



Tonga

**COMMUNICATIONS (AMENDMENT) BILL
2016**



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COMMUNICATIONS (AMENDMENT) BILL 2016

A BILL FOR AN ACT TO AMEND THE COMMUNICATIONS ACT 2015

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

1 Short Title and Interpretation

- (1) This Act may be cited as the Communications (Amendment) Act 2016.
- (2) In this Act, the Communications Act 2015, shall be referred to as the “Principal Act”.

2 Section 2 amended

Section 2 of the Principal Act is amended by deleting the word “Regulator” and its definition and replacing it with –

“**Regulator**” means the Communications Commission, but until the Communications Commission is established, it means the Ministry;”.

3 Section 24 amended

Section 24 of the Principal Act is amended –

- (a) in subsection (1)(f) by deleting the number “55” and replacing it with “71”; and
- (b) in subsection (7)(b) by deleting the numbers “97(7)” and replacing them with “133(7)”.

4 Section 47 amended

Section 47(1)(e) of the Principal Act is amended by deleting the words “this Part V” and replacing them with “this Part”.

5 Section 49 amended

Section 49 of the Principal Act is amended by deleting the words “Part V” and replacing them with “this Part”.

6 Section 61 amended

Section 61(1) of the Principal Act is amended by deleting the number “43” and replacing it with “59”.

7 Section 67 amended

Section 67(3)(b) of the Principal Act is amended by deleting the words “Part V” and replacing them with “Part VI”

8 Section 93 amended

Section 93 of the Principal Act is amended in the section heading by deleting the words “Part VIII” and replacing them with “Part IX”.

9 Section 95 amended

Section 95 of the Principal Act is amended by deleting the number “71” and replacing it with “94”.

10 Section 106 amended

Section 106(6)(c) of the Principal Act is amended by repealing sub-paragraph (iii).

11 Section 134 amended

Section 134(4)(b) of the Principal Act is amended in the English version only by deleting the word “is”.

12 Section 136 amended

Section 136(5) of the Principal Act is amended in the English version only by deleting the word “exercises” and replacing it with “exercise”.

13 Section 160 amended

Section 160 of the Principal Act is amended by deleting the words “Part IX” wherever appearing and replacing them with “Part X”.

14 Section 179 amended

Section 179(c) of the Principal Act is amended by deleting the number “33” and replacing it with “23”.

15 Section 187 amended

Section 187 of the Principal Act is amended –

- (a) in subsection (1) –
 - (i) by deleting the words “Part V” wherever appearing and replacing it with “Part VI”; and
 - (ii) in paragraph (c) by deleting the words “2 years” and replacing it with “1 year”; and
- (b) by repealing subsection (5) and replacing it with the following –
 - “(5) Sections 25, 29, 37 and 38 of the Communications Act 2000 will remain in force until all licences granted under the Communications Act 2000 have been revoked (or have expired) and all registrations under the Communications Act 2000 have been withdrawn (or have expired).”.

Passed by the Legislative Assembly this day of 2016.

EXPLANATORY NOTES

(These notes do not form part of the Bill and is only intended to explain its purpose and scope)

The principal purpose of the amendment is to make minor amendments to the cross-references in the Principal Act.

Section 1 of this Bill provides the short title for the Bill.

Section 2 of this Bill changes the definition for the term “Regulator” in section 2 of the Principal Act, and redefines it to mean the Ministry, until such time when the Communications Commission shall be established.

Section 3 of this Bill makes minor amendments to cross-references in the Principal Act. First, it deletes the number “55” in section 24(1)(f) of the Principal Act and replaces it with the number “71”. Second, it deletes the numbers “97(7)” in section 24(7)(b) of the Principal Act and replaces them with the numbers “133(7)”.

Section 4 of this Bill makes a minor amendment to a cross-reference in the Principal Act. It deletes the words “this Part V” in section 47(1)(e) of the Principal Act and replaces it with “this Part”.

Section 5 of this Bill makes minor amendments to cross-references in the Principal Act. It deletes the word “Part V” in section 49 of the Principal Act and replaces it with the words “this Part”.

Section 6 of this Bill makes minor amendments to cross-references in the Principal Act. It deletes the number “43” in section 61 of the Principal Act and replaces it with the number “59”.

Section 7 of this Bill makes minor amendments to cross-references in the Principal Act, It deletes the words “Part V” in section 67(3)(b) of the Principal Act and replaces them with words “Part VI”.

Section 8 of this Bill makes minor amendments to cross-references in the Principal Act. It deletes the words “Part VIII” in section 93 of the Principal Act and replaces them with “Part IX”.

Section 9 of this Bill makes minor amendments to cross-references in the Principal Act, It deletes the number “71” in section 95 of the Principal Act and replaces it with the number “94”.

Section 10 of this Bill makes a minor amendment to a cross-reference in the Principal Act. It deletes sub-paragraph (iii) of section 106(c) of the Principal Act.

Section 11 of this Bill deletes the word “is” in section 134(4)(b) in the English Version only of the Principal Act.

Section 12 of this Bill deletes the word “exercises” in section 136(5) in the English Version only of the Principal Act and replaces with the word “exercise”.

Section 13 of this Bill makes minor amendments to cross-references in the Principal Act. It deletes the words “Part IX” in section 160 of the Principal Act and replaces them with “Part X”.

Section 14 of this Bill makes minor amendments to cross-references in the Principal Act. It deletes the number “33” in section 179(c) of the Principal Act and replaced it with the number “23”.

Section 15 of this Bill makes minor amendments to cross-references in the Principal Act. First, it deletes the word “Part V” wherever it appears in section 187(1) and replaces them with the words “Part VI”. Second, it deletes and replaces subsection (5) of section 187 of the Principal Act. The new subsection (5) provides that sections 25, 29, 37 and 38 of the Communication Act 2000, which basically gives right to the Minister to vary, suspend/ revoke or de-register licences, to remain in force until all licences granted under the Communications Act 2000 have been revoked (or have expired) and all registrations under the Communications Act 2000 have been withdrawn (or have expired). The intention is to ensure a smooth transitioning process into the new licensing scheme under the Principal Act.

Hon. Siaosi Sovaleni

Deputy Prime Minister and Minister of Meteorology, Energy, Information, Disaster Management, Environment, Climate Change and Communications