



I assent,

TU'IPELEHAKE

28th November, 1991.

AN ACT

TO PROVIDE FOR THE INCORPORATION OF A COMPANY UNDER THE COMPANIES ACT BY THE NAME TONGA INVESTMENTS LIMITED AND FOR THE TRANSFER OF THE ASSETS, RIGHTS, LIABILITIES AND INTEREST OF THE COMMODITIES BOARD TO THAT COMPANY AND TO REPEAL THE COMMODITIES BOARD ACT 1973.

[20th November, 1991]

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

1. (1) This Act may be cited as The Commodities Board Dissolution Act 1991.
- (2) Except as provided in subsection (3) of this section, this Act shall come into force on the day that it receives the Royal Assent.
- (3) Section 5 of this Act shall come into force on a date to be appointed for the commencement of that section by His Majesty by Order-in-Council.

Short title and commencement

2. In this Act unless the context otherwise requires -

Interpretation

"Appointed day" means the date appointed for the commencement of Section 5 of this Act;

"Board" means the Commodities Board established under The Commodities Board Act 1973;

"Commodity" means any produce or product of agricultural or other rural occupation and any commercial product of the land or of the sea and any article of commerce prepared or manufactured from any of these;

"Company" means the company formed and registered under section 3(1) of this Act;

"Instrument" includes

- (a) Any instrument (other than an enactment) of any form or kind that creates, evidences, modifies, or extinguishes rights, interests, or liabilities or would do so if it or a copy thereof were lodged, filed, or registered under any enactment; and
- (b) Any judgment, order, or process of a court;

"Liabilities" means liabilities, debts, charges, duties, and obligations of every description whether present or future, actual or contingent, and whether payable or to be observed or performed in Tonga or elsewhere;

"Ministers" means the Minister of Finance and the Minister of Labour, Commerce, Industries and Tourism;

"Property" means property of every kind whether tangible or intangible, leasehold or personal and, without limiting the generality of the foregoing, includes -

- (a) Choses in action and money;
- (b) Goodwill;
- (c) Rights, interests, and claims of every kind in or to property, whether arising from, accruing under, created or evidenced by or the subject of, an instrument or otherwise and whether liquidated or unliquidated, actual, contingent, or prospective;

"Regulation of any commodity" means the sale, export, disposition, delivery, grading or payment of or for any commodity;

"Reserves" means the amount calculated as the difference between the balance sheet value of total assets and the value of liabilities, provisions and issued capital.

"Rights" means all rights, powers, privileges, and immunities, whether actual, contingent, or prospective;

"Undertaking" means the property, rights and liabilities of the Board.

Incorporation
of company
and
subsidiary
companies

3. (1) The Board shall, within 30 days of the entry into force of this Act, form and register under the Companies Act a company which shall be a private company limited by shares that has the name "Tonga Investments Limited".

(2) All the shares in the capital of the company shall, on its incorporation, be subscribed for by the Ministers on behalf of the Crown in equal proportions and no shares in the capital of the company shall be issued or allotted by the company before the appointed day unless those shares are issued or allotted to the Ministers in equal proportions.

(3) On the appointed day all the shares in the capital of the company subscribed for in accordance with subsection (2) of this section and any other

shares in the capital of the company issued to the Ministers before the appointed day shall be deemed to have been allotted as fully paid up to each of the Ministers in equal proportions.

(4) If the reserves of the Board are not allocated in full in paying up the shares subscribed for in the capital of the company on its incorporation the directors of the company may resolve to treat the shares as having been issued at a premium and, in that event the company shall be deemed to have issued the shares at a premium the amount or value of which is equal to the whole or such part of the balance of the reserves as shall be determined by the directors.

(5) Nothing in this section shall prevent the name of the company being changed in accordance with the provisions of the Companies Act.

4. (1) Each of the Ministers may, from time to time, on behalf of the Crown subscribe for or otherwise acquire shares in the capital of the company in addition to the shares subscribed for under section 3 of this Act. **Ministers shareholding**

(2) Any money required to be paid by any of the Ministers for the purpose of subsection (1) of this section shall be paid out of money appropriated by the Legislative Assembly for the purpose.

(3) Shares in the capital of the company in the name of a person described as the Minister of Finance or the Minister of Labour, Commerce, Industries and Tourism shall be held by the person for the time being holding the office of the Minister of Finance or the Minister of Labour, Commerce, Industries and Tourism as the case may be.

(4) Notwithstanding any other enactment or rule of law, it shall not be necessary to complete or register a transfer of shares in the capital of the company consequent upon a change in the person holding office as the Minister of Finance or the Minister of Labour, Commerce, Industries and Tourism, as the case may be.

(5) Each of the Ministers may exercise all the rights and powers attaching to the shares in the capital of the company held by that Minister.

5. (1) On the appointed day, by virtue of this Act the undertaking of the Board shall vest in the company. **Transfer of undertaking of the Board**

(2) On the date so appointed -

- (a) The Board shall be deemed to be dissolved;
- (b) Every person holding office as a member of the Board of Directors of the Board shall cease to hold that office;
- (c) Every employee of the Board shall cease to be employed by the Board;
- (d) All regulations, policies, procedures and guidelines of any sort whatsoever relating to employees of the Board shall be deemed to be revoked;

- (e) All pension, superannuation or other schemes established by the Board for the benefit of employees of the Board shall be deemed to have lapsed; and
- (f) All objects, functions, powers, authorities, rights and obligations of the Board in relation to the regulation of any commodity shall be deemed to have lapsed and the company shall have no responsibility for the regulation of any commodity.

(3) On or before the appointed day full pension, leave and redundancy entitlements will be paid out to all staff.

Consequential provisions on transfer of undertaking of the Board

6. Without limiting the generality of section 5 of this Act, the following provisions shall have effect on and from the appointed day.

- (a) A reference (express or implied) to the Board or to the Director of the Board in any other Act, or in any regulation, order, or notice made or given under any enactment, or in any instrument, register, record, notice, security, document or communication made, given, passed or executed before or after the appointed day, shall be read and construed as a reference to the company or to the chief executive of the company as the case may be:
- (b) All contracts, agreements, conveyances, deeds, leases, licenses, and other instruments, undertakings, and notices (whether or not in writing), entered into by, made with, given to or by, or addressed to the Board (whether alone or with any other person) before the appointed day and subsisting immediately before the appointed day shall, to the extent that they were previously binding on and enforceable by, against, or in favour of the Board, be binding on and enforceable by, against, or in favour of the company as fully and effectually in every respect as if, instead of the Board, the company had been the person by whom they were entered into, with whom they were made or to or by whom they were given or addressed, as the case may be:
- (c) An instruction, order, direction, mandate, or authority given to the Board and subsisting immediately before the appointed day shall be deemed to have been given to the company:
- (d) All the rights and liabilities of the Board as bailor or bailee of documents or chattels shall be vested in and assumed by the company:
- (e) A negotiable instrument or order for payment of money which, before the appointed day, is drawn on or given to or accepted or endorsed by the Board or payable at a place of business of the Board shall, unless the context otherwise requires, have the same effect on and after the appointed day as if it had been drawn on or given to or accepted or endorsed by the company instead of the Board or was payable at the place of business of the company:

- (f) Any action, arbitration or proceedings or cause of action which, immediately before the appointed day, is pending or existing by, against, or in favour of the Board or to which the Board is a party may be prosecuted, and without amendment of any writ, pleading or other document, continued and enforced by, against, or in favour of, the company.
- (g) Any land or property situated outside the Kingdom which, immediately before the appointed day, is owned by the Board, shall, from the appointed day, be deemed to be owned by the company.

7. Nothing effected or authorised by this Act -

- (a) Shall be regarded as placing the Board, or the company, or any other person in breach of contract or confidence or as otherwise making any of them guilty of a civil wrong; or
- (b) Shall be regarded as giving rise to a right for any person to terminate or cancel any contract or arrangement or to accelerate the performance of any obligation; or
- (c) Shall be regarded as placing the Board, or the company, or any other person in breach of any enactment or rule of law or contractual provision prohibiting, restricting, or regulating the assignment or transfer of any property or the disclosure of any information; or
- (d) Shall invalidate or discharge any contract or security.

Certain matters not affected by transfer of undertaking of the Board

8. (1) Any document, matter, or thing which, if this Act had not been passed, would have been admissible in evidence in respect of any matter for or against the Board shall, on and after the appointed day, be admissible in evidence in respect of the same matter for or against the company.

Books and documents to remain evidence

(2) In this section, "document" has the same meaning as in section 2 of the Evidence Act.

9. (1) Neither the Minister of Lands nor any other person charged with the keeping of any books or registers shall be obliged solely by reason of the foregoing provisions of this Act to change the name of the Board to that of the company in those books or registers or in any document.

Register

(2) The presentation to the Minister of Lands or other person of any instrument, whether or not comprising an instrument of transfer by the company -

- (a) Executed or purporting to be executed by the company; and
- (b) Relating to any property held immediately before the appointed day by the Board; and
- (c) Containing a recital that the property has become vested in the company, by virtue of the provisions of this Act -

shall, in the absence of evidence to the contrary, be sufficient proof that the property is vested in the company.

Members of the Board not personally liable

10. No person who, immediately before the appointed day, was a member of the Board, or who, before the appointed day, ceased to be a member of the Board, shall be personally liable for any act done or default made in good faith before the appointed day by the Board, or by any member of the Board, in the course of operations of the Board.

Taxes

11. (1) For the purposes of the Income Tax Act 1976, and any other enactment that imposes or provides for the collection of a tax, duty, levy, or other charge -

- (a) Subject to paragraph (b) of this subsection, the Board and the company shall be deemed to be the same person;
- (b) Notwithstanding the provisions of section 6(a) of this Act, for the purposes of section 7 of the Income Tax Act 1976, the Commodities Board and the company shall not be deemed to be the same person; and
- (c) In respect of the liability for and the assessment, determination, or imposition of taxes, duties, levies, or other charges accruing as from the appointed day under any such enactment, all transactions entered into by, and acts of, the Board before the appointed day shall be deemed to have been entered into by, or to be those of, the company and to have been entered into or performed by the company at the time when they were entered into or performed by the Board.

(2) For the purposes of sections 41(2) and (3) of the Income Tax Act 1976 (which relate to the carrying forward of losses) any loss incurred by the Board in any income year before the appointed day shall, so far as it has not been deducted from or set off against its assessable income in any subsequent income year, be deemed to have been incurred by the company and as if at all times during the period commencing with the beginning of the first income year in which any such loss was incurred and ending immediately before the appointed day, the shares in the company were held directly by the Ministers.

Principal objective of company

12. The principal objective of the company shall be to operate as a successful business and, to this end, to be as profitable and efficient as comparable businesses.

Statement of corporate intent

13. (1) The company shall deliver to the Ministers a statement of corporate intent not later than 1 month after the commencement of each financial year.

(2) Each statement of corporate intent shall in respect of the financial year in which it is delivered and each of the immediately following 2 financial years, provide the following information -

- (a) The commercial objectives of the company;
- (b) The nature and scope of the activities to be undertaken;
- (c) The ratio of consolidated shareholders; funds to total assets, and definitions of those terms;

- (d) The accounting policies;
- (e) The performance targets and other measures by which the performance of the company may be judged in relation to its objectives;
- (f) An estimate of the amount or proportion of accumulated profits and capital reserves that are intended to be distributed to shareholders of the company;
- (g) Any activities for which the company seeks compensation from the Crown (whether or not the Crown has agreed to provide such compensation);
- (h) An estimate of the commercial value of the company and the manner in which, and the times at which, that value is to be reassessed;
- (i) Such other matters as are agreed between the company and the Ministers.

(3) It shall be the duty of the company to have regard to the principal objective referred to in section 12 of this Act and to implement those matters set out in its statement of corporate intent.

14. (1) The Ministers may, at any time or times in accordance with a resolution passed by not less than 75 per cent of the directors of the company approving the sale or disposition, sell or otherwise dispose of all or any of the shares held by the Ministers in the capital of the company.

Sale of shares in or undertaking of company

(2) The company may, at any time or times, by a resolution passed by not less than 75 per cent of the directors of the company approving the sale or disposition, sell or otherwise dispose of any part of its undertaking to one or more of its subsidiary companies or to any other person or company.

(3) In the event of the sale or disposition of all or any of the shares in the capital of the company the provisions of section 12 and 13 of this Act shall cease to apply to the company with effect from the transfer date.

(4) For the purposes of subsection 3 of this section the term "transfer date" means the date on which the legal title to the shares in the capital of the company held by the Ministers is transferred. The publication in the Gazette by the Ministers of a notice stating that the legal title to those shares was transferred on a date specified in the notice shall be conclusive evidence that the legal title to those shares was transferred on that date.

15. (1) The company may, at any time or times, form and register under the Companies Act a subsidiary company or subsidiary companies having such names, objects, directors and share capital as the company may determine.

Formation of subsidiary companies and sale or disposition of shares in or undertaking of subsidiary company

(2) The company may, at any time or times, by a resolution passed by not less than 75 per cent of the directors of the company, approving the sale or disposition, sell or otherwise dispose of all or any of its shares in any of its subsidiary companies to another person or company.

(3) Any subsidiary company may, at any time or times, by a resolution passed by not less than 75 per cent of the directors of such subsidiary company approving the sale or disposition, sell or otherwise dispose of any part of its undertaking to another person or company.

Repeal

16. The Commodities Board Act 1973 and the Commodities Board (Copra Stabilization Fund) Regulations 1977 are hereby repealed.

Passed in the Legislative Assembly this 20th day of November 1991.



'Oku ou loto ki ai,

TU'IPELEHAKE,

28 'o Novema, 1991.

KO E LAO

KE FAKAHOKO HĀ KAUTAHA 'I HE LAO KI HE NGA'AHĪ
KAUTAHA 'I HE HINGOA KO E KAUTAHA 'INIVESIMENI
'A TONGA PEA KI HE LILIU 'O E NGA'AHĪ KOLOA, NGA'AHĪ
TOTONU, NGA'AHĪ MO'UA MO E NGA'AHĪ KOLOA KEHE
'A E POATE 'O E NGA'AHĪ KOLOA KI HE KAUTAHA PEA
KE FAKAPEKĪA 'A E LAO KI HE POATE 'O E NGA'AHĪ
KOLOA 1973.

[20 'o Novema, 1991]

'OKU TU'UTU'UNI 'e he Tu'i mo e Fale Alea 'o Tonga 'i he Fakataha
Alea 'o e Pule'anga 'o pehe:

1. (1) 'E ui 'a e Lao ni Ko e Lao Fakangata 'o e Poate 'o e Ngaahi Koloa. Hingoa
Nounou mo e
kamata'anga
(2) Tuku kehe 'a e kupu si'i (3) 'o e kupu ni, 'e kamata ngaue'aki
'a e Lao ni 'i he 'aho koia 'e fakamo'oni huafa ki ai 'a 'Ene 'Afio.
- (3) 'E kamata ngaue'aki 'a e Kupu 5 'o e Lao ni 'i ha 'aho 'e tu'utu'uni
'e he 'Ene 'Afio 'i ha Fekau Fakataha Tokoni.
2. 'I he Lao ni, nukukehe 'a ia 'e fiema'u 'i hono ngaahi kupu - 'Uhinga' Lea
"Aho kuo fokotu'u" 'e 'uhinga ia ki he 'aho 'e fokotu'u ke kamata
ngaue'aki ai 'a e kupu 5 'o e Lao ni;
"Poate" 'e 'uhinga ia ko e Poate 'o e Ngaahi Koloa ne fokotu'u 'i he
Lao ki he Poate 'o e Ngaahi Koloa 1973;
"Koloa" 'oku 'uhinga ia ki he fua 'o e ngoue pe fua 'o ha ngaue
fakangoue pe ngaahi ngaue kehe ki 'uta, mo ha fua fakakomesiale
'o e kelekele pe 'o e tahi pea mo ha me'a fakakomesiale kuo teuteu'i
pe fa'u mei he taha 'o e ngaahi me'a ni;

"Kautaha" ko hono 'uhinga ko e kautaha kuo fokotu'u mo lesisita koe'uhi ko e kupu 3(1) 'o e Lao ni;

"Tohi fakalao" (Instruments) 'e kau ki ai

(a) Ha tohi fakalao (tuku kehe ha lao) 'o ha fa'ahinga pe fotunga 'a ia 'oku ne fakatupu, fakamo'oni'i, liliu pe fakangata ha ngaahi totonu, ngaahi totonu kehe (interests), pe ngaahi mo'ua pe 'e fai pehe kapau 'e fakahu ia, pe fakahu ha tatau 'o ia, faile'i, pe lesisita 'i ha lao; mo

(b) Ha tu'utu'uni, fekau, pe ha tu'utu'uni fakamaau'anga;

"Ngaahi mo'ua" ko hono 'uhinga ko e ngaahi mo'ua (liabilities), ngaahi mo'ua 'oku totonu ke totongi ki ha taha kehe (debts), ngaahi totongi, ngaahi fatongia mo e ouau 'i he fa'ahinga kotoa pe 'i he taimi lolotonga pe kaha'u, 'a ia 'oku fakapapau'i pe fakafalala, pea ke totongi atu pe tauhi ke fai 'i Tonga ni pe ha toe feitu'u kehe;

"Ongo Minisita" ko hono 'uhinga ko e Minisita Pa'anga mo e Minisita ki he Ngaahi Ngaue 'a e Kakai, Fefakatau'aki, Ngaahi Ngaue'anga mo e Taki Mamata;

"Koloa 'oku ma'u" ko hono 'uhinga ko e koloa 'i he fa'ahinga kotoa pe 'e lava ke ala ki ai pe 'ikai (tangible or intangible), lisi pe koloa taautaha pea, 'o 'ikai fakangatangata 'a e fakalukufua 'o ia 'oku ha 'i 'olunga, fakataha mo e -

(a) Totonu ki he koloa mo e pa'anga:

(b) Ongoongo lelei fakapisinisi:

(c) Ngaahi totonu, ngaahi totonu kehe (interests), mo e ngaahi 'eke 'i ha fa'ahinga pe 'i ha pe ki ha koloa 'oku ma'u pe tupunga mei he, ma'u 'i he, fakatupu pe fakamo'oni'i 'aki ha tohi ngaue pe me'a kehe pea ke lava ke liliu pa'anga pe 'ikai, 'a ia 'oku hoko, fakafalala, pe 'e ngalingali ke hoko 'i he kaha'u.

"Tu'utu'uni ki ha fa'ahinga koloa" 'oku 'uhinga ki hono fakatau atu, uta ki muli, tukuatu, tufaki, fakakalasi pe totongi atu 'o ha pe fa'ahinga koloa;

"Ngaahi tupu talifaki" 'oku 'uhinga ia ki he faikehekehe 'i he tohi palanisi 'o e mahu'inga 'o e ngaahi koloa mo e mahu'inga 'o e ngaahi mo'ua, ngaahi pa'anga talifaki mo e 'inasi kuo vahe'i.

"Ngaahi Totonu" ko hono 'uhinga ko e ngaahi totonu kotoa pe, ngaahi mafai, ngaahi monu'ia mo e ngaahi faka'ataa, pe, 'oku hoko, fakafalala pe ngalingali ke hoko 'i he kaha'u;

"Fatongia ke fakahoko" ko hono 'uhinga ko e koloa, ngaahi totonu mo e ngaahi mo'ua 'o e Poate.

Fokotu'u 'o e
kautaha mo
e ngaahi
kautaha si'i

3. (1) Kuo pau ke hanga 'e he Poate, hili 'a e 'aho 'e 30 mei he hoko 'a e Lao ni ko e lao, 'o fokotu'u mo lesisita 'i he Lao ki he Ngaahi Kautaha ha kautaha 'a ia ko e kautaha taautaha 'oku fakangatangata 'e he ngaahi 'inasi ko hono hingoa ko e "Kautaha 'Inivesimeni 'a Tonga"

(2) Ko e ngaahi 'inasi kotoa pe 'i he sino'i pa'anga 'inasi 'a e kautaha 'e, 'i hono fokotu'u, fakamo'oni hingoa ki ai 'a e ongo Minisita ko e fakafofonga 'o e Kalauni pea vahevahe tatau pea 'e 'ikai ha 'inasi 'i he sino'i pa'anga 'inasi 'a e kautaha 'e tufaki pe vahe'i 'e he kautaha kimu'a 'i he 'aho kuo fokotu'u tukukehe 'a e ngaahi 'inasi ko ia 'oku tufaki pe vahe'i ki he ongo Minisita 'o vahevahe tatau.

(3) 'I he 'aho kuo fokotu'u ko e ngaahi 'inasi kotoa 'i he sino'i pa'anga 'a e kautaha kuo 'osi fakamo'oni'i fakatatau mo e kupu si'i (2) 'o e kupu ni mo ha toe ngaahi 'inasi kehe 'i he sino'i pa'anga 'inasi 'a e kautaha kuo fakahu ki he ongo Minisita kimu'a 'i he 'aho kuo fokotu'u 'e lau ia kuo vahe'i pea totongi kakato ki he ongo Minisita 'o na vahevahe tatau.

(4) Kapau 'e 'ikai vahe kakato 'a e ngaahi tupu talifaki 'a e Poate 'i hono totongi 'o e ngaahi 'inasi kuo fakamo'oni'i 'i he sino'i pa'anga 'inasi 'a e kautaha 'i he taimi hono fokotu'u 'e ngofua ki he kau talekita 'o e kautaha ke nau tu'utu'uni ke 'ai 'a e ngaahi 'inasi ke hange pe ne tufaki atu 'i ha totongi makehe ma'olunga pea, 'i he tu'unga ko ia 'e lau kuo tufaki atu 'e he kautaha 'a e ngaahi 'inasi 'i ha totongi makehe ma'olunga 'a ia ko hono lahi pe mahu'inga 'oku tatau ki he kotoa pe kongā 'o e toenga 'o e ngaahi tupu talifaki 'o hange ko ia kuo tu'utu'uni 'e he kau talekita.

(5) Kuopau 'e 'ikai ha me'a 'i he kupu ni te ne ta'ofi hono liliu 'a e hingoa 'o e kautaha 'o fakatatau mo e ngaahi kupu 'o e Lao ki he Ngaahi Kautaha.

4. (1) 'E ngofua ki he ongo Minisita, mei he taimi ki he taimi, ko e fakafofonga 'o e Kalauni ke na fakamo'oni hingoa ki ha pe ma'u ha ngaahi 'inasi 'o e kautaha 'o lahi hake ia 'i he ngaahi 'inasi kuo fokotu'u 'i he kupu 3 'o e Lao ni. 'Inasi 'o e ongo Minisita

(2) Ko ha pa'anga 'e fiema'u ke totongi 'e ha taha 'o e ongo Minisita koe'uhi ko e kupu si'i (1) 'o e kupu ni 'e totongi ia mei he pa'anga kuo vahe'i 'e he Fale Alea ki he 'uhinga ko ia.

(3) Ko e ngaahi 'inasi 'i he sino'i pa'anga 'inasi 'a e kautaha 'i he hingoa 'o ha taha 'oku ui ko e Minisita Pa'anga pe ko e Minisita ki he Ngaahi Ngaue 'a e Kakai, Fefakatau'aki, Ngaahi Ngaue'anga mo e Takimamata 'e puke 'e he tokotaha ko ia 'i he taimi lolotonga 'oku ne ma'u ai 'a e lakanga ko e Minisita Pa'anga pe ko e Minisita ki he Ngaahi Ngaue 'a e Kakai, Fefakatau'aki, Ngaahi Ngaue'anga mo e Takimamata.

(4) Neongo ha toe lao kehe pe tu'utu'uni 'a ha lao kehe, 'e 'ikai ke fiema'u ke fakakakato pe lesisita ha hiki 'o e ngaahi 'inasi 'i he sino'i pa'anga 'inasi 'a e kautaha koe'uhi ko ha liliu 'i he toko taha 'oku ne 'i he lakanga ko e Minisita Pa'anga pe Minisita ki he Ngaahi Ngaue 'a e Kakai, Fefakatau'aki, Ngaahi Ngaue'anga mo e Takimamata.

(5) 'E lava 'e he ongo Minisita 'iate kinaua pe ke na ngaue'aki 'a e ngaahi totonu mo e mafai kotoa 'oku felave'i mo e ngaahi 'inasi 'i he sino'i pa'anga 'inasi 'a e kautaha 'oku puke 'e he Minisita ko ia.

Hiki 'a e fatongia 'o e Poate

5. (1) 'I he 'aho kuo fokotu'u 'i he mafai 'o e Lao ni 'e foaki 'a e fatongia ke fakahoko 'o e Poate ki he kautaha.

- (2) 'I he 'aho kuo fokotu'u -
 - (a) 'E lau kuo fakangata 'a e Poate;
 - (b) Ko e toko taha kotoape 'oku lolotonga hoko ko e memipa 'o e Poate 'o e kau Talekita 'o e Poate 'e ngata 'a hono lakanga ko ia;
 - (c) 'E 'ikai toe hoko ha taha 'i he kau ngaue 'a e Poate ko ha taha 'oku ngaue 'i he Poate;
 - (d) Ko e ngaahi tu'utu'uni kotoa, ngaahi tu'utu'uni fakapotungae kotoa, ngaahi founga ngaue mo ha toe ngaahi fakahinohino fakafounga ngaue 'e felave'i mo e kau ngaue 'a e Poate 'e lau kuo tamate'i;
 - (e) Ko e ngaahi vahenga malolo kotoa, pe pa'anga 'oku vahe'i ki he vahenga malolo, pe ha toe founga ngaue kehe ne fokotu'u 'e he Poate ke ma'u faingamalie ai 'a e kau ngaue 'a e Poate 'e lau kuo fakangata; pea
 - (f) Ko e ngaahi kaveinga kotoa, ngaahi fatongia, ngaahi ivi, ngaahi mafai, ngaahi totonu mo e ngaahi ngafa 'o e Poate felave'i mo e tu'utu'uni ki ha fa'ahinga koloa 'e lau ia kuo fakangata pea kuopau 'e 'ikai ko ha fatongia ia 'o e kautaha ke tu'utu'uni ki ha fa'ahinga koloa.

(3) 'I he 'aho pe kimu'a 'i he 'aho kuo fokotu'u kuopau ke totongi kakato 'e he Poate 'a e vahenga malolo, totongi malolo mo e totongi ki hono fakamalolo 'i 'a e kau ngaue mei he ngaue, ki he kau ngaue kotoa pe 'a e Poate.

Ngaahi kupu felave'i mo e hiki 'o e fatongia 'o e Poate

6. 'O 'ikai fakangatangata 'a e fakalukufua 'o e kupu 5 'o e Lao ni, ko e ngaahi kupu 'eni 'e fakahoko 'i he pea mei he 'aho kuo fokotu'u.

- (a) Ko ha lave (fakamahino pe faka'uhinga) ki he Poate pe ki he Talekita 'o e Poate ki ha toe Lao kehe, pe 'i ha toe tu'utu'uni kehe, fekau, pe fanongonongo pe ne fai 'i ha lao, pe tohi fakalao, lesisita, lekooti, fanongonongo, malu'i, tohi pe fetu'utaki ne fai, foaki, fakangofua pe fakahoko kimu'a pe kimui 'i he 'aho kuo fokotu'u 'e lau pea faka'uhinga ko e lave ki he kautaha pe ki he 'ofisa ma'olunga taha (chief executive) 'o e kautaha pe ko e fe 'a e me'a 'oku kaunga tonu mo ia;
- (b) Ko e ngaahi aleapau kotoape, ngaahi tohi fealea'aki kotoape, ngaahi tohi lesisita koloa, ngaahi tohi fakamo'oni ma'u koloa, ngaahi lisi, ngaahi laiseni, mo e ngaahi tohi fakalao kehe, ngaahi fakafatongia, mo e ngaahi fanongonongo (tatau ai pe pe 'i he tohi pe 'ikai), ne felotoi ki ai, fai mo, foaki kia pe 'e, pe fakatu'asila ki he Poate (tatau ai pe pe tokotaha pe mo ha ni'ihiki kehe) kimu'a 'i he 'aho kuo fokotu'u pea 'oku lolotonga mo 'ui kimu'a 'i he 'aho kuo fokotu'u kuopau, 'o fakatautu ki he

ngaahi tu'unga ne fakahoko ai ia pea ke lava foki ke fakahoko 'e ia pe fehanganagai mo ia pe 'i he tafa'aki 'oku kau lelei ki he Poate, ke lava ke fakahoko 'e he Poate pe fehanganagai mo e Poate pe ki he kau lelei ki he kautaha 'i he 'ene kakato faka'aufuli 'i he ngaahi tafa'aki kehekehe 'o hange ia, 'o fetongi 'a e Poate, ko e kautaha ko e tokotaha ia ne fakahoko ki ai 'a e ngaahi me'a 'oku ha 'i 'olunga, 'o fakatatau mo ia ne fakahoko ki ai pe kiate ia na'a ne 'oange ki ai pe fakatu'asila ki ai pe ko e fe pe 'a e me'a 'oku kaunga tonu mo ia.

- (c) Ko ha tu'utu'uni, fekau, fakahinohino, fatongia, pe mafai ne foaki ki he Poate pea kei mo'ui kimu'a pe 'i he 'aho kuo fokotu'u 'e lau kuo foaki atu ki he kautaha:
- (d) Ko e ngaahi totonu mo e ngaahi mo'ua kotoa pe 'o e Poate 'i ha'ane hoko ko e tokotaha ke ne foaki atu 'a e tohi koloa pe koloa 'oku ma'u 'oku lava ke fe'ave'aki ki ha taha kehe pe ko e tokotaha ke ne tali 'a e koloa ko 'eni, 'e foaki fakamafai ia pe 'e ma'u 'e he kautaha:
- (e) Ko ha tohi fakalao 'e lava ke ngaue'aki ki ha fakatau atu pe liliu ha me'a ki ha pa'anga pe totongi'aki ha mo'ua pe ko ha fekau ke totongi ha pa'anga 'a ia, kimu'a 'i he 'aho kuo fokotu'u, 'oku toho pe foaki pe tali pe fakapapau'i 'e he Poate pe lava ke totongi atu 'i ha feitu'u ngaue'anga 'a e Poate, tukukehe ha to e feitu'u kehe 'oku fiema'u 'a ia 'e tatau pe 'ene hoko 'i he pe hili 'a e 'aho kuo fokotu'u 'o hange pe kuo 'osi toho 'i he pe foaki pe tali pe fakapapau'i 'e he kautaha kae 'ikai ko e Poate pea na'e lava ke totongi atu 'i he feitu'u ngaue'anga 'a e kautaha:
- (f) Ko ha hopo, fakamaau fakatonutonu pe faka'ilo pe ko e fakafe'atungia'i 'a e totonu fakalao ha taha 'a ia, kimu'a pe 'i he 'aho kuo fokotu'u, 'oku fakatatali pe lolotonga fai, fehanganagai, pe kau lelei ki he Poate pe ko ia 'oku kau ai 'a e Poate 'e lava pe ke hopo'i pea 'ikai ha fakatonutonu ki ha tohi faka'ilo ke fai pe tuku ha me'a ngaahi tohi kole pe ko ha to e tohi fakalao kehe, 'a ia 'oku hokohoko pea fakahoko 'e he, fehanganagai pe kau lelei ki he kautaha:
- (g) Ko ha kekekele pe 'api 'oku tu'u 'i ha feitu'u kehe pea 'ikai ko e Pule'anga ni 'a ia, kimu'a pe 'i he 'aho kuo fokotu'u, 'oku ma'u 'e he Poate, mei he 'aho kuo fokotu'u 'e lau ia kuo ma'u 'e he kautaha.

7. 'E 'ikai ha me'a 'e fakahoko pe fakamafai 'e he Lao ni -

- (a) 'E lau kuo ne tuku 'a e Poate, pe ko e kautaha, pe ko ha taha kehe kuo maurnau ai 'a e aleapau pe falala pe halaia ai ha taha 'i ha hia sivile; pe
- (b) 'E lau ko ha me'a ke fakatupunga ai ha totonu 'a ha taha ke fakangata pe kaniseli 'o ha aleapau pe alea pe ke fakavave'i hano fakahoko 'o ha fatongia; pe

Ngaahi me'a
'oku 'ikai
usia 'e he
hiki 'o e
fatongia 'o e
Poate

- (c) 'E lau ko ha tuku 'a e Poate, pe ko e kautaha; pe ko ha tokotaha kuo ne maumau'i ha lao pe tu'utu'uni 'a e lao pe kupu 'o ha aleapau ke ta'ofi, fakangatangata, pe fakalao'i ha foaki pe hiki 'o ha 'api pe ko e fakaha 'o ha fakamatala; pe
- (d) 'E lau ko ha fakata'e'aonga'i pe tukuange 'o ha aleapau pe malu'i.

Ngaahi tohi mo e tohi ngaue ke tauhi ko e fakamo'oni

8. (1) Ko ha tohi ngaue, me'a, 'a ia, kapau na'e 'ikai ke fakahoko 'a e Lao ni, 'a ia na'e mei lava ke tali ko e fakamo'oni ki ha me'a 'e kau lelei pe fehangaahangai mo e Poate kuopau, 'i he pea hili 'a e 'aho kuo fokotu'u, 'e lava ke tali ko e fakamo'oni fekau'aki mo e me'a tatau ma'a e pe fehangaahangai mo e kautaha.

(2) 'I he kupu ni, ko e "tohi ngaue" 'oku ne ma'u 'a e 'uhinga tatau 'o hange ko e kupu 2 'o e Lao ki he Fakamo'oni.

Ngaahi lesisita

9. (1) 'Oku 'ikai fiema'u ki he Minisita Fonua pe ha toe taha 'oku ne tauhi ha ngaahi tohi pe lesisita kene, koe'uhi ko e ngaahi kupu 'o e Lao ni 'oku ha 'i 'olunga, ke liliu 'a e hingoa 'o e Poate ki he kautaha 'i he ngaahi tohi pe ngaahi lesisita pe 'i ha toe tohi ngaue.

(2) Ko hono 'oatu ki he Minisita Fonua pe toe taha pe 'o ha tohi fakalao, 'o tatau ai pe pe 'oku kau ai ha tohi fakalao ki hono hiki 'o e kautaha -

- (a) Fakahoko pe 'amanaki fakahoko 'e he kautaha; pea
- (b) Felave'i mo ha 'api 'oku ma'u kimu'a 'i he 'aho kuo fokotu'u 'e he Poate; pea
- (c) 'Oku 'i ai ha fakamatala kuo foaki 'a e 'api ki he kautaha, koe'uhi ko e ngaahi kupu 'o e Lao ni -

'e, 'i he 'ikai ma'u ha fakamo'oni kene faka'ikai'i, hoko pe ia ko e fakamo'oni fe'unga ko e 'api kuo foaki ki he kautaha.

Kau Memipa 'o e Poate 'ikai te nau 'efihia fakafo'ituitui

10. 'E 'ikai ha taha na'a ne, kimu'a pe 'i he 'aho kuo fokotu'u, hoko ko e memipa 'o e Poate; pe na'e kimu'a 'i he 'aho kuo fokotu'u ngata 'ene hoko ko e memipa 'o e Poate, 'e 'efihia fakafo'ituitui fakalao koe'uhi ko ha ngaue ne fai pe fehalaaki ne fai 'e he Poate 'i he loto lelei kimu'a 'i he 'aho kuo fokotu'u, pe ko e fai 'e ha memipa 'o e Poate, 'i he lolotonga 'a e fakahoko 'a e ngaahi ngaue 'a e Poate.

Ngaahi tukuhau

11. (1) Koe'uhi ko e ngaahi taumu'a 'o e Lao ki he Tukupau Vahenga 1976 mo ha toe lao kehe 'oku fakaha ai 'a e tanaki 'o e tukuhau, tute, mo'ua, pe ha toe totongi kehe -

- (a) Fakatatau ki he palakalafi (b) 'o e kupu si'i ni, 'e lau 'a e Poate mo e kautaha ko e tokotaha tatau pe;
- (b) Neongo 'a e ngaahi tu'utu'uni 'i he kupu 6(a) 'o e Lao ni, koe'uhi ko e ngaahi taumu'a 'o e kupu 7 'o e Lao ki he Tukupau Vahenga 1976, 'e lau 'a e Poate 'o e Ngaahi Koloa mo e kautaha ko e tokotaha tatau pe; pea

- (c) Fekau'aki mo e mo'ua ki he mo e fakafuofua, fakapapau'i, pe tanaki 'o ha tukuhau, tute, mo'ua pe ko ha ngaahi totongi kehe 'oku hoko mei he 'aho kuo fokotu'u 'i ha fa'ahinga lao, ko e ngaahi fehu'aki fakapa'anga kotoa pea ko e ngaahi ngaue 'a e Poaate kimu'a 'i he 'aho kuo fokotu'u, 'e lau ia na'e fai 'e he, pe ko e ngaahi fehu'aki 'a e kautaha, pea ne fakahu ia pe fakahoko 'e he kautaha 'i ha taimi ne fakahu ai pe fakahoko 'e he Poate.

(2) Koe'uhi ko e ngaahi taumu'a 'o e kupu 41(2) mo e (3) 'o e Lao ki he Tukuhau Vahenga 1976 ('a ia 'oku felave'i mo e totongi tukuhau kuo hoko ki ai ha mole) ko ha mole 'a e Poate 'i ha ta'u fakapa'anga kimu'a 'i he 'aho kuo fokotu'u 'e lau, kapau kuo te'eki ke to'o mei he pe to'o mei he 'ene ngaahi pa'anga hu mai 'i ha ta'u ki mui, 'e lau ko e mole 'a e kautaha 'o hange pe na'e kamata mei he 'uluaki ta'u 'a ia ne hoko ai 'a e mole pea ngata leva kimu'a 'i he 'aho kuo fokotu'u 'o hange pe ne puke 'a e ngaahi 'inasi 'i he kautaha 'e he ongo Minisita.

12. Ko e taumu'a tefito 'a e kautaha ke fakalele ko ha kautaha fakapisinisi ola lelei pea ke hoko 'o tupu pea fakalele lelei 'o hange ko e ngaahi pisinisi tatau mo ia. Taumu'a
tefito 'o e
kautaha

13. (1) 'E tufa 'e he kautaha ki he ongo Minista ha kaveinga fakakautaha ki he kaha'u 'o 'ikai tomui ange 'i he mahina 'e 1 hili 'a e kamata 'o e ta'u fakapa'anga kotoa. Kaveinga
fakakautaha
ki he kaha'u

(2) Ko e kaveinga fakakautaha kotoa ki he kaha'u felave'i mo e ta'u fakapa'anga 'a ia 'oku tufa atu pea kau ki ai mo e ta'u fakapa'anga 'e 2 hoko atu ai, kuopau ke ha ai 'a e ngaahi fakamatala ko 'eni -

- (a) Ngaahi taumu'a fakakomesiale 'a e kautaha;
- (b) Natula mo e lahi 'o e ngaahi ngaue ke fai;
- (c) Fakahoa 'o e ngaahi pa'anga 'a e kau ma'u 'inasi ki he fakakatoa 'a e koloa 'a e pisinisi, mo e ngaahi faka'uhinga'i 'o e ngaahi lea ko 'eni;
- (d) Ngaahi tu'utu'uni ki he founga tauhi tohi;
- (e) Ngaahi taumu'a fakangaue mo e ngaahi founga 'e lava ke fua'aki 'a e ola 'o e ngaue 'a e kautaha 'o fakatatau ki he 'ene ngaahi taumu'a;
- (f) Ha fakafuofua 'o e lahi pe kongā 'o e ngaahi tupu tatanaki mo e ngaahi tupu talifaki 'oku 'uhinga ke vahe ki he kau ma'u 'inasi 'o e kautaha;
- (g) Ha ngaue pe 'oku fiema'u 'e he kautaha ha totongi huhu'i mei he Kalauni (pe 'oku loto 'a e Kalauni ki he totongi huhu'i ko ia pe 'ikai).
- (h) Ha fakafuofua 'o e mahu'inga fakakomesiale 'o e kautaha mo e founga mo e taimi 'e toe vakai'i ai 'a e mahu'inga.

(i) Ha toe ngaahi me'a 'e lotu ki ai 'a e kautaha mo e ongo Minisita.

(3) 'E hoko ko e fatongia 'o e kautaha ke tokanga ki he taumu'a tefito 'oku ha 'i he kupu 12 'o e Lao ni pea ke fakahoko 'a e ngaahi me'a kuo fakaha 'i he 'ene kaveinga fakakautaha ki he kaha'u.

Fakatau atu
'o e ngaahi
'inasi 'i he
pe fatongia
'o e kautaha

14. (1) 'E lava 'e he ongo Minisita, 'i ha taimi pe ngaahi taimi 'o fakatautu ki ha tu'utu'uni 'e lotu ki ai 'o 'ikai toe si'i hifo 'i he peseti 'e 75 'o e kau talekita 'o e kautaha ke fakatau atu pe tukuange, fakatau atu pe ko hono tukuange atu 'a e kotoa pe ha kongia pe 'o e ngaahi 'inasi 'oku puke 'e he ongo Minisita 'i he sino'i pa'anga 'inasi 'a e kautaha.

(2) 'E lava 'e he kautaha, 'i ha taimi pe ngaahi taimi 'o fakatautu ki ha tu'utu'uni 'e lotu ki ai 'o 'ikai toe si'i hifo 'i he peseti 'e 75 'o e kau talekita 'o e kautaha ke fakatau atu pe tukuange, fakatau atu pe ko hono tukuange atu 'a e kotoa pe kongia pe 'a e ngaahi koloa 'oku ma'u, ngaahi totonu mo e ngaahi mo'ua ki ha taha pe lahiange 'o hono ngaahi kautaha si'i pe ki ha taha kehe pe kautaha kehe.

(3) 'I ha taimi 'oku fakatau atu pe tukuange atu ai 'a e kotoa pe kongia 'o e ngaahi 'inasi 'i he sino'i pa'anga 'inasi 'a e kautaha 'e ngata leva pea 'ikai ke toe e fakahoko 'a e kupu 12 mo e 13 'o e Lao ni ki he kautaha 'o kamata mei he 'aho 'oku hiki ai ki he kautaha.

(4) Koe'uhi ko e ngaahi taumu'a 'o e kupu 3 'o e kupu ni ko e "aho hiki" 'e 'uhinga ia ki he 'aho 'e hiki ai 'a e ma'u 'inasi fakalao totonu 'i he sino'i pa'anga 'inasi 'a e kautaha 'oku puke 'e he ongo Minisita. Ko hano paaki 'i he Kasete 'e he ongo Minisita ha fanongonongo 'o fakaha ai ko e totonu fakalao ki he ngaahi 'inasi ne hiki ia 'i he 'aho kuo fakaha 'i he fanongonongo 'e hoko ia ko e fakamo'oni totonu ko e totonu fakalao ki he ngaahi 'inasi ne hiki ia 'i he 'aho ko ia.

Fa'u 'o e
ngaahi
kautaha si'i
mo e fakatau
atu pe
tukuange
'o e ngaahi
'inasi 'o e
kautaha si'i

15. (1) 'E lava 'e he kautaha, 'i ha taimi pe ngaahi taimi, 'o fokotu'u mo lesisita 'i he Lao 'o e Ngaahi Kautaha ha kautaha si'i pe ngaahi kautaha si'i 'o ma'u 'a e ngaahi hingoa, ngaahi kaveinga, kau talekita mo e ma'u 'inasi 'o fakatautu ki he tu'utu'uni 'a e kautaha.

(2) 'E lava 'e he kautaha, 'i ha taimi pe ngaahi taimi, 'i ha tu'utu'uni 'e lotu ki ai 'o 'ikai toe si'i hifo 'i he peseti 'e 75 'o e kau talekita 'o e kautaha ke fakatau atu pe tukuange, 'o fakatau atu pe tukuange atu 'a e kotoa pe kongia 'o hono ngaahi 'inasi 'i ha taha 'o 'ene ngaahi kautaha si'i ki ha taha kehe pe kautaha kehe.

(3) 'E lava 'e ha kautaha si'i, 'i ha taimi pe ngaahi taimi, 'i ha tu'utu'uni 'e lotu ki ai 'o 'ikai toe si'i hifo 'i he peseti 'e 75 'o e kau talekita 'o e kautaha si'i ke fakatau atu pe tukuange, fakatau atu pe tukuange atu 'a e kotoa pe kongia 'o 'ene ngaahi koloa 'oku ma'u, ngaahi totonu mo e ngaahi mo'ua ki ha taha kehe pe kautaha kehe.

Fakapekia

16. 'Oku fakapekia heni 'a e Lao ki he Poate 'o e Ngaahi Koloa 1973 mo e Ngaahi Tu'utu'uni ki he (Pa'anga Fakalelei 'o e Totongi Mataka) Poate 'o e Ngaahi Koloa 1977.

Na'e fakahoko 'i he Fale Alea 'i he 'aho 20 ni 'o Novema 1991.

BY AUTHORITY:

S. T. TAUMOEPEAU, Acting Government Printer. 1991.