

## CHAPTER 55

### TONGA DEFENCE SERVICES

#### ARRANGEMENT OF SECTIONS

##### SECTION

1. Short title.
2. Interpretation.
3. Power to raise defence services.
4. Charge on general revenue.
5. Period of service and oath.
6. Service subject to military law.
7. Confirmation of sentence of court martial.
8. Composition of force.
9. Instruction, exercises and service.
10. Acceptance of persons as members.
11. Commissioned officers.
12. Attachment of members to Commonwealth Forces.
13. Pensions for injuries.
14. Pensions for long service.
15. Relief for families during active service.
16. Tonga Defence Board.
17. Membership of Board.
18. Regulations.
19. Offences.
20. Failure to attend for instruction, etc.

*Acts No. 10 of 1952, 3 of 1954, 4 of 1957, 17 of 1972, 8 of 1973, 7 of 1974, 11 of 1977, 14 of 1987.*

#### AN ACT TO PROVIDE FOR THE RAISING MAINTENANCE AND REGULATION OF DEFENCE SERVICES

[2nd October, 1952] Commencement.

1. This Act may be cited as the Tonga Defence Services Act. Short title.  
(Amended by Act 17 of 1972.)

2. In this Act unless the context otherwise requires or it is otherwise expressly provided— Interpretation.

“Defence Board” means the Defence Board established by this Act;

“Queen’s Regulations” means the Regulations passed under the provisions of the Army Act;

“the Services” means the Tonga Defence Services established by this Act; (Inserted by Act 17 of 1972.)

“Army Act” means the Army Act, 1881 (Act of the British Imperial Parliament 44 and 45 Victoria Chapter 58) and all Acts amending or substituted for the same and also the Articles of War in force thereunder;

“unit” means a battalion, company, platoon, section or other body of troops consisting of one or more men.

Power to raise defence services.

3. His Majesty may raise establish and maintain a military force of volunteers for the military defence of the Kingdom and such force shall be called the Tonga Defence Services.

Charge on general revenue.

4. The Services shall be raised established and maintained out of the general revenue of the Kingdom.

Period of service and oath.

5. (1) Every volunteer who is accepted for the Services shall enter for a term of 3 years from the date of attestation and he may at the end of each period of service enter for a further period of 3 years:

Provided that if His Majesty shall by Proclamation declare the Services to be on active service as defined in the Army Act no attested member of the Services shall be entitled to his discharge until His Majesty shall by Proclamation declare that the Services has ceased to be on active service.

Further provided that His Majesty may discharge any member of the Services at any time.

(2) Every Tongan volunteer before being enlisted as a member of the Services shall take an oath or make a declaration in the form shown in the First Schedule of this Act.

(3) Every volunteer other than a Tongan before being enlisted as a member of the Services shall take an oath or make a declaration in the form shown in the Second Schedule to this Act.

(4) Every volunteer upon joining the Services shall sign an engagement in the form shown in the Third Schedule to this Act.

Services subject to military law.

6. The Services shall be deemed to be subject to military law as set out in this Act and any regulations made thereunder and in the Army Act and in the Queen’s Regulations passed under that Act and all Regulations amending the same or substituted for the same under that Act except where the Army Act or Queen’s Regulations are inconsistent with the provisions of this Act or any regulations made thereunder:

Provided that in construing the Army Act and the Queen’s Regulations the words “Tonga Defence Services” shall be used therein for the words “regular forces: and the words “member of the Tonga Defence Services” for the word “soldier” and the words “His Majesty

the King of Tonga" for the words "Her Majesty" and "Secretary of State".

7. No sentence of a court martial passed upon a member of the Services shall be carried into execution unless confirmed by His Majesty.

Confirmation of sentence of court martial.

8. The Tonga Defence Services shall consist of a Regular Force and a Territorial Force comprising of Infantry, Royal Guards and Maritime Units, a Reserve of Officers, and shall consist of such other units as His Majesty may from time to time decide. (*Substituted by Act 7 of 1974.*)

Composition of Force.

9. His Majesty may cause any member of the Services to be instructed, trained, exercised or put on duty or on active service in any place at any time:

Instruction, exercises and service.

Provided that no member of the Services shall be required to serve outside the Territorial Waters of the Kingdom without his written consent:

Further provided that except when on active service no member of the Services shall be required to undergo instruction, training, exercise or duty for a total period exceeding 60 days in any one calendar year without his written consent.

10. It shall be lawful for His Majesty to accept or reject the services of any person as a member of the Services.

Acceptance of persons as members.

11. His Majesty may from time to time appoint under His commission officers who shall have such ranks and authority as are held by officers of corresponding rank in Her Britannic Majesty's Army and Royal Army Reserve so far as the same can be rendered applicable.

Commissioned officers.

12. Any member of the Services may subject to the provisions of section 9 of this Act be attached to any force of the Commonwealth of Nations and upon being so attached such members of the Force shall be subject to all the provisions of the laws and regulations governing the force to which he is attached except only that section 7 hereof shall apply.

Attachment of members to Commonwealth Force.

13. All members who shall have received wounds or injuries on active service shall be entitled to such pensions or gratuities as may be fixed by His Majesty in Council and such pensions shall be reviewed annually by His Majesty in Council and may be increased, reduced or terminated.

Pensions for injuries.

Pensions for long service.

**14.** The Defence Board may with the approval of His Majesty in Council grant such pension or gratuity as may be appropriate to such members of the Services who have served a minimum of 15 years.  
(*Inserted by Act 11 of 1977.*)

Relief for families during active service.

**15.** (1) All members who when called out on active service shall leave wives or families unable to support themselves may be granted relief for their wives and families during the period of their absence on such service and it shall be lawful for His Majesty to fix the amount of such relief.

(2) The widows and families of members who have been killed on active service or have died of wounds received on such service or have died from disease or illness contracted through or directly traceable to fatigue or exposure incidental to such service shall be entitled to such pensions or gratuities as may be fixed by His Majesty and such pensions shall be reviewed annually by His Majesty and may be increased, reduced or terminated.

Tonga Defence Board.

**16.** His Majesty shall appoint a board to be known as the Tonga Defence Board the functions of which shall be—

- (a) to formulate military policy and provide for its implementation and operation; (*Substituted by Act 17 of 1972.*)
- (b) to administer the provisions of this Act including the control of the money voted by the Legislative Assembly for the Services in each year;
- (c) to acquire such lands and acquire or build such buildings and erections as may be deemed expedient for the use of the Services.

Membership of Board.

**17.** (1) The members of the Board shall be His Majesty and the Members of the Privy Council for the time being. His Majesty may from time to time appoint to the Board such additional person or persons as he may think fit.

(2) The Board shall have the power to delegate to such person or persons as it thinks fit such of its functions as it may specify.  
(*Substituted by Act 17 of 1972.*)

Regulations.

**18.** His Majesty may from time to time prescribe regulations for the better carrying out of the provisions of this Act and in particular but without restricting His Majesty's powers under this section, to provide for—

- (a) the qualifications for entry into and conditions of service in the Services;
- (b) the numerical establishments of units of the Services and the ranks within those establishments;

- (c) the government, organization, administration, training and instruction of the Services units or members thereof, the formation of training camps and the holding of training exercises and instruction by the Services units or members thereof and the attendance of the Services units or members thereof thereat;
- (d) the seniority of officers of the Services and the appointment to, promotion to, and tenure of, commissioned or warrant rank in the Services;
- (e) the pay and allowances of members of the Services;
- (f) the standard of physical fitness and efficiency required of members of the Services from time to time;
- (g) the requisitioning of transport, goods, accommodation, land or other things in time of emergency or war and the payment of compensation therefor;
- (h) the storage, issue and care of arms, accoutrements, ammunition, supplies, clothing, equipment and other things for units or members of the Services;
- (i) the initiation and conduct of Courts-martial and all matters relative thereto. (*Inserted by Act 8 of 1973.*)

**19. Any person who—**

Offences.

- (a) is under any duty or obligation under the provisions of this Act or any regulation made thereunder and fails to perform such duty or obligation or wilfully obstructs any person under such duty or obligation; or
- (b) aids or abets or induces or attempts to aid or abet or induce any members of the Services to neglect or to act in conflict with his duty as a member of the Services; or
- (c) is a party to, or commits, or aids abets or incites another to commit, any act whereby any lawful order given to any members of the Services, or whereby any law or regulation with which it is the duty of a member of the Services to comply, may be evaded or infringed,

shall be guilty of an offence and upon conviction shall be liable to imprisonment for a term not exceeding 2 years or to a fine of \$500 or to both such imprisonment and such fine. (*Amended by Act 14 of 1987.*)

**20. Any member of the Services who fails without just cause the onus of proof of which shall lie with him to attend at any time or place lawfully appointed for instruction, training, exercise or duty shall be guilty of an offence and upon conviction shall be liable to a fine not exceeding \$500. (*Amended by Act 14 of 1987.*)**

Failure to attend for instruction etc.

FIRST SCHEDULE

I swear

I do solemnly and sincerely declare that I will well and truly serve our Sovereign King Taufa'ahau Tupou IV and his successors in the Tonga Defence Services until lawfully discharged and that I will resist His Majesty's enemies and cause His Majesty's peace to be kept and maintained and that I will in all matters appertaining to my service faithfully discharge my duty according to law. So help me God.

Date: ..... Signature: .....

Signature of officer or magistrate administering oath or affirmation: .....

SECOND SCHEDULE

I swear

I do solemnly and sincerely declare that I will well and truly serve King Taufa'ahau Tupou IV and his successors in the Tonga Defence Services until lawfully discharged and that I will resist His Majesty's enemies and cause His Majesty's peace to be kept and maintained and that I will in all matters appertaining to my service faithfully discharge my duty according to law. So help me God.

Date: ..... Signature: .....

Signature of officer or magistrate administering oath or affirmation: .....

THIRD SCHEDULE

ENGAGEMENT TO BE SIGNED BY MEMBER OF TONGA DEFENCE SERVICES

I, (full name) .....

of (address) ..... (occupation) .....

hereby engage myself to serve in the Tonga Defence Services subject to the provisions of the Tonga Defence Services Act and any amendments thereto and the Standing Orders and Regulations in force thereunder from time to time.

Dated at ..... this ..... day of ..... 19.....

Witness ..... Signature .....

**CHAPTER 55**

**TONGA DEFENCE SERVICES**

**SECTION 18—Tonga Defence Services Regulations**

**ARRANGEMENT OF REGULATIONS**

**REGULATION**

1. Short title.
2. Composition of Services.
3. Numerical establishment.
4. Variation of establishment.
5. Reserve.
6. Minimum age.
7. Disciplinary powers.
8. Commander's disciplinary powers.
9. Secrecy.
10. Salutes.
11. First commissions.
12. Promotion scale.
13. Promotion of officers.
14. Promotion above major.
15. Temporary rank.
16. Qualifying service.
17. Retirement.
18. Resignation.
19. Posting from reserve or retired list.
20. Change of address.
21. Precedence.
22. Free medical etc. care for officers.
23. Medical examination.
24. Re-engagement.
25. Discharge.
26. Posting to reserve.
27. Free medical etc. for other ranks.
28. Territorial training.
29. Exemption from territorial training.
30. Additional territorial training.
31. Dress and equipment.
32. Uniforms.
33. Style of dress and equipment.
34. Insignia.
35. Fines.
36. Unit rules.
37. Commander's Regulations.

## TONGA DEFENCE SERVICES REGULATIONS

*Made by Her Majesty**G.111/54, G.191/56, G.S. 7/58, G.S. 7/61, G.S. 1/76*

[29th July 1954]

Short title. 1. These regulations may be cited as the Tonga Defence Services Regulations.

## ORGANISATION

Composition of Services.

2. (1) The Services shall comprise—

- (a) a Regular Force of Infantry, Royal Guards and Maritime;
- (b) a Territorial Force of Infantry, Royal Guards and Maritime;
- (c) a Reserve of Officers;
- (d) a Reserve. (*Substituted by G.S. 1/76.*)

(2) The Regular Force shall consist of officers appointed thereto and members enlisted therein in accordance with the provisions of these regulations.

(3) The Territorial Force shall consist of officers appointed thereto and members enlisted therein in accordance with the provisions of these regulations.

(4) The Reserve of Officers shall consist of officers posted thereto in accordance with the provisions of these regulations.

(5) The Reserve shall consist of members transferred from the Regular Force and Territorial Force in accordance with the provisions of these regulations.

Numerical establishment.

3. (1) The numerical establishment of the Tonga Defence Services active list shall not be more than 18 officers and 390 other ranks made up as follows—

- Infantry - 8 Officers 228 other ranks
- Royal Guards - 4 Officers 112 other ranks  
(including Saluting Battery)
- Maritime - 6 officers 50 other ranks

(2) Officers temporarily posted back to the active list from the Reserve of Officers or retired list during an emergency shall be supernumerary to establishment. (*Substituted by G.S. 1/76.*)

Variation of establishment.

4. (1) The Tonga Defence Services may consist of such numbers of Regular or Territorial Officers and members as the Commander may in each case determine.

(2) The Commander may vary the establishment of the Tonga Defence Services provided that the establishments prescribed in regulation 3 are not exceeded.

Reserve.

5. Every member of the Regular Forces who shall cease to be on full-time service, and every member of the Territorial Forces who shall complete his training service, shall be liable to be posted to the Reserve for a period of 5 years if he is a member of the Regular Force and for a period of 10 years if he is a member of the Territorial Force. (*Added, G.S. 7/61*)



6. No person shall be enlisted in the Services who is under the age of 18 years. Minimum age.

DISCIPLINE

7. The disciplinary powers of officers of the Services shall be those laid down in the Army Act and the Queen's Regulations for the Army, in so far as such powers are not inconsistent with the provisions of the Tonga Defence Services Act and these Regulations. Officers shall be guided by the Manual of Military Law and shall adhere to the Rules of Procedure therein contained. Disciplinary powers.

8. The Commander shall have disciplinary powers of a Commanding Officer provided that: Commander's disciplinary powers.

- (a) he may deal summarily with any charge against a non-commissioned officer or soldier;
- (b) he may award a fine not exceeding \$4 for any military offence;
- (c) nothing in section seventy-eight (5) of the Army Act 1955 (of Great Britain) shall restrict the powers of the Commander under this Regulation. (*Substituted, G.S. 7/58.*)

9. An officer or member is forbidden to communicate any military information to any person without special authority. Secrecy.

10. Officers in uniform shall salute His Majesty and every officer in uniform, of superior rank to themselves, before addressing them on duty or on parade. Officers, except when their swords are drawn, shall return the salute of junior officers, non-commissioned officers and men. Such salutes when made to 2 or more officers shall be returned by the senior only. Officers shall salute officers of the services of the British Commonwealth of Nations who are of superior rank to their own. Non-commissioned officers and men in uniform shall salute His Majesty, all commissioned officers of the Tonga Defence Services and all officers of the services of the British Commonwealth of Nations when in uniform or whom they know to be such when out of uniform. Salutes.

Officers, non-commissioned officers and men boarding any ship of Her Britannic Majesty's Navy or a foreign man-of-war shall salute the quarterdeck.

OFFICERS—APPOINTMENT, COMMISSION, ETC.

11. First appointments to commissioned rank shall be to 2nd Lieutenant except in special cases approved by His Majesty. First commissions.

12. Subject to the other provisions of these Regulations, promotion shall be according to the following scale: Promotion scale.

Lieutenant after 18 months as 2nd Lieutenant.

Captain after 6 years as Lieutenant.

Major after 7 years as Captain.

13. (1) An officer shall not normally receive promotion to the next higher rank unless recommended for promotion by the Commander. If not so recommended the Commander shall submit to His Majesty a report recommending that the officer shall remain in his present rank. This report shall be shown to the officer and initialled by him. Promotion of officers.

(2) An officer's promotion may be granted on recommendation after the required period notwithstanding that the appointment he holds does not normally provide for an officer of that rank.

Promotion above major. **14.** Officers will be selected for all appointments holding higher rank than major.

Temporary rank. **15.** (1) An officer may be granted temporary or acting rank for an appointment normally held by an officer of higher rank than that he already holds but, subject to the other provisions of these Regulations, he shall relinquish such temporary or acting rank on ceasing to hold the appointment.

(2) An officer holding temporary rank shall continue to hold such rank during his absence from duty owing to causes not due to his own default:

Provided that this sub-regulation shall not enable the continuance of temporary rank for more than 3 months at any one time:

And provided further that temporary rank shall cease on the appointment of a substantive holder of the post in respect of which temporary rank was granted.

Qualifying service. **16.** Only service on the active list shall be reckoned for promotion.

Retirement. **17.** (1) The retirement of officers from the active list shall be compulsory on their attaining the age of 47 years:

Provided that any officer may be retained over his age limit if deemed necessary by the Commander.

(2) Officers on reaching the age limit shall be posted to the Reserve of Officers for 5 years and then to the Retired List.

(3) An officer, prior to attaining the age limit, may with the approval of His Majesty be posted to the Reserve of Officers for such time as His Majesty in each case may determine and shall then be posted to the Retired List.

Resignation. **18.** (1) An application from an officer to resign his commission shall be forwarded by the Commander to His Majesty. When forwarding the application the Commander shall state if—

(a) all regimental claims have been paid;

(b) he is aware of any outstanding public claim against the officer;

(c) there is any objection to resignation being sanctioned;

(d) there is any special reason why such officer should not serve in the Reserve of Officers.

(2) Where an officer is permitted to resign, the resignation shall not take effect, unless otherwise ordered by His Majesty, until the acceptance is notified in the Gazette.

Posting from reserve or retired list. **19.** The Commander may in any emergency with the approval of His Majesty post any officer on the Reserve of Officers or, with his consent, any officer of the Retired List back to the Active List. Any service on the Active List under this Regulation shall be reckoned for the purpose of regulation 17 as service in the Reserve of Officers.

Change of address. **20.** Every officer shall notify without delay any change of address to the Commander.

21. The precedence of officers of the same rank shall be determined by the date of their appointment or in the case of officers appointed on the same day by the order in which their names appeared in the Gazette provided that a Regular officer shall take precedence over a Territorial officer of the same rank.

Precedence.

22. Regular officers shall receive free medical, dental (dentures excepted) and optical care.

Free medical etc., for officers.

MEMBERS—ENLISTMENT, ETC.

23. All members shall be medically examined before enlistment and the Commander shall have power from time to time to prescribe the required physical standards.

Medical examination.

24. A member of the Regular or Territorial Force who desires to re-engage shall apply not earlier than 3 months and not later than one month prior to the expiration of his current term.

Re-engagement.

25. A member of the Regular or Territorial Force who desires to be discharged from the Force shall apply in writing to the Commander stating the reasons for his application. The Commander may in his discretion sanction or refuse the application.

Discharge.

26. All members other than commissioned officers shall be posted to the Reserve on reaching the ages as follows—

Posting to reserve.

Regular Force:	Warrant Officers, Staff Sergeant, Sergeant	50 years
	Corporals and below	47 years
Territorial Force:	Warrant Officers, Staff Sergeant, Sergeant	40 years
	Corporal, Lance Corporal	35 years
	Private	30 years

Provided that any member may be retained on the Active List beyond the age specified if the Commander considers it to be necessary in the interest of the Force. (*Added, G.S. 7/61.*)

27. Members of the Regular Force shall receive free medical, dental (dentures excepted) and optical care.

Free medical etc., for other ranks.

TERRITORIAL TRAINING

28. (1) The prescribed period of preliminary training for Territorial officers and members of the Force shall be 6 weeks.

Territorial training.

(2) The training year shall be a calendar year. In such training year Territorial officers and members of the Force shall undergo annual training in camp for a period of 14 days.

29. The Defence Board may in its discretion exempt any officer or member or the whole or any part of the force from carrying out the whole or any portion of Territorial training.

Exemption from territorial training.

Additional territorial training.

30. Notwithstanding the provisions of Regulation 28, officers and members of the Territorial Force may attend additional training parades and courses as may be prescribed by the Commander.

#### DRESS AND EQUIPMENT

Dress and equipment.

31. Every member of the Services shall be responsible for the safe custody and due care of any arms, ammunition, uniform and equipment furnished to him, and Territorial officers and members of the Territorial Force or the Reserve shall not, when off duty, wear a uniform or any part thereof or make use of any of the appointments of the Force. (*Amended, G. 191156.*)

Uniforms.

32. Officers and members shall wear such uniforms as may be prescribed. Such uniforms shall be issued and renewed or repaired from time to time at the public expense.

Style of dress and equipment.

33. (1) The Dress and Equipment of the Forces shall be as laid down in Tonga Defence Services Orders.  
(2) The Colours of the Services shall be red and white.

Insignia.

34. The Royal Crown, encircled by laurel leaves with the letters and word—T.D.F. TONGA T.M.G.—below, shall be worn by officers, non-commissioned officers and men on their caps. Officers shall wear a similar badge on the roll of the collar.

#### MISCELLANEOUS

Fines.

35. All fines imposed other than by a civil court under these Regulations shall when recovered be paid to the Treasurer to be placed to the credit of an account to be known as the "Defence Services Fund" which shall be applied for such recreational or social purposes connected with the Services and in such manner as the Defence Board may from time to time approve.

Unit rules.

36. The members of a unit may by a committee composed of a Commissioned officer and not less than 2 non-commissioned officers or men of such unit make rules not inconsistent with the provisions of the Tonga Defence Services Act and any Regulation made thereunder for the management of the property belonging or entrusted to such unit and for their own guidance. Any such rules shall be transmitted by the Commander to the Defence Board for approval and when approved shall be binding on members of such unit.

Commander's regulations.

37. (1) The Commander may under the authority of this Regulation issue from time to time such orders in his discretion as he may consider necessary for the proper administration of the Services provided that such orders are not inconsistent with the Tonga Defence Services Act and any Regulations made thereunder and such orders shall be known as Tonga Defence Services Orders.

(2) All orders so issued shall be deemed to be sufficiently published if posted on a unit notice board and in such other suitable place as the Commander may direct.

**SECTION 18—Tonga Defence Services (Pay, Allowances and Rations)  
 Regulations**

*Made by Her Majesty in Council on 27th April, 1953*

*G. 157/53, 14/55, 143/55, G.S. 104/59, 38/60, 8/61, 15/71*

1. These regulations may be cited as the Tonga Defence Services (Pay, Allowances and Rations) Regulations.

2. The pay, allowances and rations of officers and members of the Tonga Defence Services shall be governed by these regulations.

3. The basic pay for officers shall be at the daily rates set out below—

	per day \$
Second Lieutenant.....	2.50
Lieutenant—	
on appointment.....	2.82
over two years.....	2.92
over four years.....	3.02
Captain—	
on appointment.....	3.14
over two years.....	3.24
over four years.....	3.34
over six years.....	3.44
Major—	
on appointment.....	4.68
over two years.....	4.78
over four years.....	4.88
over six years.....	4.98

*Note:* Territorial Force officers shall receive the appointment rate only for rank held. (*Substituted, G.S. 58/60.*)

4. The basic pay for members shall be at the daily rates set out below—

	per day \$
Private—	
on appointment.....	0.51
over two years.....	0.64
Lance Corporal—	
on appointment.....	0.70
over two years.....	0.76
Corporal—	
on appointment.....	0.83
over two years.....	0.89
over four years.....	0.93
over six years.....	0.99

Sergeant—	
on appointment.....	1.02
over two years.....	1.08
over four years.....	1.12
over six years.....	1.18
Staff Sergeant—	
on appointment.....	1.20
over two years.....	1.26
over four years.....	1.30
Warrant Officer II—	
on appointment.....	1.42
over two years.....	1.48
over four years.....	1.52
over six years.....	1.58
Warrant Officer I—	
on appointment.....	1.70
over two years.....	1.76
over four years.....	1.80
over six years.....	1.86

*Note:* Territorial Force members shall receive the appointment rate only for rank held. (*Substituted, G.C. 58/60.*)

5. Tradesman's pay, additional to basic pay, payable to other ranks shall be at the following rates—

	per day
	\$
Armourers.....	0.16
Clerks.....	0.10
Cooks.....	0.10
Electricians.....	0.16
Mechanic, Vehicle.....	0.16
Operators, Wireless WT.....	0.10
Operators, Wireless RT.....	0.10
Storeman, Technical.....	0.10

Provided that—

- (a) the number of tradesmen in a unit shall not exceed the number laid down in the establishment of each unit;
- (b) no tradesman's pay is payable while a member is undergoing a sentence of imprisonment, detention or field punishment, or where certified by the Medical Officer while absent from duty through illness or disability caused through misconduct. (*Amended, G.S. 38/60.*)

6. Staff instructors up to and including the rank of Warrant Officer I, shall receive staff pay, additional to basic pay, at the rate of 15 seniti per day.

7. An officer or member of the Tonga Defence Services who is granted leave, other than leave without pay, shall be entitled to basic pay, tradesman's pay and allowances during the period of such leave.

8. (1) An officer or member holding an acting rank shall not be entitled to the pay and allowance of such rank, but will continue to draw the pay and allowances prescribed for his substantive or temporary rank.

(2) An officer or member holding temporary rank shall be entitled to receive pay and allowances prescribed for the rank held.

9. There may be deducted from the pay of any member from time to time such sum or sums as the Commander may deem necessary to meet any public claim.

10. (1) Officers and members shall receive rations or a ration allowance in lieu as may be approved by the Commanding Officer. The rate of ration allowance shall be \$0.50 per day.

(2) Ration allowance shall be paid to officers and members living out of barracks with permission or living in free quarters in barracks but not on the ration scale of any unit. (*Amended by G.S. 15/71.*)

11. (1) Officers and members of the Permanent Staff on detached duty in areas where there are no military establishments or camps may at the discretion of the Commanding Officer receive travelling allowance at the following rates—

	per day
	\$
Officers, above, and including, the rank of Captain .....	1.50
Lieutenant, Second Lieutenant .....	1.26
Warrant Officers Class I and II, Staff Sergeant, Sergeant..	1.00
Other Ranks .....	0.50

(2) No travelling allowance will be payable to an officer or member of the Permanent Staff for any period spent on board ship if, in addition to a free passage he is provided with rations at the expense of the Government.

(3) The Commanding Officer may in his discretion authorize payment in lieu of the allowances referred to in sub-regulation one of this regulation, of the actual expenses incurred for accommodation and board:

Provided that such expenses are vouched for by receipts or in such manner as the Commanding Officer may direct.

12. (1) Officers and members on detached duty in New Zealand or Fiji shall be paid daily compensating allowances as provided hereunder—

	New Zealand	Fiji
	\$	\$
Officers .....	0.56	0.46
Warrant Officers Class I and II, Staff Sergeants, Sergeants.....	1.09	0.99
Other Ranks .....	1.19	1.09

(All expressed in Tongan currency.)

(2) A married Officer or member on detached duty in New Zealand or Fiji, living in normal domestic relationship with his wife, shall receive a marriage allowance of \$0.35 per day (Tongan currency).

13. (1) A married Officer or member living in normal relationship with his wife shall allot the allowance as prescribed in regulation 12(2) to his wife.

(2) In addition to the allotment mentioned in the last preceding regulation, an officer or soldier may make such additional allotments as may be prescribed.

14. Allotments from the pay of an officer or member, as provided by these regulations, shall not exceed in the aggregate half the total of his basic pay and allowances.

15. (1) All officers and members shall draw pay and allowances appropriate to their rank from and including the day on which they assume duty. On discharge, pay will be issued for the day on which discharge takes place.

(2) An officer or member granted temporary rank shall qualify for the minimum pay and allowances appropriate to the corresponding substantive rank.

(3) An officer or member who reverts from temporary rank to lower substantive rank shall relinquish his entitlement to any increments of pay earned in that temporary rank. Upon being subsequently promoted in substantive rank or reappointed to temporary rank he will be entitled to the minimum rate of pay only for that rank.

(4) Changes in pay shall be subject to approval by the Commanding Officer and shall be published in Part II Orders which will be the authority for issue of all pay and allowances.

16. Notwithstanding the provisions of regulation 2, the pay and allowances of officers and members seconded from the New Zealand Forces shall not be governed by the foregoing regulations but shall be governed by the provisions for the time being in force of the New Zealand Army Instructions.



**SECTION 18—Tonga Defence Services (Leave and Passage) Regulations**

*Made by Her Majesty on 25th February, 1955.*

*G. 15/55, 191/56.*

1. These Regulations may be cited as the Tonga Defence Services (Leave and Passage) Regulations.

2. The leave and passages of the Regular Force of the Tonga Defence Services shall be governed by these Regulations:

Provided that these Regulations shall not apply in respect of officers and members from the New Zealand Forces whose leave shall be governed by the provisions for the time being in force of the New Zealand Army Instructions.

3. An officer or member posted overseas for duty shall be entitled to 3 days embarkation leave prior to embarkation.

4. Annual leave may be granted at the rate of 24 days leave in respect of each year of completed service. Such annual leave shall not be accumulative; leave not taken prior to the thirty-first day of March in the year next following the year in which it was earned, shall be forfeited, provided that on application to the Commander this period may be extended to thirty-first day of May.

5. An officer or member who is granted annual leave shall be entitled to a free return passage to his home in the Kingdom; the grades of such passage to be as under:

Officers First Class (Minimum available);

Sergeant and above Second Class (Minimum available);

provided that, if in any vessel no second class accommodation is available, NCOs eligible for second class accommodation shall travel as deck passengers;

Corporal, Lance Corporal, Private, Deck Class.

6. An officer or member who is granted a passage as provided in regulation 5 of these Regulations, in addition to any annual leave for which he may be eligible, will be granted travel leave for the period of his voyages to and from the first port of call of the island group in which is his home, subject to the following maximum periods—

(a) from Tongatapu District—

(i) on leave to the Vava'u District: 3 days;

(ii) on leave to the Ha'apai District: one day;

(iii) on leave to Niuatoputapu: 5 days;

(iv) on leave to any other part of the Kingdom: one day;

(b) from Ha'apai District—

(i) on leave to the Tongatapu District: one day;

(ii) on leave to the Vava'u District: one day;

(iii) on leave to Niuatoputapu: 3 days;

(iv) on leave to any other part of the Kingdom: one day;

(c) from the Vava'u District—

- (i) on leave to Tongatapu District: 3 days;
  - (ii) on leave to the Ha'apai District: one day;
  - (iii) on leave to Niuatoputapu: 2 days;
  - (iv) on leave to any other part of the Kingdom: one day;
- (d) from Niuatoputapu or Niuafu'ou—
- (i) on leave to the Tongatapu District: 5 days;
  - (ii) on leave to the Vava'u District: 2 days;
  - (iii) on leave to the Ha'apai District: 3 days;
  - (iv) on leave to any other part of the Kingdom: 2 days.

*Note:* An officer or member spending leave in the same District as that from which he proceeds on leave will not be granted any leave in addition to annual leave for which he is eligible under these Regulations.

7. (1) An officer or member may, in the case of illness, be granted sick leave on full pay for a period not exceeding 28 days in any one calendar year:

Provided that, on the recommendation of the Chief Medical Officer, such sick leave may be extended up to 42 days in any one calendar year on full pay, and for a further period up to a total of 90 days in any one calendar year on half pay.

(2) The Commander may in his sole discretion approve the granting of sick leave for any period not exceeding in all 28 days in any one calendar year and any sick leave in excess of 28 days in any one calendar year shall be approved by the Defence Board.

(3) Such illnesses, necessitating the grant of sick leave should be duly certified by a Medical Officer or Tongan Medical Practitioner except that where an officer or member is on an island where it is impossible to obtain a medical certificate, sick leave may be granted provided the Commander is satisfied that the officer or member's illness is genuine.

(4) In all cases where the illness of an officer or member is attributable to his own negligence or misconduct, the privilege of sick leave may be withheld by the Commander with the prior approval of the Defence Board. (*Substituted, G. 191/56.*)

8. The Commander may in his discretion grant leave in such amount as he thinks fit to any member on the ground of urgent private affairs. Such leave may at the discretion of the Commander be deducted from the member's annual leave.

9. Notwithstanding anything in the foregoing Regulations, Officers and members may be granted leave on public holidays and Christmas vacation leave as may be declared for the Tonga Civil Service.

10. Notwithstanding anything in the foregoing Regulations, leave shall only be granted where the exigencies of the service permit.

11. The leave referred to in the foregoing Regulations is full pay leave, except as provided for in regulation seven. The grant of leave without pay shall be in the discretion of the Commander.

**SECTION 18—Tonga Defence Services (Territorial Sick Leave) Regulations**

*Made by Her Majesty on 2nd November, 1956*

*G. 191/56*

1. These Regulations may be cited as the *Tonga Defence Services (Territorial Sick Leave) Regulations*.

2. The Territorial Force may be granted sick leave as follows—

- (a) an officer or member who becomes unfit for duty through an injury sustained as a direct result of duty may be granted sick leave for a period not exceeding 28 days in any one calendar year, provided that, on recommendation of the Chief Medical Officer, such sick leave may be extended up to 42 days in any one calendar year on full pay;
- (b) an officer or member who becomes sick or sustains injury from any cause other than as a direct result of duty, may be granted sick leave not exceeding 7 days in any one calendar year.

3. Notwithstanding the provisions of regulations 1 and 2, sick leave for any one period shall not extend beyond the date on which the pay of that officer or member would normally have ceased had he not become injured or sick, except with the prior approval of the Defence Board.

4. The Commander may in his sole discretion approve the granting of sick leave for any period not exceeding in all 28 days in one calendar year; and any sick leave in excess of 28 days in any one calendar year shall be subject to the approval of the Defence Board.

5. All illnesses necessitating the grant of sick leave shall be only certified by a Medical Officer or Tongan Medical Practitioner.

6. In all cases where the illness of an officer or member is attributable to his own negligence or misconduct the privilege of sick leave may be withheld by the Commander with the prior approval of the Defence Board.

**SECTION 18—Tonga Defence Services (General Court Martial) Regulations***Made by Her Majesty*

G. 317/78

Commence-  
ment.

[28th April 1978]

1. These regulations may be cited as the Tonga Defence Services (General Court Martial) Regulations.
2. A General Court Martial shall consist of a Judge Advocate, a President who shall be any member of the Tonga Defence Board except the Commander of the Tonga Defence Services and a minimum of 4 members with the rank of Captain or higher.
3. The accused in a General Court Martial shall have no right of objection to any member of such Court.