



CONSTITUTION OF TONGA (AMENDMENT) ACT 1990

No. 12 of 1990

AN ACT TO AMEND THE ACT OF THE CONSTITUTION OF TONGA

I assent,
TAUFA'AHAU TUPOU IV,
8th August, 1990.

[26th July, 1990]

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

1 Short Title

- (1) This Act may be cited as the Act of Constitution of Tonga (Amendment) Act 1990.
- (2) The Act of Constitution of Tonga is in this Act referred to as the Constitution.

2 Amendment of Clause 50

Clause 50 of the Constitution is amended —

- (a) by renumbering that clause as sub-clause (1);
- (b) by inserting the following as sub-clause (2);

- “(2) If any case shall have been heard in the Land Court relating to the determination of hereditary estates and titles, it shall be lawful for either party thereto to appeal to the Privy Council which shall rehear the case and the judgment of the Privy Council shall be final.”

3 Amendment of clause 90

Clause 90 of the Constitution is amended by deleting the words “(except indictable offences where the accused elected to be tried by jury and except also cases concerning titles to land which shall be determined by a Land Court subject to an appeal to the Privy Council)” and replaced by the following words “(except cases concerning titles to land which shall be determined by a Land Court subject to an appeal to the Privy Council in matters relating to hereditary estates and titles or to the Court of Appeal in other land matters)”.

4 Amendment of clause 91

Clause 91 (1) of the Constitution is amended —

- (a) by deleting the word “regulating” and replaced with the words “relating to”;
- (b) by inserting after the words “Supreme Court” the words “or Land Court (excepting matters relating to the determination of hereditary estates and titles)”.

5 Amendment of Clause 92

Clause 92 of the Constitution is amended by inserting after the words “Supreme Court” the words “or Land Court (excepting matters relating to the determination of hereditary estates and titles)”.

Passed by the Legislative Assembly this 26th day of July, 1990.



ACT OF CONSTITUTION OF TONGA (AMENDMENT) ACT 1990

Act 23 of 1990

AN ACT TO AMEND THE ACT OF CONSTITUTION OF TONGA

I assent,
TAUFA'AHAU TUPOU IV,
18th July. 1991

[9th November, 1990]

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

1 Short title.

- (1) This Act may be cited as the Act of Constitution of Tonga (Amendment) Act 1990.
- (2) The Act of the Constitution of Tonga, (Cap. 2), as amended, is in this Act referred to as the Principal Act.

2 Amendment of clause 2.

Clause 2 of the English version only of the Principal Act is amended by deleting the word “larceny” and by substituting therefor the word “theft”.

3 Amendment of clause 7.

Clause 7 of the Principal Act is amended by deleting the word “slander” and by substituting therefor the words “defamation, official secrets”.

4 Amendment of clause 13.

Clause 13 of the Principal Act is amended —

- (i) by deleting the words “and for which he was”, and substituting therefor the words “for which he is being”; and
- (ii) in paragraph (c) thereof of the English version only, by deleting the word “larceny” wherever it appears and by substituting therefore the word “theft”; and
- (iii) in paragraph (c) by inserting the words “or fraudulent conversion” after the word “embezzlement” wherever that word occurs; and
- (iv) by inserting the following paragraph after paragraph (c) —
 - “(d) any Act may provide that a person charged with an offence may be convicted of another offence (not being a more serious offence) arising out of the same circumstances.”

5 Repeal and Replacement of Clause 28.

Clause 28 of the Principal Act is deleted and replaced with the following —

“28.

Every Tongan who has arrived at the age of 21 years and can read and write and is not disabled by the twenty third clause of this Constitution shall be liable to serve on juries and the names of all those who are liable to serve shall be published once every year and anyone who neglects to serve shall be punished as shall be enacted by the Legislature. Ministers of the Crown and the Governors, Members of the Legislative Assembly, Judges and Magistrates, heads of Government Departments or Ministries, law practitioners, members of the police force and of the armed forces of Tonga, officers of the Supreme Court. of the Magistrates Courts or of any prison, ministers of religion, persons of unsound mind or persons incapable of serving by reason of blindness, deafness or any other permanent physical infirmity shall be exempt from serving on juries.”

6 Amendment of Clause 35.

Clause 35 of the Principal Act is amended by deleting the words “a felony” and by substituting therefor the words “an offence punishable by imprisonment for more than two years”.

7 Amendment of Clause 36.

Clause 36 of the Principal Act is amended by deleting the words “forces on land and sea” and by substituting therefor the words “armed forces of Tonga”.

8 Amendment of Clause 50.

Clause 50 of the Principal Act is amended by inserting between the words “may confirm” and the words “such Ordinances” the words “or amend”.

9 Repeal and replacement of Clause 82.

Clause 82 of the Principal Act is repealed and replaced by the following clause:

“82.

This Constitution is the supreme law of the Kingdom and if any other law is inconsistent with this Constitution, that other law shall, to the extent of the inconsistency, be void.”

10 Repeal of Clause 93.

Clause 93 of the Principal Act is repealed.

11 Repeal of Clause 98.

Clause 98 of the Principal Act is repealed.

12 Amendment of Clause 109.

Clause 109 of the Principal Act is amended by deleting the words “fifty feet” and by substituting therefor the words “15.24 metres”.

Passed by the Legislative Assembly this 9th day of November, 1990.