



*Tonga*

**CUSTOMS AND EXCISE TASK FORCE  
ORDINANCE 2010**





# CUSTOMS AND EXCISE TASK FORCE ORDINANCE 2010

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# CUSTOMS AND EXCISE TASK FORCE ORDINANCE 2010

## GOVERNMENT ACT

*IN EXERCISE of Our Prerogative, and the powers conferred by Section 7(a) of the Government Act, His Majesty in Privy Council hereby Ordains as shown hereafter:*

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### 1 Title and Commencement

- (1) This Ordinance may be cited as the Customs and Excise Task Force Ordinance 2010.
- (2) This Ordinance shall come into force on the day it is made and shall remain in force thereafter until it is ratified, amended or rescinded by the Legislative Assembly of Tonga.

### 2 Interpretation

- (1) In this Ordinance, unless the context requires otherwise the following terms, namely:-
  - “Chief Commissioner”;
  - “Customs”;
  - “Customs Laws”; and
  - “Customers Officer”;

shall have the meaning ascribed to them in section 2 of the Customs and Excise Management Act 2007.

- (2) Any reference in this Ordinance to “**the Act**” is a reference to the Customs and Excise Management Act, 2007: and to “**the Task Force**” is a reference to the Customs and Excise Task Force constituted by this Ordinance.

### **3 Custom Task Force**

- (1) To assist the Chief Commissioner in the performance of his duties, powers and functions under the Act there is constituted by this Ordinance a Customs and Excise Task Force comprising: -
- (a) Mr Hugh Clark, as Chairman;
  - (b) Ex officio, the Deputy Commissioner of Revenue – Custom Division;
  - (c) Ex officio, the Secretary of the Ministry of Labour, Commerce and Industries;
  - (d) Ex officio, the Director of Immigration at the Ministry of Foreign Affairs;
  - (e) Ex officio, the President of the Tonga Chamber of Commerce and Industry Inc.; and,
  - (f) The Chairman may co-opt any other members.
- (2) The remit of the Task Force is to investigate the commission of any customs offence and to report thereon to the Chief Commissioner and to His Majesty in Council, with recommendations for prosecution, or otherwise whatsoever including, without prejudice to the foregoing generality, whether or not anyone who appears to have committed a customs offence should continue to hold or obtain:-
- (a) A Tongan Business or Tourist Licence;
  - (b) a Visa to reside, take up employment or engage in business in the Kingdom of Tonga.
- (3) The said remit to the Task Force is deemed to be a delegate to each member of the Task Force under and in terms of section 4 of the Act.

### **4 Administration**

- (1) If called upon to do so by the Task Force, all customs officers shall provide expeditiously and diligently such assistance as may be required by the Task Force.
- (2) The members of the Task Force are deemed to be customs officers and, in the performance of their duties, may exercise the powers conferred by section 127(1) of the Act to seek assistance from Police or Tonga Defence Service officers.

- (3) Police and Tonga Defence Service Officers assisting the Task Force are deemed to have been authorised by the Chief Commissioner under section 127(2) of the Act, and to have the same powers and authority as Customs Officers.
- (4) The Task Force shall appoint their own Secretary.

## **5 Finance**

The Task Force shall be funded out of monies available to Customs as if in fact the Task Force was part of Customs.

## **6 The Crown**

The Crown is bound by this Ordinance.

Made at Nuku'alofa on this 19<sup>th</sup> day of November 2010.

Hon Teisina Fuko

**Minister for Revenue Services**