



*Tonga*

**SUPREME COURT (AMENDMENT)  
ACT 2012**

**Act No. 14 of 2012**





## SUPREME COURT (AMENDMENT) ACT 2012

### Arrangement of Sections

---

#### Section

1	Short Title .....	5
2	Section 5 amended – Powers .....	5





# **SUPREME COURT (AMENDMENT) ACT 2012**

**Act No. 14 of 2012**

## **AN ACT TO AMEND THE SUPREME COURT ACT TO CLARIFY CERTAIN POWERS OF THE COURT**

I assent,  
TUPOU VI,  
21<sup>st</sup> November 2012.

**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 Supreme Court (Amendment) Act 2012.
- (2) The Supreme Court Act (Cap. 10), as amended, is in this Act referred to as the Principal Act.

### **2 Section 5 amended – Powers**

- (1) Section 5 of the Principal Act is amended by inserting the following subsection –
  - “(1) The powers of the Supreme Court within the Kingdom shall include, *mutatis mutandis*, all the powers for the time being vested in or capable of being exercised by the High Court of Justice in England and Wales.”.

- (2) Subsection (1) of this section is enacted for the avoidance of doubt and it is hereby declared that such powers have always been vested in the Supreme Court.
- (3) Section 5 of the Principal Act is further amended as follows —
- (a) by inserting the following subsection —
- “(2) The powers of the Supreme Court referred to in this section include, subject to any other applicable law to the contrary, all powers that the court considers necessary or desirable to enable it to give effect to and enforce the judgments and orders of the Court and to ensure that all reasonably obtainable evidence is available to the court; and, without derogating from the generality of the foregoing, includes powers to —
- (a) make charging orders against property, in accordance with rules of the Supreme Court;
- (b) make garnishee orders and orders for the attachment of earnings, in accordance with rules of the Supreme Court;
- (c) make orders to appoint receivers, in accordance with rules of the Supreme Court;
- (d) make orders that interest accrue on debts and other moneys payable for such period and at such rates as the court considers appropriate, in accordance with rules of the Supreme Court;
- (e) make orders requiring discovery of documents, in accordance with rules of the Supreme Court.”;
- (b) by renumbering the remainder of section 5 as subsection (3) thereof.

Passed by the Legislative Assembly this 10<sup>th</sup> day of October 2012.