



# COURT OF APPEAL (AMENDMENT) ACT 1990

Act 11 of 1990

AN ACT TO AMEND THE COURT OF APPEAL ACT 1966

I assent,  
TAUFA'AHAU TUPOU IV,  
8th August, 1990

[26th July, 1990]

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

## 1 Short title

- (1) This Act may be cited as the Court of Appeal (Amendment) Act 1990.
- (2) The Court of Appeal Act 1966 is in this Act referred to as the Principal Act

## 2 Amendment of section 3.

Section 3 of the Principal Act is amended by —

- (a) inserting after the words “Supreme Court” (first appearing) the words “or the Land Court (excepting matters relating to the determination of hereditary estates and titles)”;

- (b) inserting after the words “Supreme Court” (second appearing) the words “or the Land Court as the case may be”.

### **3 Amendment of section 6.**

Section 6 of the Principal Act is amended by inserting after the words “Supreme Court” wherever they appear the words “or Land Court”.

### **4 Amendment of Part II title.**

The title to Part II of the Principal Act is amended by inserting the words “and land” immediately after the word “civil”.

### **5 Repeal and replacement of section 10.**

Section 10 of the Principal Act is repealed and replaced by the following section:

#### **“10 Right of appeal in civil and land cases.**

- (1) An appeal shall lie in any cause or matter other than a criminal proceeding to the Court of Appeal from a judge of the Supreme Court or the Land Court (excepting matters relating to the determination of hereditary estates and titles) sitting in first instance in the following cases —
- (a) from all final orders, judgements and decisions provided that no appeal shall lie without leave of the judge of first instance or of the Court of Appeal;
    - (i) from an order, judgment or decision where the sum awarded does not exceed \$1,000, or
    - (ii) from an order made by consent, or
    - (iii) from an order as to costs.
  - (b) from all interlocutory orders, judgments and decisions made in the course of any cause or matter, by leave of the judge of first instance or of the Court of Appeal.
- (2). Any such appeal or application for leave to appeal shall be made in such manner as may be prescribed by rules of court within 42 days of the date of the order or judgment appealed.
- (3) An appeal from any interlocutory order, judgment or decision may be finally determined by two members of the Court of Appeal and shall be determined in the manner, and according to the procedure, provided for in section 15 of this Act.”.

**6 Amendment of section 11.**

Section 11 of the Principal Act is amended by inserting after the words “Supreme Court” the words “or Land Court (excepting matters relating to the determination of hereditary estates and titles)”.

**7 Amendment of section 14.**

Section 14(2) of the Principal Act is amended by inserting after the words “Supreme Court” the words “or Land Court”.

**8 Amendment of section 19.**

Section 19 of the Principal Act is amended —

- (a) in subsection (1)(a) thereof by deleting the words “sixty days” and by substituting therefor the words “42 days” ,
- (b) in subsection (1)(b) thereof by deleting the words “sixty days” and by substituting therefor the words “42 days”.

**9 Amendment of section 20.**

Section 20 of the Principal Act is amended by deleting the words “sixty days” and replacing them with the words “42 days”.

**10 Amendment of section 21.**

Section 21 of the Principal Act is amended by inserting immediately after the words “his notes of the trial” the words “if the proceedings were not recorded”.

**11 Amendment of section 31.**

Section 31 of the Principal Act is amended —

- (a) by inserting after the words “Supreme Court” (first appearing) the words “or Land Court (excepting matters relating to the determination of hereditary estates and titles)”;
- (b) by inserting after the words “Supreme Court Act” the words “or the Land Act”.

Passed in the Legislative Assembly this 26th day of July, 1990.