



Tonga

# QUARANTINE ACT

1988 Revised Edition





## QUARANTINE ACT

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# QUARANTINE ACT

Act No. 18 of 1927, 17 of 1986, 46 of 1988

## AN ACT RELATING TO QUARANTINE

Commencement [15th April, 1928]

### 1 Short title.

This Act may be cited as the Quarantine Act.

## PART I.—DEFINITIONS

### 2 Scope of quarantine.

In this Act quarantine has relation to measures for the inspection, exclusion, detention, observation, segregation, isolation, protection, treatment, sanitary regulation and disinfection of vessels, persons, goods and things and having as their object the prevention of the introduction or spread of diseases or pests affecting man.

### 3 Interpretation.

In this Act or in any regulations made thereunder unless the context otherwise requires—

“**authorized person**” means a person authorized by this Act or any regulations made thereunder or by the Director of Health or a quarantine officer to do the act in relation to which the expression is used;

“**by authority**” means by the authority of the Prime Minister or of the Director of Health or of a quarantine officer or of an officer under this Act doing duty in the matter in relation to which the expression is used;

“**Tongan vessel**” means a vessel which does not voyage or ply to or from any place outside Tonga;

“**first port of entry**” in relation to a vessel means a first port of entry for that vessel;

“**goods**” includes all kinds of movable property;

“**landing place**” means any place declared by proclamation to be a landing place for vessels engaged in navigation by air;

“**master**” in relation to a vessel means the person (other than a pilot) in charge or command of the vessel;

“**medical officer**” in relation to a vessel means any person on the vessel acting as medical officer, doctor or surgeon of the vessel;

“**officer**” means a quarantine officer or other officer appointed under this Act;

“**oversea vessel**” means any vessel other than a Tongan vessel;

“**port of departure**” in relation to a vessel means the port at which the vessel commenced its current voyage;

“**pratique**” in relation to a vessel means a certificate of pratique granted by a quarantine officer since the last arrival of the vessel from places outside Tonga and having effect at the port or place where the vessel is for the time being or is about to arrive;

“**prescribed**” means prescribed by this Act or by any proclamation issued or regulations made thereunder;

“**quarantinable disease**” means small-pox, plague, cholera, yellow fever, typhus fever, or leprosy, or any disease declared by the Prime Minister by proclamation in the Gazette to be a quarantinable disease;

“**quarantine officer**” means a quarantine officer appointed under this Act;

“**unauthorized person**” means a person not authorized by this Act or any regulations made thereunder or by the Director of Health or a quarantine officer to do the act in relation to which the expression is used;

“**vessel**” means any ship, boat or other description of vessel used in navigation by sea or air.

**4 No appropriation.**

Nothing in this Act shall be taken to be an appropriation of any public moneys.

**PART II.—ADMINISTRATION****5 Director of Health to administer Act.**

- (1) The Director of Health shall be charged with the administration of this Act and the enforcement of any regulations made thereunder.
- (2) All quarantine officers shall perform their duties and functions and exercise their powers under and subject to the directions of the Director of Health who shall himself also have the powers of a quarantine officer under this Act or any regulations made thereunder.

**6 Appointment of officers.**

The Prime Minister may appoint quarantine officers and other officers for carrying out this Act.

**7 Temporary quarantine officers.**

- (1) The Director of Health may appoint temporary quarantine officers for such period as he thinks necessary.
- (2) Temporary quarantine officers shall for the period of their appointment have all the powers of a quarantine officer appointed under section 6 of this Act.
- (3) No appointment made in pursuance of this section shall confer on the appointee any right or claim to be permanently appointed to the position.

**PART III.—GENERAL PROVISIONS****8 Proclaimed places.**

The Prime Minister may by proclamation in the Gazette declare that any place beyond or in Tonga is infected with a quarantinable disease or that a quarantinable disease may be brought or carried from or through that place and thereupon and so long as the proclamation remains in force that place shall be a proclaimed place within the meaning of this Act.

**9 Proclamation of ports of entry, etc.**

- (1) The Prime Minister may by proclamation in the Gazette—
  - (a) declare any ports in Tonga to be first ports of entry for oversea vessels;
  - (b) declare any place or area in Tonga to be a landing place for vessels engaged in navigation by air;
  - (c) appoint places on land or sea to be quarantine stations for the performance of quarantine by vessels, persons or goods;
  - (d) prohibit the introduction into Tonga of any noxious insect or any pest or any disease germs or microbe or any disease agent or any culture virus or substance or article containing or likely to contain any noxious insect, pest, disease, germ, microbe or disease agent;
  - (e) prohibit the importation into Tonga of any articles likely in his opinion to introduce any infectious or contagious disease;
  - (f) prohibit the removal of any goods from any part of Tonga to any other part of Tonga;
  - (g) declare any part of Tonga in which any quarantinable disease exists to be a quarantine area;
  - (h) declare that any vessel, persons or goods in any quarantine area or in any part of Tonga in which any quarantinable disease exists be subject to quarantine.
- (2) The power to declare first ports of entry under subsection (1) shall extend to authorize the declaration of a port to be a first port of entry for all oversea vessels or for oversea vessels from any particular place or for any class of oversea vessels.
- (3) The power of prohibition under subsection (1) shall extend to authorize prohibition generally or with limitations as to place and subject-matter and either absolutely or subject to any specified condition or restrictions.

**10 Emergency quarantine grounds.**

The Prime Minister may by notice in the Gazette appoint any place on land or sea to be a temporary quarantine station for such period as he thinks necessary for the performance of quarantine by any vessel person or goods and the place so appointed shall be deemed to be a quarantine station accordingly.

**11 Exemption of certain vessels and goods.**

The Prime Minister may exempt for such time and subject to such conditions as he thinks fit from all or any of the provisions of this Act—

- (a) any ship of war;
- (b) any vessel trading exclusively between ports or places in Tonga or between Tonga and Australia, New Zealand or other places adjacent to Tonga;
- (c) any particular vessel or class of vessels; and
- (d) any persons or goods.

## **12 Master of vessel from a proclaimed place to take precautionary measures to prevent infection.**

- (1) The master of any vessel bound for any port or place in Tonga which comes from or calls or touches at any proclaimed place shall while his vessel is at that proclaimed place and during the voyage to Tonga take in respect of the vessel, her crew, passengers and cargo all precautionary measures to prevent the introduction into or spread within Tonga of any quarantinable disease which are prescribed by any regulations made under this Act to be taken in respect of the proclaimed place.
- (2) The master of any vessel who having failed to comply with the requirements of the preceding subsection suffers his vessel to enter any port or place in Tonga shall be guilty of an offence and shall be liable upon conviction to a fine of \$200.
- (3) In any prosecution under this section if the master of the vessel satisfies the court that he was not aware of the precautionary measures required to be taken by him and that he took all reasonable means to ascertain whether any such measures were necessary on his part he shall not be liable to a fine.
- (4) Where a vessel has arrived from a proclaimed place and the prescribed precautionary measures have not been taken, any prescribed measures for the prevention of the introduction or spread of any quarantinable disease may be carried out by a quarantine officer with respect to the vessel, her crew, passengers and cargo at the expense of the master, owner or agent of the vessel.

## **13 Fumigation of vessels to destroy vermin.**

The master, owner or agent of any Tongan vessel or of any vessel going from one port or place in Tonga to another port or place in Tonga shall when required by a quarantine officer by order in writing so to do cause his vessel to be cleansed, disinfected, fumigated or submitted to any specified process for the destruction of rats, mice, insects or disease agents in the presence and to the satisfaction of an officer. Any person failing to comply with the requirements of

this section shall be guilty of an offence and shall be liable on conviction to a fine of \$100.

## **PART IV.— QUARANTINE OF VESSELS, PERSONS AND GOODS**

### **14 Vessels subject to quarantine.**

The following vessels shall be subject to quarantine—

- (a) every oversea vessel until pratique has been granted or until she has been released from quarantine;
- (b) every vessel (whether a Tongan vessel or an oversea vessel) on board which any quarantinable disease or disease which there is reason to believe or suspect to be a quarantinable disease has broken out or been discovered (notwithstanding that pratique has been granted or that she has been released from quarantine); and
- (c) every vessel which is ordered into quarantine by a quarantine officer.

### **15 Persons subject to quarantine.**

(1) The following persons shall be subject to quarantine—

- (a) every person who is on board a vessel subject to quarantine or who has been on board the vessel (being an oversea vessel) since her arrival in Tonga;
- (b) every person infected with a quarantinable disease; and
- (c) every person who has been in contact with or exposed to infection from any person or goods subject to quarantine.

#### **Goods subject to quarantine.**

(2) The following goods shall be subject to quarantine—

- (a) all goods which are on board a vessel subject to quarantine or which have been on board the vessel (being an oversea vessel) since her arrival in Tonga;
- (b) all goods infected with a quarantinable disease; and
- (c) all goods which have been in contact with or exposed to infection from any person or goods subject to quarantine.

**16 Continuance of liability to quarantine.**

All vessels, persons and goods subject to quarantine shall continue to be so subject from the time when they become subject to quarantine until they are released from quarantine or until pratique has been granted.

**17 Vessels to enter first port of entry.**

The master of an oversea vessel arriving in Tonga shall not, unless from stress of weather or other reasonable cause, suffer the vessel to enter any port other than a port declared to be a first port of entry. Any person who is guilty of a breach of this section shall be liable on conviction to a fine of \$1000.

**18 Landing places for aircraft.**

The master of any oversea vessel engaged in navigation by air shall not unless from stress of weather or other reasonable cause suffer the vessel to land in Tonga at any place other than a landing place. Any person who is guilty of a breach of this section shall be liable on conviction to a fine of \$1000.

**19 Display of quarantine signal.**

The master of every vessel subject to quarantine shall—

- (a) display the quarantine signal on his vessel before she comes within 3 miles of any port;
- (b) keep the quarantine signal displayed on his vessel while entering or being in any port or quarantine station; and
- (c) in the case of a vessel engaged in navigation by air display and keep displayed the prescribed signal.

Any person failing to comply with the requirements of this section shall be liable on conviction to a fine of \$200.

**20 Master to notify outbreak of disease.**

- (1) When—
  - (a) any eruptive disease, or
  - (b) any disease attended with fever and glandular swellings, or
  - (c) any disease which he believes or suspects or has reason to believe or suspect to be a quarantinable disease,

has broken out on board any vessel the master of the vessel shall forthwith (unless the vessel is actually performing quarantine under the supervision of a quarantine officer)—

- (i) notify a quarantine officer of the breaking out of the disease, and
  - (ii) display the quarantine signal on his vessel and keep it so displayed until he is authorized by a quarantine officer to remove it or until his vessel is released from quarantine.
- (2) The master of a vessel in port shall forthwith give notice in writing to a quarantine officer of every case of every prescribed disease which was on his vessel when she arrived in the port or which has arisen on his vessel since she arrived in the port.
- (3) Every person failing to comply with the requirements of this section shall be liable on conviction to a fine of \$100.

## **21 Signal.**

The quarantine signal shall be as prescribed and shall be displayed in the prescribed manner.

## **22 Unauthorized persons not to board vessel.**

- (1) No unauthorized person shall go on board or alongside a vessel subject to quarantine or while the quarantine signal is displayed on the vessel except as is in the next following subsection provided.
- (2) At the request of the master, owner or agent of a vessel subject to quarantine a pilot may go alongside or on board such vessel for the purposes of pilotage but any pilot so going alongside or boarding such vessel shall become subject to quarantine.
- (3) Any pilot who has gone alongside or boarded a vessel under the provisions of subsection (2) shall be deemed to be a passenger for the purpose of section 51 for whom the master, owner and agent of such vessel shall severally be responsible and the master, owner or agent of such vessel shall in addition be severally responsible to pay to such pilot a subsistence allowance of \$2 a day during the period of his detention in quarantine.
- (4) Any person guilty of a breach of subsection (1) shall be liable on conviction to a fine of \$200.

**23 When required vessel to be brought to.**

The master of a vessel shall on being so required by a quarantine officer bring the vessel to and shall by all reasonable means facilitate the boarding of the vessel by the quarantine officer. Any person failing to comply with the requirements of this section shall be liable on conviction to a fine of \$100.

**24 Limit in ports for vessel subject to quarantine.**

- (1) The master of a vessel subject to quarantine shall not allow the vessel to be brought into any part of the port within the quarantine line. Any person guilty of a breach of this subsection shall be liable on conviction to a fine of \$200.
- (2) The Prime Minister may by proclamation in the Gazette fix the position of the quarantine line for any port.

**25 Vessel to be brought to proper mooring ground.**

The master of a vessel subject to quarantine shall forthwith on arrival at or near a port bring his vessel to a place appointed by the Prime Minister by proclamation to be a mooring ground or landing place for vessels subject to quarantine.

**26 Master to deliver health report.**

The master of an oversea vessel arriving at any port in Tonga shall on being required so to do make out and deliver to the quarantine officer a health report in accordance with the prescribed form signed by him and if the vessel carries a medical officer signed by the medical officer. Any person failing to comply with the requirements of this section shall be liable on conviction to a fine of \$200.

**27 Master to bring bill of health from overseas ports.**

The master of an oversea vessel bound for any port in Tonga shall bring from its oversea port of departure and from every oversea port of call on the voyage and on being required so to do shall deliver to the quarantine officer a bill of health giving such information as may be prescribed in respect of the port and of the sanitary circumstances and condition of the vessel and of her crew and passengers while at the port. Any person failing to comply with the provision of this section shall be liable on conviction to a fine of \$100.

**28 Master and medical officer to answer questions.**

- (1) The medical officer and the master of any oversea vessel arriving at any port in Tonga shall severally truly answer to the best of their knowledge all questions put to them or either of them by a quarantine officer touching the health of the crew and passengers of the vessel during the voyage touching the sanitary condition of the vessel during the voyage and touching the existence of a quarantinable or infectious disease at the ports of departure or call or on board any vessel communicated with or touching the existence on his vessel of any rags or second-hand clothing or other prescribed articles and the ports or places at which they were put on board the vessel. Any person failing to comply with the requirements of this subsection shall be liable on conviction to a fine of \$200.
- (2) Any questions under this section may be written or oral and the quarantine officer may require the answers to be given in writing or orally.
- (3) A quarantine officer may if he thinks fit require the medical officer and the master or either of them to verify any answer to any question asked in pursuance of this section by a declaration in writing signed by him solemnly declaring to the truth of the answer.
- (4) Any declaration under this section may be taken before a quarantine officer and any person who makes any false statement in any such declaration shall be guilty of an offence and shall be liable on conviction to imprisonment for 2 years.

**29 No persons to be allowed to quit vessel subject to quarantine.**

- (1) Except as prescribed the master of a vessel subject to quarantine shall not quit or knowingly or negligently suffer any person to quit his vessel or knowingly or negligently permit any goods, mails or loose letters to be removed from his vessel. Any person guilty of a breach of this subsection shall be liable on conviction to a fine of \$200.
- (2) In order to comply with this section the master of a vessel may detain any person, goods, mails or loose letters on his vessel and may use any means reasonably necessary for that purpose.

**30 Other persons prohibited from quitting vessel.**

No person (other than a quarantine officer) who is on board a vessel subject to quarantine shall (unless authorized by a quarantine officer to do so) quit the vessel. Any person guilty of a breach of this section shall be liable on conviction to a fine of \$200.

**31 Apprehension of persons liable to quarantine.**

- (1) Any police officer or any authorized person may without warrant apprehend—
  - (a) any person who has in contravention of this Act or any regulations made thereunder quitted any vessel subject to quarantine or any quarantine station; or
  - (b) any person subject to quarantine who is found in any place not being in or part of a quarantine station.
- (2) Any person apprehended under this section shall be brought before a magistrate or quarantine officer who may on proof to his satisfaction that the person so brought before him is subject to quarantine order him to be taken to the vessel from which he has landed or to a quarantine station to perform quarantine and may by warrant authorize any police officer or other person to take him accordingly or may order him to be dealt with in accordance with the regulations.

**32 Mooring of vessels from proclaimed places.**

- (1) A vessel which has arrived at any port from a proclaimed place and not having a certificate of pratique shall be moored or berthed in the port in accordance with the directions of a quarantine officer or as prescribed.
- (2) The master of a vessel shall not suffer or permit her to be moored or berthed in any port in contravention of this section.
- (3) Any person guilty of a breach of this section shall be liable on conviction to a fine of \$100.

**33 Pratique.**

- (1) After boarding any oversea vessel (not having a certificate of pratique) the quarantine officer shall forthwith if he is satisfied that the vessel is free from infection give the master a certificate of pratique in accordance with the form prescribed.
- (2) The certificate of pratique may be expressed to have effect in all ports in Tonga or to have effect only in any specified port or ports or to have effect only for a specified time.
- (3) The certificate of pratique may be expressed to have relation to all or any specified measures of quarantine.

**34 Quarantine surveillance.**

- (1) Where a vessel has arrived at any port from a proclaimed place or is subject to quarantine and the quarantine officer is satisfied that no person on board is actually suffering from a quarantinable disease but is not satisfied that the vessel is free from infection he may subject to this section—
  - (a) refrain from giving a certificate of pratique;
  - (b) permit the vessel to proceed on her voyage without performing quarantine at a quarantine station;
  - (c) permit any passengers for that part and their effects to be landed;
  - (d) permit any cargo on the vessel for that port to be landed.
- (2) The vessel shall continue to be subject to quarantine until pratique is granted.
- (3) All persons landed in pursuance of this section shall continue subject to quarantine until such period as is prescribed and while so subject shall be under quarantine surveillance and shall comply with the regulations relating to quarantine surveillance. Any person failing to comply with the requirements of this subsection shall be liable on conviction to a fine of \$200.
- (4) All cargo and passengers' effects landed under this section shall be subject to treatment and disinfection as prescribed.

**35 Order to perform quarantine.**

- (1) A quarantine officer may by order in writing order into quarantine any vessel, person or goods (whether subject to quarantine or not) being or likely to be in his opinion infected with a quarantinable disease or a source of infection with a quarantinable disease.
- (2) If a vessel has arrived in Tonga from a proclaimed place the quarantine officer shall (except as prescribed) order her into quarantine.
- (3) The order may—
  - (a) in the case of any vessel and all persons and goods on board the vessel be served on the master of the vessel; or
  - (b) in the case of any person be served on the person; or
  - (c) in the case of any goods be served on the owner consignee or any person having possession or custody of the goods.
- (4) When the order has been served in accordance with this section the vessel and all persons and goods on board the vessel or the person or goods as the case may be shall be deemed to be ordered into quarantine.

**36 Vessels having cases of communicable disease on board.**

- (1) When a vessel subject to quarantine or any other vessel has on board any case of communicable (infectious) disease and a quarantine officer certifies that measures of quarantine are necessary to prevent the disease from spreading all such measures for the disinfection of the vessel and all such other measures of quarantine as are prescribed or as a quarantine officer directs shall be taken and any person suffering from or suspected to be suffering from the disease or who has been exposed to infection from the disease may be ordered into quarantine and may be removed to a quarantine station to perform quarantine.
- (2) Persons suffering from or suspected to be suffering from the disease shall be deemed to be subject to quarantine notwithstanding that the disease has not been proclaimed to be a quarantinable disease.
- (3) No persons suffering from or suspected to be suffering from a communicable (infectious) disease shall quit the vessel without the written permission of a quarantine officer.
- (4) No person who is in charge of any person suffering from or suspected to be suffering from any communicable (infectious) disease shall permit the person to quit the vessel without the written permission of a quarantine officer.
- (5) When a quarantine officer has given a certificate in pursuance of subsection (1) the master of the vessel shall not knowingly or negligently allow any person suffering from or suspected to be suffering from the disease or who has been exposed to infection from the disease to quit the vessel.
- (6) Any person guilty of a breach of subsection (3), (4) or (5) shall be liable on conviction to a fine of \$1000.

**37 Master when so ordered to convey vessel into quarantine.**

- (1) When a vessel is ordered into quarantine the master thereof shall forthwith cause the vessel and all persons and goods on board the vessel to be conveyed into such quarantine station as the quarantine officer directs, there to perform quarantine.
- (2) Where a vessel ordered into quarantine has to be cleansed, fumigated, disinfected or treated in any manner a quarantine officer may direct the vessel to be taken to any prescribed place for the purpose of being so cleansed, fumigated, disinfected or treated and the master of the vessel shall cause the vessel to be taken to the place accordingly.
- (3) Any person failing to comply with the requirements of this section shall be liable on conviction to a fine of \$1000.

**38 When vessel deemed to be in quarantine.**

A vessel ordered into quarantine although not actually within a quarantine station shall be deemed to be in quarantine.

**39 Particulars to be given at the quarantine station.**

When the vessel arrives at the appointed quarantine station the master shall on request produce and deliver to the officer in charge of the quarantine station his passenger list, bill of health, log, manifest, journal and other ship's papers. Any person failing to comply with the requirements of this section shall be liable on conviction to a fine of \$200.

**40 Performance of quarantine by vessel.**

Every vessel in quarantine shall subject to this Act perform quarantine at the appointed quarantine station and for that purpose may be there detained by a quarantine officer or any authorized person until released in accordance with this Act and whilst so detained shall be subject to the regulations relating to the performance of quarantine.

**41 Vessel in quarantine not to be moved except in accordance with Act.**

When a vessel is in quarantine the master shall not move the vessel or suffer her to be moved except in accordance with this Act or any regulations made thereunder. Any person guilty of a breach of this section shall be liable on conviction to a fine of \$200.

**42 Removal from vessel to perform quarantine.**

- (1) For the purpose of the performance of quarantine any persons on board a vessel subject to quarantine may be removed from the vessel by a quarantine officer at any port (notwithstanding that the port is not their port of destination) and conveyed to and detained in a quarantine station there to perform quarantine.
- (2) All persons removed from a vessel in pursuance of this section shall be entitled to be provided with free passages to their ports of destination forthwith after being released from quarantine.

**43 Power to permit vessel to proceed on voyage.**

The Director of Health may if he thinks fit permit any vessel in quarantine to proceed on her voyage with her officers, crew and passengers or any of them without performing quarantine at the quarantine station at the port at which she then is but the vessel and her officers, crew and passengers shall not thereby be released from quarantine but shall while within Tonga and until released from quarantine be deemed to be in quarantine and shall except as prescribed or as ordered by the Director of Health be subject to this Act and any regulations made thereunder to the same extent as if they were performing quarantine at a quarantine station.

**44 Cleansing and disinfecting vessel.**

A quarantine officer may order any vessel in quarantine to be cleansed and disinfected in such manner as he directs and the master of the vessel shall cause her to be cleansed and disinfected accordingly. Any person failing to comply with the requirements of this section shall be liable on conviction to a fine of \$200.

**45 Goods not to be removed.**

- (1) When a vessel is in quarantine then until the vessel is released from quarantine no unauthorized person shall land or unship or move with intent to land or unship any goods from the vessel.

**Quarantinable goods not to be received.**

- (2) No person shall knowingly receive or have in his possession any goods landed or unshipped from any vessel in contravention of this section.
- (3) Any person guilty of a breach of this section shall be liable on conviction to a fine of \$200.
- (4) In any prosecution under subsection (2) the burden of proving want of knowledge shall lie upon the defendant.

**46 Performance of quarantine by persons.**

- (1) All persons ordered into quarantine shall perform quarantine and for that purpose may —
  - (a) be detained on board the vessel; or
  - (b) be detained upon the premises upon which they are found; or
  - (c) be removed to and detained in a quarantine station; until released in accordance with his Act or any regulations made thereunder and while so detained any such person shall be subject to the regulations

regulating the performance of quarantine and the government of quarantine stations.

- (2) No person ordered into quarantine shall commit any breach of the regulations regulating the performance of quarantine or the government of quarantine stations.
- (3) Where a person ordered into quarantine is not in the opinion of a quarantine officer actually suffering from a quarantinable disease the quarantine officer may, subject to the regulations, release the person under quarantine surveillance.
- (4) Any person subject to quarantine shall be under quarantine surveillance and shall comply with the regulations relating to quarantine surveillance.
- (5) Any person guilty of a breach of this section shall be liable on conviction to a fine of \$200 or to imprisonment for 3 months.

#### **47 Release from quarantine.**

When quarantine has been performed by any vessel or person in accordance with this Act and any regulations made thereunder such vessel or persons shall forthwith be released from quarantine.

#### **48 Performance of quarantine.**

All goods ordered into quarantine shall perform quarantine and for that purpose may be detained on board the vessel or in a quarantine station.

#### **49 Goods ordered into quarantine to be treated and disinfected.**

- (1) All goods ordered into quarantine shall be treated and disinfected as prescribed and when so treated and disinfected may be released from quarantine.
- (2) If the quarantine officer in charge of any goods ordered into quarantine is of opinion that they cannot be effectively disinfected and ought not to be released from quarantine owing to the danger of infection he may cause the goods to be destroyed:

Provided that where the value of the goods exceeds \$20 this power shall not be exercised without the written approval of the Prime Minister.

#### **50 Unlawful damage by officer.**

Any officer who shall unlawfully destroy or damage any goods under his charge in the performance of quarantine shall be liable on conviction to a fine of \$200.

## PART V.—EXPENSES OF QUARANTINE

### 51 Liability of master, owner or agent for expenses of quarantine.

- (1) The master, owner and agent of any vessel ordered into quarantine or of any vessel from which any person is removed to perform quarantine shall severally be responsible for—
  - (a) the removal of the passengers and crew to the quarantine station;
  - (b) the care and maintenance of the passengers and crew while detained at the quarantine station;
  - (c) the conveyance of the passengers from the quarantine station to their ports of destination;
  - (d) the medical surveillance of persons released under quarantine surveillance;
  - (e) the provision of such medical, nursing and other attendance on the vessel and at the quarantine station for or in respect of the vessel as the Director of Health considers necessary; and
  - (f) the provision of such launch and patrol services and such supervision as the Director of Health considers necessary to ensure the satisfactory performance of quarantine by the vessel and the persons and goods thereon; and shall supply to the satisfaction of the Director of Health all such service, attendance, meals and other things as are required for those purposes including domestic and laundry service, medicines, medical comforts, nursing and attendance for the sick.
- (2) The master, owner or agent of the vessel may arrange with the Director of Health for the carrying out of any responsibility under this section and for the payment of the expenses thereof but in any case the Director of Health may take action if he thinks it necessary to do so and any expense incurred shall be paid by the master, owner or agent of the vessel to the Director of Health who shall forthwith pay any sum so received by him into the Treasury:

Provided that the Prime Minister may direct that as regards any vessel trading exclusively between ports within Tonga or between Tonga and Australia or New Zealand or other places adjacent to Tonga the expenses of carrying out any responsibility under this section shall be borne by Tonga and upon the issue of such direction the master, owner or agent of any vessel to which the direction relates shall be exempt from liability for the expenses of carrying out that responsibility.
- (3) A passenger shall not be liable to compensate the master, owner or agent for any cost incurred by the master, owner or agent under this section and

any contract or stipulation purporting to impose any such liability upon him shall to that extent be null and void.

## **52 Liability for cost of disinfecting goods.**

The master, owner or agent of any vessel ordered into quarantine or ordered to be cleaned, fumigated, disinfected or treated shall pay all costs of removal of cargo or goods from the vessel and costs incurred in the cleansing, fumigation, disinfection or treatment of the vessel or of any goods or things taken from the vessel.

## **53 Security for carrying out responsibilities.**

Before permitting any persons, goods, personal effects or things to leave or be removed from a vessel ordered into quarantine, the quarantine officer may require the master, owner, or agent of the vessel to give security to the satisfaction of the quarantine officer that all responsibilities under this Part of this Act of the master, owner and agent of the vessel in respect of those persons, goods, personal effects or things shall be faithfully carried out.

## **54 Liability of ship owners as to pilotage, etc.**

The master, owner or agent of any vessel ordered into quarantine shall pay the Director of Health all charges incurred by him in connection with the piloting or towing of the vessel into or out of port or from one place to another in port. The Director of Health shall forthwith pay any sum received by him into the Treasury.

## **55 Liability of ship owners as to expenses of passages.**

The master, owner or agent of any vessel subject to quarantine shall pay to the Director of Health all charges and expenses incurred by him in providing persons who were removed from the vessel in order to perform quarantine with passages to their ports of destination. The Director of Health shall forthwith pay any sum so received by him into the Treasury.

## **56 Persons in quarantine able to support themselves.**

Any person detained in quarantine who is not one of the crew or passengers of a vessel ordered into quarantine shall if he is reasonably able to do so and is thereunto required by the Director of Health pay to the Director of Health the cost of any food and medicines supplied to him and those dependent on him

during their removal to or detention in quarantine. The Director of Health shall forthwith pay any sum so received by him into the Treasury.

**57 Owner of vessel quarantined liable for service of Medical Officer.**

When a vessel is ordered into quarantine the Director of Health may—

- (a) appoint a medical officer to take charge of the crew and passengers of the vessel while in quarantine; and
- (b) fix the amount of remuneration to be paid to the medical officer for his services.

Such remuneration shall be paid by the master, owner or agent of the vessel to the Director of Health who shall forthwith pay any sum so received by him into the Treasury.

**58 Expenses to be a charge upon vessel.**

Any expenses or charges payable to the Director of Health under this Part of this Act by the master, owner or agent of any vessel shall be a charge upon the vessel and the vessel may be detained by an officer until such expenses or charges are paid.

**59 Expenses recoverable as Crown debt.**

Any expenses or charges payable to the Director of Health under this Part of this Act may be recovered by action in any court of competent jurisdiction within Tonga as a debt to the Kingdom of Tonga.

## **PART VI.—MISCELLANEOUS**

**60 Penalty for importing disease, germs, etc.**

- (1) No person shall except with the written consent of the Director of Health knowingly import into Tonga any noxious insect, any pest or any disease, germ or microbe or any disease agent or any culture virus or substance containing any disease, germ or microbe or disease agent. Any person guilty of a breach of this section shall be liable on conviction to a fine of \$1000.
- (2) In any prosecution under this section the burden of proving want of knowledge shall lie upon the defendant.

**61 Forfeiture of goods unlawfully imported.**

All goods imported into Tonga in contravention of this Act or any proclamation thereunder and all hay, straw, fodder, litter, fittings, clothing, utensils, appliance or packages moved or dealt with in contravention of this Act or any regulations made thereunder shall be forfeited and may be seized by an officer or officer of Customs and disposed of in accordance with the regulations.

**62 Seizure of forfeited goods, etc.**

Any officer or officer of Customs may seize any goods subject to quarantine which are found outside a quarantine station and may convey them to a quarantine station.

**63 Powers of inspection.**

- (1) Any quarantine officer may board any vessel being in any port or place in Tonga and may require any person on board the vessel to submit to any prescribed examination and may enter and inspect any part of the vessel and all goods on board the vessel and may inspect the passenger list, bill of health, log, manifest, journal and other ship's papers.
- (2) The master of any vessel shall if so required by a quarantine officer produce to him for inspection the passenger list, bill of health, log, manifest, journal and other ship's papers. Any person failing to comply with the requirements of this section shall be liable on conviction to a fine of \$40.

**64 Boarding vessel.**

- (1) A quarantine officer boarding any vessel may remain thereon for such time as he considers necessary or desirable and the master shall if required by the quarantine officer provide suitable and sufficient food and sleeping accommodation for him. Any person failing to comply with the requirements of this section shall be liable on conviction to a fine of \$50.
- (2) If the vessel is a passenger vessel the quarantine officer shall be entitled to all the privileges and accommodation extended to a first class passenger.

**65 Muster of crew and passengers.**

- (1) The master of every vessel shall if so required by a quarantine officer muster in the presence of the quarantine officer all passengers and persons on the vessel who are not prevented by illness or some other cause from attending the muster and shall by all reasonable means facilitate the

inspection by the quarantine officer of all persons on board the vessel. Any person failing to comply with the requirements of this subsection shall be liable on conviction to a fine of \$100.

- (2) Every person on board the vessel shall unless prevented by illness or some other cause (proof whereof shall lie upon him) attend the muster.
- (3) Every person on board the vessel shall answer truly to the best of his knowledge all questions asked him by the quarantine officer as to his health during the voyage and as to the likelihood of his having been exposed to infection before or during the voyage.
- (4) Any person failing to comply with the requirements of subsections (2) and (3) shall be liable on conviction to a fine of \$20.

#### **66 Quarantine officer may make inquiries at any time.**

- (1) A quarantine officer may ask the master or medical officer of any vessel any question he thinks fit to ask concerning any sickness on board the vessel or the sanitary condition of the vessel and the master or medical officer shall to the best of his knowledge, information and belief truly answer the questions asked him by the quarantine officer.
- (2) A quarantine officer may ask any person subject to quarantine any questions concerning his personal health or liability to infection and the person shall to the best of his knowledge, information and belief truly answer the questions asked him by the quarantine officer.
- (3) A quarantine officer may if he thinks fit require a person who has been asked questions in pursuance of this section to verify by statutory declaration the answers given to the questions.
- (4) Any person failing to comply with the requirements of this section shall be liable on conviction to a fine of \$200.

#### **67 Power to affix notices.**

- (1) A quarantine officer may affix any prescribed notices in relation to quarantine on any part of any vessel subject to quarantine and on or near any quarantine station and on any goods subject to quarantine.
- (2) Any unauthorized person removing defacing or interfering with any notices affixed in pursuance of this section shall be liable on conviction to a fine of \$20.

**68 Persons may be vaccinated.**

- (1) A quarantine officer may require any persons subject to quarantine or performing quarantine to be vaccinated or inoculated with any prophylactic or curative vaccine and any person so required to be vaccinated or inoculated shall submit to be vaccinated or inoculated accordingly. Any person failing to comply with the requirements of this section shall be liable on conviction to a fine of \$10.
- (2) A quarantine officer shall not require any person to be vaccinated or inoculated unless in his opinion and in the opinion of the Director of Health vaccination or inoculation is necessary for the protection of persons subject to quarantine or performing quarantine or for the prevention of the spread of the disease of small-pox.

**69 Trespassing on quarantine stations.**

- (1) Any unauthorized person who—
  - (a) enters or trespasses on any quarantine station; or
  - (b) interferes with any goods subject to quarantine;shall be liable on conviction to a fine of \$50.
- (2) Any unauthorized person who enters any quarantine station while any person is performing quarantine thereon shall be subject to quarantine and may be detained at the quarantine station for the performance of quarantine.

**70 Pilot to incur penalty on wrongly conducting vessel.**

Any pilot who shall unless compelled by stress of weather or other reasonable cause conduct a vessel subject to quarantine into any place other than the proper place for a vessel so subject shall be liable on conviction to a fine of \$100.

**71 Penalty for entering port other than first port of entry having disease on board.**

The master of an oversea vessel who knowing that a quarantinable disease exists on his vessel suffers his vessel to enter a port other than a port declared to be a first port of entry shall unless he proves that it was necessary for the purpose of saving human life be guilty of an indictable offence and shall be liable on conviction to imprisonment for 2 years.

**72 Cleansing and disinfection of insanitary vessels.**

- (1) A quarantine officer may subject to any regulations made under this Act order any vessel in any port in Tonga, which vessel is in his opinion in an insanitary condition favourable to the spread of communicable disease, to be cleansed, fumigated, disinfected or treated to his satisfaction and the master of the vessel shall cause her to be cleansed, fumigated, disinfected or treated accordingly.
- (2) A quarantine officer may subject to any regulations made under this Act order any such vessel to be taken to any appointed place for the purpose of cleansing, fumigation, disinfection or treatment and the master of the vessel shall cause her to be taken to that place.
- (3) The Director of Health may order any vessel in any port in Tonga to be taken to any other port in Tonga for the purpose of cleansing, fumigation, disinfection or treatment and the master of the vessel shall cause her to be taken to that port accordingly.
- (4) Any person failing to comply with the requirements of this section shall be liable on conviction to a fine of \$200.

**73 Offences as to documents.**

Whoever—

- (a) forges any document under this Act or any official copy thereof or the signature of any officer performing any duty under this Act; or
- (b) utters or puts off knowing it to be forged any forged document purporting to be a document issued under this Act; or
- (c) fraudulently lends any certificate or document issued under this Act to any other person or allows it to be used by any other person;

shall be guilty of an indictable offence and shall be liable on conviction to imprisonment for 2 years.

**74 Penalty for desertion.**

Any officer who—

- (a) wilfully deserts from his duty; or
- (b) knowingly and unlawfully permits any person, vessel or goods to depart from or be conveyed out of any quarantine station where they are detained;

shall be guilty of an indictable offence and shall be liable on conviction to imprisonment for 2 years.

**75 Bribing, assaulting or obstructing officers.**

- (1) Whoever—
- (a) gives or offers or promises to give or procure to be given any bribe, recompense or reward to an officer to induce him in any way to neglect or not to perform his duty, or
  - (b) makes any collusive arrangement with an officer to neglect or not to perform his duty, or
  - (c) by threats demands or promises attempts improperly to influence an officer in the performance of his duty, or
  - (d) assaults or by force molests or obstructs or intimidates an officer in the performance of his duty,
- shall be guilty of an offence.
- (2) An offence against this section may be prosecuted either summarily or upon indictment but an offender shall not be liable to be punished more than once in respect of the same offence.
- (3) The punishment for an offence against this section shall be as follows—
- (a) if the offence is prosecuted summarily: a fine not exceeding \$200 or imprisonment for any term not exceeding 6 months or both;
  - (b) if the offence is prosecuted upon indictment: imprisonment for a term not exceeding 2 years.

**76 Officers taking bribes.**

Any person who—

- (a) accepts any bribe, recompense or reward for or on account of any neglect to perform or non-performance of his duty, or
- (b) makes any collusive agreement with any person to neglect or not to perform his duty,

shall be guilty of an indictable offence and shall be liable on conviction to imprisonment for 2 years.

**77 Master or medical officer misleading quarantine officer.**

Any master or medical officer of a vessel who—

- (a) wilfully makes any false statement in answer to any question asked him by a quarantine officer under this Act, or
- (b) wilfully misleads a quarantine officer in the performance of his duty, shall be guilty of an indictable offence and shall be liable on conviction to imprisonment for 2 years.

**78 Maliciously ordering vessel, etc., into quarantine.**

Any quarantine officer who maliciously and without reasonable cause orders any vessel, person or goods into quarantine shall be guilty of an indictable offence and shall be liable on conviction to imprisonment for 2 years.

**79 Aiding and abetting offences.**

Whoever aids, abets, counsels or procures or by act or omission is in any way directly or indirectly knowingly concerned in the commission of any offence against this Act or any regulations made thereunder shall be deemed to have committed that offence and shall be punishable accordingly.

**80 Limitation of time for summary proceedings.**

All proceedings taken in any court of summary jurisdiction for the recovery of any penalty for any offence against this Act or any regulations made thereunder shall be instituted within 6 months after the commission of the offence.

**81 Venue in summary proceedings.**

Proceedings in a court of summary jurisdiction may be instituted either in the district where the offence was committed or in the district in which the defendant is found.

**82 Adjournment of proceedings in certain cases.**

Where proceedings have been instituted against any person for an offence against this Act or any regulations made thereunder other than an indictable offence the court may if in its opinion it is desirable or convenient so to adjourn the hearing for such time as it thinks fit upon the defendant entering into a bond with two sureties approved by the court in a sum equal to the maximum penalty for the offence conditioned for his appearance before the court at the time and place to which the hearing is adjourned.

**83 Power to administer oaths or take declarations.**

All quarantine officers who are authorized in that behalf by any regulations made under this Act or by the Director of Health are hereby authorized to administer oaths or affirmations and to take declarations in all cases in which any answers to questions asked in pursuance of this Act are by this Act or any regulations made thereunder required to be verified by oath, affirmation or declaration.

**84 Attorney-General to prosecute.**

All prosecutions for offences against this Act or any regulation made thereunder shall be brought by the Attorney-General. (*Amended by Act 46 of 1988.*)

**85 General penalty.**

Any person who commits an offence against this Act for which no specific penalty is provided shall be liable on conviction to a fine not exceeding \$200.

**86 Regulations.**

- (1) The Prime Minister may make regulations not inconsistent with this Act prescribing all matters which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act and in particular but without prejudice to the generality of the foregoing power for—
  - (a) regulating the performance of quarantine; and
  - (b) regulating and protecting quarantine stations; and
  - (c) regulating or preventing ingress to or egress from any quarantine area and prescribing measures of quarantine within any quarantine area; and
  - (d) regulating or preventing the removal of mail or goods from any quarantine area; and
  - (e) requiring notification to a quarantine officer of each case of a quarantinable disease which arises in Tonga or within any specified part of Tonga or within any quarantine area; and
  - (f) prescribing the precautions to be taken to prevent the ingress to or egress from a vessel of rats, mice, mosquitoes or other vermin or species or kinds of animals or insects liable to convey disease; and
  - (g) prescribing the measures to be taken by the masters, owners or agents of vessels to destroy rats, mice, mosquitoes or other vermin or species or kinds of animals or insects liable to convey disease which may exist on the vessel; and
  - (h) prescribing and establishing and maintaining on vessels or within any quarantine area of conditions unfavourable to the migration of rats, mice, mosquitoes or other vermin or species or kinds of animals or insects liable to convey disease and fixing the time limit for the completion of any work necessary for the purpose of establishing such conditions and empowering the Director of Health in case of default by the master, owner or agent to carry out any such work at the expense of the master, owner or agent; and

- (i) prescribing the precautions to be taken by masters of vessels in respect of the vessels and their crews, passengers and cargoes at proclaimed places and on the voyage from proclaimed places and on voyages between ports or places in Tonga to prevent the introduction into Tonga or spread of quarantinable disease; and
  - (j) regulating the discharge from vessels of any water, ballast or refuse; and
  - (k) regulating the sanitary condition of vessels in ports; and
  - (l) providing for the granting of certificates by quarantine officers in relation to any vessels or goods examined or treated by them or under their supervision; and
  - (m) prescribing the fees payable in respect of examinations services or certificates by quarantine officers and the persons by whom the fees are payable; and
  - (n) prescribing the movements of any person subject to quarantine; and
  - (o) prescribing measures of disinfection, fumigation and other measures of quarantine which persons or goods subject to quarantine shall carry out or be subjected to; and
  - (p) prescribing the conditions under which any prophylactic or curative vaccine or serum may be prepared and offered for sale; and
  - (q) prescribing penalties not exceeding \$200 for breaches of the regulations; and
  - (r) regulating for the purposes of this Act and any regulations thereunder navigation by air; and
  - (s) requiring and prescribing reports from vessels by radiotelegraphy; and
  - (t) regulating traffic within Tonga by land and sea and prescribing measures of quarantine in relation to such traffic for the prevention of the occurrence or spread of communicable diseases.
- (2) Regulations made under paragraph (t) of the last preceding subsection shall—
- (a) be published in the Gazette; and
  - (b) come into force only in pursuance of an order made by the Prime Minister; and
  - (c) be in force in such district, place, area or locality within Tonga as the Prime Minister by order directs; and
  - (d) remain in force for such time as is specified in the order but may from time to time by further order be renewed for a further specified period for the same locality or part thereof.

- (3) Any order made by the Prime Minister in pursuance of the last preceding subsection shall set forth the regulations to which the order relates.