

Tonga

No. 18 of 1992.



I assent,

TAUFA'AHAU TUPOU IV,

22nd October, 1992.

AN ACT

TO DEAL WITH MENTAL HEALTH IN TONGA AND MATTERS RELATED THERETO

[22nd September, 1992.]

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

1. This Act may be cited as the Mental Health Act 1992.

Short Title

In this Act, unless the context otherwise requires –

Interpretation

"Alcoholic" or "Drug Addict" means a person suffering from a disorder or disability of the mind caused by his being so given over to or dependent on the use of alcohol or drugs that he is unable to control himself or is incapable of managing his affairs or endangers himself or others;

"mental disorder" means mental illness, arrested or incomplete development of the mind, psychopathic disorder and any other disorder or disability of the mind;

"mental handicap" means a state of arrested or incomplete development of mind which can render a person incapable of independent living;

"mental illness" means a psychiatric disorder which substantially disturbs a person's thinking, feeling, or behaviour and impairs the person's ability to function;

"Minister" means Minister of Health;

"Ministry" means Ministry of Health;

"psychopathic disorder" means a persistent serious disorder of personality resulting in aggressive or antisocial behaviour;

"relative" means husband or wife, son or daughter, father or mother, brother or sister, grandparent or grandchild, uncle or aunt, nephew or niece.

Power of Minister

3. The Minister is empowered -

- (a) to provide a mental health service for Tonga including the provision of hospital in-patient, out-patient and other facilities for the investigation, treatment, rehabilitation, care and after-care and prevention of mental disorder.
- (b) to provide services for the treatment and prevention of alcoholism and drug dependence and the rehabilitation of alcoholics and drug addicts.

Minister to appoint a Mental Health Advisory Committee

4. The Minister may appoint a Mental Health Advisory Committee to advise him on any matter related to the provisions of this Act and any other matter relating to the care and well-being of mentally disordered persons of any age in Tonga. The Advisory Committee shall meet at least quarterly.

Membership of Mental Health Advisory Committee

5. (1) The membership of the Mental Health Advisory Committee shall include the Director of Health or his nominee as chairman, a medical officer with special qualification or experience in psychiatry, the mental health welfare officer, the Chief Nursing Officer or her nominee, a representative of the Tonga Red Cross Society with special concern for mentally handicapped persons and a senior teacher with experience in the education of mentally handicapped pupils.

(2) Members of the Advisory Committee may receive such remuneration as may be approved by Cabinet and included in the Estimates.

Mental Health Welfare Officer or Officers

6. (1) There shall be one or more Mental Health Welfare Officers with previous experience as nurse, health officer, social worker or other relevant experience responsible to the Director of Health.

(2) The duties of a Mental Health Welfare Officer shall be determined by the Minister.

Right to Entry

7. (1) If a Mental Health Welfare Officer reasonably believes that a mentally disordered person is on any premises, he shall, on producing written evidence of his authority, be entitled to enter those premises and to remove any mentally disordered person therefrom.

(2) If a Mental Health Welfare Officer is refused such entry, or is obstructed in his duties, a magistrate may, on application by him, issue a warrant authorising him and such other persons as may reasonably be required, to enter the premises and to remove any mentally disordered person therefrom.

(3) The warrant shall be in Form 1 of the Schedule.

(4) A person removed under subsections (1) and (2) shall be treated as if he had been removed under section 9.

8. A Mental Health Welfare Officer of the Ministry shall not be personally liable in respect of any act done by him in the execution or purported execution of his duties under this Act and within the scope of his employment if it was done in the honest belief that his duties under this Act required or entitled him to do it. Provided that nothing in this section shall be construed as relieving the Ministry from any liability in respect of acts of its officers in the course of their employment.

Protection of
Mental Health
Welfare
Officers

9. (1) A Mental Health Welfare Officer, Medical Officer (Psychiatry) or Psychiatrist may order that any person suffering from severe mental disorder be removed to hospital for psychiatric examination.

Compulsory
Admission to
Hospital

(2) Such order may be made of his own volition, or at the request of a medical practitioner, health officer, nurse, police officer or a relative of that person.

(3) The order shall not be made unless the Mental Health Welfare Officer, Medical Officer (Psychiatry) or Psychiatrist considers that

- (i) that such person will not attend hospital voluntarily, and
- (ii) his removal and detention is necessary for the safety of himself or some other person.

(4) The order shall remain in force for 7 days and shall not be renewed.

(5) The order shall be in Form 2 of the Schedule.

10. (1) A magistrate may, on the application of a Mental Health Welfare Officer, Medical Officer (Psychiatry) or Psychiatrist, order that a mentally disordered person be taken to and/or detained in hospital for observation.

Observation
Order

(2) Such order shall not be made unless the magistrate is satisfied by sworn evidence that

- (i) that such person is suffering from mental disorder of a nature and degree which warrants his detention in hospital for observation (with or without medical treatment); and
- (ii) the order is necessary in the interests of that person or some other person.

(3) The order shall be in Form 3 of the Schedule.

(4) A person admitted to hospital under this section may be detained there for a period not exceeding 28 days; but a magistrate may, if the conditions in subsection (2) continue to exist, renew the order from time to time for periods not exceeding 28 days.

(5) The applicant, the person admitted to hospital, or his relative shall have a right of appeal to the Supreme Court from any order made on an application under this section.

11. (1) The Supreme Court may, on the application of a Mental Health Welfare Officer, Medical Officer (Psychiatry) or Psychiatrist, order that a mentally disordered person be detained in hospital for treatment.

Detention
Order

(2) Such order shall not be made unless the Court is satisfied by sworn evidence that

- (i) that such person is suffering from mental disorder of a nature and degree which warrants his detention in hospital for medical treatment; and
- (ii) the order is necessary in the interests of the patient or some other person.

(3) The order shall be in Form 4.

(4) A person admitted to hospital under this section may be detained and treated there for a period not exceeding 2 years; but the Court may, if the conditions in subsection (2) continue to exist, renew the order from time to time for periods not exceeding 2 years.

(5) The applicant, the person admitted to hospital, or his relative shall have a right of appeal to the Court of Appeal from any order made on an application under this section.

Release from Detention

12. Where an order has been made under section 9, 10 or 11 in respect of any person, a Medical Officer (Psychiatry) or Psychiatrist may nevertheless authorise his release if he considers that his continued detention in hospital is no longer necessary.

Compulsory admission of persons convicted of criminal offences.

13. (1) Where a person is convicted before the Supreme Court, or is committed to the Supreme Court for sentence (unless the sentence for the offence is fixed by law), the Court may in addition to or instead of any other punishment order that he be detained in hospital for treatment.

(2) Such order shall not be made unless the Court is satisfied

- (i) on the written or oral evidence of two registered medical practitioners, that the offender is suffering from mental disorder of a nature and degree which warrants his detention in hospital for medical treatment; and
- (ii) having regard to all the circumstances, including the nature of the offence and the character and antecedents of the offender, that such an order is the most suitable method of dealing with him; and
- (iii) that arrangements have been made to admit the offender to hospital within a period not exceeding 28 days from the date of the order.

(3) The order shall be in Form 5.

(4) (i) A person admitted to hospital under this section shall be detained and treated there until the Court orders his release.

(ii) Application for release may be made by a medical officer, psychiatrist, the offender, or his relative.

(iii) the offender shall not be released unless the Court is satisfied on the sworn evidence of a registered medical practitioner that

his detention is no longer necessary in the interests of himself or of any other person or persons.

(5) The offender or his relative shall have a right of appeal to the Court of Appeal from any order made under this section.

14. The Minister may, with the consent of Cabinet, make regulations for the effective carrying out of the provisions of this Act.

Power to make Regulations

15. The Lunatics Detention Act, Cap. 80, is hereby repealed provided that any existing orders, appointments or certificates made or granted thereunder shall, except only so far as they conflict with the provisions of this Act, remain in force until revoked, as if they were made or granted under this Act.

Repeal and Savings

SCHEDULE

FORM 1

(Warrant to enter premises and remove mentally disordered person)

MENTAL HEALTH ACT 1992

(Section 7(3))

No.

In the Magistrates' Court, District of
To each and all the constables within the Kingdom
WHEREAS it appears on the oath of

.....
a Mental Health Welfare Officer, that he has been refused entry to or obstructed in his duties in the premises described below, in which there is a mentally disordered person.

You are therefore commanded to assist him to enter the said premises and to remove to hospital any mentally disordered person found there.

Description of Premises:

Dated

Magistrate.

FORM 2

(Place of Safety Order)

MENTAL HEALTH ACT 1992

(Section 9)

In the exercise of my powers under section 9 of the Mental Health Act 1991 I, of a Mental Health Welfare Officer/Medical Officer (Psychiatry)/Psychiatrist, being satisfied that of will not attend hospital voluntarily, and that his removal and detention is necessary for the safety of himself or some other person, HEREBY ORDER that the said person be removed to hospital at

Dated

Signed

FORM 5
(Criminal Detention Order)
MENTAL HEALTH ACT 1992
(Section 13)

IN THE SUPREME COURT OF TONGA
CRIMINAL JURISDICTION

Case No.

Registry

Rex

v

A. B.

To each and all the constables within the Kingdom

WHEREAS.....of.....

has been convicted of

.....

and the Court has ordered that he be detained in hospital for treatment; YOU ARE THEREFORE COMMANDED to cause him to be taken to and detained in hospital at.....where he shall be detained and treated until the Court orders his release.

Dated

Signed

Judge of the Supreme Court

Passed by the Legislative Assembly this 22nd day of September, 1992.

Tonga

Fika 18 'o e 1992.



'Oku ou loto ki ai,

TAUFA'AHAU TUPOU IV,

22 'o 'Okatopa, 1992.

KO E LAO

KI HE MO'UI FAKA'ATAMAI 'I TONGA MO E NGA'HI
ME'A 'OKU FEKAU'AKI MO IA

[22 'o Sepitema, 1992.]

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

1. 'E ui 'a e Lao ni ko e Lao ki he Mo'ui Faka'atamai 1992.
2. 'I he Lao ni, tukukehe ka 'i ai ha 'uhinga kehe 'e ngaue'aki ki ai -

Hingoa
Nounou
'UHINGA'I LEA

"'Olokaholika" pe "Ma'u" 'e he Faito'o Konatapu" 'oku 'uhinga ia
ki ha taha 'oku mo'ua 'i he maumau pe faingata'a'ia hono 'atamai
tupu mei hono ma'u ia 'e he pe fu'u lahi 'ene ngaue'aki 'o e
'olokaholo pe faito'o konatapu 'o 'ikai ai ke ne lava 'o mapule'i
ia pe 'ikai ai ke ne lava fai 'ene ngaahi ngaue pe fakatu'utamaki
kiate ia pe ha ni'ihia kehe;

"vaivai 'o e 'atamai" 'oku 'uhinga ia ki he mahamahaki 'o e 'atamai,
'ikai ke ngaue pe 'ikai kakato e fa'u 'o e 'atamai, maumau 'o e
'atamai (psychopathic disorder) pea mo ha to e vaivai pe maumau
kehe 'o e 'atamai.

"faingata'a'ia 'o e 'atamai" 'oku 'uhinga ia ki ha tu'unga 'oku tu'u
fakafokifa pea 'oku 'ikai kakato hono fa'u 'o e 'atamai 'a ia 'e lava
ke hoko 'o 'ikai lava ai 'e ha taha ke ne mo'ui fakafalala pe 'iate
ia;

"mahamahaki 'o e 'atamai" 'oku 'uhinga ia ki he puke 'o e 'atamai
(psychiatric disorder) 'o ne uesa lahi ai 'a e fakakaukau, ongo pe

'ulungaanga 'o ha taha pea ne fakavaivai'i ai 'a e mafai 'o ha taha ke ngaue;

"Minisita" 'oku 'uhinga ia ki he Minisita 'o e Mo'ui;

"Potungaue" 'oku 'uhinga ia ki he Potungaue Mo'ui;

"maumau 'o e 'atamai" (psychopathic) 'oku 'uhinga ia ki he maumau lahi fuoloa 'o e to'onga mo'ui 'a ha taha 'o iku ai ki ha'ane anga fita'a pe feohingata'a mo e kakai;

"kainga" 'oku 'uhinga ia ki he husepaniti pe uaifi, foha pe 'ofefine, tamai pe fa'e, tokoua pe tuofefine, kui pe mokopuna, fa'ctangata pe mehikitanga, 'ilamutu pe fakafotu.

Mafai 'o e
Minisita.

3. 'Oku fakamafai'i 'a e Minisita -

(a) ke ne fokotu'u ha ngaue ki he mo'ui faka'atamai 'i Tonga 'o kau ai mo hono fakakakato 'o e ngaahi naunau ki ha mahaki 'e tauhi 'i falemahaki mo ia 'i tua'a pea pehe foki ki he ngaahi naunau kehe ki he fakatotolo, faito'o, tokoni'i, tokanga'i mo hono tauhi hili hono faito'o mo e ngaahi naunau ke ta'ofi ha hoko ha vaivai 'o e 'atamai.

(b) ke ne fokotu'u ha ngaahi ngaue ki hono faito'o pea mo hono ta'ofi 'o e 'olokaholika mo e ngaue'aki 'o e faito'o konatapu pea mo hono tokoni'i 'o e kau 'olokaholika mo kinautolu 'oku ma'u 'e he faito'o konatapu.

Ke fili 'e he
Minisita ha
Komiti Fale'i
ki he Mo'ui
Faka'atamai

4. 'E ngofua ki he Minisita ke ne fili ha Komiti Fale'i ki he Mo'ui Faka'atamai ke nau fale'i ia 'i ha fa'ahinga me'a pe 'oku fekau'aki mo e ngaahi tu'utu'uni 'o e Lao ni pea mo ha me'a kehe pe 'oku fekau'aki mo hono tauhi mo e mo'ui lelei 'a e fa'ahinga ko ia 'oku 'atamai vaivai 'i Tonga ni 'o tatau ai pe pe ko e ha hono ta'u motu'a. Kuo pau ke fakataha 'a e Komiti Fale'i 'o 'ikai toe si'i ange 'i he tu'o taha 'i he kuata.

Kau memipa
'o e Komiti
Fale'i ki he
Mo'ui
Faka'atamai

5. (1) Kuo pau ke kau ki he memipa 'o e Komiti Fale'i ki he Mo'ui Faka'atamai 'a e Talekita Mo'ui pe ha taha 'e fili 'e ia 'o ne hoko ia ko e sea, 'ofisa faito'o 'oku 'i ai ha'ane tu'unga fakaako makehe pe 'ilo fe'unga ki he faito'o 'o e mahamahaki 'o e 'atamai, 'ofisa tokoni ki he mo'ui faka'atamai, 'Ofisa Neesi Pule pe ha taha 'e fili 'e ia, fakafofonga mei he Sosaiete Kolosi Kula Tonga 'oku 'i ai 'ene tokanga makehe ki he fa'ahinga 'oku faingata'a'ia faka'atamai pea mo e faiako ma'olunga 'oku 'i ai ha'ane taukei 'i he ako ki he fanau ako 'oku faingata'a'ia faka'atamai.

(2) 'E ngofua ke ma'u 'e he kau memipa 'o e Komiti Fale'i ha totongi 'a ia 'e tali 'e he Kapineti pea kau 'i he 'Esitimetii.

'Ofisa pe kau
'Ofisa Tokoni
ki he Mo'ui
Faka'atamai

6. (1) Kuo pau ke 'i ai 'a e 'Ofisa pe kau 'Ofisa Tokoni ki he Mo'ui Faka'atamai kuo 'i ai ha'anau taukei ngaue kimu'a 'o hange ko e neesi, 'ofisa mo'ui, tokotaha ngaue fakasosiale pe 'oku 'i ai ha'ane taukei ngaue kehe, 'oku tatau mo ia pea te nau fakaongoongo ki he Talekita Mo'ui.

(2) Kuo pau ke tu'utu'uni 'e he Minisita 'a e ngaahi fatongia 'o e 'Ofisa Tokoni ki he Mo'ui Faka'atamai.

7. (1) Kapau 'oku tui fakapotopoto 'a e 'Ofisa Tokoni ki he Mo'ui **Ngofua ke hu**
Faka'atamai 'oku 'i ai ha taha 'oku 'atamai vaivai 'oku ne 'i ha 'api kuo
pau 'e ngofua kiate ia, 'i ha'ane fakaha ha fakamo'oni tohi ki' hono mafai,
ke ne hu ki he 'api ko ia 'o 'ave mei ai ha taha pe 'oku 'atamai vaivai.

(2) Kapau 'e 'ikai tali e 'Ofisa Tokoni ki he Mo'ui Faka'atamai ke ne
fai ha hu pehe, pe 'oku fakafaingata'a'ia'i ia 'i he'ene ngaue, 'e tufa atu leva
'e he fakamaau polisi, 'i ha kole 'a e 'ofisa, ha tohi fakamafai 'o fakamafai'i
ia pe ni'ihi kehe 'o hange ko ia 'e fiema'u, ke nau hu ki he 'api ko ia 'o
'ave mei ai ha taha pe 'oku 'atamai vaivai.

(3) Kuopau ke fai 'a e tohi fakamafai 'i he Foomu 1 'o e Tepile.

(4) Ko ha taha 'oku 'ave fakatatau ki he kupusi'i (1) mo e (2) kuopau
ke lau pe 'o hange kuo 'ave ia fakatatau ki he kupu 9.

8. Kuopau 'e 'ikai ala mo'ua ha 'Ofisa Tokoni ki he Mo'ui 'a e kau 'atamai
vaivai 'i he Potungaue 'o felave'i mo ha ngaue 'oku ne fai 'i hono fakahoko
pe 'uhinga ke fakahoko hono fatongia 'o fakatatau mo e Lao ni pea mo 'ene
ngaue kapau na'e fai ia 'i he tui mo'oni 'oku fiema'u pe fakamafai'i ia 'e
hono fatongia 'i he Lao ni ke ne fai pehee. Ka neongo ia kuopau 'e 'ikai
fakatonulea'i ha me'a 'i he kupu ni ke pehe 'oku ne faka'ata 'a e Potungaue
mei ha'ane mo'ua ko e tupu mei he ngaue 'ene kau 'ofisa 'i he vaha'a taimi
'enau ngaue.

**Malu'i 'o e
kau 'Ofisa
Tokoni ki he
Mo'ui
Faka'atamai.**

9. (1) 'E ngofua ke tu'utu'uni 'e ha 'Ofisa Tokoni ki he Mo'ui faka'atamai,
'Ofisa Faito'o (ki he Vaivai 'o e 'Atamai) pe Toketa Mataotao ki he Vaivai
'o e 'Atamai ke 'ave ki he falemahaki ha taha 'oku vaivai lahi hono 'atamai
ke fai ai 'a e sivi hono 'atamai.

**'Ave
fakamalohi ki
Falemahaki.**

(2) 'E ngofua ke fai ha tu'utu'uni pehe 'i hono loto pe 'o'ona, pe 'i
ha kole 'a ha toketa, 'ofisa ki he mo'ui, neesi, 'ofisa polisi pe kainga 'o e
taha ko ia.

(3) Kuopau 'e 'ikai fai ha tu'utu'uni pehe kae'oua kuo pehe 'e he 'Ofisa
Tokoni ki he Mo'ui Faka'atamai, 'Ofisa Faito'o (ki he Vaivai 'o e 'Atamai)
pe Toketa Mataotao ki he Vaivai 'o e 'Atamai -

(i) 'e 'ikai loto 'a e tokotaha ko ia ke 'alu ki falemahaki, pea

(ii) 'oku fiema'u ke 'ave mo tauhi fakamalohi ia koe'uhi ke malu'i
ia pe ni'ihi kehe.

(4) Kuopau ke fakalao 'a e tu'utu'uni ko ia 'i he 'aho pe 'e fitu pea
kuopau 'e 'ikai to e fakafo'ou.

(5) Kuopau ke fai 'a e tu'utu'uni 'i he Foomu 2 'o e Tepile.

10. (1) 'E ngofua ki ha fakamaau polisi, 'i ha kole 'a ha 'Ofisa Tokoni
ki he Mo'ui Faka'atamai, 'Ofisa Faito'o (ki he Vaivai 'o e 'Atamai) pe Toketa
Mataotao ki he Vaivai 'o e 'Atamai, ke ne tu'utu'uni ha taha 'oku 'atamai
vaivai ke 'ave ia ki pea/pe ke tauhi fakamalohi ia 'i he falemahaki ke fai
ai hono vakai'i.

**Tu'utu'uni ke
vakai'i**

(2) Kuopau 'e 'ikai fai ha tu'utu'uni pehe kae'oua kuo fiemalie 'a e fakamaau polisi 'i ha fakamo'oni fuakava ko e

(i) tokotaha ko ia 'oku puke 'i he 'atamai vaivai 'o 'i ha natula mo e tu'unga 'oku totonu ke tauhi fakamalohi ia 'i he falemahaki ke fai ai hono vakai'i (pe 'oku fai hano faito'o pe 'ikai); pea

(ii) tu'utu'uni ko ia 'oku fiema'u ia koe'uhi ko e lelei 'a e tokotaha ko ia pe ni'ihiki kehe.

(3) Kuopau ke fai 'a e tu'utu'uni 'i he Foomu 3 'o e Tepile.

(4) 'E ngofua ke tauhi fakamalohi ha taha 'oku 'oatu ki he falemahaki fakatatau ki he kupu ni 'o a'u ki he vaha'a taimi 'oku 'ikai ke toe laka hake 'i he 'aho 'e 28; ka 'e ngofua pe ki ha fakamaau polisi kapau 'oku kei hoko atu 'a e ngaahi tukunga 'i he kupusi'i (2) ke fakafou 'a e tu'utu'uni mei he taimi ki he taimi 'i he ngaahi vaha'a taimi 'oku 'ikai ke toe laka hake 'i he 'aho 'e 28.

(5) Kuopau ke 'i ai 'a e totonu 'a e tokotaha kole, tokotaha 'oku 'oatu ki he falemahaki, pe ko hono kainga ke tangi ki he Fakamaau'anga Lahi koe'uhi ko ha tu'utu'uni na'e fai 'i ha kole 'o fakatatau ki he kupu ni.

Tu'utu'uni ke
tauhi
fakamalohi

11. (1) 'E ngofua ke tu'utu'uni 'e he Fakamaau'anga Lahi 'i ha kole 'a ha 'Ofisa Tokoni ki he Mo'ui Faka'atamai, 'Ofisa Faito'o (ki he Vaivai 'o e 'Atamai) pe Toketa Mataotao ki he Vaivai 'o e 'Atamai, ke tauhi fakamalohi ha taha 'oku 'atamai vaivai 'i he falemahaki ke fai ai hano faito'o.

(2) Kuopau 'e 'ikai fai ha tu'utu'uni pehe kae'oua kuo fiemalie 'a e Fakamaau'anga ki ha fakamo'oni fuakava ko e

(i) tokotaha ko ia 'oku puke 'i he 'atamai vaivai 'o a'u ki ha natula mo e tu'unga 'oku totonu ke tauhi fakamalohi ia 'i he falemahaki ke fai ai hano faito'o; pea

(ii) tu'utu'uni ko ia 'oku fiema'u ia koe'uhi ko e lelei 'a e tokotaha mahaki pe ni'ihiki kehe.

(3) Kuopau ke fai 'a e tu'utu'uni 'i he Foomu 4 'o e Tepile.

(4) 'E ngofua ke tauhi fakamalohi mo faito'o ha taha 'oku 'oatu ki he falemahaki fakatatau ki he kupu ni 'o a'u 'i he ngaahi vaha'a taimi 'oku 'ikai ke to e laka hake 'i he ta'u 'e 2; ka 'e ngofua pe ki he Fakamaau'anga kapau 'oku kei hoko atu 'a e ngaahi tukunga 'i he kupusi'i (2), ke fakafou 'a e tu'utu'uni mei he taimi ki he taimi 'i he ngaahi vaha'a taimi 'oku 'ikai ke to e laka hake 'i he ta'u 'e 2.

(5) Kuopau ke 'i ai 'a e totonu 'a e tokotaha kole, tokotaha 'oku 'oatu ki he falemahaki, pe ko hono kainga ke tangi ki he Fakamaau'anga Tangi koe'uhi ko ha tu'utu'uni na'e fai 'i he kole 'o fakatatau ki he kupu ni.

Faka'ata mei
hono Tauhi
Fakamalohi

12. 'E ngofua pe ki ha 'Ofisa Faito'o (ki he Vaivai 'o e 'Atamai) Toketa Mataotao ki he Vaivai 'o e 'Atamai, neongo 'a e tu'utu'uni kuo fai 'o fakatatau

ia kapau 'oku ne pehe 'oku 'ikai ke kei 'aonga ke hoko atu hono tauhi fakamalohi ia 'i he falemahaki.

13. (1) Ka 'i ai ha taha 'oku halaia 'i he Fakamaau'anga Lahi, pe 'oku 'oatu ki he Fakamaau'anga Lahi ke hilifaki ai hono tautea (tukukehe kapau ko e hia ko ia kuo 'osi tu'utu'uni 'e he Lao hono tautea), 'e ngofua ki he Fakamaau'anga ke ne tu'utu'uni ke tauhi fakamalohi ia 'i he Falemahaki ke fai ai hano faito'o.

Ave fakamalohi kinautolu kuo halala 'i ha ngaahi hia.

(2) Kuopau 'e 'ikai fai ha tu'utu'uni pehe kae'oua kuo fiemalie 'a e Fakamaau'anga

(i) ki ha fakamo'oni tohi pe lea mei ha ongo toketa 'e ua kuo na 'osi lesisita, 'o pehe ko e tokotaha faihia 'oku puke 'i he 'atamai vaivai 'o a'u ki ha natula mo e tu'unga 'oku totonu ke tauhi fakamalohi ia 'i he falemahaki ke fai ai hano faito'o; pea

(ii) hili hono vakai'i 'o e ngaahi 'atakai 'o kau ai 'a e natula 'o e hia pea mo e 'ulungaanga mo e ngaahi to'onga kimu'a 'o e taha faihia, ko ha tu'utu'uni pehe ko e founga lelei taha pe ia ke ngaue'aki kiate ia, pea

(iii) kuo 'osi fai hono alea'i ke 'ave 'a e taha faihia ki falemahaki 'i loto 'i ha vaha'a taimi 'oku 'ikai to e laka hake 'i he 'aho 'e 28 mei he 'aho 'o e tu'utu'uni.

(3) Kuopau ke fai 'a e tu'utu'uni 'i he foomu 5 'o e Tepile.

(4) Kuopau 'e 'ikai hilifaki 'e he Fakamaau'anga ha fa'ahinga tautea kapau 'oku fai ha tu'utu'uni 'o fakatatau ki he kupu ni.

(5) (i) Kuopau ke tauhi fakamalohi mo faito'o ha taha 'oku 'oatu ki falemahaki fakatatau ki he kupu ni kae'oua ke toki tu'utu'uni atu 'e he Fakamaau'anga ke faka'ata.

(ii) 'E ngofua ke fai 'e ha 'ofisa faito'o, toketa mataotao ki he vaivai 'o e 'atamai, tokotaha faihia, pe ko hono kainga ha tohi kole ke faka'ata ia.

(iii) Kuopau 'e 'ikai faka'ata 'a e tokotaha faihia kae'oua kuo fiemalie 'a e Fakamaau'anga ki ha fakamo'oni fuakava 'a ha toketa kuo 'osi lesisita 'oku 'ikai 'aonga kiate ia pe ki ha taha pe ni'ihiki kehe ke kei tauhi fakamalohi ia.

(6) Kuopau ke 'i ai 'a e totonu 'a e tokotaha faihia pe ko hono kainga ke tangi ki he Fakamaau'anga Tangi koe'uhi ko ha tu'utu'uni kuo fai 'o fakatatau ki he kupu ni.

14. 'E ngofua ki he Minisita, 'i he loto ki ai 'a e Kapineti, ke ne fa'u ha ngaahi tu'utu'uni ki hono fakahoko lelei 'a e ngaahi kupu 'o e Lao ni.

Matai ke fa'u ha Ngaahi Tu'utu'uni.

15. 'Oku fakapekia heni 'a e Lao ki he Tauhi Fakamalohi 'o e Kau Vale, Vahe. 80, tukukehe kapau 'oku lolotonga 'i ai ha ngaahi tu'utu'uni, ngaahi fakatu'u lakanaa pe ngaahi tohi fakamo'oni na'e fai pe foaki 'o fakatatau

Fakapekia mo e Fakamo'ui

ki ai kuopau ke kei ngaue'aki pe ia kae'oua kuo toki fakapekia 'o hange pe na'e fai pe foaki ia 'o fakatatau ki he Lao ni, tukukehe pe kapau 'oku fepaki ia mo e ngaahi kupu 'o e Lao ni.

TEPILE

FOOMU I

(Tohi Fakamafai ke hu ki ha 'api 'o 'ave mei ai
ha taha 'oku 'atamai vaivai)

LAO KI HE MO'UI FAKA'ATAMAI 1992

(Kupu 7(3))

Fika.

'I he Fakamaau'anga Polisi, Vahefonua 'o

Ki he kau polisi kotoa 'i he Pule'anga ni

KOE'UHI: 'oku ha 'i he fuakava 'a

.....
ko e 'Ofisa Tokoni ki he Mo'ui Faka'atamai, kuo 'ikai tali ia ke hu ki pe fakafaingata'a'ia'i 'ene ngaue 'i he 'api 'oku fakamatala'i 'i lalo, 'a ia 'oku 'i ai ha tokotaha 'atamai vaivai,

Ko ia ai 'oku fekau'i ai heni koe ke ke tokoni'i ia ke ne hu ki he 'api kuo lau ki ai 'o 'ave ki he falemahaki ha taha pe 'oku 'atamai vaivai 'e ma'u atu ki ai.

Fakamatala 'o e 'Api:

'Aho

Fakamaau Polisi

FOOMU 2

(Tu'utu'uni ki he Feitu'u Malu)

LAO KI HE MO'UI FAKA'ATAMAI 1992

(Kupu 9)

'I hono ngaue'aki 'a hoku mafai fakatatau ki he kupu 9 'o e Lao ki he Mo'ui Faka'atamai 1992 ko au,.....'o.....ko e 'Ofisa Tokoni ki he Mo'ui Faka'atamai/'Ofisa Faito'o (ki he Vaivai 'o e 'Atamai)/Toketa Mataotao ki he Vaivai 'o e 'Atamai, 'oku ou fiemalie ko 'o.....'e 'ikai te ne loto ke 'alu ki he falemahaki, pea 'oku fiema'u ke 'ave mo tauhi fakamalohi ia koe'uhi ke malu'i ia pe ni'ihiki kehe, 'OKU OU TU'UTU'UNI HENI ke 'ave ia ki he falemahaki 'i.....

'Aho

Fakamo'oni

'Ofisa Tokoni ki he Mo'ui Faka'atamai/'Ofisa Faito'o (ki he Vaivai 'o e 'Atamai)/Toketa Mataotao ki he Vaivai 'o e 'Atamai.

FOOMU 3

(Tu'utu'uni ke Vakai'i)

LAO KI HE MO'UI FAKA'ATAMAI 1992

(Kupu 10)

Fika

I he Fakamaau'anga Polisi, Vahefonua 'o

Ki he kau polisi kotoa 'i he Pule'anga ni

KOE'UHI 'oku ha 'i he fuakava 'a

.....
ko e 'Ofisa Tokoni ki he Mo'ui Faka'atamai/'Ofisa Faito'o (ki he Vaivai 'o e 'Atamai)/Toketa Mataotao ki he Vaivai 'o e 'Atamai ko.....'o.....'oku puke 'i he 'atamai vaivai 'o a'u ki ha natula mo e tu'unga 'oku totonu ke tauhi fakamalohi ia 'i he falemahaki ke fai ai hono vakai'i, pea ko e tu'utu'uni ni 'oku fiema'u ia koe'uhi ko e lelei 'a e taha ko ia pe ni'ihni kehe;

KO IA 'OKU TU'UTU'UNI AI HENI KIATE KOE ke ke tokoni ke 'ave ia mo tauhi fakamalohi 'i he falemahaki 'i.....'a ia 'e tauhi fakamalohi ai 'i he vaha'a taimi ko e 'aho 'e (*) mei he 'aho ni.

'Aho

Fakamo'oni

Fakamaau Polisi

(*) ko e vaha'a taimi ko 'eni 'e 'ikai to e laka hake ia 'i he 'aho 'e 28 ka 'e lava pe ke to e fakafou 'a e tu'utu'uni.

FOOMU 4

(Tu'utu'uni ke Tauhi Fakamalohi)

LAO KI HE MO'UI FAKA'ATAMAI 1992

(Kupu 11)

I HE FAKAMA AU'ANGA LAHI 'O TONGA

Fika Kole

Fakamaau'anga Sivile

Lesisita

I he me'a 'o e Lao ki he Mo'ui Faka'atamai, 1992

Pea 'i he me'a 'a

(ko e tokotaha 'atamai vaivai)

KOE'UHI 'oku fiamalie 'a e Fakamaau'anga ki he fakamo'oni 'a.....'o.....ko e 'Ofisa Tokoni ki he Mo'ui Faka'atamai/'Ofisa Faito'o (ki he vaivai 'o e 'Atamai)/Toketa Mataotao ki he Vaivai 'o e 'Atamai ko.....'o.....'oku puke 'i he 'atamai vaivai 'o a'u ki ha natula mo e tu'unga 'oku totonu ke tauhi fakamalohi ia 'i he falemahaki ke fai ai hono faito'o pea ko e tu'utu'uni ni 'oku fiema'u ia koe'uhi ko e lelei 'a e taha ko ia pe ni'ihni kehe.

KO IA 'OKU TU'UTU'UNI ko 'e ngofua ke tauhi fakamalohi.....'i he falemahaki 'i.....pea ke faito'o 'i ai 'i ha vaha'a taimi ko e 'aho 'e (*) mei he 'aho 'o e tu'utu'uni ni.

'Aho

SILA

(*) 'e 'ikai to e laka hake 'a e vaha'a taimi ko 'eni 'i he ta'u 'e 2 ka 'e lava pe ke to e fakafo'ou 'a e tu'utu'uni.

FOOMU 5

(Tu'utu'uni ke Tauhi Fakamalohi 'a e Tokotaha Faihia)

LAO KI HE MO'UI FAKA'ATAMAI 1992.

(Kupu 13)

'I HE FAKAMAAU'ANGA LAHI 'O TONGA

Hopo Fika

FAKAMAAU'ANGA HIA

Lesisita

Rex

v.

A. B.

Ki he kau polisi kotoa 'i he Pule'anga ni

KOE'UHI KO.....'o.....kuo halaia ki he.....pea kuo tu'utu'uni 'e he Fakamaau'anga ke tauhi fakamalohi ia 'i he falemahaki ke fai ai hono faito'o;

KO IA AI 'OKU FEKAU'I KOE ke ke tokoni ke 'ave mo tauhi fakamalohi ia 'i he Falemahaki 'i.....'a ia kuopau ke tauhi fakamalohi mo fai ai hono faito'o kae'oua ke toki tu'utu'uni 'e he Fakamaau'anga ke faka'ata ia.

'Aho

Fakamo'oni

Fakamaau 'o e Fakamaau'anga Lahi

Na'e fakahoko 'i he Fale Alea 'i he 'aho 22 'o Sepitema, 1992.

BY AUTHORITY:

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