

**PART III**  
**SUBSIDIARY LEGISLATION**





## BUILDING CODE REGULATIONS 2021

### No. 2021/02

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Pursuant to sections 4 and 5 of the Building Code Act 1992, Cabinet makes the following regulations—

- 1 **Title**  
These regulations are the Building Code Regulations 2021.
- 2 **Commencement**  
These regulations come into force on the day after the date on which they are made in accordance with Article 13 of the Constitution.
- 3 **Interpretation**
  - (1) In these regulations, unless the context otherwise requires,—  
**Act** means the Building Code Act 1992  
**National Building Code** means the National Building Code prescribed in regulation 4
  - (2) Any term or expression that is defined in the Act or the National Building Code for Niue 2020 and used, but not defined, in these regulations has the same meaning as in the Act or the Code, as the case requires.
- 4 **National Building Code**  
For the purposes of the Act, the National Building Code is—
  - (a) the National Building Code for Niue 2020; and
  - (b) the additional requirements in regulation 5.
- 5 **Additional requirements**  
A septic tank on a site must be located at least 3 metres from—
  - (a) any existing building within the boundaries of the site; and
  - (b) each boundary of the site.

# Niue Legislation Supplement 2021-2024

## Building Code Regulations 2021

### 6 Transitional provisions

- (1) The National Building Code for Niue 1990 applies instead of the National Building Code to—
  - (a) an application for a building permit under section 6 of the Act if the application was received by the Building Inspector before the commencement of these regulations;
  - (b) a building permit issued under section 7 of the Act if the permit was issued before the commencement of these regulations.
- (2) Where the National Building Code for Niue 1990 continues to apply under subsection (1), relevant references in the Act to “the Code” must be read as referring to the National Building Code for Niue 1990.
- (3) This regulation applies despite regulations 4 and 6.

### 7 Revocation

The National Building Code for Niue 1990 is revoked.

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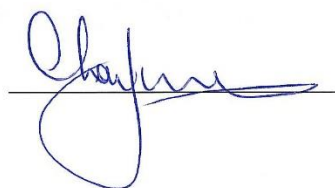
Approved by the Cabinet of Ministers at the Cabinet Chambers, Fale Fono,  
Alofi, this

2<sup>nd</sup> day of November 2021.

Signed by Honourable Dalton  
Tagelagi  
Premier



Countersigned by Charlene Funaki  
Clerk to Cabinet



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These regulations are administered by the Department of Utilities.  
These regulations were made on the 2<sup>nd</sup> day of November 2021.

# Building Code Regulations



## Ko e tau Lā- fakatufono ma e Fatifatiaga Tālaga Fale he tau 2021

### Nūmela 2021/02

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Muitua ke he tau matakupu 4 mo e 5 he Fakatufono-tohi ma e Fatifatiaga Tālaga Fale he tau 1992, kua fakamooli he Fono Ikipule e tau lā-fakatufono nai -

- 1 **Higoa**  
Ko e tau lā-fakatufono nai Ko e tau Lā-fakatufono ma e tau Fatifatiaga Tālaga Fale he tau 2021.
- 2 **Kamataaga**  
Ko e tau lā-fakatufono nai to fakagahua he aho ka mole atu e aho ne fakamooli, muiua ke he Matakupu 13 he Fakatufono-tohi Fakavē.
- 3 **Ko e fakakakanoaga**  
(1) Ko e tau lā-fakatufono nai, to fai kehe nī kaeke kua kehe e tau haaoga, **Ko e Fakatufono-tohi** kakano ko e Fakatufono-tohi ma e Fatifatiaga Tālaga Fale he tau 1992.  
**Ko e Fatifatiaga Tālaga Fale he Kautū** kakano ko e Fatifatiaga Tālaga Fale he Kautū ne kua fakatoka he lā-fakatufono nūmela 4.  
(2) Ko e ha kupu po ke talahauaga ne kua fakakakano he Fakatufono-tohi po ke Fatifatiaga Tālaga Fale he Kautū he tau 2020 ti kua fakaaoga, ka e nakai fakakakano he tau lā-fakatufono nai, kua tatai nī e kakano mo e Fakatufono-tohi po ke Fatifatiaga Tālaga Fale, po ke mena fē kua lata tonu ki ai.
- 4 **Ko e Fatifatiaga Tālaga Fale he Kautū**  
Ke lata mo e kakano he Fakatufono-tohi nai, ko e Fatifatiaga Tālaga Fale he Kautū ko e -

- (a) Fatifatiaga Tālaga Fale ma Niue he tau 2020; mo e
- (e) tau fatifatiaga kua lafi ki luga he lā-fakatufono nūmela 5.

**5 Tau fatifatiaga lafi ki luga**

Ko e luo ne tafe ki ai e tau vai mai he falevao, (luo sepetiki) he vala fonua, kia molea e tolu e mita he mamao mo e -

- (a) ha fale i loto he tau katofia he kaina; mo e
- (e) tau katofia oti ne takai e kaina.

**6 Tau fakatokaaga ma e magaaho kū**

- (1) Ko e Fatifatiaga Tālaga Fale a Niue he tau 1990, kia fakagahua ka e nā kai fakagahua e Fatifatiaga Tālaga Fale he Motu kaeke:

- (a) ko e tohi ole ke moua e pemitā tālaga fale, mutiua ke he matakupu 6 he Fakatufono-tohi, ne moua he Takitaki Kitekite tālaga fale to kamata ke fakagahua e tau lā-fakatufono nai;
- (e) ko e pemitā tālaga fale ne muitua ke he matakupu 7 he Fakatufono-tohi, kaeke kua foaki e pemitā, to fakagahua e tau lā-fakatufono nai.

- (2) Kaeke kua fakatumau e Fatifatiaga Tālaga Fale he kautū he tau 1990 ke fakaaoga ne muitua ke he vala kupu (1) kia mailoga kaeke kua pola “Fatifatiaga” ko e haggaa a ia ke he Fatifatiaga Tālaga Fale ma Niue he tau 1990

- (3) Kia fakagahua e lā-fakatufono nai, pete e tau lā-fakatufono nūmela 4 mo e nūmela 6.

**7 Matafakatufono kua utakehe**

Ko e Fatifatiaga Tālaga Fale he Kautū ma Niue he tau 1990, kua utakehe tuai.

## Building Code Regulations

Kua fakamooli he Fono Ikipule he poko Fono he tau Ikipule, Fale Fono,  
Alofi,  
he Aho 2 Novema 2021.

Fakamooli he Lilifu ko Dalton Tagelagi  
Palemia



Fakamooli foki e Charlene Funaki  
Tohi Kupu he Fono Ikipule



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Ko e tau lā-fakatufono nai to fakagahua he Faahi Gahua Tāлага mo e Leveki Koloa he Kautū  
Ne fakamooli e tau lā-fakatufono nai he Aho 2 Novema 2021.

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## NIUE NUKUTULUEA MULTIPLE-USE MARINE PARK REGULATIONS 2021

No. 2021/03

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Pursuant to sections 3-14, 15, 15A, 15B and 17 of the Maritime Zones Act 2013, Cabinet makes the following regulations –

- 1 Title**

These regulations are the Niue Nukutuluea Multiple-Use Marine Park Regulations 2021.
- 2 Commencement**

These regulations come into force on the day after the date on which they are made in accordance with Article 13 of the Constitution.
- 3 Interpretation**
  - (1) In these regulations, unless the context otherwise requires, –

**Act** means the Maritime Zones Act 2013

**Beveridge Reef Nukutulueatama Special Management Area** means the Special Management Area established by regulation 5 of the Niue Moana Mahu Marine Protected Area Regulations 2020.

**Niue Moana Mahu Marine Protected Area** means the Protected Area established by regulation 4 of the Niue Moana Mahu Marine Protected Area Regulations 2020.
  - (2) Any term or expression that is defined in the Act and used, but not defined, in these regulations has the same meaning as in the Act.
- 4 Intent**

The intent of these regulations is to support the holistic sustainable development and management of Niue’s ocean and its resources – to improve livelihoods of Niuean’s now and into the future.

# Niue Nukutuluea Multiple-Use Marine Park Regulations

Niue Nukutuluea Multiple-Use Marine Park Regulations 2021

## Part 1

### Niue Nukutuluea Multiple-Use Marine Park

#### 5 Niue Nukutuluea Multiple-Use Marine Park

- (1) The Areas described by the Niue Moana Mahu Marine Protected Area Regulations 2020, and each zone declared in these regulations including any Special Management Areas declared under regulation 12, are together declared Marine protected area under the Act.
- (2) The Marine protected area described in subclause (1) shall be referred to as the Niue Nukutuluea Multiple-Use Marine Park.
- (3) All provisions in the Niue Moana Mahu Marine Protected Area Regulations 2020 and these regulations comprise a Marine Management Plan within Niue's exclusive economic zone and the continental slope under the Act for the Niue Nukutuluea Multiple-Use Marine Park.

## Part 2

### Objective of the Marine Management Plan for the Niue Nukutuluea Multiple-Use Marine Park

#### 6 Objective of the Marine Management Plan for the Niue Nukutuluea Multiple-Use Marine Park

- (1) The main objective of the Marine Management Plan for the Niue Nukutuluea Multiple-Use Marine Park, as described in regulation 5, is the conservation and protection of Niue's marine environment and resources.
- (2) The other objective of the Marine Management Plan for the Niue Nukutuluea Multiple-Use Marine Park, so far as is consistent with the main object, is to support ecologically sustainable use of Niue's marine environment and resources including for commercial, economic, cultural, social, and recreational benefits.

## Part 3

### Conservation and Sustainable Use Zone

#### 7 Conservation and Sustainable Use Zone

- (1) The Conservation and Sustainable Use Zone encompasses the area of sea, seabed or subsoil and extending 1000 metres below the seabed, and 1000 metres above the level of the sea, being 459 square kilometres commenced at the highest astronomical tide contiguous boundary of Niue Island and extending to the limits of the 3 nautical mile contiguous boundary of Niue Island.
- (2) In accordance with the provisions of sections 3-7, 12-14, 17 and for the purposes of section 15B of the Act the Conservation and Sustainable Use Zone the object is to provide for the conservation of pelagic, benthic and

coastal habitats of the Niue Nukutuluea Multiple-Use Marine Park, by prohibiting the activities specified in regulation 10(1), while managing competing uses and allowing for all reasonable ecologically sustainable use under regulation 11(1).

#### **Part 4**

### **Restricted Commercial Use Zone**

#### **8 Restricted Commercial Use Zone**

- (1) The Restricted Commercial Use Zone is an area of the sea, seabed or subsoil and extending 1000 metres below the seabed, and 1000 metres above the level of the sea, being 8556 square kilometres commenced at the 3 nautical mile contiguous boundary of Niue Island and extending to the limits of the 24 nautical mile contiguous boundary of Niue Island.
- (2) In accordance with the provisions of sections 3-6, 9, 10, 12-14, 17 and for the purposes of section 15B of the Act the object of the Restricted Commercial Use Zone is to provide for the conservation of pelagic and benthic habitats of the Niue Nukutuluea Multiple-Use Marine Park, by prohibiting all commercial fishing by any foreign vessel or commercial fishing by any other vessel (excluding tourism or charter fishing) greater than 25 metres, high risk ecological fishing and seabed mining or mineral and oil exploration or extraction activities, while allowing for all other reasonable ecologically sustainable use under regulation 11(2).

#### **Part 5**

### **Ocean General Use Zone**

#### **9 Ocean General Use Zone**

- (1) The Ocean General Use Zone is an area of the sea, seabed or subsoil and extending 1000 metres below the seabed, and 1000 metres above the level of the sea, being 190700 square kilometres commenced at the 24 nautical mile contiguous boundary of Niue Island and extending to the limits of the 200 nautical mile Exclusive Economic Zone, but excluding the Niue Moana Marine Protected Area and the Beveridge Reef Nukutulueatama Special Management Area.
- (2) In accordance with the provisions of sections 3-6, 8-10, 12-14, 17 and for the purposes of sections 15B of the Act the Ocean General Use Zone is to provide for the conservation of pelagic and benthic habitats of the Niue Nukutuluea Multiple-Use Marine Park, by preventing the activities specified by regulation 10(3) while allowing for all reasonable ecologically sustainable use under regulation 11(3).

## **Part 6**

### **Prohibited activities**

- 10 Prohibited activities**
- (1) The following activities are prohibited within the Conservation and Sustainable Use Zone:
- (a) drift-netting:
  - (b) the use of explosives, firearms, poison, or chemicals for fishing:
  - (c) deployment of drifting fish aggregation devices:
  - (d) purse seining:
  - (e) trawling in all forms:
  - (f) all commercial fishing by any foreign vessel or commercial fishing by any other vessel (excluding tourism or charter fishing) greater than 12 metres:
  - (g) discharge of ballast water or vessel waste (other than fish remains):
  - (h) seabed mining and mineral and oil exploration or extraction.
- (2) The following activities are prohibited within the Restricted Commercial Use Zone:
- (a) drift-netting:
  - (b) the use of explosives, firearms, poison, or chemicals for fishing:
  - (c) deployment of drifting fish aggregation devices:
  - (d) purse seining:
  - (e) trawling in all forms:
  - (f) all commercial fishing by any foreign vessel or commercial fishing (excluding tourism or charter fishing) by any other vessel greater than 25 metres:
  - (g) seabed mining and mineral and oil exploration or extraction.
- (3) The following activities are prohibited within the Ocean General Use Zone:
- (a) drift-netting:
  - (b) the use of explosives, firearms, poison, or chemicals for fishing.

## **Part 7**

### **Automatic Use and Entry Activities**

- 11 Automatic Use and Entry Activities**
- (1) The following activities are automatic use and entry activities still subject to other applicable Niue legislation (whilst if applicable, also

requiring Niue Government assessment, licencing, approval, or agreement) within the Conservation and Sustainable Use Zone:

- (a) bottom anchoring:
- (b) mooring installation:
- (c) extractive scientific research by all methods:
- (d) gill netting:
- (e) anchoring on mooring:
- (f) deployment of anchored fish aggregation device:
- (g) horizontal multiple hook pelagic and demersal long lining, and vertical long lining:
- (h) trolling:
- (i) commercial fishing by any other vessel, not foreign (excluding tourism or charter fishing) less than 12 metres:
- (j) all other hook and line fishing:
- (k) spearfishing:
- (l) trapping:
- (m) fishing on and/or around anchored fish aggregation devices:
- (n) fishing on and/or around drifting fish aggregation devices:
- (o) shellfish harvesting, reef gleaning or dive collecting:
- (p) general operation or navigation of an aircraft:
- (q) general operation or navigation of a vessel, ship or submarine, underwater remote control, or piloted submersible craft:
- (r) non-commercial photography, filming and sound recording:
- (s) swimming, snorkelling, and diving:
- (t) aquaculture:
- (u) commercial photography, filming and sound recording:
- (v) conducting compliance, monitoring, control, and surveillance activities:
- (w) in any emergency, activities for any of the following purposes:
  - (i) to investigate and respond to an emergency alert or distress signal:
  - (ii) to save human life or avoid the risk of injury to a person:
  - (iii) to locate or secure the safety of an aircraft, vessel, structure, or facility that is, or may be, endangered by stress of weather or by navigational or operational hazards:
  - (iv) to deal with a threat of biosecurity importance, or pollution to the marine environment, or a national or international emergency response that Niue is participating in:
  - (v) to remove or salvage a vessel or an aircraft, or section of an aircraft, or other wreck, structure, or facility, that is wrecked,

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stranded, sunk, or abandoned and poses a threat to the marine environment or human safety:

- (x) military exercises:
  - (y) an education program:
  - (z) non-extractive scientific or other research and bathymetric surveying:
  - (aa) habitat restoration:
  - (bb) operating or installing any other facility or structure, only if for the purposes of communications, energy, desalination, or other similar service in Niue's national interest:
  - (cc) seabed works (including dredging and beneficial use of dredged material), dumping of associated spoil or other similar waste disposal:
  - (dd) conducting a tourism operation:
  - (ee) conducting a vessel or aircraft charter or guide operation:
  - (ff) any other activity for a purpose consistent with regulation 7(2) and not described in regulation 12.
- (2) The following activities are automatic use and entry activities still subject to other applicable Niue legislation (whilst if applicable, still subject to and requiring Niue Government assessment, licencing, approval, or agreement) within the Restricted Commercial Use Zone:
- (a) bottom anchoring:
  - (b) mooring installation:
  - (c) extractive scientific research by all methods:
  - (d) gill netting:
  - (e) anchoring on mooring:
  - (f) deployment of anchored fish aggregation devices:
  - (g) horizontal multiple hook pelagic and demersal long-lining and vertical long lining:
  - (h) trolling:
  - (i) commercial fishing by any other vessel, not foreign (excluding tourism or charter fishing) less than 25 metres:
  - (j) all other hook and line fishing:
  - (k) spearfishing:
  - (l) trapping:
  - (m) fishing on and/or around anchored fish aggregation devices:
  - (n) fishing on and/or around drifting fish aggregation devices:
  - (o) general operation or navigation of an aircraft:
  - (p) general operation or navigation of a vessel, ship or submarine, underwater remote control, or piloted submersible craft:

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- (q) non-commercial photography, filming and sound recording:
  - (r) swimming, snorkelling, and diving:
  - (s) aquaculture:
  - (t) commercial photography, filming and sound recording:
  - (u) conducting compliance, monitoring, control, and surveillance activities:
  - (v) in any emergency, activities for any of the following purposes:
    - (i) to investigate and respond to an emergency alert or distress signal:
    - (ii) to save human life or avoid the risk of injury to a person:
    - (iii) to locate or secure the safety of an aircraft, vessel, structure, or facility that is, or may be, endangered by stress of weather or by navigational or operational hazards:
    - (iv) to deal with a threat of biosecurity importance, or pollution to the marine environment, or a national or international emergency response that Niue is participating in:
    - (v) to remove or salvage a vessel or an aircraft, or section of an aircraft, or other wreck, structure, or facility, that is wrecked, stranded, sunk, or abandoned and poses a threat to the marine environment or human safety:
  - (w) military exercises:
  - (x) discharge of ballast water or vessel waste (other than fish remains):
  - (y) an education program:
  - (z) non-extractive scientific or other research and bathymetric surveying:
  - (aa) habitat restoration:
  - (bb) operating or installing any other facility or structure, only if for the purposes of communications, energy, desalination, or other similar service in Niue's national interest:
  - (cc) seabed works (including dredging and beneficial use of dredged material), dumping of associated spoil or other similar waste disposal:
  - (dd) conducting a tourism operation:
  - (ee) conducting a vessel or aircraft charter or guide operation:
  - (ff) any other activity for a purpose consistent with regulation 8(2) and not described in regulation 12.
- (3) The following activities are automatic use and entry activities still subject to other applicable Niue legislation (whilst if applicable, subject to and requiring Niue Government assessment, licencing, approval, or agreement) within the Ocean General Use Zone:

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- (a) bottom anchoring:
- (b) mooring installation:
- (c) extractive scientific research by all methods:
- (d) gill netting:
- (e) anchoring on mooring:
- (f) deployment of anchored fish aggregation devices:
- (g) deployment of drifting fish aggregation devices:
- (h) horizontal multiple hook pelagic and demersal long-lining and vertical long-lining:
- (i) trolling:
- (j) commercial fishing by foreign vessel:
- (k) commercial fishing by any other vessel, not foreign (excluding tourism or charter fishing):
- (l) all other hook and line fishing:
- (m) spearfishing:
- (n) trapping:
- (o) purse seining
- (p) trawling in all forms:
- (q) fishing on and/or around anchored fish aggregation devices:
- (r) fishing on and/or around drifting fish aggregation devices:
- (s) general operation or navigation of an aircraft:
- (t) general operation or navigation of a vessel, ship or submarine, underwater remote control, or piloted submersible craft:
- (u) non-commercial photography, filming and sound recording:
- (v) swimming, snorkelling, and diving:
- (w) aquaculture:
- (x) commercial photography, filming and sound recording:
- (y) conducting compliance, monitoring, control, and surveillance activities:
- (z) in any emergency, activities for any of the following purposes:
  - (i) to investigate and respond to an emergency alert or distress signal:
  - (ii) to save human life or avoid the risk of injury to a person:
  - (iii) to locate or secure the safety of an aircraft, vessel, structure, or facility that is, or may be, endangered by stress of weather or by navigational or operational hazards:
  - (iv) to deal with a threat of biosecurity importance, or pollution to the marine environment, or a national or international emergency response that Niue is participating in:

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- (v) to remove or salvage a vessel or an aircraft, or section of an aircraft, or other wreck, structure, or facility, that is wrecked, stranded, sunk, or abandoned and poses a threat to the marine environment or human safety:
- (aa) military exercises:
- (bb) discharge of ballast water or vessel waste (other than fish remains):
- (cc) an education program:
- (dd) non-extractive scientific or other research, bathymetric surveying:
- (ee) habitat restoration:
- (ff) operating or installing any other facility or structure, only if for the purposes of communications, energy, desalination, or other similar service in Niue's national interest:
- (gg) seabed mining and mineral and oil exploration or extraction:
- (hh) seabed works (including dredging and beneficial use of dredged material), dumping of associated spoil or other similar waste disposal:
- (ii) conducting a tourism operation:
- (jj) conducting a vessel or aircraft charter or guide operation.
- (kk) any other activity for a purpose consistent with regulation 9(2) and not described in regulation 12.

## Part 8

### Special Management Areas

#### 12 Special Management Areas

- (1) The Beveridge Reef Nukutulueatama Special Management Area, the Conservation and Sustainable Use Zone, any part of this area and this zone, and any other area within the Niue Nukutuluea Multiple-Use Marine Park designated in relevant legislation are declared Special Management Areas.
- (2) In accordance with the provisions of sections 3-6, 8-10, 12-14, 17 and for the purposes of section 15B of the Act a Special Management Area is to provide restrictions on access to, or use of an area (including designated Special Management Area), for conservation and management purposes, including but not limited to the following objectives:
  - (a) management at a local or small spatial scale,
  - (b) conservation of a species or group of species on a precautionary basis or basis of science,
  - (c) conservation of any marine natural resource/s,
  - (d) protection of cultural and/or heritage values,

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- (e) appreciation by Niuean nationals, permanent residents, tourists, visitors and/or the international community,
  - (f) public safety,
  - (g) separation of conflicting or competing uses,
  - (h) situations requiring responsible immediate management action.
- (3) For the purposes of dealing with situations requiring immediate management action under subclause (2)h (*above*), the Niue Government may, without public consultation, in writing, declare that a specific area of an existing Special Management Area is declared Special Management Area for a period of not more than 300 days, (extendable once only for a further 300 days) in the circumstances and manner specified in the designation.
- (4) The declaration relating to a particular declared Special Management Area must have management provisions that are:
- (a) not less restrictive or less protective than those that already apply to that area or zone of the Niue Nukutuluea Multiple-Use Marine Park: and
  - (b) not inconsistent with the objective described in subclause (2).
- (5) The declaration relating to a particular declared Special Management Area may specify, but not be limited to:
- (a) the boundary description or coordinates of the area,
  - (b) a name for the area,
  - (c) special management provisions that apply to the area,
  - (d) if the special management provisions apply for period – the period for which the special management provisions are to apply.

## **Part 9 Permitted Activities**

- 13 Permitted Activities**  
The Cabinet may authorise or restrict any of the activities described in Part 7 of these regulations (including any activity in any declared Special Management Areas declared under regulation 12) that are within the Conservation and Sustainable Use Zone, Restricted Commercial Use Zone or the Ocean General Use Zone subject to specific conditions determined by Cabinet.

## **Part 10**

### **Specific Conditions**

#### **14 Specific Conditions**

- (1) Specific conditions determined by Cabinet under regulation 13(1) of these Niue Nukutuluea Multiple-Use Marine Park Regulations 2022 apply to an activity in the Conservation and sustainable Use Zone if:
  - (a) it is conducted by or under supervision of a Niuean national, permanent resident and appropriately authorised person; or
  - (b) it is in an area and/or at times supported by village by-laws.
- (2) Specific conditions referred to in subclause (1) may allow any or all of the following activities:
  - (a) gill netting;
  - (b) horizontal multiple hook pelagic and demersal long-lining and vertical long lining;
  - (c) trolling;
  - (d) all other hook and line fishing;
  - (e) spearfishing;
  - (f) trapping;
  - (g) fishing on and/or around anchored fish aggregation devices;
  - (h) fishing on and/or around drifting fish aggregation devices;
  - (i) shellfish harvesting, reef gleaning or dive collecting;
  - (j) swimming, snorkelling, and diving;
  - (k) any other activity for a purpose consistent with regulation 7(2) and not described in regulation 12.

## **Part 11**

### **Review of Marine Management Plan for the Niue Nukutuluea Multiple-Use Marine Park**

#### **15 Review of Marine Management Plan for the Niue Nukutuluea Multiple-Use Marine Park**

- (1) A review of the Marine Management Plan for the Niue Multiple-Use Nukutuluea Marine Park must be completed no longer than seven (7) years after the date these regulations were made.
- (2) The review shall commence no later than five (5) years after the date these regulations were made
- (3) The review must consider, (but must not be restricted in its consideration):
  - (a) delivery and implementation of the intent and objectives of the Marine Management Plan; and

# Niue Nukutuluea Multiple-Use Marine Park Regulations

## Niue Nukutuluea Multiple-Use Marine Park Regulations 2021

- (b) any baseline data, subsequent data, or management effectiveness evaluations of the Marine Management Plan, including those related to commercial, economic, cultural, social, and recreational values of Niue's marine estate covered by the Marine Management Plan; and
  - (c) any relevant information available on the health of Niue's marine estate covered by the Marine Management Plan, and any information on the health and management of areas outside of and not covered by the Marine Management Plan, to the extent that it may affect Niue's marine estate covered by the Marine Management Plan.
- (4) The review must undertake, but not be restricted to:
- (a) an assessment of the existing measures to deliver and implement the intent and objectives of the Marine Management Plan; and
  - (b) an assessment of the governance and administrative framework delivering and implementing the Marine Management Plan; and
  - (c) an assessment of the factors influencing the current and future commercial, economic, cultural, social, and recreational values of Niue's marine estate covered by the Marine Management Plan.
- (5) The Review must make recommendations to Cabinet, including for no changes if appropriate, on the clarification and/or improvements of any matter relating to the Marine Management Plan covering Niue's marine estate.
- (6) Such recommendations must be considered, and if Cabinet approves one, some or all, be promulgated no longer than one (1) year after receipt of the Review by Cabinet.

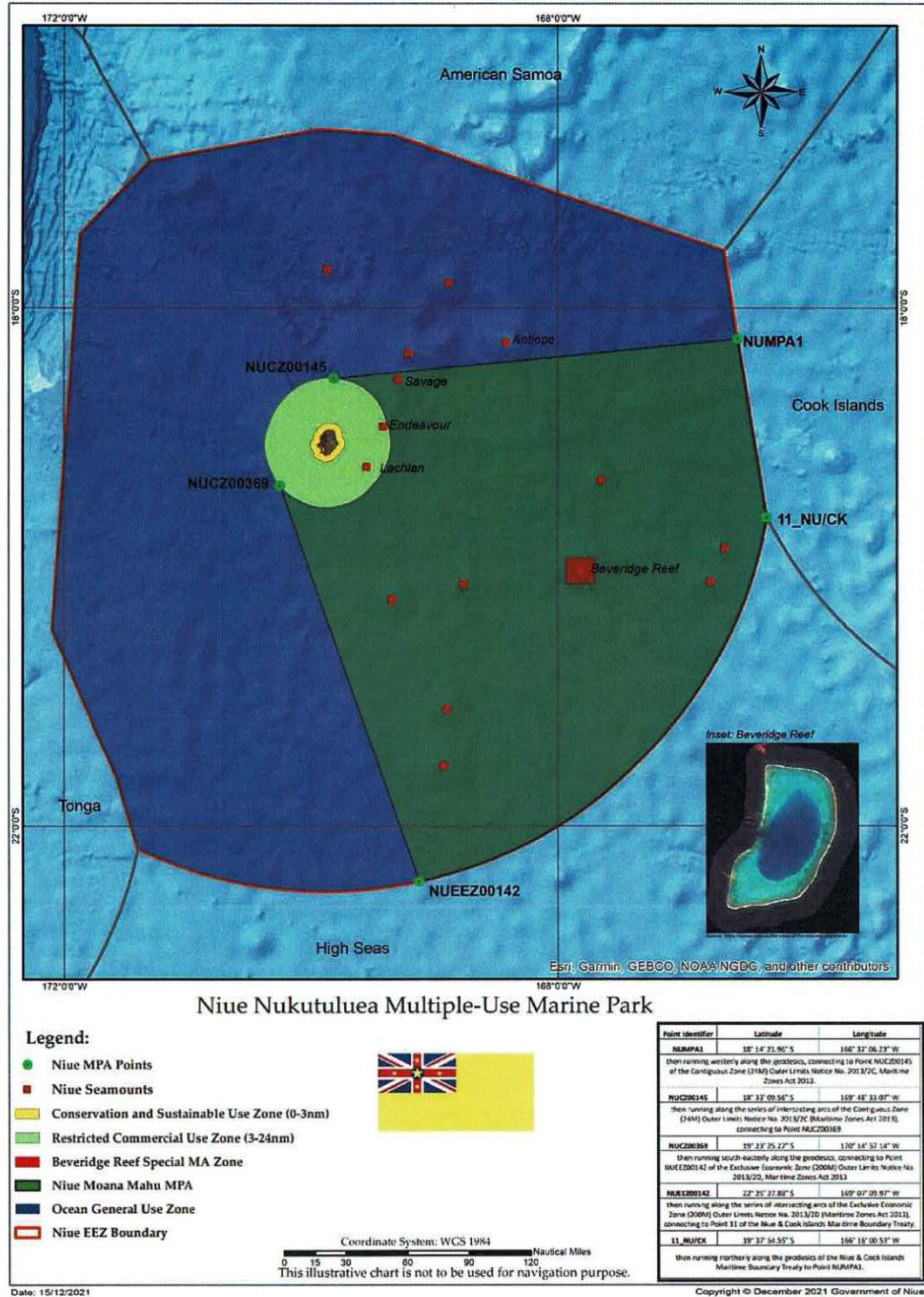
## **Part 12 Offences**

### **16 Offences**

- (1) Any person who engages in any of the prohibited activities, commits an offence and is liable on conviction to –
- (a) the case of an individual, to a fine not exceeding 50 penalty units, or to imprisonment for a term not exceeding 6 months, or both;
  - (b) in any other case, to a fine not exceeding 100 penalty units.

Niue Nukutuluea Multiple-Use Marine Park Regulations 2021

Schedule 1



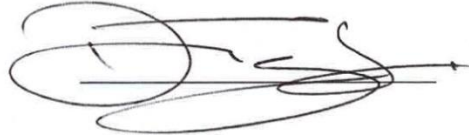
# Niue Nukutuluea Multiple-Use Marine Park Regulations

Niue Nukutuluea Multiple-Use Marine Park Regulations 2021

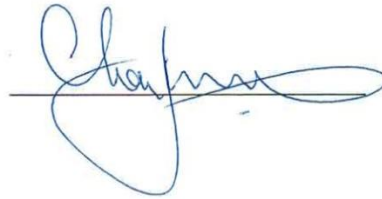
Approved by the Cabinet of Ministers at the Cabinet Chambers, Fale Fono,  
Alofi, this

16<sup>th</sup> day of December 2021.

**Signed** by Dalton Emani Makamau  
Tagelagi  
**Premier**



**Countersigned** by Charlene Funaki  
Clerk to Cabinet



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These regulations are administered by the Department of Agriculture,  
Forestry and Fisheries.

These regulations were made on the 16<sup>th</sup> day of December 2021.

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**KO E TAU LĀ FAKATUFONO 2021 MA E VALA  
MOANA NIUE NUKUTULUEA MARINE PARK  
FAKAAOGAAGA KEHEKEHE**

Numela 2021/03

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Muitua ke he tau matakupu 3-14, 15, 15A, 15B mo e 17 he Fakatufono tohi, Veheveheaga he tau Katofia Vala Moana he tau 2013 (*Maritime Zones Act 2013*), kua fakamooli he Fono Ikipule e tau lā fakatufono nai—

- 1 **Higoa**  
Ko e tau lā fakatufono nai ko e tau Lā Fakatufono 2021 ma e Vala Moana Niue Nukutuluea *Marine Park* Fakaaogaaga Kehekehe.
- 2 **Kamataaga**  
To fakagahua e tau lā fakatufono nai ka mole atu e aho ne maopopo e tau tauteaga, muitua ke he Matakupu 13 he Fakatufono tohi Fakavē.
- 3 **Fakakakanoaga**
  - (1) Hanai e tau fakakakanoaga, ka e to fai kehe kaeke kua fai maamaaga foki,-  
**Fakatufono-tohi** kakano ko e Veheveheaga he tau katofia Vala Moana he tau 2013 (*Maritime Zone Act 2013*)  
**Ko e Matakavi Leveki Pauaki Beveridge Reef Nukutulueatama** kakano ko e Matakavi Leveki Pauaki ne fakamooli he lā fakatufono numela 5 he tau Lā Fakatufono he tau 2020, ma e Levekiaga he tau Matakavi Leveki Pauaki i loto he vala moana Niue Moana Mahu.  
**Ko e Vala moana Leveki Pauaki, Niue Moana Mahu** kakano ko e matakavi ne fakamooli he lā fakatufono numela 4 he tau Lā Fakatufono he tau 2020, ma e Levekiaga he tau vala moana i loto ha Niue Moana Mahu.
  - (2) Ko e ha kupu po ke ha talahauaga ne kua fakamaama he Fakatufono-tohi mo e fakaaoga, ka e nākai fakamaama, he tau lā fakatufono nai, to tatai e tau kakano.

**4 Amaamanakiaga**

Ko e amaamanakiaga he tau lā fakatufono nai ke toko hake e tau puhala atihake mo e levekiaga katoatoa he tofia a Niue mo e tau mena ha ha i ai, ke fakatūleva e monuina he tau tagata Niue he magaaho nai mo anoiha.

**Vala Fakamua**

**Ko e Vala Moana Niue Nukutuluea *Marine Park* Fakaaoaga Kehekehe**

**5 Ko e Vala Moana Niue Nukutuluea *Marine Park* Fakaaoaga Kehekehe.**

- (1) Ko e tau Vala Moana ne kua fakakite he tau, Lā fakatufono ma e matakavi Leveki Pauaki Niue Monana Mahu he tau 2020, mo e ha veveheaga katofia he moana ne kua fakakite he tau lā fakatufono nai, pihia mo e ha Vala moana ne kua Leveki Pauaki i lalo hifo he lā fakatufono 12, kua mailoga oti ko e tau vala moana Leveki Pauaki muitua ke he Fakatufono-tohi.
- (2) Ko e Vala Moana Leveki Pauaki ne kua fakakite he vala kupu (1) to eke mo Vala Moana Niue Nukutuluea *Marine Park* Fakaaoaga Kehekehe.
- (3) Ko e tau talahauaga he tau lā fakatufono 2020 ma e Niue Moana Mahu Matakavi Leveki Pauaki, mo e tau lā fakatufono nai to eke ia mo Fakatokaaga ma e Levekiaga he Vala Moana Niue Nukutuluea *Marine Park* Fakaaoaga Kehekehe, i loto he *Exclusive Economic Zone* mo e patutoka paiaia, muitua ke he Fakatufono-tohi.

**Vala ke Ua aki**

**Ko e Amaamanakiaga he Fakatokaaga ma e Levekiaga he Vala Moana Niue Nukutuluea *Marine Park* Fakaaoaga Kehekehe**

- 6 Ko e amaamanakiaga he tau Fakatokaaga ma e Levekiaga he Vala Moana Niue Nukutuluea *Marine Park* Fakaaoaga Kehekehe
- (1) Ko e matapatu amaamanakiaga he Fakatokaaga Leveki ma e Niue Nukutuluea *Marine Park* Fakaaoaga Kehekehe, tuga ne fakamaama he lā fakatufono numela 5, ko e levekiaga mo e puipui he takataki tofia a Niue mo e tau mena oti ha ha i ai.
  - (2) Ko e taha amaamanakiaga foki he Fakatokaaga Leveki ma e Niue Nukutuluea *Marine Park* Fakaaoaga Kehekehe, matutaki atu ke he matapatu amaamanakiaga, ke fakamalolō e tau matagahua ka fakaaoaga e tau mena he tofia Niue mo e tokaga ma e tau aho amui, tuga e fakaaoaga mo tutuli tupe, moua koloa, tau gahua fakamotu, tau feua fakatagata mo e tau feua fakafiafia tino.

**Vala ke Tolu aki**

**Veveheaga Katofia Moana kua Leveki ke Fakatūleva e Moui Hololoa**

- 7 Veveheaga Katofia Moana kua Leveki ke Fakatūleva e Moui Hololoa**
- (1) Ko e Veveheaga katofia Moana kua Leveki ke Fakatūleva e Moui Hololoa kua putoia e matakavi moana, patutoka po ke tokamōmō mo e loa hifo ke he 1000 mita i lalo hifo he patutoka, mo e 1000 mita he loa hake ki luga mai he fuga he moana, ko e 459 sikuea kilomita kamata mai he gataaga he tokoluga he tahi he kati hokolahi he kauahu ke hoko atu ke he 3 e maila tahi he moana puke lahi.
- (2) Muitua ke he tau matakupu 3-7, 12-14, 17 mo e tau haggaaoga he matakupu 15B he Fakatufono-tohi, ko e Veveheaga Katofia Moana kua Leveki ke Fakatūleva e Moui Hololoa ko e amaamanakiaga foki ke leveki ke he tau ika he moana, tau ofaga i lalo he puke tahi mo e tau ofaga he tau kauahu mo e uluulu he Niue Nukutuluea *Marine Park* Fakaaogaaga Kehekehe. Kia fakatapu e tau matagahua ne kua fakakite he lā fakatufono numela 10(1) ka e fakafelau e tau matagahua kehekehe mo e fakaatā e tau matagahua ne tokaga ke he moui hololoa he tofia, muitua ke he lā fakatufono numela 11(1).

**Vala ke Fa aki**

**Veveheaga Katofia Moana ma e Tau Matagahua Tutuli Tupe ka e fai Fatifatiaga**

- 8 Veveheaga Katofia Moana ma e Tau Matagahua Tutuli Tupe ka e fai Fatifatiaga**
- (1) Ko e Veveheaga Katofia Moana ma e tau Matagahua Tutuli Tupe ka e fai Fatifatiaga, ko e matakavi he tofia, patutoka po ke tokamōmō ne loa hifo ke he 1000 mita ki lalo he patutoka mo e 1000 mita he loa hake he fuga he moana, ko e 8556 e sikuea kilomita, kamata mai he katofia ne 3 e maila tahi mai he katofia moana tata ke he motu ko Niue, mo e fakalooa atu ke he 24 e maila tahi ki tutavaha he tau katofia moana a Niue.
- (2) Muitua ke he tau matakupu 3 -6, 9,10, 12-14, 17 mo e tau haggaaoga he matakupu 15E he Fakatufono-tohi, ko e amaamanakiaga he Veveheaga Katofia Moana ma e tau Matagahua Tutuli Tupe ka e fai Fatifatiaga, ko e tau levekiaga ke he tau ika he moana mo e tau ofaga ika he Niue Nukutuluea *Marine Park* Tau Fakaaogaaga Kehekehe, ke fakatapu oti ha puhala takafaga ika tutuli tupe he tau vakatoga futi ika mai he tau motu kehe po ke ha vakatoga futiika foki (ka e nāikai putoia e tau vakatoga fenoga evaeva po ke vakatoga kua nō) ne lahi hake he 25 mita, tau puhala futiika ne moumou e tau ofaga ika, mo e keli maka uho he patu toka po ke tau matagahua kumi maka uho mo e tau oela, po ke tau matagahua utakehe kolooa; ka e fakagofua e tau matagahua ne taute ka e

fai tokaga ke he moui hololoa ma anoiha muiua ke he lā fakatufono 11(2).

**Vala ke Lima aki**

**Veveheaga Katofia Moana ma e tau Fakaaogaaga Kehekehe**

**9 Veveheaga Katofia Moana ma e Tau Fakaaogaaga Kehekehe**

- (1) Ko e Veveheaga Katofia Moana ma e Tau Fakaaogaaga Kehekehe, ko e matakavi he tofia, patutoka po ke tokamōmō ne loa hifo ke he 1000 mita i lalo hifo he patu toka mo e 1000 mita ne loa hake ke he pulagi mai he fuga he moana, ko e 190700 sikuea kilomita e lahi, kamata mai he katofia 24 maila tahi ke hoko atu ke he katofia 200 maila tahi EEZ, ka e nā kai putoia e vala moana Leveki Niue Moana mo e matakavi Beveridge Reef Nukutulueatama, ko e matakavi Leveki Pauaki.
- (2) Muiua ke he tau matakupu 3-6, 8-10, 12-14, 17 mo e haggaaoga he matakupu 15E he Fakatufono-tohi, ko e Veveheaga Katofia Moana ma e Tau Fakaaogaaga Kehekehe, kua amanaki ke leveki ke he tau ika mo e tau ofaga ika he toka he Veveheaga Katofia Moana Niue Nukutuluea *Marine Park* Fakaaogaaga Kehekehe, ke fakatapu e tau matagahua ne kua fakakite he lā fakatufono 10(3) ka e fakagofua e tau matagahua he lā fakatufono 11(3).

**Vala ke Ono aki**

**Ko e Tau Matagahua Fakatapu**

**10 Ko e tau matagahua fakatapu**

- (1) Hanai e tau matagahua kua fakatapu i loto he Veveheaga Katofia Moana Leveki ke Fakatuleva e Moui Hololoa:
- (a) takafaga ika he tau kupega makimaki ne tuku he moana
  - (e) fakaaoga he tau paula, fana matapulu, fakakona po ke tau kemikolo
  - (i) tuku he tau poe fatiaki ika ne nā kai fakataula
  - (o) takafaga ika he tau kupega puto makimaki
  - (u) takafaga ika he tau kupega ne toho he vaka toga
  - (fa) Ko e tau puhala takafaga ika oti he tau vakatoga mai he tau motu kehe po ke takafaga ika he taha vakatoga foki ne lahi hake he 12 mita (ka e nā kai lauia e tau vakatoga he tau fenoga evaeva po ke tau vakatoga nō).
  - (ga) fakatafe mai he vakatoga e tau se vai po ke tau vai kiva (ka e fakataā e tau toetoe ika)
  - (ha) keli makauho he patu toka, mo e kumikumi makauho mo e oela po ke utakehe.

- (2) Hanai e tau matagahua kua fakatapu i loto he Veveheaga Katofia Moana ma e tau Matagahua Tutuli Tupe ka e Fai Fatifatiaga:
- (a) takafaga ika he tau kupega makimaki ne tuku he moana
  - (e) fakaaoga paula, fana matapulu, fakakona po ke tau kemikolo
  - (i) tuku he tau poe fatiaki ika ne tafea noa
  - (o) takafaga ika he tau kupega puto makimaki
  - (u) takafaga ika he tau kupega toho he vakatoga
  - (fa) ko e ha puhala takafaga ika he tau vakatoga mai he tau motu kehe po ke takafaga ika tutuli tupe, ne molea e 25 mita (ka e nākai lauia e tau vakatoga he tau tagata evaeva po ke vakatoga nō)
  - (ga) keli makauho he patutoka mo e kumi makauho mo e oela po ke utakehe.
- (3) Ko e tau gahua nai kua fakatapu he Veveheaga Katofia moana ma e tau Matagahua Kehekehe
- (a) takafaga ika he tau kupega makimaki ne tuku he moana.
  - (e) fakaaoga paula, fana matapulu, fakakona, poke kemikolo.

**Vala ke Fitu aki**

**Ko e Tau Matagahua Kehekehe kua Fakaatā**

- 11 Ko e Tau Matagahua Kehekehe kua Fakaatā**
- (1) Hanai e tau matagahua kehekehe kua fakagofua i loto he Veveheaga Katofia Moana kua Leveki mo e Fakatūleva e Moui Hololoa, ka e mailoga e falu matafakatufono a Niue (kaeke kua lata to fai ononoaga ke fakalaiseni, foaki e fakatāaga, po ke fai maveheaga)
- (a) tuku taula ke he toka
  - (e) tuku e tau poe hele vaka
  - (i) tau puhala utakehe ma e tau kumikumiaga faka-saienetisi
  - (o) takafaga ika he tau kupega tautau
  - (u) tuku taula po ke hele he poe
  - (fa) tuku he tau poe fatiaki ika ne taula ke he toka
  - (ga) takafaga ika he tau afo tautau matau he fuga moana po ke afo ne fakatoka hifo ke he toka
  - (ha) takafaga ika toho
  - (ka) takafaga ika tutuli tupe he ha vakatoga tote hifo he 12 mita, ka e nākai mai he tau motu kehe (ka e fakagofua e tau fenoga evaeva po ke vakatoga nō)
  - (la) ko e tau puhala takafaga ika oti ne fakaaoga e matau mo e afo.
  - (ma) fanafana ika
  - (na) hele ika

- (pa) takafaga ika he matakavi he tau poe fatiaki ika ne fakataula
- (ta) takafaga ika he matakavi he tau poe fatiaki ika ne fakataula.
- (va) taitai kai tahi, fagota uluulu po ke ukuuku
- (fe) fakaholo poke fakagahua he vakalele
- (ge) fakaholo he vakatoga, ha toga po ke samalini, ha mena ne fakaholo po ke fakaholo noa i loto he moana.
- (he) pokiata fiafia fakatagata, poki kifaga mo e taofi leo.
- (ke) kougou, kakau mata ukuuku, ukuuku noa
- (le) faama he tau koloa tahi
- (me) pokiata ke fakafua tupe, taute kifaga mo e taofi leo
- (ne) tau matagahua tivi, leveki mo e tokamata
- (pe) kaeke kua tupu taha lekua fakalutukia, ko e tau gahua nai kua lata;
  - (i) kia kumikumi mo e taute e tau mena kua lata kaeke kua fai ui matematekelea.
  - (ii) kia laveaki e moui he tagata po ke taofi ua pakia taha
  - (iii) kia kumi mo e taofi ke mau ha vakalele, vaka, ha koloa, po ke ha mena ne liga to lauia ha kua kelea e matagi, po ke hēhē e fanoaga po ke nākai mitaki ke fakaaoga.
  - (iv) ke kaufakalataha ke he taha lekua neke lauia e tau manu momoui, po ke tau lekua otaota kelea he moana po ke taha lekua he tau atu motu ne kua kaufakalataha a Niue.
  - (v) ke utakehe po ke toho kehe e vaka po ke vakalele, po ke taha vala he vakalele, po ke taha mena ne pē ne kua malona, po ke tomo po ke tiaki mo e nākai mitaki ke toka pihia he tahi neke nākai haohao mitaki e tau momoui tagata.
- (te) feua fakaako fakamahani he tau kautau
- (ve) taha puhala fakaako
- (fi) tau kumikumiaga faka-saienetisi ne nākai utakehe ha mena, mo e fuafua savea he patu toka
- (gi) fakahagahaga mitaki he tau ofaga
- (hi) tuku mo e fakagahua ha mena ke lata mo e uta fekau, malolō hila, fakamagalo he puke tahi, po ke ha gahua foki ma e mitaki he motu ko Niue
- (ki) tau gahua he patu toka (tuga e tau gahua uta kehe he tau se maka mo e fakaaogaaga mitaki he tau se maka ia).
- (li) utafano he tau fenoga evaeva
- (mi) utafano he vakatoga po ke vakalele nō po ke tagata fakakitekite
- (ni) ko e ha matagahua foki ke lata mo e lā fakatufono 7(2) ka e nākai fakamaama he lā fakatufono 12.

- (2) Ko e tau matagahua nai kua fakaatā ke taute he Veveheaga Katofia moana Tutuli Tupe ka e Fai Fatifatiaga, to onono foki ke he falu matafakatufono a Niue (ke kitekite fakamakutu ki ai, ke, po ke fai maveheaga, foaki e laisene po ke fakaatāaga)
- (a) tuku taula
  - (e) tuku he tau poe hele vaka
  - (i) utakehe he tau koloa ma e kumikumiaga faka-saienetisi
  - (o) takafaga ika he tau kupega tautau
  - (u) tuku taula po ke hele he poe
  - (fa) tuku he tau poe fatiaki ika ne fakataula
  - (ga) takafaga ika he tau afo matau he fuga he moana mo e afo matau tuku hifo ke he toka
  - (ha) futi ika, toho
  - (ka) takafaga ika tutuli tupe he ha vakatoga, nākai mai he tau motu kehe (nākai putoia e tau vakatoga uta fenoga Evaeva po ke nō )
  - (la) ha puhala takafaga ika foki he matau mo e afo.
  - (ma) fanafana ika
  - (na) hele ika
  - (pa) takafaga ika he matakavi he tau poe fatiaki ika ne fakataula
  - (ta) takafaga ika he matakavi he tau poe fatiaki ika ne nākai fakataula
  - (va) fakaholo po ke fakagahua he vakalele
  - (fe) fakagahua he ha vakatoga, po ke samalini poke ha vaka ne fakaholo noa.
  - (ge) pokiata fakatagata, poki kifaga mo e taofi leo
  - (he) koukou, kakau mataukuuku, mo e ukuuku noa.
  - (ke) faama he tau manu tahi
  - (le) poki ata fakafua tupe, poki kifaga mo e taofi leo
  - (me) matagahua tivi, levekiaga mo e tokamata he tau gahua
  - (ne) ka tupu ha lekua fakafo, ko e tau gahua ke lata mo e tau mena nai:
    - (i) ke kumikumi mo e taute e tau gahua kua lata ke lata mo e lekua
    - (ii) ke laveaki e moui he tagata po ke tau taofi aua neke pakia taha tagata
    - (iii) ke kumi mo e taofi ke mau e vakalele, po ke vakatoga po ke ha mena kua nofo hagahagakelea ha ko e tuaga he matagi po kua hēhē e fanoaga;
    - (iv) ke kaufakalataha ke he taha lekua neke lauia e tau momoui manu tahi po ke lekua he tau otaota kelea he moana po ke lekua he taha motu kua kau fakalataha a Niue.

- (v) ke utakehe ha vakatoga po ke vakalele kua pē, po ke vala he vakalele po ke ha koloa pē foki, kua tiaki, tomo po ke toka noa, ti kua hagahagakelea ke he tau momoui he tofia mo e tau tagata
  - (pe) tau feua fakamahani he tau kautaau
  - (te) fakatafe mai he vakatoga e tau se vai po ke vai kiva he vakatoga (ka e nā kai ko e tau toetoe ika )
  - (ve) taha puhala fakaako foki
  - (fi) kumikumiaga faka-saienetisi po ke falu kumikumiaga foki mo e fuafua savea he patu toka;
  - (gi) liu fakahagahaga mitaki he ofaga
  - (hi) tuku po ke fakagahua he falu koloa ke lata mo e utafano fekau, malolō hila, fakamagalo he puke tahi, po ke ha mena foki ma e mitaki a Niue.
  - (ki) tau gahua he tokamōmō (tuga e keli hake he tau se maka patuo mo e tau fakaaogaaga), tiaki he tau koloa kelea po ke falu otaota ke utakehe.
  - (li) uta he tau fenoga evaeva
  - (mi) uta he vakatoga po ke vakalele nō poke tagata fakamatala.
  - (ni) ko e ha gahua foki tuga he lā fakatufono 8(2) ka e nā kai fakamaama he lā fakatufono 12.
- (3) Ko e tau matagahua nai kua fakagofua ka e to onono ke he falu matafakatufono foki a Niue (kaeke kua tutonu to kitekite ki ai e Fakatufono, fakalaisene, fakamooli, po ke fakaatā mo e fai maveheaga) ke lata mo e Veveheaga Katofia moana ma e tau gahua kehekehe.
- (a) tuku taula
  - (e) tuku he tau poe hele vaka
  - (i) utakehe he tau koloa ma e kumikumiaga faka-saienetisi
  - (o) takafaga ika he tau kupega tautau
  - (u) tuku taula po ke hele
  - (fa) tuku he tau poe fatiaki ika ne fakataula
  - (ga) tuku he tau poe fatiaki ika ne tafea noa
  - (ha) takafaga he tau afo matau ne fakalaoa he fuga moana po ke tuku hifo ke he toka
  - (ka) toho ika
  - (la) takafaga ika tutuli tupe he tau vakatoga motu kehe
  - (ma) takafaga ika tutuli tupe he taha vakatoga ka e nā kai ko e vakatoga motu kehe (nā kai lauia e tau vakatoga fenoga evaeva po ke vakatoga nō)
  - (na) ha puhala takafaga ika he afo mo e matau

## Niue Nukutuluea Multiple-Use Marine Park Regulations

- (pa) fanafana ika
- (ta) hele ika
- (va) takafaga ika he tau kupega makimaki ne puto
- (fe) tau puhala kupega toho ika oti he toga futiika
- (ge) takafaga ika he matakavi he tau poe fatiaki ika ne fakataula
- (he) takafaga ika he matakavi he tau poe fatiaki ika ne nā kai fakataula
- (ke) fakaholo / fakagahua he vakalele
- (le) fakagahua he ha vaka, vakatoga po ke samalini, mo e tau vaka fakaholonoa i loto he puke tahi
- (me) pokiata fakatagata, poki kifaga mo e taofi leo
- (ne) kougou, kakau mataukuuku, mo e ukukuku
- (pe) faama he tau manu tahi
- (te) poki ata fakafua tupe, poki kifaga mo e taofi leo
- (ve) matagahua tivi, leveki mo e tokamata he tau matagahua
- (fi) kaeke ke tupu ha lekua fakalutukia, ko e tau matagahua nai:
  - (i) kia kumi mo e taute e tau mena kua lata ma e lekua
  - (ii) kia laveaki e moui he tagata po ke taofi ha mena neke pakia:
  - (iii) kia kumi mo e taofi ke mau e vakalele, vaka, ha koloa he moana he neke aofia e tau momoui ha taha ha ko e kelea he matagi, puke hēhē e fanoaga;
  - (iv) kia kaufakalataha ke he ha lekua neke haofia e tau mena momoui, po ke fai otaota kona he tahi, po ke ha lekua he tau atumotu kua kaufakalataha a Niue.
  - (v) Kia utakehe e ha toga pē po ke vakalele, po ke ha vala he vakalele, po ke ha koloa pē, ha koloa he moana ne kua malona, kua tiaki noa, po ke tomo, po ke ha kakano ni, kua nā kai mitaki ke he tofia mo e haohao mafola he tau tagata.
- (gi) feua fakamahani he tau kautau
- (hi) fakatafe e tau se vai mai he tau vakatoga po ke tau vai kiva (ka e nā kai ko e tau toetoe ika)
- (ki) taha puhala fakaako foki
- (li) tau kumikumiaga faka-saienetisi po ke fuafua he patutoka.
- (mi) liu atihake he tau ofaga
- (ni) fakagahua po ke tuku he falu koloa aoga tuga e tau koloa moua mo e uta fekau, maolō hila, fakamagalo he puke tahi, mo e falu mena foki ma e mitaki a Niue.
- (pi) keli makauho he patutoka, mo e kumi makauho mo e oela
- (ti) matagahua he tokamōmō (tuga ke utakehe e tau se maka) mo e fakaaoga mitaki he tau mena ia, mo e falu toloaga veve
- (vi) uta he tau fenoga evaeva

- (fo) fakaholo he vakatoga, po ke vakalele nō po ke gahua he tagata fakamatala
- (go) ha matagahua taha ne lata mo e lā fakatufono 9(2) ka nā kai fakamaama he lā fakatufono 12.

**Vala ke Valu aki**  
**Ko e Tau Matakavi Leveki Pauaki**

- 12 Ko e Tau Matakavi Leveki Pauaki**
- (1) Hanai e tau Matakavi Leveki Pauaki; Beveridge Reef Nukutulueatama Matakavi Leveki Pauaki, Veveheaga Katofia Moana kua Leveki ke Fakatūleva e moui hololoa, ha matakavi he veveheaga katofia moana nai, mo e ha matakavi i loto he Veveheaga Katofia moana Niue Nukutuluea *Marine Park* ma e tau Fakaogaaga Kehekehe, ne kua fifili, ke eke pihia he falu matafakatufono, kua mailoga tuai ko e Tau Matakavi Leveki Pauaki he Tofia.
  - (2) Muitua ke he tau matakupu 3-6, 8-10, 12-14, 17 mo e haggaoaga he matakupu 15E he Fakatufono-tohi, ko e Matakavi Leveki Pauaki kua nā kai fakagofua fakahanoa taha ke finatu ki ai po ke fakaaoga e matakavi (putoia e tau Matakavi Leveki pauaki ne kua fifili), ha kua fifili ke leveki pauaki ha ko e tau amaamanakiaga nai;
    - (a) Tau levekiaga he taha matakavi tata, he maaga
    - (e) Levekiaga he taha vahega manu momoui po ke tuahā ke he fakalatalata faka-saiene
    - (i) Levekiaga he ha koloa tufugatia he tofia
    - (o) Leveki puipui he koloa ne mahuiga ke he tau iloaaga mai tighau po ke tauteaga mahani fakamotu,
    - (u) Kua mailoga lahi mo e fafia e tagata Niue, tau tagata nonofo he motu, tau tagata fenoga evaeva, tau tagata ahiahi mai ke he motu mo lautolu he tau motu kehe,
    - (fa) Haohao mafola he tau tagata
    - (ga) Nā kai lafi a lautolu ne nā kai tatai e tau taofi fakaaogaaga.
    - (ha) Falu kitiaaga kua lata ke fakahoko taha levekiaga puipui mafiti
  - (3) Ke lata mo e tau magaaaho kua lata ke fai tauteaga mafiti ma e levekiaga puipui muiua ke he valakupu (2)ha (i luga), kua hā hā he Fakatufono Niue e malolō hokoia, mo e nā kai fai fakatonutonuaga mo e tau tagata, ke fakailoa he taha tohi, haggao ke he taha vala he taha Matakavi Leveki Pauaki, kua Leveki Puipui tuai ke he 300 e aho he leva, (mo e fakaloaloa lagataha nī ke he 300 aho foki) ha ko e tau kakano ka tohia he fakailoaaga.

- (4) Ko e fakailoaaga hagai ke he taha vala he Matakavi Leveki Pauaki, kia fai fakatokaaga leveki tuga a nai:
- (a) nā kai fakamāmā hifo e tau poakiaga po ke fakamāmā hifo e tau levekiaga puipui ka fakatatai mo e tau tauteaga ke he Niue Nukutuluea *Marine Park* ma e tau Fakaaogaaga Kehekehe; mo e
  - (e) nā kai kehe mai mo e amaamanakiaga kua fakamaama he vala kupu (2).
- (5) Ko e fakailoaaga hagai ke he taha vala kua fai poakiaga he Matakavi Leveki Pauaki, kia fakakite e tau mena nai ka e nā kai kuenia:
- (a) ko e katofia he vala moana mo e tau fakanumelaaga
  - (e) taha higoa ma e matakavi
  - (i) ko e tau levekiaga takitaha kua fakatoka pauaki ma e matakavi
  - (o) kaeke ko e levekiaga puipui ma e taha magaaho ni, kia fakakite e magaaho ia.

**Vala ke Hiva aki**  
**Ko e tau Matagahua kua Fakagofua**

- 13 Ko e tau matagahua kua fakagofua**  
Ko e malolō he Fono Ikipule ka fakagofua po ke fakamooli e tau fatifatiaga ma e tau matagahua ne fakakite he Vala 7 he tau lā fakatufono nai (ti putoia ai e tau gahua i loto he tau matakavi kua Leveki Pauaki ne fakakite i lalo hifo he lā fakatufono 12) ne kua eke i loto he Veveheaga katofia Moana kua Leveki ke Fakatūleva e Moui Hololoa, ko e Veveheaga Katofia Moana ma e tau Matagahua Tutuli Tupe ka e fai Fatifatiaga, po ke Veveheaga Katofia Moana kua Hafagi ma e tau Fakaaogaaga Kehekehe.

**Vala ke 10 aki**  
**Ko e tau fatifatiaga Fifili Pauaki**

- 14 Ko e tau fatifatiaga Fifili Pauaki**  
(1) Ko e tau fatifatiaga fifili pauaki ne fakamooli he Fono Ikipule maitua ke he lā fakatufono 13(1) he tau Lā fakatufono 2022, ha Niue Nukutuluea *Marine Park* ma e tau Fakaaogaaga kehekehe to fakagahua ke lata mo e ha matagahua i loto he Veveheaga Katofia Moana kua Leveki ke Fakatūleva e Moui Hololoa, kaeke:
- (a) kua taute he tagata Niue poke kua taute e taha ka e leveki atu a ia, ha tagata nofomau i Niue po ke ha tagata ne kua foaki e malolō gahua ki ai: poke
  - (e) ko e matakavi he tofia ne fa mahani ke aofia he tau matafakatufono he tau Fono Takitaki Maaga

- (2) Ko e tau fatifatiaga fifili pauaki ne onoono ki ai he vala kupu (1) kua eke mo fakaatāaga ma e tau matagahua oti nai, po ke falu nī:
- (a) takafaga ika kupega tautau
  - (e) takafaga ika he tau afo matau he fuga moana po ke tuku hifo ke he toka
  - (i) takafaga ika toho
  - (o) ha puhala takafaga ika he matau mo e afo
  - (u) fanafana ika
  - (fa) hele ika
  - (ga) takafaga ika he matakavi he tau poe fatiaki ika ne fakataula
  - (ha) takafaga ika he matakavi he tau poe fatiaki ika ne nakai fakataula
  - (ka) fagota he uluulu po ke fagota ukuuku
  - (la) koukou, kakau mata ukuuku, mo e ukuuku noa
  - (ma) ko e ha matagahua ne tatai mo e haggaaoga he lā fakatufono 7(2) mo e nākai fakamaama he lā fakatufono 12.

**Vala ke 11 aki**

**Liu Kitekite ke he Fakatokaaga ma e Levekiaga he Tofia he Niue  
Nukutuluea *Marine Park* ma e tau Fakaaogaaga Kehekehe**

- 15 Liu kitekite ke he Fakatokaaga ma e Levekiaga he Tofia he Niue  
Nukutuluea *Marine Park* ma e tau Fakaaogaaga Kehekehe**
- (1) Ko e matagahua liu kitekite ke he Fakatokaaga ma e Levekiaga he Niue Nukutuluea *Marine Park* ma e tau Fakaaogaaga Kehekehe kia fakamaopoopo to tū e fitu tau (7) mai he magaaho ne fakamooli e tau lā fakatufono nai.
- (2) To kamata e matagahua liu kitekite to tū e lima tau (5) mai he magaaho ne fakamooli e tau lā fakatufono nai.
- (3) Ko e matagahua liu kitekite nai, kia onoono ke he tau mena nai (ka e nākai fakakaupā e tau manatu):
- (a) ke he fakagahuahuaaga he haggaaoga mo e tau amaamanakiaga he Fakatokaaga Pauaki ma e Levekiaga he Tofia: mo e
  - (e) tau numela he kamataaga, mo e tau numela fano fakahaga, po ke mitaki mo e aoga he tau levekiaga muihua ke he Fakatokaaga Pauaki ma e Levekiaga he Tofia , aofia ai mo e tau matagahua tutuli tupe, kumi monuina, aga mo e mahani fakamotu, tau mena fakatagata, mo e tau mena fakafiafia tagata he koloa tokiofa ko e moana ha Niue ne kua fakamooli ko e vala moana fai Fakatokaaga Pauaki ma e Levekiaga he Tofia ; mo e
  - (i) ha iloaaga haggao ke he moui tupuola ko e koloa tokiofa nai he motu ko e moana ha Niue i lalo hifo he Fakatokaaga Pauaki ma

e Levekiaga he Tofia, mo e ha talahauaga ke he moui olaola he tau vala moana ne nā kai aofia he Fakatokaaga Pauaki ma e Levekiaga he Tofia, he neke fai mena ke tolofia atu ke he koloa tokiofa nai a Niue, i loto he Fakatokaaga Pauaki ma e Levekiaga he Tofia.

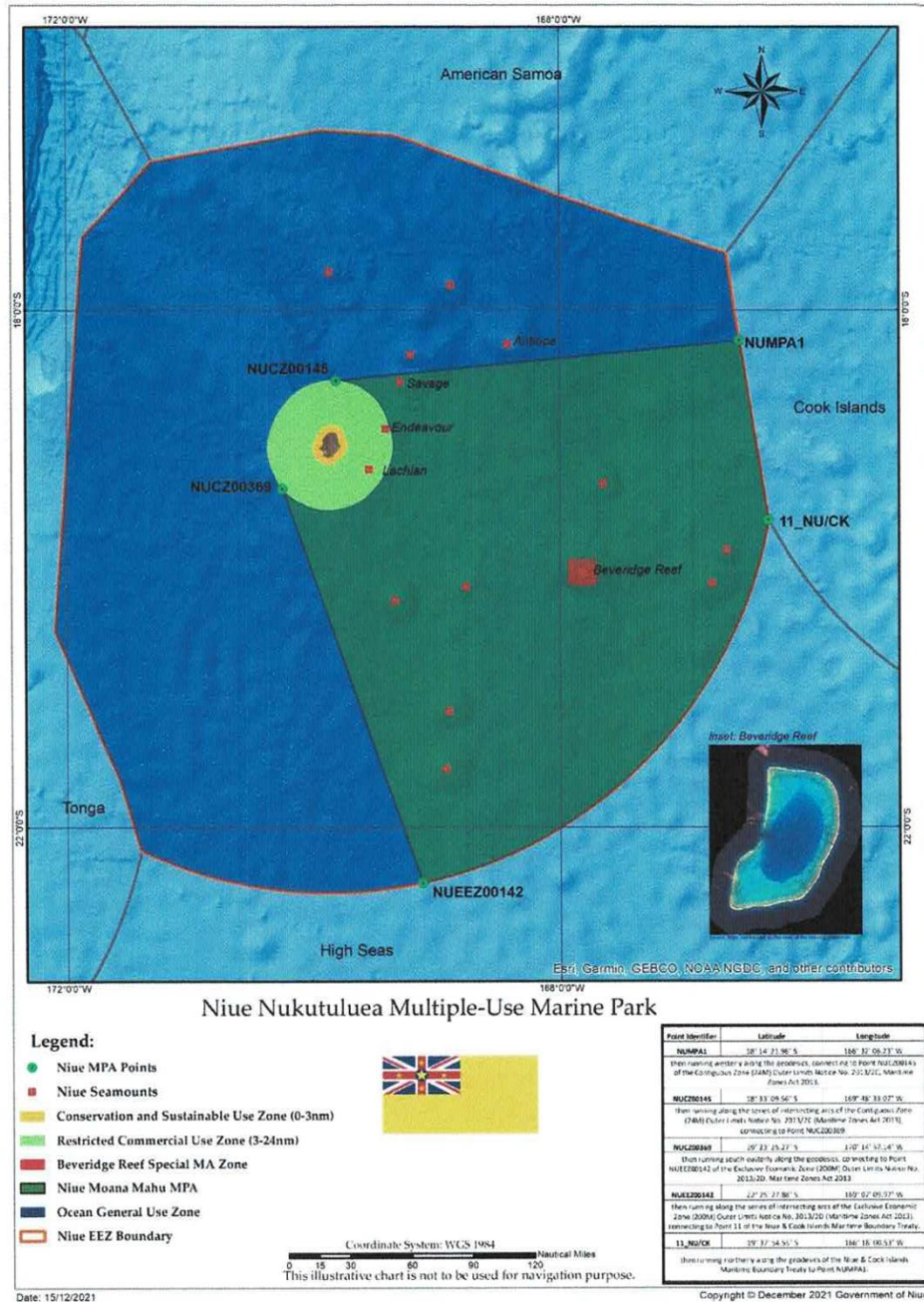
- (4) Ko e matagahua Liu Kitekite nai, kia onono foki, ka e nā kai kuenia ke he:
- (a) hakahaka fakamakutu he tau mena taute he magaaho nai ne foli ke he haggaoaga mo e amaamanakiaga he Fakatokaaga Pauaki ma e Levekiaga he Tofia; mo e
  - (e) hakahaka fakamakutu e tau fakaholoaga mo e puhala fefakatonutonuaki mo e fakagahuahuaaga he Fakatokaaga Pauaki ma e Levekiaga he Tofia;
  - (i) hakahaka fakamakutu e tau mena kua lauia ai he magaaho nai mo e tau magaaho i mua e tau matagahua tutuli tupe, moua monuina foki, tau aga mo e mahani fakamotu, tau mena fakatagata, mo e tau feua fakafiafia tagata, he koloa tokiofa ko e tofia a Niue he Fakatokaaga Pauaki ma e Levekiaga he Tofia.
- (5) Ko e matagahua Liu Kitekite, kia tuku e fakamaopoopoaga he hokotaki, ke he Fono Ikipule, mo e fakakite e tau mena kua lata ke taute, po ke nā kai fai hikiaga po ke fai hikiaga ke fakaholo ki mua e mitaki he ha mena he Fakatokaaga Pauaki ma e Levekiaga he Tofia ne lata mo e koloa uho ko e tofia ha Niue.
- (6) Ko e tau mena kua lata ke taute kia tuku ke he Fono Ikipule, ti kaeke ke fakamooli he Fono Ikipule e taha, poke ua, po ke fakamooli oti, kia fakailoa fakalaulahi to molea e taha e tau he tali mai he moua e hokotaki he Liu Kitekite.

**Vala ke 12 aki**  
**Ko e Tau Holifono**

**16 Ko e Tau Holifono**

- (1) Kaeke kua moua ha tagata kua taute e tau matagahua ne fakatapu, kua agahala a ia ti kaeke ke fakamooli e agahala;
- (a) kaeke ko e tagata tokotaha, to fakahala ke he 50 e poini fakahala, po ke tuku he fale pagotā ke hoko ke he 6 mahina he leva, po ke taute ua;
  - (e) kaeke ko e fai agahala foki, to fakahala ke he 100 poini fakahala.


Fakaholoaga Fakamatafeiga Numela 1



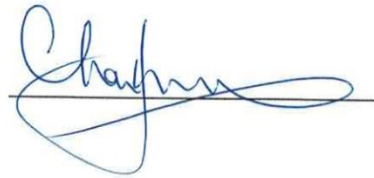
Niue Nukutuluea Multiple-Use Marine Park Regulations

Kua fakamooli he Fono Ikipule he poko Fono he tau Ikipule, Fale Fono, Alofi,  
he **Aho 16 Tesemo 2021.**

**Fakamooli** he Lilifu ko Dalton Emani  
Makamau Tagelagi  
**Palemia**



**Fakamooli foki** e Charlene Funaki  
**Tohi Kupu** he Fono Ikipule



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Ko e tau lā fakatufono nai to fakagahua he Faahi Gahua Fonua, Tō Akau mo e Futi Ika.  
Ne fakamooli e tau lā fakatufono nai he Aho 16 Tesemo 2021

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## Immigration (COVID-19) Regulations 2022

No. 2022/01

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**Pursuant to sections 42D and 42F of the Immigration Act 2011, Cabinet makes the following regulations—**

- 1 Title**  
These regulations are the Immigration (COVID-19) Regulations 2022.
- 2 Commencement and expiry**
  - (1) These regulations come into force on the day after the date on which they are made in accordance with Article 13 of the Constitution.
  - (2) These regulations expire on the close of 31 December 2022.

**Immigration (COVID-19) Regulations 2022**

*Definitions*

**3 Interpretation**

(1) In these regulations, unless the context otherwise requires,—

**Act** means the Immigration Act 2011

**adequate travel insurance** has the meaning given in regulation 4

**aircrew member** means any person who—

- (a) is identified as a crew member on the crew manifest for the aircraft on which they arrive in the Cook Islands; or
- (b) is not identified as a crew member on that manifest but is on the aircraft at the direction of an airline for which they work as a pilot, co-pilot, or flight attendant

**approved country** has the meaning given in regulation 5

**COVID-19 test** has the meaning given in regulation 6

**emergency medical staff** means health practitioners (including health professionals qualified overseas), medical attendants, and air crew participating in the medical evacuation of patients from Niue

**evidence of full vaccination** has the meaning given in regulation 7

**fully vaccinated** has the meaning given in regulation 8

**medical practitioner** includes a medical practitioner registered and entitled to practise in a country other than Niue

**negative test result** has the meaning given in regulation 9

**Niue resident** means a person ordinarily resident in Niue, a permanent resident of Niue, or a New Zealand citizen who was born in Niue

**PCR test** mean a PCR test for SARS-CoV-2 viral ribonucleic acid using reverse transcription polymerase chain reaction

**SARS-CoV-2** means severe acute respiratory syndrome coronavirus 2

(2) Any term or expression that is defined in the Act and used, but not defined, in these regulations has the same meaning as in the Act.

**4 Meaning of adequate travel insurance**

In these regulations, **adequate travel insurance** means travel insurance that includes coverage—

- (a) for repatriation to the traveller's country of origin; and
- (b) to cover the costs of the Niue Government for COVID-19 related medical care.

**5 Meaning of approved country**

(1) In these regulations, an **approved country** means a country that—

- (a) the Chief Immigration Officer has, after consultation with the Director of Health, specified in writing is an approved country; and
- (b) is listed on a publicly accessible Internet site maintained by or on behalf of the Niue Government.

(2) The Chief Immigration Officer must, before specifying a country as an approved country, be satisfied on reasonable grounds that the country—

- (a) is relatively free of COVID-19; or

# Immigration (COVID-19) Regulations 2022

## Immigration (COVID-19) Regulations 2022

- (b) has in place strong mitigation measures for the control of COVID-19.

### 6 **Meaning of COVID-19 test**

In these regulations, a **COVID-19 test** means,—

- (a) a PCR test for COVID-19 approved by the Director of Health, specified in writing by the Chief Immigration Officer, and listed on a publicly accessible Internet site maintained by or on behalf of the Niue Government; or
- (b) if no tests are specified under paragraph (a), a PCR test specified by the New Zealand Director-General of Health under an enactment of the New Zealand Parliament for the purposes of that country's public health response to COVID-19.

### 7 **Meaning of evidence of full vaccination**

- (1) In these regulations, **evidence of full vaccination** for a person is an electronic or hard copy document that confirms—

- (a) that the person has received a COVID-19 vaccine or vaccines; and
- (b) the name or names of the COVID-19 vaccine or vaccines that the person has received; and
- (c) the name of the government or national agency that issued the document; and
- (d) the date on which the person received—
  - (i) the dose of the COVID-19 vaccine, if only 1 dose is specified under regulation 8 for a person to be fully vaccinated; or
  - (ii) the last dose of a COVID-19 vaccine, if more than 1 dose is specified under regulation 8 for a person to be fully vaccinated.

- (2) The Chief Immigration Officer may accept as evidence of full vaccination a document that does not comply with subclause (1), if the Chief Immigration Officer considers that the document provides satisfactory evidence that the person is fully vaccinated.

### 8 **Meaning of fully vaccinated**

- (1) In these regulations, **fully vaccinated**, in relation to a person, means—

- (a) that the person has received all of the doses of a COVID-19 vaccine or combination of COVID-19 vaccines specified in writing by the Director of Health and listed on a publicly accessible Internet site maintained by or on behalf of the Niue Government; or
- (b) if no vaccines are specified under paragraph (a), that the person has received all of the doses of a COVID-19 vaccine or combination of COVID-19 vaccines specified in vaccination requirements in New Zealand legislation for the purposes of that country's public health response to COVID-19.

- (2) A person is fully vaccinated under subclause (1) 14 days after the person receives the final dose of the specified COVID-19 vaccine.

**Immigration (COVID-19) Regulations 2022**

**9 Meaning of negative test result**

- (1) A person required to provide a **negative test result** from a COVID-19 test must provide an electronic or hard copy document that contains the following information:
  - (a) the person's name;
  - (b) the person's date of birth or passport number;
  - (c) the date and time the test was administered;
  - (d) the name of the laboratory that conducted the test;
  - (e) the type of test carried out;
  - (f) the test result.
- (2) The Chief Immigration Officer may accept a document as evidence of a detail required to be in a document under subclause (1), despite the document not complying with that subclause, if the Chief Immigration Officer considers that the document provides satisfactory evidence of the detail.
- (3) A person whose COVID-19 test result is positive must be treated as having provided evidence of a negative result if the person provides a certificate from the New Zealand Ministry of Health or a letter from the person's general practitioner to the effect that—
  - (a) the person has had COVID-19 within the 3-month period before their scheduled date of departure for Niue; and
  - (b) the Ministry or general practitioner (as the case may be) considers that the person is no longer infectious with COVID-19.
- (4) In this regulation, **general practitioner** means a medical practitioner who works in general practice in Niue or New Zealand.

*Conditions of entry and exemptions*

**10 Conditions of entry**

- (1) All persons seeking to enter Niue must,—
  - (a) have resided in an approved country for a continuous period of at least 14 days immediately before their journey to Niue began; and
  - (b) have evidence of full vaccination and produce the evidence when requested by an immigration officer; and
  - (c) have a negative test result from a COVID-19 test carried out no more than 48 hours before the scheduled departure time of their journey to Niue and produce the negative test result when requested by an immigration officer.
- (2) All persons seeking to enter Niue who are not Niue residents must provide evidence that they have adequate travel insurance, in addition to complying with subclause (1).
- (3) To avoid doubt, a person intending to arrive in Niue on an aircraft must provide a new negative test result for COVID-19 if—
  - (a) the person's flight to Niue is delayed or rebooked; and
  - (b) the delay or rebooking means that their negative COVID-19 test no longer meets the 48-hour requirement in subclause (1)(c).

**Immigration (COVID-19) Regulations 2022**

- (4) However, the Director of Health may extend the time requirement in subclause (1)(c) by up to 24 hours if satisfied that the extension is appropriate and after taking into account the health risk that may result from granting the extension.

**11 Exemptions from conditions of entry**

- (1) The following persons seeking to enter Niue are exempt from regulation 10:
- (a) a person who is entitled to any immunity from jurisdiction by or under—
    - (i) the Consular Privileges and Immunities Act 1971, the Diplomatic Privileges and Immunities Act 1968, or the New Zealand Representative Act 1981; or
    - (ii) any order under any of those Acts:
  - (b) an aircrew member or a member of a ship's crew:
  - (c) a person who is a member of the New Zealand Defence Force and is seeking to enter Niue in their official capacity:
  - (d) emergency medical staff engaged in the medical evacuation of a patient from Niue.
- (2) The exemption in subclause (1)(b) applies only if the aircrew member or member of a ship's crew complies with any conditions imposed by the Chief Immigration Officer in writing and notified—
- (a) to the air carrier responsible for the aircraft on which the person is an aircrew member, in the case of aircrew:
  - (b) to the owner or master of the ship, in the case of crew of a ship.
- (3) In this regulation, **ship** means a vessel engaged in international maritime activity (including a cruise ship) and does not include a pleasure boat.

*Waiver of conditions of entry*

**12 Application for waiver of conditions of entry**

- (1) A person may apply for a waiver of any or all of the conditions of entry in regulation 10.
- (2) An application must be—
- (a) in the form approved by the Chief Immigration Officer after consultation with the Director of Health; and
  - (b) accompanied by any information requested by the Chief Immigration Officer.
- (3) The Chief Immigration Officer may also require further information that is reasonably necessary to determine the application.

**13 Waiver of conditions of entry**

- (1) The Chief Immigration Officer may, with the approval of the Director of Health, waive a condition of entry in regulation 10 if—
- (a) a ground in regulation 14 is met; and
  - (b) the Officer considers that waiving the condition is unlikely to cause undue risk to the people of Niue.
- (2) The Chief Immigration Officer may also waive any or all of the conditions of entry in regulation 10 for infants or children under the age of 16.
- (3) A waiver may be for a person or a class of persons.

**Immigration (COVID-19) Regulations 2022**

(4) A waiver must be in writing.

**14 Grounds for waiver of conditions of entry**

The Chief Immigration Officer may waive any or all of the conditions of entry in regulation 10 if—

- (a) there is, or has been, a medical emergency that makes it impracticable to require the conditions to be complied with; or
- (b) there is, or has been, a natural disaster that makes it impracticable for the conditions to be complied with; or
- (c) critical work needs to be urgently carried out that makes it impracticable for the conditions to be complied with; or
- (d) the conditions cannot be complied with for medical reasons, subject to regulation 15; or
- (e) the conditions should be waived on compassionate or humanitarian grounds.


**15 Waiver of requirement to be fully vaccinated**

- (1) The condition requiring persons to be fully vaccinated may be waived on the ground in regulation 14(1)(d) only if a vaccine is contraindicated for the person and a suitable alternative vaccine is not readily available.
- (2) To avoid doubt, the following are not valid reasons for waiving the requirement for a person to be fully vaccinated:
  - (a) the person has had a negative experience with other vaccines:
  - (b) the person is disabled:
  - (c) the person is pregnant.

Approved by the Cabinet of Ministers at the Cabinet Chambers, Fale Fono, Alofi, this

14<sup>th</sup> day of July 2022.

**Signed by Hon. Dalton Emani Tagelagi  
Premier**



**Countersigned by Charlene Funaki  
Clerk to Cabinet**



These regulations are administered by the Immigration Office.  
These regulations were made on the 14<sup>th</sup> day of July 2022.



## Immigration (COVID-19) Amendment Regulations 2022

No. 2022/02

### Contents

1	Title	1
2	Commencement	1
3	Principal regulations	1
4	Regulation 3 amended (Interpretation)	1
5	Regulation 5 revoked (Meaning of approved country)	1
6	Regulation 6 replaced (Meaning of COVID-19 test)	1
7	Regulation 9 amended (Meaning of negative test result)	2
8	Regulation 10 amended (Conditions of entry)	2

**Pursuant to section 42D of the Immigration Act 2011, Cabinet makes the following regulations—**

- 1 Title**  
These regulations are the Immigration (COVID-19) Amendment Regulations 2022.
- 2 Commencement**  
These regulations come into force on the day after the date on which they are made in accordance with Article 13 of the Constitution.
- 3 Principal regulations**  
These regulations amend the Immigration (COVID-19) Regulations 2022.
- 4 Regulation 3 amended (Interpretation)**
  - (1) In regulation 3, insert in its appropriate alphabetical order:  
“**RAT test** means a rapid diagnostic test suitable for use at point-of-care that directly detects the presence or absence of an antigen”
  - (2) In regulation 3, revoke the definition of **approved country**.
- 5 Regulation 5 revoked (Meaning of approved country)**  
Revoke regulation 5.
- 6 Regulation 6 replaced (Meaning of COVID-19 test)**  
Replace regulation 6 with:
  - 6 Meaning of COVID-19 test**
  - “(1) In these regulations, **COVID-19 test** means,—

Immigration (COVID-19) Amendment Regulations 2022

- “(a) a test for SARS-CoV-2 or COVID-19 infection or immunity (whether current or historical) in an individual that is approved by the Director of Health, specified in writing by the Chief Immigration Officer, and listed on a publicly accessible Internet site maintained by or on behalf of the Niue Government; or
  - “(b) if no tests are specified under paragraph (a), a test for SARS-CoV-2 or COVID-19 infection or immunity (whether current or historical) in an individual that is specified by the New Zealand Director-General of Health under an enactment of the New Zealand Parliament for the purposes of that country’s public health response to COVID-19.
- “(2) To avoid doubt, a test under subclause (1) includes a PCR test or RAT test or similar test.”

**7 Regulation 9 amended (Meaning of negative test result)**

- (1) Replace regulation 9(3) and (4) with:

- “(3) A person whose COVID-19 test result is positive must be treated as having provided evidence of a negative result if the person provides a certificate from the Ministry of Health of their respective country (or the equivalent) or a letter from the person’s general practitioner to the effect that—
- “(a) the person has had COVID-19 within the 3-month period before their scheduled date of departure for Niue; and
  - “(b) the Ministry or general practitioner (as the case may be) considers that the person is no longer infectious with COVID-19.
- “(4) In this regulation, **general practitioner** means a medical practitioner who works in general practice in Niue or the country in which the person resides.”

**8 Regulation 10 amended (Conditions of entry)**

- (1) Revoke regulation 10(1)(a).

- (2) Replace regulation 10(1)(c) with:

- “(c) have a negative test result from a COVID-19 test carried out within a time before the scheduled departure time of their journey to Niue, and under conditions, (both of which may vary for different circumstances or tests) specified by the Director of Health and produce the negative test result when requested by an immigration officer to do so.”

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Approved by the Cabinet of Ministers at the Cabinet Chambers, Fale Fono, Alofi, this

\_\_\_\_\_ 22 day of September 2022.

Immigration (COVID-19) Amendment Regulations 2022

Immigration (COVID-19) Amendment Regulations 2022

**Signed by** Hon. Dalton Emani Tukala  
Tagelagi  
**Premier**



**Countersigned by** Charlene Funaki



These regulations are administered by the Immigration Office  
These regulations were made on the 22nd day of September 2022.





## CHILD ALLOWANCE (FEES) AMENDMENT REGULATIONS 2022

No. 2022/03

### Contents

1	Title	1
2	Commencement	1
3	Principal regulations	1
4	Regulation 3(1) replaced (Rate of child allowance)	1

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Pursuant to section 72 of the Family Law Code 2007, Cabinet makes the following regulations –

- Title**  
These regulations are the Child Allowance (Fees) Amendment Regulations 2022.
- Commencement**  
These regulations come into force on the day after the date on which they are made in accordance with Article 13 of the Constitution.
- Principal regulations**  
These regulations amend the Child Allowance (Fees) Regulations 2004.
- Regulation 3 (1) replaced (Rate of child allowance)**  
Replace regulation 3 with:  
“3 **Rate of child allowance**  
“(1) the rate of child allowance payable under section 72 of the Act shall be –
  - \$100 grant for every newborn child to a non-public servant mother; and
  - \$400 per annum for every qualifying child

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**Child Allowance (Fees) Amendment Regulations 2022**

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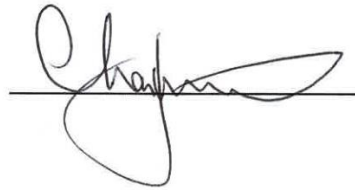
Approved by the Cabinet of Ministers at the Cabinet Chambers, Fale Fono,  
Alofi, this

6<sup>th</sup> day of October 2022

**Signed by Hon. Dalton Tagelagi  
Premier**



**Countersigned by Charlene Funaki  
Clerk to Cabinet**



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These regulations are administered by the Department of Justice, Lands and Community Services.  
These regulations were made on the 6<sup>th</sup> day of October 2022.



## PENSION AND BENEFITS AMENDMENT REGULATIONS 2022

No. 2022/04

### Contents

1	Title	1
2	Commencement	1
3	Principal regulations	1
4	Regulation 4 replaced (Rate of Pension)	1

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Pursuant to section 19 of the Pension and Benefits Act 1991, Cabinet makes the following regulations –

- 1 Title**  
These regulations are the pension and Benefits Amendment Regulations 2022.
- 2 Commencement**  
These regulations come into force on the day after the date on which they are made in accordance with Article 13 of the Constitution.
- 3 Principal regulations**  
These regulations amend the Pension and Benefits Regulations 2019.
- 4 Regulation 4 replaced (Rate of Pension)**  
Replace regulation 4 with:  
**"4 Rate of Pension**  
"The rate of pension payable under section 4 of the Act is-
  - in the case of a person who has attained the age of 60 years to 69 years - \$11,440 per annum.
  - in the case of a person who has attained the age of 70 years to 79 years - \$11,700 per annum.
  - any other person of 80 plus years of age - \$11,960 per annum

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**Pension and Benefits Amendment Regulations 2022**

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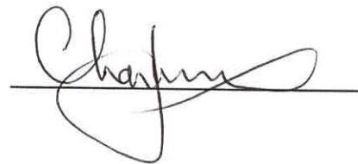
Approved by the Cabinet of Ministers at the Cabinet Chambers, Fale Fono,  
Alofi, this

13<sup>th</sup> day of October 2022

Signed by Hon. Dalton Tagelagi  
Premier



Countersigned by Charlene Funaki  
Clerk to Cabinet



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These regulations are administered by the Department of Justice, Lands and Community Services.  
These regulations were made on the 13th day of October 2022.

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## FAMILY RELATIONSHIPS REGULATIONS 2023

No. 2023/01

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**FAMILY RELATIONSHIPS REGULATIONS 2023**

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**Schedule 1**

**Forms**

**Schedule 2**

**Fees to be paid to Registrar of the High Court**

Pursuant to section 126 of the Family Relationships Act 2022, Cabinet makes the following regulations—

**1 Title and commencement**

- (1) These regulations are the Family Relationships Regulations 2023.
- (2) These regulations come into force on the day after the date on which they are made in accordance with Article 13 of the Constitution.

**Part 1  
Preliminary**

**2 Interpretation**

- (1) In these regulations,—  
**Act** means the Family Relationships Act 2022

# Family Relationships Regulations

## FAMILY RELATIONSHIPS REGULATIONS 2023

**register** means the marriage register kept by the Registrar under section 11 of the Act

**Registrar** means the Registrar of the High Court, and includes the Deputy Registrar

**support order** means--

- (a) a domestic support order; or
  - (b) a child maintenance order; or
  - (c) a birth expenses order.
- (2) Other expressions defined in the Act have the meanings so defined.
- (3) A reference to a numbered form is a reference to a form so numbered in Schedule 1.

## Part 2

### Relationships between adults

#### Subpart 1--Marriage

- 3 **Notice of intended marriage**  
The notice of intended marriage required under section 8(2) of the Act must be in form 1.
- 4 **Marriage certificate**  
(1) Every marriage celebrant by whom any marriage is solemnised must, without fee, deliver to one of the parties to the marriage a marriage certificate in form 2.  
(2) The marriage certificate that must be issued under section 11(4) of the Act, in relation to a specified marriage, is a marriage certificate in form 3.
- 5 **Endorsement of marriage entry where marriage dissolved**  
(1) On the making of an order for divorce, or a decree of presumption of death and of dissolution of marriage, or an order that any marriage solemnised in Niue is void, the Registrar must ensure that a memorandum is entered on the record of the marriage.  
(2) Every certified copy of an entry in a marriage register issued after any memorandum has been entered as provided by this regulation must contain the particulars disclosed in the memorandum.
- 6 **Fees**  
The fees payable to the Registrar for various matters specified in Schedule 2 are the respective fees specified in that schedule.

#### Subpart 2--Divorce

**FAMILY RELATIONSHIPS REGULATIONS 2023**

**7 Application for divorce**

- (1) An application for a divorce order under section 17(1) of the Act must be made in form 4.
- (2) If (in the case of an application made only by 1 party) the other party files a response objecting to the application within 2 weeks after the application is served, the Registrar must set down the matter for hearing.
- (3) If the other party does not file and serve a response within 2 weeks after the application is served, the court may make a decision on the application without a hearing.

**8 Divorce order**

Every divorce order under section 17(2) of the Act must be in form 5.

*Void marriages*

**9 Application for order declaring that marriage void**

An application under section 18 of the Act for an order declaring a marriage void must be in form 6.

**10 Order that marriage void**

An order made under section 18 of the Act that a marriage is void must be in form 7.

**Part 3**

**Domestic support, child maintenance, and birth expenses orders**

*Ongoing financial support*

**11 Support orders**

- (1) An application under section 26 or 50 of the Act for a domestic support order or child maintenance order (including support for an adult child), or both must be in form 8 and be accompanied by a statement of financial means in form 9.
- (2) An application for a birth expenses order under section 54 of the Act must be in form 10.
- (3) When an application for any support order is filed, the Registrar must—
  - (a) schedule a hearing for the application that is at least 1 month after the application is filed; and
  - (b) give notice of the date, time, and place of the hearing to both parties.
- (4) A support order (whether for domestic support, child maintenance, or birth expenses) made under section 27(1), 50(1), or 54(1) of the Act must be in form 11.

# Family Relationships Regulations

## FAMILY RELATIONSHIPS REGULATIONS 2023

### 12 Variation or discharge of support order

If an application is made under section 28(2) or 52(3) of the Act for the variation or discharge or suspension of a domestic support order or a child maintenance order, the Registrar must--

- (a) schedule a hearing for the application that is at least 1 month after the application is filed; and
- (b) give notice of the date, time, and place of the hearing to both parties.

### 13 Enforcement orders

- (1) An application under section 29(1) or 53(1) of the Act for a domestic support enforcement order or child maintenance enforcement order must be in form 12.
- (2) Any response by the other party must be filed in court no later than 2 weeks after the date on which the application was served.
- (3) If a response is filed, the Registrar must--
  - (a) schedule a hearing for the application that is no more than 2 months after the application is filed; and
  - (b) give notice of the date, time, and place of the hearing to both parties.
- (4) A domestic support enforcement order or child maintenance enforcement order made under section 29(1) or 53(1) of the Act must be in form 13.

#### *Parentage orders*

### 14 Parentage orders

- (1) An application under section 37(1) of the Act for a paternity order must be in form 14.
- (2) If an application for a parentage order is filed, the Registrar must--
  - (a) schedule a hearing for the application that is no later than 1 month after the application is filed; and
  - (b) give notice of the date, time, and place of the hearing to all parties.
- (3) If the court recommends under section 37(4) of the Act that a DNA parentage test be carried out on a child, the consent form to be used for or by the child is form 15.
- (4) A parentage order made under section 37(1) of the Act must be in form 16.

#### *Children and parents*

### 15 Parenting plans

- (1) Every parenting plan under section 39 of the Act may, but need not, be in form 17 (which is a template parenting plan).

**FAMILY RELATIONSHIPS REGULATIONS 2023**

- (2) An application under section 40(1) of the Act for registration of a parenting plan must be in form 18.

**16 Review of parenting plan**

- (1) An application under section 40(5) of the Act for review of a parenting plan must be in form 19.
- (2) When an application for review of a parenting plan is filed, the Registrar must--
  - (a) schedule a hearing for the application that is no more than 2 weeks after the application is filed; and
  - (b) give notice of the date, time, and place of the hearing to both parties.

**17 Parenting orders**

- (1) An application under section 43 of the Act for a parenting order must be in form 20.
- (2) If an application for a parenting order is filed, the Registrar must--
  - (a) schedule a hearing of the application that is no later than 2 weeks after the application is filed; and
  - (b) give notice of the date, time, and place of the hearing to all parties.
- (3) A parenting order made under section 44(1) of the Act must be in form 21.

**18 Directions on major long-term issues**

- (1) An application under section 45 of the Act for a direction from the court on major long-term issues concerning a child must be in form 22.
- (2) When an application for a direction from the court on major long-term issues is filed, the Registrar must--
  - (a) schedule a hearing of the application that is no later than 2 weeks after the application is filed; and
  - (b) give notice of the date, time, and place of the hearing to both parties.
- (3) A direction given by the court under section 46 of the Act on major long-term issues must be in form 23.

**19 Parenting enforcement order**

- (1) An application under section 48(1) of the Act for a parenting enforcement order must be in form 24.
- (2) If an application for a parenting enforcement order is filed, the Registrar must--
  - (a) schedule a hearing of the application that is no later than 2 weeks after the application is filed; and
  - (b) give notice of the date, time, and place of the hearing to both parties.

# Family Relationships Regulations

## FAMILY RELATIONSHIPS REGULATIONS 2023

- (3) A parenting enforcement order made under section 48(2) of the Act must be in form 25.
- (4) If the court directs the person in breach of the order to deposit a bond into court, the Registrar must issue a receipt for the amount deposited.

### 20 Warrant for return of child

A warrant issued under section 48(3) of the Act for the return of a child must be in form 26.

#### *Guardianship*

### 21 Application for guardianship order

An application under section 56 of the Act for a guardianship order must be in form 27.

### 22 Guardianship order

- (1) A guardianship order made under section 57 of the Act must be in form 28.

#### *Related orders*

### 23 Warrant preventing removal of child from Niue

A warrant issued under section 60(2)(a) of the Act preventing the removal of a child from Niue must be in form 29.

### 24 Order requiring surrender of tickets and travel documents (including passports)

An order made under section 60(2)(b) of the Act requiring the surrender of tickets and travel documents (including passports) must be in form 30.

#### *Adoption*

### 25 Applications for adoption order

An application under section 62(1) of the Act for an adoption order must be in form 31.

### 26 Consent to adoption order

A consent given under section 64 of the Act to an adoption order must be in form 32.

### 27 Adoption order

An adoption order under section 63 of the Act must be in form 33.

#### *Care of parent order*

### 28 Applications for care of parent order

An application under section 74(1) of the Act for a care of parent order must be in form 34.

**FAMILY RELATIONSHIPS REGULATIONS 2023**

- 29 Care of parent order**  
A care of parent order made under section 75(1) of the Act must be in form 35.

*Safety warrants*

- 30 Application for safety warrant**  
An application under section 83 of the Act for a safety warrant must be in form 36.

- 31 Safety warrant**  
A safety warrant issued under section 83 of the Act must be in form 37.

*Care orders*

- 32 Application for care order**  
An application under section 83(4)(b), and (5), 84(2)(b), 86(2), or 88(1) of the Act for a care order must be in form 38.

- 33 Care order**  
A care order made under section 89 of the Act must be in form 39.

*Domestic violence*

- 34 Police safety order**  
A Police safety order made under section 99(1) of the Act must be in form 40.

- 35 Application for temporary protection order**  
An application under section 104 of the Act for a temporary protection order may, but need not, be in form 41.

- 36 Application for full protection order**  
An application under section 104 of the Act for a full protection order may, but need not, be in form 42.

- 37 Temporary protection order**  
A temporary protection order made under section 105 of the Act must be in form 43.

- 38 Full protection order**  
A full protection order made under section 106 of the Act must be in form 44.

# Family Relationships Regulations

## FAMILY RELATIONSHIPS REGULATIONS 2023

### Schedule 1

#### Forms

##### Form 1

##### Notice of intended marriage

r 3

*Section 8(2), Family Relationships Act 2022*

To [name], Registrar of Marriages in Niue.

Notice is hereby given that the undermentioned parties intend to marry at [church or other place where marriage is to be solemnised] on [date and time of wedding]

	<b>Bridegroom</b>	<b>Bride</b>
--	-------------------	--------------

Name and surname:

Age:

Occupation:

Status (ie, bachelor, spinster, widower, widow, or divorced):

Birthplace:

Usual residence:

Father's name and surname:

Father's occupation:

Mother's name and surname:

I solemnly declare that, to the best of my knowledge and belief, the foregoing particulars are true in every respect, and that there is not any impediment to the intended marriage.

[name]

[signature of party giving notice]

Declared before me, the undersigned, this day of 20

[name]

(Marriage celebrant)

**FAMILY RELATIONSHIPS REGULATIONS 2023**

*Note to persons intending to marry*

- 1 You must both be 18 years old.
- 2 One of you must be a man and the other a woman.
- 3 You must both be single (ie, a bachelor, a spinster, a widower, a widow, or divorced).
- 4 You must not be within 1 of the prohibited degrees of relationship set out in Schedule 1 of the Family Relationships Act 2022.

Family Relationships Regulations

FAMILY RELATIONSHIPS REGULATIONS 2023

Form 2  
Marriage register

r 4(1)

No [number of proceeding]

**Bridegroom**

**Bride**

Name and surname:

Age:

Occupation:

Status (ie, bachelor, spinster, widower,  
widow, or divorced):

Birthplace:

Usual residence:

Father's name and surname:

Father's occupation:

Mother's name and surname:

Married, after notice duly given to me as required by section 8 of the Family  
Relationships Act 2022 this      day of      20

[name]

[signature of marriage celebrant]

This marriage was solemnised between us:

Signatures of parties married:

[signature]

[name]

[signature]

[name]

**FAMILY RELATIONSHIPS REGULATIONS 2023**

In the presence of us:

Signatures, address, and calling of witnesses:

[*name*]

[*name*]

Family Relationships Regulations

FAMILY RELATIONSHIPS REGULATIONS 2023

Form 3  
Certified copy of entry in marriage register

r 4(2)

*Section 11(4), Family Relationships Act 2022*

No: [*number of proceeding*]

When married [*Date*]:

Where married [*Place*]:

**Bridegroom      Bride**

Name and surname:

Age:

Occupation:

Status (ie, bachelor, spinster,  
widower, widow, or divorced):

Birthplace:

Usual residence:

Father's name and surname:

Father's occupation:

Mother's name and surname:

Certified to be a true copy of the above particulars included in an entry in the  
marriage register in my lawful custody.

Dated at            this            day of            20

[*name*]

Registrar

FAMILY RELATIONSHIPS REGULATIONS 2023

Form 4  
Application for divorce

r 7(1)

*Section 17(1), Family Relationships Act 2022*

I, [*name/we\**], apply for a divorce order.

**I say on oath that:**

- 1 The name of my husband\*/wife\* is [*name*] or our names are [*names*].
- 2 The marriage took place on [*date*] at [*place*].
- 3 I have been separated from my husband\*/wife\* for at least 12 months *or* we have been separated for at least 12 months. The period of separation started on or about [*date*].
- 4 During the period of separation [*tick one*]—
  - there was no reconciliation
  - there was a reconciliation for a total of ..... weeks/months.

\*Delete whichever is inapplicable.

**Sworn/affirmed by:**

Signature:

Witnessed by: [*name*]

Signature of witness:

On: [*date*]

At: [*place*]

*Note to person completing the form*

Your oath/declaration must be witnessed by a lawyer or Justice of the Peace, or by the Registrar or Deputy Registrar of the court.

Attach a certified copy of the marriage certificate.

## Family Relationships Regulations

### FAMILY RELATIONSHIPS REGULATIONS 2023

The court will issue a divorce order only if you have been separated from your husband or wife for at least 12 months.

A period of separation begins when—

- a joint application for divorce is made (but the application is not granted); or
- when an application for divorce by one party is served on the other party; or
- when the parties cease living together.

A separation period continues after an application for divorce is made even if the parties continue to reside in the same residence or even if one party provides domestic services to the other.

If the parties reconcile during a separation period and subsequently separate again, the period of reconciliation is not included in the calculation of the separation period.

A period of separation immediately before a reconciliation must be included in the calculation of the separation period if the parties subsequently separate again.

FAMILY RELATIONSHIPS REGULATIONS 2023

Form 5  
Divorce order

r 8

*Section 17(2), Family Relationships Act 2022*

Matter number:

Order issued by the High Court of Niue, Civil Division, at *[place]*

On: *[date]*

The marriage between the following parties, solemnised on *[date]*, is dissolved as from the date of this order:

- *[name of wife]*
- *[name of husband]*

By the Court

Judge

Sealed on: *[date]*

# Family Relationships Regulations

## FAMILY RELATIONSHIPS REGULATIONS 2023

### Form 6

## Application for order that marriage void

r 9

*Section 18, Family Relationships Act 2022*

I, [name], apply for an order that the marriage of [name] is void.

**I say on oath that:**

- 1 The name of my husband\*/wife is [name].
- 2 The marriage took place on [date] at [place].
- 3 [Set out the reasons why you believe the marriage is void].

\*Delete whichever is inapplicable.

**Sworn/affirmed by:**

Signature:

Witnessed by: [name]

Signature of witness:

On: [date]

At: [place]

*Note to person completing the form*

Your oath/declaration must be witnessed by a solicitor or Justice of the Peace, or by the Registrar or Deputy Registrar of the court.

Attach a certified copy of the marriage certificate.

The court will only grant the order if it is satisfied that--

- (a) the marriage did not satisfy the requirements of section 6 of the Family Relationships Act 2022; or
- (b) at least one of the parties did not have the capacity to marry as required by section 7 of that Act.

FAMILY RELATIONSHIPS REGULATIONS 2023

Form 7  
Order that marriage void

r 10

*Section 18, Family Relationships Act 2022*

Matter number:

Order issued by the High Court of Niue, Civil Division, at *[place]*

On: *[date]*

The marriage between the following parties, solemnised on *[date]*, is declared void:

- *[name of wife]*
- *[name of husband]*

By the Court

Registrar/Deputy Registrar/Justice of the Peace

Sealed on: *[date]*

# Family Relationships Regulations

## FAMILY RELATIONSHIPS REGULATIONS 2023

### Form 8

## Application for domestic support and\*/or child maintenance order

r 11(1)

Sections 26 and 50, Family Relationships Act 2022

1 I, [name], apply for a support order for [tick those that apply]:

- domestic support
- child support
- child support for an adult child

**I say on oath that** (continue on a separate page if necessary): [complete all of the following that apply]

2 I am:

- the divorced or separated spouse or partner of the respondent
- married to, or in a de facto relationship with, the respondent.

3 My financial means are as set out in the attached form 9 (statement of financial means).

4 I am the parent\*/caregiver/other concerned person with respect to the following child/children\*:

[name, date of birth, and gender of each child]

5 I have parental responsibility for the following child\*/children:

[name of each child]

6 The following child has\*/children have the following health status, disability, or other special needs:

[for each child, state their health status and whether they have any disability or other special need]

7 I do\*/do not have suitable accommodation for that child/those children.

FAMILY RELATIONSHIPS REGULATIONS 2023

- 8 I have the following other dependants (ie, persons who, by reason of age, disability, or infirmity, rely on my material support):  
*[for each person, give the name, age, and reason why the person is a dependant]*
- 9 The following child of mine is\*/children of mine are, or will soon be, adult(s) and requires/\*require support from me to enable them to complete their education, or because of mental or physical disability:  
*[for each child who is or soon will be an adult, give their name, age, and reason why he or she requires support]*
- 10 I have the following health status, disability, or other special needs:  
*[specify]*
- 11 My employment status is:  
*[state the nature of the paid work or occupation, the place of work, and approximate hours of paid work each week]*
- 12 I am or will be eligible for the following pensions, allowances, or benefits:  
*[identify each pension, allowance, or benefit, when you became or will become eligible for it, and the rate or amount payable]*
- 13 I have made the following financial and non-financial contributions to my spouse or partner's income, earning capacity, property, or financial resources:  
*[specify]*
- 14 I was married or in a de facto relationship with the respondent for *[period]*. My earning capacity was affected as a result of the marriage or de facto relationship because:  
*[specify]*
- 15 I have\*/do not have access to, use of, and control over, native lands, resources, and hunting and fishing grounds as follows:  
*[specify]*
- 16 The following additional factors support my application *[see note below for the factors that the court will take into account]*:

\*Delete whichever is inapplicable.

# Family Relationships Regulations

## FAMILY RELATIONSHIPS REGULATIONS 2023

**Sworn/affirmed by:**

Signature:

Witnessed by: *[name]*

Signature of witness:

On: *[date]*

At: *[place]*

### *Note to person completing the form*

Your oath/declaration must be witnessed by a solicitor or Justice of the Peace, or by the Registrar or Deputy Registrar of the court.

The following factors are relevant to the court when determining the amount, if any, of domestic support:

- (a) the age and state of health of each spouse or partner:
- (b) the income, earning capacity, property, and financial resources of each spouse or partner:
- (c) whether either spouse or partner has parental responsibility for a child or has any dependants:
- (d) the ability of each spouse or partner to support—
  - (i) herself or himself; and
  - (ii) any child for whom he or she has parental responsibility; and
  - (iii) any dependants:
- (e) the eligibility of either spouse or partner for a pension, allowance, or benefit, whether the fund or scheme was established, or operates, within or outside Niue, and the rate of pension, allowance, or benefit that is being paid, or will be paid, to either spouse or partner:
- (f) the extent to which the payment of support to a spouse or partner would increase the earning capacity of that person by enabling the person to—
  - (i) undertake a course of education or training; or
  - (ii) establish a business; or
  - (iii) obtain an adequate income or property:

**FAMILY RELATIONSHIPS REGULATIONS 2023**

- (g) the extent to which the spouse or partner who has applied for support has made financial or non-financial contributions to the other party's—
  - (i) income; or
  - (ii) earning capacity; or
  - (iii) property; or
  - (iv) financial resources:
- (h) the duration of the marriage or the de facto relationship and the extent to which it has affected the earning capacity of the spouse or partner who has applied for support:
  - (i) any fact or circumstance that, in the opinion of the court, the justice of the case requires to be taken into account.

The following factors are relevant to the court when determining the amount, if any, of child maintenance and child maintenance for an adult child:

- (a) the age of the child:
- (b) the need to provide suitable accommodation for the child:
- (c) the health and any special medical needs:
- (d) the educational or training needs of the child:
- (e) the special needs of the child:
- (f) the financial circumstances of the child:
- (g) the income, earning capacity, property, and financial services of the person from whom child support is sought:
- (h) the commitments of the person to support--
  - (i) himself or herself; and
  - (ii) any other child or other person that the person has a duty to maintain:
- (i) the direct and indirect costs incurred by the person in looking after the child:
- (j) any special circumstances which, if not taken into account, would result in injustice or undue hardship to any person.

# Family Relationships Regulations

## FAMILY RELATIONSHIPS REGULATIONS 2023

### Form 9

#### Statement of financial means

r 11(1)

- 1 My income for the 52 weeks immediately preceding the date of this statement was as follows:

Item	Particulars of income	Amount (NZ\$)
a	Gross salary, wages, or other personal earnings	
b	Gross income from business	
c	Gross rents	
d	Gross income from boarders	
e	Benefits, pensions	
f	Dividends, interest	
g	Domestic support, child support	
h	Compensation or damages	
i	All other sources	

- 2 My assets, both in Niue and elsewhere, are as follows:

Item	Particulars of assets	Value (NZ\$) <i>(if able to be calculated)</i>
a	Land and buildings	
b	Money in accounts with banks or other financial institutions	
c	Money not in bank or invested	
d	Money lent or in the hands of any other person	
e	Investments in stocks, shares, or other financial instruments	
f	Plant and machinery	
g	Business, including stock in trade, intellectual property, goodwill	
h	Livestock	
i	Motor vehicles (including all road vehicles, boats, and planes)	
j	Superannuation	
k	Household contents and personal items	
l	Any other property or assets, including any interest in the estate of a deceased person	

- 3 The following property (which is also listed above) is mortgaged or otherwise secured as follows:

FAMILY RELATIONSHIPS REGULATIONS 2023

Item	Particulars of property	Amount of mortgage or other security over the property
a		
b		
c		

- 4 My expenses for the 52 weeks immediately preceding the date of this statement were as follows:

Item	Expense	Cost (NZ\$)
a	Income tax	
b	Insurance and superannuation	
c	Rent and/or mortgages	
d	Food and household supplies	
e	Education costs, including school fees	
f	Medical and dental costs	
g	Loan repayments	
h	Electricity, gas, and fuel	
i	Telephone and internet	
j	Clothing	
k	Other costs associated with the maintenance of children	
l	Vehicle costs, including registration, running, and maintenance	
m	Hire purchase	
n	Loan repayments	
o	Other expenses ( <i>specify</i> )	

- 5 The expenses of the following people are included in clause 4:

*[list names, ages, and relationship of all people whose expenses are included in clause 4 (for example, a spouse or partner, parent, or child)]*

- 6 The income of the people listed above is as follows:

*[for each person listed in clause 4 who has income, list the person's name, amount of income in NZ\$, and particulars of the income]*

**Sworn/affirmed by:**

Signature:

# Family Relationships Regulations

## FAMILY RELATIONSHIPS REGULATIONS 2023

Witnessed by: *[name]*

Signature of witness:

On: *[date]*

At: *[place]*

### *Note to person completing the form*

Your oath/declaration must be witnessed by a lawyer or Justice of the Peace, or by the Registrar or Deputy Registrar of the court.

You must complete this form and attach it to an application for a domestic support order, a child maintenance order, or both, and to any application to vary or discharge one of those orders.

FAMILY RELATIONSHIPS REGULATIONS 2023

Form 10  
Application for birth expenses order

r 11(2)

Section 54, Family Relationships Act 2022

- 1 I, *[name]*, apply for a birth expenses order.
- 2 The birth expenses relate to a child delivered (whether alive or stillborn) on or about *[date]*.
- 3 I am *[tick one]*:
  - the mother of the child
  - a member of the mother's family who is applying in respect of the deceased mother of the child.

**I say on oath that** (*continue on a separate page if necessary*):  
*[omit any of the following that do not apply]*

- 4 I/the mother incurred the following expenses (including medical expenses) during the pregnancy or relating to the delivery of the child:
- 5 The child was stillborn or died as a result of the birth and the expenses of the child's funeral were as follows:

*[specify]*

- 6 The mother died as a result of the pregnancy or birth and the expenses of the mother's funeral were as follows:

*[specify]*

Sworn/affirmed by:

Signature:

Witnessed by: *[name]*

Signature of witness:

# Family Relationships Regulations

## **FAMILY RELATIONSHIPS REGULATIONS 2023**

On: *[date]*

At: *[place]*

*Note to person completing the form*

Your oath/declaration must be witnessed by a lawyer or Justice of the Peace, or by the Registrar or Deputy Registrar of the court.

FAMILY RELATIONSHIPS REGULATIONS 2023

Form 11  
Support order

r 11(4)

*Sections 27(1), 51(1), and 53(1), Family Relationships Act 2022*

Matter number:

Order issued by the High Court of Niue, Civil Division, at *[place]*

On: *[date]*

To: *[name]*

Address/place:

Occupation:

- 1 You are required to pay support to *[name]*:
- 2 The support is as follows *[omit any of the following that do not apply\*]*:

\**(a)* domestic support *[set out the following:*

- *the amount or value of support*
- *the form of payment*
- *when, or at what frequency, it will be paid*
- *how and where it will be paid*
- *any other conditions applying.]*

\**(b)* birth expenses *[set out the following:*

- *the amount or value of support*
- *the form of payment*
- *when, or at what frequency, it will be paid*
- *how and where it will be paid*
- *any other conditions applying.]*

\**(c)* child maintenance *[set out the following:*

- *the child or children in respect of whom the support is to be provided*
- *the amount or value of support*
- *the form of payment*
- *when, or at what frequency, it will be paid*
- *how and where it will be paid*
- *any other conditions applying.]*

# Family Relationships Regulations

## **FAMILY RELATIONSHIPS REGULATIONS 2023**

By the Court

Judge/Commissioner/Justices of the Peace

Sealed on: [*date*]

FAMILY RELATIONSHIPS REGULATIONS 2023

Form 12  
Application for support enforcement order

r 13(1)

*Sections 29(1) and 53(1), Family Relationships Act 2022*

- 1 I, *[name]*, apply for an order to enforce a domestic support order or a child maintenance order made in my favour on *[date]*.
- 2 Under that order, I am entitled to *[tick those that apply]*:
  - domestic support
  - child maintenance
  - support for an adult child.
- 3 I attach a copy of the order I am seeking to enforce.

**I say on oath that** *(continue on a separate page if necessary)*:

- 4 I require a support enforcement order because: *[specify]*

**Sworn/affirmed by:**

Signature:

Witnessed by: *[name]*

Signature of witness:

On: *[date]*

At: *[place]*

*Note to person completing the form*

Your oath/declaration must be witnessed by a lawyer or Justice of the Peace, or by the Registrar or Deputy Registrar of the court.

# Family Relationships Regulations

## FAMILY RELATIONSHIPS REGULATIONS 2023

### Form 13 Support enforcement order

r 13(4)

Sections 29(1) and 53(1), Family Relationships Act 2022

Matter number:

Order issued by the High Court of Niue, Civil Division, at *[place]*

On: *[date]*

This order relates to the following person, who is liable to pay support under a domestic support order\*/child maintenance order issued by *[identify the court]* on *[date]* to pay \*domestic support/child maintenance to *[name of person entitled to receive support]*:  
*[name of liable person]*

To *[tick those that apply]*:

- the employer of the liable person, who is *[name of employer]*
- the bank at which the liable person has an account, which is *[name of bank]*
- any Police officer.

Order to employer\*

You are required to deduct the amount of *[specify]* from the weekly wages of the liable person and pay that amount to *[name]* by *[specify how the payments must be made]*.

Order to bank\*

You are required to deduct the amount of *[specify]* from the bank account of the liable person, which is *[specify bank account details]* and pay that amount to *[name]* by *[specify how the payments must be made]*.

Order to Police officer\*

You are required to seize valuable goods (which may include fish, meat, taro, and livestock, including pigs and chickens) owned by the liable person to the value of *[specify]* and deliver them to *[name]* at *[address/place]*.  
\*Omit any that do not apply.

**FAMILY RELATIONSHIPS REGULATIONS 2023**

By the Court

Judge/Commissioner/Justices of the Peace

Sealed on: *[date]*

# Family Relationships Regulations

## FAMILY RELATIONSHIPS REGULATIONS 2023

### Form 14 Application for parentage order

r 14(1)

*Section 37(1), Family Relationships Act 2022*

- 1 I, *[name of applicant]*, apply for a parentage order to determine whether *[name of alleged father]* is:
  - my father
  - the father of a child named *[name]*.
  
- 2 I am *[tick the one that applies]*:
  - the child, and my age is *[age]*
  - the alleged father
  - the mother of the child
  - a caregiver of the child.
  
- 3 I attach *[tick those that apply]*:
  - a copy of my/the child's birth certificate
  - a copy of any relevant marriage certificate.

**I say on oath that** *[tick the one that applies]*:

- when I was conceived or born, my mother was married to, or in a de facto relationship with, the alleged father.
- when the child was conceived or born, I was married to, or in a de facto relationship with, the child's mother.
- when the child was conceived or born, I was married to, or in a de facto relationship with, the alleged father.
- when the child was conceived or born, the child's mother was married to, or in a de facto relationship with, the alleged father.
- the alleged father and my/the child's mother were not married or in a de facto relationship when I/the child was conceived or born, but I believe the alleged father is my father/the father of the child for the following reasons:  
*[specify]*

**FAMILY RELATIONSHIPS REGULATIONS 2023**

**Sworn/affirmed by:**

Signature:

Witnessed by: *[name]*

Signature of witness:

On: *[date]*

At: *[place]*

*Note to person completing the form*

Your oath/declaration must be witnessed by a lawyer or Justice of the Peace, or by the Registrar or Deputy Registrar of the court.

Matters that are relevant to this application are—

- who is named as the father of the child on the child's birth certificate
- who was married to, or in a de facto relationship with, the mother when the child was conceived or born.

# Family Relationships Regulations

## FAMILY RELATIONSHIPS REGULATIONS 2023

### Form 15 Consent to DNA parentage test

r 14(3)

*Section 37(4), Family Relationships Act 2022*

Matter number:

Consent is given for a DNA parentage test to be carried out on the following child:

[*name, date of birth, gender, and address of child*]

This consent is given by (*tick the one that applies*):

- [*name of parent or caregiver of child*]
- [*name of child*].

Signature:

Date:

#### *Note to person completing the form*

The child may give consent only if the court considers the child to be of an age and maturity to understand the consequences of consenting to DNA testing as part of parentage testing.

FAMILY RELATIONSHIPS REGULATIONS 2023

Form 16  
Parentage order

r 14(4)

*Section 37(1), Family Relationships Act 2022*

Matter number:

Order issued by the High Court of Niue, Civil Division, at *[place]*

On: *[date]*

This order relates to the following child:

*[name, date of birth, and gender of child]*

The court declares that *[name]* is the father of the child.\*

The court declares that *[name]* is not the father of the child.\*

*\*Omit the statement that does not apply.*

By the Court

Judge/Commissioner/Justices of the Peace

Sealed on: *[date]*

# Family Relationships Regulations

## FAMILY RELATIONSHIPS REGULATIONS 2023

### Form 17 Parenting plan template

r 15(1)

*Section 39, Family Relationships Act 2022*

- 1 This parenting plan concerns the following child/children:  
*[name, date of birth, and gender of each child]*
- 2 It is made between the following parties:  
*[identify the parties, who may be either or both parents and any other person involved in the care of the child or children]*
- 3 The following people are to be caregivers of the child/children on the conditions set out below:  
*[identify, for each child, the name of the child, the name of the caregiver, and any conditions applying]*
- 4 If there are disputes between the parties about the terms or operation of this plan, we will use the following process to resolve them:  
*[identify the process]*
- 5 If we wish to change the plan, we will use the following process:  
*[identify the process]*
- 6 Additional matters concerning each child or any child:  
*[list any additional matters, such as the following:*
  - the time the child is to spend with any specified person
  - the allocation of parental responsibilities for the child
  - the form of consultation that persons with parental responsibility are to have with one another about decisions to be made in the exercise of that responsibility
  - the communication and the means of communication the child is to have with other persons
  - any other aspect of the welfare, best interests, and development of the child, or any other aspect of parental responsibility for the child.]

FAMILY RELATIONSHIPS REGULATIONS 2023

Form 18  
Application to register parenting plan

r 15(2)

*Section 40(1), Family Relationships Act 2022*

We [*names*] apply to register the attached parenting plan relating to:

[*name, date of birth, gender, and address of each child*]

Signature:

Date:

Signature:

Date:

# Family Relationships Regulations

## FAMILY RELATIONSHIPS REGULATIONS 2023

### Form 19 Application for review of parenting plan

r 16(1)

*Section 40(5), Family Relationships Act 2022*

- 1 I, *[name]*, apply for a review of a parenting plan registered on *[date]* and concerning:  
*[name, date of birth, and gender of each child]*
- 2 I seek to have the plan *[tick the one that applies]*:
  - varied as per the attached revised plan
  - discharged
  - confirmed.
- 3 I attach a copy of the registered parenting plan.

I say on oath that the proposed variation, discharge, or confirmation is necessary and the reason(s) for it are as follows (*continue on a separate page if necessary*):

Sworn/affirmed by:

Signature:

Witnessed by: *[name]*

Signature of witness:

On: *[date]*

At: *[place]*

**FAMILY RELATIONSHIPS REGULATIONS 2023**

*Note to person completing the form*

Your oath/declaration must be witnessed by a lawyer or Justice of the Peace,  
or by the Registrar or Deputy Registrar of the court.

# Family Relationships Regulations

## FAMILY RELATIONSHIPS REGULATIONS 2023

### Form 20 Application for parenting order

r 17(1)

*Section 43, Family Relationships Act 2022*

- 1 I, *[name]*, apply for a parenting order with respect to the following child/children:

*[name, date of birth, and gender of each child]*

- 2 In relation to each child, I am\*/we are *[tick the one that applies]*

\*Delete whichever is inapplicable.

*Complete this part of the form for each child*

- the mother
- the father
- both the mother and the father
- the child
- a member of the family (other than a parent or the child)\*

*\*Attach evidence that the court has given leave for you to apply*

- 3 I am or have been a protected person under a protection order or a Police safety order\*.

*\*Omit if this does not apply.*

- 4 I attach a copy of any other order(s) relating to the child/children that this application relates to.

**I say on oath that** *(continue on a separate page if necessary):*

- 5 The reason I am applying for this order is *(continue on a separate page if necessary):*

**FAMILY RELATIONSHIPS REGULATIONS 2023**

**Sworn/affirmed by:**

Signature:

Witnessed by: *[name]*

Signature of witness:

On: *[date]*

At: *[place]*

*Note to person completing the form*

Your oath/declaration must be witnessed by a lawyer or Justice of the Peace,  
or by the Registrar or Deputy Registrar of the court.

# Family Relationships Regulations

## FAMILY RELATIONSHIPS REGULATIONS 2023

### Form 21 Parenting order

r 17(3)

*Section 44(1), Family Relationships Act 2022*

Matter number:

Order issued by the High Court of Niue, Civil Division, at *[place]*

On: *[date]*

To: *[identify parties]*

1 This parenting order concerns the following child/children:

*[name, date of birth, and gender of each child]*

2 The following people are the caregivers of the child/children and have the role of providing day-to-day care at the times and places described below:

*[specify names of caregivers]*

3 No caregiver may restrict contact between the following child/children and the person/people identified below:

4 Contact between the child and *[tick the one that applies]*

*[name]* is prohibited

*[name]* is restricted, as follows:

*[specify conditions applying to contact with child]*

5 The court directs that:

*[specify directions on any specific question arising in connection with any aspect of parental responsibility]*

6 The following persons must seek the consent of the court before taking any steps indicated:

*[specify persons and steps]*

7 The following conditions apply to contact between the child and any other person:

*[identify the person and when, where, and for how long contact is permitted or restricted, and any other conditions applying]*

By the Court

Judge/Commissioner/Justices of the Peace

Sealed on: *[date]*

*Note to parties to this order*

You must comply with this parenting order. If you do not, the other party, or another person, may apply for a parenting enforcement order against you.

A parenting enforcement order may vary, reduce, or prohibit contact between you and a child named in this order.

It may also require you to deposit a bond not exceeding \$5,000 in the court as an assurance that you will not breach this parenting order again.

Form 22

Application for direction on major long-term issues

r 18(1)

*Section 45, Family Relationships Act 2022*

- 1 I, [name], apply for the direction of the court concerning major long-term issues affecting the following child/children:  
[name, date of birth, and gender of each child]
- 2 I have parental responsibility for the child/children, along with [name of respondent].
- 3 I and [name of respondent] do not agree on one or more major long-term issues affecting the child/children named above.

**I say on oath that** (*continue on a separate page if necessary*):

- 4 The issue(s) we do not agree on, and my preferred solution(s), are as follows, for the reasons given: [specify]

**Sworn/affirmed by:**

Signature:

Witnessed by [name]

Signature of witness:

On: [date]

At: [place]

*Note to person completing the form*

Your oath/ declaration must be witnessed by a lawyer or Justice of the Peace, or by the Registrar or Deputy Registrar of the court.

Major long-term issues are issues about the care, welfare, and development of the child of a long-term nature. They include (but are not limited to) issues about the following:

- the child's education (both current and future):
- the child's religious and cultural upbringing:
- the child's health:
- the child's name:
- changes to the child's living arrangements that will make it significantly more difficult for the child to spend time with a parent or other family member.

Family Relationships Regulations

Form 23  
Direction of court on major long-term issues

r 18(3)

*Section 46, Family Relationships Act 2022*

Matter number:

Order issued by the High Court of Niue, Civil Division, at *[place]*

On: *[date]*

To: *[identify parties]*

This order concerns the following child/children:

*[name, date of birth, and gender of each child]*

On the application of *[name of applicant]*, and having considered the response by *[name of respondent]\**, the court gives the following direction concerning the following major long-term issue(s) affecting the child/children: *[specify]*

*\*Omit if not applicable.*

By the Court

Judge/Commissioner/Justices of the Peace

Sealed on: *[date]*

Form 24  
Application for parenting enforcement order

r 19(1)

*Section 48(1), Family Relationships Act 2022*

- 1 This application relates to a parenting order concerning the following child/children:  
[*name, date of birth, and gender of each child*]
- 2 The respondent [*name*] is not complying, or has not complied, with the order.
- 3 I, [*name*], therefore apply for a parenting enforcement order [*tick those that apply*]  
—
  - restricting contact between [*name of each child concerned*] and the respondent in the manner set out below  
[*specify*]
  - requiring the respondent to pay a bond into court as an assurance that he/she will not breach the order again.
- 4 I attach a copy of the parenting order.

**I say on oath that** (*continue on a separate page if necessary*):

- 5 The ways in which the respondent is not complying, or has not complied, with the order are as follows:  
  
[*specify*]

**Sworn/affirmed by:**

Signature:

Witnessed by: [*name*]

Signature of witness:

On: [*date*]

## Family Relationships Regulations

At: *[place]*

*Note to person completing the form*

Your oath/declaration must be witnessed by a lawyer or Justice of the Peace, or by the Registrar or Deputy Registrar of the court.

Form 25  
Parenting enforcement order

r 19(3)

*Section 48(2), Family Relationships Act 2022*

Matter number:

Order issued by the High Court of Niue, Civil Division, at *[place]*

On: *[date]*

To: *[name of person]*

Address/place:

Occupation:

- 1 The court is satisfied that you have breached the parenting order attached to this order relating to the following child/children:

*[name, date of birth, and gender of each child]*

- 2 The contact permitted between you and *[name of child/children]* under that order is varied as follows:

*[set out variation, reduction, or prohibition of contact]*

- 3 You are directed to deposit a bond of *[amount]* into court as an assurance that you will not breach the parenting order again.

The bond must be deposited with the Registrar/Deputy Registrar who will provide you with a receipt.

By the Court

Judge/Commissioner/Justices of the Peace

Sealed on: *[date]*

*Note to person to whom this order applies*

If you have paid a bond and you breach the order again, the court may direct that any costs incurred by the other party are satisfied from the bond, or that some or all of the bond is forfeited to the Crown.

## Family Relationships Regulations

If the parenting order is discharged or expires, whatever is left of the bond will be refunded to you.

Form 26  
Warrant for return of child

r 20

*Section 48(3), Family Relationships Act 2022*

Matter number:

Order issued by the High Court of Niue, Civil Division, at *[place]*

On: *[date]*

To: *[a Police officer/name of person]*

- 1 You are required to take immediate custody of  
*[name of child]*
- 2 The child is likely to be in the custody of *[name, address/place, occupation]*, who is a party to a parenting order and who I am satisfied has breached the order by not returning the child to another caregiver named in the parenting order.
- 3 You must deliver the child to: *[name, address/place, and occupation of another caregiver named in the parenting order]*.

By the Court

Registrar/Deputy Registrar/Justice of the Peace

Sealed on: *[date]*

*Note to person executing warrant*

The child you take into custody under this warrant may find the process extremely distressing. You must take all reasonable steps to reduce or mitigate the trauma to the child while executing this warrant.

While executing this warrant, you must display evidence of your identity and must carry this warrant.

Form 27  
Application for guardianship order

r 21

Section 56, Family Relationships Act 2022

- 1 I, [name(s)], apply for a guardianship order for the following child/children:

[name, date of birth, and gender of each child]

- 2 In relation to each child, I am [tick the one that applies]

Complete this part of the form for each child

- the mother
- the father
- both the mother and the father
- the Secretary to Justice
- another person or persons concerned in the welfare, best interests, and development of the child/children.\*

\*Attach evidence that the court has given leave for you to apply

I say on oath that (continue on a separate page if necessary):

- 3 The reason I am applying for this order is:

[specify]

- 4 Identify the following:

- the parental responsibilities that you will exercise

[specify]

- Whether, and to what extent, you will be responsible for the maintenance of the child/children

[specify]

5 Consents

- I attach my written consent to being made guardian.
- If an application is made by one parent only either--
  - attach also the written consent of the other parent; or
  - an explanation of why the written consent of the other parent is not included:
- If the child concerned is of an age and maturity to understand the nature and effect of the order, include the written consent of the child to the order.

Sworn/affirmed by:

Signature:

Witnessed by: *[name]*

Signature of witness:

On: *[date]*

At: *[place]*

*Note to person completing the form*

Your oath/ declaration must be witnessed by a lawyer or Justice of the Peace, or by the Registrar or Deputy Registrar of the court.

# Family Relationships Regulations

## Form 28 Guardianship order

r 22

*Section 57, Family Relationships Act 2022*

Matter number:

Order issued by the High Court of Niue, Civil Division, at *[place]*

On: *[date]*

To: *[identify parties]*

1 This guardianship order concerns the following child/children:

*[name, date of birth, and gender of each child]*

2 The following person/persons are the guardians of the child/children and have the role of providing day-to-day care at the times given below:

3 The parental and other responsibilities of the guardian are as follows:

*[describe responsibilities]*

4 The court directs that:

*[specify whether, and the extent to which, each of the children's parents may be consulted on the exercise of any other parental responsibilities for the child]*

By the Court

Judge/Commissioner/Justices of the Peace

Sealed on: *[date]*

Form 29  
Warrant preventing removal of child from Niue

r 23

*Section 60(2)(a), Family Relationships Act 2022*

Matter number:

Order issued by the High Court of Niue, Civil Division, at *[place]*

On: *[date]*

To: *[a Police officer/name of person]*

- 1 You are required to take immediate custody of--  
*[name of child]*
- 2 The child is likely to be in the custody of *[name, address/place, occupation]*, who is a party to a parenting order and who I am satisfied has breached the order by not returning the child to another caregiver named in the parenting order.
- 3 You must deliver the child to: *[Person at address/place]*.

By the Court

Judge/Commissioner/Justices of the Peace

Sealed on: *[date]*

*Note to person executing warrant*

The child you take into custody under this warrant may find the process extremely distressing. You must take all reasonable steps to reduce or mitigate the trauma to the child while executing this warrant.

While executing this warrant, you must display evidence of your identity and must carry this warrant.

Family Relationships Regulations

Form 30

Order requiring surrender of tickets and travel documents  
(including passport)

r 24

*Section 60(2)(b), Family Relationships Act 2022*

Matter number:

Order issued by the High Court of Niue, Civil Division, at *[place]*

On: *[date]*

To: *[a Police officer/name of person]*

- 1 You are required to take possession of any tickets or travel documents of *[name of child or other person or both]* and keep them in your custody, subject to the following conditions:

*[specify conditions]*

By the Court

Judge/Commissioner/Justices of the Peace

Sealed on: *[date]*

Form 31  
Application for adoption order

r 25

*Section 62, Family Relationships Act 2022*

- 1 We/I\* [*full name(s), address, occupation*], apply to the High Court of Niue (Civil Division) to adopt [*full name\*\**], a [*sex*] child, born at [*place, date*].

\*Select one.

\*\*Name may be omitted if applicants wish.

- 2 We/I\* desire that on the making of the adoption order the name of the child will be [*full name*].

\*Select one.

- 3 The following information is submitted for the purposes of re-registration of the birth:\*

Name applicant is known by:	Name applicant is known by:
Name on applicant's birth certificate (if different):	Name on applicant's birth certificate (if different):
Age of applicant at date of child's birth:	Age of applicant at date of child's birth:
Birthplace of applicant:	Birthplace of applicant:

\*Complete both columns if more than 1 applicant.

- 4 We/I\* do/do not\* desire that the words "adoptive parent(s)" appear on the face of any certified copy of the entry of birth of the child after the birth has been re-registered.

\*Select one.

Signed at [*place*] on [*date*]

Signature of applicant:

Signature of applicant:

Form 32  
Consent to adoption order

r 26

Section 64, Family Relationships Act 2022

We/I\* [full name(s), of [address], [occupation], the parents (or the father or the guardian) of [full name], a [sex] child, born at [place] on [date], consent to an order being made for the adoption of that child by [full name], of [address], [occupation], \*and [full name], [address], [occupation], his (or her) spouse.

\*Delete if inapplicable.

We (or I) have read the explanation of the effect of an order set out below:

Signed by [full name] on [date], in the presence of .....

AB

[occupation and address]

Signed by [full name] on [date]. In the presence of .....

CD

[occupation and address]

Note: the witness must be:

- a) a Judge, Registrar, or Deputy Registrar of the High Court of Niue, or
- b) a Solicitor of the High Court of Niue or the High Court of New Zealand, or
- c) if given in any other country, it is witnessed by and sealed with the seal of office of a notary public or Commonwealth representative who exercises his office or functions in that country, but not the lawyer acting for the applicants.

**Effect of adoption order**

On the making of an adoption order,--

- (a) the child is deemed for all purposes and as regards all relationships to become a child of the adoptive parents:
- (b) rights of guardianship and existing relationships in respect of the child cease except for the very special purpose of determining

forbidden relationships in connection with marriage and with the crime of incest:

- (c) rights in respect of property and succession to property are determined according to the relationships created by the adoption, but property rights acquired before the adoption are not affected:
- (d) any paternity order or maintenance order or agreement that provides for maintenance of the child, if made before the adoption order, ceases to have any effect as to arrears owing, except if the child is adopted by the mother or by the mother and her spouse. However, if the child is adopted by the mother or by the mother and her spouse, the adoption does not prevent the making of any paternity order or maintenance order that could previously have been made or prevent the mother from making an application for a paternity order or a maintenance order:
- (e) the domicile of the child is changed to that of the adoptive parents, but the child's race and nationality are not affected:
- (f) the child must be treated as a Niuean by birth if at least one of the adoptive parents is a Niuean.

**Certificate by witness**

I certify that, before [full name(s)] signed the consent set out above, I fully explained to him (or her or them) the effect of the making of an adoption order as set out in the Family Relationships Act 2022, and that he (or she or they) appeared to fully understand that effect.

Signature:

Date:

# Family Relationships Regulations

## Form 33 Adoption order

r 27

*Section 63, Family Relationships Act 2022*

On the application of [*name, address, and occupation*],\* and [*name, address, and occupation*], it is ordered by [*full name*], Judge, that [*full name*], a [*sex*] child, born at [*place*] on [*date*], be adopted, and he [*or she*] is adopted by [*full name*] and from this date has the name of [*full name*].

[Seal]

Judge/Commissioner/Justices of the Peace

Form 34  
Application for care of parent order

r 28

*Section 74(1), Family Relationships Act 2022*

- 1 I [*name*], Secretary to Justice, Department of Justice, Lands and Social Services, apply for a care of parent order with respect to the following person:

[*name, date of birth, and gender of each person*]

- 2 I have complied with section 74(2) and, if applicable, section 74(3) of the Family Relationships Act 2022.

- 3 I attach--

- a draft care of parent order
- a copy of any other order(s) relating to the parent that this application relates to.

**I say on oath that** (*continue on a separate page if necessary*):

- 4 The reason I am applying for this order is:

[*specify*]

**Sworn/affirmed by the Secretary to Justice, Department of Justice, Lands and Social Services:**

Signature:

Witnessed by: [*name*]

Signature of witness:

On: [*date*]

At: [*place*]

## Family Relationships Regulations

*Note to person completing the form*

Your oath/declaration must be witnessed by a lawyer or Justice of the Peace, or the Registrar or Deputy Registrar of the court.

Form 35  
Care of parent order

r 29

*Section 75(1), Family Relationships Act 2022*

Matter number:

Order issued by the High Court of Niue, Civil Division, at *[place]*

On: *[date]*

To: *[the Secretary to Justice]*

1 This care of parent order concerns the following person:

*[name, date of birth, and gender of person]*

2 You are to provide to *[name]* the following kinds of care and support:

*[specify]*

3 You are entitled to receive *[specified contribution]* towards the cost of providing care and support to the parent; and

*[specify percentage]* of the annual income (including pension) of *[name of person who is to be cared for and supported]*

4 You may take any steps you consider appropriate in relation to the person's home or movable property to support the person's care (for example, installing ramps, removing rubbish, or replacing clothing).

5 You may take any of the following steps (provided for in section 75(2)(d) of the Act) *[specify]*

By the Court

Registrar/Deputy Registrar/Justice of the Peace/Commissioner/Judge

Sealed on: *[date]*

Form 36  
Application for safety warrant

r 30

*Section 83, Family Relationships Act 2022*

- 1 I, [*name of Police officer/the Secretary to Justice, Department of Justice, Lands and Social Services\**], apply for a safety warrant in respect of the following child:

*\*Delete whichever is inapplicable.*

[*name, date of birth, gender, and address/place of child*]

- 2 I am satisfied that the child is in urgent need of care and protection and requires placement in the care of the Department of Justice, Lands and Social Services.
- 3 The child is in urgent need of care and protection because: [*set out the grounds for believing this*]:
- 4 I am [*tick the one that applies*]:
- the Secretary to Justice
  - a Police officer.

Signature of Police officer\*/Secretary to Justice

Date:

*\*Delete whichever is inapplicable.*

Form 37

Safety warrant to take immediate custody of child in need  
of urgent care and protection

r 31

*Section 83, Family Relationships Act 2022*

Matter number:

Order issued by the High Court of Niue, Civil Division, at *[place]*

On: *[date]*

To: *[any Police officer/named person]*

1 You are required to take immediate custody of *[name of child]*.

2 You must then deliver the child to *[name]* at *[address/place]*.

3 You are authorised to:

- enter and search, by force if necessary, any residence, building, vehicle, premises, or place where you believe the child to be; and
- remove or detain the child, by force if necessary; and
- place the child in the care of the Department of Justice, Lands and Social Services or any other person nominated by the Secretary to Justice.

By the Court

Judge/Commissioner/Justices of the Peace

Sealed on: *[date]*

*Note to person executing warrant*

The child you take into custody under this warrant may find the process extremely distressing. You must take all reasonable steps to reduce or mitigate the trauma to the child while executing this warrant.

While executing this warrant, you must display evidence of your identity and must carry this warrant.

Form 38  
Application for care order

r 33

*Sections 83(4)(b) and (5), 85(2)(b), 87(2), or 89(1), Family Relationships Act 2019*

- 1 I, *[name]*, Secretary to Justice, apply for a care order in respect of:  
*[name, date of birth, gender, and address of each child]*
  
- 2 This application is made with/without notice to the respondent(s). *[Tick the one that applies.]*
  - I believe on reasonable grounds that the child/each child is, or is likely to be, in need of care and protection.
  
  - I am satisfied that it is in the best interests of the child/children to be placed in the care of the Department of Justice, Lands and Social Services or a person nominated by the Secretary to Justice.
  
- 3 I attach an affidavit setting out the basis of this application, including:
  - the grounds for believing the child/children is/are in need of care and protection; and
  - (if relevant) the reasons for making the application without notice.

Signature:

Name:

Date:

Form 39  
Care order

r 33

*Section 90, Family Relationships Act 2022*

Matter number:

Order issued by the High Court of Niue, Civil Division, at *[place]*

On: *[date]*

To: The Secretary to Justice

1 This care order is made in respect of:

*[name, date of birth, and gender of child].*

2 The child named above is now in the care of the Department of Justice, lands and Social Services.

3 This order expires when the child turns 18 (ie, on *[date]*), unless it is sooner discharged.

4 *[Tick the one that applies]:*

- The following person *[name of person]* is the carer of the child.
- The Secretary to Justice may specify from time to time who is the carer of the child.
- [Name]* may exercise/must exercise some/all parental responsibilities.
- The Secretary to Justice may specify who may/must exercise some/all parental responsibilities.

5 *[Tick the one that applies]:*

- The following person(s) must/may not have contact with the child *[specify any conditions of care].*
- The Secretary to Justice may specify which persons may or may not have contact with the child and conditions under court.

By the Court

Judge/Commissioner/Justices of the Peace

# Family Relationships Regulations

## Form 40 Police safety order

r 34

*Section 99(1), Family Relationships Act 2022*

To: *[name of respondent]*

Address/place:

Occupation:

- 1 This Police safety order is in respect of the following protected person(s):  
*[name, gender, and, if a child, the date of birth of each protected person]*
- 2 I am satisfied that *[tick the ones that apply]*:
  - In respect of a protected person who is an adult:
    - you are in a domestic relationship with the person; and
    - you have committed an act of domestic violence against the person; or
    - the person has reasonable grounds to believe that you will commit an act of domestic violence.
  - in respect of a protected person who is a child:
    - domestic violence is, has been, or is likely to be committed; and
    - the child's welfare has been, or is likely to be, adversely affected by the domestic violence.
- 3 You must immediately:
  - surrender to me any weapon in your possession or control; and
  - vacate any residence occupied by a protected person.
- 4 This order lasts for the period specified in it (which must not exceed 7 days) from when it is served. It will expire at *[time]* on *[date]*.
- 5 While this order is in force, with respect to each protected person named in the order, you must not:
  - physically, sexually, emotionally, verbally, or psychologically abuse the person:
  - stalk the person:

- economically abuse the person, or damage, sell, give away, or otherwise dispose of any property of the person:
- enter or remain on any land or building occupied by the person:
- trespass on any land or building where the person is:
- make any contact with the person (whether orally or in writing, including by phone, text, or email).

6 If you have contact rights with a child who is a protected person, those rights are suspended while this order is in force.

Name and rank of Police officer making this order:

Signed:

Date:

Form 41  
Application for temporary protection order

r 35

*Section 104, Family Relationships Act 2022*

- 1 The applicant for this order is *[name]*.
- 2 The application is made against *[name of respondent]*.
- 3 The respondent lives, or is likely to be found, at *[give details]*:
- 4 *(If this application is completed on behalf of the applicant)* The person making the application is *[name]* and the written consent (if given) of the applicant is attached.
- 5 *(If this application was made by the applicant orally or in some other way and then reduced to writing by the court)* A description of how this application was made and how the application was reduced to writing is attached.

**I say on oath that:**

- 6 I am/the applicant is in the following kind of domestic relationship with the respondent (for example, married to the respondent, the respondent's brother, the respondent's mother):
- 7 The grounds for this application are that *[tick those that apply]*:
  - The respondent has committed domestic violence against me/the applicant.
  - I/the applicant fear(s) that the respondent will commit domestic violence against me/her/him.
- 8 The circumstances giving rise to this application are:
- 9 This application is signed by *[tick the one that applies]*:
  - the applicant
  - the person completing the application on behalf of the applicant
  - the person who reduces an application to writing.

**Sworn/affirmed by:**

Signature:

Witnessed by: *[name]*

Signature of witness:

On: *[date]*

At: *[place]*

*Note to person completing the form*

Your oath/declaration must be witnessed by a lawyer or Justice of the Peace, or by the Registrar or Deputy Registrar of the court.

The court may make a protection order without giving notice to the respondent if the court is satisfied that:

- the applicant and the respondent are in a domestic relationship; and
- the respondent has committed domestic violence against the applicant, or the applicant has reasonable grounds to fear that the respondent will commit domestic violence; and
- the delay that would be caused by proceeding on notice would or might risk harm to the applicant or any child residing with the applicant.

An applicant is in a domestic relationship with a respondent if the applicant:

- is or was married to, or in a de facto relationship with, the respondent; or
- is or was in a close personal relationship with the respondent; or
- has a child with the respondent; or
- is a family member of the respondent; or
- is a domestic worker of the respondent; or
- is dependent on the respondent for help with an activity of daily living because of disability, illness, or impairment; or
- shares or recently shared the same residence with the respondent; or
- is a child who ordinarily resides, or has resided, with the respondent; or
- is a child who regularly stays or resides, or has regularly stayed or resided, with the respondent.

Domestic violence includes:

- physical abuse:

## Family Relationships Regulations

- sexual abuse:
- economic abuse:
- emotional, verbal, or psychological abuse:
- stalking:
- causing the death of, or injury to, an animal, even if the animal is not the applicant's property:
- doing anything that reasonably makes the applicant fear personal injury or damage to property:
- threatening to do any of the above:
- doing any of the above to another person who the applicant is in a domestic relationship with.

A detailed description of what counts as domestic violence is in section 96 of the Family Relationships Act 2022.

Form 42  
Application for full protection order

r 36

Section 104, Family Relationships Act 2022

- 1 The applicant for this order is *[name]*.
- 2 The application is made against *[name of respondent]*.
- 3 The respondent lives, or is likely to be found, at *[give details]*:
- 4 *(If this application is completed on behalf of the applicant)* The person making the application is *[name]* and the written consent (if given) of the applicant is attached.
- 5 *(If this application was made by the applicant orally or in some other way and then reduced to writing by the court)* A description of how this application was made and how the application was reduced to writing is attached.

**I say on oath that:**

- 6 I am/the applicant is in the following kind of domestic relationship with the respondent (for example, married to the respondent, the respondent's brother, the respondent's mother):
- 7 The grounds for this application are that *[tick those that apply]*:
  - The respondent has committed domestic violence against me/the applicant.
  - I/the applicant fear(s) that the respondent will commit domestic violence against me/her/him.
- 8 The circumstances giving rise to this application are: *[specify]*
- 9 This application is signed by *[tick the one that applies]*:
  - the applicant
  - the person completing the application on behalf of the applicant
  - the person who reduces an application to writing.

## Family Relationships Regulations

**Sworn/affirmed by:**

Signature:

Witnessed by: *[name]*

Signature of witness:

On: *[date]*

At: *[place]*

### *Note to person completing the form*

Your oath/declaration must be witnessed by a lawyer or Justice of the Peace, or by the Registrar or Deputy Registrar of the court.

The court may make a protection order without giving notice to the respondent if the court is satisfied that:

- the applicant and the respondent are in a domestic relationship; and
- the respondent has committed domestic violence against the applicant, or the applicant has reasonable grounds to fear that the respondent will commit domestic violence; and
- the delay that would be caused by proceeding on notice would or might risk harm to the applicant or any child residing with the applicant.

An applicant is in a domestic relationship with a respondent if the applicant:

- is or was married to, or in a de facto relationship with, the respondent; or
- is or was in a close personal relationship with the respondent; or
- has a child with the respondent; or
- is a family member of the respondent; or
- is a domestic worker of the respondent; or
- is dependent on the respondent for help with an activity of daily living because of disability, illness, or impairment; or
- shares or recently shared the same residence with the respondent; or
- is a child who ordinarily resides, or has resided, with the respondent; or
- is a child who regularly stays or resides, or has regularly stayed or resided, with the respondent.

Domestic violence includes:

- physical abuse:
- sexual abuse:
- economic abuse:
- psychological abuse:
- emotional abuse.

A detailed description of what counts as domestic violence is in section 95 of the Family Relationships Act 2022.

Form 43  
Temporary protection order

r 37

*Section 105, Family Relationships Act 2022*

Matter number:

Order issued by the High Court of Niue, Civil Division, at *[place]*

On: *[date]*

To: *[name of respondent]*

Address/place:

Occupation:

The court makes a temporary protection order against you in favour of: *[name of protected person]*.

1 You must immediately:

- stop engaging in domestic violence against the above person or any member of their family; and
- comply with any other conditions of this order.

2 The following conditions are also imposed under section 102 of the Family Relationships Act 2022:

*[insert any conditions]*

By the Court

Registrar/Deputy Registrar/Justices of the Peace

Sealed on: *[date]*

*Note to respondent*

This is a temporary order that is made without notice to you.

This order will become a full order 3 months after it is made unless it is discharged before that.

Before the order becomes a full order, you may apply to the court for a hearing to determine whether to:

- vary or discharge the order:
- replace this temporary order with a full order:
- discharge this order:
- vary or discharge any conditions imposed under section 102 of the Family Relationships Act 2019.

If you request a hearing, the Registrar will schedule a pre-trial conference and give you notice of when and where it will be held and an explanation of the purpose of the conference and your rights. A full hearing will be scheduled to be held within the following 2 weeks. A final protection order may be made at that hearing, even if you do not attend it.

If this order requires you to surrender any weapons, they will only be returned to you when this order expires or is discharged by the court.

If you breach this order, you commit an offence and are liable to either or both:

- imprisonment for a term not exceeding 12 months or to a fine not exceeding 15 penalty units, or both
- a fine of up to \$500.

If you breach it again, you may be liable for a term not exceeding 3 years or a fine not exceeding 20 penalty units, or both.

Form 44  
Full protection order

r 38

*Section 106, Family Relationships Act 2022*

Matter number:

Order issued by the High Court of Niue, Civil Division, at *[place]*

On: *[date]*

To: *[name of respondent]*

Address/place:

Occupation:

The court makes a full protection order in favour of: *[name of protected person]*.

1 If you have not already done so, you must immediately:

- stop engaging in domestic violence against the above person or their family; and
- comply with any other conditions of this order.

2 The following special conditions are also imposed under section 102 of the Family Relationships Act 2022:

*[insert any conditions]*

By the Court

Registrar/Deputy Registrar/Justices of the Peace

Sealed on: *[date]*

*Note to respondent*

You may apply to the court at any time to vary or discharge this order.

If you have contact rights with a child named in the order, those rights are suspended while this order is in force.

If this order requires you to surrender any weapons, they will only be returned to you when this order expires or is discharged by the court.

If you breach this order, you commit an offence and are liable to imprisonment for a term not exceeding 12 months or to a fine not exceeding 15 penalty units, or to both.

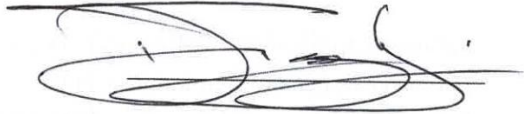
If you breach it again, you may be liable to imprisonment for a term not exceeding 3 years or to a fine not exceeding 20 penalty units, or to both.

## Family Relationships Regulations

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Approved by the Cabinet of Ministers at the Cabinet Chambers, Fale Fono,  
Alofi, this. 19<sup>th</sup> day of January 2023.

**Signed by Hon. Dalton Emani**  
Tagelagi  
**Premier**



**Countersigned by Cassandra**  
Motufoou  
**Acting Clerk to Cabinet**



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These regulations are administered by the Department of Justice, Lands and  
Community Services.

These regulations were made on the 19<sup>th</sup> day of January 2023.

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**Schedule 2**

r 6

**Fees to be paid to Registrar of the High Court**

	\$
For every application filed with the Department	33.80
For every notice of intended marriage	45.00
For every marriage solemnised where a party is a Niuean	112.50
For every marriage solemnised where neither party is Niuean	225.00
For every certified copy of any entry in a Marriage Register, including the search	33.70
Search or inspection of Marriage, Adoption Register, in respect of each name of entry	5.60



## IMMIGRATION (COVID-19) REGULATIONS 2023

No. 2023/02

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**Pursuant to sections 42D and 42F of the Immigration Act 2011, Cabinet makes the following regulations:**

- 1 Title**  
These regulations are the Immigration (COVID-19) Regulations 2023.
- 2 Commencement and expiry**
  - (1) These regulations come into force on the day after the date on which they are made in accordance with Article 13 of the Constitution.
  - (2) These regulations expire on the close of 30 June 2023.

### *Definitions*

- 3 Interpretation**
  - (1) In these regulations, unless the context otherwise requires, —  
**Act** means the Immigration Act 2011

**IMMIGRATION (COVID-19) REGULATIONS 2023**

**adequate travel insurance** has the meaning given in regulation 4.

**aircrew member** means any person who—

- (a) is identified as a crew member on the crew manifest for the aircraft on which they arrive in Niue; or
- (b) is not identified as a crew member on that manifest but is on the aircraft at the direction of an airline for which they work as a pilot, co-pilot, or flight attendant.

**COVID-19 test** has the meaning given in regulation 5.

**emergency medical staff** means health practitioners (including health professionals qualified overseas), medical attendants, and air crew participating in the medical evacuation of patients from Niue.

**evidence of full vaccination** has the meaning given in regulation 6.

**fully vaccinated** has the meaning given in regulation 7.

**medical practitioner** includes a medical practitioner registered and entitled to practise in a country other than Niue.

**negative test result** has the meaning given in regulation 8

**Niue resident** means a person ordinarily resident in Niue, a permanent resident of Niue, or a New Zealand citizen who was born in Niue

**PCR test** mean a PCR test for SARS-CoV-2 viral ribonucleic acid using reverse transcription polymerase chain reaction

**RAT test** means a rapid diagnostic test suitable for use at point-of-care that directly detects the presence or absence of an antigen

**SARS-CoV-2** means severe acute respiratory syndrome coronavirus 2.

- (2) Any term or expression that is defined in the Act and used, but not defined, in these regulations has the same meaning as in the Act.

**4 Meaning of adequate travel insurance**

In these regulations, **adequate travel insurance** means travel insurance that includes coverage—

- (a) for repatriation to the traveller's country of origin; and
- (b) to cover the costs of the Niue Government for COVID-19-related medical care.

**5 Meaning of COVID-19 test**

(1) In these regulations, a **COVID-19 test** means—

- (a) a test for SARS-CoV-2 or COVID-19 infection or immunity (whether current or historical) in an individual that is approved by the Director of Health, specified in writing by the Chief Immigration Officer, and listed on a publicly accessible Internet site maintained by or on behalf of the Niue Government; or
- (b) if no tests are specified under paragraph (a), a test for SARS-CoV-2 or COVID-19 infection or immunity (whether current or historical) in an individual that is specified by the New Zealand Director-General of Health under an enactment of the New Zealand Parliament for the purposes of that country's public health response to COVID-19.

**Immigration (COVID-19) Regulations 2023**

- (2) To avoid doubt, a test under subclause (1) includes a PCR test or RAT test or similar test.

**6 Meaning of evidence of full vaccination**

- (1) In these regulations, **evidence of full vaccination** for a person is an electronic or a hard copy document that confirms—
- (a) that the person has received a COVID-19 vaccine or vaccines; and
  - (b) the name or names of the COVID-19 vaccine or vaccines that the person has received; and
  - (c) the name of the government or national agency that issued the document; and
  - (d) the date on which the person received—
    - (i) the dose of the COVID-19 vaccine, if only 1 dose is specified under regulation 8 for a person to be fully vaccinated; or
    - (ii) the last dose of a COVID-19 vaccine, if more than 1 dose is specified under regulation 8 for a person to be fully vaccinated.
- (2) The Chief Immigration Officer may accept as evidence of full vaccination a document that does not comply with subclause (1), if the Chief Immigration Officer considers that the document provides satisfactory evidence that the person is fully vaccinated.

**7 Meaning of fully vaccinated**

- (1) In these regulations, **fully vaccinated**, in relation to a person, means—
- (a) that the person has received all of the doses of a COVID-19 vaccine or combination of COVID-19 vaccines specified in writing by the Director of Health and listed on a publicly accessible Internet site maintained by or on behalf of the Niue Government; or
  - (b) if no vaccines are specified under paragraph (a), that the person has received all of the doses of a COVID-19 vaccine or combination of COVID-19 vaccines specified in vaccination requirements in New Zealand legislation for the purposes of that country’s public health response to COVID-19.
- (2) A person is fully vaccinated under subclause (1) 14 days after the person receives the final dose of the specified COVID-19 vaccine.

**8 Meaning of negative test result**

- (1) A person required to provide a **negative test result** from a COVID-19 test must provide an electronic or a hard copy document that contains the following information:
- (a) the person’s name;
  - (b) the person’s date of birth or passport number;
  - (c) the date on and time at which the test was administered;
  - (d) the name of the laboratory that conducted the test;
  - (e) the type of test carried out;
  - (f) the test result.
- (2) The Chief Immigration Officer may accept a document as evidence of a detail required to be in a document under subclause (1), despite the document not

**Immigration (COVID-19) Regulations 2023**

- complying with that subclause, if the Chief Immigration Officer considers that the document provides satisfactory evidence of the detail.
- (3) A person whose COVID-19 test result is positive must be treated as having provided evidence of a negative result if the person provides a certificate from the Ministry of Health of their respective country (or the equivalent) or a letter from the person's general practitioner to the effect that—
- (a) the person has had COVID-19 within the 3-month period before their scheduled date of departure for Niue; and
- (b) the Ministry or general practitioner (as the case may be) considers that the person is no longer infectious with COVID-19.
- (4) In this regulation, **general practitioner** means a medical practitioner who works in general practice in Niue or the country in which the person resides.

*Conditions of entry and exemptions*

**9 Conditions of entry**

- (1) All persons seeking to enter Niue must have evidence of full vaccination and produce the evidence when requested by an immigration officer.
- (2) All persons seeking to enter Niue who are not Niue residents must provide evidence that they have adequate travel insurance, in addition to complying with subclause (1).
- (3) The Chief Immigration Officer may, from time to time by public notice:
- (a) require any other conditions of entry, and
- (b) vary any or all conditions under this regulation
- provided that such these are not inconsistent with regulations 10, 11,12, 13 and 14.

**10 Exemptions from conditions of entry**

- (1) The following persons seeking to enter Niue are exempt from regulation 10:
- (a) a person who is entitled to any immunity from jurisdiction by or under—
- (i) the Consular Privileges and Immunities Act 1971, the Diplomatic Privileges and Immunities Act 1968, or the New Zealand Representative Act 1981; or
- (ii) any order under any of those Acts:
- (b) an aircrew member or a member of a ship's crew:
- (c) a person who is a member of the New Zealand Defence Force and is seeking to enter Niue in their official capacity:
- (d) emergency medical staff engaged in the medical evacuation of a patient from Niue.
- (2) The exemption in subclause (1)(b) applies only if the aircrew member or member of a ship's crew complies with any conditions imposed by the Chief Immigration Officer in writing and notified—
- (a) to the air carrier responsible for the aircraft on which the person is an aircrew member, in the case of aircrew:
- (b) to the owner or master of the ship, in the case of crew of a ship.

# Immigration (COVID-19) Regulations 2023

## Immigration (COVID-19) Regulations 2023

- (3) In this regulation, **ship** means a vessel engaged in international maritime activity (including a cruise ship) and does not include a pleasure boat.

### *Waiver of conditions of entry*

#### **11 Application for waiver of conditions of entry**

- (1) A person may apply for a waiver of any or all of the conditions of entry in regulation 10.
- (2) An application must be—
- (a) in the form approved by the Chief Immigration Officer after consultation with the Director of Health; and
  - (b) accompanied by any information requested by the Chief Immigration Officer.
- (3) The Chief Immigration Officer may also require further information that is reasonably necessary to determine the application.

#### **12 Waiver of conditions of entry**

- (1) The Chief Immigration Officer may, with the approval of the Director of Health, waive a condition of entry in regulation 10 if—
- (a) a ground in regulation 14 is met; and
  - (b) the Officer considers that waiving the condition is unlikely to cause undue risk to the people of Niue.
- (2) The Chief Immigration Officer may also waive any or all of the conditions of entry in regulation 10 for infants or children under the age of 16.
- (3) A waiver may be for a person or a class of persons.
- (4) A waiver must be in writing.

#### **13 Grounds for waiver of conditions of entry**

The Chief Immigration Officer may waive any or all of the conditions of entry in regulation 10 if—

- (a) there is, or has been, a medical emergency that makes it impracticable to require the conditions to be complied with; or
- (b) there is, or has been, a natural disaster that makes it impracticable for the conditions to be complied with; or
- (c) critical work needs to be urgently carried out that makes it impracticable for the conditions to be complied with; or
- (d) the conditions cannot be complied with for medical reasons, subject to regulation 15; or
- (e) the conditions should be waived on compassionate or humanitarian grounds.

#### **14 Waiver of requirement to be fully vaccinated**

- (1) The condition requiring persons to be fully vaccinated may be waived on the ground in regulation 14(1)(d) only if a vaccine is contraindicated for the person and a suitable alternative vaccine is not readily available.
- (2) To avoid doubt, the following are not valid reasons for waiving the requirement for a person to be fully vaccinated:

**Immigration (COVID-19) Regulations 2023**

- (a) the person has had a negative experience with other vaccines:
- (b) the person is disabled:
- (c) the person is pregnant.

**15 Revocations**

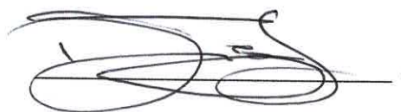
The following regulations are revoked—

- (a) The Immigration (Covid 19) Regulations 2022.

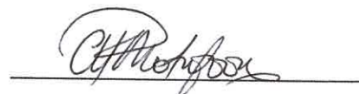
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Approved by the Cabinet of Ministers at the Cabinet Chambers, Fale Fono, Alofi, this  
09<sup>th</sup> day of February 2023.

**Signed** by Hon. Dalton Emani Tagelagi  
**Premier**



**Countersigned** by Cassandra Motufoou  
**Acting Clerk to Cabinet**



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These regulations are administered by the Immigration Office.  
These regulations were made on the 9<sup>th</sup> day of February 2023.

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## NIUE ASSEMBLY (ELECTION AND BY-ELECTION NOMINATION FEES) REGULATIONS 2023

No. 2023/03

### Contents

1	Title	1
2	Commencement	1
3	Interpretation	1
4	Payment of nomination fees	2
5	Forfeiture of nomination fees	2
6	Refund of nomination fees	2

### Schedule

#### Candidate nomination fees

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Pursuant to sections 35 and 105 of the Niue Assembly Act 1966, Cabinet makes the following regulations –

- Title**  
These regulations are the Niue Assembly Regulations 2023.
- Commencement**  
These regulations come into force on the day after the date on which these regulations are made in accordance with Article 13 of the Constitution.
- Interpretation**  
In these regulations –  
**Act** means the Niue Assembly Act 1966  
**candidate nomination fee** means the deposit payable by a candidate under section 35 of the Act and set out in Schedule 1  
**nomination day**, in relation to any general election or by-election, means the day appointed by public notice as the latest day for the nomination of candidates.

**4 Payment of nomination fees**

A candidate (or a person on their behalf) must deposit with the Chief Electoral Officer, before noon on nomination day, the applicable candidate nomination fee as set out in Schedule 1.

**5 Forfeiture of nomination fees**

The candidate nomination fee of any unsuccessful candidate who receives less than one-fourth of the total number of votes received by the successful candidate is forfeit and payable to the Niue Government account.

**6 Refund of nomination fees**

- (1) The candidate nomination fee of every candidate other than the candidate to whom regulation 5 applies must be refunded.
- (2) Each candidate must provide a bank account number to the Chief Electoral Officer to be used for that purpose.

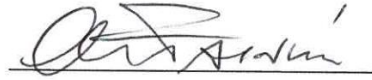
**Schedule  
Candidate nomination fees**

<b>Election</b>	<b>Candidate</b>	<b>Fee (\$)</b>
General election or by-election	Candidate nominated for election to the Niue Legislative Assembly as a Member for the Common Roll.	\$200
General election or by-election	Candidate nominated for election to the Niue Legislative Assembly as a Member for a Village Constituency.	\$200

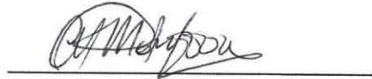
Niue Assembly (Election And By-Election Nomination Fees) Regulations

Approved by the Cabinet of Ministers at the Cabinet Chambers, Fale Fono,  
Alofi, this 23<sup>rd</sup> day of March 2023.

**Signed** by Hon. Esa Mona AINU'U  
**Acting Premier**



**Countersigned** by Cassandra Motufoou  
**Clerk to Cabinet**



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These regulations are administered by the Department of Justice, Lands, Survey and  
Community Services.

These regulations were made on the 23<sup>rd</sup> day of March 2023.

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## Merchant Shipping (Registration of Foreign Vessels) Fees Regulations 2024

No. 2024/02

### Contents

1	Title	1
2	Commencement	1
3	Interpretation	1
4	Fees	2
5	Revocation	2

### Schedule

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Pursuant to section 144 of the Merchant Shipping (Registration of Foreign Vessels) Act 2012, Cabinet makes the following regulations—

- Title**  
These regulations are the Merchant Shipping (Registration of Foreign Vessels) Fees Regulations 2024.
- Commencement**  
These Regulations comes into force on the day after the date on which these regulations are made in accordance with Article 13 of the Constitution.
- Interpretation**  
(1) In these regulations, unless the context otherwise requires, —  
“**COC**” means Certificate of Competency  
“**GOC**” means Global Maritime Distress and Safety System (GMDSS) Operator Certificate  
“**DCE**” means Dangerous Cargo Endorsement (e.g. Advance Oil/Chemical Tanker Certificate)  
“**SSO**” means Ship Security Officer Certificate

- (2) Any term or expression that is defined in the Act and used, but not defined, in these regulations has the same meaning as in the Act.

**4 Fees**

Subject to these regulations, the fees and Taxes set out in the Schedule are payable in United States dollars (USD) in respect of all the applications and matters set out in that Schedule.

**5 Revocation**

The Merchant Shipping (Registration of Foreign Vessels) Fees Regulations 2012 are revoked.

**Schedule**

**1. NORMAL REGISTRATION**

a) <b><u>Initial Registration Fees</u></b>	<b>Fees (USD)</b>	
	<b>Net Tonnage (NT)</b>	
	<b>0 to 1000</b>	<b>&gt;1000</b>
<b>Registration Fee</b>	60	0.06 per net tonnage (max 3200)

b) <b>Certificates/Licenses</b>	<b>Gross Tonnage (GT)</b>	
	<b>0 to 1000</b>	<b>&gt;1000</b>
<b>Provisional Certificate of Registry</b>	125	250
<b>Permanent Certificate of Registry</b>	250	375
<b>Provisional Ship Station Licence</b>	125	
<b>Provisional Minimum Safe Manning Certificate</b>	125	
<b>Approval of Vessel Name</b>	125	

c) <b><u>Annual Fees and Taxes</u></b>	<b>Fees/ Tax (USD)</b>	
	<b>Net Tonnage (NT)</b>	
	<b>0 to 500</b>	<b>&gt;500</b>
<b>Annual Tonnage Tax</b>	62.50	0.125 per NT
<b>Ship Station Licence</b>	190	
<b>Radio Fee</b>	65	
<b>Minimum Safe Manning Certificate</b>	190	

d) <b>Documentation</b>	<b>Gross Tonnage (GT)</b>	
	<b>0 to 500</b>	<b>&gt;500</b>
<b>Documentation Fee</b>	125	250

**2. RE-REGISTRATION ON CHANGE OF OWNERSHIP**

<b>a) <u>Re-Registration Fees</u></b>	<b>Fees (USD)</b>	
	<b>Net Tonnage (NT)</b>	
	<b>0 to 1000</b>	<b>&gt;1000</b>
<b>Registration Fee</b>	60	0.06 per NT (Max 3200)
<b>Provisional Certificate of Registry</b>	125	
<b>Permanent Certificate of Registry</b>	250	
<b>Provisional Ship Station Licence</b>	125	
<b>Provisional Minimum Safe Manning Certificate</b>	125	
<b>Approval of Vessel Name (if changed)</b>	125	
<b>Recording of Bill of Sale</b>	125	

<b>b) <u>Annual Fees and Taxes</u></b>	<b>Fees/Tax (USD)</b>	
	<b>Net Tonnage (NT)</b>	
	<b>0 to 500</b>	<b>&gt;500</b>
<b>Annual Tonnage Tax</b>	62.50	0.125 per NT
<b>Ship Station Licence</b>	190	
<b>Radio Fee</b>	65	
<b>Minimum Safe Manning Certificate</b>	190	

<b>c) <u>Documentation</u></b>	<b>Gross Tonnage (GT)</b>	
	<b>0 to 500</b>	<b>&gt;500</b>
<b>Documentation Fee</b>	125	250

**3. BAREBOAT CHARTER - IN REGISTRATION**

<b>a) <u>Initial Registration Fees</u></b>	<b>Fees (USD)</b>	
	<b>Net Tonnage (NT)</b>	
	<b>0 to 1000</b>	<b>&gt;1000</b>
<b>Registration Fee</b>	60	0.06 per NT (Max 3200)
<b>Provisional Certificate of Registry</b>	125	250
<b>Permanent Certificate of Registry</b>	250	375
<b>Provisional Ship Station Licence</b>	125	
<b>Provisional Minimum Safe Manning Certificate</b>	125	
<b>Approval of Vessel Name (if changed)</b>	125	

<b>Recording of Bareboat Charter party</b>	125
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<b>b) <u>Annual Fees and Taxes</u></b>	<b>Fees/ Taxes (USD)</b>	
	<b>Net Tonnage (NT)</b>	
	<b>0 to 500</b>	<b>&gt;500</b>
<b>Annual Tonnage Tax</b>	60	0.125 per NT
<b>Ship Station Licence</b>	190	
<b>Radio Fee</b>	65	
<b>Minimum Safe Manning Certificate</b>	190	

<b>c) <u>Documentation</u></b>	<b>Gross Tonnage (GT)</b>	
	<b>0 to 500</b>	<b>&gt;500</b>
	<b>Documentation Fee</b>	125

**4. TEMPORARY CLOSURE OF REGISTRY (BAREBOAT CHARTER - OUT)**

<b>a) <u>Initial Registration Fees</u></b>	<b>Fees (USD)</b>
<b>Certificate of Suspension</b>	200

<b>b) <u>Annual Registration Fees and Taxes</u></b>	<b>Fees (USD)</b>	
	<b>Net Tonnage (NT)</b>	
	<b>0 to 500</b>	<b>&gt;500</b>
<b>Certificate of Suspension (extension)</b>	200	
<b>Annual Tonnage Tax</b>	60	0.125 per NT
<b>Documentation Fee</b>	125	250

**5. ALTERATION TO VESSEL**

<b>Certificate/License</b>	<b>Fees (USD)</b>
<b>Re-issue of Certificate of Registry</b>	100
<b>Re-issue Ship Station Licence</b>	100
<b>Re-issue of Minimum Safe Manning Certificate</b>	100

## Merchant Shipping (Registration of Foreign Vessels) Fees Regulations

### 6. CLOSURE OF SHIP'S REGISTRY

Certificate	Fees (USD)
Deletion Certificate	250

### 7. MORTGAGES

Application	Fees (USD)
Recording/ Discharge / Transfer	250

### 8. CREW ENDORSEMENTS

Certificate	Fees (USD)
Certificate of Endorsement for COC/GOC / DCE / SSO	50

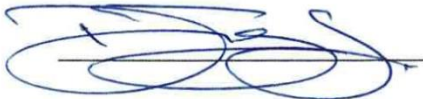
### 9. MISCELLANEOUS

Application	Fees (USD)
Bunker Convention Certificate (BCC)	50
Certificate of Non-Encumbrance / Certificate of Ownership	200
Change of Owner Particulars	300
Change of Vessel Name	300
Civil Liability Convention Certificate (CLC)	50
Extension of Certificate of Registry	100
Extension of Ship Station License	100
Extension of Minimum Safe Manning Certificate	100
Single Delivery Voyage (SDV)	50% of Normal Registration Fees
Transcript of Register	200

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Approved by the Cabinet of Ministers at the Cabinet Chambers, Fale Fono, Alofi, on  
this \_\_\_\_ day of \_\_\_\_\_ 2024.

**Signed** by Hon. Dalton Emani Makamau  
Tagelagi  
**Premier**



**Countersigned** by Cassandra Motufoou  
**Clerk to Cabinet**



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These regulations are administered by the Department of Transport.  
These regulations were made on the \_\_\_\_\_ day of \_\_\_\_\_ 2024.