

Dogs - (1) The following Ordinances
namely -
Registration Ordinance 1916, No.5
Registration Amendment Ordinance

giving the provisions of the Acts
4, it is hereby declared that:

and every entry therein
made or made under the repealed
and which are of continuing
effect coming into force of this
Ordinance shall ensure for the purposes
of this Ordinance as if they had originated
under the corresponding provisions thereof;
and which are of continuing
effect at the coming into force
of this Ordinance shall ensure for the
purposes of this Ordinance as if they had
originated under the corresponding
provisions thereof;

things, and proceedings which
have been commenced under the repealed
Ordinance which are pending or in
progress at the commencement of this
Ordinance shall be continued and completed
under this Ordinance.

Fees and fines - All fees and charges
and all fines collected pursuant to
this Ordinance shall form part of the
revenue and shall be paid into the
treasury.

REGISTRATION ORDINANCE 1966
No. 39

Niue Island Dogs Ordinance 1966,

Registration - (1) This Ordinance may
be deemed part of the
Registration Ordinance 1966
No. 35 (hereinafter
referred to as "the Ordinance").

into force on the day
of the appointment of the
Resident Commissioner.

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RECEIVED
1966

Electric Power Supply Ordinance 1960, No.6

ANALYSIS

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|-----|---|
| 1. | Short Title |
| 2. | Interpretation |
| 3. | Licence required |
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| 5. | Notice regarding repairs or alterations |
| 6. | Power to enter premises |
| 7. | Hindering or obstructing Works Officer |
| 8. | Offence to repair or interfere with wires |
| 9. | Stealing electricity |
| 10. | Government not liable for failure of supply |
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| 12. | Sale of electrical appliances and fittings |
| 13. | Power to enter on land |
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| 15. | Compensation |
| 16. | General penalty for offences |
| 17. | Fines recoverable |
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| 19. | Regulations |

ELECTRIC POWER SUPPLY ORDINANCE 1960
1960, No. 6

An Ordinance to make provision for the control of electric
installations, wiring and appliances (1 September 1960).

- Short Title - This Ordinance may be cited as the
Electric Power Supply Ordinance 1960.
- Interpretation - In this Ordinance, unless the context
otherwise requires -

"Electric line" or "line" or "electric line or work"
means any wire or wires or other conductor,
instrument, apparatus, device, or means used or
intended to be used or reasonably capable of
being used for transmitting, distributing, or
otherwise conducting electrical energy, or for
the consumption or application of electrical
energy used pursuant to a licence under this
Ordinance; and includes a telephone line:

"Gazette" means the Niue Island Gazette:

"Government" includes duly appointed servants or agents
of the Government of Niue:

"Maintenance" includes any alteration, examination,
removal or repair:

"Owner" includes occupier:

"Works Officer" means the employee of the Government
holding the appointment of Works Officer in the
Public Works Department.

- Licences required - No person shall lay, construct,
put up, place, or use any electric line except under the
authority of a licence issued to him by the Resident
Commissioner under this section. Every person who commits
a breach of this provision is liable to a fine not exceed-
ing twenty pounds and where the offence is a continuing
one to a further fine of two pounds for each day during
which the offence continues.

(1) The following Ordinances
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 Ordinance Amendment Ordinance

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ORDINANCE 1966

19

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Electric Power Supply Ordinance 1960, No.6

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ELECTRIC POWER SUPPLY ORDINANCE 1960
 1960, No. 6

An Ordinance to make provision for the control of electric installations, wiring and appliances (1 September 1960).

1. Short Title - This Ordinance may be cited as the Electric Power Supply Ordinance 1960.
2. Interpretation - In this Ordinance, unless the context otherwise requires -

"Electric line" or "line" or "electric line or work" means any wire or wires or other conductor, instrument, apparatus, device, or means used or intended to be used or reasonably capable of being used for transmitting, distributing, or otherwise conducting electrical energy, or for the consumption or application of electrical energy used pursuant to a licence under this Ordinance; and includes a telephone line:

"Gazette" means the Niue Island Gazette:

"Government" includes duly appointed servants or agents of the Government of Niue:

"Maintenance" includes any alteration, examination, removal or repair:

"Owner" includes occupier:

"Works Officer" means the employee of the Government holding the appointment of Works Officer in the Public Works Department.

3. Licences required - No person shall lay, construct, put up, place, or use any electric line except under the authority of a licence issued to him by the Resident Commissioner under this section. Every person who commits a breach of this provision is liable to a fine not exceeding twenty pounds and where the offence is a continuing one to a further fine of two pounds for each day during which the offence continues.

4. Inspection - The Works Officer may direct any officer appointed by him to inspect any electric line or work whether such electric line or work is the property of the Government of Niue or not and upon or after such inspection may require that such additions, alterations or repairs shall be made thereto as in his opinion are necessary or desirable for the utility and safety of the undertaking and the public; all such additions, alterations or repairs shall be made in the manner to be approved by the Works Officer or by an officer appointed by him for the purpose.

6. Notice regarding repairs or alterations - (1) Where in the opinion of the Works Officer or any officer appointed by him any additions, alterations or repairs to any electric line or work are necessary the Works Officer shall cause a notice to be served on the owner of the electric line or work or on the consumer of electricity, as the case may be, setting out the work required to be done and the time (being not less than 14 days after service) within which such work shall be completed to the satisfaction of the Works Officer or an officer authorised by him.

(2) If the owner of any electric line or work or any consumer of electricity, as the case may be, refuses or neglects to comply with any such notice issued pursuant to this section the Resident Commissioner in addition to instituting any proceedings against any person for breach of the provisions of this Ordinance may also discontinue the supply of electricity to the person so offending or cancel the licence for the continued use of such electric line or work as the case may be.

6. Power to enter premises - An officer appointed by the Works Officer may at all reasonable times enter any premises to which electricity is or has been supplied in Niue in order to inspect the electric lines or work, meters, measuring instruments, fittings and apparatus for the supply of electricity and for the purpose of ascertaining the quantity of electricity consumed or supplied, or, where the supply of electricity is no longer required or where the Government desires to take away and cut off the supply of electricity from any premises for the purpose of removing any electric lines, works, meters, measuring instruments, fittings, or apparatus belonging to the Government of Niue.

7. Hindering or obstructing the Works Officer - (1) Every person commits an offence against this Ordinance who obstructs or hinders the Works Officer or any person duly employed or authorised in the exercise of any power or function conferred on him by or under this Ordinance or any regulation made thereunder.

(2) No proceedings for the recovery of any fine in respect of any such offence shall be a bar to an action at law by the Works Officer or person so authorised by him in respect of any such act as aforesaid but every such action may be commenced and proceeded with as if no such proceedings had been taken under this Ordinance.

Works Officer may direct any person to inspect any electric line or work or not and upon or after such that such additions, alterations or hereto as in his opinion are necessary the utility and safety of the electric; all such additions, alterations be made in the manner to be approved by an officer appointed by him for

repairs or alterations - (1) Where Works Officer or any officer appointed alterations or repairs to any electric necessary the Works Officer shall be on the owner of the electric consumer of electricity, as the case work required to be done and the in 14 days after service) within completed to the satisfaction of officer authorised by him.

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the Works Officer - (1) offence against this Ordinance who Officer or any person duly exercise of any power or under this Ordinance or any

recovery of any fine in be a bar to an action at so authorised by him in but every such action as if no such proceed-

8. Offence to repair or interfere with wires - (1) Every person commits an offence against this Ordinance who wilfully or negligently does any of the following things, that is to say -

- (a) Repairs, alters, or makes additions to any electric line or work or permits to be repaired, altered or added to any electric line or work except by a person acting under the authority either of the Works Officer or of a licence issued to him under section 3 of this Ordinance;
- (b) Injures or suffers to be injured any electric line or work, meter or any electric measuring instrument;
- (c) Removes, alters or in any way interferes with the index in any electric meter or electric measuring instrument or knowingly prevents any such meter or measuring instrument from duly registering the quantity of electric energy supplied;

Provided that the provisions of this section shall be without prejudice to any other right or remedy which may be available to the Crown for the punishment of any such offence.

(2) For each such offence the offender shall, in addition to the expenses of making good any damage so occasioned to any electric line or work or any electric meter or electric measuring instrument, be liable to imprisonment for a term not exceeding six months or to a fine not exceeding fifty pounds, and to a further penalty not exceeding five pounds for every day after the first day during which any such offence continues.

(3) Notwithstanding anything to the contrary in this section, the Resident Commissioner in addition to instituting any proceedings against any person for a breach of the provisions of this section may also discontinue the supply of electricity to the person so offending (notwithstanding any agreement or contract previously existing).

(4) In any proceedings against any person on a breach of the provisions of this section the existence of artificial means for causing any alteration to the index to any electric meter or measuring instrument or prevention in the registration of electricity supplied to any consumer or for fraudulently abstracting, consuming or using electricity when such electric line or work or electric meter or electric measuring instrument is under the custody or control of any consumer shall be prima facie evidence that such alteration, prevention, abstraction, or consumption, as the case may be, has been fraudulently, knowingly and wilfully caused by the person using such electric line or work or electric meter or measuring instrument.

9. Stealing electricity - Electricity is hereby declared to be a thing capable of being stolen within the meaning of [section 188 of the Niue Act 1966] and any person who maliciously or fraudulently abstracts, causes to be wasted or diverted, consumes, or uses any electricity shall be guilty of theft and punishable accordingly.

[The Niue Act 1966, being the corresponding enactment in force at the date of this reprint, has been substituted for the Cook Islands Act 1915]

10. Government not liable for failure of supply - No person who is a consumer of electrical energy supplied or sold by the Government shall have any claim against the Government in the event of any failure of the supply of any such energy through accident, tempest, drought or other unavoidable cause.

11. Power to alter dangerous radio aeriels - Where in the opinion of the Works Officer any radio aerial by its proximity to an electric line is likely to be the cause of public or private danger, he shall cause a notice to be served on the owner of the aerial in terms of section 5 of this Ordinance and the provisions of that section shall apply as far as they are applicable.

12. Sale of electrical appliances and fittings - No person shall sell or keep for sale any electrical appliances or electrical fittings unless he is the holder of a licence to sell such electrical appliances or fittings granted by the Resident Commissioner.

13. Power to enter on land - (1) Subject to the provisions of this Ordinance the Government may from time to time enter on any land for the purposes of the construction or maintenance of any electric line or work and may remain on that land for such time and execute and do all things necessary in connection with such line or work.

(2) In the exercise of the power conferred by this section the Government may cut and remove within a distance of thirty-three feet on either side of a line whether existing or proposed any trees and undergrowth which interfere or are likely to interfere with such line:

Provided that where it appears necessary from the hilly nature of the country the Government may cut and remove any trees and undergrowth within a distance of not more than three chains on either side of any such line.

14. Removal of trees causing damage to electric lines - (1) If any tree growing on any land causes or is likely to cause damage to an electric line or work the Government may cause notice to be given to the owner of that land to remove the said tree or any part thereof and if the owner of that land fails to comply with the terms of such notice within the time specified therein (being not less than seven days after service) the Government may enter upon that land and remove the tree or any part thereof but so that no unnecessary damage is done or incurred thereby.

(2) If the rights and powers conferred by sections 13 and 15 hereof shall have already been exercised in respect of any land no compensation shall be paid in respect of any tree or part thereof on such land and cut under the powers conferred by this section.

being the corresponding enactment of this reprint, has been substituted [1915]

Liability for failure of supply - No person shall have any claim against the owner for any failure of the supply of any electricity, by reason of any accident, tempest, drought or other natural cause.

Interference with wireless radio aerials - Where in the exercise of any power conferred by this Ordinance any interference is likely to be the cause of any loss or damage to any wireless radio aerial or any part thereof, the person causing such interference shall be liable to pay compensation for the loss or damage so caused in the same manner as compensation for land taken under [section 328 of the Niue Act 1966]:

Liability for damage to electrical appliances and fittings - No person shall be liable for damage to any electrical appliances or fittings which are in the possession of any person at the time of the exercise of any power conferred by this Ordinance, unless the person causing such damage was negligent.

Power to cut and remove lines - (1) Subject to the provisions of section 13, the Government may from time to time for the purposes of the construction or maintenance of any line or work, cut and remove any line or work, or any part thereof, which interferes with such line or work.

(2) The power conferred by this section shall not be exercised so as to cut and remove any line or work on either side of a line whether overhead or underground which interferes with such line:

(a) if it appears necessary from the nature of the work to be done, the Government may cut and remove any line or work on either side of any such line.

Liability for damage to electric lines - Where in the exercise of any power conferred by this Ordinance any land causes or is likely to cause any damage to any electric line or work, the Government shall be liable to the owner of that land to pay compensation therefor and if the owner of such land has given notice in writing to the Government (being not less than 28 days before the exercise of any power conferred by this Ordinance) any part thereof but so as not to diminish the amount or incurred thereby.

(3) The power conferred by sections 13 and 14 shall not be exercised in respect of any line or work on which compensation has been paid in respect of any damage done or incurred under the powers conferred by sections 13 and 14.

15. Compensation - Subject to the provisions of this Ordinance, where in the exercise of the powers conferred any damage is caused to land the owner shall be entitled to compensation to be ascertained in the same manner as compensation for land taken under [section 328 of the Niue Act 1966]:

Provided that where any such power is exercised with the consent of the owner and to the extent of such consent no compensation shall be paid.

[The Niue Act 1966, being the corresponding enactment in force at the date of this reprint, has been substituted for the Cook Islands Act 1915.]

16. General penalty for offences - Every person who commits an offence against this Ordinance for which no penalty is provided elsewhere than in this section shall be liable on conviction to imprisonment for a term not exceeding three months or to a fine not exceeding ten pounds.

17. Fines recoverable - A fine incurred under this Ordinance shall except where it is otherwise expressly provided, be recovered upon the information of any person appointed by the Resident Commissioner in that behalf either generally or in any particular case.

18. Application of fees and fines - All fees and fines levied and received under this Ordinance shall be paid into the Niue Island Treasury and shall form part of the revenue of Niue Island.

19. Regulations - (1) The Resident Commissioner may from time to time by notice published in the Gazette make regulations -

- (a) prescribing the form of licences under this Ordinance the conditions on which such licence may be issued and the fees payable thereon;
- (b) so as to secure the protection of persons and property from injury or damage caused, either directly or indirectly, by electrical energy;
- (c) prescribing conditions in respect of the construction, installation, maintenance, use, management, inspection, and testing of electric lines or works and of instruments, materials, appliances, apparatus, accessories, and equipment used or intended to be used in the construction, installation, maintenance, or use of electric lines or works or in the application of electrical energy;
- (d) prohibiting the manufacture, importation, sale, and use of any materials, appliances, accessories, devices, and equipment which do not satisfy any prescribed tests or standards, or the use of which may be dangerous to persons or property, or which do not comply with the provisions of any regulations under this section;
- (e) providing for the removal of lines laid or erected in breach of this Ordinance, and of any line in the use of which any of the conditions of the licence under which it was laid or erected are not observed or complied with, and

- for the removal or alteration of any dangerous line (whether erected under the authority of a licence issued under this Ordinance or any Act or other Ordinance or not), at the expense in each case of the owner of the line;
- (f) defining what may be deemed a dangerous electric line or work for the purpose of any regulations hereunder;
 - (g) prescribing conditions for and controlling the supply of electrical energy;
 - (h) prescribing fees to be paid in connection with any inspection or testing authorised by any regulations hereunder;
 - (1) imposing fines not exceeding twenty pounds for the breach of any regulation.

(2) This section shall not apply to any electric line or work defined in section 141 of the Post Office Act 1959 as applied to Niue [section 699 of the Niue Act 1966].

[The Niue Act 1966, being the corresponding enactment in force at the date of this reprint, has been substituted for the Cook Islands Act 1915. No regulations under this section were made before the date of this reprint.]