



WESTERN SAMOA

Arrangement of Provisions

Title	
1. Short title	
2. Payment of Levies by Employers	
	3. Surcharge on late payment

1995, No.9

AN ACT to amend the Accident Compensation Act 1989.
[30 June 1995]

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

1. Short title- This Act may be cited as the Accident Compensation Amendment Act 1995 and shall be read together with and deemed part of the Accident Compensation Act 1989 (hereinafter called the principal Act).

2. Payment of Levies by Employers- The principal Act is amended by repealing section 52 and substituting the following therefore:-

"52. Payment of levies by Employers-(1) Every employer shall by way of his contribution to the funds of the Board pay a levy of one (1) sene for every complete tala of wages paid by him to his workers.

(2) The manner and time of payment of such levy may be prescribed by regulations and unless and

until such regulations are made payment shall be made at the times and in the manner as the Board may from time to time determine.

(3) The Board may from time to time by notice publish in the Western Samoa Gazette or the Savali specify all or any of the matters determined by it pursuant to subsection (2) of this section.

(4) Where notice has been given by publication in the Western Samoa Gazette or the Savali pursuant to subsection (3) of this section any person who fails to comply with the requirements of the Board as set out in such notice commits an offence and is liable upon conviction to a fine not exceeding two thousand tala (\$2000.00).

(5) In any case and whether or not notice has been given pursuant to subsection (3) of this section the Board may by written notice directed to any person inform that person of its requirements under subsection (1) of this section and call upon that person on or before any date specified in the notice (being a date not less than twenty one (21) days after the receipt of the notice by that person) to satisfy those requirements.

(6) Any person who fails to comply with a notice given under subsection (5) of this section commits an offence and is liable upon conviction to a fine not exceeding two thousand tala (\$2000.00)."

3. Surcharge on late payment- The principal Act is amended by inserting the following new section after section 52 in Part VI:-

"52A. Surcharge on late payment-(1) Where any levies which an employer is liable to pay under the provisions of subsection (1) of section 52 of this Act are not paid within fourteen (14) days from and after the date on which such levies are payable the employer shall be liable to pay a surcharge on any levy not so paid to the Board by him at the rate of one twentieth per cent (1/20%) in respect of each day or part of a day after the expiration of seven (7) days from and after the date on which the wage to which that levy relates was paid:

Provided that -

- (a) If the amount of surcharge so calculated is less than one tala (\$1.00) the surcharge payable shall be one tala (\$1.00):
 - (b) If the amount of surcharge exceeds one tala (\$1.00) the surcharge payable shall be calculated to the next highest multiple of one tala (\$1.00); and
 - (c) The Board may in any case in which it thinks fit remit in whole or in part the payment of any surcharge due under the provisions of this section.
- (2) Any sum due to the Board by way of surcharge under the provisions of this section shall be paid to the Board within fourteen (14) days of a demand for such payment signed by the manager or other authorised officer of the Board being sent to the employer."