



Tonga

**LEGISLATIVE ASSEMBLY
(AMENDMENT) (NO.2) ACT 2010**

Act No. 21 of 2010



LEGISLATIVE ASSEMBLY (AMENDMENT) (NO.2) ACT 2010

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AN ACT TO AMEND THE LEGISLATIVE ASSEMBLY ACT

I assent,
GEORGE TUPOU V,
24th November 2010.

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

1 Short Title

- (1) This Act may be cited as the Legislative Assembly (Amendment) (No. 2) Act 2010.
- (2) In this Act, the Legislative Assembly Act (Cap. 4), as amended, is referred to as the Principal Act.

2 Section 2 replaced – Duration of Assembly

Section 2 of the Principal Act is repealed and replaced with –

“2 Duration of Assembly

- (1) The duration of the Assembly is, pursuant to clause 77 of the Constitution, limited to a period of 4 years following the date of the last general election.

- (2) A general election for the representatives of the nobles and the representatives of the people may be held at the same time and places.”.

3 Section 6 amended – Death, Resignation or Disfranchisement of member

Section 6 of the Principal Act is amended by repealing “Prime Minister” and substituting it with “Electoral Commission in consultation with the Speaker”.

4 Section 14 amended – Cabinet determines times

Section 14 of the Principal Act is amended -

- (a) in the English version only, by repealing “Privy Council” in the heading, and replacing it with “Cabinet”;
- (b) in the Tongan version only, by repealing “Ko e fakataha ‘a e Fale Alea” in the heading and replacing it with “Tu’utu’uni ‘e he Kapineti ‘a e taimi”;
- (c) by repealing “Privy Council” in the section, and replacing it with “Cabinet”;
- and
- (d) by inserting the following proviso at the end –

“Provided that the first session of the Legislative Assembly after a general election shall commence within 6 weeks of the declaration of the election result by the return of the writs of election, and the date of the first meeting of the session shall be decided by the Prime Minister and the Speaker, and after the date has been agreed, the Speaker shall inform the King accordingly.”.

5 Section 15 replaced – The Speaker

Section 15 of the Principal Act is repealed and replaced with –

“15 The Speaker

The King shall on the recommendation of the Legislative Assembly appoint one of the elected representatives of the nobles to be the Speaker who shall preside over all meetings and he shall hold office as provided in clause 61 of the Constitution.”.

6 Section 16 replaced – Deputy Speaker

Section 16 of the Principal Act is repealed and replaced with –

“16 Deputy Speaker

- (1) The King shall, upon recommendation of the Legislative Assembly appoint a Deputy Speaker from the elected representatives of the nobles.
- (2) The Deputy Speaker shall hold office until the dissolution of the Assembly before the next general election, unless he earlier dies, resigns, ceases to be an elected representative or his appointment is revoked by the King on the recommendation of the Prime Minister with the approval of at least half of the members of the Assembly.
- (3) If the Speaker is not presiding, or if there is no Speaker, the Deputy Speaker shall preside over the Assembly and perform the duties of the Speaker until the Speaker is able to resume the chair and perform his duties.
- (4) The Deputy Speaker shall, unless he is presiding over the Assembly, vote as an elected representative and have the same rights and duties as any elected representative.”.

7 Section 17 replaced – Opening and closing of the Legislative Assembly

Section 17 of the Principal Act is repealed and replaced with –

“17 Opening and closing of the Legislative Assembly

The sessions of the Legislative Assembly shall be opened and closed by the King or the Regent or by a commission of three nobles appointed by the King.”.

8 Section 19 inserted – Clerk of the Assembly

The Legislative Assembly Act is amended by inserting the following section –

“19 Clerk of the Assembly

- (1) There shall be a Clerk of the Legislative Assembly.
- (2) The Clerk shall remain in office regardless of a change in the composition of the Government.
- (3) The Speaker shall appoint the Clerk with the approval of the Assembly in accordance with the terms of employment approved by the Assembly.
- (4) The duties of the Clerk include –
 - (a) providing procedural, legal, and administrative services to the Speaker and members of the Legislative Assembly;

- (b) employing, (in conjunction with the Speaker and with the approval of the Assembly), and supervising and setting general guidelines for all staff employed at the offices of the Assembly;
- (c) providing a secretariat to the Assembly and its committees; and
- (d) advising the Speaker and members on parliamentary law and procedure.”.

Passed by the Legislative Assembly this 22th day of July 2010.