



Tonga

**LAW REVISION (MISCELLANEOUS  
AMENDMENTS) ACT 2020**

**Act 6 of 2020**





# LAW REVISION (MISCELLANEOUS AMENDMENTS) ACT 2020

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# LAW REVISION (MISCELLANEOUS AMENDMENTS) ACT 2020

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**AN ACT TO MAKE VARIOUS AMENDMENTS TO ACTS, AND TO DEEM  
COMMENCEMENT DATES OF VARIOUS ACTS FOR THE AVOIDANCE  
OF DOUBT, AND FOR OTHER PURPOSES**

I assent,  
TUPOU VI,  
30<sup>th</sup> July 2020.

**BE IT ENACTED** by the King and 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 2020.

## 2 Deeming of various commencement dates

For the avoidance of doubt, and notwithstanding any other provision therein relating to commencement, the Acts specified in column 1 of the following table are deemed to have commenced and come into force on the relevant date specified in column 2 of the Table —

Column 1 - Law	Column 2 - commencement
Nurses Act 2001	31 December 2002
National Identity Card Act 2010	30 September 2010

<b>Column 1 - Law</b>	<b>Column 2 - commencement</b>
Public Finance Management Act 2002	30 June 2003
Pornography Control Act 2002	30 June 2004
Companies Act 1995	31 December 1998
Companies (Amendment) Act 2009	28 February 2010
Hazardous Wastes and Chemicals Act 2010	31 December 2010
Admiralty Act 2008	30 June 2009
Forest (Amendment) Act 2005	31 December 2005
Industrial Property Act 1994	30 June 1995
Tobacco Control Regulations 2006	31 December 2006
Ozone Layer Protection Act 2010	31 December 2010
Registration of Business Names Act 2013	11 November 2013

### 3 Interpretation Act amended – references to Ministers and officers

Sub-section 5(1) of the Interpretation Act is repealed and replaced with —

- “(1) When reference is made in any Act, regulations or other law to any Minister or other public officer by the title of his or her office, such term shall —
- (a) be construed and taken to be a reference to the current title of the Minister or other public officer who is currently primarily responsible for carrying out the duties referred to in that law; and
  - (b) include the officer for the time being performing the duties of such office and such other officer as may from time to time be appointed to undertake any portion of such duties.”.

### 4 Electoral Act amended – rectifying inconsistencies

- (1) Section 23A(5) of the Electoral Act is amended, in the Tongan version, by repealing “\$1,500” and replacing it with “\$15,000”.
- (2) Section 24(1) of the Electoral Act is amended, in the English and Tongan versions, by repealing “\$10,000” and replacing it with “\$20,000”.
- (3) Section 24 of the Electoral Act is amended, in the English version and Tongan version, by repealing sub-section (5) and replacing it with the following —
 

“(5) It is an offence for any candidate to spend on an election campaign more than the sum of \$20,000 or to fail to deliver the statement referred to in sub-section (4) or to deliver a false statement, and any person found guilty shall be liable to a fine not exceeding \$10,000.”.
- (4) Section 19 of the Electoral Act is amended, in the Tongan version, by renumbering the current paragraph as paragraph (1) and inserting the following new sub-section —
 

“(2) Ko e fatongia ia ‘o e Supavaisa ke fakahā ‘a e hoko ‘o ha hia ‘e lava hoko ‘i he kupu ni ki he ‘Ateni Seniale ‘a ia, kapau ‘oku fiemalie ‘oku ‘i ai ha

ngaahi tu'unga fakapotopoto, kuo pau ke ne faka'ilo 'a e taha fai hia 'oku tukuaki'i.”.

## **5 National Retirement Benefits Fund Act amended**

Section 52(2) of the National Retirement Benefits Fund Act is amended, in the Tongan version only, by repealing “\$5,000” and replacing it with “\$10,000”.

## **6 Retirement Fund Board Act amended**

Section 4(1) of the Retirement Fund Board Act is amended, in the Tongan version only, by repealing “2” and replacing it with “3”.

## **7 Anti-Corruption Commissioner Act amended**

(1) Section 13 of the English version of the Anti-Corruption Commissioner Act is amended by deleting the full-stop after the word “functions” and inserting the following —

“and any other power granted to the Commissioner under this Act shall be construed as not limiting the extent of this section.”.

(2) Section 16(1) of the English version of the Anti-Corruption Commissioner Act is amended by deleting the word “The” and replacing it with the words “For the purposes of an investigation the”.

(3) Section 23(1) of the Tongan version of the Anti-Corruption Commissioner Act is amended by removing the full-stop after the word “pau” and adding the following phrase —

“a ia kuo pau ke fakahoko ia 'e he Komisiona pe ha 'ofisa 'a e Komisiona”.

(4) Section 71(3) of the Tongan version of the Anti-Corruption Commissioner Act is amended by deleting “\$10,000” and replacing it with “\$15,000”.

(5) Section 83(b) of the English version of the Anti-Corruption Commissioner Act is amended by deleting the full-stop after the word “corporate” and adding the following —

“or by any other sending method not specified in this section”.

## **8 Electoral Commission Act amended**

Section 12 of the English version of the Electoral Commission Act is amended by numbering the current paragraph as (1) and inserting the following sub-section (2) —

“(2) The Commission may hire temporary staff including foreign civil servants or others when engaging experts as referred to in sub-section (1).”.

**9 Public Finance Management Act amended**

Section 39(1) of the Public Finance Management Act is amended, in the Tongan version only, by repealing “\$5,000” and replacing it with “\$50,000”.

**10 Bail Act amended**

Section 9(3) of the Bail Act is amended, in the Tongan version only, by inserting the following sub-paragraph —

“(b) Ki he ngaahi taumu‘a ‘o e kupu si‘i ni ‘e ‘ikai lau ki ai ‘a e ngaahi ‘aho malolo fakapule‘anga pe ko ha ‘aho Tokonaki pe Sapate ‘i he houa ‘e 24 mei hono puke ha taha.”.

**11 Prohibited Publications Act amended**

Section 4(2) of the Prohibited Publications Act is amended, in the Tongan version only, by repealing “\$100” and replacing it with “\$500”.

Passed by the Legislative Assembly this **29th** day of **June** 2020.