

- (a) the court may give the provision its correct meaning and act accordingly if it considers that there has been a simple clerical error or error in translation; or
- (b) the court shall treat the Tongan language version of that provision as giving the true meaning of the law if it considers that the difference in meaning goes beyond a simple clerical error or error in translation.”.

9. Publication of subsidiary legislation

Section 10 of the Interpretation Act is amended by inserting the following after subparagraph (e) —

“Provided that it shall be sufficient compliance with this requirement if a Gazette contains a note that rules, regulations or other subsidiary legislation is published with the Gazette and is available for purchase or perusal at a place specified in the note.”.

10. Interpretation Act amended — definition of Gazette

The definition of “Gazette” in section 2 of the Interpretation Act is repealed and replaced with —

“ **“Gazette”** means the Tonga Government Gazette published by order of the Government, including a supplement thereto, a Legal Gazette and an Extraordinary Gazette so published, either in printed form or on an official government internet site;”.

11. Civil service regulations, etc. repealed

The following regulations are repealed —

- (a) Civil Service Regulations 1922;
- (b) Leave and Leave Passage Regulations 1963;
- (c) Public Service Entry Requirements Regulations 1964.

Passed by the Legislative Assembly this 29th day of October, 2009.

LAW REVISION (MISCELLANEOUS AMENDMENTS) ACT 2009

Arrangement of sections

1. Short Title
2. Guardianship Act
3. Evidence Act illustrations
4. Maintenance of Illegitimate Children
5. Probate Act
6. Punishment for theft
7. Tonga Trust Fund Act
8. Interpretation Act amended - Tongan language version of laws
9. Publication of subsidiary legislation
10. Interpretation Act amended — definition of Gazette
11. Civil service regulations, etc. repealed



I assent,

PRINCESS SALOTE PILOLEVU TUITA,

18th May, 2010

AN ACT

TO MAKE VARIOUS MINOR AMENDMENTS TO DIVERSE ACTS FOR THE PURPOSES OF LAW REVISION

BE IT ENACTED by the King and the Legislative Assembly of Tonga in the Legislature of the Kingdom as follows:

1. Short Title

This Act may be cited as the Law Revision (Miscellaneous Amendments) Act 2009.

2. Guardianship Act

The Guardianship Act is amended by —

(a) inserting the following section —

“10A Order for name change

- (1) The Court may, at any stage of proceedings under this Act, make an order that the name of a child be changed to such name as may be agreed by the father and mother.
- (2) In making an order under subsection (1), the Court —
 - (a) shall take into account the views of any other guardian or custodian;
 - (b) may dispense with the agreement of the father or mother if either or both cannot be found or, in the opinion of the Court, agreement is unreasonably withheld;
 - (c) shall be satisfied that the child is a Tongan subject by birth or naturalisation.”;

(b) in section 15(1), inserting the following after “access to a child,” —
“the change of the name of the child.”.

3. Evidence Act illustrations

The Illustrations included in the Evidence Act are repealed.

4. Maintenance of Illegitimate Children

Section 7(1) of the Maintenance of Illegitimate Children Act is amended by repealing the words “over the sum of \$500” and replacing them with “the sum exceeds the civil jurisdiction of the Magistrate’s Court”.

5. Probate Act

Section 14 of the Probate Act is repealed and replaced with the following —

“14 Estate not exceeding \$5,000 in value

Where it appears to the Court that the value of the property of a deceased person does not exceed \$5,000 the Court may without any probate or letters of administration or other formal proceedings pay from the estate any debts or charges due by the deceased and pay the surplus (if any) to such person as may be entitled”.

6. Punishment for theft

Section 145 of the Criminal Offences Act is repealed and replaced with the following —

“145 Punishment for theft

Every person who commits theft is liable—

- (a) if the value of the thing stolen does not exceed \$10,000, to imprisonment for any period not exceeding 3 years;
- (b) if the value of the thing stolen exceeds \$10,000, to imprisonment for any period not exceeding 7 years.”.

7. Tonga Trust Fund Act

Section 6(2) of the Tonga Trust Fund Act is repealed and replaced with the following —

“(2) The term “trustee securities” means securities in which a trustee in the United Kingdom of Great Britain may lawfully invest, or other securities in which investments may be made with the approval of the Privy Council.”.

8. Interpretation Act amended - Tongan language version of laws

Section 21 of the Interpretation Act is repealed and replaced with the following —

“21 Tongan language version of a law takes precedence

Where it appears to a court that the Tongan language version of a provision in an Act differs in meaning from the English language version of that same provision —

fa'ele'i pe 'i he liliu kakai."

"21 'Oku pule pe 'a e hiki 'i he lea faka-Tonga 'o ha Lao.

'O kapau 'e ha ki he Fakamaau'anga 'oku kehekehe 'a e hiki 'i he lea faka-Tonga 'o ha kupu 'o ha Lao mei he hiki 'i he lea faka-Pilitania 'o e kupu ko ia-

- (a) 'e ngofua ki he Fakamaau'anga ke 'oange ki he kupu ko ia 'a hono 'uhinga totonu pea fai fakatatau ki ai 'o kapau 'oku ne pehe kuo 'i ai ha ki'i fehalaaki fakakalake pe fehalaaki 'i he liliu lea; pe
- (b) 'e tauhi 'e he Fakamaau'anga 'a e hiki 'i he lea faka Tonga 'o e kupu ko ia ko e 'uhinga mo'oni ia 'o kapau 'oku pehe koe faikehekehe 'i he 'uhinga 'oku toe lahi hake ia 'i ha fehalaaki fakakalake pe fehalaaki 'i he liliu lea."

9. Pulusi 'o e ngaahi lao fakalahi

'Oku fakatonutonu 'a e kupu 10 'o e Lao ki he 'UHINGA'i Lea 'aki hono fakahu atu 'eni hili 'a e kupu si'i (e)-

"Ka kuo pau ke fe'unga pe mo e fiema'u ni 'o kapau 'e 'i ai ha Kasete 'oku 'osi 'i ai ha fakamatala 'oku ne pule'i, ngaahi tu'utu'uni pea mo ha lao fakalao 'e pulusi mo e Kasete pea faingamalie ke fakatau pe lau 'i ha feitu'u 'e fakaha 'i he fakamatala."

10. Fakatonutonu'i 'o e Lao ki he 'UHINGA'i Lea – ko e 'uhinga'i 'o e Kasete

'Oku fakapekia 'a e 'uhinga'i lea 'o e "Kasete" 'i he kupu 2 'o e Lao ki he 'UHINGA'i Lea pea fetongi 'aki eni:-

"Kasete" 'oku 'uhinga ia ki he Kasete 'a e Pule'anga Tonga 'oku pulusi 'i he fekau 'a e Pule'anga, pea 'oku fakalahi ki ai mo e Kasete Fakalao pea mo e Kasete Makehe 'o pulusi 'i ha pepa pe ko ha saiti initaneti faka'ofisiale 'o e Pule'anga.

11. Fakapekia 'o e Ngaahi Tu'utu'uni ki he Ngaue Fakapule'anga

'Oku fakapekia 'a e ngaahi Lao ko 'eni-

- (a) Tu'utu'uni ki he Ngaue Fakapule'anga 1922;
- (b) Tu'utu'uni ki he Livi (Leave) mo e Halanga Livi (Leave Passage) 1963;
- (c) Tu'utu'uni ki he Ngaahi Fiema'u ki he Hu 'o Ngaue Fakapule'anga 1964.

Na'e tali 'i he Fale Alea 'i he 'aho ni 29 'o 'Okatopa, 2009.

BY AUTHORITY:

Metuisela Falesiva, General Manager
Tonga Print Ltd. – 2010

**LAO FAKATONUTONU (NGAAHI FAKATONUTONU KEHE)
2009**

Fokotu'utu'u 'o e Ngaahi Kupu

1. Hingoa nounou
2. Ko e Lao ki he Tauhia 'o e fanau
3. Koe ngaahi fakahinohino 'o e Lao ki he ngaahi Fakamatala Fakamo'oni
4. Tauhi 'o e Fanau ta'emali
5. Lao ki he Fakamaau'anga Tohituku
6. Tautea ki he kaiha'a
7. Lao ki he Pa'anga Talifaki 'a Tonga
8. Fakatonutonu 'o e Lao ki he 'UHINGA'i Lea – koe faka'uhinga'i 'o e ngaahi lao 'i he lea faka-Tonga
9. Pulusi 'o e ngaahi lao tokoni
10. Fakatonutonu 'o e Lao ki he 'UHINGA'i Lea – ko e 'uhinga 'o e Kasete
11. Tamate'i 'o e ngaahi tu'utu'uni ki he ngaue fakapule'anga



'Oku ou loto ki ai,

PILINISESI SALOTE PILOLEVU TUITA,

18 'o Me, 2010.

KO E LAO

KE NE FAKAHOKO 'A E NGAHI FAKATONUTONU IIKI KI HE LAO KEHEKEHE KE NGAUE'AKI KI HE FAKATONUTONU LAO

'OKU TU'UTU'UNI 'e he Tu'i mo e Fale Alea 'o Tonga 'i he Fakataha'anga Alea 'o e Pule'anga 'o pehe:

1. Hingoa Nounou

'E ui 'a e Lao ni ko e Lao Fakatonutonu (Ngaahi Fakatonutonu Kehe) 2009.

2. Ko e Lao ki he Tauhia 'o e fanau

'Oku fakatonutonu 'a e Lao ki hono tauhia 'o e fanau 'o pehe ni:-

(a) fakahu atu 'a e kupu ko 'eni -

“10A Tu'utu'uni ki he liliu hingoa

(1) 'E ngofua ki he fakamaau'anga, 'i ha fa'ahinga taimi pe 'i ha ngaue 'i he Lao ni, ke ne fakahoko ha tu'utu'uni ke liliu ha hingoa 'o ha tamasi'i ki ha hingoa 'e felotoi ki ai 'a e tamai mo e fa'e.

(2) 'I ha tu'utu'uni 'e fakahoko 'i he kupu si'i (1) ko e fakamaau'anga:-

(a) kuo pau ke ne fakakau mo ha ngaahi fakakaukau ha tokotaha 'oku ne tauhia pe tokotaha pule'i 'o e tamasi'i;

(b) 'e ngofua ke ne tuku atu 'a e felotoi 'a e tamai pea mo e fa'-'okapau 'e 'ikai lava ma'u ha taha 'ia naua pe ko kinaua fakatou'osi, pe 'i he lau 'a e fakamaau'anga, 'oku 'ikai fakapotopoto hono ta'ofi;

(c) kuo pau ke fiemalie ko e tamasi'i ko e tangata'i Tonga 'i hono

(b) 'i he kupu 15(1), 'e fakahu 'a e ngaahi lea ko 'eni hili 'a e "ngofua ki he tamasi'i" – "liliu 'a e hingoa 'o e tamasi'i".

3. Ko ngaahi fakahinohino 'o e Lao ki he ngaahi Fakamatala Fakamo'oni

'Oku fakapekia 'a e ngaahi fakahinohino kotoa 'i he Lao ki he ngaahi Fakamatala Fakamo'oni.

4. Tauhi 'o e Fanau Ta'emali

'Oku fakatonutonu 'a e kupu 7(1) 'o e Lao ki he Tauhi 'o e Fanau Ta'emali 'aki hono fetongi 'a e ngaahi fo'i lea 'laka hake 'i he \$500' 'aki 'a e ngaahi lea 'laka hake 'a e mahu'inga fakakatoa 'i he mafai fakasivile 'o e Fakamaau'anga Polisi'.

5. Lao ki he Fakamaau'anga Tohituku

'Oku fakapekia 'a e kupu 14 'o e Lao ki he Fakamaau'anga Tohituku pea fetongi'aki eni:-

“14 Koloa 'ikai lahi hake hono mahu'inga 'i he \$5000

Ka ha ki he fakamaau'anga koe mahu'inga 'o e koloa 'a ha taha pekia 'oku 'ikai lahi hake 'i he \$5,000 'e ngofua ki he fakamaau'anga ta'e tohi fakamo'oni tohi tuku ke totongi mei he koloa ha ngaahi mo'ua pe ngaahi totongi 'oku totonu ke totongi 'e he tokotaha pekia pea ke totongi 'a e toenga ('okapau 'oku 'i ai) ki ha taha 'oku 'i ai ha'ane totonu ki ai.

6. Tautea ki he kaiha'a

'Oku fakapekia 'a e kupu 145 'o e Lao ki he Ngaahi Hia ka e fetongi 'aki eni:-

“145 Tautea ki he kaiha'a

Ko e tokotaha kotoa pe 'oku ne fakahoko ha kaiha'a 'oku ne ala mo'ua kapau-

(a) ko e mahu'inga 'o e me'a na'e kaiha'asi 'oku 'ikai lahi hake 'i he \$10,000, 'e ngaue popula 'o 'ikai laka hake 'i he ta'u 'e 3 ;

(b) ko e mahu'inga 'o e me'a na'e kaiha'asi 'oku laka hake 'i he \$10,000, 'e ngaue popula 'o 'ikai laka hake 'i he ta'u 'e 7.

7. Lao ki he Pa'anga Talifaki 'a Tonga

'Oku fakapekia 'a e kupu 6(2) 'o e Lao ki he Pa'anga Talifaki 'a Tonga pea fetongi'aki 'eni-

“(2) Ko e fo'i lea ko e “talasiti malu'i” 'oku 'uhinga ia ki ha malu'i 'e lava 'e ha talasiti mei Pilitania 'o 'inivesi fakalao ai, pe ko ha ngaahi malu'i 'e tali 'e he Fakataha Tokoni ke fai ai ha 'inivesi.

8. Fakatonutonu 'o e Lao ki he 'UHINGA'I LEA – Ngaahi lao 'i he hiki lea faka-Tonga

'Oku fakapekia 'a e kupu 21 'o e Lao ki he 'UHINGA'I LEA pea fetongi'aki eni-