



NEW ZEALAND

ANALYSIS

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| <p>Title.
Preamble.</p> <ol style="list-style-type: none"> 1. Short Title. Commencement. 2. Interpretation. 3. Tokelau Islands to form part of New Zealand. 4. Regulations for the peace, order, and good government of the Tokelau Islands. 5. Existing laws to continue in force. | <ol style="list-style-type: none"> 6. Statute law of New Zealand not applicable to Tokelau Islands. 7. When Act in force in Tokelau Islands, amendments and regulations to be in force also. 8. Acts Interpretation Act in force in Tokelau Islands. 9. Act to be administered by Minister of Island Territories. |
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1948, No. 24

Title. AN ACT to Provide for the Incorporation of the Tokelau Islands as Part of New Zealand, and to Make Provision for Their Government.

[29th October, 1948

Preamble. WHEREAS by an Order of His Majesty in Council dated the twenty-ninth day of February, nineteen hundred and sixteen, and published in the *Western Pacific High Commission Gazette* on the fifth day of May, nineteen hundred and sixteen, certain islands in the Pacific Ocean known as the Tokelau Islands and also known as the Union Islands (hereinafter referred to as the Tokelau Islands) were annexed to His Majesty's dominions, and the boundaries of the Gilbert and Ellice Islands Colony were extended so as to include the Tokelau Islands: And whereas by an Order of His Majesty in Council cited as the Union Islands (No. 1) Order in Council, 1925, the boundaries of the Gilbert and Ellice Islands Colony were altered so as to exclude the Tokelau Islands: And whereas by an

Order of His Majesty in Council cited as the Union Islands (No. 2) Order in Council, 1925, the Governor-General of New Zealand was appointed Governor of the Tokelau Islands: And whereas by an Order of the Governor-General in Council cited as the Union Islands (No. 1 of New Zealand) Order, 1926, as amended by subsection three of section three of the Samoa Amendment Act, 1947, the powers and authority of the Governor-General under the Union Islands (No. 2) Order in Council, 1925, were delegated to the High Commissioner of Western Samoa: And whereas it has been agreed between His Majesty's Government in the United Kingdom and His Majesty's Government in New Zealand that it is expedient that the Tokelau Islands should become part of New Zealand: And whereas by an Order in Council of His Majesty cited as the Union Islands (Revocation) Order in Council, 1948, provision has been made for the revocation of the Union Islands (No. 2) Order in Council, 1925, to take effect on a date to be fixed by Proclamation by the High Commissioner of Western Samoa after he is satisfied that legislation has been enacted by the Parliament of New Zealand providing for the incorporation of the Tokelau Islands with New Zealand:

N.Z. Gazette,
1926, Vol. 1,
p. 398

Ibid., p. 659

1947, No. 48

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the Tokelau Islands Act, 1948. Short Title.

(2) This Act shall come into force on the first day of January, nineteen hundred and forty-nine. Commencement.

2. For the purposes of this Act the expression "the Tokelau Islands" means the islands of Fakaofu, Nukunono, and Atafu, together with all small islands, islets, rocks, and reefs depending on them. Interpretation.

3. The Tokelau Islands are hereby declared to form part of New Zealand. Tokelau
Islands to form
part of New
Zealand.

4. (1) In addition to all special powers of making regulations that may be conferred upon the Governor-General by any Act, the Governor-General may from time to time, by Order in Council, make all such regulations as he thinks necessary for the peace, order, and good government of the Tokelau Islands. Regulations for
the peace, order,
and good
government of
the Tokelau
Islands.

(2) No regulation made under this section shall be of any force or effect so far as it is repugnant to this or any other Act of the Parliament of New Zealand in force in the Tokelau Islands, but no such regulation shall be deemed to be repugnant to this Act because it is repugnant to the law as established in the Tokelau Islands by section five of this Act, or because it deals with a matter already dealt with by this or any other Act; and every such regulation shall have effect according to its tenor, except so far as it is inconsistent with any such Act in force in the Tokelau Islands.

(3) The power conferred on the Governor-General by this section to make regulations for the Tokelau Islands shall extend to the imposition of tolls, rates, dues, fees, fines, taxes, and other charges.

Existing laws to continue in force.

5. All laws in force in the Tokelau Islands at the commencement of this Act shall continue in force except so far as they are inconsistent with this or any other Act of the Parliament of New Zealand in force in the Tokelau Islands or with any regulation in force therein.

Statute law of New Zealand not applicable to Tokelau Islands.

6. Except as otherwise expressly provided, the statute law of New Zealand, whether enacted before or after the commencement of this Act, shall not be in force in the Tokelau Islands.

When Act in force in Tokelau Islands, amendments and regulations to be in force also.

7. When any Act of the Parliament of New Zealand is in force in the Tokelau Islands, every existing or future amendment of that Act, and all existing or future regulations, rules, Orders in Council, and other acts of authority in force under any such Act, and every Act passed in substitution for any such Act, shall, so far as applicable and with all necessary modifications, be or become also in force therein, except where otherwise expressly provided.

Acts Interpretation Act in force in Tokelau Islands. See Reprint of Statutes, Vol. VIII, p. 568

8. (1) The Acts Interpretation Act, 1924, so far as it is applicable, shall extend to and be in force in the Tokelau Islands, and shall apply to Orders in Council and to regulations in the same manner as to Acts of Parliament.

(2) Notwithstanding anything to the contrary in the Acts Interpretation Act, 1924, the term "New Zealand" as used in any Act, whether now in force in New Zealand or hereafter to be passed, shall not include the Tokelau Islands, except where a contrary intention appears.

(3) Section four of the Acts Interpretation Act, 1924, is hereby amended by adding to the definition of the terms "the colony", "this colony", "the Dominion", and "New Zealand" the words "and do not include the Tokelau Islands".

9. The Minister of Island Territories shall be charged with the administration of this Act.

Act to be administered by Minister of Island Territories.