

**LAW REVISION (MISCELLANEOUS AMENDMENTS) ACT 2009**

**Arrangement of sections**

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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The Illustrations included in the Evidence Act are repealed.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Section 14 of the Probate Act is repealed and replaced with the following —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Section 145 of the Criminal Offences Act is repealed and replaced with the following —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 —

- (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.