



SAMOA

Arrangement of Provisions

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1997, No.21

AN ACT to provide for the operation of the Internet system in Samoa by the vesting in the Post Office of property owned by Pacific Internet Services Limited and used by the company for the provision of internet services prior to the enactment of this Act. (22 December 1997)

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 Post and Telecommunications Internet Act 1997.

(2) This Act shall come into force on the day of its assent by the Head of State.

2. Interpretation - In this Act, unless the context otherwise requires:

"Company" means the entity trading in Samoa under the style Pacific Internet Services:

"Internet connection" means the access to the satellite connection provided to the Company by service agreement made with the Post Office in or about July 1996:

"Internet services" includes connection to the world wide web and the ability to send and receive Email:

"Minister" means the Minister of Post and Telecommunications:

"Post Office" has the same meaning as under the Post Office Act 1972:

"Property belonging to the company" includes all property owned by the company or held in its possession and which relate to the provision of internet services or which is associated with the internet connection.

3. Purpose - The purpose of this Act is to:

- (a) Ensure a continuous provision of internet services in Samoa;
- (b) Vest in the Post Office, the property of the company used in connection with the internet service in Samoa before the service is interrupted due to the non-payment by the company of monies owed in Samoa and elsewhere; and
- (c) Permit the company to claim compensation for the acquisition of its property, such amount to be offset against the monies owed by it to the Post Office.

4. Vesting in the Post Office of Company property - (1)

All property belonging to the company is hereby acquired by the State and ownership thereof is vested in the Post Office.

(2) The company shall be entitled to claim compensation in respect of the property belonging to the company only in accordance with the provisions of this Act.

(3) The Post Office is empowered to do all things necessary and incidental to the provision of internet services within Samoa.

5. Debt owed by the Company-(1) The Company is indebted to the Post Office in the sum determined by the Minister as being the amount outstanding and owed by it in relation to its internet connection.

(2) The amount determined by the Minister under subsection (1) may be reviewed by the Supreme Court for the purposes of section 6.

6. The Company's right to compensation-(1) The Company shall have the right to compensation in respect of the property belonging to the company vested in the Post Office by reason of this Act, only in accordance with this section.

(2) The compensation due to the company shall be the current value of the property vested in the Post Office by this Act and no other claim for compensation may be made.

(3) The Company may make application to the supreme Court in accordance with Article 14(1)(b) of the Constitution.

(4) When assessing the amount of compensation owed to the Company under this section the Supreme Court shall deduct the amount due to the Company from the debt determined in accordance with section 5 and may make an order in favour of the Company or the Post Office, whichever is then entitled to the amount outstanding.

(5) The Company and the state shall have a right of appeal to the Court of Appeal in accordance with law.