



Tonga

EMERGENCY POWERS ACT

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EMERGENCY POWERS ACT

Act No. 4 of 1959

AN ACT TO CONFER CERTAIN POWERS IN AN EMERGENCY

Commencement [14th September, 1959]

1 Short title.

This Act may be cited as The Emergency Powers Act.

2 Power in an emergency to make certain regulations.

- (1) Subject to the provisions of this Act, His Majesty in Council may in an emergency make such Regulations as appear to him to be necessary or expedient for securing the public safety, the defence of the Kingdom, the maintenance of public order and for the maintaining of supplies and services essential to the life of the community.
- (2) Without prejudice to the generality of the powers conferred by the preceding subsection, such regulations may so far as appears to His Majesty in Council to be necessary or expedient for any of the purposes mentioned in that subsection —
 - (a) make provision for the apprehension, trial and punishment of persons offending against the regulations, and for the detention of persons whose detention appears to His Majesty in Council to be expedient in the interests of the public safety or the defence of the Kingdom;

- (b) authorize —
 - (i) the taking of possession or control, on behalf of His Majesty, of any property or undertaking;
 - (ii) the acquisition, on behalf of His Majesty of any property;
 - (c) authorize the entering and search of any premises; and
 - (d) provide for amending any enactment, for suspending the operation of any enactment, and for applying any enactment with or without modification.
- (3) The said regulations may provide for empowering such authorities, persons or classes of persons as may be specified in the regulations to make orders, rules and by-laws for any of the purposes for which such regulations are authorized by this act to be made, and may contain such incidental and supplementary provisions as appear to His Majesty in Council to be necessary or expedient for the purposes of the said regulations.
- (4) Any such regulations, and any order, rule or by-law duly made in pursuance of such a regulation, shall have effect notwithstanding anything inconsistent therewith contained in any enactment or in any instrument having effect by virtue of any enactment.
- (5) Nothing in this section shall authorize the imposition of any form of compulsory military service or any form of industrial conscription, or the making of provision for the trial by court martial of persons not being persons subject to the Tonga Defence Services Act, or any Act passed in substitution therefor. (*Cap. 55*)

3 Charges may be imposed.

- (1) His Majesty in Council may by order provide for imposing and recovering, in connection with any scheme of control contained in or authorized by Regulations made in pursuance of this Act, such charges as may be specified in the order; and any such order may be varied or revoked by a subsequent order of His Majesty in Council.
- (2) Any charges recovered by virtue of such an order as aforesaid shall be paid into the general revenue of the Kingdom or, if the order so directs, be paid into such public funds or account as may be specified in the order.
- (3) Without prejudice to the preceding provisions of this section, any regulations under this Act may provide for charging, in respect of the grant or issue of any licence, permit, certificate or other document for the purposes of the regulations, such fees as may be prescribed by or under the regulations, and all sums received by way of such fees shall be paid

into the general revenue of the Kingdom, or if His Majesty in Council so directs, be paid into such public fund or account as he may determine.

4 Admissibility of documents in evidence.

Every document purporting to be an instrument made or issued by any Minister or other authority or person in pursuance of any provision contained in, or having effect under, regulations made under this Act and to be signed by or on behalf of the said Minister, authority or person, shall be received in evidence, and shall, until the contrary is proved, be deemed to be an instrument made or issued by that Minister, authority or person.

5 Prerogative not affected.

The powers conferred by or under this Act shall be in addition to, and not in derogation of, the powers exercisable by virtue of the prerogative of the Crown.