

SCHEDULE

ITEM

s (other than motor cycles)
 and Deep Freezers
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 d Tape-recorders
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 -consumable item (other than
 d building materials)
 ng £20 but not exceeding
 value; or
 ng £100 in value.

RECEIVED
19/10/66

Development Ordinance 1966, No.36
 Development Amendment Ordinance 1966, No.38

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DEVELOPMENT ORDINANCE 1966
 1966, No.36

An Ordinance to provide for the establishment of a Development Board to promote and carry out projects for land development, improvement and settlement, for the promotion of industry and other development projects, and for making funds available therefor and for purposes connected therewith (20 July 1966).

PART I - PRELIMINARY

1. Short Title and Commencement - (1) This Ordinance may be cited as the Niue Island Development Ordinance 1966.

(2) This Ordinance shall come into force on a date to be appointed for the commencement thereof by the Resident Commissioner by notice in the Niue Island Gazette.

[The Ordinance came into force on 21 September 1966 by public notice dated 20 September 1966 and published in the Niue Island Gazette.]

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

"Assembly" means the Niue Island Assembly;

"Board" means the Development Board established under this Ordinance;

"Chairman" means the Chairman of the Board, and includes the Deputy Chairman and any temporary Chairman appointed under section 15 of this Ordinance;

"Executive Committee" means the Executive Committee established by [section 9 of the Niue Act 1966];

"Financial year" means a year ending on thirty-first March;

"Member" or "Member of the Board" means any member of the Board appointed under section 15 of this Ordinance, and includes the Chairman, Deputy Chairman, a temporary Chairman and any temporary member.

[Section 9 of the Niue Act 1966, being the corresponding enactment in force at the date of this reprint, has been substituted for section 9 of the Cook Islands Amendment Act 1964.]

PART II - DEVELOPMENT BOARD

3. Establishment, duties and powers of Board - (1) There shall be established for the purposes of this Ordinance a body, to be known as the Niue Development Board.

(2) It shall be the duty of the Board to promote and assist the investigation, formation and carrying out of projects for the development, improvement and settlement of land and promotion of industry and other enterprises the establishment of which, in the opinion of the Board, will advance the economic development or export trade of Niue.

(3) The Board shall have power, for the purpose of the discharge of its duty under the preceding subsection:

(a) to carry on all activities the carrying on whereof appears to it to be requisite, advantageous or convenient for or in connection with the discharge of its said duty;

(b) to appoint managing agents;

(c) to initiate and carry out by itself or through its managing agents schemes for the development, improvement and settlement

T I - PRELIMINARY

Commencement - (1) This Ordinance may be commenced by the Resident Commissioner in the Niue Island Gazette.

shall come into force on a date to be determined by the Resident Commissioner in the Niue Island Gazette.

shall come into force on 21 September 1966 or on any date thereafter published in the Niue Island Gazette.

In this Ordinance unless the context otherwise requires -

"Niue Island Assembly" means the Niue Island Assembly established under section 15 of this Ordinance;

"Chairman of the Board, and includes any and any temporary Chairman of the Board" means the Executive Committee established under section 9 of the Niue Act 1966];

"Member of the Board" means any member appointed under section 15 of this Ordinance, including the Chairman, Deputy Chairman and any temporary Chairman of the Board;

"Niue Act 1966, being the corresponding Act of the Cook Islands" means the Niue Act 1966, being the corresponding Act of the Cook Islands.

- DEVELOPMENT BOARD

Functions and powers of Board - (1) There shall be a Niue Development Board.

The duty of the Board to promote and develop the Niue Islands, including the formation and carrying out of schemes for the improvement and settlement of the Niue Islands, and other enterprises, in the opinion of the Board, for the development or export trade of the Niue Islands.

power, for the purpose of carrying out the preceding subsection: (a) the carrying on of any business to be requisite, (b) the carrying on of any business for or in connection with the discharge of its said duty.

(a) to carry out by itself or through its managing agents schemes for the processing and marketing of produce;

of land; and promotion of industry and other development projects;

(d) to initiate and carry out by itself or through its managing agents schemes for the processing and marketing of produce;

(e) to approve land development, improvement and settlement schemes and schemes for the production, processing and marketing of produce and establishment of industry, proposed by any public or private body or person, including financial assistance, by way of grant, loan or otherwise;

(f) to carry on any of the activities listed in sub-paragraphs (a), (c), (d), (g) and (h) of this subsection in association with any public or private body or person or as managing agents or otherwise on their behalf;

(g) to make loans, subject to such conditions including management by staff approved by the Board, as the Board may think fit, in accordance with the provisions of this Ordinance;

(h) to do anything and to enter into any transaction (whether or not involving expenditure, borrowing in accordance with the provisions of this Ordinance, receiving grants of land or money, holding land or money, investing money, granting loans of money, the acquisition, use and disposal of any movable or immovable property, including rights) which in its opinion is calculated to facilitate the proper discharge of its functions or is incidental or conducive thereto.

(4) The Board shall not promote, carry out, assist or participate in any such project or activity as is referred to in the preceding subsection until such measures for consultation with the Assembly and all interested parties including owners of land as appear to the Resident Commissioner to be appropriate have been taken.

4. Additional functions of the Board - In addition to the duties imposed by this Ordinance, the Board may undertake such other functions and administer and expend such other moneys for such purposes as the Assembly may assign to the Board, and in so doing the Board shall be deemed to be fulfilling the purposes of this Ordinance and the provisions of this Ordinance shall apply to the Board in respect of such functions and the administration and expending of such moneys:

Provided that the accounts of such moneys shall be kept separate and apart from the other accounts of the Board.

5. Funds of the Board - The funds and resources of the Board shall consist of:

(a) such sums as may be appropriated to the Board by the Assembly;

(b) such other sums as may be given to the Board by any public or private body or person;

- (c) such sums as may be borrowed by the Board for the purpose of meeting any of its obligations or discharging any of its duties;
- (d) any property, investment, mortgages, charges or debentures acquired by or vested in the Board and any moneys earned or arising therefrom;
- (e) all sums from time to time received by or falling due to the Board in respect of the repayment of the principal of any loan made by the Board or the interest payable in respect of any such loan;
- (f) all other moneys or property which may in any manner become payable to or vested in the Board in respect of any matter incidental to its powers and duties.

6. Balancing of Revenue Account - It shall be the duty of the Board so to exercise and perform its functions under this Ordinance as to secure that the total revenues of the Board are sufficient to meet all sums properly chargeable to its revenue account, including, without prejudice to the generality of that expression, provisions in respect of a reserve fund if established and depreciation and interest on capital, taking one year with another.

7. Reserve Fund - (1) The Board may establish a reserve fund.

(2) The management of the reserve fund, the sums to be paid from time to time to the credit thereof and the application thereof shall be as the Board may determine:

Provided that no part of the reserve fund shall be applied otherwise than for the purposes of the Board.

8. Powers of expenditure - The Board may from its funds and other resources:

- (a) pay any expenses lawfully incurred by the Board, including survey, legal and other fees and costs, and the remuneration of agents, technical advisers, officers or servants appointed by the Board including reimbursement for out of pocket expenses and contributions to any provident fund established by the Board under the provisions of this Ordinance or established by any other Ordinance;
- (b) pay any other expenses, costs or expenditure properly incurred or accepted by the Board in the execution of its duty or in the discharge of its functions under this Ordinance;
- (c) purchase or hire plant, equipment, machinery, stores and any other materials and pay the cost of the acquisition of any land and the erection of any buildings and the carrying out of any works and undertakings in the execution of its duty or in the discharge of its functions under this Ordinance;
- (d) repay any moneys borrowed under this Ordinance and the interest due thereon, or set apart any sum required to be transferred to a sinking fund for the purpose of making provision for the repayment of such moneys.

may be borrowed by the Board for meeting any of its obligations any of its duties; investment, mortgages, charges acquired by or vested in the moneys earned or arising there-

time to time received by or the Board in respect of the principal of any loan made the interest payable in such loan; s or property which may in me payable to or vested in the t of any matter incidental to duties.

Account - It shall be the duty to secure that the total revenues to meet all sums properly account, including, without ty of that expression, provisions fund if established and depreciat-al, taking one year with another.

The Board may establish a reserve

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e - The Board may from its funds

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costs or expenditure accepted by the Board duty or in the dis- under this Ordinance; equipment, machinery, rials and pay the any land and the and the carrying ings in the the discharge Ordinance; this Ordinance set apart ed to a making pro- moneys.

9. Borrowing Powers - The Board may from time to time borrow, with the consent of and upon such terms and conditions as the Executive Committee may approve, any sums required by it for meeting any of its obligations or discharging any of its duties.

10. Temporary loans and overdraft - Without prejudice to the provisions of the last preceding section the Board may borrow by way of temporary loan or overdraft from a bank or otherwise any sum which the Board may temporarily require for the purpose of defraying the administrative expenses of the Board:

Provided that the Board shall not be empowered to borrow any sum so that the total indebtedness in respect of borrowings under this section shall at any one time exceed one thousand pounds.

11. Power to issue debenture stock, etc. - (1) The Board may from time to time, with the approval of the Executive Committee, borrow money by the issue of bonds, debentures or debenture stock, or raise capital by the issue of shares or stock of such class and value and upon such terms as it may deem expedient, for all or any of the following purposes:

- (a) the provision of working capital;
- (b) the fulfilling of the duties of the Board under this Ordinance;
- (c) the fulfilling of such additional functions as may be undertaken by the Board under this Ordinance;
- (d) the redemption of any shares or stock which it is required or entitled to redeem;
- (e) any other expenditure properly charged to capital account.

(2) The Board may make rules not inconsistent with the provisions of this Ordinance to provide for such matters in connection with shares, stock, bonds, debentures or debenture stock issued under this Ordinance as may appear necessary or expedient to the Board, and, in particular, for regulating the method of issue, transfer, redemption or other dealing with such shares, stock, bonds, debentures or debenture stock.

12. Investments - The funds of the Board and any reserve fund, without prejudice to the provisions of section 3, and any sinking fund, may be invested in any securities authorised by law for the time being for the investment of trust funds or in such other manner as the Resident Commissioner may from time to time approve.

13. Accounts and Audit - (1) The Board shall keep or shall cause to be kept proper accounts and other records in respect of its operations and shall cause to be prepared statements of accounts in respect of each financial year.

(2) The accounts of the Board shall be audited by the Audit Office of New Zealand.

14. Report - (1) The Board shall, as soon as conveniently possible after the end of each financial year, submit to the Resident Commissioner a report containing:

- (a) an account of its work during the year and
- (b) a statement of the accounts of the Board.

(2) A copy of the report and a copy of the report of the auditors shall be laid on the table of the Assembly.

15. Constitution of Board - (1) The Board shall be a body corporate under the name of the Niue Development Board, and by that name shall have perpetual succession and may hold and dispose of real and personal property and sue and be sued, and may do all other matters and things incidental or appertaining to a body corporate and not inconsistent with the provisions of this Ordinance.

(2) Service upon the Board of any notice, order or document shall be effected by delivering the same, or by sending it by registered post, to the Secretary of the Board.

(3) The Board shall consist of:

- (a) a Chairman and a Deputy Chairman, who shall be appointed by the Resident Commissioner acting with the concurrence of the Executive Committee, for such term not exceeding three years as the Resident Commissioner may determine, and
- (b) [not more than seven or less than five] members, who shall be appointed by the Resident Commissioner and of whom at least one shall be a person who, in the opinion of the Resident Commissioner, represents the interests of primary producers, and at least one, who, in the opinion of the Resident Commissioner, represents the interests of commerce or industry, and shall, subject to the provisions of this Ordinance, hold Office for such term not exceeding three years and subject to such conditions as the Resident Commissioner may determine.

(4) In the absence of the Chairman from any meeting the Deputy Chairman shall preside. In the absence of the Chairman and the Deputy Chairman from any meeting the members present shall appoint a temporary Chairman. The Deputy Chairman and a temporary Chairman shall have all the powers of the Chairman for that meeting.

(5) The Resident Commissioner may appoint any person to be a temporary member of the Board during the temporary incapacity through illness or any other cause or during the temporary absence from Niue of any member.

(6) Any person ceasing to be a member of the Board shall be eligible for reappointment.

(7) The Resident Commissioner may at any time accept the resignation of any member.

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(8) The Resident Commissioner may at any time revoke
the appointment of any member of the Board, if he thinks it
expedient so to do, without assigning any reason therefor.

[In subsection (3) the words in square brackets were
substituted for the words "not more than five or less than
three" by section 2 of the Development Amendment Ordinance
1966.]

16. Common Seal - (1) The Board shall have a common seal.

(2) The common seal shall be kept in safe custody and
all deeds, documents and other instruments requiring the
seal of the Board shall be sealed with the seal of the
Board in the presence of the Chairman and of a member or
an officer of the Board, who shall sign every deed, docu-
ment or other instrument to which such seal is affixed and
such signing shall be sufficient evidence that such seal
was duly and properly affixed and that the same is the
lawful seal of the Board.

(3) Any contract or instrument which, if entered into
or executed by a person not being a body corporate, would
not be required to be under seal, may be entered into or
executed on behalf of the Board by any person generally or
specially authorised by the Board for that purpose.

(4) The seal of the Board shall be officially and
judicially noticed.

17. Remuneration of members - A member of the Board may be
paid and receive from the funds of the Board such remunera-
tion as may be approved by the Resident Commissioner and
such reimbursement for out of pocket expenses as the Board
may determine.

18. Members not to vote on matters in which they are
Interested - (1) A member shall not at any meeting of
the Board or of a sub-committee thereof, vote in respect
of any contract or arrangement proposed to be entered into
by the Board in which he or any company of which he is a
director or manager or any firm in which he is a partner
has directly or indirectly any interest.

(2) A member shall not be deemed to have a share or
interest in any such contract or arrangement by reason only
of his being a shareholder in a company with which it is
proposed that the Board should enter into such contract or
arrangement unless he has a controlling interest in such
company.

19. Quorum and voting - (1) [The quorum at meetings of the
Board shall be:

- (a) four, if the total number of members appointed
does not exceed seven; and
- (b) five, if the total number of members appointed
exceeds seven.]

(2) At any meeting of the Board the Chairman, and when
presiding, the Deputy Chairman or a temporary Chairman,
shall have a deliberative vote and in the case of equality
of votes shall also have a casting vote.

[Subsection (1) was substituted by section 2(2) of the Development Amendment Ordinance 1966.]

20. Officers of the Board - (1) There may be appointed from time to time under [Part XXII of the Niue Act 1966], a Secretary of the Board and such other officers as may be necessary for the efficient carrying out of the functions of the Board under this Ordinance.

(2) Any person so appointed may hold office in addition to or in conjunction with any office in the Public Service.

21. Delegation - (1) Subject to any rules made under section 22 of this Ordinance the Board may delegate to any sub-committee, member or members of the Board the power and authority to carry out on its behalf such duties, power or functions as the Board may determine.

(2) The Board may, at the time of delegating any power or authority under section (1) of this section to any sub-committee, member or members, or at any time thereafter, give directions as to the manner in which such delegated power or authority is to be exercised and may at any time revoke, modify or increase such delegation.

22. Rules - The Board may make rules not inconsistent with the provisions of this Ordinance:

- (a) prescribing the system of management of the Board and the responsibilities of officers and servants of the Board;
- (b) imposing fees in such cases as may be determined by the Board;
- (c) generally for the exercise of its powers and duties under the provisions of this Ordinance.

PART III - GENERAL

23. Power to employ agents - The Board may employ and pay agents and technical advisers to transact any business or to do any act required to be transacted or done in the execution of the duties of the Board or for the better carrying into effect the purposes of this Ordinance and may pay all charges and expenses so incurred.

24. Compromise - The Board may compound or compromise for or in respect of any claim or demand made by or against it for such sums of money or other compensation as it deems sufficient.

25. Bad debts - The Board may write off bad debts.

26. Taxation exemption - The Board shall not be liable to taxation under the Niue Island Income Tax Ordinance 1961 or the Niue Island Aid to Revenue Tax Ordinance 1965.

27. Personal liability of members, officers and servants of the Board - No member, officer or servant of the Board shall be personally liable for any act, neglect or default done or omitted to be done in good faith in the course of the operations of the Board.

as substituted by section 2(2) of the Ordinance 1966.]

Board - (1) There may be appointed [Part XXXII of the Niue Act 1966], and such other officers as may be efficient carrying out of the functions of the Board as provided in this Ordinance.

appointed may hold office in conjunction with any office in the Public Service.

Subject to any rules made under this Ordinance the Board may delegate to any member or members of the Board the power to carry out on its behalf such duties, powers and functions as may be determined by the Board.

at the time of delegating any power under section (1) of this section to any member or members, or at any time thereafter, in the manner in which such delegated power is to be exercised and may at any time revoke such delegation.

may make rules not inconsistent with this Ordinance:

- (a) the system of management of the Board;
- (b) the responsibilities of officers of the Board;
- (c) such cases as may be determined by the Board;
- (d) the exercise of its powers and functions under the provisions of this Ordinance.

GENERAL

The Board may employ and pay any person to transact any business or to be transacted or done in the name of the Board or for the better management of this Ordinance and may incur any liability thereunder.

shall not be bound or compromise for any liability incurred by or against it in the exercise of its powers and functions as it deems fit.

of bad debts.

shall not be liable to any claim under this Ordinance 1961 or Ordinance 1965.

Officers and servants of the Board shall not be liable for any neglect or default in the discharge of their duties in the

28. Protection of Board - No act done or proceeding taken under this Ordinance shall be questioned on the ground:

- (a) of the existence of any vacancy in the membership of, or any defect in the constitution of the Board; or
- (b) of any omission, defect or irregularity not affecting the merits of the case.

29. Minutes receivable in evidence - Any minutes made of meetings of the Board shall, if duly signed, be receivable in evidence in all legal proceedings without further proof, and every meeting of the Board in respect of the proceedings of which minutes have been so made shall be deemed to have been duly convened and held and all members thereof to have been duly qualified to act.

DEVELOPMENT AMENDMENT ORDINANCE 1966
1966, No.38

An Ordinance to amend the Niue Island Development Ordinance 1966 (13 September 1966).

1. Short Title and Commencement - (1) This Ordinance may be cited as the Niue Island Development Amendment Ordinance 1966 and shall be read together with and deemed part of the Niue Island Development Ordinance 1966, No.36 (hereinafter referred to as the principal Ordinance).

(2) This Ordinance shall come into force on the date appointed by the Resident Commissioner for the commencement of the principal Ordinance.

2. [This section amended sections 15 and 19 of the principal Ordinance.]