

INTERPRETATION RULES 2003

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1 Application

- (1) These Rules apply to all existing and future Rules of Tokelau unless —
- (i) it is otherwise expressly provided; or
 - (ii) the context otherwise requires.
- (2) These Rules shall bind the Government of Tokelau.

2 Definitions

In Rules of the General Fono —

“adult” means a person over 21 years of age;

“affidavit” has the meaning set out in the Affidavits and Declarations Rules 1986;

“commencement” when used in reference to a Rule means the date on which the Rule comes into operation;

“Commissioner” means a Commissioner appointed under section 5 of the Tokelau Amendment Act 1986 or a person exercising the functions, duties, and powers of a Commissioner under section 6 of the Tokelau Amendment Act 1986;

“constable” means—

- (i) an officer of police of Tokelau; and
- (ii) any member of the New Zealand Police Force designated in writing by the Council for the Ongoing Government as a constable for Tokelau;

“contravene” includes fail to comply with;

“day” means a calendar day;

“financial year” means the period beginning 1 July in any year and ending 30 June of the following year;

“High Court” means the High Court of New Zealand in the exercise of its jurisdiction as the High Court of Tokelau;

“holiday” means Sunday, Christmas Day, Boxing Day, New Year’s Day, Good Friday, Easter Monday, Tokehega Day, and any day declared by a village to be a public holiday;

“month” means a calendar month;

“New Zealand” does not include Tokelau;

“person” includes a corporation sole, and also a body of persons, whether corporate or unincorporated;

“public notification” means, placing a notice in the office of the Taupulega of each village or other accessible place in each village, or communicating by radio broadcast, or other appropriate means as directed by the Council for the Ongoing Government;

“Tokelauan” means a person belonging to the Polynesian race of Tokelau and includes a person descended from a Tokelauan;

“village” means a village incorporated by the Village Incorporation Rules 1986;

“writing” includes words printed, typewritten, painted, engraved, lithographed, or otherwise traced or copied;

“year” means a calendar year.

3 Tokelau Standard Time

(1) Tokelau standard time means the time 12 hours in advance of Coordinated Universal Time

(2) This rule will come into force at midnight on 29 December 2011

4 Rules of interpretation

(1) The law shall receive such fair, large, and liberal construction and interpretation as will best ensure the attainment of its object according to its true intent, meaning, and spirit.

(2) Where there are substantive differences between the English and the Tokelauan versions of a Rule, the interpretation of the Rule shall be in accordance with the language in which it was enacted.

5 Commencement

(1) Where a Rule does not prescribe its date of commencement, it shall commence on the day when a copy of the Rule is deposited in the

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Administration Office of each village in accordance with section 3D(2)(a) of the Tokelau Act 1948.

- (2) No power conferred by a Rule shall, unless it is necessary for bringing the Rule into effect at its commencement, be exercised before the commencement of the Rule.

6 Repeal of Rules

The repeal of a Rule shall not —

- (i) revive anything not in force or not in existence at the time the repeal takes effect;
- (ii) affect the previous operation of the Rule or anything done or suffered under it;
- (iii) affect any right acquired under it; or
- (iv) affect any penalty incurred in respect of an offence committed under it.

7 Computation of time

- (1) A period of time described as beginning at, on, or with a given day or act or event includes that day or the day of that act or event.
- (2) A period of time described as beginning from or after a given day or act or event does not include that day or the day of that act or event.
- (3) A period of time described as ending by, on, at or with or continuing to or until a given day or act or event includes that day or the day of that act or event.
- (4) A period of time described as ending before a given day or act or event does not include that day or the day of that act or event.
- (5) For the purpose of calculating whether a period of a given number of days has elapsed between two events or the days on which the events happened, the days on which the events happened are not included in the period.
- (6) If, in accordance with provisions determining a period of time, a thing is to be done on a day which is a Saturday or a holiday, it may be done on the next day which is not a Saturday or a holiday.
- (7) Where an expression of time occurs in any document, Rule, or rule, the time referred to shall be Tokelau Standard Time.

8 Distance

Where a distance is specified in a document, Rule, or rule, it shall be measured in a straight line on a horizontal or vertical plane.

9 Seal, mark, or thumbprint instead of signature

The seal, mark, or thumbprint of a party to a document who is unable to sign shall have the same legal effect as a signature, if it is attested by the signatures of 2 other persons who are not parties to the document and who certify the identity of the person making the mark, seal, or thumbprint.

10 Deviation from a form

A deviation from a form shall not affect the legal consequences of a document, if the deviation does not affect its substance and is not calculated to mislead.

11 Reprints

- (1) The General Fono may arrange for the laws of Tokelau to be consolidated and reprinted in English and Tokelauan as the General Fono directs.
- (2) Laws reprinted in accordance with directions given under paragraph (1) may include changes in form and style that do not affect substance.
- (3) Where laws are reprinted under this Rule, the General Fono shall certify that they have been reprinted in accordance with this Rule, and the date at which the reprint was made.
- (4) Where laws are reprinted under this Rule, judicial notice shall be taken of the text as reprinted.

12 Decimal Currency

- (1) The unit of currency in Tokelau is the New Zealand dollar and Tokelau dollar.
- (2) A tender of payment of money in New Zealand or Tokelau dollars is legal tender.

13 Penalty Units

- (1) In any enactment, where a penalty is expressed in monetary terms, that penalty shall be repealed and replaced by a penalty of the same value expressed in penalty units.

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- (2) One penalty unit means \$50.
 - (3) A reference, in an enactment in force immediately before the commencement of this rule to a fine or penalty of less than \$50 shall be repealed and replaced by a reference to a fine or penalty of 0.5 penalty units.
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