



Tonga

**CRIMINAL OFFENCES (AMENDMENT)
(NO.3) BILL 2022**

Act 7 of 2022



CRIMINAL OFFENCES (AMENDMENT) (NO.3) BILL 2022

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**AN ACT TO AMEND SECTION 18 OF THE CRIMINAL OFFENCES ACT
[CAP 4.04]**

I assent,
TUPOU VI,
26th January 2023.

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

1 Short Title and Interpretation

- (1) This Act may be cited as the Criminal Offences (Amendment) (No.3) Act 2022.
- (2) In this Act, the Criminal Offences Act [Cap 4.04], as amended, shall be referred to as the “Principal Act”.

2 Section 18 amended

Section 18 of the Principal Act is amended by deleting the words “a jury may be sworn to try whether he is sane or insane and the jury after hearing evidence for that purpose” and replacing them with the words “the question of whether the accused is insane and unfit to be tried shall be determined, on the balance of probabilities, by a jury, or a judge sitting without a jury, after hearing evidence for that purpose”.

Passed by the Legislative Assembly on this **26th** day of **October** 2022.