



Tonga

# TOWN REGULATIONS ACT

1988 Revised Edition





## TOWN REGULATIONS ACT

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## TOWN REGULATIONS ACT

*Act Nos. 17 of 1903, 20 of 1903, 1 of 1906, 23 of 1912, 7 of 1916, 20 of 1916, 14 of 1922, 16 of 1930, 11 of 1933, 16 of 1944, 4 of 1965, 5 of 1974, 4 of 1981, 17 of 1988*

### AN ACT TO PROVIDE FOR GOOD ORDER IN TOWNS

Commencement [8th July, 1903]

#### 1 Short title.

This Act may be cited as The Town Regulations Act.

#### 2 Public place.

For the purposes of this Act “public place” means any road, highway, street, market place, wharf, public gardens or public ornamental fountain and includes any building or vessel or vehicle or monument or fountain to which for the time being the public are entitled or permitted to have access without any condition or upon conditions of making payment and any building or place to which the public have right of access or which is for the time being used for any public or religious meeting or assembly or as an open Court. (*Inserted by Act 5 of 1974.*)

#### 3 Indigent persons. - Order for maintenance

Should it appear to any District Officer that any man woman or child has been deserted by his relations and is sickly and unable to obtain the necessaries of life

he shall inform the Inspector of Police who shall inquire into the case and if there should appear to him sufficient grounds for interference he shall prosecute the near relations of such indigent person and upon conviction the magistrate shall order the relations to maintain such indigent person and whoever shall disobey such order for maintenance shall on conviction be liable at the discretion of the Court to imprisonment for any period not exceeding 3 months or to a fine not exceeding \$20 and in default of payment thereof to imprisonment for any period not exceeding 2 months. (*Amended by Acts 16 of 1930 and 17 of 1988.*)

#### Explanation

The magistrate should warn the defendant at the time he makes the order of the penalty to which he will be liable for disobedience.

#### **4 Vagabondage: Procedure and penalty.**

Should any able-bodied male person above the age of 16 years appear to the police to have no employment or profession nor means of providing for himself or those that depend on him or have failed to plant and provide sufficient food to keep himself and those that depend on him he may be charged before the Court with idleness and on conviction may be imprisoned for a term not exceeding 3 months and may be ordered by the Court within such time as the Court may order to plant food sufficient for himself and those that depend on him and should he fail to carry out the order of the Court relating to the planting of food he may be again charged before the Court and on conviction may be imprisoned for a term not exceeding 12 months and at the discretion of the Court ordered a whipping not to exceed 25 lashes. (*Amended by Act 17 of 1988.*)

#### **5 Offence of not planting foodstuffs.**

Should it appear to the police or to the District Officer of the town that any able-bodied male person above the age of 16 years having any employment or profession or other means has failed to plant sufficient food to keep himself and those who depend on him he may be charged before the Court with so having failed to plant as aforesaid and on conviction may be fined a sum not exceeding \$10 or in default imprisoned for a term not exceeding one month and may be ordered by the Court within such time as the Court may direct to plant food sufficient for himself and those who depend on him and should he fail to carry out the order of the Court relating to the planting of food he may again be charged before the Court and on conviction be imprisoned for a term not exceeding 3 months. (*Amended by Act 17 of 1988.*)

**6 Dwelling houses.**

- (1) Every male Tongan who has reached the age of 21 years shall build a dwelling house upon his allotment.
- (2) The dwelling house may be built of either non-Tongan or Tongan materials. *(Amended by Act 17 of 1988.)*
- (3) Where native materials are used the dwelling house shall not be less than 3 metres in length and shall be constructed of coconut or pandanus wood and roofed with sugar-cane leaves, coconut leaves, timber or iron; and the walls shall be constructed with reeds, coconut leaves, timber or iron:

Provided that in Niuatoputapu it shall be lawful to build with fau. *(Amended by Acts 11 of 1933 and 4 of 1981.)*

- (4) Any person to whom this section applies who at the annual inspection shall be found to have neglected to build himself a dwelling house shall be liable on conviction to a fine not exceeding \$10. *(Amended by Act 17 of 1988.)*

**7 Inspection of dwellings.**

An inspection of dwellings shall be made annually and should any house be found to be in bad repair or badly drained or in a filthy condition or unfit to sleep in, the District Officer shall order the owner to pull it down and rebuild it properly or to spread sea sand or gravel round the house; and whoever shall neglect to obey such order without delay shall on conviction be liable to a fine not exceeding \$20. *(Amended by Act 17 of 1988.)*

**8 Cleaning of town premises.**

All growths (except cultivated plants) on holdings or premises in any town shall be cut, cleaned and swept by the occupier or if there is no occupier by the owner and the police shall inspect all such holdings and premises on the last Monday of February, April, June, August, October and December in each year. Any occupier or owner who shall neglect to comply with the requirements of this section shall be liable on conviction thereof before a magistrate at the instance of the police to a fine of \$5 and in default of payment to imprisonment for 4 days. *(Amended by Act 17 of 1988.)*

**9 Depositing rubbish, etc.**

It shall be unlawful for anyone to deposit or to leave or to throw in a Government Road or public place or on the beach or on the premises of another, any glass, bottles, can, bits of metal or iron, paper or rubbish or litter or material of any sort whatsoever, whether a source of danger or not. Anyone committing

an offence against this section shall be liable to a fine not exceeding \$50 or in default to imprisonment for a term not exceeding 6 months or to both such fine and imprisonment, and the Court may order the defendant to pay compensation not exceeding \$50 to any person injured by such offence. (*Substituted by Act 5 of 1974.*)

## **10 Live pigs prohibited in Nuku'alofa, Pangai and Neiafu.**

- (1) Any person who shall permit any live hogs, sows, pigs or goats within the boundaries of Nuku'alofa (including Ma'ufanga) Pangai (including Tongoleleka) and Neiafu (including Fungamisi and Falaleu) except under license in the Form prescribed in Schedule I shall be guilty of an offence and is liable on summary conviction to a fine of \$25 and it shall be lawful for any constable or other police officer to shoot any unlicensed live hog, pig or goat found within any of the above-mentioned areas. Should any such hog, sow, pig or goat not be claimed by its owner or his representative within one hour of its so being killed it may be disposed of in such manner as the Minister of Police may direct.

For the purposes of this section the boundaries of Nuku'alofa (including Ma'ufanga), Pangai (including Tongoleleka) and Neiafu (including Fungamisi and Falaleu) shall be as specified by the Minister of Lands in terms of the District and Town Officers Act. (*Substituted by Act 5 of 1974 and Amended by Act 17 of 1988.*)

- (2) Application for a licence referred to in subsection (1) shall be made in writing to the Minister of Police who may, upon payment of a fee of \$1 issue a licence in the form in the Schedule. (*Inserted by Act 17 of 1988.*)
- (3) The Licence issued pursuant to subsection (2) shall be in the name of the person who applied for it and is not transferable to any other person. (*Inserted by Act 17 of 1988.*)

## **11 Unburied carcasses.**

Whoever shall neglect to bury the carcass of any horse, cattle, sheep, dog, pig or other animal belonging to him which is lying within any town or public road or upon any beach shall be liable to a fine not exceeding \$50 or in default of payment to imprisonment for 2 months. (*Amended by Act 17 of 1988.*)

## **12 Dead animals.**

If anyone takes or places on the public roads or beach or other public place the carcass of a dead horse, cow, sheep or any other animal such person shall be liable to a fine not exceeding \$50 or in default of payment to imprisonment for 2 months. (*Amended by Act 17 of 1988.*)

**13 Traveller may drink coconut.**

- (1) Any person travelling to a distant place upon a Government road if he be thirsty may peel and drink coconuts growing by the roadside in any main road but it shall not be lawful for him to carry away any nuts but only to relieve his thirst nor may he take nuts from any plantation.

**Vessels in distress.**

- (2) Should any vessel put into any island in distress it shall be lawful for the crew to drink the coconuts and eat the fruit of any trees growing in such island but it shall not be lawful for them to carry away anything beyond what is necessary for their bare support until they can reach some port.
- (3) Whoever shall infringe any of the provisions of this section shall on conviction be liable to the penalty for theft.

**14 Salutes.**

Salutes shall be paid by raising the hand. Whoever shall infringe any of the following regulations shall on conviction be liable to a fine of 20 seniti to be levied by distress —

**Riding past nobles.**

- (a) it shall be unlawful to pass any of the nobles on horseback or in any vehicle without stopping until the noble has passed and saluting by raising the hand;

**Wearing Fa'u, etc.**

- (b) it shall be unlawful to wear the fa'u (turban) or be navu (have the hair dressed with lime) or be huluhulu (without belt) or be without ta'ovala (cincture) if in native dress in the presence of any noble:

Provided that this subsection shall not be held to apply to youths who have not reached the age of 16 years. (*Amended by Act 17 of 1988.*)

**15 Weeding commons.**

The District Officer shall apportion the work of keeping the village common clean among such residents of the village of or over the age of 16 years and whoever shall neglect to weed the part of the common apportioned to him shall on conviction be liable to a fine of \$5. (*Amended by Acts 16 of 1944 and 17 of 1988.*)

**16 Weeding cemeteries.**

The members of every family shall keep in order the cemetery of the village in which they reside and any member of a family who shall neglect to comply with this provision shall on conviction be liable to the penalty provided in section 15:

Provided that nothing in this section shall apply to the tombs of chiefs situated at a distance from any village.

**17 Enforcement.**

All proceedings for offences against this Act may be brought in the Magistrate's Court of the district in which the offence occurred by the police or any party aggrieved. (*Amended by Act 17 of 1988.*)

**18 Allocation of fines.**

All fines recovered in any such proceedings shall be paid into the Treasury to the use of the Kingdom.

**SCHEDULE I**

**TOWN REGULATIONS ACT**

Permit to keep pigs or goats within the boundaries of Nuku'alofa (Pangai or Neiafu, as the case may be).

..... of .....is hereby authorized to keep ..... live pigs and/or goats within the boundaries of Nuku'alofa (Pangai or Neiafu, as the case may be). Such pigs and/or goats not to exceed ..... in number.

This permit to remain in force until ..... Nuku'alofa, . ..... Pangai ..... Neiafu, . ..... of ..... 19 .....

.....  
*Superintendent of Police*

*(Added by Act 16 of 1944.)*