

TONGA GOVERNMENT GAZETTE SUPPLEMENT EXTRAORDINARY

No. 28

Friday 5 December

2003

TONGA DEFENCE SERVICES ACT 1992 (Section 141)

TONGA DEFENCE SERVICES PENSIONS (AMENDMENT) REGULATIONS 2003

IN EXERCISE of the powers conferred by section 141(1) of the Tonga Defence Services Act 1992, His Majesty, makes the following Regulations:

1. (1) These Regulations may be cited as the Tonga Defence Services Pensions (Amendment) Regulations 2003.
 - (2) The Tonga Defence Services Pensions Regulations 1994, are in these Regulations referred to as the Principal Regulations.
2. Regulations 25 of the Principal Regulations is amended by inserting the additional definitions in the proper alphabetical order-
 - "death grant" means a grant approved under these Regulations;
 - "dependent child" means the dependent child of a member;
 - "disability" means a permanent, partial or total loss of one or more body functions caused by injuries;
 - "next of kin" means anyone of the member's family nominated by him in a will;"
3. Regulations 26(1)(a) of the Principal Regulations is amended by inserting after the word "injuries" the words "resulting in a disability".
4. Regulation 27(1) of the Principal Regulations is amended by inserting after the word "Services" the words "or a nominated next of kin of an unmarried member".
5. Regulation 27(2) of the Principal Regulations is amended by-
 - (i) deleting the word "and" at the end of sub regulation (b);
 - (ii) deleting the full stope after the end of sub regulation (c) and replacing it with a semicolon followed by the word "and"; and

(iii) inserting after sub regulation "(c)" the following-

"(d) in the case of a member who is unmarried, on the date of his death, 55% of the average rate of pay on issue to the member, to the member's nominated next of kin".

6. Regulation 27(3) of the Principal Regulations is amended by inserting after the word "children" the words "or the nominated next of kin of the unmarried member".
7. Regulation 27(4) of the Principal Regulations is amended by-
 - (i) deleting the word "and" at the end of sub-regulation (a);
 - (ii) deleting the full stop at the end of sub regulation (b) and replacing it with a semicolon followed by the word "and";
 - (iii) inserting after sub regulation "(b)" the following-
 - "(c) in respect of a nominated next of kin, after a period of 10 years from the date of death of the member."
8. A new regulation 29 is inserted as follows-
 - "29 (1) In addition to and subject to regulation 27(1) the Board may approve a death grant.
 - (2) The amount of death grant that may be approved shall be in the case of-
 - (a) a widow without dependent child, \$15,000;
 - (b) a widow with not more than two dependent children, \$17,000;
 - (c) a widow with more than two dependent children, \$20,000;
 - (d) dependent children who are orphans, \$2,500 for each child; or
 - (e) a member who is unmarried on the date of his death, \$15,000 to the nominated next to kin."

Made at Nuku'alofa this 3rd day of December, 2003.

Clerk to Privy Council.

FAKALAHI KI HE KASETE 'A E PULE'ANGA TONGA KASETE MAKEHE

Fika 4

Falaite 7 Ma'asi

2003

LAO KI HE KAU TAU MALU'I 'A TONGA 1992 (Kupu 141)

NGAAHI TU'UTU'UNI (FAKATONUTONU) KI HE VAHENGA MALOLO 'A E KAU TAU MALU'I 'A TONGA 2003.

'I hono ngaue'aki 'a e ngaahi mafai 'oku hilifaki 'i he kupu 141(1) 'o e Lao ki he Kau Tau Malu'i 'o Tonga 1992, kuo fa'u ai 'e he 'Ene 'Afio 'a e Ngaahi Tu'utu'uni ko eni:

1. (1) 'E ui 'a e Ngaahi Tu'utu'uni ko eni ko e Ngaahi Tu'utu'uni (Fakatonutonu) ki he Vahenga Malolo 'a e kau Tau Malu'i 'a Tonga 2003.
- (2) 'Oku ui 'a e Ngaahi Tu'utu'uni ki he Vahenga Malolo 'a e Kau Tau Malu'i 'o Tonga 1994, 'i he Ngaahi Tu'utu'uni ni ko e Ngaahi Tefito'i Tu'utu'uni.
2. 'Oku fakatonutonu 'a e tu'utu'uni 25 'o e Ngaahi Tefito'i Tu'utu'uni 'aki hono fakahu atu 'a e ngaahi faka'uhinga tanaki atu ko eni-

""pa'anga 'ofa 'i ha mate" 'oku 'uhinga ia ki ha pa'anga 'ofa kuo tali 'i he Ngaahi Tefito'i Tu'utu'uni ni;

"tamasi'i tauhi" 'oku 'uhinga ia ki ha tamasi'i tauhi 'o ha memipa;

"faingata'a'ia fakasino" 'oku 'uhinga ia ki ha mole 'aupito, fakakonga pe kotoa 'o e taha pe lahi ange 'o e ngaahi fatongia fakasino tupu mei ha ngaahi lavea;

"kainga ofi" 'oku 'uhinga ia ki ha taha pe 'o e kainga 'o e memipa kuo ne fili 'i ha tohi tuku;"
3. 'Oku fakatonutonu 'a e tu'utu'uni 26(1)(a) 'o e Ngaahi Tefito'i Tu'utu'uni 'aki hono fakahu atu hili 'a e lea "ngaahi lavelavea" 'a e ngaahi lea "'o tupu ai 'a e faingata'aa'ia fakasino."
4. 'Oku fakatonutonu 'a e tu'utu'uni 27(1) 'o e Ngaahi Tefito'i Tu'utu'uni 'aki hono fakahu atu hili 'a e ngaahi lea "Kau Tau" 'a e ngaahi lea "pe ko ha kainga ofi 'o ha memipa te'eki mali".
5. 'Oku fakatonutonu 'a e tu'utu'uni 27(2) 'o e Ngaahi Tefito'i Tu'utu'uni 'aki hono-
 - (i) tamate'i 'a e lea "pea" 'i he faka'osinga 'o e tu'utu'uni

- (ii) tamate'i 'a e piliote hili 'a e tu'utu'uni si'i (c) pea fetongi 'aki 'a e faka'ilonga ";" mo e "pea"; pea
- (iii) fakahu atu hili pe 'a e tu'utu'uni si'i (c) 'a e me'a ni-
 "(d) kapau ko ha memipa te'eki mali, 'i he 'aho 'oku mate ai, ko e 55% 'o lahi maheni 'o e vahe na'e 'oange ki he memipa, 'e foaki ki he kainga ofi kuo ne fili."
6. 'Oku fakatonutonu 'a e tu'utu'uni 27(3) 'o e Ngaahi Tefito'i Tu'utu'uni 'aki hono fakahu atu hili 'a e lea "tauhi" 'a e ngaahi lea "pe ko ha kainga ofi 'o e memipa te'eki mali".
7. 'Oku fakatonutonu 'a e tu'utu'uni 27(4) 'o e Ngaahi Tefito'i Tu'utu'uni 'aki hono-
- (i) tamate'i 'a e lea "pea" 'i he faka'osinga 'o e tu'utu'uni si'i (a);
- (ii) tamate'i 'a e piliote hili 'a e tu'utu'uni si'i (b) pea fetongi 'aki 'a e faka'ilonga ";" mo e "pea"; pea
- (iii) fakahu atu hili 'a e tu'utu'uni si'i (b) 'a e me'a ni-
 "(c) felave'i mo ha kainga ofi kuo fili, hili 'a e vaha'a taimi ko e ta'u 'e 10 mei he 'aho na'e mate ai 'a e memipa."
8. 'Oku fakahu atu 'a e tu'utu'uni 29 fo'ou 'o pehe ni-
 "29 (1) Tanaki atu pea fakatatau ki he tu'utu'uni 27(1), 'e ngofua ke tali 'e he Poate ha pa'anga 'ofa 'i ha mate.
- (2) Ko e mahu'inga 'o e pa'anga 'ofa 'i ha mate 'e ngofua ke tali, kuo pau kapau ko ha-
- (a) uitou 'oku 'ikai ha'ane tamasi'i tauhi ko e, \$15,000;
- (b) uitou mo ha fanau tauhi 'oku 'ikai laka hake 'i he toko ua ko e \$17,000;
- (c) uitou mo ha fanau tauhi 'oku laka hake 'i he tokoua ko e \$20,000;
- (d) fanau tauhi 'oku 'ikai ha matu'a ko e @2,500 ki he fanau tauhi takitaha; pe
- (e) memipa 'oku te'eki mali 'i he 'aho 'oku mate ai ko e \$15,000 ki he kainga ofi kuo fili."

Na'e fa'u 'i Nuku'alofa 'i he 'aho ni 3 'o Tisema, 2003.

Kalake ki he Fakataha Tokoni