

Dika 13/2023.



Tonga

**LAO FAKAANGAANGA  
(FAKATONUTONU) (FIKA 4) KI HE FILI  
FALE ALEA 2023**





Tonga

## LAO FAKAANGAANGA (FAKATONUTONU) (FIKA 4) KI HE FILI FALE ALEA 2023

### Fokotu'utu'u 'o e Ngaahi Kupu

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Tonga

## LAO FAKAANGAANGA (FAKATONUTONU) (FIKA 4) KI HE FILI FALE ALEA 2023

**KO E LAO FAKAANGAANGA KI HA LAO KE FAKAPEKIA 'A E  
KONGA IV, KONGA V MO E KUPU 40 MO FAKATONUTONU 'A E  
TEPILE 'O E LAO KI HE FILI FALE ALEA [VAHE 2.03]**

**'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 Hingoa nounou mo e 'Uhinga'i lea**

- (1) 'E ui 'a e Lao ni ko e Lao (Fakatonutonu) (Fika 4) ki he Fili Fale Alea 2023.
- (2) Kuo pau ke ui 'i he Lao ni 'a e Lao ki he Fili Fale Alea [Vahe 2.03], 'i hono fakatonutonu, ko e "Tefito'i Lao".

### **2 Fakapekia 'a e Konga IV**

'Oku fakapekia heni 'a e Konga IV 'o e Tefito'i Lao.

**3 Fakapekia 'a e Konga V**

'Oku fakapekia heni 'a e Konga V 'o e Tefito'i Lao.

**4 Fakapekia 'a e kupu 40**

'Oku fakapekia heni 'a e kupu 40 'o e Tefito'i Lao.

**5 Fakatonutonu 'a e Tepile**

'Oku fakatonutonu 'a e Tepile 'aki hono fakapekia 'a e Foomu 7 'o e Tefito'i Lao.

Na'e tali 'e he Fale Alea 'i he 'aho ni 'o 2023.

## FAKAMATALA FAKAMAHINO

(‘Oku ‘ikai hoko ‘a e fakamatala ni ko e kongā ‘o e Lao Fakaangaanga ni pea ‘oku fakataumu‘a pe fakamatala‘i hono ngaue‘aki mo hono taumu‘a)

Ko e tefito‘i taumu‘a ‘o e fakatonutonu ko ‘eni ki he Lao ki he Fili Fale Alea [Vahe 2.03] ko hono fakapekia ‘a e kotoa ‘o e ngaahi kupu ‘oku lave ki he ngaahi hia ki he fili. ‘Oku kau ‘i he ngaahi kupu ‘oku fakapekia ‘a e ngaahi me‘a ni –

- **Konga IV – Ngaahi Hia ki he Fili**

- Kupu 19 – Fakatātā‘i loi
- Kupu 20 – Fakamatala loi
- Kupu 21 – Totongi ke fakaloto‘i
- Kupu 22 – Fakamana‘i, etc
- Kupu 23 – Ngaahi hia fakalukufua
- Kupu 23A – Ngaahi fatongia ‘o e kau ‘Ofisa Fai Fili
- Kupu 24 – Ngaahi fakamole ‘i he fili ‘oku fakangofua

- **Konga V – Ngaahi Kole Tu‘unga ‘i he Fili**

- Kupu 25 – Founga ‘o hono fakafehu‘i, kau ki he fili
- Kupu 26 – Ngaahi kole tu‘unga ‘i he fili
- Kupu 27 – Taimi ki hono tuku atu ‘o e kole tu‘unga ‘i he fili
- Kupu 28 – Laka ‘i he kole ‘e taha ‘oku kau ki ha fili
- Kupu 29 – Ngaahi Tu‘utu‘uni ‘o e Fakamaau‘anga
- Kupu 30 – Fakamaau‘anga mo e feitu‘u ‘o e fakamaau
- Kupu 31 – Fakamaau‘i ‘o e kole
- Kupu 32 – Fakata‘e‘aonga‘i ‘o e fili ‘o e kanititeiti
- Kupu 33 – Fakata‘e‘aonga‘i ‘o e fili koe‘uhi ko e kaka fakalukufua
- Kupu 34 – Ngaahi fili ke tamate‘i koe‘uhi ko e totongi ke fakaloto‘i etc.
- Kupu 35 – Totonu mo‘oni ke tauhi
- Kupu 36 – Ngaahi Fetō‘aki ‘e ‘ikai ta‘e‘aonga ai ‘a e fili
- Kupu 37 – Tohi Fakamo‘oni ‘a e Fakamaau‘anga kau ki he ola ‘o e fili
- Kupu 38 – Ngaahi totongi ‘o e kole
- Kupu 39 – Ngaahi totongi ke fai ‘e he kakai halaia

- Kupu 40 – Fakata'e'aonga'i

'Oku fakahoko 'eni ke fakaha 'a hono fokotu'u 'o e Lao Fakaangaanga ki he Ngaahi Hia Fili Fale Alea 2023 'a ia 'e kato'i ai 'a e kotoa 'o e ngaahi kupu 'oku lave ki he ngaahi hia ki he fili.

'Oku hā atu 'i lalo ni 'a e ngaahi fakatonutonu –

#### ~~KONGA IV – NGAHI HIA KI HE FILI~~

##### ~~19 – Fakatātā'i loi~~

- (1) — ~~Ko e taha kotoa pe 'oku ne fai pe 'oku ne tokoni, akonaki'i, pe ma'u mai 'a hono fai 'o e —~~
- (a) — ~~fili ko ha taha kehe, pe ko e taha ko ia 'oku kei mo'ui pe kuo pekia pe ko ha taha loi; pe~~
- (b) — ~~fili 'o laka hake 'i he tu'o taha 'i ha fili, 'i he vahenga fili tatau pe kehe, 'oku halaia ia ki he hia ko e fakatata'i loi pea 'oku mo'ua ki ha tautea pa'anga 'o 'ikai laka hake 'i he \$5,000 pe nofo popula 'o 'ikai laka hake 'i he ta'u 'e 2, pe ki he fakatou'osi 'o e tautea pa'anga pehē mo e nofo popula.<sup>1</sup>~~
- (2) — ~~Ko e fatongia ia 'o e Supavaisa ke fakaha 'a e hoko 'o ha hia 'e lava hoko 'i he kupu ni ki he 'Ateni Seniale 'a ia, kapau 'oku fiemalie 'oku 'i ai ha ngaahi tu'unga fakapotopoto, kuo pau ke ne faka'ilo 'a e taha fai hia 'oku tukuaki'i.<sup>2</sup>~~

##### ~~20 – Fakamatala loi~~

- (1) — ~~Ko e taha kotoa pe 'oku ne 'oatu 'i he 'ene loto ki ai ha fakamatala loi pe fakamatala hala ki he Supavaisa, ha 'Ofisa fili, pe ha toe 'Ofisa fai fili kehe, pe 'i he fuakava pe 'i he tohinima pe lea, koe'uhi ko e taumu'a 'o hono fa'u 'o e tohi fakakātoa pe ke uesia 'a e ngofua 'a ha taha ke fili pe ke ne hoko ko ha kanititeiti, 'oku halaia ia ki he hia ko e 'oatu ha fakamatala loi pea 'oku mo'ua ki ha tautea pa'anga 'o 'ikai laka hake 'i he \$3,000 pe ki he nofo popula ki ha taimi 'o 'ikai laka hake 'i he ta'u 'e 1 pe ki he fakatou'osi 'o e tautea pa'anga pehē mo e nofo popula.<sup>3</sup>~~
- (2) — ~~Ko e fatongia ia 'o e Supavaisa ke fakahā 'a e hoko 'o ha hia 'e lava hoko 'i he kupu ni ki he 'Ateni Seniale 'a ia, kapau 'oku ne fiemalie 'oku 'i ai ha ngaahi tu'unga fakapotopoto kuo pau ke ne faka'ilo 'a e taha faihia 'oku tukuaki'i.~~
- (3) — ~~'O ka 'i ai ha kanititeiti 'oku mo'ua 'i ha hia 'i he kupu ni, kimu'a pe hili 'a e fili 'oku felave'i mo ia, pea fili ia ko ha fakafofonga 'i he fili ko ia, kuo pau ke fakahā 'e he fakamaau'anga ko e fili ko ia 'o e fakafofonga 'oku ta'e~~



~~‘aonga pea kapau kuo ne ‘osi nofo ‘i hono sea ‘i he Fale Alea kuo pau ke fakahifo ia mei ai ‘e he Fale Alea.<sup>4</sup>~~

## **21 — Totongi ke fakaloto‘i**

- (1) — ~~Ko e taha kotoa pe ‘oku ne fai ‘a e hia ko e totongi ke fakaloto‘i, fakahāngatonu pe ta‘e fakahāngatonu, ‘e ia pe ‘e ha toe taha kehe ma‘ana —~~
- (a) — ~~‘oku ne foaki ha pa‘anga pe me‘a‘ofa mahu‘inga ki pe ma‘a ha taha fili, pe ki pe ma‘a ha toe taha kehe ma‘a ha taha fili, pe ki pe ma‘a ha taha kehe, koe‘uhi ke fakaloto‘i ha taha fili ke fili pe ta‘ofi ia mei he fili; pe~~
- (b) — ~~‘oku ne fai ‘i ha loto kaka ha ngaue ‘o hangē ko ia ‘oku lau ki ai ‘i mu‘a ko e ‘uhi ko ha taha fili kuo ne ‘osi fili pe ‘oku holomui mei he fili; pe~~
- (c) — ~~‘oku ne foaki ha pa‘anga pe me‘a‘ofa mahu‘inga ‘o hangē ko ia kuo lau ki ai ‘i mu‘a ki pe ki ha taha koe‘uhi ke fakaloto‘i ‘a e taha ko ia fakafufu ke ne ma‘u mai, pe feinga ke ma‘u mai, ‘a hono fili ‘o ha taha ‘i ha fili pe fili ‘a ha taha fili; pe~~
- (d) — ~~koe ‘uhi ko ha me‘a‘ofa pehe ‘o hange ko ia kuo lau ki ai ‘i mu‘a ‘oku ne ma‘u mai, pe ‘oku ne ngaue‘aki pe tala‘ofa pe feinga ke ma‘u ‘a hono fili ‘o ha taha ‘i ha fili pe koe fili ‘a ha taha fili; pe~~
- (e) — ~~‘oku ne no atu pe ‘oku ne totongi pe ‘oku ne ‘ai ke totongi ha pa‘anga ki pe ke ngaue‘aki ‘e ha taha kehe mo hono loto ko e pa‘anga ko ia pe ha kongā ‘o ia kuo pau ke fakamoleki ‘i ha totongi ke fakaloto‘i ‘i ha fili; pe~~
- (f) — ~~‘oku ne totongi ‘i he‘ene ‘ilo pe ‘oku ne fakatupu ke totongi ha pa‘anga ki ha taha ke totongi pe totongi fakafoki ‘o ha pa‘anga kotoa pe ha kongā kuo fakamoleki ‘i ha totongi ke fakaloto‘i ‘i ha fili; pe~~
- (g) — ~~‘oku ne tali ki mu‘a pe ‘i he hili ‘a e fili, pe ‘oku ne loto taha pe aleapau ki ha pa‘anga pe me‘a‘ofa mahu‘inga kiate ia pe ha toe taha kehe ki he fili pe ke loto taha ke fili pe ta‘ofi ia pe loto taha ke ta‘ofi ia mei he fili pe fakaloto‘i ha taha kehe ke fili pehē pe ke ta‘ofi ia mei he fili.~~
- (2) — ~~I he kupu ni, ko ha lau ki he foaki pa‘anga pe me‘a‘ofa mahu‘inga ‘oku kau ai ha lau ki he foaki, nō atu, loto taha ke foaki pe no atu, tu‘uaki, tala‘ofa pe tala‘ofa ke ma‘u mai pe feinga ke ma‘u mai, ha pa‘anga pe me‘a‘ofa mahu‘inga.~~
- (3) — ~~Koe ‘uhi ko e ngaahi taumu‘a ‘o e kupu ni, ko ha pa‘anga pe me‘a‘ofa mahu‘inga kuo foaki pe tu‘uaki atu pe loto taha ke foaki (‘i he ‘ikai ke ‘i ai ha me‘a mahu‘inga lelei) ki ha taha (tukukehe ha taha ‘oku ha hono hingoa ‘i he kupu 24(3)) ‘i he loto mahina ‘e 3 mei ha fili ‘e ha pe koe‘uhi ko ha kanititeiti, kuo pau ke lau ia na‘e foaki pe tu‘uaki atu pe loto taha ke foaki~~

~~koe uhi ko e taumu'a ke fakaloto'i ke fili, tuku kehe 'o ka fakamo'oni'i 'oku 'ikai ke pehē.~~

- (4) ~~Ko e taha kotoa pe 'oku ne fai 'a e totongi ke fakaloto'i 'oku halaia ia ki he hia pea 'oku mo'ua ki ha tautea pa'anga 'o 'ikai laka hake 'i he \$5,000 pe ki he nofo pōpula ki ha taimi 'o 'ikai laka hake 'i he ta'u 'e 3, pe ki he fakatou'osi 'o e tautea pa'anga pehē mo e nofo popula.<sup>5</sup>~~
- (5) ~~Kapau 'oku 'i ai ha kanititeiti 'oku mo'ua ki he totongi ke fakaloto'i kimu'a pe hili 'a e fili 'oku kaunga ki ai, pea 'oku fili ia ko ha fakafofonga 'i he fili ko ia, kuo pau ke fakahā 'e he Fakamaau'anga, 'oku ta'e'aonga 'a e fili 'o e fakafofonga ko ia pea kapau kuo ne 'osi ma'u 'a hono sea 'i he Fale Alea, kuo pau ke fakahifo ia mei hono sea 'e he Fale Alea.~~
- (6) ~~Ka 'i ai ha taha 'oku tui kuo fai ha hia 'i he kupu ni, 'oku ngofua ke ne fakahā 'a e anga 'o e ngaahi me'a 'oku hoko ki he Supavaisa 'a ia kuo pau kene —~~
- (a) ~~ui leva ki he taha fai hia kuo tukuaki 'i ki ha'ane fakamatala;~~
- (b) ~~fakatotolo 'i 'a e launga; pea~~
- (c) ~~kapau kuo ne fiemalie 'oku 'i ai ha ngaahi tu'unga lelei 'o e launga, fakahā ki he 'Ateni Seniale 'a ia kuo pau, kapau 'oku ne pehē 'oku 'i ai ha ngaahi tu'unga lelei, ke faka'ilo 'a e taha faihia 'oku tukuaki 'i.~~

## 22 — Fakamana'i, etc

- (1) ~~Ko e hia ia ke fakamana'i 'i ha founga ha taha, famili pe koloa 'a ha taha fili 'i ha feinga ke uesia 'a e fili 'a e taha fili 'i ha fili pe 'i ha feinga ke fakaloto'i ia ke fili pe ta'ofi ia mei he fili.~~
- (2) ~~Ka 'i ai ha taha 'oku halaia ki ha hia 'i he kupu ni 'oku mo'ua ia ki ha tautea pa'anga 'o 'ikai laka hake 'i he \$5,000 pe ki he nofo popula ki ha taimi 'o 'ikai toe laka hake 'i he ta'u 'e 3, pe ki he fakatou'osi 'o e tautea pa'anga mo e nofo popula.<sup>6</sup>~~
- (3) ~~Kapau ko ha taha kuo mo'ua ia 'i he kupu ni na'e fili ia 'i he fili, kuo pau ke fakahā 'e he Fakamaau'anga 'oku ta'e'aonga 'a e fili 'a e kanititeiti pea kapau kuo 'osi nofo ia 'i hono sea 'i he Fale Alea kuo pau ke fakahifo ia mei hono sea 'e he Fale Alea.~~

## 23 — Ngaahi hia fakalukufua<sup>7</sup>

- (1) ~~'Oku fai ha hia 'e he taha kotoa 'oku —~~
- (a) ~~'I ha fa'ahinga founga pe 'oku kaunoa, ta'ofi, fakafaingata'a'ia'i, fakahoha'asi pe fakafiu 'i ha taha fili, pe 'oku 'i loto 'i he fai'anga fili pe 'i he lolotonga fononga atu 'a e taha fili ki he fai'anga fili, mo e taumu'a ke fakaloto'i 'a e taha fili pe ko hono fale 'i 'a e taha fili ki he 'ene fili;~~

- (b) — ‘I ha taimi pe ‘i he ‘aho fili pea kimu‘a ‘i he tapuni ‘a e fili, ‘i ha feitu‘u fakapule‘anga pe mei ha feitu‘u ‘oku ala fai ha mamata pe fanongo ki ai mei ha feitu‘u fakapule‘anga pe fai‘anga fili, ‘oku ne fai ha malanga fili ‘a ia ‘oku felave‘i tonu pe lave heliaki ki he fili;
- (c) — ‘I ha taimi pe ‘i he ‘aho fili kimu‘a pea tapuni ‘a e fili pe ‘i loto ‘i he houa ‘e 24 kimu‘a pea kamata ‘a e fili, ‘oku ne fai ha lea ‘oku felave‘i tonu pe lave helikai ki he fili, ‘o ngaue‘aki ha me‘a fakaongo le‘olahi pe naunau fakaongo lea ki he kakai pe naunau fakahele‘uhila pe naunau televisone, vitio pe fakaletio:  
Ka kuo pau ‘e ‘ikai ke fakangatangata ‘e he palakalafi ni ha fakamafola fakaletio pe televisone ‘oku fai ‘e ha fale fakamafola lea ‘o ha —
- (i) — fanongonongo fakapule‘anga ‘oku tuku atu ‘e he Supavaisa pe ko ha ‘Ofisa Fai Fili; pe
- (ii) — ongoongo ‘oku felave‘i mo ha fili;<sup>8</sup>
- (d) — ‘I ha taimi pe ‘i he ‘aho fili pea kimu‘a ‘i he tapuni ‘a e fili ‘oku ne tauhi ‘i ha feitu‘u fakapule‘anga pe ‘i ha feitu‘u ofi ki ha fai‘anga fili ha palepale fai‘anga faikava, teniti fakafiefia, pe ko ha me‘alele ‘a ia ko hono tefito‘i taumu‘a ko hono faka‘ali‘ali ha ngaahi tu‘uaki ki he fili ki he taumu‘a ke fakaloto‘i ‘a e taha fili ki he ‘ene fili;
- (e) — ‘I ha taimi pe ‘i he ‘aho fili pea kimu‘a ‘i he tapuni ‘a e fili, ‘i loto, pe ‘i he hu‘anga ki he, pe ‘i ha feitu‘u ofi ki ha fai‘anga fili —
- (i) — ‘oku ne ‘oange pe tu‘uaki ke ‘oatu ki ha taha ha fakamatala tohi pe lea ‘o ha hingoa pe fika ‘i he tohi fakakātoa faka‘osi pe tohi fakakātoa fakataimi ‘oku ngaue‘aki ‘i he fili;
- (ii) — ‘oku ne fakangofua pe tu‘uaki ke fakagofua ha taha ke ne vakai‘i ha tatau ‘o e tohi fakakātoa faka‘osi pe ‘o ha tohi fakakātoa fakataimi ‘oku ngaue‘aki ‘i he fili:  
Ka kuo pau ‘e ‘ikai ngaue‘aki ha me‘a ‘i he palakalafi ni ki he kau ‘Ofisa Fai Fili ‘i hono fakahoko ‘a honau ngaahi fatongia ‘i he Lao ni;
- (f) — ‘I ha fa‘ahinga taimi pe ‘aki ‘a e taumu‘a ke taki hala‘i pe kakaa‘i ‘a e kau fili ‘oku ne pulusi pe tufaki pe ‘oatu ki ha taha ha me‘a ko ha, pe ‘oku pehe ko ha fa‘ifa‘itaki tatau ‘o ha pepa paloti ke ngaue‘aki ‘i ha fili pea ‘oku fokotu‘u ki ai ‘a e ngaahi hingoa ‘o e kau kanititeiti pe ko e ni‘ihi ‘o kinautolu, pea fakataha mo ha fakahinohino pe ko ha faka‘ilonga‘i ‘o e kanititeiti ko ia ‘oku taau ke fili ai ha taha pe ‘i ha fa‘ahinga founa pe ‘oku fokotu‘u ai ‘a e fakahinohino pe faka‘ilonga‘i ko ia, pe ko hono fokotu‘u ‘i ai ha fa‘ahinga me‘a pe ‘e ngalingali te ne fakaloto‘i ha fili;<sup>9</sup>
- (g) — ‘I ha taimi pe ‘i he ‘aho fili pea kimu‘a ‘i hono tapuni ‘a e fili ‘oku ne faka‘ali‘ali ‘i ha feitu‘u fakapule‘anga pe feitu‘u ‘e ala fai ki ai ha

~~mamata mei ha feitu'u fakapule'anga, pe te ne pulusi, pe tufaki, pe fakamafola, —~~

~~(i) — ha fakamatala 'oku ne fale'i pe faka taumu'a pe ngalingali ke ne fakaloto'i ha taha fili ki he kanititeiti ke fili ai pe 'ikai fili ai; pe~~

~~(ii) — ha fakamatala 'oku ne fale'i pe faka taumu'a pe ngalingali ke ne fakaloto'i ha taha fili ke 'oua 'e fili; pe~~

~~(iii) — ha hingoa 'o ha kanititeiti, lau'i ta, pepa tu'uaki, faka'ilonga tu'uaki, kupu'i lea tu'uaki, pe faka'ilonga:~~

~~Ka kuo pau 'e 'ikai ngaue'aki 'a e palakalafi ni ki ha fakamatala, hingoa, lau'i ta, faka'ilonga tu'uaki, kupu'i lea tu'uaki pe faka'ilonga 'i ha nusipepa 'oku pulusi kimu'a 'i he 6 efiafi 'i he 'aho ko ia kimu'a 'i he 'aho fili:~~

~~Pea kuo pau 'e 'ikai fakangatanga 'e he palakalafi ni 'a hono fakamafola 'o ha hingoa 'o ha kanititeiti 'i ha ongoongo 'oku felave'i pea mo e fili 'a ia 'oku pulusi 'i ha nusipepa pe ko ha nusipepa fakataimi kehe pe 'i ha fakamafola fakaletio pe televisone:~~

~~Pea kuo pau 'e 'ikai ngaue'aki 'a e palakalafi ni ki ha hingoa, lau'i ta, pepa tu'uaki, faka'ilonga tu'uaki, kupu'i lea tu'uaki pe faka'ilonga, pe ko ha ngaahi me'a 'oku natula tatau mo ia, 'a ia 'oku tui pe faka'ali'ali 'e ha taha ('a ia 'oku 'ikai ko ha 'ofisa fai fili) 'i hono sino pe 'i ha me'alele 'a ia 'oku 'ikai ko ha me'alele 'oku lau ki ai 'a e palakalafi (d);~~

~~(h) — I ha taimi pe 'i he 'aho fili pea kimu'a 'i hono tapuni 'o e fili 'oku ne pulusi pe tufaki pe 'oatu ki ha taha ha lau'i kaati pe pepa (neongo pe ko ha pepa paloti fa'ifa'itaki tatau pe 'ikai) 'a ia 'oku fokotu'u ki ai 'a e ngaahi hingoa 'o e kau kanititeiti pe ko e ni'ihī 'o kinautolu;~~

~~(i) — 'Oku ne faka'ali'ali pe tuku 'i loto 'i ha loki fili ha lau'i kaati pe pepa 'a ia 'oku fokotu'u ki ai ha fakahinohino pe faka'ilonga pe 'e fefe ha fili 'a ha taha pe ko e founga 'o hono fai 'o e fili;~~

~~(j) — I ha fa'ahinga founga pe 'oku ne kaunoa, ta'ofi, fakafaingata'a'ia'i, fakahoha'asi, fakamanamana 'i pe fai ha anga ta'etaau ki ha 'ofisa 'oku ne ngaue ki he fili 'i loto pe 'i he feitu'u ofi ki ha feitu'u fai'anga fili.~~

~~(2) — Ko ha taukapo ia ki ha faka'ilo 'i ha hia 'i he kupu si'i (l)(g) 'o e kupu ni 'o felave'i mo hono faka'ali'ali, 'i ha feitu'u fakapule'anga pe ko ha feitu'u 'e ala fai ki ai ha mamata mei ha feitu'u fakapule'anga, 'o ha fakamatala, hingoa, lau'i ta, pepa tu'uaki, faka'ilonga tu'uaki, kupu'i lea tu'uaki pe faka'ilonga, 'o kapau 'e fakamo'oni'i 'e he faka'iloa —~~

~~(a) — ko e faka'ali'ali ko ia na'e 'ikai ke 'uhinga ia ke fakahoko; pea~~

~~(b) — na'e ta'ofi 'e he faka'iloa ke toe hoko atu 'a e faka'ali'ali ko ia 'i he hili pe ko ia 'a hono fakahā 'e he Supavaisa, pe ko ha 'Ofisa Fai Fili pe ko ha 'Ofisa Polisi ki he faka'iloa 'a hono fai ko ia 'o e faka'ali'ali.~~

- (3) — ~~I he kupu ni ‘oku ma‘u ‘e he “feitu‘u faka-pule‘anga” ‘a e ‘uhinga tatau mo ia ‘i he kupu 2 ‘o e Lao ki he Tauhi ‘o e Maau ‘i he ngaahi Feitu‘u Faka-Pule‘anga.<sup>10</sup>~~
- (4) — ~~Kuo pau ‘e ‘ikai ha me‘a ‘i he kupu ni ‘e ngaue‘aki ki ha fa‘ahinga fakamatala faka-pule‘anga pe fanongonongo ‘oku fai pe faka‘ali‘ali ‘i ha mafai-kuo foaki ‘i he Lao ni.~~
- (5) — ~~‘O ka ‘i ai ha ‘ofisa polisi ‘oku ‘i ai ha ‘uhinga fakapotopoto ke ne tui ai kuo fai ‘e ha taha ha hia ‘i he kupu si‘i (1) ‘e ngofua ke ne puke, ka ‘e fakatatau ki he kupu si‘i (2) ‘o e kupu ni, ‘a e tokotaha fai hia kuo tukuaki ‘i ta‘e ‘i ai ha tohi puke.~~
- (6) — ~~Ko ha taha ‘oku halaia ‘i ha hia ‘i he kupu ni ‘e ala mo‘ua ia ki ha mo‘ua pa‘anga ‘oku ‘ikai laka hake ‘i he \$3,000 pe ki he nofo popula ki ha taimi ‘oku ‘ikai laka hake ‘i he ta‘u ‘e taha pe ki he mo‘ua pa‘anga pea mo e nofo popula fakatou‘osi.<sup>11</sup>~~

### **23A — Ngaahi fatongia ‘o e kau ‘Ofisa Fai Fili<sup>12</sup>**

- (1) — ~~Ko e ‘ofisa fai fili kotoa pe kuo fokotu‘u koe‘uhi ko e ngaahi taumu‘a ‘o e Lao ni kuo pau ke ne ngaue‘aki pe tuku atu ha fakamatala kuo ne ma‘u ‘i hono fatongia ko ia ‘o fakatatau māte pe ki hono fatongia kuo fakamafai‘i.~~
- (2) — ~~Kuo pau ‘e ‘ikai ke ‘i ai ha ‘ofisa fai fili, tukukehe ka ‘i ai ha ngaahi taumu‘a ‘oku fakamafai‘i ‘e ha lao, te ne —~~
- (a) — ~~kaunoa pe feinga ke kaunoa ‘i ha taha fili ‘i he ‘ene faka‘ilonga‘i ‘a ‘ene fili;~~
- (b) — ~~feinga ke ma‘u ‘i he feitu‘u ‘o e fai‘anga fili ha fakamatala ki he kanititeiti ‘a ia ‘oku ‘amanaki ke fili ki ai pe kuo fili ki ai ha taha fili;~~
- (c) — ~~tuku atu ‘i ha taimi pe ki ha taha ha fakamatala kuo ma‘u mei ha feitu‘u fai‘anga fili felave‘i mo ha kanititeiti ‘oku ‘amanaki ke fili ki ai pe kuo fili ki ai ha taha fili, pe ki he fika ‘oku ‘i he pepa paloti ‘oku ‘oatu ki ha taha fili.~~
- (3) — ~~Ko e ‘ofisa fai fili kotoa pe kuo pau ke nau tauhi pea ke nau tokoni ki hono tauhi ‘a e fakapulipuli ‘o e ngaahi fili, pea kuo pau ‘e ‘ikai ke nau tuku atu ha fakamatala kuo ma‘u ‘i hono lau ko ia ‘o e fili felave‘i mo ha kanititeiti ‘a ia kuo fai ki ai ha fili ‘i ha fo‘i pepa paloti.~~
- (4) — ~~Kuo pau ‘e ‘ikai ke ‘i ai ha ‘ofisa fai fili te ne fakaloto‘i, fakahāngatonu pe ‘i ha founga heliaki, ha taha fili ke ne fakahā ‘a ‘ene pepa paloti ‘i he hili ‘a hono faka‘ilonga‘i, koe‘uhi ke ‘ilo ‘e ha taha ‘a e hingoa ‘o ha kanititeiti kuo ne fili ki ai pe kuo ‘ikai ke ne fili ki ai.~~
- (5) — ~~Ko e taha kotoa ‘oku ne maumau‘i ‘a e ngaahi tu‘utu‘uni ‘a e kupu ni ‘oku halaia ia ‘i ha hia pea ‘e ala mo‘ua ki ha mo‘ua pa‘anga ‘oku ‘ikai laka hake~~

~~'i he \$15,000 pe ki he nofo popula ki ha taimi 'oku 'ikai laka hake 'i he mahina 'e 18 pe ki he mo'ua pa'anga pea mo e nofo popula fakatou osi.<sup>13</sup>~~

## **24 — Ngaahi fakamole 'i he fili 'oku fakangofua**

- ~~(1) — 'Oku 'ikai ngofua ki ha kanititeiti 'i ha kemipeini fili ke ne fakamole 'o laka hake 'i he \$20,000.<sup>14</sup> ———~~
- ~~(2) — Kae 'ikai ke kau kovi ki he fakakātoa 'o e kupu si'i (1), 'oku lava 'o lau 'a e ngaahi totongi pa'anga ko eni ko e fakamole ia 'i ha kemipeini fili kapau 'oku 'ikai fepaki mo e kupu 21 —~~
  - ~~(a) — ha me'a'ofa 'oku fai 'i he loto mahina 'e 6 mei ha fili, 'e ha kanititeiti pe ko e 'uhi ko ia;~~
  - ~~(b) — ko e fakamole 'o ha fakafiefia (kau ai 'a e me'akai, inu pe 'oho) kuo totongi 'e he pe ko e 'uhi ko ha kanititeiti, 'i he loto mahina 'e 6 mei ha fili;~~
  - ~~(c) — ngaahi fakamole 'o e fononga pe uta holo 'oku totongi 'e he pe koe 'uhi ko ha kanititeiti, ke lava ai 'a e kakai ke fononga ki ha fai'anga fili.~~
- ~~(3) — Koe'uhi ko e ngaahi taumu'a 'o e kupu ni ko ha fo'i pa'anga kuo ngaue'aki 'e ha kanititeiti ki he ngaahi fakamole faka'eia pe 'a'ana pe ko ia 'oku kau ki hono mali, ongo matu'a, fanga kui, fanga mokopuna, fanga tuonga'ane mo e fanga tuofafine 'o e ongo matu'a mo e kau tamai taha mo e kau fa'e taha, ongo matu'a 'a e mali, fanga tuonga'ane mo e fanga tuofafine mo e kau tamai taha mo e kau fa'e taha pe ko 'enau fanau pe ko e fanga tuonga'ane mo e fanga tuofafine mo e kau tamai taha mo e kau fa'e taha 'o hono mali pe ko 'enau fanau, pe fekau'aki mo ha siasi pe ki ha ngaue'ofa, kuo pau ke ta'e lau ia.~~
- ~~(4) — 'I loto 'i he 'aho 'e 14 'i he hili ha fili, kuo pau ke 'oatu ki he Supavaisa 'e he kanititeiti kotoa ha fakamatala kuo fakamo'oni hingoa ki ai, 'o 'ene ngaahi fakamole 'i he fili 'i he Foomu 7 'o e Tepile, 'a ia kuo fakafa'afa'ahinga pea kakato 'i he ngaahi me'a kotoa.<sup>15</sup>~~
- ~~(5) — Ko e hia ia ki ha kanititeiti ke ne fakamole 'i ha kemipeini fili 'o laka hake 'i he pa'anga 'e \$20,000 pe ko e 'ikai lava ke 'oatu 'a e fakamatala 'oku lave ki ai 'i he kupu si'i (4) pe ke 'oatu ha fakamatala loi, pea ko ha taha 'e 'ilo 'oku halaia kuo pau ke mo'ua ia ki ha tautea pa'anga 'o 'ikai laka hake 'i he \$10,000.<sup>16</sup>~~
- ~~(6) — Kapau ko ha taha kuo mo'ua ia 'i he kupusi'i (5) na'e fili ia 'i he fili, pea kapau 'oku pehē 'e he Fakamaau'anga ko e anga 'o e ngaahi me'a na'e hoko 'i he hia 'oku lahi fe'unga, 'oku ngofua ki he fakamaau'anga ke ne fakahā 'oku ta'e'aonga 'a e fili 'a e kanititeiti pea kapau kuo 'osi nofo ia 'i hono sea 'i he Fale Alea kuo pau ke fakahifo ia mei hono sea 'e he Fale Alea.~~

## **KONGA V — NGA AHI KOLE TU'UNGA 'I HE FILI**

**25—Founga ‘o hono fakafehu‘i, kau ki he fili**

- (1) — Kuo pau ‘e ‘ikai ha fili pea ‘e ‘ikai ha fakahā ‘o e fili ‘e fai hano fehu‘ia tuku kehe ka fai ‘aki ha kole ‘o launga ko ha fili ta‘efakalao pe fakahā ta‘efakalao (‘i he Lao ni ‘oku lau ki ai ko e kole tu‘unga ‘i he fili) kuo ‘oatu ‘o fakatatau mo e Konga ko eni ‘o e Lao ni.
- (2) — Ko ha kole ‘o launga ‘i he ‘ikai ha fakahā kuo pau ke lau ia ko ha kole tu‘unga ‘i he fili pea ‘oku ngofua ki he Fakamaau‘anga Lahi ke ne fai ha tu‘utu‘uni ki ai ‘o hangē ko ia ‘oku pehē ‘e he Fakamaau‘anga ‘oku ‘aonga ke fakamalohi‘i ‘a hono fai ‘o ha fakahā pe ko hono fakangofua ke fakamaau‘i ‘a e kole ‘o hange ko ia kuo tu‘utu‘uni fekau‘aki mo e ngaahi kole tu‘unga ‘i he fili maheni.

**26—Ngaahi kole tu‘unga ‘i he fili**

- (1) — ‘Oku ngofua ke tuku atu ki he Fakamaau‘anga Lahi ha kole tu‘unga ‘i he fili ‘e ha taha pe lahi ange ‘o e kakai ko eni—
  - (a) — ko ha taha na‘e fili pe na‘e ‘i ai ha‘ane totonu ke fili ‘i he fili;
  - (b) — ko ha taha ‘oku ne pehē na‘e ‘i ai ‘ene totonu ke fili ‘i ia pe fili ‘i he fili;
  - (c) — ko ha taha ‘oku ne taukave‘i na‘e kanititeiti ia ‘i he fili.
- (2) — Ko e memipa ko hono fili pe ola ‘oku launga ‘i kuo pau ko e faka‘iloa ia ki he kole, pea kapau ‘oku launga ‘a e kole ki he anga ‘o ha ‘ofisa ko e Sea ‘o e Komisoni Fili kuo pau ke faka‘ilo foki mo ia.<sup>17</sup>
- (3) — Ko e kole kuo pau ke ‘i he Foomu ko ia pea ke ne fakahā ‘a e ngaahi me‘a ko ia ‘a ia ‘oku tu‘utu‘uni ‘e he ngaahi tu‘utu‘uni ‘o e Fakamaau‘anga, pea ke fakamo‘oni hingoa ki ai ‘a e taha talatalaaki pe katoa ‘o e kau talatalaaki kapau ‘oku laka hake ‘i he taha.
- (4) — Kuo pau ke tuku atu ‘e he talatalaaki ‘a ‘ene kole ‘aki hano fakahū atu ia ki he ‘ofisi ‘o e Fakamaau‘anga Lahi ‘i Nuku‘alofa, pea kuo pau ke ne tufa ha tatau ‘o ia ki he faka‘iloa takitaha ki ai.
- (5) — Kuo pau ke tufa ‘a e kole ki he taha totonu, pe ‘i ha toe founga ange ‘e taha ‘a ia ‘e tu‘utu‘uni ‘e he ngaahi tu‘utu‘uni ‘a e Fakamaau‘anga.

**27—Taimi ki hono tuku atu ‘o e kole tu‘unga ‘i he fili**

- (1) — Fakatatau ki he ngaahi tu‘utu‘uni ‘o e kupu ni, ko ha kole tu‘unga ‘i he fili kuo pau ke tuku atu ia ‘i he loto ‘aho ‘e 28 hili ‘a e ‘aho na‘e fakahā ai ‘a e ola ‘o e fili.

(2) — Kapau ‘oku talafili ‘a e kole ki he fili pe ko e ola ‘i he funga ‘o ha tukuaki ‘i ‘o e totongi ke fakaloto ‘i pea ‘oku tautefito ‘ene tukuaki ‘i ki ha totongi pa‘anga pe fakapale kehe na ‘e fai ‘e he memipa pe koe‘uhi ko ia pe ‘aki ‘ene ‘ilo mo hono loto ki ai talu mei he ‘aho ‘o e fakahā ‘o e fili ‘o fakatatau ki he pe fakalahi ‘o e totongi ke fakaloto ‘i ‘oku tukuaki ‘i, ‘e ngofua ke tuku atu ‘i he loto ‘i he aho ‘e 28 hili ‘a e ‘aho ‘o e totongi pa‘anga.

(3) — Koe‘uhi ko e ngaahi kaveinga ‘o e kupu ni ko ha tukuaki ‘i ‘o pehē ‘oku fakata‘e‘aonga ‘i ‘a e fili ‘i he kupu 33 ‘o e Lao ni kuo pau ke lau ko e tukuaki ‘i ia ‘o e totongi ke fakaloto ‘i, neongo ko e ngaahi hia ‘oku tukuaki ‘i ‘oku pe ‘oku kau ai ‘a e ngaahi hia kehe mei he totongi ke fakaloto ‘i.

### 28 — Laka ‘i he kole ‘e taha ‘oku kau ki ha fili

Ka lahi hake ‘i he taha ‘a e ngaahi kole ‘oku tuku atu ‘o kau ki he fili tatau pe pe ola, ko e katoa ‘o e ngaahi kole ko ia kuo pau ke fakamaau ‘i ko e kole ‘e taha.

### 29 — Ngaahi Tu‘utu‘uni ‘o e Fakamaau‘anga

‘Oku ngofua ki he Tu‘i Fakamaau Lahi ke ne fa‘u ha ngaahi Tu‘utu‘uni ‘o e Fakamaau‘anga ‘o kau ki he ngaahi kole tu‘unga ‘i he fili.

### 30 — Fakamaau‘anga mo e feitu‘u ‘o e fakamaau

Ko e kole tu‘unga ‘i he fili kotoa pe kuo pau ke fakamaau ‘i ‘e he Fakamaau‘anga Lahi ‘i he fetu‘u ko ia ‘e tu‘utu‘uni ‘e he Tu‘i Fakamaau Lahi.

### 31 — Fakamaau ‘i ‘o e kole

(1) — Ko ha kole tu‘unga ‘i he fili kuo pau ke fakamaau ‘i ia ‘i he Fakamaau‘anga fakahāha, pea ko e fanongonongo ‘o e taimi mo e feitu‘u ‘e fai ai ‘a e fakamaau kuo pau ke ‘oatu ia ‘o ‘ikai ke si‘i hifo ‘i he ‘aho ‘e 14 ki mu‘a ‘i he ‘aho ‘o e fakamaau.

(2) — ‘Oku ngofua ki he Fakamaau‘anga ‘i he ‘ene fakakaukau fakapotopoto ke toloi ‘a e fakamaau mei he ‘aho ki he ‘aho, ka ko e fakamaau kuo pau, ki he ngata‘anga ‘e lava fai ke hohoa tatau mo e ngaahi lelei ‘o e totonu fekau‘aki mo e fakamaau, ke hokohoko mei he ‘aho ki he ‘aho ‘i he aho fakalao kotoa pe kae‘oua kuo a‘u ki he ‘ene ‘osi.

(3) — Ko e fakamaau ‘i ‘o ha kole tu‘unga ‘i he fili kuo pau ke fai ia neongo nai kuo fakata‘e‘aonga ‘i ‘a e faka‘iloa ko ha memipa ‘o e Fale Alea, pe kuo tutuku ‘a e Fale Alea ia.

(4) — Fakatatau ki he Lao ni, kuo pau ke ma‘u ‘e he Fakamaau‘anga ‘a e mafai fakafakamaau ke faka‘eke‘eke ki he pea fakamaau ‘i ha me‘a ‘oku kau ki he



~~kole 'i ha founga 'oku ne pehē 'oku fe'unga, pea tautefito 'i ha taimi lolotonga 'a e fakamaau 'e ngofua ke ne tu'utu'uni ke toe lau pe sivi 'a e ngaahi fili na'e fai 'i he fili.~~

- (5) ~~'I ha fakamaau 'i 'o ha kole tu'unga 'i he fili 'o launga 'i 'o ha fakahā fili ta'e fakalao mo 'eke ha sea ki ha taha, 'oku ngofua ke fakamatala fakamo'oni 'a e faka'iloa ke fakamo'oni 'i na'e 'ikai ke fili 'i totonu 'a e taha ko ia 'i he founga tatau pe, 'o hange ko ha'ane tuku atu ha kole tu'unga 'i he fili 'o e taha ko ia.~~

### **32 — Fakata'e'aonga'i 'o e fili 'o e kanititeiti**

- (1) ~~Ka 'i ai ha kanititeiti kuo fili 'i 'i ha fili 'oku fakamo'oni 'i 'o fiemalie ki ai 'a e Fakamaau'anga 'i he fakamaau 'i 'o ha kole tu'unga he tangi 'i he fili kuo ne halaia ki ha hia 'i he kupu 21, 22 pe 24 'i he fili, ko e fakamaau'anga kuo pau (kapau ko e hia ki he kupu 24 'oku ne pehe ko e anga 'o e ngaahi me'a 'o e hia 'oku lahi fe'unga), ke ne fakahā 'i ko e fili 'o e kanititeiti ko ia 'oku ta'e'aonga pea kapau kuo ne 'osi nofo 'i hono sea 'i he Fale Alea kuo pau ke fakahifo ia 'e he Fale Alea.~~
- (2) ~~Kuo pau 'e 'ikai ha me'a 'i he kupusi 'i (1) te ne ta'ofi hono faka'ilo 'o ha taha 'aki ha hia 'i he kupu 21, 22 pe 24.~~

### **33 — Fakata'e'aonga'i 'o e fili koe'uhi ko e kaka fakalukufua**

- (1) ~~Kapau 'oku fakamatala 'e he Fakamaau'anga Lahi 'i ha hopo 'i ha kole tu'unga 'i he fili 'o pehē ko ha ngaahi anga fai kakaa pe ta'e fakalao kuo fai fekau'aki mo e fili ko e 'uhi ko e taumu'a ki hono fakalaka ki mu'a pe ki hono ma'u 'o e fili 'a ha kanititeiti 'i ai kuo fu'u lahi 'aupito 'ene hoko pea 'e fakapotopoto pe ka fai ha mahalo kuo nau uesia 'a e ola, ko hono fili kapau kuo fili ia, kuo pau ke ta'e'aonga ia pea kapau kuo ne 'osi nofo 'i hono sea 'i he Fale Alea kuo pau ke fakahifo ia mei ai 'e he Fale Alea.~~
- (2) ~~Tukukehe 'a ia 'i he kupu ni, kuo pau 'e 'ikai malava ke fakata'e'aonga 'i ha fili 'aki 'a e 'uhinga ko e lahi fakalukufua 'o e ngaahi anga kaka mo ta'efakalao.~~

### **34 — Ngaahi fili ke tamate'i koe'uhi ko e totongi ke fakaloto'i etc**

~~Ka 'i ai ha fakamaau 'i 'o ha kole tu'unga 'i he fili 'o eke 'i ha sea ki ha taha, ko ha kanititeiti 'oku fakahā 'e he Fakamaau'anga Lahi kuo fakamo'oni 'oku halaia ki ha hia 'i he kupu 21 pe 22 'o kau ki ha taha na'e fili 'i he fili, kuo pau 'i hano sivi fakaikiiki ke tamate'i ia mei he fika 'o e ngaahi fili 'oku ha mai na'e ma'u 'e he kanititeiti fo 'i fili 'e taha ki he tokotaha kotoa pe na'e fili 'i he fili pea 'oku fakahā 'o pehe kuo fakamo'oni 'i na'e totongi ke fakaloto 'i pehe pe fakamana 'i.~~

### 35— Totonu mo'oni ke tauhi

~~'I hono fakamaau'i 'o ha kole tu'unga 'i he fili—~~

- ~~(a) — kuo pau ke tataki 'e he Fakamaau'anga 'aki 'a e totonu 'o e 'uhinga mo e totonu 'o e hopo 'o 'ikai ha tokanga ki he ngaahi fotunga fakalao pe ngaahi 'uhinga lao;~~
- ~~(b) — 'oku ngofua ke tali 'e he Fakamaau'anga 'a e ngaahi fakamo'oni ko ia 'a ia 'oku pehe 'e he'ene fakakaukau 'e tokoni kiate ia 'i hono fakakaukau'i fakapotopoto'i 'o e hopo, neongo 'e ikai nai ke tali 'a e fakamo'oni 'i he Fakamaau'anga Lahi.~~

### 36— Ngaahi Fetokaki 'e 'ikai ta'e'aonga ai 'a e fili

~~Kuo pau 'e 'ikai ha fili 'e fakahā 'oku ta'efakalao 'a e 'uhinga ko e—~~

- ~~(a) — ko ha 'ikai ke fai ki he ngaahi taimi kuo tu'utu'uni ki hono fai 'o ha ngaue; pe~~
- ~~(b) — ko hano tuku ta'e fai pe fetokaki 'i hono fakafonu ha Foomu kuo tu'utu'uni he Lao ni pe 'e he ngaahi tu'utu'uni kuo fai ki ai; pe~~
- ~~(c) — ko ha tō nounou pe ta'ekakato 'i hono fokotu'u 'o ha 'ofisa pe taha faisivi; pe~~
- ~~(d) — ko ha mama'o pe hala pe tuku ta'e fai pe maumau'i 'o ha fatongia 'e ha 'ofisa, pe kimu'a, lolotonga pe hili 'a e fili.~~

~~kapau 'oku fiemalie 'a e Fakamaau'anga na'e fai 'a e fili 'o fakalao 'o hange ko e lao ki he fili, pea ko e 'ikai ke lava, tuku ta'e fai, fetokaki, fusimo'omo, ta'ekakato, mama'o, hala, pe maumau'i 'o e lao na'e 'ikai ke ne uesia 'e ia 'a e ola 'o e fili.~~

### 37— Tohi fakamo'oni 'a e Fakamaau'anga kau ki he ola 'o e fili

~~'I he 'osi 'o e fakamaau'i 'o ha kole tu'unga 'i he fili kuo pau ke tu'utu'uni faka'osi 'e he Fakamaau'anga pe ko e memipa ko hono fili pe fili e 'oku fai ai 'a e launga, pe ko ha ni'ihī pea ko e ha ha toe taha, na'e fili'i totonu pe fili, pe na'e ta'e'aonga 'a e fili, pea kuo pau ke ne fakamo'oni'i leva 'i he tohinima 'a e tu'utu'uni faka'osi ki he Sea.~~

### 38— Ngaahi totongi 'o e kole

~~Ko e totongi kotoa pe 'o e pea fekau'aki mo e tuku atu 'o ha kole tu'unga 'i he fili, pea mo e ngaahi hopo kau ki ai, tuku kehe ha ngaahi me'a 'e tu'utu'uni kehekehe ki ai 'a e Lao ni, kuo pau ke totongi ia 'e he ngaahi fa'ahi ki he kole 'i he founga ko ia pea 'i he fakahoa tatau 'a ia 'e fakapapau'i 'e he Fakamaau'anga Lahi; pea tautefito ki ha ngaahi totongi 'a ia 'i he fakakaukau 'a e Fakamaau'anga kuo~~

fakatupu 'e he anga fakatupu loto mamahi, ngaahi tukuaki 'i ta'e hano mo'oni, pe fakafepaki ta'e hano mo'oni 'i he tafa'aki 'a e talatalaaki pe faka'iloa, pea mo ha ngaahi fakamole noa ne hoko pe fakatupu 'i he tafa'aki 'a e talatalaaki pe faka'iloa, 'e ngofua ke tu'utu'uni ke totongi ia 'e he ngaahi fa'ahi na'a nau fakatupu pe fakahoko, 'o tatau ai pe pe ko e ngaahi fa'ahi ko ia 'i hono fakakātoa 'oku nau malohi pe 'ikai.


### 39—Ngaahi totongi ke fai 'e he kakai halaia

- (1) — I ha fakamaau 'i 'o ha kole tu'unga 'i he fili 'oku ha mai ki he Fakamaau'anga kuo 'i ai ha taha kuo halaia ki ha hia 'i he kupu 21, 22 pe 24 'oku ngofua ki he Fakamaau'anga, hili hano 'oatu ki he taha ko ia ha faingamalie ke fai ha'ane fakamatala ke fakahā ko e ha ha 'uhinga 'e 'ikai totonu ai ke fai 'a e tu'utu'uni, tu'utu'uni ki hono kotoa pe ha kongā 'o e ngaahi totongi 'o e pe kau ki ha hopo 'i he 'ao 'o e Fakamaau'anga 'o kau ki he hia ko ia pe ki he taha ko ia ke totongi 'e he taha ko ia ki he taha kehe pehē pe kakai 'o hange ko ia 'e pehē 'e he Fakamaau'anga 'oku fe'unga.
- (2) — Ko e katoa 'o e ngaahi totongi ko ia kuo tu'utu'uni ke totongi 'oku ngofua ke 'eke 'i ia ko ha mo'ua 'o e taha ko ia 'a ia 'oku nau tu'utu'uni ke ne totongi ki he taha pe kakai 'a ia 'oku tu'utu'uni ke totongi ki ai.

### 40—Fakata'e'aonga'i

Ko ha taha kuo fakahifo mei hono sea, pe ko hono fili ia kuo fakahā kuo ta'e'aonga 'i he Lao ni, kuo pau 'e 'ikai ngofua ke fokotu'u ia ko ha kanititeiti 'i ha fili 'oku fai 'i loto 'i he ta'u 'e 5 mei he 'aho na'e tu'utu'uni ai ke fakahifo ia mei hono sea pe ko e fakahā ko ia 'oku ta'e'aonga 'a hono fili ia.

Ka kuo pau ko ha taha kuo fakahifo ia mei hono sea, pe ko hono fili ia kuo fakahā 'oku ta'e'aonga koe'uhi na'e 'ikai ke ngofua ke ne hoko ko ha kanititeiti, 'e 'ikai ngofua ke fokotu'u ia ko ha kanititeiti 'i ha fa'ahinga fili pe 'a ia 'oku fiema'u ke fai koe'uhi ko hono fakahifo ia mei hono sea pe ko hono fakahā 'oku ta'e'aonga 'a hono fili ia.

  
Hon. Samiu Kuita Vaipula  
Minisita Lao mo e Pilisone



<sup>1</sup> Fakatonutonu 'e he Ngaahi Lao 13 'o e 2010 mo e 46 'o e 2010

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- <sup>2</sup> Fakatonutonu 'e he Lao 6 'o e 2020.
- <sup>3</sup> Fakatonutonu 'e he Ngaahi Lao 15 'o e 1992 mo e 13 'o e 2010
- <sup>4</sup> Fakahū 'e he Lao 15 'o e 1992
- <sup>5</sup> Fakatonutonu 'e he Lao 13 'o e 2010
- <sup>6</sup> Fakatonutonu 'e he Lao 13 'o e 2010
- <sup>7</sup> Fetongi 'e he Lao 15 'o e 1992
- <sup>8</sup> Fakatonutonu 'e he Lao 13 'o e 2010
- <sup>9</sup> Fakatonutonu 'e he Lao 46 'o e 2010
- <sup>10</sup> Vahe 20.15
- <sup>11</sup> Fakatonutonu 'e he Lao 13 'o e 2010
- <sup>12</sup> Fakahū 'e he Lao 15 'o e 1992
- <sup>13</sup> Fakatonutoni 'e he Lao 6 'o e 2020
- <sup>14</sup> Fakatonutonu 'e he Lao 6 'o e 2020.
- <sup>15</sup> Fetongi 'e he Lao 15 'o e 1992 pea Fakatonutonu 'e he Lao 13 'o e 2010
- <sup>16</sup> Fetongi 'e he Lao 6 'o e 2020.
- <sup>17</sup> Fakatonutonu 'e he Lao 13 'o e 2010



Ch-13/2023.



Tonga

**ELECTORAL (AMENDMENT) (NO.4) BILL  
2023**





## ELECTORAL (AMENDMENT) (NO.4) BILL 2023

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## **ELECTORAL (AMENDMENT) (NO.4) BILL 2023**

### **A BILL FOR AN ACT TO REPEAL PART IV, PART V AND SECTION 40 OF THE ELECTORAL ACT [CAP 2.03]**

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

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#### **1 Short Title and Interpretation**

- (1) This Act may be cited as the Electoral (Amendment) (No.4) Act 2023.
- (2) In this Act, the Electoral Act [Cap 2.03], as amended, shall be referred to as the “Principal Act”.

#### **2 Part IV repealed**

Part IV of the Principal Act is hereby repealed.

#### **3 Part V repealed**

Part V of the Principal Act is hereby repealed.

**4 Section 40 repealed**

Section 40 of the Principal Act is hereby repealed.

**5 Schedule amended**

The Schedule is amended by repealing Form 7 of the Principal Act.

Passed by the Legislative Assembly on this      day of      2023.

## EXPLANATORY NOTES

(These notes do not form part of the Bill and are only intended to explain its scope and purpose)

This main purpose of this amendment to the Electoral Act [Cap 2.03] is to repeal all the sections referring to electoral offences. The repealed sections include the following –

- **Part IV – Election Offences**

- Section 19 – False impersonation
- Section 20 – False information
- Section 21 – Bribery
- Section 22 – Threats etc.
- Section 23 – General offences
- Section 23A – Duties of returning officers
- Section 24 – Permitted election expenses

- **Part V – Election Petitions**

- Section 25 – Method of questioning election
- Section 26 – Election petitions
- Section 27 – Time for presentation of election petition
- Section 28 – More than one petition relating to same election
- Section 29 – Rules of Court
- Section 30 – Court and place of trial
- Section 31 – Trial of petition
- Section 32 – Avoidance of election of candidate
- Section 33 – Avoidance of election for general corruption
- Section 34 – Votes to be struck off for bribery etc.
- Section 35 – Real justice to be observed
- Section 36 – Irregularities not to validate election
- Section 37 – Certificate of Court as to result of election
- Section 38 – Costs of petition
- Section 39 – Costs payable by guilty persons

- Section 40 – Disqualification

This is to reflect the introduction of a new Electoral Offences Bill 2023 which will contain all the sections referring to electoral offences.

The amendments are seen below –

#### ~~PART IV – ELECTION OFFENCES~~

##### ~~19 – False impersonation~~

- ~~(1) – Every person who does or who aids, counsels, or procures the doing of –~~
- ~~(a) – voting as some other person, whether that person is living or dead or is a fictitious person; or~~
  - ~~(b) – voting more than once at any election, whether in the same electoral constituency or another, is guilty of the offence of false impersonation and is liable to a fine not exceeding \$5,000 or to imprisonment for any period not exceeding 2 years, or to both such fine and imprisonment.<sup>1</sup>~~
- ~~(2) – It is the duty of the Supervisor to report the occurrence of any possible offence under this section to the Attorney General who, if he is satisfied that there are reasonable grounds, shall prosecute the alleged offender.~~

##### ~~20 – False information~~

- ~~(1) – Every person who wilfully gives false or misleading information to the Supervisor, a returning officer, or any other electoral officer, whether under oath or in writing or orally, for the purpose of the compilation of the roll or to affect the eligibility of any person to vote or to be a candidate, is guilty of the offence of giving false information and is liable to a fine not exceeding \$3,000 or to imprisonment for any period not exceeding 1 year or to both such fine and imprisonment.<sup>2</sup>~~
- ~~(2) – It is the duty of the Supervisor to report the occurrence of any possible offence under this section to the Attorney General who, if he is satisfied that there are reasonable grounds, shall prosecute the alleged offender.~~
- ~~(3) – If any candidate is convicted of an offence under this section, whether before or after the relevant election, and he is elected as a representative at that election, the Court shall declare the election of that representative to be void and if he has already taken his seat in the Legislative Assembly, he shall be unseated by the Assembly.<sup>3</sup>~~

##### ~~21 – Bribery~~

- ~~(1) – Every person commits the offence of bribery who, directly or indirectly, by himself or by any other person on his behalf –~~
- ~~(a) – gives any money or valuable gift to or for any elector; or to or for any other person on behalf of any elector or to or for any other person, in order to induce any elector to vote or refrain from voting; or~~
  - ~~(b) – corruptly does any act as aforesaid on account of any elector having voted or refrained from voting; or~~

- ~~(c) — gives any money or valuable gift as aforesaid to or for any person in order to induce that person corruptly to procure, or to try to procure, the return of any person at an election or the vote of any elector; or~~
- ~~(d) — in consequence of any such gift as aforesaid, procures, or engages, promises or tries to procure, the return of any person at any election or the vote of any elector; or~~
- ~~(e) — advances or pays or causes to be paid any money to or to the use of any other person with the intent that money or any part thereof shall be expended in bribery at any election; or~~
- ~~(f) — knowingly pays or causes to be paid any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any election; or~~
- ~~(g) — receives before or after an election, or agrees or contracts for any money or valuable gift for himself or any other person for voting or agreeing to vote or refraining or agreeing to refrain from voting or inducing any other person to so vote or refrain from voting.~~

~~(2) — In this section, a reference to giving money or valuable gift includes a reference to giving, lending, agreeing to give or lend, offering, promising or promising to procure or try to procure, any money or valuable gift.~~

~~(3) — For the purposes of this section, any money or valuable gift given or offered or agreed to be given (in the absence of good consideration) to any person (except a person named in section 24(3)) within 3 months of any election by or on behalf of a candidate, shall be deemed to have been given or offered or agreed to be given for the purpose of influencing the vote, unless the contrary be proved.~~

~~(4) — Every person who commits bribery is guilty of an offence and is liable to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 3 years, or to both such fine and imprisonment.<sup>4</sup>~~

~~(5) — If any candidate is convicted of bribery, whether before or after the relevant election, and he is elected as a representative at that election, the Court shall declare the election of that representative to be void and if he has already taken his seat in the Legislative Assembly, he shall be unseated by the Assembly.~~

~~(6) — Any person who believes that an offence under this section has been committed, may report the circumstances to the Supervisor who shall —~~

~~(a) — immediately call upon the alleged offender for an explanation;~~

~~(b) — investigate the complaint;~~

~~(c) — if satisfied that there are good grounds for complaint, notify the Attorney General who shall, if he considers that there are good grounds, prosecute the alleged offender.~~

~~22 — Threats etc.~~

- ~~(1) It is an offence to threaten in any way the person, family or property of any elector in an attempt to influence the elector's vote at an election or in an attempt to induce him to vote or refrain from voting.~~
- ~~(2) A person guilty of an offence against this section is liable to a fine not exceeding \$5,000 or to imprisonment for any period not exceeding 3 years or to both such fine and imprisonment.<sup>5</sup>~~
- ~~(3) If a person convicted under this section was elected at the election, the Court shall declare the candidate's election to be void and if he has already taken his seat in the Legislative Assembly he shall be unseated by the Assembly.~~

### ~~23 General offences 6~~

- ~~(1) Every person commits an offence who —~~
- ~~(a) In any way interferes with, hinders, obstructs, annoys or pesters any elector, either in the polling station or while the elector is on the way to the polling station, with the intention of influencing the elector or advising the elector as to the elector's vote;~~
- ~~(b) At any time on polling day before the close of the poll in or in view or hearing of any public place or polling station makes a speech having direct or indirect reference to the poll;~~
- ~~(c) At any time on polling day before the close of the poll or within 24 hours before the start of the poll makes any statement having direct or indirect reference to the poll by means of any loudspeaker or public address apparatus or cinematograph or television, video or radio apparatus:~~
- ~~Provided that this paragraph shall not restrict the publication by radio or television broadcast made by a broadcasting station of —~~
- ~~(i) any public notice placed by the Supervisor or a Returning Officer; or~~
- ~~(ii) any news in relation to an election;<sup>7</sup>~~
- ~~(d) At any time on polling day before the close of the poll maintains in any public place or in the vicinity of a polling station a kava booth, entertainment tent, or a vehicle whose primary purpose is to exhibit election campaign displays, for the purpose of influencing the elector as to the elector's vote;~~
- ~~(e) At any time on polling day before the close of the poll, within, or at the entrance to, or in the vicinity of any polling station —~~
- ~~(i) gives or offers to give any person any written or oral information as to any name or number on the final roll or any provisional roll being used at the election;~~
- ~~(ii) permits or offers to permit any person to examine any copy of the final roll or any provisional roll being used at the election:~~

~~Provided that nothing in this paragraph shall apply to Returning Officers carrying out their duties under this Act;~~

- ~~(f) — At any time, with intent to mislead or defraud electors, prints or distributes or delivers to any person anything being or purporting to be an imitation of any ballot paper to be used at a poll and having thereon the names of the candidates or any of them, together with any direction or indication as to the candidate for whom any person should vote, or in any way containing any such direction or indication, or having thereon any matter likely to influence any vote;<sup>8</sup>~~
- ~~(g) — At any time on polling day before the close of the poll exhibits in or in view of any public place, or publishes, or distributes, or broadcasts,—~~
- ~~(i) — any statement advising or intended or likely to influence any elector as to the candidate for whom the elector should or should not vote; or~~
- ~~(ii) — any statement advising or intended or likely to influence any elector to abstain from voting; or~~
- ~~(iii) — any candidate's name, photograph, poster, emblem, slogan, or logo:~~

~~Provided that this paragraph shall not apply to any statement, name, photograph, emblem, slogan, or logo in a newspaper published before 6 p.m. on the day before polling day:~~

~~Provided also that this paragraph shall not restrict the publication of any candidate's name in any news which relates to an election and which is published in a newspaper or other periodical or in a radio or television broadcast:~~

~~Provided further that this paragraph shall not apply to any name, photograph, poster, emblem, slogan or logo, or items of a similar nature, which are worn or displayed by any person (not being an electoral official) on his or her person or on any vehicle other than a vehicle referred to in paragraph (d);~~

- ~~(h) — At any time on polling day before the close of the poll prints or distributes or delivers to any person any card or paper (whether or not it is an imitation ballot paper) having thereon the names of the candidates or any of them;~~
- ~~(i) — Exhibits or leaves in any polling booth any card or paper having thereon any direction or indication as to how any person should vote or as to the method of voting;~~
- ~~(j) — In any way interferes with, hinders, obstructs, annoys, threatens or abuses any official at or in the vicinity of a polling station.~~
- ~~(2) — It shall be a defence to a prosecution for an offence against subsection (1)(g) of this section that relates to the exhibition in or in view of a public place of~~

~~a statement, name, photograph, poster, emblem, slogan or logo, if the defendant proves that —~~

~~(a) — the exhibition was inadvertent; and~~

~~(b) — the defendant caused the exhibition to cease as soon as the defendant was notified by the Supervisor, a Returning Officer or a Police Officer that the exhibition was taking place.~~

~~(3) — In this section “public place” has the same meaning as in section 2 of the Order in Public Places Act.<sup>9</sup>~~

~~(4) — Nothing in this section shall apply to any official statement or announcement made or exhibited under the authority of this Act.~~

~~(5) — If a police officer has reasonable grounds to believe that any person has committed an offence against subsection (1), he may subject to subsection (2) of this section arrest the alleged offender without warrant.~~

~~(6) — A person guilty of an offence against this section is liable on conviction to a fine not exceeding \$3,000 or to imprisonment for any period not exceeding one year or to both such fine and imprisonment.<sup>10</sup>~~

#### ~~23A — Duties of returning officers 11~~

~~(1) — Every returning officer appointed for the purposes of this Act shall use or disclose information acquired by him in that capacity only in accordance with his official duty.~~

~~(2) — No returning officer, except for some purpose authorised by law, shall —~~

~~(a) — interfere with or attempt to interfere with a voter when marking his vote;~~

~~(b) — attempt to obtain in the vicinity of a polling station information as to the candidate for whom any voter is about to vote or has voted;~~

~~(c) — communicate at any time to any person any information obtained in a polling station as to the candidate for whom any voter is about to vote or has voted, or as to the number on the ballot paper given to any voter.~~

~~(3) — Every returning officer shall maintain and aid in maintaining the secrecy of the voting, and shall not communicate any information obtained at the counting as to the candidate for whom any vote is given in any particular ballot paper.~~

~~(4) — No returning officer shall directly or indirectly induce any voter to display his ballot paper after he has marked it so as to make known to any person the name of any candidate for or against whom he has voted.~~

~~(5) — Every person who contravenes any provisions of this section is guilty of an offence and is liable on conviction to a fine not exceeding \$15,000 or to~~



~~imprisonment for any period not exceeding 18 months or to both such fine and imprisonment.~~

#### ~~24 — Permitted election expenses~~

- ~~(1) — No candidate may spend, on any election campaign, more than the sum of \$20,000.<sup>12</sup>~~
- ~~(2) — Without prejudice to the generality of subsection (1), the following payments are deemed to be spending on an election campaign — unless contrary to section 21 —~~
- ~~(a) — any donation made within 6 months of an election, either by a candidate or on his behalf;~~
- ~~(b) — the cost of any entertaining (including food, drink or provision) paid by or on behalf of a candidate within 6 months of an election;~~
- ~~(c) — travelling or transportation expenses paid by or on behalf of a candidate, to enable people to travel to a polling station.~~
- ~~(3) — For the purposes of this section any sum expended by a candidate for his personal expenses, or those relating to his spouse, parents, grandparents, grandchildren, the brothers and sisters and half brothers and half sisters of his parents, spouse's parents, brothers and sisters and half brothers and half sisters or their children, or the brothers and sisters and half brothers and half sisters of his spouse or their children, or in relation to a church or for a charitable purpose; shall be disregarded.~~
- ~~(4) — Within 14 days of an election, every candidate shall deliver to the Supervisor a signed statement of his election expenses in Form 7 of the Schedule, itemized and complete in all respects.<sup>13</sup>~~
- ~~(5) — It is an offence for any candidate to spend on an election campaign more than the sum of \$20,000 or to fail to deliver the statement referred to in subsection (4) or to deliver a false statement, and any person found guilty shall be liable to a fine not exceeding \$10,000.<sup>14</sup>~~
- ~~(6) — If a person convicted under subsection (5) was elected at the election, and if the Court considers that the circumstances of the offence are sufficiently serious, the Court may declare the candidate's election to be void and if he has already taken his seat in the Legislative Assembly he shall be unseated by the Assembly.~~

#### ~~PART V — ELECTION PETITIONS~~

##### ~~25 — Method of questioning election~~

- ~~(1) — No election and no declaration of poll shall be questioned except by a petition complaining of an unlawful election or unlawful declaration (in this Act referred to as an election petition) presented in accordance with this Part of this Act.~~
- ~~(2) — A petition complaining of no declaration shall be deemed to be an election petition, and the Supreme Court may make such order thereon as the Court~~

~~thinks expedient for compelling a declaration to be made or may allow the petition to be heard as provided with respect to ordinary election petitions.~~

#### ~~26 — Election petitions~~

- ~~(1) — An election petition may be presented to the Supreme Court by one or more of the following persons —~~
- ~~(a) — a person who voted or had a right to vote at the election;~~
  - ~~(b) — a person claiming to have had a right to be elected or returned at the election;~~
  - ~~(c) — a person alleging himself to have been a candidate at the election.~~
- ~~(2) — The member whose election or result is complained of shall be the respondent to the petition, and if the petition complains of the conduct of any official the Chairman of the Electoral Commission shall also be a respondent.<sup>15</sup>~~
- ~~(3) — The petition shall be in such form and state such matters as are prescribed by rules of court, and be signed by the petitioner or all the petitioners if more than one.~~
- ~~(4) — The petitioner shall present his petition by filing it in the office of the Supreme Court at Nuku'alofa, and shall serve a copy of it on each respondent thereto.~~
- ~~(5) — The petition shall be served personally, or in such other manner as may be prescribed by rules of court.~~

#### ~~27 — Time for presentation of election petition~~

- ~~(1) — Subject to the provisions of this section, an election petition shall be presented within 28 days after the day on which the result of the poll has been declared.~~
- ~~(2) — If the petition questions the election or result upon an allegation of bribery and specifically alleges a payment of money or other reward to have been made by the member or on his account or with his knowledge and consent since the day of the declaration of the poll in pursuance or furtherance of the alleged bribery, it may be presented within 28 days after the date of the payment.~~
- ~~(3) — For the purposes of this section an allegation that an election is avoided under section 33 of this Act shall be deemed to be an allegation of bribery, notwithstanding that the offences alleged are or include offences other than bribery.~~

#### ~~28 — More than one petition relating to same election~~

~~Where more petitions than one are presented relating to the same election or result, all those petitions shall be dealt with as one petition.~~

#### ~~29 — Rules of Court~~

~~The Chief Justice may make rules of court in respect of election petitions.~~

#### ~~30 — Court and place of trial~~

~~Every election petition shall be tried by the Supreme Court at such place as the Chief Justice directs.~~

~~**31 — Trial of petition**~~

- ~~(1) — An election petition shall be tried in open Court and notice of the time and place of trial shall be given not less than 14 days before the day of trial.~~
- ~~(2) — The Court may in its discretion adjourn the trial from time to time, but the trial shall, so far as is practicable consistently with the interests of justice in respect of the trial, be continued from day to day on every lawful day until its conclusion.~~
- ~~(3) — The trial of an election petition shall be proceeded with notwithstanding that the respondent may have become disqualified as a member of the Legislative Assembly, or that the Legislative Assembly may have been prorogued.~~
- ~~(4) — Subject to this Act, the Court shall have jurisdiction to inquire into and adjudicate on any matter relating to the petition in such manner as it thinks fit, and in particular may at any time during the trial direct a recount or scrutiny of the votes given at the election.~~
- ~~(5) — On the trial of an election petition complaining of an unlawful election declaration and claiming the seat for some person, the respondent may give evidence to prove that person was not duly elected, in the same manner as if he had presented a petition against the election of that person.~~

~~**32 — Avoidance of election of candidate**~~

- ~~(1) — Where a candidate who has been elected at any election is proved to the satisfaction of the Court at the trial of an election petition to have been guilty of an offence against sections 21, 22 or 24 at the election, the Court shall (where the offence is against section 24 if it considers the circumstances of the offence to be sufficiently serious), declare the election of that candidate to be void and if he has already taken his seat in the Legislative Assembly he shall be unseated by the Assembly.~~
- ~~(2) — Nothing in subsection (1) shall prevent any person being charged with an offence against sections 21, 22 or 24.~~

~~**33 — Avoidance of election for general corruption**~~

- ~~(1) — Where it is reported by the Supreme Court on the trial of an election petition that corrupt or illegal practices committed in relation to the election for the purpose of promoting or procuring the election of any candidate thereat have so extensively prevailed that they may be reasonably supposed to have affected the result, his election, if he has been elected, shall be void and if he has already taken his seat in the Legislative Assembly he shall be unseated by the Assembly.~~
- ~~(2) — Except under this section, an election shall not be liable to be avoided by reason of the general prevalence of corrupt or illegal practices.~~

~~**34 — Votes to be struck off for bribery etc.**~~

~~Where, on the trial of an election petition claiming the seat for any person, a candidate is reported by the Supreme Court to have been proved guilty of an offence against sections 21 or 22 in respect of any person who voted at the election, there shall on a scrutiny be struck off from the number of votes appearing to have been received by the candidate one vote for every person who voted at the election and is reported to have been proved to have been so bribed or threatened.~~

**35 — ~~Real justice to be observed~~**

~~On the trial of any election petition —~~

- ~~(a) — the Court shall be guided by the substantial merits and justice of the case without regard to legal forms or technicalities;~~
- ~~(b) — the Court may admit such evidence as in its opinion may assist it to deal effectively with the case, notwithstanding that the evidence may not otherwise be admissible in the Supreme Court.~~

**36 — ~~Irregularities not to invalidate election~~**

~~No election shall be declared invalid by reason of —~~

- ~~(a) — any failure to comply with the times prescribed for doing any act; or~~
- ~~(b) — any omission or irregularity in filling up any form prescribed by this Act or any regulations made thereunder; or~~
- ~~(c) — any want or defect in the appointment of any official or scrutineer; or~~
- ~~(d) — any absence of, or mistake or omission for breach of duty by, any official, whether before, during, or after the polling;~~

~~if the Court is satisfied that the election was so conducted as to be substantially in compliance with the law as to elections, and that the failure, omission, irregularity, want, defect, absence, mistake or breach did not affect the result of the election.~~

**37 — ~~Certificate of Court as to result of election~~**

~~At the conclusion of the trial of an election petition the Court shall determine whether the member whose election or return is complained of, or any and what other person, was duly elected or returned, or whether the election was void, and shall forthwith certify in writing the determination to the Speaker.~~

**38 — ~~Costs of petition~~**

~~All costs of and incidental to the presentation of an election petition, and to the proceedings consequent thereon, except such as are by this Act otherwise provided for shall be defrayed by the parties to the petition in such manner and in such proportions as the Supreme Court may determine; and in particular any costs which in the opinion of the Court have been caused by vexatious conduct, unfounded allegations, or unfounded objections on the part either of the petitioner or respondent, and any needless expenses incurred or caused on the part of the petitioner or respondent, may be ordered to be defrayed by the parties by whom they were caused or incurred, whether those parties are or are not on the whole successful.~~

**39 — ~~Costs payable by guilty persons~~**

~~(1) Where on the trial of an election petition it appears to the Court that any person has been guilty of an offence against sections 21, 22 or 24 the Court may, after giving that person an opportunity of making a statement to show why the order should not be made, order the whole or any part of the costs of or incidental to any proceedings before the Court in relation to that offence or to that person to be paid by that person to such other person or persons as the Court thinks fit.~~

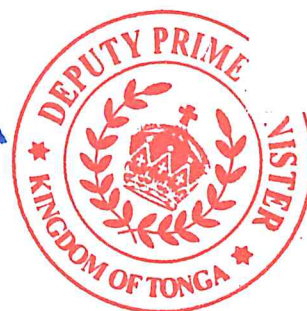
~~(2) All costs so ordered to be paid may be recovered as a debt due by the person by whom they are ordered to be paid to the person or persons to whom they are ordered to be paid.~~

#### ~~40 Disqualification~~

~~A person who is unseated or whose election is declared void under this Act shall not be nominated as a candidate at any election held within 5 years of the date when he is ordered to be unseated or his election declared void:~~

~~Provided that a person who is unseated or whose election is declared void because he was not entitled to be a candidate shall not be nominated as a candidate only at any election which has become necessary as a result of his unseating or his election being declared void.~~

  
 Hon. Samiu Kuita Vaipulu  
 Minister of Justice and Prisons



<sup>1</sup> Amended by Act 13 of 2010

<sup>2</sup> Amended by Acts 15 of 1992 and 13 of 2010

<sup>3</sup> Inserted by Act 15 of 1992

<sup>4</sup> Amended by Act 13 of 2010

<sup>5</sup> Amended by Act 13 of 2010

<sup>6</sup> Substituted by Act 15 of 1992

<sup>7</sup> Amended by Act 13 of 2010

<sup>8</sup> Amended by Act 46 of 2010

<sup>9</sup> Cap 20.15

<sup>10</sup> Amended by Act 13 of 2010

<sup>11</sup> Inserted by Act 15 of 1992

<sup>12</sup> Amended in the English version by Act ?? of 2017

<sup>13</sup> Substituted by Act 15 of 1992 and Amended by Act 13 of 2010

<sup>14</sup> Substituted by Act ?? of 2017

<sup>15</sup> Amended by Act 13 of 2010

