



### PRACTICE DIRECTION 3 OF 2014:

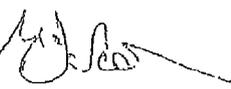
### SURRENDER, RETENTION AND RETURN OF PASSPORTS

1. This practice direction applies to all proceedings in the Magistrate's Court and the Supreme Court.
2. Henceforth, when a Judge or Magistrate orders the surrender of an accused's passport or other travel document to the court as a condition for bail being granted, the passport or other travel document must be received by the Registrar of the Supreme Court before the accused is released from custody.
3. In the case of non-Tongans only valid passports with a current visa allowing the accused to reside in Tonga can be accepted. When the offered passport or the relevant visa has expired the accused person will not be released from custody until the passport or relevant visa has been renewed.
4. Upon receipt of the passport or other travel document a receipt will be issued by the Registrar and upon filing of the same in the Court granting bail the accused may be released.
5. The Registrar will keep a register of surrendered passports. The register must contain details of the name of the accused, the case file number, the passport number, the date of surrender and the date of return to the accused.
6. Before a passport is returned to an accused (or former accused) the Registrar must be satisfied that the return of the passport has been ordered. A template of the required order is attached.
7. Upon return of a surrendered passport the register must be signed by the accused (or former accused) or his agent and by the Registrar.

3. Any inaccuracies or other concerns may be referred by the Registrar to a Judge or Magistrate for further directions.
9. In Vava'u and the outer islands the local Magistrate will be responsible for the safekeeping, release and return of passports following procedures suitably adapted from those set out above.
10. An Assistant Registrar of the Supreme Court may exercise the powers and duties of the Registrar contained in this practice direction.
14. This practice direction takes effect immediately

KUKU'ALOFA: 18 April 2014.



  
M.D. Scott  
CHIEF JUSTICE