

The actual siting of the buildings should be shown on the application. No permits will be issued if a dwelling is sited not less than ten feet from a dwelling [or ten feet from a building] and ten feet from the boundaries of the landowners, and ten feet from the boundaries of the landowners.

Brackets were added by section 2 of the Amendment Ordinance 1959.]

Under this Ordinance there is a person who shall be a member of the committee whose duty it shall be to supervise the construction to ensure that it is completed with.

For any infringement or breach of the Ordinance there shall be a fine not exceeding £50.

#### AMENDMENT ORDINANCE 1959

#### Buildings Permits Ordinance

may be cited as the Buildings Permits Ordinance 1959.

of the principal

RECEIVED  
19/1/66

Cinematograph Ordinance 1949, No.37  
Cinematograph Amendment Ordinance 1965, No.31  
Cinematograph (Censoring) Regulations 1966

#### ANALYSIS

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#### CINEMATOGRAPH ORDINANCE 1949 1949, No. 37

An Ordinance to provide for the licensing of cinematograph entertainers, and the censoring of cinematograph films, and for making other provisions relating to cinematograph entertainments (16 March 1949).

1. Short Title - This Ordinance may be cited as the Cinematograph Ordinance 1949.

## PART I - LICENCES

2. Licence required for cinematograph entertainments - On and after the coming into force of this Ordinance, it shall not be lawful for any person to give any cinematograph entertainment in Niue unless such person is the holder of a licence to do so, issued in accordance with the provisions of this Ordinance, save only that no licence shall be required for the giving of cinematograph entertainments by the Resident Commissioner or an officer of the Administration duly appointed by him for such purpose provided that such entertainments are given for educational purposes only.

3. Application for licence to be in writing - (1) Every application for a licence to give cinematograph entertainments shall be made in writing to the Resident Commissioner, who shall, before issuing any licence, satisfy himself that the applicant is a fit and proper person to hold the same.

(2) Such licence shall not be transferable.

3. Form and revocation of licence - (1) Every licence issued under this Ordinance shall be in the form prescribed in the Schedule hereto, and, unless sooner revoked, shall continue in force until the 31st day of March following the date of issue.

(2) Any such licence may be revoked by the Resident Commissioner at any time, if in his opinion the holder of the same has acted in a manner unfitting him to hold such licence.

(3) Such revocation may be effected by an instrument in the form prescribed in the Schedule hereto, and signed by the Resident Commissioner.

5. Fees - (1) The fee for a licence issued under this Ordinance shall be ten pounds (£10), payable in advance on the first day of April in each year.

(2) The same fee shall be charged for any portion of a year as for a whole year.

## PART II - CONDUCT OF ENTERTAINMENTS

6. Unlawful to give certain cinematograph entertainments - It shall be unlawful to give any cinematograph entertainments in Niue except as follows, that is to say -

- (1) Such entertainments, not being entertainments for educational purposes only, may be given in Alofi on each of the following nights only, namely, Tuesday, [Wednesday] and Saturday in each week. With the written consent of the Resident Commissioner another night may be substituted for [any] of the nights mentioned.
- (2) Such entertainments, not being entertainments for educational purposes only, may be given in villages other than Alofi on one night only in each week, and it shall be the duty of every licensed entertainer to give not less than

PART I - LICENCES

for cinematograph entertainments - On to force of this Ordinance, it shall person to give any cinematograph unless such person is the holder of ued in accordance with the provisions only that no licence shall be of cinematograph entertainments by er or an officer of the Administra- him for such purpose provided that given for educational purposes only.

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ENTERTAINMENTS

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three days' notice to the Resident Commis- sioner of the intended dates and places of such entertainments.

- (3) With the written consent of the Resident Commissioner a special entertainment suitable for children may be given, either in Alofi or any village, on any night or afternoon to be stated in such consent.
- (4) Cinematograph entertainments for educational purposes may be given by the Resident Commissioner or an officer of the Niue Admini- stration duly appointed by him for that purpose, in any village at any time during school hours; and at night in any village provided that in respect of any one village not more than one such entertainment may be given in each week, and that no such enter- tainment shall be given in any village on any night on which an entertainment is being given in that village by a licensed enter- tainer.

[In paragraph (1) of this section the words in square brackets were inserted by section 2 of the Cinematograph Amendment Ordinance 1965, No.31.]

7. Certain provisions relating to children under fourteen years - Save as provided by subsection three of section six, no child under fourteen years of age shall be taken or admitted to any cinematograph entertainment held in Alofi at night, except upon a Saturday night.

8. [Repealed by section 18 of the Public Entertainments Ordinance 1960, No.8.]

9. [Repealed by section 18 of the Public Entertainments Ordinance 1960, No.8.]

10. Written permission of Resident Commissioner required - No cinematograph entertainment shall be held in Niue except with the written permission of the Resident Commissioner first had and obtained, unless the person authorised by licence to hold such entertainment shall be present in person; and the holder of any such licence shall be held responsible for any act or acts of negligence on the part of or for any breach of any of the provisions of this Ordinance by any of his assistants, servants, or agents.

11. Disqualification - Any licensed entertainer who shall be disqualified from holding a licence under this Ordinance shall be deemed to be disqualified from taking any active part in the exhibition of any picture film, either as lecturer, raconteur, or in any capacity whatsoever.

12. Penalty - Any person acting in contravention of any of the foregoing provisions commits an offence against this Ordinance, and is liable to a fine not exceeding twenty-five pounds (£25).

PART III - CENSORING OF FILMS

13. Unlawful to exhibit any cinematograph film unless approved - On and after the coming into force of this Ordinance it shall not be lawful to exhibit any cinematograph film unless it has been approved in the manner hereinafter provided, and if any conditions have been imposed by the Censor on such approval, then it shall not be lawful to exhibit such film otherwise than in accordance with such conditions.
14. Appointment of Censors - There shall be appointed from time to time such fit person or persons as the Resident Commissioner deems necessary as Censors of Cinematograph Films.
15. Censoring of films - (1) It shall be the duty of every person so appointed to examine every cinematograph film submitted to him for approval.
- (2) Such approval shall be signified by a certificate in the form prescribed in the Schedule hereto.
- (3) Such approval shall not be given in the case of any film which, in the opinion of the Censor, depicts any matter that is against public order and decency; or the exhibition of which for any other reason is, in the opinion of the Censor, undesirable in the public interest.
- (4) Such approval may be given generally, or may be given subject to a condition that the film shall be exhibited only to any specified class or classes of persons, or may be given subject to any other conditions whatsoever that the Censor, in the public interest, thinks fit to impose.
16. Fees - There shall be payable in advance for any film submitted for approval under this Ordinance such fees as may from time to time be prescribed by the Resident Commissioner.
17. Penalty - (1) Every person who exhibits any film in contravention of any part of this Ordinance is liable to a fine of fifty pounds (£50), and the film may be ordered by the convicting Court to be forfeited to the Crown.
- (2) Any film so forfeited shall be dealt with in such a manner as the Resident Commissioner directs.
18. Regulations - The Resident Commissioner may from time to time make such regulations under his hand as he deems necessary for giving effect to this Part of this Ordinance, and such regulations shall have all the force and effect of statutory provisions, and shall be as binding as if the same formed part of this Ordinance, and were set out at length herein.

[The Cinematograph (Censoring) Regulations 1966 have been printed verbatim and after the Cinematograph Amendment Ordinance 1957.]

PART III - CENSORING OF FILMS

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PART IV - MISCELLANEOUS PROVISIONS

19. Proceedings to be taken before High Court - All pro-  
ceedings under this Ordinance for the recovery of any  
penalty shall be taken before the [High Court of Niue].

[The words in square brackets were substituted for  
"High Court of the Cook Islands" by the Niue Act 1966.]

20. Fees and penalties to be paid into Treasury - All fees  
paid and all penalties recovered under the provisions of  
this Ordinance shall be paid into the Treasury, and shall  
form part of the general revenue of the Niue Administration.

21. Interpretation - Throughout this Ordinance every  
reference to the Resident Commissioner shall be deemed to  
include a reference to the Deputy Resident Commissioner  
when acting for such Resident Commissioner.

SCHEDULE

Section 4 (1) Form No.1

Cinematograph Entertainer's Licence  
Niue

..... having paid the prescribed fee of ten pounds (£10),  
is hereby licensed to give cinematograph entertainments in  
Niue, subject to the provisions of the Cinematograph  
Ordinance 1949.

Resident Commissioner

This licence expires on the 31st day of March 19 ...; but  
it may be revoked by the Resident Commissioner at any time  
if, in his opinion, the licensee has acted in a manner  
unfitting him to hold a licence.

Section 4 (3) Form No.2

Revocation of Cinematograph Entertainer's Licence

Niue, .... 19

The licence dated ..... day of ..... 19 .... granted  
to ..... is hereby revoked.

Resident Commissioner

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Cinematograph

1949-66

Section 15 (2)

Form No. 3

Certificate of Approval of Cinematograph Film

Niue, ..... 19

SUBJECT to the under-mentioned conditions, the film .....  
submitted by ..... is hereby approved for exhibition in  
Niue.

Conditions

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