

ing, etc. - Every person who wilfully resists any person in the execution of authority imposed or conferred on any person in the execution of the provisions of this Ordinance, commits an offence and, except where the provisions of this Ordinance provide for a more severe penalty for the same offence, a person guilty of an offence under this Ordinance shall be liable on conviction to a fine not exceeding ten dollars.

being the corresponding enactment in the original Ordinance, this reprint, has been substituted for the original Ordinance.

(1) The following Ordinances are hereby repealed:

- Section Ordinance 1916, No.3
- Section Amendment Ordinance 1943, No.34
- Section Amendment Ordinance 1943 (No.2), No.35

The provisions of the Acts Interfered with hereby declared that all matters, which have been commenced under the provisions of this Ordinance, shall be treated as if they were commenced under this Ordinance.

All fines paid or collected under this Ordinance shall form part of the revenue of Niue and shall be paid into the Consolidated Fund thereof.

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14/06/65

Hours of Business Ordinance 1965, No.27

ANALYSIS

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HOURS OF BUSINESS ORDINANCE 1965
1965, No.27

An Ordinance to amend the law relating to the hours of shopping and trading (2 June 1965).

PART I - PRELIMINARY

1. Short Title and Commencement - (1) This Ordinance may be cited as the Niue Island Hours of Business Ordinance 1965.

(2) This Ordinance shall come into force on the first day of August 1965.

2. Arrangement of Ordinance - This Ordinance is arranged as follows:

- Part I - Preliminary. (Sections 1 to 4.)
- Part II - Hours of Business. (Sections 5 to 9.)
- Part III - Miscellaneous Provisions. (Sections 10 to 14.)

[This section has been revised. References to introductory notes have now been included in the Analysis.]

3. Interpretation (1) In this Ordinance, unless the context otherwise requires -

"Chief Officer of Police" means the officer in charge of the police in Niue:

"Executive Committee" means the Executive Committee of Niue established by [section 9 of the Niue Act 1966];

"Goods" means all kinds of movable personal property including animals;

"High Court" means the [High Court of Niue];

"Public notice" means a notice made generally known in Niue by any practicable or customary means, whether in addition to publication in the Niue Island Gazette or not;

"Regular hours of business" means the hours of business specified in section 5 of this Ordinance;

"Resident Commissioner" means the Resident Commissioner of Niue;

"Sale" includes barter and every other disposition for valuable consideration and also includes any act by which goods are offered for sale, and "To sell" has a corresponding meaning;

"Shop" means any place in or about which, or from which directly or indirectly goods are sold to the consumer;

"Trade" means any trade, business, industry, profession, occupation, or undertaking relating to the sale of goods but does not include any act relating to any deed or agreement under the Chattels Transfer Act 1924 or the Hire Purchase Agreements Act 1939, and "Trader" and "To trade" have a corresponding meaning.

(2) Subject to the provisions of subsection (1) of this section, expressions defined in the [Niue Act 1966] as amended have the meanings so defined.

[In subsection (1) the words "section 9 of the Niue Act 1966" have been substituted for the words "section 23 of the Cook Islands Amendment Act 1963" and the words "High Court of Niue" were substituted for the words "High Court of the Cook Islands in the Island of Niue" by the Niue Act 1966.

In subsection (2) 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.]

4. Chief Officer of Police to administer Ordinance - The Chief Officer of Police shall be charged with the administration of this Ordinance under the general direction and control of the Resident Commissioner.

PART II - HOURS OF BUSINESS

5. Regular hours of business - The regular hours of business on every day shall be as may from time to time be fixed for the purposes of this Ordinance by the Executive Committee by public notice and different hours of business may be so fixed for different classes of trade and in respect of different villages or areas of the Island.

11. Offences committed by Companies - Where any offence under this Ordinance is committed by any company every person engaged in the management of that company and responsible for the act or omission constituting the offence, shall also be guilty of an offence and information may be laid against the company or any such person or both and the High Court may convict and sentence the company or any such person or both accordingly.
12. Revocation of Trading Licences - Where any person or company is convicted of an offence against this Ordinance, the High Court may in addition to any fine imposed cancel any licence issued to such person or company under the "Regulations under the Cook Islands Act 1915 to provide for the Issue of Trading Licences", 1916, or suspend that licence for such time as the High Court thinks fit and may also declare the person or company convicted to be disqualified from obtaining a trading licence or any specified class of trading licence for such time after the date of the conviction as the High Court thinks fit.
13. Repeals and Savings - The Niue Island Traders' Hours of Business Ordinance 1958, No.55, is hereby repealed. Without limiting the provisions of the Acts Interpretation Act 1924, it is hereby declared that -
- (a) All exemptions, records, instruments, and generally all acts of authority originated under the repealed Ordinance and subsisting or in force on the coming into force of this Ordinance, shall enure for the purposes of this Ordinance as fully and effectually as if they had originated under this Ordinance and accordingly shall, when necessary, be deemed to have so originated;
 - (b) All matters, things, and proceedings which have been commenced under the repealed Ordinance and which are pending or in progress on the coming into force of this Ordinance, may be continued and completed under this Ordinance.
14. Application of Fines - All fines paid and collected pursuant to the provisions of this Ordinance shall form part of the public revenues of Niue and shall be paid into the appropriate account thereof.