



Departure Control Regulations 2007

These Regulations are made pursuant to the powers vested in Cabinet under the Entry, Residence and Departure Act 1985, the Customs Act 1966, the General Laws Act 1968 and the Territorial Sea and Exclusive Economic Zone Act 1997 on 16 January 2007

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2006, No. /

1. Title

These are the Departure Control Regulations 2007.

2. Restriction on Departure

Where the Premier is satisfied that a person who is about to leave Niue is required or may reasonably be expected to be required in Niue for the operation of essential services or for the safe operation of the airport or port or for the proper operation of any ship or aircraft in the case of emergency, or for maritime security, or security of ports, the Premier may by Order direct that that person shall not leave Niue.

3. Order for Removal of Craft

Where the Premier is of the reasonable belief that an aircraft or ship in Niue presents or may present a risk either to the aircraft or ship itself or to its crew, or to people in Niue or to the environment of Niue, the Premier may by Order direct an owner, employer, agent, master or any person with responsibility in respect of that aircraft or ship to take all necessary steps for the immediate removal of that aircraft or ship from Niue.

4. Operation of Order

An Order made under these regulations may be made subject to such terms and conditions as are specified in the Order.

5. Form of Order

An Order made under these regulations shall be in writing signed by the Premier and delivered promptly to the person named in the Order and to the Chief of Police, the Revenue Manager, Customs and the Director of Immigration.

6. Extent of Restriction

An Order issued under these regulations will remain in force until such time as the essential services can be operated at the airport or the port or any aircraft or ship in Niue can be properly operated without the named in the Order, or the aircraft or ship has been removed from Niue, as the case may be.

7. Revocation or Variation of Order

The Premier may at any time revoke an Order made under these regulations or vary any terms and conditions of an Order made under these regulations.

8. Costs

The Premier shall on written application by a person named in an Order under regulation 2 provide to that person such sum of money or other consideration as appears to the Premier reasonably to be required by that person while the Order remains in force.

9. Immunities

9.1 No action shall lie against the Government in respect of any action taken by it under these regulations.

9.2 No civil or criminal liability shall be incurred by any servant or agent of the Government who acts in good faith for the implementation or enforcement of these regulations.

10. Forfeiture

Where a prosecution is commenced in respect of an offence under these regulations relating to an aircraft or ship, the aircraft or ship may by Order of Premier be seized and in the event of conviction on the offence charged the aircraft or ship is, subject to direction of Cabinet to the contrary, automatically forfeited to the Government.

11. Compliance

11.1 A person who fails to comply with an Order made under these regulations or with the terms and conditions of an Order under these regulations or who obstructs or in any way impedes any officer of Government in the implementation of these regulations commits an offence and is liable on conviction to imprisonment for a period not exceeding 1 year or a fine not exceeding 100 penalty units.

11.2 Where an aircraft or ship to which an order under regulation 3 relates is not removed in accordance with an order made under regulation 3, every person on whom the order was served commits an offence and is liable on conviction to imprisonment to a term not exceeding 1 year.