



Tonga

**ENVIRONMENT MANAGEMENT
(AMENDMENT) ACT 2015**

Act 6 of 2015



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Arrangement of Sections

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AN ACT TO AMEND THE ENVIRONMENT MANAGEMENT ACT 2010

I assent,
TUPOU VI,
15th October 2015.

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

1 Short Title

- (1) This Act may be cited as the Environment Management (Amendment) Act 2015.
- (2) The Environment Management Act 2010 is in this Act referred to as the “Principal Act”.

2 Section 2 amended

Section 2 of the Principal Act is amended by -

- (a) inserting the following new definitions in the appropriate alphabetical order in subsection (1) -
““**company**” includes any licensed business or other commercial enterprise;”

3 Section 16A inserted

The following section is inserted into the Principal Act as section 16A -

“16A Infringement Notices

- (1) Whenever an environment officer or any other person authorised under any Regulations made under this Act detects the commission of an offence against any Regulations made under this Act such officer has authority to issue to the person committing such offence a Notice of Infringement under this section.
- (2) Regulations made under this Act may specify the offences for which Notices of Infringement may be issued under this section, and such Regulations may —
 - (a) provide for the fines to be applied under such Notices of Infringement; and
 - (b) prescribe the form for such notices, which shall conform to the notice in Schedule 2 as far as is practicable.
- (3) A person who has been issued with a notice under subsection (1) or in accordance with subsection (2) may elect to do either of the following —
 - (a) to pay the fine set out in the notice to a Magistrate's Court; or
 - (b) to contest the notice and to have a hearing of the matter in the Magistrate's Court.
- (4) If the person served with a notice under subsection (1) or in accordance with subsection (2) wishes to contest the matter and have a hearing in the Magistrate's Court, a summons will be issued.
- (5) The officer who issues a Notice of Infringement under subsection (1) or in accordance with subsection (2) shall lodge a duplicate notice within 48 hours with the clerk of the Magistrates' Court for the district.
- (6) Upon receipt of a duplicate copy of a notice the Clerk of the Magistrates' Court shall:
 - (a) if the fine is tendered by the person served with the notice, receive the payment, issue a receipt and file the notice; or
 - (b) if no payment is tendered within 21 days of the date of issue of the notice, issue a summons to the person named in the notice together with a copy of the Notice of Infringement.
- (7) The summons shall be heard and determined by a Magistrate.”

Passed by the Legislative Assembly this 15th day of September 2015.