

THE JUDICIARY

The judicial power of the Kingdom is vested in the Court of Appeal, the Supreme Court, the Land Court, and the Magistrate's Court (cl 84).

The Constitution includes clear protection of the independence of the judicial branch and court processes. The judicial power also enables the Supreme Court, if asked to do so, to examine actions by the Cabinet or a Minister or a public official - and to interpret all law in appropriate cases to ensure that it is not inconsistent with the "supreme law" of the Constitution.

In all such cases, there can be appeals to the Court of Appeal.

The Courts System

- The Court of Appeal

The Court of Appeal shall consist of the Chief Justice of Tonga and of such other judges as may be appointed from time to time by the King with the consent of Privy Council:

Provided that no person shall be appointed unless-

- (a) he holds, or has held, high judicial office; or
- (b) (i) he is qualified to practise as an advocate in a court in some part of Her Britannic Majesty's dominions having unlimited jurisdiction in civil or criminal matters; and
- (ii) he has been qualified so to practise for not less than ten years.

- The Supreme Court

The Supreme Court shall consist of a judge called the Chief Justice, and such other judges as may be appointed from time to time by the King with the consent of the Privy Council, sitting with or without a jury.

Jurisdiction of the Supreme Court

Supreme Court shall have jurisdiction in all cases in Law and Equity arising under the Constitution and Laws of the Kingdom (except cases concerning titles to land which shall be determined by a Land Court subject to an appeal to the Privy Council in matters relating to hereditary estates and titles or to the court of appeal in other land matters) and in all matters concerning Treaties with Foreign States and Ministers and Consuls and in all cases affecting Public Ministers and Consuls and all Maritime Cases.

Jurisdiction of the Court of Appeal

The Court of Appeal shall have exclusive power and jurisdiction to hear and determine all appeals which by virtue of this Constitution or of any Act of the Legislative Assembly lie from the Supreme Court or Land Court (excepting matters relating to the determination of hereditary estates and titles) or any judge thereof and shall have such further or other jurisdiction as may be conferred upon it by any such Act.