



Tonga

PASSPORT ACT

1988 Revised Edition



PASSPORT ACT

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PASSPORT ACT

Acts Nos. 10 of 1964, 20 of 1966, 21 of 1966, 3 of 1980, 18 of 1982, 23 of 1983, 21 of 1987, 46 of 1988

AN ACT RELATING TO PASSPORTS AND CERTIFICATES OF IDENTITY

Commencement [3rd November, 1964]

1 Short title.

This Act may be cited as The Passport Act.

2 Definition of passport.

In this Act —

“**passport**” means a passport issued or received by or on behalf of the Government of the country of which the person to whom it relates is a subject or citizen which by means of an attached photograph and otherwise identifies that person and which is still in force. (*Amended by Act 46 of 1988.*)

PART I. — FOREIGNERS

3 Person over 15 may not land unless in possession of passport.

No person over the age of 15 years shall land in the Kingdom unless possessed of a passport issued or vised in accordance with the requirements of section 4 hereof. Any person violating the provisions of this section shall be guilty of an offence against this Part of this Act:

Provided that nothing in this section contained shall be deemed to prohibit the landing of any person to whom Part II of this Act relates returning to the Kingdom if possessed of a passport or certificate of identity issued under Part II of this Act.

4 Passport must be vised by British diplomatic or consular official or competent authorities.

In the case of any person coming from a foreign country the passport of such person must have been issued or vised by a British Diplomatic or Consular Official or other authorized person in that country and in the case of any person coming from any part of the Commonwealth of Nations or the Republic of Ireland such passport must have been issued or vised by the competent authorities.

5 Exemption for British seamen landing temporarily.

Nothing in this Act shall be deemed to preclude any British subject or citizen of the Republic of Ireland who arrives in the Kingdom as the master or a member of the crew of any vessel from landing temporarily at any port in the Kingdom for the period of such vessel's stay thereat.

6 Alien seamen without passport to obtain permission to land

No alien being the master or a member of the crew of any vessel arriving in the Kingdom shall land at any port in the Kingdom unless he is possessed of a passport issued or vised as required by this Act or unless he has been granted temporary permission by a visiting officer to land for such purposes and subject to such conditions as the visiting officer thinks fit. Any alien master or member of a vessel's crew who lands without possessing a passport in accordance with the requirements of this Act or without having obtained a temporary permission under this section or fails to comply with the terms of any permission granted to him shall be guilty of an offence against this Part of this Act.

7 Penalty for offence against Part I

Any person guilty of an offence against this Part of this Act shall be liable on conviction thereof before a magistrate to a fine not exceeding \$100 and in default of payment to imprisonment for any period not exceeding 6 months.

8 Prosecution.

All offences against this Part of this Act may be prosecuted by the Attorney-General. (*Amended by Act 46 of 1988.*)

**PART II. — TONGANS AND RESIDENTS OF TONGA
BORN IN TONGA NOT IN POSSESSION OF A PASSPORT****9 Definition of certificate of identity.**

In this Part of this Act

“**certificate of identity**” means a certificate issued by the Government of Tonga to a Tongan or resident of Tonga born in Tonga and not in possession of a passport, such certificate to be valid only for a period to be stated therein of not more than 2 years for the purpose of travel to the place or destination marked thereon only and which shall contain a finger print identification, a personal description and a photograph of the person to whom it relates. Such certificate of identity shall be in Form I of the Schedule hereto.

10 Tongans departing to apply for passports or certificates of identity.

All Tongans desiring to leave the Kingdom for parts beyond the seas shall before leaving Tonga make application for and obtain a passport or, if travelling only to any one of those countries which may be specified by the Minister of Police from time to time, a certificate of identity from the Minister of Police. Such passport shall contain a finger print identification of the person to whom it relates and be in such form as His Majesty in Council may from time to time prescribe.

11 Issue of certificate of identity in lieu of passport.

All residents of Tonga born in Tonga and not in possession of a passport desiring to leave the Kingdom for any of those countries which may be specified by the Minister of Police from time to time shall make application and obtain a certificate of identity from the Minister of Police.

12 Applicant to make declaration.

The applicant for a passport or certificate of identity shall sign a declaration in Form II of the Schedule hereto.

13 Power of Minister of Police.

The Minister of Police may issue a passport or certificate of identity to the applicant if —

- (a) being a taxpayer he has paid all taxes and other moneys due by him to the Government;
- (b) there is no action commenced or any process issued against him by or in any Court having jurisdiction within the Kingdom;
- (c) he is not suffering from a notifiable disease;
- (d) he is a person of good character;
- (e) he has a valid and proper reason for leaving Tonga;
- (f) being a married man he has made proper provision for his wife and children; and
- (g) no request has been made to the Government of Tonga or the Minister of Police by any other Government or authority to refuse such passport or certificate of identity to the applicant:

Provided that where the Minister of Police is satisfied that an applicant is about to leave Tonga for medical treatment or on official business of the Government he may nevertheless issue a passport or certificate of identity to that applicant without requiring that applicant to comply with any one or more of the requirements of this section. (*Amended by Act 21 of 1966.*)

14 Period of validity and renewal of passports.

Passports issued before the date of commencement of this Act are valid for only one period of absence from the Kingdom of however long duration. Passports issued on or after that date are valid for 5 years in the first instance unless otherwise stated. They may be renewed upon application in Form III of the Schedule hereto from time to time for further consecutive periods of one to 5 years from the date of expiry, provided the total period of 10 years from the original date of issue is not exceeded.

15 Fees for passport and certificate of identity.

The fees payable for passports and certificates of identity shall be as set out in the Schedule hereto:

Provided that the Privy Council may remit the whole or any part of a fee on application being made in writing showing sufficient grounds for such remission.

16 Validity of certificates of identity.

Certificates of identity shall be valid for only one period of absence from the Kingdom for a length of time stated thereon of not more than 2 years.

17 Offence to leave Tonga without passport or certificate of identity.

Should any Tongan or such resident in Tonga as aforesaid leave Tonga or attempt to leave Tonga without first having obtained a passport or certificate of identity for himself from the Minister of Police he shall be guilty of an offence against this Part of this Act.

18 Master not to embark Tongans, etc. without passports or certificates of identity.

The master of a vessel who carries or harbours on board with the intention of carrying to some place outside the Kingdom of Tonga any person to whom this Part of this Act applies not being in possession of a Tongan passport or certificate of identity as required by this Part of this Act and any person who aids or abets the departure of any such person not being in possession of such Tongan passport or certificate of identity shall be liable to a fine not exceeding \$40 or in default of payment to imprisonment for a period not exceeding 2 months.

19 Offence to make false statement in declaration.

Should any person applying to the Minister of Police for a passport, certificate of identity, or renewal of a passport, make any false statement in any declaration required to be made by persons so applying, he shall be guilty of an offence against this part of this Act. (*Amended by Act 20 of 1966.*)

20 Minister of Police may cancel passport or certificate of identity.

The Minister of Police may cancel any passport or certificate of identity to any person for sufficient reasons provided the applicant is still in the Kingdom.

21 Penalty for offence against Part II

Any person who commits any offence against this Part of this Act shall if no other penalty is provided be liable on conviction before a magistrate at the

instance of the police to a fine not exceeding \$40 and in default of payment to imprisonment for a term not exceeding 4 months.

22 Forged, etc., passports or certificates of identity.

Any person who forges, alters, or tampers with any passport or certificate of identity or uses or has in his possession any such forged, altered or irregular passport or certificate of identity shall be liable to a fine not exceeding \$100 or in default of payment to imprisonment for a period not exceeding 6 months.

23 Shipowner, etc. to require clearance before providing passages to places beyond the Kingdom.

(1) Except with the written authority of the Minister of Police first had and obtained, an owner of a vessel shall not provide a person to whom this Part of the Act applies with a passage from the Kingdom to a place beyond the Kingdom without first ascertaining that that person has paid all taxes and other moneys due by him to the Government.

(2) The owner of a vessel who contravenes subsection (1) commits an offence and is liable to a fine not exceeding \$200.

(3) In this section —

“**owner**” when used in connection with a vessel, includes a charterer of the vessel as well as an agent or servants of the owner or charterer;

“**vessel**” includes any means of conveyance by sea or air. (*Added by Act 21 of 1966.*)

PART III. — TONGAN PROTECTED PERSONS

24 Tongan Protected Person.

A “Tongan Protected Person” means a person who, not being a Tongan subject or a resident of Tonga born in Tonga, is —

- (a) a current registered holder of a lease or sub-lease under the Land Act; or
- (b) a person having an interest in any development to the social, economic, industrial, commercial or other form of development in the Kingdom, and donates a sum of money, set by the Privy Council, towards such purpose. In so doing, such a person may be retained, without further fee, as a consultant or adviser to the Government of Tonga. (*Substituted by Act 23 of 1983.*)

25 Issue of Passport.

The Minister of Police may —

- (a) Upon application of a Tongan Protected Person in Form IV of the Schedule, and
- (b) Upon his taking the oath prescribed in Form V of the Schedule, and
- (c) Upon payment by him of a fee prescribed by His Majesty in Council,

issue to him a passport in a form prescribed by His Majesty in Council. (*Inserted by Act 18 of 1982.*)

26 Entry Visa.

A Tongan Protected Person wishing to enter the Kingdom shall make written application to the Minister of Police who may at his discretion grant him a visa to enter the Kingdom for such periods as the Minister may decide. (*Inserted by Act 18 of 1982.*)

27 Offences.

Any person who

- (a) enters the Kingdom without having first obtained an entry visa in accordance with section 26 hereof, or
- (b) having entered the Kingdom in pursuance of an entry visa granted under Section 26 hereof remains in the Kingdom beyond the period authorised by such visa, or
- (c) makes any false statement in any application required under this Part of this Act, shall be liable upon conviction in the Magistrate's Court to a fine not exceeding \$500 or to a term of imprisonment not exceeding 6 months or to both. (*Inserted by Act 18 of 1982.*)

28 Deportation.

Any person convicted of an offence under this Part of this Act may, after he has served any sentence imposed by the Court, be deported by the Minister of Police and his passport confiscated and cancelled. (*Inserted by Act 18 of 1982.*)

29 Expiration of Passports.

Every passport issued under this Part of this Act shall expire after 5 years from the date of its issue and may be renewed for a further period of 5 years upon written application to the Minister of Police and upon payment of a fee

prescribed by His Majesty in Council. Upon expiration of 10 years from the date of its initial issue every such passport shall be invalid and of no effect. (*Inserted by Act 18 of 1982.*)

PART IV. — MISCELLANEOUS

30 Regulations.

The Minister of Police may with the consent of Privy Council make such regulations as may be necessary or expedient for giving full effect to the provisions of this Act and for the due administration thereof. (*Inserted by Act 18 of 1982.*)

THE SCHEDULE

FORM I

GOVERNMENT OF TONGA

(Seal)

CERTIFICATE OF IDENTITY

(Pursuant to the Passport Act)

Serial Number Date of issue

Name in Full Valid for

Nationality

Home Address

Date of Birth (Photograph)

Profession or Occupation

For travel to

Signature of Holder

Finger Print

FORM II

DECLARATION TO BE MADE BY APPLICANT FOR A PASSPORT OR CERTIFICATE OF IDENTITY

I, the undersigned aged years a Tongan/Resident of Tonga* hereby declare that I am residing

at and I hereby apply for a passport/certificate of identity* for the purpose of travelling, to

AND I further declare —

- (a) That I have paid all taxes and other moneys due by me to the Government.
(b) That I am not aware of any action having been commenced against me in any Court having jurisdiction in Tonga nor of any process issued against me by any such Courts.
†(c) That I am not suffering from a notifiable disease.
(d) That I have a valid reason for wishing to leave Tonga as follows (here state reason).
‡(e) That I have made provision for my wife and children during my proposed absence from Tonga. (Here state what provision.)
(f) The following are physical details of myself.

Height Face
Hair Eyes
Nose
any physical peculiarities

Taken and declared before me this day of 19

NOTE. The declaration should be made before the Minister of Police in Tongatapu or before the Senior Police Official of the district in which the applicant resides if other than Tongatapu.

* Delete words which do not apply.

† If applicant is desirous of leaving Tonga for the treatment of a notifiable disease cross out the word "not".

‡ If the applicant is not married he must cross out this clause.

FORM III

RENEWAL OF PASSPORT

I, the undersigned age at present residing at, here make application for the renewal of Tongan Passport No issued to me at on the day of 19, for a further period of years.

I declare that I am a Tongan subject by birth (naturalization)* and I solemnly declare that all the above particulars given by me in respect of my passport are true in substance and in fact.

AND I further declare —

- (a) That I have paid all taxes and other moneys due by me to the Government.
- (b) That I am not aware of any action having been commenced against me in any Court having jurisdiction in Tonga nor any process issued against me by any such Court.
- †(c) That I am not suffering from a notifiable disease.
- (d) That I have a valid reason for wishing to leave Tonga as follows (here state reason).
- ‡(e) That I have made provision for my wife and children during my proposed absence from Tonga (here state what provision).

Taken and declared before me this day of 19

NOTE. The declaration should be made before the Minister of Police in Tongatapu or before the Senior Police Official of the district in which the applicant resides if other than Tongatapu.

* Delete words which do not apply.

† If applicant is desirous of leaving Tonga for the treatment of a notifiable disease cross out the word “not”.

‡ If applicant is not married he must cross out this clause.

FORM IV

APPLICATION FOR TONGAN PROTECTED PERSON PASSPORT

(Section 25)

Pursuant to Section 25 of the Passport Act, every applicant for a Tongan Protected Person Passport must complete this form correctly and completely, and forward it to the Minister of Police in accordance with this Act.

All applications must be accompanied by 4 passport size photographs.

- 1. Name in full, family name last
- 2. Permanent address in full
.....
- 3. Occupation. If retired, state last previous occupation, and where
.....
- 4. M/F. Single, married, divorced, delete not applicable. Date of Birth
- 5. Application on behalf of self or several members of family. Brief explanation, including age, occupation, address and marital status of family applied for. Children over 12 years of age must apply on a separate form.
- 6. Where previously applied for Tonga Protected Person Passport: yes/no. If yes, where and when
- 7. Number of lease of land held in the Kingdom
- 8. Proposed method of payment of Passport fees: (note: all cheques must first be cleared prior to issuing of passport)
.....
- 9. Personal particulars: where applicable, in metric measurements. Height Colour eyes Colour of natural hair
Where completely bald or partially bald
Any physical disabilities e.g. blind, only one arm, etc
- 10. Nationality at birth Current nationality City or village and country of birth
.....

I declare that the foregoing information and particulars of myself is correct, a false declaration may result in a prosecution.

.....
Signature

.....
Date

FORM V

OATH OF ALLEGIANCE

(Section 25)

I permanently residing at

do declare on oath that during the period I shall be issued with a Tongan Protected Person Passport, I will respect and uphold the laws of the Kingdom of Tonga and all who Rule over the Kingdom

DECLARED by the said

.....)

at.....)

this day of 19

before me:

FEEES FOR PASSPORTS AND CERTIFICATES OF IDENTITY*(Amended by Acts 3 of 1980 and 21 of 1987)*

Passport	\$12.00
For each renewal	\$12.00
Certificate of Identity	\$ 4.00
Extension of Passport	\$10.00
Inclusion of each additional name on passport	\$ 2.50
Police Record	\$ 1.50