



Tonga

PORNOGRAPHY CONTROL ACT

Chapter 10.24

2016 Revised Edition



PORNOGRAPHY CONTROL ACT

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PORNOGRAPHY CONTROL ACT

AN ACT TO CONTROL THE IMPORT, SALE AND PRODUCTION OF PORNOGRAPHIC MATERIAL¹

1 Short title and commencement

- (1) This Act may be cited as the Pornography Control Act.
- (2) This Act shall come into force on a day to be proclaimed by His Majesty in Council.²

2 Interpretation

In this Act unless the context otherwise requires —

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

“**pornographic material**” means any display in print, audio visual, electronic or other similar medium that describes or exhibits sexual activity that is intended to stimulate immorality.

3 Minister to administer Act

The Minister shall be responsible for the administration of this Act.

4 Production of pornographic material prohibited

Any person who deals in or carries out any activity pertaining to the production of pornographic material or is otherwise concerned in the production of pornographic

material commits an offence and shall be liable upon conviction to a fine not exceeding \$10,000 or 3 years imprisonment or both.

5 Sale or hire of pornographic material prohibited

Any person who sells or hires out or knowingly allows any other person to sell or hire out pornographic material commits an offence.

6 Powers and protection of police officers

- (1) Any police officer may, without a warrant —
 - (a) enter and search any premises, vehicle, aircraft or ship which he has reasonable grounds to believe is being used or has been used or involved in the production of pornographic material or in commission of any other offence under this Act;
 - (b) seize any device, equipment or material which he has reasonable grounds to believe is being used or has been used or involved in the production of pornographic material or in commission of any other offence under this Act, and upon conviction such device, equipment or material shall be forfeited to and disposed of by the Crown; and
 - (c) arrest any person which he has reasonable grounds to believe has committed an offence against this Act.
- (2) Any person who assaults, obstructs, resists, delays, refuses entry or search by or fails to take all reasonable measures to ensure the safety of or otherwise interferes with a police officer in the performance of his duties or fails to comply with any lawful order, requirement or request of a police officer commits an offence.

7 Offences and penalties

Unless otherwise provided, any person who contravenes any provision of this Act or any regulations made under this Act commits an offence and shall be liable upon conviction to a fine not exceeding \$5,000 or imprisonment not exceeding 3 years or both.

8 Regulations

The Minister may, with the consent of Cabinet, make regulations for the proper and efficient administration of this Act.

ENDNOTES

¹ Act 33 of 2002.

² No commencement proclamation found at the date of the preparation of this revised edition