter) the pleasure of the Governor-General is known" and inserting in their place the words ". A person so detained may apply to the High Court for discharge at any time but an application may not be made at more frequent intervals than six months.";
- (87) By repealing section 618 and inserting in its place the following section—

**"618 Discharge**

A person who is detained under section 616 shall not be so detained for a period of more than one month, and may at any time be discharged by order of the Court. Such a person may further be brought before the Court and either tried for the offence in respect of which he or she is detained or be again detained under section 616."

(88) By repealing sections 619 (2), 646, 654, 655, 655A, 658-670, 679-689, 690-705, 711-713, and 716 (2);

(89) By repealing section 720(1) and inserting in its place the following subsection—

“(1) Any Judge of the High Court, any Commissioner, the Registrar of the High Court, the Controller of Customs, or any law practitioner entitled to practice in the courts of Niue may take and receive the declaration of any person, in the form in the Second Schedule;”

(90) By repealing sections 720(3), 721, 723 and 727-735;

(91) By inserting as section 736 the following section—

**“736 Contributory negligence**

(1) Where a person suffers loss or damage as the result partly of personal fault and partly of the fault of any other person, a claim in respect of that loss or damage shall not be defeated by reason of the fault of the person suffering the loss or damage, but the compensation recoverable shall be reduced to the extent the Court thinks just and equitable having regard to the claimant’s share in the responsibility for the loss or damage.

(2) All references in the law of Niue to the Contributory Negligence Act 1955 (NZ) shall be deleted and replaced by a reference to subsection (1).”

(92) By inserting as section 737 the following section-

**“737 Protection of intellectual property**

A copyright, design, patent, or trademark protected by New Zealand law shall be accorded the same protection by the Courts of Niue as that available in New Zealand under the laws of New Zealand for the time being in force.”

**43 Niue Amendment Act No (2) 1968 amended**

The Niue Amendment Act No (2) 1968 is amended—

(1) In section 2, by replacing the definition of Crown Land and inserting in its place the following definition—

“Crown Land” means land in Niue vested in the Government being land that is free from Niuean custom’;

- (2) In section 2, by repealing the definition of “Niuean land” and inserting in its place the following definition “Niuean land” means land in Niue held by Niueans according to the customs and usages in Niue’;
- (3) By repealing sections 4, section 6(1) and 7;
- (4) In section 16 by deleting the words “Her Majesty the Queen acting by and through”;
- (5) By repealing sections 20, 22(2), 55 and 69–74;
- (6) In sections 75–83 by deleting the words “Land Appellate Court” and inserting in their place the words “Court of Appeal”;
- (7) In section 91 by repealing the definition of “Adoption order” and inserting in its place the following definition—

“Adoption order” means an adoption order made by the Land Court’.

#### **44 Niue Assembly Act 1966 amended**

The Niue Assembly Act 1966 is amended in section 9 by repealing paragraph (e) and inserting in its place the following paragraph—

“(e) If, on 3 consecutive sitting days, the member fails, without the permission of the Speaker, to attend the meetings of the Assembly or of any committee of the Assembly; or”

#### **45 Niue Dogs Act 1966 amended**

The Niue Dogs Act 1966 is amended—

- (1) By repealing sections 21, 31 and 32;
- (2) By inserting as a new section 33 section 714 of the Niue Act 1966 and repealing section 714 of the Niue Act 1966.

#### **46 Niue Manufactured Goods Tax Act 1964 amended**

The Niue Manufactured Goods Tax Act 1964 is amended by repealing section 6(7).

#### **47 Niue Public Health Act 1965 amended**

The Niue Public Health Act 1965 is amended by the repeal of sections 4 and 62.

**48 Niue Transport Act 1965 amended**

The Niue Transport Act 1965 is amended—

(1) In section 95 by repealing subsection (2) and inserting the following in its place “(2) In this section “intoxicating liquor” has the same meaning as in the Liquor Act 1975”.

(2) By repealing section 97 and inserting in its place the following section—

**“97 Regulations**

Cabinet may make such regulations as it thinks fit for the purposes of this Act.”

**49 Niue Village Council Act 1967 amended**

The Niue Village Council Act 1967 is amended by repealing section 31 and inserting in its place the following section—

**“31 Assent to by-laws**

No by-law made under section 21 shall become effective until it has been assented to in writing by Cabinet.”

**50 Occupiers Liability Act 1962 amended**

The Occupiers Liability Act 1962 is amended—

(1) In section 6 subsections (1) and (2) by deleting the words “under paragraph (c) of subsection (1) of section 17 of the Law Reform Act 1936,”.

(2) By repealing section 8(8).

**51 Partnership Act 1908 amended**

The Partnership Act 1908 is amended in section 26 by the repeal of subsection (2A).

**52 Planting of Land Act 1963 repealed**

The Planting of Land Act 1963 is repealed.

**53 Price Control on Imported Goods for Resale in Niue Act 1975 amended**

The Price Control on Imported Goods for Resale in Niue Act 1975 is amended by repealing section 11 and inserting in its place the following section—

**"11 Regulations**

Cabinet may make such regulations as it thinks fit for the purposes of this Act."

**54 Polynesian Airlines Shareholding Act 1974 repealed**

The Polynesian Airlines Shareholding Act 1974 is repealed.

**55 Property Law Act 1952 amended**

The Property Law Act 1952 is amended—

- (1) In section 2, by deleting the definitions of "Bankruptcy", "Deed", "Land", "Land under the Land Transfer Act 1952", "Mortgage", "Mortgagee", "Mortgagor", and "Registered" or "duly registered";
- (2) By repealing sections 3, 13-30, 43-59, 61, 62, 70 and 71;
- (3) In section 75, by deleting the words "or as Public Trustee," and "or as manager of any property under Part V of the Public Trust Office Act 1957,";
- (4) By repealing section 75(3), 76-104, 118(6)(b), 120(8), 123(1) proviso, 123(2) and (3), 124-126, 127(7), 128(3) and (4);
- (5) In section 128(1), by deleting the words "Magistrate's Court" and inserting in their place the word "Commissioner";
- (6) By repealing section 128(2) and inserting in its place the following subsection—

"(2) On any such application the Commissioner may make such an order as the Commissioner thinks fit, and may make such order subject to such terms and conditions as are thought fit.";

- (7) By repealing sections 129(6), 129A(6) and (7), 131, 132, 139(2) and (3), 143(2), 149, 151, 152(6) and (7), 153 and all Schedules.

**56 Public Revenues Act 1959 amended**

The Public Revenues Act 1959 is amended by repealing sections 14-18, 20, 24, 31 and 31A, 36(1)(c) and 41(3).

**57 Public Service Savings and Loan Society Act 1980 amended**

The Public Service Savings and Loans Society Act 1980 is amended—

- (1) In section 10(2), by inserting the following new paragraph—

"(f) Do all such other things as are necessary for the achievement of the purposes of this Act.";

- (2) By repealing section 25.

**58 Race Relations Act 1972 amended**

The Race Relations Act 1972 is amended in section 24 by repealing subsection (2) and inserting in its place the following subsection—

“(2) In this section “instrument” means an instrument the purposes of which are exclusively charitable.”

**59 Reprint of Statutes Act 1991 amended**

The Reprint of Statutes Act 1991 is amended in section 3(2) by the addition of the following paragraph—

“(g) Consolidate, with all necessary consequential changes, Statutes on the same subject.”

**60 Sea Carriage of Goods Act 1940 amended**

The Sea Carriage of Goods Act 1940 is amended by repealing sections 1(2) and 2-6.

**61 Trustee Act 1956 amended**

The Trustee Act 1956 is amended—

- (1) In section 2(1), by deleting the definition of “Bank” and inserting the following in its place—

““Bank” means a bank licensed under the Banking Act 1986”;

- (2) In section 2(1), by deleting the definitions of “Court” and “Government securities”;

- (3) In section 2(1), in the definition of “Trust” by deleting all the words that follow “1952”;

- (4) In section 2(1) by deleting the definition of “Trustee corporation”;

- (5) By repealing sections 4-13 and inserting the following section—

**“4 Power to invest**

- (1) A trustee may invest any trust funds, whether at the time in a state of investment or not, in any property.

- (2) Subject to subsections (3) and (4) of this Act, a trustee exercising any power of investment shall exercise the care, diligence, and skill that a prudent person of business would exercise in managing the affairs of others.

- (3) Subject to subsection (4) of this section, where a trustee's profession, employment, or business is or includes acting as a trustee or investing money on behalf of others, the trustee, in exercising any power of investment, shall exercise the care, diligence, and skill that a prudent person engaged in that profession, employment, or business would exercise in managing the affairs of others.
  - (4) The duty imposed on a trustee by subsection (2) or (3) of this section shall apply to a trustee if and so far only as a contrary intention is not expressed in the instrument, if any, creating the trust or any Act, and shall have effect subject to the terms of that instrument or Act."
- (6) In section 34A, by deleting the words "or such other rate as the Governor-General may for the time being by Order in Council prescribe.";
  - (7) In section 35(7), by deleting paragraph (a);
  - (8) In section 35(8)(a), by deleting the words "under the Family Protection Act 1955 or the Law Reform (Testamentary Promises) Act 1949, or";
  - (9) In section 49(1), by deleting the words which follow "administrator of the estate";
  - (10) In section 49(2)(d), by deleting the words "or of any person on whose application the Court would have power under the Mental Health Act 1911 to appoint a committee of that estate";
  - (11) In section 49(2), by deleting paragraph (e);
  - (12) In section 49(5), by deleting paragraph (a);
  - (13) In section 50(4), by deleting paragraphs (a), (b) and (c) and inserting the following words in their place "by the managing trustees if they are entitled to fix their own remuneration or by the Court";
  - (14) In section 51(2)(b), by deleting the words "as defined by section 2 of the Crimes Act 1961";
  - (15) In section 51(2), by deleting paragraph (c) and inserting the following in its place—
    - "(c) Is a mentally defective person" ;
  - (16) By repealing section 72(4) and 75(4);
  - (17) In section 77(1), by deleting the words "section 38 of" and "1953";
  - (18) By repealing section 77(7);

- (19) In section 83B(1) by deleting the words that follow the word "co-trustees";
- (20) By repealing section 83B(2) to (13);
- (21) By adding the following new section—

**" 90 Regulations**

Cabinet may make such regulations as it thinks fit for the purposes of this Act."

**62 United Nations Act 1946 amended**

The United Nations Act 1946 is amended—

- (1) In section 2, by repealing subsection (3);
- (2) In section 3, by repealing subsections (2) and (3).

**63 Visiting Forces Act 1939 amended**

The Visiting Forces Act 1939 is amended—

- (1) In section 2, by repealing the definition of "Part of the Commonwealth" and inserting in its place the following definition "Part of the Commonwealth" means any country which Cabinet by regulation declares to be part of the Commonwealth for the purposes of this Act.";
- (2) In section 3(5), by deleting the words "the Minister of Defence" and inserting in their place the word "Cabinet".
- (3) In section 4(1), by deleting the words "the Governor-General may by Order in Council" and inserting in their place the words "Cabinet may by regulation";
- (4) By repealing section 4(2);
- (5) In section 4(3), by deleting the words "the Governor-General by Order in Council" and inserting in their place the words "Cabinet by regulation", and by deleting the words "the Minister of Defence" and inserting in their place the word "Cabinet", and by deleting the words "the Governor-General may by the same or a subsequent Order in Council" and inserting in their place the words "Cabinet may by regulation";
- (6) In section 4(5) by deleting the proviso;
- (7) In section 4(6), by deleting the words "An Order in Council" and inserting in their place the words "Regulations made";
- (8) In section 5(1), by deleting the words "the Governor-General may by Order in Council" and inserting in their place the words "Cabinet may by regulation";
- (9) In section 5(4)(a), by deleting the words "under the hand of the Minister of Defence" and inserting in their place the words "of Cabinet";

- (10) By repealing section 6;
- (11) In section 7(1), by deleting the words "the Governor-General may by Order in Council" and inserting in their place the words "Cabinet may by regulation";
- (12) By repealing section 8;
- (13) In section 10, by deleting the words "The Governor-General may from time to time, by Order in Council," and inserting in their place the words "Cabinet may by regulation".

**64 Wreck and Salvage Act 1968 amended**

The Wreck and Salvage Act 1968 is amended in section 18(4) by deleting the words "Supreme Court in New Zealand" and inserting in their place the words "Court of Appeal".