

# TULAFONO A TOKELAU

2005

A CONSOLIDATED COLLECTION OF THE  
LEGISLATION OF TOKELAU  
as at 1 September 2005

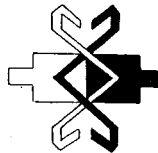
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## PREFACE

This book is in 3 parts. It is intended to assist the General Fono in its lawmaking work as Tokelau becomes increasingly self-governing. One feature of constitutional development in Tokelau to date has been that laws made by New Zealand institutions are being replaced with locally made laws. The laws contained in this volume are the nucleus of the legal system of a self-governing Tokelau.

**Part 1** contains the Rules of the General Fono as at 1 September 2005, fully consolidated and edited. It provides a collection of the laws of Tokelau that are within the control of the General Fono. The laws that are within the control of the General Fono fall into two main categories: Rules made by the General Fono itself in the exercise of its rule-making power under the Tokelau Act 1948 section 3A, and regulations made before 1 August 1996 by the Governor-General in Council under the Tokelau Act 1948, section 4. The General Fono has the power under section 3A(2) of the Tokelau Act 1948 to declare that regulations made under section 4 are not in force in Tokelau, and in certain cases has used that power to amend them.

**Part 2** contains the Standing Orders of the General Fono as at 1 September 2005.

**Part 3** contains treaties and agreements of constitutional significance.

The Rules of the General Fono and the Standing Orders of the General Fono are made in Tokelauan and in English. This consolidated version is in two volumes: Volume one is in Tokelauan and volume two is in English.

The consolidation and reprint, in both Tokelauan and English, has been prepared under rule 11 of the Interpretation Rules 2003 in accordance with the Council for the Ongoing Government direction of November 2004. The Collection is certified as a statement of the law as at 1 September 2005.

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## TABLE OF TOKELAU LEGISLATION

This Table lists the rules made by the General Fono and in force in Tokelau as at 1 September 2005. "T" denotes rules; "SR" denotes regulations. Enactments marked with an asterisk are not reproduced in this book.

The General Fono is empowered under the Tokelau Act 1948 (section 3A(2)(d)) to declare that regulations made under the Tokelau Act 1948 before 1 August 1996 shall cease to be in force in Tokelau and that has now been done in respect of all such regulations. Regulations made after that date, over which the General Fono has no power, are listed in italics.

Regulations made under other Acts in force in Tokelau are in force, unless otherwise expressly provided, under the Tokelau Act 1948, section 7. These regulations, of which there are many, are not listed here. For a list as at 1 September 1997, see *Tulafono a Tokelau 1997: Ni Pepa e Aoga mo na Galuega – The Law of Tokelau 1997: A Working Collection* (Tokelau, 1997).

The Letters Patent of 28 October 1983 constituting the Office of Governor-General of New Zealand (SR 1983/225, as amended by Letters Patent of 31 December 1986 (SR 1987/8) are part of the law of Tokelau.

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<b>Short Title</b>	<b>Number Amendments</b>
<b>Administration Rules 1993</b>	<b>SR 1993/257</b> T 2003/3 T 2004/6 T 2004/13
<b>Adoption Rules 1966</b>	<b>SR 1966/160</b> Act 1974, No 124 Act 1976, No 122 T 2003/2 T 2003/3 T 2004/6
<b>Affidavits and Declarations Rules 1986</b>	<b>SR 1986/322</b> SR 1989/266 T 2004/6 T 2004/13

<b>Application of New Zealand Laws Rules 2004</b>	<b>T 2004/4</b>
<b>Banking Rules 2004</b>	<b>T 2004/14</b> T 2005/1
<b>Biosecurity Rules 2003</b>	<b>T 2003/7</b>
<b>Births and Deaths Registration Rules 1969</b>	<b>SR 1969/131</b> Act 1974, No 124 Act 1976, No 122 SR 1986/321 T 2003/2 T 2003/3 T 2004/6 T 2004/13 T 2005/3
<b>Business Restriction Rules 1989</b>	<b>SR 1989/267</b> T 2003/2 T 2003/3 T 2004/6
<b>Carriage of Goods by Sea Rules 2004</b>	<b>T 2004/8</b>
<b>Census Rules 1961</b>	<b>SR 1961/88</b> Act 1964, No 27 Act 1974, No 124 Act 1976, No 122 T 2003/2 T 2003/3 T 2004/6 T 2005/5
<b>Civil Arbitration Rules 2004</b>	<b>T 2004/9</b>
<b>*Coinage Rules 1978</b>	<b>SR 1978/323</b> SR 1979/255 SR 1980/229 SR 1981/227 SR 1982/205 SR 1984/267 T 2004/6
<b>*Coinage (Commemorative Coins) Rules 1987</b>	<b>SR 1987/388</b> T 2004/6
<b>*Coinage (Commemorative Coins) Rules 1991</b>	<b>SR 1991/232</b> T 2004/6

*Table of legislation*

<b>*Coinage (Commemorative Coins) Rules 1993</b>	<b>SR 1993/244</b> T 2004/6
<b>*Coinage (Commemorative Coins) Rules 1994</b>	<b>SR 1994/33</b> T 2004/6
<b>*Coinage (Commemorative Coins) Rules (No 2) 1994</b>	<b>SR 1994/297</b> T 2004/6
<b>*Coinage (Commemorative Coin) Rules 1996</b>	<b>SR 1996/61</b> T 2004/6
<b>*Coinage (Commemorative Coins) Regulations (No 2) 1996</b>	<b>SR 1996/25</b>
<b>*Coinage (Commemorative Coin) Regulations 1997</b>	<b>SR 1997/146</b>
<b>*Coinage (Commemorative Coins) Regulations 1999</b>	<b>SR 1999/50</b>
<b>*Coinage (Commemorative Coins) Regulations 2003</b>	<b>SR 2003/370</b>
<b>Commissions of Inquiry Rules 1991</b>	<b>SR 1991/118</b> T 1997/5 T 2004/6
<b>Contract Rules 2004</b>	<b>T 2004/7</b>
<b>Crimes, Procedure and Evidence Rules 2003</b>	<b>T 2003/5</b> T 2004/13 T 2005/7 T 2005/8
<b>Custom as a Source of Law Rules 2004</b>	<b>T 2004/15</b>
<b>Customs Rules 1991</b>	<b>SR 1991/4</b> T 1997/3 T 1997/5 T 2003/2 T 2003/3 T 2004/6
<b>Divorce Rules 1987</b>	<b>SR 1987/28</b> T 2003/2 T 2003/3 T 2004/6
<b>Electricity, Gas and Dangerous Goods Rules 2003</b>	<b>T 2003/4</b>

<b>Emergency Rules 2003</b>	<b>T 2003/8</b>
<b>Exclusive Economic Zone Fishing Rules 1988</b>	<b>SR 1988/262</b> <b>SR 1989/268</b> <b>T 2004/6</b>
<b>Extradition Rules 2005</b>	<b>T 2005/9</b>
<b>Finance Rules 1998</b>	<b>T 1998/1</b> <b>T 2004/11</b>
<b>Health Rules 2003</b>	<b>T 2003/9</b>
<b>Human Rights Rules 2003</b>	<b>T 2003/11</b>
<b>Immigration Rules 1991</b>	<b>SR 1991/117</b> <b>T 1997/5</b> <b>T 2003/2</b> <b>T 2003/3</b> <b>T 2003/12</b> <b>T 2004/6</b> <b>T 2005/3</b>
<b>Income Tax Rules 1997</b>	<b>T 1997/2</b> <b>T 1997/7</b> <b>T 1998/4</b>
<b>Incorporation Rules 2003</b>	<b>T 2003/6</b> <b>T 2004/12</b>
<b>Interpretation Rules 2003</b>	<b>T 2003/10</b> <b>T 2004/10</b> <b>T 2005/4</b> <b>T 2005/6</b> <b>T 2005/11</b>
<b>Marine Pollution Rules 1998</b>	<b>T 1998/3</b> <b>T 2003/3</b>
<b>Marriage Rules 1986</b>	<b>SR 1986/320</b> <b>SR 1988/254</b> <b>T 1997/5</b> <b>T 2003/2</b> <b>T 2003/3</b> <b>T 2004/6</b>

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<b>Police Rules 1989</b>	<b>SR 1989/270</b> T 1997/5 T 2004/2 T 2004/6 T 2005/10
<b>Post Office Rules 1991</b>	<b>SR 1991/3</b> T 1996/2 T 1997/5 T 2003/2 T 2003/3 T 2004/6 <b>T 2004/1</b>
<b>Public Service Rules 2004</b>	<b>T 2004/1</b>
<b>Rhinoceros Beetle Rules 1964</b>	<b>SR 1964/57</b> T 2003/2 T 2004/6
<b>Self-Determination Referendum Rules 2005</b>	<b>T 2005/2</b>
<b>Shipping (Salvage) Rules 1992</b>	<b>SR 1992/289</b> T 2004/6
<b>Succession Rules 2004</b>	<b>T 2004/16</b>
<b>Telecommunication Tokelau Corporation Rules 1996</b>	<b>T 1996/1</b> T 1997/4 T 1998/2 T 2003/3
<b>Tokelau Trust Fund Rules 2003</b>	<b>T 2003/1</b> T 2003/3
<b>Transport Tokelau Corporation Rules 1997</b>	<b>T 1997/8</b> T 1999/1 T 2003/3
<b>Village Incorporation Rules 1986</b>	<b>SR 1986/319</b> SR 1996/181 T 2004/6
<b>Visiting Forces Rules 2004</b>	<b>T 2004/3</b>

## CHRONOLOGICAL TABLE OF TOKELAU LEGISLATION

This table lists all Rules made by the General Fono since it gained its legislative power under the Tokelau Amendment Act 1996.

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<b>Year</b>		
No	Title	Status
<hr/>		
<b>1996</b>		
1	Telecommunication Tokelau Corporation	In force
2	Post Office Amendment	See SR 1991/3
3	Transport Tokelau Corporation (Interim Board)	Repealed by T 1997/8
<b>1997</b>		
1	Copra	Repealed by T 2004/13
2	Income Tax	In force
3	Duty	See SR 1991/4
4	Telecommunication Tokelau Corporation Amendment	See T 1996/1
5	Administrative Devolution	Spent
6	Repeal of Laws	Spent
7	Income Tax Amendment	See T 1997/2
8	Transport Tokelau Corporation	In force
<b>1998</b>		
1	Finance	In force
2	Telecommunications Tokelau Corporation Amendment	See T 1996/1
3	Marine Pollution	In force
4	Income Tax Amendment	See T 1997/2
<b>1999</b>		
1	Transport Tokelau Corporation Amendment	See T 1997/8
<b>2001</b>		
1	Tokelau Public Service	Repealed by T 2004/1
<b>2003</b>		
1	Tokelau Trust Fund	In force
2	Transfer of Powers	Spent
3	Council for the Ongoing Government	Spent

*Chronology of Tokelau legislation*

4	Electricity, Gas and Dangerous Goods	In force
5	Crimes, Procedure and Evidence	In force
6	Incorporation	In force
7	Biosecurity	In force
8	Emergency	In force
9	Health	In force
10	Interpretation	In force
11	Human Rights	In force
12	Immigration Amendment	See SR 1991/117

**2004**

1	Public Service	In force
2	Police Amendment	See SR 1989/270
3	Visiting Forces	In force
4	Application of New Zealand Laws	In force
5	Tokelau (New Zealand Laws) Repeal	Spent
6	Change of Name	Spent
7	Contract	In force
8	Carriage of Goods by Sea	In force
9	Civil Arbitration	In force
10	Interpretation (Decimal Currency) Amendment	See T 2003/10
11	Finance Amendment	See T 1998/1
12	Incorporation Amendment	See T 2003/6
13	Minor Amendments	See SR 1993/257 See SR 1986/322 See SR 1969/131 See T 2003/5
14	Banking	In force 1/7/05
15	Custom as a Source of Law	In force
16	Succession	In force

**2005**

1	Banking Amendment	See T 2005/7
2	Self-Determination Referendum	In force
3	Identity Amendment	See SR 1969/131 See SR 1991/117
4	Interpretation (Penalty Units) Amendment	See T 2003/10
5	Census Amendment	See SR 1961/88
6	Interpretation (Public Notice) Amendment	See T 2003/10
7	Crimes (Limitation) Amendment	See T 2003/5
8	Crimes (Law Commissioner) Amendment	See T 2003/5
9	Extradition	In force
10	Police Amendment	See SR 1989/270
11	Interpretation (Tokelauan) Amendment	See T 2003/10

**TABLE OF ACTS IN FORCE**

This Table lists the New Zealand Acts in force as at 1 December 2004.

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**New Zealand Acts specific to Tokelau**

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Tokelau Act 1948

Tokelau (Territorial Sea and Exclusive Economic Zone) Act 1977

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**New Zealand Acts extended to Tokelau**

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Anti-Personnel Mines Prohibition Act 1998

Carriage by Air Act 1967

Citizenship Act 1977

Citizenship (Western Samoa) Act 1982

Civil Aviation Act 1990 (except part 8)

Commonwealth Countries Act 1977

Consular Privileges and Immunities Act 1971

Diplomatic Privileges and Immunities Act 1968

Geneva Conventions Act 1958

International Finance Agreements Act 1961

Royal Titles Act 1974

Seal of New Zealand Act 1977

United Nations Act 1946

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