



HARBOURS (AMENDMENT) ACT 1992

No. 24 of 1992

AN ACT TO AMEND THE HARBOURS ACT

I assent,
TAUFA'AHAU TUPOU IV,
14th December, 1992.

Commencement [9th November, 1992]

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

1.
 - (1) This Act may be cited as the Harbours (Amendment) Act 1992.
 - (2) The Harbours Act (Cap. 137), as amended, is in this Act referred to as the Principal Act.
2. The Principal Act is amended by inserting the following section after section 1 thereof:

“Interpretation

1A. In this Act —

“**Minister**” means the Minister responsible for the Ports Administration Department.”

3. Section 3 of the Principal Act is amended as follows:
 - (a) between the words “Prime Minister” and “may appoint” insert the words “with the consent of Cabinet”;

- (b) by deleting the words “Controller of Customs” and replacing them with the word “Minister”.
4. Section 4 of the Principal Act is deleted and substituted by the following:
“4. (1) Every pilot when on duty as a pilot shall —
- (a) in the daytime, fly on his vessel or the vessel that he is piloting the international pilot signal indicated by a single letter flag H or by the two letter flags U and B, in a single hoist;
 - (b) at night, exhibit —
 - (i) at or near the masthead, two all-round lights in a vertical line, the upper being white and the lower red;
 - (ii) when underway, in addition, sidelights and a sternlight;
 - (iii) when at anchor, in addition to the lights prescribed in sub-paragraph (i), an all-round white light.
- (2) Any person not being a pilot using a flag or lights described in subsection (1) commits an offence against this Act.”
5. Section 5 of the Principal Act is deleted and substituted by the following:
“5. The Master of any vessel making for any harbour and requiring a pilot shall —
- (a) In the daytime display at the fore the national colour usually worn by merchant ships and in addition, the international pilot signal indicated by a single letter flag G or by the two letter flags U and C, in a single hoist.
 - (b) At night by lights signalling the morse symbol for G.”
6. Section 6 of the Principal Act is amended by deleting the figure “20” and substituting “15”.
7. Section 7 of the Principal Act is amended by deleting the words “\$40 and in default of payment thereof shall be liable to imprisonment for a term not exceeding 14 days” and by substituting therefor the figure “\$1000”.
8. Section 17 of the Principal Act is amended by deleting the words “\$20 or in default of payment to imprisonment for a term not exceeding one month” and by substituting therefor the figure “\$1000”.
9. Section 20 of the Principal Act is amended by deleting the expressions “\$40” and “one month” and substituting “\$1000” and “3 months” respectively.
10. Section 21 of the Principal Act is hereby amended by deleting the words “\$2 and failing payment thereof to imprisonment for a term not exceeding 3 days” and by substituting therefor the figure “\$50”.

11. Section 22, 27 and 32 of the Principal Act are amended by deleting the words “Controller of Customs” wherever they appear and replacing them with the word “Minister”.
12. Section 29 of the Principal Act is hereby amended by deleting the words “\$20 or in default of payment to imprisonment for a term not exceeding one month” and by substituting therefor the figure “\$500”.
13. Section 30 of the Principal Act is amended by deleting the words “\$20 may be imposed and in default of payment thereof imprisonment for a term not exceeding 14 days” and by substituting therefor the figure “\$500”.
14. The Principal Act is amended by inserting the following new section after section 33:
 - “33A (1) The Government slipway at Nuku'alofa shall be deemed to be part of Nuku'alofa Harbour and shall be under the control and the direction of the Minister, who may make such regulations as to its use as he deems fit.
 - (2) The Minister may delegate his powers to control under this section from time to time to the Harbour Master.
 - (3) Any person who does not comply with the regulations referred to in subsection (1), may be ordered to remove his vessel from the slipway, or such vessel may be removed by the Harbour Master.”.
15. The Principal Act is amended by repealing sections 25 and 26.

Passed in the Legislative Assembly this 9th day of November, 1992.