



Tuvalu

LAW REVISION (MISCELLANEOUS AMENDMENTS) ACT 2009

Act No. 4 of 2009

AN ACT TO MAKE MISCELLANEOUS AMENDMENTS TO VARIOUS LAWS.

ENACTED BY THE PARLIAMENT OF TUVALU
3rd July, 2010

Commencement [6th July, 2010]

1 Short title

This Act may be cited as the Law Revision (Miscellaneous Amendments) Act 2009.

2 Island Courts Act amended

The Island Courts Act is amended as follows —

- (a) in clause 1(b) of Schedule 1, repeal “\$60” and replace it with “\$250”;
- (b) in section 6(1)(b), repeal “\$100” and replace it with “\$250”;
- (c) in Schedule 2, repeal “\$100” and replace it with “\$250”;
- (d) in section 28(b) repeal “\$10” and replace it with “\$100”.

3 Provident Fund (Benefit) Regulations amended

The Provident Fund (Benefit) Regulations are amended by repealing regulation 14B and replacing it with —

“14B Benefit as security

The benefit standing to the credit of a member may be used as security for a loan by the National Bank of Tuvalu or the Development Bank of Tuvalu.”.

4 Commencements confirmed

For the avoidance of doubt, the Acts and subsidiary legislation specified in Column 1 of Schedule 1 to this Act, are deemed to have come into force (commence to operate) on the respective date specified in Column 2 of Schedule 1.

5 Penalties and other monetary amounts amended

In the provision of the law specified in Column 1 of Schedule 2, the existing amount specified in column 2 is replaced with the new amount specified in column 3.

6 Penal Code amended

(1) Section 30(1) of the Penal Code is repealed and replaced with the following –

“30 Imprisonment in default of payment

(1) The term of imprisonment to which a person may be sentenced by a court in default of payment of a fine shall be such term as in the opinion of the court will satisfy the justice of the case but shall not exceed the maximum fixed by the following scale —

Amount	Maximum Period
Not exceeding \$20	14 days
Exceeding \$20 but not exceeding \$100	1 month
Exceeding \$100	3 months”.

(2) Section 61 of the Penal Code is repealed.

(3) Section 148(2) of the Penal Code is repealed.

(4) In section 158(1) of the Penal Code, the word “native” is repealed and replaced with the word “person”.

7 Island Courts Regulations

The Island Courts Regulations are amended, —

(a) in regulation 33(1) by, after the word “post,” the insertion of the words “fax or email” and by the repeal of the words “or by telegraph”;

(b) in Schedule 2, by repealing the scale of Fees and replacing it with the following –

“PART I - CRIMINAL

Action	\$	c
For putting into writing any charge when the person laying the charge is not a police officer	10	00
For issuing any summons or warrant to apprehend in any proceedings in which the person laying the charge is not a police office	5	00
For taking any recognisance	5	00

PART II - CIVIL

Action	\$	c
1. For filing any writ of summons and issuing a copy thereof for service where the value of the property, debt or damage claimed —		
(i) does not exceed \$100	10	00
(ii) exceeds \$100 but does not exceed \$250	20	0
For issuing any summons to any witness	5	00
Forbearing any civil suit, per hour or part of an hour		50
For receiving notice of any civil appeal and making up any record (in addition to security provided for in regulation 45)	15	00
2. In addition to No. 1, where service is to be effected on any person more than two miles from the nearest Court House and where that journey is to be performed by land, a fee of 50 cents per mile with a minimum fee of 50 cents. The amount of the fee payable under this item is to be calculated without reference to the return journey.		
3. In addition to Nos. 1 and 2, reasonable travelling expenses actually incurred by the officer effecting service. Where an officer is engaged on more than one service the Court may order that the sum payable under this item be apportioned.		
4. Seizure	40	00
5. For every arrest in a civil case	20	00
6. In conveying to prison from place of arrest a fee not exceeding 30 cents per day with reasonable travelling expenses actually incurred.		

7: For executing process of attachment or committal	40	00
8. For any duty not herein provided for	Such sum as the court may allow”	

8 Mental Treatment Act amended

In the Schedules to the Mental Treatment Act, wherever it appears the expression “(an idiot)”, is repealed.

9 Public Finance Act amended

In section 13(2) of the Public Finance Act, the expression “\$500,000” is repealed and replaced with “\$750,000”.

SCHEDULE

SCHEDULE 1 - COMMENCEMENTS

COLUMN 1 – ACTS and SUBSIDIARY	COLUMN 2 – COMMENCEMENT DATE
Provident Fund (Amendment) Act, 1999 (Act 5/1999)	1 st January 2000
Provident Fund (Amendment) Act, 2003 (Act 3/2003)	1 st January 2004
Statutory Corporations Reform Act 1995 (Act 2 of 1996)	15 th April 1996
Tuvalu Electricity Corporation (Amendment) Act, 1991 (Act 4/1991)	1 st June 1991
Local Offices (Miscellaneous Amendments) Act 1996 (Act 4/1996)	30 th August 1996
Provident Fund (Benefit) (Amendment) Regulations, 2002 (LN 8/2002)	3 rd July 2002

SCHEDULE 2 – PENALTIES AND OTHER MONETARY AMOUNTS

PROVISION	EXISTING AMOUNT	NEW AMOUNT
Dogs Act, section 5	\$10	\$100
Crown Acquisition of Lands Act, section 16	\$50	\$200
Foreshore and Land Reclamation Act, section 3(4)	\$250	\$1,000
Death and Fire Inquiries Act, section 12	\$10	\$100
Enforcement of Judgments (Payments from Wages) Act, section 3(1)	\$5	\$20
section 5(3)	\$50	\$200
section 10	\$100	\$200
Petroleum Act, section 3(2)	\$100	\$300
section 5(2)	\$400	\$1,000
section 15	\$50	\$500
Kaupule (Elections) Regulations, reg. 45	\$50	\$200
	\$50	\$200
reg 51	\$50	\$200
reg 54	\$40	\$200
reg 55		
Dangerous Drugs Act, section 39(2)(a)	\$2,000	\$4,000
Penal Code,		
section 169	\$10	\$100
section 170	\$20	\$200
section 172	\$50	\$400
section 174	\$40	\$200
section 236	\$200	\$1,000
section 262	\$10	\$100

section 270	\$10	\$100
section 275	\$.10 cents	\$20
section 275	\$2	\$50
section 275	\$10	\$100
section 368	\$1,000	\$10,000