



Tonga

COURT OF APPEAL ACT

Chapter 3.04

2020 Revised Edition



COURT OF APPEAL ACT

Arrangement of Sections

Section

1	Short title.....	5
2	Interpretation.....	5
PART I — GENERAL PROVISIONS		5
3	Power to reserve questions of law for the opinion of the Court of Appeal.....	5
4	President of Court of Appeal	6
5	Precedence of members of Court of Appeal	6
6	Number of members sitting	6
7	Sittings of the Court of Appeal	7
8	Registrar of the Court of Appeal.....	7
9	Rules of procedure	7
PART II — CIVIL AND LAND APPEALS		7
10	Right of appeal in civil and land cases.....	7
11	Powers of Court in civil appeals	8
12	Conditions precedent to appeal.....	8
13	Discretionary power of Court of Appeal	8
14	Decisions.....	8
15	Determination of appeals on written submissions	9
PART III — APPEALS IN CRIMINAL CASES		10
16	Right of appeal in criminal cases	10
17	Determination of appeals in ordinary cases	10
17A	Point of law stated by the judge	11
17B	Appeal by Crown against sentence	11
17C	Appeal after interlocutory judgment or order	11
17D	Appeal after acquittals	12

18	Powers of Court in special cases	12
19	Suspension of order for restoration or payment of compensation, or expenses etc.....	13
20	Time for appealing	13
21	Judge's notes and report to be furnished on appeal.....	14
22	Supplemental powers of Court of Appeal	14
23	Right of appellant to be present.....	15
24	Determination of appeal without a sitting of the Court.....	15
25	Costs of appeal	16
26	Admission of appellant to bail and custody when attending before Court of Appeal	16
27	Duties of Registrar with respect to notices of appeal etc.	17
28	Powers which may be exercised by a judge of the Court of Appeal.....	18
29	Judgment in criminal appeals.....	18
30	Power of Pardon.....	18



COURT OF APPEAL ACT

AN ACT TO REGULATE APPEALS TO THE COURT OF APPEAL.¹

Commencement [1st July, 1990]²

1 Short title

This Act may be cited as the Court of Appeal Act.

2 Interpretation

In this Act, unless the context otherwise requires —

“**appeal**” includes a case stated;

“**appellant**” includes a person who has been convicted and desires to appeal under this Act;

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

“**sentence**” includes any order of the Court made on conviction with reference to the person convicted.

PART I — GENERAL PROVISIONS

3 Power to reserve questions of law for the opinion of the Court of Appeal

In addition, and without prejudice, to the right of appeal conferred by clause 91 of the Constitution a judge of the Supreme Court or the Land Court (excepting matters