



Tonga

**MISCELLANEOUS AMENDMENTS
(GENERAL) ACT 2010**

Act No. 46 of 2010



MISCELLANEOUS AMENDMENTS (GENERAL) ACT 2010

Arrangement of Sections

Section

1	Short title, commencement	5
2	Various Acts amended	5



MISCELLANEOUS AMENDMENTS (GENERAL) ACT 2010

Act No. 46 of 2010

AN ACT TO AMEND VARIOUS ACTS TO MAKE THEM CONFORM WITH CHANGES IN CONSTITUTIONAL AND ELECTORAL AMENDMENT ACTS

I assent,
GEORGE TUPOU V,
1st October 2010.

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

1 Short title, commencement

- (1) This Act may be cited as the Miscellaneous Amendments (General) Act 2010.
- (2) This Act shall come into force immediately after the Constitution (Amendment) (No. 2) Act 2010 comes into force, except for the amendments to the Electoral Act which are deemed to come into force on 29 September 2010.

2 Various Acts amended

The Acts and Regulations specified in Column 1 of the following table, regarding the provision specified in Column 2, are amended as provided in Column 3.

Column 1 Legislation	Column 2 Provision	Column 3 Amendment
Interpretation Act	section 2(1), in the definition “Act”	Repeal “an Ordinance passed by the King and Privy Council,”
Interpretation Act	section 2, in the definition of “Minister”	Insert the following before the semicolon “and in an Act “ the Minister ” means the Minister having responsibility for the administration of that Act”
Interpretation Act	section 4	Repeal section 4
Interpretation Act	section 6	Repeal “Ordinance,” and “Ordinances,”
Interpretation Act	section 7	Repeal “Ordinance,”
Westpac Bank of Tonga Act	section 7(1)(ii)	Repeal “or Ordinance”
Postal Regulations	regulation 89	Repeal “Ordinance or”;
Postal Regulations	regulation 102	Repeal “or Ordinance”
Tonga Defence Services Act	section 145(1)	Repeal “an Ordinance passed by King and Privy Council” and replace with “regulations made under this Act”
Metrication Act	section 2, in the definition of “Act”	Repeal “, ordinance”
Fonos Act	section 12	Repeal “or Ordinance of the Privy Council”
Births Deaths and Marriages Registration Act	section 21	Repeal “, ordinance”
Births Deaths and Marriages Registration Act	section 22(b)	Repeal “, ordinance”
Civil Law Act	section 4	Repeal “or Ordinance”
Shipping Act	section 2(3)	Repeal “, ordinance”
Shipping Act	section 206(1) and 207(5)	Repeal “, ordinance”
Electoral Act	section 4(2)(c), 4(8), 5(5), 5A, 11(1), 12(1), 17(2),	Repeal “district” and replace with “constituency” wherever the word occurs
Electoral Act	section 4(9), 5(2)(c), 9(2), 19(1)(b)	Repeal “district” and replace with “constituency” wherever the word occurs
Electoral Act	section 4(2)(a)	Repeal “districts” and replace with “constituencies”
Electoral Act	section 3(2)	Insert “and constituency” after “district”
Electoral Act	Forms 3, 4, 7, and 8; in all places	Repeal “district” and replace with “constituency” wherever the word occurs
Electoral Act	Form 5	Repeal “Vahefonua” and replace with “Vahenga Fili”
Electoral Act	section 12(4)	In the English version only, repeal “names” and replace with “name”; and

Column 1 Legislation	Column 2 Provision	Column 3 Amendment
		Repeal “or candidates” in both places
Electoral Act	section 15	Insert “or constituency” after “district”
Electoral Act	section 16(1)	Repeal “posted publicly on the post office of the electoral district and similar declarations shall be posted to the Supervisor by registered mail” and replace with “sent to the Supervisor of Elections, who shall publish the result”
Electoral Act	section 23(f)	Insert “, with intent to mislead or defraud electors,” after “At any time”
Electoral Act (Tongan version only)	section 9(3)	Repeal “\$1,000” and replace with “\$400”
Electoral Act (Tongan version only)	section 19	Repeal subsection (2)
Electoral Act (English version only)	Form 1	Repeal “Distinguishing mark(s): ...”
Electoral Act (Tongan version only)	Form 1	Repeal “Vahefonua fili” and replace with “Vahenga Fili”
Electoral Act	Form 5, in the “Tokanga”	Repeal “(ngaahi)” and “(kau)”; and Repeal the space after the word “toko” and replace it with “taha”
Electoral Commission Act 2010	section 4(2)	Repeal “section 13” and replace with “section 12”
Electoral Commission Act 2010	section 5	Repeal “section 6(3) or section 13” and replace with “section 12”
Electoral Boundaries Commission Act 2010 (Tongan version only)	section 21(1)	Repeal “lolotonga ‘a e 2011.”
Magistrate’s Court Act	section 2(1), 2(2), and 4	Repeal “Prime Minister with the consent of Cabinet” and replace with “King, after receiving advice from the Judicial Appointments and Discipline Panel
Magistrate’s Court Act	section 3	Repeal section 3(1) and replace with “The King, after receiving advice from the Judicial Appointments and Discipline Panel may, subject to clause 83C of the Constitution, appoint, discipline and dismiss Magistrates and establish the terms of their appointment.”
Magistrate’s Court Act	section 5	Repeal “Cabinet” and replace with “King, after receiving advice from the Judicial Appointments and Discipline Panel”

Column 1 Legislation	Column 2 Provision	Column 3 Amendment
Magistrate's Court Act	section 8(1)	Repeal "His Majesty in Council" and replace it with "Cabinet"
Magistrate's Court Act	section 85	Repeal "Cabinet" and "Prime Minister" wherever it occurs and replace with "Lord Chancellor"
Court of Appeal Act	sections 5(a), 6(1), 7, 8, 9, 15(3), 15(5), 24(1), 24(2) and 27(2)	Repeal "Chief Justice" and replace with "President"
Court of Appeal Act	section 18(4)	Repeal "Privy Council, and the President of the Court shall forthwith report the decision of the Court to the Prime Minister who shall submit the matter to the Privy Council for decision as to the place and mode of detention of the appellant" and replace it with "Supreme Court"
Court of Appeal Act	section 25, 26(6)	Repeal "King in Council" and replace it with "Cabinet"
All Acts and subordinate legislation (Tongan version only)	wherever the expression occurs	Repeal the expression "Tu'i Fakamaau Lahi" wherever it occurs and replace it with "Eiki Fakamaau Lahi"
All Acts and subordinate legislation (English version only)	wherever the expression occurs	Repeal the expression "Chief Justice" wherever it occurs and replace it with "Lord Chief Justice"
All Acts and subordinate legislation	wherever the expression occurs	Repeal the expression "President of the Court of Appeal" wherever it occurs and replace it with "Lord President of the Court of Appeal"
All Acts and subordinate legislation	wherever the expression occurs	repeal the expression "President of the Land Court" wherever it occurs and replace it with "Lord President of the Land Court"

Passed by the Legislative Assembly this 22nd day of September 2010.