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**TONGA
SUPREME COURT RULES
2007**

"As everybody who has anything to do with the law well knows, the path of the law is strewn with examples of open and shut cases which, somehow, were not; of unanswerable charges which, in the event, were completely answered; of inexplicable conduct which was fully explained; of fixed and unalterable determinations that, by discussion, suffered a change."

Megarry J. - **John v Rees** [1970] 1 Ch 345, 402.

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SUPREME COURT RULES 2007

Edited by Janine Ford LLB

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Rules for the practice and procedure of the Supreme Court made
pursuant to section 6 of the Supreme Court Act (Cap.10)

Anthony D Ford
Chief Justice
1 November 2006

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PRELIMINARY PROVISIONS

ORDER 1 : CITATION

O.1 Rule 1. Title and commencement

These rules may be cited as the Supreme Court Rules 2007 and shall come into effect on 1 January 2007.

ORDER 2 : APPLICATION OF THESE RULES

O.2 Rule 1. Civil proceedings

Subject to rules 2 and 3 these rules shall apply to all civil proceedings in the Court except in so far as they may be inconsistent with any statutory provisions.

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O.2 Rule 2. Divorce Rules

These rules shall apply to divorce and related proceedings only in so far as there is no provision in the Divorce Rules.

O.2 Rule 3. English Rules

Where there is no provision in these rules the rules of procedure under the former Rules of the Supreme Court (RSC) in England (the "White Book") shall continue to apply notwithstanding the substantial and ongoing replacement of those rules by the Civil Procedure Rules 1998 (CPR).

O.2 Rule 4. Where there is no appropriate provision

If it appears in any given situation that no appropriate provision exists either in these rules or the English Rules referred to in rule 3, then the procedure to be followed shall be that prescribed by the Judge and in exercising any powers under this rule the Judge may be guided by any provision in the English Civil Procedure Rules 1998 (CPR).

O.2 Rule 5. Construction

In the event of any difference in meaning between the English text and the Tongan text of these rules, the meaning of the English text shall prevail.

O.2 Rule 6. Delegation

The Chief Justice may from time to time delegate to the Registrar such functions and duties under these rules as the Chief Justice deems appropriate.

ORDER 3 : INTERPRETATION

O.3 Rule 1. Interpretation Act

The Interpretation Act shall apply to these Rules.

O.3 Rule 2. Meanings

"action" means any civil proceeding commenced by writ;

"application" means an application under Order 13 to the Court for a Court order whether in the course of an existing proceeding or as an originating application;

"application notice" means a document in Form 6 by which an applicant applies under Order 13 rule 1 to seek a Court order;

"directions hearing" means a hearing convened by the Court pursuant to Order 19;

"directions notice" means a notice as prescribed in Form 4;

"document" includes a pleading and includes any document filed in connection with an application;

"file" means to file in the appropriate office of the Court;

"incapacitated person" means a person suffering from a mental disorder or mental illness under the Mental Health Act 2000 to such an extent as to be incapable of managing his or her property and affairs;

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“Judge” means the Chief Justice or any other Judge of the Supreme Court;

“lawyer” means a law practitioner enrolled and holding a valid practising certificate under the Law Practitioners Act 1989;

“Kingdom” means the territory of the Kingdom of Tonga;

“minor” means a person under the age of 21 years;

“party” means any person who is a party to the proceeding referred to and includes a plaintiff, defendant, and third or subsequent party;

“person” includes any individual, a body of persons capable of suing and being sued, and a body corporate;

“pleading” includes a statement of claim, a statement of defence, a reply and a counterclaim;

“proceeding(s)” includes any action, application or other legal matter involving the exercise of the civil jurisdiction of the Court;

“Registrar” means the Chief Registrar or Registrar of the Supreme Court and includes any grade of Registrar;

“service officer” means a police Court officer, a bailiff, or an officer of the Court authorised to effect service of documents;

“writ”, unless the context otherwise requires, means a writ of summons.

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ORDER 4 : NON-COMPLIANCE WITH RULES**O.4 Rule 1. Treated as an irregularity**

Where there has been a failure to comply with these rules in any respect:

- (a) that failure shall be treated as an irregularity and shall not nullify the proceedings or any judgment or order made therein;
- (b) the Court may, on such terms as it thinks fit, set aside either wholly or in part any order made in the proceedings in which the irregularity occurred.

O.4 Rule 2. Setting aside irregularity

An application to set aside for irregularity shall not be allowed unless it is made within a reasonable time and before the party applying has taken any fresh step after becoming aware of the irregularity.

O.4 Rule 3. Grounds to be stated

An application notice under rule 2 shall state the order sought and the concise grounds therefore.

ORDER 5 : TIME**O.5 Rule 1. Time may be extended or abridged**

The Court may, on such terms as it thinks just, order that the time within which a person is required to or authorised to do any act in any proceedings, whether before or after judgment, be extended or abridged.

O.5 Rule 2. Non-contentious requests

If an extension or abridgement of time is likely to be non-contentious then the Court may act on a memorandum from counsel or a request in writing made through the Registrar but in all other cases a request under this Order must be made by application notice.

O.5 Rule 3. Time may be varied by consent

The time within which any person is required by the rules, or by any order of the Court, to serve, file, or amend any pleading may be extended or abridged by consent given in writing without an order of the Court.

O.5 Rule 4. Time expiring when Court closed

Unless otherwise ordered by the Court, when the time for doing any act expires on a day when the Court office is closed, the act shall be done in time if done on the next day on which that office is open.

COMMENCEMENT AND PROGRESS OF PROCEEDINGS

ORDER 6 : COMMENCEMENT OF ACTION

O.6 Rule 1. Action commenced by filing writ and statement of claim

- (1) An action shall be commenced by the filing of a writ of summons in Form 1 with a statement of claim attached in Form 2.
- (2) As many copies of the writ and statement of claim are to be filed as there are parties to be served.

O.6 Rule 2. Whether jury required

A writ shall state whether or not the plaintiff requires the action to be tried by a jury.

O.6 Rule 3. Address for service

- (1) Where the plaintiff sues by a lawyer, the

statement of claim shall be endorsed with that lawyer's name and an address for service which will be that of a lawyer within the Kingdom.

- (2) Where the plaintiff sues in person, the statement of claim shall be endorsed with that person's name and an address for service within the Kingdom.
- (3) The address for service is to include any telephone and facsimile numbers along with any e-mail address.

O.6 Rule 4. Service within 12 months

- (1) Subject to paragraph (2), a writ shall become invalid unless served on every defendant within 12 months from the date on which it was issued.
- (2) Where for good reason a writ has not been served on a defendant in accordance with paragraph (1) the Court may from time to time by order extend its validity for any period not exceeding 12 months; and such order must be served along with the writ.

ORDER 7 : DISPUTE AS TO JURISDICTION**O.7 Rule 1. Step taken means submission to jurisdiction**

Subject to the provisions of this order, a party who takes any step in an action shall be deemed to have submitted to the jurisdiction of the Court.

O.7 Rule 2. Challenge to jurisdiction

A defendant who wishes to dispute the jurisdiction of the Court in an action may, within the time limited for service of a defence and before taking any other step in the action, apply to the Court for:

- (a) an order setting aside the writ or service of the writ;
- (b) an order declaring that the writ has not been duly served;
- (c) the discharge of any order extending the validity of the writ out of the jurisdiction;
- (d) the discharge of any order extending the validity of the writ for the purpose of service;
- (e) an order to preserve or release any property seized or threatened with seizure in the action;

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- (f) a declaration that the Court has no jurisdiction in respect of the subject matter of the claim or the relief sought in the action; or
- (g) such other relief as may be appropriate.

O.7 Rule 3. Grounds for relief to be stated

An application notice under rule 2 shall state the relief sought and the concise grounds therefore, supported by an affidavit setting out the facts on which the application is based.

O.7 Rule 4. Service of application

The application notice and a copy of the affidavit in support shall be served on the plaintiff not less than 7 clear days before the hearing date.

O.7 Rule 5. Hearing of application

At the hearing of the application the Court may:

- (a) determine the matter summarily;
- (b) direct that the matter be tried as a preliminary issue; or
- (c) give such other directions for its disposal as may be appropriate.

O.7 Rule 6. Application not a step in the action

A defendant who makes an application under rule 2 shall not be treated as having submitted to the

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jurisdiction of the Court by reason of having taken a step in the action.

O.7 Rule 7. Time for service of defence

If the Court makes no order on the application or dismisses it, the time for service of the defence shall run from the date of such order.

ORDER 8 : PLEADINGS

O.8 Rule 1. Headings

- (1) All documents presented for filing in a proceeding shall bear the Case Number, the proper heading of the proceeding and a description of the document.
- (2) The heading of every statement of claim and of every counterclaim shall, where the relief claimed relates to a statute or an estate, show the Short Title of the Act or the name of the estate.

O.8 Rule 2. Statement of claim

Every statement of claim shall be in Form 2 and shall state:

- (a) the full name and the place of residence and

occupation of every plaintiff and defendant, so far as they are known to the party presenting the document for filing;

- (b) the material facts upon which the plaintiff relies giving such particulars of time, place, amounts, names of persons, nature and dates of instruments, and other circumstances as may suffice to inform the Court and the party or parties against whom relief is sought of the plaintiff's cause of action;
- (c) the relief or remedy sought and shall state specifically any claim for interest;
- (d) an address for service in terms of Order 6 rule 3.

O.8 Rule 3. Statement of defence

- (1) A defendant who wishes to defend a claim shall, within 28 days of service of the writ, file a defence with as many copies as there are persons to be served.
- (2) A defence shall state concisely the grounds of defence on which the defendant intends to rely, and whether the defendant requires the case to be tried by a jury.
- (3) Subject to paragraph 4, a defendant shall be deemed to admit every material allegation of fact in the statement of claim which is not specifically denied.
- (4) A defendant shall be deemed to deny any allegation that a party has suffered damage, and the alleged amount of such damage, unless specifically admitted.

- (5) A defence of tender before action may not be pleaded unless and until the defendant has paid into Court (in accordance with Order 23) the amount alleged to have been tendered.

O.8 Rule 4. Counterclaim

- (1) A defendant in any action who claims to be entitled to any relief against a plaintiff in the action (whenever and however arising) may, instead of bringing a separate action, make a counterclaim in respect of that matter by adding the counterclaim to the statement of defence.
- (2) A plaintiff who wishes to defend a counterclaim shall, within 28 days after service of the counterclaim, file a defence to the counterclaim, which may be incorporated with a reply to the defence.
- (3) These rules shall apply to a counterclaim as if the counterclaim were a separate action in which the person making the counterclaim were plaintiff and the person against whom it is made were defendant.
- (4) A counterclaim may be proceeded with notwithstanding that judgment is given for the plaintiff in the action, or that the action is stayed, discontinued, or dismissed.
- (5) Where a defendant proves a counterclaim against the plaintiff's claim and there is a balance in favour of one party, the Court may give judgment for the balance.

O.8 Rule 5. Notice to other defendant

- (1) Where in any action a defendant:
 - (a) claims against another defendant who is already a party to the action any contribution or indemnity or any relief or remedy relating to or connected to the original subject matter of the action; or
 - (b) requires that any question or issue relating to the original subject matter of the action should be determined not only as between the plaintiff and the defendant but also between either or both of them and another defendant;

then the defendant may, without leave, issue and serve on that other defendant a notice in Form 3.

- (2) The notice to the other defendant shall contain a statement of the nature and grounds of the claim or, as the case may be, of the question or issue required to be determined.

O.8 Rule 6. Further particulars

- (1) A party on whom a pleading is served may request the party whose pleading it is to give particulars of any allegation or other matter pleaded, and if that party fails to give such particulars within a reasonable time, the Court may on application order that such particulars be given.
- (2) Where particulars are given, whether pursuant to a request or order of the Court, they shall be

filed and served as a formal document and not in the form of a letter.

- (3) The request or order shall be incorporated with the particulars, with each item of the particulars following immediately after the corresponding item of request or order.
- (4) An order under this rule shall not be made before service of the defence unless, in the opinion of the Court, the order is necessary or desirable to enable the defendant to plead or for some other special reason.

O.8 Rule 7. Amendments

- (1) A party may, without leave of the Court, amend any pleading once only at any time before the pleadings are deemed to be closed.
- (2) A party may not without leave of the Court amend any pleadings after pleadings are deemed to be closed.
- (3) An Application for leave to amend a pleading shall be made by application notice which shall have attached a copy of the proposed amendment.
- (4) Upon any amendment or application to amend, the original format shall be retained and the amendment shall be in red or underlined in red. If the amendment is a deletion, the passage to be deleted shall be marked through with a single red line. If a passage is to be substituted or added, it shall be inserted at the appropriate place in red or underlined in red.
- (5) Where it is necessary, as the result of an

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amendment, to amend the statement of defence or reply, the pleading shall be amended as described in paragraph (4).

- (6) In any case where further amendment is necessary, such further amendments shall be in green, then blue, then yellow.
- (7) If the Court grants leave to amend any pleading it may make such order as to costs and as to the further conduct of the action as it thinks just.
- (8) A copy of every amended pleading shall be filed and served on all parties to the action.

O.8 Rule 8. Striking out pleading

- (1) The Court may at any time order that any pleading or part thereof be struck out if:
 - (a) it discloses no reasonable cause of action or defence, as the case may be; or
 - (b) it is scandalous, frivolous or vexatious; or
 - (c) it is unclear, or may otherwise prejudice or delay the fair trial of the action; or
 - (d) it is otherwise an abuse of process of the Court;

and may order the action to be stayed or dismissed, or judgment to be entered accordingly.

- (2) No evidence shall be heard on an application under paragraph (1)(a).
- (3) Subject to paragraph 4, the Court may, of its own motion, strike out an action:

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- (a) if the writ has become invalid under Order 6 rule 4(1); or
 - (b) the case has not been set down for trial within two years after service of the writ; or
 - (c) the action has been adjourned sine die and no step has been taken in the action within two years from the date when it was so adjourned.
- (4) No action shall be struck out under this rule unless the parties have been given not less than 28 days notice of the Court's intention to do so.

O.8 Rule 9. When pleadings deemed closed

The pleadings in an action are deemed to be closed:

- (a) after 14 days from service of a reply and/or a defence to counter-claim, or
- (b) if no such pleading is served, after 14 days from service of the defence,

whether or not any request or order for particulars has been made but not yet complied with at that time.

ORDER 9 : PARTIES**O.9 Rule 1. Misjoinder and non-joinder**

No claim shall be defeated by reason of the misjoinder or non-joinder of any party.

O.9 Rule 2. Dismissing and adding parties

Subject to Rules 4 and 5, the Court may at any stage in the proceedings, of its own motion or on application, and on such terms as it thinks just:

- (a) order any person who is not a proper or necessary party to be dismissed from the action;
- (b) order any person to be added as a party if that person ought to have been joined as a party or if the person's presence is necessary or convenient to ensure that all related matters are finally determined.

O.9 Rule 3. Application to add or dismiss

An application to add or to dismiss a party shall be made by application notice supported by an affidavit showing the grounds for such application.

O.9 Rule 4. Consent needed to add plaintiff

No person shall be added as a plaintiff without that person's consent.

O.9 Rule 5. Effect of limitation period

Unless the Court otherwise orders, no person shall be added or substituted as a party after the expiry of any relevant period of limitation.

O.9 Rule 6. Action against estate

- (1) Where a person against whom an action has been brought has died, the action shall be treated as if it were brought against the deceased's estate.
- (2) Where a person against whom an action would have lain has died but the cause of action survives, the action may be brought against the deceased's estate.
- (3) Where paragraphs (1) or (2) apply, and no grant of probate or administration has been made, the plaintiff shall apply to the Court for some person to be appointed to represent the estate.
- (4) An application under paragraph (3) shall be made by application notice supported by an affidavit both of which shall be served on the person proposed to be appointed.

O.9 Rule 7. Minors and incapacitated persons

- (1) An incapacitated person or a minor may commence and prosecute proceedings by a next friend and may defend proceedings by a guardian ad litem.
- (2) No step shall be taken in any proceedings by an incapacitated person or a minor until the next friend or guardian ad litem (as the case may be) has filed with the Court a written consent to act by the proposed next friend or guardian ad litem together with a certificate by a lawyer representing the incapacitated person or minor certifying that:
 - (a) the person to whom the certificate relates is an incapacitated person or minor (as the case may be), and stating the grounds for such knowledge or belief, and
 - (b) that the person named in the certificate as next friend or guardian ad litem has no interest in the action in question adverse to that of the incapacitated person or minor, and is a proper person to be next friend or guardian ad litem.
- (3) Where a pleading has been served on a party who appears to be an incapacitated person or a minor, the party at whose instance the document was served shall, before taking any further step in the proceedings, make application to the Court by application notice for directions as to whether a guardian ad litem should be appointed to act for that person.

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- (4) If on the hearing of an application under paragraph (3), the Court considers it necessary to protect the interests of the person served, it shall order some proper person to be appointed guardian ad litem.

O.9 Rule 8. Limitation of parties and representation

In all proceedings the number of persons named or joined as parties shall be limited as far as is practicable to those whose presence before the Court is necessary for a due and just determination of the issue or issues arising out of the proceeding or whom it is thought to bind by any judgment given therein.

ORDER 10 : THIRD PARTY PROCEEDINGS

O.10 Rule 1. Leave required to serve third party notice

Where a defendant who has filed a defence:

- (a) claims against a person not already a party to the action any contribution or indemnity; or
- (b) claims against such person relief which is substantially the same as that claimed by the plaintiff; or
- (c) requires that any issue arising in the action be determined also as it affects such person;

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that defendant may apply for leave to issue a third party notice.

O.10 Rule 2. Application for third party notice

Application for leave to issue a third party notice shall be made by application notice supported by an affidavit:

- (a) identifying the person against whom such proceedings are to be taken, and
- (b) stating the grounds of the application, and
- (c) exhibiting a copy of the proposed third party notice.

O.10 Rule 3. Effect of third party notice

If the Court grants leave to issue a third party notice these rules shall apply as if the third party notice were a writ issued by the defendant and the third party were defendant to that writ.

O.10 Rule 4. Fourth or subsequent party notice

Where a third or subsequent party who has filed a defence makes any such claim as is described in Rule 1 that person may apply for leave to issue a further notice against a fourth or subsequent party, and the provisions of this Order shall apply with any necessary modifications as if the person issuing the notice were a defendant.

ORDER 11 : SERVICE OF DOCUMENTS

O.11 Rule 1. Requirements for documents

- (1) Every document filed in Court shall:
 - (a) be endorsed with the address for service of the party on whose behalf it is filed and,
 - (b) unless filed in connection with an ex parte application, shall be served on every other party as provided for in these rules.
- (2) Unless otherwise ordered by the Court, after a document has been filed (other than in ex parte proceedings) no further step shall be taken in the action until service of that document has been effected.

O.11 Rule 2. Directions notice

- (1) Any Court document to be served on a recipient in person shall have attached, stapled to the front of the document so it can be clearly seen, a directions notice in Form 4 of the Schedule printed in both the Tongan and English languages.
- (2) the directions notice shall be printed in upper case with a font size of not less than 12 points.

O.11 Rule 3. Responsibility for service

- (1) Subject to rule 6, the party on whose behalf a document was filed shall ensure that it is served in accordance with this rule.
- (2) Unless otherwise ordered by the Court, where a party is represented by a lawyer service of that party's documents shall be effected by that lawyer or the lawyer's agent.
- (3) Where a party acts in person service of that party's documents shall be effected by a service officer, on payment of such fee as may be prescribed.
- (4) Unless otherwise ordered by the Court, when a lawyer has notified the Court that the lawyer represents any party, service of any document on that party shall be effected by delivering a sealed copy thereof to his or her lawyer.
- (5) Where a party acts in person, service of any document on such party shall be effected personally by delivering to that person a sealed copy, or if the person refuses or neglects to accept the same, by placing it down in the person's presence after informing the person of the nature thereof.

O.11 Rule 4. Certificate of service

- (1) A person serving any document shall, within 14 days of service, complete and file a certificate of service in Form 5 setting out details of the time, date, place and mode of service and the server's means of knowledge of the identity of the person served.

- (2) The server's name and address shall be printed clearly or typed in the space provided for on the certificate of service.
- (3) The certificate of service shall make express reference to any directions notice required to be served under Rule 2.

O.11 Rule 5. Service by the Court

- (1) Service by the Court on a lawyer representing a party shall be effected by the Court clerk placing the document in the lawyer's correspondence rack at the Court office and endorsing on the file cover the notation:

"Placed in correspondence rack number
at AM/PM on (insert date)"

- (2) The Court clerk shall initial the notation and thereafter such endorsement shall be evidence of due service.

O.11 Rule 6. Substituted service

- (1) If it appears to the Court that it is impracticable to serve any document in accordance with rule 3, it may grant leave to substitute some other form of service which appears likely to bring that document to the notice of the person to be served.
- (2) If it appears to the Court that it is impracticable to serve any party in accordance with rule 3, or it is otherwise necessary or expedient to dispense with service of any document on that party, the Court may make an order dispensing with such service.

- (3) Application for an order under this rule shall be made *ex parte* supported by an affidavit showing what steps have already been taken to effect service and stating the grounds of the application. The applicant may be required to attend on the application.
- (4) Application for an order for substituted service on a person domiciled outside the jurisdiction may be made only after leave has been granted under Order 12, rule 1 allowing for service on the person out of the jurisdiction.
- (5) An application for leave to serve outside the jurisdiction and for an order for substituted service may be incorporated in the same application notice.

ORDER 12 : SERVICE OUT OF THE JURISDICTION

O.12 Rule 1. When permitted

A writ may, with the leave of the Court, be served out of the jurisdiction if:

- (a) the person to be served is domiciled within that other jurisdiction;
- (b) an injunction is sought ordering the defendant to do or not to do any act within the jurisdiction;
- (c) the claim is brought against a person within the jurisdiction and a person out of the jurisdiction is a necessary or proper party thereto;

- (d) the claim is brought in contract and:
 - (i) the contract was made within the jurisdiction, or
 - (ii) the contract was made by or through an agent trading or residing within the jurisdiction on behalf of a principal trading or residing out of the jurisdiction, or
 - (iii) the contract is governed by Tongan law, whether expressly or by implication, or
 - (iv) the contract gives jurisdiction to the Court, or
 - (v) wherever the contract was made, the claim is brought in respect of a breach of contract committed within the jurisdiction;
- (e) the claim is brought in tort and the tortious act was committed, or the damage was sustained, within the jurisdiction;
- (f) the claim is brought to execute any trusts arising under a written instrument which trusts ought to be executed according to Tongan law, and the person to be served is a trustee;
- (g) the claim relates to the administration of the estate of any person who died domiciled within the jurisdiction;
- (h) the claim is brought to enforce any judgment.

O.12 Rule 2. Application for leave

Application for leave under rule 1 shall be made ex parte by application notice with an affidavit stating:

- (a) the grounds on which the application is made;
- (b) that in the deponent's belief the applicant has a good cause of action; and
- (c) the address at which it is desired to effect service on the defendant.

O.12 Rule 3. Where leave given

Where leave is given under rule 1:

- (a) the Court shall fix the time allowed for the defendant to file a defence, and
- (b) a copy of the order granting leave shall be served with the writ.

O.12 Rule 4. When service deemed effective

Service of a writ pursuant to an order made under rule 1 shall be deemed effective if it is served:

- (a) personally, or
- (b) in compliance with an order for substituted service, or
- (c) in accordance with the law of the country in which service is effected.

ORDER 13 : APPLICATIONS FOR COURT ORDERS

O.13 Rule 1. Form of application

- (1) Subject to paragraph 2, an application shall be made to the Court by filing an application notice in Form 6.
- (2) An application may be made to the Court informally without filing an application notice:
 - (a) if there is exceptional urgency;
 - (b) where a Court order, rule or practice direction permits; or
 - (c) with the permission of the Court.
- (3) Unless provided otherwise in these rules, the parties to an application may be described in the application notice as applicant(s) and respondent(s) notwithstanding their description in the substantive proceedings.
- (4) The parties to an application relating to the enforcement of a judgment or order may, where appropriate, be described as judgment creditor(s) and judgment debtor(s).

O.13 Rule 2. Contents of application notice

- (1) An application notice shall:
 - (a) describe the order the applicant is seeking;

- (b) state briefly, but adequately, the grounds for seeking the order;
 - (c) identify any statutory provision, rule or principle of law relied upon;
 - (d) where the applicant is not already a party to proceedings, include an address for service;
 - (e) either request a hearing or request that the application be dealt with without a hearing; and
 - (f) comply with any other requirements of these rules.
- (2) An application notice shall be accompanied by an affidavit(s) sworn and filed in support. The application notice may refer to grounds appearing from a supporting affidavit.
- (3) Where an application is made against one party only and there are other parties to the proceedings, only the party against whom the order is sought should be named as respondent in the application notice but a copy of the application should be served by the applicant on the other parties for information purposes.
- (4) An application notice shall have attached a draft of the order sought.

O.13 Rule 3. Applications to be referred to a Judge

- (1) Every application notice filed in Court shall be referred to a Judge who shall determine how the application shall be dealt with.

- (2) The Court may deal with an application without a hearing in the circumstances provided for by rule 4.
- (3) In all other cases the Court shall hear the application.
- (4) The Court may require an ex parte application to be heard.

O.13 Rule 4. Applications which may be dealt with without a hearing

- (1) The Court may deal with an application without a hearing if:
 - (a) the parties agree as to the terms of the order sought;
 - (b) the application only affects the party applying, or is in respect of a matter of routine;
 - (c) the parties agree that the Court should dispose of the application without a hearing;
 - (d) any enactment, rule or practice direction permits; or
 - (e) the Court considers it appropriate in the interests of justice to dispense with a hearing.
- (2) Unless the Court otherwise directs, an application under this rule shall be treated as an ex parte application and it shall not be necessary to serve the application notice on the respondent.

O.13 Rule 5. Service of applications requiring a hearing

- (1) If the application requires a hearing and it relates to an existing proceeding then, as soon as practicable after the filing of the application or, in the case of an ex parte application, after the issuance of a Court order directing the application to be heard, the applicant shall serve a copy of the application notice and supporting documentation (including the Court order if applicable) on each respondent.
- (2) After the filing by the applicant of the certificate(s) of service, the Court shall convene a directions hearing to determine the future conduct of the application.
- (3) If the application to be heard does not relate to an existing proceeding then, upon the filing of the application notice, the Court shall issue an order giving directions regarding service and/or the future conduct the proceeding or convening a directions hearing.
- (4) Upon the issuance by the Court of an order under paragraph (3) the applicant shall effect service in accordance with the directions contained in that order.

O.13 Rule 6. Court's powers

- (1) Where a directions hearing is convened under Rule 5 and the applicant or any respondent fails to attend, the Court may proceed in that party's absence or the Court may, on oral application or its own motion, adjourn the hearing.

- (2) Upon consideration of an application, the Court may make any other order to which the applicant may be entitled notwithstanding that such order has not been specifically applied for. Such order may be made in addition to or in lieu of the order sought by the applicant.
- (3) The Court may in any order made under this rule give such directions as it thinks just in relation to the application or future conduct of the proceedings.

O.13 Rule 7. Setting aside Court order

- (1) A person who was not served with a copy of an application notice before an order was made under this Order, but claims to have been adversely affected thereby, may apply to have the order set aside or varied.
- (2) An application under this rule must be made by application notice within seven days after the date on which the order came to the applicant's attention.
- (3) The Court may set aside or vary any order on such terms as it thinks just.

O.13 Rule 8. Costs on applications

- (1) In making any order in respect of an application, the Court may make such order as to costs as it thinks just.
- (2) If an order makes no mention as to costs then costs in respect of the application will be deemed to be costs in the cause.

ORDER 14 : JUDGMENT IN DEFAULT OF DEFENCE**O.14 Rule 1. Application may be made ex parte**

When a defendant has failed to file a defence within the time limited:

- (a) by Order 8, rule 3 or
 - (b) by any order made under Order 5, rule 1, or
 - (c) by an agreement made under Order 5, rule 3,
- the plaintiff may, by ex parte application, enter final judgment against that defendant.

O.14 Rule 2. Supporting documentation

- (1) An application under rule 1 shall be made by application notice supported by an affidavit deposing to:
 - (a) the date and, where relevant, the circumstances of service of the writ on each defendant against whom judgment is sought;
 - (b) the fact that no defence has been filed;
 - (c) any sum paid towards the debt claimed since the writ was filed;
 - (d) the sum claimed in any case of liquidated damages;
 - (e) the order sought in any case of unliquidated damages.

- (2) The application notice is to be supported by a draft judgment in default in Form 7, modified as necessary.
- (3) The application should not include any claim for costs but the supporting bill of costs should be lodged with the Court and served on the party in default in accordance with Order 45, rule 4.

O.14 Rule 3. Entry of judgment

- (1) Where the writ is endorsed with a claim for liquidated damages only, the plaintiff may enter judgment for a sum not exceeding that claimed in the writ, and for costs.
- (2) Where the writ is endorsed with a claim for unliquidated damages only the plaintiff may enter judgment for damages to be assessed, and for costs.
- (3) Where the writ is endorsed with a claim relating to detention of goods the plaintiff may enter judgment:
 - (a) for delivery of the goods to the plaintiff, and costs, or
 - (b) for the value of the goods to be assessed, and costs.

O.14 Rule 4. Setting aside judgment

- (1) A judgment entered under rule 1 may be set aside if the defendant satisfies the Court that:
 - (a) there was good reason for the failure to

- file a defence in time;
 - (b) there is an arguable defence; and
 - (c) the plaintiff will not suffer irreparable injury if the judgment is set aside.
- (2) Application notice under paragraph (1) shall be supported by an affidavit.

O.14 Rule 5. Other defendants

When judgment has been entered under this order against one or more defendants, the plaintiff may proceed with the action against other defendants, if any.

ORDER 15 : SUMMARY JUDGMENT

O.15 Rule 1. When summary judgment available

This order applies to all actions except those:

- (a) under the Companies Act 1995;
- (b) in admiralty;
- (c) for judicial review.

O.15 Rule 2. Grounds for application

Where a writ and statement of claim have been served on a defendant who has filed a defence, the plaintiff may apply to the Court for judgment against that defendant on the ground that:

- (a) the defendant has no defence to the claim, or any part of such claim, or
- (b) the defendant has no defence to the claim or any part of such claim save as to the amount of damages.

O.15 Rule 3. Supporting affidavit

- (1) An application notice under rule 2 shall be supported by an affidavit:
 - (a) verifying the facts on which the claim, or the part thereof to which the application relates, is based; and
 - (b) stating that in the deponent's belief:
 - (i) there is no defence to the claim, or that part of the claim as the case may be; or
 - (ii) that there is no defence to the claim or that part of the claim, as the case may be, save as to the amount of damages.
- (2) An affidavit under paragraph (1) may, unless otherwise ordered by the Court, contain statements of information or belief provided that the sources and grounds thereof are stated.

O.15 Rule 4. Application to be on notice

The application notice and a copy of the affidavit in support (including any exhibits) shall be served on the defendant not less than 10 clear days before the date fixed for the hearing of the application.

O.15 Rule 5. Opposition to application

- (1) A defendant may oppose an application made under this order by affidavit or, by leave of the Court, in some other manner.
- (2) A defendant's affidavit must state clearly what the defence is, and what facts are relied upon to support it.
- (3) Unless otherwise ordered, a defendant's affidavit must be served on the plaintiff not less than 2 clear days before the hearing of the application.

O.15 Rule 6. Court's powers

At the hearing of the application the Court may in exceptional circumstances take further evidence on oath, and may:

- (a) adjourn the hearing and give any directions as to the further conduct of the application;
- (b) enter judgment for the plaintiff for all or part of the subject matter of the application;
- (c) give the defendant leave to defend the claim or any part of it, either unconditionally or on such terms as it thinks just; or
- (d) dismiss the application.

O.15 Rule 7. Counterclaim

Where the Court enters judgment on a claim, it may stay execution of that judgment pending determination of any counterclaim.

O.15 Rule 8. Court to give directions

Where the Court gives leave to defend the claim or any part of it, it shall give directions as to the further conduct of the action.

ORDER 16 : WITHDRAWAL AND DISCONTINUANCE**O.16 Rule 1. Leave required**

- (1) A party may not discontinue or withdraw any part of a proceeding against any other party without leave of the Court.
- (2) An application for leave under this rule shall be made by application notice and the Court may grant leave on such terms as to costs or otherwise as it thinks just.

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O.16 Rule 2. Defence may be withdrawn without leave

- (1) A defendant to an action may at any time, without leave of the Court, withdraw a defence or any part of it by serving notice to that effect on the plaintiff.
- (2) Where a defence is withdrawn in whole or in part a Judge may, on the application of the plaintiff, give such judgment and make such order for costs as may be appropriate.

ORDER 17 : SECURITY FOR COSTS

O.17 Rule 1. When order can be made

Where on the application of a defendant to any proceeding it appears to the Court that:

- (a) the plaintiff is ordinarily resident out of the jurisdiction, or
- (b) the plaintiff may be unable to pay the costs of the defendant if ordered to do so, or
- (c) the plaintiff has not disclosed his true address to the Court,

the Court may, if after having regard to all the circumstances of the case it thinks just to do so, order that all the action be stayed until the plaintiff gives

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security for the defendant's costs of the proceeding in such sum and in such manner as the Court may determine.

O.17 Rule 2. Order may be varied or revoked

An order for security for costs may, upon application be revoked, decreased, or increased at any time.

ORDER 18 : DISCOVERY AND INSPECTION OF DOCUMENTS

O.18 Rule 1. Request for documents

- (1) Every party to an action may, after the close of pleadings, make a request in writing to any one or more opposite parties to supply a list of the documents which are or have been in that other party's possession, custody or power relating to any issue between those parties.
- (2) The party served with such a request shall, within 21 days of service, file and serve a complete list of such documentation.

O.18 Rule 2. List of documents

- (1) A list of documents shall be in Form 8, and shall list the documents in a convenient order, describing them shortly.

- (2) If it is desired to claim that any document is privileged from production the claim must be made in the list stating concisely the grounds for such claim.

O.18 Rule 3. Affidavit verifying documents

- (1) Any party who has made a request under rule 1 may, at any time before the pre-trial conference in the proceeding, give notice to the party required to make such discovery requiring that party to make an affidavit verifying that party's list of documents.
- (2) Any party served with a notice under paragraph (1) shall within 14 days after receipt of the notice make and file an affidavit verifying that party's list of documents and serve a copy on the party requiring such affidavit.
- (3) An affidavit verifying a list of documents shall be in Form 9.

O.18 Rule 4. Order for discovery

- (1) On the application of any party required by rule 1 to make discovery, or of its own motion, the Court may:
- (a) order that the parties or any of them shall make discovery of documents;
 - (b) order that the parties or any of them shall make discovery of only such documents as may be specified in the order; or
 - (c) if satisfied that discovery is not necessary, either for disposing fairly of

the action or for saving costs, dispense with discovery by any party.

- (2) Discovery shall be made under this rule by filing and serving within the time period stipulated in the Court order a list of documents verified by affidavit as provided for in Forms 8 and 9.
- (3) In the event of a party having to make application for an order for discovery under this rule because of the other party's failure to adequately comply with the provisions of rules 1 or 3, the Court may order the defaulting party to pay the costs of the application for discovery, in any event, in a fixed amount or on such other basis as the Court deems appropriate.

O.18 Rule 5. Inspection

A party who has served a list of documents on any party shall allow that party to inspect the documents referred to in the list (other than those for which privilege is claimed) and to take copies thereof.

O.18 Rule 6. Non-compliance

Notwithstanding the provisions of rule 4(3) if any party fails to comply with the requirements of this Order the Court may order the defaulting party to so comply within a specified period, and in default may order that the claim be dismissed or the defence struck out, and that judgment be entered accordingly.

O.18 Rule 7. Production of documents

A party may be required to produce at the trial any document referred to in that party's list of documents.

O.18 Rule 8. Non-party discovery

- (1) The Court may in any case it deems appropriate and on such terms as it deems just make an order requiring a person who is not a party to the proceeding to make discovery of any relevant document(s),
- (2) Application for an order under this rule shall be made by application notice supported by an affidavit describing the nature and relevance of the document(s) and the basis for the deponent's belief that the document(s) is in the custody or power of the person against whom the order is sought.
- (3) Any order made under this rule shall make provision for the person against whom the order is sought to be reimbursed by the applicant for all costs and disbursements incurred in complying with the order.

ORDER 19 : DIRECTIONS HEARINGS**O.19 Rule 1. To be convened upon filing of defence**

- (1) When a defence is filed the Court shall require all parties to the action to attend before a Judge in Chambers for directions to be given for the future conduct of the action.
- (2) A directions hearing may be convened by order or by a notice of directions hearing in Form 10.

O.19 Rule 2. Further directions hearings

- (1) A directions hearing under this order may be convened at any other time the Court deems appropriate.
- (2) An overseas lawyer acting for a party shall attend a directions hearing in person or arrange for a local lawyer to attend as agent.
- (3) Any party who wishes to make an application for any order which may be made under these rules shall, so far as reasonably practicable, have the application dealt with at a directions hearing.
- (4) A party making an application under paragraph (3) shall do so by filing an application notice and the Court shall thereupon convene a directions hearing.

O.19 Rule 3. Attendance at directions hearing

If a lawyer, receiving notice, fails to attend a directions hearing at the appointed time then the Court may make orders, including any order as to costs, in absentia.

O.19 Rule 4. Procedure at directions hearing

At a directions hearing:

- (a) every party shall give to the Court all such information, and produce all such documents, as the Court may reasonably require;

- (b) unless the Court for good reason otherwise orders, all information and documents given or produced shall be disclosed to all other parties present;
- (c) the Court may make any orders it thinks necessary for the just, economical and efficient disposal of the application or action;

O.19 Rule 5. Hearing not to be adjourned sine die

A directions hearing may be adjourned from time to time but shall not be adjourned sine die.

ORDER 20 : INTERROGATORIES

O.20 Rule 1. Leave required to issue interrogatories

- (1) The Court may on the application of any party make an order:
 - (a) granting leave to serve on any other party, (or, in the case of a party which is a body of persons empowered to sue or be sued in its own name, on a person who is an officer or member of that body) interrogatories relating to any issue between the applicant and that other party; and

- (b) requiring that other party or person, as the case may be, to answer the interrogatories on affidavit within such period as the Court may specify.
- (2) A copy of the proposed interrogatories shall be served with the application notice.

O.20 Rule 2. Objection to answering interrogatories

A person who objects to answering any interrogatory shall file an affidavit in answer stating the ground of objection.

O.20 Rule 3. Restriction on interrogatories

On the hearing of the application the Court shall give leave for only such interrogatories as it considers necessary for disposing fairly of the action or for saving costs.

O.20 Rule 4. When interrogatories not permitted

An interrogatory which does not relate to any issue between the parties to the application shall not be allowed although the question might be admissible in cross-examination of a witness.

O.20 Rule 5. Inadequate answers

If a person on whom interrogatories have been served answers any of them insufficiently, the Court may order that person to make a further answer,

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either on affidavit or on oral examination.

O.20 Rule 6. Non-compliance with order for interrogatories

If a party against whom an order is made under rule 1 fails to comply with it without good reason, the Court may:

- (a) order that person to be committed for contempt of Court, or
- (b) order that the claim be dismissed or, as the case may be, the defence be struck out and that judgment be entered accordingly.

O.20 Rule 7. Order may be varied or revoked

An order made under rule 1 may, for good reason, be revoked or varied at any time before the trial of the action commences.

ORDER 21 : ADMISSIONS

O.21 Rule 1. Admitting truth of pleading

Any party may at any time give notice, by pleading or otherwise in writing, that the truth of any matter pleaded by another party is admitted.

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O.21 Rule 2. Notice to admit

- (1) Any party may, not less than 1 month before trial, serve on any other party notice requiring that party to admit, for the purpose of that action only, such facts as may be specified in the notice.
- (2) If a party on whom such notice is served does not admit the facts within 14 days after service of the notice, the cost of proving those facts shall be borne by the party unless the Court otherwise orders.
- (3) Where admissions of fact have been made under this Order the Court may, upon the application by any party, enter such judgment or order as the party making application may be entitled to upon those admissions without waiting for any other issues between the parties to be determined.

O.21 Rule 3. Admission as to documents

- (1) Any party may, not less than 1 month before trial, serve on any other party notice requiring that party to admit the authenticity of the documents specified in the notice.
- (2) A party on whom such notice is served may within 14 days after service notify the party by whom it was given in writing that the authenticity of any document specified in it is not admitted.
- (3) A party who does not give notice under paragraph (2) shall be deemed to admit the

authenticity of any document specified in the notice unless the Court otherwise orders.

- (4) If a party gives notice under paragraph (2) the costs of proving any document not admitted shall be borne by the party giving notice unless the Court otherwise orders.

ORDER 22 : INJUNCTIONS

O.22 Rule 1. Form of application

- (1) Any party may apply for an injunction at any time, whether before or after the trial of an action, and whether or not a claim for an injunction has been formally pleaded.
- (2) Application for an injunction shall be made by application notice supported by an affidavit stating the relevant facts.
- (3) Except in cases of urgency or where the application relates to a Mareva injunction, a copy of the application and supporting affidavit shall be served on the other party not less than 5 days before the hearing.
- (4) In cases of urgency or where the application relates to a Mareva injunction, application may be made ex parte, and the Court may, upon the applicant giving an undertaking in damages, make such order as it thinks just.
- (5) The undertaking in damages required of an applicant under paragraph (4) shall be given by

the applicant in writing and shall be filed at the same time as the application for the injunction. Such an undertaking may be a separate document or it may be incorporated into the affidavit of the applicant (if one is sworn by the applicant, and if that is appropriate in the particular circumstances).

- (6) Subject to paragraph (7), an application for an injunction shall not be made before the issue of a writ.
- (7) If the application is one of extreme urgency, the Court may make an order upon the applicant undertaking to issue a writ within a specified time.
- (8) The undertaking to issue a writ within a specified time may be given in writing, in advance, by the applicant's lawyer by placing such an undertaking at the foot of the application for injunction and signing it.

O.22 Rule 2. Ancillary orders

- (1) On the application of any party the Court may make an order for the detention, custody or preservation of any property which is the subject matter of any action, or for the inspection of any such property held by a party.
- (2) The Court, upon being satisfied as to the existence within the jurisdiction of property as described in paragraph (1) may issue a disclosure order to the injunction requiring a party to disclose to the applicant the precise form and whereabouts of such property.
- (3) To give effect to any order made under

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paragraph (1) the Court may by order authorise any person to enter upon any land or building in the possession of any party.

- (4) Where the right to a specified fund is disputed in an action, the Court may, on the application of any party, order that the fund be paid into Court.
- (5) An application notice under this rule shall be supported by an affidavit, and the Court may make an order on such terms as it thinks just.

O.22 Rule 3. Further directions

On the hearing of an application under this Order, the Court may also give directions as to the further conduct of the action.

ORDER 23 : PAYMENT INTO COURT

O.23 Rule 1. Time for making payment

In an action for debt or damages any defendant may at any time pay into Court a sum of money in satisfaction of the cause of action in respect of which the plaintiff claims, or, where two or more causes of action are joined in the action, in satisfaction of any or all of those causes of action.

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O.23 Rule 2. Payment may be increased

A payment into Court may be increased at any time.

O.23 Rule 3. Notice of payment

On making or increasing a payment into Court the defendant must give notice to the plaintiff and to any other defendant and to the Court in Form 11, stating:

- (a) whether the sum is paid in respect of:
 - (i) the whole claim, or
 - (ii) one or more separate causes of action and, if so, specifying the sum paid in respect of each such cause of action, and
- (b) if it be the case, that the sum paid in is calculated after deduction of any sum counterclaimed, and stating in respect of that counterclaim the information required by subparagraph (a).

O.23 Rule 4. Payment cannot be withdrawn without leave

A notice of payment into the Court may not be withdrawn or amended without leave of the Court, which may be granted on such terms as it thinks just.

O.23 Rule 5. Acceptance of payment

Where money is paid into Court under this Order the plaintiff may, within 21 days after receipt of the notice given under rule 3, but in any case before the trial begins:

- (a) accept the money paid into Court in satisfaction of the whole claim, or
- (b) where the money was paid in respect of only some of the causes of action in respect of which the plaintiff claims, accept the sum in satisfaction of any such cause or causes of action specified in the notice

by giving notice to the defendant and to the Court in Form 12.

O.23 Rule 6. Consequences of acceptance

On the plaintiff accepting any money paid into Court:

- (a) all further proceedings in the action or in respect of the specified cause or causes of action, as the case may be, shall be stayed against all defendants sued in respect of the same cause of action, and
- (b) where the notice of payment stated that any sum counterclaimed had been taken into account, all proceedings in that counterclaim or in respect of the specified cause or causes of action, as the case may be, against the plaintiff shall be stayed.

O.23 Rule 7. Plaintiff's entitlement upon acceptance

A plaintiff who has accepted any sum paid into Court in accordance with rule 5 shall be entitled:

- (a) to have such sum paid out forthwith in satisfaction of the relevant cause or causes of action, and
- (b) to recover costs of the action up to the date of acceptance against the party who made the payment into Court.

O.23 Rule 8. Consequences of non-acceptance

If money paid into Court is not accepted in accordance with rule 5 the money shall not be paid out except in pursuance of an order of the Court, which order may be made on such terms as the Court thinks just.

O.23 Rule 9. Trial Judge not to be informed of payment

Except in an action in which a defence of tender before action is pleaded, the trial Judge shall not be informed of such payment until all questions of liability and quantum have been decided.

O.23 Rule 10. Counterclaim

A plaintiff against whom a counterclaim is made and any other defendant who is the subject of a notice to other defendant may pay money into Court in accordance with rule 1 and this order shall apply with

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any necessary modifications.

O.23 Rule 11. Registrar to invest payment

Money paid into Court under this order shall be invested by the Registrar in an interest bearing account.

ORDER 24 : OFFER "WITHOUT PREJUDICE SAVE AS TO COSTS"

O.24 Rule 1. Form of offer

A party to a proceeding may at any time make to any other party to the proceeding a written offer that:

- (a) is expressed to be without prejudice save as to costs; and
- (b) relates to any issue in that proceeding.

O.24 Rule 2. Offer not to be communicated to Court

The fact that such an offer has been made must not be communicated to the Court until the question of costs falls to be decided.

O.24 Rule 3. Court to determine relevance of offer in relation to costs

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The effect (if any) that the making of such an offer has on the question of costs is at the discretion of the Court.

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HEARINGS AND TRIALS

ORDER 25 : TRIAL

O.25 Rule 1. Venue

An action may be tried at any place at which sittings of the Court are authorised.

O.25 Rule 2. Pre-trial conference

- (1) The Court shall upon the informal request in writing of the plaintiff made to the Registrar at an appropriate stage during the proceeding, or of its own motion, convene a pre-trial conference and give such directions as it considers appropriate for the conduct of the trial.
- (2) A pre-trial conference shall take the form of a directions hearing and shall be convened by order or notice of direction.
- (3) In the event of undue delay on the plaintiff's part in requesting a pre-trial conference under rule (1), another party to the proceeding may

invite the Court to convene such a conference and the Court may act if it considers that the invitation is appropriately made.

O.25 Rule 3. Form of trial

- (1) Subject to paragraph (2), an action shall be tried by a Judge alone.
- (2) An action shall be tried by a Judge sitting with a jury if any party so requests.
- (3) If a request under paragraph (2) is given to the Court at any time after the trial date has been fixed the party making such request shall bear the costs of any adjournment occasioned thereby.

O.25 Rule 4. Separate trials

- (1) The Court may order the separate trial of any question or issue arising in an action, whether of fact or law or mixed fact and law, and whether or not it was raised on the pleadings.
- (2) On making a decision on any question or issue tried separately the Court may give final judgment in the action if that decision substantially disposes of the action or renders further trial unnecessary.

O.25 Rule 5. Failure to appear at trial

- (1) If neither party appears at the trial the action may be struck out.

- (2) If one party fails to appear at the trial the Judge may deal with the action and any counterclaim in the absence of that party.
- (3) Any judgment or order made in the absence of a party may be set aside on the application of that party on such terms as the Court thinks just.
- (4) Application under paragraph (3) shall be made by application notice supported by affidavit and filed not later than 14 days after the trial.

O.25 Rule 6. Adjournment

The Court may adjourn a trial to such time and place, and upon such terms, as it thinks fit.

O.25 Rule 7. Procedure at trial

- (1) The Judge may give directions as to which party shall begin and the order of speeches.
- (2) If the Judge gives no directions under paragraph (1):
 - (a) the plaintiff shall begin and may make an opening speech;
 - (b) if the defendant does not adduce evidence then after all the evidence has been given for the plaintiff, the defendant shall state the case for the defendant and the plaintiff may make a speech in reply;
 - (c) if the defendant proposes to produce evidence after the evidence on behalf of

the plaintiff has been given, then the defendant may make an opening speech and, at the close of the evidence, a closing speech;

- (d) after the defendant's closing speech, the plaintiff may make a speech in reply.
- (3) Where a party who is entitled to make the final speech raises in that speech any new point of law or cites some authority not previously cited, the opposite party may make a further speech in reply but only as to that point of law or authority.

O.25 Rule 8. Scene inspection

The Judge and any jury may inspect any place or thing with respect to which any question arises at the trial.

O.25 Rule 9. Exhibits

- (1) The Clerk of the Court shall take charge of every exhibit, number each exhibit consecutively and prepare and keep a list of those exhibits.
- (2) Unless the Court otherwise orders, exhibits shall be retained in the Court office for the period within which any appeal may be lodged, and, if an appeal is lodged, until the conclusion of that appeal; and shall then be returned to the parties who produced them.

O.25 Rule 10. Recordings

- (1) The Clerk of the Court shall take charge of every audiotape recording of the evidence given in a trial.
- (2) Unless the Court otherwise orders, such audiotapes shall be retained in the Court office for a period of 60 days after completion of the trial, after which period the recording may be deleted.

O.25 Rule 11. Application of rules to hearings other than trials

Subject to these rules and to any directions issued by the Court, the provisions of Orders 25, 26, and 27 shall apply, with any necessary modification, to any other hearing in a proceeding apart from trials.

ORDER 26 : ORAL AND EXPERT EVIDENCE**O.26 Rule 1. Facts to be proved by oral evidence**

Subject to the provisions of Order 27 and to any statute relating to evidence, any fact required to be proved at a trial shall be proved by oral evidence.

O.26 Rule 2. Expert evidence

- (1) Expert evidence may be adduced without leave.
- (2) Unless otherwise ordered by the Court:
 - (a) a party who wishes to adduce expert evidence shall, as soon as possible and in any event not less than one month before trial, serve a copy of the expert's report on every opposite party; and
 - (b) unless a copy of the report has been served in accordance with subparagraph (a) an expert witness shall not be allowed to give evidence.

ORDER 27 : AFFIDAVIT EVIDENCE**O.27 Rule 1. When affidavit evidence permitted**

- (1) Subject to the provisions of this rule, the Court may permit the evidence of any witness in a proceeding to be given by affidavit.
- (2) A party who wishes to adduce affidavit evidence shall, not less than 14 days before trial notify the opposite party in writing sending a copy of that affidavit.
- (3) A party served with notice under paragraph (2) shall within 7 days after receipt of such notice notify the other party of whether or not consent

is given to the affidavit being used in evidence and failure to do so shall be deemed to be consent.

- (4) A party who unreasonably fails to consent to the use of affidavit evidence may be ordered to bear the cost of attendance of the witness whose affidavit was sought to be used.

O.27 Rule 2. Requirements for an affidavit

- (1) An affidavit sworn in an action shall bear the title and number of the action.
- (2) An affidavit may be sworn by more than one person.
- (3) An affidavit shall be expressed in the first person and, unless the Court otherwise directs, shall state the occupation and residence of the deponent; and if the deponent is employed by a party that fact shall be stated.
- (4) An affidavit shall be divided into paragraphs numbered consecutively, each paragraph being so far as possible confined to one matter.

O.27 Rule 3. Authority to take affidavits

- (1) An affidavit shall be signed by the deponent before a person authorised to take affidavits (not being the deponent's lawyer) who shall complete and sign the jurat.
- (2) Where an affidavit is sworn in a foreign country, judicial notice may be taken of the seal or signature of any Notary Public or other person before whom the affidavit is sworn if in the jurat

or body of the affidavit it is stated that such person is lawfully authorised to administer oaths in that country.

O.27 Rule 4. Certificate as to understanding

Where it appears to the person taking an affidavit that the deponent is illiterate or blind, the person before whom the affidavit is sworn shall certify in the jurat that:

- (a) the affidavit was read over to the deponent;
- (b) the deponent appeared to fully understand it; and
- (c) the deponent's signature or mark was made in the presence of the person certifying.

O.27 Rule 5. Exhibits

Any document to be used in conjunction with an affidavit shall be:

- (a) identified in the affidavit by an exhibit letter or number; and
- (b) marked with that letter or number, and details of the deponent and the date of the affidavit; and
- (c) signed by the person taking the affidavit.

O.27 Rule 6. Contents of affidavit

- (1) An affidavit for use at a trial shall contain only such facts as would be admissible if the

deponent were to give oral evidence.

- (2) An affidavit filed in support of an application notice may contain statements of information or belief provided that the source and grounds thereof are stated.

O.27 Rule 7. Cross-examination of deponent

- (1) Any party desiring to cross-examine a deponent who has sworn an affidavit on behalf of an opposite party may serve on that opposite party a notice in writing (which may be by letter addressed to the opposite party's lawyer) requiring the production of the deponent for cross-examination before the Court at the hearing or trial.
- (2) The notice shall be served, and copies thereof filed in the Court and delivered to all other parties who have taken any step in the proceeding, not less than three clear days before the day fixed for the hearing or trial.
- (3) Unless the deponent is produced accordingly, the affidavit shall not be used as evidence except by the special leave of the Court.
- (4) The party to whom the notice is given shall be entitled to compel the attendance of the deponent for cross-examination in the same way as the deponent might be compelled to attend as a witness to be examined.

O.27 Rule 8. Translations

If the affidavit is in any language other than English, there shall be annexed thereto at the time of filing an

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English translation verified by the affidavit of an interpreter.

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ENFORCEMENT ACTION

ORDER 28 : GENERAL PROVISIONS RELATING TO JUDGMENTS AND ORDERS

O.28 Rule 1. Judgments to be signed and sealed

Every judgment or order made by the Court shall be drawn up by the Court, signed by or on behalf of the Judge who made the order and sealed with the Court seal.

O.28 Rule 2. Name of Judge to be shown

Every judgment or order shall bear the name of the Judge who made it.

O.28 Rule 3. Date judgment takes effect

Unless otherwise ordered, a judgment or order shall take effect from the date on which it was made.

O.28 Rule 4. Service of judgments and orders

- (1) A copy of every judgment or order shall be served by the party who obtained it in accordance with any directions issued by the Court.
- (2) Every judgment and enforcement order to be served on a recipient in person shall have attached a directions notice as provided for in O.11 Rule 2.

O.28 Rule 5. Clerical mistakes may be corrected

Clerical mistakes in judgments or orders, or errors arising therein from any accidental slip or omission, may at any time be corrected by the Court without an appeal.

ORDER 29 : GENERAL PROVISIONS RELATING TO ENFORCEMENT PROCEEDINGS**O.29 Rule 1. When leave is required to issue enforcement proceedings**

- (1) No enforcement proceedings shall be issued without leave of the Court if:

- (a) six years or more have elapsed since the date of the judgment or order;
 - (b) any change has taken place, whether by death or otherwise, in the parties in whose favour or against whom the judgment or order was obtained;
 - (c) it is sought to enforce a judgment against a deceased person by process against the deceased's assets in the hands of the executor or administrator; or
 - (d) it is sought to enforce judgment against a partner in a firm against which judgment was entered.
- (2) Application for leave under paragraph (1) may be made ex parte by application notice supported by an affidavit setting out all relevant facts.
- (3) Where the Court grants leave under this rule such leave shall lapse if proceedings are not taken within 12 months from its grant.

O.29 Rule 2. Term of writ of enforcement

- (1) Upon execution, a writ of enforcement shall be deemed to have expired and any subsequent seizure shall require application to be made for the issuance of a fresh writ.
- (2) A writ of enforcement is valid for 12 months from the date of its issue.
- (3) The Court may for good reason extend the validity of a writ of enforcement from time to time for any period not exceeding 12 months from the date of its expiry.

O.29 Rule 3. Priorities of writs of enforcement

Unless otherwise ordered by the Court:

- (a) a writ of enforcement shall not be executed before any similar writ issued on an earlier date has been satisfied;
- (b) where a writ of enforcement has been extended under rule 2(3), it shall be deemed to have been issued on the date when it was extended.

O.29 Rule 4. Withdrawal of enforcement action

- (1) The party issuing a writ of enforcement may withdraw the execution at any time by notice in writing addressed to the Registrar and copied to the bailiff or other enforcement officer.
- (2) In every case where an execution is withdrawn, satisfied, or stopped, the Court may order the reasonably incurred costs incurred in the execution process prior to the withdrawal to be paid by the person issuing the writ of enforcement.

O.29 Rule 5. Order of committal

- (1) Where any person:
 - (a) required by a judgment or order to do an act fails or refuses to do it within the time specified by the Court; or
 - (b) disobeys a judgment or order not to do an act;

the judgment or order may be enforced by an order of committal under Order 38.

- (2) Subject to paragraph (3), a judgment or order shall not be enforced under this rule unless:
 - (a) a copy of the judgment or order has been served personally on the person to whom it is directed; and
 - (b) if that person is required to do an act, the copy has been served in time to allow the person to comply with it; and
 - (c) the copy so served was endorsed with a notice that if that person disobeys the judgment or order then the defaulter may be liable to committal or other execution to compel compliance with its terms.
- (3) Paragraph (2) shall not apply if the Court is satisfied that the person against whom it is sought to enforce the judgment or order is aware of it by reason of that person's presence when it was made, or otherwise.
- (4) The Court shall not, in the absence of special circumstances, make a committal order to enforce a judgment in respect of a debt unless it is satisfied that the judgment debtor either has or has had since the date of the order or judgment the means to pay the sum in respect of which default has been made and has refused or neglected to pay the same.

ORDER 30 : ENFORCEMENT OF JUDGMENT FOR PAYMENT OF MONEY

O.30 Rule 1. Modes of enforcement

A judgment or order for the payment of money may be enforced by one or more of the following means:

- (a) writ of distress;
- (b) garnishee proceedings;
- (c) the appointment of a receiver;
- (d) charging order;
- (e) if Order 29, rule 5 applies, an order of committal.

O.30 Rule 2. Judgment debt to carry interest

- (1) Every judgment debt shall carry interest from the time of judgment being given until the judgment is satisfied.
- (2) Unless the Court specifies otherwise, the interest under paragraph 1 shall be at the rate of 10% per annum.
- (3) The interest may be levied under any execution order upon judgment.

ORDER 31 : WRIT OF DISTRESS

O.31 Rule 1. Form of writ of distress

A writ of distress shall be in Form 13.

O.31 Rule 2. Application for writ

- (1) An application for a writ of distress shall be made by application notice stating the manner in which it is suggested the goods seized are to be dealt with.
- (2) On the application of the judgment debtor or the judgment creditor, the Court may:
 - (a) direct that any property seized pursuant to a writ of distress be sold in some manner other than by public auction; and
 - (b) give directions as to the safe custody of such property pending sale.

O.31 Rule 3. Execution of writ of distress

- (1) A writ of distress shall be executed by a bailiff as directed by the Court and in accordance with the procedures prescribed in the Bailiffs Act 2000.
- (2) Whenever application is made under rule 2 for a direction that any properties seized should be sold in some manner other than by public auction, all necessary steps and the costs of such steps will be the responsibility of the applicant unless the Court orders otherwise.

- (3) Application may be made to the Court for reimbursement out of the proceeds of sale for costs properly incurred by the applicant.
- (4) Whenever an alternative procedure is ordered by the Court, the applicant shall inform the bailiff of all steps in advance. The properties seized will remain in the custody of the bailiff pending disposal and will only be released on order of the Court.
- (5) Unless the Court otherwise directs, the total net sum retained by the bailiff after execution of a writ of distress is to be paid to the judgment creditor.
- (6) Upon execution, a writ of distress is deemed to have expired and any subsequent seizure shall require application for the issuance of a fresh writ.

O.31 Rule 4. Stay of execution

- (1) Subject to paragraph (2) the Court may, on application by any person against whom a writ of distress has been or may be issued, stay execution on such conditions and for such period as it may think just.
- (2) The Court shall not stay execution under subparagraph (1) unless satisfied:
 - (a) that there are special circumstances which make it inexpedient to enforce payment; or
 - (b) that the applicant is unable to pay the full sum due.

- (3) An application under paragraph (1) may be made:
 - (a) orally, when the judgment or order is made, or
 - (b) by application notice supported by an affidavit setting out the special circumstances, or, if the applicant is unable to pay in full, the affidavit must disclose the applicant's full financial circumstances.
- (4) An order made under this rule may be varied or revoked on application by any party.

ORDER 32 : GARNISHEE PROCEEDINGS

O.32 Rule 1. When garnishee proceedings available

Where:

- (a) a judgment creditor has obtained a judgment or order for the payment by a judgment debtor of a sum of money exceeding \$500, and
- (b) some other person within the jurisdiction (in this rule referred to as "the garnishee") owes money to the judgment debtor,

the Court may order the garnishee to pay to the judgment creditor any sum (not exceeding the amount owed by the garnishee to the judgment debtor) in full or part satisfaction of the judgment debt and costs.

O.32 Rule 2. Form of application

An application for an order under rule 1 shall be made ex parte by application notice supported by an affidavit:

- (a) stating the name and last known address of the judgment debtor;
- (b) identifying the judgment or order to be enforced and stating the amount unpaid;
- (c) stating that the garnishee (naming the garnishee) is believed to be within the jurisdiction and to owe money to the judgment debtor, showing the grounds for such belief; and
- (d) where the garnishee is a financial institution having more than one branch, stating at which branch the account is believed to be held.

O.32 Rule 3. Order to show cause

- (1) An application under rule 2 shall be referred to a Judge who may make an order to show cause why the garnishee should not pay the sum claimed and specifying a time and place for further consideration of the matter.
- (2) An order to show cause shall be in Form 14.
- (3) Unless the Court otherwise directs, the order to show cause shall be served on the garnishee and the judgment debtor not less than 7 days before the day appointed for further consideration of the matter.

- (4) An order to show cause shall bind the debt specified in the hands of the garnishee as from the service of the order.

O.32 Rule 4. Garnishee may make payment into Court

A garnishee who admits owing the judgment debtor the amount specified or any lesser amount may pay that amount into Court.

O.32 Rule 5. Orders on further consideration

On further consideration of the matter:

- (a) if the garnishee does not attend or the Court is otherwise satisfied that the garnishee owes the judgment debtor the amount specified, the Court may make an order absolute in Form 15.
- (b) if the garnishee disputes owing the judgment debtor the amount claimed the Court may determine the matter summarily or order that it be tried and give any necessary directions therefore.
- (c) if it appears to the Court that some other person claims to be entitled to the debt sought to be attached the Court may order that person to attend and give particulars of such claim, and may determine the matter summarily or order that it be tried and give any necessary directions therefore.

O.32 Rule 6. Effect of payment by garnishee

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Any payment made by a garnishee in compliance with an order absolute under this Order shall be a valid discharge of the garnishee's liability to the judgment debtor to the extent of the amount paid, even if the garnishee order or the judgment or order on which it is founded is subsequently set aside or reversed.

ORDER 33 : APPOINTMENT OF RECEIVER

O.33 Rule 1. Form of application for appointment of receiver

Application for the appointment of a receiver to enforce a judgment or order shall be made by application notice supported by an affidavit:

- (a) stating the name and last known address of the judgment debtor;
- (b) identifying the judgment or order to be enforced and stating the amount unpaid;
- (c) identifying the property in respect of which the receiver is sought to be appointed; and
- (d) naming the proposed receiver.

O.33 Rule 2. Service of application

Unless the Court otherwise orders, the application notice shall be served on the judgment debtor not less than 7 days before the hearing date.

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O.33 Rule 3. Court may give directions

An order for the appointment of a receiver may include such directions as the Court thinks fit for the giving of security by the person appointed.

O.33 Rule 4. Service of order

Within 7 days of the issuance from the Court of an order appointing a receiver a copy of the order shall be served by the party obtaining it on the judgment debtor and on the receiver.

O.33 Rule 5. Receiver's remuneration

The receiver shall be allowed such remuneration as the Court may determine.

O.33 Rule 6. Receiver's functions

- (1) A receiver shall:
 - (a) promptly pay into Court all surplus moneys received under the order, and
 - (b) submit such accounts at such intervals as the Court may direct.
- (2) A receiver may at any time request the Court for directions by written request stating the matters upon which directions are required.

ORDER 34 : CHARGING ORDER

O.34 Rule 1. Purpose of charging order

A charging order shall provide a judgment creditor with security, in whole or in part, over the property and assets of the judgment debtor described in the order.

O.34 Rule 2. Application for charging order

- (1) An application for a charging order shall be made ex parte by application notice supported by an affidavit:
 - (a) stating the name and last known address of the judgment debtor;
 - (b) identifying the judgment or order to be enforced and stating the amount unpaid;
 - (c) giving full particulars of the subject matter of the intended charge; and
 - (d) verifying that the interest to be charged is owned beneficially by the judgment debtor.
- (2) An application may be made for a single charging order in respect of more than one judgment or order against the debtor.

O.34 Rule 3. Order to show cause

- (1) An application under rule 2 shall be referred to

a Judge who may make an order to show cause why the interest of the judgment debtor should not be charged to secure the amount unpaid, and specifying a time and place for further consideration of the matter.

- (2) An order to show cause shall be in Form 16.
- (3) Unless the Court otherwise directs, the order to show cause shall be served on:
 - (a) the judgment debtor;
 - (b) if the subject matter of the charge is land, the Minister of Lands; and
 - (c) any other person who would be affected by the order;

not less than 7 days before the day appointed for further consideration of the matter.

O.34 Rule 4. Procedure on further consideration

On further consideration of the matter:

- (a) the judgment creditor and the judgment debtor (if the judgment debtor attends) shall be heard;
- (b) the Minister of Lands shall be entitled to be heard;

with leave of the Court, any other person affected by the order may be heard; and the Court shall then either make the order absolute, with or without modifications, or shall discharge it.

O.34 Rule 5. Form of charging order

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A charging order absolute shall be in Form 17.

O.34 Rule 6. Service of order

Any order made shall be served on every person required to be served under rule 3(3).

O.34 Rule 7. Order may be varied or discharged

On the application of the judgment debtor or any other person interested in the property charged, the Court may at any time discharge or vary the order on such terms as it thinks just.

O.34 Rule 8. Enforcement

- (1) A charging order may be enforced by the appointment of a receiver and/or an order for sale.
- (2) Application for the enforcement of a charging order shall be supported by an affidavit, which shall be served on every party required to be served under rule 3(3).

**ORDER 35 : ENFORCEMENT OF JUDGMENT FOR
DELIVERY OF GOODS**

O.35 Rule 1. Modes of enforcement of

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judgment

A judgment or order for the delivery of goods may be enforced by one or more of the following means:

- (a) writ of delivery;
- (b) if Order 29, rule 5 applies, an order of committal.

O.35 Rule 2. Form of writ of delivery

A writ of delivery shall be in Form 18.

O.35 Rule 3. Application for writ of delivery

Application for a writ of delivery shall be made by application notice supported by affidavit.

O.35 Rule 4. Writ may include provision for enforcing payment

A writ of delivery may include provision for enforcing payment of any money payable (whether alternatively to or in addition to delivery of property) by the same person under the same judgment or order.

O.35 Rule 5. Duties of bailiff

The bailiff charged with execution of a writ of delivery shall, in accordance with the directions contained in the Court order and subject to the provisions of the Bailiffs Act 2000:

- (a) seize the property ordered to be delivered and convey it to a convenient place where it may be collected;
- (b) immediately after such seizure, give notice in Form 19 to the Court and the person who issued the warrant where and when it may be collected; and
- (c) if the property has not been collected within 14 days after such notice, seek the direction of the Court as to whether the property should be released to the person from whom it was seized.

ORDER 36 : ENFORCEMENT OF JUDGMENT FOR POSSESSION OF BUILDING

O.36 Rule 1. Modes of enforcement of judgment

A judgment or order for the delivery or giving up of possession of a building or dwelling-house may be enforced by one or more of the following means:

- (a) writ of possession;
- (b) if Order 29, rule 5 applies, an order of committal.

O.36 Rule 2. Form of writ of possession

A writ of possession shall be in Form 20.

O.36 Rule 3. Application for writ of possession

An application for a writ of possession shall be made by application notice supported by affidavit.

O.36 Rule 4. Writ may include provision for enforcing payment

A writ of possession may include provision for enforcing payment of any money payable (whether alternatively to or in addition to giving up possession of the building or dwelling-house) by the same person under the same judgment or order.

O.36 Rule 5. Duties of bailiff

The bailiff charged with execution of a writ of possession shall, in accordance with the directions contained in the Court order and in pursuance of his or her functions and powers under the Bailiffs Act 2000:

- (a) seize the building or dwelling-house by way of special seizure under section 8(1) of the Bailiffs Act;
- (b) report on the outcome of the special seizure by promptly submitting to the Registrar a signed acknowledgement in Form 1 of the schedule to the Bailiffs Act.
- (c) the bailiff shall require any person(s) in occupation of the building or dwelling-house to give up possession and vacate the premises within 14 days or such other period as the Court shall determine.
- (d) if any person(s) in possession of the building or dwelling-house fails to vacate the premises as

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directed by the bailiff under paragraph (c) then the bailiff shall proceed to evict the person(s) using such force as is reasonably necessary.

- (e) upon request by any bailiff, a police officer shall aid and assist in carrying out any eviction under this Order.
- (f) A bailiff shall promptly report to the Court on the outcome of any eviction.

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SPECIAL PROCEDURES AND GENERAL

ORDER 37 : EXAMINATION OF JUDGMENT DEBTOR

O.37 Rule 1. Application for examination

- (1) Where a party ("the judgment creditor") has obtained a judgment or order for the payment by some other party ("the judgment debtor") of money, the Court may, on an application made ex parte by application notice, order the judgment debtor or, if the judgment debtor is a body corporate, an officer thereof, to attend before the Court and be orally examined as to means.
- (2) The application shall state whether the examination is required to be recorded in which case it shall be heard in open Court.
- (3) An order under this rule must be served personally on the judgment debtor and on any officer of a body corporate ordered to attend for examination and such person is entitled to reasonable conduct money for attending to give evidence.

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O.37 Rule 2. The examination

- (1) The judgment debtor may be examined on the questions:
 - (a) whether any, and if so what, debts are owing to the judgment debtor, and
 - (b) whether the judgment debtor has any, and if so what, property or means of satisfying the judgment or order.
- (2) The Court may also order the judgment debtor or officer to produce any books or documents in the possession of the judgment debtor relevant to the questions in paragraph (1) at the time and place appointed for the examination.

ORDER 38 : CONTEMPT OF COURT

O.38 Rule 1. Punishment for contempt of Court

The power of the Supreme Court or Court of Appeal to punish for contempt of Court may be exercised by an order of committal.

O.38 Rule 2. Contempt in face of Court

Where the contempt is committed in the face of the Court, the Court may make an immediate order of committal.

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O.38 Rule 3. Disobedience of Court order or undertaking

- (1) Where the contempt consists of disobedience to an order of the Court or breach of an undertaking to the Court application for leave to apply for an order of committal shall be made ex parte by application notice supported by an affidavit stating:
 - (a) details of the order or undertaking;
 - (b) the name and address of the person sought to be committed;
 - (c) the grounds upon which the committal is sought.
- (2) An order for committal may be sought against:
 - (a) the person in contempt if an individual, or
 - (b) where that person is a body of persons capable of suing and being sued, or a body corporate, any member or officer of that body.

O.38 Rule 4. Procedure if Court grants leave

- (1) If the Court grants leave to apply a summons shall be issued which the applicant shall serve upon the person sought to be committed, together with a copy of the application notice and affidavit not later than 7 clear days before the hearing date.
- (2) The Court may dispense with service of the summons under paragraph (1) if it thinks it just to do so.

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O.38 Rule 5. Hearing of application

- (1) Unless the Court otherwise orders, the hearing of an application for an order of committal shall be in open Court.
- (2) If the hearing is held in private and an order of committal is made, the Court shall state in open Court the name of the person committed, the general nature of the contempt, and the period of committal.

O.38 Rule 6. Enforcement may be suspended

The Court making an order of committal may direct that enforcement of that order be suspended for such period and on such terms as it may specify.

O.38 Rule 7. Committal on Court's own motion

Nothing in this order shall affect the power of the Supreme Court or Court of Appeal to make an order of committal of its own motion.

ORDER 39 : JUDICIAL REVIEW

O.39 Rule 1. When remedy available

This order applies to any action against an inferior Court, tribunal or public body (including an individual

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charged with public duties) in which the relief claimed includes an order of mandamus, prohibition or certiorari, or a declaration or injunction (in this order referred to as “judicial review”).

O.39 Rule 2. Leave of Court required

- (1) No application shall be made for judicial review unless the leave of the Court has been obtained in accordance with this rule.
- (2) An application for leave to apply for judicial review shall be made promptly and in any event within three months from the date when grounds for the application first arose unless the Court considers that there is good reason for extending that period.
- (3) An application for leave shall be made ex parte by filing:
 - (a) an application notice which is to set out concisely the relief claimed and the grounds therefore;
 - (b) a copy of the proposed writ and statement of claim; and
 - (c) an affidavit verifying the facts relied on.

O.39 Rule 3. Court’s powers

- (1) The Court may grant the application without a hearing, but shall not refuse it without hearing the applicant.
- (2) The Court shall not grant leave unless satisfied

that the applicant has a sufficient interest in the matter to which the application relates.

O.39 Rule 4. Position if Court grants leave

If the Court grants leave:

- (a) it may do so subject to such terms as to costs and to giving security as it thinks fit, and
- (b) it may grant such interim relief as appears necessary and just.

ORDER 40 : HABEAS CORPUS

O.40 Rule 1. When the writ of habeas corpus is available

This order applies to an application for an order for the release of any person from unlawful or unjustifiable restraint or detention (in this order referred to as “a writ of habeas corpus”).

O.40 Rule 2. Mode of application

- (1) Application for a writ of habeas corpus may be made at any time on any day ex parte by way of application notice supported by an affidavit by the person restrained showing that it is made at that person's instance and setting out details of the restraint.

- (2) Where the person restrained is unable to make the affidavit required by paragraph (1) it may be made by some person on the restrained person's behalf and the affidavit shall state the reason why the person restrained is unable to do so.
- (3) An application for a writ of habeas corpus shall have precedence over all other proceedings before the Court.

O.40 Rule 3. Court may direct service

The Judge to whom the application is made may:

- (a) order that a writ of habeas corpus be issued forthwith; or
- (b) direct that the application notice and affidavit be served on any necessary party.

O.40 Rule 4. Service of application

Unless otherwise ordered by the Court, the application notice together with copies of all affidavits filed shall be served not less than 2 clear days before the hearing date.

O.40 Rule 5. Directions to be given as to when writ returnable

Where the Court orders that a writ of habeas corpus be issued it shall give directions as to the time, date, and place when the writ is returnable.

O.40 Rule 6. Form of writ of habeas corpus

A writ of habeas corpus shall be in Form 21.

O.40 Rule 7. Service of writ

A writ of habeas corpus shall be served personally on every person to whom it is directed:

Provided that if it is not possible to serve such a writ personally, or if it is directed to the Superintendent of Prisons or some other public official, it may be served by leaving it with that person's servant or agent at the place where the person concerned is restrained or confined.

O.40 Rule 8. Return of writ

Any person served with a writ of habeas corpus shall make a return to the writ by endorsing on or annexing to it a statement showing:

- (a) whether the person concerned is restrained or detained under the control of the person served with the writ; and if so
- (b) the justification therefore.

O.40 Rule 9. Hearing on return of writ

At the hearing on the return to the writ:

- (a) the return shall be read;
- (b) counsel for the person restrained shall be heard and any affidavits filed on that person's behalf shall be read;

- (c) counsel for the person exercising such restraint shall be heard and any affidavits filed on that person's behalf shall be read;
- (d) counsel for the person restrained may reply;
and the Court shall then pronounce whether such restraint or detention is lawful and may make such consequential orders as it thinks fit.

ORDER 41 : RESEALING FOREIGN PROBATES

O.41 Rule 1. Application to be made ex parte

An application under section 39 of the Probate and Administration Act (Cap 16) to reseal in the Court a grant of probate or letters of administration issued by a foreign court shall be made ex parte by way of application notice.

O.41 Rule 2. Supporting affidavit required

The application for resealing shall be supported by an affidavit sworn by the applicant satisfying the evidentiary requirements of section 39 of the said Act.

O.41 Rule 3. The Court may require notification to be given

The Court may upon further consideration require notice of the application to be served on some other

person or persons and may, if it thinks it appropriate, convene a directions hearing.

O.41 Rule 4. The Court may impose conditions

The Court may impose such terms and conditions regarding the resealing of the grant as it deems reasonable.

ORDER 42 : PROCEEDINGS IN ADMIRALTY

O.42 Rule 1. Jurisdiction

Notwithstanding the enactment of the Civil Law Amendment Act 2003, the Court shall continue to exercise its inherent jurisdiction in relation to Admiralty proceedings.

O.42 Rule 2. Rules and practice

- (1) The procedure and forms provided under the English Supreme Court Rules shall, with any necessary and appropriate modification and subject to these rules, continue to apply.
- (2) Reference to the "Admiralty Marshall" in the English rules shall be deemed to be a reference to the Registrar.

ORDER 43 : CHANGE OF LAWYER**O.43 Rule 1. Notice of a change of lawyer**

- (1) No order is necessary, but to make a change of lawyer effective the party or the new lawyer must file a notice of change of lawyer in Form 22 and serve a copy on the former lawyer and every other party to the proceeding.
- (2) If the party intends to act in person, notice under Form 22 shall be modified accordingly.

O.43 Rule 2. Withdrawal of lawyer

- (1) Where a lawyer who has acted for a party has ceased to act and the party has not given notice of change of lawyer under rule 1, the Court may upon application make an Order granting leave for the lawyer to withdraw from acting for the party.
- (2) Unless otherwise ordered by the Court, an application under this rule may be made orally or by a request in writing.
- (3) Unless and until the party whose lawyer is withdrawing either appoints another lawyer and complies with rule 1 or, being entitled to act in person, gives notice to that effect, then that party's last known address, or in the case of a

body corporate, its registered office, shall be deemed to be the address for service.

ORDER 44 : WITNESS SUMMONS

O.44 Rule 1. Request to be made to Registrar

Any party may in writing request the Registrar to issue a summons for the examination of a witness and/or for the production of documents without the leave of the Court.

O.44 Rule 2. Form of witness summons

- (1) A witness summons shall be in Form 23 modified as necessary.
- (2) The names of two or more persons may be included in the one summons.

O.44 Rule 3. Service of summons

A witness summons must be served personally and service shall not be valid unless effected within 12 weeks after the date of its issuance and not less than four days or such other period as the Court or Registrar may fix, before the day on which attendance before the Court is required.

O.44 Rule 4. Conduct money

- (1) A person who has been served with a witness summons in any civil proceeding is not

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compellable to comply with the order unless, at the time of service or at some other reasonable time before the date on which the person is required to comply with the writ, a reasonable sum in the form of conduct money to meet the person's reasonable expenses of complying with the writ is tendered or paid to that person.

- (2) Unless the Court orders otherwise, conduct money shall be fixed in the amount of 5 pa'anga.

ORDER 45 : MEDIATION

O.45 Rule 1. Application of this Order

- (1) This Order shall apply if at any time the Court is satisfied that a suitably qualified person is available to act as a mediator.
- (2) A person is not eligible to be a mediator unless this is justified by their experience as a mediator or training in a recognised mediation or training course.

O.45 Rule 2. Court may refer proceeding to mediation

- (1) At any stage of a proceeding the Court may, with the consent of all parties, order that the proceeding or any part of the proceeding be referred to a mediation.

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- (2) When making a reference under this rule, the Court shall stipulate the time frame within which the mediation should be progressed and be finalised.

O.45 Rule 3. Reference not to operate as a stay of proceedings

Unless the Court otherwise orders, a reference to mediation shall not operate as a stay of the proceedings nor shall it be cause for delay in getting the case ready for trial.

O.45 Rule 4. Functions of mediator

- (1) The mediator shall endeavour to assist the parties to reach a settlement of the proceeding or the part of the proceeding referred to mediation.
- (2) The mediator shall report to the Court:
- (a) regularly on the progress of mediation; or
 - (b) if mediation is finished, on the nature of the outcome; and
 - (c) where there is no agreement and shall comment on the reasons for that.
- (3) The mediator shall not make any report to the Court other than a report under paragraph (2).

O.45 Rule 5. Procedure at mediation

- (1) Unless all the parties who attend the mediation

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in writing agree, no evidence shall be admitted in the Court proceeding of anything said or done by any person at the mediation.

- (2) Where an agreement is reached it shall be reduced to writing and signed by the parties at the mediation or later.

O.45 Rule 6. Costs in respect of mediation

- (1) Unless the parties otherwise agree, the Court may determine the remuneration of the mediator, and by what party or parties and in what proportion the remuneration is to be paid, either in the first instance or finally.
- (2) The Court may order any party to give security for the remuneration of the mediator.
- (3) Where the Court is satisfied that a party's unreasonableness has led to no agreement the Court may order that party to pay the costs of the other party or parties on an indemnity basis.

ORDER 46 : TAXATION OF COSTS

O.46 Rule 1. Application of this Order

This Order applies whenever the Court is authorised to determine the amount of costs payable by any person.

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O.46 Rule 2. Costs to be assessed at conclusion of trial if possible

If the Court makes any order for costs at the conclusion of any trial or hearing in chambers it shall if possible forthwith assess the amount of costs payable under such order.

O.46 Rule 3. Costs to be taxed if not assessed

Where the Court is unable to assess costs under rule 2 such costs shall be taxed in accordance with this rule.

O.46 Rule 4. Bill of costs to be lodged for taxation

The party entitled to costs shall within 28 days after the date of the order for costs lodge with the Court a bill of costs showing brief details of, and the sums claimed in respect of:

- (a) the amount of time spent in preparation of pleadings and general preparation for trial;
- (b) the amount of time spent in Court;
- (c) counsel's fees; and
- (d) any other disbursements.

O.46 Rule 5. Service of bill of costs

The party lodging the bill of costs shall cause a copy to be served on the paying party.

O.46 Rule 6. Objection to bill of costs

- (1) If the paying party wishes to dispute any sum claimed in the bill of costs, that party shall within 14 days after service of the copy bill give notice requesting an opportunity to be heard accompanied by a statement setting out the basic grounds of objection.
- (2) If no notice is given under paragraph (1) within the time limited, the Registrar shall upon receiving a request in Form 24 from the party lodging the bill of costs proceed to carry out taxation.
- (3) Upon taxation under paragraph (2) the Registrar shall give the party lodging the bill of costs the opportunity to be heard.
- (4) If notice is given under paragraph (1) the Registrar shall fix a time, date, and place when the bill will be taxed and shall give not less than 14 days notice thereof to the parties.

O.46 Rule 7. Procedure on taxation

- (1) On the appointment for taxation the Registrar:
 - (a) shall take into account any representations made orally or in writing;
 - (b) may summon witnesses and examine them on oath; and
 - (c) may make such other inquiries as the Registrar thinks necessary;
 - (d) may adjourn an appointment for taxation

from time to time and may reserve making a decision.

- (2) The Registrar's decision upon taxation shall be conveyed to the parties in a certificate of taxation in Form 25 which shall have attached a breakdown of the Registrar's taxed figures.
- (3) Where it appears upon taxation that an objection to a particular item is frivolous or otherwise an abuse of process, the objecting party may be ordered to pay the other party's costs of the taxation hearing whether or not the objecting party is successful on other grounds of objection.

O.46 Rule 8. Referral to Judge

If any party so requests the bill of costs shall be taxed by a Judge, in which case the provisions of rule 7 shall apply with any necessary modifications.

O.46 Rule 9. Appeal from decision of Registrar

- (1) A party who is dissatisfied with the decision of the Registrar on taxation may appeal to a Judge.
- (2) An appeal under this rule shall be made by lodging concise written grounds of appeal within 14 days after the Registrar's decision.
- (3) On the hearing of the appeal the Judge may exercise any of the powers set out in rule 7.

O.46 Rule 10. Review of Judge's decision

- (1) A party who is dissatisfied with the decision of a Judge on taxation may apply to that Judge to review the decision.
- (2) An application under this rule shall be made by application notice filed within 14 days after the Judge's decision.
- (3) The application notice filed under this rule shall contain the objector's concise written grounds of objection.
- (4) The opposite party may within 14 days after service of objections lodge concise written answers.
- (5) On the hearing of the review the Judge may receive further evidence and may exercise all the powers available on the original taxation.

O.46 Rule 11. Taxation certificate

Upon completion of taxation, or of any appeal or review, the Court shall issue a certificate of taxation in Form 25.

ORDER 47 : ASSESSMENT OF COSTS**O.47 Rule 1. Application of this Order**

This Order applies to costs payable by one party to another under an order in civil proceedings.

O.47 Rule 2. Allowance for costs

- (1) There shall be allowed all such costs, charges and expenses as are reasonably necessary or proper for the attainment of justice or for maintaining or defending the rights of any party.
- (2) Unless there are exceptional circumstances there shall not be allowed:
 - (a) any costs in respect of work done prematurely and not subsequently proving of use;
 - (b) any costs incurred or increased as a result of negligence, mistake, or over-caution;
 - (c) any unusual expense.

O.47 Rule 3. Solicitor — client costs

- (1) This rule applies to costs payable by a client to a lawyer.
- (2) There shall be allowed all such costs, charges and expenses as were incurred with the express or implied approval of the client.
- (3) Unless there are exceptional circumstances, there shall not be allowed:
 - (a) any costs incurred or increased as a result of negligence, mistake, or overcaution;
 - (b) any unusual expense, unless the lawyer obtained the express approval of the

client to such expense before it was incurred.

O.47 Rule 4. Practice directions relating to costs

- (1) Practice Note 2 of 1992, as amended by Practice Direction No. 4 of 2003 and No. 5 of 2004, shall continue to apply in fixing allowable costs and disbursements.
- (2) The Chief Justice may from time to time issue further practice directions revoking, amending or replacing any one or more of those referred to in paragraph (1).

O.47 Rule 5. Additional costs to be certified for

- (1) Any party seeking to recover costs at a higher rate than those provided for in the relevant practice direction shall make application to a Judge to have the higher rate certified for.
- (2) Application for certification under this rule may be made orally at a directions hearing or informally by letter to the Registrar.
- (3) In the absence of exceptional circumstances, application under this rule must be made prior to the hearing in respect of which the costs are to be incurred.
- (4) Additional costs may be certified as appropriate under paragraph (1) upon special cause being shown.

ORDER 48 : REPEAL AND TRANSITIONAL**O.48 Rule 1. Court Rules**

The Supreme Court Rules 1991 are hereby repealed.

O.48 Rule 2. Transitional

Notwithstanding the repeal of the Supreme Court Rules 1991, any act which was properly done in accordance with those Rules before they were repealed and which can be validly done under these Rules, shall be deemed to have been validly done under these Rules.

O.48 Rule 3. Practice Directions

- (1) Subject to rule (2), all Practice Directions issued between 1 January 1992 and the coming into effect of these Rules relating to the civil jurisdiction of the Court are hereby revoked.
- (2) The following Practice Directions remain in force until cancelled or varied or replaced by other Practice Direction:

No.2 of 1992 - Taxation of Costs - [1992]
Tonga LR 2

No.3 of 1993 - Application for Letters of
Adoption - [1992] Tonga LR 27

No.1 of 1994 - Senior Counsel - [1994]
Tonga LR 1

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No.3 of 1994 - Commissioner for Oaths -
[1994] Tonga LR 3

No.1 of 2000 - Filing of small civil claims

No.1 of 2003 – Supreme Court Case
Files Prefixes

No.3 of 2003 - Tonga Law Reports

No.4 of 2003 - Counsel's Costs

No.1 of 2004 – Rules for the Production
of Documentary Exhibits

No.5 of 2004 - Taxation of costs

No.6 of 2004 - Applications out of
working hours and other urgent
applications

No.2 of 2005 - 48 hours notice of
Applications

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Form 1

(Writ of Summons)

O.6 r.1

IN THE SUPREME COURT OF TONGA

(Case number)

CIVIL JURISDICTION

Registry (state registry in which issued)

**BETWEEN: (plaintiff)
(occupation and address)**

Plaintiff

**AND: (defendant)
(occupation and address if known)**

Defendant

To the Defendant (name)

of (address)

THIS WRIT OF SUMMONS has been issued against you by the above-named plaintiff whose claim is fully set out in the attached statement of claim.

TAKE NOTICE THAT

1. If you wish to defend the claim you must, within 28 days of service of this writ on you, send to the Court a written defence, stating concisely the grounds upon which you intend to rely, and whether you require the case to be tried by a jury. (A sealed copy must be served on each plaintiff).
2. If you fail to satisfy the claim or to file a defence within the time stated, the plaintiff may obtain judgment against you without further notice.
3. If the claim is defended the plaintiff *requires/does not require the case to be tried by a jury.

(* delete as appropriate)

Issued this (insert date) day of(insert month and year)

Court Clerk / Registrar

[SEAL]

NOTE: This writ may not be served later than 12 months from its date of issue unless renewed by order of the Court.

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Form 2

(Statement of Claim)

O.8 r.2

[Heading as in Form 1]

The plaintiff claims

[set out concisely the nature of the plaintiff's claim to the relief sought]

PARTICULARS

[Set out the particulars required under the rules to inform the Court and the other parties of the plaintiff's cause of action]

RELIEF

[Specify the relief or remedy sought]

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Form 3**(Notice to other defendant)****O.8 r.5****[Heading as in Form 1 without occupations and addresses]**

TO: The above named defendant, [full name]

Take notice that the above named defendant, [full name], claims against you the following relief or remedy [set out the contribution or indemnity or relief or remedy claimed].

The grounds on which the relief or remedy is sought are:

[State the nature and grounds of the claim]

If you dispute the claim, you may, within 10 days after the day on which this notice is served upon you:

- 1) file in this office of the Court a statement of your defence to the claim, and
- 2) serve a copy of that statement of your defence on --
 - (a) the above named defendant [full name]; and
 - (b) the plaintiff, and
 - (c) any other party who has filed an address for service.

Dated this [insert date] 20.... .

(Lawyer for) defendant

Form 4**(Directions Notice)****O.11 r.2****DIRECTIONS NOTICE****IMPORTANT**

IF YOU DO NOT UNDERSTAND THIS DOCUMENT OR IF YOU ARE UNCERTAIN WHAT IT REQUIRES YOU TO DO, YOU SHOULD CONSULT A LAWYER OR SPEAK TO THE STAFF AT THE SUPREME COURT REGISTRY AS SOON AS POSSIBLE AND BEFORE YOU TAKE ANY FURTHER ACTION.

THE PERSON SERVING THIS DOCUMENT ON YOU CANNOT GIVE YOU ANY LEGAL ADVICE.

FANONGONONGO FAKAHINOHINO**MAHU'INGA**

KAPAU 'OKU 'IKAI MAHINO KIATE KOE 'A E TOHI NI PE 'OKU 'IKAI KE KE FAKAPAPAU'I 'A E ME'A 'OKU NE FIEMA'U KE KE FAI, 'OKU TONU KE KE FETU'UTAKI KI HA LOEA PE 'EKE KI HE KAU NGAUE 'I FAI'ANGA LESISITA FAKAMAAU'ANGA LAHI 'I HE VAVE TAHA PEA KI MU'A 'I HA'O TOE FAI HA ME'A.

KOE TOKOTAHA 'OKU NE TUFA ATU 'A E TOHI NI KIATE KOE 'OKU 'IKAE NGOFUA KE NE 'OATU 'E IA HA FALE'I FAKALAO KIATE KOE

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Form 5

(Certificate of Service)

O.11 r.4

CERTIFICATE OF SERVICE

CASE NO.

BETWEEN:

AND:

I, [print or type name in full and address] do hereby certify that at
AM/PM on [insert date] at [insert location]

I did serve the document(s) listed below on:

[name of persons served]

Whose identity I knew because [explain how the person served was
identified]

Signature:

Date:

Documents served: _____

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Form 6**(Application Notice)****O.13 r.1(1)****[General heading as in Form 3]****BETWEEN: Plaintiff/ Applicant/ Judgment Creditor****AND: Defendant/ Respondent/ Judgment Debtor***
(EX PARTE) APPLICATION NOTICE**

THE above named applicant hereby applies to the Court for an order (a draft of which is attached) that:

[State clearly the terms of the order that the applicant is seeking]

UPON THE GROUNDS

[Set out the reasons why the order is sought. Include the material facts on which the applicant relies, identifying any rule, statutory provision or principle of law relied upon].

The applicant requests a hearing*.

The applicant requests that the application be dealt with without a hearing**.

DATED this [insert date]

(Lawyer for) Applicant

TO: The Registrar

AND TO: [respondent(s)]

FILED BY: [set out in full name and address for service]

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* Delete as appropriate

** (include if application is being made on an ex parte basis)

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Form 7**(Draft judgment in default)****O.14 r.2(2)****[Entitlment as in Form 3]****A.B. Plaintiff/ Judgment creditor****AND****C.D. Defendant/ Judgment debtor**

BEFORE THE HON [Name the Judge]

AFTER CONSIDERING the plaintiff's notice of application dated [insert date] for judgment in default against the [identify the defendant] AND the affidavit of [name the deponent] dated [insert date] , sworn and filed in support AND IN RELIANCE upon Order 14 rule 1 of the Supreme Court Rules 2007.

IT IS ORDERED:

- 1). Judgment is hereby entered for the plaintiff against [identify defendant] in the sum of [insert details of order] together with interest on the said sum at [insert interest rate] from the [insert relevant date] down to the date of payment.
- 2). The plaintiff is to file and serve a bill of costs in accordance with Order 45, rule 4.
- 3). A copy of this Order is to be served on the defendant by the plaintiff within a period of 14 days of its issuance from the Court.

NUKU'ALOFA: [insert date]**Chief Justice/Judge**

Form 8**(List of documents)****O.18 r.2(1)****[Heading as in Form 3]**

To the defendant/plaintiff [name the party]

LIST OF DOCUMENTS

The following is a list of the documents relating to the issues in this action which are or have been in the possession, custody or power of the above named plaintiff/defendant [name the party] which is served in compliance with:

* Order 18 rule 1

* the order made the day of 20

(* delete as appropriate)

1. The plaintiff/defendant has in the plaintiff's/defendant's possession, custody or power the documents listed in Schedule 1.
2. The plaintiff/defendant objects to produce the documents listed in Part 2 of Schedule 1 on the grounds that:
[state grounds for objection]
3. The plaintiff/defendant has had, but has not now, possession, custody or power of or over the documents listed in Schedule 2.
4. The date when and the circumstances in which the documents ceased to be in the possession, custody or power of the plaintiff/defendant are set out in Part 2 of Schedule 2.
5. Neither the plaintiff/defendant, nor that party's lawyer, nor any other person on the plaintiff's/defendant's behalf has now, or

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ever had, in their possession, custody or power any document of any description relating to the issues in this action except as listed in Schedules 1 and 2.

Schedule 1

Part 1

[List the relevant documents which the party does not object to produce]

Part 2

[List the relevant documents which the party objects to produce]

Schedule 2

Part 1

[List the documents which the party no longer has in their possession, custody or power]

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Part 2

[State when and in what circumstances the documents ceased to be in the possession, custody or power of the party]

NOTICE TO INSPECT

The documents listed in Schedule 1 Part 1 may be inspected at [state address] by prior arrangement during normal working hours.

DATED the day of 20....

(Signed)
(Lawyer for) plaintiff/defendant

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Form 9

(Affidavit verifying list of documents) O.18 r.3(3)

[Heading as in Form 3]

I, [full name and other particulars] the above named [party], make oath and say as follows:

The statements of fact made in paragraphs 1, 2, 3, and 4 of the list of documents annexed hereto and marked "A" are true.

The statements made in paragraph 5 of the said list are true to the best of my knowledge and belief.

SWORN at [place]

This [date]

Before me:

Authorised to take affidavits

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Form 10**(Notice of directions hearing)****O.19 r.1(2)****NOTICE OF DIRECTIONS HEARING****FANONGONONGO 'O E FAKAHINOHINO****IN THE SUPREME COURT OF TONGA
'I HE FAKAMAAU'ANGA LAHI 'O TONGA**No: _____
Fika 'o e**CIVIL JURISDICTION
MAFAI SIVILE****BETWEEN :**
'I he vahaá 'o :**Plaintiff
Talatalaaki****AND****Mo :****Defendant
Faka'iloa**TAKE NOTICE THAT THE ABOVE CASE HAS BEEN SET DOWN
FOR DIRECTIONS AT

Tokanga'i ko e hopo 'i 'olunga kuo fokotu'u ke Fakahinohinoi

[state Registry office] on the [insert date] 20 at [state time] before:
'i he 'aho taimi 'i heHon Justice
Fakamaau koand you are required personally
pea ke ke ha'u tonu koeto attend in Chamber at the said Court
ki he Fakahinohino i he Fakamaau'anga

Dated the day of 20....

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Faka'aho 'o

**(seal) Registrar
Failesisita**

Clerk
Kalake

TO:
Kia

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Form 11

(Notice of payment into Court)

O.23 r.3

[Heading as in Form 3]

TAKE NOTICE THAT

- 1). The defendant [name the defendant] has paid \$[insert amount] into Court.
- 2). The said sum is paid in satisfaction of:
 - *• the whole claim
 - *• the following causes of action, namely [identify causes of action]

In respect of which the plaintiff claims [insert details of the amount claimed by the plaintiff in respect of each such cause of action and the corresponding amount paid by the defendant]

- and after taking into account and satisfying this defendant's counterclaim in respect of (insert details)

DATED the day of 20....

(* delete as appropriate)

(Lawyer for) defendant

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Form 12

(Notice of acceptance of money paid into Court) O.23 r.5

(Heading as in Form 3)

TAKE NOTICE THAT the plaintiff accepts the sum of \$..... paid into Court by the defendant [name defendant] in satisfaction of the cause(s) of action against that defendant in respect of which it was paid in [* and the plaintiff's other claims in this action are abandoned]

DATED the day of 20....

(* delete as appropriate)

(Lawyer for) plaintiff

To: The Registrar
And to: The defendant

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Form 13**(Writ of distress)****O.31 r.1****[Heading as in Form 7]**

To : the Bailiff Officer in Charge , [location]

WHEREAS in this action on the day of 20... the plaintiff/defendant [name the party] of [address] obtained judgment against the defendant/plaintiff [name the party] of [address] and the sum set out in the schedule below remains unpaid;

YOU ARE COMMANDED

Unless the amount shown in the schedule hereto is paid,

- 1). to seize the property of the defendant/plaintiff (except the person's house and fixtures, growing crops, and the clothes of the defendant/plaintiff and that person's family and tools of trade up to a value of \$200)*;
- 2). to sell the same by public auction (unless otherwise ordered by the Court) and to pay the proceeds of such sale to the Registrar of the Supreme Court;
- 3). if no such property can be found, to certify to that effect to the Registrar of the Supreme Court.

Dated the day of 20...

Registrar of the Supreme Court

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SCHEDULE

Amount adjudged	:	\$ _____
Interest at% per annum from date of judgment to date	:	\$ _____
Costs	:	\$ _____
Total debt	:	\$ _____
Less paid	:	\$ _____
Balance due	:	\$ _____
Costs of this writ	:	\$ _____
Total to be levied	:	\$ _____

* delete when party is a body corporate

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Form 14

(Garnishee order to show cause) O.32 r.3(2)

IN THE SUPREME COURT OF TONGA CV No.
CIVIL JURISDICTION
Registry [state Registry in which issued]

BETWEEN: AB Judgment Creditor

AND: C. D. Judgment Debtor

AND: E. F. Garnishee

BEFORE Hon Justice in Chambers

UPON READING the judgment creditor's application dated [insert date] for an order to show cause and the affidavit of [name the deponent] dated [insert date]

sworn and filed herein

IT IS ORDERED

- 1). That all debts due or accruing due from the garnishee to the judgment debtor up to a sum of \$..... be attached to satisfy:
 - (a) a judgment or order obtained by the judgment creditor in this Court on the day of 20..., on which judgment or order the sum of \$..... remains due and underpaid; and
 - (b) \$..... for the costs of these proceedings.
- 2). The garnishee do attend before Hon Justice in Chambers on the day of 20... at a.m./p.m. to show cause why the garnishee should

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not pay to the judgment creditor the debt due from the garnishee to the judgment debtor, or so much thereof as will satisfy the judgment or order and the costs of these proceedings.

[If the garnishee is a financial institution leave room for name of branch] The judgment debtor's account is believed to be held at the branch of the garnishee; the account number is believed to be

NUKU'ALOFA: [insert date]

SEAL Chief Justice/ Judge

NOTES:

1. This order must be served on the garnishee and the judgment debtor.
2. This matter is governed by Order 32 of the Supreme Court Rules.

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Form 15**(Garnishee order absolute)****O.32 r.5(a)****[Heading as in Form 14]**

UPON HEARING [name lawyer(s) appearing]

AND UPON READING the affidavit of [name the deponent] dated
[insert date] sworn and filed hereinAnd the order made the day of 20....
whereby it was ordered that all debts due or accruing due from the
garnishee to the judgment debtor up to a sum of \$..... be
attached to satisfy:

- (1) a judgment or order obtained by the judgment creditor in this
Court on the day of 20..., on which
judgment or order the sum of \$..... remains due and
underpaid; and
- (2) \$..... for the cost of these proceedings;
after deducting the sum of \$.....*

IT IS ORDERED that

[If the garnishee owes the judgment debtor more than the judgment
debt]

1. The garnishee do pay to the judgment creditor the sum of
\$..... to satisfy the judgment or order and the costs of
these proceedings.
2. The garnishee be entitled to retain from the balance owed to
the judgment debtor the sum of \$..... for the garnishee's
costs of this application

or

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[If the garnishee owes the judgment debtor less than the judgment debt]

1. The garnishee (after deducting the sum of \$..... for the garnishee's costs of this application) do pay to the judgment creditor the balance of the debt owed to the judgment debtor, namely \$..... in part satisfaction of the judgment or order.
2. Out of the said sum of \$..... the judgment creditor is to retain the sum of \$..... for the judgment creditor's costs of this application and the balance of \$..... is to be credited to the judgment debt.

NUKU'ALOFA: [insert date]

SEAL Chief Justice/ Judge

* include if appropriate

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Form 16

(Charging order — notice to show cause) O.34 r.3(2)

IN THE SUPREME COURT OF TONGA

CV No.

CIVIL JURISDICTION

Registry [state Registry in which issued]

BETWEEN : AB Judgment Creditor

AND: CD Judgment Debtor

BEFORE HON JUSTICE in Chambers

UPON READING the plaintiff's application dated the day of 20... for a notice to show cause and the affidavit of dated the day of 20... sworn and filed in support whereby it appears that:

- (1) by a judgment in this Court dated the judgment debtor was ordered to pay to the judgment creditor the sum of \$..... of which sum \$..... remains unpaid; and
- (2) the judgment debtor has a beneficial interest in the asset described in the schedule below;

IT IS ORDERED THAT:

1. Until the date given below the interest of the judgment debtor in the said asset be charged with the payment of the sum due under the judgment, together with the costs of this application; and

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- 2. The judgment debtor do attend before Hon Justice in Chambers on the day of 20... at a.m./p.m. to show cause why the judgment debtor's interest should not continue to be so charged.

SCHEDULE

[Particulars of the asset to be charged]

Dated the day of 20...

NUKU'ALOFA: [insert date]

SEAL Chief Justice/ Judge

Note:

This order must be served on the judgment debtor, the Minister of Lands, (if the subject matter of the charge is land) and any other person who may be affected by it.

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Form 17

(Charging order absolute)

O.34 r.5

[Heading as in Form 16]

BEFORE HON JUSTICE in Chambers

UPON HEARING [Name lawyer(s) appearing]

AND UPON READING the affidavit(s) of dated
the day of 20... sworn and filed in support
and the order to show cause made the day of
..... 20...

IT IS ORDERED THAT:

The interest of the judgment debtor in the asset described in the
schedule below be charged with the payment of \$..... being
the sum due under the judgment, together with \$..... for the costs
of this application which shall be added to the judgment debt.

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SCHEDULE

[Particulars of the asset charged]

NUKU'ALOFA: (insert date)

SEAL

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Form 18**(Writ of delivery)****O.35 r.2****[Heading as in Form 16]**

to : the Bailiff Officer in Charge, [location]

WHEREAS in this action on the day of
20... the judgment creditor [name the party] of [address] obtained
judgment against the judgment debtor [name the party] of [address]
requiring the said defendant/plaintiff:

1. To deliver to the plaintiff/defendant the goods described in
Schedule 1 below, *(or in default to pay their value of
\$.....); and
2. To pay to the judgment creditor damages and costs, and the
sum set out in *Schedule 2 below remains unpaid;

YOU ARE HEREBY COMMANDED

1. To seize the said goods, to deliver them to a
convenient place where they may be collected, and to
notify the Court and the said judgment creditor in
Form 19 where and when they may be collected;

And if you cannot obtain possession of the said
goods, and their value of \$..... *(together with the
sum set out in Schedule 2) is not paid;
2. To seize the property of the judgment debtor except
the person's house and fixtures, growing crops,
clothes of the plaintiff/defendant and that person's
family and tools of trade up to a value of \$200);
3. To sell the same by public auction (unless otherwise
ordered by the Court) and to pay the proceeds of
such sale to the Registrar of the Supreme Court;

4. If no such property can be found, to certify to that effect to the Registrar of the Supreme Court.

DATED the day of 20....

SEAL Chief Justice/ Judge

* delete as appropriate

SCHEDULE 1

[description of goods]

SCHEDULE 2

Amount adjudged	:	\$ _____
Interest at% per annum from date of judgment to date	:	\$ _____
Costs	:	\$ _____
Total debt	:	\$ _____
Less paid	:	\$ _____
Balance due	:	\$ _____
Costs of this writ	:	\$ _____
Total to be levied	:	\$ _____

Form 19

(Notice of execution of writ of delivery) O.35 r.5

[Heading as in Form 16]

To: the Registrar of the Supreme Court

And to: the judgment creditor [name the party]

TAKE NOTICE that

1. The writ of delivery issued in this action on the
..... day of has been executed in
the following manner:

[state manner and result of execution]

*2. [The sum of \$..... has been remitted to the Supreme
Court].

*3. [The goods ordered to be delivered may be collected within
14 days from

[state address from which goods may be collected]

during normal working hours; and if not collected within 14 days they
may be disposed of according to the direction of the Court.

DATED the day of 20...

Bailiff Officer
[location]

* delete as appropriate

Form 20**(Writ of possession)****O.36 r.2****[Heading as in Form 16]**

TO THE CHIEF BAILIFF, Tongatapu and 'Eua District [insert different district if appropriate]

GREETINGS

In these proceedings on [insert date] the judgment creditor obtained an order for delivery against the judgment debtor [insert name] requiring the said judgment debtor to deliver to the judgment creditor the building/dwelling-house presently situated at:

[Insert full details of location of building/dwelling-house]

as ordered by the Court.

The judgment debtor has failed to comply with the said order for delivery.

YOU ARE THEREFORE HEREBY COMMANDED:

1. To enter and carry out a special seizure of the said building/dwelling-house in accordance with the provisions of section 8 of the Bailiffs Act 2000.
2. If any person is in occupation of the said building/dwelling-house you are authorised to allow them up to 14 days in which to vacate the premises.

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YOU ARE ALSO COMMANDED to forward to the Registrar immediately after execution of this writ a report in Form 1 of the Schedule to the Bailiffs Act 2000.

NUKU'ALOFA: [insert date]

SEAL Chief Justice/ Judge

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Form 21**(Writ of habeas corpus)****O.40 r.6****IN THE SUPREME COURT OF TONGA****Application No.**

CIVIL JURISDICTION

REGISTRY [state Registry in which issued]

**IN THE MATTER OF:
[name of person restrained]****AND****IN THE MATTER of an application
for a Writ of Habeas Corpus**

[Name of Reigning Monarch], by the grace of God, King:

To the Officer in Charge of our prison at [location] greeting:

YOU ARE COMMANDED to attend before the Hon Justice [name] at
the Supreme Court,Nuku'alofa, on the day of 20... at
a.m./p.m.

AND THAT you do then have with you:

1. [Name of person restrained] who is said to be detained in
your custody;
2. The authority for the person being taken and detained, by
whatsoever name the person may be called therein;
3. This writ; and
4. Your return to this writ;

So that our Court may then and there determine whether such
authority is legal.AND TAKE NOTICE THAT in default you may be committed to prison
for your contempt in not obeying this writ.

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WITNESS THE HON JUSTICE,
Judge of the Supreme Court of Tonga this day of
..... 20....

SEAL Chief Justice/ Judge

This writ was issued by [name]
of [address]

Note:

This matter is governed by Order 40 of the Supreme Court Rules, a
copy of which is attached.

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Form 22

(Notice of change of lawyer) O.43 r.1(1) and (2)

[Heading as in Form 1 — modified as necessary]

TAKE NOTICE that -

*the lawyer for the plaintiff (or defendant or third-party) is now:

[name and address for service of the new lawyer].

*the plaintiff (or defendant or third-party) now acts in person in

place of [name and address of previous lawyer].

DATED the day of 20... .

Plaintiff or defendant or third party
[or the new lawyer]

To: the Registrar of the Supreme Court
and to: [name other party to the proceedings]

* delete as appropriate

Form 23

(Witness summons)

O.44 r.2(1)

[to be printed in the Tongan language for all Tongan witnesses]

[Set out general heading to identify the proceeding]

To: (set out the name of the witness)

Of: (identify the location of the witness)

You are required to attend before the Supreme Court at
(state relevant registry) on the day of20... ,
at the hour of am/pm to give evidence on behalf of [name
the party]. You are entitled to be paid conduct money on service of
the summons in the sum of \$5 pa'anga (or state any other amount
ordered by the Court)

TAKE NOTICE that is you fail to obey the summons you may be held
in contempt of Court and imprisoned for any term not exceeding eight
days.

DATED the day of 20... .

(Seal) _____

Registrar of Supreme Court

Form 24**(Request to tax bill of costs)****O.46 r.6(2)****[on lawyer's letter head]**

To: The Registrar of the Supreme Court
NUKU'ALOFA

Re: (Cite name of parties and Court reference number)

REQUEST TO TAX BILL OF COSTS

The plaintiff's/defendant's* bill of costs in this proceeding was filed on
..... day of 20... pursuant to the order of Hon
Justice dated day of 20....

Service of the bill of costs on the plaintiff/defendant was effected on
theday of 20... as is evidenced by the
Certificate of Service filed on the day of
..... 20....

To date no opposition to the plaintiff's/defendant's* bill of costs has
been received and no agreement as to costs has been reached. I
respectfully request taxation of my client's bill of costs.

Signed
(Lawyer for party making the request)

* delete as appropriate

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Form 25

(Certificate of taxation)

O.46 r.7(2)

O.46 r.11

[Heading as in Form 3 modified as necessary]

CERTIFICATE OF TAXATION

I hereby certify that pursuant to the Order of the Court made on the
..... day of 20... , the costs of the
plaintiff/defendant have this day been taxed and allowed in the sum
of:

TOTAL AMOUNT ALLOWED ON TAXATION = \$.....

DATED: day of 20...

SEAL

(Signature of Registrar
or Judge as appropriate)

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DIVORCE RULES

Rules governing the procedure in divorce proceedings made by the Chief Justice pursuant to section 23 of the Divorce Act (Cap 29)

Rule 1. Citation and commencement

Rule 2. Interpretation

Rule 3. Application of other Rules

Rule 4. Commencement of proceedings

Rule 5. Parties

Rule 6. Service of petition and other documents

Rule 7. Supplemental and amended petition

Rule 8. Pleadings

Rule 9. Particulars

Rule 10. Directions for trial

Rule 11. Trial

Rule 12. Certificate under Section 11(1) of the Act

Rule 13. Intervention by Attorney-General

Rule 14. Decree Absolute

Rule 15. Right to be heard

Rule 16. Application for custody, access or other

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relief

Rule 17. Other applications

Rule 18. Disability

Rule 19. Time

Rule 20. Repeal and Transitional

FORMS

Form 1 : Petition

Form 2 : Children Statement

Form 3 : Draft order for substituted service

Form 4 : Draft order for service out of jurisdiction

Form 5 : Decree Nisi

Form 6 : Certificate under section 11(1)

Form 7 : Affidavit for decree absolute

Form 8 : Decree absolute

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Rule 1. Citation and commencement

These rules may be cited as the Divorce Rules 2007 and shall come into operation on 1 January 2007.

Rule 2. Interpretation

"Act" means the Divorce Act (Cap 29);

"ancillary relief" means any relief sought under sections 17 or 18 of the Act;

"application" and "application notice" have the meanings set out in the principal rules;

"Court" means the Supreme Court of Tonga;

"child of the family" and "children of the family" have the same meaning as "children of the family" in Section 2 of the Act;

"children statement" means the statement referred to in Rule 4(5);

"Judge" means the Chief Justice and any other Judge of the Supreme Court;

"lawyer" means a law practitioner enrolled under the Law Practitioners Act 1989;

"petition" includes a cross-petition;

"principal rules" means the Supreme Court Rules 2007;

"Registrar" has the meaning set out in the principal rules;

"Service Officer" means a police officer, bailiff or an officer of the Court authorised to effect service of documents.

Rule 3. Application of other Rules

Subject to the provisions of these Rules the practice and procedure of the Supreme Court shall apply, with any necessary modifications, to the commencement and conduct of all proceedings for divorce, custody of and access to children, and for ancillary relief.

Rule 4. Commencement of proceedings

- (1) Proceedings for divorce shall be commenced by petition.
- (2) Every petition shall be substantially in the form set out in Form 1.
- (3) Every petition shall be signed by the petitioner personally, or if the petitioner is under disability, by a next friend who has been appointed under Rule 18.
- (4) Where there is before the Court a petition which has not been dismissed or otherwise disposed of by a final order, another petition by the same petitioner in respect of the same marriage shall not be presented without leave of the Court.
- (5) There shall be filed with the petition a statement ("the Children Statement") signed by the petitioner personally containing the information set out in Form 2.
- (6) A petition shall be presented to the Court by filing:

- (a) the petition, together with as many copies as there are persons to be served;
 - (b) unless otherwise directed on an application made ex-parte, a certificate of the marriage to which the petition relates;
 - (c) the children statement together with a copy for service on the respondent;
 - (d) a certificate of birth in respect of each child of the marriage.
- (7) Where the petitioner is represented by a lawyer, the name and full address for service of the lawyer must be stated at the end of the petition.
- (8) Where the petitioner acts in person the petition shall be endorsed with that person's address for service.

Rule 5. Parties

- (1) Where a petition alleges that the respondent has committed adultery, every person with whom the adultery is alleged to have been committed (if still alive) shall be made a co-respondent in the cause unless:
- (a) the person is not named and the petition states that his or her identity is not known to the petitioner; or
 - (b) the Court otherwise directs on an application made ex-parte before issue of the petition.
- (2) Where a petition alleges unreasonable behaviour under Section (3)(1)(g) of the Act on

the ground that the respondent has been guilty of an improper association (other than adultery) with a person named, the petitioner shall apply to the Court at the time when the petition is issued for directions whether such person should be made a co-respondent in the cause.

Rule 6. Service of petition and other documents

- (1) Subject to the provisions of this rule, and unless otherwise ordered by the Court, every petition or other document lodged in Court shall be served personally by delivering a sealed copy to every other party.
- (2) Every petition shall have attached a directions notice as provided for in O.11 Rule 2 of the principal rules.
- (3) Service may be effected by a service officer or by a lawyer or a lawyer's employees. In no case shall the petitioner effect service.
- (4) When a lawyer has notified the Court that he or she represents any party, service of any document (other than a petition) on that party shall be effected by delivering a copy thereof to the lawyer.
- (5) The person serving any petition or other document shall forthwith complete and file a certificate of service in accordance with Order 11, rule 4 of the principal rules. The filing of a certificate of service shall be evidence that such document was duly served as stated therein. In the case of a petition, the certificate of service shall make express reference to service of both the petition and the directions notice.

- (6) If it appears to the Court that it is impracticable for any reason to serve any petition or other document personally, it may grant leave to substitute some other form of service which appears likely to bring that document to the notice of the person to be served.
- (7) If it appears to the Court that it is impracticable to serve a party personally or by way of substituted service, or it is otherwise necessary or expedient to dispense with service of the petition or any document on any party, the Court may make an order dispensing with such service.
- (8) A petition and other documents may, with the leave of the court, be served out of the jurisdiction when the person to be served is domiciled within that other jurisdiction.
- (9) Application for an order under paragraphs (6) or (7) shall be made ex parte by application notice supported by an affidavit showing what steps have already been taken to effect service and stating the grounds of the application. The applicant may be required to attend on the application.
- (10) Application for an order under paragraph (8) shall be made ex parte by application notice supported by an affidavit confirming the address for service out of the jurisdiction and the basis for the deponent's knowledge that the respondent resides at the address stated.
- (11) The draft order to be attached to an application notice filed under paragraph (9) shall be in Form 3.
- (12) The draft order to be attached to an application notice filed under paragraph (10) shall be in Form 4.

Rule 7. Supplemental and amended petition

- (1) A petition may be amended without leave before it is served but only with leave after it has been served.
- (2) A supplemental petition may be filed only with leave.
- (3) An application for leave under this rule shall be made by application notice supported by an affidavit.
- (4) An order granting leave shall fix the time within which any answer must be filed or amended.
- (5) Unless otherwise directed, a copy of a supplemental or amended petition, together with a copy of any order made under this rule shall be served on every party to the original petition, and to the supplemental or amended petition.

Rule 8. Pleadings

- (1) Any party who wishes to defend a petition or to dispute any facts alleged in it shall file an answer.
- (2) A respondent who wishes to seek a decree of divorce may do so in the same suit by way of cross-petition, which may be incorporated in the answer if the respondent also wishes to defend the petition.
- (3) An answer and/or cross-petition shall be filed within 28 days from the date of service of the petition on the party filing it.

- (4) A petitioner may file a reply to an answer and/or cross-petition within 14 days after being served with a copy of it.
- (5) If a reply to an answer is not filed, the petitioner shall be deemed to deny every material allegation of fact in the answer.
- (6) If a reply to a cross-petition is not filed, the petitioner shall be deemed to admit every material allegation of fact in the cross-petition.
- (7) No pleadings subsequent to a reply shall be filed without leave.
- (8) A party who files an answer, reply or other pleadings shall file a copy for service on every other party.

Rule 9. Particulars

- (1) A party on whom a pleading has been served may request the party whose pleading it is to give particulars of any allegation or other matter pleaded and, if that party fails to give such particulars within a reasonable time, may apply for an order that the particulars be given.
- (2) A party giving particulars, whether or not pursuant to an order, shall file a copy.

Rule 10. Directions for trial

- (1) In the case of an undefended petition:
 - (a) The Court may list an undefended petition for trial at any time after the time for filing an answer has expired.

- (b) Notice of the hearing date shall be served on all parties in such manner as the Registrar shall direct.
- (2) In the case of a defended petition:
- (a) After the time for filing a reply has expired, the Court shall list a defended case for a directions hearing convened by order or by a notice of directions hearing in Form 10 of the principal rules (modified as necessary).
 - (b) The Judge may give directions as to:
 - (i) the future conduct of the suit; and
 - (ii) the date and place of trial of the suit; and
 - (iii) any application made for other relief or for an order relating to a child;
- or may adjourn consideration of any such matter to a later date.

Rule 11. Trial

- (1) At the trial of a petition the Court may:
- (a) if satisfied that a party is entitled to the relief sought, grant that party a decree nisi of divorce; or
 - (b) if not so satisfied, dismiss the petition or adjourn the trial.
 - (c) if a decree nisi has been granted on the

grounds of adultery, order a co-respondent to pay damages to the petitioner;

- (d) whether or not a decree nisi has been granted, make any appropriate order for:
 - (i) custody of or access to children of the family;
 - (ii) costs.
- (2) Any decree made at the trial shall be drawn up by the Court in Form 5 and shall be served on every party.

Rule 12. Certificate under Section 11(1) of the Act

- (1) If the Court has sufficient information at the trial of the petition, a certificate under section 11(1) of the Act may be granted immediately following the decree nisi.
- (2) If the Court does not grant a certificate at the trial of the petition, the petitioner shall apply to the Court for a certificate.
- (3) The procedure for such application shall be by way of application notice.
- (4) At the hearing of such application the Court may exercise any of its powers under sections 17, 18 and 19 of the Act.
- (5) The Certificate shall be drawn up by the Court in Form 6 and shall be served on every party.

Rule 13. Intervention by Attorney-General

- (1) When the Attorney-General wishes to show cause against making the decree absolute application shall be made to the Court ex parte for leave to intervene.
- (2) Such application shall be made by application notice supported by an affidavit setting out the material facts alleged.
- (3) If the Court grants leave to intervene the Attorney-General shall within 14 days after the grant of such leave file his or her plea setting out the grounds on which he or she seeks to show cause and shall deliver a copy thereof to the person in whose favour the decree was pronounced and to any other party affected by the decree.
- (4) Subject to the following provisions of this rule, these rules shall apply to all subsequent pleadings and proceedings in respect of the plea as if it were a petition.
- (5) If no answer to the plea is filed within the time limited, or an answer is filed but struck out or not pursued, the Attorney-General may make application forthwith for an order rescinding the decree nisi and dismissing the petition.

Rule 14. Decree Absolute

- (1) After six weeks have expired from the grant of a decree nisi a party in whose favour it was made may apply to the Court for the decree to be made absolute.

- (2) After three months have expired from the grant of a decree nisi, if the party in whose favour it was made has not applied to the Court to make the decree absolute, the party against whom the decree was made may do so.
- (3) Application under paragraph (1) or (2) of this Rule shall be made by application notice supported by an affidavit in Form 7.
- (4) On receipt of such application, if the Registrar is satisfied that:
- (a) there is not pending an appeal, an application for rescission of the decree or for rehearing of the cause;
 - (b) the time for appealing against the decree, and any extension thereof granted by the Court, has expired;
 - (c) no intervention has been made by the Attorney-General under section 11(2) of the Act;
 - (d) where the decree was granted under section 3(1)(f) of the Act, the Court has granted a certificate under section 11(1) of the Act;

then, subject to rule 16, the Registrar shall issue a decree absolute in Form 8.

Provided that if the application is lodged more than 12 months after the decree nisi was made there shall also be lodged a further affidavit giving reasons for the delay:

- (a) stating whether the parties have lived together since the decree nisi, and if so, between what dates;

- (b) stating whether the wife has given birth to any child since the decree nisi, and if so stating whether or not it is alleged that such child may be a child of the family;

and such application shall be referred to a Judge who may:

- (a) make the decree absolute;
- (b) refer the matter to the Attorney-General to consider whether to intervene; or
- (c) make such other order as the Court thinks fit.

Rule 15. Right to be heard

- (1) A respondent may, without filing an answer, be heard on any question of:
 - (a) custody of, or access to, any child of the family;
 - (b) the grant of a certificate under section 11(1) of the Act;
 - (c) ancillary relief;
 - (d) costs.
- (2) A co-respondent may, without filing an answer, be heard on any question of:
 - (a) damages;
 - (b) costs.

Rule 16. Application for custody, access or other relief

- (1) Application for custody of, or access to a child, or ancillary relief shall be made by way of application notice (modified as necessary) stating the precise nature of the relief sought.
- (2) An application notice under this rule shall be supported by an affidavit.
- (3) In the case of custody or access, the supporting affidavit shall set out:
 - (a) the present arrangements for custody or access in respect of each child in respect to whom the application relates;
 - (b) the grounds upon which any material change in those arrangements is proposed; and
 - (c) if custody is claimed, the proposed arrangements for the care of each such child if custody is granted to the applicant.
- (4) In the case of ancillary relief, the supporting affidavit shall set out:
 - (a) full details of the applicant's income and capital; and
 - (b) such details as are known of the respondent's income and capital.
- (5) The application notice and affidavit in support shall be filed together with as many copies as there are persons to be served.

- (6) A respondent to an application under this rule shall, within 14 days after service on him or her of the summons and affidavit, file an affidavit in reply giving the like information as is set out in paragraphs 3 or 4 of this rule (as the case may be) with as many copies as there are persons to be served.
- (7) At the request of any party the Registrar shall list the application for directions by a Judge, who may make such further directions as is sought, or list the application for hearing.
- (8) The application shall be heard in chambers.

Rule 17. Other applications

Any other application in the course of a suit shall be made to a Judge by application notice supported by an affidavit.

Rule 18. Disability

- (1) In this rule "a person under disability" means:
 - (a) an "incapacitated person" under the principal rules, or
 - (b) a person under the age of 21 years.
- (2) A person under disability may commence and prosecute proceedings by his or her next friend and may defend proceedings by his or her guardian ad litem.
- (3) No step shall be taken in any proceedings by a person under disability until his or her next

friend or guardian ad litem (as the case may be) has filed the following documents with the Court:

- (a) a written consent to act by the proposed next friend or guardian ad litem;
 - (b) a certificate by the lawyer representing the person under disability:
 - (i) that the lawyer knows or believes that the person to whom the certificate relates is a person under disability, stating the grounds for such knowledge or belief;
 - (ii) that the person named in the certificate as next friend or guardian ad litem has no interest in the cause in question adverse to that of the person under disability, and that he or she is a proper person to be next friend or guardian ad litem.
- (4) Where a petition, answer or application notice has been served on a party who appears to be a person under disability, the party at whose instance the document was served shall, before taking any further step in the proceedings, make application to a Judge for directions as to whether a guardian ad litem should be appointed to act for that person.
- (5) If, at a directions hearing, the Judge considers it necessary to protect the interests of the person served, the Court shall order that some proper person be appointed his or her guardian ad litem.

Rule 19. Time

- (1) The Court may, on such terms as it thinks just, order that the time within which a person is required or authorised to do any act in any proceedings be extended or abridged.
- (2) The time within which any person is required by these rules, or by any order of the Court, to serve, file or amend any pleading may be extended by consent given in writing without an order of the Court.
- (3) Unless otherwise ordered by the Court, when the time for doing any act expires on any day when the Court office is closed, the act shall be in time if done on the next day on which that office is open.

Rule 20. Repeal and Transitional

- (1) The Divorce Rules 1991 are repealed.
- (2) Notwithstanding the repeal of the Divorce Rules 1991, any act which was properly done in accordance with those rules before they were repealed and which can be done under these rules is deemed to have been validly done under these rules.

Form 1

(Petition)

R 4(2)

IN THE SUPREME COURT OF TONGA

DIVORCE JURISDICTION

Case No

Registry (name of registry in which petition issued)

**BETWEEN: A. B. of [state locality]
Petitioner**

**AND: C. D. of [state locality]
Respondent**

**AND: E. F. of [state locality if known]
Co-Respondent**

To: The Supreme Court of Tonga

The petition of [full name of petitioner] shows that:

1. On the day of 20.... the petitioner was lawfully married to the respondent [full name of respondent] at [state place of marriage].
2. After the said marriage the petitioner and the respondent lived together as husband and wife at [state last address at which the parties so lived].

3. The petitioner now lives at [state address where the petitioner lives] and the respondent now lives at [state address where the respondent lives].
4. The petitioner is domiciled in Tonga. [or if it is alleged that the court has jurisdiction by virtue of section 20 of the Act, state the relevant circumstances].
5. There are children of the family now living, namely: [list names of children, giving dates of birth].
6. There are and have been no previous proceedings in any court in Tonga or elsewhere with reference to the marriage and any children of the family except [give details of any such proceedings].
7. The grounds upon which the decree is sought are [state the grounds fully].

THE PETITIONER THEREFORE PRAYS:

[Delete as appropriate]

- (1) that the said marriage be dissolved;
- (2) that custody of the said child(ren) of the family be granted to the petitioner/ respondent;
- (3) that the co-respondent do pay to the petitioner damages in respect of the said adultery;
- (4) that the respondent (and co-respondent) to pay the petitioner's cost of this suit.

Dated the day of 20....

Petitioner

The petitioner's address for service is: [state full address for service. If the petitioner is represented by a lawyer, the name and full address for service of the lawyer is to be shown]

NOTICE TO THE RESPONDENT (AND CO-RESPONDENT)

A respondent or co-respondent who wishes to defend this petition, or to dispute any facts alleged in it, or a cross petition, is required to file

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an answer and/or cross petition in the Supreme Court office within 28 days after service of this petition.

If no such step was taken within that period this petition may be listed for trial undefended.

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Form 2

(Children Statement)

R 4(5)

[Heading as in Form 1]

- A. * There are no children of the family.
- B. * The proposed arrangements for the children of the family who are ordinarily dependent on the parties are as follows:

[State in respect of each child]

- (1) Residence [State where the child is living at the date of the petition and where the child is to live with a description of the accommodation, what other persons live there (naming them and their relationship to the child) and who will look after the child]
- (2) Education [State the educational arrangements as at the date of the petition and the school or other establishment where it is proposed the child will study or train in the future]
- (3) Financial Provision [State who is at present supporting the child and whether any change is proposed or expected]
- (4) Access [State what arrangements are agreed or proposed for the other parent to see the child]
- (5) Health [State whether the child is suffering from any serious disability or illness]

Dated the day of 20.... .

Petitioner

[*Delete A or B as appropriate]

Form 3**Draft order (for substituted service *) R. 6(9)**
[Heading as in Form 1]

BEFORE THE HON CHIEF JUSTICE/JUSTICE [insert name of Judge]
HAVING CONSIDERED the plaintiff's ex parte application notice dated [insert date] 20...., for an order granting leave to allow substituted service on the respondent/co-respondent (delete as applicable) of the petition and other documents AND the affidavit of the petitioner [or name deponent] dated [insert date] sworn and filed in support AND PURSUANT to Rule 6 (6)/(7) of the Divorce Rules 2007

IT IS ORDERED THAT:

1. The petitioner is granted leave to serve the petition and other documents in this cause on the respondent/co-respondent (delete as applicable) by personal service upon [insert relevant details]
2. The respondent/co-respondent (delete as applicable) shall have 42 days from the date of service in which to file an answer or cross petition.
3. A copy of this order is to be served together with the petition.

NUKU'ALOFA: [insert date]

SEAL Chief Justice/Judge
(delete as applicable)

*This form is to be adapted if the order is sought under Rule 6(7)

Form 4**Draft order for service out of the jurisdiction R.6(10)**
[Heading as in Form 1]

BEFORE THE HON CHIEF JUSTICE/JUSTICE [insert name of Judge]

HAVING CONSIDERED the petitioner's ex parte application for an order granting leave to serve the petition and other documents on the respondent/correspondent (delete as applicable) out of the jurisdiction AND the affidavit of [name of the deponent] dated [insert date] sworn and filed in support AND PURSUANT to Rule 6(10) of the Divorce Rules

IT IS ORDERED THAT:

1. Leave is granted to the petitioner to serve the petition and other documents in this cause on the respondent/co-respondent (delete as applicable) out of the jurisdiction by registered air mail post addressed to the respondent/co-respondent (delete as applicable) at the following address: [insert address out of the jurisdiction]
 2. The respondent/co-respondent (delete as applicable) shall have 42 days from the date of postage in which to file an answer or cross petition.
 3. A copy of this order is to be served together with the petition.
- NUKU'ALOFA: [insert date] 20....

CHIEF JUSTICE/JUDGE
(delete as applicable)

Form 5

(Decree Nisi)

R. 11(2)

[Heading as in Form 1]

UPON HEARING

IT IS ORDERED THAT:

1. The marriage solemnised on the day of 20.... at between the petitioner and the respondent be dissolved unless sufficient cause be shown to the court within six weeks why this decree should not be made absolute.
- *2. Custody of the child(ren) of the family [names and dates of birth] be granted to the petitioner/ respondent.
- *3. The co-respondent to pay to the petitioner \$ damages for adultery.
- *4. The [party] do pay the costs of the [party].

Dated the day of 20....

SEAL

(*Delete as appropriate)

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Form 6

(Certificate under Section 11(1))

R 12(5)

[Heading as in Form 1]

BEFORE HON JUSTICE (*in chambers)

UPON HEARING

AND UPON READING

In accordance with section 11 (1) of the Divorce Act IT IS CERTIFIED that:

* proper financial provision has been made

* no financial provision should be made

For the petitioner/respondent and for any child(ren) of the family AND that the decree nisi granted to the petitioner on [date] may be made absolute upon expiry of six weeks from [date of decree nisi]

Dated the day of 20.... .

SEAL

(*Delete as appropriate)

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Form 7
Sipinga 7

(Affidavit for decree absolute) R. 14(3)
(Fuakava ki he tu'utu'uni vete faka'osi)

IN THE SUPREME COURT IN OF TONGA

Case No

'I HE FAKAMAAU'UNGA LAHI 'O TONGA
DIVORCE JURISDICTION
MAFAI VETE MALI
NUKU'ALOFA REGISTRY
FAI' ANGA LESISITA NUKU' ALOFA

BETWEEN: _____
'I HE VAHA' A 'O
Petitioner
Talatalaaki

AND: _____
PEA MO
Respondent
Faka' iloa

AND: _____
PEA MO
Co-respondent
Kaunga Faka' iloa

I, _____ the petitioner/respondent in this cause
make oath and say as follows:
Ko au _____ Ko e talatalaaki/faka'iloa 'i he me'a ni,
oku ou fuakava 'o pehe:

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1. On the day of 20....., this Court granted a decree nisi.

'I he 'aho 'o 20....., na'e foaki ai 'e he Fakamaau'anga ni 'a e tu'utu'uni vete fakataimi.

2. Since the date of the decree nisi I have not lived with the respondent/petitioner.

Talu 'a e 'aho 'o e tu'utu'uni vete fakataimi 'oku te'eki ke ma nonofo moe faka'iloa/talatalaaki.

3. No action has been taken by the Attorney-General in opposition to the decree being made absolute.

Na'e te'eki ai ke fai 'e he 'Ateni Seniale ha ngaue 'o fakafihhi ki he tu'utu'uni ke hoko ko e tu'utu'uni vete faka'osi.

4. I apply for the decree to be made absolute.

'Oku ou kole ke fakahoko 'a e tu'utu'uni vete faka'osi.

SWORN at _____

NA'E FUA KAVA 'I 'I

the day of 20.....Petitioner/Respondent

'i hono 'aho.....'o 20.....Talatalaaki / Faka'iloa

Before me:

'I hoku 'ao:

Registrar of the Supreme Court

Fai Lesisita 'o e Fakamaau'anga Lahi.

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Form 8
Sipinga 8

(Decree Absolute)
(Tu'utu'uni Vete Faka'osi)

R. 14(4)

IN THE SUPREME COURT OF TONGA

Case No.

'I HE FAKAMAAU'ANGA LAHI 'O TONGA

Hopo Fika

CIVIL JURISDICTION
MAFAI SIVILE
NUKU'ALOFA REGISTRY
FAI'ANGA LESISITA NUKU'ALOFA

BETWEEN: _____

'I HE VAHA'A
Petitioner
Talatalaaki

AND: _____

MO
Respondent
Faka'iloa

WHEREAS by a decree made in this cause on the day of
..... 20....

KO E 'UHI ko ha tu'utu'utu'uni na'e fai 'i he Hopo ni he 'aho
..... 'o 20....

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it was ordered that the marriage solemnised on the..... day of
..... 20....

na'e fekau'i ai ko e mali koia na'e fakahoko he 'aho..... 'o
..... 20....

between the petitioner and the respondent be dissolved unless
sufficient cause be shown

'i he vaha'a 'o e talatalaaki mo e faka'iloa 'e vete leva ia tukukehe ka
fakaha mai

to the court within six weeks from the date thereof why such decree
should not be made

ki he Fakamaau'anga 'i loto he uike ono (6) ha 'uhinga fe'unga ke
ta'efakakakato ai,

absolute, and no such cause has been shown:

pea ko e 'uhi 'oku te'eki ai fakaha mai ha 'uhinga pehe:

IT IS HEREBY CERTIFIED that the said decree was on the
..... day of 20....

'OKU FAKAMO'ONI'I HENI ko e tu'utu'uni koia na'e fakahoko ia he
'aho 'o 20....

made final and absolute and that the marriage was thereby dissolved.

ko e tu'utu'uni faka'osi mo kakato pea ko e mali ni kuo vete.

Dated the day of 20....

Fai he 'aho 'o 20....

REGISTRAR

Falesisita

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LAND COURT RULES

Rules for regulating the practice and procedure of the Land Court made by the Chief Justice pursuant to section 168 of the Land Act (Cap 132) and approved by the Privy Council.

ORDER 1. CITATION

1. Title and commencement

ORDER 2. APPLICATION

1. Land Court proceedings

2. Supreme Court rules

ORDER 3. INTERPRETATION

1. Interpretation Act

2. Meanings

ORDER 4. COMMENCEMENT OF PROCEEDINGS

1. Action commenced by filing writ

ORDER 5. SERVICE OUT OF THE JURISDICTION

1. Service where party is out of the jurisdiction

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ORDER 6. DISPOSAL OF ACTION

1. Conduct of trial

ORDER 7. ENFORCEMENT OF JUDGMENTS AND ORDERS

1. Enforcement

ORDER 8. REPEAL AND TRANSITIONAL

1. Revocation

FORMS

Form 1 : Writ

Form 2 : Writ of possession

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ORDER 1 : CITATION

O.1 Rule 1. Title and commencement

These rules may be cited as the Land Court Rules 2007 and shall come into effect on 1 January 2007.

ORDER 2 : APPLICATION

O.2 Rule 1. Land Court proceedings

These rules shall apply to all proceedings in the Land Court.

O.2 Rule 2. Supreme Court rules

Except as provided in these rules, the procedures set out in the Supreme Court Rules shall apply.

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ORDER 3 : INTERPRETATION

O.3 Rule 1. Interpretation Act

The Interpretation Act shall apply to these rules.

O.3 Rule 2. Meanings

"Act" means the Land Act (Cap 132).

"Court" means the Land Court of Tonga.

"Judge" means the Chief Justice and any other Judge of the Land Court.

"Supreme Court Rules" means the Supreme Court Rules for the time being in force.

ORDER 4 : COMMENCEMENT OF PROCEEDINGS

O.4 Rule 1. Action commenced by filing writ

(1) All proceedings shall be commenced by writ.

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- (2) Every writ shall be in Form 1.
- (3) A writ may be issued in Nuku'alofa or in the Registry nearest to the land which is the subject of the proceedings.

ORDER 5 : SERVICE OUT OF THE JURISDICTION

O.5 Rule 1. Service where party is out of the jurisdiction

- (1) A writ may, with the leave of the Court, be served out of the jurisdiction on any person who is a necessary party to an action.
- (2) Leave shall be obtained, and service effected, in accordance with the Supreme Court Rules.

ORDER 6 : DISPOSAL OF ACTION

O.6 Rule 1. Conduct of trial

- (1) The trial of an action shall be conducted by a Judge sitting with an assessor selected from the panel of assessors.
- (2) Proceedings in chambers may be conducted by a Judge without an assessor.

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- (3) Order 14 of the Supreme Court Rules (judgment in default of defence) shall not apply. Where the defendant has failed to file a defence, the Judge and the assessor shall hear formal proof of the plaintiff's claim and, if satisfied thereof, shall give judgment from the plaintiff. The defendant shall be notified of and may attend such hearing but shall not be allowed to be heard.
- (4) Order 39 of the Supreme Court rules which sets out procedural provisions relating to the remedy of judicial review shall not apply but in all other respects the recognised principles applicable to judicial review shall so far as is practicable apply to any action where the relief claimed arises out of the exercise by an individual of a decision making power under the Act.

ORDER 7 : ENFORCEMENT OF JUDGMENTS AND ORDERS

O.7 Rule 1. Enforcement

- (1) An order for possession of land may be enforced by a writ of possession under section 151(2) of the Act.
- (2) A writ of possession shall be in Form 2.
- (3) Any other order may be enforced in accordance with the Supreme Court Rules.

ORDER 8 : REPEAL AND TRANSITIONAL**O.8 Rule 1. Revocation**

- (1) The Land Court Rules 1991 are revoked.
- (2) Notwithstanding the revocation of the Land Court Rules 1991, any act which was properly done in accordance with those rules before they were repealed, and which can be validly done under these rules, is deemed to have been validly done under these rules.

Form 1

(Writ)

O.4 r.1(2)

IN THE LAND COURT OF TONGA

(Case number)

Registry (state Registry in which issued)

BETWEEN: Plaintiff

AND: Defendant

To the Defendant (name)

of (address)

THIS WRIT OF SUMMONS has been issued against you by the above named plaintiff(s) whose claim is fully set out in the statement of claim attached.

TAKE NOTICE THAT

1. If you wish to defend the claim you must, within 28 days of service of this writ on you, send to the Court a written defence, stating concisely the ground upon which you intend to rely. (A sealed copy must be served on each plaintiff).
2. If you fail to file a defence within the time stated, the plaintiff may apply for a formal proof of hearing of the claim at which you may attend but shall not be allowed to be heard, and judgment may be given against you.

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Issued this (insert date) day of(insert month and year)

[SEAL] Judge

Note : This writ may not be served later than 12 months from its date of issue unless renewed by order of the Court.

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Form 2
(Writ of possession) **O.7 r.1(2)**
[Heading as in Form 1]

To: the Officer in Charge
at (name of police station)

NUKU'ALOFA

WHEREAS in this action on the day of 20....

the plaintiff [name the plaintiff]

of [address]

obtained a judgment or order against the defendant

[name the defendant]

of [address]

that the said defendant:

1. do give to the plaintiff possession of the land described in schedule 1; and
2. do pay the plaintiff damages/costs, and the sum set out in schedule 2 remains unpaid *

YOU ARE COMMANDED either personally or by way of delegation to any police officer:

1. to enter the said land and to cause the plaintiff to have possession of it;
2. if any person is in occupation of the said land then they may be allowed up to 14 days in which to vacate it;
3. to seize property of the defendant up to the value of the said amount (except any house and fixtures, growing crops, clothing of the defendant and the defendants family, and tools of trade up to a value of \$200) and to sell the same by public auction (unless otherwise ordered by the Court) and to pay the proceeds of such sale to the Registrar of the Court. If no

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such property can be found, to certify to that effect to the Registrar of the Court.

- 4. You are required to report to the Court forthwith following execution of this writ of possession and thereafter await further directions from the Court (if any).

NUKU'ALOFA: (date)

[SEAL] Chief Justice/ Judge

* delete as appropriate

Schedule 1

[description of land to be possessed]

Schedule 2

Amount adjudged : \$ _____

Interest at%
per annum from
date of judgment
to date : \$ _____

Costs : \$ _____

Total debt : \$ _____

Less paid : \$ _____

Balance due : \$ _____

Costs of this writ : \$ _____

Total to be levied : \$ _____

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COURT OF APPEAL RULES 1990

GENERAL

Order 1. Citation

Order 2. Application

Order 3. Interpretation

Order 4. Time

CIVIL AND LAND JURISDICTION

Order 5. Notices

Order 6. Service of documents

Order 7. Applications

Order 8. Determination of appeals

Order 9. Effect of appeal

CRIMINAL JURISDICTION

Order 10. Commencement of appeal

Order 11. Determination of appeals

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FORMS

Form 1 : Notice of appeal -- civil/land

Form 2 : Notice of application

Form 3 : Notice or order of single Judge

**Form 4 : Consent to determination of appeal on
written submissions**

Form 5 : Notice of appeal -- criminal

Form 6 : Notice of Chief Justice's direction

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GENERAL

ORDER 1 : CITATION

O.1 Rule 1. Title

These rules may be cited as the Court of Appeal Rules 1990.

ORDER 2 : APPLICATION

O.2 Rule 1. Proceedings

Subject to rule 2 of this order, these Rules shall apply to all proceedings before the Court of Appeal.

O.2 Rule 2. English Rules

Where there is no provision in these Rules the rules of procedure for the time being in England relating to appeals to the Court of Appeal shall apply.

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ORDER 3 : INTERPRETATION**O.3 Rule 1. Interpretation Act**

The Interpretation Act shall apply to these Rules.

O.3 Rule 2. Meanings

"The Act" means the Court of Appeal Act (Cap 9).

"Court" means the Court of Appeal.

"Judge" means a Judge of Appeal appointed pursuant to clause 85 of the Constitution.

"Lawyer" means a Law Practitioner enrolled and holding a valid practising certificate under the Law Practitioners Act 1989.

"Registrar" means the Registrar of the Court of Appeal.

"Service officer" means any police officer or an officer of the Supreme Court authorised to effect service of documents.

"Supreme Court" means the Supreme Court of Tonga.

ORDER 4 : TIME

O.4 Rule 1. Time may be extended or abridged

The Court or a single Judge may, on such terms as he thinks just, order that the time within which a person is required to or authorised to do any act be extended or abridged.

O.4 Rule 2. Time expiring when Court closed

Unless otherwise ordered by the court, when the time for doing any act expires on a day when the Registrar's office is closed, the act shall be done in time if done on the next day when the office is open.

CIVIL AND LAND JURISDICTION

ORDER 5 : NOTICES

O.5 Rule 1. Leave to appeal

- (1) Where leave to appeal is required, application for such leave must be made within 42 days after the date of the judgment or order appealed.
- (2) If leave is granted, notice of appeal must be lodged within 14 days after the date when such leave was granted.

O.5 Rule 2. Notice of appeal

- (1) An appeal to the Court must be commenced within 42 days after the date of judgment or order appealed by lodging with the Registrar notice of appeal, together with the prescribed fee.
- (2) Notice of appeal may be given in respect of the whole or any part of the judgment or order of the court below.

- (3) Notice of appeal must be substantially in Form 1, and must:
 - (a) identify the judgment or order appealed against, stating whether appeal is made against the whole or part; if in part specifying which part;
 - (b) state the form of the order which the appellant seeks; and
 - (c) state separately and concisely each ground of appeal, with particulars.
- (4) Except with the leave of the Court (which may be given by a single Judge) an appellant shall not be entitled on the hearing of an appeal to rely on any grounds of appeal, or to apply for any relief, not specified in the notice of appeal.

O.5 Rule 3. Respondent's notice

- (1) A respondent who is served with notice of appeal and who wishes:
 - (a) to contend that the decision of the lower court should be varied, whether in any event or in the event of the appeal being allowed in whole or in part; or
 - (b) to contend that the decision of the lower court should be affirmed on grounds other than those relied upon by that court; or
 - (c) to contend by way of cross-appeal that the decision of the lower court was wrong in whole or in part,

must respond within 42 days after service on him of

notice of appeal, by lodging with the Registrar a respondent's notice.

- (2) A respondent's notice must:
 - (a) where paragraph 1(a) or (c) applies, state the form of the order sought; and
 - (b) state concisely the grounds of his contention.
- (3) Except with the leave of the Court (which may be given by a single Judge) a respondent shall not be entitled on the hearing of an appeal to rely on any ground of appeal, or to apply for any relief, not specified in the Notice given under paragraph (1).

O.5 Rule 4. Supplementary notices.

- (1) Notice of appeal or a respondent's notice may be amended without leave, by lodging with the Registrar a supplementary notice setting out the amendments desired.
- (2) A supplementary notice may be lodged:
 - (a) if the appeal is to be determined on written submissions under Order 8, not later than the date upon which the documents are sent to the members of the Court; and
 - (b) in any other case, not later than 28 days before the Court is due to commence sitting.

ORDER 6 : SERVICE OF DOCUMENTS**O.6 Rule 1. Who must be served**

Every document lodged with the Registrar, unless lodged in connection with an ex parte application, must within 14 days after it was lodged be served by the party lodging it on every party who is directly affected by the appeal, and on such other person as the Court or a single Judge may direct.

O.6 Rule 2. Documents to be served personally

Subject to the provisions of this order, every document required to be served must be served personally by delivering a sealed copy to the party to be served.

O.6 Rule 3. Service by or on lawyer

Where a lawyer has notified the Court that he represents any party:

- (a) service of any document by that party must be effected by that lawyer or one of his employees; and
- (b) service of any document on that party must be effected by delivering a sealed copy to his lawyer.

O.6 Rule 4. Service by or on party in person

Where a party ex in person, service of any document:

- (a) by him; or
- (b) on him

must be effected by a service officer, on payment of such fee as may be prescribed.

O.6 Rule 5. Substituted and dispensing with service

- (1) If it appears to the Registrar that it is impracticable for any reason to serve any document in accordance with rules 1 to 4, he may grant leave to substitute some other form of service which it appears to him is likely to bring that document to the notice of the person to be served.
- (2) If it appears to a Judge that it is impracticable to serve a party in accordance with rules 1 to 4, or it is otherwise necessary or expedient to dispense with service of any document on any party, he may make an order dispensing with such service.
- (3) Application for an order under paragraphs (1) or (2) must be made ex parte supported by an affidavit showing what steps have already been taken to effect service and stating the grounds of the application. The applicant may be required to attend on the application.

O.6 Rule 6. Proof of service

- (1) The person serving any document must forthwith endorse the original document with details of the time, date, place and mode of service, and the server's means of knowledge of the identity of the person served.
- (2) Such endorsement must be lodged promptly with the Registrar and shall be evidence that the document was duly served as stated thereon.

ORDER 7 : APPLICATIONS**O.7 Rule 1. Ex parte applications**

An application for leave to appeal or for leave to appeal out of time may be made ex parte supported by an affidavit and may be determined by a single Judge without a hearing.

O.7 Rule 2. Other applications

- (1) Any other applications relating to an appeal must be made on notice substantially in Form 2 supported by an affidavit.
- (2) Any party served with notice of application may lodge affidavit evidence in reply within 14 days after service of the notice on him.

- (3) If the Court is then sitting, the Registrar will notify the parties of the time and date when the application will be heard.
- (4) If the Court is not then sitting:
 - (a) After 14 days from the date of service of the notice of application the Registrar will send to a single Judge:
 - (i) the notice of application;
 - (ii) the affidavit(s) filed in support; and
 - (iii) any affidavits filed in reply.
 - (b) The Judge will determine the matter without a hearing and will notify the Registrar in writing of his order.
 - (c) Upon receipt of the Judge's order the Registrar will give notice to the parties in Form 3.

O.7 Rule 3. Renewal of applications

If an application is refused by a single Judge without a hearing, it may be renewed with the leave of the Court at its next sitting.

ORDER 8 : DETERMINATION OF APPEALS**O.8 Rule 1. General powers of the court**

- (1) Subject to paragraph (3), an appeal shall be by way of rehearing on the documents.
- (2) In relation to an appeal the Court shall have all the powers and duties of the court from which the appeal is brought.
- (3) The Court shall not receive further evidence on questions of fact, (other than as to matters which have occurred since the trial in the lower court) without leave, which shall only be granted on special grounds.
- (4) The Court may draw inferences of fact and give any judgment or make any order which ought to have been given or made, and may make such further order as the case may require.
- (5) The Court may exercise the powers under the foregoing paragraphs in respect of any part of the decision of the court below even though that matter has not been raised in the notice of appeal or respondent's notice as the case may be; and the Court may make any order, on such terms as it thinks just, to ensure the determination on the merits of the real question in issue between the parties.
- (6) On the hearing of an appeal the Court may

make any order which could be made on application for a new trial or to set aside a verdict, finding or judgment of the court below.

- (7) The Court shall not be bound to order a new trial on the ground of misdirection, or improper admission or rejection of evidence, unless in the opinion of the Court some substantial wrong or miscarriage was caused thereby.
- (8) Where damages awarded by a judge are found to be excessive or inadequate, or damages awarded by a jury are found to be perverse, the Court may substitute such sum as appears to it to be proper.

O.8 Rule 2. Transcripts

- (1) A transcript of proceedings in the lower court will not be prepared unless requested by a party when lodging his notice of appeal or respondent's notice, as the case may be.
- (2) A party may request that a specified part of the transcript be prepared.
- (3) The party requesting a transcript shall pay to the Registrar a charge for its preparation of 3 pa'anga per page.

O.8 Rule 3. Determination of appeals on written submissions

- (1) This rule applies to appeal to be determined on written submissions in accordance with section 15 of the Act.
- (2) An appeal shall be determined in this matter if:

- (a) it is an appeal from any interlocutory order, judgment or decision;
 - (b) the appellant includes in his notice of appeal a notice that he consents to his appeal being determined in this manner; and the respondent within 14 days after service of the notice of appeal on him lodges with the Registrar his consent in Form 4; or
 - (c) at any time before the appeal is set down for an oral hearing, all parties lodge with the Registrar their consent in Form 4.
- (3) The appellant must, within 28 days after service on him of the respondent's consent, lodge with the Registrar written arguments in support of his appeal.
- (4) Every respondent must, within 28 days after service on him of the appellant's written arguments, lodge with the Registrar written arguments in opposition to the appeal.
- (5) The appellant may, within 14 days after service on him of the respondent's written arguments, lodge with the Registrar further written arguments in reply.
- (6) Any party may, at any time before the time for lodging written arguments in reply under paragraph (5), withdraw his consent to the appeal being dealt with on written submissions and the appeal shall thereupon proceed in accordance with Rule 4.
- (7) On expiry of the time for lodging written arguments in reply under paragraph (5) the Registrar will send to each member of the Court a copy of:

- (a) the notice of appeal and any respondent's notice and supplementary notice;
 - (b) every written submission;
 - (c) the pleadings and orders in the action;
 - (d) if requested, a transcript of the evidence and the lower court;
 - (e) all documentary exhibits relevant to the stated grounds of appeal;
 - (f) a list of all other exhibits relevant to the stated grounds of appeal; and
 - (g) the judgment appealed;
- and will notify the parties when this has been done.
- (8) The members of the Court are not required to meet together but they may communicate with each other as they deem fit.
 - (9) Each member of the Court will consider the documents and give his final determination on the appeal in writing, either in the form of a judgment or by concurring with one or both of the judgments of the other members of the Court.
 - (10) Each member of the Court will sign and date his judgment which shall thereupon become his final judgment.
 - (11) The judgment of the majority of the members of the Court shall be the judgment of the Court on that appeal.

- (12) Upon receipt of the judgments of all members of the Court the Registrar shall notify the parties of the time and place where such judgments shall be read.
- (13) The judgments shall be read in open court by a Judge or a judge of the Supreme Court, or the Registrar.

O.8 Rule 4. Determination of appeals on oral hearing

- (1) This rule applies to appeals to be determined at an oral hearing.
- (2) The Registrar may set down an appeal for hearing at any time after expiry of the time for lodging a respondent's notice.
- (3) The Registrar shall:
 - (a) prepare the Court lists and notify the parties of the date of hearing;
 - (b) prepare a bundle of documents for the Court comprising those documents listed in rule 3(7) and supplying a copy to each party.
- (4) Counsel should, not later than the seven days before the date of hearing, lodge with the Registrar 4 copies of:
 - (a) skeleton arguments, and
 - (b) where appropriate, a chronology of events.
- (5) The Court may give directions as to the order in

which the parties shall be heard; but if no such direction is given:

- (a) the appellant shall present his case;
 - (b) each respondent in turn shall present his case;
 - (c) the appellant may reply.
- (6) The judgment shall be the opinion of the whole or a majority of the members of the Court; and only one judgment shall be given; but any member of the Court who dissents may briefly state his reasons for so doing.

ORDER 9 : EFFECT OF APPEAL

Unless otherwise ordered by the Court or the Supreme Court, an appeal shall not operate as a stay of execution or of proceedings in the court below.

CRIMINAL JURISDICTION

ORDER 10 : COMMENCEMENT OF APPEAL

O.10 Rule 1. Leave to appeal

- (1) Where leave to appeal is required, application for such leave must be made within 42 days of the date of the decision appealed.
- (2) Application for leave to appeal or for leave to appeal out of time must be made ex parte supported by an affidavit.
- (3) The Registrar shall refer any such application to a single Judge who may determine the matter without a hearing.
- (4) If an application is refused by a single Judge without the hearing, it may be renewed with the leave of the Court.

O.10 Rule 2. Notice of appeal

- (1) An appeal to the Court in its criminal jurisdiction must be commenced by lodging with the

Registrar notice of appeal, together with the prescribed fee.

- (2) If leave to appeal is granted, notice of appeal must be lodged within 14 days after the date when such leave was granted.
- (3) If no leave is required, notice of appeal must be lodged within 42 days after the date of the decision appealed.
- (4) Notice of appeal may be given in respect of conviction or sentence, or both conviction and sentence.
- (5) Notice of appeal must be substantially in a form 5, and must state separately and concisely each ground of appeal, with particulars.

O.10 Rule 3. Action by Registrar

On receipt of notice of appeal the Registrar will:

- (a) cause a copy to be served on the respondent;
- (b) prepare a transcript of any part of the proceedings in the lower court relevant to the stated grounds of appeal;
- (c) obtain a report from the trial Judge pursuant to section 21 of the Act; and
- (d) prepare a bundle of documents for the Court comprising:
 - (i) the indictment;
 - (ii) the report of the trial Judge;

- (iii) the transcript;
- (iv) all documentary exhibits relevant to the stated grounds of appeal;
- (v) a list of all other exhibits relevant to the stated grounds of appeal; and
- (vi) if the appeal is against sentence, details of previous convictions cited to the lower court.

ORDER 11 : DETERMINATION OF APPEALS

O.11 Rule 1. General powers of the Court

The provisions of Order 8 Rules 1(1) to (7) inclusive shall apply.

O.11 Rule 2. Determination of appeals without a hearing

- (1) This rule applies to appeals to be determined without a hearing in accordance with section 24 of the Act.
- (2) An appeal shall be determined in accordance with this rule:
 - (a) if the Chief Justice so directs; or
 - (b) if the appellant's a request in writing.

- (3) If the Chief Justice so directs:
- (a) The Registrar shall notify all parties in Form 6, and
 - (b) The appellant must within 28 days after service of such notice lodge written arguments in support of his appeal;
- (4) If the appellant so requests:
- (a) he must do so in his notice of appeal; and
 - (b) he must within 28 days after lodging notice of appeal lodge written arguments in support of his appeal.
- (5) The respondent may, within 28 days after service on him of the appellant's arguments, lodge with the Registrar written arguments in opposition to the appeal; and if he does the appellant may, within 14 days after service on him of the respondents arguments, lodge with the Registrar further written arguments in reply.
- (6) On expiry of the time for lodging written arguments in reply under paragraph (5) the Registrar will send to each member of the Court a copy of:
- (a) the documents listed in Order 10 Rule 3(d), and
 - (b) all written submissions

and will notify the parties when this has been done. Thereafter the provisions of Order 8 Rules (8) to (13) shall apply.

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O.11 Rule 3. Determination of appeals on oral hearing

The provisions of Order 8 Rule 3 shall apply, save that the documents for the Court shall be those listed in Ordered 10 Rule 3(d).

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Form 1

(Notice of Appeal – Civil/Land)

O.5 r.2(3)

IN THE COURT OF APPEAL OF TONGA

(Appeal No)

On appeal from the Supreme/Land Court of Tonga

**BETWEEN
A.B
Appellant**

AND

**C.D.
Respondent**

NOTICE OF APPEAL

TAKE NOTICE that the Court of Appeal will be moved as soon as Counsel can be heard on behalf of the above named Appellant on appeal from the judgment/order of Mr Justice..... given/made at the trial of this action on.....day of..... 20.....

whereby it was adjudged/ordered that

[set up terms of judgment or order]

FOR AN ORDER that

[set out terms of the order sought]

ON THE GROUNDS that

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[set out grounds of appeal]

* AND FURTHER TAKE NOTICE that the appellant consents to the appeal being determined on written submissions in accordance with section 15 of the Court of Appeal Act.

Dated20.....

(Signed)

.....

Lawyer for the Appellant

of [address]

To : [the respondent or his lawyer]

* (delete as appropriate)

FILED the..... [date]

.....Registrar.

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Form 2

(Notice of application)

O.7 r.2(1)

[Heading as in Form 1]

To: [name]

Of: [address]

TAKE NOTICE THAT

1. The [party] has applied to a single Judge for an order that
[set out terms of order sought]

In support of which he has lodged an affidavit a copy of which is
attached.

2. If you object to the orders sought you must lodge an affidavit
in reply within 14 days from the date of service of this
application on you.

3. After the said period of 14 days has elapsed the application
will be determined by the Judge without a hearing.

Dated 20.....

SEAL

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Form 3

(Notice of Order of single Judge) O.7 r.2 (4)

[Heading as in Form 1]

TAKE NOTICE THAT the application of the [party]
made on [date]
has been referred to a single Judge who has ordered that:
[Set out terms of Judge's order]

Dated 20.....

Registrar

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Form 4

(Consent to determination of appeal on written submissions)

O.8 r.3 (2)

[Heading as in Form 1]

TAKE NOTICE THAT the Respondent consents to this appeal being determined on written submissions in accordance with section 15 of the Court of Appeal Act.

Dated 20.....

(Lawyer for) Respondent

FILED the [date]

Registrar

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Form 5

(Notice of appeal – criminal)

O.10 r.2 (4)

IN THE COURT OF APPEAL OF TONGA

(Appeal No)

On appeal from the Supreme Court of Tonga

BETWEEN

**A.B.
Appellant**

AND

**REX
Respondent**

NOTICE OF APPEAL

TAKE NOTICE that I wish to appeal to the Court of Appeal against my conviction/sentence/conviction and sentence before the Supreme Court

On

For the offence(s) of

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For which I was sentenced to.....

ON THE GROUNDS that.....

*AND FURTHER TAKE NOTICE that I request that this appeal be determined without a hearing in open court in accordance with section 24 of the Court of Appeal Act.

Dated.....20.....

(Signed) (Lawyer for) Appellant

(* delete as appropriate)

FILED the (date)

Registrar

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Form 6

(Notice of Chief Justice's direction)

O.11 r.2(3)

[Heading as in Form 5]

To: The Appellant and the Respondent

TAKE NOTICE that the Chief Justice has directed that this appeal be determined in the manner provided for in section 24 of the Court of Appeal Act.

Dated

Registrar

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COURT OF APPEAL (CONSTITUTION OF COURT) RULES 2003

In exercise of the powers conferred on me by sections 6 and 9 of the Court of Appeal Act (Cap 9), I hereby make these Rules.

1. These Rules may be cited as the Court of Appeal (Constitution of Court) Rules, 2003.
2. The Chief Justice, all the Vice-President of the Court of Appeal in the absence of the Chief Justice, may order in any specify case that the Court of Appeal shall be duly constituted if it consists of two members of the Court.
3. The power under Rule 2 shall not exercised unless the Chief Justice or the Vice-President as the case may be is satisfied that a third member of the Court of Appeal is not available to hear the specified case for any of the reasons stated in Rule 4 or 5.
4. An Order under Rule 2 may be made if -
 - (a) any other member of the Court present at that session is unable to sit as a result of sickness, accident or other medical reason;
 - (b) the only other member of the Court present at that session presided at the hearing from which the appeal is being heard; or

- (c) the only other member of the Court present at that session has declared to the members of the Court present at that session an interest in the appeal being heard, whether in relation to the parties or the subject matter of the appeal, sufficient to render it in the opinion of the other members inexpedient for the declaring member to sit.
- 5. An Order under Rule 2 may be made if a member of the Court is unable to attend a session of the Court of Appeal as a result of sickness, accident or other unavoidable condition occurring before the session commences:
 - (a) where the member who is unable to attend has already been summoned as one of the members of the Court for that session;
 - (b) the sickness, accident or other unavoidable condition has occurred after the date of that session of the Court of Appeal has been announced;
 - (i) it has not been practicable to summon another member of the Court in time for that session; or
 - (ii) no other member has been appointed to the Court in place of the member unable to attend; and
 - (c) where more than two members of the Court are able to attend the session, one or more of the circumstances in Rule 4 also apply.
- 6. Any Order under Rule 2 shall be in writing, shall

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state the rule and sub rule under which the requirement arose and shall be substantially in the form in the schedule to these Rules.

7. Any Order made under these Rules shall be read to the Court by the senior member of the Court present at the hearing of the case specified in the Order before the hearing commences.
8. The Court of Appeal (Sickness of Members) Rules, 1995, are hereby repealed.

DATED: 11 JULY 2003

Judge of Appeal

G. Ward

Chief Justice

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Schedule

IN THE COURT OF APPEAL TONGA

Case No. AC

**BETWEEN
A.B.
Appellant**

AND

**C.D.
Respondent**

ORDER

BEING SATISFIED that a third member of the Court is not available to hear this case under sub rule of Rule [and sub rule of Rule]

IT IS ORDERED THAT the Court in this case shall be duly constituted by two members of the Court of Appeal.

Dated thisday of20.....

Chief Justice/Vice-President

Read in open court before the commencement of the above named case.

Dated this day of20.....

Judge of Appeal

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**(‘ULU’I PEESI)
NGAAHI TU’UTU’UNI ‘A E
FAKAMAAU’ANGA LAHI
‘A TONGA
2007**

“O hangē ko ia ‘oku ‘ilo’i ‘e ha tokotaha ‘oku ‘i ai ha’ane fekau’aki mo e lao’, ko e halanga ‘o e lao’ ‘oku fonu ‘i he ngaahi hopo ‘oku tapuni ‘osi pea ni’ihi ‘ikai ke pehee’, ‘a ia neongo ‘oku ‘i ai ha ngaahi tukuaki’i ‘oku ‘ikai lava ‘o tali, ‘i ha toe taimi, kuo lava ia ‘o tali kakato, ko ha fa’ahinga to’onga ‘ikai ke lava ‘o fakamatala’i, kuo lava ia ‘o fakamatala’i kakato; ko ha me’a ‘oku tu’utu’uni pau mo ‘ikai toe ue’ia, ‘i hano toe alea’i, kuo toe liliu pe.”

Meggary J. – **John v Rees** [190] 1 Ch 345, 402

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**NGAAHI TU'UTU'UNI 'A E
FAKAMAAU'ANGA LAHI
'A TONGA
2007**

'Etita'i 'e Janine Ford LLB

Ko e fa'u 'a e Potungāue Fakamaau'anga,

Nuku'alofa, Pule'anga 'o Tonga

Tokoni'i 'e he

Polokalama Fakalalaka ki he Ngaahi me'a faka-Fakamaau'anga 'a
e Pasifiki

(Pacific Judicial Development Programme - PJDP)

Fakapa'anga 'e he AUSaid pea mo e Nzaid.

Pulusi 'e he

Craigs Design and Print

Invercargill

Nu'u Sila

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FAKAMAAU'ANGA LAHI

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KO E NGAAHI TU'UTU'UNI 'O E FAKAMAAU'ANGA LAHI

NGAAHI TU'UTU'UNI TALATEU

FEKAU 1. HINGOA

1. Hingoa mo e kamata'anga

FEKAU 2. FAKAHOKO 'O E NGAAHI TU'UTU'UNI

1. Ngaahi hopo sivile

2. Ngaahi Tu'utu'uni ki he Vete Mali

3. Ngaahi Tu'utu'uni 'i 'Ingilani

4. 'I he taimi 'oku 'ikai 'iai ha tu'utu'uni 'e fe'unga

5. Fokotu'utu'u

6. Tuku atu'o e ngaahi mafai

FEKAU 3. 'UHINGA'I LEA

1. Lao ki he Ngaahi 'Uhinga'i lea (VAHE 1)

2. Ngaahi 'uhinga

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**FEKAU 4. 'IKAI FAIPAU KI HE NGAAHI
TU'UTU'UNI**

1. Lau ko ha fetō'aki
2. Tuku ki he tafa'aki koe'uhi ko ha fetō'aki
3. Ngaahi makatu'unga tefito ke fokotu'u

FEKAU 5. TAIMI

1. 'E ngofua ke fakaloloa pe fakanounou'l 'a e taimi
2. Ngaahi kole 'ikai ala fakakikihi'i
3. 'E ngofau ke liliu 'a e taimi 'i ha felotoi
4. 'Osi 'a e taimi 'i ha tapuni 'a e Fakamaau'anga'

**KAMATA'ANGA MO E FAKAHOKOHOKO 'O E NGAAHI
HOPO**

FEKAU 6. KAMATA'ANGA 'O E HOPO

1. Kamata'aki 'a e hopo 'aki hono faile 'o e tohi fekau mo e fakamatala 'o e 'eke
2. Pē 'e fiema'u ha kau sula
3. Tu'asila ki he tufa

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4. Tufa 'i loto 'i he mahina 'e 12

FEKAU 7. FAKAKIKIHI'I 'O HA MAFAI FAKALAO

- 1. Fakahoko 'o ha ngaue 'oku 'uhinga kuo ne tali 'a e mafai fakalao**
- 2. Fakakikihi'i 'a e mafai fakalao**
- 3. Ngaahi makatu'unga tefito 'o e tokoni ke fakahā**
- 4. Tufa 'o e tohi kole**
- 5. Fakamaau'i 'o e tohi kole**
- 6. Tohi kole 'oku 'ikai ko ha ngāue 'i he hopo**
- 7. Taimi ki hono tufa 'o e taukapo**

FEKAU 8. NGAahi FOKOTU'U TOHI

- 1. Ngaahi 'ulu'i tohi**
- 2. Fakamatala 'o e 'eke**
- 3. Fakamatala 'o e taukapo**
- 4. 'Eke fakafepaki**
- 5. Tohi fanongonongo ki ha to e faka'iloa kehe**
- 6. Ngaahi toe fakaikiiki**
- 7. Ngaahi fakatonotonu**
- 8. Tamate'i ha fokotu'u tohi**

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9. Taimi 'oku lau ai 'oku tapuni ha fokotu'u tohi

FEKAU 9. NGAahi FA'ahi

1. Hala hono fakakau mai pe ta'efakakau mai
2. Tukuange atu pe t̄naki mai 'o ha fa'ahi
3. Tohi kole ke t̄naki mai pe tukuange atu
4. Fiema'u ha ngofua ke t̄naki mai ha talatalaaki
5. Ola 'o e taimi fakangatangata
6. Hopo 'i 'o e ngaahi koloa
7. Tokotaha ta'u si'i pe 'ikai ke 'atamai lelei
8. Fakangatangata 'o e ngaahi fa'ahi mo hono fakafofonga'i

FEKAU 10. NGAahi HOPO 'A E FA'ahi HONO TOLU

1. Fiema'u ha ngofua ke tufa ki he fa'ahi hono tolu
2. Tohi kole ki ha fanongonongo ki he fa'ahi hono tolu
3. Ola 'o e fanongonongo ki he fa'ahi hono tolu
4. Fanongonongo ki he fa'ahi hono fa pe fa'ahi kimui

FEKAU 11. TUFa 'O E NGAahi TOHI NGĀUE

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1. Ngaahi fiema'u ki he ngaahi tohi ngaue
2. Tohi Fanongonongo ki he ngaahi tu'utu'uni fakahinohino
3. Ngaahi fatongia ki hono tufa
4. Tohi fakamo'oni 'o e tufa
5. Tufaki 'e he Fakamaau'anga
6. Fetongi 'o e tufa

FEKAU 12. TUFU 'I TU'A 'I HE MAFU FAKALAU 'O E FAKAMAAU'ANGA

1. 'I hano fakangofua
2. Tohi kole ki ha ngofua
3. 'I hano foaki ha fakangofua
4. Taimi 'oku lau ai kuo fakahoko 'a e tufa

FEKAU 13. NGAHI TOHI KOLE KI HA NGAHI FEKAU FAKA-FAKAMAAU'ANGA

1. Sipinga 'o e tohi kole
2. Kakano 'o e tohi kole
3. Ngaahi tohi kole ke tukuatu ki ha Fakamaau
4. Ngaahi tohi kole 'e malava 'o fakahoko ha ngaue kiai 'ikai toe fakamaau'i
5. Tufa 'o e ngaahi tohi kole 'oku fiema'u ke fakamaau'i

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6. Ngaahi mafai 'o e Fakamaau'anga

7. Tuku ki he tafa'aki ha fekau faka-Fakamaau'anga

8. Totongi 'o e ngaahi tohi kole

FEKAU 14. TU'UTU'UNI FAKAMAAU'ANGA 'I HA 'IKAI HA TAUKAPO

1. Tohi kole ke fakahoko 'e ha fa'ahi 'e taha

2. Ngaahi tohi ngaue pou pou

3. Fakahu 'o ha tu'utu'uni fakamaau'anga

4. Tuku ki he tafa'aki ha tu'utu'uni fakamaau'anga

5. Kau faka'iloa kehe

FEKAU 15. TU'UTU'UNI 'IKAI HOPO'I

1. Taimi 'oku ngaue'aki ai 'a e tu'utu'uni 'ikai hopo'i

2. Ngaahi makatu'unga tefito 'o ha tohi kole

3. Tohi fuakava pou pou

4. Tohi kole ke 'i he fanongonongo

5. Fakafepaki'i 'o ha tohi kole

6. Ngaahi mafai 'o e Fakamaau'anga

7. 'Eke fakafepaki

8. Fakamaau'anga ke 'oatu ha ngaahi tu'utu'uni

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fakahinohino

FEKAU 16. FAKAFOKI MO FAKANGATA

1. Fiema'u 'o ha ngofua
2. 'E ngofua ke fakafoki 'a e taukapo 'ikai ma'u ha ngofua

FEKAU 17. MALU'I KI HE NGAahi TOTONGI

1. Taimi 'e ala fakahoko ai ha fekau
2. 'E ngofua ki he Fekau ke liliu pe tamate'i

FEKAU 18. FEKUMI MO HONO SIVI 'O E NGAahi TOHI NGAUE

1. Kole ki ha ngaahi tohi ngaue
2. Tohi hokohoko 'o e ngaahi tohi ngaue
3. Tohi fuakava ke fakamo'oni'aki 'a e ngaahi tohi ngaue
4. Fekau ke fekumi
5. Sivi
6. 'Ikai ke faipau
7. 'Oatu 'o e ngaahi tohi ngaue
8. Fekumi 'o ha fa'ahi 'ikai kau

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FEKAU 19. NGAahi FAKAMAau'i 'O E NGAahi TOHI FEKAU KI HE TU'UTU'UNI FAKAHINOHINO

1. Ke toki ui 'i hano faile 'o e taukapo
2. Ha toe ngaahi fakamaau'i 'o e ngaahi tohi fekau ki he tu'utu'uni fakahinohino
3. Ke 'iai 'i he fakamaau'i 'o e ngaahi tohi fekau ki he tu'utu'uni fakahinohino
4. Founga fakahoko ngaue 'i ha fakamaau'i 'o e ngaahi tohi fekau ki he tu'utu'uni fakahinohino
5. Fakamaau'i 'e 'ikai ke toloi fanongonongo

FEKAU 20. NGAahi TOHI FAKAFEHU'I

1. Fiema'u ha ngofua ke foaki ha ngaahi tohi fakafehu'i
2. Fakafisi ke tali 'a e tohi fakafehu'i
3. Fakangatangata 'i he ngaahi tohi fakafehu'i
4. 'Ikai ke fakangofua 'a e tohi fakafehu'i
5. Ngaahi tali 'oku 'ikai fe'unga
6. 'Ikai faipau ki he fekau ki he ngaahi tohi fakafehu'i
7. 'E ngofua ke liliu pe tamate'i ha fekau

FEKAU 21. NGAahi ME'A 'OKU TALI KE FAKAHU

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1. Tali ke fakahu ha mo'oni 'o e fokotu'u tohi
2. Tohi fanongonongo ke fakaha
3. Ngaahi tohi ngaue ke tali ke fakahu

FEKAU 22. NGAahi TU'UTU'UNI

1. Sipinga 'o e tohi kole
2. Ngaahi fekau kehe
3. Ha toe ngaahi tu'utu'uni fakahinohino

FEKAU 23. TOTONGI KI HE FAKAMAAU'ANGA'

1. Taimi fakahoko 'o e totongi
2. 'E ngofua ke fakalahi 'a e totongi
3. Tohi fanongonongo 'o e totongi
4. 'Ikai ngofua ke fakafoki ha totongi 'ikai ma'u ha ngofua
5. Tali 'o e totongi
6. Ola hono tali
7. Totonu 'a e talatalaaki 'i hano tali
8. Ola 'a hono 'ikai tali
9. 'Oua na'a fakaha 'a e totongi ki he Fakamaau 'o e hopo
10. 'Eke fakafepaki

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11. Ke fakahu 'e he Failesisita 'a e totongi

FEKAU 24. FOKOTU'U "IKAI FILIFILIMANAKO KE FAKASI'ISI'I HA TOTONGI"

1. Sipinga 'o e fokotu'u
2. Fokotu'u ke 'oua na'a fakaha ki he Fakamaau'anga
3. Ko e Fakamaau'anga ke ne fakapapau'i pe 'oku taau 'a e fokotu'u 'i he'ene felave'i mo e totongi

NGAAHI FAKAMAAU'I MO E NGAHI HOPO

FEKAU 25. HOPO

1. Feitu'u
2. Mu'aki fakataha 'o e hopo
3. Sipinga 'o e hopo
4. Fakamaau'i kehekehe
5. 'Ikai ke ha 'i he hopo
6. Tolo
7. Founa fakahoko ngaue 'i he hopo

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8. Sivi'i 'o e feitu'u

9. Ngaahi fakamo'oni fakahaha

10. Ngaahi tepi hiki

11. Ngaue'aki 'o e ngaahi tu'utu'uni ki he ngaahi fakamaau'i kehe mei he ngaahi hopo

FEKAU 26. FAKAMO'ONI FAKAMATALA NGUTU MO E FAKAMO'ONI FAKAMATALA TAUKEI

1. Ngaahi mo'oni'i me'a ke fakamo'oni'i'aki 'a e fakamo'oni fakamatala ngutu

2. Fakamo'oni fakamatala taukei

FEKAU 27. FAKAMO'ONI TOHI FUAKAVA

1. Taimi 'oku fakangofua ai 'a e fakamo'oni tohi fuakava

2. Ngaahi fiema'u ki ha tohi fuakava

3. Mafai ke fakahoko ha tohi fuakava

4. Tohi fakamo'oni 'aia 'oku mahino'i

5. Ngaahi fakamo'oni fakahaha

6. Kakano 'o e tohi fuakava

7. 'Eke fakafihi 'o e taha fuakava

8. Ngaahi liliu lea

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NGAAHI NGAUE 'OKU TU'UTU'UNI KE FAKAHOKO

**FEKAU 28. NGAARI TU'UTU'UNI FAKALUKUFUA
FEKAU'AKI MO E NGAARI TU'UTU'UNI
FAKAMAAU'ANGA MO E NGAARI FEKAU**

1. Ngaari tu'utu'uni fakamaau'anga ke fakamo'oni hinga kiai pea sila'i
2. Fakaha 'a e hinga 'o e Fakamaau
3. 'Aho 'e fakahoko ai 'a e tu'utu'uni fakamaau'anga
4. Tufaki 'o e ngaari tu'utu'uni fakamaau'anga mo e ngaari fekau
5. 'E ngofua ke fakatonutonu 'a e ngaari fehalaaki fakakalake

**FEKAU 29. NGAARI TU'UTU'UNI FAKALUKUFUA
FEKAU'AKI MO E NGAARI HOPO KE FAKAHOKO
HA TU'UTU'UNI**

1. Taimi 'e fiema'u ai ha ngofua ke fakahoko ha hopo ke fakahoko ha tu'utu'uni
2. Ngaari tu'unga 'o e tohi fekau ke fakahoko ha tu'utu'uni
3. Ngaari me'a mahu'inga 'o e ngaari tohi fekau ke fakahoko ha tu'utu'uni
4. Holomui mei he ngaue na'e tu'utu'uni ke fakahoko
5. Fekau ke fakahu

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**FEKAU 30. FAKAHOKO 'O E TU'UTU'UNI
FAKAMAAU'ANGA KI HONO TOTONGI 'O E
PA'ANGA**

1. Ngaahi founa 'a hono tu'utu'uni ke fakahoko
2. Ke hilifaki ha tupu 'i he mo'ua 'oku tu'utu'uni ke totongi 'i he hopo

FEKAU 31. TOHI FEKAU FAKATAUTUKI

1. Sipinga 'o e tohi fekau fakatautuki
2. Tohi kole ki ha tohi fekau
3. Fakahoko 'o e tohi fekau fakatautuki
4. Tolo'i 'a hono fakahoko

FEKAU 32. NGAahi HOPO KĀNISI

1. Taimi 'oku ngaue'aki ai 'a e hopo kanisi
2. Sipinga 'o e tohi kole
3. Fekau ke fakaha 'a e tupu'anga
4. 'E ngofua ki he kanisi ke ne fakahoko 'a e totongi ki he Fakamaau'anga
5. Ngaahi fekau 'i hano to e fakakaukau'i
6. Ola 'o e totongi 'e he kanisi

FEKAU 33. FOKOTU'U 'O HA TOKOTAHA TALI

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1. Sipinga 'o e tohi kole ke fokotu'u 'o ha tokotaha tali
2. Tufa 'o e tohi kole
3. Ngofua ki he Fakamaau'anga ke ne 'oatu ha tu'utu'uni fakahinohino
4. Tufa 'o e fekau
5. Totongi 'o e tokotaha tali
6. Ngaahi fatongia 'o e tokotaha tali

FEKAU 34. FEKAU KE TOTONGI

1. Taumu'a 'o e fekau ke totongi
2. Tohi kole ki ha fekau ke totongi
3. Fekau ke fakaha 'a e tupu'anga
4. Founa fakahoko ngaue 'i hano toe fakakaukau'i
5. Sipinga 'o e fekau ke totongi
6. Tufa 'o e fekau
7. 'E ngofua ke liliu pe tamate'i 'a e fekau
8. Tu'utu'uni ke fakahoko

FEKAU 35. TU'UTU'UNI KE FAKAHOKO 'A E TU'UTU'UNI FAKAMAAU'ANGA KI HONO TUFASI 'O E KOLOA

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1. Ngaahi founnga ki hono tu'utu'uni ke fakahoko 'a e tu'utu'uni fakamaau'anga
2. Sipinga 'o e tohi fekau tufa
3. Tohi kole ki ha tohi fekau tufa
4. 'E ngofua ke kau 'i he tohi fekau ha tu'utu'uni ke fakahoko ha totongi
5. Ngaahi fatongia 'o e peilifi

FEKAU 36. FAKAHOKO 'A E TU'UTU'UNI FAKAMAAU'ANGA KI HONO PUKE 'O HA FALE

1. Ngaahi founnga ki hono tu'utu'uni ke fakahoko 'a e tu'utu'uni fakamaau'anga
2. Sipinga 'o e tohi fekau puke
3. Tohi kole ki ha tohi fekau puke
4. 'E ngofua ke kau 'i he tohi fekau ha kupu ke fakahoko ha totongi
5. Ngaahi fatongia 'a e peilifi

NGAAHI FOUNGA FAKAHOKO NGAUE MAKEHE MO FAKALUKUFUA

FEKAU 37. FAKA'EKE'EKE 'O E TOKOTAHA KUO TU'UTU'UNI KE NE TOTONGI 'A E MO'UA 'I HE

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HOPO

1. Tohi kole ki hano faka'eke'eke
2. Ko hono faka'eke'eke

FEKAU 38. TALANGATA'A KI HE FAKAMAAU'ANGA'

1. Tautea 'o e talangata'a ki he Fakamaau'anga
2. Talangata'a 'i mu'a 'i he Fakamaau'anga
3. Talangata'a ki he fekau faka-Fakamaau'anga pe ki ha fatongia
4. Founga fakahoko ngaue 'oka foaki 'e he Fakamaau'anga ha ngofua
5. Fakamaau'i 'o e tohi kole
6. 'E ngofua ke toloi 'a hono fakahoko
7. Fakahu 'i ha fokotu'u 'a e Fakamaau'anga

FEKAU 39. VAKAI'I FAKA-FAKAMAAU'ANGA'

1. Taimi 'oku ngaue'aki ai 'a e tokoni
2. Fiema'u ha ngofua mei he Fakamaau'anga
3. Ngaahi mafai 'o e Fakamaau'anga
4. Tu'unga 'o ka foaki ha ngofua 'e he Fakamaau'anga

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FEKAU 40. HEAPEASE KOAPUSE

1. Taimi 'oku ngaue'aki ai 'a e tohi fekau hepease koapuse
2. Ngaahi founa ki hono fakahoko
3. 'E ngofua ki he Fakamaau'anga ke ne tu'utu'uni fakahinohino ki hono tufa
4. Tufa 'o e tohi kole
5. Ngaahi tu'utu'uni fakahinohino ke 'oatu ki he taimi 'e ala fakafoki ai 'a e tohi fekau
6. Sipinga 'o e tohi fekau hepease koapuse
7. Tufa 'o e tohi fekau
8. Fakafoki 'o e tohi fekau
9. Fakamaau'i 'i hono tali fakafoki 'o e tohi fekau

FEKAU 41. TO E SILA'I 'O E NGAARI TOHI PULE'I 'O E TOHI TUKU MEI MULI

1. Tohi kole ke fakahoko 'e he fa'ahi 'e taha
2. Fiema'u ke pou pou'aki ha tohi fuakava
3. 'E ngofua ki he Fakamaau'anga ke ne fiema'u ke 'oange ha tohi fanongonongo
4. 'E ngofua ki he Fakamaau'anga ke ne hilifaki ha ngaahi tu'utu'uni

FEKAU 42. NGAARI HOPO 'I HE FOLAU TAHI

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1. Mafai fakalao

2. Ngaahi tu'utu'uni mo e ngaue ke fakahoko

FEKAU 43. FETONGI 'O E FAKAFOFONGA LAO

1. Tohi fanongonongo fetongi 'o e fakafofonga lao

2. Holomui 'a e fakafofonga lao

FEKAU 44. NGAHI TOHI FEKAU KI HE TOKOTAHA FAKAMO'ONI

1. Kole ke fakahoko ki he Failesisita

2. Sipinga 'o e tohi fekau ki he tokotaha fakamo'oni

3. Tufa 'o e tohi fekau

4. Pa'anga fakahoko

FEKAU 45. FAKALELEI

1. Ngaue'aki 'o e Fekau ni

2. 'E ngofua ki he Fakamaau'anga ke ne tuku atu 'a e hopo ke fakalelei

3. Ke 'oua na'a hoko hono tukuatu ke toloi ai 'a e hopo

4. Ngaahi fatongia 'o ha taha fakalelei

5. Ngaahi founa fakahoko ngaue 'i ha fakalelei

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6. Ngaahi totongi 'o fakatatau ki he fakalelei

FEKAU 46. TUKUHAU'I 'O E NGAAHI TOTONGI

1. Ngaue'aki 'o e Fekau ni
2. Ngaahi totongi ke toki fakafuofua'i 'i he aofangatuku 'o e hopo, 'oka malava
3. Ngaahi totongi ke tukupau'i 'oka 'ikai ke fakafuofua'i
4. Tohimo'ua ke totongi ke fakahu ki hono tukupau'i
5. Tufa 'o e ngaahi tohimo'ua ke totongi
6. Fakakihikihi'i ha tohimo'ua ke totongi
7. Founga fakahoko ngaue ki hono tukupau'i
8. Tukuatu ki he Fakamaau
9. Tangi 'i he tu'utu'uni 'a e Failesisita
10. To e vakai'i 'a e tu'utu'uni 'a e Fakamaau
11. Tohi fakamo'oni tukupau'i

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**FEKAU 47. FAKAFUOFUA'I 'O E NGAAHI
TOTONGI**

1. Ngaue'aki 'o e Fekau ni
2. Ngaahi faka'ata ki he ngaahi totongi
3. Fakafofonga lao – totongi mei he taha 'oku ne
fakafofonga'i
4. Ngaahi tu'utu'uni ngaue fekau'aki mo e ngaahi
totongi
5. Ngaahi totongi fakalahi ke fakamo'oni'i

FEKAU 48. FAKAPEKIA MO FAKATAIMI

1. Ngaahi tu'utu'uni 'o e Fakamaau'anga
2. Fakataimi
3. Ngaahi tu'utu'uni fakhinohino ngaue

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NGAAHI SĪPINGA

Sipinga 1 : Ngaahi Tohi Fekau

Sipinga 2 : Fakamatala 'o e 'Eke

Sipinga 3 : Tohi Fanongonongo ki ha faka'iloa kehe

Sipinga 4 : Tohi Fanongonongo Tu'utu'uni Fakahinohino

Sipinga 5 : Tohi Fakamo'oni 'o e Tufa

Sipinga 6 : Fanongonongo Tohi Kole

Sipinga 7 : 'Ikai 'iai ha Tu'utu'uni Fakamaau'anga Fakaangaanga

Sipinga 8 : Tohi Hokohoko 'o e Ngaahi Tohi Ngaue

Sipinga 9 : Tohi Fuakava ke ne fakamo'oni'i 'a e tohi hokohoko 'o e ngaahi tohi ngaue

Sipinga 10 : Tohi Fanongonongo hono fakamaau'i 'o e ngaahi tohi fekau ki he tu'utu'uni fakahinohino

Sipinga 11 : Tohi Fanongonongo 'o e totongi ki Fakamaau'anga

Sipinga 12 : Tohi Fanongonongo hono tali 'o e pa'anga na'e totongi ki Fakamaau'anga

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Sipinga 13 : Tohi Fekau Fakatautuki

**Sipinga 14 : Fekau Kanisi ke fakaha 'a e
tupu'anga**

Sipinga 15 : Fekau Kanisi Aofangatuku

**Sipinga 16 :Fekau ke totongi – tohi fanongonongo
ke fakaha 'a e tupu'anga**

Sipinga 17 : Fekau ke aofangatuku ke totongi

Sipinga 18 : Tohi Fekau Tufa

**Sipinga 19 : Tohi Fanongonongo 'a hono
fakahoko 'o e tohi fekau tufa**

Sipinga 20 : Tohi Fekau Puke

Sipinga 21 : Tohi Fekau Hepease Koapuse

**Sipinga 22 : Tohi Fanongonongo fetongi 'o e
Fakafofonga Lao**

**Sipinga 23 : Ngaahi Tohi Fekau ki ha taha
Fakamo'oni**

**Sipinga 24 : Kole ke tukuhau'i 'a e tohimo'ua 'o e
ngaahi totongi**

Sipinga 25 : Tohi Fakamo'oni 'o e Tukuhau'i

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NGAAHI TU'UTU'UNI KAMATA

FEKAU 1 : HINGOA

O.1 Tu'utu'uni 1. Hingoa mo e kamata'anga

'E ui 'a e ngaahi tu'utu'uni ni ko e Ngaahi Tu'utu'uni 'o e Fakamaau'anga Lahi 2007 pea 'e kamata fakahoko ia 'i hono 'aho 1 'o Sanuali 2007.

FEKAU 2 : FAKAHOKO 'O E NGAAHITU'UTU'UNI NI

O.2 Tu'utu'uni 1. Ngaahi Hopo Sivile

Fakatatau ki he tu'utu'uni 2 mo 3, kuo pau ki he Ngaahi Tu'utu'uni ni ke fakahoko 'i he ngaahi hopo sivile kotoa pe 'i he Fakamaau'anga 'o kapau 'e 'ikai fepaki mo ha tu'utu'uni fakalao.

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O.2 Tu'utu'uni 2. Ngaahi Tu'utu'uni ki he Vete Mali

Kuo pau ki he Ngaahi Tu'utu'uni ni ke fakahoko 'i he vete mali mo e ngaahi hopo felave'i mo ia 'o kapau 'oku 'ikai ke 'i ai ha tu'utu'uni 'i he Ngaahi Tu'utu'uni ki he Vete Mali.

O.2 Tu'utu'uni 3. Ngaahi Tu'utu'uni 'i 'Ingilani

'I ha 'ikai ke 'iai ha tu'utu'uni 'i he Ngaahi Tu'utu'uni ni, kuo pau ki he ngaahi tu'utu'uni founa fakahoko ngaue 'i he Ngaahi Tu'utu'uni 'o e Fakamaau'anga Lahi (RSC) kimu'a 'i 'Ingilani ke (White Book) ke hokohoko ngaue'aki pe neongo 'ene lahilahi mo toutou fetongi 'o e ngaahi tu'utu'uni koia 'e he Ngaahi Tu'utu'uni Founa Fakahoko Ngaue Fakasivile 1998 (CPR).

O.2 Tu'utu'uni 4. 'I he taimi 'oku 'ikai 'iai ha tu'utu'uni fe'unga

'O kapau 'e ha mai ha fa'ahinga me'a 'e hoko 'oku 'ikai 'i ai ha tu'utu'uni fe'unga 'i he ngaahi tu'utu'uni ni pe ko e ngaahi tu'utu'uni 'i 'Ingilani 'oku 'uhinga kiai 'i he Tu'utu'uni 3, kuo pau leva fakahoko 'a e ngaahi founa fakahoko ngaue 'e tu'utu'uni 'e he Fakamaau pea 'i hono ngaue'aki ha mafai 'i he tu'utu'uni ni, 'e ngofua ki he Fakamaau ke ne muimui ki ha fa'ahinga tu'utu'uni 'i he Ngaahi Tu'utu'uni Founa Fakahoko Ngaue Fakasivile 1998 (CPR).

O 2 Tu'utu'uni 5 Fokotu'utu'u

'I ha taimi 'e 'iai ha faikehekehe 'i he faka'uhinga'i lea 'i he hikitohi faka-Pilitania pea mo e hikitohi faka-Tonga 'o e Ngaahi Tu'utu'uni ni, kuo pau ke ngaue'aki 'a e 'uhinga'i lea faka-Pilitania.

O 2 Tu'utu'uni 6 Tuku atu'o e ngaahi mafai

E 'i he Tu'i Fakamaau Lahi mei he taimi ki he taimi ke ne tuku atu ki he Failesisita 'a e mafai ki hono fakahoko ha ngaahi fatongia mo e ngaue 'i he ngaahi fekau ni 'i ha'ane fakakaukau 'oku fe'unga ke fai pehee.

FEKAU 3 : 'UHINGA'I LEA**O.3 Tu'utu'uni 1. Lao ki he Ngaahi 'UHINGA'I lea**

'E ngaue'aki 'a e Lao ki he Ngaahi 'UHINGA'I Lea (VAHE 1) ki he Ngaahi Tu'utu'uni ni.

O.3 Tu'utu'uni 2. Ngaahi 'uhinga

"hopo" 'oku 'uhinga ki ha fa'ahinga hopo sivile pe 'oku kamata'aki ha tohi fekau;

"tohi kole" 'oku 'uhinga ki ha tohi kole 'i he Fekau 13 ki he Fakamaau'anga ki he Fekau faka-Fakamaau'anga pe 'i ha hopo 'oku lolotonga fakahoko pe ko ha tohi kole fo'ou;

"fanongonongo tohi kole" 'oku 'uhinga ki ha tohi ngaue 'i he Sipinga 6 'a ia 'oku fakahoko 'e he taha kole 'i he Fekau 13 Tu'utu'uni 1 ke kole ha Fekau faka-Fakamaau'anga;

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“fakamaau’i ‘o e ngaahi tohi fekau ki he tu’utu’uni fakahinohino” ‘oku ‘uhinga ki ha fakamaau’i kuo ui ‘e he Fakamaau’anga ‘o fakatatau ki he Fekau 19;

“tohi fanongonongo tu’utu’uni fakahinohino” ‘oku ‘uhinga ki he tohi fanongonongo ‘o koia koia ‘oku tu’utu’uni ‘i he Sipinga 4;

“tohi ngaue” ‘oku kau ai ‘a e fokotu’u tohi pea kau ai ha fa’ahinga tohi ngaue na’e faile fekau’aki mo ha tohi kole;

“faile” ‘oku ‘uhinga ki hano faile ‘i he ‘ofisi totonu ‘i he Fakamaau’anga;

“tokotaha ‘ikai ‘atamai lelei” ‘oku ‘uhinga ki ha tokotaha ‘oku mo’ua ki ha puke faka’atamai pe mahaki faka’atamai ‘i he Lao ki he ‘Atamai Lelei 2000 ki ha fa’ahinga tukunga ‘oku ‘ikai ke ne toe malava ‘o pule’i ‘ene koloa pe ngaahi ngaue;

“Fakamaau” ‘oku ‘uhinga ia ki he Tu’i Fakamaau Lahi pe ko ha toe Fakamaau pe ‘o e Fakamaau’anga Lahi;

“Fakafofonga Lao” ‘oku ‘uhinga ki ha tokotaha ngaue fakalao kuo lesisita pea ne ma’u mo ha tohi fakamo’oni ngaue ‘o fakatatau ki he Lao ki he kau Fakafofonga Lao 1989;

“Pule’anga” ‘oku ‘uhinga ia ki he ngaahi vahefonua ‘o e Pule’anga Tonga;

“tokotaha ta’u si’i” ‘oku ‘uhinga ia ki ha tokotaha ‘oku si’i hifo hono ta’u motu’a ‘i he ta’u 21;

“fa’ahi” ‘oku ‘uhinga ia ki ha taha ko ha fa’ahi ‘oku ‘uhinga ki ai ha hopo pea kau ki ai ha talatalaaki, faka’iloa mo e fa’ahi hono tolu pe toe fa’ahi kimui;

“tokotaha” ‘oku kau ai ha fa’ahinga tokotaha fakafo’ituitui, ha falukunga kakai ‘oku malava ke nau

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fakahoko ha faka'ilo pea malava ke faka'ilo kinautolu, mo ha sino fakakautaha;

“fokotu'u tohi” ‘oku kau ai ‘a e fakamatala ‘o e ‘eke, fakamatala ‘o e taukapo, ha tali pea mo ha ‘eke fakafepaki;

“(ngaahi) hopo” ‘oku kau ai ha fa’ahinga hopo, tohi kole pe toe me’a fakalao kehe ‘oku kau ai ‘a hono ngaue’aki ‘o e mafai fakasivile ‘o e Fakamaau’anga;

“Failesisita” ‘oku ‘uhinga ki he Failesisita Pule pe Failesisita ‘o e Fakamaau’anga Lahi pea kau ai mo e fa’ahinga kalasi pe ‘o e Failesisita;

“ofisa tufa” ‘oku ‘uhinga ki ha ‘Ofisa Polisi fakamaau’anga, ‘ofisa peilifi pe ko ha ‘ofisa ‘o e fakamaau’anga kuo fakamafai ke ne fakahoko ‘a e tufaki ‘o e ngaahi tohi ngaue;

“tohi fekau” tukukehe ‘oka ‘iai ha ‘uhinga kehe ‘i hono tu’unga, ‘oku ‘uhinga ki he ngaahi tohi fekau.

FEKAU 4 : ‘IKAI FAIPAU KI HE NGAahi TU’UTU’UNI

O.4 Tu’utu’uni 1. Lau ko ha fetō’aki

‘I ha taimi ‘e ‘ikai ke malava ‘o faipau ki he ngaahi tu’utu’uni ni ‘i ha fa’ahinga ‘uhinga pe:

- (a) kuo pau ki he fetō’aki koia ke lau ko e fetō’aki pea kuo pau ke ‘oua na’a ne fakata’e’aonga’i ‘a e ngaahi hopo pe ko ha fa’ahinga tu’utu’uni

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fakamaau'anga pe fekau na'e fakahoko 'i ai;

- (b) 'e ngofua ki he Fakamaau'anga, 'o fakatatau ki he tu'unga 'oku ne pehe 'oku taau, ke tuku ki tafa'aki ha konga pe fakakatoa ha fekau na'e falahoko 'i he ngaahi hopo 'a ia na'e hoko ai 'a e feto'aki.

O.4 Tu'utu'uni 2. Tuku ki he tafa'aki koe 'uhi ko ha feto'aki

Kuo pau ki ha tohi kole ke tuku ki he tafa'aki koe 'uhi ko ha feto'aki he 'ikai ke ngofua ke 'oua na'a fakangofua tukukehe 'oka fakahoko 'i loto 'i ha taimi fakapotopoto pea kimu'a 'i hono fakahoko 'e he fa'ahi 'oku tohi kole ha toe ngaue hili koia 'a hono 'ilo'i 'a e feto'aki.

O.4 Tu'utu'uni 3. Ngaahi makatu'unga tefito ke fokotu'u

Kuo pau ki he tohi fanongonongo tohi kole 'i he tu'utu'uni 2 ke ne fakaha 'a e fekau 'oku fiema'u mo e ngaahi makatu'unga tefito pau ki ai.

FEKAU 5 : TAIMI

O.5 Tu'utu'uni 1. 'E ngofua ke fakaloloa pe fakanounou 'a e taimi

'E ngofua ki he Fakamaau'anga, 'o fakatatau ki ha

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ngaahi tu'unga 'oku pehe 'oku totonu, ke ne tu'utu'uni ke fakaloloa pe fakanounou 'a e taimi 'a ia na'e fiema'u pe na'e fakamafai ki ha tokotaha ke ne fakahoko ha ngaue 'i ha hopo, kimu'a pe hili 'a e tu'utu'uni fakamaau'anga.

O.5 Tu'utu'uni 2. Ngaahi kole 'ikai ala fakakihikihi'i

'Okapau ko hono fakaloloa pe fakanounou 'o e taimi 'e ngalingali 'ikai ala fakakihikihi'i, 'e ngofua leva ki he Fakamaau'anga ke ne ngaue ki ha tohi fakatokanga nounou mei ha fale'i pe ko ha kole 'i ha tohi ki he Failesisita, ka 'i ha toe tu'unga kehe, kuo pau ki ha kole 'i he Fekau ni ke fakahoko 'i ha tohi fanongonongo tohi kole.

O.5 Tu'utu'uni 3. 'E ngofua ke liliu 'a e taimi 'i ha felotoi

'E ngofua ke fakaloloa pe fakanounou 'a e taimi koia 'oku fiema'u ai ha taha 'e he ngaahi tu'utu'uni, pe ko ha fekau 'a e Fakamaau'anga ke tufa, faile pe fakatonutonu ha fa'ahinga tohi fokotu'u, 'i ha felotoi kuo 'omai 'i ha tohi 'ikai toe 'iai ha tu'utu'uni 'a e Fakamaau'anga.

O.5 Tu'utu'uni 4. 'Osi 'a e taimi 'i ha tapuni 'a e Fakamaau'anga

Tukukehe 'o ka fekau'i 'e he Fakamaau'anga, kapau 'e toki 'osi 'a e taimi ke fakahoko ai ha ngaue 'i ha 'aho 'oku tapuni ai 'a e 'Ofisi 'o e Fakamaau'anga, kuo pau ke fakahoko 'a e ngaue kei taimi 'i he 'aho hoko 'e ava ai 'a e 'ofisi koia.

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KAMATA'ANGA MO E HOKOHOKO 'O E NGAAHI HOPO

FEKAU 6 : KAMATA'ANGA 'O E HOPO

O.6 Tu'utu'uni 1. Kamata 'a e hopo 'aki hono faile 'o e tohi fekau mo e fakamatala 'o e 'eke

- (1) 'E kamata ha hopo 'aki 'a hono faile 'o ha tohi fekau 'i he Sipinga 1 'o 'oatu fakataha mo ha fakamatala 'o e 'eke 'i he Sipinga 2.
- (2) Ke faile 'a e tatau lahi taha lava 'ai 'o e tohi fekau mo e fakamatala 'o e 'eke 'o fakatatau ki he ngaahi fa'ahi 'e tufaki kiai.

O.6 Tu'utu'uni 2. Pe 'e fiema'u ha kau sula

Kuo pau ki ha tohi fekau ke fakaha ai pe 'oku fiema'u pe 'ikai 'e he talatalaaki 'a e hopo ke fakamaau'i sula.

O.6 Tu'utu'uni 3. Tu'asila ki he tufa

- (1) 'I hano fakahoko 'a e faka'ilo 'a e talatalaaki 'e

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ha fakafofonga lao, kuo pau ki he fakamatala 'o e 'eke ke fokotu'u ai 'a e hingoa 'o e fakafofonga lao mo ha tu'asila ki he tufa 'a ia ko ha fakafofonga lao 'i Pule'anga ni.

- (2) 'I hano fakahoko 'a e faka'ilo 'e he talatalaaki 'iate ia pe, kuo pau ki he fakamatala 'o e 'eke ke fokotu'u ai 'a e hingoa 'o e tokotaha koia mo ha tu'asila ki he tufa 'i he Pule'anga ni.
- (3) Ko e tu'asila ki he tufa 'oku kau ai ha fika telefoni, fika fekisi fakataha mo ha tu'asila 'imeili.

O.6 Tu'utu'uni 4. Tufa 'i loto 'i he mahina 'e 12

- (1) Fakatatau ki he palakalafi (2), kuo pau ke ta'e'aonga ja tohi fekau tukukehe ka kuo tufa ki he faka'iloa kotoa pe 'i loto 'i he mahina 'e 12 mei he 'aho na'e tuku atu ai.
- (2) 'I ha 'iai ha 'uhinga lelei ki hono 'ikai ke tufa 'a e tohi fekau ki ha faka'iloa 'o fakatatau ki he palakalafi (1) 'e ngofua ki he Fakamaau'anga mei he taimi ki he taimi, tu'utu'uni ke fakalahi 'a hono 'aonga ki ha fa'ahinga vaha'a taimi pe 'ikai toe laka hake 'i he mahina 'e 12; pea ko e tu'utu'uni koia kuo pau ke tufa fakataha mo e tohi fekau.

FEKAU 7 : FAKAKIHIKIHI'I 'O HA MAFAI FAKALAO**O.7 Tu'utu'uni 1. Fakahoko 'o ha ngaue 'oku 'uhinga kuo ne tali 'a e mafai fakalao**

Fakatatau ki he ngaahi tu'utu'uni 'i he fekau ni, ko ha fa'ahi kuo ne fakahoko ha fa'ahinga ngaue 'i ha hopo, kuo pau ke lau ia kuo ne tali 'a e mafai fakalao 'o e Fakamaau'anga.

O.7 Tu'utu'uni 2. Fakakihikihi'i 'a e mafai fakalao

'E ngofua ki ha faka'iloa 'oku ne faka'amu ke ne fakakihikihi'i 'a e mafai fakalao 'o e Fakamaau'anga 'i ha hopo ke ne fakahoko 'i loto 'i he taimi 'oku fakangata ai ke tufa 'o ha taukapo pea kimu'a te ne toe fakahoko ha me'a kehe 'i he hopo, tohi kole ki he Fakamaau'anga ki ha:

- (a) fekau ke tuku ki tafa'aki 'a e tohi fekau pe ko e tufa 'o e tohi fekau;
- (b) fekau 'o fakaha ai ko e tohi fekau na'e 'ikai ke fakahoko ange 'a hono tufa;
- (c) faka'ata ha fa'ahinga fekau 'oku fakaloloa ai 'a e 'aonga fakalao 'o e tohi fekau 'i tu'a 'i he mafai fakalao;
- (d) faka'ata ha fa'ahinga fekau 'oku fakaloloa ai 'a

e 'aonga fakalao 'o e tohi fekau ki he taumu'a 'a hono tufa;

- (e) fekau ke tauhi pe tukuange ha ni'ihii 'o 'ene koloa 'a ia kuo puke pe 'oku 'amanaki ke puke 'i he hopo;
- (f) tohi fakaha 'oku 'ikai ha mafai 'o e Fakamaau'anga 'o fakatatau ki he tefito'i 'uhinga 'o e 'eke pe ko e tokoni 'oku fiema'u 'i he hopo; pe
- (g) ha toe tokoni kehe 'e ala fe'unga.

O.7 Tu'utu'uni 3. Ngaahi makatu'unga tefito 'o e tokoni ke fakaha

Kuo pau ki ha fanongonongo tohi kole ke fakaha ai 'a e tokoni 'oku fiema'u pea mo e ngaahi makatu'unga tefito mahino ki ai, pou pou'aki ha tohi fuakava 'o fokotu'u ai 'a e ngaahi mo'oni'i me'a 'a ia 'oku tu'unga ai 'a e tohi kole.

O.7 Tu'utu'uni 4. Tufa 'o e tohi kole

Kuo pau ki he fanongonongo tohi kole mo ha tatau 'o e tohi fuakava pou pou ke tufa ki he talatalaaki 'ikai toe si'i hifo 'i he 'aho kakato 'e 7 kimu'a 'a e 'aho fakamaau'i.

O.7 Tu'utu'uni 5. Fakamaau'i 'o e tohi kole

'E ngofua ki he Fakamaau'anga 'i hono fakamaau'i 'o e tohi kole ke:

- (a) ke fakahoko ha tu'utu'uni ki he me'a ni kae 'ikai

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toe fakahoko ha hopo;

- (b) tu'utu'uni ke tomu'a fakahoko ha fakamaau 'eke 'o e me'a koia; pe
- (c) 'oatu ha ngaahi tu'utu'uni kehe 'oku fe'unga ki hono fakahoko 'o e me'a ni.

O.7 Tu'utu'uni 6. Tohi kole 'oku 'ikai ko ha ngaue 'i he hopo

Kuo pau ki ha faka'iloa 'oku ne fakahoko ha tohi kole 'i he tu'utu'uni 2 ke 'oua na'a lau ia 'oku ne tali 'a e mafai fakalao 'o e Fakamaau'anga 'aki ha 'uhinga kuo ne fakahoko ha ngaue 'i he hopo.

O.7 Tu'utu'uni 7. Taimi ki hono tufa 'o e taukapo

'O kapau 'e 'ikai fakahoko 'e he Fakamaau'anga ha tu'utu'uni pe te ne tamate'i 'a e tohi kole, kuo pau ki he taimi ki hono tufa 'o e taukapo ke kamata lau ia mei he 'aho 'o e tu'utu'uni ko ia.

FEKAU 8 : NGAahi FOKOTU'U TOHI

O.8 Tu'utu'uni 1. Ngaahi 'ulu'i tohi

- (1) Kuo pau ki he ngaahi tohi ngaue kotoa pe 'oku 'oatu ke faile 'i ha hopo ke 'asi ai 'a e Fika Hopo, 'ulu'i tohi totonu 'o e hopo mo ha

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fakaikiiki 'o e tohi ngaue.

- (2) Kuo pau ki he 'ulu'i tohi 'o e fakamatala 'o e 'eke mo e 'eke fakafepaki kotoa pe ke, 'i he taimi 'oku felave'i ai 'a e tokoni ki ha lao pe ki ha koloa, fakaha 'a e Hingoa nounou 'o e Lao pe ko e hingoa 'o e koloa.

O.8 Rule 2. Fakamatala 'o e 'eke

Kuo pau ki he fakamatala 'o e 'eke kotoa pe ke 'i he Sipinga 2 pea kuo pau ke fakaha ai 'a e:

- (a) hingoa kakato mo e feitu'u nofo'anga mo e ngaue'anga 'o e talatalaaki mo e faka'iloa kotoa pe ko e 'uhi ke 'ilo'i 'e kinautolu 'a e fa'ahi 'oku nau 'omai 'a e tohi ngaue ke faile;
- (b) ngaahi me'a tefito 'oku fakafalala kiai 'a e talatalaaki ki hono 'oatu 'a e ngaahi fakaikiiki 'o e taimi, feitu'u, ngaahi mahu'inga, ngaahi hingoa 'o ha ni'ihii, natula mo e ngaahi 'aho 'o ha tohi ngaue fakalao mo e toe ngaahi tu'unga kehe 'aia 'e fe'unga ke fakaha ki he Fakamaau'anga mo e fa'ahi pe ko e ngaahi fa'ahi 'aia 'oku 'ikai ke kau ki he tokoni 'oku fiema'u 'a e talatalaaki ki he 'uhinga 'o e hopo;
- (c) tokoni pe fakatonutonu 'oku fiema'u pea kuo pau ke fakahaa'i pau ha 'eke ki he'ene lelei 'a'ana;
- (d) tu'asila ki hono tufaki 'o fakatatau ki he Fekau 6 Tu'utu'uni 3.

O.8 Tu'utu'uni 3. Fakamatala 'o e taukapo

- (1) Kuo pau ki ha faka'iloa 'oku ne loto ke taukapo'i

ha 'eke, ke 'i loto 'i he 'aho 'e 28 hono tufa kiai 'a e tohi fekau, faile ha taukapo mo ha ngaahi tatau 'o fakatatau ki he tokolahi 'o e ni'ihiki ke tufa kiai.

- (2) Kuo pau ki ha faka'iloa ke fakaha mahino 'a e ngaahi makatu'unga tefito 'o e taukapo 'aia 'oku taumu'a ke fakafalala kiai 'a e taukapo mo e fiema'u 'e he faka'iloa ke fakamaau'i sula 'e ne hopo pe 'ikai.
- (3) Fakatatau ki he palakalafi 4, kuo pau ke lau 'o pehe kuo tukuatu 'e he faka'iloa 'a e ngaahi mo'oni'i me'a kotoa pe 'oku tukuaki'i kiai 'i he fakamatala 'o e 'eke 'aia 'oku 'ikai ke faka'ikai'i mahino.
- (4) Kuo pau ke lau 'o pehee kuo faka'ikai'i 'e he faka'iloa ha tukuaki'i kuo hoko ha maumau ki ha fa'ahi, mo e lahi 'o e maumau koia, tukukehe 'o ka kuo fakahaa'i mahino.
- (5) 'E 'ikai ke ngofua ke fokotu'u ha taukapo 'o e talamahu'inga kimu'a 'a e hopo, tukukehe pe kae 'oua kuo totongi 'e he faka'iloa ki he Fakamaau'anga ('o fakatatau ki he Fekau 23) 'a e mahu'inga 'oku pehe na'e fokotu'u atu.

O.8 Tu'utu'uni 4. 'Eke fakafepaki

- (1) 'E ngofua ki ha fa'ahinga faka'iloa pe 'oku ne pehe 'oku 'i ai ha'ane totonu ki ha fa'ahinga tokoni mei ha talatalaaki 'i ha hopo ('i ha fa'ahinga taimi pe pe fa'ahinga founa), ke 'oua tene toe fakahoko ha faka'ilo makehe ka ne fakahoko ha 'eke fakafepaki 'o fakatatau ki he me'a koia 'aki 'ene tanaki atu 'a e 'eke fakafepaki ki he fakamatala 'o e taukapo.

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- (2) Kuo pau ki ha talatalaaki 'oku ne loto ke taukapo 'i ha 'eke fakafepaki, ke 'i loto 'i he 'aho 'e 28 hili hono tufa kiai 'a e 'eke fakafepaki, faile ha taukapo ki he 'eke fakafepaki 'aia 'e ngofua ke fakataha'i mo ha tali ki he faka'iloa.
- (3) Kuo pau ke ngaue'aki 'a e ngaahi tu'utu'uni ki ha 'eke fakafepaki 'o hange pe ko e 'eke fakafepaki koia ko ha hopo mavahe 'a ia ko e tokotaha na'a ne fakahoko 'a e 'eke fakafepaki ko e talatalaaki pea ko e tokotaha na'e fakahoko kiai 'a e 'eke ko e faka'iloa ia.
- (4) 'E ngofua ki ha 'eke fakafepaki ke hoko atu pe neongo ko e tu'utu'uni fakamaau'anga kuo fakahoko ma'ae talatalaaki 'i he hopo, pe ko e hopo koia kuo toloi, fakangata pe tamate'i.
- (5) 'I ha taimi 'e fakamo'oni'i ai 'e ha faka'iloa ha 'eke fakafepaki 'o ha 'eke na'e fakahoko 'e he talatalaaki pea 'oku to 'a e fakafuofua ki he leleiange 'a e fa'ahi 'e taha, 'e ngofua ki he Fakamaau'anga ke ne 'oatu ha tu'utu'uni fakamaau'anga 'o fakatatau ki he fakafuofua.

O.8 Tu'utu'uni 5. Tohi fanongonongo ki ha to e faka'iloa kehe

- (1) 'I ha hopo pe 'oku hanga ai ha faka'iloa 'o:
 - (a) 'eke ki ha to e faka'iloa kehe 'oku 'osi kau ki ha fa'ahi 'i he hopo, ha fa'ahinga tokoni pa'anga pe totongi huhu'i pe ha fa'ahinga tokoni pe fakatonotonu fekau'aki pe felave'i mo e fuofua 'uhinga tefito 'o e hopo; pe
 - (b) fiema'u ha fa'ahinga fehu'i pe me'a fekau'aki mo e fuofua 'uhinga tefito 'o e

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hopo ke fakapapau'i 'o 'ikai ke 'i he va pe
'o e talatalaaki pe a mo e faka'iloa ka ki
ha taha pe 'ia naua pe fakatou'osi pea
mo ha to e faka'iloa kehe;

'e ngofua leva ki he faka'iloa, 'ikai fiema'u ha ngofua,
ke ne tukuatu mo tufa ki ha toe faka'iloa kehe ha
fanongonongo 'i he Sipinga 3.

- (2) Ko e tohi fanongonongo ki he taukapo 'e taha 'e
kau ki ai 'a e fakamatala ki he natula mo e
makatu'unga 'o e 'eke' pe, 'o hangē 'e pehee'
'a e hopo, 'a e tu'utu'uni pe 'tsiu' 'oku fiema'u
ke fai tu'utu'uni'i'.

O.8 Tu'utu'uni 6. Ngaahi toe fakaikiiki

- (1) 'E ngofua ki ha fa'ahi 'a ia na'e tufa kiai ha
fokotu'u tohi ke ne kole ki he fa'ahi ha'a na 'a e
tohi fokotu'u ke nau 'omai 'a e ngaahi fakaikiiki
'o e tukuaki'i pe ko ha toe me'a 'oku fokotu'u
mai, pea ka 'ikai ke 'omai 'e he fa'ahi koia 'a e
ngaahi fakaikiiki koia 'i loto 'i ha vaha'a taimi
fakapotopoto, 'e ngofua ki he Fakamaau'anga
ke ne fekau ki he ngaahi fakaikiiki koia ke
'omai.
- (2) 'I ha taimi kuo tukuatu ai 'a e ngaahi fakaikiiki,
tatau aipe pe na'e fakahoko 'o fakatatau ki ha
kole pe fekau 'a e Fakamaau'anga, kuo pau ke
faile ia pea tufa ko ha tohi ngaue fakalao ka
'ikai 'i ha sipinga 'o ha faitohi.
- (3) Kuo pau ki he kole pe tu'utu'uni ke fakataha'i
mo e ngaahi fakaikiiki, mo e me'a takitaha 'o e
ngaahi fakaikiiki koia ke hoko atu pe 'i he me'a
fehoanaki kiai 'i he kole pe fekau.
- (4) Kuo pau ki ha fekau 'i he tu'utu'uni ni ke 'oua

na'a fakahoko kimu'a 'a hono tufa 'o e taukapo, tukukehe, 'i ha tui 'a e Fakamaau'anga, ko e fekau 'oku matu'aki fiema'u pe 'aonga ke lava 'a e faka'iloa 'o fokotu'u tohi pe ki ha toe 'uhinga makehe.

O.8 Tu'utu'uni 7. Ngaahi fakatonutonu

- (1) 'E ngofua ki ha fa'ahi, te'eki ma'u ha ngofua mei he Fakamaau'anga, ke nau fakatonutonu ha fokotu'u tohi tu'o taha pe 'i ha fa'ahinga taimi pe kimu'a pea lau ko e fokotu'u tohi koia kuo tapuni.
- (2) 'E ngofua ki ha fa'ahi, te'eki ma'u ha ngofua mei he Fakamaau'anga, ke nau liliu ha fa'ahinga fokotu'u tohi hili hono lau ko e fokotu'u tohi koia kuo tapuni.
- (3) Kuo pau ki ha tohi kole ki ha ngofua ke fakatonutonu ha tohi kole ke fakahoko 'i ha fanongonongo tohi kole 'a ia kuo pau ke 'oatu fakataha mo ha tatau 'o e fakatonutonu 'oku fokotu'u atu.
- (4) 'I hano fakatonutonu pe tohi kole ke fakatonutonu, kuo pau ki hono fuofua tu'unga ke tauhi, pea ko e fakatonutonu kuo pau ke lanu kulokula pe laine'i lanu kulokula. 'O kapau ko e fakatonutonu ko hano tamate'i, kuo pau ki he konga tohi 'a ia 'oku 'ai ke tamate'i ke faka'ilonga'i 'aki ha fo'i laine lanu kulokula. 'O kapau ko e konga tohi 'oku 'ai ke fetongi pe tanaki atu, kuo pau ke fakahu ia 'i he faitu'u totonu 'o lanu kulokula pe laine'i lanu kulokula.
- (5) 'I ha taimi 'e fiema'u ai, tupu mei ha ola 'o e fakatonutonu, ke fakatonutonu 'a e fakamatala 'o e taukapo pe tali, kuo pau ki he fokotu'u tohi ke fakatonutonu 'o hange koia kuo fakamatala'i

'i he palakalafi (4).

- (6) 'I ha fa'ahinga taimi 'e toe fiema'u ai ha toe fakatonutonu, ko e toe fakatonutonu koia kuo pau ke 'i he lanu mata, pea pulu, pea toki engeenga.
- (7) 'O kapau 'e foaki 'e he Fakamaau'anga ha ngofua ke fakatonutonu ha fokotu'u tohi, 'e ngofua ke fakahoko 'a e fekau koia fekau'aki mo e ngaahi totongi pea ki hono to e fakahoko 'o e hopo koia ki he'ene pehe 'oku totonu.
- (8) Kuo pau ki ha tatau 'o e fokotu'u tohi kotoa pe kuo fakatonutonu ke faile mo tufa ki he fa'ahi kotoa 'o e hopo.

O.8 Tu'utu'uni 8. Tamate'i ha fokotu'u tohi

- (1) 'E ngofua ki he Fakamaau'anga 'i ha taimi pe ke tu'utu'uni ki ha fokotu'u tohi pe ko hano kongu ke tamate'i 'o kapau:
 - (a) 'oku mahino 'oku 'ikai ke 'i ai ha tu'unga fakapotopoto ke fakahoko ai ha hopo pe tu'unga taukapo fe'unga pe ko e fe pe 'oku hoko; pe
 - (b) 'oku fakaongoongo kovi, launoa pe fakalotokovi; pe
 - (c) 'oku ta'emahino,pe 'oku ne uesia pe fakatuai'i 'a hono fakamaau'i totonu 'o e hopo; pe
 - (d) ko e me'a koia 'oku ne maumau'i 'a e founga ngaue 'a e Fakamaau'anga;

pea 'e ngofua ke ne fekau ke fakatatali pe tamate'i pe fakahoko 'a e tu'utu'uni fakamaau'anga 'o

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fakatatau mo ia.

- (2) Kuo pau 'e 'ikai ke fakahoko ha fakamatala fakamo'oni 'i ha tohi kole 'oku fakahoko 'o fakatatau ki he palakalafi (1)(a).
- (3) Fakatatau ki he palakalafi 4, 'e ngofua ki he Fakamaau'anga 'iate ia pe, tamate'i ha hopo:
 - (a) 'o kapau ko e tohi fekau kuo 'osi hono 'aonga fakalao 'i he Fekau 6 Tu'utu'uni 4(1); pe
 - (b) ko e hopo ni na'e te'eki ke faka'aho ke fakamaau'i 'i loto 'i he ta'u 'e ua hili 'a hono tufa 'o e tohi fekau; pe
 - (c) ko e hopo ni na'e toloi fanongonongo pea te'eki ke fakahoko ha me'a kiai 'i loto 'i he ta'u 'e 2 mei he 'aho na'e fakahoko 'a e toloi.
- (4) Kuo pau ke 'oua na'a tamate'i ha hopo 'i he tu'utu'uni ko 'eni tukukehe kapau kuo 'osi 'oatu 'a e fanongonongo ki he ngaahi fa'ahi 'o 'ikai si'i hifo 'i he 'aho 'e 28 mei he 'aho kuo fakakaukau 'a e Fakamaau'anga ke tamate'i ai.

O.8 Tu'utu'uni 9. Taimi 'oku lau ai 'oku tapuni ha fokotu'u tohi

Ko e ngaahi fokotu'u tohi 'o ha hopo 'e lau ia kuo tapuni:

- (a) hili ha 'aho 'e 14 mei hono tufa 'o e tali mo e /pe taukapo ki he 'eke fakafepaki, pe
- (b) kapau he'ikai tufa ha fokotu'u tohi koia, hili 'a e 'aho 'e 14 mei he tufa 'o e taukapo,

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tatau aipe pe kuo fakahoko ha kole pe fekau ki ha fakamatala fakaikiiki ka kuo te'eki ke faipau kiai 'i he taimi koia.

FEKAU 9 : NGAHI FA'AHU

O.9 Tu'utu'uni 1. Hala hono fakakau mai pē ta'e fakakau mai

Kuo pau ke 'oua na'a fo'i ha 'eke ko e 'uhi ko e hala hono fakakau mai pe ta'efakakaumai.

O.9 Tu'utu'uni 2. Tukuange atu pe tanaki mai 'o ha fa'ahi

Fakatatau ki he Tu'utu'uni 4 mo e 5, 'e ngofua ki he Fakamaau'anga 'i ha fa'ahinga taimi pe 'o e hopo 'i ha 'uhinga pe 'a'ana pe ko ha kole, pea 'i he ngaahi tu'unga ko ia 'oku ne pehe 'oku totonu:

- (a) fekau ki ha tokotaha 'a ia 'oku 'ikai totonu pe fiema'u ke hoko ko ha fa'ahi ke 'ata ia mei he hopo;
- (b) fekau ke tanaki mai ha taha ko ha fa'ahi 'o kapau na'e totonu ke fakakau mai ko e fa'ahi pe kapau ko 'ene kau mai 'oku fiema'u pe 'aonga ke fakapapau'i ai ko e ngaahi me'a kotoa pe 'oku felave'i 'e lava fakahoko hano fakamaau'i aofangatuku.

O.9 Tu'utu'uni 3. Tohi kole ke tanaki mai pe tukange atu

Kuo pau ki ha tohi kole ke tanaki mai pe tukange atu ha fa'ahi ke fakahoko 'i ha fanongonongo tohi kole 'o pou pou ki ai ha tohi fuakava 'o fakahaa'i 'a e ngaahi makatu'unga tefito 'o e tohi kole koia.

O.9 Tu'utu'uni 4. Fiema'u ha ngofua ke tanaki mai ha talatalaaki

Kuo pau 'e 'ikai ke tanaki atu ha tokotaha ko ha talatalaaki ka 'ikai ke loto kiai 'a e tokotaha koia.

O.9 Tu'utu'uni 5. Ola 'o e taimi fakangatangata

Tukukehe 'o ka fekau'i 'e he Fakamaau'anga, kuo pau 'e 'ikai ke tanaki atu pe 'e fetongi atu ha tokotaha ko ha fa'ahi hili 'a e taimi 'aonga fakalao 'o ha taimi fakangatangata 'oku felave'i moia.

O.9 Tu'utu'uni 6. Hopo'i 'o e ngaahi koloa

- (1) 'I ha taimi 'e pekia ai ha tokotaha na'e faka'ilo, kuo pau ke fakahoko 'a e hopo 'o hange pe 'oku fakahoko ki he ngaaho koloa 'o e pekia.
- (2) 'I ha taimi 'e pekia ai ha taha na'e ala faka'ilo ka ko e tupu'anga 'o e hopo 'oku kei mo'ui pe, 'e ngofua ki he hopo ke fakahoko ki he ngaahi koloa 'o e pekia.
- (3) 'I he taimi koia 'oku ngaue'aki ai 'a e palakalafi (1) mo e (2) pea na'e te'eki ke foaki ha tohi tuku

koloa pe tohi pule'i 'o e koloa, kuo pau ki he talatalaaki ke ne tohi kole ki he Fakamaau'anga ke fokotu'u ha tokotaha ke ne fakafong'a e koloa.

- (4) Kuo pau ki ha tohi kole kuo fakahoko 'i he palakalafi (3) ke fakahoko 'i ha fanongonongo tohi kole 'o pou'ou'aki ha tohi fuakava 'aia kuo pau ke fakatou tufaki 'a e ongo tohi ni ki he tokotaha 'oku 'amanaki ke fokotu'u.

O.9 Tu'utu'uni 7. Tokotaha ta'u si'i pe 'ikai ke 'atamai lelei

- (1) 'E ngofua ki ha tokotaha 'oku 'ikai ke 'atamai lelei pe tokotaha ta'u si'i ke ne kamata mo talatalaaki 'i ha ngaahi hopo 'o fakafou 'i hano kaume'a hoko pea 'e ngofua ke taukapo'i 'a e hopo 'e hano tauhi.
- (2) Kuo pau ke 'oua na'a hoko atu ha ngaue 'i ha fa'ahinga hopo pe 'e ha tokotaha 'oku 'ikai ke 'atamai lelei pe ko ha tokotaha ta'u si'i kae 'oua kuo 'oatu hono kaume'a hoko pe 'e hono tauhi (pe ko fe pe 'oku hoko) ki he Fakamaau'anga ha ngofua 'i ha tohi 'oku ne loto ke fakafong'a'i mei he tokotaha 'oku 'amanaki ke ne hoko ko e kaume'a hoko pe ko e tauhi fakataha mo ha tohi fakamo'oni mei ha fakafong'a lao 'oku ne fakafong'a'i 'a e tokotaha 'oku 'ikai ke 'atamai lelei pe ko e tokotaha ta'u si'i 'o fakamo'oni'i ai ko e:
- (a) tokotaha 'a ia 'oku fekau'aki kiai 'a e tohi fakamo'oni ko ha tokotaha 'oku 'ikai ke 'atamai lelei pe ko ha tokotaha ta'u si'i (pe ko fe pe 'oku hoko), 'o fakaha ai 'a e ngaahi makatu'unga tefito 'o 'ene 'ilo pe tui pehe; pea

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- (b) tokotaha koia 'oku fakahingoa 'i he tohi fakamo'oni ko e kaume'a hoko pe tauhi 'oku 'ikai ha'ane kaunga 'i he hopo koia 'a ia 'e fehanganagai pea mo e ngaahi totonu 'a e tokotaha 'oku 'ikai ke 'atamai lelei pe tokotaha ta'u si'i, pea ko e tokotaha fe'unga pe ia ke ne hoko ko e kaume'a hoko pe tauhi.
- (3) 'I ha taimi 'e tufa ai 'a e fokotu'u tohi ki ha fa'ahi 'oku ha mai ko ha tokotaha 'oku 'ikai ke 'atamai lelei pe ko ha tokotaha ta'u si'i, kuo pau ki he fa'ahi koia na'a nau tufa 'a e tohi ngaue koia, ke kimu'a pea nau toe fakahoko ha ngaue 'i he hopo, fakahoko ha tohi kole ki he Fakamaau'anga 'i ha fanongonongo tohi kole ki ha ngaahi tu'utu'uni fakahinohino pe 'oku tonu ke fokotu'u ha tauhi ke ne fakafofonga'i 'a e tokotaha koia.
- (4) Kapau 'i hano fakamaau'i 'o ha tohi kole 'i he palakalafi (3), 'oku pehee 'e he Fakamaau'anga 'oku taau ke malu'i 'a e lelei 'a e tokotaha 'oku tufa kiai, kuo pau ke ne fekau'i ha tokotaha fe'unga ke fokotu'u ko e tauhi.

O.9 Rule 8. Fakangatangata 'o e ngaahi fa'ahi mo hono fakafofonga'i

'I he ngaahi hopo kotoa pe, kuo pau ki he ni'ihiki kotoa pe 'oku fakahingoa pe fakakau atu ko ha fa'ahi ke fakangatangata pe ki he ngata'anga 'oku ala ngaue'aki ki he tokolahi 'oku fiema'u ke nau 'i Fakamaau'anga ki hano fakapapau'i taau mo totonu 'o e me'a pe ngaahi me'a na'e 'ohake 'i he hopo pe ko nautolu 'oku pehe 'oku ha'i 'aki ha tu'utu'uni fakamaau'anga 'i ai.

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FEKAU 10 : NGA AHI HOPO 'A E FA' AHI HONO TOLU**O.10 Tu'utu'uni 1. Fiema'u ha ngofua ke tufa ki he fa'ahi hono tolu**

'I ha taimi kuo faile ai 'e ha faka'iloa ha taukapo 'o:

- (a) 'eke ai ki ha tokotaha 'oku 'ikai ke kau ki ha fa'ahi 'i he hopo ha fa'ahinga totongi pe totongi huhu'i; pe
- (b) 'eke ki he tokotaha koia ha tokoni 'aia 'oku lahilahi hange pe koia 'oku 'eke 'e he talatalaaki; pe
- (c) fiema'u ha fa'ahinga me'a pe 'oku 'ohake 'i he hopo ke fakapapai'i moia mo 'ene uesia 'a e tokotaha koia;

'e ngofua ki he faka'iloa koia ke ne tohi kole ki ha ngofua ke tukuatu ha fanongonongo ki ha fa'ahi hono tolu.

O.10 Tu'utu'uni 2. Tohi kole ki ha fanongonongo ki he fa'ahi hono tolu

Kuo pau ki ha tohi kole ki ha ngofua ke tuku atu ha fanongonongo ki he fa'ahi hono tolu ke fakahoko 'i ha fanongonongo tohi kole 'o pou pou'aki ha tohi fuakava 'o:

- (a) fakahaa'i ai 'a e tokotaha 'a ia 'oku fakahoko ai 'a e hopo koia; pea
- (b) fokotu'u atu 'a e ngaahi makatu'unga tefito 'o e tohi kole; pea

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- (c) fakahu ko e fakamo'oni fakahaha ha tatau 'o e fanongonongo ki he fa'ahi hono tolu kuo fokotu'u.

O.10 Tu'utu'uni 3. Ola 'o e fanongonongo ki he fa'ahi hono tolu

'O kapau 'e foaki 'e he Fakamaau'anga ha ngofua ke tukuatu ha fanongonongo ki he fa'ahi hono tolu, kuo pau ki he ngaahi tu'utu'uni ni ke ngaue'aki 'o hange pe ko e fanongonongo ki he fa'ahi hono tolu ko ha tohi fekau na'e tuku atu 'e he faka'iloa pea mo e fa'ahi hono tolu ko ha faka'iloa 'i he tohi fekau koia.

O.10 Tu'utu'uni 4. Fanongonongo ki he fa'ahi hono fa pe fa'ahi kimui

'I hano faile 'e ha fa'ahi hono tolu pe fa'ahi kimui ha taukapo 'o fakahoko ai ha 'eke 'o hange koia 'oku fakamatala'i 'i he Tu'utu'uni 1, 'e ngofua ki he tokotaha koia ke ne tohi kole ki ha ngofua ke tuku atu ha toe fanongonongo ki ha fa'ahi hono fa pe fa'ahi kimui, pea kuo pau ki he ngaahi tu'utu'uni 'o e Fekau ni ke ngaue'aki mo ha ngaahi liliu 'oku fiema'u 'o hange pe ko e tokotaha na'a ne tuku atu 'a e tohi fanongonongo ko ha faka'iloa.

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FEKAU 11 : TUFU 'O E NGAHI TOHI NGAUE

O.11 Tu'utu'uni 1. Ngaahi fiema'u ki he ngaahi tohi ngaue

- (1) Kuo pau ki he tohi ngaue kotoa pe 'oku faile 'i Fakamaau'anga ke:
 - (a) fokotu'u ai 'a e tu'asila ki hono tufa 'o e fa'ahi koia na'a nau faile; pea
 - (b) tukukehe 'o ka faile 'o fekau'aki mo ha tohi kole fakahoko 'e ha fa'ahi 'e taha, kuo pau ke tufa ki he ngaahi fa'ahi kehe kotoa pe 'o hange 'oku tu'utu'uni 'i he ngaahi tu'utu'uni ni.
- (2) Tukukehe 'o ka fekau'i 'e he Fakamaau'anga, hili hano faile 'o ha tohi ngaue (kehe mei he ngaahi hopo 'ikai ke toe kau ai 'a e ngaahi fa'ahi kehe) kuo pau ke 'oua na'a toe fakahoko ha ngaue kehe 'i he hopo kae 'oua kuo fakahoko 'a hono tufa 'o e tohi ngaue koia.

O.11 Tu'utu'uni 2. Tohi Fanongonongo ki he ngaahi tu'utu'uni fakahinohino

- (1) Kuo pau ki ha fa'ahinga tohi ngaue faka-Fakamaau'anga pe ke tufaki ki ha tokotaha fakahangatonu, ke 'oatu fakataha mo fakama'u taupotu taha ki 'olunga 'o e tohi ngaue koe 'uhi ke fakatokanga'i ngofua, ha tohi fanongonongo

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ki he ngaahi tu'utu'uni fakahinohino 'i he Sipinga 4 'o e Tepile 'oku paaki fakatou'osi 'i he lea faka-Tonga mo e faka-Pilitania.

- (2) Kuo pau ki he tohi fanongonongo ki he ngaahi tu'utu'uni fakahinohino ke paaki 'i he mata'i tohi lalahi pea 'i he matalalahi 'ikai toe si'i hifo 'i he poini 12.

O.11 Tu'utu'uni 3. Ngaahi fatongia ki hono tufa

- (1) Fakatatau ki he tu'utu'uni 6, kuo pau ki he fa'ahi 'aia na'a nau faile ha tohi ngaue ke nau fakapapau'i na'e tufa 'o fakatatau mo e tu'utu'uni ni.
- (2) Tukukehe 'o ka fekau'i 'e he Fakamaau'anga, 'i hano fakafongangi ha fa'ahi 'e ha fakafongangi lao, kuo pau ki hono tufaki 'o e tohi ngaue 'a e fa'ahi koia ke fakahoko 'e he fakafongangi lao koia pe ko hano fakafongangi.
- (3) 'I hano fakafongangi fakaeia 'e he fa'ahi 'ene hopo, kuo pau ki hono tufaki 'o e tohi ngaue 'o e fa'ahi koia ke fakahoko 'e ha 'ofisa tufa, ki ha totongi koia 'e toki tu'utu'uni.
- (4) Tukukehe 'oka fekau'i 'e he Fakamaau'anga, 'i hano fakaha 'e fakafongangi fakalao ki he Fakamaau'anga 'oku ne fakafongangi ha fa'ahi, kuo pau ki hono tufaki 'o ha tohi ngaue ki he fa'ahi koia ke fakahoko 'aki hono tufaki ha tatau 'o ia kuo sila'i ki he'ene fakafongangi fakalao.
- (5) 'I hano fakafongangi fakaeia 'e he fa'ahi 'ene hopo, kuo pau ki hono tufaki 'o ha tohi ngaue ki he fa'ahi koia ke fakahoko fakatautaha 'aki 'a hono tufaki ki he tokotaha koia ha tatau 'osi sila'i, pe 'o kapau 'oku 'ikai loto pe ta'etokanga

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'a e tokotaha koia ke ne tali 'a e me'a tatau, 'aki ha'ane tukuhifo ia 'e ia ki lalo 'i hono ha'oha'onga 'i he hili hono fakaha kiai 'a e natula 'o e tohi.

O.11 Tu'utu'uni 4. Tohi fakamo'oni 'o e tufa

- (1) Kuo pau ki ha tokotaha 'oku ne tufa ha fa'ahinga tohi ngaue pe, ke 'i loto 'i he 'aho 'e 14 'o e tufa, fakafonu mo faile ha tohi fakamo'oni 'o e tufa 'i he Sipinga 5 'o fakaha ai 'a e ngaahi fakaikiiki 'o e taimi, 'aho, feitu'u mo e founa 'a hono tufa pea mo e founa na'e 'ilo'aki 'e he tokotaha tufa 'a e tokotaha na'e tufa kiai.
- (2) Kuo pau ki he hingoa mo e tu'asila 'o e tokotaha tufa ke hiki mata'aa'aa pe taipe'i 'i he 'ataa 'oku tuku atu 'i he tohi fakamo'oni 'o e tufa.
- (3) Kuo pau ki he tohi fakamo'oni ke ne fakahaa'i mahino ha'ane 'uhinga ki ha fa'ahinga tohi fanongonongo ki ha ngaahi tu'utu'uni fakahinohino 'oku fiema'u ke tufa 'i he Tu'utu'uni 2.

O.11 Tu'utu'uni 5. Tufaki 'e he Fakamaau'anga

- (1) Kuo pau ki he tufa 'a e Fakamaau'anga ki ha fakafongao lao 'oku ne fakafongao'i ha fa'ahi, ke fakahoko ia 'e he kalake 'o e Fakamaau'anga 'aki ha'ane tuku 'a e tohi ngaue 'i he tuku'anga fetohi'aki 'a e fakafongao lao koia 'i he 'ofisi 'o e Fakamaau'anga mo fokotu'u 'i he takafi 'o e faile 'a e ki'i tohi nounou koeni:

"Na'e tuku ki he tuku'anga fetohi'aki fikai

he AM/PM 'i he (fakahu 'a e 'aho)"

- (2) Kuo pau ki he kalake 'o e Fakamaau'anga ke ne fokotu'u hono fakanounou fakamata'itohi hono hingoa (initial) 'i he ki'i tohi nounou pea hili 'a e fokotu'u koia kuo pau ko ha fakamo'oni kuo fakahoko hono tufa.

O.11 Tu'utu'uni 6. Fetongi 'o e tufa

- (1) 'O kapau 'oku ha ki he Fakamaau'anga 'e 'ikai ala lava fakahoko 'a hono tufa ha fa'ahinga tohi ngaue 'o fakatatau ki he tu'utu'uni 3, 'e ngofua ke ne foaki ha ngofua ke fetongi atu 'aki ha toe fa'ahinga founa ki hono tufa 'a ia 'e ha ngalingali 'e lava 'o tuku atu ai 'a e tohi ngaue koia ke 'ilo kiai 'a e tokotaha ke tufa kiai
- (2) 'O kapau 'oku ha ki he Fakamaau'anga 'e 'ikai ala lava fakahoko ha tufa ki ha fa'ahi 'o fakatatau ki he tu'utu'uni 3, pe 'oku totonu ange pe fakapotopoto ke fakahoko 'a hono tufa 'o ha fa'ahinga tohi ngaue ki he fa'ahi koia, 'e ngofua ki he Fakamaau'anga ke ne fekau'i ke fakahoko 'a e tufa koia.
- (3) Kuo pau ki ha tohi kole ki ha tohi fekau 'i he tu'utu'uni ni ke fakahoko 'e ha fa'ahi kehe pea poupou'aki ha tohi fuakava 'o fakaha ai 'a e ngaahi ngaue kuo 'osi fakahoko ki hono fakahoko 'o e tufa pea fakaha'i 'a e ngaahi makatu'unga tefito 'o e tohi kole. 'E lava pe ke fiema'u 'a e taha kole ke ne 'iai tonu 'i hono fakahoko 'a e kole koia.
- (4) 'E ngofua ki ha tohi kole ki ha tohi fekau fetongi 'o e tufa ki ha taha 'oku nofo 'i tu'a he mafai fakalao 'o e fakamaau'anga ke fakahoko pe hili hano foaki ha ngofua 'i he Fekau 12, Tu'utu'uni 1 'o fakangofua hano tufa ki ha taha 'i tu'a 'i he

mafai fakalao 'o e fakamaau'anga.

- (5) 'E ngofua ki ha tohi kole ki ha ngofua ke tufa 'i tu'a 'i he mafai fakalao 'o e fakamaau'anga pea mo ha tohi fekau fetongi 'o e tufa ke fakataha'i 'i he fanongonongo tohi kole tatau pe.

FEKAU 12 : TUFU 'I TU'A 'I HE MAFU FUKALAU 'O E FAKAMAU'ANGA

O.12 Tu'utu'uni 1. 'I hano fakangofua

'E ngofua ki ha tohi fekau, 'i hano fakangofua 'e he Fakamaau'anga ke tufa ki tu'a 'i he mafai fakalao 'o e fakamaau'anga 'o kapau:

- (a) ko e tokotaha ke tufa ki ai 'oku nofo 'i he malumalu 'o e mafai fakalao kehe 'o e fakamaau'anga;
- (b) ko ha tu'utu'uni 'oku fiema'u 'o fekau'i 'a e faka'iloa ke ne fakahoko pe 'oua 'e fakahoko ha fa'ahinga ngaue 'i loto 'i he mafai fakalao 'o e fakamaau'anga;
- (c) ko e 'eke 'oku fakahoko ki ha taha 'i loto 'i he mafai fakalao 'o e fakamaau'anga pea ko ha tokotaha 'oku 'i tu'a 'i he mafai fakalao 'o e fakamaau'anga ko ha fa'ahi totonu mo taau ki ai;
- (d) ko e 'eke 'oku fakahoko 'i ha aleapau pea;
- (i) ko e aleapau na'e fa'u 'i loto 'i he mafai fakalao 'o e fakamaau'anga, pe

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- (ii) ko e aleapau na'e fa'u 'e he pe fakafou 'e ha fakafongga 'oku fefakatau'aki pe nofo 'i loto 'i he mafai fakalao 'o e fakamaau'anga ma'ae pule 'oku fefakatau'aki pe nofo 'i tu'a 'i he mafai fakalao 'o e fakamaau'anga, pe
 - (iii) ko e aleapau 'oku pule'i 'e he lao 'o Tonga, 'o tatau aipe pe 'oku fakaha mahino pe ko hano faka'uhinga'i koia, pe
 - (iv) ko e aleapau 'oku ne 'oatu 'a e mafai fakalao ki he Fakamaau'anga, pe
 - (v) ko fe pe feitu'u na'e fa'u ai 'a e aleapau, 'oku fakahoko 'a e 'eke 'o fakatatau ki hono maumau'i 'o e aleapau na'e fakahoko 'i loto 'i he mafai fakalao 'o e fakamaau'anga.
- (e) ko e 'eke 'oku fakahoko 'i he maumau sivile pea ko e ngaue na'e tupu ai 'a e maumau pe ko e maumau na'e hoko ia 'i loto 'i he mafai fakalao 'o e fakamaau'anga;
 - (f) ko e 'eke 'oku fakahoko ke fakahoko'aki ha ngaahi talasiti mei ha tohi ngaue fakalao 'aia ko e talasiti ko ia 'oku totonu ke fakahoko 'o fakatatau ki he lao 'o Tonga, pea ko e taha ke tufa kiai ho ha tokotaha talasiti;
 - (g) ko e 'eke 'oku fekau'aki mo hono pule'i 'o ha koloa 'o ha tokotaha pe kuo ne pekia 'i loto 'i he mafai fakalao 'o e fakamaau'anga;
 - (h) ko e 'eke 'oku fakahoko ke fakahoko'aki ha fa'ahinga tu'utu'uni fakamaau'anga.

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O.12 Tu'utu'uni 2. Tohi kole ki ha ngofua

Kuo pau ki ha tohi kole ki ha ngofua 'i he tu'utu'uni 1 ke fakahoko ia 'ikai toe tufa ki he fa'ahi kehe 'i ha fanongonongo tohi kole mo ha tohi fuakava 'o fakaha ai 'a e:

- (a) ngaahi makatu'unga tefito 'a ia 'oku fakahoko ai 'a e tohi kole;
- (b) tui 'a e tokotaha fuakava 'oku 'iai 'a e makatu'unga lelei ki hono fakahoko 'a e ngaue ni 'e he tokotaha kole; mo e
- (c) tu'asila 'a ia 'oku faka'amu ke fakahoko kiai 'a hono tufa ki he faka'iloa.

O.12 Tu'utu'uni 3. 'I hano foaki ha fakangofua

'I hano foaki ha ngofua 'i he tu'utu'uni 1:

- (a) kuo pau ki he Fakamaau'anga ke ne fokotu'u 'a e taimi 'oku fakangofua ai ki he faka'iloa ke ne faile ha taukapo, pea
- (b) kuo pau ki ha tatau 'o e fekau ki hono foaki 'o e ngofua ke tufa fakataha mo e tohi fekau.

O.12 Tu'utu'uni 4. Taimi 'oku lau ai kuo fakahoko 'a e tufa

Kuo pau ki hano tufa 'o ha tohi fekau 'o fakatatau ki ha fekau fakatatau ki he tu'utu'uni 1 ke lau kuo fakahoko 'o kapau na'e tufa:

- (a) hangatonu ki he tokotaha koia, pe

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- (b) fakatatau ki ha fekau ki he fetongi tufa, pe
- (c) fakatatau ki he lao 'o e fonua 'a ia 'oku fakahoko ai 'a hono tufa.

FEKAU 13 : NGAahi TOHI KOLE KI HA NGAahi FEKAU FAKA-FAKAMAAU'ANGA'

O.13 Tu'utu'uni 1. Sipinga 'o e tohi kole

- (1) Fakatatau ki he palakalafi 2, kuo pau ki ha tohi kole ke fakahoko ki he Fakamaau'anga 'aki hano faile ha fanongonongo tohi kole 'i he Sipinga 6.
- (2) 'E ngofua ki ha tohi kole ke fakahoko ki he Fakamaau'anga 'o 'ikai 'i he founga ngaue angamaheni 'ikai toe faile ha fanongonongo tohi kole;
 - (a) 'o kapau 'oku 'iai ha matu'aki fakavavevave makehe;
 - (b) 'i hano fakangofua 'e ha fekau faka-Fakamaau'anga, tu'utu'uni pe fakahinohino fakangaue; pe
 - (c) 'i hano fakangofua 'e he Fakamaau'anga.
- (3) Tukukehe 'o ka tu'utu'uni kehe 'i he ngaahi tu'utu'uni ni, 'e ngofua ki ha fa'ahi 'i ha tohi kole 'o fakamatala'i 'i he fanongonongo tohi kole ko e kau tohi kole mo e kau tali atu 'o e kole

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neongo 'a honau fakaikiiki 'i he ngaahi hopo lalahi.

- (4) 'E ngofua ki ha fa'ahi 'i ha tohi kole fekau'aki mo hono fakahoko 'o ha tu'utu'uni fakamaau'anga pe fekau, 'i ha'ane taau, ke fakamatala'i ko e ni'ihii 'oku tu'utu'uni ke totongi kiai 'a e mo'ua 'i he hopo mo e ni'ihii 'oku tu'utu'uni ke totongi 'a e mo'ua 'i he hopo

O.13 Tu'utu'uni 2. Kakano 'o e tohi kole

- (1) Kuo pau ki ha fanongonongo tohi kole ke ne:
- (a) fakamatala'i 'a e fekau 'oku fiema'u 'e he tokotaha kole;
 - (b) fakaha nounou kae mahino 'a e ngaahi makatu'unga tefito ki hono fiema'u 'o e fekau;
 - (c) fakaha ha tu'utu'uni fakalao, tu'utu'uni pe tefito'i kaveinga fakalao 'oku fakafalala kiai;
 - (d) 'i ha taimi 'oku te'eki ke kau atu ai ha tokotaha kole ki ha fa'ahi 'i ha hopo, fakakau ha tu'asila ki he tufa;
 - (e) kole ke fakamaau'i pe kole ke fakahoko ha ngaue ki he tohi ngaue ka e 'oua 'e toe fakamaau'i; mo
 - (f) faipau ki ha toe fiema'u kehe 'o e ngaahi tu'utu'uni.
- (2) Kuo pau ki ha fanongonongo tohi kole ke 'oatu fakataha mo ha tohi fuakava kuo 'osi fakafuakava'i pea faile ke poupou'aki. 'E ngofua

ki he fanongonongo tohi kole ke lave ki he ngaahi makatu'unga tefito 'oku ha 'i ha tohi fuakava poupu.

- (3) 'I ha taimi 'oku fakahoko ai ha tohi kole ki ha fa'ahi pe 'e taha pea 'oku 'iai pe mo e toe ngaahi fa'ahi kehe ki he hopo, ko e fa'ahi pe 'oku fiema'u mei ai 'a e fekau 'oku tonu ke fakahingoa ko e tokotaha tali 'i he fanongonongo tohi kole, ka 'oku totonu ke tufa 'e he tokotaha kole ha tatau 'o e tohi kole ki he ngaahi fa'ahi kehe ke fakataumu'a ma'u fakamatala.
- (4) Kuo pau ki ha fanongonongo tohi kole ke fakapipiki kiai 'a e tohi fakaangaanga 'o e fekau na'e fiema'u.

O.13 Tu'utu'uni 3. Ngaahi tohi kole ke tukuatu ki ha Fakamaau

- (1) Kuo pau ki he fanongonongo tohi kole kotoa pe 'oku faile 'i he Fakamaau'anga ke tukuatu ki he Fakamaau 'a ia kuo pau ke ne tu'utu'uni ki he founa ngaue kuo pau ke fakahoko ki he tohi kole.
- (2) 'E ngofua ki he Fakamaau'anga ke nau ngaue ki ha tohi kole 'ikai ke toe fakamaau'i 'i he ngaahi tu'unga koe 'oku tu'utu'uni'i atu 'i he tu'utu'uni 4.
- (3) Kuo pau ki he Fakamaau'anga ke fakamaau'i 'a e kotoa 'a e ngaahi hopo kehe.
- (4) 'E ngofua ki he Fakamaau'anga ke ne fiema'u ha tohi kole 'oku fakahoko 'e ha fa'ahi kehe ke fakamaau'i.

O.13 Tu'utu'uni 4. Ngaahi tohi kole 'e malava 'o fakahoko ha ngaue kiai 'ikai toe fakamaau'i

- (1) 'E ngofua ki he Fakamaau'anga ke nau fakahoko ha ngaue ki ha tohi kole 'ikai toe fakamaau'i 'okapau:
- (a) 'oku fiemalie 'a e ngaahi fa'ahi ki he ngaahi tu'unga 'o e fekau 'oku fiema'u;
 - (b) 'oku uesia tokotaha pe 'a e fa'ahi koia 'oku kole, pe 'oku felave'i mo ha founa ngaue angamaheni;
 - (c) 'oku felotoi 'a e ngaahi fa'ahi ko e Fakamaau'anga 'oku totonu ke ne tu'utu'uni ki he tohi kole 'ikai toe fakamaau'i;
 - (d) 'e fakangofua 'e ha fa'ahinga lao, tu'utu'uni pe fakahinohino founa fakahoko ngaue; pe
 - (e) 'e pehe 'e he Fakamaau'anga 'oku totonu ki he lelei 'o e fakamaau totonu ke ne fakahoko hano fakamaau'i.
- (2) Tukukehe 'o ka kehe ha tu'utu'uni fakahinohino 'a e Fakamaau'anga, kuo pau ki ha tohi kole 'i he tu'utu'uni ni ke lau ko e tohi kole 'oku fakahoko 'e ha fa'ahi kehe pea 'e 'ikai ke fiema'u ia ke tufa ha fanongonongo tohi kole ki he tokotaha.

O.13 Tu'utu'uni 5. Tufa 'o e ngaahi tohi kole 'oku fiema'u ke fakamaau'i

- (1) 'O kapau 'oku fiema'u 'i he tohi kole ke

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fakahoko hano fakamaau'i pea 'oku fekau'aki mo ha hopo lolotonga, pea 'oku totonu ke 'i he faingamalie vavetaha pe 'e ala fakahoko ai hili hano faile 'o ha tohi kole pe, 'i he taimi koe ko ha tohi kole 'oku 'ikai toe tufa ki ha fa'ahi kehe, hili hono tuku atu 'o e fekau faka-Fakamaau'anga 'o tu'utu'uni'i ai ke fakamaau'i 'a e tohi kole, kuo pau ki he tokotaha kole ke ne tufa ha tatau 'o e fanongonongo tohi kole mo e ngaahi tohi ngaue pou pou (kau ai 'a e fekau-Fakamaau'anga 'oka fiema'u) ki he tokotaha tali takitaha.

- (2) Hili 'a hono faile 'e ha tokotaha kole 'a e (ngaahi) tohi fakamo'oni 'o e tufa, kuo pau ki he Fakamaau'anga ke ne fokotu'utu'u ke fakahoko ha fakamaau'i 'o e ngaahi tohi fekau ki he tu'utu'uni fakahinohino ke fakapapau'i 'a hono fakahoko 'o e tohi kole 'i he kaha'u.
- (3) 'O kapau ko e tohi kole ke fakamaau'i 'oku 'ikai ke fekau'aki mo ha hopo lolotonga, pea 'oku totonu ke 'i hono faile 'o e fanongonongo tohi kole, kuo pau ki he Fakamaau'anga ke ne tuku atu ha fekau 'o 'oatu ai 'a e ngaahi fakahinohino fekau'aki mo e tufa mo e/pe ko hono fakahoko 'o e hopo 'i he kaha'u pe ui ha fakamaau'i 'o e ngaahi tohi fekau ki he tu'utu'uni fakahinohino.
- (4) 'I hono tuku atu 'e he Fakamaau'anga ha fekau 'i he palakalafi (3) kuo pau ki he tokotaha kole ke ne fakahoko 'a e tufa 'o fakatatau ki he ngaahi tu'utu'uni fakahinohino 'i he fekau koia.

O.13 Tu'utu'uni 6. Ngaahi mafai 'o e Fakamaau'anga

- (1) 'I hano ui 'o ha fakamaau'i 'o e ngaahi tohi fekau ki he tu'utu'uni fakahinohino 'i he Tu'utu'uni 5 pea ko e tokotaha kole pe ko e

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taha tali 'oku 'ikai malava ke na kau atu, 'e ngofua ki he Fakamaau'anga ke hoko atu pe 'i he 'ikai ke 'i ai 'a e fa'ahi pe 'e ngofua ki he Fakamaau'anga, 'i ha kole fakahoko ngutu pe 'i ha'ane fokotu'u pe 'a'ana, ke toloi 'a hono fakamaau'i.

- (2) 'I hano fakakaukau'i 'o ha tohi kole, 'e ngofua ki he Fakamaau'anga ke fakahoko ha to e fekau kehe 'a ia ko e tokotaha kole 'oku 'iai 'a 'ene totonu kiai, neongo ko e fekau koia na'e 'ikai fakahoko pau ha tohi kole kiai. 'E ngofua ki he fekau koia ke fakahoko ko ha fakalahi pe ko ha fetongi 'o e fekau na'e fiema'u 'e he tokotaha kole.
- (3) 'E ngofua ki he Fakamaau'anga 'i ha fa'ahinga fekau pe 'oku fakahoko 'i he tu'utu'uni ke ne 'oatu 'a e ngaahi fakahinohino koia 'oku ne pehe 'oku totonu 'i he'ene fekau'aki mo e tohi kole pe ko hano fakahoko 'o e hopo 'i he kaha'u.

O.13 Tu'utu'uni 7. Tuku ki he tafa'aki ha fekau faka-Fakamaau'anga

- (1) 'E ngofua ki ha tokotaha na'e 'ikai ke tufa kiai ha tatau 'o ha fanongonongo tohi kole kimu'a pea na'e fakahoko ha fekau 'i he Fekau ni, ka ne pehe na'e uesia lahi mei ai, ke ne tohi kole ke tuku ki he tafa'aki pe liliu 'a e fekau.
- (2) Kuo pau ki ha tohi kole 'i he tu'utu'uni ni ke fakahoko 'i ha fanongonongo tohi kole 'i loto 'i he 'e fitu hili 'a e 'aho 'a ia na'e ma'u ai 'e he tokotaha kole 'a e fekau.

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- (3) 'E ngofua ki he Fakamaau'anga ke ne tuku ki he tafa'aki pe liliu ha fekau ki he ngaahi tu'unga koia 'oku ne pehe 'oku totonu.

O.13 Tu'utu'uni 8. Totongi 'o e ngaahi tohi kole

- (1) 'I hano fakahoko ha fekau 'i he'ene felave'i mo ha tohi kole, 'e ngofua ki he Fakamaau'anga ke ne fakahoko 'a e fekau koia ki he ngaahi totongi 'oku ne pehe 'oku totonu.
- (2) 'O kapau ko e fekau 'oku 'ikai ha'ane lave ki he ngaahi totongi, pea ko e totongi leva 'i he'ene felave'i mo e tohi kole 'e lau ko e ngaahi totongi 'i he hopo.

FEKAU 14 : TU'UTU'UNI FAKAMAAU'ANGA 'I HA 'IKAI HA TAUKAPO

O.14 Tu'utu'uni 1. Tohi kole ke fakahoko 'e ha fa'ahi 'e taha

'I ha taimi 'e 'ikai ke lava ai ha faka'iloa 'o faile ha taukapo 'i loto 'i he taimi 'oku fakangata ai:

- (a) 'e he Fekau 8, tu'utu'uni 3 pe
- (b) 'e ha fekau na'e fakahoko 'i he Fekau 5, tu'utu'uni 1, pe

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- (c) 'e ha aleapau na'e fakahoko 'i he Fekau 5, tu'utu'uni 3,

'e ngofua ki he talatalaaki, 'i ha tohi kole 'oku fakahoko 'e ha fa'ahi kehe, ke ne fakahu ha tu'utu'uni fakamaau'anga aofangatuku ki he faka'iloa koia.

O.14 Tu'utu'uni 2. Ngaahi tohi ngaue poupou

- (1) Kuo pau ki ha tohi kole 'i he tu'utu'uni 1, ke fakahoko 'i ha fanongonongo tohi kole 'o poupou'aki kiai ha tohi fuakava 'oku fuakava'i ai:
- (a) 'a e 'aho mo e, 'i hano fiema'u, 'a e ngaahi tu'unga 'o e tufa 'o e tohi fekau ki he faka'iloa takitaha 'a ia na'e fiema'u ke fakamaau'i.
 - (b) 'a e mo'oni na'e te'eki ke faile ha taukapo;
 - (c) ha mahu'inga kuo 'osi totongi ki ha mo'ua na'e 'eke talu hono faile 'o e tohi fekau;
 - (d) 'a e mahu'inga na'e 'eke 'i ha ngaahi mahu'inga kuo fakamahu'inga'i fakapa'anga;
 - (e) 'a e fekau na'e fiema'u 'i ha ngaahi maumau 'oku 'ikai ke fakamahu'inga'i fakapa'anga.
- (2) Ko e fanongonongo tohi kole ke poupou'aki ha tu'utu'uni fakamaau'anga 'i hano 'ikai fakahoko ha totongi fakaangaanga 'i he Sipinga 7, kuo fakatonutonu ki hano fiema'u.
- (3) 'Oku 'ikai ke tonu ki he tohi kole ke kau ai ha

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'eke ki ha ngaahi totongi ka ko e tohi mo'ua ki he ngaahi totongi pou pou 'oku tonu ke fakahu atu ki he Fakamaau'anga pea tufa ki he fa'ahi 'oku 'ikai kenau fakahoko 'a e totongi, 'o fakatatau ki he Fekau 45, tu'utu'uni 4.

O.14 Tu'utu'uni 3. Fakahu 'o ha tu'utu'uni fakamaau'anga

- (1) 'I hano fokotu'u 'i he tohi fekau ha 'eke ki ha ngaahi maumau kuo fakamahu'inga'i fakapa'anga pe, 'e ngofua ki he talatalaaki ke ne fakahu 'a e tu'utu'uni fakamaau'anga ki ha pa'anga 'oku 'ikai lahi hake 'i he mahu'inga 'oku 'eke 'i he tohi fekau pea mo e ngaahi totongi.
- (2) 'I hano fokotu'u 'i he tohi fekau ha 'eke ki ha ngaahi maumau 'oku 'ikai ke fakamahu'inga'i fakapa'anga pe, 'e ngofua ki he talatalaaki ke ne fakahu ha tu'utu'uni fakamaau'anga ke fakafuofua'i e ngaahi maumau, mo e ngaahi totongi.
- (3) 'I hano fokotu'u 'i he tohi fekau ha 'eke 'o fekau'aki mo hano tauhi ha ngaahi koloa, 'e ngofua ki he talatalaaki ke ne fakahu he tu'utu'uni fakamaau'anga:
 - (a) ki hano 'oatu 'a e ngaahi koloa ki he talatalaaki mo e ngaahi totongi, pe
 - (b) ki he mahu'inga 'o e ngaahi koloa ke fakafuofua'i, mo e ngaahi totongi.

O.14 Tu'utu'uni 4. Tuku ki he tafa'aki ha tu'utu'uni fakamaau'anga

- (1) 'E ngofua ki ha tu'utu'uni fakamaau'anga na'e

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fakahu 'i he tu'utu'uni 1 ke tuku ki he tafa'aki 'okapau 'e fakafiemale'i 'e ha faka'iloa 'a e Fakamaau'anga na'e:

- (a) 'i ai ha 'uhinga lelei ki he 'ikai malava ke faile ha taukapo 'i he taimi totonu; pea
 - (b) 'i ai ha'ane taukapo 'oku ala fakakihikihi'i; pea
 - (c) 'e 'ikai hoko ha maumau 'ikai toe ala fakalelei'i ki he talatalaaki 'o ka tuku ki he tafa'aki 'a e tu'utu'uni fakamaau'anga.
- (2) Kuo pau ki he fanongonongo tohi kole 'i he palakalafi (1) ke pou pou'aki ha tohi fuakava.

O.14 Tu'utu'uni 5. Kau faka'iloa kehe

'I hano fakahu 'o ha tu'utu'uni fakamaau'anga 'i he fekau ni ki ha faka'iloa 'e taha pe lahi hake, 'e ngofua ki he talatalaaki ke hoko atu 'a e hopo ki ha to e faka'iloa, kapau 'oku 'i ai.

FEKAU 15 : TU'UTU'UNI 'IKAI HOPO'I

O.15 Tu'utu'uni 1. Taimi 'oku ngaue'aki ai 'a e tu'utu'uni 'ikai hopo'i

Ko e fekau ni 'oku ngaue'aki ki he ngaahi hopo kotoa pe tukukehe pe 'a e ngaahi hopo 'oku:

- (a) 'i he Lao ki he Ngaahi Kautaha 1995;

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- (b) fekau'aki mo e ngaahi me'a ki he folau tahi;
- (c) vakai'i faka-Fakamaau'anga.

O.15 Tu'utu'uni 2. Ngaahi makatu'unga tefito 'o ha tohi kole

'I hano tufa 'o ha tohi fekau mo ha fakamatala 'o e 'eke ki ha faka'iloa kuo ne 'osi faile ha taukapo, 'e ngofua ki he talatalaaki ke ne tohi kole ki he Fakamaau'anga ki he tu'utu'uni fakamaau'anga ki he faka'iloa 'i he makatu'unga tefito ko e:

- (a) faka'iloa 'oku 'ikai ha'ane taukapo ki he 'eke, pe ko ha fa'ahinga kongā 'o e 'eke koia, pe
- (b) faka'iloa 'oku 'ikai ha'ane taukapo ki he 'eke, pe ko ha fa'ahinga kongā 'o e 'eke koia tukukehe pe 'a e lahi 'o e ngaahi maumau

O.15 Tu'utu'uni 3. Tohi fuakava pou pou

- (1) Kuo pau ki ha fanongonongo tohi kole 'i he tu'utu'uni 2 ke pou pou kiai ha tohi fuakava 'o:
 - (a) fakapapau'i 'a e ngaahi mo'oni'i me'a 'a ia ko e 'eke pe ko e kongā 'o e tohi kole 'oku fekau'aki mo ia, 'oku makatu'unga ai; pea
 - (b) fakaha ai 'oku tui 'a e tokotaha fuakava:
 - (i) 'oku 'ikai ha taukapo ki he 'eke, pe ko e kongā 'o e 'eke, pe ko fe pe 'ia naua; pe

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(ii) 'oku 'ikai ha taukapo ki he 'eke, pe ko e konga koia 'o e 'eke, pe ko fe pe 'ia naua, tukukehe pe 'a e lahi 'o e ngaahi maumau.

(2) 'E ngofua ki ha tohi fuakava 'i he palakalafi (1), tukukehe 'o ka kehe ha fekau 'a e Fakamaau'anga, ke kau ai 'a e ngaahi fakamatala fakahinohino pe tui, ka 'i hono fakaha 'a e ngaahi ma'u'anga fakamatala mo e ngaahi makatu'unga tefito.

O.15 Tu'utu'uni 4. Tohi kole ke 'i he fanongonongo

Kuo pau ki he fanongonongo tohi kole mo ha tatau 'o e tohi fuakava pou pou (kau ai mo ha fa'ahinga fakamo'oni fakahaha) ke tufa ki he faka'iloa 'o 'ikai toe si'i hifo 'i he 'aho kakato 'e 10 kimu'a 'a e 'aho na'e fokotu'u ke fakahoko ai hono fakamaau'i 'o e tohi kole.

O.15 Tu'utu'uni 5. Fakafepaki'i 'o ha tohi kole

(1) 'E ngofua ki ha faka'iloa ke ne fakafepaki'i ha tohi kole na'e fakahoko 'i he fekau ni 'aki ha tohi fuakava pe 'aki ha ngofua mei he Fakamaau'anga 'i ha toe founa kehe.

(2) Kuo pau ko ha tohi fuakava 'a ha faka'iloa ke fakaha'i mahino 'i ai pe ko e ha 'a e taukapo, pea ko e ha 'a e ngaahi mo'oni'i me'a 'oku fakafalala ki ai ke ne pou pou'i.

(3) Tukukehe 'o ka fekau'i, kuo pau ki he tohi fuakava 'a e faka'iloa ke tufa ki he talatalaaki 'o 'ikai toe si'i hifo 'i he 'aho kakato 'e 2 kimu'a pea fakamaau'i 'a e tohi kole.

O.15 Tu'utu'uni 6. Ngaahi mafai 'o e Fakamaau'anga

'I hano fakamaau'i 'o ha tohi kole, 'e ngofua ki he Fakamaau'anga 'i he ngaahi tu'unga makehe ke ne to e tali ha toe fakamo'oni 'i hano fuakava'i, pea 'e ngaofua ke ne:

- (a) toloi 'a hono fakamaau'i pea 'oatu ha ngaahi fakahinohino ki hano toe fakahoko 'o e tohi kole;
- (b) fakahu 'a e tu'utu'uni fakamaau'anga ki he talatalaaki ki he katoa pe kongā 'o e tefito'i 'uhinga 'o e tohi kole;
- (c) 'oatu ki he faka'iloa ha ngofua ke ne taukapo'i 'a e 'eke pe ko hano kongā, pe 'e 'ikai toe fakangatangata pe 'i ha ngaahi tu'unga koia 'oku ne pehe 'oku totonu; pe
- (d) ta'ofi 'a e tohi kole.

O.15 Tu'utu'uni 7. 'Eke fakafepaki

'E ngofua ki he Fakamaau'anga 'i ha'ane fakahu ha tu'utu'uni fakamaau'anga 'i ha 'eke, ke ne ta'ofi 'a hono fakahoko 'o e tu'utu'uni fakamaau'anga ko ia kae 'oua kuo fakapapau'i ha fa'ahinga 'eke fakafepaki.

O.15 Tu'utu'uni 8. Fakamaau'anga ke 'oatu ha ngaahi tu'utu'uni fakahinohino

Kuo pau ki he Fakamaau'anga, 'i hano 'oatu ha ngofua ke taukapo'i 'a e 'eke pe hano fa'ahinga konga, ke ne 'oatu ha ngaahi tu'utu'uni fakahinohino ki hano toe fakahoko 'o e hopo.

FEKAU 16 : FAKAFOKI MO FAKANGATA**O.16 Tu'utu'uni 1. Fiema'u 'o ha ngofua**

- (1) 'E 'ikai ngofua ki ha fa'ahi ke ne fakangata pe fakafoki ha fa'ahinga konga 'o e hopo mo ha toe fa'ahi kehe 'ikai ma'u ha ngofua mei he Fakamaau'anga.
- (2) Kuo pau ki ha tohi kole ki ha ngofua 'i he tu'utu'uni ni ke fakahoko 'i ha fanongonongo tohi kole pea 'e ngofua ki he Fakamaau'anga ke ne foaki ha ngofua 'i he ngaahi tu'unga koia ki he ngaahi totongi pe me'a kehe 'oku ne pehee 'oku totonu.

O.16 Tu'utu'uni 2. 'E ngofua ke fakafoki 'a e taukapo 'ikai ma'u ha ngofua

- (1) 'E ngofua ki ha faka'iloa 'i ha hopo, 'i ha fa'ahinga taimi pe, 'ikai ha ngofua mei he Fakamaau'anga, ke ne fakafoki ha taukapo pe

ko hano fa'ahinga konga 'aki ha'ane tufa ha fanongonongo 'a hono fakahoko ki he talatalaaki.

- (2) 'I hano fakafoki 'o ha taukapo fakakatoa pe ko hano konga, 'e ngofua ki he Fakamaau, 'i he tohi kole 'a e talatalaaki, 'oatu 'a e tu'utu'uni fakamaau'anga mo fakahoko 'a e fekau koia ki he ngaahi totongi 'a ia 'e fe'unga.

FEKAU 17 : MALU'I KI HE NGAahi TOTONGI

O.17 Tu'utu'uni 1. Taimi 'e ala fakahoko ai ha fekau

'I ha'ane ha ki he Fakamaau'anga mei ha tohi kole 'o ha faka'iloa 'i ha hopo ko e:

- (a) talatalaaki 'oku ne nofo 'i tu'a 'i he mafai fakalao 'o e fakamaau'anga; pe
- (b) talatalaaki 'e 'ikai te ne lava 'o totongi 'a e ngaahi totoni 'a e faka'iloa 'o ka fekau'i ke ne fakahoko, pe
- (c) talatalaaki kuo te'eki ke ne fakaha 'a 'ene tu'asila totonu ki he Fakamaau'anga,

'e ngofua ki he Fakamaau'anga, 'okapau 'e hili hano fakakaukau'i kotoa 'o e ngaahi tu'unga kotoa 'o e me'a 'oku hoko 'oku ne pehe 'oku totonu ke fakahoko, fekau'i ke toloi kotoa 'a e ngaahi hopo kae 'oua kuo 'oatu 'e he talatalaaki ha malu'i 'o e ngaahi totongi 'a e faka'iloa ki he hopo 'i he mahu'inga koia pea 'i he

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founga koia 'e fakapapau'i 'e he Fakamaau'anga.

O.17 Tu'utu'uni 2. 'E ngofua ki he Fekau ke liliu pe tamate'i

'E ngofua ki ha fekau ki ha malu'i 'o ha ngaahi totongi, 'i hano fakahoko ha tohi kole, ke tamate'i, fakasi'isi'i pe fakalahi 'i ha fa'ahinga taimi pe.

FEKAU 18 : FEKUMI MO HONO SIVI 'O E NGAAHI TOHI NGAUE

O.18 Tu'utu'uni 1. Kole ki ha ngaahi tohi ngāue

- (1) 'E ngofua ki he konga kotoa pe 'i ha hopo, hili hono tapuni 'o e ngaahi fokotu'u tohi, fakahoko ha kole 'i ha tohi ki ha fa'ahinga fa'ahi pe 'e taha pe lahi hake 'i he fa'ahi fakafepaki ke 'oatu ha tohi hokohoko 'o e ngaahi tohi ngaue 'a ia 'oku pe na'e ma'u, tauhi pe 'i he mafai 'o e fa'ahi kehe koia 'oku fekau'aki mo ha fa'ahinga me'a 'i he vaha'a 'o e ongo fa'ahi koia.
- (2) Kuo pau ki he fa'ahi 'oku tufa kiai 'a e kole koia ke ne, 'i loto 'i he 'aho 'e 21 hono tufa, faile mo tufa ha tohi hohoko kakato 'o e ngaahi tohi ngaue koia.

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O.18 Rule 2. Tohi hokohoko 'o e ngaahi tohi ngaue

- (1) Kuo pau ki ha tohi hokohoko 'o e ngaahi tohi ngaue ke 'i he Sipinga 8, pea kuo pau ke fakahokohoko 'a e ngaahi tohi ngaue 'i ha hokohoko 'oku fe'unga 'o fakamatala'i nounou kinautolu.
- (2) 'Okapau 'oku faka'amu ke fakaha ko ha tohi ngaue ia 'oku fakangatangata 'a hono tukuatu ki tu'a, kuo pau ki he fakaha koia ke fakahoko 'i he tohi fakahokohoko 'o e fakahaa'i mahino ai 'a e ngaahi makatu'unga tefito ki he fakaha koia.

O.18 Tu'utu'uni 3. Tohi fuakava ke fakamo'oni'aki 'a e ngaahi tohi ngaue

- (1) 'E ngofua ki ha fa'ahinga fa'ahi pe na'e fakahoko ha kole 'i he tu'utu'uni 1 ke ne, 'i ha fa'ahinga taimi pe kimu'a 'a e mu'aki fakataha 'o e hopo, 'oatu ha fanongonongo ki he fa'ahi 'oku fiema'u ke nau fakahoko 'a e fekumi koia 'o fiema'u 'a e fa'ahi koia ke fakahoko ha tohi fuakava 'o fakamo'oni'i ai 'a e tohi hokohoko 'o e ngaahi tohi ngaue 'a e fa'ahi koia.
- (2) Kuo pau ki ha fa'ahi na'e tufa kiai ha fanongonongo 'i he palakalafi (1) ke 'i loto 'i he 'aho 'e 14 hili hono ma'u 'o e fanongonongo, ke ne fakahoko mo faile ha tohi fuakava 'o fakamo'oni'i ai 'a e tohi hokohoko 'a e ngaahi tohi ngaue 'a e fa'ahi koia mo tufa ha tatau ki he fa'ahi 'oku nau fiema'u 'a e tohi fuakava koia.
- (3) Kuo pau ki ha tohi fuakava 'oku ne fakamo'oni'i

‘a e tohi hokohoko ‘o e ngaahi tohi ngaue ke ‘i he Sipinga 9.

O.18 Tu’utu’uni 4. Fekau ke fekumi

- (1) ‘I ha tohi kole ha fa’ahinga fa’ahi pe ‘oku fiema’u ‘e he tu’utu’uni 1 ke fakahoko ha fekumi, pe ‘i ha’ane fokotu’u, ‘e ngofua ki he Fakamaau’anga ke ne:
 - (a) fekau’i ki he ngaahi fa’ahi pe ha taha pe ‘ia nautolu kuo pau ke ne fakahoko ha fekumi ‘o e ngaahi tohi ngaue;
 - (b) fekau’i ki he ngaahi fa’ahi pe ha taha pe ‘ia nautolu kuo pau ke ne fakahoko ha fekumi ‘o e ngaahi tohi ngaue koia ‘a ia ‘e tuhu’i pau mai ‘i he fekau; pe
 - (c) ‘o kapau ko e fekumi koia ‘oku ‘ikai ke fiema’u ia, pe ko hono fakahoko ‘i he founga totonu ‘a e hopo pe ki hono fakasi’isi’i ‘a e ngaahi totongi, tuku atu ‘a e fekumi ki ha fa’ahinga fa’ahi pe.
- (2) Kuo pau ki he fekumi ke fakahoko ‘i he tu’utu’uni ni ‘aki hono faile mo tufa ‘i loto ‘i he vaha’a taimi kuo tu’utu’uni ‘i he fekau faka-Fakamaau’anga ‘a e tohi fakahokohoko ‘o e ngaahi tohi ngaue fakamo’oni’i’aki ‘a e tohi fuakava ‘o hange koia ‘oku ‘oatu ‘i he Sipinga 8 mo e 9.
- (3) ‘I hano fakahoko ‘e ha fa’ahi ha tohi kole ki ha fekau ke fekumi ‘i he tu’utu’uni ni ko e ‘uhi koe ‘ikai malava ‘a e fa’ahi ‘e taha ke faipau totonu ki he ngaahi kupu ‘o e tu’utu’uni 1 pe 3, ‘e ngofua ki he Fakamaau’anga ke ne fekau ki he fa’ahi ‘ikai fakahoko ‘a e totongi, ke totongi ‘a e

ngaahi totongi 'o e tohi kole ke fekumi, 'i ha fa'ahinga taimi pe, 'i ha mahu'inga tu'uma'u pe koe makatu'unga koia 'e pehe 'e he Fakamaau'anga 'oku fe'unga.

O.18 Tu'utu'uni 5. Sivi

Kuo pau ki ha fa'ahi kuo ne tufa ha tohi hokohoko 'o e ngaahi tohi ngaue ki ha fa'ahi pe ke ne faka'ata ki he fa'ahi koia ke nau sivi 'a e ngaahi tohi ngaue koia 'oku lave ki ai 'i he tohi hokohoko (tukukehe 'a e ngaahi tohi ngaue koia 'oku fakangatangata na'e fakaha) pea mo 'oatu 'a e ngaahi tatau 'o ia.

O.18 Tu'utu'uni 6. 'Ikai ke faipau

Neongo 'a e ngaahi kupu 'o e tu'utu'uni 4(3), 'o kapau 'e 'ikai faipau ha fa'ahi pe ki he ngaahi fiema'u 'o e Fekau ni, 'e ngofua ki he Fakamaau'anga ke ne tu'utu'uni ki he fa'ahi 'ikai fakahoko 'a e totongi, ke nau faipau kiai 'i loto 'i ha vaha'a taimu pau, pea 'i hono 'ikai fakahoko 'a e totongi, 'e ngofua ke fekau'i ke fakafoki 'a e 'eke pe ke tamate'i 'a e taukapo kae fakahu 'a e tu'utu'uni fakamaau'anga ki he'ene tonu.

O.18 Tu'utu'uni 7. 'Oatu 'o e ngaahi tohi ngaue

'E ngofua pe ke fiema'u ha fa'ahi 'i he hopo ke ne 'oatu ha tohi ngaue pe 'oku lave kiai 'i he tohi hokohoko 'o e tohi ngaue 'a e fa'ahi koia.

O.18 Tu'utu'uni 8. Fekumi 'o ha fa'ahi 'ikai kau

- (1) 'E ngofua ki he Fakamaau'anga, 'i ha fa'ahinga taimi pe 'oku ne pehe 'oku fe'unga, 'i he ngaahi tu'unga koia 'oku ne pehe 'oku totonu ke ne fakahoko ha fekau 'o fiema'u ha tokotaha 'oku 'ikai kau ha fa'ahi 'i he hopo ke ne fakahoko ha fekumi 'o ha fa'ahinga tohi ngaue pe 'e 'aonga.
- (2) Kuo pau ki ha tohi kole ki ha fekau 'i he tu'utu'uni ni ke fakahoko 'i ha fanongonongo tohi kole 'o pou pou'aki ha tohi fuakava 'o fakamatala'i ai 'a e natula mo e 'aonga 'o e ngaahi tohi ngaue pea mo e ngaahi makatu'unga ki he tui 'a e tokotaha fuakava ko e ngaahi tohi ngaue 'oku tauhi pe 'i he mafai 'o e tokotaha 'aia 'oku fiema'u mei ai 'a e fekau.
- (3) Kuo pau ki ha fa'ahinga fekau pe 'oku fakahoko 'i he tu'utu'uni ni ke ne 'oatu ha tu'utu'uni ki he tokotaha 'oku fiema'u mei ai 'a e fekau, ke totongi fakafoki 'e he tokotaha kole ki he ngaahi totongi kotoa pe mo e ngaahi fakamole kotoa pe na'e tupu mei he'ene faipau ki he fekau.

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**FEKAU 19 : NGAahi FAKAMAAU'I 'O E NGAahi TOHI
FEKAU KI HE TU'UTU'UNI FAKAHINOHINO**

**O.19 Tu'utu'uni 1. Ke toki ui 'i hano faile 'o e
taukapo**

- (1) Kuo pau ki he Fakamaau'anga, 'i hano faile 'o ha taukapo ke ne fiema'u kotoa 'a e ngaahi fa'ahi 'o e hopo ke nau ha 'i mu'a 'i he Fakamaau 'i hono 'Ofisi ki hono tala 'o e ngaahi tu'utu'uni ki hono fakahoko 'a e hopo 'i he kaha'u.
- (2) 'E ngofua ki ha fakamaau'i 'o e ngaahi tohi fekau ki he tu'utu'uni fakahinohino ke ui 'aki ha fekau pe 'i ha fanongonongo 'o e fakamaau'i 'o e ngaahi tohi fekau ki he tu'utu'uni fakahinohino 'i he Sipinga 10.

**O.19 Tu'utu'uni 2. Ha toe ngaahi fakamaau'i
'o e ngaahi tohi fekau ki he tu'utu'uni
fakahinohino**

- (1) 'E ngofua ki ha fakamaau'i 'o e ngaahi tohi fekau ki he tu'utu'uni fakahinohino 'i he fekau ni, ke ui 'i ha fa'ahinga taimi pe 'oku pehe ai 'e he Fakamaau'anga 'oku fe'unga.
- (2) Kuo pau ki ha fakafofonga lao mei muli 'oku ne fakafofonga'i ha fa'ahi ke ne 'i he fakamaau'i 'o e ngaahi tohi fekau ki he tu'utu'uni fakahinohino

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'iate ia pe pe fokotu'utu'u ki ha fakafofonga lao fakalotofonua ke ne 'i ai ko ha fakafofonga.

- (3) Kuo pau ki ha fa'ahinga fa'ahi pe 'oku ne faka'amu ke fakahoko ha tohi kole ki ha fekau 'e ngofua ke fakahoko 'i he ngaahi tu'utu'uni ni, ki hono fakapotopoto taha 'e ala fakahoko, tuku atu 'a e tohi kole ki ha fakamaau'i 'o e ngaahi tohi fekau ki he tu'utu'uni fakahinohino.
- (4) Kuo pau ki ha fa'ahi 'oku ne fakahoko ha tohi kole 'i he palakalafi (3) ke ne fakahoko 'aki ha'ane faile ha fanongonongo tohi kole pea kuo pau leva ki he Fakamaau'anga ke ne ui ha fakamaau'i 'o e ngaahi tohi fekau ki he tu'utu'uni fakahinohino.

O.19 Tu'utu'uni 3. Ke 'iai 'i he fakamaau'i 'o e ngaahi tohi fekau ki he tu'utu'uni fakahinohino

'O kapau 'oku 'i ai ha fakafofonga lao, na'a ne ma'u ha tohi fanongonongo, ka 'oku 'ikai ke ne 'iai 'i he fakamaau'i 'o e ngaahi tohi fekau ki he tu'utu'uni fakahinohino 'i he taimi koia na'e fokotu'u atu, pea 'e ngofua leva ki he Fakamaau'anga ke ne fakahoko ha ngaahi fekau, 'o kau ai ha fa'ahinga fekau ki he ngaahi totongi, 'i he'ene 'ikai ke 'iai.

O.19 Tu'utu'uni 4. Founa fakahoko ngaue 'i ha fakamaau'i 'o e ngaahi tohi fekau ki he tu'utu'uni fakahinohino

'I he fakamaau'i 'o e ngaahi tohi fekau ki he tu'utu'uni fakahinohino:

- (a) kuo pau ki he fa'ahi kotoa pe ke 'oatu ki he Fakamaau'anga kotoa 'a e ngaahi fakamatata mo 'oatu kotoa 'a e ngaahi

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tohi ngaue kotoa koia 'e ala fiema'u 'e he Fakamaau'anga;

- (b) tukukehe 'i ha 'uhinga ngaahi lelei 'o ka fekau'i 'e he Fakamaau'anga, kuo pau ki he ngaahi fakamatala mo e ngaahi tohi ngaue kotoa pe na'e 'oatu pe tuku atu, kuo pau ke fakaha ki he ngaahi fa'ahi kotoa pe 'oku nau 'iai;
- (c) 'e ngofua ki he Fakamaau'anga ke ne fakahoko ha ngaahi fekau 'oku ne pehe 'oku fe'unga ki hono fakahoko totonu, faka'ekonomika mo fakalelei 'o e tohi kole pe hopo.

O.19 Tu'utu'uni 5. Fakamaau'i 'e 'ikai ke toloi fanongonongo

'E ngofua ki ha fakamaau'i 'o e ngaahi tohi fekau ki he tu'utu'uni fakahinohino ke toloi mei he taimi ki he taimi ka kuo pau he 'ikai toloi fanongonongo.

FEKAU 20 : NGAahi TOHI FAKAFEHU'I

O.20 Tu'utu'uni 1. Fiema'u ha ngofua ke foaki ha ngaahi tohi fakafehu'i

- (1) 'E ngofua ki he Fakamaau'anga 'i ha tohi kole 'a ha fa'ahi pe, ke ne fakahoko ha fekau:
 - (a) 'o foaki ha ngofua ke tufa ki ha fa'ahinga

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fa'ahi kehe, (pe, 'i he taimi koia ko e fa'ahi ko ha falukunga kakai kuo fakamafai'i kinautolu ke nau fakahoko faka'ilo pe ke faka'ilo 'i honau hingoa, ha taha 'a ia ko ha 'ofisa pe memipa ia 'o e kautaha ko ia) ha tohi fakafehu'i 'oku fekau'aki mo ha fa'ahinga fokotu'u 'i he vaha'a 'o e tokotaha kole pe mo e fa'ahi 'e taha; pea

- (b) fiema'u ai 'a e fa'ahi 'e taha pe tokotaha ko ia, pe ko fe pe tu'unga 'o e hopo, ke ne tali 'a e ngaahi tohi fakafehu'i 'i ha tohi fuakava 'i loto 'i he vaha'a taimi 'e toki fakamahino'i 'e he Fakamaau'anga.

- (2) Kuo pau ki ha tatau 'o e tohi fakafehu'i koia ke 'oatu mo ha fanongonongo tohi kole.

O.20 Tu'utu'uni 2. Faka'ikai'i ha tohi fakafehu'i

Kuo pau ki ha tokotaha 'oku ne faka'ikai'i ha tohi fakafehu'i ke ne faile ha tohi fuakava ko ha tali 'o fakaha ai 'a e ngaahi makatu'unga tefito 'o 'ene faka'ikai'i.

O.20 Tu'utu'uni 3. Fakangatangata 'i he ngaahi tohi fakafehu'i

Kuo pau ki he Fakamaau'anga 'i hono fakamaau'i 'o e tohi kole ke ne 'oatu ha ngofua ki he ngaahi tohi fakafehu'i pe koia 'oku ne pehe 'oku fe'unga ki hono fakahoko totonu 'o e hopo pe ko hono fakasi'isi'i ha ngaahi totongi.

O.20 Tu'utu'uni 4. 'Ikai ke fakangofua 'a e tohi

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fakafehu'i

Kuo pau ki ha tohi fakafehu'i 'aia 'oku 'ikai ke fekau'aki mo ha fa'ahinga fokotu'u 'i he vaha'a 'o e ongo fa'ahi ki he tohi kole ke 'oua na'a fakangofua neongo ko e fehu'i 'e ala tali pe 'i hono fehu'i fakafihii 'o ha tokotaha fakamo'oni.

O.20 Tu'utu'uni 5. Ngaahi tali 'oku 'ikai fe'unga

'O kapau ko ha tokotaha na'e tufa ki ai tohi fakafehu'i 'oku 'ikai ke ne 'oatu ha tali fakapotopoto, 'e ngofua ki he Fakamaau'anga ke ne fekau'i 'a e tokotaha koia ke ne fakahoko ha toe tali, 'o tatau aipe pe 'oku fakahoko 'i ha tohi fuakava pe ko hano fakafehu'i ngutu.

O.20 Tu'utu'uni 6. 'Ikai faipau ki he fekau ki he ngaahi tohi fakafehu'i

'O kapau 'e 'ikai malava ha fa'ahi na'e fakahoko kiai ha fekau 'i he tu'utu'uni ke faipau kiai 'o 'ikai ha 'uhinga lelei, 'e ngofua ki he Fakamaau'anga ke:

- (a) fekau ke fakahu 'a e tokotaha koia ki he talangata'a ki he Fakamaau'anga, pe
- (b) fekau ke fakafoki 'a e 'eke pe, ko e fe pe 'oku taau, ke tamate'i 'a e taukapo ka e fakahu 'a e tu'utu'uni fakamaau'anga ki he'ene tonu.

O.20 Tu'utu'uni 7. 'E ngofua ke liliu pe tamate'i ha fekau

'E ngofua ki ha fekau 'oku fakahoko 'i he tu'utu'uni 1,

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'i ha 'uhinga lelei, ke tamate'i pe liliu 'i ha fa'ahinga taimi pe kimu'a pea fakamaau'i 'a e hopo.

FEKAU 21 : NGAahi ME'A 'OKU TALI KE FAKAHU

O.21 Tu'utu'uni 1. Tali ke fakahu ha mo'oni 'o e fokotu'u tohi

'E ngofua ki ha fa'ahi 'i ha fa'ahinga taimi pe ke ne 'oatu ha tohi fanongonongo 'i ha fokotu'u tohi pe ha tohi kehe, ko e mo'oni 'o ha fa'ahinga me'a 'oku fokotu'u tohi atu 'e he fa'ahi kehe 'oku tali ke fakahu.

O.21 Tu'utu'uni 2. Tohi fanongonongo ke fakaha

- (1) 'E ngofua ki ha fa'ahi, 'ikai toe si'i hifo 'i he mahina 'e 1 kimu'a 'a e hopo, ke ne tufa ki ha toe fa'ahi kehe ha fanongonongo 'o fiema'u 'a e fa'ahi koia ke ne fakaha, ki he taumu'a 'o e hopo pe koia, 'a e ngaahi mo'oni'i me'a koia 'e fakahaa'i pau 'i he fanongonongo.
- (2) Kapau 'e 'ikai ke fakaha 'e he fa'ahi na'e tufa kiai 'a e fanongonongo koia 'a e ngaahi mo'oni'i me'a 'i loto 'i he 'aho 'e 14 hili hono tufa kiai 'o e fanongonongo, kuo pau ki he ngaahi totongi ki hono fakamo'oni'i 'o e ngaahi mo'oni'i me'a koia ke fua 'e he fa'ahi koia tukukehe ka 'iai ha fekau kehe 'a e Fakamaau'anga.
- (3) 'E ngofua ki he Fakamaau'anga 'i hano tali ke

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fakahu 'o ha ngaahi mo'oni'i me'a 'i he Fekau ni, 'i ha tohi kole 'a ha fa'ahi, fakahu 'a e tu'utu'uni fakamaau'anga pe fekau 'a ia ko e fa'ahi 'oku nau fakahoko 'a e tohi kole 'oku 'iai ha'a nau totonu kiai 'i he ngaahi me'a na'e tali ke fakahu atu koia 'o 'ikai toe tali ki ha fa'ahinga fokotu'u 'i he vaha'a 'o e ngaahi fa'ahi ke toe fakapapau'i.

O.21 Tu'utu'uni 3. Ngaahi tohi ngaue ke tali ke fakahu

- (1) 'E ngofua ki ha fa'ahi, 'ikai toe si'i hifo 'i he mahina 'e 1 kimu'a 'a e hopo, ke ne tufa ki ha toe fa'ahi kehe ha fanongonongo 'oku fiema'u 'a e fa'ahi koia ke nau fakaha 'a e mo'oni 'o e ngaahi tohi ngaue kuo tuhu'i pau mai 'i he fanongonongo.
- (2) 'E ngofua ki ha fa'ahi 'aia na'e tufa kiai 'a e fanongonongo koia ke, 'i loto 'i he 'aho 'e 14 hili 'a hono tufa, ke fakaha ki he fa'ahi 'a ia na'a nau 'oatu, 'i ha tohi ko e mo'oni 'o ha fa'ahinga tohi ngaue na'e tuhu'i pau mai 'oku 'ikai ke tali ke fakahu.
- (3) Kuo pau ki ha fa'ahi 'oku 'ikai ke nau 'oatu ha fanongonongo 'i he palakalafi (2) ke lau kuo nau tali ke fakahu 'a e mo'oni 'o ha fa'ahinga tohi ngaue kuo tuhu'i pau 'i he fanongonongo tukukehe ka 'iai ha fekau kehe 'a e Fakamaau'anga.

FEKAU 22 : NGAAHI TU'UTU'UNI**O.22 Tu'utu'uni 1. Sīpinga 'o e tohi kole**

- (1) 'E ngofua ki ha fa'ahi ke tohi kole ki ha tu'utu'uni 'i ha fa'ahinga taimi pe, tatau aipe pe kimu'a pe hili 'a e fakamaau'i 'o ha hopo, pea tatau aipe pe na'e 'ikai fakahoko ha fokotu'u tohi totonu 'o ha 'eke ki ha tu'utu'uni.
- (2) Kuo pau ki ha tohi kole ki ha tu'utu'uni ke fakahoko 'i ha fanongonongo tohi kole 'o pou pou'aki ha tohi fuakava 'oku fakahaa ai 'a e ngaahi mo'oni'i me'a 'oku fe'unga.
- (3) Tukukehe 'i he ngaahi me'a 'oku fakavavevave pe 'i ha fekau'aki ha tohi kole mo ha tu'utu'uni Mareva, kuo pau ki ha tatau 'o e tohi kole mo ha tohi fuakava pou pou ke tufa atu ki he fa'ahi 'e taha 'o 'ikai toe si'i hifo 'i he 'aho 'e 5 kimu'a 'a hono fakamaau'i.
- (4) 'I he ngaahi me'a 'oku fakavavevave pe 'i he taimi 'oku fekau'aki ai 'a e tohi kole ki ha tu'utu'uni Mareva, 'e ngofua ki he tohi kole ke fakahoko 'e ha fa'ahi 'e taha, pea 'e ngofua ki he Fakamaau'anga, 'i hono fakaha 'e he tokotaha kole te ne totongi ha ngaahi maumau, fakahoko ha ngaahi fekau koia 'oku ne pehe 'oku totonu.
- (5) Kuo pau ki hano totongi 'o ha ngaahi maumau 'oku fiema'u ke fakahoko 'e ha taha kole 'i he

palakalafi (4) ke 'oatu 'e he tokotaha kole 'i ha tohi pea kuo pau ke faile 'i he taimi tatau pe mo e tohi kole ki he tu'utu'uni. Ko e totongi koia 'e malava pe ko ha tohi ngaue kehe pe 'e lava pe ke fakatahataha'i 'i he tohi fuakava 'a e tokotaha kole ('okapau 'oku 'iai ha tohi fuakava kuo 'osi fuakava'i 'e he tokotaha kole, pea 'okapau 'oku fe'unga mo e ngaahi me'a koia).

- (6) Fakatatau ki he palakalafi (7), kuo pau ki ha tohi kole ki ha tu'utu'uni ke 'oua na'a fakahoko kimu'a hono tukuatu 'o ha tohi fekau.
- (7) 'O kapau ko e tohi kole 'oku fu'u matu'aki fakavavevave, 'e ngofua ki he Fakamaau'anga ke ne fakahoko ha fekau 'i hano fakaha 'e he tokotaha kole te ne tukuatu ha tohi fekau 'i loto 'i he taimi kuo tuhu'i pau.
- (8) 'E ngofua ki he fatongia ke tuku atu ha tohi fekau 'i loto 'i he vaha'a taimi kuo tuhu'i pau ke 'oatu 'i ha tohi, 'i ha taimi lahi kimu'a, 'e he fakafongia lao 'a e tokotaha kole 'aki ha'ane fokotu'u 'a e fatongia koia 'i he konga taupotu ki lalo 'o e tohi kole ki ha tu'utu'uni pea fakamo'oni hingoa kiai.

O.22 Tu'utu'uni 2. Ngaahi fekau kehe

- (1) 'I ha tohi kole 'a ha fa'ahi, 'e ngofua ki he Fakamaau'anga ke ne fakahoko ha fekau ki hono tokanga'i, tauhi fakalao pe malu'i ha fa'ahinga koloa 'a ia ko e me'a totonu ia 'o ha hopo, pe ki hano sivi 'o e ngaahi koloa koia 'oku tauhi 'e ha fa'ahi.
- (2) 'E ngofua ki he Fakamaau'anga, 'i ha'ane fiemalie 'oku 'i loto 'i he mafai fakalao ki he koloa 'o hange kuo fakamatala'i 'i he palakalafi

(1) ke ne tuku atu ha fekau ke fakaha ki he tu'utu'uni 'o fiema'u ha fa'ahi ke ne fakaha ki he tokotaha kole 'a e fotunga tofu pe mo e feitu'u 'oku 'iai 'a e koloa koia.

(3) Ke fakahoko ha fa'ahinga fekau pe na'e fakahoko 'i he palakalafi (1), 'e ngofua ki he Fakamaau'anga 'i ha fekau, ke ne fakamafai'i ha fa'ahinga tokotaha pe ke ne hu ki ha fa'ahinga kekekele pe fale 'o ha fa'ahinga fa'ahi pe.

(4) 'I hano fakakihikihi'i ha totonu ki ha sino'i pa'anga pau 'i ha hopo, 'e ngofua ki he Fakamaau'anga, 'i ha tohi kole ha fa'ahi, ke ne fekau ke totongi 'a e sino'i pa'anga ki he Fakamaau'anga.

(5) Kuo pau ki ha fanongonongo tohi kole 'i he tu'utu'uni ni ke pou pou'aki ha tohi fuakava, pea 'e ngofua ki he Fakamaau'anga ke ne fakahoko ha fekau 'i he ngaahi tu'unga 'oku ne pehee 'oku totonu.

O.22 Tu'utu'uni 3. Ha toe ngaahi tu'utu'uni fakahinohino

'I hono fakamaau'i 'o ha tohi kole 'i he Fekau ni, 'e ngofua foki ki he Fakamaau'anga ke ne 'oatu ha toe tu'utu'uni fakahinohino ki hono fakahoko koia 'o e hopo 'i he kaha'u.

FEKAU 23 : TOTONGI KI HE FAKAMAAU'ANGA'**O.23 Tu'utu'uni 1. Taimi fakahoko 'o e totongi**

'E ngofua ki ha faka'iloa pe 'i ha hopo ki ha mo'ua pe ngaahi maumau 'i ha fa'ahinga taimi pe ke ne totongi ki he Fakamaau'anga ha sino'i pa'anga ko hono fakakakato ia 'o e tupu'anga 'o e hopo 'o fakatatau ki he 'eke 'a e talatalaaki, pe, kapau ko e tupu'anga 'o e hopo 'oku ua pe lahi hake 'oku fakataha'i 'i he hopo koia, fakakakato ha konga pe kotoa 'o e ngaahi hopo koia.

O.23 Tu'utu'uni 2. 'E ngofua ke fakalahi 'a e totongi

'E ngofua ki ha totongi ki he Fakamaau'anga ke fakalahi 'i ha fa'ahinga taimi pe.

O.23 Tu'utu'uni 3. Tohi fanongonongo 'o e totongi

'I hano fakahoko pe fakalahi 'o ha totongi ki he Fakamaau'anga, kuo pau ki he faka'iloa ke ne 'oatu ha fanongonongo ki he talatalaaki pea mo ha toe faka'iloa kehe pe a mo e Fakamaau'anga 'i he Sipinga 11, 'o fakaha ai:

- (a) pe ko e mahu'inga 'oku totongi 'o fakatatau ki he:

- (i) 'eke fakakatoa, pe
- (ii) tupu'anga kehekehe 'e taha pe lahi hake 'o e hopo, pea kapau koia, pea fakamahino'i 'a e mahu'inga na'e totongi 'o fakatatau ki he tupu'anga takitaha 'o e hopo; pea
- (b) kapau ko e tu'unga ia 'oku 'iai, ko e mahu'inga 'o e pa'anga kuo totongi 'oku fika'i ia hili hono to'o 'o ha fa'ahinga mahu'inga na'e 'eke fakafepaki'i, pea fakaha ai 'o fakatatau ki he 'eke fakafepaki, 'a e fakamatala 'oku fiema'u 'i he palakalafi si'i (a).

O.23 Tu'utu'uni 4. 'Ikai ngofua ke fakafoki ha totongi 'ikai ma'u ha ngofua

'E 'ikai ngofua ki ha tohi fanongonongo 'o e totongi ki he Fakamaau'anga ke toe fakafoki pe fakatonutonu 'ikai 'i ai ha ngofua mei he Fakamaau'anga, 'aia 'e ngofua ke foaki 'i he ngaahi tu'unga koia 'oku ne pehe 'oku totonu.

O.23 Tu'utu'uni 5. Tali 'o e totongi

'I hano totongi ha pa'anga ki he Fakamaau'anga 'i he Fekau ni, 'e ngofua ki he talatalaaki, 'i loto 'i he 'aho 'e 21 hili hono ma'u 'o e fanongonongo na'e 'oatu 'i he tu'utu'uni 3, ka 'i ha toe fa'ahinga me'a kimu'a kamata 'a e hopo:

- (a) tali 'a e pa'anga kuo totongi ki he Fakamaau'anga ko hono fakakakato 'o e 'eke fakakatoa, pe
- (b) 'i hano totongi 'a e pa'anga 'o fakatatau pe ki he ni'ihii 'o e tupu'anga 'o e hopo 'a ia 'oku 'eke 'e

he talatalaaki, tali 'a e mahu'inga ko hono fakakakato 'o ha fa'ahinga tupu'anga 'o e hopo pe ngaahi tupu'anga 'o e hopo kuo tuhu'i pau 'i he tohi fanongonongo;

'aki ha'ane 'oatu ha tohi fanongonongo ki he faka'iloa pea mo e Fakamaau'anga 'i he Sipinga 12.

O.23 Tu'utu'uni 6. Ola 'a hono tali

'I he tali 'e he talatalaaki ha fa'ahinga pa'anga kuo totongi ki he Fakamaau'anga:

- (a) ko e toe ngaahi ngaue kotoa pe 'i he hopo pe fakatatau ki he tupu'anga pe ngaahi tupu'anga 'o e hopo kuo tuhu'i pau, pe ko fe pe, kuo pau ke toloi ia ki he kotoa 'o e ngaahi faka'iloa kuo faka'ilo 'o fakatatau ki he ngaahi tupu'anga tatau 'o e hopo, pea
- (b) 'i hano fakaha 'i he fanongonongo 'o e totongi ko ha fa'ahinga mahu'inga na'e 'eke fakafepaki'i kuo 'osi fakahoko ha ngaue kiai, ko e ngaahi fakamatala kotoa pe 'i he 'eke fakafepaki koia pe fakatatau ki he tupu'anga pe ngaahi tupu'anga 'o e hopo kuo tuhu'i pau, pe ko fe pe, ki he talatalaaki kuo pau ke toloi.

O.23 Tu'utu'uni 7. Totonu 'a e talatalaaki 'i hano tali

Kuo pau ki ha talatalaaki kuo ne tali ha fa'ahinga mahu'inga kuo totongi ki he Fakamaau'anga 'o fakatatau ki he tu'utu'uni 5 ke 'ia 'a 'ene totonu:

- (a) ke ne ma'u 'a e pa'anga koia na'e totongi atu ko hano fakakakato 'o e tupu'anga pe ngaahi tupu'anga totonu koia 'o e hopo, mo

- (b) to e fakafoki 'a e ngaahi totongi 'o e hopo 'o a'u ki he 'aho na'e tali ai mei he fa'ahi na'a nau fakahoko 'a e totongi ki he Fakamaau'anga.

O.23 Tu'utu'uni 8. Ola hono 'ikai tali

'O kapau ko e pa'anga kuo totongi ki he Fakamaau'anga 'oku 'ikai ke tali 'o fakatatau ki he tu'utu'uni 5, kuo pau ki he pa'anga ke 'oua na'a toe totongi atu tukukehe 'o fakatatau ki ha fekau 'a e Fakamaau'anga, 'a ia ko e fekau koia 'e ngofua ke fakahoko 'i he ngaahi tu'unga koia 'e pehee 'e he Fakamaau'anga 'oku totonu.

O.23 Tu'utu'uni 9. 'Oua na'a fakaha 'a e totongi ki he Fakamaau 'o e hopo

Tukukehe 'i ha hopo 'a ia 'e fokotu'u tohi ai ha taukapo kuo 'oatu ha pa'anga, kuo pau ke 'oua na'a fakaha ki he Fakamaau 'o e hopo 'a e totongi koia kae 'oua kuo fakahoko ha tu'utu'uni ki he ngaahi me'a kotoa pe felave'i mo e mo'ua mo hono lahi.

O.23 Tu'utu'uni 10. 'Eke fakafepaki

'E ngofua ki ha talatalaaki 'a ia 'oku fakahoko kiai ha 'eke fakafepaki mo ha toe faka'iloa kehe pe 'oku kau ki ha tohi fanongonongo ki ha to e faka'iloa ke ne totongi ha pa'anga ki he Fakamaau'anga 'o fakatatau ki he tu'utu'uni 1, pea kuo pau ki he fekau ni ke ngaue'aki ia mo ha to e ngaahi liliu kehe 'e fiema'u.

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O.23 Tu'utu'uni 11. Ke fakahu 'e he Failesisita 'a e totongi

Kuo pau ki he pa'anga kuo totongi ki he Fakamaau'anga 'i he fekau ni ke fakahu 'e he Failesisita 'i ha 'akauni 'e ala ma'u ai ha totongi tupu.

FEKAU 24 : FOKOTU'U "IKAI FILIFILIMANAKO KE FAKASI'ISI'I HA TOTONGI"

O.24 Tu'utu'uni 1. Sīpinga 'o e fokotu'u

'E ngofua ki ha fa'ahi 'i ha hopo 'i ha fa'ahinga taimi pe ke ne fakahoko ki ha fa'ahi kehe 'i he hopo ha fokotu'u 'i ha tohi 'oku:

- (a) fakaha ai 'oku 'ikai filifilimanako ke fakasi'isi'i 'a e totongi; pea
- (b) 'oku fekau'aki mo ha fa'ahinga me'a 'i he hopo koia.

O.24 Tu'utu'uni 2. Fokotu'u ke 'oua na'a fakaha ki he Fakamaau'anga

Ko e mo'oni'i me'a 'o hono fakahoko 'o e fokotu'u koia kuo pau ke 'oua na'a fakaha ki he Fakamaau'anga kae 'oua kuo 'ikai lava fakahoko ha tu'utu'uni ki he ngaahi totongi.

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O.24 Tu'utu'uni 3. Ko e Fakamaau'anga ke ne fakapapau'i pe 'oku taau 'a e fokotu'u 'i he'ene felave'i mo e totongi

Ko e ola ('oka 'i ai) 'a hono fakahoko 'o e fa'ahinga fokotu'u koia 'i he'ene felave'i ki he ngaahi totongi 'oku 'i he mafai ke tu'utu'uni 'a e Fakamaau'anga.

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NGAAHI FAKAMAAU'I MO E NGAahi HOPO

FEKAU 25 : HOPO

O.25 Tu'utu'uni 1. Feitu'u

'E ngofua ki ha hopo ke fakamaau'i 'i ha fa'ahinga feitu'u pe 'a ia 'e fakamafai ke fakahoko ai ha hopo 'a e Fakamaau'anga.

O.25 Tu'utu'uni 2. Mu'aki fakataha 'o e hopo

- (1) Kuo pau ki he Fakamaau'anga 'i hano fakahoko 'e he talatalaaki ha kole 'i ha tohi ki he Failesisita 'i ha taimi lelei lolotonga 'a e hopo, pe 'i ha'ane fokotu'u 'i ai pe, ui ha mu'aki fakataha 'o e hopo pea 'oatu 'a e ngaahi tu'utu'uni fakahinohino koia 'oku ne pehe 'oku fe'unga ki hono fakahoko 'o e hopo.
- (2) Kuo pau ki ha mu'aki fakataha 'o e hopo ke 'i he sipinga koia 'o ha fakamaau'i 'o e ngaahi tohi fekau ki ha tu'utu'uni fakahinohino pea kuo pau ke ui 'aki ha fekau pe tohi fanongonongo 'o e tu'utu'uni fakahinohino.

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- (3) 'I ha'ane hoko ha toloi ta'e'amanekina mei he tafa'aki 'o e talatalaaki 'i hono kole ke fakahoko ha mu'aki fakataha 'o e hopo 'i he tu'utu'uni (1), 'e ngofua ki ha fa'ahi kehe 'o e hopo ke ne fokotu'u atu ki he Fakamaau'anga ke ne ui 'a e fakataha koia pea 'e ngofua ki he Fakamaau'anga ke ne fakahoko ia 'o kapau 'oku ne pehe ko e fokotu'u na'e totonu 'a hono fakahoko.

O.25 Tu'utu'uni 3. Sipinga 'o e hopo

- (1) Fakatatau ki he palakalafi (2), kuo pau ki he hopo ke fakamaau'i 'e he Fakamaau 'ata'ataa pe.
- (2) Kuo pau ki ha hopo ke fakamaau'i 'e ha Fakamaau fakataha mo ha kau sula 'o kapau na'e kole 'e ha fa'ahi.
- (3) 'Okapau ko e kole 'i he palakalafi (2) 'oku 'oatu ki he Fakamaau'anga 'i ha fa'ahinga taimi pe hili 'a e 'aho na'e fokotu'u ke fakahoko ai 'a e hopo, kuo pau ki he fa'ahi na'a nau fakahoko 'a e kole koia ke nau fua 'a e ngaahi totongi 'o ha toloi na'e hoko mei ai.

O.25 Tu'utu'uni 4. Fakamaau'i kehekehe

- (1) 'E ngofua ki he Fakamaau'anga ke ne fekau ke fakamaau'i kehekehe ha fehu'i pe fokotu'u 'oku 'ohake 'i ha hopo, 'o tatau aipe pe ko ha mo'oni'i me'a pe ko e lao pe ko e fakataha'i 'o e mo'oni'i me'a mo e lao, pea tatau aipe pe na'e 'ohake pe 'ikai 'i he ngaahi fokotu'u tohi.
- (2) 'E ngofua ki he Fakamaau'anga 'i hano fakahoko ha tu'utu'uni ki ha fa'ahinga fehu'i pe

fokotu'u 'oku fakamaau'i kehekehe ke ne 'oatu ha tu'utu'uni fakamaau'anga aofangatuku 'i he hopo 'okapau ko e tu'utu'uni koia 'oku ne veteki ha konga lahi 'o e hopo koia pe 'oku pehee 'e 'ikai 'aonga ke toe hoko atu 'a e hopo.

O.25 Tu'utu'uni 5. 'Ikai ke ha 'i he hopo

- (1) 'O kapau 'e 'ikai ha ha taha 'o e ongo fa'ahi 'i he hopo, 'e ngofua ki he hopo ke tamate'i.
- (2) 'O kapau 'e 'ikai ha ha fa'ahi 'e taha 'i he hopo, 'e ngofua ki he Fakamaau ke ne fakahoko 'a e hopo mo ha fa'ahinga 'eke fakafepaki 'i he 'ikai ke 'iai 'a e fa'ahi koia.
- (3) 'E ngofua ki ha tu'utu'uni fakamaau'anga pe fekau na'e fakahoko 'i he 'ikai ke 'iai 'a e fa'ahi koia ke tuku ki he tafa'aki 'i ha tohi kole 'a e fa'ahi koia 'i ha ngaahi tu'unga koia 'oku pehe 'e he Fakamaau'anga 'oku totonu.
- (4) Kuo pau ki ha tohi kole 'i he palakalafi (3) ke fakahoko 'i ha fanongonongo tohi kole 'o poupou kiai ha tohi fuakava pea faile 'o 'ikai tomui he 'aho 'e 14 hili 'a e hopo.

O.25 Tu'utu'uni 6. Tolo

'E ngofua ki he Fakamaau'anga ke ne toloi ha hopo ki he taimi mo e feitu'u mo e ngaahi tu'unga koia, 'aia 'oku ne pehe 'oku fe'unga.

O.25 Tu'utu'uni 7. Founga fakahoko ngaue 'i he hopo

- (1) 'E ngofua ki he Fakamaau ke ne 'oatu 'a e ngaahi tu'utu'uni fakahinohino pe ko fe 'a e fa'ahi 'e kamata pea mo e hokohoko 'o e ngaahi fakamalanga.
- (2) 'O kapau 'e 'ikai ke 'oatu 'e he Fakamaau ha ngaahi tu'utu'uni fakahinohino 'i he palakalafi (1):
 - (a) kuo pau ki he talatalaaki ke kamata pea 'e ngofua ke ne fakahoko ha fakamalanga fakaava.
 - (b) 'okapau 'e 'ikai ke ui he faka'iloa ha fakamo'oni pea 'e hili koia hono 'oatu kotoa 'e he talatalaaki 'e ne fakamo'oni, kuo pau ki he faka'iloa ke ne fokotu'u atu 'a e tu'unga 'oku 'iai 'a e hopo ki he faka'iloa pea 'e ngofua ki he talatalaaki ke ne fakahoko ha fakamalanga tali ki ai.
 - (c) 'okapau 'e fokotu'u atu 'e he faka'iloa ke ne tukuatu ha fakamo'oni hili hono tukuatu 'a e ngaahi fakamo'oni ma'ae talatalaaki, 'e ngofua leva ki he faka'iloa ke ne fakahoko ha fakamalanga fakaava pea, hili 'a e fakamo'oni, fakahoko ha fakamalanga tuku.
 - (d) hili 'a e fakamalanga tuku 'a e faka'iloa', 'e lava ke toe tali 'e he talatalaaki 'aki ha'ane toe fakamalanga.
- (3) 'I hano 'ohake 'e he fa'ahi 'oku totonu ke nau fakahoko 'a e fakamalanga aofangatuku ha toe

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tu'unga fakalao fo'ou pe te ne lave ki ha mafai 'e ni'ihii na'e 'ikai lave kiai 'i mu'a, 'e ngofua ki he fa'ahi fakafepaki ke nau fakahoko ha toe fakamalanga ko ha tali ka 'i he'ene felave'i pe ki he tu'unga fakalao pe mafai koia.

O.25 Tu'utu'uni 8. Sivi'i 'o e feitu'u

'E ngofua ki he Fakamaau mo ha kau sula pe ke nau sivi ha fa'ahinga feitu'u pe me'a 'o fakatatau ki ha ngaahi fehu'i na'e 'ohake 'i he hopo.

O.25 Tu'utu'uni 9. Ngaahi fakamo'oni fakahaha

- (1) Kuo pau ki he Kalake 'o e Fakamaau'anga ke ne tokanga'i 'a e fakamo'oni fakahaha kotoa pe, fakafikefika ki he'ene hokohoko takitaha pea teuteu'i mo tauhi ha tohi hokohoko 'o e ngaahi fakamo'oni fakahaha koia.
- (2) Tukukehe 'o ka kehe ha fekau 'a e Fakamaau'anga, kuo pau ki he ngaahi fakamo'oni fakahaha ke tauhi 'i he 'ofisi 'a e Fakamaau'anga ki he vaha'a taimi koia 'e ala lava fakahu mai ai ha tangi, kae 'oua kuo aofangatuku 'a e tangi koia, pea kuo pau leva ke toki fakafoki ki he ngaahi fa'ahi na'a nau 'omai.

O.25 Tu'utu'uni 10. Ngaahi tepi hiki

- (1) Kuo pau ki he Kalake 'o e Fakamaau'anga ke ne tokanga'i 'a e ngaahi tepi hiki kotoa pe 'o e ngaahi fakamo'oni 'oku 'oatu 'i ha hopo.

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- (2) Tukukehe 'o ka kehe ha fekau 'a e Fakamaau'anga, kuo pau ki he ngaahi tepi koia ke tauhi 'i he 'ofisi 'o e Fakamaau'anga ki he vaha'a taimi ko e 'aho 'e 60 hili 'a e lava kakato 'a e hopo, 'i he hili 'a e vaha'a taimi ko 'eni, 'e ngofua leva ki he ngaahi tepi hiki ke tamate'i.

O.25 Tu'utu'uni 11. Ngaue'aki 'o e ngaahi tu'utu'uni ki he ngaahi fakamaau'i kehe mei he ngaahi hopo

Fakatatau ki he ngaahi tu'utu'uni ni mo ha toe ngaau tu'utu'uni fakahinohino na'e tukuatu 'e he Fakamaau'anga, ko e ngaahi kupu 'o e Fekau 25, 26 mo e 27 kuo pau ke ngaue'aki, mo ha toe ngaahi fakatonutonu 'e fiema'u, ki ha toe fakamaau'i kehe 'i ha hopo kehe mei he ngaahi hopo (trials).

FEKAU 26 : FAKAMO'ONI FAKAMATALA NGUTU MO E FAKAMO'ONI FAKAMATALA TAUKEI

O.26 Tu'utu'uni 1. Ngaahi mo'oni'i me'a ke fakamo'oni'i'aki 'a e fakamo'oni fakamatala ngutu

Fakatatau ki he ngaahi kupu 'o e Fekau 27 pea mo ha ngaahi lao pe 'oku fekau'aki mo e fakamatala fakamo'oni, ko ha fa'ahinga mo'oni'i me'a pe 'oku fiema'u ke fakamo'oni'i 'i ha hopo kuo pau ke fakamo'oni fakamatala ngutu.

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O.26 Tu'utu'uni 2. Fakamo'oni fakamatala taukei

- (1) 'E ngofua ke ui ha fakamo'oni fakamatala taukei 'ikai 'iai ha ngofua.
- (2) Tukukehe 'o ka kehe 'a e fekau 'a e Fakamaau'anga:
 - (a) kuo pau ki ha fa'ahi 'oku ne faka'amu ke ui ha fakamo'oni fakamatala taukei, 'i he vave taha ala lava, 'o 'ikai toe si'i hifo 'i he mahina 'e taha kimu'a 'a e hopo, ke ne tufa ha tatau 'o e lipooti 'a e taukei ki he fa'ahi kehe kotoape; pea
 - (b) tukukehe ka kuo 'osi tufa ha tatau ia 'o e lipooti 'a e taukei 'o fakatatau ki he palakalafi si'i (a) kuo pau ki ha fakamo'oni taukei ke 'oua na'a ne fakahoko ha fakamatala fakamo'oni.

FEKAU 27 : FAKAMO'ONI TOHI FUAKAVA

O.27 Tu'utu'uni 1. Taimi 'oku fakangofua ai 'a e fakamo'oni tohi fuakava

- (1) Fakatatau ki he ngaahi kupu 'o e tu'utu'uni ni, 'e ngofua ki he Fakamaau'anga ke ne fakangofua ha fakamatala fakamo'oni 'a ha taha fakamo'oni ke ne fakahoko 'i ha tohi fuakava.

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- (2) Kuo pau ki ha fa'ahi 'oku ne faka'amu ke ne ui ha fakamo'oni tohi fuakava ke 'oua na'a toe si'i hifo 'i he 'aho 'e 14 kimu'a 'a e hopo, ke ne fakaha ki he fa'ahi 'e taha 'i ha tohi 'o 'oatu fakataha mo e tatau 'o e tohi fuakava koia.
- (3) Kuo pau ki ha fa'ahi na'e tufa kiai 'a e fanongonongo 'i he palakalafi (2) ke 'i loto 'i he 'aho 'e 7 hili hono ma'u 'o e tohi fanongonongo koia, fakaha ki he fa'ahi 'e taha pe 'oku ne loto pe 'ikai ki hono ngaue'aki 'a e tohi fuakava 'i he fakamatala fakamo'oni pea ka 'ikai ke ne fakahoko ia, 'e lau leva 'oku ne loto ki ai.
- (4) Ko ha fa'ahi 'oku 'ikai ha'ane 'uhinga lelei ki he'ene 'ikai loto ki hono ngaue'aki 'o e tohi fuakava ko e fakamatala fakamo'oni, 'e ngofua ke fekau ia ke ne fua 'a e totongi 'o e 'i ai 'a e tokotaha fakamo'oni ko 'ene tohi fuakava na'e fiema'u ke ngaue'aki.

O.27 Tu'utu'uni 2. Ngaahi fiema'u ki he tohi fakamatala fuakava

- (1) Ko ha tohi fakamatala fuakava kuo fuakava'i 'i ha hopo kuopau ke fokotu'u 'i ai 'a e 'ulu'i tohi mo e fika 'o e hopo.
- (2) 'Oku ngofua ke fuakava'i ha tohi fakamatala fuakava 'e ha ni'ihi 'oku laka hake he tokotaha'.
- (3) Kuopau ke fakahoko ha tohi fakamatala fuakava 'i he tokotaha 'uluaki (first person) pea, tukukehe 'o ka toki tu'utu'uni 'e he Fakamaau'anga', kuopau ke fakahā 'a e ngāue mo e feitu'u 'oku nofo ai 'a e tokotaha fuakava', pea kapau 'oku ngāue 'a e tokotaha fuakava' ma'a ha fa'ahi kuopau ke fakahā mo ia.

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- (4) Kuopau ke vahevahe 'a e tohi fakamatala fuakava' ki he ngaahi palakalafi kuo 'osi fakafika fakahokohoko' pea ko e palakalafi kotoa pē ke lave pē ki ha me'a 'e taha 'o kapau 'e lava ke fai pehee'.

O.27 Tu'utu'uni 3. Mafai ke fakahoko ha tohi fuakava

- (1) Kuo pau ki ha fakamatala fuakava ke fakamo'oni hingoa ki ai 'a e tokotaha fuakava 'i mu'a 'i ha tokotaha kuo fakamafai ke ne fakahoko ha ngaahi tohi fuakava ('oku 'ikai ko ha fakafofonga lao 'o e tokotaha fuakava koia) 'a ia kuo pau ke ne fakakakato pea fakamo'oni hingoa 'i he fuakava.
- (2) 'I hano fakafuakava'i 'o ha tohi fuakava 'i ha fonua muli, 'e ngofua ke fakatokanga'i faka-fakamaau'anga 'a e sitapa pe fakamo'oni hingoa 'o ha Fakafofonga lao Fakapule'anga pe tokotaha kehe 'a ia na'e fuakava'i 'i mu'a 'i ai, 'o kapau 'i he fuakava pe kakano 'o e tohi fuakava 'oku fakaha ai koe tokotaha koia 'oku fakamafai'i fakalao ke ne fakahoko 'a e fakafuakava 'i he fonua koia.

O.27 Tu'utu'uni 4. Tohi fakamo'oni 'aia 'oku mahino'i

'I ha'ane ha ki he tokotaha 'oku ne fakahoko 'a e tohi fuakava ko e tokotaha fuakava 'oku 'ikai ke ne lava 'o lautohi pe 'oku ne kui, kuo pau ki he tokotaha 'oku fakahoko 'a e fakafuakava'i 'i mu'a 'i ai ke ne fakamo'oni'i 'i he fuakava:

- (a) ko e tohi fuakava na'e lau ange ki he toko taha fuakava;

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- (b) na'e ha mai mei he tokotaha fuakava 'oku ne mahino'i kakato; pea
- (c) fakamo'oni hingoa ki ai 'a e tokotaha 'oku ne fakahoko 'a e tohi fuakava

O.27 Tu'utu'uni 5. Ngaahi fakamo'oni fakahāhā

Kuo pau ki ha tohi ngaue 'oku ngaue'aki fakataha mo ha tohi fuakava ke:

- (a) fakaha 'i he tohi fuakava 'aki ha mata'itohi pe mata'i fika fakamo'oni fakahaha; pea
- (b) faka'ilonga'i 'a e mata'itohi pe fika koia, mo e ngaahi fakaikiiki 'o e tokotaha fuakava mo e 'aho 'o e tohi fuakava; pea
- (c) fakamo'oni hingoa ki ai 'a e tokotaha 'oku ne fakahoko 'a e tohi fuakava.

O.27 Tu'utu'uni 6. Kakano 'o e tohi fuakava

- (1) Kuo pau ki ha tohi fuakava 'e ngaue'aki 'i he hopo ke kau pe kiai 'a e ngaahi mo'oni'i me'a pe koia 'e ala tali ke fakahu 'o kapau ko e tokotaha fuakava te ne fakahoko ha fakamo'oni fakamatala ngutu.
- (2) 'E ngofua ki ha tohi fuakava kuo faile ke pou pou ki ha fanongonongo tohi kole ke kau atu kiai ha ngaahi fakamatala 'o ha ngaahi me'a pe tui ka 'i hano fakaha 'a e ma'u'anga mo e ngaahi makatu'unga tefito 'o ia

O.27 Tu'utu'uni 7. 'Eke fakafihī 'o e taha fuakava

- (1) 'E ngofua ki ha fa'ahinga fa'ahi pe 'oku ne faka'amu ke ne 'eke fakafihī'i ha tokotaha fuakava kuo ne fuakava'i ha tohi fuakava ma'a ha fa'ahi 'e taha, ke ne tufa atu ki he fa'ahi 'e taha koia ha fanongonongo 'i ha tohi ('a ia 'e lava pe ko e 'oku fakatu'asila ki he fakafofonga lao 'a e fa'ahi 'e taha) 'o fiema'u ia ke ne 'omi 'a e tokotaha fuakava ke 'eke fakafihī'i 'i he Fakamaau'anga 'i hono fakamaau'i pe hopo.
- (2) Kuo pau ki he tohi fanongonongo ke tufa, pea faile mo hono ngaahi tatau 'i he Fakamaau'anga pea tufaki atu ki he ngaahi fa'ahi kehe 'oku nau kau ki hono fakahoko 'o e hopo, 'o 'ikai toe si'i hifo 'i he 'aho kakato 'e tolu kimu'a 'a e 'aho na'e fokotu'u ke fakahoko ai 'a hono fakamaau'i pe ko e hopo.
- (3) Tukukehe 'o ka 'omi 'a e tokotaha fuakava 'o hange koia kuo tala, kuo pau ke 'oua na'a ngaue'aki 'a e tohi fuakava ko ha fakamatala fakamo'oni, tukukehe 'o ka 'i ai ha ngofua makehe mei he Fakamaau'anga.
- (4) Ko e fa'ahi na'e tufa ki ai 'a e tohi fanongonongo kuo pau ke 'iai 'ene totonu ke ne fekau ki he tokotaha fuakava ke ne 'iai ke 'eke fakafihī'i ia 'i he founa tatau pe 'e fekau ai ki he tokotaha fuakava ke ne 'i ai ko ha tokotaha fakamo'oni ke faka'eke'eke'i ia.

O.27 Tu'utu'uni 8. Ngaahi liliu lea

'O kapau ko e tohi fuakava 'oku 'i ha to e lea kehe

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mei he lea faka-
Pilitania, kuo pau ke fakapipiki kiai 'i he taimi 'e faile ai
ha liliu lea faka-Pilitania 'o fakamo'oni'i 'e ha tohi
fuakava 'o ha tokotaha fakatonu lea.

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NGAAHI NGAUE 'OKU TU'UTU'UNI KE FAKAHOKO

**FEKAU 28 : NGA AHI TU'UTU'UNI FAKALUKUFUA
FEKAU'AKI MO E NGA AHI TU'UTU'UNI
FAKAMA AU'ANGA MO E NGA AHI FEKAU**

**O.28 Tu'utu'uni 1. Ngaahi tu'utu'uni
fakamaau'anga ke fakamo'oni hingoa kiai pea
sila'i**

Kuo pau ki he tu'utu'uni fakamaau'anga pe fekau kotoa pe na'e fakahoko 'e he Fakamaau'anga ke fakama'opo'opo 'e he Fakamaau'anga, fakamo'oni hingoa ki ai 'e he pe ma'ae Fakamaau na'a ne fakahoko 'a e fekau pea sila'i 'aki 'a e sila 'a e Fakamaau'anga.

**O.28 Tu'utu'uni 2. Fakaha 'a e hingoa 'o e
Fakamaau**

Kuo pau ki he tu'utu'uni fakamaau'anga pe fekau kotoa pe ke 'asi ai 'a e hingoa 'o e Fakamaau 'a ia na'a ne fakahoko.

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O.28 Tu'utu'uni 3. 'Aho 'e fakahoko ai 'a e tu'utu'uni fakamaau'anga

Tukukehe 'oka kehe 'a e fekau, kuo pau ki he tu'utu'uni fakamaau'anga pe fekau ke fakahoko ia mei he 'aho 'a ia na'e fakahoko ai.

O.28 Tu'utu'uni 4. Tufaki 'o e ngaahi tu'utu'uni fakamaau'anga mo e ngaahi fekau

- (1) Kuo pau ki ha tatau 'o e tu'utu'uni fakamaau'anga pe fekau kotoa pe ke tufa 'e he fa'ahi na'a ne ma'u mai 'o fakatatau ki ha fa'ahinga tu'utu'uni fakahinohino na'e tuku atu 'e he Fakamaau'anga.
- (2) Kuo pau ki he tu'utu'uni fakamaau'anga mo e fekau ke fakahoko kotoa pe 'oku tufa fakahangatonu ki ha tokotaha ma'u ke ne fakapipiki atu kiai 'a e fanongonongo tu'utu'uni fakahinohino 'o hange koia 'oku tu'utu'uni 'i he 0.11 Tu'utu'uni 2

O.28 Tu'utu'uni 5. 'E ngofua ke fakatonutonu 'a e ngaahi fehalaaki fakakalake

'E ngofua ki ha ngaahi fehalaaki fakakalake 'i he ngaahi tu'utu'uni fakamaau'anga pe ngaahi fekau, pe ngaahi hala na'e tupu mei ha ta'etokanga pe na'e mo'ungalao, ke 'i ha fa'ahinga taimi pe, fakatonutonu 'e he Fakamaau'anga 'o 'ikai toe 'iai ha tangi.

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**FEKAU 29 : NGAAHI TU'UTU'UNI FAKALUKUFUA
FEKAU'AKI MO E NGAAHI HOPO KE FAKAHOKO HA
TU'UTU'UNI**

**O.29 Tu'utu'uni 1. Taimi 'e fiema'u ai ha
ngofua ke fakahoko ha hopo ke fakahoko ha
tu'utu'uni**

- (1) Kuo pau ki he ngaahi hopo ke fakahoko ha tu'utu'uni ke 'oua na'a tuku atu, te'eki ai ha ngofua mei he Fakamaau'anga 'o kapau:
 - (a) kuo hili ha ta'u 'e ono pe lahi hake mei he 'aho 'o e tu'utu'uni fakamaau'anga pe fekau;
 - (b) kuo hoko ha liliu, 'o tatau aipe pe ko e hoko ha pekia pe 'uhinga kehe, 'i he fa'ahi koia na'e fakahoko ma'ana pe ki ai 'a e tu'utu'uni fakamaau'anga pe fekau;
 - (c) na'e fiema'u ke tu'utu'uni ke fakahoko ha tu'utu'uni fakamaau'anga 'e ha tokotaha kuo pekia 'aki hono fakahoko ki he ngaahi koloa 'o e tokotaha pekia 'oku 'i he tokotaha 'oku ne tokanga'i pe pule'i; pe
 - (d) na'e fiema'u ke tu'utu'uni ke fakahoko ha tu'utu'uni fakamaau'anga ki ha hoa ngaue 'i ha kautaha 'a ia na'e fakahu ai 'a e tu'utu'uni fakamaau'anga.

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- (2) 'E ngofua ki ha tohi kole ki ha ngofua 'i he palakalafi (1) ke fakahoko 'e ha fa'ahi 'e taha 'i ha fanongonongo tohi kole 'o pou pou kiai ha tohi fuakava 'oku fokotu'u kotoa kiai 'a e ngaahi mo'oni'i me'a 'e fiema'u kiai.
- (3) 'I hano foaki 'e he Fakamaau'anga ha ngofua 'i he tu'utu'uni ni, kuo pau ke ta'e'aonga 'a e ngofua koia 'o kapau ko e ngaahi hopo koia na'e 'ikai fakahoko 'i loto 'i he mahina 'e 12 mei hono foaki.

O.29 Tu'utu'uni 2. Ngaahi tu'unga 'o e tohi fekau ke fakahoko ha tu'utu'uni

- (1) 'I hano fakahoko, kuo pau ki ha tohi fekau ke fakahoko ha tu'utu'uni ke lau 'oku 'osi hono 'aonga pea ko ha ngaahi puke 'e fakahoko 'amui kuo pau ke fiema'u ke fakahoko ha tohi kole ia ki hano tuku atu 'o ha tohi fekau fo'ou.
- (2) 'E 'aonga 'a e tohi fekau ke fakahoko ha tu'utu'uni ki he mahina 'e 12 mei he 'aho na'e tuku atu ai.
- (3) 'E ngofua ki he Fakamaau'anga 'i ha 'uhinga lelei ke ne fakaloloa 'a e 'aonga 'o ha tohi fekau ke fakahoko ha tu'utu'uni mei he taimi ki he taimi ki ha vaha'a taimi 'o 'ikai toe lahi hake 'i he mahina 'e 12 mei he 'aho na'e 'osi ai hono 'aonga.

O.29 Tu'utu'uni 3. Ngaahi me'a mahu'inga 'o e ngaahi tohi fekau ke fakahoko ha tu'utu'uni

Tukukehe 'oka fekau 'e he Fakamaau'anga:

- (a) kuo pau ki ha tohi fekau ke fakahoko ha

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tu'utu'uni ke 'oua na'a fakahoko kimu'a 'i hano fakahoko ha tohi fekau tatau moia na'e tuku atu 'i ha 'aho kimu'a;

- (b) 'i hano fakaloloa 'o ha tohi fekau ke fakahoko ha tu'utu'uni 'i he tu'utu'uni 2(3), kuo pau ke lau na'e tuku atu ia 'i he 'aho na'e fakaloloa ai.

O.29 Tu'utu'uni 4. Holomui mei he ngaue na'e tu'utu'uni ke fakahoko

- (1) 'E ngofua ki ha fa'ahi 'oku nau tuku atu ha tohi fekau ke fakahoko ha tu'utu'uni ke ne holomui mei hono fakahoko, 'i ha fa'ahinga taimi pe 'i ha fanongonongo 'i ha tohi 'o fakatu'asila ki he Failesisita pea hiki tatau ki he peilifi pe 'ofisa tu'utu'uni ke fakahoko kehe.
- (2) 'I he taimi kotoa 'oku holomui ai, fakakakato, pe ta'ofi ha no fakahoko, 'e ngofua ki he Fakamaau'anga ke ne fekau ki he ngaahi totongi fakapotopoto na'e tupu mei he ngaue ke fakahoko kimu'a hono fakafoki, ke totongu 'e he tokotaha na'a ne tuku atu 'a e tohi fekau ke fakahoko ha tu'utu'uni.

O.29 Tu'utu'uni 5. Fekau ke fakahū

- (1) 'I ha taimi 'oku 'iai ha fa'ahinga tokotaha pe:
- (a) 'oku fiema'u 'e ha tu'utu'uni fakamaau'anga pe fekau ke ne fakahoko ha ngaue ka 'oku 'ikai ke ne fakahoko pe fakafisi ke ne fakahoko ia 'i he taimi kuo tuhu'i pau 'e he Fakamaau'anga; pe
- (b) talangata'a ki ha tu'utu'uni fakamaau'anga pe fekau ke 'oua na'a

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fakahoko ha ngaue;

'e ngofua ki he tu'utu'uni fakamaau'anga pe fekau ke tu'utu'uni ke fakahoko 'e ha fekau ke fakahu 'i he Fekau 38.

- (2) Fakatatau ki he palakalafi (3), kuo pau ki ha tu'utu'uni fakamaau'anga pe fekau ke 'oua na'a tu'utu'uni ke fakahoko 'i he tu'utu'uni ni tukukehe:
- (a) ko e tatau 'o e tu'utu'uni fakamaau'anga pe fekau kuo 'osi tufa hangatonu pe ki he tokotaha 'oku fakatu'asila fakahangatonu kiai; pea
 - (b) 'o kapau ko e tokotaha koia 'oku fiema'u ke ne fakahoko ha ngaue, ko e tatau kuo 'osi tufa 'i he taimi totonu ke faka'ata 'a e tokotaha koia ke ne faipau ki ai; pea
 - (c) ko e tatau koia na'e tufa na'e fokotu'u ai ha fanongonongo 'o kapau 'e talangata'a 'a e tokotaha koia ki he tu'utu'uni fakamaau'anga pe fekau 'e ala lava leva ke fakahu 'a e tokotaha 'ikai fakahoko 'a e totongi pe ko ha toe fakahoko kehe ke tu'utu'uni ke faipau ki he ngaahi tu'unga koia.
- (3) Kuo pau ki he palakalafi (2) ke 'oua na'a ngaue'aki 'o kapau 'oku fiemalie 'a e Fakamaau'anga ko e tokotaha koia na'e tu'utu'uni ke fakahoko 'a e tu'utu'uni fakamaau'anga pe fekau na'a ne 'ilo kiai 'i ha 'uhinga na'a ne 'iai 'i hono fakahoko, pe toe 'uhinga kehe.
- (4) Kuo pau ki he Fakamaau'anga ke 'oua na'a ne, 'i he 'ikai ke 'iai ha ngaahi tu'unga makehe, fakahoko ha fekau ke fakahu, ke tu'utu'uni ke

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fakahoko ha tu'utu'uni fakamaau'anga 'o fakatatau ki ha mo'ua tukukehe 'oka ne fiemalie ko e tokotaha kuo tu'utu'uni ke ne mo'ua 'i he hopo 'oku ne pe kuo ne ma'u, talu mei he 'aho 'o e fekau pe tu'utu'uni fakamaau'anga 'a e founa ke totongi 'a e mahu'inga 'o fakatatau ki he 'ikai kene fakahoko 'a e totongi pea 'oku ne fakafisi pe ta'etokanga ke ne totongi 'a e me'a tatau.

FEKAU 30 : FAKAHOKO 'O E TU'UTU'UNI FAKAMAAU'ANGA KI HONO TOTONGI 'O E PA'ANGA

O.30 Tu'utu'uni 1. Ngaahi founa 'a hono tu'utu'uni ke fakahoko

'E ngofua ki ha tu'utu'uni fakamaau'anga pe fekau ki hano totongi 'o ha pa'anga ke tu'utu'uni ke fakahoko 'i he taha pe lahi hake 'o e ngaahi founa ko 'eni:

- (a) tohi fekau fakatautuki;
- (b) ngaahi hopo kanisi;
- (c) fokotu'u 'o ha tokotaha ke ne tali;
- (d) fekau ki hono totongi;
- (e) ha fekau ke fakahu, 'o kapau ko e Fekau 29, tu'utu'uni 5 'oku ngaue'aki..

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O.30 Tu'utu'uni 2. Ke hilifaki ha totongi tupu 'i he mo'ua 'oku tu'utu'uni ke totongi 'i he hopo

- (1) Kuo pau ki he mo'ua 'oku tu'utu'uni ke totongi 'i he hopo ke hilifaki kiai ha totongi tupu mei he taimi 'a hono 'oatu 'o e tu'utu'uni fakamaau'anga kae 'oua kuo fakakakato 'a e tu'utu'uni fakamaau'anga koia.
- (2) Tukukehe ka fakamahino'i makehe 'e he Fakamaau'anga, ko e totongi tupu koia 'i he palakalafi 1, kuo pau ke 'i he tu'unga ko e 10% 'i he ta'u.
- (3) 'E ngofua ki he totongi tupu ke hilifaki ia 'i ha fekau ke fakahoko 'i he tu'utu'uni fakamaau'anga.

FEKAU 31 : TOHI FEKAU FAKATAUTUKI

O.31 Tu'utu'uni 1. Sipinga 'o e tohi fekau fakatautuki

Kuo pau ki ha tohi fekau fakatautuki ke 'i he Sipinga 13.

O.31 Tu'utu'uni 2. Tohi kole ki ha tohi fekau

- (1) Kuo pau ki ha tohi kole ki ha tohi fekau fakatautuki ke fakahoko 'i ha fanongonongo tohi

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kole 'o fokotu'u ai 'a e founa 'oku pehe ke fakahoko'aki ha ngaue ki he ngaahi koloa kuo puke.

- (2) 'E ngofua ki he Fakamaau'anga, 'i ha tohi kole 'a ha tokotaha 'oku tu'utu'uni ke ne totongi 'a e mo'ua 'i he hopo pe tokotaha 'oku tu'utu'uni ke totongi ki ai 'a e mo'ua 'i he hopo, ke ne:
 - (a) tu'utu'uni fakahinohino ko ha fa'ahinga koloa na'e puke 'o fakatatau ki ha tohi fekau fakatautuki ke fakatau atu 'i ha toe founa kehe mei hono fakatautuki fakapule'anga; pea
 - (b) 'oatu ha ngaahi tu'utu'uni fakahinohino ki hono tauhi malu 'o e koloa koia 'o fakatatali ki hano fakatau atu.

O.31 Tu'utu'uni 3. Fakahoko 'o e tohi fekau

- (1) Kuo pau ki ha tohi fekau fakatautuki ke fakahoko 'e ha peilifi 'o hange koia 'e tu'utu'uni fakahinohino 'e he Fakamaau'anga pea fakatatau ki he ngaahi founa fakahoko ngaue 'oku tu'utu'uni 'i he Lao 'o e kau Peilifi 2000.
- (2) 'I ha taimi pe 'oku fakahoko ai ha tohi kole 'i he tu'utu'uni 2 ki ha tu'utu'uni fakahinohino ki ha fa'ahinga koloa na'e puke 'oku totonu ke fakatau 'i ha toe founa keheange mei he fakatautuki fakapule'anga, kuo pau ki he ngaahi founa kotoa pe mo e ngaahi totongi 'o e ngaahi founa koia ke tokanga ki ai 'a e tokotaha kole tukukehe 'o ka kehe ha fekau 'a e Fakamaau'anga.
- (3) 'E ngofua ke fakahoko ha tohi kole ki he Fakamaau'anga ki hano totongi fakafoki mei he

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ngaahi me'a na'e fakatau atu ki ha ngaahi totongi na'e totonu 'a hono hilifaki ki ai 'e he tokotaha kole.

- (4) 'I ha taimi 'e fekau'i ai ha founa fakahoko ngaue 'e taha 'e he Fakamaau'anga, kuo pau ki he tokotaha kole ke ne fakaha kimu'a ki he peilifi 'a e ngaahi founa kotoa pe. Ko e ngaahi koloa na'e puke 'e hokohoko atu pe hono tauhi 'e he peilifi 'o fakatatali ki hano tuku atu pea 'e toki tukuange pe 'i ha fekau 'a e Fakamaau'anga.
- (5) Tukukehe 'o ka 'i ai ha tu'utu'uni fakahinohino kehe 'a e Fakamaau'anga, ko e mahu'inga fakakatoa na'e tauhi 'e he peilifi hili 'a hono fakahoko 'o e tohi fekau fakatautuki ke totongi ia ki he tokotaha 'oku tu'utu'uni ke totongi ki ai 'a e mo'ua 'i he hopo.
- (6) 'I hono fakahoko, 'oku lau kuo 'osi 'a e 'aonga 'o ha tohi fekau fakatautuki pea kuo pau ki ha toe puke 'amuiange ke fiema'u ha tohi kole ki hono tuku atu 'o ha tohi fekau fo'ou.

O.31 Tu'utu'uni 4. Tolo'i 'a hono fakahoko

- (1) Fakatautu ki he palakalafi (2) 'e ngofua ki he Fakamaau'anga, 'i ha tohi kole ha fa'ahinga tokotaha pe na'e tuku atu kiai pe 'e tuku atu ki ai ha tohi fekau fakatautuki, ke ne toloi 'a hono fakahoko 'i he ngaahi tu'unga mo ha vaha'a taimi koia 'oku ne pehe 'oku totonu.
- (2) Kuo pau ki he Fakamaau'anga ke 'oua na'a ne toloi ha fakahoko 'i he palakalafi si'i (1) tukukehe 'o ka ne fiemalie:
 - (a) 'oku 'i ai 'a e ngaahi tu'unga makehe 'a ia

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'oku ne 'ai ke 'oua na'a fakapotopoto ke tu'utu'uni ke fakahoko hono totongi; pe

- (b) 'oku 'ikai malava 'a e tokotaha kole 'o totongi fakakatoa 'a e mahu'inga 'oku totonu ke ne totongi
- (3) 'E ngofua ki ha tohi kole 'i he palakalafi (1) ke fakahoko:
 - (a) fakamatala ngutu, 'i hono fakahoko 'o e tu'utu'uni fakamaau'anga pe fekau; pe
 - (b) 'i ha fanongonongo tohi kole 'o poupou ki ai ha tohi fuakava 'o fokotu'u atu ai 'a e ngaahi tu'unga makehe, pe, 'okapau ko e tokotaha kole 'oku 'ikai ke ne lava 'o totongi kakato, kuo pau ke fakaha 'i he tohi fuakava 'a e tu'unga fakapa'anga kakato 'a e tokotaha kole.
- (4) 'E ngofua ki ha fekau 'oku fakahoko 'i he tu'utu'uni ni ke liliu pe tamate'i 'i ha tohi kole ha fa'ahi.

FEKAU 32 : NGA AHI HOPO KĀNISI

O.32 Tu'utu'uni 1. Taimi 'oku ngāue'aki ai 'a e hopo kānisi

'I ha:

- (a) ma'u 'e he tokotaha 'oku tu'utu'uni ke totongi ki ai 'a e mo'ua 'i he hopo ha tu'utu'uni

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fakamaau'anga pe fekau ki hono totongi 'e ha tokotaha 'oku tu'utu'uni ke ne totongi 'a e mo'ua 'i he hopo ha mahu'inga pa'anga lahi hake 'i he \$500, pea

- (b) to e 'iai ha tokotaha kehe 'i loto 'i he mafai 'o e fakalao 'o e fakamaau'anga ('i he tu'utu'uni ni 'oku ui ia ko e "kanisi") 'oku 'iai hono mo'ua pa'anga ki he tokotaha 'oku tu'utu'uni ke ne totongi 'a e mo'ua 'i he hopo,

'e ngofua ki he Fakamaau'anga ke ne fekau 'a e kanisi ke totongi ki he tokotaha 'oku tu'utu'uni ke totongi ki ai 'a e mo'ua 'i he hopo ha fa'ahinga mahu'inga ('ikai laka hake 'i he pa'anga 'oku mo'ua'aki 'e he kanisi ki he tokotaha 'oku tu'utu'uni ke ne totongi 'a e mo'ua 'i he hopo) fakakakato kotoa pe ha kongā 'o e totongi ki he mo'ua kuo tu'utu'uni pe ngaahi totongi.

O.32 Tu'utu'uni 2. Sīpinga 'o e tohi kole

Kuo pau ki ha tohi kole ki ha fekau 'i he tu'utu'uni 1 ke fakahoko 'e ha fa'ahi 'e taha 'i ha fanongonongo tohi kole 'o pou pou kiai ha tohi fuakava:

- (a) 'o fokotu'u ai 'a e hingoa mo e tu'asila fakamuimui taha 'oku ma'u 'o e tokotaha 'oku tu'utu'uni ke ne totongi 'a e mo'ua 'i he hopo;
- (b) fakaha 'a e tu'utu'uni fakamaau'anga pe fekau ke tu'utu'uni ke fakahoko pea fokotu'u ai 'a e mahu'inga 'oku te'eki ke totongi;
- (c) fokotu'u ai ko e kanisi (fakahingoa 'a e kanisi) 'oku 'iai 'a e tui 'oku ne 'i loto 'i he mafai fakalao 'o e fakamaau'anga pea 'oku ne mo'ua pa'anga ki he tokotaha 'oku tu'utu'uni ke ne totongi 'a e mo'ua 'i he hopo, pea fakaha 'a e ngaahi

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makatu'unga tefito ki he tui koia; pea

- (d) 'i he taimi koia ko e kanisi ko ha kautaha fakapa'anga 'oku laka hake he taha hono ngaahi va'a, fokotu'u ai 'a e va'a koia 'oku tui 'oku 'i ai 'a e mo'ua.

O.32 Tu'utu'uni 3. Fekau ke fakaha 'a e tupu'anga

- (1) Kuo pau ki ha tohi kole 'i he tu'utu'uni (2) ke tuku atu ki he Fakamaau 'a ia 'e ngofua ke ne fakahoko ha fekau ke fakaha 'a e tupu'anga ki he 'uhinga 'oku 'ikai ai tonu ki he kanisi ke ne totongi 'a e mahu'inga na'e 'eke pea fakamahino'i ha taimi mo ha feitu'u ki hono toe fakakaukau'i 'o e me'a ni.
- (2) Kuo pau ki ha fekau ke fakaha 'a e tupu'anga ke 'i ha Sipinga 14.
- (3) Tukukehe 'oku 'iai ha tu'utu'uni fakahinohino kehe 'a e Fakamaau'anga, kuo pau ki he fekau ke fakaha 'a e tupu'anga ke tufa ki he kanisi mo e tokotaha 'oku tu'utu'uni ke ne totongi 'a e mo'ua 'i he hopo 'o 'ikai toe si'i hifo 'i he 'aho 'e 7 kimu'a 'a e 'aho kuo fokotu'u ki hano toe fakakaukau'i 'o e me'a ni.
- (4) Kuo pau ki ha fekau ke fakaha ke ne ha'i 'a e mo'ua 'oku 'i he 'aofinima 'o e kanisi mei he taimi hono tufa kiai 'a e fekau.

O.32 Tu'utu'uni 4. 'E ngofua ki he kanisi ke ne fakahoko 'a e totongi ki he Fakamaau'anga

'E ngofua ki ha kanisi 'oku ne fakaha 'oku ne mo'ua pa'anga ki ha tokotaha 'oku tu'utu'uni ke ne totongi 'a

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e mo'ua 'i he hopo 'a e mahu'inga 'oku fakamahino'i pe ko ha mahu'inga 'oku toe si'i hifo ke ne totongi 'a e mahu'inga koia ki he Fakamaau'anga.

O.32 Tu'utu'uni 5. Ngaahi fekau 'i hano to e fakakaukau'i

'I hano toe fakakaukau'i 'o e me'a ni:

- (a) 'o kapau he 'ikai 'i ai 'a e kanisi pe kapau 'e fiemalie 'a e Fakamaau'anga ko e kanisi 'oku ne mo'ua pa'anga ki he tokotaha 'oku tu'utu'uni ke ne totongi 'a e mo'ua 'i he hopo 'a e mahu'inga 'oku fakamahino'i, 'e ngofua ki he Fakamaau'anga ke ne fakahoko ha fekau aofangatuku 'i he Sipinga 15.
- (b) 'o kapau 'e fakakihikihi'i 'e he kanisi 'oku ne mo'ua ki he tokotaha kuo tu'utu'uni ke ne mo'ua 'i he hopo 'a e mahu'inga 'oku 'eke, 'e ngofua ki he Fakamaau'anga ke ne tu'utu'uni ki he me'a koia 'o 'ikai toe fakahoko ha hopo pe fekau ke fakamaau'i pea 'oatu ha ngaahi tu'utu'uni fakahinohino 'oku fe'unga ki ai.
- (c) 'o kapau 'e ha ki he Fakamaau'anga 'oku 'i ai ha tokotaha kehe 'oku 'i ai ha'ane ngaahi 'eke 'oku fakataumu'a ia ki he mo'ua 'oku fiema'u ke fakapipiki, 'e ngofua ki he Fakamaau'anga ke ne fekau ki he tokotaha ko ia ke ne kau atu kiai pea 'oatu 'a e ngaahi fakaikiiki 'o e 'eke koia, pea 'e ngofua ke fakahoko ha tu'utu'uni ki he me'a koia 'o 'ikai toe fakahoko ha hopo pe fekau ke fakamaau'i pea 'oatu ha ngaahi tu'utu'uni fakahinohino 'oku fe'unga ki ai.

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O.32 Tu'utu'uni 6. Ola 'o e totongi 'e he kānisi

Ko ha totongi mo'ua 'oku fakahoko 'e he kanisi 'o fakatatau ki ha fekau aofangatuku 'i he Fekau ni ke fakalao 'a hono faka'ata 'a e kanisi mei hono ngaahi mo'ua ki he tokotaha 'oku tu'utu'uni ke ne totongi 'a e mo'ua 'i he hopo ki he lahi taha 'o e mahu'inga kuo totongi, tatau aipe 'o kapau ko e fekau kanisi pe ko e tu'utu'uni fakamaau'anga pe fekau 'a ia na'e fokotu'u ai kuo tuku ia ki ha tafa'aki pe fulihi.

FEKAU 33 : FOKOTU'U 'O HA TOKOTAHA TALI**O.33 Tu'utu'uni 1. Sipinga 'o e tohi kole ke fokotu'u 'o ha tokotaha tali**

Kuo pau ki ha tohi kole ke fokotu'u ha tokotaha tali ke ne fakahoko ha tu'utu'uni fakamaau'anga pe fekau ke fakahoko 'i ha fanongonongo tohi kole 'o pou pou ki ai ha tohi fuakava:

- (a) 'o fokotu'u ai 'a e hingoa mo e tu'asila fakamuimui taha 'oku ma'u 'o e tokotaha 'oku tu'utu'uni ke ne totongi 'a e mo'ua 'i he hopo;
- (b) fakaha 'a e tu'utu'uni fakamaau'anga pe fekau ke tu'utu'uni ke fakahoko pea fokotu'u ai 'a e mahu'inga 'oku te'eki ke totongi;
- (c) fakaha 'a e koloa 'o fakatatau ki he tokotaha tali 'oku fiema'u ke fokotu'u; pea

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(d) fakahingoa 'a e tokotaha tali 'oku fokotu'u atu.

O.33 Tu'utu'uni 2. Tufa 'o e tohi kole

Tukukehe 'o ka fekau'i 'e he Fakamaau'anga, kuo pau ki he fanongonongo tohi fekau ke tufa ki he tokotaha 'oku tu'utu'uni ke ne totongi 'a e mo'ua 'i he hopo 'ikai toe si'i hifo 'i he 'aho 'e 7 kimu'a 'a e 'aho fakamaau'i.

O.33 Tu'utu'uni 3. Ngofua ki he Fakamaau'anga ke ne 'oatu ha tu'utu'uni fakahinohino

'E ngofua ki ha fekau ke fokotu'u ha taha tali ke kau atu kiai ha ngaahi tu'utu'uni fakahinohino koia 'e fakakaukau 'a e Fakamaau'anga 'oku fe'unga ki hono 'oatu ha malu'i 'o e tokotaha kuo fokotu'u.

O.33 Tu'utu'uni 4. Tufa 'o e fekau

Kuo pau ki 'i loto 'i he 'aho 'e 7 hono tuku atu 'e Fakamaau'anga ha fekau 'o fokotu'u ai 'a e tokotaha ke ne tali, kuo pau ke tufa ha tatau 'o e fekau 'e he fa'ahi 'oku 'o nautolu ki he tokotaha 'oku tu'utu'uni ke ne totongi 'a e mo'ua 'i he hopo mo e tokotaha ke ne tali.

O.33 Tu'utu'uni 5. Totongi 'o e tokotaha tali

Kuo pau ke faka'ata ki he tokotaha tali 'a e totongi ko ia 'e tu'utu'uni 'e he Fakamaau'anga.

O.33 Tu'utu'uni 6. Ngaahi fatongia 'o e tokotaha tali

(1) Kuo pau ki he tokotaha tali:

- (a) ke ne totongi 'i he taimi tonu ki he Fakamaau'anga 'a e pa'anga hulu kotoa pe na'e ma'u 'i he fekau, pea
- (b) fakahu 'a e ngaahi fakamatala pa'anga 'i he ngaahi vaha'a taimi koia 'e tu'utu'uni fakahinohino 'e he Fakamaau'anga.

(2) 'E ngofua ki ha tokotaha tali ke ne kole 'i ha fa'ahinga taimi pe ki he Fakamaau'anga ha ngaahi tu'utu'uni fakahinohino 'aki ha kole 'i ha tohi 'o fokotu'u ai 'a e ngaahi me'a 'aia 'oku fiema'u ki ai 'a e ngaahi tu'utu'uni fakahinohino.

FEKAU 34 : FEKAU KE TOTONGI**O.34 Tu'utu'uni 1. Taumu'a 'o e fekau ke totongi**

Kuo pau ki ha fekau ke totongi ke ne 'oatu ki he tokotaha 'oku tu'utu'uni ke totongi ki ai 'a e mo'ua 'i he hopo ha malu'i, fakakatoa pe ha konga, ki he konga kekele pe ngaahi koloa 'o e tokotaha 'oku tu'utu'uni ke ne totongi 'a e mo'ua 'i he hopo 'oku fakamatala'i 'i he fekau.

O.34 Tu'utu'uni 2. Tohi kole ki ha fekau ke totongi

- (1) Kuo pau ki ha fekau ke totongi ke fakahoko 'e ha fa'ahi 'e taha 'aki ha fanongonongo tohi kole 'o pou pou ki ai ha tohi fuakava:
 - (a) 'o fokotu'u ai 'a e hingoa mo e tu'asila fakamuimui taha 'oku ma'u 'o e tokotaha 'oku tu'utu'uni ke ne totongi 'a e mo'ua 'i he hopo;
 - (b) fakaha 'a e tu'utu'uni fakamaau'anga pe fekau ke tu'utu'uni ke fakahoko pea fokotu'u ai 'a e mahu'inga 'oku te'eki ke totongi;
 - (c) 'oatu kakato 'a e ngaahi fakaikiiki 'o e me'a totonu 'o e totongi 'oku fakataumu'a ki ai; pea
 - (d) fakamo'oni'i ko e tupu ke totongi 'oku ma'u totonu ia 'e he tokotaha 'oku tu'utu'uni ke ne totongi 'a e mo'ua 'i he hopo
- (2) 'E ngofua ki ha tohi kole ke fakahoko ki ha fekau ke totongi pe 'e taha 'o fakatatau ki he tu'utu'uni fakamaau'anga pe fekau 'oku laka hake 'i he taha ki he tokotaha 'oku mo'ua.

O.34 Tu'utu'uni 3. Fekau ke fakahā 'a e tupu'anga

- (1) Kuo pau ki ha tohi kole 'i he tu'utu'uni 2 ke tuku atu ki ha Fakamaau 'a ia 'e ngofua ke ne fakahoko ha fekau ke fakaha 'a e tupu'anga ki he 'uhinga 'oku 'ikai ai totonu ke totongi ha tupu

ki he tokotaha 'oku tu'utu'uni ke ne totongi 'a e mo'ua 'i he hopo ke malu'i 'a e mahu'inga na'e te'eki ke totongi, pea fakamahino'u ai 'a e taimi mo e feitu'u ki hano toe fakakaukau'i 'o e me'a ni.

- (2) Kuo pau ki ha fekau ke fakaha 'a e tupu'anga ke 'i he Sipinga 16.
- (3) Tukukehe 'oka kehe ha tu'utu'uni fakahinohino 'a e Fakamaau'anga, kuo pau ki he fekau ke fakaha 'a e tupu'anga ke tufa ki he:
 - (a) tokotaha 'oku tu'utu'uni ke ne totongi 'a e mo'ua 'i he hopo;
 - (b) Minisita Fonua 'o kapau ko e tefito'i taumu'a 'o e me'a ke totongi ko e kelekele; mo
 - (c) ha to e tokotaha kehe 'oku 'i ai ha'ane kaunga ki he fekau;

'o 'ikai to e si'i hifo 'i he 'aho 'e 7 kimu'a he 'aho na'e fokotu'u ki hano toe fakakaukau'i 'o e me'a ni.

O.34 Tu'utu'uni 4. Founga fakahoko ngaue 'i hano toe fakakaukau'i

'I hano to e fakakaukau'i 'o e me'a ni:

- (a) kuo pau ke fanongo 'a e fakamaau'anga ki he tokotaha 'oku tu'utu'uni ke totongi ki ai 'a e mo'ua 'i he hopo mo e tokotaha 'oku tu'utu'uni ke ne totongi 'a e mo'ua 'i he hopo ('o kapau 'e 'i ai 'a e tokotaha 'oku tu'utu'uni ke ne totongi 'a e mo'ua 'i he hopo)
- (b) kuo pau ke 'i ai ha totonu 'a e fa'ahi 'a e Minisita

Fonua ke fanongo ki ai 'a e fakamaau'anga;
'i ha fakangofua mei he Fakamaau'anga, 'e ngofua ki ha to e tokotaha kehe 'oku 'i ai ha'ane kaunga ki he fekau ke fanongo ki ai 'a e Fakamaau'anga; pea kuo pau leva ki he Fakamaau'anga ke ne toki fakahoko ha fekau aofangatuku, pe 'e 'iai ha ngaahi liliu pe 'ikai, pe te ne tamate'i 'e ia.

O.34 Tu'utu'uni 5. Sipinga 'o e fekau ke totongi

Kuo pau ki ha fekau ke totongi aofangatuku ke 'i he Sipinga 17.

O.34 Tu'utu'uni 6. Tufa 'o e fekau

Kuo pau ki ha fekau na'e fakahoko ke tufa ki he tokotaha kotoa pe 'oku fiema'u ke tufa ki ai 'i he tu'utu'uni 3(3).

O.34 Tu'utu'uni 7. 'E ngofua ke liliu pe tamate'i 'a e fekau

'I ha tohi kole 'a e tokotaha 'oku tu'utu'uni ke ne totongi 'a e mo'ua 'i he hopo pe ha to e tokotaha kehe 'oku 'i ai ha'ane tokanga kehe kihe koloa 'oku 'uhinga kiai, 'e ngofua ki he Fakamaau'anga 'i ha fa'ahinga taimi pe ke ne tamate'i pe liliu 'a e fekau 'i he ngaahi tu'unga ko ia 'oku ne pehe 'oku totonu.

O.34 Tu'utu'uni 8. Tu'utu'uni ke fakahoko

(1) 'E ngofua ki ha fekau ke totongi ke tu'utu'uni ke

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fakahoko 'aki hono fokotu'u ha tokotaha ke ne tali pea/pe mo fekau ke fakatau atu.

- (2) Kuo pau ki ha tohi kole ki ha tu'utu'uni ke fakahoko ha fekau ke totongi ke pou pou ki ai ha tohi fuakava, 'a ia kuo pau ke tufa ki ha fa'ahi kotoa pe 'oku fiema'u ke tufa ki ai 'i he tu'utu'uni 3(3).

**FEKAU 35 : TU'UTU'UNI KE FAKAHOKO 'A E
TU'UTU'UNI FAKAMAAU'ANGA KI HONO TUFASI 'O E
KOLOA**

O.35 Tu'utu'uni 1. Ngaahi founa ki hono tu'utu'uni ke fakahoko 'a e tu'utu'uni fakamaau'anga

'E ngofua ki ha tu'utu'uni fakamaau'anga pe fekau ke tufa 'a e koloa ke tu'utu'uni ke fakahoko 'i ha taha pe lahi hake 'o e ngaahi founa ni:

- (a) tohi fekau tufa;
- (b) ha fekau ke fakahu, 'o kapau 'oku ngaue'aki 'a e Fekau 29, tu'utu'uni 5.

O.35 Tu'utu'uni 2. Sipinga 'o e tohi fekau tufa

Kuo pau ki ha tohi fekau tufa ke 'i he Sipinga 18.

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O.35 Tu'utu'uni 3. Tohi kole ki ha tohi fekau tufa

Kuo pau ki ha tohi kole ki ha tohi fekau tufa ke fakahoko 'i ha fanongonongo tohi kole 'o pou pou ki ai ha tohi fuakava.

O.35 Tu'utu'uni 4. 'E ngofua ke kau 'i he tohi fekau ha tu'utu'uni ke fakahoko ha totongi

'E ngofua ki ha tohi fekau tufa ke kau ai ha kupu ke tu'utu'uni ke fakahoko ha totongi 'o ha pa'anga ala totongi (tatau pe pe ko ha fetongi pe ko ha tanaki ki hono tufaki 'o e koloa) 'e he tokotaha tatau 'i he tu'utu'uni fakamaau'anga pe fekau tatau.

O.35 Tu'utu'uni 5. Ngaahi fatongia 'o e peilifi

Kuo pau ki he peilifi 'oku fakafatongia'aki 'a hono fakahoko 'o ha tohi fekau tufa, ke ne fakatatau ki he ngaahi tu'utu'uni fakahinohino 'oku 'i he fekau faka-Fakamaau'anga pea fakatatau ki he ngaahi tu'utu'uni 'o e Lao 'o e kau Peilifi 2000.

- (a) puke 'a e koloa na'e fekau ke tufaki 'o fetuku ia ki ha feitu'u 'oku faingamalie 'a ia 'e ngofua ke toki 'ave mei ai;
- (b) taimi vave taha pe hili 'a hono puke, 'oatu ha fanongonongo 'i he Sipinga 19 ki he Fakamaau'anga pea moe tokotaha na'a ne tuku atu 'a e mafai 'a e feitu'u pea mo e taimi 'e ngofua ke 'ave ai; pea
- (c) 'o kapau na'e te'eki ke 'ave 'a e koloa koia 'i

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loto 'i he 'aho 'e 14 hili 'a e fanongonongo ko ia, ke ne kole ha tu'utu'uni fakahinohino 'a e Fakamaau'anga pe 'e tukuange 'a e koloa ki he tokotaha na'e puke mei ai.

FEKAU 36 : FAKAHOKO 'A E TU'UTU'UNI FAKAMAAU'ANGA KI HONO PUKE 'O HA FALE

O.36 Tu'utu'uni 1. Ngaahi founga ki hono tu'utu'uni ke fakahoko 'a e tu'utu'uni fakamaau'anga

Ko ha tu'utu'uni fakamaau'anga pe fekau ki hono tuku atu pe tukuange ha mafai pule ki ha fale pe fale-nofo'anga 'e ngofua ke tu'utu'uni ke fakahoko 'i ha taha pe lahi hake 'o e ngaahi founga ni:

- (a) tohi fekau puke
- (b) ha fekau ke fakahu 'o kapau ko e Fekau 29, tu'utu'uni 5 'oku ngaue'aki.

O.36 Tu'utu'uni 2. Sipinga 'o e tohi fekau puke

Kuo pau ki ha tohi fekau puke ke 'i he Sipinga 20.

O.36 Tu'utu'uni 3. Tohi kole ki ha tohi fekau puke

Kuo pau ki ha tohi kole ki ha tohi fekau puke ke

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fakahoko 'i ha fanongonongo tohi kole 'o pou pou ki ai ha tohi fuakava.

O.36 Tu'utu'uni 4. 'E ngofua ke kau 'i he tohi fekau ha kupu ke fakahoko ha totongi

'E ngofua ki ha tohi fekau puke ke kau ai ha kupu ki ha tu'utu'uni ke fakahoko ha totongi 'o ha pa'anga ala totongi (tatau pe pe ko ha fetongi pe ko ha tanaki atu ki hono tukuange 'a e mafai pule ki ha fale pe fale-nofu'anga) 'e he tokotaha tatau pe 'i he tu'utu'uni fakamaau'anga pe fekau pe ko ia.

O.36 Tu'utu'uni 5. Ngaahi fatongia 'a e peilifi

Kuo pau ki ha peilifi 'oku fakafatongia'aki 'a hono fakahoko 'o e tohi fekau puke, ke ne, fakatatau ki he ngaahi tu'utu'uni fakahinohino 'oku 'i he fekau faka-Fakamaau'anga pea fakatatau ki hono ngaahi fatongia mo e mafai 'i he Lao 'o e kau Peilifi 2000.

- (a) puke 'a e fale pe fale-nofu'anga 'i ha founda makehe 'i he kupu 8(1) 'o e Lao ki he Peilifi.
- (b) lipooti ki he ola 'o e puke makehe 'aki hono fakahu atu 'i he taimi totonu ki he Failesisita ha tohi kuo 'osi fakamo'oni hingoa ki ai 'i he Sipinga 1 'o e tepile 'i he Lao 'o e kau Peilifi.
- (c) kuo pau ki he peilifi ke ne fiema'u ha tokotaha 'oku nofo 'i he fale pe fale-nofu'anga ke ne tukuange hono mafai pule pea mavahe mei he feitu'u koia 'i loto 'i he 'aho 'e 14 pe ko e vaha'a taimi koia 'e toki tu'utu'uni 'e he Fakamaau'anga.
- (d) kapau 'oku 'i ai ha tokotaha pe ni'ih'i 'oku ha'a nautolu 'a e fale pe fale-nofu'anga 'oku 'ikai ke

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ne mavahe mei he feitu'u 'o hange koia kuo tu'utu'uni 'e he peilifi 'i he palakalafi (c), kuo pau leva ki he peilifi ke ne fakahoko 'a hono fekau ke mavahe 'a e tokotaha pe ni'ihiki koia 'aki ha ngaahi founga fakamalohi fakapotopoto 'e fiema'u.

- (e) 'i hano kole 'e ha peilifi, kuo pau ki ha 'ofisa polisi ke ne kau atu pe tokoni ki hono fakahoko 'a hono fekau ke mavahe 'i he Fekau ni.
- (f) kuo pau ki ha peilifi ke ne lipooti 'i he taimi totonu ki he Fakamaau'anga 'a e iku'anga 'o ha fekau ke mavahe

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NGAAHI FOUNGA FAKAHOKO NGAUE MAKEHE MO FAKALUKUFUA

FEKAU 37 : FAKA'EKE'EKE 'O E TOKOTAHA 'OKU TU'UTU'UNI KE NE TOTONGI 'A E MO'UA 'I HE HOPO

O.37 Tu'utu'uni 1. Tohi kole ki hano faka'eke'eke

- (1) 'I hano ma'u mai 'e ha fa'ahi ("tokotaha 'oku tu'utu'uni ke totongi ki ai 'a e mo'ua 'i he hopo") ha tu'utu'uni fakamaau'anga pe fekau ki ha totongi ke fakahoko 'e ha fa'ahi kehe ("tokotaha 'oku tu'utu'uni ke ne totongi 'a e mo'ua 'i he hopo") 'o ha pa'anga, 'e ngofua ki he Fakamaau'anga, 'i ha tohi kole 'oku fakahoko 'e ha fa'ahi 'e taha 'i ha fanongonongo tohi kole, fekau ki he tokotaha 'oku tu'utu'uni ke ne totongi 'a e mo'ua 'i he hopo pe, 'o kapau ko e tokotaha 'oku tu'utu'uni ke ne totongi 'a e mo'ua 'i he hopo ko ha sino kautaha, ha 'ofisa mei ai, ke ne ha 'i mu'a 'i he Fakamaau'anga pea 'i he founga ko e faka'eke'eke fakamatala ngutu.
- (2) Kuo pau ki he tohi kole ke fokotu'u ai pe 'oku fiema'u 'a e faka'eke'eke ke hiki 'a ia kuo pau ke fakamaau'i 'i he Fakamaau'anga 'oku 'ata ki he kakai.

- (3) Ko ha fekau 'i he tu'utu'uni ni kuo pau ke tufa fakafo'ituitui ki he tokotaha 'oku tu'utu'uni ke ne totongi 'a e mo'ua 'i he hopo pea mo ha 'ofisa 'o ha sino kautaha na'e fekau'i ke ne 'iai ke faka'eke'eke pea koe tokotaha koia 'oku 'i ai 'e ne totonu ki ha pa'anga fakahoko 'oku fakapotopoto ki he 'ene 'i ai ke 'oatu ha fakamatala fakamo'oni.

O.37 Tu'utu'uni 2. Ko hono faka'eke'eke

- (1) 'E ngofua ki he tokotaha 'oku tu'utu'uni ke ne totongi 'a e mo'ua 'i he hopo ke ne faka'eke'eke 'i he ngaahi fehu'i:
- (a) pe 'oku 'i ai, pea ka 'oku 'i ai, ha ngaahi mo'ua 'oku mo'ua'aki ki he tokotaha 'oku tu'utu'uni ke ne totongi 'a e mo'ua 'i he hopo; pea
- (b) pe ko e tokotaha 'oku tu'utu'uni ke ne totongi 'a e mo'ua 'i he hopo 'oku 'i ai ha'ane, pea ka 'oku 'i ai, ha koloa pe founga ke fakahoko ai 'a e tu'utu'uni fakamaau'anga pe fekau.
- (2) 'E ngofua ki he Fakamaau'anga ke ne toe fekau ki he tokotaha 'oku tu'utu'uni ke ne totongi 'a e mo'ua 'i he hopo pe 'ofisa ke ne 'oatu ha fa'ahinga tohi pe tohi ngaue 'oku 'i he tokotaha 'oku tu'utu'uni ke ne totongi 'a e mo'ua 'i he hopo 'oku 'i ai ha'ane kaunga ki he ngaahi fehu'i 'i he palakalafi (1) 'i he taimi pea mo e feitu'u 'oku fokotu'u ki hono faka'eke'eke.

FEKAU 38 : TALANGATA'A KI HE FAKAMAAU'ANGA**O.38 Tu'utu'uni 1. Tautea 'o e talangata'a ki he Fakamaau'anga**

Ko e mafai 'o e Fakamaau'anga Lahi pe Fakamaau'anga Tangi ke tautea ha talangata'a ki he Fakamaau'anga 'e ngofua ke fakahoko'aki ha fekau ke fakahu.

O.38 Tu'utu'uni 2. Talangata'a 'i mu'a 'i he Fakamaau'anga

'I hano fakahoko ha talangata'a 'i mu'a 'i he Fakamaau'anga, 'e ngofua ki he Fakamaau'anga ke ne fakahoko 'i he taimi pe koia ha fekau ke fakahu.

O.38 Tu'utu'uni 3. Talangata'a ki he fekau faka-Fakamaau'anga pe ki ha fatongia

(1) 'O kapau ko e talangata'a 'oku kau ai 'a e talangata'a ki ha fekau 'a e Fakamaau'anga pe maumau'i 'o ha fatongia ki he tohi kole ki he Fakamaau'anga ki ha ngofua ke tohi kole ki ha fekau ke fakahu kuo pau ke fakahoko 'e ha fa'ahi 'e taha 'i ha fanongonongo tohi kole pou pou ki ai ha tohi fuakava 'o fokotu'u ai 'a e:

(a) ngaahi fakaikiiki 'o e fekau pe fatongia;

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- (b) hingoa mo e tu'asila 'o e tokotaha 'oku fiema'u ke fakahu;
 - (c) ngaahi makatu'unga tefito 'a ia 'oku fiema'u ai ke fakahu.
- (2) 'E ngofua ki ha fekau ke fakahu 'oku fiema'u ke fakahoko ki ha:
- (a) tokotaha 'oku talangata'a 'o kapau ko e tokotaha pe, pe
 - (b) tokotaha ko ia ko ha falukunga kakai 'oku ala lava 'o fakahoko ha fakahu pe fakahu kinautolu, pe ko e sino kautaha, ha fa'ahinga memipa pe 'ofisa 'o e sino ko ia.

O.38 Tu'utu'uni 4. Founga fakahoko ngaue 'oka foaki 'e he Fakamaau'anga ha ngofua

- (1) 'O kapau 'e foaki he Fakamaau'anga ha ngofua ke ngaue'aki, kuo pau ki ha tohi fekau ke tuku atu 'a ia kuo pau ki he tokotaha kole ke ne tufa ki he tokotaha 'oku fiema'u ke fakahu, fakataha mo ha tatau 'o e fanongonongo tohi kole mo ha tohi fuakava 'o 'ikai toe tomui 'i he 'aho kakato 'e 7 kimu'a 'a e 'aho fakamaau.
- (2) 'E ngofua ki he Fakamaau'anga ke ne fakahoko 'a e tufa 'o e tohi fekau 'i he palakalafi (1) 'o kapau 'oku ne pehe 'oku totonu ke fakahoko

O.38 Tu'utu'uni 5. Fakamaau'i 'o e tohi kole

- (1) Tukukehe 'o ka fekau 'e he Fakamaau'anga, kuo pau ki ha tohi kole ki ha fekau ke fakahu ke fakahoko 'i he Fakamaau'anga 'oku 'ata ki he kakai.

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- (2) 'O kapau ko e fakamaau 'oku fakahoko 'o 'ikai 'ataa ki he kakai pea fakahoko ha fekau ke fakahu, kuo pau ki he Fakamaau'anga ke ne fakaha 'i he Fakamaau'anga 'oku 'ataa ki he kakai 'a e hingoa 'o e tokotaha ke fakahu, fakalukufua 'o e natula 'a 'ene talangata'a, pea mo e vaha'a taimi 'a hono fakahu.

O.38 Tu'utu'uni 6. 'E ngofua ke toloi 'a hono fakahoko

'E ngofua ki he Fakamaau'anga 'oku ne fakahoko 'a e fekau ke fakahu ke ne tu'utu'uni fakahinohino ko e tu'utu'uni ke fakahoko 'a e fekau koia ke toloi ki ha vaha'a taimi mo e ngaahi tu'unga koia 'e te ne toki fakamahino'i.

O.38 Tu'utu'uni 7. Fakahu 'i ha fokotu'u atu 'a e Fakamaau'anga

Kuo pau ke 'oua na'a 'iai ha me'a 'i he fekau ni te ne uesia 'a e mafai 'o e Fakamaau'anga Lahi pe Fakamaau'anga Tangi ke fakahoko ha fekau ke fakahu 'i ha'a ne fokotu'u atu pe 'a'ana.

FEKAU 39 : VAKAI'I FAKA-FAKAMAAU'ANGA'

O.39 Tu'utu'uni 1. Taimi 'oku ngaue'aki ai 'a e tokoni

Ko e fekau ni 'oku ngaue'aki ki ha hopo pe 'oku fakahoko ki ha Fakamaau'anga 'oku ma'ulalo,

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fakamaau'anga fakapotungaue pe sino'i kautaha 'a e kakai (kau ai ha tokotaha fakataautaha 'oku fakafatongia;aki ha ngaahi fatongia fakapule'anga) 'a ia ko e tokoni 'oku 'eke 'oku kau ai ha fekau ke fakahoko ha ngaue, fakataputapui pe tohi fekau ki he lekooti, pe ha tu'utu'uni ke fakaha pe tu'utu'uni ('i he fekau ni 'oku 'uhinga ia ki he "vakai'i faka-Fakamaau'anga").

O.39 Tu'utu'uni 2. Fiema'u ha ngofua mei he Fakamaau'anga

- (1) Kuo pau ke 'oua na'a fakahoko ha tohi kole ki ha vakai'i faka-Fakamaau'anga tukukehe 'oka kuo ma'u ha ngofua mei he Fakamaau'anga 'o fakatatau ki he tu'utu'uni ni.
- (2) Kuo pau ki ha tohi kole ki ha ngofua ke tohi kole ki ha vakai'i faka-Fakamaau'anga ke fakahoko 'i he taimi totonu pea 'i ha fa'ahinga taimi pe 'i loto 'i he mahina 'e 3 mei he 'aho na'e fuofua 'o hake ai 'a e ngaahi makatu'unga tefito 'o e tohi kole, tukukehe 'o ka pehe 'e he Fakamaau'anga 'oku 'i ai ha 'uhinga lelei ke fakaloloa ai 'a e vaha'a taimi koia.
- (3) Kuo pau ki ha tohi kole ki ha ngofua ke fakahoko 'e ha fa'ahi kehe 'aki hono faile:
 - (a) ha fanongonongo tohi kole 'a ia 'oku fokotu'u mahino ai 'a e tokoni 'oku 'eke mo e ngaahi makatu'unga tefito ki ai;
 - (b) ha tatau 'o e tohi fekau 'oku fokotu'u atu pea moe fakamatala 'o e 'eke; mo
 - (c) ha tohi fuakava 'oku fakamo'oni'i ai 'a e ngaahi mo'oni'i me'a 'oku fakafalala ki ai.

O.39 Tu'utu'uni 3. Ngaahi mafai 'o e Fakamaau'anga'

- (1) 'E ngofua ki he Fakamaau'anga ke ne foaki ha tohi kole 'o 'ikai toe fakamaau'i, ka kuo pau ke 'oua na'a ne fakafisi mei ai 'o 'ikai fanonongo ki he fa'ahi 'a e tokotaha kole.
- (2) Kuo pau ke 'oua na'a foaki 'e he Fakamaau'anga ha ngofua, tukukehe 'o ka ne fiemalie ko e tokotaha kole 'oku 'iai ha'ane kaunga fe'unga ki he me'a 'oku fekau'aki mo e tohi kole.

O.39 Tu'utu'uni 4. Tu'unga 'o ka foaki ha ngofua 'e he Fakamaau'anga

'O kapau 'e foaki 'e he Fakamaau'anga ha ngofua:

- (a) 'e ngofua ke ne fakahoko fakatatau ki he ngaahi tu'unga ki he ngaahi totongi pea ke 'oatu ha malu'i 'oku ne pehe 'oku fe'unga, pea
- (b) 'e ngofua ke ne foaki ha tokoni fakataimi 'oku ha 'e fe'unga mo totonu.

FEKAU 40 : HEPEASE KOAPUSE**O.40 Tu'utu'uni 1. Taimi 'oku ngaue'aki ai 'a e tohi fekau hepease koapuse**

Ko e fekau ni 'oku ngaue'aki ki ha tohi kole ki ha

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fekau ke tukuanga ha tokotaha mei ha no puke pe tauhi ta'efakalao pe ta'etotonu (i he fekau ni 'oku 'uhinga ia ki ha "tohi fekau hepease koapuse").

O.40 Tu'utu'uni 2. Ngaahi founa ki hono fakahoko

- (1) 'E ngofua ki ha tohi kole ki ha tohi fekau hepease koapuse ke fakahoko i ha fa'ahinga taimi i ha 'aho 'e ha fa'ahi 'e taha 'aki ha fanongonongo tohi kole 'o pou pou ki ai ha tohi fuakava 'a e tokotaha 'oku puke 'o fakaha ai na'e fakahoko i he loto pe kiai 'a e tokotaha koia pea fokotu'u ai 'a e ngaahi fakaikiiki 'a hono puke.
- (2) 'I ha 'ikai ke malava 'a e tokotaha 'oku tauhi 'o fakahoko 'a e tohi fuakava 'oku fiema'u i he palakalafi (1), 'e ngofua ke fakahoko 'e ha tokotaha kehe ma'ae tokotaha 'oku puke pea kuo pau ke fokotu'u i he tohi fuakava 'a e 'uhinga 'oku 'ikai ai ke lava 'e he tokotaha 'oku puke 'o fakahoko.
- (3) Kuo pau ki ha tohi kole ki ha tohi fekau hepease koapuse ke fokotu'u mu'omu'a ia i he ngaahi hopo kehe kotoa pe i he Fakamaau'anga.

O.40 Tu'utu'uni 3. 'E ngofua ki he Fakamaau'anga ke ne tu'utu'uni fakahinohino ki hono tufa

'E ngofua ki he Fakamaau na'e fakahoko ki ai 'a e tohi kole ke ne:

- (a) fekau ke tuku atu leva 'a e tohi fekau hepease koapuse; pe

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- (b) tu'utu'uni fakahinohino ke tufa 'a e fanongonongo tohi kole mo e tohi fuakava ki ha fa'ahi 'oku fiema'u.

O.40 Tu'utu'uni 4. Tufa 'o e tohi kole

Tukukehe 'o ka fekau'i 'e he Fakamaau'anga, kuo pau ki he fanongonongo tohi kole fakataha mo e kotoa 'o e ngaahi tatau 'o e tohi fuakava ke faile pea tufa 'o 'ikai toe so'o hifo 'i he 'aho kakato 'e 2 kimu'a 'a e 'aho fakamaau'i.

O.40 Tu'utu'uni 5. Ngaahi tu'utu'uni fakahinohino ke 'oatu ki he taimi 'e ala fakafoki ai 'a e tohi fekau

'I hano fekau 'e he Fakamaau'anga ke tuku atu ha tohi fekau hepease koapuse, kuo pau ke ne 'oatu ha ngaahi tu'utu'uni fakahinohino ki he taimi, 'aho mo e feitu'u 'i he taimi ala fakafoki ai 'a e tohi fekau.

O.40 Tu'utu'uni 6. Sipinga 'o e tohi fekau hepease koapuse

Kuo pau ki ha tohi fekau hepease koapuse ke 'i he Sipinga 21.

O.40 Tu'utu'uni 7. Tufa 'o e tohi fekau

Kuo pau ki ha tohi fekau hepease koapuse ke tufa taautaha pe ki he tokotaha kotoa 'oku fakahoko ki ai 'a e tu'utu'uni.

Ka 'ikai ke malava 'a e tohi fekau koia 'o tufa taautaha, pe 'o kapau 'e tu'utu'uni fakahinohino ki he

Pule 'o e Pilisone pe koha toe tokotaha ngaue fakapule'anga, 'e ngofua ke tufa ia 'aki hono tuku ia ki ha'ane tokotaha ngaue pe fakafofonga 'i he feitu'u koia 'oku puke pe tauhi ai 'a e tokotaha ko ia.

O.40 Tu'utu'uni 8. Fakafoki 'o e tohi fekau

Kuo pau ki ha tokotaha na'e tufa ki ai he tohi fekau hepease koapuse ke ne fakahoko ha tali fakafoki ki he tohi fekau 'o fokotu'u ai pe fakalahi atu ha fakamatala 'o fakaha ai:

- (a) pe ko e tokotaha 'oku 'uhinga ki ai 'oku puke pe tauhi 'i he mafai 'a e tokotaha na'e tufa ki ai 'a e tohi fekau; pea kapau koia
- (b) ko e 'uhinga ki ai.

O.40 Tu'utu'uni 9. Fakamaau'i 'i hono tali fakafoki 'o e tohi fekau

'I he fakamaau 'i hono tali fakafoki 'o e tohi fekau:

- (a) kuo pau ke lau 'a e tali fakafoki;
- (b) kuo pau ki he fakafofonga lao 'o e tokotaha 'oku puke ke fanongo ki ai 'a e fakamaau'anga pea ko ha tohi fuakava pe na'e faile ma'ae tokotaha koia kuo pau ke lau;
- (c) kuo pau ki he fakafofonga lao 'a e tokotaha 'oku ne fakahoko 'a e puke koia ke fanongo ki ai 'a e fakamaau'anga pea ko ha tohi fuakava pe na'e faile ma'ae tokotaha koia kuo pau ke lau.
- (d) fakafofonga ma'a e tokotaha 'oku tauhi 'e ngofua ke ne tali fakafoki';

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pea kuopau ke toki tu'utu'uni leva 'e he Fakamaau'anga' pe na'e fakalao 'a hono puke' pe tauhi' pea 'e ngofua ke ne fai ha fekau 'oku ne pehee' 'oku fe'unga'.

FEKAU 41 : TO E SILA'I 'O E NGAahi TOHI PULE'I 'O E TOHI TUKU MEI MULI

O.41 Tu'utu'uni 1. Tohi kole ke fakahoko 'e ha fa'ahi 'e taha

Ko ha tohi kole 'i he kupu 39 'o e Lao ki he Fakamaau'anga Tohi Tuku (Vahe.16) ke toe sila'i 'i he Fakamaau'anga ha tohi fakamo'oni tohi tuku pe tohi pule'i 'o ha koloa na'e tuku atu 'e ha fakamaau'anga muli kuo pau ke fakahoko 'e ha fa'ahi 'e taha 'aki ha fanongonongo tohi kole.

O.41 Tu'utu'uni 2. Fiema'u ke pou pou'aki ha tohi fuakava

Kuo pau ki ha tohi kole ke toe sila'i ke pou pou'aki ha tohi fuakava kuo fuakava ki ai 'a e tokotaha kole 'i ha'ane fakakakato 'a e ngaahi fiema'u ki he ngaahi fakamatala fakamo'oni 'o e kupu 39 'o e Lao kuo 'osi fakahaa'i.

O.41 Tu'utu'uni 3. 'E ngofua ki he Fakamaau'anga ke ne fiema'u ke 'oange ha tohi fanongonongo

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‘E ngofua ki he Fakamaau’anga ‘i hano toe fakakaukau’i ke ne fiema’u ha fanongonongo tohi kole ke tufa ki he tokotaha pe ni’ihi kehe pea ‘e ngofua, ‘o kapau ‘oku ne pehe ‘oku totonu, ke ne ui ha fakamaau’i ‘o e ngaahi tohi fekau ki ha tu’utu’uni fakahinohino.

O.41 Tu’utu’uni 4. ‘E ngofua ke fokotu’u ‘e he Fakamaau’anga’ ha ngaahi tūkunga

‘E ngofua ki he Fakamaau’anga ke ne hilifaki ha ngaahi tu’unga mo e ngaahi tu’utu’uni fekau’aki mo hono toe sila’i ‘o e tohi tuku ‘i ha’ane lau ‘oku fakapotopoto.

FEKAU 42 : NGAahi HOPO ‘I HE FOLAU TAHI

O.42 Tu’utu’uni 1. Mafai fakalao

Neongo ‘a e lao kuo fokotu’u ‘i he Lao Fakatonutonu ki he Lao Sivile 2003, kuo pau ki he Fakamaau’anga ke hoko atu pe hono ngaue’aki ‘a hono mafai totonu ‘i he’ene fekau’aki mo e ngaahi hopo ‘i he Folau Tahī.

O.42 Tu’utu’uni 2. Ngaahi tu’utu’uni mo e ngaue ke fakahoko

- (1) Kuo pau ki he founa fakahoko ngaue mo e ngaahi sipinga ‘oku tuku atu ‘i he Ngaahi Tu’utu’uni ‘o e Fakamaau’anga Lahi ‘o ‘Ingilani,

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ka 'iai ha ngaahi fakatonutonu 'e fiema'u pe 'oku totonu pea fakatatau ki he ngaahi tu'utu'uni ni, hokohoko atu pe hono ngaue'aki.

- (2) Kuo pau ki ha lave ki he "Admiralty Marshall" 'i he ngaahi tu'utu'uni 'o 'Ingilani ke lau ko ha lave ki he Failesisita.

FEKAU 43 : FETONGI 'O E FAKAFOFONGA LAO

O.43 Tu'utu'uni 1. Tohi fanongonongo fetongi 'o e fakafofonga lao

- (1) 'E 'ikai fiema'u ha fekau ia, ka ke fakahoko totonu hano fetongi ha fakafofonga lao, kuo pau ki he fa'ahi pe ko e fakafofonga lao fo'ou ke ne faile ha tohi fanongonongo fetongi 'o e fakafofonga lao 'i he Sipinga 22 pea tufa ha tatau ki he fakafofonga lao kimu'a mo e fa'ahi kehe kotoa pe 'i he hopo.
- (2) 'O kapau 'oku taumu'a ha fa'ahi ke ne fakafofonga'i pe ia 'iate ia, kuo pau ki he Sipinga 22 ke liliu fakatatau ki ai.

O.43 Tu'utu'uni 2. Holomui 'a e fakafofonga lao

- (1) 'I he taimi kuo 'i ai ha fakafofonga lao na'a ne fakafofonga'i ha fa'ahi kuo 'ikai ke ne toe fakafofonga'i pea ko e fa'ahi koia kuo te'eki ke nau 'oatu ha tohi fanongonongo fetongi 'o e

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fakafofonga lao 'i he tu'utu'uni 1, 'e ngofua ki he Fakamaau'anga 'i ha tohi kole, fakahoko ha Fekau 'o foaki atu ai 'a e ngofua ki he fakafofonga lao ke ne holomui mei hono fakafofonga'i 'o e fa'ahi koia.

- (2) Tukukehe 'o ka fekau'i 'e he Fakamaau'anga, 'e ngofua ki ha tohi kole 'i he tu'utu'uni ni ke fakahoko fakamatala ngutu pe kole 'i ha tohi.
- (3) Tukukehe pea 'i he taimi 'oku 'i ai ha fa'ahi 'oku holomui ha'a nau fakafofonga lao, 'oku ne fokotu'u ha fakafofonga lao 'e taha pea faipau ki he tu'utu'uni 1 pe, 'i he 'i ai 'a 'ene totonu ke ne fakafofonga'i pe ia, 'oatu ha tohi fanongonongo ki ai, pea ko e tu'asila fakamuimui taha 'oku 'ilo 'o e fa'ahi koia, pe 'i he taimi koe ko ha sino kautaha, ko hono 'ofisi kuo lesisita, kuo pau ke lau ia ko e tu'asila ki hono tufa.

FEKAU 44 : NGAHI TOHI FEKAU KI HE TOKOTAHA FAKAMO'ONI

O.44 Tu'utu'uni 1. Kole ke fakahoko ki he Failesisita

'E ngofua ki ha fa'ahi ke ne fakahoko ha kole 'i ha tohi ki he Failesisita ke tuku atu ha ngaahi tohi fekau ki hono faka'eke'eke'i 'o ha tokotaha fakamo'oni pea/pe ki hono 'oatu 'o e ngaahi tohi ngaue 'ikai toe 'iai ha ngofua mei he Fakamaau'anga.

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O.44 Tu'utu'uni 2. Sipinga 'o e tohi fekau ki he tokotaha fakamo'oni

- (1) Kuo pau ki ha tohi fekau ki he tokotaha fakamo'oni ke 'i he Sipinga 23 'o liliu ki he'ene fe'unga.
- (2) 'E ngofua ki he hingoa 'o ha ongoua pe tokolahi ange ke kau 'i ha tohi fekau pe 'e taha.

O.44 Tu'utu'uni 3. Tufa 'o e tohi fekau

Ko ha tohi fekau ki he tokotaha fakamo'oni kuo pau ke tufa taautaha pea kuo pau ki he tufa ke 'aonga fakalao tukukehe 'o ka fakahoko 'i loto 'i he uike 'e 12 hili 'a e 'aho na'e tuku atu ai pea 'oua na'a si'i hifo 'i he 'aho 'e 4 pe ko ha toe vaha'a taimi kehe koia 'e fokotu'u 'e he Fakamaau'anga pe Failesisita, kimu'a 'a e 'aho koia na'e fiema'u ai ke ha 'i mu'a 'i he Fakamaau'anga.

O.44 Tu'utu'uni 4. Pa'anga fakahoko

- (1) Ko ha tokotaha na'e tufa ki ai ha tohi fekau ki he tokotaha fakamo'oni 'i ha hopo sivile 'oku 'ikai ala fakamalohi'i ia ke faipau ki he fekau tukukehe, 'i he taimi 'o e tufa pe 'i ha toe taimi kehe 'oku fakapotopoto kimu'a 'a e 'aho 'aia na'e fiema'u ai 'a e tokotaha ko ia ke ne faipau ki he tohi fekau, 'e 'iai ha mahu'inga fe'unga ko ha pa'anga fakahoko ke ne feau ha ngaahi fakamole fakapotopoto 'a e tokotaha koia 'oku ne faipau ki he tohi fekau, ke 'oatu pe totongi ki he tokotaha koia.

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- (2) Tukukehe 'oka fekau kehe 'e he Fakamaau'anga, kuo pau ki he pa'anga fakahoko ke tu'uma'u ki he mahu'imga ko e pa'anga 'e 5.

FEKAU 45 : FAKALELEI VA

O.45 Tu'utu'uni 1. Ngaue'aki 'o e Fekau ni

- (1) Kuo pau ki he Fekau ni ke ngaue'aki kapau 'oku 'i ai ha fa'ahinga taimi 'oku fiemalie 'a e Fakamaau'anga 'oku 'i ai ha tokotaha 'oku fe'unga 'a 'ene taukei poto ke hoko ko ha tokotaha fakalelei va.
- (2) 'E 'ikai taau ke fili ha taha ke ne hoko ko ha tokotaha fakalelei va tukukehe 'o ka fakamo'oni'i he'ene taukei ko ha tokotaha fakalelei va pe na'e ako ngaue 'i ha fa'ahinga ako 'oku fakapapau'i ko e ako ki he fakalelei va.

O.45 Tu'utu'uni 2. 'E ngofua ki he Fakamaau'anga ke ne tuku atu 'a e hopo ke fakalelei

- (1) 'I ha fa'ahinga taimi pe lolotonga 'a e hopo, 'e ngofua ki he Fakamaau'anga, 'i ha loto kotoa ki ai 'a e fa'ahi, ke ne fekau ki he hopo pe konga 'o e hopo ke tukuatu ki hano fakalelei.
- (2) 'I hano fakahoko 'o ha tukuatu 'i he tu'utu'uni ni, kuo pau ki he Fakamaau'anga ke ne fokotu'u

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ha vaha'a taimi ngaue 'a ia ko e fakalelei 'e fakahoko 'i ai pea mo hono aofangatuku.

O.45 Tu'utu'uni 3. Ke 'oua na'a hoko hono tukuatu ke toloi ai 'a e hopo

Tukukehe 'o ka kehe 'a e fekau 'a e Fakamaau'anga, ko hano tuku atu ki ha tokotaha fakalelei va kuo pau ke 'oua na'a hoko ko ha toloi 'o e ngaahi hopo pea 'oua na'a fakatupu ai hano toloi 'a hono teuteu'i 'a e hopo koia ki hono fakamaau'i.

O.45 Tu'utu'uni 4. Ngaahi fatongia 'o ha tokotaha fakalelei va

- (1) Kuo pau ki he tokotaha fakalelei va ke ne feinga ke tokoni'i 'a e ongo fa'ahi ke na a'usia ha fa'ahinga felotoi 'i he hopo pe ko e kongā 'o e hopo na'e tuku atu ke fakalelei.
- (2) Kuo pau ki he tokotaha fakalelei va ke ne lipooti ki he Fakamaau'anga:
 - (a) fakahilitaimi tatau ki he anga 'o e fakalalakaka 'o e fakalelei; pe
 - (b) 'o kapau kuo 'osi 'a e fakalelei, ki he natula 'o e ola; pea
 - (c) 'i ha 'ikai 'i ai ha felotoi, kuo pau ke 'i ai ha'a ne lau ki he ngaahi 'uhinga ki ai.
- (3) Kuo pau ki he tokotaha fakalelei va ke 'oua na'a ne fakahoko ha lipooti ki he Fakamaau'anga tukukehe pe 'a e lipooti 'i he palakalafi (2).

O.45 Tu'utu'uni 5. Ngaahi founga fakahoko ngaue 'i ha fakalelei

- (1) Tukukehe ka 'iai kotoa 'a e ngaahi fa'ahi 'i he fakalelei, felotoi 'i ha tohi kuo pau ke 'oua na'a tali ke fakahu atu ha fakamatala fakamo'oni 'i he hopo Fakamaau'anga 'i ha me'a pe na'e lea'aki pe fakahoko 'e ha fa'ahinga tokotaha pe 'i he fakalelei.
- (2) 'I hano a'usia ha felotoi, kuo pau ke fakahoko leva ia 'i ha tohi pea fakamo'oni hingoa ki ai 'a e ngaahi fa'ahi 'i he fakalelei pe 'amuiange.

O.45 Tu'utu'uni 6. Ngaahi totongi 'o fakatatau ki he fakalelei

- (1) Tukukehe 'o ka felotoi 'a e ngaahi fa'ahi, 'e ngofua ki he Fakamaau'anga ke ne tu'utu'uni ki ha totongi 'a e tokotaha fakalelei va, pea 'e he fa'ahi pe ngaahi fa'ahi fe mo e ha 'a e lahi 'o e totongi ke totongi, 'i he fuofua taimi pe koia pe 'i ha'ane 'osi.
- (2) 'E ngofua ki he Fakamaau'anga ke ne fekau ki ha fa'ahi ke 'oatu ha malu'i ki hono totongi 'o e tokotaha fakalelei va.
- (3) 'I ha fiemalie 'a e Fakamaau'anga ko ha ta'efakapotopoto 'a ha fa'ahi na'e tupu ai ha 'ikai 'i ai ha felotoi, 'e ngofua ki he Fakamaau'anga ke ne fekau ki he fa'ahi koia ke ne totongi 'a e ngaahi totongi 'a e fa'ahi 'e taha pe ngaahi fa'ahi 'i ha tu'unga totongi huhu'i

FEKAU 46 : TUKUHAU'I 'O E NGAAHI TOTONGI**O.46 Tu'utu'uni 1. Ngaue'aki 'o e Fekau ni**

'Oku ngaue'aki 'a e Fekau ni 'i ha taimi pe 'oku fakamafai ai 'a e Fakamaau'anga ke ne tu'utu'uni ki he mahu'inga 'o e ngaahi totongi 'e ala totongi 'e ha tokotaha.

O.46 Tu'utu'uni 2. Ngaahi totongi ke toki fakafuofua'i 'i he aofangatuku 'o e hopo, 'oka malava

'O kapau 'e fakahoko 'e he Fakamaau'anga ha fekau ki ha ngaahi totongi 'i he aofangatuku 'a e hopo pe ko hono fakamaau'i 'i he 'ofisi, kuo pau, 'o ka malava, mei ai fakafuofua'i 'a e mahu'inga 'o e ngaahi totongi 'oku ala totongi 'i he fekau koia.

O.46 Tu'utu'uni 3. Ngaahi totongi ke tukuhau'i 'oka 'ikai ke fakafuofua'i

'I ha 'ikai malava 'a e Fakamaau'anga 'o fakafuofua'i 'a e ngaahi totongi 'i he tu'utu'uni 2, kuo pau ki he ngaahi totongi koia ke tukuhau'i 'o fakatatau ki he tu'utu'uni ni.

O.46 Tu'utu'uni 4. Tohimo'ua ke totongi ke fakahu ki hono tukuhau'i

Kuo pau ki he fa'ahi 'oku 'i ai ha'ane totonu ki he ngaahi totongi, ke 'i loto 'i he 'aho 'e 28 hili 'a e 'aho 'o e fekau ki he ngaahi totongi, ke ne fakahu ki he Fakamaau'anga 'a e tohi mo'ua ke totongi 'o fakaikiiki ai 'a e, pea mo e ngaahi mahu'inga 'oku 'eke'i 'o

fakatatau ki he:

- (a) loloa 'a e taimi na'e fakamoleki ki hono teuteu'i 'o e ngaahi fokotu'u tohi mo e teuteu fakalukufua ki he hopo;
- (b) loloa 'a e taimi na'e fakamoleki 'i he Fakamaau'anga;
- (c) totongi 'a e fakafofonga lao; mo
- (d) ha toe ngaahi totongi kehe.

O.46 Tu'utu'uni 5. Tufa 'o e ngaahi tohimo'ua ke totongi

Kuo pau ki he fa'ahi 'oku ne fakahu atu 'a e tohi mo'ua ke totongi ke ne teuteu'i ha tatau ke tufa ki he fa'ahi 'oku nau totongi.

O.46 Tu'utu'uni 6. Fakakihikihi'i ha tohimo'ua ke totongi

- (1) 'O kapau 'oku faka'amu ha fa'ahi 'oku nau totongi ke nau fakakihikihi'i ha mahu'inga kuo 'eke'i 'i he tohimo'ua ke totongi, kuo pau ki he fa'ahi koia, 'i loto 'i he 'aho 'e 14 hili hono tufa 'a e tatau 'o e tohimo'ua, ke ne 'oatu ha tohi fanongonongo 'o kole ha faingamalie ke fanongo ki ai 'a e fakamaau'anga pea 'oatu fakataha mo ha fakamatala 'o fokotu'u atu ai 'a e ngaahi makatu'unga tefito 'a hono fakakihikihi'i.
- (2) 'O kapau 'oku 'ikai 'oatu ha tohi fanongonongo 'i he palakalafi (1) 'i loto 'i he taimi fakangatangata, kuo pau ki he Failesisita 'i hono ma'u 'a e kole 'i he Sipinga 24 mei he

fa'ahi 'oku nau fakahu 'a e tohimo'ua ke totongi ke hoko atu 'a e ngaue ki hono tukuhau'i.

- (3) 'I hono tukuhau'i 'i he palakalafi (2) kuo pau ki he Failesisita ke ne 'oatu ki he fa'ahi 'oku nau fakahu 'a e tohimo'ua ke totongi ha faingamalie ke fanongo ki ai 'a e fakamaau'anga.
- (4) 'O kapau ko e tohi fanongonongo 'oku 'oatu 'i he palakalafi (2), kuo pau ki he Failesisita ke ne fokotu'u ha taimi, 'aho moe feitu'u 'e tukuhau'i ai 'a e tohimo'ua pea kuo pau ke 'oua na'a toe si'i hifo he 'aho 'e 14 'a e fanongonongo mei ai ki he ngaahi fa'ahi.

O.46 Tu'utu'uni 7. Founga fakahoko ngaue ki hono tukuhau'i

- (1) 'I hano fokotu'u ki hano tukuhau'i, ko e Failesisita:
 - (a) kuo pau ke ne fakakaukau'i 'a e ngaahi fakamatala kuo fakahoko fakamatala ngutu pe 'i he tohi;
 - (b) 'e ngofua ke ne tohi fekau ha kau fakamo'oni pea faka'eke'eke kinautolu 'i he'enau fuakava; pea
 - (c) 'e ngofua ke ne fakahoko ha ngaahi fehu'i kehe koia 'oku pehe 'e he Failesisita 'oku fe'unga; pea

'e ngofua ke ne toloi ha fokotu'u ki hono tukuhau'i mei he taimi ki he taimi pea 'e ngofua ke toloi ha'ane fakahoko ha tu'utu'uni.
- (2) Kuo pau ki he tu'utu'uni 'a e Failesisita 'i hono

tukuhau'i ke fakaha ki he ngaahi fa'ahi 'i ha tohi fakamo'oni 'a hono tukuhau'i 'i he Sipinga 25 'a ia kuo pau ke fakapipiki ki ai 'a e ngaahi fakaikiiki 'o e ngaahi fika tukuhau 'a e Failesisita.

- (3) 'I ha'ane ha 'i hono tukuhau'i, ko ha fakakihikihi 'i 'o ha fa'ahinga 'oku launoa pe 'oku ne maumau'i 'a e ngaue, 'e ngofua ke fekau ki he fa'ahi fakakihikihi ke nau totongi 'a e ngaahi totongi 'a e fa'ahi 'e taha 'o e hopo tukuhau'i, tatau aipe pe ko e fa'ahi 'eke 'oku nau malohi 'i he ngaahi makatu'unga kehe 'o e fakakihikihi.

O.46 Tu'utu'uni 8. Tukuatu ki he Fakamaau

'O kapau 'e kole 'e ha fa'ahi ke tukuhau'i 'a e tohi mo'ua 'e ha Fakamaau, 'i he ngaahi tu'unga ko 'eni kuo pau leva ki he ngaahi kupu 'o e tu'utu'uni 7 ke ngaue'aki mo ha ngaahi liliu 'e fiema'u.

O.46 Tu'utu'uni 9. Tangi 'i he tu'utu'uni 'a e Failesisita

- (1) 'E ngofua ki ha fa'ahi 'oku 'ikai loto fiemalie ki he tu'utu'uni 'a e Failesisita ki he tukuhau, ke ne tangi ki he Fakamaau.
- (2) Kuo pau ki ha tangi 'i he tu'utu'uni ni ke fakahoko 'aki hono fakahu 'a e ngaahi makatu'unga mahino 'o e tangi 'i loto 'i he 'aho 'e 14 hili 'a e tu'utu'uni 'a e Failesisita.
- (3) 'E ngofua ki he Fakamaau 'i ha'ane fanongo ki ha tangi ke ne ngaue'aki ha fa'ahinga mafai pe kuo fokotu'u 'i he tu'utu'uni 7.

O.46 Tu'utu'uni 10. To e vakai'i 'a e tu'utu'uni 'a e Fakamaau

- (1) 'E ngofua ki ha fa'ahi 'oku 'ikai ke fiemalie ki he tu'utu'uni 'a e Fakamaau ki hono tukuhau'i ke ne tohi kole ki he Fakamaau ke toe vakai'i 'a 'ene tu'utu'uni.
- (2) Kuo pau ki ha tohi kole 'i he tu'utu'uni ni ke fakahoko 'i ha fanongonongo tohi kole pea faile 'i loto 'i he 'aho 'e 14 hili 'a e tu'utu'uni 'a e Fakamaau.
- (3) Kuo pau ki he fanongonongo tohi kole na'e faile 'i he tu'utu'uni ni ke kau 'i ai 'a e ngaahi makatu'unga tefito mahino ki hono fakakihikihi 'a e tokotaha fakakikihi.
- (4) 'E ngofua ki he fa'ahi 'e taha, 'i loto 'i he 'aho 'e 14 hili hono tufa 'o e ngaahi fakakihikihi'i, ke ne fakahu ha tohi tali nounou mo mahino.
- (5) 'I hono fakamaau'i 'o e to e vakai'i 'o e tu'utu'uni 'e ngofua ki he Fakamaau ke ne tali ha toe fakamatala fakamo'oni pea 'e ngofua ke ne ngaue'aki kotoa 'a e ngaahi mafai na'a ne ma'u 'i hono fuofua fakamaau'i 'o e tukuhau.

O.46 Tu'utu'uni 11. Tohi fakamo'oni tukuhau'i

'I he kakato 'a hono tukuhau'i, pe ha tangi pe toe vakai'i, kuo pau ki he Fakamaau'anga ke ne tuku atu ha tohi fakamo'oni tukuhau'i 'i he Sipinga 25.

FEKAU 47 : FAKAFUOFUA'I 'O E NGAahi TOTONGI**O.47 Tu'utu'uni 1. Ngaue'aki 'o e Fekau ni**

Ko e Fekau ni 'oku ngaue'aki ki he ngaahi totongi ala totongi 'e ha fa'ahi 'e taha ki fa'ahi kehe 'i he fekau 'i ha ngaahi hopo sivile.

O.47 Tu'utu'uni 2. Ngaahi faka'ata ki he ngaahi totongi

- (1) Kuo pau ke faka'ata kotoa 'a e ngaahi totongi, ngaahi tohi mo'ua, ngaahi fakamole koia 'o hange koia 'oku ngalingali fe'unga pe totonu ki hono kumi 'a e totonu pe ki hono pukepuke pe malu'i ha ngaahi totonu 'o ha fa'ahi.
- (2) Tukukehe 'o ka 'i ai ha ngaahi tu'unga makehe kuo pau ke 'oua na'a faka'ata:
 - (a) ha fa'ahinga totongi 'o fakatatau ki he ngaue na'e fakahoko kimu'a hono taimi totonu pea toki 'ilo 'amui 'oku 'ikai 'i ai ha'ane fu'u 'aonga;
 - (b) ha fa'ahinga totongi 'oku fakatupunga ha fakamole pe kuo fakalahi koe 'uhi ko ha ta'etokanga, fehalaaki pe fu'u hulu hono tokanga'i;
 - (c) ha fa'ahinga fakamole 'oku ta'e'amanekina.

O.47 Tu'utu'uni 3. Fakafongua lao – totongi mei he taha 'oku ne fakafongua'i

- (1) Ko e tu'utu'uni ni 'oku ngaue'aki ki he ngaahi totongi 'oku ala totongi 'e ha tokotaha 'oku fakafongua'i ki ha fakafongua lao.
- (2) Kuo pau ke fakangofua 'a e ngaahi totongi kotoa pe, ngaahi tohi mo'ua, ngaahi fakamole 'a ia na'e fakatupunga mei ha lau pe loto totonu 'a e tokotaha 'oku fakafongua'i.
- (3) Tukukehe 'o ka 'i ai ha ngaahi tu'unga makehe kuo pau ke 'oua na'a faka'ata:
 - (a) ha fa'ahinga totongi 'oku fakatupunga ha fakamole pe kuo fakalahi koe 'uhi ko ha ta'etokanga, fehalaaki pe fu'u hulu hono tokanga'i;
 - (b) ha fakamole 'oku ta'e'amanekina tukukehe 'o kapau na'e tomu'a ma'u 'e he fakafongua lao 'a e loto totonu 'a e tokotaha 'oku ne fakafongua'i ki he ngaahi fakamole koia kimu'a pea hoko.

O.47 Tu'utu'uni 4. Ngaahi tu'utu'uni ngaue fekau'aki mo e ngaahi totongi

- (1) Ko e Tohi Fakahoko Ngaue 2 'o e 1992, 'o hange koia na'e fakatonutonu 'e he Tu'utu'uni Fakahinohino Ngaue 4 'o e 2003 mo e Fika 5 'o e 2004, kuo pau ke hokohoko ngaue'aki ki hono fokotu'u 'o e ngaahi totongi mo e ngaahi fakamole.
- (2) 'E ngofua ki he Tu'i Fakamaau Lahi mei he

taimi ki he taimi tuku atu ha toe tu'utu'uni fakahinohino ngaue ke tamate'i, fakatonutonu pe fetongi ha taha pe lahi hake 'i he ngaahi me'a 'oku tu'utu'uni 'i he palakalafi (1).

O.47 Tu'utu'uni 5. Ngaahi totongi fakalahi ke fakamo'oni'i

- (1) Ko ha fa'ahi 'oku nau fiemau ke ma'u mai 'aki 'a e ngaahi totongi 'i ha tu'unga ma'olunga ange 'i he ngaahi tu'unga na'e 'osi 'oatu 'i he ngaahi tu'utu'uni fakahinohino ngaue felave'i kuo pau ke fakahoko ha tohi kole ki ha Fakamaau ke fakamo'oni'i 'a e tu'unga ma'olunga koia.
- (2) 'E ngofua ki ha tohi kole ki ha fakamo'oni'i 'i he tu'utu'uni ni ke fakahoko fakamatala ngutu 'i ha fakamaau'i 'o e ngaahi tohi fekau ki he tu'utu'uni fakahinohino pe 'i ha tohi ki he Failesisita.
- (3) 'I taimi 'oku 'ikai 'i ai ha ngaahi tu'unga makehe, kuo pau ki he tohi kole 'i he tu'utu'uni ni ke fakahoko kimu'a 'a hono fakamaau'i 'o fakatatau ki he ngaahi totongi koia 'e tupu mei ai.
- (4) 'E ngofua ki he ngaahi totongi ke fakamo'oni'i ki he'ene totonu 'i he palakalafi (1) 'i ha 'i ai ha tupu'anga makehe kuo fakaha.

FEKAU 48 : FAKAPEKIA MO FAKATAIMI**O.48 Tu'utu'uni 1. Ngaahi tu'utu'uni 'o e Fakamaau'anga**

'Oku fakapekia heni 'a e Ngaahi Tu'utu'uni 'o e Fakamaau'anga Lahi 1991.

O.48 Tu'utu'uni 2. Fakataimi

Neonga 'a hono fakapekia 'a e Ngaahi Tu'utu'uni 'o e Fakamaau'anga Lahi 1991, ko ha fa'ahinga lao pe 'a ia na'e fakahoko lelei 'o fakatatau ki he Ngaahi Tu'utu'uni koia kimu'a hono fakapekia pea 'a ia 'e kei 'aonga fakalao pe ka fakahoko kinautolu 'i he Ngaahi Tu'utu'uni ni, kuo pau ke lau 'oku 'aonga fakalao 'a hono fakahoko 'i he Ngaahi Tu'utu'uni ni.

O.48 Tu'utu'uni 3. Ngaahi Tu'utu'uni Fakahinohino Ngaue

- (1) Fakatatau ki he tu'utu'uni (2), ko e ngaahi Tu'utu'uni Fakahinohino Ngaue kotoa pe 'oku tuku atu 'i he vaha'a 'o Sanuali 1, 1992 pea moe kamata ngaue'aki 'o e Ngaahi Tu'utu'uni ni 'oku felave'i ki he ngaahi mafai fakasivile 'o e Fakamaau'anga, 'oku tamate'i ia.
- (2) Ko e ngaahi Tu'utu'uni Fakahinohino Ngaue ni 'oku kei ngaue'aki pe kae 'oua kuo kaniseli pe

liliu pe fetongi'aki ha Tu'utu'uni Fakahinohino
Ngaue kehe:

Fika.2 'o e 1992 – Tukahau'i 'o e Ngaahi
Totongi - [1992] Tonga LR 2

Fika 3 'o e 1993 – Tohi kole ki he Ngaahi
Tohi Ke Ohi - [1992] Tonga LR 27

Fika 1 'o e 1994 – Fakafofonga Lao
Ma'olunga - [1994] Tonga LR 1

Fika 'o e 1994 – Komisiona ki he Ngaahi
Fuakava - [1994] Tonga LR 3

Fika 1 'o e 2000 – Fakahū 'o e fanga ki'i
'eke sivile iiki.

Fika 1 'o e 2003 – Ko e Ngaahi Mata'itohi
mu'omu'a 'o e ngaahi Hopo 'a e
Fakamaau'anga Lahi

Fika 3 'o e 2003 – Ngaahi Lipooti
FakaLao 'a Tonga

Fika 4 'o e 2003 – Ngaahi Totongi 'a e
Fakafofonga Lao

Fika 1 'o e 2004 – Ngaahi Tu'utu'uni ki he
'Oatu 'o e Ngaahi Fakamo'oni Tohi
Ngaue Fakahāhā

Fika 5 'o e 2004 – Tukahau'i 'o e ngaahi
totongi

Fika 6 'o e 2004 – Ngaahi tohi kole 'i tu'a
'i he taimi ngāue pea mo ha ngaahi tohi
kole fakavavevave makehe

Fika 2 of 2005 – fanongonongo 'o e
Ngaahi Tohi kole 'i loto 'i he houa 'e 48

Sīpinga 1

(Tohi Fekau)

O.6 t.1

‘I HE FAKAMAAU’ANGA ‘ LAHI ‘O TONGA

(G\Hopo Fika)

MAFAI FAKASIVILE

Lēsisita’anga (fakahā ‘a e lēsisita’anga na’e ‘oatu ai)

**‘I HE VAHA’A ‘O: (talatalaaki)
(ngāue mo e tu’asila)**

Talatalaaki

**MO: faka’iloa)
(ngāue mo e tu’asila kapau ‘oku ‘ilo)**

Faka’iloa

Ki he Faka’iloa (hingoa)

‘o (tu’asila)

KO E TOHI FEKAU KO ‘ENI kuo ‘oatu ia kiate koe ‘e he Talatalaaki
‘oku ha atu hono hingoa ‘i ‘olunga ‘a ia ko ‘ene ‘eke ‘oku fokotu’u
kakato atu ‘i he fakamatala ‘o e ‘eke ‘oku fakapipiki atu.

FAKATOKANGA’I ANGE

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1. Kapau 'oku ke loto ke taukapo'i 'a e 'eke kuopau, 'i loto 'i he 'aho 'e 28 hono tufa atu 'a e tohi fekau ni kiate koe, ke ke 'ave ki he Fakamaau'anga ha tohi taukapo, 'o fakamatala nounou mo mahino 'a e ngaahi tu'unga 'oku ke 'amanaki fakafalala ki ai, pea kapau 'oku ke fiema'u ke fakamaau'i 'a e hopo 'e he kau sula. (Kuopau ke tufaki ki he talatalaaki kotoa pe ha tatau kuo sila'i).
2. Kapau he'ikai te ke lava 'o fakafiemalie'i 'a e 'eke pe ke 'oatu ha taukapo 'i loto 'i he taimi kuo fokotu'u, 'e ngofua ke ma'u 'e he Talatalaaki ha tu'utu'uni kiate koe 'o 'ikai ke toe 'oatu ha toe fanongonongo.
3. Kapau 'oku taukapo'i 'a e 'eke 'e fiema'u/'ikai fiema'u * 'e he Talatalaaki 'a e hopo ke fakamaau'i 'e ha kau sula.

(* Tamate'i 'oka fiema'u)

Na'e 'oatu 'i he 'aho ni (fakafonu aki e 'aho) 'aho 'o20.....(fakafonu 'aki e mahina mo e ta'u)

Fakamaau Lahi

[SILA]

FAKAMATALA: Ko e tohi fekau ni 'oku 'ikai ngofua ke toe tufa 'o tomui ange 'i he mahina 'e 12 mei he 'aho 'o hono 'oatu tukukehe ka fakafou'ou 'aki ha fekau 'a e Fakamaau'anga.

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Sīpinga 2

(Fakamatala 'o e 'eke)

O.8 t.2

['Ulu'i tohi 'i he Sīpinga 1]

Ko e 'eke 'a e Talatalaaki

[fakamatala nounou mo mahino 'a e natula 'o e 'eke 'a e talatalaaki ki he tokoni 'oku fiema'u]

NGAAHI FAKAIKIKI

[Fakamatala nounou 'a e ngaahi fakaikiiki 'oku fiema'u 'i he ngaahi tu'utu'uni ke fakahā ki he Fakamaau'anga mo e ngaahi fa'ahi kehe 'a e makatu'unga 'a e talatalaaki]

TOKONI/7*

[Fakamatala'i mahino 'a e tokoni pe fakatonutonu 'oku fiema'u]

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Sīpinga 3

(Fanongonongo ki he faka'iloa kehe)

O.8 t.5

['Ulu'itohi hangē ko ia 'i he Sīpinga 1 kae 'ikai ha ngāue mo ha ngaahi tu'asila]

KIA: Ko e faka'iloa 'oku ha atu hono hingoa 'i 'olunga, [hingoa kakato]

Fakatokanga'i ange ko e faka'ilonga 'oku ha atu hono hingoa 'i 'olunga, [hingoa kakato], 'oku ne 'eke'i kiate koe 'a e ngaahi tokoni pe fakatonutonu ko 'eni [fokotu'u atu 'a e pa'anga na'e totongi pe totongi huhu'i pe tokoni pe fakatonutonu 'oku 'eke'i].

Ko e ngaahi makatu'unga 'oku fiema'u ki ai 'a e tokoni mo e fakatonutonu ko e:

[Fakamatala'i 'a e natula mo e ngaahi makatu'unga 'o e 'eke]

Kapau 'oku ke fakakikihi'i 'a e 'eke, 'oku ngofua ke ke, 'i loto 'i he 'aho 'e 10 hili 'a e 'aho na'e tufa atu ai 'a e fanongonongo ko 'eni kiate koe ke ke:

- 1) fakahū ki he 'ofisi ko 'eni 'o e Fakamaau'anga ha fakamatala 'o ho'o taukapo ki he 'eke, pea
- 2) tufa ha tatau 'o e ho'o fakamatala ko ia 'o ho'o taukapo 'i he --
 - (a) faka'iloa 'oku ha hono hingoa 'i 'olunga [hingoa kakato]; pea
 - (b) talatalaaki, pea,
 - (c) mo ha toe fa'ahi kehe na'e 'osi fakahū ha tu'asila ke tufa.

Na'e 'oatu 'i he 'aho ni [fakafonu'aki e 'aho] 20.... .

(Fakafofonga lao ma'ae) faka'iloa

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Sīpinga 4

(Fanongonongo Tu'utu'uni Fakahinohino) O.11 t.2

FANONGONONGO TU'UTU'UNI FAKAHINOHINO

MATU'AKI MAHU'INGA

KAPAU 'OKU IKAI KE MAHINO KIATE KOE 'A E TOHI NGĀUE NI
PE 'OKU 'IKAI KE KE FAKAPAPAU'I 'A E ME'A KO IA 'OKU FIEMA'U
KE KE FAKAHOKO 'I AI, 'OKU TONU KE KE FETU'UTAKI KI HA
FAKAFOFONGA LAO PE KO HA'O FETU'UTAKI KI HE KAU NGĀUE
'O E FAI'ANGA LĒSISITA 'O E FAKAMAAU'ANGA LAHI 'I HE VAVE
TAHA PEA KIMU'A KE KE FAKAHOKO HA FA'AHINGA NGĀUE.

KO E TOKOTAHA 'OKU NE TUFA 'A E TOHI NI KIATE KOE 'E 'IKAI
NGOFUA KE NE 'OATU 'E IA HA FALE'I FAKALAO KIATE KOE.

KOE TOKOTAHA 'OKU NE TUFA ATU 'A E TOHI NI KIATE KOE
'OKU 'IKAI NGOFUA KE NE 'OATU 'E IA HA FALE'I FAKALAO
KIATE KOE.

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Sīpinga 5

(Tohi fakamo'oni'i 'o e Tufa)

O.11 t.4

TOHI FAKAMO'ONI'I 'O E TUFA

HOPO FIKA.

'I HE VAHA'A 'O:

PEA MO:

Ko au, [hiki pe taife'i 'a e hingoa kakato pea mo e tu'asila] 'oku ou fakamo'oni'i na'e 'i he PONGIPONGI/EFIAFI 'o e [fakafonu 'a e 'aho] 'i [fakafonu 'a e feitu'u]

Ko au na'a ku tufa 'a e ngaahi tohi ngāue 'a ia 'oku hiki fakahokohoko atu ko 'eni 'i lalo:

[hingoa 'o e ngaahi ni'ihi na'e tufa ki ai]

'a ia na'a ku 'ilo fakapapau ko kinautolu ia 'aki [fakamatala ki he anga ho'o 'ilo fakapapau'i 'a e ni'ihi na'a ke tufa ki ai]

Fakamo'oni hingoa:

'Aho:

Ngaahi tohi ngāue na'e tufa : _____

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Sīpinga 6

(Fanongonongo tohi kole)

O.13 t.1(1)

[‘Ulu’i tohi fakalukufua hangē ko e Sīpinga 3]

‘I HE VAHA’A ‘O: Talataaki/ Tokotaha na’e tohi kole/ Tokotaha kuo tu’utu’uni ke totongi ki ai ‘a e mo’ua

PEA MO: Faka’iloa/ Tokotaha Tali/ Tokotaha kuo tu’utu’uni ke ne totongi ‘a e mo’ua*

(FA’AHI ‘E TAHA) FANONGONONGO TOHI KOLE**

KO E tokotaha kole ‘oku ha atu hono hingoa ‘i ‘olunga ‘oku ne tohi kole ki he Fakamaau’anga ha fekau (ko e pepa fakaangaanga ‘eni ‘oku ‘oatu fakataha mo ‘eni) ki ha:

[Fakamatala’i mahino ‘a e ngaahi tu’unga ‘o e fekau ‘a ia ‘oku fiema’u ‘e he tokotaha tohi kole]

KO HONO NGAahi MAKATU’UNGA

[Fakahā mahino ‘a e ngaahi ‘uhinga ‘oku fiema’u ai ‘a e fekau. Fakakau atu ki ai ‘a e ngaahi mo’oni’i me’a ‘a ia ‘oku fakafalala ki ai ‘a e tokotaha tohi kole, ‘o tuhu’i pau ‘a e ngaahi tu’utu’uni, tu’utu’uni fakalao pe fakakaukau fakalao ‘oku fakafalala ai].

‘Oku kole ‘a e tokotaha tohi kole ki ha fakamaau’i*.

‘Oku kole ‘a e tokotaha tohi kole ke fakahoko ha ngāue ki he tohi kole ‘o ‘ikai fakahoko ha fakamaau’i**.

Na’e ‘oatu ‘i he ‘AHO NI [fakafonu ‘aki ‘a e ‘aho]

(Fakafofonga Lao ma’a e) Tokotaha tohi kole

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KIA: Failēsisita

PEA MO: [ni'ihi te nau tali mai]

FAKAHŪ 'E: [hiki atu 'a e hingoa kakato mo e tu'asila ki he tufa]

* Tamate'i 'oka 'ikai fiema'u

** (fakakau 'o kapau ko e tohi kole 'oku fakahoko 'e ha fa'ahi 'e taha ia 'i he fa'ahi)

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Sīpinga 7

(Tu'utu'uni Fakamaau'anga ke 'oua fakahoko Fakaangaanga)O.14 t.2(2)

[‘Ulu’i tohi ‘i he Sīpinga 3]

A.B. Talatalaaki/ Tokotaha kuo tu'utu'uni ke totongi ki ai 'a e mo'ua

PEA MO

C.D. Faka'iloa/ Tokotaha kuo tu'utu'uni ke ne totongi 'a e mo'ua

'I MU'A 'I HE 'EIKI [Hingoa 'o e Fakamaau]

HILI 'A HONO TOE FAKAKAUKAU'I 'a e fanongonongo 'o e tohi kole 'a e talatalaaki 'o e tohi kole 'i he 'aho [fakafonu e 'aho] ki ha tu'utu'uni fakamaau'anga ke 'oua fakahoko kia [fakamatala'i 'a e faka'iloa] PEA MO E tohi fakamatala fuakava 'a [hingoa 'o e tokotaha na'e fuakava] 'i he 'aho [fakafonu e 'aho] , 'a ia na'e fuakava'i pea fakahū ko e poupou PEA FAKAFALALA 'i he Fekau 14 tu'utu'uni 1 'o e Ngaahi Tu'utu'uni 'o e Fakamaau'anga Lahi 2006.

'OKU FEKAU'I AI KE:

- 1). Ko e fakamaau'i 'ok fakahū ki he Talatalaaki kia [fakamatala'i 'a e faka'iloa] ki he lahi 'o e pa'anga [fakafonu 'a e fakaikiiki 'o e fekau] fakataha mo e tupu 'i he pa'anga ne toki fakahā [fakafonu 'aki 'a e tūkunga'o e tupu] 'i he [fakafonu 'aki 'a e 'aho 'oku fiema'u] 'o a'u ki he 'aho 'o hono totongi.
- 2). Kuopau ke fakahū 'e he talatalaaki pea mo tufa ha tohimo'ua 'o e ngaahi totongi 'o fakatatau ki he Fekau 45, tu'utu'uni 4.
- 3). Ko ha tatau 'o e Fekau ko 'eni ke tufa ia ki he faka'iloa 'e he Talatalaaki 'i loto 'i he 'aho 'e 14 'o hono 'oatu mei he Fakamaau'anga.

NUKU'ALOFA: [fakafonu e 'aho]

Fakamaau Lahi/Fakamaau

Sīpinga 8

(Tohi hokohoko 'o e ngaahi tohi ngāue) O.18 t.2(1)

['Ulu'i tohi 'i he Sīpinga 3]

Ki he faka'iloa/talatalaaki [hingoa 'o e fa'ahi]

TOHI HOKOHOKO 'O E NGAahi TOHI NGĀUE

Ko e tohi hokohoko 'o e ngaahi tohi ngāue 'oku ha atu 'i lalo fekau'aki mo e ngaahi fokotu'u 'i he faka'ilo ni 'a ia 'oku pe na'e tauhi, malu'i pe 'i he mafai 'o e Talatalaaki/Faka'ilonga (hingoa 'o e fa'ahi) 'oku ha 'i 'olunga 'a ia 'oku tufaki 'o fakatatau mo e:

* Fekau 18 tu'utu'uni 1

* ko e fekau na'e fakahoko ia 'i he 'aho 'o e 20

(* tamate'i 'oka 'ikai fiema'u)

1. 'Oku tauhi malu'i, pe 'i he mafai 'o e Talatalaaki/Faka'iloa 'a e ngaahi tohi ngāue 'oku ha 'i he Tepile 1.
2. 'Oku fakakikihi 'i 'e he Talatalaaki/Faka'iloa ke ne 'oatu 'a e ngaahi tohi ngāue 'oku ha 'i he Konga 2 'o e Tepile 1 'i he makatu'unga ko e:

[fokotu'u 'a e ngaahi makatu'unga 'o e fakakikihi]

3. Kuo ma'u 'e he Talatalaaki/Faka'iloa, ka 'oku 'ikai ke ne lolotonga tauhi, malu'i pe 'i hono mafai 'a e ngaahi tohi ngāue 'oku hiki atu 'i he Tepile 2.
4. Ko e 'aho na'e pea mo e ngaahi tu'unga 'a ia na'e 'ikai ai ke toe tauhi malu'i pe 'i he mafai 'o e Talatalaaki/Faka'iloa 'a e ngaahi tohi ngāue 'oku fokotu'u 'i he Konga 2 'o e Tepile 2.
5. 'Oku 'ikai ko e Talatalaaki/Faka'iloa pe ko hano Fakafofonga lao, pe ko ha toe tokotaha kehe ma'ana 'oku ne lolotonga, pe na'a ne 'osi tauhi malu'i pe 'i hono mafai ha fa'ahinga tohi

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ngāue fekau'aki mo e ngaahi fokotu'u 'i he faka'ilo ni tukukehe
'a ia 'oku ha 'i he Tepile 1 mo e 2.

Tepile 1

Konga 1

[Tohi hokohoko 'a e ngaahi tohi ngāue totonu 'oku loto ha fa'ahi ke
'omai]

Konga 2

[Tohi hokohoko 'a e ngaahi tohi ngāue totonu 'oku 'ikai loto ha fa'ahi
ke 'omai]

Tepile 2

Konga 1

[Tohi hokohoko 'a e ngaahi tohi ngāue 'oku 'ikai toe tauhi, malu'i pe 'i
he mafai 'o e fa'ahi 'a e ngaahi tohi ngāue]

Konga 2

[Fakahā 'a e taimi pea mo e tu'unga na'e 'ikai ai ke tauhi, malu'i pe 'i
he mafai 'o e fa'ahi 'a e ngaahi tohi ngāue]

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FANONGONONGO KE SIVI

Ko e ngaahi tohi ngāue 'oku ha 'i he Tepile 1 Konga 1 'e ngofua ke sivi'i [fakahā 'a e tu'asila] 'aki 'a e fokotu'utu'u kimu'a 'i he lolotonga 'a e houa ngāue angamaheni.

Fai 'i hono 'aho 'o 20....

(Fakamo'oni)

(Fakafofonga lao ma'ae) talatalaaki/faka'iloa

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Sīpinga 9

(Fakamatala Fuakava 'oku fakamo'oni'i 'a e tohi hokohoko 'o e ngaahi tohi ngāue) O.18 t.3(3)

[‘Ulu’i tohi ‘i he Sīpinga 3]

Ko au, [hingoa kakato mo e ngaahi fakaikiiki kehe] ‘oku ha ‘i ‘olunga [fa’ahi], ‘oku ou fuakava mo fakamatala ‘o pehē:

Ko e ngaahi fakamatala ‘o e mo’oni'i me’a kuo fai ‘i he palakalafi 1, 2, 3 mo e 4 ‘o e tohi hokohoko ‘o e ngaahi tohi ngāue ‘oku ‘oatu ‘i heni ‘o faka'ilonga'i ‘A’ ‘oku mo’oni.

Ko e ngaahi fakamatala kuo fai ‘i he palakalafi 5 ‘o e tohi hokohoko ko ia ‘oku totonu mo mo’oni ki he lelei taha ‘o ‘eku 'ilo mo ‘eku tui.

FUAKAVA'I 'i [feitu'u]

'I he 'aho ni ['aho]

'I mu'a 'ia au:

'Oku fakamafai'i ke fuakava

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Sīpinga 10

**(Fanongonongo ‘o e fakamaau’i ‘o e ngaahi tohi fekau ki he
tu’utu’ni fakahinohino) O.19 t.1(2)**

FANONGONONGO ‘O E FAKAHINOHINO

‘I HE FAKAMAAU’ANGA LAHI ‘O TONGA Fika: _____

MAFAI SIVILE

‘I HE VAHA’A ‘O : Talatalaaki

MO

Faka’iloa

TOKANGA'I KO E HOPO 'I 'OLUNGA KUO FOKOTU'U KE
FAKAMAAU'I 'O E NGAHI TOHI FEKAU KI HE TU'UTU'UNI
FAKAHINOHINO 'i [fakahā 'a e 'ofisi leisista] 'i he 'aho [fakafonu e
'aho] 20 'i he [fakahā 'a e taimi] 'i he Fakamaau ko [fakahā 'a e
Fakamaau] pea ke ke ha'u tonu koe ki he Fakahinohino i he
Fakamaau'anga

Na'e 'oatu 'i he 'aho ni 'aho 'o 20.....

(sila) Failēsisita

Kalake

KIA:

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Sīpinga 11

(Fanongonongo 'o e totongi ki he Fakamaau'anga')

O.23 t.3

[‘Ulu’i tohi ‘i he Sīpinga 3]

FAKATOKANGA'I ANGE

- 1). Kuo totongi 'e he Faka'iloa [hingoa 'o e Faka'iloa] 'a e mahu'inga \$[fakafonu 'a e lahi 'o e \$] ki he Fakamaau'anga.
- 2). Ko e mahu'inga kuo fokotu'u 'oku totongi ia ke fakakakato'aki 'a e:

*• 'eke fakakātoa

*• 'a e ngaahi tupu'anga ko 'eni 'o e faka'ilo, 'a ia ko e [fakamatala'i 'a e ngaahi tupu'anga 'o e faka'ilo]

'O fakatatau ki he ngaahi 'eke 'a e talatalaaki [fakafonu 'aki 'a e ngaahi fakaikiki o e mahu'inga 'a ia 'oku 'eke'i 'e he talatalaaki 'o fakatatau ki he tupu'anga taki taha pea mo hono mahu'inga ke totongi 'e he faka'iloa]

- pea hili 'a hono fakakaukau'i pea fakakakato 'a e 'eke fakafepaki 'a e faka'iloa 'o fakatatau ki he (fakafonu 'aki 'a e ngaahi fakaikiiki)

Na'e 'oatu'i he 'aho ni 'aho 'o 20....

(* tamate'i 'oka 'ikai fiema'u)

(Fakafofonga lao ma'a e) faka'iloa

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Sīpinga 12

(Fanongonongo 'o hono tali 'o e Pa'anga kuo totongi ki he Fakamaau'anga) O.23 t.5

('Ulu'i tohi 'i he Sīpinga 3)

FAKATOKANGA'i ANGE 'oku tali 'e he Talatalaaki 'a e mahu'inga ko e \$..... kuo totongi ki he Fakamaau'anga 'e he Faka'iloa [hingoa 'o e faka'iloa] ke fakakakato 'a e ngaahi 'uhinga'o e faka'ilo 'a e Faka'iloa ko ia fakatatau ki he me'a na'e totongi ki ai [* pea kuo li'aki 'ene ngaahi 'eke kehe 'i he faka'ilo ni]

Fai 'i he 'aho ni 'o 20....

(* tamate'i 'oka 'ikai fiema'u)

(Fakafofonga lao ma'a e) talatalaaki

Ki he: Failēsisita

Mo e: Faka'iloa

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Sīpinga 13

(Tohi fekau fakatautuki)

O.31 t.1

['Ulu'i tohi 'i he Sīpinga 7]

Ki he : 'Ofisa Peilifi 'oku ne tokanga'i, [feitu'u]

KOE'UHI 'i he hopo ni 'i hono 'aho 'o 20... ko e talatalaaki/faka'iloa[hingoa 'o e fa'ahi] 'o [tu'asila] na'a ne ma'u 'a e tu'utu'uni fakamaau'anga ki he faka'iloa/talatalaaki [hingoa 'oe fa'ahi] 'o [tu'asila] pea mo e mahu'inga 'oku fokotu'u atu 'i he tepile l lalo 'oku kei tu'u ta'etotongi ;

'OKU TU'UTU'UNI AI KO E

Tukukehe 'o ka kuo totongi 'a e mahu'inga 'oku fakahā 'i he tepile ni,

- 1). Ke puke 'a e koloa 'a e faka'iloa/talatalaaki (ta'e kau ai hono fale mo e ngaahi me'a oku fakama'u ki he fale, mo 'ene ngoue tupu, mo e ngaahi kofu 'o'ona mo hono famili mo 'ene ngaahi naunau ngāue 'o a'u ki he mahu'inga ko e \$200)*;
- 2). Ke fakatau atu 'a e me'a tatau'aki hono fakatautuki fakaule'anga ia (tukukehe 'o ka fekau'i kehe 'e he Fakamaau'anga) pea ke totongi 'a e pa'anga 'oe fakatau ko ia ki he Failēsisita 'o e Fakamaau'anga Lahi;
- 3). 'o kapau 'e 'ikai ma'u ha koloa pehē, ke fakamo'oni'i ia ki he Failēsisita 'o e Fakamaau'anga Lahi.

Fakahoko 'i he 'aho ni 'o 20...

Failēsisita 'o e Fakamaau'anga' Lahi

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TEPILE

Mahu'inga kuo tu'utu'uni	:	\$ _____
Tupu 'aki 'a e% he ta'u mei he 'aho		
'o hono tu'utu'uni ki he 'aho ni	:	\$ _____
Ngaahi totongi	:	\$ _____
Kotoa 'o e mo'ua	:	\$ _____
Kole mei ai e totongi	:	\$ _____
Palanisi 'oku toe ke totongi	:	\$ _____
Ngaahi totongi ki he tohi fekau ko 'eni	:	\$ _____
Fakakātoa 'o e pa'anga ke tānaki	:	\$ _____
* tamate'i 'okapu ko e fa'ahi ko ha sino 'o ha kautaha		

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Sīpinga 14

(Fekau Kānisi ke fakahā 'a e tupu'anga) O.32 t.3(2)

'I HE FAKAMAAU'ANGA LAHI 'O TONGA CV Fika.

MAFAI FAKASIVILE

Lēsisita'anga [fakahā Lēsisita'anga na'e 'oatu ai]

'I HE VAHA'A 'O: AB Tokotaha kuo tu'utu'uni ke totongi ki ai e mo'ua

MO: C. D. Tokotaha kuo tu'utu'uni ke ne totongi e mo'ua

PEA MO: E. F. Kānisi

'i HE Fakamaau ko 'i he 'ofisi 'o e Fakamaau

MEI HONO LAU 'a e tohi kole 'a e tokotaha kuo tu'utu'uni ke totongi ki ai 'a e m'oua 'i he 'aho ni [fakafonu e 'aho] ki ha fekau ke fakahā 'a e tupu'anga pea mo ha tohi fakamatata fuakava [hingoa 'o e tokotaha fuakava] 'i he 'aho [fakafonu 'a e 'aho]

Na'e fuakava'i mo fakahū heni

'OKU FEKAU'I:

- 1). Ko e ngaahi mo'ua kotoa pe 'oku te'eki totongi pe 'oku totonu ke totongi ka 'oku te'eki ke totongi mei he Kānisi ki he tokotaha kuo tu'utu'uni ke mo'ua 'i he hopo 'o a'u ki he mahu'inga ko e \$...... 'oku fakapipiki atu heni ke fakakakato'aki:
 - (a) ha tu'utu'uni fakamaau'anga pe fekau na'e ma'u 'e he tokotaha kuo tu'utu'uni ke totongi ki ai 'a e mo'ua 'i he ohpo 'i he Fakamaau'anga ni 'i hono 'aho 'o 20....., 'a ia ko e tu'utu'uni Fakamaau'anga pe fekau 'i he mahu'inga ko

e \$..... 'oku kei tu'u mo'ua pea 'oku te'eki totongi;
pea mo e

(b) \$..... ki he ngaahi totongi 'o e ngaah hopo ni.

- 2). Ke ha'u 'a e Kānisi ki he Fakamaau ko 'i he
'ofisi 'o e Fakamaau 'i hono 'aho 'o
20... 'i he a.m./p.m. ke fakahā 'a e tupu'anga mo e
'uhinga 'oku 'ikai totonu ke totongi ai 'e he kānisi ki he
tokotaha kuo tu'utu'u ke totongi ki ai 'a e ngaahi mo'ua mei he
kānisi ki he tokotaha kuo tu'utu'uni ke ne totongi 'ae mo'ua,
pe ko ha mahu'inga 'a ia 'e fakafiemale'i 'a e tu'utu'uni
Fakamaau'anga pe fekau pea mo e ngaahi totongi 'o e
ngaahi hopo ko 'eni.

[Kapau ko e kānisi ko ha kautaha fakapa'anga pea tuku ha 'ata ki he
hingoa 'o e va'a] Ko e 'akauni 'a e tokotaha kuo tu'utu'uni ke mo'ua 'i
he hopo 'oku tui 'oku 'i he va'a 'o e kānisi; ko e fika 'o e 'akauni 'oku
tui ko e

NUKU'ALOFA: [fakafonu e 'aho]

SITAPA Fakamaau Lahi/ Fakamaau

NGAAHI FAKAMATALA:

1. Ko e fekau ni kuopau ke tufa ia ki he Kānisi pea mo e
tokotaha kuo tu'utu'uni ke mo'ua 'i he hopo.
2. Ko e me'a ni 'oku pule'i 'e he Fekau 32 'o e Ngaahi Tu'utu'uni
ki he Fakamaau'anga Lahi.

Sīpinga 15

(Fekau Kānisi Aofangatuku)

O.32 r.5(a)

['Ulu'i tohi 'i he Sīpinga 14]

MEI HONO FAKAMAAU'I [fakahā 'a e hingoa 'o e Fakafofonga
lao/kau Fakafofonga lao]

PEA MEI HONO LAU 'o e tohi fakamatala fuakava 'a [hingoa 'o e
tokotaha fuakava] na'e fai 'i hono 'aho [fakafonu e 'aho] fuakava'i pea
fakahū he 'aho ni

Pea mo e fekau na'e fai 'i hono 'aho 'o 20....
'a ia na'e fekau'i ai ko e ngaahi mo'ua kotoa pe 'oku te'eki ke totongi
'oe 'oku totonu ke totongi ka 'oku te'eki ke totongi mei he kānisi ki he
tokotaha kuo tu'utu'uni ke mo'ua 'i he hopo 'o a'u ki he mahu'inga ko e
\$...... 'oku 'oatu fakataha mo 'en ke fakakato'aki 'a e:

(1) ha tu'utu'uni fakamaau'anga pe fekau na'e ma'u 'e he
tokotaha na'e tu'utu'uni ke totongi ki ai 'a e mo'ua he hopo 'i
he Fakamaau'anga ni 'i hono 'aho 'o
20...., 'a ia ko e tu'utu'uni Fakamaau'anga pe fekau 'i he
mahu'inga ko e \$...... 'oku kei tu'u mo'ua pea 'oku kei te'eki
totongi; pea mo e

(2) \$...... ki he ngaahi totongi 'o e ngaahi hopo ni;

hili hono to'o 'o e mahu'inga ko e \$......*

'OKU FEKAU'I HENI ke

[Kapau ko e mo'ua 'a e kānisi ki he tokotaha kuo tu'utu'uni ke mo'ua 'i
he hopo 'oku si'i ange ia 'i he mo'ua kuo tu'utu'uni]

1. Ke totongi 'e he kānisi 'a e tokotaha kuo tu'utu'uni ke totongi
ki ai 'a e mo'ua 'a e mahu'inga ko e \$...... ke fakakato'aki
'a e tu'utu'uni Fakamaau'anga pe fekau pea mo e ngaahi
totongi ki he ngaahi hopo ko 'eni.

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2. 'Oku 'i ai 'a e totonu 'a e k̄anisi ke ne tauhi 'a e palanisi 'oku fiema'u 'oku mo'ua ki he tokotaha kuo tu'utu'uni ke ne totongi 'a e mo'ua 'i he hopo 'a e mahu'inga ko e \$..... ma'a e ngaahi totongi a' e k̄anisi ki he tohi kole ko 'eni.

pe

[Kapau ko e mo'ua 'a e k̄anisi ki he tokotaha kuo tu'utu'uni ke mo'ua 'i he hopo 'oku si'i ange ia 'i he mo'ua kuo tu'utu'uni]

1. Ke totongi'aki 'e he k̄anisi (hili hono to'o 'o e mahu'inga ko e \$..... ki he ngaahi totongi 'a e k̄anisi ki he tohi kole ko 'eni) ki he tokotaha kuo tu'utu'uni ke totongi ki ai 'a e mo'ua 'i he hopo, a e palanisi 'o e mo'ua te'eki totongi ki he tokotaha kuo tu'utu'uni ke ne totongi e mo'ua 'i he hopo, 'a ia ko e \$..... ke fakakakto fakakonga 'aki 'a e tu'utu'uni Fakamaau'anga pe fekau.
2. Mei he mahu'inga kuo lau 'a e \$..... ko e tokotaha kuo tu'utu'uni ke totongi ki ai 'a e mo'ua 'i he hopo ke ne tauhi 'a e mahu'inga ko e \$..... ki he ngaahi totongi 'a e tokotaha kuo tu'utu'uni ke totongi ki ai 'a e mo'ua 'i he'ene tohi kole ko 'eni pea mo e palanisi ko e \$..... ke toto ki he mo'ua kuo tu'utu'uni 'i he hopo.

NUKU'ALOFA: [fakafonu e 'aho]

SITAPA Fakamaau Lahi/ Fakamaau

* fakakaua 'oka fiema'u

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Sīpinga 16

(Fekau ke fakahū — fanongonongo ke fakahā 'a e tupu'anga)
0.34 t3(2)

'I HE FAKAMAAU'ANGA LAHI 'O TONGA

CV Fika.

MAFAI FAKASIVILE

Lēsisita'anga [fakahā Lēsisita'anga na'e 'oatu ai]

'I HE VAHA'A 'O: AB Tokotaha kuo tu'utu'uni ke totongi ki ai 'a e mo'ua

PEA MO: CD Tokotaha kuo tu'utu'uni ke ne totongi 'a e mo'ua

'I HE 'OFISI 'O E Fakamaau ko

MEI HANO LAU 'O E tohi kole 'a e talatalaaki na'e fai 'i he 'aho..... 'o 20... ki ha fanongonongo ke fakahā 'a e tupu'anga pea mo e fakamatala fuakava 'o e 'i he 'aho 'o 20... kuo fuakava'i pea fakahū 'o poupou'aki 'a ia na'e ha ai 'oku:

- (1) 'i ha tu'utu'uni faka-Fakamaau'anga 'i he Fakamaau'anga ni 'i he 'aho.....na'e fekau'i ki he tokotaha kuo tu'utu'uni ke ne mo'ua 'i he hopo ke totongi ki he tokotaha kuo tu'utu'uni ki ai 'a e mo'ua 'i he hopo ha mahu'inga ko e \$..... 'a ia ko e mahu'inga ko e \$..... 'oku te'eki totongi; pea
- (2) ko e tokotaha kuo tu'utu'uni ke ne totongi e mo'ua 'i he hopo 'oku 'i ai 'ene kaunga ki he'ene lelei 'i he koloa 'oku fakamatala'i 'i he tepile 'oku ha atu 'i lalo;

'OKU FEKAU'I HENI :

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1. Kae 'oua kuo hoko 'a e 'aho kuo fokotu'u 'i lalo ko e tupu 'a e tokotaha kuo tu'utu'uni ke ne totongi 'a e mo'ua 'i he'ene koloa 'oku lau, ke 'eke ki ai mo e totongi 'o e mahu'inga 'i he tu'utu'uni Fakamaau'anga, fakataha mo e ngaahi totongi 'o e tohi kole ko 'eni, pea
2. Ke ha'u 'a e tokotaha kuo tu'utu'uni ke ne totongi 'a e mo'ua 'i he hopo ki he Fakamaau ko ki he 'ofisi 'o e Fakamaau 'i he 'aho 'o 20... 'i he..... a.m./p.m. ke fakahā 'a e tupu'anga 'o e 'ikai ke hokohoko atu hano 'eke'i 'o e totongi 'o e kaunga 'a e tokotaha kuo tu'utu'uni ke ne totongi 'a e mo'ua 'i he hopo.

TEPILE

[Fakaikiiki 'o e koloa 'oku 'eke]

Fai 'i hono 'aho 'o 20...

NUKU'ALOFA: [fakafonu e 'aho]

SITAPA Fakamaau Lahi/ Fakamaau

Fakamatala:

Ko e fekau ni kuopau ke tufa ia ki he tokotaha kuo tu'utu'uni ke mo'ua 'i he hopo, Minisita Fonua ('o kapau ko e koloa ke fai ki ai 'a e 'eke ko e kelekele) mo ha taha pe 'oku kaunga ki ai.

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Sīpinga 17

(Fekau Aofangatuku ki hono totongi)

O.34 r.5

['Ulu'i Tohi 'i he Sīpinga 16]

'I HE FAKAMAAU KO 'i hono 'Ofisi

'I HANO FAKAMAAU'I [Ha 'a e hingoa 'o e Fakafofonga lao/kau
Fakafofonga lao]

PEA 'I HONO LAU 'a e (ngaahi) tohi fakamatala fuakava 'a
..... 'i he 'aho ni 'o 20...
fuakava'i pea fakahū ko e pou pou ki he fekau ke fakahā a e tupunga
na'e fai ia 'i he 'aho 'o 20...

'OKU FEKAU'I AI:

Ko e kaunga ko ia 'a e tokotaha kuo tu'utu'uni ke mo'ua 'i he hopo 'i
he koloa kuo fakamatala'i 'e he tepile 'i lalo ke lau fakataha ki ai pea
mo hono totongi 'o e \$...... ko e mahu'inga ia 'oku te'eki ke
totongi mei he tu'utu'uni Fakamaau'anga, fakataha mo e \$...... ki he
ngaahi totongi 'o e tohi kole ko 'eni 'a ia kuopau ke tānaki ki he mo'ua
'i he tu'utu'uni Fakamaau'anga.

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TEPILE

[Fakaikiiki 'o e koloa 'oku lau]

NUKU'ALOFA: (fakafonu 'a e 'aho)

SITAPA

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Sīpinga 18

(Tohi fekau 'o e tufa)

O.35 t.2

['Ulu'i tohi 'i he Sīpinga 16]

ki he: 'Ofisa Peilifi 'oku ne tokanga'i, [feitu'u]

Koe'uhi ko e hopo ko 'eni 'i he 'aho 'o
20... ko e tokotaha kuo tu'utu'uni ke totongi ki ai 'a e mo'ua [hingoa
'oe fa'ahi] 'o [tu'asila] kuo ne ma'u ha tu'utu'uni Fakamaau'anga ki he
tokotaha kuo tu'utu'uni ke ne mo'ua 'i he hopo [hingoa 'o e fa'ahi] 'o
[tu'asila] 'o fiema'u 'a e faka'iloa/talatalaaki ke:

1. Tufa ki he talatalaaki/faka'iloa ha ngaahi koloa 'a ia 'oku fakamatala'i 'i he Tepile 1 'oku ha 'i lalo, *(pe 'i hano 'ikai totongi ke totongi 'a e mahu'inga ko e \$.....); pea
2. Totongi ki he tokotaha kuo tu'utu'uni ke totongi ki ai 'a e mo'ua 'a e maumau mo e ngaahi totongi , pea mo e mahu'inga kuo fokotu'u 'i he *Tepile 2 'oku ha atu 'i lalo 'oku te'eki totongi;

'OKU FEKAU'I HENI KOE:

1. Ke puke 'a e ngaahi koloa, ke 'ave kinutolu ki ha feitu'u fe'unga 'a ia 'e t'ānaki ai kinautolu, pea ke fakahā ki he Fakamaau'anga pea mo e tokotaha kuo tu'utu'uni ke totongi ki ai 'a e mo'ua 'i he Sīpinga 19 'a e feitu'u mo e taimi 'e 'ave ai kinautolu;
Pea kapau 'e 'ikai ke ke lava'o ma'u 'o tauhi 'a e ngaahi koloa ko ia, pea ko honau mahu'inga ko e \$..... *(fakataha mo e mahu'inga 'oku fokotu'u atu 'i he Tepile 2) 'oku te'eki ke totongi;
2. Ke puke 'a e koloa 'a e tokotaha kuo tu'utu'uni ke ne totongi 'a e mo'ua tukukehe 'a e fale mo hono ngaahi me'a kuo ha'i ki ai, ngaahi ngoua tupu, ngaah ivala 'o

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e talatalaaki/faka'iloa pea mo hono famili mo 'ene me'angāue 'o a'u ki he mahu'inga ko e \$200);

3. Ke fakatau atu 'a e ngaahi me'a ko ia 'i he fakatautuki fakapule'anga (tukukehe ka fekau'i kehe 'e he Fakamaau'anga) pea totongi 'a e pa'anga ko ia mei he fakatau atu ko 'eni ki he Failēsisita 'i he Fakamaau'anga Lahi;
4. Kapau 'e 'ikai mā'u ha koloa pehē, ke fakamo'oni'i 'oku pehē 'a e tūkunga ki he Failēsisita 'o e Fakamaau'anga Lahi.

'I he 'aho ni 'o 20....

SITAPA Fakamaau Lahi/ Fakamaau

* tamate'i 'o ka 'ikai fiema'u

TEPILE 1

[fakamatala 'o e ngaahi koloa]

TEPILE 2

Mahu'inga kuo tu'utu'uni	:	\$ _____
Tupu 'i he% 'i he ta'u mei he 'aho	:	
'o e tu'utu'uni Fakamaau'anga' ki he 'aho ni	:	
Ngaahi totongi	:	\$ _____
Kātoa 'o e mo'ua	:	\$ _____
Totongi kuo to'o	:	\$ _____
Palanisi 'oku totonu ke totongi	:	\$ _____
Ngaahi totongi 'o e tohi fekau ko 'eni	:	\$ _____
Kātoa ke tānaki	:	\$ _____

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Sīpinga 19

(Fanongonongo 'o e fakahoko 'o e tohi tufa) O.35 t.5

['Ulu'i tohi 'i he Sīpinga 16]

Ki he: Failēsisita 'o e Fakamaau'anga Lahi

Pea ki he: tokotaha kuo tu'utu'uni ke totongi ki ai 'a e mo'ua 'i he hopo [hingoa 'o e fa'ahi]

FAKATOKANGA'I ANGE:

1. Ko e tohi fekau ki hono tufa 'i he hopo ko 'eni 'i he 'aho 'o Kuo fakahoko ia 'i he founga ko 'eni :

[fokotu'u 'a e founga pea mo e ola 'o e fakahoko]

- *2. [Ko e mahu'inga ko e \$..... kuo 'osi 'ave ki he Fakamaau'anga Lahi].

- *3. [Ko e koloa na'e fekau'i ke tufa 'e ngofua ke t'ānaki mai ia 'i loto 'i he 'aho 'e 14 mei

[fokotu'u 'a e tu'asila 'a ia 'e 'omai mei ai 'a e ngaahi koloa na'e t'ānaki]

lolotonga 'a e houa ngāue anga maheni; pea kapau 'e 'ikai ke 'omai 'i loto 'i he 'aho 'e 14 'e ngofua ke fa'ao ia 'o fakatatau ki he tu'utu'uni fakahinohino 'a e Fakamaau'anga.

'i he 'aho ni 'o 20...

'Ofisa Peilifi
[feitu'u]

* tamate'i 'oka 'ikai fiema'u

Sīpinga 20**(Tohi fekau ke puke mai)****O.36 r.2****['Ulu'i tohi 'i he Sīpinga 16]**

KI HE 'OFISA PEILIFI PULE, 'i he vahefonua Tongatapu mo 'Eua
[fakafonu ha vahefonua kehe 'oka fiema'u]

MALO E NGĀUE

'i he ngaahi hopo ko 'eni 'i [fakafonu 'a e 'aho] kuo ma'u 'e he tokotaha kuo tu'utu'uni ke totongi ki ai 'a e mo'ua 'i he hopo ha fekau ke tufa ki he tokotaha kuo tu'utu'uni ke ne totongi 'a e mo'ua 'i he hopo [fakafonu 'a e hingoa] 'o fiema'u 'a e tokotaha kuo tu'utu'uni ke ne totongi 'a e mo'ua 'i he hopo ke tufa ki he tokotaha kuo tu'utu'uni ke totongi ki ai 'a e mo'ua 'i he hopo 'a e fale/fale-nofa'anga 'a ia 'oku lolotonga tu'u ia 'i:

[Fakafonu 'a e fakaikiiki kakato 'o e feitu'u 'oku tu'u ai 'a e fale/fale-nofa'anga]

'o hangē ko e fekau 'i 'e he Fakamaau'anga.

Ko e tokotaha kuo tu'utu'uni ke ne totongi 'a e mo'ua 'i he hopo kuo 'ikai ke talangofua ki he fekau ni ke tufa.

'OKU FEKAU'I AI KOE HENI:

1. Ke ke hu pea fakahoko ha puke makehe 'o e fale/fale-nofa'anga ko ia 'o fakatatau ki he ngaahi tu'utu'uni 'o e kongā 8 'o e Lao ki he Peilifi 2000.
2. Kapau 'oku 'i ai ha taha 'oku nofo 'i he fale/fale-nofa'anga 'oku fakamafai'i ko e ke ke fakangofua kiate kinautolu 'o a'u ki he 'aho 'e 14 ke nau mavahe ai mei he 'api.

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'OKU TOE FEKAU'I FOKI KOLE ke 'ave ki he Failēsisita 'i he hili pe
ha fakahoko 'o e fekau ko 'eni, ha lipooti 'i he Sīpinga 1 'o e Tepile ki
he Lao ki he Peilifi 2000.

NUKU'ALOFA: [fakafonu e 'aho]

SITAPA Fakamaau Lahi/ Fakamaau

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Sīpinga 21

(Tohi Fekau Hepease Koapuse)

O.40 t.6

'I HE FAKAMAAU'ANGA LAHI 'O TONGA Tohi kole fika.

MAFAI FAKASIVILE

Lēsisita'anga [fakahā lēsisita'anga na'e 'oatu]

'I HE ME'A 'A:
[hingoa 'o e tokotaha 'oku tauhi]

PEA MO

**'I HE ME'A 'o e tohi kole
ki ha Tohi Fekau Heapease Koapuse**

[Hingoa 'o e Tu'i lolotonga], 'i he kelesi 'a e 'Otua, ko e Tu'i,:

Ki he 'Ofisa 'oku ne tokanga'i 'a 'etau pilisone 'i [feitu'u] ko 'emau fetapa:

'OKU FEKAU'i KOE ke ke ha'u ki he Fakamaau ko [hingoa] 'i he Fakamaau'anga Lahi,

Nuku'alofa, 'i he 'aho 'o 20... 'i he a.m./p.m.

PEA kupau ke 'i mo koe:

1. [Hingoa 'o e tokotaha 'oku tauhi] 'a ia 'oku pehē 'oku ke tauhi.
2. Ko e mafai ki hono 'ave 'o tauhi, 'aki ha fa'ahinga hinga pe 'e lava ke ui 'aki ia 'i ai; 3.
3. 'A e tohi fekau ni; pea
4. Ko hono tali ki he tohi fekau ni;

Koe'uhi ke lava 'e he'etau Fakamaau'anga 'i he taimi ko ia ke ne tu'utu'uni pe ko e mafai ko ia na'e fakalao.

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PEA KE TOE FAKATOKANGA'I ANGE ka 'ikai te ke ha'u 'e ngofua ke 'oatu koe ki 'api popula 'i ho'o talangata'a 'o 'ikai talangofua ki he tohi fekau ni.

FAKAMO'ONI KI AI 'A E FAKAMAAU KO

Fakamaau 'o e Fakamaau'anga Lahi 'o Tonga 'i he 'aho ni 'o 20... .

SITAPA Fakamaau Lahi/ Fakamaau

Ko e tohi fekau ko 'eni na'e 'oatu 'e [hingoa]

'o [tu'asila]

Fakamatala:

Ko e me'a ni 'oku pule'i 'e he Fekau 40 'o e Ngaahi Tu'utu'uni ki he Fakamaau'anga L:ahi, 'oku fakapipiki atu mo ha tatau.

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Sīpinga 22

(Fanongonongo ‘o e fetongi ‘o e Fakafofonga Lao)O.43 t.1(1) mo (2)

[‘Ulu’i tohi ‘i he Sīpinga 1 — kuo liliu’i ‘o hangē ko e fiema’u]

FAKATOKANGA’I ANGE -

*ko e Fakafofonga lao ki he talatalaaki (pe faka’iloa pe fa’ahi hono tolu) ‘oku

’i he lolotonga ni:

[hingoa mo e tu’asila ke tufa ‘a e Fakafofonga lao fo’ou].

*ko e talatalaaki (pe faka’iloa pe fa’ahi hono tolu) ‘oku ngāue he taimi ni ‘a e tokotaha ‘o fetongi ‘a [hingoa mo e tu’asila ‘o e Fakafofonga Lao kimu’a].

‘I HE ‘AHO NI ‘o 20....

_____ Talatalaaki pe faka’iloa pe fa’ahi hono tolu
[pe ko e Fakafofonga lao fo’ou]

Ki he: Failēsisita ‘a e Fakamaau’anga Lahi

Pea ki he: [hingoa ‘o e ngaahi fa’ahi kehe ki he hopo]

* tamate’i ‘oka ’ikai fiema’u

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Sīpinga 23

(Tohi fekau ki he Fakamo'oni)

O.44 t.2(1)

[ke pulusi 'i he Lea FakaTonga ki he kau fakamo'oni Tonga kotoa]

[Fokotu'u atu ha 'ulu'i tohi fakalukufua ke fakamahino 'aki 'a e hopo]

Kia: (fokotu'u atu 'a e hingoa 'o e tokotaha fakamo'oni)

'o: (fakahā'i 'a e feitu'u 'oku 'i ai 'a e tokotaha fakamo'oni)

'Oku fiema'u koe ke ke ha'u ki he Fakamaau'anga Lahi 'i
 (fokotu'u 'a e lēsisita'anga 'oku fe'unga) 'i he 'aho
 'o20... , 'i he houa ko e am/pm
 ke ke 'oatu ha fakamo'oni ma'a [hingoa 'o e fa'ahi]. 'Oku 'i ai ho'o
 totonu ke totongi atu kiate koe 'a e pa'anga fakahoko 'i hono tufa 'o e
 tohi fekau 'i he mahu'inga 'o e \$5 pa'anga (pe fokotu'u ha toe
 mahu'inga kehe na'e fekau'i 'e he Fakamaau'anga)

FAKATOKANGA'I ANGE ka 'ikai ke ke talangofua ki he tohi fekau
 'oku ngofua ke lau 'oku ke talangata'a ki he Fakamaau'anga pe 'e
 lava ke fakahū koe 'i ha taimi 'o 'ikai ke toe laka hake 'i he 'aho'e valu.

'I HE 'AHO NI 'o 20... .

(Sitapa) _____

Failēsisita 'a e Fakamaau'anga' Lahi

Sīpinga 24

(Kole ke tukuhau'i 'a e tohi mo'ua 'o e ngaahi totongi] O.45 t.6(2)

[I he 'ulu'i tohi 'a e Fakafongga lao]

Ki he: Failēsisita 'a e Fakamaau'anga Lahi
NUKU'ALOFA

Kia: (Fakahā 'a e hingoa 'o e ngaahi fa'ahi pea mo e fika 'o e
Fakamaau'anga)

KOLE KE TUKUHAU 'A E TOHI MO'UA 'O E NGAARI TOTONGI

Ko e ngaahi totongi 'a e talatalaaki/faka'iloa* 'i he hopo ko 'eni na'e
fakahū ia 'i he 'aho 'o 20... 'o fakatatau ki
he fekau 'a e Fakamaau ko 'i he 'aho 'o
..... 20....

Ko e tufa 'o e tohi mo'ua ki he ngaahi totongi na'e fakahoko ia ki he
talatalaaki/faka'iloa 'i he 'aho 'o 20... 'o
hangē ko ia kuo fakamo'oni'i 'aki 'a e Tohi Fakamo'oni kuo Tufa 'a ia
na'e fakahū 'i he 'aho 'o 20....

A'u ki he 'aho ni kuo te'eki ai ke ma'u ha fakakikihi ki he ngaahi
totongi 'a e talatalaaki/faka'iloa* pea 'oku te'eki ai ke a'usia ha felotoi
ki he ngaahi totongi. 'Oku ou 'oatu 'a e kole ni 'i he faka'apa'apa ke
fakahoko ha tukuhau'i 'a e ngaahi totongi 'o e tokotaha 'oku ou
fakafongga'i.

Fakamo'oni
(Fakafongga lao ma'a e fa'ahi 'oku nau fai 'a e kole)

* tamate'i 'oka 'ikai fiema'u

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Sīpinga 25

(Tohi fakamo'oni 'o e tukuhau) O.45 t.7(2)

O.45 t.11

['Ulu'i tohi 'i he Sīpinga 3 liliu'i ki hono fiema'u]

TOHI FAKAMO'ONI 'O E TUKUHAU

'Oku ou fakamo'oni heni pea fakatatau ki he Fekau 'a e
Fakamaau'anga na'e fai 'i he 'aho 'o
20... , ko e ngaahi totongi 'a e talatalaaki/faka'iloa 'i he 'aho ni kuo
tukuhau'i pea ngofua 'i he mahu'inga ko e:

KATO'A 'O E MAHU'INGA 'OKU FAKANGOFUA KE TUKUHAU'I =
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'I HE 'AHO NI: 'o 20...

SITAPA

(Fakamo'oni 'o e Failēsisita pe Fakamaau 'o hangē ko ia 'oku taau)

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NGAAHI TU'UTU'UNI KI HE VETE MALI

Ngaahi tu'utu'uni te ne pule'i 'a e fakahokohoko 'o e ngaahi hopo vete mali fa'u 'e he Fakamaau Lahi 'o fakatatau ki he kongā 23 'o e Lao Vete Mali (Vahe. 29)

Tu'utu'uni 1. Hingoa Nounou mo e Kamata'anga

Tu'utu'uni 2. 'Uhinga'i Lea

**Tu'utu'uni 3. Fakahoko 'o e ngaahi tu'utu'uni
makehe**

**Tu'utu'uni 4. Kamata 'a hono fakahoko 'o e
ngaahi hopo**

Tu'utu'uni 5. Ngaahi fa'ahi

**Tu'utu'uni 6. Tufa 'o e tohi kole vete mo e tohi
ngāue kehe**

**Tu'utu'uni 7. Ko e fakalahi mo e liliu ki he
ngaahi tohi kole**

Tu'utu'uni 8. Ngaahi fokotu'u tohi

Tu'utu'uni 9. Ngaahi fakaikiiki

**Tu'utu'uni 10. Ngaahi tu'utu'uni fakahinohino ki
he hopo**

Tu'utu'uni 11. Hopo

Tu'utu'uni 12. Tohi Fakamo'oni 'i he Kupu 11(1)

'o e Lao**Tu'utu'uni 13. Kau mai 'a e 'Ateni Seniale****Tu'utu'uni 14. Tu'utu'uni Vete Aofangatuku****Tu'utu'uni 15. Totonu ki hano Fakamaau'i****Tu'utu'uni 16. Tohi kole ki he ma'u mo pule'i,
ngofua ki he 'a'ahi pe ha toe tokoni
kehe****Tu'utu'uni 17. Ngaahi Tohi Kole Kehe****Tu'utu'uni 18. Faingata'a'ia****Tu'utu'uni 19. Taimi****Tu'utu'uni 20. Ngaahi Fakapekia mo e Fakataimi****NGAAHI SĪPINGA****SĪpinga 1 : Tohi kole vete****SĪpinga 2 : Fakamatala 'a e Fanau****SĪpinga 3 : Fekau fakaangaanga ki he fetongi 'o e
tufa****SĪpinga 4 : Fekau fakaangaanga ki he tufa 'i tu'a 'i
he mafai fakalao****SĪpinga 5 : Tu'utu'uni vete fakataimi****SĪpinga 6 : Tohi fakamo'oni 'i he kupu 11(1)**

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**Sīpinga 7 : Fuakava ki he tu'utu'uni vete
aofangatuku**

Sīpinga 8 : Tu'utu'uni vete aofangatuku

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Tu'utu'uni 1. Hingoa Nounou mo e Kamata'anga

'E ala ui 'a e ngaahi tu'utu'uni' ni ko e Ngaahi Tu'utu'uni ki he Vete Mali 2006 pea 'e kamata ngāue'aki 'i hono 'aho 1 'o Sanuali 2007.

Tu'utu'uni 2. 'UHINGA'I LEA

"Ko e lao" 'oku 'uhinga ia ki he LaoVete Mali (Vahe 29);

"ngaahi fiema'u/tokoni kehe" 'oku 'uhinga ia ki ha fa'ahinga fiema'u/tokoni 'oku fiema'u 'i he kupu 17 pe 18 'o e Lao;

"tohi kole" pea mo e "fanongonongo tohi kole" ' kuo fokotu'u 'a honau ngaahi 'uhinga'i he ngaahi tefito'i tu'utu'uni;

"Fakamaau'anga" 'oku 'uhinga ia ki he Fakamaau'anga Lahi 'o Tonga

"tama 'o e famili" pea mo e "fanau 'o e famili" 'oku na uHINGA tatau mo e "fanau 'o e famili" 'i he Kupu 2 'o e Lao;

"fakamatala 'a e fanau" 'oku 'uhinga ia ki he fakamatala 'oku 'uhinga ki ai 'a e Tu'utu'uni 4(5);

"Fakamaau" 'oku 'uhinga ia ki he Tu'i Fakamaau Lahi mo ha toe fakamaau kehe 'o e Fakamaau'anga Lahi;

"Fakafofonga lao" 'oku 'uhinga ki ha taha ngāue fakalao kuo 'osi lēsisita hono hingoa fakatatau ki he Lao ki he kau Fakafofonga Lao 1989;

"tohi kole vete" 'oku kau ai mo ha tohi kole vete

fakafoki;

"tefito'i tu'utu'uni" 'oku 'uhinga ia ki he Ngaahi Tu'utu'uni Fakamaau'anga Lahi 2007;

"Failēsisita" kuo 'i ai hono 'uhinga kuo fokotu'u 'i he ngaahi tefito'i tu'utu'uni;

"Ofisa Tufa" 'oku 'uhinga ki ha 'ofisa Polisi, bailiff pe ha 'ofisa 'o e Fakamaau'anga kuo fakamafai'i ke he tufa ha ngaahi tohi ngāue.

Tu'utu'uni 3. Fakahoko 'o e Ngaahi Tu'utu'uni kehe

Fakatatau ki he ngaahi fiema'u 'o e Ngaahi Tu'utu'uni' ni, kuopau ke nga'e'aki 'a e angafai mo e founda ngāue 'a e Fakamaau'anga Lahi, mo ha fa'ahinga liliu 'e fiema'u, ki hono kamata mo fakahoko 'o e ngaahi hopo kotoa pe ki he vete, ma'u mo pule'i mo e ngofua ke 'a'ahi ki he fanau, pea mo ha ngaahi fiema'u kehe.

Tu'utu'uni 4. Kamata 'o e Ngaahi Hopo

- (1) Ko e ngaahi hopo vete kuopau ke kamata'aki 'a e tohi kole vete.
- (2) Ko e tohi kole vete kotoa pe kuopau ke matu'aki faitatau mo e sīpinga 'oku fokotu'u atu'i he Sīpinga 1.
- (3) Ko e tohi kole vete kotoa pe kuopau ke fakamo'oni ki ai 'a e tokotaha kole vete 'e ia pe, pe kapau ko e tokotaha kole vete 'oku faingata'a'ia, pea fakamo'oni ki ai ha kaume'a ofi kuo fokotu'u 'i he Tu'utu'uni 18.

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- (4) 'i he taimi 'oku 'i he Fakamaau'anga ai ha tohi kole vete 'a ia 'oku te'eki ke tamate'i pe fai ki ai ha tu'utu'uni aofangatuku, ko ha toe tohi kole vete kehe 'oku fai 'e he talatalaaki tatau felāve'i mo e mali tatau, kuopau 'e 'ikai tali ke fai ia 'oka 'ikai ma'u ha ngofua mei he Fakamaau'anga.
- (5) 'E fakahū fakataha 'a e tohi kole vete mo ha fakamatala ("ko e fakamatala 'a e fanau") kuo fakamo'oni hingoa ki ai 'a e talatalaaki 'a l a'oku tu'u ai 'a e fakamatala 'oku ha 'i he Sīpinga 2.
- (6) Ko hano 'omai ha tohi vete ki he Fakamaau'anga kuopau ke fakahū mai:
- (a) 'a e tohi kole vete, fakataha m e 'u tatau fakatau ki he tokolahi 'o kinautolu ke tufa ki ai;
 - (b) tukukehe ka toki fakahinohino 'i ha tohi kole 'oku fai ta'e kau ai ha fa'ahi 'e taha, ha tohi fakamo'oni 'o e mali 'a ia 'oku felāve'i mo e tohi kole vete;
 - (c) 'a e famatala 'a e fanau fakataha mo ha tatau ke tufa ki he tokotaha tali;
 - (d) ha tohi ta'u 'o fakatau ki he tama takitaha 'i he mali.
- (7) 'O kapau 'e fakafofonga'i 'e ha Fakafofonga Lao ha tokotaha kole vete, ko e hingoa mo e tu'asila kakato ke tufa 'a e Fakafofonga lao kuopau ke fakahā mahino ia 'i he faka'osinga 'o e tohi kole vete.
- (8) 'O kapau 'e fakafofonga'i pe 'e he tokotaha kole vete 'a ia pe, ko e tohi kole vete mali 'e pou pou 'aki 'a e tu'asila ke tufa ki ai 'a e tokotaha kole vete.

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Tu'utu'uni e 5. Ngaahi fa'ahi

- (1) 'I he taimi 'oku tukuaki'i ai 'e ha tohi kole vete na'e tonu 'a e tokotaha faka'iloa, ko e tokotaha kotoa pe 'oku tukuaki'i na'a ne fai 'a e tonu (kapau 'oku kei mo'ui) kuopau ke fakakau ia ko e kaunga faka'iloa 'i he hopo tukukehe:
 - (a) ko e tokotaa ko ia 'oku 'ikai ha hono hingoa pea ko e tohi kole vete 'oku fakahā ai 'oku 'ikai ke 'ilo 'a e tokotaha ko ia 'e he tokotaha kole vete; pe
 - (b) kuo fai 'e he Fakamaau'anga ha fakahinohino ki ha fa'ahi 'e taha kimu'a pe 'oatu 'a e tohi kole vete.
- (2) 'I he taimi 'oku tukuaki'i ai 'e ha tohi vete na'e 'i ai ha 'ulungaanga ta'e fakapotopoto fakatatau ki he Kupu (3)(1)(g) 'o e Lao 'o makatu'unga ko e faka'iloa kuo halaia 'i ha felāve'i ta'efe'unga (kehe mei he tonu) ko ha tokotaha kuo fakahā hono hingoa, kuopau ki he talatalaki ke kole ki he Fakamaau'anga 'i he taimi pe 'oku 'omai ai 'a e fakahinohino pe ko e tokotaha pehē kuopau ke kaunga faka'iloa 'i he hopo. .

Tu'utu'uni 6. Tufa 'o e tohi kole vete mo e ngaahi tohi ngāue kehe

- (1) Fakatatau ki he ngaahi tu'utu'uni 'o e tu'utu'uni ko 'eni, pea tukukehe ka fekau'i kehe 'e he Fakamaau'anga, ko e tohi kole vete kotoa pe pe ha tohi ngāue kuo fakahū mai ki he Fakamaau'anga, kuopau ke tufa fakahāngatonu 'aki ano 'ave ha tatau kuo 'osi sila'i ki he ngaahi fa'ahi hono kotoa.

- (2) Ko e tohi kole vete kotoa pe 'e fakapipiki ki ai 'a e fanongonongo fakahinohino 'o hangē ko hon fokotu'u 'i he O.11 tu'utu'uni 2 'o e tefito'i tu'utu'uni.
- (3) 'E malava ke fai 'a e tufa 'e ha 'ofisa tufa pe 'e ha Fakafofonga lao pe ha tokotaha 'o e kau ngāue 'a e Fakafofonga lao. 'E 'ikai ngofua ke fai 'e he talatalaaki 'a e tufa 'o tatau aipe ha fa'ahinga 'uhinga.
- (4) 'I he taimi kuo fakahā ai 'e ha Fakafofonga lao ki he Fakamaau'anga'oku ne fakafofonga'i ha fa'ahi, ko e tufa 'o ha fa'ahinga tohi ngāue (kehe mei he tohi kole vete) ki ha fa'ahi ko ia 'e lau kuo fai 'aki hono tufa ha tatau 'o ia ki he'ene fakafofonga lao.
- (5) Ko e tokotaha 'oku ne tufa ha fa'ahinga tohi kole vete pe ha toe tohi ngāue kehe kuopau ke ne fakafonu mo fakahū ha tohi fakamo'oni tufa 'o fakatatau ki he Fekau 11, tu'utu'uni 4 'o e ngaahi tefito'i tu'utu'uni. Ko e fakahū 'o e tohi fakamo'oni tufa kuopau ko e fakamo'oni ia ko e tohi ngāue pehē na'e tufa 'o hangē ko hono fakahā. 'i ha tohi kole vete, ko e tohi fakamo'oni tufa kuopau ke ne fakahā mahino ki he tufaki 'o e tohi kole vete pea mo e fanongonongo fakahinohino.
- (6) Kapau 'oku ha ki he Fakamaau'anga 'oku ikai malava 'i ha fa'ahinga 'uhinga ke tufa fakahāngatonu ha tohi kole vete pe ha tohi ngāue kehe, 'e ngofua ke ne foaki ha ngofua ke fetongi 'a e tufa 'aki ha founa tufa kehe 'a ia 'oku ha 'e ngalingali 'e lava ai 'o a'u 'a e tohi k oia ke 'ilo 'e he tokotaha 'oku fiema'u ke tufa ki ai.
- (7) Kapau 'oku ha ki he Fakamaau'anga 'oku 'ikai malava ke tufa fakahāngatonu ha fa'ahi pe 'i ha

fetongi 'o e tufa, pe 'oku fiema'u pe lelei ange ke fakamalolo'i 'a e tufa 'o e tohi kole vete pe ha toe tohi ngāue kehe ki ha fa'ahi, 'e ngofua ke fai 'e he Fakamaau'anga ha fekau ke fakamalolo'i 'a e tufa ko ia.

- (8) Ko ha tohi kole vete pe ha tohi ngāue kehe 'e ngofua, 'i ha ma'u ha ngofua mei he Fakamaau'anga, ke tufa 'i tu'a 'i he mafai fakalao 'i he taimi ko e tokotaha ke tufa ki ai 'oku nofo 'i he malumalu 'o e mafai fakalao kehe ko ia.
- (9) Ko ha tohi kole ki he tohi fekau 'i he palakalafi (6) pe (7) kuopau ke fai ia 'e ha fa'ahi 'e taha 'aki ha fanongonongo tohi kole 'o poupou 'aki ha fakamatala fuakava 'o fakahā 'a e ngaahi me'a kuo 'osi fai ke fakahoko 'a e tufa pea fakahā 'a e ngaahi makatu'unga ki he tohi kole. Ko e tokotaha kole 'e malava ke fiema'u ke 'i ai tonu 'i he tohi kole.
- (10) Ko ha tohi kole ki he fekau 'i he palakalafi (8) kuopau ke fai 'e he fa'ahi pe 'e tha 'aki 'a e fanongonongo tohi kole 'o poupou 'aki 'a e tohi fakamatala fuakava 'o fakapapau'i 'a e tu'asila ke tufa kitu'a 'i he mafai fakalao pea mo e makatu'unga ki he 'ilo 'a e tokotaha fuakava ko e faka'iloa 'oku nofo 'i he tu'asila 'oku fokotu'u.
- (11) Ko e fekau fakaangaanga 'e fakapipiki ia ki he fanongonongo tohi kole na'e fakahū 'i he palakalafi (9) kuopau ke 'i he Sīpinga 3.
- (12) Ko e fekau fakaangaanga ke fakapipiki ki ha fanongonongo tohi kole na'e fakahū 'i he palakalafi (10) kuopau ke 'i he Sīpinga 4.

Tu'utu'uni 7. Ko e fakalahi mo e fakatonutonu ki he ngaahi tohi kole

- (1) 'E ngofua ke liliu ha tohi kole vete ta'e ma'u ha ngofua kimu'a pea tufa ka kuopau ke ma'u ha ngofua 'o kapau kuo 'osi fai 'a e tufa.
- (2) Ko e fakalahi ki he tohi kole vete 'e ngofua toki fakahū mai pe 'i hano fakangofua.
- (3) Ko ha tohi kole ki ha ngofua 'i he tu'utu'uni ko 'eni kuopau ke fai ia 'aki ha fanongonongo tohi kole pou pou'aki ha tohi fakamatala fuakava.
- (4) Ko ha fekau 'o foaki ha ngofua kuopau ke ne fakapapau'i 'a e taimi 'i loto ai hano fakahū pe liliu 'o ha fa'ahinga tali.
- (5) Tukukehe ka toki 'i ai ha tu'utu'uni kehe, ko ha tatau 'o ha fakalahi pe fakatonutonu ki ha tohi kole vete, fakataha mo ha tatau 'o ha fa'ahinga fekau 'oku fai 'i he tu'utu'uni ko 'eni, kuopau ke tufa ki he fa'ahi kotoa pe ki he tohi kole vete na'e fuofua 'oatu, pea ki he tohi kole vete fakalahi pe fakatonutonu.

Tu'utu'uni 8. Ngaahi fokotu'u tohi

- (1) Ka 'i ai ha fa'ahi 'e loto ke taukapo'i ha tohi kole vete pe fakakikihi'i ha fa'ahinga mo'oni 'oku tukuaki'i ai kuopau ke ne fakahū mai ha tali.
- (2) Ko ha faka'iloa 'oku ne loto ke ma'u ha tu'utu'uni faka-Fakamaau'anga ke ne vete, 'e ngofua ke ne fai ia 'i he fo'i hopo tatau 'aki ha'ane fai ha 'eke fakafoki, 'a ia 'e toe ala fakakau 'eni 'i he tali ki he tohi kole vete, kapau

‘oku loto ‘a e faka’iloa ke ne taukapo’i ‘a e tohi kole vete.

- (3) Ko ha tali mo e/pe tohi kole vete fakafoki, kuopau ke fakahū ‘i loto ‘i he ‘aho ‘e 28 mei he ‘aho ‘oku tufa ai ‘a e tohi kole vete ki he fa’ahi ‘oku ne fakahū ‘a e tohi kole vete.
- (4) ‘E ngofua ke fakahū mai ‘e he talatalaaki ha’ane tali ki ha tali mo ha/pe tohi kole vete fakafoki ‘i loto ‘i he ‘aho ‘e 14 hili hono tufa kiate ia.
- (5) Kapau ‘oku ‘ikai fakahū ha tali fakafoki ki ha tali, kuopau ‘e lau ‘a e talatalaaki ‘oku ne faka’ikai’i ‘a e ngaahi mo’oni’i me’a kotoa pe ‘oku tukuaki’i ki ai ‘i he tali.
- (6) Kapau ‘oku ‘ikai fakahū ha tali ki ha tohi kole vete fakafoki, kuopau ko e talatalaaki ‘oku lau ‘oku ne tali ko e mo’oni ‘a e ngaahi mo’oni’i me’a ‘oku tukuaki’i ia ki ai ‘i he tohi kole vete fakafoki.
- (7) ‘E ‘ikai ke ngofua ke fakahū mai ha kole ihli ha tali kuo fai ta’e ma’u ha ngofua ke fai ia.
- (8) Ko ha fa’ahi ‘oku ne fakahū ha’ane tali, tali fakafoki pe ko ha ngaahi fokotu’u tohi kehe pe kuopau ke ne fakahū ha tatau ke tufa ki he ngaahi fa’ahi kotoa pe.

Tu’utu’uni 9. Ngaahi fakaikiiki

- (1) Ko ha fa’ahi kuo ‘osi tufa ki ai ha fokotu’u tohi, ‘e ngofua ke ne kole ki he fa’ahi ‘oku ‘a’ana ‘a e fokotu’u tohi, ke ‘omai ha fakaikiiki ‘o ha fa’ahinga tukuaki’i pe ha fa’ahinga me’a keh e’oku fokotu’u mai pea, kapau ‘e ‘ikai ‘omai ‘e he fa’ahi ko ia ‘a e ngaahi fakaikiiki ko ia ‘i loto ‘i

ha taimi fe'unga, 'e ngofua ke ne kole ki ha tu'utu'uni ke 'omai 'a e ngaahi fakaikiiki.

- (2) Ko ha fa'ahi 'oku ne 'omai ha ngaahi fakaikiiki pe ko e fai koe'uhi ko e fakataua ki ha fekau pe 'ikai, kuopau ke ne fakahū ha tataua.

Tu'utu'uni 10. Ngaahi fakahinohino ki he hopo

- (1) Ko e ngaahi tohi kole vete 'oku 'ikai taukapo'i:
- (a) 'E ngofua ke fokotu'u 'e he Fakamaau'anga ha tohi kole vete 'oku 'ikai taukapo'i ke hopo 'i ha fa'ahinga taimi pe hili 'a e 'osi 'a e taimi ke fakahū mai ai ha tali.
 - (b) Ko e fanongonongo 'o e 'aho hopo kuopau ke tufa ki he ngaahi fa'ahi kotoa 'i he founa 'e tu'utu'uni 'e he Failēsisita.
- (2) Ko e ngaahi tohi kole vete 'oku taukapo'i:
- (a) Hili 'a e 'osi 'a e taimi ke fakahū ai 'a e tali, kuopau ke fokotu'u 'e he Fakamaau'anga ha hopo 'oku taukapo'i ki ha hopo tu'utu'uni fakahinohino ke fakahoko 'aki ha fekau pe ha fanongonongo 'o e hopo fakahinohino 'i he Sīpinga 10 'o e tefito'i tu'utu'uni (fakatonutonu 'o ka fiema'u).
 - (b) 'E ngoufa ke fai 'e he Fakamaau ha ngaahi tu'utu'uni fakahinohino ki hono:
 - (i) founa fakahoko 'o e hopo 'i he kaha'u, mo e
 - (ii) 'a e 'aho mo e feitu'u 'o e hopo; mo e

(iii) ha fa'ahinga tohi kole ki ha fa'ahinga tokoni pe ko ha fekau felāve'i mo ha tama

pē 'e ngofua ke toloi ha fakaukau'i 'o ha toe fa'ahinga me'a ki ha 'aho 'amui ange.

Tu'utu'uni 11. Hopo

- (1) 'I ha hopo'i 'o ha tohi kole vete 'e ngoufa ki he Fakamaau'anga ke:
- (a) 'o kapau 'oku fiemalie 'oku 'i ai ha fa'ahi 'oku totonu ke ne ma'u 'a e me'a 'oku kole, ke foaki ki he fa'ahi ko ia ha tu'utu'uni vete fakataimi; pe
 - (b) 'o kapau 'e 'ikai fiemalie ki ai ke ne tamate'i 'a e tohi kole vete pe toloi 'a e hopo.
 - (c) 'o kapau kuo foaki ha tu'utu'uni vete fakataimi 'i he hopo 'i he tu'unga ko e tono, ke ne fekau ha kaunga-faka'iloa ke totongi ha ngaahi maumau ki he talatalaaki;
 - (d) pe kuo fai ha tu'utu'uni vete fakataimi 'i he hopo pe 'ikai, ke fai ha fa'ahinga fekau fe'unga:
 - (i) ke pule'i pe fakangofua ke 'a'ahi ki he fanau 'o e famili;
 - (ii) ki he ngaahi totongi.
- (2) Ko ha tu'utu'uni na'e fai 'i he hopo kuopau ke hiki ia 'e he Fakamaau'anga 'i he Sīpinga 5 pea kuopau ke tufa atu ia ki he fa'ahi kotoa pe.

Tu'utu'uni 12. Tohi fakamo'oin 'i he kupu 11(1) 'o e Lao

- (1) Kapau kuo ma'u 'e he Fakamaau'anga ha fakamatala fakamo'oni fe'ung'i he hopo 'o e tohi kole vete, 'e ngofua ke foaki ha tohi fakamo'oni 'i he kupu 11(1) 'o e Lao, hili pe 'a e tu'utu'uni vete fakataimi.
- (2) 'O kapau 'e 'ikai foaki 'e he Fakamaau'anga ha tohi fakamo'oni 'i he hopo 'o e tohi kole vete, kuopau ke kole 'a e talatalaaki ki he Fakamaau'anga ki ha tohi fakamo'oni.
- (3) Ko e founa fakahoko 'o e tohi kole pehē ni kuopau ke fai 'i he founa 'o e fanongonongo tohi kole.
- (4) 'I hono fakamaau'i 'o e tohi kole pehē ni, 'e ngofua ki he Fakamaau'anga ke ne ngāue'aki ha taha pe 'o hono ngaahi mafai 'i he ngaahi kupu 17, 18 pea 19 'i he Lao.
- (5) Kuopau ke hiki 'e he Fakamaau'anga 'a e tohi fakamo'oni 'i he Sīpinga 6 pea kuopau ke tufa ki he fa'ahi kotoa pe.

Tu'utu'uni 13. Kau mai 'a e 'Ateni Seniale

- (1) 'I he taimi 'e fiema'u ai 'e he 'Ateni Seniate ke ne fakahā ha tupu'anga ki he fakahoko 'o ha tu'utu'uni aofangatuku ki ha tohi kole kuopau ke fakahoko ki he Fakamaau'anga 'e ha fa'ahi 'e taha ki ha ngofua ke kau atu.
- (2) Ko ha tohi kole pehē ni kuopau ke fai ia 'aki ha fanongonongo tohi kole pou pou 'aki ha tohi fakamatala fuakava 'o fakahā ai 'a e ngaahi

mo'oni'i me'a mahu'inga 'oku tukuaki'i.

- (3) Kapau 'e foaki 'e he Fakamaau'anga ha ngofua ke kau mai kuopau ke fakahū mai 'e he 'Ateni Seniale 'i loto 'i he 'aho ' 14 mei ohno foaki 'o e ngofua ko ia 'ene fokotu'u tohi 'o fakahā mai ai 'a e ngaahi makatu'unga 'oku ne fiema'u ai ke fakahā 'a e tupu'anga pea kuopau ke 'ave ha tatau 'o ia ki he tokotaha na'e foaki ki ai 'a e tu'utu'uni 'e he Fakamaau'anga pea mo ha taha pe 'oku felāve'i mo e tu'utu'uni ko ia.
- (4) Fakatatau ki he ngaahi tu'utu'uni ka hoko 'a e tu'utu'uni ka hoko 'a e tu'utu'uni' ni, ko e ngaahi tu'utu'uni ko 'eni kuopau ke ngāue'aki ia ki he ngaahi fokotu'u tohi kotoa pe 'amui ange mo e ngaahi hopo felāve'i mo e fokotu'u hangē tofu pe ha ngaahi tohi kole vete.
- (5) Kapau he'ikai fakahū mai ha tali ki he fokotu'u 'i loto 'i he taimi 'oku ngata ki ai, pe kuo fakahū mai ha tali kae tamate'i ia, pe 'oku 'ikai ke hoko atu ha ngāue ki ai,'e ngofua ke kole leva 'a e 'Ateni Seniale mei he taimi ko ia 'aki ha'ane fokotu'u ke fai ha tu'utu'uni ke fakafoki 'a e tu'utu'uni vete fakataimi 'i he hopo pea ke tamate'i 'a e tohi kole vete.

Tu'utu'uni 14. Tu'utu'uni vete aofangatuku

- (1) Hili ha uike 'e ono mei hono foaki 'o ha tu'utu'uni vete fakataimi 'e malava 'e he fa'ahi na'e foaki ki ai 'a e tu'utu'uni, ke ne kole ki he Fakamaau'anga ke fakahoko ko e tu'utu'uni vete aofangatuku.
- (2) Hili ha mahina 'e tolu mei hono fai 'o e tu'utu'uni vete fakataimi, kapau 'oku te'eki ke kole mai 'a e fa'ahi na'e foaki ki ai 'a e tu'utu'uni ko 'eni ki

he Fakamaau'anga ke fakahoko 'a e tu'utu'uni ko 'eni ki he Fakamaau'anga ke fakahoko 'a e tu'utu'uni vete fakataimi ke hoko ko ha tu'utu'uni vete aofangatuku 'e 'ata ki he fa'ahi 'e ha taha ke fai 'a e kole ko ia.

- (3) Ko e tohi kole 'i he palakalafi (1) mo e (2) 'o e tu'utu'uni ko 'eni kuopau ke fai ia 'aki ha fanongonongo tohi kole poupou 'aki ha fakamatala fuakava 'i he Sīpinga 7.
- (4) 'I hono ma'u 'o ha kole pehē ni, kapau 'oku fiemalie 'a e Failēsisita:
- (a) 'oku 'ikai ha fakatatali ki ha tangi, ha tohi kole ki ha fakafoki 'o e tu'utu'uni pe ki hano toe fai hano fakamaau'i 'o e hopo;
 - (b) kuo 'osi 'a e taimi ki hono fai 'o ha tangi 'i he tu'utu'uni mo ha toe fakalahi na'e tali 'e he Fakamaau'anga;
 - (c) 'oku te'eki ai ke kau mai 'a e 'Ateni Seniale 'o fakatatau ki he kupu 11(2) 'o e Lao;
 - (d) 'i he taimi kuo foaki ai ha tu'utu'uni' ni 'i he kupu 3(1)(f) 'o e Lao, kuo foaki 'e he Fakamaau'anga ha tohi fakamo'oni 'i he kupu 11(1) 'o e Lao;

te ne, fakatatau ki he tu'utu'uni 16, kuopau 'e foaki 'e he Failēsisita ha tu'utu'uni vete aofangatuku 'i he Sīpinga 8.

Kapau ko e kole 'oku fakahū mai kuo laka hake 'i he mahina 'e 12 mei hono fai 'o e tu'utu'uni vete fakataimi, kuopau ke toe fakahū mai mo ha toe fakamatala fuakava 'o fakahā mai 'a e ngaahi 'uhinga 'o e tomui:

- (a) 'o fakahā pe kuo toe nofo fakataha 'a e ongo fa'ahi talu mei hono fai 'o e tu'utu'uni vete fakataimi, pea kapau na'e pehē, ko e ha 'a e vaha'a taimi na'a na toe fakataha ai;
- (b) 'o fakahā pe kuo fa'ele'i 'e he uaifi ha fanau talu 'a e fai 'o e tu'utu'uni vete fakataimi, pea kapau ko ia ke fakahā pe 'oku pehē nai ko e fanau ko ia ko e fanau 'o e famili;

pea ko ha tohi kole pehē ni 'e ngofua ke tuku atu ki ha fakamaau 'a ia te ne ala:

- (a) fakahoko 'a e tu'utu'uni vete fakataimi ke hoko ko e tu'utu'uni vete aofangatuku;
- (b) tuku atu ki he 'Ateni Seniale ke ne vakai'i pe te ne kau mai, pe;
- (c) fakahoko ha toe tu'utu'uni kehe 'oku ne pehē 'oku fe'unga.

Tu'utu'uni 15. Totonu ki hano fakamaau'i

- (1) 'E ngofua ke fakamaau'i ha faka'iloa, ta'e fakahū mai ha tali, 'i ha fa'ahinga fehu'i fekau'aki mo e:
 - (a) ma'u mo pule'i pe ngofua ke 'a'ahi ki ha taha pe 'o e fanau 'o e famili;
 - (b) ki ha ma'u 'o ha tohi fakamo'oni 'i he kupu 11(1) 'o e Lao;
 - (c) ngaahi fiema'u kehe;
 - (d) ngaahi totongi.

(2) 'E ngofua ke fakamaau'i ha kaunga-faka'iloa, ta'e fakahū mai ha tali, 'i ha fa'ahinga fehu'i fekau'aki mo e:

(a) ngaahi maumau';

(b) ngaahi totongi'.

Tu'utu'uni 16. Tohi kole ki he ma'u mo pule'i 'o e fānau, ngofua 'a'ahi ki he fānau pe ngaahi fiema'u kehe

(1) Ko ha tohi kole ki he ma'u mo pule'i, pe ngofua ke 'a'ahi ki he fanau pe ngaahi fiea'u kehe kuopau ke fai 'aki ha fanongonongo tohi kole (fakatonutonu 'o ka fiema'u) 'o fakahā ai 'a e natula totonu 'o e 'eke 'oku fai.

(2) Ko e fanongonongo tohi kole 'i he tu'utu'uni ko 'eni kuopau ke pou pou 'aki ha fakamatala fuakava.

(3) 'I he me'a felāve'i mo e ma'u mo pule'i e fanau pe ngofua 'a'ahi kiate kinautolu, kuopau ke fokotu'u atu 'i he fakamatala fuakava 'a e:

(a) 'a e ngaahi fokotu'utu'u lolotonga ki he ma'u mo pule'i pe ngofua 'a'ahi felāve'i mo e tama taki taha 'a ia 'oku felāve'i mo e tohi kole;

(b) 'a e ngaahi makatu'unga 'oku tu'unga ai ha fa'ahinga liliu mahu'inga ki he ngaahi fokotu'utu'u ko ia kuo fokotu'u fakaangaanga; pea

(c) kapau 'oku 'eke'i 'a e ma'u mo pule'i e fanau, 'a e ngaahi fokotu'utu'u fakaangaanga ki hono tauhi 'o e tama

taki taha kapau 'e foaki 'a e ma'u mo
pule'i 'o e fanau ki he tokotaha tohi kole.

- (4) 'I he me'a fekau'aki mo e ngahi fiema'u kehe, kuopau ke fakahā 'i he fakamatala fuakava pou pou 'a e:
 - (a) ngaahi fakaikiiki kakato 'o e ma'u'anga mo'ui mo e pa'anga hu mai 'a e tokotaha kole; mo e
 - (b) ngaahi fakaikiiki 'oku 'ilo felāve'i mo e ma'u'anga mo'ui m e pa'anga hu mai 'a e faka'iloa.
- (5) Ko e fanongonongo tohi kole mo e fakamatala fuakava pou pou ki ai kuopau ke fakahū fakataha ia mo ha ngaahi tatau 'o fakatatau ki he tokolahi 'o kinautolu 'oku 'amanaki tufa ki ai.
- (6) Ko ha faka'iloa ki ha tohi kole 'i he tu'utu'uni ko 'eni kuopau, 'i loto 'i he 'aho 'e 14 hili hono tufa atu kiate ia 'a e ngaahi tohi fekau mo e tohi fakamatala fuakava, fakahū ha tohi fakamatala fuakava ko e tali fakafoki 'o 'oatu 'a e fakamatala 'o hangē 'oku fokotu'u atu 'i he palakalafi 3 or 4 'o e tu'utu'uni ko 'eni ('o hangē pe ko ia 'e hoko) mo e ngaahi tatau 'o fakatatau ki he tokolahi 'o kinautolu 'oku 'amanaki ke tufa ki ai.
- (7) 'I he kole 'e ha taha 'o e ngaahi fa'ahi kuopau ke fokotu'u 'e he Failēsisita 'a e tohi kole ki ha tu'utu'uni 'a ha fakamaau 'a ia 'e ngofua ke ne fai ha toe tu'utu'uni 'a ia 'oku ne pehē 'oku fe'unga, pe fokotu'u 'a e tohi kole ke fai hano fakamaau'i.
- (8) Kuopau ke fai hono fakamaau'i 'o e tohi kole 'i he 'Ofisi 'o e Fakamaau Lahi.

Tu'utu'uni 17. Ngaahi tohi kole kehe

Ko ha ngaahi tohi kole kehe lolotonga 'a hono fai ha kole vete, kuopau ke fai ia ki ha fakamaau 'aki ha fanongonongo tohi kole pou pou 'aki ha fakamatala fuakava.

Tu'utu'uni 18. Faingata'a'ia

- (1) 'I he tu'utu'uni ko 'eni ko "ha taha faingata'a'ia" 'oku 'uhinga:
 - (a) ki ha "tokotaha 'oku 'ikai 'atamai lelei" 'i he ngaahi tefito'i tu'utu'uni, pe,
 - (b) ko ha tokotaha 'oku te'eki ta'u 21.
- (2) Ko ha taha 'oku faingata'a'ia 'e lava ke kamata pe fakahoko ha ngaahi hopo 'e hano kaume'a ofi pea 'e lava ke ne taukapo'i ha ngaahi hopo 'aki 'a hono tauhi.
- (3) 'E 'ikai ke fai ha me'a 'i ha fa'ahinga hopo 'e ha taha 'oku faingata'a'ia kae'oua kuo fakahū mai 'e hono kaume'a ofi pe tauhi ('o hangē pe ko ia 'e hoko) 'a e ngaahi tohi ngāue ko 'eni ki he Fakamaau'anga:
 - (a) ha tohi fakahā mei he kaume'a ofi pe tauhi 'oku ne loto ke fakahoko e ngāue;
 - (b) ha tohi fakamo'oni mei he Fakafofonga lao 'oku ne fakafofonga'i 'a e taha faingata'a'ia:
 - (i) 'oku 'ilo mo tui 'a e fakafofonga lao ko e tokotaha 'oku 'uhinga ki ai 'a e tohi fakamo'oni ko e tokotaha faingata'a'ia, 'o fakahā ai 'a e ngaahi makatu'unga ki he'ene 'ilo

ko ia mo 'ene tui pehē;

- (ii) ko e tokotaha 'oku ha 'i he tohi fakamo'oni ko e kaume'a ofi pe tauhi , 'oku 'ikai ha'ane felāve'i mo e hopo 'oku fai 'o fehanga hangai ai mo e tokotaha faingata'a'ia pea ko ia foki 'a e totonu pe ke hoko ko e kaume'a ofi pe tauhi.
- (4) 'I he taimi kuo tufa ai ha tohi kole vete, tali pe fanongonongo tohi kole ki ha fa'ahi 'a ia 'oku ha hangē ko ha ha tokotaha faingata'a'ia, ko e fa'ahi 'a ia ko hono fakafofonga na'e tufa ki ai 'a e tohi, kuopau kimu'a ke ne fai ha ngāue kehe 'i he hopo, ke ne tohi kole ki he Fakamaau ki ha fakahinohino pe 'e fokotu'u ha tauhi ke ne fakafofonga'i 'a e tokotaha ko ia.
- (5) Kapau, 'i hono fakamaau'i 'o ha fakahinohino 'o pehē 'e he Fakamaau 'oku taau ke malu'i 'a e ngaahi lelei 'a e tokotaha kuo tufa ki ai, kuopau ke fekau'i 'e he Fakamaau'anga ke fakahoko ha tokotaha taau ke hoko ko 'ene tauhi

Tu'utu'uni 19. Taimi

- (1) 'E ngofua ki he Fakamaau'anga, 'i ha ngaahi tu'unga 'oku ne pehē 'oku fe'unga, ke ne fekau'i ko e taimi 'oku fiema'u pe fakamafai'i ai ke fai ai ha ngāue 'i ha fa'ahinga hopo ke fakalōloa pe fakanounou.
- (2) Ko e taimi 'oku fiema'u 'e he ngaahi tu'utu'uni ko 'eni ke fai 'e ha taha 'i loto ai, pe ko ha fa'ahinga fekau 'a e Fakamaau'anga, ke tufa, fakahū pe fakatonutonu ha fa'ahinga fokotu'u tohi 'e lava ke fakalōloa'aki ha loto ki ai 'a ia 'e fai 'i ha tohi ta'e 'i ai ha fekau 'a e Fakamaau'anga.

- (3) Tukukehe kapau 'e fekau 'e he Fakamaau'anga, 'o kapau 'e 'osi 'a e taimi 'oku fiema'u ke fai ai ha ngāue 'i ha 'aho 'a ia 'oku tapuni ai 'a e 'ofisi 'o e Fakamaau'anga, 'e lau 'ok kei 'i loto 'i he taimi pe ha ngāue kapau 'e fai 'i he 'aho hoko mai 'oku ava ai 'a e 'Ofisi.

Tu'utu'uni 20. Ngaahi fakapekia mo e liliu

- (1) 'Oku tamate'i 'a e Ngaahi Tu'utu'uni ki he Vete Mali 1991.
- (2) Neongo 'a hono tamate'i 'o e Ngaahi Tu'utu'uni ki he Vete Mali, ko ha fa'ahinga ngāue na'e fakahoko totonu 'o fakatatau ki he ngaahi Tu'utu'uni ko ia kimu'a hono tamate'i pea 'e ala fai pe 'i he Ngaahi Tu'utu'uni' ni, kuo pau ke lau na'e fai totonu ia 'i he ngaahi tu'utu'uni ko 'eni.

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Sīpinga 1

(Tohi kole vete)

T 4(2)

'I HE FAKAMAAU'ANGA LAHI 'O TONGA

MAFAI VETE MALI

Hopo Fika

Fai'anga lēsisita (hingoa 'o e fai'anga lēsisita na'e 'oatu ai 'a e tohi kole vete)

**VAHA'A 'O: A. B. 'o [fakahā 'a e feitu'u]
Talatalaaki**

**MO: C. D. 'o [fakahā 'a e feitu'u]
Faka'iloa**

**PEA MO: E. F. 'o [fakahā 'a e feitu'u 'o kapau 'oku 'ilo'i]
Kaunga-faka'iloa**

Ki he: Fakamaau'anga Lahi 'o Tonga

Ko e tohi kole 'a [hingoa kakato 'o e tokotaha kole vete] 'oku fakahā ai ko e:

1. 'I he 'aho 'o 20....na'e mali fakalao 'a e talatalaaki pea mo e faka'iloa [hingoa kakato 'o e faka'iloa] 'i [fakahā'i 'a e feitu'u na'e fakahoko ai 'a e mali].

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2. Hili 'a e mali ko 'eni na'e nofo fakamali fakataha 'a e talatalaaki mo e faka'iloa 'i [fakahā'i 'a e tu'asila fakamuimui na'e nofo ai 'a e ongo fa'ahi].
3. 'Oku lolotonga nofo 'a e talatalaaki 'i [fakahā 'a e tu'asila 'oku nofo ai 'a e talatalaaki] pea 'oku lolotonga nofo 'a e faka'iloa 'i [fakahā 'a e tu'asila 'oku nofo ai 'a e faka'iloa].
4. 'Oku nofoma'u 'a e talatalaaki 'i Tonga. [pe kapau 'oku tukuaki'i ko e Fakamaau'anga 'oku 'i ai hano mafai fakalo 'o fakatatau ki he kupu 20 'o e Lao, fakahā'i 'a e ngaahi tu'unga fe'unga].
5. 'Oku 'i ai 'a e fanau 'o e famili 'e toko, 'oku nau kei mo'ui, ko: [fokotu'u e ngaahi hingoa 'o e fanau, mo honau ngaahi 'aho fa'ele'i].
6. 'Oku pea kuo te'eki ke 'i ai ha ngaahi hopo 'i ha Fakamaau'anga 'i Tonga ni pe ha feitu'u kehe 'oku 'i ai ha'ane lau ki he mali pea mo e fanau 'o e famili tukukehe ['oatu 'a e fakaikiiki 'o e ngaahi hopo ko ia].
7. Ko e ngaahi makatu'unga'oku kole ai 'a e tu'utu'uni ko e [fakahā 'a e kakato 'o e ngaahi makatu'unga].

'OKU KOLE LEVA 'E HE TOKOTAHA KOLE VETE :

[Tamate'i 'o ka 'ikai fiema'u]

- (1) ko e mali ko 'eni ke vete;
- (2) ko e ma'u mo pule'i 'o e tama/fanau 'o famili ke foaki ia ki he talatalaaki/faka'iloa;
- (3) ko e kaunga-faka'iloa ke ne totongi ki he talatalaaki 'a e ngaahi totongi 'o fakatatau ki he tono 'oku lau;
- (4) ko e faka'iloa (mo e kaunga-faka'iloa) ke totongi 'a e ngaahi fakamole 'a e talatalaaki ki he hopo ko 'eni.

'I he 'aho ni 'o 20.... .

Talatalaaki

Ko e tu'asila 'o e talatalaaki ko e: [fakahā 'a e tu'asila kakato ki he tufa]. Kapau ko e talatalaaki 'oku fakafofonga'i 'e ha Fakafofonga lao,

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ko e hingoa mo e tu'asila kakato 'o e fakafofonga lao ki he tufa 'oku pau ke fakahā]

FANONGONONGO KI HE FAKA'ILOA (MO E KAUNGA-FAKA'ILOA)

Ko ha faka'iloa pe kaunga-faka'iloa 'oku ne faka'amu ke taukapo'i 'a e tohi kole vete ko 'eni, pe ke fakakikihi'i ha ngaahi mo'oni'i me'a kuo tukuaki'i ia ki ai, pe ha tohi kole vete fakafoki, 'oku fiem'au ke fakahū ha tali pea/pe ha tohi kole vete fakafoki 'i he 'ofisi 'o e Fakamaau'anga Lahi 'i loto 'i he 'aho 'e 28 hili hono tufa 'o e tohi kole vete ko 'eni.

Kapau 'e 'ikai ke 'i ai ha me'a pehē ni lolotonga 'a e taimi ko ia 'e hiki leva 'a e tohi kole vete ko 'eni ki he hopo 'oku 'ikai taukapo'i.

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Sīpinga 2

(Fakamatala ki he fānau)

R 4(5)

['Ulu'i tohi tatau mo ia 'i he Sīpinga 1]

- A. * 'Oku 'ikai ke 'i ai ha fanau 'i he famili.
- B. * Ko e ngaahi fokotu'utu'u fakaangaanga ki he fanau 'o e famili 'a ia 'oku nau fakafalala 'i he ngaahi fa'ahi 'oku pehē ni ia:

[Fakahā 'o fakatatau ki he tama takitaha]

- (1) Nofo'anga [Fakahā 'a e feitu'u 'oku nofo ai 'a e tamasi'i 'i he 'aho 'o e tohi kole vete pea mo e feitu'u 'oku 'ai ke nofo ai mo e fakamtala 'o e nofo'anga, ko hai fua 'a e kakai kehe 'oku nofo ai (fakahingoa kinautolu pea mo 'enau kainga ki he tama) pea ko hai te ne tokanga'i 'a e tamasi'i].
- (2) Ako [Fakahā 'a e ngaahi fokotu'utu'u fakaangaanga fakaako mei he 'aho 'o e tohi kole vete pea mo e ako pe ha toe fa'ahinga 'apiako 'a ia 'oku fokotu'utu'u ke ako ai 'a e tama pe ako ngāue ai 'i he kaha'u]
- (3) Tauhi Fakapa'anga [Fakahā ko ha 'oku ne lolotonga tauhi 'a e tama pea pe 'oku 'i ai ha liliu 'e fokotu'utu'u pe 'amanaki ki ai]
- (4) Ngofua ke 'a'ahi [Fakahā 'a e ngaahi fokotu'utu'u fakaangaanga kuo 'osi felotoi pe fakaangaanga ki he matu'a 'e taha ke 'a'ahi ki he tama]
- (5) Mo'ui Lelei [Fakahā pe 'oku mo'ua 'a e tama 'i ha fa'ahinga faingata'a'ia lahi pe puke]

'i he 'aho ni 'o 20.....

Talatalaaki

[*Tamate'i A pe B 'o ka 'ikai fiema'u]

Sīpinga 3

**(Fekau fakaangaanga (ki he fetongi 'o e tufa*) R. 6(9)
['Ulu'i tohi tatau mo ia 'i he Sīpinga 1]**

'I HE TU'I FAKAMAAU LAHI/FAKAMAAU [fakafonu 'a e hingoa 'o e fakamaau]

'I HANO TOE FAKAKAUKAU'i 'a e fanongonongo fa'ahi 'e taha 'a e talatalaki na'e fai 'i he 'aho [fakafonu 'e 'aho] 20...., ki ha fekau ke 'oatu ha ngofua ke fakangofua ke fetongi 'a e tufa ki he faka'iloa/kaunga-faka'iloa (tamate'i 'o kapau 'oku 'ikai fiema'u) 'o e tohi kole vete pea mo e ngaahi tohi ngāue kehe PEA MO E fakamatala fuakava 'a e talatalaaki [pe hingoa 'o e faka'iloa] na'e fai 'i he 'aho [fakafonu 'a e 'aho] na'e fuakava'i pea fakahū ko e poupou PEA FAKATATAU ki he Tu'utu'uni 6 (6)/(7) 'o e Ngaahi Tu'utu'uni ki he Vete Mali 2006

'OKU FEKAU'I AI:

1. 'Oku 'oatu 'a e ngofua ki he talatalaaki ke tufa 'a e tohi kole vete pa mo e ngaahi tohi ngāue kehe 'i he hopo ko 'eni ki he faka'iloa/kaunga-faka'iloa (tamate'i 'o kapau 'e 'ikai fiema'u) 'aki 'a e tufa fakahāngatonu ki he [fakafonu 'a e ngaahi fakaikiiki 'oku fiema'u]
2. Ko e faka'iloa/kaunga-faka'iloa (tamate'i 'o kapau 'oku 'ikai fiema'u) kuopau ke 'i ai 'a e 'aho 'e 42 mei he 'aho na'e tufa ai ke fakahū ha tali pe ha tohi kole vete fakafoki.
3. Ko ha tatau 'o e fekau ko 'eni ke tufa fakataha mo e tohi kole vete.

NUKU'ALOFa: [fakahū 'a e 'aho]

SITAPA Fakamaau Lahi/fakamaau
(tamate'i 'oka 'ikai fiema'u)

*Ko e sīpinga ko 'eni ke liliu ke 'aonga kapau ko e fekau 'oku fiema'u 'i he Tu'utu'uni Rule 6(7)

Sīpinga 4

Fekau fakaangaanga ki he tufa 'i tu'a 'i he mafai fakalao T.6(10) [‘Ulu'i tohi tatau mo ia 'i he Sīpinga 1]

'I HE TU'i FAKAMAAU LAHI /FAKAMAAU [fakafonu 'aki 'a e hingoa 'o e Fakamaau]

'I HONO TOE FAKAKAUKAU'I 'a e tohi kole fa'ahi 'e taha 'a e talatalaaki ki ha fekau ke fakangofua ke tufa 'a e tohi kole vete pea mo ha ngaahi tohi ngāue kehe ki he faka'iloa/kaunga-faka'iloa (tamate'i 'o kapau 'oku 'ikai fiema'u) 'i tu'a 'i he mafai fakalao PEA mo e fakamatala fuakava 'a [hingoa 'o e faka'iloa] na'e fai 'i he 'aho [fakafonu 'a e 'aho] na'e fuakava'i pea fakahū ko e poupou PEA FAKATATAU ki he Tu'utu'uni 6(10) 'o e Ngaahi Tu'utu'uni Vete Mali 2006.

'OKU FEKAU'I AI:

1. Ke 'oatu ha ngofua ki he talatalaaki ke tufa 'a e tohi kole vete pea mo e ngaahi tohi ngāue kehe 'i he hopo ko 'eni ki he faka'iloa/kaunga-faka'iloa (tamate'i 'o kapau 'oku 'ikai fiema'u) 'i tu'a 'i he mafai fakalao 'aki ha tu'asila puha meili kuo lēsisita ki he faka'iloa/kaunga-faka'iloa (tamate'i 'o kapau 'oku 'ikai fiema'u) 'i he tu'asila ko 'eni [fakafonu 'a e tu'asila 'i tu'a 'i he mafai fakalao]
2. Ko e faka'iloa/kaunga-faka'iloa (tamate'i 'o kapau 'oku 'ikai fiema'u) kuopau 'i he 'aho 'e 42 mei he 'aho na'e meili atu ai ke fakahū ha'anau tali pe ha tohi kole vete fakafoki.
3. Ko ha tatau 'o e fekau ko 'eni ke tufa fakataha mo e tohi kole vete.

NUKU'ALOFa: [fakafonu 'e 'aho] 20....

FAKAMAAU LAHI/FAKAMAAU
(tamate'i 'o kapau 'oku 'ikai fiema'u)

Sīpinga 5**(Vete Fakataimi)****T. 11(2)****['Ulu'i tohi tatau mo ia 'i he Sīpinga 1]**

'I HONO FAKAMAAU'I

'OKU FEKAU AI:

1. Ko e mali na'e fakahoko 'i hono 'aho 'o
20.... 'i 'i he vaha'a 'o e talatalaaki pea mo e
faka'iloa ke vete tukukehe 'o kapau 'e 'omai ki he
Fakamaau'anga ha 'uhinga fe'unga 'i loto 'i he uike 'e ono pe
ko e ha 'e 'ikai ke tu'utu'uni ai 'eni ko ha tu'utu'uni vete
aofangatuku.
- *2. Tauhi fakalao 'o e tama (fanau) 'o e famili [ngaahi hingoa mo
e ngaahi 'aho fa'elei'i] ke 'oatu ki he talatalaaki/faka'iloa.
- *3. Ke totongi 'e he kaunga-faka'iloa ki he talatalaaki 'a e \$
ko e maumau ki he tono.
- *4. Ko e [fa'ahi] ke ne totongi 'a e ngaahi fakamole 'a e [fa'ahi].

'I he 'aho ni 'o 20.... .

SITAPA

(*Tamate'i 'o kapau 'oku 'ikai fiema'u)

Sīpinga 6**(Tohi fakamo'oni 'i he kupu 11(1))****T 12(5)****['Ulu'i tohi tatau mo ia 'i he Sīpinga 1]**

'I HE FAKAMAAU LAHI (*i hono 'ofisi)

'I HONO FAKAMAAU'I

PEA 'I HONO LAU

'O fakatatau mo e kupu 11 (1) 'o e Lao Vete Mali 'OKU
FAKAMO'ONI'I AI:

* kuo 'osi fai 'a e tauhi fakapa'anga totonu

* 'oku 'ikai fiema'u ha tauhi fakapa'anga

ma'a e talatalaaki/faka'iloa pea ko ha toe fanau 'a e tama (fanau) 'a e
famili PEA ko e tu'utu'uni vete fakataimi na'e foaki ki he talatalaaki 'i
hono ['aho] 'e ngofua ke fakahoko ia ke tu'utu'uni vete aofangatuku
hili 'a e 'osi e uike 'e 6 mei he ['aho 'o e tu'utu'uni vete faka'osi]

'i he 'aho ni 'o 20.....

SITAPA

(*Tamate'i 'o kapau 'oku 'ikai fiema'u)

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'i hono 'aho.....'o 20....Talatalaaki / Faka'iloa

'I hoku 'ao:

Fai Lēsisita 'o e Fakamaau'anga Lahi.

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Sīpinga 8

(Tu'utu'uni Vete Aofangatuku)

T. 14(4)

'I HE FAKAMAAU'ANGA' LAHI 'O TONGA

Hopo Fika

MAFAI FAKASIVILE

FAI'ANGA LĒSISITA NUKU'ALOFA

'I HE VAHA'A: _____

Talatalaaki

MO: _____

Faka'iloa

KO E 'UHI ko ha tu'utu'utu'uni na'e fai 'i he Hopo ni he 'aho
..... 'o 20....

na'e fekau'i ai ko e mali koia na'e fakahoko he 'aho..... 'o
..... 20....

'I he vaha'a 'o e talatalaaki mo e faka'iloa 'e vete leva ia tukukehe ka 'i
ai ha tupu'anga fe'unga 'e fakahā mai ki he Fakamaau'anga 'i loto he
uike ono (6) ha 'uhinga fe'unga ke ta'efakakakato ai, pea ko e 'uhi 'oku
te'eki ai fakahā mai ha tupu'anga pehē:

'OKU FAKAMO'ONI'I HENI ko e tu'utu'uni koia na'e fakahoko ia he
'aho 'o 20....

ko e tu'utu'uni aofangatuku mo kakato pea ko e mali ni kuo vete.

Fai he 'aho 'o 20....

Falēsisita

NGAAHI TU'UTU'UNI 'O E FAKAMAAU'ANGA FONUA

Ko e Ngaahi Tu'utu'uni ki hono tauhi 'o e fakahoko mo e founa ngāue 'a e Fakamaau'anga Fonua fa'u 'e he he Fakamaau Lahi 'o fakatatau ki he kupu 168 'o e Lao ki he Kelekele (Vahe 132) pea na'e tali 'e he Fakataha Tokoni.

FEKAU 1. HINGOA

1. 'Ulu'i tohi mo e kamata'anga

FEKAU 2. NGĀUE'AKI

1. Ngaahi hopo Fakamaau Fonua
2. Ngaahi tu'utu'uni 'a e Fakamaau'anga Lahi

FEKAU 3. 'UHINGA'I LEA

1. Lao ki he 'uhinga'i lea
2. Ngaahi 'uhinga

FEKAU 4. KAMATA'ANGA 'O E NGAahi HOPO

1. Hopo ke kamata'aki ha fakahū ha tohi fekau

FEKAU 5. TUFa KI TU'A MEI HE MAFaI FAKALAO

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1. Tufa 'i he taimi ko e fa'ahi 'oku 'i tu'a mei he mafai fakalao

FEKAU 6. FOKOTU'UTU'U 'O E NGAahi HOPO

1. Fakahoko 'o e hopo

FEKAU 7. TU'UTU'UNI KE FAKAHOKO 'A E NGAahi TU'UTU'UNI FAKAMAAU'ANGA MO E NGAahi FEKAU

1. Tu'utu'uni ke fakahoko

FEKAU 8. FAKAPEKIA MO LILIU

1. Tamate'i

NGAAHI SĪPINGA

SĪpinga 1 : Tohi fekau

SĪpinga 2 : Tohi puke koloa

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FEKAU 1 : HINGOA

O.1 Tu'utu'uni 1. 'Ulu'i tohi mo e kamata'anga

Ko e ngaahi tu'utu'uni ko 'eni 'e ngofua ke ui ko e Ngaahi Tu'utu'uni 'o e Fakamaau'anga Fonua 2006 pea kuo pau ke fakahoko 'i hono 'aho 1 'o Sanuali 2007.

FEKAU 2 : NGĀUE'AKI

O.2 Tu'utu'uni 1. Ngaahi hopo 'i he Fakamaau'anga Fonua

Ko e ngaahi tu'utu'uni ko 'eni 'e ngāue'aki ki he kotoa 'o e ngaahi hopo 'i he Fakamaau'anga Fonua.

O.2 Tu'utu'uni 2. Ngaahi Tu'utu'uni 'o e Fakamaau'anga Lahi

Tukukehe 'a ia 'oku fakahoko 'e he ngaahi tu'utu'uni' ni, ko e ngaahi founga ngāue kuo fokotu'u 'i he Ngaahi Tu'utu'uni 'o e Fakamaau'anga Lahi kuopau 'e ngāue'aki ia.

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FEKAU 3 : 'UHINGA'I LEA**O.3 Tu'utu'uni 1. Lao ki he Ngaahi 'UHINGA'i Lea**

Ko e Lao ki he 'UHINGA'i Lea 'e ngāue'aki ia ki he ngaahi tu'utu'uni' ni.

O.3 Tu'utu'uni 2. Ngaahi 'uhinga

"Lao" 'oku 'uhinga ia ki he Lao ki he Kelekele (Vahe 132).

"Fakamaau'anga" 'oku 'uhinga ia ki he Fakamaau'anga Fonua 'o Tonga.

"Fakamaau" 'oku 'uhinga ia ki he Tu'i Fakamaau Lahi pea mo ha toe fakamaau 'o e Fakamaau'anga Fonua.

"Ngaahi Tu'utu'uni 'o e Fakamaau'anga Fonua" 'oku 'uhinga ia ko e Ngaahi Tu'utu'uni 'o e Fakamaau'anga Lahi 'oku lolotonga ngāue'aki.

FEKAU 4 : KAMATA'ANGA 'O E NGAahi HOPO**O.4 Tu'utu'uni 1. Hopo 'e kamata 'aki ha fakahū ha tohi fekau**

- (1) Ko e ngaahi hopo kotoa pe 'e kamata'aki ha tohi fekau.
- (2) Ko e tohi fekau kotoa pē 'e 'i he Sīpinga 1.

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- (3) 'E ngofua ke 'oatu 'a e tohi fekau 'i Nuku'alofa pe ko e Fai'anga Lēsisita ofi taha ki he kelekele 'a ia 'oku fai ai 'a e hopo.

FEKAU 5: TUFa KI TU'A MEI HE MAFAI FAKALAO

O.5 Tu'utu'uni 1. Tufa 'i he taimi ko e fa'ahi 'oku 'i tu'a 'i he mafai fakalao

- (1) 'E ngofua ki he tohi fekau, 'i ha ma'u ha ngofua mei he Fakamaau'anga, ke tufa ki tu'a 'i he mafai fakalao ki ha fa'ahinga tokotaha 'a ia ko e fa'ahi 'oku fiema'u ia ki he hopo.
- (2) Kuopau ke ma'u 'a e ngofua, mo hono fakahoko 'o e tufa, 'o fakatatau ki he Ngaahi Tu'utu'uni 'o e Fakamaau'anga Lahi.

FEKAU 6 : FOKOTU'UTU'U 'O E NGAaHI HOPO

O.6 Tu'utu'uni 1. Fakahoko 'o e hopo

- (1) Ko hono fakamaau'i 'o ha hopo 'e fakahoko ia 'e ha fakamaau mo ha fakamaau tokoni 'a ia kuo filii mei he kau fakamaau tokoni.
- (2) Ko e ngaahi hopo 'i he 'ofisi 'o e Fakamaau

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Lahi 'e ala fakahoko ia 'e ha fakamaau ta'e kau ai ha fakamaau tokoni.

- (3) Ko e Feaku 14 'o e Ngaahi Tu'utu'uni 'o e Fakamaau'anga Lahi (tu'utu'uni 'i he 'ikai ha taukapo) kuopau 'e 'ikai ngāue'aki ia. 'i he taimi 'e 'ikai ke fakahū ai ha taukapo 'e he faka'iloa, ko e Fakamaau mo e fakamaau tokoni te nau fanongo ki he fakamo'oni pau 'o e 'eke 'a e talatalaaki pea, kapau 'e fiemalie ai, kuopau ke ne 'oatu 'a e tu'utu'uni mei he talatalaaki. Kuopau ke fakahoko ki he faka'iloa 'a e hopo pea 'e lava 'o 'i ai ka 'e 'ikai ke ngofua ke fai ha fanongo kiate ia.
- (4) Ko e Fekau 39 'o e Ngaahi Tu'utu'uni 'o e Fakamaau'anga Lahi 'a ia 'oku fakahā atu ai 'a e ngaahi tu'utu'uni fakangāue felāve'i mo e fakalelei ki hono toe vakai'i 'o e fokotu'utu'u kau ki he fakamaau kuopau 'e 'ikai ke ngāue'aki ka 'i he ngaahi me'a kehe kotoa ko e ngaahi tefito'i fakakaukau ki he toe vakai'i 'o e fokotu'utu'u kau ki he fakaamau kuopau ke ngāue'aki 'oka lava ki ha fa'ahinga hopo 'a ia ko e ngaahi fiema'u na'e 'eke'i 'oku tupu ia mei he ngāue'aki 'e ha tokotaha hano mafai ke fakahoko 'i he Lao.

FEKAU 7 : TU'UTU'UNI KE FAKAHOKO 'A E NGAAHI TU'UTU'UNI FAKAMAAU'ANGA MO E NGAAHI FEKAU

O.7 Tu'utu'uni 1. Fakamalohi'i

- (1) Ko ha fekau ki hono ma'u ha kelekele 'e lava ke

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tu'utu'uni ke fakahoko 'aki ha tohi puke koloa 'i he kupu 151(2) 'o e Lao.

- (2) Ko ha tohi puke koloa kuopau ke 'i he Sipinga 2.
- (3) Ko ha toe fekau kehe 'e lava ke tu'utu'uni ke fakahoko 'o fakatatau ki he Ngaahi Tu'utu'uni 'o e Fakamaau'ang Lahi.

FEKAU 8 : FAKAPEKIA MO LILILU

O.8 Tu'utu'uni 1. Fakapekia

- (1) 'Oku tamate'i 'a e ngaahi Tu'utu'uni 'o e Fakamaau'anga Fonua 1991.
- (2) Neongo 'a hono tamate'i 'a e ngaahi Tu'utu'uni 'o e Fakamaau'anga Fonua 1991, ko ha fa'ahinga ngāue na'e fakahoko totonu 'o fakatatau mo e ngaahi Tu'utu'uni ko ia kimu'a 'i hono fakapekia, pea 'a ia 'e lava ke fakahoko totonu 'i he Ngaahi Tu'utu'uni' ni, 'e lau ia na'e fakahoko totonu 'i he Ngaahi Tu'utu'uni' ni.

Sīpinga 1

(Tohi Fekau)

O.4 t.1(2)

'I HE FAKAMAAU'ANGA ' FONUA 'O TONGA

(Hopo Fika)

Fai'anga Lēsisita (fakahā'i 'a e fai'anga lēsisita na'e 'oatu ai)

'I HE VA'AHA 'O: Talatalaaki

MO: Faka'iloa

Ki he faka'iloa (hingoa)

'o (tu'asila)

KO E TOHI FEKAU NI 'oku 'oatu ia kiate koe 'e he (kau) Talatalaaki 'a ia 'oku ha 'a honau hingoa 'i 'olunga 'a ia ko 'enau 'eke 'oku fokotu'u atu 'i he fakamatala 'o e 'eke 'a iia 'oku 'oatu fakataha heni.

FAKATOKANGA'I ANGE:

1. Kapau 'oku ke loto ke ke taukapo'i 'a e 'eke, kuopau, 'i loto 'i he 'aho 'e 28 hono tufa atu 'a e tohi fekau kiate koe, 'ave ki he Fakamaau'anga ha tohi fakamatala taukapo, 'o fakahā'i mahino ai 'a e ngaahi tu'unga 'a ia 'oku ke 'amanaki fakafalala ki ai. (Ko ha tatau kuo 'osi sila'i kuopau ke tufa ia ki he talatalaaki kotoa).
2. Kapau 'e 'ikai te ke lava 'o fakahū ha taukapo 'i loto 'i he taimi na'e fakahā'i, 'e ngofua ki he talatalaaki ke kole ki ha fakamo'oni fai fakalelei'i 'o e hopo 'o e 'eke'i 'a ia 'e ngofua ke

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ke 'i ai, ka kuopau 'e 'ikai ngofua ke fai ha fanongo kiate koe,
pea 'e ngofua ke fakahoko ha tu'utu'uni kiate koe.

Na'e 'oatu 'i hono 'aho (fakafonu e 'aho) 'o
.....(fakafonu e mahino mo e ta'u)

[SITAPA] Failēsisita

Fakamatala : Ko e tohi fekau ni 'e 'ikai ngofua ke tufa 'o toe tomui
ange 'i he mahina 'e 12 mei he 'aho na'e 'oatu ai tukukehe 'o ka
fakafo'ou 'e ha fekau 'a e Fakamaau'anga.

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Sīpinga 2**(Tohi fekau puke koloa)****O.7 t.1(2)****['Ulu'i tohi tatau mo ia 'i he Sīpinga 1]**

Ki he: 'Ofisa 'oku ne tokanga'i

'I (hingoa 'o e 'apitanga polisi)

NUKU'ALOFA

KOE'UHI ko e hopo ni 'i hono 'aho

'o 20....

ko e talatalaaki [hingoa 'o e talatalaaki]

'o [tu'asila]

na'e ma'u mai 'a e tu'utu'uni pe fekau ki he faka'iloa

[hingoa 'o e faka'iloa]

'o [tu'asila]

ko e faka'iloa ko ia:

1. ke ne 'oange kiate ia ke ne ma'u 'a e kelekele 'oku fakamatala'i 'i he Tepile 1; mo
2. totongi ki he talatalaaki 'a e ngaahi maumau/ngaahi totongi, pea mo e mahu'inga 'oku fakahā atu 'i he Tepile 2 'oku kei tu'u ta'etotongi*

'OKU TU'UTU'UNI AI KOE fakahāngatonu pe ko e fakahoko ki ha fa'ahinga 'ofisa polisi:

1. ke ke hu ki kelekele ko ia pea ke foaki ki he talatalaaki ke ne ma'u ia;
2. kapau 'oku 'i ai ha tokotaha 'oku nofo 'i he kelekele ko ia pea 'e fakangofua 'o a'u ki he 'aho 'e 14 ke mavahe ai mei ai;
3. ke ke puke 'a e koloa 'a e faka'iloa 'o a'u ki he mahu'inga 'oku fokotu'u atu (tukukehe hono fale pea mo e ngaahi me'a 'oku fakama'u ki ai, 'ene ngaahi ngoue tupu, 'a e ngaahi vala 'o ia mo hono famili, pea mo 'ene ngaahi me'angāue ki he'ene

ngāue 'o a'u ki he mahu'inga ko e \$200) pea ke fakatau 'a e me'a tatau 'aki ha fakatautuki fakapule'anga (tukukehe 'o ka 'i ai ha fekau kehe 'a e Fakamaau'anga) pea ke totongi 'a e tupu 'o e fakatau pehē ki he Failēsisita 'o e Fakamaau'anga. Kapau 'e 'ikai ma'u ha fa'ahinga koloa pehē, ke fakamo'oni'i 'oku pehē ia ki he Failēsisita 'a e Fakamaau'anga.

4. 'Oku fiema'u ke ke fakha ki he Fakamaau'anga hili pe 'a hono fakahoko 'o e fekau ke puke koloa ko 'eni pea hili ange tatali ki ha toe tu'utu'uni kehe mei he Fakamaau'anga (kapau 'e 'i ai ha fa'ahinga pehē).

NUKU'ALOFA: ('aho)

[SITAPA] Fakamaau Lahi/ Fakamaau

* tamate'i 'o ka 'ikai fiema'u

Tepile 1

[fakamatala 'o e kelekele ke puke]

Tepile 2

Mahu'inga na'e tu'utu'uni : \$ _____

Tupu 'i he%

fakata'u mei he 'aho 'o e tu'utu'uni ki he 'aho ni

\$ _____

Ngaahi totongi : \$ _____

Kātoa 'o e mo'ua : \$ _____

Kole mei ai 'a ia kuo totongi : \$ _____

Palanisi 'oku toe : \$ _____

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Ngaahi totongi 'o e tohi fekau ko 'eni : \$ _____

Fakakātoa ke totongi : \$ _____

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NGAAHI TU'UTU'UNI 'OE
FAKAMAAU'ANGA TANGI
1990
FOKOTU'UTU'U 'O E
NGAAHI TU'UTU'UNI

FAKALUKUFUA

Fekau 1 : Hingoa

Fekau 2 : Fakahoko

Fekau 3 : Faka'uhinga lea

Fekau 4 : Taimi

MAFAI SIVILE MO E KELEKELE

Fekau 5 : Ngaahi Fanongonongo

Fekau 6 : Tufa 'o e Ngaahi Tohi

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Fekau 7 : Ngaahi Kole

Fekau 8 : Fakakaukau'i 'o e Ngaahi Tangi

Fekau 9 : Ola 'o e Tangi

MAFAI HIA

Fekau 10 : Kamata 'o e Tangi

Fekau 11 : Fakakaukau'i 'o e Tangi

SIPINGA

**Sipinga 1 : Tohi Fakaha Tangi –
Sivile/Kelekele**

Sipinga 2 : Fakaha 'o e Tohi Kole

**Sipinga 3 : Fanongonongo 'o e Fekau 'a e
Fakamaau 'e tokotaha**

**Sipinga 4 : Loto ke fakakaukau'i 'a e Tangi 'i he
ngaahi Fokotu'u Tohi**

Sipinga 5 : Fakaha Tangi – Hia

**Sipinga 6 : Fanongonongo 'o e fakahinohino 'a e
Tu'i Fakamaau**

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NGAAHI TU'UTU'UNI 'A E FAKAMAAU'ANGA TANGI FAKALUKUFUA

FEKAU 1 : HINGOA

O.1 Tu'utu'uni 1. Hingoa mo hono taimi kamata

Ko e ngaahi Tu'utu'uni 'e ui ia ko e ngaahi Tu'utu'uni
'o e Fakamaau'anga Tangi 1990.

FEKAU 2 : FAKAHOKO

O.2 Tu'utu'uni 1

Fakatatau ki he Tu'utu'uni (2) 'o e Fekau ni 'e
ngaue'aki 'a e Ngaahi Tu'utu'uni ni ki e ngaahi me'a
kehekehe kotoa pe 'i he Fakamaau'anga Tangi.

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O.2 Tu'utu'uni 2

Kapau 'oku 'ikai ke 'i ai ha tu'utu'uni ki ai 'a e Ngaahi Tu'utu'uni ni ko e tu'utu'uni ki he founa ngaue 'i he taimi ko ia 'i 'Ingilani fekau'aki mo e ngaahi tangi ki he Fakamaau'anga Tangi 'e ngaue'aki.

FEKAU 3 : FAKA'UHINGA LEA

O.3 Tu'utu'uni 1

'E ngaue'aki 'a e Lao ki he Faka'uhinga lea ki he ngaahi Tu'utu'uni ni.

O.3 Tu'utu'uni 2

"Ko e Lao" 'oku 'uhinga ia ki he Lao 'o e Fakamaau'anga Tangi (Vahe 9).

"Fakamaau'anga" 'oku 'uhinga ia ki he Fakamaau'anga Tangi.

"Fakamaau" 'oku 'uhinga ia ki ha Fakamaau Tangi kuo fokotu'u 'o fakatatau ki he kupu 85 'o e Konisitutone.

"Loea" 'oku 'uhinga ia ki ha tokotaha Ngaue Fakalao kuo lesisita pea ne ma'u mo ha tohi fakamo'oni ke ngaue 'o fakatatau ki he Lao ki he kau Fakafofonga Lao 1989.

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“Fai Lesisita” ‘oku ‘uhinga ia ki he Fai Lesisita ‘o e Fakamaau’anga Tangi.

“Ofisa Tufa” ‘oku ‘uhinga ia ki ha ‘ofisa polisi pe ko ha ‘ofisa ‘o e Fakamaau’anga Lahi kuo fakamafai’l ke ne fakahoko ‘a e tufa ‘o e ngaahi tohi.

“Fakamaau’anga Lahi” ‘oku ‘uhinga ia ki he Fakamaau’anga Lahi ‘o Tonga.

FEKAU 4 : TAIMI

O.4 Tu’utu’uni 1. Fakaloloa pe Fakanounou ‘o e Taimi

‘E lava ‘e he Fakamaau’anga pe fakamaau pe ‘e taha, ‘o fakatatau ki he ngaahi tu’utu’uni ‘oku ne pehe ‘oku taau, ke tu’utu’uni ke fakaloloa atu pe fakanounou mai ‘a e taimi ‘oku fiema’u pe fakamafai’l ke fakahoko ai ‘e ha taha ha ngaue.

O.4 Tu’utu’uni 2. Taimi ‘oku tapuni ai ‘a e Fakamaau’anga

Tukukehe ‘o ka tu’utu’uni ki ai ‘e he Fakamaau’anga, kapau ko e taimi ke fai ai ha ngaue ‘oku ngata ia ‘l ha ‘aho ‘oku tapuni ai ‘a e ‘ofisi ‘o e Fai Lesisita ‘e fai taimi totonu pe ‘a e ngaue ko ia ‘o ka fai he ‘aho ava hoko mai ‘a e ‘ofisi.

MAFAI SIVILE MO E KELEKELE

FEKAU 5 : NGA AHI FANONGONONGO

O.5 Tu'utu'uni 1. Ngofua ke Tangi

- (1) 'O ka 'oku fiema'u ha ngofua ke tangi, ko e kole ki he ngofua ko ia kuo pau ke fai ia 'i loto he 'aho 'e 42 mei he 'aho 'o e fakamaau pe fekau 'oku fai ai 'a e tangi.
- (2) 'O ka foaki ha ngofua 'e faile leva 'a e tohi fakaha tangi 'i loto 'i he 'aho 'e 14 mei he 'aho na'e foaki ai 'a e ngofua ko ia.

O.5 Tu'utu'uni 2. Fakaha Tangi

- (1) Ko e tangi ki he Fakamaau'anga kuopau ke kamata ia 'i loto 'i he 'aho 'e 42 hili 'a e fakamaau pe fekau 'oku fai ai 'a e tangi 'aki hono fakahu atu ki he Fai Lesisita 'a e tohi fakaha tangi, fakataha mo e totongi kuo tu'utu'uni.
- (2) Ko e Tohi fakaha Tangi 'e lava ke fai ia koe'uhi ko e fakakatoa pe ko ha kongia pe 'o e

fakamaau pe fekau 'a e Fakamaau'anga ki lalo.

- (3) Ko e Tohi Fakaha Tangi kuopau ke muimui ofi ki he Sipinga 1, pea kuopau ke
- (i) Fakaha mai 'a e fakamaau pe fekau 'oku fai ai 'a e tangi, fakaha pe ko e tangi ki he fakakatoa pe kongaga pe; kapau ko e kongaga pe pea fakaha 'a e kongaga;
 - (ii) fakaha 'a e sipinga 'o e fekau 'oku kole ki ai 'a e tokotaha tangi; mo
 - (iii) fokotu'u mavahevahe mo mahino 'a e tu'unga tangi taautaha, mo e fakaikiiki.
- (4) Tukukehe kapau 'e faka'ata 'e he Fakamaau'anga ('a ia 'e lava fai 'e he fakamaau pe 'e taha) 'e 'ikai ha totonu 'a ha taha tangi 'i he 'aho 'o e hopo ke fakafalala ki ha tu'unga tangi, pe kole ki ha huhu'i, 'oku 'ikai ha mahino 'i he tohi fakaha tangi.

O.5 Tu'utu'uni 3. Fanongonongo 'a e Faka'iloa

- (1) Ko ha Faka'iloa kuo tufa atu ki ai 'a e tohi fakaha tangi pea 'oku ne faka'amu
- (a) ke taukave'i 'oku totonu ke liliu e tu'utu'uni 'a e fakamaau'anga ki lalo, 'i ha fa'ahinga 'uhinga pep e ko e tali 'o e tangi fakakatoa pe fakakonga, pe
 - (b) ke taukave'i ke kei tu'u pe 'a e tu'utu'uni 'a e fakamaau'anga ki lalo 'i ha ngaahi tu'unga kehe ia mei he ngaahi tu'unga ko ia na'e fakafalala ki ai 'a e fakamaau'anga ko ia, pe

- (c) ke taukave'i 'i he founa ko e fetongi tangi ko e tu'utu'uni 'a e fakamaau'anga ki lalo na'e hala fakakatoa pe fakakonga.

kuopau ken e tali mai 'i loto 'i he 'aho 'e 42 hili hono tufa kiate ia 'a e tohi fakaha tangi, 'aki hono fakaha ki he Fai Lesisita 'a e Fanongonongo 'a e Faka'iloa.

- (2) Ko ha fanongonongo 'a e faka'iloa kuopau,
- (a) kapau ko e palakalafi 1(a) pe 1(f) 'oku fakahoko, fakaha mai 'a e sipinga 'o e fekau 'oku fiema'u, pea
- (b) fakaha mahino mo e ngaahi tu'unga 'o 'ene taukave.
- (3) Tukukehe 'o ka fakangofua 'e he Fakamaau'anga ('a ia 'e ala fai 'e ha fakamaau pe 'e taha) 'e 'ikai ha totonu 'a ha faka'iloa 'i he fakamaau'i 'o e tangi ke fakafalala ki ha fa'ahinga huhu'i, 'oku 'ikai fakamahino 'i he Fanongonongo 'oku ha he palakalafi (1).

O.5 Tu'utu'uni 4. Ngaahi Fanongonongo Fakalahi

- (1) Ko e Tohi Fakaha Tangi pe Tohi Fanongonongo 'a e Faka'iloa 'e lava pe ke liliu ta'e toe kole ngofua, 'aki hono fakahu atu ki he Failesisita 'a e tohi fanongonongo fakalahi 'o fokotu'u ai 'a e ngaahi liliu 'oku fiema'u.
- (2) 'E lava ke fakahu ha tohi fanongonongo falahi
- (a) kapau 'e fakakaukau'l 'a e tangi 'l he ngaahi fokotu'u tohi 'o fakatatau ki he Fekau 8, 'o 'ikai tomui ange he 'aho ko ia 'oku 'oatu ai 'a e ngaahi tohi ki he kau

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memipa 'o e Fakamaau'anga; pea

- (b) 'i he ngaahi hopo kehe, 'o 'ikai toe tomui ange he 'aho 'e 28 kimu'a pea kamata 'a e fakamaau'anga.

FEKAU 6 : TUFA 'O E NGAahi TOHI

O.6 Tu'utu'uni 1. Taha 'ok pau ke tufa ki ai

Ko e tohi kotoa pe kuo fakahu ki he Failesisita, tukukehe kapau ko e fakahu fekau'aki mo ha tohi kole ta'e toe tufa ki he ngaahi fa'ahi kehe, kuopau ke tufa ia 'e he fa'ahi kuo ne fakahu 'i loto 'i he 'aho 'e 14 mei he 'aho na'e fakahu ai ki he fa'ahi kotoa pe 'oku kaunga fakahangatonu ki ai 'a e tangi pea mo ha taha pe 'e tu'utu'uni 'e he Fakamaau'anga pe fakamaau 'e taha ke tufa ki ai.

O.6 Tu'utu'uni 2. Ngaahi tohi ke tufa fakahangatonu

Fakatatau ki he ngaahi tu'utu'uni 'i he fekau ni, ko e ngaahi tohi kotoa pe 'oku fiema'u ke tufa, kuopau ke tufa fakahangatonu ia 'aki hono sila'i 'a e tatau 'o tufa ki hefa'ahi 'e tufa ki ai.

O.6 Tu'utu'uni 3. Tufa 'e ha pe ki ha Loea

Kapau kuo fakaha 'e ha loea ki he Fakamaau'anga 'oku ne fakafofonga'l ha fa'ahi:

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- (a) ko e tufa 'o ha fa'ahinga tohi 'a e fa'ahi ko ia kuopau ke fai ia 'e he Loea ko ia pe taha 'o 'ene kau ngaue, pea
- (b) ko e tufa 'o ha tohi ki he fa'ahi ko ia kuopau ke fai ia 'aki hano 'oatu ha tatau kuo sila'i ki he'ene loea.

O.6 Tu'utu'uni 4. Ko e tufa 'e ha pe ki ha taha ko e fa'ahi 'i he hopo

Ka 'oku fakafofonga 'e ha taha 'oku kau ki ha hopo 'ene hopo, ko e tufa 'o ha fa'ahinga tohi

- (a) 'e ia, pe
- (b) kiate ia

Kuopau ke fakahoko ia 'e ha 'ofisa tufa, 'i hano totongi atu 'o ha fa'ahinga totongi pehe 'e tu'utu'uni'i.

O.6 Tu'utu'uni 5. Fetongi mo e Fakangaloku 'o e Tufa

- (1) Kapau 'e ha ki he Failesisita 'oku ta'emalava koe'uhi ko ha fa'ahinga 'uhinga ke tufa ha fa'ahinga tohi 'o fakatatau ki he tu'utu'uni 1 ki he 4 'e lava kene faka'ata ke fetongi atu ha fa'ahinga tufa 'e taha 'a ia 'e ha kiate ia 'e ngali a'u atu ai 'a e tohi ko ia ke 'ilo ki ai 'a e toko taha ke tufa ki ai.
- (2) Kapau 'e ha ki ha fakamaau 'oku ta'emalava ke fai ha tufa ki ha fa'ahi 'o fakatatau ki he tu'utu'uni 1 ki he 4, pe koe'uhi ko e fiema'u pe fakapotopoto ke fakangaloku e tufa 'o ha fa'ahinga tohi ki ha fa'ahi, 'e lava ken e fai ha tu'utu'uni 'o fakangaloku 'a e tufa ko ia.

- (3) Ko ha kole ki ha tu'utu'uni fakatatau ki he palakalafi (1) mo e (2) kuopau ke fai ia ta'e toe tufa ki he ngaahi fa'ahi kehe 'o pou pou ki ai ha tohi fakamatala fuakava 'o fakaha ai pe ko e ha e ngaahi me'a kuo 'osi fai ke fakahoko e tufa pea mo fakaha ai 'a e tu'unga 'o e kole. 'E lava p eke fiema'u mai 'a e taha kole ke a'u tonu ange mo 'ene kole.

O.6 Tu'utu'uni 6. Fakamo'oni'i 'o e Tufa

- (1) Kuopau ki he tokotaha ko ia kuo ne fakakakato e tufa 'o ha fa'ahinga tohi ke ne hanga leva 'o fakamo'oni hono hingoa ki he tohi 'o fakaha ai e fakaikiiki 'o e taimi, 'aho, feitu'u mo e founa 'o e tufa mo e founa 'oku 'ilo ai 'e he taha tufa 'a e tokotaha ko ia kuo tufa ki ai.
- (2) Ko e fakamo'oni pehe kuopau ke fakahu leva ia ki he Failesisita pea ke fakamo'oni'i na'e tufa totonu ki he tokotaha 'oku fokotu'u ai.

FEKAU 7 : NGA AHI KOLE

O.7 Tu'utu'uni 1. Ngaahi tohi koe ta'e toe tufa ki he ngaahi fa'ahi kehe

Ko ha tohi kole ki ha ngofua ke tangi pe ki ha ngofua ke tangi tomui 'e lava pe ke fai ta'e toe tufa ki he ngaahi fa'ahi kehe 'o pou pou ki ai 'a e tohi fakamatala fuakava pea 'e lava p eke fakakaukau'i 'e ha fakamaau pe 'e taha ta'e fakamaau'i.

O.7 Tu'utu'uni 2. Ngaahi kole kehe

- (1) Ko ha toe fa'ahinga kole kehe fekau'aki mo ha tangi kuopau ke fai ia 'I he fanongonongo 'o muimui ofi ki he Sipinga 2 'o pou pou'i 'e he tohii fakamatala fuakava.
- (2) Ko ha fa'ahinga fa'ahi kuo tufa atu ki ai he fanongonongo 'o ha kole 'e lava ke ne fakahu mai ha fakamo'oni he tohi fakamatala fuakava ko e tali 'i loto he 'aho 'e 14 hili hono tufa kiate ia 'a e fanongonongo.
- (3) Kapau ko e taimi ko ia 'oku hopo ai 'a e Fakamaau'anga, 'e fakaha leva 'e he Failesisita ki he ngaahi fa'ahi 'a e taimi mo e 'aho 'e fakamaau'i ai 'a e kole.
- (4) Ka 'o kapau 'oku 'ikai hopo 'a e Fakamaau'anga he taimi ko ia,
 - (a) hili 'a e 'aho 'e 14 mei he 'aho hono tufa 'o e tohi fanongonongo 'o e kole 'e 'oatu leva 'e he Failesisita ki he fakamaau 'e taha
 - (i) 'a e tohi fanongonongo 'o e kole.
 - (ii) 'a e tohi (pe ngaahi tohi) fakamatala fuakava pou pou, pea
 - (iii) mo ha ngaahi tohi fakamatala fuakava kuo fakahu mai ko ha tali.
 - (b) 'E fakakaukau'i leva 'e he fakamaau 'a e me'a ni ta'e toe fai hano fakamaau'i pea tene fakaha tohi 'a 'ene tu'utu'uni ki he Failesisita.
 - (c) 'I he ma'u 'e he Failesisita 'a e tu'utu'uni

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'a e fakamaau te ne fai leva ha fanongonongo ki he ngaahi fa'ahi 'i he Sipinga 3.

O.7 Tu'utu'uni 3. Fakafou 'o ha kole

Kapau 'e fakafisinga 'e ha fakamaau 'e taha ha tohi kole ta'e fakamaau'i, 'e lava ke fakafou ia 'o ka faka'ata 'e he Fakamaau'anga 'i he'ene hopo ka hono mai.

FEKAU 8 : FAKAKAUKAU'I 'O E NGAHI TANGI

O.8 Tu'utu'uni 1. Ngaahi mafai fakalukufua 'o e Fakamaau'anga

- (1) Tukukehe 'a e palakalafi (3), kuopau ke fai ha tangi 'aki hano toe fakamaau'i 'o e ngaahi tohi.
- (2) Fekau'aki mo ha tangi kuopau ke ma'u 'e he Fakamaau'anga 'a e ngaahi mafai mo e ngaahi fatongia kotoa 'o e Fakamaau'anga na'e 'omai mei ai 'a e tangi.
- (3) 'E 'ikai ke toe tali ha toe fakamatala fakamo'oni fekau'aki mo e mo'oni'lime'a (tukukehe ha ngaahi me'a kuo toki hoko hili 'a e fakamaau'i 'o e hopo 'i he fakamaau'anga 'i lalo) ta'e ma'u ha ngofua, 'a ia 'e toki 'oatu pe 'i ha ngaahi tu'unga makehe.
- (4) 'E lava ke fai 'e he Fakamaau'anga ha

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fakafuofua fekau'aki mo ha mo'oni'i me'a pea fakahoko ha fakamaau pe fai ha fekau na'e tototnu ke fakahoko pe fai, pea lava ke fai mo ha toe tu'utu'uni 'o ka fiema'u.

- (5) 'E lava ke ngaue'aki 'e he Fakamaau'anga 'a e ngaahi mafai 'i he ngaahi palakalafi ki 'olunga 'o fekau'aki mo ha konga 'o ha tu'utu'uni 'a e fakamaau'anga ki lalo neongo pe ko e me'a ko ia na'e 'ikai fokotu'u mai 'i he tohi fakaha tangi pe ko e fanongonongo 'a e faka'iloa,pe koe fe pe 'ia kinaua 'oku 'uhinga ko ia; 'e lava pe ke fakahoko 'e he Fakamaau'anga he fekau, 'i ha fa'ahinga 'i he tu'unga lelei 'o e fehu'i mo'oni 'i he va 'o e ngaahi fa'ahi.
- (6) 'I hono fakamaau'i 'o ha tangi 'e lava ke fai 'e he Fakamaau'anga ha fekau 'a ia 'oku ala fai 'o ka fai ha kole ki ha hopo fo'ou pe tuku ki tafa'aki 'a e tu'utu'uni 'a e kau sula, fakakaukau pe fakamaau 'a e fakamaau'anga 'i lalo.
- (7) 'Oku 'ikai pau ia ke tu'utu'uni 'e he Fakamaau'anga ke hopo fo'ou 'i he tu'unga ko e fakahinohino hala, pe tali pe fakata'e'aonga'i ha fakamatala fakamo'oni, tukukehe 'i he tui 'a e Fakamaau'anga kuo hoko ha fekahalaaki lahi pe ta'e fakahoko 'a e totonu.
- (8) 'O ka 'ilo ko e ngaahi maumau kuo foaki 'e he fakamaau 'oku fu'u lahilahi pe si'isi'i, pe ngaahi maumau kuo tu'utu'uni 'e ha kau sula 'oku angakehe 'e lava ke fetongi 'aki ia 'e he Fakamaau'anga ha fika 'oku ne pehe 'oku totonu.

O.8 Tu'utu'uni 2. Tatau 'o e hopo

- (1) 'E 'ikai teuteu ha tatau 'a e ngaahi hopo 'I he

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fakamaaua'nga ki lalo tukukehe ka kole 'e ha fa'aahi 'i hono fakahu 'o 'ene tohi fakaha tangi pe fanongonongo 'a e faka'iloa pe ko e fe pe 'ia kinaua 'oku 'uhinga ki ai.

- (2) 'E lava 'e ha fa'ahi 'o kole ke teuteu'l ha konga mahino pe 'o e tatau 'o e hopo.
- (3) 'E totongi 'e he fa'ahi 'oku ne fai 'a e kole ki he Failesisita 'a e totongi ko e pa'anga 'e 3 ki he peesi.

O.8 Tu'utu'uni 3. Fakakaukau'i 'o e ngaahi tangi tu'unga 'i ha ngaahi fokotu'u tohi

- (1) 'E ngaue'aki 'a e tu'utu'uni ko eni 'i ha ngaahi tangi 'e makatu'unga hono fakakaukau'i 'i he ngaahi fokotu'u tohi.
- (2) 'E fakamaau'i ha tangi 'i he founga ko eni kapau
 - (a) ko e tangi ko ia 'oku tupu mei ha fekau, fakamaau pe tu'utu'uni 'i ha fanga ki'l me'a 'oku kau ki ha hopo:
 - (b) 'oku fakakau 'e he tokotaha tangi 'i he'ene tohi fakaha tangi 'ene fakaha 'oku loto lelei ke fakakaukau'i 'ene tangi 'i he founga ko eni, pea fakahu 'e ehe faka'iloa ki he Failesisita 'i loto 'i he 'aho 'e 14 'a e fakaha 'o 'ene loto lelei 'i he Sipinga 4.
- (3) Ko e tokotaha tangi kuopau, 'i loto 'i he 'aho 'e 28 hili hono tufa kiate ia 'a e fakaha 'o e loto lelei 'a e faka'iloa, ke ne fakahu ki he Failesisita 'a e ngaahi 'uhinga kuo 'osi tohi ke pou pou ki he'ene tangi.

- (4) Ko e faka'iloa kotoa pe kuopau, 'i loto 'I he 'aho 'e 28 hili hono tufa kiate ia 'a e ngaahi 'uhinga kuo tohi 'a e tokotaha tangi, ke ne fakahu ki he Failesisita 'ene ngaahi 'uhinga kuo tohi ke fakafepaki'i 'aki 'a e tangi.
- (5) Ko e tokotaha tangi 'e lava, 'i loto he 'aho 'e 14 hili hono tufa kiate ia 'a e ngaahi 'uhinga 'a e faka'iloa kuo tohi, ken e fakahu atu ki he Failesisita ha toe ngaahi 'uhinga ko e tali ki ai.
- (6) 'E lava 'e ha fa'ahi pe, 'i ha taimi pe kimu'a 'i hono fakahu atu 'o e ngaahi 'uhinga kuo tohi ko e tali ki ai 'oku ha 'i he palakalafi (5), ken e fakafoki 'a 'ene fakaha loto lelei ke fai 'a e tangi makatu'unga 'i he ngaahi fokotu'u tohi pea 'e hoko atu leva 'a e tangi 'o fakatatau ki he Tu'utu'uni 4.
- (7) 'I he 'osi 'a e taimi ki he fakahu ai 'a e ngaahi 'uhinga kuo tohi ke tali ki ai fakatatau ki he palakalafi (5) 'e 'oatu leva 'e he Failesisita ki he memipa taautaha 'o e Fakamaau'anga 'a e tatau 'o e
- (a) tohi fakaha tangi mo ha fa'ahinga fanongonongo 'a e faka'iloa mo e fanongonongo fakalahi;
 - (b) fokotu'u tohi kotoa pe;
 - (c) ngaahi tohi fakamatala 'o e 'eke pea mo e taukapo mo e ngaahi fekau 'i he hopo;
 - (d) kapau 'e fiema'u, ha tatau 'o e ngaahi fakamatala fakamo'oni 'i he fakamaau'anga 'i lalo;
 - (e) ngaahi fakamo'oni fakahaha fakatohi kotoa pe 'oku felave'i mo e ngaahi tu'unga 'o e tangi;

(f) lisi 'o e kotoa 'o e ngaahi fakamo'ni fakahaha kehe felave'i mo e ngaahi tu'unga 'o e tangi; pea mo e

(g) fakamaau 'oku tupu ai 'a e tangi;

pea te ne fakaha ki he ngaahi fa'ahi 'i ha lava 'a e ngaue ki ai.

(8) 'Oku 'ikai fiema'u ia ke fakataha 'a e kau memipa 'a e Fakamaau'anga ka 'e lava pe ke nau fetu'utaki fakaekinautolu 'o ka nau pehe 'oku fiema'u.

(9) 'E fakakaukau'i 'e he memipa taautaha 'o e Fakamaau'anga pea fakahoko tohi 'a 'ene tu'utu'uini faka'osi ki he tangi 'i fotunga 'o e fakamaau pe 'aki 'ene loto tatau mo e taha pe fakatou'osi 'o e ngaahi tu'utu'uni 'a e kau memipa kehe 'o e Fakamaau'anga.

(10) Kuopau ke fakamo'oni hingoa pea faka'aho 'e he memipa takitaha 'o e Fakamaau'anga ki he'ene fakamaau pea 'e hoko leva ia ko 'ene tu'utu'uni aofangatuku.

(11) Ko e tu'utu'uni 'a e tokolahi 'o e kau memipa 'o e Fakamaau'anga 'e hoko ia ko e tu'utu'uni 'a e Fakamaau'anga 'i he tangi ko ia.

(12) Hili pe hono ma'u 'o e ngaahi tu'utu'uni kotoa 'a e kau memipa 'o e Fakamaau'anga 'e fanongonongo leva 'e he Failesisita ki he ngaahi fa'ahi 'a e taimi mo e feitu'u 'e lau ai 'a e ngaahi tu'utu'uni ko ia.

(13) Ko e ngaahi tu'utu'uni 'e lau ia 'i he Fakamaau'anga 'e ha fakamaau pe fakamaau 'o e Fakamaau'anga Lahi pe ko e Failesisita.

O.8 Tu'utu'uni 4. Fakamaau'i 'o e tangi tu'unga 'i he fakamatala ngutu

- (1) 'E ngaue'aki 'a e tu'utu'uni ko eni ki ha tangi 'oku fakamaau'l tu'unga 'l he ngaahi fakamatala ngutu.
- (2) 'E lava ke fokotu'u 'e he Failesisita ha taimi ke fakamaau'l ai ha tangi 'l h e'osi pe 'a e taimi ke fakahu mai ai 'a e fanongonongo 'a e Faka'iloa.
- (3) 'E hanga 'e he Failesisita 'o
 - (a) teuteu 'a e lisi 'a e Fakamaau'anga pea fanongonongo ki he ngaahi fa'ahi 'a e 'aho 'e fakamaau'i ai;
 - (b) teuteu'i 'o fakatahataha'i 'a e ngaahi tohi ma'a e Fakamaau'anga 'a ia ko e ngaahi tohi ia 'oku lisi 'i he Tu'utu'uni 2(7) pea 'oatu 'a e tatau ki he fa'ahi takitaha.
- (4) 'Oku totonu ki he Fakafofonga, ke 'oua 'e toe tuai 'i he 'aho 'e 7 kimu'a pea fakamaau'i 'a e hopo, ken e fakahu ki he Failesisita 'a e tatau 'e 4 'o e
 - (a) fakamatala nounou 'o e ngaahi 'uhinga, mo e
 - (b) kapau 'oku taau, fakahokohoko 'o e ngaahi me'a 'o fakatatau ki he ngaahi 'aho na'e hoko ai.
- (5) 'E lava ke fai ha fakahinohino 'e he Fakamaau'anga ki he fakahokohoko 'o e fakamatala 'a e ngaahi fa'ahi; ka 'o kapau 'e 'ikai ha fakahinohino pehe:
 - (i) 'e 'oatu leva 'e he tokotaha tangi 'ene hopo;

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- (ii) 'e 'oatu leva 'e he faka'iloa takitaha 'a 'ene hopo;
 - (iii) 'e 'ata ke fai ha tali 'a e tokotaha tangi.
- (6) Ko e tu'utu'uni kuo pau ko e fakakaukau ia 'a e fakakatoa pe ko ha tokolahi 'o e kau memipa 'o e Fakamaau'anga; pea ko e tu'utu'uni pe 'e taha 'e fakahoko; ka 'e lava pe 'e ha memipa 'o e Fakamaau'anga 'oku 'ikai tui tatau moia ken e fakamatala nounou ki he 'uhinga 'o 'ene ta'e tui.

FEKAU 9 : OLA 'O E TANGI

Tukukehe ha tu'utu'uni kehe 'a e Fakamaau'anga pe Fakamaau'anga Lahi, he 'ikai ngaue'aki ha tangi ia ko ha ta'ofi 'o ha fakahoko pe ngaahi me'a ke fai 'i he ngaahi fakamaau'anga 'i lalo.

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MAFAI HIA

FEKAU 10 : KAMATA 'O HA TANGI

O.10 Tu'utu'uni 1. Ngofua ke tangi

- (1) Kapau 'oku fiema'u ha ngofua ke fai ha tangi, ko e kole ki ha ngofua pehe kuopau ke fai ia 'i loto 'i he 'aho 'e 42 hili e 'aho na'e fai ai 'a e tu'utu'uni 'oku tupu ai 'a e tangi.
- (2) Ko e kole ngofua ke fai ha tangi pe ngofua ke tangi tomui kuopau ke fai ia ta'e toe tufa ki he ngaah fa'ahi kehe pea ke pou pou'i 'aki foki 'a e tohi fakamatala fuakava.
- (3) Kuopau ke fakahoko atu 'e he Failesisita ha fa'ahinga kole pehe niki ha fakamaau 'e tokotaha pea 'e lava ken e fakakaukau'i 'a e me'a ni ta'e fai ha hopo.
- (4) Kapau 'e fakafisinga ha kole 'e ha fakamaau 'e tokotaha ta'e fai ha hopo 'e lava ke fakafou 'aki hano fakangofua 'e he Fakamaau'nga 'i he hopo ka hoko mai.

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O.10 Tu'utu'uni 2. Tohi Fakaha Tangi

- (1) Ko ha tangi ki he Fakamaau'anga 'i hono mafai hia kuopau ke kamata'aki ia hano fakahu ki he Failesisita 'a e tohi fakaha tangi fakataha mo e totongi kuo tu'utu'uni.
- (2) Kapau 'oku foaki ha ngofua ke tangi, kuopau ke fakahu 'a e tohi fakaha tangi 'i loto 'i he 'aho 'e 14 hili 'a e foaki 'a e ngofua ko ia. Kapau 'oku 'ikai fiema'u ha ngofua kuopau ke fakahu leva 'a e tohi fakaha tangi 'i loto 'i he 'aho 'e 42 hili 'a e 'aho 'o e tu'utu'ui 'oku tupu ai 'a e tangi.
- (3) 'E lava ke 'oatu 'a e tohi fakaha tangi felave'i mo e mo'ua pe tautea, pe fakatou'osi 'a e mo'ua mo e tautea.
- (4) Ko e tohi fakaha tangi kuopau ke muimui ofi pe ki he Sipinga (5) pea kuopau ke fokotu'u mavahevahe mo mahino 'a e tu'unga tangi takitaha, mo hono fakaikiiki.

O.10 Tu'utu'uni 3. Ngaue 'a e Failesisita

'I hono ma'u 'o e tohi fakaha tangi 'e hanga leva 'e he Failesisita 'o

- (a) fekau ke tufa ha tatau ki he faka'iloa;
- (b) teuteu ha tatau 'o ha fa'ahinga kongā 'o e hopo 'i he fakamaau'anga 'i lalo 'a ia 'oku felave'i mo e ngaahi tu'unga tangi;
- (c) ma'u mai ha lipooti mei he fakamaau na'a ne fakamaau'i 'a e hopo 'o fakatatau ki he kupu 21 'o e Lao; pea

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- (d) teuteu 'o fakatahataha'i 'a e ngaahi tohi ma'ae
Fakamaau'anga 'o kau ai
- (i) 'a e tohi fekau hia matea;
 - (ii) 'a e lipooti 'a e fakamaau na'a ne fai e hopo;
 - (iii) 'a e tatau 'o e hopo;
 - (iv) 'a e ngaahi tohi kotoa pe na'e fakamo'oni fakataha 'oku felave'i mo e ngaahi tu'unga tangi;
 - (v) felave'i mo e ngaahi tu'unga 'o e tangi; pea
 - (vi) kapau ko e tangi 'i he tautea, ko e fakaikiiki 'o e lekooti hia na'e fakaha 'i he fakamaau'anga ki lalo.

FEKAU 11. FAKAKAUKAU'I 'O E NGAahi TANGI

O.11 Tu'utu'uni 1. Ngaahi mafai fakalukufua 'o e Fakamaau'anga

Kuopau ke ngaue'aki 'a e ngaahi tu'utu'uni kotoa pe 'oku kau ki he Fekau Tu'utu'uni 1(1) ki he 1(7).

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O.11 Tu'utu'uni 2. Fakakaukau'i 'o e ngaahi tangi ta'e fai ha hopo

- (1) 'E ngaue'aki 'a e tu'utu'uni ko eni ki he ngaahi tangi 'e fakakaukau'i ta'e fai ha hopo 'o fakatatau ki he kupu 24 'o e Lao.
- (2) Ko ha tangi kuopau ke fakakaukau'i 'o fakatatau ki he tu'utu'uni ko eni
 - (a) kapau 'oku tu'utu'uni pehe 'e he Tu'i Fakamaau Lahi; pe
 - (b) kapau 'oku kole ki ai 'a e tokotaha tangi 'i ha tohi.;
- (3) Kapau 'oku tu'utu'uni pehe 'e he Tu'i Fakamaau Lahi
 - (a) kuopau ki he Failesisita ke ne fanongonongo ki he ngaahi fa'ahi 'i he Sipinga 6, pea
 - (b) ko e tokotaha tangi kuopau 'i loto 'i he 'aho 'e 28 hili 'a e tufa kiate 'o ha fanongonongo pehe ken e fakahu atu ha ngaahi 'uhinga kuo tohi ke pou pou ki he'ene tangi;
- (4) 'O kapau 'e kole ki ai 'a e tokotaha tangi
 - (a) kuopau ke ne fai ia 'i he'ene tohi fakaha tangai; pea
 - (b) kuopau ke ne hanga 'i loto 'i he 'aho 'e 28 hili 'a e fakahu 'o e tohi fakaha tangi 'o fakahu 'a e ngaahi 'uhinga kuo tohi ke pou pou ki he'ene tangi;

- (5) 'E ala lava 'e he Faka'iloa, 'i loto 'i he 'aho 'e 28 'a e tufa kiate ia 'a e ngaahi 'uhinga 'a e tokotaha tangi, ke fakahu ki he. Failesisita ha ngaahi 'uhinga kuo tohi ke fakafepaki 'aki 'a e tangi; pea kapau te ne fai pehe; 'e ala lava 'e he tokotaha tangi, 'i loto 'i he 'aho 'e 14 hili 'a e tufa kiate ia 'a e ngaahi 'uhinga 'a e faka'iloa kuo tohi, ke ne fakahu ki he Failesisita ha toe ngaahi 'uhinga 'a ia ko hono tali.
- (6) 'I he 'osi 'a e taimi ke fakahu atu ai 'a e 'uhinga kuo tohi ke tali ki ai fakatatau ki he palakalafi 5(ii) 'e 'oatu 'e he Failesisita ki he memipa takitaha 'o e Fakamaau'anga 'a e tatau 'o e:
- (a) ngaahi tohi 'oku lisi 'i he Fekau 10 tu'utu'uni 3(iv), pea mo e
- (b) ngaahi fokotu'u tohi kotoa pe

pea te ne fanongonongo ki he ngaahi fa'ahi kotoa kuo ne 'osi fai eni. Ko e hili pe ia pea 'e fakahoko leva 'a e ngaahi tu'utu'uni 'a e Fekau 8 Tu'utu'uni 3(8) ki he (13).

O.11 Tu'utu'uni 3. Fakakaukau'i 'o e ngaahi tangi 'o tu'unga 'i ha ngaahi fakamatala ngutu

'E ngaue'aki 'a e ngaahi tu'utu'uni 'o e Fekau 8 Tu'utu'uni 3, tukukehe pe 'a e ngaahi tohi ma'ae Fakamaau'anga 'a ia kuopau ko e ngaahi tohi ia 'oku lisi 'i he Fekau 10 Tu'utu'uni 3(iv).

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Sipinga 1

(Tohi Fakaha Tangi – Sivile/Fonua) F.5 t.2(3)

'I HE FAKAMAAU'ANGA TANGI 'O TONGA Tangi Fika

'I he tangi mei he Fakamaau'anga Lahi/Fakamaau'anga Fonua 'o
Tonga
'I HE VAHA'A 'o

**A.E.
Tokotaha Tangi**

mo

**F.H.
Faka'iloa**

FAKATOKANGA'I ANGE 'e 'oatu 'a e fokotu'u ki he Fakamaau'anga
Tangi hili pe 'a e 'oatu 'e he Fakafofonga 'a e tangi 'a e Tokotaha
Tangi 'o makatu'unga mei he tu'utu'uni/fekau 'a e

Fakamaau Lahi na'e fakahoko/fai 'i hono fakamaau'i 'o e hopo ni 'i he
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'a ia na'e tu'utu'uni/fekau ke

[fakaha heni 'a e tu'utu'uni pe fekau]

KI HA FEKAU ke

[fakaha heni 'a e fekau 'oku fiema'u]

'I HE NGAahi TU'UNGA ko e

[fakaha heni 'a e ngaahi tu'unga 'o e tangi]

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* PEA TOE FAKATOKANGA'I ANGE 'oku loto lelei 'a e tokotaha tangi ke fakakaukau'i mei he ngaahi fokotu'u tohi 'a 'ene tangi 'o fakatatau mo e kupu 15 'o e Lao ki he Fakamaau'anga Tangi.

'Aho 20.....

(Fakamo'oni hingoa)

Loea ma'ae Tokotaha Tangi

'o [tu'asila]

Kia : [faka'iloa pe ko 'ene loea]

'o [tu'asila]

* (tamate'i 'a ia 'oku 'ikai fiema'u)

FAKAHU 'i he

['aho]

Failesisita

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Sipinga 2

Fanongonongo 'o e tohi kole)

F.7 t.2(1)

[‘Ulu’i tohi tatau pe mo e Sipinga 1]

Kia : [hingoa]

‘o : [tu’asila]

FAKATOKANGA’I ANGE

- (1) Ko e [fa’ahi] kuo ne kole ki ha fakamaau ‘e tokotaha ki ha fekau ke [fakaha ‘a e fekau ‘oku fiema’u]
ke poupu ki ai kuo ne fakahu atu ‘a e tatau ‘o e tohi fakamatala fuakava ‘oku fakapipiki heni.
- (2) Kapau ‘oku ke fakafepaki’i ‘a e fekau ‘oku fiema’u kuopau k eke fakahu ‘a e tohi fakamatala fuakava ko e tali ki ai ‘i loto ‘i he ‘aho ‘e 14 mei he ‘aho na’e tufa atu ai ‘a e tohi ni kiate koe.
- (3) ‘I he ‘osi ‘a e vaha’a taimi ‘aho ‘e 14 ko ia, ‘e fakakaukau’i leva ‘e he fakamaau ‘a e tohi kole ni ta’e toe fai ha hopo.

‘Aho 20.....

SILA

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Sipinga 3

(Fanongonongo 'o e fekau 'a ha fakamaau 'e tokotaha)

F.7 t.2(4)

['Ulu'i tohi tatau pe mo e Sipinga 1]

FAKATOKANGA'I ANGE ko e tohi kole 'a e [fa'ahi]

na'e fai 'i he ['aho]

na'e 'oatu ia ki ha fakamaau 'e tokotaha pea kuo ne fekau ke:

[fakaha 'a e tu'utu'uni 'a e fakamaau

'Aho 20

Failesisita

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Sipinga 4

(Loto lelei ki he fakamaau'i 'o e tangi tu'unga 'i he ngaahi fokotu'u tohi) F.8 t.3(2)

['Ulu'i tohi tatau pe mo e Sipinga 1]

FAKATOKANGA'I ANGE ko eFaka'iloa

'oku ne loto lelei ke fakakaukau'i 'a e tangi ni 'o tu'unga he ngaahi fokotu'u tohi 'o fakatatau ki he kupu 15 'o e Lao ki he Fakamaau'anga Tangi.

'Aho 20

(Loea ki he)

Faka'iloa

FAKAHU 'i he

['aho]

Failesisita

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Sipinga 5

(Tohi fakaha tangi – hia)

F.10 t.2(4)

'I HE FAKAMAAU'ANGA TANGI 'O TONGA Tangi fika

'I he tangi mei he Fakamaau'anga Lahi 'o Tonga

'I HE VAHA'A 'O

A.E.

Tokotaha Tangi

mo

**Kalauni
Faka'iloa**

TOHI FAKAHA TANGI

FAKATOKANGA'I ANGE 'oku ou faka'amu ke tangi ki he
Fakamaau'anga fekau'aki mo e mo'ua/tautea/mo'ua mo e tautea 'i he
Fakamaau'anga Lahi 'i he 'aho ki he hia (ngaahi hia) ko e

'a ia na'e tautea'i ai au ke

'I HE NGAHI TU'UNGA ko e

* PEA KE TOE FAKATOKANGA'I ANGE 'oku ou kole ke fakakaukau'i
'a e tangi ni kae 'oua 'e hopo 'i he fakamaau'anga fakahaha 'o
fakatatau mo e kupu 24 'o e Lao ki he Fakamaau'anga Tangi.

'Aho 20

(Fakamo'oni hinga)
Tangi

(Loea ma'ae)

Tokotaha

(* tamate'i 'a ia 'oku 'ikai ke fiema'u)

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FAKAHU 'i he

['aho]

Failesisita

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Sipinga 6

(Fanongonongo 'o e Fakahinohino 'a e Tu'i Takamaau Lahi)F.11 t.2(3)

['Ulu'i tohi tatau pe mo e Sipinga 5]

Kia : Ki he Tokotaha Tangipea mo e Faka'iloa
FAKATOKANGA'I ANGE kuo tu'utu'uni 'e he Tu'i Fakamaau Lahi ke
fakakaukau'i 'a e tangi ni 'i he anga fai 'oku faka'ata 'e he kupu 24 'o e
Lao ki he Fakamaau'anga Tangi.

'Aho

Failesisita

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NGAAHI TU'UTU'UNI 'O E FAKAMAAU'ANGA TANGI (KONISITUTONE 'O E FAKAMAAU'ANGA) 2003

'I hono ngaue'aki 'a e mafai kuo foaki mai 'e he kupu 6 mo e 9 'o e Ngaahi Tu'utu'uni Fakamaau'anga Tangi (Vahe 9), 'oku ou fa'u ai 'a e ngaahi Tu'utu'uni ni.

1. 'E lau pe 'a e Ngaahi Tu'utu'uni ni ko e Ngaahi Tu'utu'uni 'o e Fakamaau'anga Tangi (Konisitutone 'o e Fakamaau'anga) 2003.
2. Ko e Tu'i Fakamaau Lahi, pe ko e Tokoni Palesiteni 'o e Fakamaau'anga Tangi 'o ka mama'o 'a e Tu'i Fakamaau Lahi, ke ne tu'utu'uni ki ha fa'ahinga hopo kuo pau ke lau kuo fokotu'u 'a e Fakamaau'anga Tangi, ke fakahoko 'o kapau 'e 'i ai ha memipa 'e ua 'o e Fakamaau'anga.
3. Ko e mafai ko ia 'i he Fekau 2 he'ikai ngaue'aki kae 'oua leva pe kuo fiemalie 'a e Tu'i Fakamaau Lahi pe ko e Tokoni Palesiteni 'o kapau ko ia, 'oku 'ikai malava ke fakamaau'i 'e he memipa hono tolu 'a e hopo koe'uhi ko e taha 'o e ngaahi 'uhinga ko ia 'oku tu'u 'i he Fekau 4 pe 5.
4. 'E fakahoko ha Fekau 'i he Tu'utu'uni 2 kapau -
 - (a) 'e 'i ai ha memipa 'o e Fakamaau'anga 'e

mama'o koe'uhi ko ha'ane tengetange, 'i ha'ane 'i ha fakatu'utamaki pe ko ha fa'ahinga 'uhinga fakafaito'o;

- (b) 'oku 'i ai ha memipa ia 'o e Fakamaau'anga na'e Sea ia he hopo ko ia 'oku makatu'unga ai e tangi;
 - (c) kuo fakaha atu 'e ha memipa ia 'o e Fakamaau'anga 'i hopo lolotonga, 'oku 'i ai 'e ne kaunga 'a'ana 'i he hopo, pe ko 'ene kaunga ki he ongo fa'ahi pe me'a ko ia 'oku tu'unga ai e tangi, pea 'i he lau ko ia 'a e toenga 'oe kau memipa ko e makatu'unga fe'unga ia ke fakaha 'oku 'ikai taau ki he memipa ko ia ke ne kau 'i he hopo.
5. 'E malava ke 'oatu ha Fekau 'i he Tu'utu'uni 2 kapau 'e 'i ai ha memipa 'o e Fakamaau'anga Tangi 'e mama'o koe'uhi ko ha'ane tengetange, fakatu'utamaki pe ko ha fa'ahinga tu'unga 'ikai lava ke ta'ofi 'a 'e ne me'a mai ki he hopo limu'a pea kamata 'a e hopo;
- (a) kapau ko e memipa ko ia 'oku 'ikai lava mai ki he hopo, kuo 'osi fekau ki ai ke ne kau ko e memipa 'o e Fakamaau'anga ki he to'u hopo ko eni.
 - (b) ko e tengetange, fakatu'utamaki pe 'uhinga ko ia 'oku 'ikai lava ke ta'ofi, kuo hoko ia hili hono fanongonongo atu 'a e 'aho ki he hopo Fakamaau'anga Tangi ko ia.
 - (i) 'oku 'ikai fakapotopoto ke toe fekau ki ha toe memipa 'o e Fakamaau'anga ke ne kau mai ki he hopo koe'uhi 'oku 'ikai fe'unga 'a e taimi 'o e fekau.

- (ii) 'oku te'eki ai ke fakanofu ha toe memipa ia ki he Fakamaau'anga ke fetongi 'a e memipa ko ia 'oku 'ikai lava mai.
 - (c) kapau 'oku laka hake 'i he tokoua 'a e kau memipa 'o e Fakamaau'anga 'oku lava mai ki he hopo ko e taha pe lahi hake 'i he ngaahi 'uhinga 'i he Tu'utu'uni 4 'e ala ngaue'aki.
6. Ko ha fa'ahinga Fekau pe 'i he Tu'utu'uni 2 kuopau ke fai fakatohinima, kuo pau ke fakaha ai 'a e tu'utu'uni mo e kongā 'o e tu'utu'uni 'a ia na'e tupunga mei ai 'a e fiema'u pea kuo pau ke ha ia 'i he founga 'o e Sipinga 'o e Ngaahi Tu'utu'uni.
 7. Ka 'i ai ha Tu'utu'uni 'i he Ngaahi Tu'utu'uni ni, kuopau ke lau ia ki he Fakamaau'anga 'e ha memipa ma'ulonga 'o e Fakamaau'anga 'oku 'i ai 'i he hopo ko ia kuo fakamahino mai 'i he Tu'utu'uni kimu'a pea toki kamata 'a e hopo.
 8. Ko e Ngaahi Tu'utu'uni 'o e Fakamaau'anga Tangi (Tengetange 'a e kau memipa), 1995 kuo.

toe fakapekia.

Fakamaau 'o e Fakamaau'anga Tangi

'Aho: 11 Siulai 2003

G. Ward

Tu'i Fakamaau Lahi

SIPINGA

'I HE FAKAMAAU'ANGA TANGI 'O TONGA Hopo Tangi Fika /

**'I HE VAHA'A 'O
A.B.
Tokotaha Tangi**

pea mo

**F.H.
Faka'iloa**

TU'UTU'UNI

KOE'UHI KUO U FIEMALIE 'oku 'ikai lava mai 'a e memipa hono tolu
'o e Fakamaau'anga ki he hopo ni fakatatau ki he tu'utu'uni kupu si'i
'o e Tu'utu'uni [pea mo e tu'utu'uni kupu si'i 'o e
Tu'utu'uni]

KUO TU'UTU'UNI AI ko e Fakamaau'anga Tangi 'i he hopo ni 'e
tokoua pe.

Kuo fakahoko eni 'i hono 'o e 'aho 'o 20
.....

Kuo lau eni 'i fale hopo kimu'a pea toki kamata 'a e hopo 'oku ha 'i
'olunga.

Kuo fakahoko eni 'i hono 'o e 'aho 'o
..... 20.....

Fakamaau 'o e Fakamaau'anga Tangi.

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