



Tonga

EMERGENCY POWERS REGULATIONS

Chapter 20.06.4

2016 Revised Edition



EMERGENCY POWERS REGULATIONS¹

Made under section 2 of the Emergency Powers Act

Commencement [5th September 2008]

1. This Regulation may be cited as the Emergency Powers Regulations.²
2. These regulations shall come into effect on 5 September 2008, and shall be effective for 30 days unless otherwise extended by an order of Cabinet.
3. These Regulations shall be applicable only in Tongatapu.
4. Cabinet shall have the powers to make orders for the purposes of securing the public safety and the maintenance of public order in Tongatapu.
5. Any person authorised by Cabinet, and every member of the Tonga Police Force and His Majesty's Armed Forces, shall for the purposes of securing the public safety and maintenance of public order, have power to:
 - (i) regulate, restrict, control or prohibit the use of any road, street, path, waterway or public place by any person, vehicle or vessel or by any class of persons, vehicles or vessels;
 - (ii) erect or place barriers on a road, street, path, waterway or any public place;
 - (iii) take all reasonable steps and use such force necessary to prevent a person, whether on foot or in a vehicle or vessel from passing the barrier contrary to an instruction, direction or signal;

- (iv) order every person to remain indoors between certain hours;
 - (v) prohibit a person or class of persons from entering a place or building;
 - (vi) regulate the movement or conduct of a person or class of persons;
 - (vii) arrest any person who fails to comply with any order;
 - (viii) with or without warrant, stop and search any person, or enter and search any premises, or stop, board and search any vessel, vehicle or aircraft, and seize evidence, provided that this power shall only be exercised by members of the Tonga Police Force;
 - (ix) without warrant, arrest any person suspected on reasonable grounds of threatening public safety or public order;
 - (x) detain any arrested person in accordance with the Bail Act 1990;
 - (xi) use such force as may be reasonable necessary to secure public safety and maintain public order.
6. The Emergency Powers (Public Safety & Public Order) Regulations 2007 are hereby repealed.

ENDNOTES

¹ **GS 43/2008**

² These Regulations are no longer in force but are included in the Revised Edition as a precedent.