

his Ordinance the term "exporter" export entry whether a licensed al.

all be exempted from this of the classes of goods specified w are intended to be a bona fide barter, exchange, or sale.

er who, without the written er of Customs], fails to pay ill be liable to a fine not duty specified.

er of Customs" were substituted Customs" by section 2 of the

SCHEDULE

imposed as follows:

<u>Rate</u>
5 per centum

RECEIVED
19/10/62

Fireworks Ordinance 1958, No.56

ANALYSIS

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FIREWORKS ORDINANCE 1958
1958, No.56

An Ordinance to make provision for the control of the manufacture, importation and use of Fireworks (5 June 1958).

1. Short Title - This Ordinance may be cited as the Niue Fireworks Ordinance 1958.

2. Interpretation - (1) In this Ordinance unless the context otherwise requires -

"Fireworks" means any explosive and any firework composition enclosed in any case or contrivance or otherwise manufactured so as to form a squib, cracker, serpent, rocket (other than a ship safety rocket), maroon, lance wheel, Chinese fire, Roman candle or other article made or adapted for the production of pyrotechnic effects and includes sparkler, matches, and throwdowns.

"Import" means to bring or cause to be brought or sent or to introduce in any other way whatever into the Island of Niue and "importation" shall have a corresponding meaning.

(2) In this Ordinance, terms defined by the [Niue Act 1966] shall, subject to the provisions of subsection (1) hereof, have the meanings thereby assigned to them.

[The Niue Act 1966, being the corresponding enactment in force at the date of this reprint, has been substituted for the Cook Islands Act 1915.]

3. Construction or manufacture of fireworks - No person in the Island of Niue shall construct or manufacture any fireworks or produce fireworks in any manner or by any method whatever whether by making a new article or adapting any existing article.

4. Written consent of Resident Commissioner required - (1) No person shall import any fireworks without having first obtained the written consent of the Resident Commissioner.

(2) Any officer of Police or Customs may detain and examine the contents of any imported package in respect whereof a breach of this section is reasonably suspected and any fireworks found to be imported contrary to the provisions of this section shall be seized.

5. Permit to discharge fireworks - (1) No person shall discharge any fireworks in the Island of Niue except pursuant to a permit granted by the Resident Commissioner and subject to such terms and conditions in the permit as the Resident Commissioner imposes having regard to the interests of the public safety and of the safety of any person.

(2) Every person who commits a breach of this section is liable to a fine not exceeding ten pounds.

6. Offences and penalties - (1) Every person commits an offence against this Ordinance who discharges any fireworks in any place with intent to do bodily harm to any person or sends or delivers to or causes to be received by any person any fireworks.

(2) Every person who commits an offence against this section shall be liable to a fine not exceeding one hundred pounds or to imprisonment not exceeding three months.

7. Resident Commissioner may impose conditions - (1) Any consent or permit granted by the Resident Commissioner under this Ordinance may be given subject to such terms and conditions as the Resident Commissioner, in his discretion, may impose.

(2) The Resident Commissioner may delegate his functions under this Ordinance to an officer of Police or Customs and any functions so delegated shall be exercised subject to any general or specific directions which may be given by the Resident Commissioner in that behalf.

8. Fireworks may be seized - Any officer of Police, on being authorised so to do by warrant under the hand of a Commissioner or Registrar of the Court, may, by force if need be, enter and search any land or buildings in or upon which he has reasonable cause to believe that there are any fireworks in respect of which a breach of this Ordinance has been committed, and any such fireworks found on such land or buildings shall be seized.

9. Fireworks seized become property of Her Majesty - Any fireworks seized pursuant to any provisions of this Ordinance shall become the property of Her Majesty free and discharged from all rights, title, estate or interest possessed in respect thereof by any other person and shall be destroyed or otherwise disposed of as in any case the Resident Commissioner may direct.

10. Offences and penalties - (1) Every person commits an offence against this Ordinance who -

(a) Fails to comply with any lawful requirements of the Resident Commissioner under this Ordinance; or

of Police or Customs may detain and
 of any imported package in respect
 this section is reasonably suspected
 found to be imported contrary to the
 section shall be seized.

Large fireworks - (1) No person shall
 fireworks in the Island of Niue except
 granted by the Resident Commissioner
 terms and conditions in the permit as
 Commissioner imposes having regard to the
 public safety and of the safety of any

who commits a breach of this section
 not exceeding ten pounds.

Penalties - (1) Every person commits an
 Ordinance who discharges any fire-
 with intent to do bodily harm to any
 delivers to or causes to be received by
 persons.

who commits an offence against this
 Ordinance shall be liable to a fine not exceeding one
 hundred pounds or imprisonment not exceeding three

Commissioner may impose conditions - (1) Any
 permit granted by the Resident Commissioner
 may be given subject to such terms
 as the Resident Commissioner, in his

Commissioner may delegate his func-
 tion to an officer of Police or
 any person so delegated shall be exercised
 in accordance with or specific directions which may be
 given by the Commissioner in that behalf.

Seizure - Any officer of Police, on
 a warrant under the hand of a
 Justice of the Court, may, by force if
 necessary, search any land or buildings in or upon
 which he has cause to believe that there are any
 fireworks in respect of which a breach of this Ordinance
 has been committed, and any such fireworks found on such
 land or buildings shall be seized.

Property of Her Majesty - Any
 property of Her Majesty free
 from all claims, title, estate or interest
 of any other person and shall
 be deemed to be property of Her Majesty
 in respect of as in any case the
 law may require.

(1) Every person commits an
 offence who -
 (a) fails to comply with the
 lawful requirements
 imposed under this

(b) In any manner obstructs an officer of Police
 or Customs in the lawful exercise of any
 power, function, or authority conferred on
 him by or under this Ordinance; or

(c) With intent to procure by purchase or other-
 wise any fireworks contrary to the provisions
 of this Ordinance deceives, or attempts to
 deceive, any officer in the performance of
 his duty under this Ordinance; or

(d) Discharges any fireworks in a public place or
 so near thereto as to endanger, annoy or
 frighten any persons; or

(e) Discharges any fireworks in any public place
 or while so situated that any property whether
 movable or immovable is thereby liable to
 catch fire.

(2) Every person who commits an offence against this
 Ordinance for which no penalty is provided elsewhere than
 in this section is liable to a fine not exceeding fifty
 pounds.

(3) Every Corporate body committing an offence against
 this Ordinance shall be liable to a fine not exceeding one
 hundred pounds.