

FOREIGN EXCHANGE CONTROL

SECTION 2 – Foreign Exchange Control Regulations

Made by Her Majesty in Council on 24th February, 1965

G. 7/65, G. 405/81

1. These regulations may be cited as the Foreign exchange Control Regulations.

2. In these regulations, unless the context otherwise requires –
“foreign currency” includes notes, coins, postal notes, money orders, bills of exchange, promissory notes, drafts, letters of credit and travellers’ cheques, payable or expressed otherwise than in Tongan money, and also includes rights, and instruments of title, to money other than Tongan money;

“Minister” means the Minister of Finance and includes any person for the time being authorized by the Minister to exercise any of his powers or functions under these Regulations;

“money” includes the bank-notes and other currency of any country, and includes postal notes, money-orders, promissory notes, bills of exchange and any other negotiable instruments payable in the currency of any country;

“net proceeds of exports” means the gross proceeds of exports less such commission, charges and deductions as are customary and reasonable having regard to established trade practices relative to the goods being exported;

“person” includes any number of persons corporate or unincorporate;

“securities” includes shares, stock, bonds, debentures, debenture stock, Treasury Bills, and units or sub-units of a unit trust, and also includes deposit receipts in respect of the deposit of securities and documents of title to securities;

“Tongan currency” includes notes, coins, postal orders, money orders, bills of exchange, promissory notes, drafts, letters of credit and travellers’ cheques, payable or expressed in Tongan money, and also includes rights, and instruments of title, to Tongan money.

RESTRICTIONS ON SENDING MONEY AND SECURITIES OUT OF THE KINGDOM

3. No person shall, except with the consent of the Minister –
- (a) take or send money out of the Kingdom of Tonga;
 - (b) draw or negotiate any bill of exchange or promissory note, transfer any security or acknowledge any debt so that a right (whether actual or contingent) to receive a payment in Tonga is created or transferred as consideration –
 - (i) for receiving a payment or acquiring property outside Tonga;

- (ii) for a right (whether actual or contingent) to receive payment or acquire property outside Tonga, or make any payment in Tonga as such consideration;
- (c) create or transfer a right (whether actual or contingent) to receive a payment or acquire property outside Tonga or dispose of or otherwise deal with any money, securities, or property held or payable outside Tonga as consideration for receiving a payment or acquiring property in Tonga, or for the discharge of a debt payable in Tonga;
- (d) take, send or transfer any securities from Tonga;
- (e) make an entry in a register in Tonga that recognizes or gives effect to a transfer of any securities to a person resident outside Tonga.

4. The Minister may exempt any transaction or class of transaction by publication of notice in the Gazette.

5. For the purposes of these Regulations money shall be deemed to be taken or sent if it is taken or sent by telegraph or post or by means of draft, letter of credit, traveller's cheque, transfer of account, or any other means whatsoever.

RESTRICTION ON IMPORTING CERTAIN GOODS INTO THE KINGDOM

6. The Minister may from time to time publish in the Gazette a list of goods that are prohibited imports without a licence granted by the Minister. *

7. Applications for import licences shall be made to the Minister in the form set out in the Schedule to these Regulations, and accompanied by a fee of \$5. (*Amended by G. 405/81.*)

8. A person who applies to the Minister for any consent, permission, licence or exemption under these regulations shall furnish all information and particulars as the Minister may require.

9. Any consent, permission, licence or exemption granted by the Minister may be revoked by him.

10. A person shall not –

- (a) with intent to deceive, make any false statement in any writing or declaration made for the purposes of complying with these regulations or in any communication with or application to the Minister;
- (b) resist, obstruct or deceive any person who is lawfully exercising any power or function under these regulations;
- (c) without lawful excuse act in contravention of or fail to comply with any provision of these regulations, or any direction, notice, requirement or condition given or imposed under these regulations.

11. A person who commits an offence against these regulations shall be liable on summary conviction –

* Import restriction is now primarily dealt with under the Customs and Excise Act (Cap. 67): see Schedule 11 thereof.