ting, etc. - Every person who wilfully resists any person in the execution authority imposed or conferred on isions of this Ordinance, commits Ordinance and, except where the same on conviction to a fine not 10).

being the corresponding enactment , being the corresponding enactment this reprint, has been substituted t 1915.]

s - (1) The following Ordinances are

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

ng the provisions of the Acts Interis hereby declared that all matters, which have been commenced under the led and which are pending or in into force of this Ordinance, may be under this Ordinance.

s - All fines paid or collected ha of this Ordinance shall form les of Niue and shall be paid into Hours of Business Ordinance 1965, No.27

ANALYSIS

Title

PART I - PRELIMINARY

- Short Title and Commencement
- Arrangement of Ordinance
- Interpretation
- Chief Officer of Police to administer Ordinance

PART II - HOURS OF BUSINESS

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- Exemptions in cases of emergency Exemptions when an overseas ship calls on Niue
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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.
- 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.]

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
- "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" a corresponding meaning:
- "Shop" means any place in or about which, or from which directly or indirectly goods are sold to the
- "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
- (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 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 Court of the Cook Islands in the Island of Niue" by the

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

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

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.

e" means the Executive Committee or by [section 9 of the Niue Act 1966]. inds of movable personal property

he [High Court of Niue]:

s a notice made generally known in ticable or customary means, whether ublication in the Niue Island

siness" means the hours of business ion 5 of this Ordinance:

r" means the Resident Commissioner

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e Niue Act 1966, being the force at the date of this ted for the Cook Islands Act

control of the charged with the charged with the inance under the general direclident Commissioner.

URS OF BUSINESS

as may from time to time be Ordinance by the Executive sees of trade and in the Island. Tracing outside regular hours of business prohibited Except as otherwise provided in this Ordinance, no shop
hall be opened or kept open and no trade shall in any
lade be conducted at any time outside regular hours of
histness: Trading outside regular hours of business prohibited

provided that goods sold or ordered during regular nours of business may be delivered to customers within a reasonable time outside such hours.

- (2) For the purposes of this section a shop shall be deemed to be opened if no effectual arrangements are made to exclude the public from admission.
- Exemptions in cases of emergency Notwithstanding anything to the contrary in this Ordinance, it shall be lawful for any trader to sell at any time when his shop is otherwise required by the provisions of this Ordinance to be closed:

(a) Motor spirits, petrol, oil, or motor accessories that in an unforeseen emergency are urgently and necessarily required for the functioning of a motor vehicle;

(b) Any article required for the burial of a deceased person:

Provided that the shop is opened only for any of the purposes specified in this section and for the admission and exit of the customer concerned.

- Exemptions when an overseas ship calls on Niue Notwithstanding anything to the contrary in this Ordinance, it shall be lawful for any trader whenever any overseas ship is in the roadstead to engage at any time outside regular hours of business in the landing or shipping of goods or in any other trade activities customarily connected therewith.
- 9. Power to exempt goods The Chief Officer of Police may from time to time by public notice exempt from the provisions of section 6 of this Ordinance either generally or for any special occasion and subject in every case to such conditions as he thinks fit to impose:

(a) Confectionery and sweetmeats;(b) Icecream and other refreshments;

(c) Bread;

Perishable goods landed from overseas ships; (e) With the approval of the Executive Committee any other class of goods.

PART III - MISCELLANEOUS PROVISIONS

10. Offences - Every person who does or omits, or causes or knowingly permits or suffers to be done or omitted any act, matter, or thing contrary to the provisions of this Ordinance, commits an offence against this Ordinance and shall be liable on conviction, in the case of an individual, to a fine not exceeding ten pounds (£10), and, in the case of a company, to a fine not exceeding fifty pounds (£50).

- 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.