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Tonga Sessional Legislation

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Charitable Trusts Act 1993

TONGA

CHARITABLE TRUSTS ACT 1993
No. 14 of 1993.

I assent,

TAUFA'AHAU TUPOU IV,
3rd January, 1994.

AN ACT
TO PROVIDE FOR THE INCORPORATION AND REGISTRATION OF RELIGIOUS,
EDUCATIONAL AND OTHER CHARITABLE TRUSTS AND SOCIETIES.

[19th October, 1993.]

Short Title.

1. This Act may be cited as the [Charitable Trusts Act 1993](#).

Interpretation.

2. In this Act, unless the context otherwise requires -

"Board" means any trust or society incorporated under this Act;

"Charitable purpose" includes every charitable purpose, whether it relates to relief of poverty, the advancement of education or religion, or any matter beneficial to the community;

"Court" means the Supreme Court of Tonga, and includes a Judge of that Court;

"Minister" means the Minister of Labour, Commerce and Industries;

"Property" means real and personal property of every kind, and includes money;

"Registrar" means the Registrar of Charitable Trusts who shall be the Registrar of Incorporated Societies under the [Incorporated Societies Act](#).

Trustees may apply for incorporation.

3. (1) The trustees of any trust which is exclusively or principally for charitable purposes may apply to the Registrar in accordance with this Act for the incorporation of the trust as a Board under this Act.

(2) No such application shall be made by the trustees of any trust -

- (a) If the trust is incorporated under this Act or under any other Act or otherwise; and
- (b) Unless they are authorised to do so.

(3) Every such application for incorporation shall be in Form 1 of the Schedule to this Act and shall be signed by a majority of the trustees.

Society may apply for incorporation.

4. (1) Any society which exists exclusively or principally for charitable purposes may apply to the Registrar in accordance with this Act for the incorporation of the society as a Board under this Act.

(2) No such application shall be made by any society -

(a) If the society is already incorporated under this Act or any other Act or otherwise;
and

(b) Unless the application is authorised by the society.

(3) Every such application for incorporation shall be in Form 2 of the Schedule to this Act and shall be signed by a majority of the members of the society.

Manner in which application is authorised.

5. For the purposes of sections 3 and 4 of this Act, the application shall be deemed to be authorised by the trustees of a trust or a society if -

(a) It is authorised by a majority of the trustees of that trust or a majority of the members of that society; or

(b) A resolution authorising the making of the application is passed at a meeting of the trustees of that trust or a meeting of that society, as the case may be, and the Registrar is satisfied that such notice of intention to hold that meeting and of its purpose was given as may be reasonable in the circumstances; or

(c) The application is authorised by the trust deed or the rules of the society as the case may be.

Applications for incorporation.

6. (1) Each subscriber to an application for incorporation shall add to his signature his occupation and address. The signature of each subscriber shall be attested by a witness who is not a subscriber, and the witness shall add to his signature his occupation and address. When any body corporate is a

subscriber its seal shall be affixed to the application.

(2) Every application for incorporation under this Act shall be accompanied by -

(a) A copy (certified by one of the subscribers to the application as a correct copy) of the relevant parts of all wills, declarations of trust, and other documents (if any) showing the general purposes of the trust or society for which the application is being made and the trusts on which the applicant or applicants hold any property that is vested in the applicant or applicants as such and is not held for the general purposes of the applicant or applicants; and

(b) A statutory declaration made by one of the subscribers to the application setting forth any trusts on which the applicant or applicants hold any property, being trusts not set out in any document or copy of a document accompanying the application; and

(c) In any case where the application for incorporation is made by a society -

(i) A copy of the rules and other documents (if any) providing for the constitution of the society, certified by one of the subscribers to the application as a correct copy of the then current rules and documents, or (where there are neither any such rules nor any such documents) a statutory declaration made by one of the subscribers to the application setting forth the purposes of the society, the manner in which persons become members or cease to be members thereof, and the manner in which the society operates; and

(ii) A statutory declaration made by one of the subscribers to the application to the effect that the application is authorised by the society, and specifying the mode in which it is so authorised.

(3) If the Registrar considers that any document accompanying an application does not disclose sufficient information regarding the trusts on which any property is held by the applicant or applicants, or regarding the purposes and constitution of any society, he may refuse to register the trust or society as provided in this Act until such further information as he requires is supplied to him.

(4) Original documents may in any case accompany any such application instead of copies, and the provisions of subsection (5) of section 25 of this Act shall thereupon apply in respect of the documents.

Registration of Boards.

7. (1) The Registrar shall, on being satisfied that the purposes of the trust or society (as the case may be) are exclusively or principally charitable, and that the procedural requirements of this Act have been observed:

(a) Enter the name of the Board in the register kept by him under this Act, together with particulars as to whether a trust or a society constitutes the Board, the place of its registered office, and such other particulars as he thinks fit; and,

(b) Issue under his seal a certificate that the Board has been incorporated under this Act on the date mentioned in the certificate.

(2) From the date of incorporation mentioned in the certificate of incorporation the Board shall be a body corporate, and shall consist of -

(a) The persons who are for the time being the trustees of the trust in any case where a trust is incorporated as a Board; or

(b) The persons who are for the time being the members of the society in any case where a society is incorporated as a Board.

Evidence of incorporation.

8. Every certificate of incorporation issued under the seal of the Registrar shall be sufficient evidence, in the absence of proof to the contrary, that the Board therein named was incorporated on the date specified in the certificate, and that the procedural requirements of this Act have been observed, but shall not be evidence that the purposes of the trust or society are exclusively or principally charitable.

Effect of incorporation.

9. Every Board shall have perpetual succession and a common seal and (subject to this Act and to the rules and other documents providing for the constitution of the Board) shall be capable of holding real and personal property of whatsoever nature and whether situated in Tonga or elsewhere, and of suing and being sued, and of doing and suffering all such acts and things as bodies corporate may lawfully do and suffer.

Vesting of property.

10. (1) All property held by the trustees of any such trust or by any society shall immediately upon incorporation of the trust or society as a Board vest without transfer, conveyance, or assignment in the Board for the same purposes, with the same powers, and upon and subject to the same trusts, contracts, and equities as then affect the same.

(2) Where any estate or interest in, or any mortgage or charge on, any land under the Land Act is vested in a Board by virtue of this section, the Board shall without delay advise the Minister of Lands under its common seal of such estate, interest, mortgage or charge and the Minister of Lands shall without delay register the Board as proprietor of that estate, interest, mortgage or charge.

Name of Board.

11. (1) No trust or society shall be incorporated under a name which is identical with that of any other Board, or of any company carrying on business in Tonga (whether registered in Tonga or not) or of any other body corporate or business established or registered in Tonga under any Act, or which so nearly resembles that name as to be calculated to deceive, except where the other Board, company, or body corporate, as the case may be, signifies its consent in such manner as the Registrar requires and the Registrar is satisfied that registration of the Board by that name will not be contrary to the public interest.

(2) The name of a Board need not include -

(a) The words "Trust Board"; or

(b) Any of the following words, namely, "Trust", "Board", "Society" or "Incorporated".

(3) No Board shall be registered with a name which contains the word "Royal", or any other word which, in the opinion of the Registrar, is calculated to lead to the belief that the Board is under the ownership, control or patronage of His Majesty, the Royal Family or Government without the consent of His Majesty in Council.

(4) Every Board registered under this Act shall include on its letterhead and in all its publications that it is "incorporated under the Charitable Trusts Act 1993".

Change of name.

12. (1) In any case where a society is incorporated as a Board, the Board may, pursuant to a resolution of the society passed at a general meeting, apply to the Registrar to change the name under which the Board is registered.

(2) In any case where a trust is incorporated as a Board, the Board may, pursuant to a resolution passed at a meeting of the Board, apply to the Registrar to change the name under which it is registered.

(3) All applications for change of name under this section shall be accompanied by the certificate of incorporation of the Board.

(4) Where the Registrar approves of the change, he shall enter the new name in the register in place of the former name and shall alter the certificate of incorporation to meet the circumstances of the case.

(5) A change of name of a Board under this section shall not affect any rights or obligations of the Board, or render defective any legal proceedings by or against the Board, and any legal proceedings that may have been continued or commenced by or against it in its former name may be continued or commenced by or against it in its new name.

Right to appeal to court.

13. (1) Any person dissatisfied with any decision of the Registrar may appeal to the Court against that decision:

Provided that before the Court hears the appeal that person shall adduce proof of circumstances which in the opinion of the Court make it proper that he should make the appeal.

(2) Notice of every such appeal shall be filed in the Court and served upon the Registrar within 28 days after the day on which the decision appealed against was given.

(3) If in any case the appellant does not prosecute his appeal with due diligence, the Court, on application made by the Registrar or any person interested, may dismiss the appeal and make such order as to costs as it thinks proper.

Service on a Board.

14. Any notice or legal process shall be deemed to be served upon a Board if left at its registered office or if sent through the post in a registered letter addressed to the Board at that office.

Forms of Contracts.

15. (1) Contracts on behalf of a Board may be made as follows:

(a) A contract which if made between private persons would be by law required to be by deed may be made on behalf of the Board in writing under the common seal of the board, attested in such manner as may be provided in the rules or other documents providing for the constitution of the society that is incorporated as the Board or of which the members of the Board are the trustees, or (in the absence of any such provision) attested by at least 2 members of the committee or other governing body of the society that is incorporated as the Board or by at least 2 of the trustees of the trust which is incorporated as the Board and may in the same manner be varied or discharged.

(b) A contract which if made between private persons would be by law required to be in writing, signed by the parties thereto, may be made on behalf of the Board in writing signed by any person acting under its authority, express or implied, and may in the same manner be varied or discharged.

(c) A contract which if made between private persons would by law be valid although made by parol only, may be made by parol on behalf of the Board by any person acting under its authority, express or implied, and may in the same manner be varied or discharged.

(2) A contract made according to this section shall be effectual in law, and shall bind the Board and its successors and all other parties thereto, their heirs, executors or administrators as the case may be.

Presumption of validity of acts trustees, etc.

16. All acts or deeds done or made by any person acting in good faith as one of the trustees of a trust which for the time being constitutes a Board, or as one of the committee or governing body for the time being of a society which constitutes a Board, shall be valid notwithstanding any defect that may afterwards be found in his appointment; and the signature of any person purporting to act as one of those trustees or as a member of that committee or governing body shall, in the absence of proof to the contrary, be sufficient evidence of his being one of those trustees or a member of that committee or governing body, as the case may be.

Powers in respect of property.

17. (1) Without prejudice to any other power that a Board may have by virtue of this Act or any other Act, a Board may,

(a) with the consent of the Court, dedicate all or any part of its property for any public purpose:

Provided that consent shall not be given unless the Court is satisfied that the purpose for which the trust was created cannot be fulfilled;

(b) notwithstanding any provision to the contrary in the trust instrument, sell or exchange all or any part of its property:

Provided that, where it is of the essence of the trust that a particular property be used for the purpose of the trust, no sale or exchange may be made without the consent of the Court;

(c) apply any money for the time being held by the Board for or towards the acquisition of any property whether situated in Tonga or elsewhere, and any property so acquired shall be held upon the same trust as affected the money applied in the acquisition of the

property.

(2) (a) Any money or property received in consequence of a sale or exchange referred to in subsection (1) of this section shall be held in the same trust as affected the property before its sale or exchange.

(b) Any money referred to in this section may be invested by the Board in any investment for the time being authorised by law for the investment of trust funds.

Power to incorporate for charitable purposes under other Acts.

18. Nothing in this act shall prevent any company, society, or corporation from being incorporated under any other Act or otherwise for any religious, educational, or other charitable purpose, or from including any such purpose among its objects:

Provided that no Board incorporated under this Act shall be incorporated under any other Act.

New trusts, and alterations of rules, trusts, or registered office.

19. (1) If any variation is made in the trusts on which any Board holds any property, or if any additional property becomes vested in any Board on trusts not completely shown in the declarations and the copies of the relevant parts of wills and declarations of trust and other documents already lodged with the Registrar, then, within one month from the date of the variation or vesting, there shall be lodged with the Registrar-

(a) A copy (certified by one of the trustees of the trust constituting the Board or by a member of the committee or governing body of the society constituting the Board, as a correct copy) of the relevant parts of every scheme, order, will, declaration of trust, and other documents which (when read where necessary with the copies and documents already lodged with the Registrar) show the trusts as varied and the trusts on which the additional property is vested in the Board; and

(b) A statutory declaration by any such trustee or member setting forth the variation of the trusts or the trusts on which the additional property is held so far as they are not shown in any such scheme, order, will, declaration of trust, or other document.

(2) If any alteration is made in the rules or other documents providing for the constitution of any Board, and the alteration affects the trusts on which any property is held or is to be held, or if any Board desires to alter the address of its registered office, notice of the alteration or desired alteration shall be given to the Registrar within one month from the date thereof. Where any Board gives notice under this subsection of its desire to alter the address of its registered office and specifies a new address for its registered office with sufficient particularity to enable documents to be served by hand and served by post, the Registrar shall forthwith alter the registered address accordingly.

(3) If in any case the requirements of this section are not complied with within any such period of one month, each of the trustees of a trust incorporated as the Board, or each member of the committee or other governing body of the society incorporated as the Board, and each officer of the Board, commits an offence and shall be liable on summary conviction to a fine not exceeding \$500 or not exceeding \$20 for every day thereafter during which the default continues or to both.

Winding up

20. Subject to this Act and to any regulations made thereunder, the winding up of a Board shall be governed by the same rules with such modifications as are necessary as govern the winding up of a company under the Companies Act.

Winding up of a Board by the Court.

21. (1) A Board may be wound up by the Court if the Court is satisfied that it is just and equitable that the Board should be wound up.

(2) An application to the Court for winding up of a Board may be presented by -

(a) The Attorney-General; or

(b) The Board; or

(c) A member thereof; or

(d) A creditor thereof; or

(e) The Registrar; or

(f) Any other person who adduces proof of circumstances which in the opinion of the Court make it proper that he should make the application.

(3) All costs incurred by the Attorney-General or the Registrar in making application for the winding up of a Board shall, unless the Court otherwise orders, be a first charge on the assets of the Board.

Dissolution by Registrar.

22. (1) If at any time the Registrar is satisfied that a Board is no longer carrying on its operations or has been registered by reason of a mistake of fact or law, he may make under his seal a declaration that the Board is dissolved as from the date of the declaration, and shall thereupon publish the declaration in the Gazette, and make in the register an entry of the dissolution of the Board.

(2) Incorporation of the Board shall cease as from the date of the declaration irrespective of the date of the making of the entry in the register.

(3) At any time thereafter the Registrar, on being satisfied that the declaration was made in error and ought to be revoked, may revoke the same by a declaration in the Gazette, and shall thereupon make an entry of that revocation in the register, and the Board shall thereupon be revived from the date of the dissolution thereof as if no such dissolution had taken place.

(4) The Registrar may at any time send to any Board, by registered letter addressed to it at its registered office, an inquiry as to whether or not the Board is still carrying on its operations. If no reply is received to that letter within 3 months of the posting thereof, or if the letter is not delivered and is returned to the Registrar, that shall be sufficient to satisfy the Registrar that the Board is no longer carrying on its operations:

Provided that nothing in this subsection shall prevent the Registrar from satisfying himself to that effect in any other manner.

Distribution of surplus assets on winding up or dissolution.

23. On the winding up of a Board or on its dissolution by the Registrar, all surplus assets after the payment of all costs, debts, and liabilities shall be disposed of by the Court to such other charity, board or trust which by its nature and character most closely approaches the Board which has been wound up or failing which, to the Crown.

Register of Boards and seal of Registrar.

24. (1) The Registrar shall keep a register in which shall be recorded all matters required by this Act or by any regulations under this Act to be recorded by the Registrar.

(2) The seal of the Registrar may be used for the authentication of any documents required for the purposes of this Act.

Inspection, production, and evidence of documents kept by Registrar.

25. (1) Any person may inspect the documents kept by the Registrar on payment of such fees as may be prescribed.

(2) Any Board may, on payment of the prescribed fee and on proof that the certificate of incorporation of the Board which has previously been issued has been lost or destroyed, require the Registrar to issue under his seal a further certificate of incorporation in respect of the Board.

(3) Any person may, on payment of the prescribed fee, require a copy of or extract from the register or any document lodged with the Registrar under this Act to be given or certified by the Registrar under his hand and seal.

(4) A copy of or extract from any document kept by or lodged with the Registrar under this Act, certified to be a true copy or extract under the hand and seal of the Registrar (whose official position it shall not be necessary to prove), shall in all legal proceedings be admissible in evidence as of equal validity with the original document.

(5) At any time while there are no regulations prescribing the fees payable under this section, or so far as no such fees are prescribed by any regulations, the fees so payable shall be the same as those payable under the corresponding provisions in Rule 19(3) of the Company Rules. All fees paid to the Registrar under this Act shall be paid into the general revenue of the Kingdom.

Exemption from fees.

26. Except as provided in section 25 of this Act, no fee shall be payable to the Registrar in respect of any document made or thing done under or for the purposes of this Act.

Documents not liable to stamp duty.

27. No document required by this Act to be delivered by the Registrar shall be liable to any stamp duty.

Power to make Regulations.

28. The Minister may make such regulations as he deems necessary for carrying into full effect the provisions of this Act.

Register of trustees or members.

29. (1) Every Board shall keep a register of trustees or members of the committee or other governing body and shall supply details thereof to the Registrar on demand.

(2) The Register shall contain the names, addresses and occupations of the trustees or members of the committee or other governing body and the dates of first appointment.

Audited annual financial statements.

30. (1) Every Board shall deliver annually to the Registrar in such form and within such time as he requires, an audited financial statement containing the following particulars:

- (a) The income and expenditure of the Board during the Board's last financial year; and
- (b) The assets and liabilities of the Board at the close of the said year; and
- (c) All mortgages, charges and securities of any description affecting any of the property of the Board at the close of the said year; and
- (d) The names, addresses and occupations of all trustees or members of the committee or other governing body and the dates of appointment.

(2) The said statement shall be accompanied by a certificate signed by an officer of the Board to the effect that the statement has been submitted and approved by the trustees or members of the committee or other governing body at a meeting of the Board.

(3) If any default is made by a Board in the observance of the provisions of this section, every officer of the Board shall be liable to a fine not exceeding \$500 or not exceeding \$20 for every day thereafter during which the default continues or to both.

SCHEDULE

Form 1

THE CHARITABLE TRUSTS ACT 1993.

(Section 3 (3))

APPLICATION FOR INCORPORATION OF TRUST AS A BOARD

1. We being the trustees for , hereby apply for that trust to be incorporated as a Board under the provisions of the Charitable Trusts Act 1993.
2. We desire the name of the Board to be
3. The registered office of the Board is to be at [State an address with sufficient particularity for service by hand and service by post of documents thereat].
4. This application is made with the authority of [State name of trust for which the trustees act and mode of authorisation by the trust].
5. The said trust is not itself incorporated.
6. The following documents are attached to this application: [Here insert a list sufficiently describing and identifying each document].

7. We being the majority of the trustees sign as follows:

Dated this day of 19

Form 2

THE CHARITABLE TRUSTS ACT 1993.

(Section 4 (3))

APPLICATION FOR INCORPORATION OF TRUST AS A BOARD

1. We hereby apply for the incorporation of
(being a society established for charitable purposes which is not yet incorporated under the provisions of the Charitable Trusts Act 1993 or any other Act or otherwise) under the provisions of the Charitable Trusts Act 1993.
2. We make this application as [Insert "the members (or the majority of the members) of the society"].
3. It is desired that upon incorporation the name of the society should be [Insert "as shown above", or as the case may be].
4. The registered office of the society is to be at [State an address with sufficient particularity for service by hand and service by post of documents thereat]
5. This application is made with the authorisation of the society given as follows: [State method of authorisation].
6. The following documents are attached to this application: [Here insert a list sufficiently describing and identifying each document].
7. We being the majority of the members sign as follows.

Dated this day of 19

Passed by the Legislative Assembly this 19th day of October, 1993.

TONGA

Fika 14 'o e 1993.

'Oku ou loto ki ai,

TAUFA 'AHAU TUPOU IV,
3 'o Sanuali, 1994.

KO E LAO

**KE NE TU'UTU'UNI KE FOKOTU'U FAKAKAUTAHA MO LESISITA 'A E NGA AHI
TALASITI FAKALOTU MO FAKAAKO NGAUE'OF A MO E NGA AHI TALASITI MO E**

NGAAHI SOSAIETI NGAUE'OFA KEHE

[19 'o 'Okatopa, 1993.]

Hingoa Nounou

1. 'E ui 'a e Lao ni ko e Lao ki he Ngaahi Talasiti Ngaue'ofa 1993.

'UHINGA 'O E NGAahi LEA

2. 'I he Lao ni, tukukehe 'o ka fiema'u 'e hono ngaahi kupu ha 'uhinga kehe-

"Poate" ko hono 'uhinga ko ha talasiti pe sosaieti kuo fokotu'u fakakautaha 'o fakatatau ki he Lao ni;

"Taumu'a ngaue'ofa" 'oku kau ki ai 'a e taumu'a ngaue'ofa kotoa pe, pe 'oku felave'i mo hono tokoni'i 'o e masiva, fakalakalaka 'o e ako pe lotu, pe ko ha me'a pe 'oku kau lelei ki he kakai;

"Fakamaau'anga" ko hono 'uhinga ko e Fakamaau'anga Lahi 'o Tonga, pea kau ki ai ha Fakamaau 'o e Fakamaau'anga ko ia;

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

"Koloa" ko hono 'uhinga ko e kelekele mo e koloa fakatautaha 'o e fa'ahinga kotoa pe, pea 'oku kau ai mo e pa'anga;

"Failesisita" ko hono 'uhinga ko e Failesisita 'o e Ngaahi Talasiti Ngaue'ofa 'a is kuo pau ko e Failesisita is 'o e Ngaahi Sosaieti Fakakautaha fakatatau ki he Lao ki he Ngaahi Sosaieti Fakakautaha.

Kole 'a e kau talasiti ke fokotu'u fakakautaha.

3. (1) 'E ngofua ki he kau talasiti 'o ha talasiti 'a is 'oku ngaue ma'ata'ataa pe tafataha pe ki he ngaahi taumu'a ngaue'ofa ke nau kole ki he Failesisita fakatatau ki he Lao ni ke fokotu'u fakakautaha 'a e talasiti ke hoko ko ha Poate 'i he Lao ni.

(2) Kuo pau 'e 'ikai fai ha kole pehee 'e he kau talasiti 'o ha talasiti-

(a) Kapau kuo fokotu'u fakakautaha 'a e talasiti ko is 'i he Lao ni pe 'i ha Lao kehe pe 'i ha to e founga kehe; pea

(b) Tukukehe pe 'o ka fakamafai'i kinautolu ke fai ha kole pehee.

(3) Kuo pau ke 'i he Tohi Sipinga 1 'o e Tepile ki he Lao ni 'a e kole kotoa pe ke fokotu'u fakakautaha pea kuo pau ke fakamo'oni hingoa ki ai 'a e tokolahi 'o e kau talasiti.

Kole 'a e Sosaieti ke fokotu'u fakakautaha.

4. (1) Ka 'i ai ha sosaieti 'oku ne ngaue ma'ata'ataa pe tafataha pe ki he ngaahi taumu'a ngaue'ofa 'e

ngofua ke ne kole ki he Failesisita fakatatau ki he Lao ni ke fokotu'u fakakautaha 'a e sosaieti ko is ke hoko ko ha Poate 'o fakatatau ki he Lao ni.

(2) Kuo pau 'e 'ikai fai 'e he sosaieti ha kole pehe -

(a) Kapau kuo 'osi fokotu'u fakakautaha 'ae sosaieti ko is 'i he Lao ni pe 'i ha Lao kehe pe 'i ha to e founa kehe; pea

(b) Tukukehe pe 'o ka fakamafai'i 'a e kole 'e he sosaieti.

(3) Kuo pau ke 'i he Tohi Sipinga 2 'o e Tepile ki he Lao ni 'a e tohi kole pehe kotoa pe ke fokotu'u fakakautaha pea kuo pau ke fakamo'oni hingoa ki ai 'a e tokolahi 'o e kau memipa 'o e sosaieti.

Founa 'oku fakamafai'i 'aki 'a e tohi kole.

5. Koe 'uhi ko e ngaahi taumu 'a 'o e kupu 3 mo e 4 'o e Lao ni, kuo pau ke lau 'oku fakamafai'i 'a e tohi kole 'e he kau talasiti 'o ha talasiti pe ha sosaieti kapau -

(a) 'Oku fakamafai 'i is 'e he tokolahi 'o e kau talasiti 'o e talasiti ko is pe tokolahi 'o e kau memipa 'o e sosaieti ko ia; pe

(b) Kuo tali 'a e tu'utu'uni 'oku ne fakamafai'i ke fai 'a e kole 'i ha fakataha 'a e kau talasiti 'o e talasiti ko is pe 'i ha fakataha 'a e sosaieti ko ia, 'o hange ko is 'oku hoko, pea kapau 'oku fiemalie 'a e Failesisita na'e 'osi 'oatu ha fanongonongo ki he teu fai 'o e fakataha ko is mo hono taumu'a 'o taau mo e ngaahi me'a ko is 'oku hoko; pe

(c) 'Oku fakamafai'i 'a e tohi kole 'e he tohi talasiti pe 'e he ngaahi tu'utu'uni 'o e sosaieti 'o hange ko is 'oku hoko.

Ngaahi tohi kole ke fokotu'u fakakautaha.

6. (1) Ko e tokotaha kotoa pe 'oku fakamo'oni hingoa ki ha tohi kole ke fokotu'u fakakautaha kuopau ke ne tanaki atu ki he'ene fakamo'oni hingoa, 'ene ngaue mo hono tu'asila. Ko e tokotaha kotoa pe 'oku fakamo'oni hingoa ki he tohi kole kuopau ke fakamo'oni ki he'ene fakamo'oni hingoa ha taha fakamo'oni 'a is 'oku 'ikai kau 'i he kau fakamo'oni hingoa ki he tohi kole, pea kuopau ke tanaki atu 'e he tokotaha fakamo'oni ko is ki he'ene fakamo'oni hingoa 'a 'ene ngaue mo hono tu'asila. 'I he taimi 'oku kau ai ha kautaha 'i he fakamo'oni hingoa ki he tohi kole kuo pau ke fokotu'u 'ene sila ki he tohi kole.

(2) Kuo pau ke 'oatu 'a e tohi kole kotoa pe ke fokotu'u fakakautaha 'i he Lao ni fakataha mo -

(a) Ha tatau ('a is 'e fakamo 'oni 'i 'e he taha 'a e kau fakamo 'oni hingoa ki he tohi kole ko ha tatau mo 'oni ia) 'o e ngaahi konga 'oku felave'i 'i he kotoa 'o e ngaahi tohi tuku, ngaahi tohi fakamo 'oni 'a e talasiti, mo e ngaahi tohi ngaue kehe (kapau 'oku 'i ai) 'a is 'oku ha ai 'a e ngaahi taumu'a fakalukufua 'a e talasiti pe sosaieti 'a is 'oku tu'unga ai 'a e kole pea mo e ngaahi talasiti 'a is 'oku tauhi fakatalasiti ai 'e he taha kole pe kau kole ha koloa ka 'oku 'ikai ko ha tauhi is koe'uhi ko ha ngaahi taumu'a fakalukufua pe 'a e taha kole pe ko e kau kole; pea mo

(b) Ha fanongonongo fakalao mei ha taha 'o e kau fakamo'oni hingoa ki he tohi kole 'o fakamatala'i ai ha ngaahi talasiti 'a is 'oku tauhi fakatalasiti ai 'e he taha kole pe kau kole ha koloa, ka koe ngaahi talasiti ko is 'oku 'ikai to nau ha 'i ha fa'ahinga tohi ngaue pe

tatau 'o ha tohi ngaue 'oku 'oatu fakataha mo e tohi kole; pea

(c) 'I ha fai 'e ha sosaieti 'a etohi kole ke fokotu'u fakakautaha-

(i) Ko ha tatau 'o e ngaahi to 'utu 'uni mo ha ngaahi tohi ngaue kehe (kapau 'oku 'i ai) 'a is 'oku ha ai 'a e konisitutone 'a e sosaieti, 'a is 'e fakamo'oni 'i 'e ha taha 'o kinautolu 'oku fakamo'oni hingoa ki he tohi kole ko e tatau mo'oni is 'o e ngaahi tu'utu'uni mo e ngaahi tohi ngaue 'oku lolotonga ngaue'aki, 'i he taimi ko is (kapau 'oku 'ikai ha ngaahi to 'utu 'uni pe ngaahi tohi ngaue pehe) pe ko ha fanongonongo fakalao kuo fai 'e ha taha 'o e kau fakamo'oni hingoa ki he tohi kole 'o fakaha ai 'a e ngaahi taumu'a 'o e sosaieti, 'a e founa 'a is 'e hoko ai ha taha ko e memipa pe ngata ai 'ene memipa 'i he kautaha, pea mo e founa 'oku fakalele 'aki 'a e sosaieti; pea mo

(ii) Ha fanongonongo fakalao kuo fai 'e he taha 'o e kau fakamo'oni hingoa ki he tohi kole 'o fakaha ai 'oku fakamafai 'i 'e he sosaieti 'a e tohi kole, pea fakamahino 'i ai 'a e founa 'oku fakamafai 'i 'aki.

(3) Kapau 'oku pehe 'e he Failesisita 'oku 'ikai fe'unga 'a e fakamatala 'i ha tohi ngaue 'oku 'oatu fakataha mo e tohi kole 'o fekau'aki mo e talasiti 'a is 'oku tauhi fakatalasiti ai 'e he taha tohi kole pe kau tohi kole ha fa'ahinga koloa, pe fekau'aki mo e ngaahi taumu'a mo e konisitutone 'o ha sosaieti, 'e ngofua ke ne fakafisi ke lesisita 'a e talasiti pe sosaieti 'o hange ko is 'oku tu'utu'uni 'i he Lao ni kae'oua kuo 'oatu kiate is 'a e ngaahi fakamatala kehe ko is 'oku ne fiema'u.

(4) 'E ngofua ke 'oatu fakataha 'a e ngaahi tohi ngaue 'olisinale (original) mo e tohi kole kae 'ikai ko e ngaahi tatau, pea kuopau ke ngaue'aki 'a e ngaahi to 'utu 'uni 'i he kupu si 'i (5) 'o e kupu 25 'o e Lao ni felave 'i mo e ngaahi tohi ngaue.

Lesisita 'o e Ngaahi Poate.

7. (1) Kuopau ki he Failesisita 'o ka 'oku fiemalie ko e ngaahi taumu'a 'o e talasiti pe sosaieti ('o hange ko is 'oku hoko) 'oku taumu'a ma'ata'ata pe taafataha pe ki he ngaue'ofa, pea kuo 'osi fai pau ki he ngaahi to 'utu 'u ni 'a e Lao ni ke ne:

(a) Fakahu 'a e hingoa 'o e Poate 'i he lesisita 'oku ne tauhi 'o fakatatau ki he Lao ni, fakataha mo ha ngaahi fakamatala pe ko e talasiti pe ko e sosaieti ko is 'oku hoko ko e Poate, 'a e feitu'u 'oku tu'u ai hono 'ofisi lesisita, pea mo ha ngaahi fakamatala kehe pe 'oku ne pehe 'oku fe'unga; pea,

(b) 'Oatu ha tohi fakamo'oni 'a is kuo fokotu'u ki ai 'ene sila 'o fakaha ai kuo fokotu'u 'a e Poate 'o fakatatau ki he Lao ni 'i he 'aho 'oku ha 'i he tohi fakamo'oni ko ia.

(2) Kuopau ke hoko 'a e Poate ko e sino'i kautaha mei he 'aho na'e fokotu'u fakakautaha ai, 'a is 'oku ha 'i he tohi fakamo'oni fokotu'u fakakautaha, pea kuopau ke kau ki ai 'a -

(a) Kinautolu 'a e kau talasiti 'o e talasiti 'i ha taimi 'oku fokotu'u Poate ai 'a e talasiti ko ia; pe

(b) Kinautolu 'a e kau memipa 'o e sosaieti 'i ha taimi 'oku fokotu'u Poate ai 'a e sosaieti ko ia.

Fakamobni ki hono fokotu'u fakakautaha.

8. Ko e tohi fakamo'oni fokotu'u fakakautaha kotoa pe 'e 'oatu kuo fokotu'u ki ai 'a e sila 'a e Failesisita kuopau ko e fakamo'oni fe'unga ia, 'oka 'oku 'ikai ha fakamo'oni ke ne faka'ikai'i, ko e Poate 'oku tu'u hono hingoa 'i ai na'e fokotu'u fakakautaha is 'i he 'aho 'oku fakamahino'i 'i he tohi fakamo'oni, pea kuo fai pau ki he ngaahi founga kuo tu'utu'uni 'e he Lao ni, ka kuo pau 'e 'ikai ko ha fakamo'oni is ko e ngaahi taumu'a 'o e talasiti pe sosaieti ko is 'oku nau taumu'a ma'ata'ata pe taafataha pe ki he ngaue 'ofa.

Ola 'o e fokotu'u fakakautaha.

9. Kuopau ke ma'u 'e he Poate kotoa pe 'a e hokohoko ta'engata mo ha sila ngaue pea (fakatatau ki he Lao ni pea ki he ngaahi tu'utu'uni mo e ngaahi tohi ngaue kehe 'oku ha ai 'a e konisitutone 'a e Poate) kuopau ke ngofua kene ma'u kekelele mo ha koloa fakatautaha 'o ha fa'ahinga natula pe 'oku tu'u 'i Tonga ni pe 'i ha feitu'u kehe, pea ke ne faka'ilo pea ke faka'ilo ia, pea mo fai mo fakangofua 'a e ngaahi ngaue kotoa ko is mo e ngaahi me'a 'a is 'oku ngofua fakalao ke fai mo fakangofua 'e he ngaahi sino'i kautaha.

Tuku'anga 'o e totonu & mafai ki he koloa.

10. (1) Ko e koloa kotoa pe 'oku tauhi 'e he kau talasiti pe ha sosaieti kuopau, 'i hono fokotu'u fakakautaha 'o e talasiti pe sosaieti ko is ke hoko ko e Poate, ke ma'u leva is 'e he Poate, ki he ngaahi taumu'a tatau mo e ngaahi mafai tatau pea 'i he mo fakatatau ki he ngaahi talasiti, alepau mo e ngaahi lao 'o e tu'utu'uni totonu felave'i mo e ngaahi koloa ko ia, 'o 'ikai to e fiema'u ke liliu, foaki pe momoi.

(2) Ka 'i ai ha kekelele pe kaunga fakalao ki he kekelele ko ia, pe ha mokisi pe ha mo'ua (charge) 'oku hilifaki ki ha kekelele 'o fakatatau ki he Lao ki he Kekelele, 'oku ma'u 'e ha Poate fakatatau ki he kupu ni, kuo pau ke fakaha 'e he Poate, 'o 'ikai to e toloi ki he Minisita Fonua 'o fokotu'u ki ai 'ene sila ngaue, 'a e kekelele, kaunga ki he kekelele, mokisi pe mo'ua (charge) ko is pea kuo pau ki he Minisita Fonua 'o 'ikai to e toloi ke ne lesisita 'oku ma'u fakalao 'e he Poate 'a e kekelele, kaunga fakalao, mokisi pe mo'ua (charge) ko ia.

Hingoa 'o e Poate.

11. (1) Kuo pau 'e 'ikai fokotu'u fakakautaha ha talasiti pe sosaieti 'aki ha hingoa 'oku tatau mo ha hingoa 'o ha Poate kehe, pe ko ha kautaha 'oku fakalele pisinisi 'i Tonga ni (pe 'oku lesisita 'i Tonga ni pe 'ikai) pe ko ha sino'i kautaha kehe pe pisinisi 'oku fokotu'u pe lesisita 'i Tonga ni 'o fakatatau ki ha fa'ahinga Lao, pe 'oku meimei tatau mo e hingoa ko is 'o 'uhinga ke kaka, tukukehe kapau 'e fakaha 'e he Poate, kautaha, pe sino 'i kautaha kehe ko ia, 'o hange ko is 'oku hoko, 'oku ne loto ki ai 'i ha founga 'e tu'utu'uni 'e he Failesisita pea fiemalie foki 'a e Failesisita 'e 'ikai uesia 'a e kakai 'i hano lesisita 'a e Poate 'aki 'a e hingoa ko ia.

(2) Kuo pau 'e 'ikai fiema'u ke fakakau 'i he hingoa 'o e Poate-

(a) 'a e ngaahi fo'i lea "Poate Talasiti"; pe

(b) Ha taha 'o e ngaahi fo'i lea ko 'eni, "Talasiti", "Poate", "Sosaieti"; pe "Fakakautaha".

(3) Kuo pau 'e 'ikai lesisita ha Poate 'aki ha hingoa 'oku kau ai 'a e fo'i lea "Fakatu 'i", pe ko ha to e fo'i lea pe 'a ia, 'i he tui 'a e Failesisita, 'oku fakahu'uhu'unga ke pehe ko e Poate ko is 'oku 'i he malumalu, pule pe pataloni ai 'a 'Ene 'Afio, Fale 'o e Tu 'i pe Pule 'anga to 'eki ke finangalo ki ai 'Ene 'Afio 'i he Fakataha Tokoni.

(4) Ko e Poate kotoa pe 'oku lesisita 'o fakatatau ki he Lao ni kuo pau ke fakakau 'i he'ene 'ulu'i tohi pea mo 'ene ngaahi me'a fakapaaki kotoa pe, 'a e ngaahi lea "kuo fokotu'u fakakautaha is 'o fakatatau ki he Lao ki he ngaahi Talasiti Ngaue'ofa 1993."

Liliu 'o e Hingoa.

12. (1) Ka 'i ai ha taimi 'e fokotu'u Poate ai ha sosaieti 'e ngofua ki he Poate, 'o fakatatau ki ha tu'utu'uni 'a e sosaieti kuo tali 'i ha'ane fakataha lahi, ke kole ki he Failesisita ke liliu 'a e hingoa 'oku lesisita 'aki 'a e Poate ko ia.

(2) Ka 'i ai ha taimi 'e fokotu'u Poate ai ha talasiti, 'e ngofua ki he Poate, 'o fakatatau ki ha tu'utu'uni kuo tali 'i ha fakataha 'a e Poate, ke kole ki he Failesisita ke liliu 'a e hingoa 'oku lesisita 'aki ia.

(3) Kuo pau ke 'oatu fakataha 'a e tohi fakamo'oni ki hono fokotu'u fakakautaha 'o e Poate mo e ngaahi tohi kole kotoa ke liliu 'a e hingoa 'o fakatatau ki he kupu ni.

(4) Kapau 'e tali 'e he Failesisita ke fai 'a e liliu, kuo pau ke ne fakahu 'a e hingoa fo'ou 'i he lesisita 'o fetongi 'aki 'a e uluaki hingoa pea kuo pau ke ne liliu 'a e tohi fakamo'oni ki hono fokotu'u fakakautaha ke tatau mo e liliu 'oku fai.

(5) Kuopau 'e 'ikai uestia 'i hono liliu 'a e hingoa 'o ha Poate 'o fakatatau ki he kupu ni ha totonu pe ngaahi mo'ua 'o e Poate, pe to ne fakata'e'aonga'i ha ngaahi hopo 'oku talatalaaki pe faka'iloa ai 'a e Poate, pea kapau na'e 'i ai ha hopo na'e mei fai hokohoko mai pe kamata 'a is na'a ne talatalaaki pe faka'iloa ai 'aki hono 'uluaki hingoa 'e ngofua ke kamata pe hoko atu 'a e hopo ko is 'i hono hingoa fo'ou.

Ngofua ke tangi ki he Faka-maau'anga.

13. (1) 'E ngofua ki ha taha 'oku ta'efiemalie ki ha fa'ahinga tu'utu'uni 'a e Failesisita ke ne tangi ki he Fakamaau'anga 'o fekau'aki mo e tu'utu'uni ko ia. Ka kuo pau kimu 'a pea fakamaau 'i 'e he Fakamaau 'anga 'a e tangi ko is kuo pau ke fakahu atu 'e he taha ko is ha fakamo'oni ki he ngaahi tu'unga ko is 'a is 'i he tui 'a e Fakamaau 'oku totonu pe 'ene tangi.

(2) Kuo pau ke fakahu atu ki he Fakamaau'anga ha fanongonongo 'o e tangi kotoa pe pea tufa ki he Failesisita 'i loto 'i he 'aho 'e 28 hili 'a e 'aho na'e fai ai 'a e tu'utu'uni 'oku fai ai 'a e tangi.

(3) 'E ngofua ki he Fakamaau'anga ke ne fakata'e'aonga'i ha tangi 'i ha kole 'a e Failesisita pe ha taha 'oku 'i ai ha'ane kaunga ki ai pea ke ne fai ha tu'utu'uni felave'i mo e ngaahi fakamole 'a is 'oku ne pehe 'oku taau kapau 'oku 'ikai ha 'uhinga fe'unga 'oku fai 'aki 'e he tokotaha tangi 'ene tangi.

Tufa ki he Poate.

14. Kuo pau ke lau kuo 'osi tufa ha fanongonongo pe me'a fakalao ki ha Poate kapau 'e tuku atu is ki hono 'ofisi lesisita pe kapau 'e 'ave 'i he meili 'i ha tohi lesisita 'o fakatu'asila ki he Poate 'i he 'ofisi ko ia.

Sipinga 'o e ngaahi aleapau.

15. (1) Ko e ngaahi aleapau 'a e Poate 'e fakahoko is 'o anga pehe ni:

(a) Ko ha aleapau 'a is 'o kapau 'e fai is 'i he vaha'a 'o ha kakai taautaha 'oku fiema'u is 'e he lao ke fai is 'aki ha tohi aleapau, 'e ngofua ke fai is ma'a e Poate 'i he tohi 'a is kuo fokotu'u ki ai 'a e sila ngaue 'a e Poate, pea fakamo'oni 'i he founga ko is 'oku tu'utu'uni 'i he ngaahi tu'utu'uni pe ko e ngaahi tohi ngaue kehe 'oku ha ai 'a e konisitutone 'o e

sosaieti 'a is kuo fokotu'u Poate pe ko e kau memipa 'a e Poate ko e kau talasiti ia, pe (kapau 'oku 'ikai ha tu'utu'uni pehe) ke fakamo'oni'i is 'e ha memipa 'e toko 2 pe lahi hake 'o e komiti pe 'o ha to e mafai pule 'o ha sosaieti kuo fokotu'u Poate pe 'e ha ongo talasiti 'e toko 2 pe lahi hake 'o e talasiti ko is kuo fokotu'u Poate pea 'e ngofua pe 'i he founa tatau ke liliu pe faka'osi.

(b) Ko ha aleapau 'a is kapau ko e fai 'i he vaha'a 'o ha kakai taautaha 'oku fiema'u 'e he Lao ke fai 'i he tohi pea ke fakamo'oni hingoa ki ai 'a e ngaahi fa'ahi 'oku nau kau ki ai, 'oku ngofua ke fai is ma'a e Poate 'i he tohi kuo fakamo 'oni hingoa ki ai 'e ha taha 'oku ngaue 'i hono mafai, pe 'oku fakaha pe 'oku faka'uhinga'i, pea 'e ngofua pe 'i he founa tatau ke liliu pe faka'osi.

(c) Ko ha aleapau 'a is 'o kapau ko e fai 'i ha vaha'a 'o ha kakai taautaha pea 'oku hoa mo e Lao neongo na'e fai pe is 'i he lea 'o 'ikai ke tohi (parol), 'e ngofua ke fai is 'aki ha alea 'o 'ikai ke tohi (parol) ma'a e Poate 'e ha taha 'oku ne ngaue 'i hono mafai, pe 'oku fakaha pe 'oku faka'uhinga'i, pea 'e ngofua pe 'i he founa tatau ke liliu pe faka'osi.

(2) Kuo pau ke fakalao 'i he lao ha aleapau 'oku fai 'o fakatatau ki he kupu ni, pea kuo pau ke fai ki ai 'a e Poate mo hono kau fetongi pea mo e kotoa 'o e ngaahi fa'ahi 'oku kau ki ai, ko honau ngaahi 'ea, mo honau kau fai tohi tuku 'o hange ko is 'oku hoko.

Lau pe 'oku fakalao 'a e ngaahi ngaue 'a e kau talasiti.

16. Kuo pau ke fakalao 'a e kotoa 'o e ngaahi ngaue pe ngaahi ngafa kuo fai pe 'oku fai 'i he lotu totonu 'e ha taha 'o e kau talasiti 'o ha talasiti 'oku ne fa'u 'a e Poate 'i he taimi ko is pe 'e ha taha 'o e komiti pe ko e mafai pule 'o ha sosaieti 'a is 'oku ne fa'u 'a e Poate 'i he taimi ko is neongo ka toki 'ilo 'amuiange ha fehalaaki 'i hono fokotu'u ia; pea kuo pau ke hoko 'a e fakamo'oni hingoa 'a e tokotaha 'oku fakataumu'a ko e fakafofonga 'o e taha 'o e kau talasiti pe ko e memipa 'o e komiti ko is pe mafai pule, 'o ka 'ikai ha fakamo 'oni ke ne faka'ikai 'i, ko ha fakamo 'oni fe'unga 'o 'ene hoko ko e taha 'o e kau talasiti ko is pe ko e memipa 'o e komiti ko is pe mafai pule, 'o hange ko is 'oku hoko.

Ngaahi Mafai felave'i mo e koloa.

17. (1) 'E ngofua ki ha Poate 'o 'ikai kaunga kovi ki ha mafai kehe 'oku ma'u 'e he Poate koe'uhi ko e Lao ni pe ko ha Lao kehe ke ne,-

(a) foaki kotoa pe ha konga 'ene koloa koe'uhi ko ha taumu'a fakapule'anga (public purpose), ka lotu ki ai 'a e Fakamaau'anga:

Ka kuo pau 'e 'ikai lotu ki ai 'a e Fakamaau'anga kae'oua kuo fiemalie 'oku 'ikai ke a'usia 'a e taumu'a na'e fokotu'u ai 'a e talasiti;

(b) fakatau atu pe fakafetongi 'a e kotoa pe ha konga 'o 'ene koloa neongo 'oku 'i ai ha tu'utu'uni kehe ki ai 'a e tohi talasiti:

Ka 'o kapau ko e tefito'i 'uhinga is 'o e talasiti ke ngaue'aki ha koloa pau ki he taumu'a 'o e talasiti, 'e 'ikai ke ngofua ke fai hano fakatau atu pe fakafetongi 'o ka 'ikai ke lotu ki ai 'a e Fakamaau 'anga;

(c) ngaue'aki ha pa'anga 'oku ma'u 'e he Poate 'i he taimi ko is ki he pe ki hono fakatau mai 'aki ha koloa pe 'oku 'i Tonga ni pe 'i ha feitu'u kehe, pea ko e koloa 'e fakatau mai kuo pau ke tauhi is 'i he talasiti tatau na'e fakataumu'a ki ai 'a e pa'anga na'e ngaue'aki ki hono fakatau 'o e koloa ko ia.

(2) (a) Ka 'i ai ha pa'anga pe koloa 'e ma'u koe'uhi ko hono fakatau pe fakafetongi 'oku lau ki ai 'i he kupusi'i (1) 'o e kupu ni kuopau ke tauhi is 'i he talasiti tatau na'e fakataumu'a ki ai 'a e koloa ko is kimu'a 'i hono fakatau pe fakafetongi.

(b) 'E ngofua ke 'inivesi 'e he Poate ha pa'anga 'oku lau ki ai 'i he Kupu ni 'i ha fa'ahinga 'inivesimeni 'oku fakamafai'i 'e he Lao ki he 'inivesimeni 'o e ngaahi pa'anga talasiti 'i he taimi ko ia.

Mafai ke fokotu'u he kautaha ki he ngaahi taumu'a ngaue'ofa 'i he Lao kehe.

18. Kuo pau 'e 'ikai ta'ofi 'e ha me'a 'i he Lao ni ha fokotu'u 'o ha kautaha, sosaieti, pe kautaha (corporation) 'i ha Lao kehe pe 'i ha to e founga ki ha taumu'a fakalotu, fakaako, pe ngaue'ofa kehe, pe ko hono fakakau ha taumu'a pehe 'i he'ene ngaahi kaveinga:

Ka kuo pau 'e 'ikai to e fokotu'u fakakautaha ha Poate kuo fokotu'u fakakautaha 'i he Lao ni 'i ha to e Lao kehe.

Talasiti fo'ou mo e liliu 'o e ngaahi tu'utu'uni, ngaahi talasiti, Pe 'ofisi lesisita.

19. (1) Ka 'i ai ha liliu 'i he ngaahi talasiti 'a is 'oku 'i ai ha koloa 'oku tauhi 'e ha Poate, pe kapau 'e to e 'i ai ha koloa kehe 'e ma'u 'e he Poate 'i ha ngaahi talasiti 'a is 'oku 'ikai fakaha kakato 'i he ngaahi tohi fakamo 'oni mo e ngaahi tatau 'o e ngaahi konga 'oku felave'i 'o e ngaahi tohi tuku mo e ngaahi tohi fakamo 'oni 'o e talasiti mo e ngaahi tohi ngaue kehe kuo 'osi fakahu atu ki he Failesisita, pea, kuo pau ke fakahu atu ki he Failesisita 'i loto 'i he mahina 'e taha mei he 'aho hono liliu pe ma'u -

(a) 'O ha tatau (kuo fakamo'oni'i 'e ha taha 'o e kau talasiti 'o e talasiti 'a is 'oku nau fa'u 'a e Poate pe ko ha memipa 'o e komiti pe mafai pule 'o e sosaieti 'oku nau fa'u 'a e Poate, ko ha tatau mo'oni ia) 'o e ngaahi konga 'oku fekau'aki mo is 'i he ngaahi fokotu'utu'u ngaue kotoa pe, fekau, tohi tuku, tohi fakamo 'oni 'o e talasiti, mo e ngaahi tohi ngaue kehe 'a is ('i hono lau fakataha, 'o ka fiema'u, mo e ngaahi tatau mo e ngaahi tohi ngaue kehe kuo 'osi fakahu atu ki he Failesisita) 'oku ha ai 'a e liliu 'i he ngaahi talasiti 'a is 'oku toe tanaki atu ai ha koloa ke ma'u 'e he Poate; mo

(b) Ha fanongonongo fakalao 'oku fai 'e ha taha talasiti pe memipa pehee 'o fokotu'u ai 'a e liliu ko is kuo fai ki he ngaahi talasiti pe ngaahi talasiti 'oku to e tanaki atu ki ai ha koloa 'a is na'e te'eki fokotu'u 'i ha fokotu'utu'u ngaue, fekau, tohi tuku, tohi fakamo 'oni 'o e talasiti, pe tohi ngaue kehe pehee.

(2) Ka 'i ai ha liliu 'oku fakahoko ki he ngaahi tu'utu'uni pe ngaahi tohi ngaue kehe 'oku ha ai 'a e konisitutone 'o ha Poate, pea 'oku kaunga 'a e liliu ko is ki he ngaahi talasiti 'a is 'oku tauhi pe 'amanaki tauhi ai ha koloa, pe kapau 'oku fiema'u 'e he Poate ke liliu 'a e tu'asila 'o hono 'ofisi lesisita, kuo pau ke 'oatu ki he Failesisita ha fanongonongo 'o e liliu pe ten liliu ko is 'i loto 'i he mahina 'e taha mei he 'aho ko ia. Kapau 'e 'oatu 'e ha Poate ha fanongonongo 'i he kupusi'i ni 'oku ne loto ke liliu 'a e tu'asila hono 'ofisi lesisita mo fakamahino'i ai ha tu'asila fo'ou ki hono 'ofisi lesisita mo ha fakaikiiki fe'unga koe'uhi ke fakafaingofua'i 'a hono tufa atu pe 'oatu 'i he meili ha ngaahi tohi ngaue, kuo pau ke liliu leva 'e he Failesisita 'a e tu'asila lesisita 'o fakatatau ki ai.

(3) Ka 'ikai faipau ki he ngaahi tu'utu'uni 'o e kupu ni 'i loto 'i ha vaha'a taimi ko e mahina 'e taha ko e taha kotoa pe 'o e kau talasiti 'o e talasiti kuo fokotu'u Poate, pe ko e taha kotoa 'o e kau memipa 'o e komiti pe mafai pule 'o e sosaieti kuo fokotu'u Poate, pea mo e 'ofisa kotoa 'o e Poate 'e lau kuo nau fai ha hia pea kuopau ke mo'ua 'i hano fakamaau'i 'i he Fakamaau'anga Polisi ki ha tautea pa'anga 'o 'ikai to e laka hake 'i he \$500 pe 'ikai to e laka hake 'i he \$20 ki he 'aho takitaha kotoa 'oku hokohoko

atu ai 'a e 'ikai fai ki he tu'utu'uni pe ki he fakatou'osi.

Veteki.

20. Fakatatau ki he Lao ni mo ha ngaahi to 'utu 'uni kehe kuo fai 'i hono mafai, kuo pau ke pule 'i hono veteki 'o ha Poate 'e he ngaahi to 'utu 'uni ko is 'oku ne pule 'i 'a hono veteki 'o ha kautaha 'i he Lao ki he Ngaahi Kautaha mo ha ngaahi liliu 'e fai ki ai 'a is 'e fiema'u.

Veteki 'o he Poate 'e he Fakamaau'anga.

21. (1) 'E ngofua ki he Fakamaau'anga ke ne veteki ha Poate kapau 'oku fiemalie 'a e Fakamaau'anga 'oku totonu mo taau ke veteki 'a e Poate.

(2) 'E ngofua ke 'oatu ha tohi kole ki he Fakamaau'anga ke veteki ha Poate -

(a) 'E he 'Ateni-Seniale; pe

(b) 'E he Poate; pe

(c) 'E ha memipa 'o ia; pe

(d) 'E ha taha 'oku mo'ua ki ai 'a e Poate; pe

(e) 'E he Failesisita; pe

(f) 'E ha taha pe 'oku ne 'omai ha'ane fakamo'oni ki he ngaahi tu'unga 'a is 'oku pehe 'e he Fakamaau'anga 'oku taau ai ke ne fai 'a e tohi kole.

(3) Ko e ngaahi fakamole kotoa ki hono fai 'o e tohi kole 'e he 'Ateni-Seniale pe ko e Failesisita ki hono veteki 'o ha Poate kuopau ke totongi is ko ha 'uluaki mo 'ua mei he ngaahi koloa 'a e Poate tukukehe ka 'i ai ha tu'utu'uni kehe 'a e Fakamaau'anga.

Veteki 'e he Failesisita.

22. (1) Ka 'i ai ha taimi 'e pehee ai 'e he Failesisita 'oku 'ikai to e hokohoko atu 'a e ngaue 'a ha Poate pe na'e lesisita is 'i ha 'uhinga 'o ha fehalaaki fakaemo'oni (fact) pe fakalao, 'e ngofua ke ne fai ha fanongonongo, 'i he'ene sila 'o fakaha ai, kuo veteki 'a e Poate mei he 'aho 'o e fanongonongo, pea kuo pau ke pulusi leva 'a e fanongonongo ko is 'i he Kasete, pea ke fakahu ki he lesisita 'a e veteki 'o e Poate ko ia.

(2) Ko hono fokotu'u fakakautaha ko is 'o e Poate kuo pau ke ngata mei he 'aho 'o e fanongonongo 'o tatau ai pe pe ko e fe 'a e 'aho na'e fakahu ai 'i he lesisita.

(3) 'O ka fiemalie 'a e Failesisita 'i ha taimi 'amuiange na'e fehalaaki 'a e fanongonongo pea 'oku totonu ke fakapekia, 'e ngofua ke ne fakapekia ia 'aki ha fanongonongo 'i he Kasete, pea kuo pau ke ne fakahu 'a e fakapekia ko is 'i he lesisita, pea kuo pau ke to e fakamo'ui 'a e Poate mei he 'aho na'e fanongonongo veteki ai 'o hange pe na'e 'ikai ke veteki.

(4) 'E ngofua ki he Failesisita 'i ha fa'ahinga taimi pe ke ne 'oatu ki ha Poate 'i ha tohi lesisita 'o fakatu'asila ki ai 'i hono 'ofisi lesisita 'o fehu'i ai pe 'oku kei hokohoko atu 'a e ngaue 'a e Poate pe 'ikai. Ka 'ikai ma'u ha tali ki he tohi ko is 'i loto 'i he mahina 'e 3 mei he 'aho na'e loam ai 'i he meili, pe kapau na'e 'ikai tufa 'a e tohi is pea to e fakafoki ki he Failesisita, kuo pau ko e fakamo'oni fe'unga pe is ke fiemalie ki ai 'a e Failesisita 'oku 'ikai ke kei hokohoko atu 'a e ngaue 'a e Poate:

Ka kuo pau 'e 'ikai ha me'a 'i he kupusi'i ni to ne ta'ofi 'a e Failesisita mei ha'ane fakahoko ha ngaue 'i ha founga kehe ke fiemalie ai ki he ola ko ia.

Vahevahe atu 'o e ngaahi toenga koloa 'i hono veteki.

23. 'I hano veteki 'o ha Poate pe 'i hano veteki 'e he Failesisita, kuo pau ke tu'utu'uni 'e he Fakamaau'anga 'a hono tufa 'o e toenga koloa hili hono totongi kotoa 'o e ngaahi fakamole, ngaahi mo'ua (debts), pea mo e ngaahi mo'ua (liabilities) ki ha to e kautaha ngaue'ofa, poate pe talasiti kehe 'a is 'oku ofi taha 'a hono natula mo hono 'ulungaanga ki he Poate ko is kuo veteki, pea ka 'ikai, pea 'e 'oatu is ki he Pule'anga.

Tohi lesisita 'o e ngaahi Poate mo e sila 'a e Failesisita.

24. (1) Kuo pau ke tauhi 'e he Failesisita ha tohi lesisita 'a is kuo pau ke hiki ai 'a e kotoa 'o e ngaahi me'a 'oku tu'utu'uni 'e he Lao ni, pe 'e ha ngaahi tu'utu'uni kuo fai 'i he Lao ni ke hiki 'e he Failesisita.

(2) 'E ngaue'aki 'a e sila 'a e Failesisita ke fakamo'oni'i 'aki ha ngaahi tohi ngaue 'oku fiema'u ki he ngaahi taumu'a 'o e lao ni.

Sivi, fakaha, mo e hoko ko e fakamo'oni 'a e ngaahi tohi ngaue 'oku tauhi 'e he Failesisita.

25. (1) 'E ngofua ki ha taha pe, ke ne sivi 'a e ngaahi tohi ngaue 'oku tauhi 'e he Failesisita 'i hano totongi 'o e ngaahi totongi ko is kuo tu'utu'uni.

(2) 'E ngofua ki ha Poate pe ke ne kole ki he Failesisita, 'i ha'ane totongi 'a e totongi kuo tu'utu'uni pea ke fakamo'oni'i kuo mole pe kuo 'osi faka'auha 'a e tohi fakamo'oni ki hono fokotu'u fakakautaha 'o e Poate 'a is ne tomu'a 'oatu ki ai, ke ne 'oatu ha to e tohi fakamo'oni ki hono fokotu'u fakakautaha 'o e Poate.

(3) 'E ngofua ki ha taha pe, 'i he'ene totongi 'a e totongi kuo tu'utu'uni ke ne kole ha tatau 'o e pe konga mei he tohi lesisita pe ko ha tohi ngaue kuo fakahu atu ki he Failesisita 'o fakatatau ki he Lao ni ke 'oatu pe fakamo 'oni 'i 'e he Failesisita 'aki 'ene fakamo 'oni hingoa mo e sila.

(4) Ko ha tatau pe konga 'o ha tohi ngaue 'oku tauhi pe kuo fakahu atu ki he Failesisita 'i he Lao ni, 'a is kuo fakamo'oni'i 'i he fakamo'oni hingoa mo e sila 'a e Failesisita ko ha tatau pe konga mo'oni is ('a is ko hono lakanga fakapule'anga kuo pau 'e 'ikai fiema'u is ke to e fakamo'oni'i), kuo pau ke lava pe 'o fakahu atu ko e fakamo'oni 'i ha hopo pea 'e tatau pe hono mahu'inga mo e tohi ngaue 'olisinale (original).

(5) 'O ka 'i ai ha taimi 'oku 'ikai ai ke 'i ai ha tu'utu'uni ai 'a e ngaahi totongi 'e ala totongi 'i he kupu ni, pe 'oku 'ikai pe ha tu'utu'uni is to ne tu'utu'uni ha totongi pehe kuo pau leva ke tatau pe 'a e ngaahi totongi ke totongi atu mo is 'i he Tu'utu'uni 19(3) 'o e Ngaahi Tu'utu'uni ki he Ngaahi Kautaha. Kuo pau ke totongi ki he pa'anga humai fakalukufua 'a e Pule'anga 'a e ngaahi totongi kotoa 'e fai ki he Failesisita 'i he Lao ni.

Faka'ata mei he ngaahi totongi.

26. Tukukehe 'a is 'oku tu'utu'uni 'e he kupu 25 'o e Lao ni, kuo pau 'e 'ikai ha totongi 'e fai ki he Failesisita felave'i mo ha tohi ngaue kuo fa'u, pe ha me 'a kuo fai 'o fakatatau ki he ngaahi taumu 'a 'o e Lao ni.

Ngaahi tohi ngaue 'oku 'ikai tute sitamipa.

27. Kuo pau 'e 'ikai 'eke'i ha tute sitamipa ki ha tohi ngaue 'oku tu'utu'uni 'e he Lao ni ke 'oatu 'e he

Failesisita.

Mafai ke fa'u he Ngaahi Tu'utu'uni.

28. 'E ngofua ki he Minisita ke ne fa'u ha ngaahi tu'utu'uni ko is 'oku ne pehe 'oku fiema'u ki hono fakahoko kakato 'o e ngaahi tu'utu'uni 'a e Lao ni.

Lesisita 'o e kau talasiti.

29. (1) Kuo pau ke tauhi 'e he Poate kotoa pe ha lesisita 'o e kau talasiti pe kau memipa 'o e komiti pe ko ha to e mafai pule pea kuo pau ke ne 'oatu 'a e fakaikiiki 'o is ki he Failesisita 'o ka ne fiema'u.

(2) Kuo pau ke ha 'i he Lesisita 'a e ngaahi hingoa, tu'asila, mo e ngaue 'a e kau talasiti pe kau memipa 'o e komiti pe ko ha to e mafai pule pea mo e 'aho 'o honau fuofua fokotu'u.

Fakamatala pa'anga fakata'u kuo 'atita'i.

30. (1) Kuo pau ke 'oatu fakata'u 'e he Poate kotoa pe ki he Failesisita, 'i ha tohi sipinga pea 'i he taimi ko is to ne fiema'u ai, ha fakamatala pa'anga fakaaa'u kuo 'atita'i 'oku ha ai 'a e ngaahi me'a ko 'eni:

(a) 'A e pa'anga hu mai mo e fakamole 'a e Poate lolotonga 'a e ta'u fakapa'anga kuo toki 'osi; pea

(b) 'A e ngaahi koloa mo e ngaahi mo 'ua 'o e Poate 'i he tapuni 'a e ta'u fakapa'anga ko ia; pea

(c) 'A e kotoa 'o e ngaahi mokisi, ngaahi mo 'ua (charges) pea mo ha ngaahi malu'i 'i ha fa'ahinga pe 'oku ne kaunga ki ha koloa 'a e Poate 'i he tapuni 'a e ta'u fakapa'anga ko ia; pea

(d) 'A e hingoa, tu'asila mo e ngaue 'a e kotoa 'o e kau talasiti pe kau memipa 'o e komiti pe ko ha to e mafai pule mo e 'aho 'o honau fokotu'u.

(2) Kuo pau ke 'oatu fakataha 'a e fakamatala kuo lau ki ai mo ha tohi fakamo'oni kuo fakamo'oni hingoa ki ai ha 'ofisa 'o e Poate ke fakamahino ai kuo 'osi fakahu atu 'a e fakamatala pea kuo tali 'e he kau talasiti pe kau memipa 'o e komiti pe ko ha to e mafai pule 'i ha fakataha 'a e Poate.

(3) Ka 'ikai tauhi 'e ha Poate 'a e ngaahi tu'utu'uni 'o e kupu ni, kuo pau ke mo'ua pa'anga 'a e 'ofisa kotoa pe 'o e Poate ki ha tautea pa'anga ,o 'ikai laka hake 'i he \$500 pe 'ikai laka hake 'i he \$20 ki he 'aho takitaha kotoa pe 'oku hokohoko ai 'a e 'ikai tauhi ki he tu'utu'uni pe fakatou'osi.

Na'e fakahoko 'e he Fale Alea 'i he 'aho 19 ni 'o 'Okatopa, 1993.

TEPILE

Tohi Sipinga 1

KO E LAO KI HE NGAahi TALASITI NGAUE'OFA 1993 (Kupu 3(3))

TOHI KOLE KE FOKOTU'U FAKAKAUTAHA 'A E TALASITI KO HA MATE

1. Ko kimautolu ko e kau talasiti 'o e 'oku mau kole heni ke fokotu'u fakakautaha 'a e talasiti ko is ko ha Poate 'o fakatatau ki he ngaahi tu'utu'uni 'o e Lao ki he Ngaahi Talasiti Ngaue'ofa 1993.
2. 'Oku mau loto ke ui 'a e hingoa 'o e Poate ko e
3. 'F tu'u 'a e 'Ofisi lesisita 'o e Poate 'i [Fakaha 'a e tu'asila mo ha ngaahi fakamatala fakaikiiki fe'unga ke tufa ki ai pe 'oatu ki ai 'i he meili 'a e ngaahi tohi ngaue].
4. 'Oku fai 'a e kole ni 'i he mafai 'o e [Fakaha 'a e hingoa 'o e talasiti 'oku fakafong'a 'i 'e he kau talasiti mo e founa 'oku fakamafai 'i 'aki 'e he talasiti].
5. Ko e talasiti ko is kuo lau ki ai 'oku te'eki fokotu'u fakakautaha.
6. 'Oku fakapipiki fakataha atu mo e tohi kole ni 'a e ngaahi tohi ngaue ko 'eni: [Fakahu heni ha lisi ke ne fakamatala'i lelei mo fakamahino'i 'a e tohi ngaue takitaha].
7. Ko kimautolu 'a e tokolahi 'o e kau talasiti 'oku mau fakamo 'oni hingoa 'o pehe ni:
Na'e faka'aho 'i he 'aho ni 'o 1993.

Tohi Sipinga 2

KO E LAO KI HE NGAahi TALASITI NGAUE'OFA 1993

(Kupu 4(3))

TOHI KOLE KE FOKOTU'U FAKAKAUTAHA HA SOSAIETI KO HA MATE

1. 'Oku mau kole heni ke fokotu'u fakakautaha 'a e (ko e sosaieti na'e fokotu'u ki he ngaahi taumu'a ngaue'ofa ka 'oku te'eki ai ke fokotu'u fakakautaha 'i he ngaahi tu'utu'uni 'o e Lao ki he Ngaahi Talasiti Ngaue'ofa 1993 pe 'i ha Lao kehe pe 'i ha founa kehe) 'o fakatatau ki he ngaahi tu'utu'uni 'a e Lao ki he Ngaahi Talasiti Ngaue'ofa 1993.
2. 'Oku mau fai 'a e tohi kole ni [Fakahu "'a e kau memipa (pe ko e tokolahi 'o e kau memipa) 'o e sosaieti"]].
3. 'Oku 'i ai 'a e faka'amu ke ui 'a e hingoa 'o e sosaieti 'i hono fokotu'u fakakautaha ko e [Fakahu "'o hange ko is 'oku ha 'i 'olunga", pe 'o hange ko is 'oku hoko].
4. 'E tu'u 'a e 'ofisi lesisita 'o e sosaieti 'i [Fakaha ha tu'asila mo ha fakamatala fakaikiiki fe'unga ki hono tufa pe 'oatu ki ai 'i he meili 'a e ngaahi tohi ngaue].
5. 'Oku fai 'a e tohi kole ni 'i hono fakamafai 'i 'e he sosaieti 'o anga pehe ni: [Fakaha 'a e founa 'o hono fakamafai 'i].
6. 'Oku fakapipiki fakataha atu mo e tohi kole ni 'a e ngaahi tohi ngaue ko 'eni: [Fakahu heni ha lisi ke ne fakamatala'i lelei mo fakamahino'i 'a e tohi ngaue takitaha].
7. Ko kimautolu 'a e tokolahi 'o e kau memipa 'oku mau fakamo 'oni hingoa 'o pehe ni:
Na'e faka'aho 'i he 'aho ni 'o 1993.

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