



Tonga

**REHABILITATION OF OFFENDERS
(AMENDMENT) ACT 2020**

Act 18 of 2020



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REHABILITATION OF OFFENDERS (AMENDMENT) ACT 2020

Act 18 of 2020

AN ACT TO AMEND THE REHABILITATION OF OFFENDERS ACT 2013

I assent,
TUPOU VI,
26th November 2020.

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 Rehabilitation of Offenders (Amendment) Act 2020.
- (2) In this Act, the Rehabilitation of Offenders Act 2013, as amended, shall be referred to as the “Principal Act”.

2 New section 9A and 9B inserted

The Principal Act is amended by inserting the following new sections 9A and 9B immediately after section 9 –

“9A Unauthorised disclosure

Any person who, in the course of his official duties, has or at any time has had custody of or access to any Police Record Certificate or information of a person that has been issued with a spent conviction

certificate without lawful authority under this Act and knowingly discloses such information to any other person commits an offence and shall be liable upon conviction to a fine not exceeding \$5000.

9B Offence to require or request person to disregard Spent Conviction Certificate

- (1) A person commits an offence if without lawful authority under this Act requests or requires a person to –
 - (a) disregard the effect of the spent conviction certificate when answering a question about his criminal record; or
 - (b) disregard the effect of the spent conviction certificate and disclose, or give consent to the disclosure of his criminal record.
- (2) A person who commits an offence in subsection (1) is liable on conviction to a fine not exceeding \$5,000.”.

Passed by the Legislative Assembly on **21st** day of **October** 2020.