

FOREIGN INVESTMENT AMENDMENT BILL 2015

TULAFONO TAU FAAOFI O TEUTEUGA O LE TULAFONO O TUPE TEUFAAFAIGALUEGAINA MAI FAFO 2015

SAMOA

Arrangement of Provisions

1. Short title and commencement
2. Section 2 amended
3. Section 3 amended
4. Section 8B inserted
5. Section 9 amended
6. Transitional provision

2015, No.

A BILL INTITULED

AN ACT to amend the Foreign Investment Act 2000 (“Principal Act”).

BE IT ENACTED by the Legislative Assembly of Samoa in Parliament assembled as follows:

1. Short title and commencement-(1) This Act may be cited as the Foreign Investment Amendment Act 2015.

(2) This Act commences on the date of assent by the Head of State.

SAMOA

Faatulagaina o Aiaiga

1. Igoa puupuu ma le amataga
2. Ua teuteuina le fuaiupu 2
3. Ua teuteuina le fuaiupu 3
4. Ia faaofiina le fuaiupu 8B
5. Ua teuteuina le fuaiupu 9
6. Aiaiga tau soloaiga

2015, Nu.

O SE TULAFONO TAU FAAOFI UA TAU

O SE TULAFONO e teuteu ai le Tulafono o Tupe Teufaafaigaluegaina Mai Fafu 2000 (“Tulafono Autu”).

UA FAIA e le Fono Aoaofaigaluegaina a Samoa i totonu o le Palemene ua potopoto e faapea:

1. Igoa puupuu ma le amataga-(1) E mafai ona taua leni Tulafono o le Tulafono o Teuteuga o le Tulafono o Tupe Teufaafaigaluegaina Mai Fafu 2015.

(2) O leni Tulafono e amata faamamaluina i le aso e tuuina i ai le maliega a Le Ao o le Malo.

2. Section 2 amended - In section 2 of the Principal Act, for the definition of “certificate”, substitute:

““certificate” means a foreign investment registration certificate issued under section 8 and renewed under section 8B;”.

3. Section 3 amended - For section 3 of the Principal Act, subsection (2) is repealed.

4. Section 8B inserted - After section 8A of the Principal Act insert:

“8B. Renewal of certificate-(1) The holder of a certificate may apply, in the prescribed form (“renewal application”) and accompanied by the prescribed fee, to the Chief Executive Officer to renew the certificate.

(2) The renewal application is to be made at least three (3) months before the expiry of the certificate under section 9(1)(a).

(3) Despite subsection (2), the Chief Executive Officer may, with good reasons provided by the holder of the certificate, accept and determine a renewal application that is made no later than three (3) months after the expiry of certificate, otherwise the holder must apply for a new certificate.

(4) Executive Officer may:

- (a) renew the certificate, with or without conditions;
- or
- (b) refuse to renew the certificate on any grounds specified under section 8(1)(b) or under any other provision of this Act or other enactment.

2. Ua teuteuina le fuaiupu 2 - I totonu o le fuaiupu 2 o le Tulafono Autu, mo le faamatalaga o upu “tusi faamaonia”, ia suia e faapea:

““tusi faamaonia” o lona uiga o se tusi faamaonia faamauina o tupe teufaafaigaluega mai fafo ua tuuina atu i lalo o le fuaiupu 8 ma ua faafouina i lalo o le fuaiupu 8B;”.

3. Ua teuteuina le fuaiupu 3 - Mo le fuaiupu 3 o le Tulafono Autu, ua soloia le faafuaiupu (2).

4. Ia faaofiina le fuaiupu 8B - I le tuanai ai o le fuaiupu 8A o le Tulafono Autu, ia faaofi e faapea:

“8B. Faafouga o tusi faamaonia-(1) E mafai e le tagata o ia umia se tusi faamaonia ona talosaga i totonu o le pepa faatumu ua faatonuina (“talosaga o le faafouga”) ma tuuina atu faatasi ma le totogifuapauina ua faatonuina, i le Ofisa Sili o Pulega, mo le faafouga o le tusi faamaonia.

(2) O le talosaga o le faafouga e ao ona faia, a itiiti mai e tolu (3) masina a o lumanai ai le aso e muta ai le aogā o le tusi faamaonia, i lalo o le fuaiupu 9(1)(a).

(3) E ui lava i le faafuaiupu (2), e mafai e le Ofisa Sili o Pulega, i le i ai o mafuaaga lelei ua tuuina atu e lē o umia le tusi faamaonia, ona talia ma faia le faaiuga o se talosaga o le faafouga, lea sa faia e lē itiiti ifo i lo le tolu (3) masina, i le tuanai ai o le faamutaina o le aogā o le tusi faamaonia, a le o lea, e ao i lē o umia, ona talosaga mo se tusi faamaonia fou.

(4) E mafai e le Ofisa Sili o Pulega ona:

- (a) faafou le tusi faamaonia, i le i ai po o le leai foi o ni tuutuuga; po o
- (b) teena le toe faafouina o le tusi faamaonia i luga o so o se mafuaaga ua faamaotiina i lalo o le fuaiupu 8(1)(b) po o i lalo o so o se isi lava aiaiga o lenei Tulafono po o isi tulafono.

(5) If the renewal application is refused, the Chief Executive Officer must give the reasons and the grounds for refusal.

(6) Section 8(2) to (6) applies to this section with necessary modifications and adaptations.”.

5. Section 9 amended - In section 9(1) of the Principal Act, for paragraph (a) substitute:

“(a) is valid for 12 months from the date of the certificate unless otherwise renewed or terminated under this Act or by operation of any other enactment; but”.

6. Transitional provision-(1) Any current certificate issued before the commencement of this Act continues for a period of 12 months from the commencement of this Act until renewed.

(2) At the commencement of this Act and despite the repeal of section 3(2) of the Principal Act, any work permit issued under the relevant laws of Samoa as specified under that section continues to apply until it expires or is revoked.

(5) Afai ua teena le talosaga o le toe faafouga, e ao i le Ofisa Sili o Pulega ona tuuina atu mafuaaga ma faapogai ua teena ai.

(6) O le fuaiupu 8(2) e oo i le (6), e faaaogā i lenei fuaiupu, faatasi ai ma suiga ma fetuunaiga talafeagai.”.

5. Ua teuteuina le fuaiupu 9 - I totonu o le fuaiupu 9(1) o le Tulafono Autu, mo le parakalafa (a) ia suia e faapea:

“(a) ua aloaia mo le 12 masina mai le aso o le tusi faamaonia, ae vagana ai ua toe faafouina i se isi faiga e ese ai po o ua faamutaina le aoga i lalo o lenei Tulafono, po o e ala i se faatinoga o so o se isi lava tulafono; peitai”.

6. Aiaiga tau soloaiga-(1) So o se tusi faamaonia o i ai nei na tuuina atu a o lumanai ai le amata faamamaluina o lenei Tulafono, e faaaauu pea mo se vaitaimi e 12 masina, mai le aso na amata faamamaluina ai lenei Tulafono, seia oo ina toe faafou.

(2) I le amata faamamaluina ai o lenei Tulafono, ma e ui lava i le soloia o le fuaiupu 3(2) o le Tulafono Autu, o so o se galuega faatagaina ua tuuina atu i lalo o tulafono talafeagai a Samoa e pei ona faamaotiina i lalo o lea fuaiupu, e faaaauu pea ona faaaogā seia oo ina faamutaina le aogā, po o le faalēaogāina.
