



## KO E FAKATUFONO FAKALATALATA MA E TAU FAKAFETUIAGA HE MAGAFAOA HE KAINA, 2022

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**Ko e Fakatufono-tohi ke –**

- (a) fakahui mo e fakafoou e matafakatufono he tau mena nai –
  - (i) mau tohi mo e vevehe:
  - (ii) tohi tama hiki:
  - (iii) matua leveki:
  - (iv) tau poakiaga ke totogi e levekiaga he tama mo e matua fanau he tama; mo e
- (e) kua fakatoka e tau matafakatufono foou hagai ke he tau mena nai –
  - (i) nonofo mau pouli:
  - (ii) leveki mo e laveaki he tau tama:
  - (iii) leveki he tau matua tupuna:
  - (iv) fāvale fakamamahi he magafaoa he kaina.

## **Kua taute fakamatafakatufono he Fono Ekepule pehē nai –**

### **1 Higoa**

Ko e Fakatufono-tohi nai Ko e Fakatufono-tohi ma e Tau fakafetuiaga he Magafaoa he Kaina, 2022.

### **2 Kamataaga**

This Act comes into force on the day after the date on which this Act becomes law in accordance with Article 34 of the Constitution.

## **Vala Fakamua Ko e tau tauteaga fakamua**

### **3 Ko e tau kakano**

Ko e tau kakano uho he Fakatufono-tohi nai hanai –

(a) kua pota auloa mo e fakamukamuka e matafakatufono haggao ke he fakalatahaaga mau tohi mo e tau fakaakoaga ke lata mo e tau mena nai –

(i) vevehe kehe ka e nā kai fai kelea a taha; mo e

(ii) ko e mailogaaga he fakalatahaaga maupōuli; mo e

(iii) kia vevehe ua e tau koloa ne tānaki he nonofo tokoua he magaaho ka tau vevehe po ke fakaoti e nonofo maupōuli; mo e

(iv) ko e ha puhala ke tologi tupe e tau koloa mo e tau hoa:

(e) kia fakamooli ko e mena fakamua he tau mamatua ke fakatapunu e tau mena oti ke lata mo e moui he tama mo e levekiaga he tau tama:

(i) kia fakamooli e gahua kua lagoon ki luga he tau mamatua ma e tau fanau, mo e fakafoou e matafakatufono ne haofia e tohi tama hiki mo e matua leveki:

(o) kua fakatoka ma e Ulu Fakatonu he Faahi gahua Fakafili e malolō kotofa ke fai tauteaga ke leveki e tau fānau ne kua lata ke fai laveakiaga:

(u) kia taute e taha puhala ke leveki e tau matua tupuna ne kua nā kai fāhia e fānau ke leveki he tau puhala kua lata:

(f) kua fakatoka ke fakagahua taha tauteaga ke laveaki a lautolu ne matematekelea ha ko e mahani fāvale fakamamahi he taha he kaina.

### **4 Kua kaufakalataha e Fakatufono ke he Fakatufono-tohi nai**

Kua kaufakalataha e Fakatufono ke he Fakatufono-tohi nai.

### **5 Fakakakanoaga**

Ke lata mo e Fakatufono-tohi nai, ato fai kehe kaeke kua hiki pihia, –

**Matua hiki** kakano ko e ha tagata kua hiki tohi ha tama  
muitua ke he poakiaga tohi tama hiki mo e, kaeke ko e tokoua e tagata  
ne hiki e tama, kakano ko e tau matua hiki tokoua

**tagata leveki** kakano ko e tagata ne kua kotofa muitua ke he matakupu  
81 ke leveki e tama he tau aho takitaha, ne kua tukuage ke he levekiaga  
he faahi gahua

**ko e tama** kakano ko e tagata ne nākaila tū e 18 e tau tau moui

**fakafiliaga** kakano ko e Fakafiliaga Lahi a Niue

**levekiaga he tau aho takitaha** he tama, kakano ko e tau levekiaga  
kehekehe he tau aho takitaha mo e tokamata ki ai ka e uta ni ke he lahi  
mo e motua he tama,

**Faahi Gahua** kakano ko e faahi gahua he Matakau Gahua he  
Fakatufono ne kua kotofa ke fakagahua e Fakatufono-tohi

**taha he magafaoa he kaina**, kaeke ko e taha tagata, kakano ko e taha  
ha lautolu nai:

- (a) ko e tokoua he tagata poke hoa:
- (e) ko e ha tama po ke mokopuna he tagata po ke he tokoua he tagata  
po ke hoa:
- (i) ko e tau matua tupuna he tagata, tau mamatua, lafu he tau  
mamatua, mo e tau matua tupuna, tau mamatua mo e tau lafu he  
tokoua po ke hoa:
- (o) ko e tau tama he tau matua he tagata, tau lafu ha laua mo e tau  
tama he tau mamatua mo e tau lafu ha laua he tokoua po ke hoa:
- (u) ko e ha tagata foki kua eke mo taha he magafaoa he tagata ia,  
kaeke kua fai maamaaga kua lata ke talahau pihia:

**matua leveki** kakano ko e matua leveki ne kua kotofa, muitua ke he  
matakupu 55 po ke matua leveki ne kotofa he matua fanau to mole atu  
a ia, kua kotofa muitua ke he matakupu 59 mo e, kaeke kua tokoua e  
tagata ne kua kotofa ke leveki tokoua e tama, kakano ko laua tokoua ia:

**ko e tagata kotofa ke fakamau** kakano ko e taha ha lautolu nai:

- (a) ko e Letititala he Fakafiliaga Lahi:
- (e) Ko e Iki Fakafili po ke Komisina he Fakafiliaga Lahi:
- (i) ko e ha tagata ne kua kotofa ke eke mo tagata fakamau  
mau tohi e fifine mo e taane muitua ke he matakupu 15

**Tohi he tau fakamauaga mau tohi** po ke tohi fakamau kakano ko e  
tohi he tau fakamauaga mau tohi ne toka he Ofisa he Letititala muitua  
ke he matakupu 11

**matua** kakano ko e matua fanau po ke matua hiki

**tau gahua kua ligo ki luga he matua** kakano kua talahau he  
matakupu 34

**poakiaga ma e matua** kakano ko e poakiaga ne taute muitua ke he  
matakupu 44

**ko e taha foki**, kaeke ko e tala ke he fakamauaga po ke maupōuli, kua putoia foki a ia ne lauia he mau tohi fakamua po ke maupōuli fakamua **Letititala** kakano ko e Letititala he Fakafiliaga Lahi , mo e kua putoia ai e hagai Letititala he Fakafiliaga Lahi

**tau lā-fakatufono** kakano ko e tau lā-fakatufono ne taute munitua ke he Fakatufono tohi nai

**Tohi Kupu** kakano ko e Tohi Kupu he Faahi Gahua Fakafili, Ko e Ulu Fakatonu he Faahi Gahua

**Kanavaakau** kakano ko e ha mena ne kua maeke ke fakaaoga ne puotia ai e kanavaakau fana.

### **Vala Ke Ua aki**

#### **Ko e fakafetuiaga he tau tagata lalahi he magafaoa he kaina**

##### *Valavala 1-Fakamauaga mau tohi*

#### **6 Tau fatifatiaga ke lata mo e fakamauaga mau tohi**

(1) Ko e tau fakamauaga mau tohi oti to –

(a) Fakahoko ni ke he tagata taane mo e tagata fifine; mo e

(e) kia fakamau he tagata kua kotofa pauaki ke fakamau mau tohi, i mua he tokoua e tagata fakamooli munitua ke he matakupu 9; mo e

(i) kia tohia fakamau he fakamauaga he tau fakalata.

(2) Kua nā kai maeke ia taha ke fakalataha mau tohi mo e taha tagata ne kua magafaoa ki ai tuga ne fakakite he Fakaholaoga Fakamatafeiga Numela 1.

#### **7 Ko e tūaga mo e malolō ke fakalataha mau tohi**

(1) Kua nā kai maeke taha ke fakalataha mau tohi mo taha kaeke kua nā kai la tū e 18 e tau tau moui.

(2) Kua nā kai maeke ia taha ke fakalataha mau tohi mo e taha tagata ne kua magafaoa ki ai tuga ne fakakite he Fakaholaoga Fakamatafeiga Numela 1.

(3) Ka e taha e mena, kaeke ko e magafaoa ka e nā kai ko e magafaoa he toto, kia ole a laua ke he fakafiliaga ke fakaatā a laua ke mau tohi mo e haia e pule tonuhia he fakafiliaga ke taute e poakiaga ke eke pihia ka e nā kai fakatapu tuga he vala vala kupu (2).

##### *Ko e tau mena ke taute to fakahoko e mau tohi*

#### **8 Tau tauteaga ke munitua ki ai to fakahoko e fakalatahaaga mau tohi**

(1) Kia finatu taha ha laua kua amanaki ke fakalataha mau tohi, tolu e aho po ke leva foki, ke he Fakamau Kupu Lahi he fakafiliaga mo e fakailoa kua amanaki ke mau a ia mo e hoa.

(2) Ko e fakailoaaga, kia fakapuke e pepa ne munitua ke he matafakatufono, ti tuku foki mo e tupe fafati.



- (3) Ka moua he Fakamau Kupu Lahi e fakailoaaga mo e tau totogiaga, to fakailoa fakalaulahi e ia e amaamanakiaga ia.
- (4) Taha e mena, pete nī e fai hepehepe e tauteaga he matakupu nai, to totou agaia ni e mau tohi ia.

**9 Fakamauaga he fakalatahaaga mau tohi**

- (1) fakahoko e fakalatahaaga mau tohi munitua ke he matafakatufono mo e kitiaaga haana ka fakamau a laua tokoua mo e kua fakailoa e laua –
  - (a) kua atā a laua ke mau tohi; mo e
  - (e) nākai iloa ha kakano ke nākai fakahoko ha laua a mau tohi.
- (2) Ko e fakalatahaaga mau tohi nai to fakamooli he tokoua e tagata ne kua molea e 18 e tau tau moui.

**10 Ko e tohi fakamau he fakalatahaaga mau tohi he tohi letititala he tau mau tohi oti**

- (1) Fakamua to fakahoko e fakalatahaaga mau tohi, kia uta e ia ne kua kotofa ke fakamau a laua, e tau pepa fakalatahaaga mau tohi mo e ha pepa foki mai he Fakamau Kupu Lahi.
- (2) Ka oti e fakamau tohi ha laua, ko ia ne kotofa ke fakamau kia tohia e tau iloaaga fakamakutu he fakalatahaaga mau tohi he tohi fakamau pauaki he tau mau tohi oti ti fakamooli he matalima tohi a -
  - (a) laua tokoua; mo e
  - (e) tokoua e tagata fakamooli
- (3) Kia liuaki he kotofa ne fakamau a laua e tohi fakamau pauaki he tau mau tohi oti ke he Fakamau Kupu Lahi ka oti e mau.
- (4) Kaeke kua fai mena hepe he tohi fakamau pauaki he tau fakalatahaaga mau tohi, nākai ko e mena ia ke noa e fakamauaga.

**11 Ko e Fakamau Kupu Lahi ke leveki e tohi fakamau pauaki he tau fakalatahaaga mau tohi**

- (1) Kia leveki he Fakamau Kupu Lahi e tohi letititala he tau fakalatahaaga mau tohi oti tuga ko e taha fakamauaga he Fakafiliaga Lahi.
- (2) Ko e tohi fakamau pauaki he tau fakalatahaaga mau tohi oti, kia hafagi ke he kitekiteaga he tau tagata he tau magaaho oti kaeke kua hafagi e fakafiliaga.
- (3) Kua nākai maeke ke hiki ha mena ne tohia he tohi letititala he tau fakalatahaaga mau tohi oti kaeke kua oti he tohia a to talia he Fakamau Kupu Lahi ke fai hikiaga ha kua hepehepe e tau matatohi po ke fai hepe foki kua lata ke fakahako, po ke ha mena ne kua nimo.
- (4) Kaeke kua fai tohi ole taha mo e kua totogi e tau tupe fafati, kia tukuage he Fakamau Kupu Lahi e setifikete he (**fakalatahaaga mau tohi**) mo e tau mena oti ne tohia ai, mo e tohia foki he tohi letititala he tau fakalatahaaga mau tohi.

- (5) Pete ia, kua maeke e Fakamau Kupu Lahi talahau kua nā kai fai totogi kaeke –
- (a) kua mativa mo e nā kai fahia ke totogi; po ke
  - (e) kua manako ke he setifikete he fakalatahaaga mau tohi ma e taha kakano faka-faahi gahua.
- (6) Ko e setifikete he fakalatahaaga mau tohi ne kua fakamooli he Fakamau Kupu Lahi, kia fakakite he ha fakafiliaga ke eke mo taha iloaaga lagomatai ke he fakalatahaaga mau tohi.

**12 Pule tonuhia he Fakamau Kupu Lahi**

Ko e pule tonuhia he Fakamau Kupu Lahi ke fakaatā falu tauteaga he vala nai kaeke kua kitia e ia, kua nā kai lata ke munitua pihia.

**13 Ko e tau holifono ha laua tokoua he fakalatahaaga mau tohi**

- (1) Kua agahala e taha hoa po ke tagata fakamooli he fakamauaga, ti fakahala 10 e poini , kaeke kua tohia matalima i loto he tohi fakamau pauaki he tau fakalatahaaga mau tohi, e ha mena ne iloa kua nā kai tonu.
- (2) Ko e ha tagata kua lali ke fakahehē e iloaaga he kotofa fakamau he fakalatahaaga mau tohi, ke fakamau falu tagata foki, kua agahala a ia mo e fakahala ke he 10 e poini.

**14 Ko e agahala he tagata kotofa, po ke tagata kua fifitaki ke fia eke mo kotofa fakamau he fakalatahaaga mau tohi**

- (1) Ko e ha tagata kua lali ke fakamau tagata ka e nā kai fai kotofaaga, kua agahala a ia mo e fakahala ke he 10 e poini fakahala.
- (2) Kua agahala e kotofa fakamau fakalatahaaga mau tohi mo e fakahala ke he 10 e poini kaeke kua –
- (a) nā kai munitua ke he ha fakatokaaga he vala nai; po ke
  - (e) kua fakamooli matalima e taha mena he tohi letititala he tau fakalatahaaga mau tohi ka e iloa kua nā kai tonu e mena haana ne tohia.

**15 Kotofaaga he tau tagata fakamau he fakalatahaaga mau tohi**

- (1) Kua ha ha he Fono Ikipule e malolō ke kotofa ha faifeau he tau Lotu ke eke mo kotofa fakamau fakalatahaaga mau tohi, mo e lafi ke he kotofaaga e malolō ke fakamau ha fakalatahaaga mau tohi he magahala kua fakakite he kotofaaga.
- (2) Kua ha ha he Fono Ikipule e malolō ke kotofa ha tagata foki ke eke mo fakamau fakalatahaaga mau tohi, ne kua iloa tonu kua lata ke eke pihia ha kua –
- (a) lata mo e taha fakamau fakalatahaaga mau tohi pauaki, he taha magaaho nī, tuga ne kua fakakite he tohi kotofa; mo e
  - (e) kia munitua ke he ha fatifatiaga ne kua tohia he tohi kotofa.

- 16 Ko e tūaga tonuhia he tau tagata kua fakalataha mau tohi**  
Ko e fakalatahaaga mau tohi, kua nākai eke e mena ia, hokoia –
- (a) ke tukuage e tonuhia ke fai pule ke he tau koloa he hoa, ka e to fai kehe kaeke kua okioki e hoa mo e nākai fai fakatokaaga ma e tau koloa; po ke
  - (e) fai kehe ha ko e tau nonofoaga ha laua.

*Ko e fakaotiaga he fakalatahaaga mau tohi*

- 17 Tau vevehe**
- (1) Kia tuku he taha po ke ko laua tokoua, e tohi ole ke he fakafiliaga ke moua e poakiaga ke tau vevehe.
  - (2) Ke lata mo e ole ke moua e poakiaga ke tau vevehe, to talia he fakafiliaga e ole ia kaeke kua talitonu ko laua kua nonofo kehekehe he molea e 12 mahina.
  - (3) Ko e 12 mahina ia, kua nākai pehē ko e nonofo kehekehe hololoa he 12 e mahina.
  - (4) Ke lata mo e matakupu nai, ko e **nonofo takitokotaha** kakano kua nākai nonofo tokoua ko e taane mo e hoana.

- 18 Ko e pule tonuhia he Fakafiliaga ke fifili kua fakaoti noa e mau tohi he taane mo e hoana.**  
Ko e pule tonuhia he Fakafiliaga ke eke pihia, po ke moua e taha tohi ole ke fakamooli ko e tau tagata tokoua ne talahau kua mau tohi i Niue, kua nākai mau, mo e kua fakaoti noa e mau tohi kaeke kua talitonu e fakafiliaga ko e –
- (a) ko e fakalatahaaga mau tohi ha laua kua nākai muiua ke he tau fatifatiaga he matakupu 6; po ke
  - (e) ko e taha ha laua kua nākai malolō ke fakalataha mau tohi mo taha, muiua ke he matakupu 7.

Vala vala 2 - Ko e tau tagata Maupōuli

- 19 Fakamaamaaga he tau tagata maupōuli**
- (1) Ko e tau tagata **maupōuli ko e nonofo fakalataha he tagata taane mo e tagata fifine ne** –
    - (a) nonofo tokoua tuga kua fakalataha mau tohi; mo e
    - (e) nākaila mau tohi a laua kia taha mo taha;
    - (i) kua tū mo e molea e 18 e tau tau moui ha laua tokoua.
  - (2) Kaeke kua lali ke iloa tonu a laua tokoua kua nonofo tuga e taane mo e hoana kua mau tohi, ko e fakafiliaga po ko ia ne kumi ke iloa e tonu kia mailoga –
    - (a) e haggaoaga, po ke kakano he matafakatufono, to moua e tali; mo e

(e) tau kakano oti ne nonofo pihia ai.

**20 Fakaotiaga he fakalatahaaga maupōuli**

Kua fakaoti e fakalatahaaga maupōuli kaeke—

- (a) kua nākai tau nonofo tokoua a laua tuga kua mau tohi; po ke
- (b) kua fakalataha mau tohi a laua; po ke
- (c) kua mate taha hoa ha laua ne nonofo maupōuli.

Vala vala 3 - Tau koloa mo e tupe lagomatai

*Veheveheaga he tau koloa*

**21 Fakamaamaaga he tau koloa tatānaki he nonofo tokoua**

(1) **Ko e tau koloa ne tatānaki he nonofo tokoua e laua ne mau tohi po ko laua ne maupōuli he magaaho ne nonofo tokoua ai (ka e nākai ko e magaaho ne nonofo kehekehe ai) po ke magaaho ne maupōuli agaia ai, ka e nākai ko e tau koloa ne—**

- (a) Aofia e kelekele; po ke
  - (e) ko e tau koloa ne kua talia tokoua tit ohia he taha tohi to nākai fio mo e tau koloa he nonofo tokoua.
- (2) Ko e tau koloa he taha hoa ne fakalataha mau tohi po ke maupōuli, ko e haana nī to mau po ke nofo tokoua, kua toka nī e tau koloa ia maana, mo e nākai lafi ke he tau koloa he nonofo tokoua; ka e to fai kehe kaeke kua talia tokoua he taha tohi ke lafi oti ke he tau koloa ha tokoua.
- (3) Ko e pule tonuhia he fakafiliaga ke tuku kehe e maveheaga ne tohia he vala kupu (1) (e) po ke (2) kaeke kua talitonu ko e maveheaga —
- (a) ne talia ki ai ha kua fifili mo e matakutaku he pulelahi he hoa; po ke
  - (e) kua nākai hako mo e tonu ke eke pihia.

**22 Ko e tau koloa he nonofo fakalataha tokoua kua mahani ke vehevehe tatai ua**

Kaeke kua fakaoti e fakalatahaaga mau tohi po ke nonofo maupōuli, kia vevehe ua e tau koloa ne moua e laua tokoua, ka e fai kehe kaeke kua talia a laua ke he taha tauteaga foki, po ke kua poaki he fakafiliaga e taha puhala veheveheaga, muiua ke he matakupu 23.

**23 Ko e malolō he fakafiliaga ke onono ke he puhala ke vehevehe aki e tau koloa**

- (1) Kaeke kua nākai fetataiaki e tau manatu he tokoua ne kua mau tohi po ke maupōuli ke he puhala ke vevehe aki e tau koloa ha laua, kia ole atu ke he fakafiliaga ke he taha poakiaga i lalo hifo he matakupu nai.
- (2) Kia poaki he fakafiliaga ko e tau koloa ha laua kia vevehe tuga he matakupu 22 ka e kehe nī kaeke kua talitonu a ia ko e —

- (a) kua kitia kua nākai mitaki ka vevehe ua ka onoono ke he tau kakano nai:
  - (i) ko e lahi he gahua ha laua tokoua po ke nākai fetataiaki e tau gahua mo e tau mena moua:
  - (ii) ko e taha ha laua ne fai tonuhia ke he fonua ; po ke
- (e) kua lata nī e puhala ne tufa aki e tau koloa, lahi taha ka e tote ha taha, ha kua talia he taha hoa ke lagomatai tupe ke he taha ti ko e lagomatai ia kua maeke e taha ke lahi hake e vala he tau koloa ka moua.
- (3) Ko e ha maveheaga ne lauia e vala vala kupu (2) (e) kia fakagahua ke tuga ko e poakiaga mai he fakafiliaga.

**24 Kia nākai lauia e kelekele po ke fonua i Niue**

- (1) Kua nakai fai talahauaga he Fakatufono Tohi nai ne fakaatā e fakafiliaga ke taute taha poakiaga ne lauia ha kelekele po ke fonua i Niue.
- (2) Kaeke kua fai poakiaga kua taute i lalo hifo he matakupu 23, kia mailoga he fakafiliaga e tau gahua he taha tagata he kelekele po ke fonua he magaaho ka vevehe ai e tau koloa ha laua.
- (3) Ko e maaamaaga ke lata mo e **Kelekele po ke fonua a Niue**, kua tatai e kakano mo e kelekele po ke fonua i Niue he matakupu 3 he Fakatufono Tohi ma e tau Kelekele 1969.

*Tau Lagomatai ma e kaina*

**25 Ko e mahani he poakiaga ma e tau lagomatai ma e kaina mai he taha hoa**

- (1) Ko e poakiaga ma e tau lagomatai ma e kaina, ko e poakiaga kua tuku atu ke he taha ha laua ne mau tohi po ke maupōuli (ne nonofo agaia po ke nākai) ke tukuage taha lagomatai (aofia mo e tau tupe) ke he hoa he tau magaaho oti kua kotofa.
- (2) Kia fakakite he poakiaga e tau mena nai –
  - (a) ko e lahi mo e vahega mena lagomatai; mo e
  - (e) ko e fatifatiaga he tau magaaho ka tukuage; mo e
  - (i) puhala ke tukuage e tau lagomatai.

**26 Tohi ole ke moua e poakiaga ma e tau lagomatai ma e kaina**

Ko e ha tagata ne nofo i Niue kia tuku e tohi ole ke moua e poakiaga ma e tau lagomatai ma e kaina mai he haana a hoa he magaaho nai po ke magaaho kua mole po ke hoa nonofo pouli, pete nī e nofo po ke nākai nofo i Niue.

- 27 **Ko e Fakafiliaga ke taute e poakiaga ma e tau lagomataiaga ma e kaina**
- (1) Ko e fakafiliaga ke taute e poakiaga ma e tau lagomataiaga ma e kaina mai he hoa (**ko ia ka tali e hokotaki po ke fāvale**) ha laua ne mau tohi po ke maupōuli ke foaki taha lagomatai ke he taha hoa.
- (2) Kaeke kua nakai moua a ia ne tali e hokotaki po ke favale poke lata ke foaki lagomatai, to fifili he fakafiliaga ke taute e poakiaga mo e nā kai fakailoa kia ia.
- (3) Kia mailoga he fakafiliaga e tau mena nai kaeke kua amanaki ke taute e poakiaga mo e, kaeke kua taute he fakafiliaga e poakiaga, ko e lahi, mo e puhala ke foaki e lagomatai;
- (a) ko e tau moui mo e malolō tino ha laua tokoua:
- (e) ko e tupe moua, ko e lahi he tupe he gahua tupe, tau koloa mo e tau koloa tupe ha laua taki tokotaha:
- (i) ko e fai tama nakai taha ne leveki po ke fai tagata foki ne leveki:
- (o) ko e fahia he ha hoa ke lagomatai -
- (i) a laua taki tokotaha; mo e
- (ii) ha tama ne leveki e laua ko e tau mamatua; mo e
- (iii) ha tagata foki ne leveki
- (u) kua lata ke moua e laua ha tupe penisone, tupe alauni, po ke tupe penefiti, mai i Niue po ke tau motu kehe, ko e lahi he tau tupe ia ne moua, po ke amanaki ke moua, e laua taki tokotaha:
- (fa) ko e lahi he tupe ka totogi lagomatai ke he hoa ti holo hake e tupe moua he taha mo e maeke a ia ke –
- (iv) kamata taha fakaakoaga po ke gahua fakaako; po ke
- (v) fakatū taha pisinisi; po ke
- (vi) moua lahi taha tupe po ke taha koloa:
- (ga) ko e hoa ne kumi lagomatai, kua foaki tupe a ia ke he taha hoa he puhala nai –
- (vii) tupe moua; po ke
- (viii) lahi he tupe moua; po ke
- (ix) tau koloa; po ke
- (x) tau fakaputuaga tupe foki:
- (ha) ko e leva he nonofo mau tohi po ke maupōuli mo e tau mena moua ati pihia e tau puhala moua tupe ati kua kumi tupe lagomatai ai:
- (ka) ko e ha iloaaga foki, ke maeke he fakafiliaga ke fifili tonu.
- (4) Ke lata mo e matakupu nai, ko ia ne **leveki foki**, ko e taha tagata ne falanaki ke he taha tagata foki ke lagomatai ha ko e tau moui, nā kai katoatoa he malolō he tino po ke nā kai maeke ke taute nī e ia haana tau mena fakatagata.

- 28 Fakaoti ha kua hoko e magaaho, fakamagalo, taofi fakakū, mo e hikiheki he lagomataiaga**
- (1) Kua fakaoti e poakiaga ma e lagomataiaga ma e kaina ha kua hoko e magaaho –
- (a) he aho, po ke kua tupu e mena ne fakakite he poakiaga; po ke
  - (e) kaeke kua mate e taha ne hagarao ki ai e poakiaga
- (2) Ko ia ne tali e hokotaki he poakiaga, kia tohi ole he ha magaaho ke he fakafiliaga ke fakamagalo, taofi fakakū, po ke hiki e poakiaga ma e, tau lagomatai ma e kaina, ha kua nā kai tatai e e haohaoaga he taha he tokoua, muiua ke he matakupu 27, ha kua hiki tuai ti kua nā kai mitaki e poakiaga he magaaho na.
- (3) Ko e fakafiliaga ke fakamagalo, taofi fakakū, po ke hiki e poakiaga, mo e mailoga e tau mena ne fakakite he matakupu 27, mo e poaki ko e vala lagomatai ne toe kia toka ha kua nā kai fāhia a ia ke foaki.

**29 Fakagahuahuaaga he poakiaga lagomatai ma e kaina**

- (1) Ko e fakafiliaga ke taute e poakiaga ke fakagahuahua e poakiaga ma e lagomataiaga ma e kaina, muiua ke he matakupu nai po ke taute nī e ia, kaeke kua fai tohi ole mai he tagata ka moua e lagomatai, mo e kua tali tonu kua nā kai omaoma a ia ne tali e hokotaki po ke ka foaki e lagomatai ke he poakiaga lagomatai.
- (2) Ko e poakiaga lagomatai ma e kaina ke fakagahuahua kia taute e tau mena nai:
- (a) kia poaki kia ia ka foaki e lagomatai ke tohi ke he fakafiliaga mo e haana tau pulega ma e fakatokatokaaga:
  - (e) kia fakafano e poakiaga ke mutu e totogi ke he haana a gahuahua ke totogi magaaho
    - (i) kia fakafano foki ha poakiaga kua lata ke mailoga –
      - (i) ko e tau tupe kua tō tua he tau tupe lagomatai, kia totogi muiua ke he poakiaga; mo e
      - (ii) ko e ha lagomatai he tau magaaho i mua kia totogi tuga he poakiaga.
- (3) Ko e tagata kua nakai omaoma ke he poakiaga ma e lagomataiaga he kaina ne kua fakagahuahua, kua agahala a ia ti kaeke kua fakamooli he fakafiliaga to fakahala a ia pehē nai:
- (a) kia totogi ke gata mai he 10 e poini:
  - (e) kia nofo he fale pagotā ke gata mai he 2 e tau.

**Vala ke Tolu aki  
Ko e tau tama mo e tau matua**

- 30 Ko e tau kakano he Vala nai**  
Hanai e tau kakano he Vala nai –

- (a) ke fakaholo ki mua e tau feakiaga he tau tama, ma e ha lautolu a moui tupuaki, mo e faka hagahaga mitaki tumau e tau puhala leveki; mo e
- (e) ke mailoga e falu tonuhia he tama; mo e
- (i) kia lali fakalahi ke moua he tau tama e tau levekiaga mai he tau matua ke maeke ia lautolu ke moui hohoko; mo e
- (o) kia lali fakalahi e tau matua ke taute e tau gahua kua lago ki luga ia lautolu ko e tau matua ma e feakiaga he tau tama mo e loga tupe mo leveki aki e tau tama; mo e
- (u) kia leveki e tau matua tupuna ne kua nā kai fahia e tau fā nau lalahi ke leveki a lautolu.

### **31 Fakatokaaga mae tau mitaki he tama**

(1) Kaeke kua manatu ke fakatoka e tau mena ma e feakiaga fakamitaki he tama, kia mailoga he fakafiliaga e tau mena nai i lalo (ka e to fai kehe kaeke kua nā kai lata he falu magaaho):

- (a) ko e ha manako ne kua fakaleo he tama, ka e uta nī e tonu ka onono atu ke he tau motua he tama mo e lotomatala:
- (e) ko e motua he tama, ko e tama taane po ke tama fifine, mo e haana  
a tupumaiaga: the child's maturity, gender, and background:
- (i) ko e mahani fakamotu ne tupu mai ai, mo e lotomatala ke tutala mo e tupumaiaga, mo e manako he tama ke fakatumau e matutakiaga mo e aga mo e mahani he motu ne hau ai:
- (o) ko e mahani he matutakiaga he tama mo e tau matua taki taha mo e ha tagata foki kua aoga:
- (u) ko e maamaaga he tama ka fai hiki e kaina, he neke mavehevehe foki e tau mamatua po ke ha tama foki, po ke ha tagata foki ne kua fakatau nonofo mo e tama:
- (fa) ko e uka he tama ke fakamahani atu ke he taha matua, ti neke eke e mena ia mo mena ke lekua e matutakiaga he tama mo e tau matua he tau magaaho oti.
- (ga) ko e fahia he tau matua takitokotaha, po ke ha tagata foki, ke lalago e tau manako he tama, putoia ai e logonaaga he tama mo e loto manamanatu:
- (ha) ko e mahani he tama, mo e mahani matua he tau matua ne kua kitia he tama he tau matua;
- (ka) kua kitia mata nakai he tama ha latau mo e mahani fāvale he kaina ne lauia e tama po ke taha tagata foki;
- (la) ko e laveakiaga he tama mai he tau mahani fāvale fakamamahi po ke hukia e loto manamanatu, ha kua kitia mata e keli po ke fāvale fakamamahi he taha tagata;



(ma) ko e ha mena foki ne kua manatu e fakafiliaga kua tūtonuhia ke he fekau.

- (2) Kia onono e fakafiliaga ke he tau mena kua kitia munitua ke he vala vala (1) pete nī kua ole atu ki ai ke taute e poakiaga ha kua auloa e taliaaga.

**32 Ko e tūaga he tau tama**

- (1) Ke lata mo e ononoaga ke he matutakiaga he taha mo e matua taane po ke matua fifine he tagata, to nakai onono nī ke he matua fifine mo e matua taane ne kua mau tohi.

- (2) Pete ia, ko e vala vala kupu (1) kua nākai lata, ka e ko e matafakatufono ne fakagahua to taute e Niue Act 1966, to fakagahua, ke –

(a) ko e fakatokaaga ma e tau koloa haana ne mate to hoko e mahina Ianuali 1967; mo e

(e) ha maveheaga foki ne taute to hoko e aho 1 Ianuali 1967; mo e

(i) ko e tufatufaaga he tau mena he tagata kua mate ka e nākai fai fakatokaaga ma e haana tau koloa to hoko e aho 1 Ianulai 1967.

**33 Taliaaga ke he tau tuluiaga he Faahi Gahua Malolō tino**

- (1) Kaeke kua lata ke fai taliaaga taha tagata a to taute taha tuluiaga faka-ekekafo, iihi tagata, po ke taute nifo (putoia ai e fagai toto) he tama –

(a) kaeke kua tū po ke molea e 16 e tau moui he tama, kua mitaki ka talia he tama; mo e

(e) kaeke kua nakaila tū e 16 e tautau moui he tama, ko e taliaaga to foaki he –

(i) taha he tau matua he tama; po ke

(ii) ha matua leveki he tama; po ke

(iii) kaeke kua nākai moua ha matua po ke matua leveki he tama (pete he leva e kumi) po ke taha foki ke foaki e taliaaga, ko e fakafiliaga.

- (2) Kua nākai fai mena he matakupu nai ke lauia ha matafakatufono po ke ha puhala he matafakatufono ne –

(a) nākai fai taliaaga po ke ha puhala taliaaga kua lata nī ke foaki; po ke

(e) ko e taliaaga he tama, ka lalafi atu ke he ha tagata foki, kua lata ke foaki; po ke

(i) ko e taliaaga he taha tagata ka e nākai ko e taliaaga he tama, kua mitaki.

**34 Ko e levekiaga pauaki he tau matua**

- (1) Ko e tau matua takitokotaha he tama kia leveki e tama, ka e haia e tau fakatokaaga he Fakatufono-tohi ai po ke poakiaga mai he fakafiliaga kaeke kua lata.
- (2) Hanai e tau kakano **ma e levekiaga pauaki he tau matua** he tama –
  - (a) ko e levekiaga mo e fakatolomaki e tau levekiaga he moui he tama, tau mena kua lata ma e haana moui tupuaki; mo e
  - (e) laveakiaga mo e fakatolomaki e tau levekiaga he moui he tama, tau mena kua lata ma e haana moui tupuaki; mo e
  - (i) kia fakatoka e puhala mo e feakiaga he tama ke lata mo e magahala he motua he tama; mo e
  - (o) lagomatai e lotomatala, loto manamanatu, malolō hakahakau he tino, tau aga mo e mahani fakamotu, mo e falu mena foki ma e moui tupuhake he tama; mo e
  - (u) fakatumau ke matutaki mo e tama he tau magaaho oti kaeke kua nākai nofo e tama mo e matua; mo e
  - (fa) kia eke mo hukui fakamooli he tama; mo e
  - (ga) kia fakatoka e puhala ma e feakiaga he tama he tau magaaho i mua.
- (3) Haia falu a tagata, ka e nākai ko e tau mamatua, ke leveki atu ke he tama tuga ko e taha matua ke he tama he tau magaaho kehekehe, tuga kua tohia he Fakatufono-tohi nai.
- (4) Ko e tau tagata oti ne kua leveki ke he tama tuga ko e taha matua, kia matutaki mo e falu tagata foki ne kua leveki e tama tuga ko e taha matua foki.
- (5) To nākai hiki e levekiaga he matua ke he tama, pete nī e hiki e puhala nonofo he tau mamatua, tuga e nonofo kehekehe po ke tau vevehe, po ke kua liu taha ha laua ke mau tohi foki po ke maupōuli mo e taha.
- (6) Ko e matakupu nai, **ko e tau fakatokaaga hokulo ma e tama he tau aho i mua**, kakano ko e tau mena tuga e levekiaga, malolō he tino mo e feakiaga he tama ke he leva he haana moui, mo e putoia ai e tau mena nai (ka e nākai kuenai) –
  - (a) ko e fakaakoaga he tama (he magaaho nai mo e tau aho i mua); mo e
  - (e) ko e moui fakaagaaga he tama mo e tau aga mo e mahani fakamotu; mo e
  - (i) ko e malolō tino he tama; mo e
  - (o) ko e higoa he tama; mo e
  - (u) kua hiki e nofoaga he tama ti uka lahi he tama ke fai magaaho ke nonofo mo e taha matua po ke taha mai he magafaoa.

**35 Ko e tau matagahua ke feaki e tama**

- (1) Kia igatia e tau matua he tama mo e leveki tumau e tama, ato fai poakiaga ke he kua taute he fakafiliaga ke hiki e puhala leveki.
- (2) Ko e falu tagata foki (tuga e falu matua leveki) kia tumau ke leveki atu ke he tama tuga kua fakakite he Fakatufono-tohi nai po ke poakiaga he fakafiliaga.
- (3) Ko e Ulu Fakatonu he faahi Gahua ke ole ke he fakafiliaga ke poaki ke he ha tagata leveki muiua ke he matakupu naik e omaoma ke he poakiaga ke leveki e tama.

*Ko e tau matua fanau*

**36 Kumikumiaga ke fakamooli e matua taane fanau he tama**

- (1) Ko e tagata aane ua tuahā ko e matua taane fanau he tama kaeke –
  - (a) ko ia mo e matua fifine fanau he tama kua mau tohi po ke nonofo maupōuli –
    - (i) he magaaho ne fakafua ai e tama; po ke
    - (ii) he magaaho ne fanau ai e tama; po ke
  - (e) kua tohi he tohi setifiketi fanau, e higoa haana ko e matua taane fanau he tama.
- (2) Pete ia, kua atāina a lautolu nai ke ole ke he fakafiliaga ke he poakiaga kumi fakamooli he matua taane fanau, ke iloa mo e fakamooli e matua taane he tama:
  - (a) ko e ha matua he tama;
  - (e) ko e tama hokoia, kaeke kua motua e loto ke fai maamaaga ke lata mo e haoaga he poakiaga ma e matua taane;
  - (i) ko e ha matua leveki he tama.

**37 Tau poakiaga ke fakamooli he matua taane fanau**

- (1) Kaeke kua fai tohi ole ke moua e poakiaga ma e kumi fakamooli he matua taane fanau he tama (muitua ke he matakupu 36 po ke ha), kia taute he fakafiliaga e poakiaga ke fakakite ko e tagata ne tokutoku ko ia, po ke nā kai ko ia, e matua fanau mooli he tama.
- (2) Ko e fakafiliaga ke taute e poakiaga kumi fakamooli he matua taane fanau ka e nā kai fai fanogonogoaga ke he talahauaga he matua fanau he tama.
- (3) Kaeke ko e matua fanau he tama ne kua tukuage e falu mena hagaao ke he poakiaga kumi fakamooli he matua taane fanau, kua nā kai lata ke kautokoua a laua ke he falu tala.
- (4) Ko e fakafiliaga ke fakaohoohe e tiviaga faka-DNA he tama to taute mo e foaki e poakiaga ke fakamooli e matua taane fanau.
- (5) Ko e tau tauteaga oti, –

- (a) Ko e poakiaga ke fakamooli e matua taane fanau kua eke ia mo fakakatoatoaaga he kumiaga, ko e tagata ne tuahā kia ai, ko ia nī ko e matua taane fanau he tama; mo e
- (e) Ko e poakiaga ke fakailoa ko e tagata ne nākai ko e matua taane fanau he tama, ko e fakakatoatoaaga a ia he kumikumiaga, kua iloa ko e tagata ia nākai ko e matua taane fanau he tama.

## Valavala 2- Levekiaga faka-matua

### 38 **Maveheaga he tau matua**

Ko e tau matua he ha tama kia fakatoka e maveheaga ma e tau puhala ke leveki aki e tama ha ko e tonuhia ha laua ke taute pihia, pete nī he faka tau nonofo po ke nonofo kehekehe mo e tūaga he fakafetuiaga he tau matua.

#### *Tau Fakatokaaga ma e levekiaga he tama*

### 39 **Ko e mahani he tau fakatokaaga ma e levekiaga he tama**

- (1) Ko e fakatokaaga ma e levekiaga he tama ko e maveheaga kua tohi ke lata mo e tama ne muitua ke he tau mena he vala vala kupu (2) ne kua taute mo e –
  - (a) tau matua he tama; po ke
  - (e) tau matua leveki he tama; po ke
  - (i) ko e ha matua po ke ha matua leveki he tama; po ke
  - (o) ko e Ulu Fakatonu he faahi gahua mo e ha matua, matua leveki, po ke taha tagata leveki he tama.
- (2) Ko e fakatokaaga ma e levekiaga he tama kia hā hā i ai e tau mena nai:
  - (a) ko hai ka leveki e tama he tau aho takitaha mo e magaaho fē mo e matakavi fē?
  - (e) ko hai (ka fai) he tama, ka maeke po ke nākai maeke ke matutaki ki ai, mo e ko e heigoa ka maeke po ke nākai, he tau matutakiaga ia;
  - (i) ko e tufatufaaga he tau levekiaga faka-matua ke lata mo e tama;
  - (o) to fefakatonutonuaki fēfē a lautolu kua lata:
  - (u) ko e tau puhala ke fematutakiaki e tama po ke nākai mo e tau matua, tau matua leveki, po ke falu tagata foki;
  - (fa) ko e puhala ke fakafeilo e tau kehekeheaga ka fakagahua e fakatokaaga, mo e hikihikiaga he fakatokaaga.
- (3) Kia lalafi foki ke he fakatokaaga e falu levekiaga tuga e moui tupuhake, moui malolō, po ke ha mena foki kua lata e matua ke taute, puotia ai foki e leveki faka-tupe.
- (4) Ko lautolu oti ne kua fakamooli ke he matalima tohi e fakatokaaga leveki ma e tama, ko ia taha kua totou he fakatokaaga leveki ma e tama.

- (5) Ko e tau lā fakatufono ne kua taute i lalo hifo he Fakatufono-tohi nai, kia tālaga e fakatino palana ke lata mo e fakatokaaga leveki he tama.

**40 Tohi fakamau he fakatokaaga leveki ma e tama**

- (1) Ko e ha tagata ne kaufakalataha ke he fakatokaaga leveki kua maeke ke ole ke he fakafiliaga ke tohia fakamau e fakatokaaga leveki he tama.
- (2) Kia tohia fakamau he fakafiliaga e fakatokaaga leveki kaeke kua talitonu, kua lata ke eke pihia ma e moui he tama.
- (3) Kaeke ko e tama kua lahi mo e motua ke maama e haoaga he fakatokaaga leveki, kia mailoga he fakafiliaga e tau manatu he tama.
- (4) Kaeke kua nakai talitonu e fakafiliaga ke he fakatokaaga leveki ma e tama, kia taute e taha magaaho ke fanogonogo ti fakailoa kia lautolu oti ne kua mailoga he fakafiliaga, e aho, tulā, mo e matakavi ka taute e fakanogonogoaga.
- (5) Kaeke kua oti e fakanogonogo, kia taute he fakafiliaga po ke kua fai ole pihia mai ia taha, ke liu kitekite ke he fakatokaaga leveki -
- (a) hiki e fakatokaaga, mo e moua e taliaaga mai ia lautolu kua lata; ti fakamau, po ke
- (e) fakaoti e fakatokaaga ti taute e poakiaga ma e levekiaga he tama he tau matua.
- (6) Ko e fakatokaaga leveki he tama ne kua tohia fakamau, kua tatai e haoaga mo e poakaiaga leveki he tama he tau matua.

**41 Fakaotiaga ha kua hoko e magaaho, fakamagalo, mo e hikihikiaga he tau leveki he matua ne kua tohia fakamau**

- (1) To fakaoti e fakagahuahuaaga he fakatokaaga leveki he tama ka tū e 18 e tau tau moui he tama.
- (2) Hanai a lautolu ka ole ke fakamagalo po ke hikihiki e fakatokaaga leveki he tama ne kua tohia fakamau:
- (a) ko e taha mai ia lautolu ne putoia ke he fakatokaaga leveki he tama:
- (e) ko e ha tama ne haggao e fakatokaaga ki ai, kaeke kua hoko e tau he tama ke he magahala kua maekek ia ia ke maama e haoaga he fakatokaaga.
- (3) Ke lata mo e tohi ole ke fakamagalo, po ke hikihiki e fakatokaaga leveki he tama, kia taute he fakafiliaga e tau mena nai –
- (a) kia tukuatu taha magaaho ke fakakite manatu a lautolu he fakatokaaga leveki he tama mo e tama kua lahi mo e motua e loto ke iloa e haoaga he fakatokaaga; mo e
- (e) liu kitekite ke he fakatokaaga leveki he tama.
- (4) Kaeke kua mole atu e liu kitekite he fakatokaaga leveki he tama, kia taute he fakafiliaga e tau mena nai, –

- (a) hiki e fakatokaaga leveki he tama; po ke
  - (e) fakamagalo e fakatokaaga; po ke
  - (i) fakamooli e fakatokaaga
- (5) Ko e fakatokaaga leveki he tama ne kua hikihiki he fakafiliaga munitua ke he matakupu nai, kua tatai e haoaga mo e fakatokaaga fakamua ne kua tohia fakamau e lautolu.

*Poakiaga ma e tau Matua*

**42 Ko e mahani he Poakiaga ma e tau matua**

- (1) Ko e **poakiaga ma e tau matua** ko e poakiaga he fakafiliaga ne fakamatafeiga po ke fakakite ke lata mo e tama e falu mena tuga a nai:
- (a) ko hai ka leveki e tama he tau aho takitaha, he magaaho fē mo e matakavi fē
  - (e) ko hai (kaeke kua fai) he tama ka matutaki ki ai po ke nākai mo e ko e heigoa e tau mena ka nākai taute ka matutaki
  - (i) ko e tufatufaaga he tau gahua he tau mamatua, putoia ai e lagomatai tupe;
- (2) Ko e poakiaga ma e tau matua ke putoia ai foki e falu a mena kua fioia he fakafiliaga tuga ae nai -
- (a) puhala ke onono ki ai ka fai huhū haaao ke he levekiaga he tau matua he tama:
  - (e) ko e tau mena he matua po ke matua leveki ka nākai taute a to moua e taliaaga he fakafiliaga:
  - (i) ko e tau puhala kua maeke ke matutaki mo e taha (tuga e matutaki fakatagata po ke matutaki ka e nākai fēkitiaaki tuga tau tohi, ui telefoni po ke meli hila);
  - (o) ko e matakavi, leva , mo e magaaho ne matutaki ai mo e taha tagata, mo e kua lata nakai ke fai tagata foki ke nofo ai he magaaho ka matutaki ai.
- (3) Kaeke kua fekehekeheaki e poakiaga leveki he tama mo e tau leveki pauaki fakamatua he tama, kia uta fakamua e poakiaga leveki he tama.
- (4) Ko lautolu oti ne lauia ke he poakiaga leveki he tama, mo e ha tagata ne fai levekiaga pauaki ma e tama he poakaiaga he leveki he tama, kia munitua ke he poakaiaga ka e nākai taute ha mena ne kua nākai ō tatai mo e poakaiaga.

**43 Tohi ole ke moua e poakiaga ma e levekiaga he tama he tau matua**

Kua atāina a lautolu oti nai i lalo ke ole ke moua e poakiaga leveki he tama:

- (a) ko e taha po ke tokoua e tau matua he tama;
- (e) ko e ha matua leveki he tama;
- (i) ko e tama. kaeke kua lahi e tama mo e motua ke maama e poakiaga mo e haoaga he poakiaga;

(o) mai he fakaatāaga he fakafiliaga, ko e ha matakainaga he tama.

**44 Ko e fakafiliaga ke taute e poakiaga ma e levekiaga he tama he tau matua**

(1) Kia taute he fakafiliaga e poakiaga ma e levekiaga he tama he tau matua –

(a) he pule tonuhia nī haana, mo e falu tauteaga foki po ke nākai; po ke

(e) ha ko e tohi ole kua moua munitua ke he matakupu 43.

(2) Kaeke kua onono ke taute taha poakiaga kia fakatumua e tau mena ma e moui tupuhake he tama, ti kaeke kua fakamooli ke taute, kia onono fakalahi ke he tau fakatokaaga.

(3) Kua totou e tagata **ko e taha matua ke leveki e tama** ne kua fakakite he poakiaga kaeke ko e tagata –

(a) kua manako po ke atāina ke eke mo taha matua leveki he tama; po ke

(e) kua moua e malolō kotofa ke matutaki mo e tama

**45 Ole ke he puhala ke fakatila e moui he tau magaaho i mua**

Kaeke kua fai poakiaga kua fakagahua ma e levekiaga he tama , ko lautolu nai kua maeke ke ole ke he fakafiliaga ke he puhala ke fakaholo e moui he tama he tau magaaho i mua

(a) ko e taha po ke tau matua tokoua he tama;

(e) ko e ha matua leveki he tama;

(i) ko e tama hokoia, kaeke kua lahi e tama mo e motua e loto ke maama e haoaga he poakiaga;

(o) mai he fakaatāaga he fakafiliaga, ko e ha matakainaga he tama.

**46 Ko e fakafiliaga ke fakatoka e puhala ma e moui tupuola he tama he tau aho i mua**

Ko e fakafiliaga ke fakatoka e puhala ma e moui tupuola he tama he tau aho i mua -

(a) he pule tonuhia he fakafiliaga, ha ko e falu mena i mua he fakafiliaga; po ke

(e) ha ko e taha ole ne taute munitua ke he matakupu 45.

**47 Fakaotiaga ha kua hoko e magaaho, fakamagalo noa, mo e hikihiki he poakiaga leveki he tama.**

(1) Ko e poakiaga leveki he tama to fakaoti kaeke kua tū e 18 e tau tau moui he tama.

(2) Ko lautolu nai kua maeke ke ole ke he fakafiliaga ke hiki po ke fakamagalo e poakiaga leveki he tama:

- (a) ko e ha tagata ne kaufakalataha ke he poakiaga;
  - (e) ko e tama hokoia, kaeke kua lahi e tama mo e motua ke maama e haoaga he poakiaga;
  - (b) ko e Ulu Fakatonu he Faahi Gahua
- (3) Ko ia ne tuku e tohi ole, ko lautolu oti kua kau fakalataha ke he poakiaga leveki he tama, mo e tama (kaeke kua lahi mo e motua ke maama e haoaga he poakiaga) kia tukuage e magaaho ke fanogonogo ki ai po ke tuku ha lautolu a tau manatu ke he ole ke hiki po ke fakamagalo noa e poakiaga leveki he tama.
- (4) Ko e fakafiliaga ke hiki po ke fakamagalo e poakiaga ma e levekiaga he tama kaeke kua talitonu ko e hikiaga po ke fakamagalo noa to fai mitaki ka moua mai ke lata mo e tama.

**48 Fakagahuahuaaga he poakiaga ma e levekiaga he tama**

- (1) Ko lautolu nai kua maeke ke ole ke he fakafiliaga ke onono kua muitua mooli nakai taha ke he poakiaga leveki he tama:
- (a) ko hai nī ne kua kaufakalataha ke he poakiaga leveki he tama;
  - (e) ko e tama hokoia ne hagarao e poakiaga leveki tama ki ai kaeke kua lahi mo e motua e loto ke maama e haoaga he poakiaga leveki tama;
  - (i) ko e Ulu fakatonu he faahi gahua.
- (2) Kaeke kua talitonu e fakafiliaga kua nākai muitua mooli e tagata ke he poakiaga, kia taute he fakafiliaga ha mena nai, ke lata mo e moui mafola he tama:
- (a) liu tukuage ke he tagata ne nākai omaoma ke he poakiaga (mo e manako ke he tagata ke totogi e tupe gata mai he \$5,000 ke he fakafiliaga);
  - (e) kia hikihiki po ke fakamagalo e poakiaga (tuga e mutu hifo e magaaho ka nofo e tama mo ia, po ke matutaki mo ia).
- (3) Kaeke kua talitonu e fakafiliaga kua nākai omaoma a ia ke he poakiaga ke liuaki e tama tuga ne talahau he poakiaga leveki he tama, kia foaki e malolō kotofa ke he faahi leoleo po ke taha ne kua tohia e higoa he tohi kotofa: –
- (a) ke utakehe mafiti e tama; mo e
  - (e) kia taatu e tama kia ia ne kua lata e tama ke liuaki ki ai muitua ke he poakiaga leveki he tama.
- (4) Kaeke kua nākai omaoma e tagata ne kua totogi tupe ke he fakafiliaga ne kua nākai omaoma ke he poakiaga leveki he tama, mo e poakiaga kua fakagahuahua ma e levekiaga he tama, kia poaki e fakafiliaga ke toka e tupe ia he Fakatufono, e taha vala po ke mena katoa.

Valavala 3 – Tau poakiaga totogi tupe



*Poakiaga totogi tupe ma e levekiaga he tama*

**49 Ko e mahani he poakiaga**

- (1) Ko e poakiaga lagomatai mo leveki e tama ko e poakiaga ne kua lata ma e tagata ke fai levekiaga ma e tama, maitua ke he matakupu 35 ke totogi tupe po ke fai puhala levekiaga foki ma e tama ke tukuage kia ia ne leveki e tama.
- (2) Pete nī e fai poakiaga totogi tupe kua taute ma e taha e tagata ke lagomatai leveki e tama , nākai ko e mena ia ke fakateaga e tau lagomatai he falu ne kua tūtonu ke lagomatai tupe po ke taha puhala foki e tama.

**50 Tohi ole ke moua e lagomatai totogi tupe ma e levekiaga he tama**

- (1) Ko lautolu nai kua maeke ke ole ke he fakafiliaga ke moua e poakiaga lagomatai totogi tupe mo leveki e tama (pete nī e fai po ke nākai fai levekiaga fakamatua a taha):
  - (a) ko e taha matua he tama:
  - (e) ko e matua leveki he tama:
  - (i) ko e Ulu fakatonu he faahi gahua:
  - (o) ko e ha matakainaga he tama

**51 Ko e fakafiliaga kua maeke ke taute e poakiaga lagomatai totogi tupe mo leveki e tama**

- (1) Ko e fakafiliaga kua maeke ke taute e poakiaga lagomatai totogi tupe mo leveki e tama kaeke kua talitonu kua lata ke eke pihia ha ko e; –
  - (a) tau mena kua lata mo e moui he tama; mo e
  - (e) ko e tau vahega lagomatai ne fa e feaki aki he taha e tama he magaaho nai; mo e
  - (i) ko e muhu koloa he tagata ne kumi lagomatai ki ai.
- (2) Ko e tau lagomatai kua lata mo e tama, to onono ki ai e fakafiliaga ke he tau vahega mena pehē nai:
  - (a) ko e tau moui he tama:
  - (e) ko e tū hagahaga mitaki he nofoaga he tama;
  - (i) ko e malolō tino mo e ha tului ekekafo pauaki ke lata mo e tama;
  - (o) ko e fakaakoaga mo e falu fakaako fakamahani he tama;
  - (u) ko e ha mena ne manako pauaki ma e tama;
  - (fa) ko e tūaga he tau koloa tupe he tama.
- (3) Ka onono ke he muhu koloa he tagata ne kua kumi lagomatai ki ai, kia mailoga he fakafiliaga e tau mena nai:
  - (a) ko e tau tupe moua, moui gahua tupe, tau koloa mo e muhu tupe he tagata:
  - (e) ko e tau mena totogi he tagata ne kumi lagomatai ki ai –
    - (i) a ia mo e magafaoa haana; mo e

- (ii) ko e taha tama mo e fai tagata kehe foki ke leveki lagomatai:
  - (i) ko e tau mena loga ke totogi ha ko e levekiaga ke he tama:
  - (o) ko e ha mena foki ka nākai mailoga, kua to kelea mo e matematekelea lahi e tagata.
- (4) Ko e poakiaga totogi tupe ma e levekiaga he tama, to lauia e falu po ke lauia oti e tau mena nai:
- (a) kia totogi tuku pau e tupe, totogi he taha e magaaho po ke totogi valavala;
  - (e) totogi lagataha he faahi tapu e tupe, lagataha he mahina, lagataha he tau po ke ha vahega totogi fufuta;
  - (i) kia taha e tagata ka lau e tau koloa ne fakakite he poakiaga kia ia ne leveki e tama.
- (5) Ko e poakiaga totogi tupe ma e levekiaga he tama kia –
- (a) taute tumau po ke taute fakakū; po ke
  - (e) kia eke fakamafiti, to hoko ke he fakaotiaga he fakafiliaga; po ke
  - (i) kia lata mo e taha magaaho nī, po ke to hoko atu ke he taha fakamanatuaga (tuga ka tū e tau mahuiga he tama): po ke
  - (o) kua taute mo e fai omoiaga; po ke
  - (u) putoia ai ha mena kua lata
- (6) Ko e matakupu nai mo e tau matakupu 52 mo e 53, –
- ko e tama lahi** kakano ko e tama taane po ke tama fifine kua molea e tau 18 he moui
- ko e tama** putoia ai e tama lahi –
- (a) ne fano agaia he aoga fakaako; po ke
  - (e) ne fai gagao he tino mo e loto manamanatu

**52 Fakaotiaga ha kua hoko e magaaho, fakamagalo, taofi fakakū, mo e hikihihiaga he tau levekiaga ma e tama**

- (1) Ko e poakiaga totogi tupe ma e levekiaga he tama to fakaoti ka tū e 18 e tau moui he tama, ka e fai kehe kaeke kua fai talalahauaga e fakafiliaga ke fakatumau e leveki he tama lahi –
- (a) ke maeke he tama kua lahi ke fakakatoatoa haana a fakaakoaga; po ke
  - (e) ha kua nākai malolō e loto manamanatu mo e nākai katoatoa e malolō tino he tama lahi.
- (2) To fakaoti e poakiaga totogi ma e levekiaga he tama kaeke –
- (a) kua mate e tama, hiki tohi, po ke fakalatahaaga mau tohi; po ke
  - (e) ko ia ne kua kotofa ke lagomatai atu ke he tama, kua mate a ia; po ke
  - (i) ko ia ne kua lata ke moua e totogi tupe lagomatai ma e levekiaga he tama, kua mate a ia.

- (3) Ko e fakafiliaga, ha ko e tohi ole he taha ne lauia he poakiaga, kia fakamagalo, taofi fakakū, po ke hiki e poakiaga totogi tupe ma e levekiaga he tama kaeke kua talitonu ke he tau mena nai –
- (a) ko e poakiaga ne kua taute mo e mahani kolokolovao; po ke
  - (e) tali mai he taute e poakiaga, kua fai mena foou kua moua; po ke
  - (i) tali mai he taute e poakiaga, kua fai hikiaga e tau momoui ti kua lata ke fakaoti po ke taofi fakakū po ke fakahui aki e taha poakiaga foou.
- (4) Ko e malolō kotofa ke hiki e poakiaga kua aofia ai e malolō kotofa ke totogi e tau tupe ne tō tua e totogi.

**53 Fakagahuahuaaga he tau poakiaga totogi tupe ma e levekiaga he tama**

- (1) Ko e fakafiliaga kia taute e poakiaga fakagahuahua he poakiaga totogi tupe ma e levekiaga he tama, muitua ke he matakupu nai, he haana kitiaaga, po ke kua moua e tohi ole mai ia ia kua lata ke moua e totogi tupe lagomatai, kaeke kua talitonu kua nākai omaoma a ia ne lata ke totogi tupe lagomatai kia ia ne lata ke moua.
- (2) Ko e poakiaga ne muitua ke he matakupu nai, kia taute taha po ke loga atu e tau mena nai:
- (a) kia poaki kia ia ne nākai omaoma ke tukuatu ke he fakafiliaga e taha fakatokaaga foki he matalima tohi haana:
  - (e) kia poaki kia ia ne fakagahua a ia, ke mutu e totogi he tau magaaho fafati:
  - (i) kia tuku foki e taha poakiaga ne kua lata –
    - (i) ko e ha totogi tō tua kia totogi muitua ke he poakiaga
    - (ii) ko e tau totogiaga ke lata mo e tau magaaho i mua kia muitua ke he poakiaga.

*Ko e Tupe Fakamole he magaaho ka fanau he tama*

**54 Ko e poakiaga ma e tau tupe fakamole he magaaho ka fanau e tama**

- (1) Ko e poakiaga ma e tau tupe fakamole he magaaho ka fanau e tama ko e poakiaga ke lata mo e matua taane he tama ke totogi taha tupe ke lagomatai e tau gahua nai:
- (a) lagomataiaga he matua fifine he magaaho ne fakafua tama ai:
  - (e) ko e tau tupe fakamole he matua fifine ke lata mo e ahiahi ke he fale gagao mo e magaaho ne fanau:
  - (i) kaeke kua mate e matua fifine ha ko e fakafua tama po ke magaaho ne fanau, kia lagomatai e tau tupe fakamole he mauku;
  - (o) kaeke kua kaumahala e tama he fanau, po ke fanau e tama kua mate i loto he manava, kia lagomatai ke he tau tupe fakamole he mauku he tama.

- (2) Kia taute he fakafiliaga e poakiaga totogi tupe ma e magaaho ka fanau e tama kaeke kua fai ole mai –
- (a) e matua fifine he tama
  - (e) kaeke kua mate e matua fifine, ti ole he taha he magafaoa he matua fifine
- (3) Ko e vala vala kupu (2) kua lata mo e matua taane he tama ne nākaila mau tohi ke he matua fifine he tama.
- (4) Kaeke ke onoono ke he lahi he tupe ka poaki ke totogi, kia onoono e fakafiliaga ke he tau mena nai nī hokoia:
- (a) ko e tau tupe moua, moui gahua tupe, tau koloa, mo e muhu tupe he matua fifine mo e matua taane he tama;
  - (e) ko e tonuhia he matua fifine mo e matua taane he tama ke leveki nī e laua a laua mo e ha tama po ke ha tagata foki ne kua nofo ke he levekiaga haana.
  - (i) ko e ha mena foki kaeke kua nā kai iloa, ka fakahagahaga mo e fakamatematekelea taha tagata.
- (5) Ko e poakiaga ne munitua ke he matakupu nai to fakagahuahua ha ko e tupe ka totogi ne kua fakatoka he fifiliaga he fakafiliaga.

#### Vala vala 4 – Ko e Tau Matua Leveki

##### 55 Ko e mahani he poakiaga ma e tau matua leveki

- (1) Ko e **poakaga ma e matua leveki** ko e poakiaga ne kotofa e taha tagata ne nā kai ko e matua fanau he tama ke eke mo matua he tama, munitua ke he tau fakatokaaga he poakiaga ma e matua leveki, mua atu, –
- (a) ke taute falu po ke tau levekiaga oti faka-matua ma e tama, mo e
  - (e) kaeke kua manako pihia he poakiagg ma e matua leveki, ke leveki e Tama.
- (2) Kaeke ko e poakiaga ma e matua leveki he tama ne moui agaia e taha matua, ko e levekiaga he matua fanau to munitua ke he tau fatifatiaga he poakiaga ma e matua leveki ne taute ma e tama.
- (3) Ko e tau matua leveki oti he tama, kia fēfakatonutonuaki mo e falu matua leveki foki mo e ha tagata kua fai levekiaga faka-matua ke he tama kaeke kua lata.

##### 56 Ko e tohi ole ke moua e poakiaga matua leveki

- (1) Ko e tohi ole ke moua e poakiaga ma e tagata leveki kua lata nī mo e tama ne kua nofo fakatagata i Niue he magaaho ne tuku ai e tohi ole.
- (2) Ko e tohi ole kia tuku atu he taha ia lautolu nai –
- (a) ko e matua fanau he tama, hokoia tokotaha; po ke
  - (e) taute tokoua he tau matua fanau he tama; po ke
  - (i) Ulu fakatonu he faahi gahua Fakafili; po ke

- (o) ha tagata ne kua tuku e tohi ole ke eke mo matua leveki, po ke toko 2 e tagata ne kua tuku e tohi ole ke eke mo matua leveki tokoua, he tama.

(3) Ko e tohi ole ke moua e poakiaga ma e matua leveki he tama kia taute pehē nai –

- (a) Fakakite e tau puhala leveki he tama ka feaki he matua leveki ne ole; mo e
- (e) kia talahau ko e fāhia nakai e matua leveki ne ole ke leveki e tama; mo e
- (i) kia fakapiki e taliaga ke he poakiaga matua leveki tama ne kua fakamooli he matalima tohi; mo e
- (o) kaeke ko e tohi ole ne taute he taha nī e matua he tama, kia tuku foki –
  - (i) e tohi he taha matua ne talia e poakiaga matua leveki; po ke
  - (ii) e fakamaamaaga he kakano ne nākai fai taliaaga kua fakamooli he matalima tohi he taha matua ne fakapiki ke he tohi ole; mo e
- (u) kaeke kua lahi e tama mo e motua e loto ke maama e haoaga he poakiaga kia fakapiki foki e haana a taliaaga ne fakamooli he haana matalima tohi ke he tohi ole ne kua tuku.

**57 Ko e Fakafiliaga ke taute e poakiaga ma e tau matua leveki**

(1) Ko e fakafiliaga ke taute e poakiaga ma e tau matua leveki he tama kaeke kua talitonu –

- (a) ko e tama haia ne nofo i Niue mo e
  - (i) nākai nonofo tokoua e tau matua fanau he tama i Niue; po ke
  - (ii) ko e ha matua fanau he tama ne nofo agaia i Niue kua nākai fāhia, nākai fia loto, nākai lata ke eke mo matua ke he tama; mo e
- (e) kua iloa maaliali e tau mena ne kua lata e matua leveki ke taute; mo e
- (i) ko e matua leveki kua 21 mo e molea e 21 e tau moui mo e
  - (i) kua talia ke he tau fatifatiaga he poakiaga; mo e
  - (ii) kua mitaki ke eke mo matua leveki he tama; mo e
  - (iii) kua maeke ke muiua ke he tau fatifatiaga he poakiaga; mo e
- (o) kua mitaki lahi e poakiaga ma e tau magaaho oti ma e moui he tama.

(2) Kia mailoga he fakafiliaga, ko e tau matua leveki he tama, ko e tau matua he hologa ne tupu mai ai e tama.

(3) Ko e ha poakiag ma e ha matua leveki he tama, kia –

- (a) talahau ko e matua leveki he tama kia tokaga ke he tama he tau aho takitaha; mo e
- (e) talahau fakatonu ko e fakatonutonu nakai mo e tau matua fanau he tama ke he falu levekiaga foki faka-matua ma e tama; mo e
- (i) talahau fakatonu, ko e fai amaamanakiaga nakai ke he matua leveki ke fai fakamoleaga ma e levekiaga he tama.

**58 Fakaotiaga, fakamagalo noa, mo e hikihikiaga he poakiaga matua leveki**

- (1) Ko e poakiaga he matua leveki -
  - (a) kua tū e 18 e tau moui he tama;
  - (e) kua mate e tama;
  - (i) kua magalo noa e poakiaga muiua ke he tau fatifatiaga.
- (2) Kia hiki po ke fakamagalo he fakafiliaga e poakiaga matua leveki kaeke ko e ole he -
  - (b) matua leveki muiua ke he poakiaga; po ke
  - (e) tama ne hagaao ki ai e poakiaga, kaeke kua lahi e tama mo e motua ke maama e hagaaoaga he fakamagalo noa po ke ononoaga ke hiki; po ke
  - (i) taha he tau matua fanau he tama; po ke
  - (o) Ulu fakatonu he faahi gahua
- (3) Kia fakamagalo noa he fakafiliaga e poakiaga matua leveki kaeke kua talitonu, -
  - (a) kua fai mena ne iloa, ti kua lata nī fakamagalo noa e poakiaga ha kua nā kai hagahaga mitaki ke he moui he tama; mo e
  - (e) kaeke kua fakamagalo noa e poakiaga, kia fai matua leveki po ke matua fanau he tama kua maeke, manako mo e lata tonu ke leveki e tama mo e tau mena fakamole oti kana kaeke kua pihia; mo e
  - (i) kua fanogonogo e fakafiliaga ke he tau manatu he tama, kaeke kua lahi mo e hoko e tau moui he tama ke maama e kakano he haoaga he fakamagalo noa.
- (4) Kia hiki he fakafiliaga e poakiaga matua leveki kaeke kua talitonu ko e -
  - (a) hikiaga ia kua lata mo e tama he magaaho tonu ia; mo e
  - (e) ko e hikiaga he poakiaga ke fakakite e tagata ka leveki e tama mo e (kaeke kua lata) ko hai ka leveki e tau fakamoleaga he tama; mo e
  - (i) ko e matua leveki kua talia e hikiaga mo e to maeke ke muiua ke he poakiaga kua hiki; mo e
  - (o) kaeke ko e hikiaga kua fakakehe e tonuhia he matua fanau he tama, kia fai magaaho kua tukuage ke matua fanau ke fakakite

manatu ke he hikiaaga ti kua mailoga he fakafiliaga e tau manatu kua moua; mo e

- (u) kaeke kua lahi mo e motua e tama ke maama e haoaga he hikiaga, kua tukuage e magaaho ke fai manatu e tama, ti kua mailoga foki e tau manatu haana.

**59 Ko e tau matua leveki ne kotofa he matua fanau he tama**

- (1) Kia igatia e tau matua fanau he tama, ka tohia fakamua he maveheaga ke lata mo e tau koloa he tagata ka mate a ai, kotofa he matua leveki ma e tama ka mate taha ha laua.
- (2) Ko e matua leveki ha kua mate e matua fanau he tama, kia munitua ke he tau levekiaga oti ma e tama ne kua tohia he poakiaga matua leveki mo e tau mena fakamole oti.
- (3) Pete ia, kaeke kua fai matua leveki he mate e maua fanau he tama mo e matua fanau ne moui agaia po ke matua leveki ne kotofa he poakiaga matua leveki, ko ia ne kotofa he matua fanau to mate, kia eke ko e taha matua leveki he tama mo e tau mena fakamole ma e tama, ka e eke nī pihia kaeke –
  - (a) ko e fakatokaaga fakamatua ne taute mo e matua fanau po ke taha matua leveki foki; po ke
  - (e) ko e poakiaga he fakafiliaga

Valavala 5 – Taofi mau he tama ke nakai fano utakehe mai i Niue

**60 Taofi mau he tama ke nākai utakehe mai i Niue**

- (1) Kia taute he fakafiliaga e tau puhala ke taofi e tama nākai uta kehe mai i Niue kaeke kua talitonu kua amanaki e taha tagata ke utakehe mai e tama i Niue mo e ko e tauteaga ia to –
  - (a) holia e poakiaga ne munitua ke he Fakatufono-tohi nai; po ke
  - (e) moumou e ole he taha tagata, po ke amanaki ke ole ke moua e poakiaga, munitua ke he Fakatufono-tohi nai.
- (2) Kaeke ko e taofiaga ke nākai fano kehe e tama mai i Niue, kia taute he fakafiliaga e taha po ke taute ua e tau mena nai:
  - (a) kia foaki e tohi fakaatā ke he taha ofisa leoleo po ke taha tagata ne kua tohia e higoa he pepa fakaatā, ke utakehe e tama (he ha puhala kua lata) mo e toka ke he levekiaga he Ulu Fakatonu he faahi gahua, mo e fakatali ke he taha poakiaga mai he fakafiliaga:
  - (e) utakehe ha tiketi po ke ha pepa fano fenoga he tama po ke ha tagata ne kua amanaki ke utakehe e tama mai i Niue, po ke uta ua, kia tukuage ke he faahi leoleo ke he fiha e leva mo e ha hātakiaga ne kua fifili he fakafiliaga ha ko e tau mena tupu he magaaho ia.

- (3) A to tū e lima e aho he foaki e tohi fakaatā he vala vala kupu (2)(a), ko e mena nai kia tuku ki mua he fakafiliaga ke fai tauteaga.
- (4) Ko e tagata ne kua tukuage e poakiaga i lalo hifo he valavala kupu (2)(e), kia ole ke he fakafiliaga ke fakamagalo e poakiaga ti kia eke pihia he fakafiliaga kaeke kua talitonu ko e tau mena tupu he magaaho ia, ati tukuage e tau pepa ke he faahi leoleo, kua fakaoti tuai.

**61 Ko e agahala he utakehe e tama mai i Niue**

- (1) Kua agahala e tagata kaeke kua utakehe po ke lali ke utakehe e ia e tama mai i Niue ka e nā kai fai fakaatāaga mai he fakafiliaga –
  - (a) ka e kua iloa kua fai tagata ne kua tuku e tohi ole, po ke amanaki ke tuku e tohi ole ke moua e poakiaga munitua ke he Fakatufono-tohi nai: po ke
  - (e) kua iloa kua fai poakiaga munitua ke he Fakatufono-tohi nai, ma e tama ke –
    - (i) leveki he taha tagata e tama he tau aho takitaha; po ke
    - (ii) fakagahua e malolō kotofa ke fifili taha tagata ke matutaki tumau mo e tama.
- (2) Ko e tagata ne kua fakahala ha kua holia e valavala kupu (1) kia fakahala ke he 100 poini fakahala po ke tuku he fale he tau pagotā ke hoko atu ke he 12 e mahina, po ke taute ua e tau fakahala.

Vala vala 6 – Ko e Toih tama hiki

**62 Tohi ole ma e poakiaga tohi tama hiki**

- (1) Kua atāina ke tuku e tohi ole ma e poakiaga ke hiki tohi he tama.
- (2) Ko e ha tagata ke tuku e tohi ole ke hiki tohi ha tama ko e –
  - (a) tagata Niue, po ke moua e tonuhia ke nofomau i Niue, po ke kua nofo tumau i Niue; mo e
  - (e) kua tū po ke molea e 21 e tau moui.
- (3) Ko e tau tohi ole oti kia fakapuke he pepa pauaki mo e fakapiki ki ai e tau fakamooliaga ne fafati he matakupu 64.

**63 Kia taute he fakafiliaga e poakiaga ke tohi tama hiki**

- (1) Kia taute e fakafiliaga e poakiaga ke tohi tama hiki e tama, kaeke kua talitonu ke he tau mena nai:
  - (a) ko ia, po ko laua, ne taute e tohi ole kua malolō katoatoa ke leveki mo e eke mo tau matua he tama;
  - (e) ko ia, po ko laua kua fāhia ke leveki e tama;
  - (i) ko e poakiaga ke tohi tama hiki e tama, to fai mitaki ma e tama;
  - (o) ko laua kua tū mo e molea e 21 e tau tau moui;
  - (u) ko e ha fakamooliaga tuga ne fakatoka he matakupu 64 kua foaki foki tuga he fafati he matakupu ia.



- (2) Kaeke ko e tohi ole ne kua taute tokotaha e ia ne kua mau tohi, po ke mau maupōuli ke he taha tagata, kia talitonu e fakafiliaga ke he tūaga he tokoua po ke hoa –
  - (a) kua talia e tohi ole (kua mau tohi a laua ka e kua nonofo kehekehe); mo e
  - (e) kua malolō katoatoa a laua.
- (3) Fakamua to taute he fakafiliaga e poakiaga ke tohi tama hiki, kia moua he fakafiliaga mo e kua onono ke he hokotaki ne kua taute he Ulu Fakatonu he faahi gahua hagai ke he tohi ole.

**64 Ko e tau fakamooliaga ke talia fakamua to taute e poakiaga ke tohi tama hiki**

- (1) Ko e fakamooliaga mai he matua fifine fanau kua talia ke hiki tohi e tama kia moua fakamua to maeke e tama ke hiki tohi, ka e kia fai kehe kaeke kua lata mo e vala vala kupu (3).
- (2) Ko e fakamooliaga mai he matua taane fanau kua talia ke hiki tohi e tama kia moua fakamua to maeke e tama ke hiki tohi, ka e kia fai kehe kaeke kua lata mo e vala vala kupu (3), kaeke kua tohia e higoa he matua taane he seitifikete tohi fanau.
- (3) Ko e fakamooliaga he matua fanau kua nākai manako kaeke ko e matua –
  - (a) kua mate; po ke
  - (e) kua tiaki noa po ke fakatokaveli e tama; po ke
  - (i) kua fai kakano uho ne kua nākai lata ke leveki e tama; po ke
  - (o) kua nākai malolō ke foaki e taliaaga
- (4) Ko e taliaaga he tama kua manako foki ki ai kaeke ko e tama ne amanaki ke hiki tohi kua tū po ke molea e 12 tau moui ti kua lotomatala foki ke maama e haoaga he poakiaga tohi tama hiki.
- (5) Ko e tau fakamooli taliaaga oti ne fafati he matakupu nai kia –
  - (a) tohia he matalima tohi; mo e
  - (e) kia fakamooli he Iki Fakafili po ke Fakamau Kupu Lahi he fakafiliaga, taha loea, po ke ekekafo; ko lautolu ia ke fakamooli, ko ia ne talia, kua maama e haoaga he Poakiaga tohi tama hiki.
- (6) Ko e taliaaga fakamooli he matua fifine fanau kia –
  - (a) taute he 10 e aho he mole atu e fanau he tama; mo e
  - (e) kaeke ko e nākaila tū e 18 tau moui he matua fifine fanau, kia foaki e taliaaga kaeke kua fai loea lalago a ia ne kua fakamaama e haoaga he tohi tama hiki.

**65 Liuaki he taliaaga**

- (1) Ko e matua fifine fanau he tama ne kua talahau e taliaaga, ke hiki tohi e tama, ka e nākaila molea e 30 e aho he fanau e tama, kia liuaki haana a taliaaga mo e fakailoa ke he fakafiliaga he ha magaaho to hoko atu ke he 30 e aho.

- (2) Kaeke kua moua he fakafiliaga e tohi ole ke liuaki e taliaaga he matua fifine fanau to hoko e 30 e aho he fanau e tama, kia taute he fakafiliaga pehē nai –
- (a) fakailoa ke he matua ne hiki tohi e tama, po ke faahi gahua ne leveki e tama, ke liuaki e tama ke he matua fifine fanau; mo e
- (e) kia fakaoti e poakiaga tohi tama hiki ne kua fakagahua.
- (3) Kaeke kua fakaoti e poakiaga tohi tama hiki muiua ke he matakupu nai, kia mailoga ko e tama ne nākaila hiki tohi e taha.

**66 Ko e Haoaga he poakiaga tohi tama hiki**

- (1) Kaeke kua hiki tohi e tama i lalo hifo he poakiaga tohi tama hiki, –
- (a) kua mailoga he tau matafakatufono (putoia ai e matafakatufono he tau kelekele) ko e tama hiki tohi ko e tama he tau matua hiki; mo e
- (e) kua mailoga he tau matafakatufono (putoia ai e matafakatufono he tau kelekele) ko e tama kua nākai fai tonuhia ko e tama he matua fifine fakamua mo e matua taane fakamua; mo e
- (i) kua lago ki luga he tau matua hiki e levekiaga fakamatua he tama, mo e tau tupe fakamole ke he tama; mo e
- (o) ko e tau mamatua fakamua he tama, kua nākai fai tonu ke fai levekiaga faka-matua ke he tama, mo e tau tupe ke fakamole ke he tama; mo e
- (u) ko e ha poakiaga ma e tau matua leveki he tama kua fakamagalo tuai; mo e
- (fa) kia uta he tama e higoa ne tohi he poakiaga tohi tama hiki –
- (i) mai he tau matua hiki; po ke
- (ii) kaeke kua tū po ke mole e 12 e tau moui he tama, mai he tama mo e taliaaga he matua hiki.
- (2) Ko e poakiaga tohi tama hiki to nākai lauia e vahega tagata ne tupu mai ai, motu ne fanau ai, po ke motu ne fai tonuhia ai, ka e fai ke he ka muiua ke he valavala kupu (3) mo e (4).
- (3) Kaeke ko e matua hiki he tama ko e tagata Niue, ko e tama hiki kua mailoga foki ko e tagata Niue.
- (4) Kaeke ko e matua hiki he tama kua mailoga ko e tagata nofomau a Niue, ko e tama ne hiki to mailoga foki ko e tagata nofomau a Niue.
- (5) Ko e poakiaga totogi tupe lagomatai he tama to fakaoti ka hiki tohi e tama, ka e nākai ko e mena ia ke fakaoti e totogi he tau tupe lagomatai tō tua ne kua fakatoka he taha poakiaga to fakamooli e poakiaga tohi tama hiki.
- (6) Pete nī e valavala kupu (1), kia fakatumau e tagata ke mailoga ko e tama he tau matua fanau ke lata mo e Fakaholoaga Fakamatafeiga Numela 1 (ne fakakite e tau tagata kua fakatapu ke nākai mau tohi) mo e agahala mahani faivao i loto he magafaoa taha.

- 67 Fakakaupāaga he tohi tama hiki foki**  
Ko e tama kua tohi tama hiki he matua hiki, to nākai maeke ke tohi tama hiki foki he taha tagata, ka e fai kehe kaeke ko e tokoua po ke hoa maupōuli he matua hiki.
- 68 Fakaotiaga he poakiaga tohi tama hiki**
- (1) Kua fakaoti e poakiaga tohi tama hiki kaeke –
- (a) i lalo hifo he matakupu 65 (kaeke kua liuaki he matua fifine fanau e taliaaga ke tohi tama hiki e tama, to hoko e 30 e aho he mole e fanau he tama haana); po ke
- (e) kaeke –
- (i) kua mailoga he fakafiliaga kua hēhē e tauteaga he poakiaga tohi tama hiki ha kua hepehepe e tau mena taute; mo e
- (ii) kua fakamooli he Fono Ikipule e fakaotiaga.
- (2) Kaeke kua fakaoti e poakiaga tohi tama hiki munitua ke he vala vala kupu (1)(e) –
- (a) ko e tama kua eke mo tama he matua fifine mo e matua taane fakamua; mo e
- (e) ko e matua hiki he tama ne kua nākaila hiki e tama fakamua; mo e
- (i) ko e ha poakiaga totogi tupe lagomatai he tama he magaaho mo e tau matua hiki kua fakaoti tuai, mo e poakiaga totogi tupe lagomatai he tama he magaaho mo e matua taane mo e matua fifine, kua liu fakamoui.
- 69 Fakatapu he totogi tupe ha ko e tohi tama hiki**  
Kia nākai fai tagata ke tukuage po ke moua, po ke talia ke age po ke moua, ha tupe po ke palepale ha ko e tau tauteuteaga ke lata mo e tohi tama hiki, ka e ko e tonuhia nī he fakafiliaga.
- 70 Tiviaga he tau fakamauaga he tohi tama hiki**
- (1) Ko e tau fakamauaga tohi tama hiki (putoia ai e tau poakiaga tohi tama hiki) to tivi ai he -
- (a) tagata kua lata ke tivi e tau fakamauaga ha ko e falu kakano tuga e levekiaga he tau koloa po ke fakaputuaga tupe ne kua hokulo e kotofaagg he gahuaaga he tagata ia:
- (e) ko e ha tagata ne hiki tohi, kua lata ke kitia e tau fakamauaga, mo e tau matua fanau mo e tau matua hiki;
- (i) ko e Fakamau Kupu Lahi he fakafiliaga
- (o) ko e Ulu Fakatonu he faahi gahua
- (2) A to moua e fakailoaaga mai he fakafiliaga, nākai fai tagata foki ke tivi mo e kitekite ke he tau fakamauaga tohi tama hiki.

**71 Ko e hiki tama faka-Niue to nākai totou**  
Kua nākai totou ha hiki tama faka-Niue po ke fakamotu ne taute to hoko e aho 1 Novema 1969, pete nī ko e tonuhia faka-niue ha kua momole atu e tau matua, mo e heigoa foki.

**72 Ko e tau tama hiki he magaaho nai kua nākai lauia he Vala nai**  
Kua nākai fai mena e Vala nai ke lauia e tau tohi tama hiki, po ke falu tauteaga pihia, ne taute muiua ke he Niue Amendment Act (No 2) 1968.

Vala vala 7 – Levekiaga he tau Matua Tupuna

**73 Ko e mahani he poakiaga ma e levekiaga he tau tupuna**

(1) Ko e **poakiaga ma e levekiaga he tau tupuna** ko e poakiaa he Fakafiliaga ke he Ulu fakatonu he faahi gahua kua foaki e pule tonuhia mo e lago kia ia ke fai levekiaga ke he matua tupuna ne kua nākai fāhia e tau fānau lalahi po ke nākai manako ke leveki a ia, ka e lata ke fai levekiaga tumau agaia kia ia.

(2) I lalo hifo he poakiaga ma e levekiaga he matua tupuna, ko e Ulu Faktonu he Faahi gahua –

(a) kia leveki atu ke he matua tupuna ke he tau puhala ne kua tohia he poakiaga; mo e

(e) kua fakagofua ke moua e tau tupe he matua ke totogi aki e tau tupe haana ne fakamole ke leveki aki e matua tupuna; mo e

(i) kua fakagofua ke fakaaoga e tau koloa he tagata ma e tau kakano ne kua kitia he fakafiliaga ke lata mo e levekiaga he tagata.

(3) Ko e kakano he vala vala nai kua lata e tagata **ke fai levekiaga** kaeke –

(a) ko e tagata –

(i) ne kua lata ke fai lagomatai he kaina he tau aho takitaha (tuga e fakamoho mena kai, koukou, fakatau he fale koloa mo e matutaki mo e falu tagata); mo e

(ii) ko e tau lagomatai fakatagata, kua nākai fai, po ke kua leva e nākai fai lagomatai e magafaoa po ke falu foki he maaga; po ke

(e) ko e tagata –

(i) kua taatu ke he fale gagao po ke kaina he tau matua tupuna; mo e

(ii) kua nākai fai tama po ke taha he magafaoa he tagata kua fāhia po ke fia manako ke ahiahi tumau atu ke he tagata mo e lagomatai he fale gagao po ke kaina he tau matua tupuna ke leveki atu kia ia.

**74 Ko e tohi ole ke moua e poakiaga ke leveki e matua tupuna**

- (1) Ko e ha tohi ole ke moua e poakiaga ke leveki e matua tupuna to taute nī he Ulu Fakatonu he faahi gahua.
- (2) Ko e tohi ole he Ulu Fakatonu, kia fakapiki ki ai e tau talahauaga ke he haana a laliaga ke matutaki mo e tau fānau he tagata, he ono mahina kua mole ki tua to taute e tohi ole.
- (3) Kaeke kua fai tama he matua tupuna ne kua fakailoa ke he Ulu Fakatonu e matakavi he kaina nofo haana, mo e falu matutakiaga, kia taute he Ulu Fakatonu e tau mena nai –
  - (a) kia fakailoa ke he tama 1 e mahina to taute e tohi ole ke moua e poakiaga, he pulega ke taute e tohi ole ke moua e poakiaga ke leveki e matua tupuna; mo e
  - (e) kia uta taha lagaki ke he tama he tohi ole ke moua e poakiaga ke leveki e matua tupuna.
- (4) Pete ia, kaeke kua nākai muitua ke he puhala he vala kupu (3)(a) po ke (e) nākai ko e kakano a ia ke fakamagalo noa e poakiaga ke leveki e matua tupuna.

**75 Ko e Fakafiliaga kua maeke ke taute e poakiaga ke leveki e matua tupuna**

- (1) Ko e fakafiliaga kua maeke ke taute e poakiaga ke leveki e matua tupuna kaeke kua talitonu a ia ke he tau mena nai –
  - (a) ko e tagata ne hagai e tohi ole ki ai –
    - (i) ko e tagata Niue po ke tagata nofomau i Niue; mo e
    - (ii) kua nofo a ia i Niue; mo e
    - (iii) kua lata ke fai leveki mo e lagomatai; mo e
    - (iv) kua nākai fai tama ne fia loto po ke fāhia ke leveki mo e lagomatai; mo e
  - (e) ko e poakiaga ke leveki e matua tupuna kua haohao mitaki ma e tagata.
- (2) Ko e tau poakiaga ke leveki e matua tupuna, kia kia hā hā i ai e tau mena nai:
  - (a) ko e fakakiteaga he tau puhala leveki mo e lagomatai kua lata e UluFakatonu he faahi gahua ke taute muitua ke he poakiaga; mo e
  - (e) ha talahauaga ke maeke he Ulu Fakatonu ke moua –
    - (i) e taha tupe fafati ke lata mo e tau levekiaga mo e lagomatai he tagata; po ke
    - (v) e tupe kua fafati mai he haana a tau tupe moua he tau taha (putoia ai ha tupe fuakau) he tagata; mo e
  - (i) ha talahauaga ke maeke he Ulu Fakatonu he faahi gahua ke fakahagahaga mitaki e kaina he tagata, po ke ha koloa kua maeke ke uta fano ke haohao mafola e levekiaga mo e lagomatai (tuga e

- tuku e tau vala hala kua papati ke holo po ke tohi ai e peleo heke, uta kehe he tau veve, po ke fakafoou e tau mena tui) mo e;
- (o) kaeke kua manako e Ulu fakatonu, tau talahauaga ke maeke he Ulu Fakatonu ke fakaaoga ha koloa he tagata ke totogi aki, po ke tau tui aki e totogi he ha gahua lahi ke faka tolomaki e leveki mo e lagomatai he tagata (tuga e hikihiki falu mena he kaina, po ke puhala tului pauaki faka-faahi malolō tino) mo e ko e totogi lafi ki luga he totogi fa mahani he leveki mo e lagomatai.
- (3) ko e poakiaga ke leveki e matua tupuna kua nā kai manako ke he Ulu fakatonu ke tolomaki ki mua e mitaki he levekiaga ka e nā kai pihia he leveki he tau fā nau haana a ne mai kua leveki mo e lagomatai he tau fā nau, tuga e mokoina he tau tauteaga he tau fā nau i Niue ke he tau matua tupuna i Niue.
- (4) kaeke kua maopoopo e tauteaga he poakiaga, kia lali fakalahi e Ulu Fakatonu ke tufatufa e tau lagaki he poakiaga ke he tau fā nau ne kua tokutoku he poakiaga ke leveki e matua.
- (5) Ke lata mo e matakupu nai, **ko e tau koloa** ne kua putoia ai –
- (a) tau koloa tupe ne fakaputu he tau fale tupe; mo e
- (e) ko e ha tupe moua ne kua lata e tagata ke moua; mo e
- (i) ko e ha tupe ne moua he fakafua falu koloa po ke tau fua he fonua.

**76 Ko e fakaotiaga, fakamagalo, mo e hikihikiaga he poakiaga ke leveki e matua tupuna**

- (4) Kia fakaoti e poakiaga ke leveki e matua tupuna kaeke kua mate e matua tupuna po ke kua toka a Niue.
- (1) Ko e tohi ole ke fakamagalo po ke hiki e poakiaga ke leveki e matua tupuna kia taute –
- (a) he Ulu Fakatonu he faahi gahua; po ke
- (e) he ha tama he tagata po ke matua tupuna ne lauia.
- (2) Kia fakamagalo he fakafiliaga po ke hiki e poakiaga ke leveki e matua tupuna kaeke kua talitonu to taute e tau mena nai, –
- (a) ko e tagata ne lauia to moua e tau levekiaga mo e tau lagomatai mitaki ke fakatai atu ke he tau levekiaga he tau magafaoa i Niue ma e tau matua tupuna ha lautolu i Niue; mo e
- (e) ko e ha fakamoleaga he Ulu Fakatonu ne tokutoku he poakiaga, kua totogi po ke amanaki ke totogi; mo e
- (i) ko e fakamagalo po ke hikihiki he poakiaga kua eke ia ma e mitaki haana ne tū tonu ki ai.

**Vala ke Fā aki**

**Ko e tau tama ne lata ke leveki mo e laveaki**

**77 Ko e tau kakano uho he Vala nai**

Ko e tau kakano uho he Vala nai ko e –

- (a) ke fakamanatu ko e moui tupuaki mo e moui olaola he tama kua fakatumau he tau magaaho oti he haana moui, mai he tote to lahi a ia, he tau levekiaga mo e lavekakiaga he tama;
- (e) kia lagomatai e tau matua mo e tau matua leveki ne kua lago ki ai e tau levekiaga he tau tama mai he tau mena kelea, tiaki noa po ke faka-tokaveli;
- (i) kia lagomatai e tau matua mo e tau matua leveki ne kua lago ki ai e tau levekiaga he tau tama mai he tau mena kelea, tiaki noa po ke faka-tokaveli:
- (o) kia utakehe mai e tama he kaina haana, kaeke kua hagahagakelea lahi e moui he tama he kitia:
- (u) kaeke kua utakehe mai e tama he haana kaina, kia nofo e tama he taha kaina ne taute e mahani moui magafaoa, ke maeke he tama ke matutaki mo e magafaoa haana mo e falu tagata aoga foki.

**78 Ko e tau fakakiteaga ke mailoga ma e tama kua lata ke leveki mo e laveaki**

Ke fakalaulahi e kakano he Vala nai, **kua lata e tama ke leveki mo e laveaki** kaeke -

- (a) ko e tama he magaaho nai, po ke magaaho i mua, kua ekefakakelea (e tino, e loto manamanatu, po ke mena fufū he tama), kua fa keli, fakavihiatia, po ke tiaki noa; po ke
- (e) ko e moui tupuaki he tama, makaukau he tino, manamanatuaga mo e loto logona hifo, to nākai holo ki mua, po ke nākai fai fakaakoaga ma e tama, po ke
- (i) ko e mahani he tama kua nākai mitaki ti ko e haana a mahani liga to akapakia nī a ia po ke falu ti kua uka lahi e tau matua mo e tau tagata leveki ke oofa a ia; po ke
- (o) ko e tau matua fanau po ke tau matua leveki he tama kua fakauaua lahi ke leveki e tama; po ke
- (u) ko e tau matua fanau mo e tau matua leveki he tama kua tiaki a ia ke tokaveli; po ke
- (fa) kua vehā mamao lahi e vahāloto he tama mo e tau matua fanau po ke tau matua leveki he tama, ti ko e mena ia kua tūtū kelea e malolō he tino, manamanatuaga mo e loto logona hifo he tama; po ke
- (ga) kua vehā mamao lahi e vahāloto he matua po ke matua leveki he tama mo e taha matua mo e matua leveki ti ko e mena ia kua nofo kelea e malolō tino, manamanatuaga mo e loto logona hifo, he tama.

**79 Ko e gahua kua lago ke he Ulu Fakatonu he faahi gahua ma e levekiaga mo e laveakiaga he tama**

- (1) Ko e Ulu Fakatonu ke fakatoka e puhala kua hako ke fakagahua e tau kakano he Vala nai.

- (2) Ke lagomatai e tau gahua ne talahau he vala kupu (1), kia fakatū he Ulu Fakatonu e tau lā gahua (tuga e lā gahua lagomatai matematekelea, lā gahua lagomatai magafaoa, lā gahua lagomatai faka-maaga) ke faka tolomaki ki mua e levekiaga mo e lagomatai he tau tama he tau maaga po ke kaina.

**80 Ko e haoaga he tama kaeke kua toka ke he levekiaga he Faahi Gahua**

- (1) Kaeke kua toka e tama ke he levekiaga he Faahi Gahua, ko e Ulu Fakatonu kua lago ki luga ia ia ke eke mo matua he tama (ke fakatauō tatai mo e falu poakiaga he fakafiliaga).
- (2) Kia lali fakalahi e Ulu Fakatonu ke fakagahua e tau mena ke lata mo e tama kua toka ke he haana levekiaga, tuga a nai –
- (a) kua fai tagata kua kotofa ke leveki e tama he tau aho takitaha; mo e
- (e) kua moua he tama e tau levekiaga kua lata; mo e
- (i) pete nī he leveki he faahi gahua e tama, kia fakaatā a ia ke matutaki ke he haana tau matua mo e magafaoa.

**81 Ko e tagata leveki ne kotofa he Ulu Fakatonu he Faahi gahua**

- (1) Kia kotofa he Ulu Fakatonu e taha tagata kua lata tonu ke leveki e tama ne kua toka kehe levekiaga he Faahi Gahua.
- (2) Hanai e tau gahua he tagata kua kotofa ke leveki e tama –
- (a) kia leveki mo e tokamata ke he tama he tau aho oti ke he mahani leveki tama he magafaoa; mo e
- (e) kia leveki ke he tau puhala faka-matua ne kua fatifati he Ulu Fakatonu; mo e
- (i) kia muitua ke he mena ne kua fakatoka he Ulu Fakatonu ke maeke he tama ke moua e tau levekiaga mitaki oti ma e haana moui.
- (3) Kia fakapalepale he Ulu Fakatonu e ha tagata leveki mai he potaaga tupe ne kua fatifati ma e gahua ia.

**82 Hokotaki ke he Ulu Fakatonu e tama kua lata ke leveki mo e laveaki**

- (1) Ko e ha tagata kua tuahā kua fai tama kua lata ke leveki mo e laveaki, kia hokotaki ke he Faahi Gahua.
- (2) Ko e ha ofisa leoleo, ha faiaoga he aoga, ha ekekafo, po ke nosi, kia hokotaki fakamafiti ke he Faahi Gahua kaeke –
- (a) Kua iloa mooli ko e tama kua matematekelea; –
- (i) he eke fakakelea; po ke
- (ii) fai kafokia e tino he tama, ka e nā kai ko e pakia, mo e



- (e) ko e tau iloaaga nai he tagata ne moua, po ke kitia e ia ha ko e haana  
a gahua.
- (3) Ko e tagata ne taute e hokotaki ke he Faahi Gahua munitua ke he matakupu nai, kia talahau foki e –
  - (a) higoa he tama po ke fakalatalata e haana a foliga; mo e
  - (e) ko e tau kakano he talahauaga he tagata.
- (4) Kaeke kua nākai fakailoa he tagata ke he Faahi Gahua tuga ne manako he vala vala kupu (2) mo e nākai fai kakano, kua agahala a ia mo e kaeke kua fakahala, ko e 50 e poini fakahala.
- (5) Ko e tau fakailoaaga oti ne moua he Ulu Fakatonu ke lata mo e matakupu nai, kia fakamau hifo, mo e kumikumi fakamafiti e fekau.

**83 Ko e tohi haohao-mafola (*safety warrant*) ma e tama ke leveki mo e laveaki**

- (1) Ka moua e tohi ole mai he ofisa gahua leoleo po ke Ulu Fakatonu, kia foaki he fakafiliaga e taha tohi haohao-mafola ma e tama kaeke kua talitonu kua lata e tama ke moua e leveki mo e laveakiaga mafiti.
- (2) Ko e tohi haohao-mafola kua foaki e malolō kotofa ke he ha ofisa leoleo ke taute ha mena nai:
  - (a) Kia hū atu mo e kumi, mo e tau malolō oti haana kaeke kua lata, e ha kaina, ha fale, peleō afi, gahuaaga, po ke ha mena ne tuahā kua kitia ai e tama;
  - (e) kia utakehe po ke taofi e tama he malolō haana kaeke kua lata ke eke pihia:
    - (i) kia taatu e tama ke he Ulu Fakatonu.
- (3) Ko e tohi haohao-mafola kua ha hā i ai e malolō ke toka e tama ne lata ke fai levekiaga mo e laveakiaga ki lalo hifo he levekiaga he Faahi Gahua.
- (4) Ko e Ulu Fakatonu, kia taute e tau mena nai to hoko e aho ke fituaki, ka e fai kehe kaeke kua munitua ke he vala vala kupu (5), -
  - (a) kia fakatoka e tama mai he levekiaga he Faahi Gahua, ka e kia eke pihia kaeke kua nākai lata ke fai levekiaga mo e laveakiaga, po ke
  - (e) kia tuku e tohi ole ke he fakafiliaga ke moua e poakiaga leveki.
- (5) Kaeke kua talitonu e Ulu Fakatonu ko e tama kua eke fakakelea po ke keli fakamamahi he matua po ke matua leveki, kia tuku e tohi ole ke he fakafiliaga ke moua e poakiaga leveki he tama mo e toka e tama ke he levekiaga he Faahi Gahua –
  - (a) a to taatu e tama ki mua he fakafiliaga; po ke
  - (e) ke he leva he taha magaaho ka fakatonu he fakafiliaga.
- (6) Ko e Ulu Fakatonu, he ha magaaho, kia fakatoka e tama ne lauia he tohi haohao-mafola kaeke kua talitonu kua nākai tuai lata e tama ke leveki mo e laveaki.

**84 Kumi ka e nākai fai tohi fakaatā**

- (1) Ko e ofisa gahua leoleo ne kua talitonu kua lata ton uke laveaki e tama neke pakia po ke mate, kia taute e tau mena nai mo e nākai fai tohi fakaatā ke kumi,—
- (a) kia hū atu mo e kumi, mo e tau malolō oti kaeke kua lata, ha kaina, ha fale, peleo afi, gahuaaga, po ke ha mena foki:
  - (e) kia uta kehe po ke taofi e tama, mo e tau malolō oti kaeke kua lata, ti taatu e tama ke he levekiaga he Faahi Gahua.
- (2) Ko e ha ofisa gahua leoleo ne kua fai malolō kotofa muitua ke he vala vala kupu (1) kia fakakite ka hū atu ke he fale po ke manako ki ai he taha magaaho foki—
- (a) fakakite e taha fakamailoga ke talahau ko ia; mo e
  - (e) kia fakailoa e tau malolō ke he matagahua kua taute he matakupu nai.
- (3) Ko e ofisa gahua leoleo kia hokotaki foki ke he Takitaki Leoleo, he tohi, e malolō kua fakagahua muitua ke he vala vala kupu (1) mo e kakano ne taute pihia ai.
- (4) Ko e tohi hokotaki ne manako muitua ke he vala vala kupu (3) kia taute to hoko e 3 aho he mole atu e matagahua mo e tau malolō ne fakaaoga.

**85 Tau tama foki kua lata ke fai levekiaga mo e laveakiaga**

- (1) Kia fakagahua e matakupu nai kaeke kua talitonu e Ulu Fakatonu he oti e kumikumiaga (he mole atu e fai fakailoaaga i lalo hifo he matakupu 82 po ke ha foki) kua lata e taha tama ke fai levekiaga mo e laveakiaga, ka e nākai kelea lahi ke ole fakamua e taha tohi haohao-mafola muitua ke he matakupu 83.
- (2) Kaeke ke fakagahua e matakupu nai, kia fakahoko he Ulu Fakatonu —
- (a) e taha fonoaga he maagafaoa mo e tau matua po ke tau matua leveki he tama, po ke falu foki ne kito leveki atu ke he tama, ke moua taha fakatonutonuaga mo lautolu—
    - (i) ke he tau fakatokaaga ma e leveki mo e laveakiaga he tama; mo e
    - (ii) taute, kaeke kua lata, he taha fakaholoaga leveki fakakū; po ke
  - (e) kia tuku e tohiole ke he fakafiliaga ke moua e poakiaga leveki he tama.

*Ko e fakaholoaga Leveki fakakū*

**85 Ko e mahani he fakaholoaga leveki fakakū**

- (1) Ko e fakaholoaga leveki fakakū ko e tauteaga ne toka e tama ke he levekiaga he Faahi Gahua ke gata mai he 3 e mahina he leva.

- (2) Ko e magahao ka toka e tama ke he levekiaga he Faahi Gahua, ko e Ulu Fakatonu kua eke mo matua he tama, ka e to fai kehe kaeke kua fai maveheaga kua taute mo e tau matua he tama po ke falu matua leveki.

**86 Ko e puhala leveki fakakū**

- (1) Ko e fakaholoaga leveki fakakū kia tohia he taha tohi mo e lalafi ki ai e tau mena nai:
- (a) ko e higoa he –
    - (i) tama ne lauia he fakaholoaga; mo e
    - (ii) ko ia ka leveki e tama, muitua ke he fakaholoaga leveki fakakū
    - (iii) ko e higoa he tagata ne leveki fakahiku e tama; mo e
    - (iv) ko e tau higoa he tau matua he tama mo e tau matua leveki (kaeke kua iloa):
  - (e) ko e loa he fakaholoaga (nā kai molea e 3 mahina)
    - (i) taha talahauaga ke fakaoti e fakaholoaga he taha he Ulu Fakatonu po ke tagata ne manako ke he fakaholoaga, ka e kia tuku e manako 7 e aho to fakahoko;
    - (o) fakatokaaga haggao ke he levekiaga he tama he magaaho he fakaholoaga, putoia ai e tau mena nai, ka e nā kai kueniaia, –
      - (i) ko e tau fakaakoaga, tau mena fakafiafia, mo e moui fakaagaaga he tama; mo e
      - (ii) taha polokalame ke lata mo e falu lagomatai foki ke lata mo e tama; mo e
      - (iii) ko e tau levekiaga kua lago ki luga he tau matua, tau matua leveki po ko hai foki.
    - (u) ko e tau magaaho ka maeke e tau tagata kua fifili ke fai matutakiaga, po ke nā kai, mo e ha fatifatiaga foki (tuga e magaaho fē, matakavi fē, mo e ke fiha e leva he feleveia) ke lata mo ia ka matutaki ki ai.
- (2) Kaeke kua hoko ke he fakahikuaga he fakaholoaga leveki fakakū ti nā kai fai matua po ke matua leveki ne manako ke leveki e tama (ko e matua po ke matua leveki), kia fakamafiti e Ulu Fakatonu ke ole ke he fakafiliaga ke moua e poakiaga leveki tama.
- (3) Kaeke kua ole e Ulu Fakatonu ke moua e poakiaga leveki tama, ko e tama ne kua leveki he fakaholoaga leveki fakakū, to fakatumau e fakaholoaga leveki fakakū a to fai fifiliaga e fakafiliaga ke he ole poakiaga leveki tama, pete nī e tau mena he vala vala kupu (1).

*Poakiaga leveki tama*

**87 Ko e mahani he poakiaga leveki tama**

Ko e **poakiaga leveki tama** ko e poakiaga he fakafiliaga ke toka e tama ke he levekiaga he Faahi Gahua a to –

- (a) tū e 18 e tau tau moui he tama; po ke
- (e) kua fakamagalo e poakiaga.

**88 Ko e tohi ole ke moua e poakiaga leveki tama**

- (1) Kia taute he Ulu Fakatonu e tohi ole ke he fakafiliaga ke moua e poakiaga leveki tama, kaeke kua tali tonu a lautolu kua lata e tama ke fai levekiaga.
- (2) Fakamua to fanogonogo e fakafiliaga ke he tohi ole ma e poakiaga leveki tama kia moua fakamua he fakafiliaga e hokotaki mai he Faahi Gahua hagaiaga ke he tama mo e ha lautolu a gahua mo e kitiaaga.
- (3) A to taute he Faahi Gahua e hokotaki, kia fēfakatonutonuaiki fakamua mo lautolu nai –
  - (a) ko e aoga ne fakaako ai e tama, putoia e tau faiaoga takitaha kaeke kua lata; mo e
  - (e) ko e pulotu mai he faahi malolō tino ne fai fēhagaiaga mo e tama he magaaho nai po ke magaaho kua mole; mo e
  - (i) Faahi Gahua Leoleo; mo e
  - (o) ko e matakau takitaki maaga he maaga ne kua nofo ai e tama; mo e
  - (u) ko e tama
- (4) Ko e pulotu mai he faahi malolō tino ne kua ole kia ai ke moua taha iloaaga ke he tama ma e hokotaki, muiua ke he matakupu nai, kia foaki e malolō kotofa ke fakakite e ha iloaaga hagaiaga ke he malolō he tino po ke malolō he lotomanamanatu he tama, ka e nākai putoia ha iloaaga he ha tagata foki.
- (5) Ko e tau hokotaki, muiua ke he matakupu nai kia fakatauō e maamaaga mo e matakupu 90 mo e matakupu 91.

**89 Kia taute he fakafiliaga e poakiaga leveki tama**

- (1) Kia taute he fakafiliaga e poakiaga leveki tama kaeke kua tali tonu ko e –
  - (a) tama kua lata ke he taha levekiaga; mo e
  - (e) tama kua nākai fai matua, po ke matua leveki, kua fāhia, fia manako, po ke lata tonu ke leveki e tama he magaaho ne taute ai e poakiaga, pihia mo e tau magaaho i mua; mo e
  - (i) poakiaga leveki tama, kua lata tonu mo e levekiaga he tama.
- (2) Ko e poakiaga leveki tama kia fakamaama, po ke foaki e malolō kotofa ke he Ulu Fakatonu he faahi gahua ke talahau he tau magaaho takitaha e –
  - (a) tagata ka leveki e tama; mo e
  - (e) tagata kua lago ki ai e tau levekiaga faka-matua ma e tama; mo e
  - (i) tagata kua maeke, po ke nākai, ke matutaki mo e tama, mo e fai fatifatiaga nakai ke lata mo e matutakiaga ia; mo e
  - (o) tagata kua fai levekiaga pauaki ke he tama.
- (3) Ko e poakiaga leveki tama kia fakaatā ke fai matutakiaga e tama mo lautolu nai, ka e nākai taute pihia kaeke kua nākai hagaiagamitaki ke he tama –
  - (a) ko e tau matua he tama; mo e
  - (e) ko e magafaoa he tama; mo e

- (i) ko e ha tagata ne leveki e tama he magaaho ia to taute e poakiaga leveki ma e tama.

**90 Fakaotiaga, fakamagalo, mo e hikihikiaga he poakiaga leveki tama**

- (1) Kia fakaoti e poakiaga leveki tama kaeke kua tū e 18 e tau moui he tama.
- (2) Kaeke kua ole e Ulu Fakatonu, ko e tama, po ke (fai fakaatāaga he fakafiliaga) ha tagata foki, kia hiki he fakafiliaga e poakiaga leveki tama kaeke kua tali tonu ko e –
  - (a) tauteaga ma e tau mitaki oti he tama; mo e
  - (e) tūāga he tama he magaaho nai kua hiki tuai ti kua lata e poakiaga Leveki tama ke hiki foki ke puipui mo e fakatolomaki e moui he tama.
- (3) Kaeke kua ole e Ulu Fakatonu, ko e tama, po ke (fai fakaatāaga he fakafiliaga) ha tagata foki, kia fakamagalo he fakafiliaga e poakiaga leveki kaeke kua tali tonu ko e –
  - (a) tauteaga ma e tau mitaki oti he tama; mo e
  - (e) kua nā kai tuai lata e tama ke fai levekiaga.

**91 Atāina ke kitia e tau hokotaki**

- (1) Ko e lagaki he ha hokotaki kua tuku ki mua he fakafiliaga, muiua ke he matakupu 89(2) ke fakatauō mo e matakupu 93, kia tukuage he Fakamau Kupu Lahi he fakafiliaga ke he –
  - (a) ha tagata ne kua lata ke tū ki mua mo e logona a ia he fakafiliaga ne hagai e hokotaki ki ai; mo e
  - (e) ha loea po ko ia ne lalago –
    - (i) ha tagata ne kua lata ke tū ki mua mo e logona a ia he fakafiliaga ne hagai e hokotaki ki ai; mo e
    - (ii) tama ne hagai e fakafiliaga ki ai; mo e
    - (iii) ha matua mo e ha matua leveki he tama; mo e
  - (i) Ulu Fakatonu; mo e
  - (o) ha tagata kua lata ne manatu e fakafiliaga ke moua e taha lagaki he hokotaki.
- (2) Ko e tau lagaki oti, kia tufatufaage, ke katoa e taha (1) e aho gahua to fakahoko e fakafiliaga.

**92 Ko e Fakafiliaga ke poaki ko e hokotaki kia nā kai fakakite fakahanoa**

Pete nī e matakupu 92, ko e fakafiliaga ke fakatonu ko e hokotaki katoa po ke ha vala he hokotaki ne taute i lalo hifo he matakupu 89(2) kia nā kai fakakite fakahanoa ke he tagata ne kua tohia e higoa he poakiaga, kaeke kua tali tonu, ko e fakakiteaga fakahanoa ia to lauia kelea e tino, loto manamanatu, po ke logonaaga he tama, po ke ha tagata ne tokutoku foki he hokotaki.

**93 Totogiaga he tau hokotaki**

Kia totogi he Faahi Gahua e tau tupe fafati mo e tau tupe fakamole he ha tagata ne fakafitā ke he hokotaki, muiua ke he matakupu 89(2).

**Vala ke Lima aki  
Mahani Fāvale Fakamamahi he Kaina**

**94 Kakano he nofo fakalataha mo e magafaoa he kaina**

Ko e ha tagata (**tagata A**) kua nofo fakalataha mo e magafaoa he kaina mo e taha tagata foki (**tagata E**) kaeke ko tagata A mo tagata E –

- (a) kua mau tohi po ke maupōuli a laua he magaaho nai, po ke magaaho kua mole atu; po ke
- (e) ko e tau matua he ha tama; po ke
- (i) ko e tau matakainaga kua nonofo auloa he kaina taha; po ke
- (o) ko e kapitiga toka mama he magaaho nai po ke tau magaaho kua mole atu, po ke nonofo faka- kapitiga mahofi, po ke nonofo faka- kapitiga taane mo e fifine; po ke
- (u) kua nonofo tokoua, po ke kito nonofo tokoua he taha e kaina; po ke
- (fa) kua nonofo he kaina taha mo e taha ha laua kua fai falanakiaga po ke falanaki tumau ke he taha ma e tau levekiaga he moui; po ke
- (ga) ko e taha matua mo e tama kua lahi, po ke ha matua tupuna mo e haana mokopuna kua lahi, ko e magafaoa taha.

**95 Kakano he mahani fāvale fakamamahi he kaina**

(1) Ke lata mo e Vala nai, ko e tagata (**tagata A**) kua mahani fāvale fakamamahi he kaina a ia kaeke –

- (a) kua vale, po ke fakamatakutaku ke vale, keli fakamamahi, mahani faivao, fakamamahi loto, po ke tētotonu, lamakai mo e moumou koloa ha tagata (**tagata E**) ne nofo mo ia; mo e
- (e) ko e mahani fāvale ne fakakite he palatafa (a) kua fakahukia, po ke to fakamatematekelea a tagata E.

(2) Ke lata mo e tau kakano he matakupu nai, –

Ko e lamakai mo e moumou koloa ne taute he tagata A –

- (a) kaeke kua mahani pulelahi mo e nakai fia loto ke he tagata E ke moua taha tupe maana, po ke nākai fakaatā e tagata E ke fakakite manatu ke he tau tupe fakamole he kaina po ke tau koloa ha laua tokoua; po ke
- (e) Nākai tukuage ha tupe ke fakaholo aki e moui ha tagata E po ke haana a kaina nofo; po ke
- (i) kua taofi po ke pā nākai maeke ke kumi gahua tupe po ke kumi puhala ke fakalaulahi haana lotomatala he taha fakaakoaga; po ke
- (o) ha ko e haana a pule kelea, kua tiaki, kua uta maana, po ke moumou e tau koloa he tagata E po ke tau koloa ha laua tokoua.

**Ko e keli fakamamahi** kua tupu kaeke ko tagata A –

- (a) ne keli fakamamahi po ke fakapakia a tagata E; po ke
- (e) kua tuku e ia e moui ha tagata E ke he lakaaga kua kelea lahi e malolō tino.

**Ko e fakalolelole he loto manamanatu** kua tupu kaeke ko tagata A –

- (a) kua vale mo e fakamatakutaku ke keli, ekefakakelea po ke lamakai mo e moumou e tau koloa po ke fakamamahi a tagata E tuga he fakakite he tau palatafa (e) ke he (ga):
- (e) amuamu mo e fakafiufiu a tagata E:
- (i) mahani fulukovi po ke mahekeheke, ita tafuā, ti kua eke e mahani ia ke fia pulelahi ke he tau mena oti ha tagata E ti kua nākai fai atāina mo e maeke a tagata E ke taute ha mena; kua nofo mo e matakutaku, hopoate, kua fifigo kelea haana finagalo ko e tagata moui, ti aofia foki haana moui haohao mafola:
- (o) kua fakamatakutaku po ke fakakikiveka a tagata E, ti putoia foki e tau mena nai –
  - (i) kua matakaki tumau, po ke neva holo, po ke fakaalaila e hala ke he mena ne nofo, gahua, fakaako, po ko fē ni ne hā hā i ai a tagata E; po ke
  - (ii) hea telefoni tumau, po ke fakalagalaga taha ke hea telefoni maana kia tagata E, ke maeke ke tutala po ke nākai; po ke
  - (iii) fakafano e tau teke (texts) po ke tau meli hila, po ke uta e tau tohi, Faka-feke (fax), tau afifi, po ke falu mena foki kia tagata E; po ke
  - (iv) kua tufa fano po ke fakakitekite e tau ata fakatagata nī ha tagata E ka e nākai fai taliaaga a tagata E; po ke
  - (v) tau muihua tumau kia tagata E he tau puhala nākai mitaki, fakatagata, po ke tau puhala he vahā, faka- initanete.
- (u) kua moumou e tau koloa a tagata E:
- (fa) kua fakakikiveka e tau manu fao he kaina ha tagata E po ke he falu manu fao ne mahani lahi mo tagata E, ti momoko lahi e loto a tagata E ha kua tupu e mena pihia:
- (ga) Kaeke kua fai mena a tagata E ne kelea ha ko e haana moui, kua nākai katoatoa e haana malolō tino, po ke fai kafo e tino, kua taofi e tau mena leveki ha tagata E, po ke taofi ai moua e tau tului faka-ekekafo, po ke falu mena foki ka lauia e moui a tagata E.

**Ko e mahani fakapilo ekefakakelea tagata** kua tupu kaeke kua eke pihia e tagata A, po ke ha mahani fakapilo tagata ne fakalialia, mo e fakalolelole mo e tō e loto ha tagata E, pete nī e tūaga he matutakiaga ha laua ko tagata A mo tagata E.

**96 Ko e gahua pauaki he faahi gahua leoleo ke lata mo e tau agahala fāvale fakamamahi he kaina.**

- (1) Ko e tau ofisa gahua leoleo kia oatu fakamafiti ke he ha hokotaki ha kua tupu e fāvale fakamamahi he taha kaina.

- (2) Kaeke kua tuahā e ofisa gahua leoleo mo e iloa tonu kua fāvale fakamamahi e tagata he kaina, kia tapaki he ofisa gahua leoleo a ia (kaeke kua fai po ke nā kai fai tohi malolō kotofa ke tapaki) mo e taatu ke he fale leoleo.
- (3) Ko e tagata ne kua taatu ke he fale leoleo, munitua ke he vala matakupu (2) kia fakatoka mai ki fafo to hoko e 48 tulā he mole atu e tapaki, ka e fai kehe kaeke kua tapaki he fai agahala.
- (4) Kaeke ko e gahua mo e taha tagata ne lauia kelea he fāvale fakamamahi he kaina (ke he tagata ia po ke fai foki) ko e tau ofisa gahua leoleo oti kia —
  - (a) fakamanatu ke he tagata ko e mena fai tagata lalago mo e tau loea; mo e
  - (e) kia taute e tau fakatokaaga ke haohao mafola e tagata; mo e
  - (i) kumi taha tului faka-ekekafo kaeke kua lata ke eke pihia; mo e
  - (o) kumi taha tagata lagomatai ke tutala ke he tagata, kaeke kua lata; mo e
  - (u) kaeke kua talia he tagata, kia ole ke moua e poakiaga puipui mafola, mo e lagomatai ke taute e taha tohi ole pihia.

*Ko e tau poakiaga puipui mafola he faahi gahua leoleo*

**97 Ko e mahani he poakiaga puipui mafola he faahi gahua leoleo**  
 Ko e **poakiaga puipui mafola he faahi gahua leoleo** ko e poakiaga ne tukuage he ofisa gahua leoleo ke he taha tagata (tagata a) ke taute e mafola fakakū mo tagata E, ha ko e fāvale fakamamahi, ha ko e mena nonofo tagata A mo tagaa E.

- 98 Tukuage he poakiaga puipui mafola he faahi gahua leoleo**
- (2) Kia tukuage he ofisa gahua leoleo e poakiaga puipui mafola kia ia ne fāvale (**tagata A**) ke he taha tagata (**tagata E**) kaeke kua talitonu a ia, ko e mena nonofo a tagata A mo tagata E ti kua hagahagakelea e magaaho kua hoko ki ai ha ko e mahani fāvale fakamamahi ha tagata A.
  - (2) Fakamua to tukuage e poakiaga puipui mafola he faahi gahua leoleo, kia onoono e ofisa gahua leoleo ke he tau mena nai —
    - (a) ko e lahi he mahani fāvale fakamamahi ha tagata A kia tagata E; mo e
    - (e) ko e haohaoaga mitaki he tama ne nofo mo tagata A po ko tagata E,
    - (i) ko e moui uka mo e mativa ka moua kaeke kua tukuage e poakiaga puipui mafola he faahi gahua leoleo; mo e
    - (o) ko e mitaki nakai e haoaga kaeke kua tapaki a tagata A.
  - (3) kia tukuage e poakiaga puipui mafola he faahi gahua leoleo mo e nā kai fai taliaaga e tagata E.
  - (4) Nakai fai mena he matakupu nai ke fakakaupā aki e gahua kua lago ki luga he ofisa gahua leoleo ke kumi po ke fakagahua e fakatufono-tohi Niue Act 1966, po ke ha matafakatufono kaeke kua fai agahala ne kua taute.



**99 Tukuage mo e fakailoa he poakiaga puipui mafola he faahi gahua leoleo**

- (3) Ko e poakiaga puipui mafola he faahi gahua leoleo ne lauia a **tagata A-**
- (a) Kia tukuage mafiti kia tagata A, ti kia fakagahua tuai he magaaho ia ne tukuage e fekau kia tagata A; mo e
  - (e) tumau ke fakagahua a to –
    - (i) hoko e aho mo e magaaho ne fakakite he poakiaga (kua nākai molea e 7 aho he mole e tukuage he poakiaga); po ke
    - (ii) kaeke kua nākai fai aho mo e magaaho ne fakakite, a to hoko e otiaga he aho ke fitu aki he mole atu e tukuage. (Fakatai pehē, kaeke kua tukuage e poakiaga he tupou laā he aho Faiumu, aho 4 he mahina a Iuni, to tumau ke fakagahua to hoko e tuloto pō he Aho 11 he mahina a Iuni).
- (2) Ko e magaaho ka tukuage e poakiaga puipui mafola he faahi gahua leoleo, ke he tagata, ko e tagata ne tukuage e poakiaga kia fakamaama kia ia –
- (a) e kakano, ko e leva, mo e haggaoaga he poakiaga; mo e
  - (e) ko e tau fakahikuaga kaeke kua nākai omaoma e tagata ke he poakiaga.
- (3) Ko e tagata ne lali ke fakahao mai he poakiaga puipui mafola he faahi gahua Leoleo, kia fakailoa kia ia fakamafiti he mole e tukuage e poakiaga kia tagata A ti talaage e leva mo e haoaga.
- (4) Kaeke kua taute e poakiaga puipui mafola ka e nākai tukuage kia tagata A to oti e 7 aho he mole e taute e poakiaga, to fakaoti e poakiaga ia.
- (5) Kaeke kua taute he taha ofisa gahua leoleo e poakiaga puipui mafola he faahi Gahua leoleo, kia taute e hokotaki ke he Takitaki Leoleo, ke lata mo e poakiaga, mo e fakapiki ki ai e lagaki he poakiaga puipui mafola he faahi gahua leoleo.

**100 Haoaga he poakiaga puipui mafola he faahi gahua leoleo**

- (4) Kaeke kua tukuage a poakiaga puipui mafola he faahi gahua leoleo kia tagata A, kia –
- (a) fano kehe mai he fonua po ke fale ne nofo ai a **tagata E** pete he fai tonuhia po ke tau tauteaga fakamotu a ia he fonua po ke fale; mo e
  - (e) kia nākai maeke ke vale po ke fakamamahi po ke ha mahani fāvale kia Tagata E po ke taha he magafaoa a tagata E po ke ha tagata ne kua nonofo mo tagata E he kaina; mo e
  - (i) kia omaoma ke he ha fakatokaagag kua lalafi ke he poakiaga, putoia ai (ha vahega mena) e poakiaga ke age ke he tau leoleo ha kanavaakau ia ia; mo e

- (o) kia nākai fai matutakiaga mo tagata E, ka e fai kehe kaeke –
  - (i) kua foaki he malolō kotofa he ofisa gahua leoleo; po ke
  - (ii) kua lata ha ko e taha ogo fakafo.

**101 Fakagahuahua he poakiaga puipui mafola he faahi gahua leoleo**

- (5) Kaeke kua iloa he ofisa gahua leoleo ko e tagata A ne tukuage e poakiaga puipui mafola he faahi gahua leoleo, ne kua nākai omaoma mo e muitua ke he Poakiaga, kia tapaki he ofisa leoleo a ia( ka fai po ke nākai fai tohi fakaāta ke tapaki) mo e taatu ke he kaina ne toka ai tau tagata pihia he faahi gahua leoleo.
- (2) Kaeke kua toka e tagata ne muitua he vala vala kupu (1), he kaina ne toka ai e au tagata pihia, kia taute he ofisa leoleo e tau mena nai –
  - (a) kia taatu a ia ke tū ki mua he fakafiliaga; po ke
  - (e) kia fakatoka mai ki fafo a ia mo e taute e taha fakatokaaga tohi Hopo ke hokoatu ke he fakafiliaga, ke he magaaho ne tohia he tohi hopo.
- (3) Kaeke kua nākai hoko atu e tagata ke he fakafiliaga tuga ne fakatoka he tohi hopo, kia poaki he fakafiliaga ke tapaki a ia ke tamai ke he fakafiliaga.
- (4) Ko e magaaho ka tū a tagata A ki mua he fakafiliaga he matakupu nai, kia taute he fakafiliaga e tau mena nai, kaeke kua tali tonu ko e tagata A kua nakai omaoma ke he poakiaga puipui mafola he faahi gahua leoleo –
  - (a) kia fakatonu ke liu foki taute taha poakiaga puipui mafola he faahi gahua Leoleo ke he tagata A; po ke
  - (e) kia taute taha poakiaga leveki mo e laveaki, ma e magaaho kū i lalo hifo he Matakupu 105; po ke
  - (i) kia tuku foki falu fakatokaaga ne kitia he fakafiliaga kua lata ke eke pihia.

*Ko e tau poakiaga leveki mo e laveaki*

**102 Ko e mahani he poakiaga leveki mo e laveaki**

- (1) Ko e poakiaga leveki mo e laveaki ne taute he fakafiliaga he fakatapu e tagata ka tali e hokotaki (Tagata A) ke nākai mahani fāvale mo e fakamamahi a ia ne tā e hokotaki (tagata E), kaeke ko e mena nonofo a tagata A mo tagata E fakamua po ke he magaaho nai.
- (2) Ko e poakiaga leveki mo e laveaki ko e mena fakagahua fakakū (kitekite ke he matakupu 105) po ke fakagahua ke katoatoa e leva (kitekite ke he matakupu 106).
- (3) Ko e tagata A ka tali e hokotaki ne kua tukuage ki ai e poakiaga leveki mo e laveaki –
  - (a) kia nākai vale mo e fakamamahi e tagata A a tagata E po ke a taha he magafaoa haana; mo e
  - (e) kia omaoma ke he tau fatifatiaga oti he poakiaga.

- (4) Kia lalafi oti he fakafiliaga e tau fatifatiaga nai i loto he poakiaga leveki mo e laveaki:
- (a) ke fakatapu e tagata A nakai fakatata kia tagata E
  - (e) ke fakatapu e tagata A aua ne ke fano ke he taha fonua po ke fale tata atui, pihia foki ke aua ne ke fakatata ke he fale ne nofo po ke gahua po ke fano tumau ki ai a tagata E, pete nī e fai hako a ia ke finatu ki ai:
    - (i) fakatapu a tagata A nākai fai matutakiaga mo tagata E, ka e to fai tauteaga kehe kaeke ko e taha mena ne lauia e moui he tau tama:
    - (o) fakatapu a tagata A ke aua ne ke taute ha mena ne nākai fakaohooho, lagomatai po ke fakahagahagamitaki e fakafetuiaga he magafaoa:
    - (u) fakatapu a tagata A ua fakaohooho taha ke taute e tau mena ne kua fakatapu he poakiaga:
    - (fa) fakatapu a tagata A ke aua ne ke toka ha kanavaakau:
    - (ga) kua fakailoa kia tagata A ke tiaki fakaoti po ke tiaki fakakū ha kanavaakau haana;
    - (ha) fakatapu a tagata A ke aua ne ke moumou po ke utakehe ha koloa ha tagata E;
    - (ka) fakailoa ke he tagata A ke liuaki ha koloa ha tagata E, po ke finatu a tagata E ke tamai, ke fai fakamukamuka ke moua, po ke fakaaoga he tau koloa nī haana:
    - (la) kia tukuatu ke he tagata E e tonuhia ke nofo he kaina, po ke taha vala he kaina, ne pule po ke nofo totogi lisi a tagata A i ai:
    - (ma) kia fakailoa ke he tagata A ke kumi lagomatai ma e haana a loto manamanatu.
- (5) Kia fakakite foki he fakafiliaga ko e falu po ke tau fatifatiaga oti he poakiaga to lata ai foki mo e tau tagata he magafaoa ha tagata E, ka e pihia nī kaeke-
- (a) ko e poakiaga ne taute ma e magaaho kū, ko e taha he magafaoa kua teitei fakapākia nī e ia a ia; po ke
  - (e) ko e poakiaga ne taute ke katoatoa e leva he fakagahua, to fāvale fakamamahi a ia ke he taha tagata he magafaoa.

**103 Ko e tohi ole ke he poakiaga leveki mo laveaki he magaaho fakakū po ke magaaho kua katoatoa e leva**

- (6) Ko e tohi ole ke moua e poakiaga leveki mo e laveaki kia taute e –
- (a) ia ne tā e hokotaki (tagata E); po ke
  - (e) ko e taha ia lautolu nai, kaeke kua talia he tagata E he tohi po ke talia gutu ke he tohi ole:
    - (i) ko e ha kapitiga po ke taha he magafaoa ha tagata E:
    - (ii) taha loea:
    - (iii) taha ofisa gahua leoleo; po ke

- (i) ko e ha tagata foki, kaeke kua tuahā a ia kua fāvale fakamamahi kia ia ne hokotaki, tagata E, ka e nākai mafanatia e loto haana ke talia ke he tohi ole ha ko e-
  - (i) ko ia ko e tama; po ke
  - (ii) kua hagahagakelea lahi e loto manamanatu; po ke
  - (iii) nākaila ofo: po ke
  - (iv) kua fa kona kava tumau mo e kai tulaki kona; po ke
  - (v) nofo mo e tupetupe tumau ha ko e liga to keli fakamamahi he tagata ne nonofo mo ia fakamua po ke nonofo he magaaho nai; po ke
  - (vi) kua nākai iloa ke tohitohi ti nākai maeke ke fakamooli ke he matalima tohi e tohi ole.
- (2) Ko e tohi ole ke moua e poakiaga leveki mo e laveaki fakakū po ke ke moua e katoatoa he leva, kia taute he tohi, po ke poaki gutu, po ke ha puhala foki (fakatai pehē, ke fakapuke e pepa pauaki, po ke tohi he ha puhala tuga e meli hila, teke , telefoni po ke tutala e ole fakatagata).
- (3) Kaeke ko e ole tutala fakatagata, kia tohia fakamafiti he fakafiliaga e ole ia ke he taha tohi.
- (4) Kaeke ko e tohi ole ma e poakiaga ne tohia he puhala fakatagata ni, kia fakailoa he fakafiliaga kia ia ke moua taha mena ke fakamooli ko ia ne tuku e tohi ole ke talia he fakafiliaga.
- (5) Ko e tohi ole ke moua e poakiaga leveki mo e laveaki fakakū kia kitekite ki ai he he aho ne tuku e tohi ole, ka e to fai kehe kaeke kua lata.

**104 Kia taute he fakafiliaga e poakiaga leveki mo e laveaki ma e magaaho fakakū**

- (1) Kia taute he fakafiliaga e taha poakiaga leveki mo e laveaki, mo e nākai fakailoa kia ia ne taute e kelea, po ke tali e hokotaki (tagata A) kaeke kua tali tonu ko e –
  - (a) ko ia ne tā e hokotaki (tagata E) mo tagata A ka tali e hokotaki ko e mena nonofo tokoua po ke nonofo tokoua he tau magaaho kua mole atu; mo e
  - (e) ko ia ne hokotaki, po ke ha tama he tagata ne hokotaki ne nonofo mo ia, kua nonofo matakutaku ne ke fakapākia he tagata A.
- (2) Ko e fakafiliaga, kia taute e taha poakiaga leveki mo e laveaki fakakū ma e tagata ne taute e hokotaki kaeke, kua fai hopo fakanogonogo e fakafiliaga ma e tau tagata agahala mo e fakafiliaga ma e tau mena faka-tagata, mo e kitia he magaaho ia, kua lata ke laveaki a ia ne hokotaki ha ko e haana malolō tino, nofo haohao mafola haana moui.
- (3) Fakamua to hoko ke he fakaotiaga ke poakiaga leveki mo e laveaki fakakū, kua toka ke he fakafiliaga ke taute taha fakanogonogoaga ke onono po kua lata nakai ke taute e taha poakiaga leveki mo e laveaki ke katoatoa e leva –

- (a) kaeke kua moua e tohi ole mai ia ia ne tā e hokotaki, po ke taha ne tuku e ole maana ne tā hokotaki mo e haana a taliaaga ne fakamooli e ia; po ke:
- (e) taute he kitiaaga mo e malolō he fakafiliaga.

**105 Kia taute he fakafiliaga e poakiaga leveki mo e laveaki ke katoatoa e leva**

- (1) Kia taute he fakafiliaga e poakiaga ke katoatoa e leva –
  - (a) kaeke kua moua e ole ne taute muiua ke he matakupu 104; po ke
  - (e) kia taute he fakafiliaga hokoia ha ko e falu iloaaga mai he falu fakafiliaga ne lauia ai a ia ne tā e hokotaki mo ia ne tali e hokotaki, ko tagata A.
- (2) Kia taute he fakafiliaga e poakiaga leveki mo e laveaki ke katoatoa e leva kaeke kua tali tonu –
  - (a) ko ia ne hokotaki mo ia ne tali e hokotaki, ko tagata A ne fakataunonofo he magaaho nai, po ke tau magaaho kua mole atu; mo e
  - (e) kua fāvale fakamamahi a tagata A kia ia ne tā e hokotaki ; mo e
    - (i) kua nofo matakutaku mo e hopoate moolioli a ia ne tā e hokotaki –
      - (i) ha ko ia e tagata A to vale fakamamahi a ia kia lautolu; po ke
      - (ii) ko ia e tagata A, po ke ha tama haana kua tā e hokotaki ne fakataunonofo mo ia, to fakapākia e tagata A kaeke kua nā kai moua e poakiaga leveki mo e laveaki.
- (3) Kaeke kua onono ke taute e poakiaga leveki mo e laveaki ke katoatoa e leva, po ke lalafi ki loto he poakiaga ia e falu fatifatiaga, kia onono foki e fakafiliaga ke he –
  - (a) nonofo haohao mafola haana ne tā e hokotaki mo e magafaoa he kaina mai he mahani fāvale fakamamahi he tagata A; mo e
  - (e) ko e mafola he tau momoui mo e mitaki he kaina ke nonofo ai a tagata E mo lautolu he magafaoa he kaina ne fakataunonofo auloa; mo e
    - (i) ko e mahani fāvale fakamamahi he tagata A, ko e mahani mau fakatagata po ke mahani tupu fakakū; mo e
    - (o) ko e ha mena ne manatu e fakafiliaga kua tūtonu kehe fifiliaga.
- (4) Ko e poakiaga leveki mo e laveaki ke katoatoa e leva, kia taute ni kaeke kua fakahoko e fakanogonogo mo e kua fakailoa foki kia ia e tagata A tauteaga fakanogonogo nai.
- (5) Ko e fakafiliaga kua nakai maeke ke fakatikai e foakiaga he poakiaga leveki mo e laveaki ha kua fai fakafiliaga foki ne kua lauia a ia ne tā e hokotaki, tagata E, mo ia ne tali e hokotaki, tagata E.

**106 Ko e leva he poakiaga leveki mo e laveaki**

- (1) Kia fakagahua e poakiaga leveki mo e laveaki he magaaho ka taute ai.
- (2) Ko e poakiaga leveki mo e laveaki fakakū kia tohia i loto he poakiaga, ne gata mai he 30 e aho, mo e fakafoou lagataha nī (ka moua e ole mai haana ne tā e hokotaki) kia gata mai foki he 30 aho, ka e nākai fai fakanogonogoaga po ke uta e fakailoaaga kia tagata A.
- (3) Ko e leva he poakiaga leveki mo e laveaki, ne fa mahani ke fakakite he fakafiliaga, ka e kaeke kua nākai fai, to gata mai he 1 (taha) e tau.

**107 Tukuage he poakiaga leveki mo e laveaki**

- (1) Ko e poakiaga leveki mo e laveaki kia tukuage fakatagata kia ia ka tali e hokotaki pihia foki kia ia ne taute e hokotaki, ti ko e aho mo e magaaho ne tukuage e fekau ia kia laua, kia fakailoa ke he Fakamau Kupu Lahi he fakafiliaga.
- (2) Kia taha e lagaki he tau poakiaga leveki mo e laveaki oti, ka fakafano atu ke he Takitaki Leoleo.
- (3) Ko e magaaho ka talaga ai e poakiaga leveki mo e laveaki , kia fakamaama he fakafiliaga ke he ha hukui ne nofo he fakafiliaga -
  - (a) e kakano, tau fatifatiaga, mo e haoaga he poakiaga; mo e
  - (e) tau mena ka tutupu mai ha kua nākai munitua ke he poakiaga; mo e
  - (i) tau puhala ke hikihiki aki e poakiaga po ke fakaoti

**108 Hikihikiaga po ke fakaotiaga he poakiaga leveki mo e laveaki fakakū po ke katoatoa e leva**

- (1) Ko e fakafiliaga kia hiki po ke fakaoti e poakiaga leveki mo e laveaki fakakū po ke poakiaga leveki mo e laveaki ne katoatoa e leva-
  - (a) kaeke kua ole a tagata A, a ia ne tā e hokotaki, po ke ha tagata foki kua lauia he poakiaga; po ke
  - (e) kaeke kua pule he fakafiliaga, he magaaho ne fakanogonogo ai ke he fekau ne lauia tokoua a tagata A mo ia ne tā e hokotaki.
- (2) Ko e fakafiliaga kia nākai hiki po ke fakaoti ha poakiaga leveki mo e laveaki a to tukuage e ole ke hiki po ke fakaoti e poakiaga ki a laua tokoua (ka e fai kehe kaeke ko e hikiaga mo e fakaotiaga ko e taute nī he pule he fakafiliaga)
- (3) Kia hiki he fakafiliaga e poakiaga leveki mo e laveaki ke he tau puhala nai –
  - (a) hiki e tau fatifatiaga he poakiaga; po ke
  - (e) hiki e leva ka fakagahua e poakiaga.
- (4) Kaeke kua fai hikiaga e poakiaga leveki mo e laveaki, po ke kua fakoti, kia taute he fakafiliaga pehē nai –
  - (a) kia takitaha e lagaki he hikiaga po ke fakaotiaga ka fakaolo age he lima kia ia e tagata A mo ia e tagata E ne tā e hokotaki; mo e
  - (e) fakafano taha lagaki he hikiaga po ke fakaotiaga ke he Takitaki Leoleo.

- 109 Fakagahuahuaaga he poakiaga leveki mo e laveaki po ke poakiaga leveki mo e laveaki mai he tau motu kehe, ne kua tohi fakamau**
- (7) Kua maeke he ofisa gahua leoleo ke tapaki ha tagata, ka e nā kai fai tohi fakaatā
- Kaeke kua tali tonu e ofisa gahua leoleo ko e tagata –
- (a) ia ne fakahigoa he poakiaga leveki mo e laveaki po ke poakiaga leveki mo e laveaki mai he tau motu kehe, ne kua tohia fakamau; mo e
- (e) kua nā kai omaoma ke he ha fatifatiaga he poakiaga.
- (2) ko e tagata A ne kua fakahigoa he poakiaga leveki mo e laveaki po ke poakiaga leveki mo e laveaki mai he tau motu kehe ne kua tohia fakamau, kua holia e ia e matafakatufono kaeke kua nakai omaoma ke he ha fatifatiaga he poakiaga.
- (3) Ko e tagata ne kua fakamooli e ha agahala munitua ke he matakupu nai, kia fakahala,--
- (a) ke gata mai he 12 e mahina po ke totogi tupe ke gata mai he 15 e poini fakahala kaeke ko e agahala fakapā kua fakahala a ia; po ke
- (e) ke gata mai he 3 e tau he nofo he kaina he tau pagotā, po ke totogi tupe ke gata mai he 20 e poini, po ke uta ua e tau fakahala, munitua ke he matakupu nai, kaeke ko e agahala ke ua aki po ke fiha foki (ne lauia e poakiaga taha)
- (4) Ko e totogi tupe mai ia ia e tagata A munitua ke he matakupu 112, po ke lali ke fai tauteaga foki, kua nā kai eke e tau mena ia mo taha fakahaoaga ke totoko atu ke he fakahala mutia ke he matakupu nai.
- (5) Ke lata mo e matakupu nai, ko e **poakiaga leveki mo e laveaki ne tohia fakamau he tau motu kehe** kakano ko e poakiaga ne tohia fakamau munitua ke he matakupu 111.

**110 Tohia Fakamau he tau poakiaga leveki mo e laveaki mai he tau motu kehe**

- (1) Ko e Fakamau Kupu Lahi he fakafiliaga kia tohia fakamau i loto he fakafiliaga e Poakiaga leveki mo e laveaki, kaeke kua moua he Fakamau Kupu Lahi he fakafiliaga, ma e kakano he fakamauaga –
- (a) ko e lagaki he setifikete poakiaga kua fakamooli; mo e
- (e) ko e setifikete ne –
- (i) kua fakamooli matalima he taha ofisa gahua he fakafiliaga he motu ne taute ai; mo e
- (ii) ne toka ai foki e talahauaga ko e poakiaga, he aho he setifikete kua fakagahua he motu ne taute ai.
- (2) Ko e tohia fakamau ne kua taute he fakafiliaga e lagaki ne kua fakamooli.
- (3) Ko e tagata ne toka ai e poakiaga leveki mo e laveaki mai he taha motukehe mo e amanaki ke nofo i Niue i lalo hifo he 1 e mahina he leva, kia foaki e ha lagaki ke he Takitaki Leoleo, ka e nā kai fakamau he

- fakafiliaga, ti kua mailoga ai ko e poakiaga kua tohia fakamau ko e poakiaga leveki mo e laveaki ne tamai he taha motu kehe.
- (4) Ko e poakiaga ne tukuage ke he Takitaki Leoleo munitua ke he matakupu nai to fakaoti ke eke mo poakiaga leveki mo e laveaki mai he taha motu kehe ne tohia fakamau, ko e mena fe ni ne hoko fakamua –
- (a) ko e aho hake he mole atu e aho ne toka ai he tagata a Niue; po ke
- (e) ko e aho ne katoa e 1 e mahina he mole atu e foaki e poakiaga ke he Takitaki Leoleo.
- (5) Ke lata mo e matakupu nai, **ko e poakiaga leveki mo e laveaki mai he motu kehe-**
- (a) kakano ko e poakiaga ne taute he taha fakafiliaga he taha motu kehe ne fai pule tonuhia ke eke pihia, tuga e –
- (i) ko e taha poakiaga ke leveki mo e laveaki e tagata mai he mahani faka- tagata ne taute pauaki e poakiaga ke lata ai, ti kaeke ke tupu e mahani ia i Niue, ko e mahani kua maeke ke taute taha poakiaga munitua ke he Fakatufono-tohi nai; po ke
- (ii) ko e poakiaga ne hiki, fakamagalo, po ke taute ke huhui aki e poakiaga pehē na; ka e taha e mena
- (e) kua nakai aofia –
- (i) e poakiaga kua taute ka e nakai fai fakailoaga; po ke
- (ii) poakiaga ma e magaaho kū.

**111 Totogi tupe he tau kafokia mo e tau mena malona mo e tau tupe fakamole**

- (1) Kia poaki e fakafiliaga kia ia e tagata A ne kua fakahigoa he poakiaga leveki mo e laveaki, ke totogi kia ia ne tā e hokotaki e tau tupe ke lata mo e tau kafokia mo e tau mena ne malona ha ko e mahani fāvale mo e fakamamahi he kaina.
- (2) Ko e tau kafokia mo e tau mena malona kua lata ke fai totogi munitua ke he Vala kupu (1) ka e nākai kuenai, hanai –
- (a) mamahi mo e fakaatukehei;
- (e) fakamamahi he tino mo e loto manamanatu;
- (i) ko e totogi he ha puhala tului faka-ekekafo kua lata mo ia ne tā e hokotaki;
- (o) ko e ha totogi ne galo noa ha kua nākai maeke ke gahua a ia ne tā e hokotaki;
- (u) ko e totogi kua lata mo e tau koloa haana ne tā e hokotaki, ne kuautakehe, moumou, po ke tiaki noa;
- (fa) ko e tau kafokia mo e tau koloa malona ne hoko fakamua po ke magaaho fakamui he taute e poakiaga leveki mo e laveaki.
- (3) Kua maeke e fakafiliaga ke poaki kia ia e tagata A ke totogi tupe kia ia ne tā e hokotaki ke lata mo e tau mena kua malona, po ke to malona, ke lata mo e liu ati hake foki taha kaina kehe maana.



- (4) Ko e tau fakamoleaga ne kua maeke ke totogi munitua ke he vala kupu (3) hanai, ka e nā kai kuenai:
- (a) ko e totogi tupe he taha nofoaga kua lata;
- (e) ko e totogi tupe he tau mena ke lata mo e hikiaga ke he kaina kehe:
- (i) ko e totogi tupe ke he falu mena foki kua lata mo e nofoaga he kaina kehe.

*Ko e tau fakaholoaga ke lata mo e Vala nai*

**113 Tohi ole ke moua e poakiaga leveki mo e laveaki ne katoatoa e leva**

- (1) Kaeke kua moua he fakafiliaga e tohi ole ke moua e poakiaga leveki mo e laveaki ke katoatoa e leva, kia fifili he fakafiliaga ke –
- (a) tukuage e tohi fakaatā ke tapaki a tagata A, kaeke kua tali tonu kua nā kai nofo haohao mafola a ia ne tā e hokotaki; po ke
- (e) tukuage e tohi hopo ke hokoatu a ia ko tagata A, ke he fakafiliaga, he aho mo e matakavi kua fafati.
- (2) Kia foaki age ke he Takitaki Leoleo, 2 e lagaki he tohi fakaatā ke tapaki po ke tohi hopo, ke maeke ia ia ke fakaolo age ke he lima ha tagata A.
- (3) Ko e fakanogonogoaga ke moua e poakiaga leveki mo e laveaki ne katoatoa e leva, kia fakaholo kaeke kua nā kai hoko atu a tagata A, kaeke kua tali tonu e fakafiliaga ko e–
- (a) tohi hopo kua fakaolo age kia ia ka tali e hokotaki, tagata A; po ke
- (e) kua fakatoka maana ka tali e hokotaki, tagata A, mo e taha fatifatiaga ke tū ki mua he ha fakanogonogoaga; po ke
- (i) kua oti e tau malolō he fakamole ke fakaolo age ke he lima e tau fakailoaaga kia ia ka tali e hokotaki, tagata A, he magaaho mo e matakavi ka fakahoko ai e fakanogonogoaga.

**112 Ko e fakanogonogoaga ke moua e poakiaga leveki mo e laveaki**

- (1) Ko e ha fakanogonogoaga ke lata mo e poakiaga leveki mo e laveaki kia nā kai hafagi ke he tau tagata.
- (2) Ko ia ne tā e hokotaki, kua fakagofua ke fai tagata lalago maana, he tau magaaho oti he fakanogonogoaga ke moua e poakiaga leveki mo e laveaki.
- (3) Ke lata mo e fakaholoaga he fakafiliaga ne hagai ke moua e poakiaga leveki mo e laveaki, kia fifili e tau hūhū kua lata ma e haoaga tonu he fekau.

**113 Liuaki he hokotaki**

- Kaeke, kua ole a ia ne tā e hokotaki ke liuaki e hokotaki, to fakahoko e fakanogonogoaga he fakafiliaga, kia onono fakamua e fakafiliaga to taute e fifiliaga ke talia ke he ole, po ke nā kai, kia –
- (a) kumikumi fakamua e kakano ati liuaki ai e hokotaki; mo e

- (e) kia fakailoa ha puhala kua lata ke moua e ia ne tā e hokotaki e laveakiaga mo e haohao mafola pihia foki ma e haana magafaoa haana.

**114 Fakailoaaga laulahi he fakaholoaga he fakafiliaga**

Ko e fakafiliaga kia poaki, kaeke kua fai ole ha taha ne lauia he fekau, po ke haana ni a kitiaaga, ko e tau mena oti ne fakahoko mo e iloa he fakafiliaga kia taofi nākai tohia ke iloa he tau tagata.

**115 Nakai totogi tupe e tau tohi ole**

- (1) Kia nākai totogi tupe e tau tohi ole kua tuku he taha tagata ke moua e poakiaga leveki mo e laveaki po ke poakiaga puipui mafola he faahi gahua leoleo.
- (2) Ko e fakafiliaga, kia nākai poaki ke totogi tupe ha mena hagaa ke he poakiaga leveki mo e laveaki, ka e fai kehe kaeke kua tali tonu, ko e tauteaga ne taute mo e fakateaga ti nākai fai kakano lahi.

*Ko e Agahala*

**116 Fāvale fakamamahi he taha tagata he magafaoa he kaina**

- (1) Kia taatu ke he kaina he tau pagotā ke gata mai he 2 e tau he leva ha tagata ne-
- (a) kua fāvale fakamamahi e taha tagata; mo e
- (e) kua nonofo he magaaho nai po ke ne fakatau nonofo fakalataha henmagaaho kua mole he kaina mo ia.
- (2) Ko e vala kupu (1), ko e kakano he **nofo fakalataha mo e magafaoa he kaina** kua tatai mo e kakano he matakupu 95.

**Vala ke Ono aki**

**Ko e tau fakatokaaga kehekehe**

**117 Pule malolō he fakafiliaga**

Ko e Veveheaga he Fakafiliaga ha ko e tonuhia he tagata kua toka ai e pule malolō fakafiliaga ma e tau mena oti he Fakatufono-tohi nai, ka e nākai putoia e tau Fakafiliaga holifono ke he tau fakatufono.

**118 Tau iloaaga kehekehe**

Ko e tau tauteaga ne muiua ke he Fakatufono-tohi nai (ka e nākai putoia e tau tauteaga ma e tau agahala faka- kolokolovao), kia moua mai he fakafiliaga ha iloaaga ne manatu e fakafiliaga kua tū tonu, ka e nākaila iloa ko e maeke nakai ke fakaaoga he fakafiliaga.

**119 Tau ole ke liu fakanogonogo**

- (1) Kua maeke ke tuku e ole ke liu fakanogonogo ha fifiliaga he magaaho kua fafati ke lata mo e ha poakiaga po ke fifiliaga he fakafiliaga muiua ke he Fakatufono-Tohi nai, ka e nākai ko e tau mena nai –
  - (a) ko e poakiaga ke vevehe; po ke
  - (e) ko e poakiaga tohi tamahiki.
- (2) Kia liu fakanogonogo he Fakafiliaga liu fanogonogo e tau iloaaga katoatoa po ke taha vala he tau iloaaga, po ke moua mai foki falu iloaaga foou, kaeke kua kitia kua lata ke eke pihia, ka e nākai ko e ole ke liu fakanogonogo ha ko e taha Mena he matafakatufono.
- (3) Ko e fifiliaga he Fakafiliaga Liu Fakafili ko e fakakatoatoaaga mo e fakahikuaga ni a ia. Ka e fai kehe kaeke ke onono ke he matakupu 55 he Fakatufono-tohi Fakavē.

**120 Kia kotofa he Fakafiliaga e hukui ma e tama**

- (1) Kaeke ko e tama ne hagai ki ai, po ke taha he tau tagata, ne hagai ki ai e tauteaga muiua ke he Fakatufono-tohi nai, ko ia ne nākaila hoko ke he tau po ke motua e loto ke maama e tau tauteaga po ke, ha kakano foki, ti kua nākai maeke ke fakakite e tau manatu, kia taute he fakafiliaga pehē nai –
  - (a) kotofa e taha hukui lalago ma e tama; mo e
  - (e) kua manako ke he hukui ke tuku e tau fekau ke he fakafiliaga ke lata tonu mo e tau mitaki he tama.
- (2) Kaeke kua kotofa he fakafiliaga e taha loea ke lata mo e tama, kia totogi tupe heUlu Fakatonu a ia.
- (3) Kaeke kua kotofa he fakafiliaga ha tagata foki ke eke mo hukui he tama, kua lata e fakafiliaga ke kumi atu ke he Ulu Fakatonu ke totogi tupe po ke taha lagomatai ma e tau tupe fakamole haana.

**121 Tau talahauaga he tama**

- (1) Ko e ha tauteaga hagai ke he tama ne muiua ke he Fakatufono-tohi nai kia Fakanogonogo e fakafiliaga ke he ha talahauaga he ha puhala kua lata, mo e nākai fai fakakaupāaga, ke he 1 po ke loga e tau mena nai –
  - (a) fekau e ha tagata ke fano ki fafo he fakafiliaga he magaaho ka talahau he tama haana a tau iloaaga:
  - (e) kaeke ke fai huhū kia fakahoko he tau puhala viteō kifaga ne fai puha ke kitia:
    - (i) kia nākai fakagofua e tama ke tali huhū kaeke kua nākai la lahi mo e motua e loto he tama ke maama e tau tauteaga;
    - (o) tutala mo e tama a laua tokoua ni ka e nofo ai e hukui lalago he tama;
    - (u) kia moua mai e iloaaga he tama he tohi po ke tapaki fakamau e fakama-talaaga he tama.
- (2) Ko e puhala ne talahau e tau illoaaga he tama ke lata mo e tau tauteaga muiua ke he Fakatufono-tohi nai, kia taute mo e mailoga ke ua tupu

ha mena ke he tama, he tau magaaho i mua, ha kua kaufakalataha a ia ke he tauteaga nai.

**122 Ko e tonuhia he fakafiliaga ke nākai hafagi e tau fakanogonogoaga kia taha**

Ko e fakafiliaga kia fakanogonogo ke he tau tauteaga muiua ke he Fakatufono-tohi nai mo e nākai hafagi kia taha ke hokoatu ke he fakafiliaga.

**123 Ko e fakamatalaaga mo e fakamaamaaga he tau poakiaga he fakafiliaga**

- (1) Kaeke kua fai tagata ne lauia he tau poakiaga ne nofo ai he magaaho ne taute he fakafiliaga e poakiaga, kia fakamaama he Letittala kia ia e haoaga he poakiaga, mo e mena ka tupu kaeke kua nākai omaoma ke he poakiaga.
- (2) Ko e tau poakiaga takitaha ne taute muiua ke he Fakatufono-tohi nai, kia tohi i ai e fakamaamaaga, ke lata mo e tau fatifatiaga he poakiaga, ha ko e-
  - (a) haoaga he poakiaga (tuga e, ko hai ka taute e heigoa); mo e
  - (e) ko e taute fēfē e poakiaga ke hiki po ke fakamagalalo; mo e
  - (i) ko e magaaho fē ka hoko ai e fakaotiaga (kaeke kua lata); mo e
  - (o) ko e tau mena ka tupu kaeke kua holia e poakiaga.
- (3) Ko e ha loea, po ke ha tagata lalago ke he ha tagata ne ole ke moua e poakiaga, kia fakamaama e poakiaga katoatoa kia ia ne ole po ko ia ne moua e poakiaga.
- (4) Ko e tau fakamaamaaga ke lata mo e vala kupu (1) ke hoko ke he vala kupu (3) Kia taute fakamitaki he vagahau ne maama mitaki a ia ki ai.
- (5) Ko e ha loea, po ke ha tagata lalago ke he ha tama, kia fakamaama fakamatafeiga ke maama he tama e poakiaga ne kua lauia ai a ia.
- (6) Kaeke kua nākai muiua ke he tau fatifatiaga he matakupu nai kia nākai eke e mena ia ke nākai fai aoga e poakiaga.

**124 Ko e tau lā fakatufono**

- (1) Ko e Fono Ikipule, kaeke kua manatu pihia e Ikipule, fakamooli e tau lā fakatufono ke lata mo e tau kakano nai:
  - (a) kia fakamahino e tau vahega tohi kua talaga pauaki ke fakapuke ke lata mo e tau kakano he Fakatufono-tohi nai:
  - (e) kia tohia he lā fakatufono e puhala ke fakamau aki e tau mau tohi:
  - (i) kia fakamahino e tau mena ka totogi e tau tupe fafati muiua ke he Fakatufono-tohi nai, mo e lahi he tupe, po ke fakakite e puhala ne totou aki e tau tupe fafati:
  - (o) kia fakamahino e tau fakaholoaga, tau magaaho fafati, ke lata mo e tau tauteaga muiua ke he Fakatufono-tohi nai:

- (u) kia fakamahino e lahi he numela, po ke puhala ne totou e lahi he numela ke totogi aki e tau tagata leveki ne kotofa he Ulu Fakatonu ke leveki e tama he tau aho takitaha:
  - (fa) ko e taha tauteaga ke nākai, po ke tukuhifo e totogi he falu mena ka totogi Muiua ke he lā fakatufono ke maeke he Uli Fakatonu po ke Letititala he fakafiliaga ke fakagahua e tonuhia ha laua ke nākai totogi, po ke tuku hifo e tau totogi ne lata ke totogi:
  - (ga) fakaatā e Ulu Fakatonu po ke Fakamau Kupu Lahi he fakafiliaga ke tukuhifo e tau totogi mo e tau tupe ne lata ke totogi muiua ke he lā fakatufono, mo e ha fatifatiaga foki;
  - (ha) ke lata mo e ha tauteaga ma e Fakatufono-tohi nai, ke maeke ke fakagahuahua fakamooli.
- (2) Ko e ha tupe ke totogi muiua ke he Fakatufono-tohi nai –
- (a) kia nākai fai fakakaupāaga ha ko e tau gahua faka-ofisa mo e falu mena foki ne fakamole e tupe ki ai, ka onono ke he tohi ole poke tau gahua ne kua fakatupe; mo e
  - (e) liga fai kehe e tau tupe fafati ke totogi ha ko e mena ko e falu tagata, nākai ko e tagata Niue, po ke ha kakano foki.

**125 Ko e fakaholoaga he tau gahua a to fakamooli e Fakatufono-tohi**

- (1) Ko e matakupu nai ne hagai ke he tau poakiaga ne taute to fakagahua e Fakatufono-tohi nai muiua ke he tau matafakatufono ne kua fakaoti he Fakatufono-tohi nai.
- (2) Ko e ha poakiaga ne lauia he matakupu nai to tumau ke fakagahua, mo e maeke ke fakahui po ke fakamagalo –
  - (a) tuga kua nākai fakagahua e Fakatufono-tohi nai; mo e
  - (e) tuga kua nākaila fakaoti e tau matafakatufono ne muiua ki ai.
- (3) Ko e tagata fakamau ne fakamau e tau tagata mau tohi, to fakagahua e Fakatufono-tohi nai, kia fakatumau ke eke mo tagata fakamau ti ko e matakupu 15 kua nākai lauia e tagata ia.
- (4) Ko e ha fakalatahaaga mau tohi ne fakamau to fakagahua e Fakatufono-tohi nai to fakatumau ke eke mo mau tohi ke lata mo e Fakatufono-tohi nai, pete nī e nākai hako e mau tohi muiua ke he fakatufono-tohi nai (tuga, kua nākaila tū e 18 e tau moui he taha).

**126 Ko e tau matafakatufono kua fakaoti**

- (1) Matakupu 162(4) he Niue Act (ne lauia e fakapilo pulenoa ka e kua mau tohi) kua Fakaoti (kitekite ke he matakupu 35(4) he Criminal Code 2007)
- (2) Ko e tau matafakatufono ne tohia he Fakaholoaga Fakamatafeiga Numela 2 kua Fakaoti.

**Fakaholoaga Fakamatafeiga Numela 1**  
**Ko e tau fakalatahaaga mau tohi kia fakatapu**

s 7

- 1 Ko e ha tagata kua nākai maeke ke fakalataha mau tohi mo e —
  - (a) haana a matua he matua
  - (e) tokoua he matua he haana matua
  - (i) haana matua
  - (o) tokoua he haana matua
  - (u) tau lafu he haana a matua
  - (fa) ha tama he tau lafu he haana a matua
  - (ga) haana a tama
  - (ha) tokoua he tama haana
  - (ka) tama he tama haana
  - (la) tokoua he tama he tama haana
  - (ma) lafu mahakitaga po ke tugaane, tehina po ke taokete
  - (na) tama he tau lafu haana
  - (pa) matua he tokoua haana
  - (sa) matua he matua he tokoua haana
  - (ta) tama he tokoua haana
  - (va) tama he tama he tokoua haana
- 2 Ko e tau vahega mau tohi ne kua fakatapu, kua tū tonu ke lata mo e tupumaiaga he faoa he toto fakafaahi ua, po ke tupumaiaga he faoa he toto fakafaahi taha.
- 3 Ke lata mo e fakaholoaga fakamatafeiga nai, ko e kupu ke he tokoua, ne kua putoia ai e tokoua fakamua, ne moui agaia po ke mole atu he moui nai, po ke kua fakaoti e mau tohi ha kua mate taha, po ke kua vevehe kehe po ke ha kakano.

**Fakaholoaga Fakamatafeiga Numela 2**  
**Ko e tau fakatufono-tohi kua fakaoti**

s 128

Ko e Fakatufono -tohi ma e tohi tama hiki (*kitekite* ke he tau matakupu 35 mo e 37 he Family Law Code 2007)

Ko e Fakatufono-tohi ma e tau matua leveki 1968 (*kitekite* ke he tau Matakupu 38 ke hoko ke he 68 he Family Law Code 2007)

Ko e Fakatufono -tohi ma Niue 1966, matakupu 69, Vala 21 -23 (*kitekite* ke he tau matakupu 1 - 13, 15 - 26, 69 mo e 87 - 116 he Family Law Code 2007)

Ko e Fakatufono-tohi ma e tau koloa 1952, matakupu 133 (*kitekite* ke he matakupu 14 he Family Law Code 2007)

Ko e tau Lā fakatufono ma e fakalatahaaga mau tohi 1970.