



Tonga

BAILIFFS ACT

Chapter 3.02

2020 Revised Edition



BAILIFFS ACT

Arrangement of Sections

Section

PART I – PRELIMINARY		5
1	Short title.....	5
2	Interpretation.....	5
PART II – ADMINISTRATION		6
3	Establishment of Bailiffs’ office.....	6
4	Appointment	6
5	Temporary appointments	6
6	Bailiffs’ districts	6
PART III – DUTIES AND FUNCTIONS OF BAILIFFS		6
7	Duties and functions of Chief Bailiff.....	6
8	Special seizure	7
9	Discharge of undertaking.....	7
10	Bailiffs’ oath	8
11	Proof of service.....	8
PART IV – BAILIFFS’ INTERPLEADER		8
12	Claim to goods seized	8
13	Bailiffs’ interpleader	8
14	Power of Court hearing summons.....	8
15	Protection of Bailiff under execution without notice by third party	9
16	Power to stay proceedings	9
PART V – LIABILITY, OFFENCES, POWER TO ARREST		9
17	Exemption from liability.....	9

18	Misconduct and offences.....	9
19	Civil liability	9
20	Offences	10
21	Police officers to assist.....	10

PART VI – MISCELLANEOUS **10**

22	Process to be addressed to the Registrar where Chief Bailiff is a party or witness.....	10
23	Bailiffs’ costs	10
24	Transitional provision	11
25	Priority of executions	11
26	Bailiffs’ funds.....	11
27	Regulations.....	11

SCHEDULE **12**

FORM 1		12
SPECIAL SEIZURE UNDER DISTRESS		12
FORM 2		14
OATH TO BE TAKEN BY BAILIFF		14
FORM 3		15
CERTIFICATE OF SERVICE		15



BAILIFFS ACT

AN ACT TO PROVIDE FOR THE ESTABLISHMENT AND OPERATION OF THE BAILIFFS' OFFICE¹

Commencement [4th August 2000]

PART I – PRELIMINARY

1 Short title

This Act may be cited as the Bailiffs Act.

2 Interpretation

In this Act, unless the context otherwise requires —

“**Bailiff**” means the Chief Bailiff and any other Bailiff appointed pursuant to section 4;

“**Bailiffs’ district**” means a district specified under section 6;

“**Court**” means the Supreme Court of Tonga or any Court;

“**Judgment Debtor**” means a person liable under a judgment or distress warrant issued by a Court;

“**Registrar**” means Registrar of the Supreme Court;

“**Minister**” means the Minister of Justice;

“**Ministry**” means the Ministry of Justice;