

1964/57



**THE TOKELAU ISLANDS RHINOCEROS BEETLE
REGULATIONS 1964**

BERNARD FERGUSSON, Governor-General

By his Deputy,

H. E. BARROWCLOUGH

ORDER IN COUNCIL

At the Government House at Wellington this 22nd day of April 1964

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Tokelau Islands Act 1948, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Tokelau Islands Rhinoceros Beetle Regulations 1964.

(2) These regulations shall come into force on the 1st day of May 1964.

2. Application—These regulations shall be in force in all parts of the Tokelau Islands.

3. Interpretation—In these regulations, unless the context otherwise requires,—

“Administrator” means the Administrator of the Tokelau Islands:

“Beetle” means the coconut beetle (*Oryctes rhinoceros* L.):

“Destroy,” in relation to any vegetable or animal matter, means to burn any such matter on the land on which it is found, or elsewhere as may be approved by the Faipule or by an Inspector, or to submerge completely in the sea or lagoon adjacent to that land, or elsewhere as may be so approved, or otherwise to prevent any such matter from continuing to be, or from becoming, a breeding or harbouring place for beetle:

“Faipule” means any person appointed or employed by the Administrator to act as his representative for the purposes of these regulations on any island of the Tokelau Islands:

“Inspector” means any person appointed or employed by the Administrator to inspect plantations or other places for the purposes of these regulations:

“Notice” means any communication, oral or written:

“Occupier”, in relation to any land, means any person in actual occupation of the land; and includes any person entitled by native custom to occupy that land.

4. Eradication of beetle—Every occupier of land shall do whatever is necessary and reasonable from time to time to eradicate beetle from his land, and in particular, and without limiting the generality of the foregoing provisions of this regulation, shall—

- (a) Clear the land and keep it clear of and destroy all dead and decaying trees standing or lying thereon:
- (b) Destroy all stumps and logs of coconut palms or of other trees on the land, and all such posts, fences, bridges, and other structures as are situated thereon and are made from coconut logs as the Faipule or any Inspector, by notice, directs:
- (c) Destroy all refuse, rubbish, or other such matter on the land as he may, by notice, be directed to destroy by the Faipule or by any Inspector:
- (d) Obey any instructions which may, by notice, be given by the Faipule or by any Inspector for the destruction of any compost pit or other accumulation of animal or vegetable matter on the land, or for the treatment of any such pit or accumulation of any such matter or of any living palm or other tree, to prevent it from continuing to be, or from becoming, a breeding or harbouring place for beetle:
- (e) Assist the Faipule or any Inspector, on request, to locate any site or place which is, or is likely to become, a breeding or harbouring place for beetle, and to destroy or treat any such site or place as may, by notice, be directed by the Faipule or by any Inspector.

5. Powers of Faipule and Inspectors—(1) Any Faipule or Inspector may for the purposes of these regulations enter upon any land, whether or not it is enclosed, at any time during the period between sunrise and sunset.

(2) Where the occupier of any land neglects for the space of twenty-four hours to comply with any instruction given to him by notice by the Faipule or by any Inspector, the Faipule may thereupon, at any time between sunrise and sunset, enter upon the land, whether or not it is enclosed, together with any person or persons under his control, and proceed forthwith to do all things that may be necessary to comply wholly with those instructions, but no such action shall be a bar to any proceedings against the occupier under regulation 6 of these regulations.

6. Offences and penalties—(1) Every person commits an offence who obstructs or hinders the Faipule or any Inspector, or any person under the control of the Faipule or of any Inspector, in the exercise of any power or function conferred upon him by these regulations, or who fails to comply with any provision of regulation 4 of these regulations.

(2) Every person who commits an offence against these regulations shall on conviction be liable to imprisonment for a term not exceeding six months or to a fine not exceeding ten pounds.

T. J. SHERRARD,
Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations require the occupiers of land in the Tokelau Islands to take steps to eradicate the coconut beetle, and specify the measures that must be taken for this purpose.

They also provide for the appointment of Faipule and Inspectors, and confer powers on them for the purpose of eradicating the beetle from the Tokelau Islands.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 23 April 1964.

These regulations are administered in the Department of Island Territories.