



Tonga

DISTRICT AND TOWN OFFICERS ACT

1988 Revised Edition



DISTRICT AND TOWN OFFICERS ACT

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DISTRICT AND TOWN OFFICERS ACT

Acts Nos. 9 of 1930, 7 of 1949, 7 of 1957, 9 of 1957, 4 of 1958, 9 of 1958, 6 of 1965, 16 of 1966, 3 of 1972, 6 of 1974, 25 of 1977, 16 of 1978, 10 of 1983, 31 of 1988.

AN ACT TO PROVIDE FOR THE APPOINTMENT OF DISTRICT AND TOWN OFFICERS

Commencement [8th August, 1930]

1 Short title.

This Act may be cited as The District and Town Officers Act.

PART I

2 Division of Kingdom into districts.

The Kingdom shall be divided into the districts set out in Schedule I hereto provided that it shall be lawful for the Prime Minister with the consent of Cabinet by notice published in the Gazette to vary the boundaries of any such districts.

3 Town boundaries.

- (1) The Minister of Lands shall designate, with reference to the map, the boundaries of the towns in the Kingdom, and notice of such boundaries shall be published in the Gazette.
- (2) It shall be lawful for the Minister of Lands at any time to vary, with reference to the map, the boundaries of the towns in the Kingdom, and notice of any such variation shall be published in the Gazette. (*Inserted by Act 6 of 1974.*)

4 Election of District Officers.

There shall be elected for each of the districts referred to in section 2 an officer who shall be known as the District Officer and this officer shall perform the duties set out in Schedule II hereto and such other duties as shall from time to time be determined by the Government to be necessary or expedient in the public interest. (*Substituted by Act 9 of 1957.*)

5 Election of Town Officers.

There shall be elected for each of such towns as the Prime Minister may consider necessary an officer who shall be known as a Town Officer and this officer shall perform the duties set out in Schedule III hereto and such other duties as may be assigned to him by the Government. (*Substituted by Act 9 of 1957.*)

6 Conduct of elections, qualifications, nominations and vacancies.

- (1) District and Town Officers shall in each district be elected every 3 years by popular ballot in which all persons qualified to vote shall take part.
- (2) Persons qualified to vote shall be all those persons whose names shall appear from time to time in the electoral rolls published in accordance with the provisions of section 5(d) of the Legislative Assembly Act. (3)
The Prime Minister shall appoint a Returning Officer who shall have full charge of the voting at such election and who may appoint such assistants as he may think fit.
- (4) The returning officer appointed shall be subject to the direction of the Prime Minister in regard to matters of procedure, and the Prime Minister with the approval of Cabinet may make regulations governing the procedure to be followed at all elections held in pursuance of this Act, the duties of the returning officer, the date of any such elections and any matter required by this Act to be carried out.

- (5) In order to qualify for election as a District or Town Officer a person shall reside in the District or Town in which he seeks election and he shall be nominated in writing and each nomination shall be signed by 30 persons in the case of a district officer and 10 persons in the case of a town officer.
- (6) Nominations shall be in the hands of the returning officer not later than 3 days before the date of the election.
- (7) District and Town Officers so elected shall hold office for 3 years but the Prime Minister may dismiss a District Officer or a Town Officer for misconduct or neglect of duty.
- (8) When, for any reason whatever, a vacancy occurs in either the office of District Officer or the office of Town Officer, the Prime Minister may appoint a fit and proper person to that vacant office, and a person so appointed shall be the District Officer or Town Officer, as the case may be, and shall hold that office until the next election or until his appointment is otherwise sooner terminated. (*Substituted by Act 9 of 1957, Amended by Acts 4 of 1958 and 6 of 1965.*)

7 Salaries.

The salaries and any allowance of District Officers and Town Officers shall be paid out of moneys provided in that behalf in the Estimates. (*Amended by Act 25 of 1977.*)

8 Offences.

- (1) Any person who shall commit a breach of any provision of this Act or of any regulations made hereunder shall be liable to a fine not exceeding \$100. (*Amended by Act 16 of 1978.*)
- (2) Prosecutions under this section shall be instituted by the police in the Magistrate's Court in the district in which the offence occurs. (*Added by Act 9 of 1957.*)

PART II

9 Interpretation.

In this Part, unless the contrary intention appears —

“**Officer**” means a District Officer or a Town Officer within the meaning of this Act and includes a person who has served partially as a District Officer and partially as a Town Officer. (*Act No. 16 of 1966.*)

10 Gratuity.

- (1) A person who has served as an Officer for a continuous period of not less than 15 years may, on his ceasing to so serve, be granted out of the general revenue and other funds of the Kingdom a gratuity, either in a capital sum or by instalments, equal to 2 years' basic salary at the rate of salary earned by that person as an officer during the last preceding 12 months of his service. (*Amended by Act 10 of 1983.*)
- (2) A period of service as —
 - (a) an appointed;
 - (b) an elected; or
 - (c) a partially appointed and partially elected, officer may be taken into account in calculating the period of service for the purposes of subsection (1). (*Act No. 16 of 1966.*)

11 Gratuity payable to widow, etc.

- (1) Where an Officer dies in office after a continuous period of service of not less than 15 years His Majesty in Council may authorize the payment of the whole amount to which that Officer would have been entitled as gratuity payment under this Act had he in fact retired either on the day on which he so died or on the day on which the illness contributing to his death commenced (whichever is to his advantage) in the following manner —
 - (a) where the officer leaves only a lawful widow surviving him—the said amount to be paid to the widow;
 - (b) where the officer leaves a lawful widow and legitimate children surviving him—the said amount to be divided equally among them;
 - (c) where the officer leaves no lawful widow but only his legitimate children surviving him—the said amount to be divided equally among his said legitimate children,and upon authorisation payment shall be made accordingly.
- (2) Except as provided in subsection (1) no authorization or payment shall be made in respect of or to any other person. (*Act No. 16 of 1966.*)

12 Gratuity available for payment of debts, etc.

In every case, gratuity payable under this Act shall first be made available for the payment of all debts and funeral and testamentary expenses (if any) of the deceased Officer before distribution under this Act. (*Act No. 16 of 1966.*)

13 Exception. (Cap. 8)

This Act shall not apply to any person who is entitled to benefits under the Pensions Act or to an officer who has been dismissed from service. (*Act No. 16 of 1966.*)

THE SCHEDULES

SCHEDULE I

(Section 2)

THE DISTRICTS*Tongatapu*

- (1) *Hihifo District.* The island of 'Atata, the towns of Hihifo, Ha'atafu, Neiafu, Kanokupolu, 'Ahau, Kolovai, Ha'avakatolo, Fo'ui, Masilamea, Te'ekiu, Kala'au and Fahefa and all bush lands belonging thereto.
- (2) *Nukunuku District.* Nukunuku, Matahau, Vaotu'u, Houma, Lakepa, Fatai, Ha'akame and 'Utulau and all bush lands belonging thereto.
- (3) *Kolomotu'a District.* Kolomotu'a, Havelu, Tofoa and Koloua, Hofoa and Puke and all bush lands belonging thereto.
- (4) *Kolofo'ou District.* Kolofo'ou, Ma'ofanga and Siesia and all bush lands belonging thereto.
- (5) *Vaini District.* Vaini, Malapo, Longoteme, Folaha, Nukuhetulu, Veitongo, Ha'ateiho, Pea and Tokomololo and all bush lands belonging thereto.
- (6) *Tatakamotonga District.* Tatakamotonga, 'Alaki, Holonga, Havelu Liku, Fatumu, Lavengatonga, Ha'asini, Hamula, Nakolo and Fua'amotu and all bush lands belonging thereto.
- (7) *Lapaha District.* Lapaha, Hoi, Talasiu, Nukuleka, Talafo'ou, Navutoka, Manuka, Kolonga, Afa, Niutoua, the island of 'Eueiki and all bush lands belonging thereto.
- (8) *'Eua District.* The islands of 'Eua and Kalau.

Ha'apai

- (1) *Mu'omu'a District.* The islands of Nomuka, Mango, Fonoifua, Kelelesia and Tonumea.
- (2) *Lulunga District.* The islands of Ha'afeva, Tungua, Matuku, 'O'ua, Kotu and Fotuha'a, Kao and Tofua.
- (3) *“Uiha District.* The islands of 'Uiha and Lofanga. (4) *Lifuka District.* The island of Lifuka. (5) *Foa District.* The island of Foa.
- (6) *Ha'ano District.* The islands of Ha'ano and Mo'unga'one. (*Amended by Act 3 of 1972.*)

Vava'u

- (1) *Island District.* The islands of Lape, Kapa, Taunga, 'Euakafa, 'Eueiki, Hunga, Ovaka, Nuapapu and Fua'amotu. (Amended by Act No. 7 of 1957.)
- (2) *Western District.* Tu'anuku, Longomapu, Tefisi, Vaimal6, Taoa and all bush lands belonging thereto.
- (3) *Leimatu'a District.* Leimatu'a, Feletoa, Mataika and Holonga and all bush lands belonging thereto.
- (4) *Ha'alaufuli District.* Holeva, Ha'alaufuli, Tu'anequivale, Ta'anea, Koloa, Ha'akio, Houma, Mangia and all bush lands belonging thereto. (Amended by Act No. 7 of 1957.)
- (5) *Neiafu District.* Neiafu, Fungamisi and Falaleu, Toula, Makave, 'Utui, Okoa, Olo'ua and the island of Ofu and all bush lands belonging thereto.
- (6) *Pangaimotu District.* Pangaimotu, 'Utulei, 'Utungake, Nga'unoho and all bush lands belonging thereto.

Niua

- (1) *Niuatoputapu District.* The islands of Niuatoputapu and Tafahi.
- (2) *Niuafou'ou District.* The island of Niuafou'ou.

SCHEDULE II

(Section 4)

DUTY OF THE DISTRICT OFFICERS**1 Public health.**

He shall inspect once in every quarter all the towns in his district and immediately after such inspection he shall report on the sanitary condition thereof. For the purpose of this inspection he shall have a right of entry on any land.

2 Agricultural.

- (1) He shall inspect once every 6 months all the tax allotments in his district and report immediately after his inspection as to whether the provisions of sections 15, 16 and 74 of the Land Act have been complied with. *(Amended by Act 7 of 1949 and Act 9 of 1958.)*
- (2) He shall have the powers of an inspector under the Plant Quarantine Act and shall perform such duties under this Act as may be determined by Cabinet. *(Amended by Act 9 of 1958.)*

3 Financial.

- (1) He shall inspect licences as provided in section 8 of the Licences Act and shall render the return required by section 10 of the Act aforesaid. *(Amended by Act 9 of 1958.)*
- (2) He shall keep a list of all Tongans of or over the age of 21 years resident in his district. *(Substituted by Act 31 of 1988.)*

4 General.

In addition to the duties hereinbefore mentioned he shall perform such other duties as are prescribed by the laws and report to the police breaches of the laws for the enforcement of which the Minister of Police is responsible.

5 Reports.

Reports required by the laws or these regulations shall be made to the Prime Minister by the district officers appointed to districts in Tongatapu and the Niuas and in the case of officers appointed to districts in Ha'apai and Vava'u to the Governors thereof. A copy of reports rendered to the Governors of Ha'apai and Vava'u shall be forwarded to the Prime Minister.

SCHEDULE III

(Section 5)

DUTY OF TOWN OFFICERS**1 Discipline.**

The town officer is responsible to the District Officer of his district for the satisfactory performance of his duties.

2 Public health.

He shall report monthly to the District Officer on the sanitary condition of the town.

3 Agricultural.

He shall inspect every 2 months the tax allotments of the taxpayers of the town, and report on the condition thereof and any infringements of the provisions of sections 15 and 16 of the Land Act to the District Officer. (*Amended by Act 7 of 1949.*)

4 Sudden deaths.

He shall report to the District Officer any sudden death which occurs in his town immediately after such death.

5 Fonos.

He shall announce the fonos held under the provisions of the Fonos Act and shall maintain order at such fonos. (*Amended by Act 9 of 1958.*)

6 General.

He shall assist the District Officer in carrying out his duties in any matter pertaining to the town.