



Tonga

**COMMUNICATIONS (INFRINGEMENT
NOTICE REGIME) DECLARATION 2020**



COMMUNICATIONS (INFRINGEMENT NOTICE REGIME) DECLARATION 2020

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COMMUNICATIONS (INFRINGEMENT NOTICE REGIME) DECLARATION 2020

COMMUNICATIONS ACT 2015

*IN EXERCISE of the powers conferred by section 162(7) of the
Communications Act 2015, the Minister makes the following Declaration -*

PART I — PRELIMINARY

1 Short Title

This Declaration may be cited as the Communications (Infringement Notice Regime) Declaration 2020.

2 Commencement

This Declaration shall come into force on the date it is published in the Gazette.

3 Interpretation

- (1) Subject to subsection (2), unless the context otherwise requires, terms used in this Declaration have the same meaning as in the Communications Act 2015.
- (2) In this Declaration, unless the context otherwise requires:

“**Act**” refers to the Communication Act 2015; and

“**infringement notice provision**” has the same meaning in the Act.

PART II — INFRINGEMENT NOTICE REGIME

4 Infringement Notice Provisions

The following provisions of the Act shall be specified as infringement notice provisions -

- (a) Section 24;
- (b) Section 30;
- (c) Section 35;
- (d) Section 36;
- (e) Section 43;
- (f) Section 105;
- (g) Section 156;
- (h) Section 159; and
- (i) Section 169.

5 Penalties

The amount of any penalty that may be payable under an infringement notice in respect of an infringement notice provision, shall not exceed the maximum fine that a court could impose for the offences, as set out in the Schedule.

Made at Nuku'alofa this **21st** day of **May** 2020.

Hon. Poasi Tei

**Minister for the Ministry of Meteorology, Energy, Information, Disaster
Management, Environment, Climate Change and Communications**

SCHEDULE

PENALTIES

(Declaration 5)

Column A	Column B
Section 24 – Unlawful publication of sensitive information	\$2000
Section 30 – Supply of communications services without authorisation	\$2000
Section 35 – Non-compliance with licence conditions	\$2000
Section 36 – Provision of false or misleading information	\$4000
Section 43 – Provision of false and misleading information	\$4000
Section 105 – Unlawful supply of content application services	\$2000
Section 156 – Accidental damage to communications facilities	\$1000
Section 159 – General penalty	\$2000
Section 169 – Unlawful disclosure	\$2000