

SAMOA

Arrangement of Provisions

- | | | | |
|----|---------------------------------------|-----|---|
| 1. | Short title and commencement | 8. | Companies Act 1955 |
| 2. | Credit Union Ordinance 1960 | 9. | Business Licences Ordinance 1960 |
| 3. | Incorporated Societies Ordinance 1952 | 10. | Road Traffic Ordinance 1960 |
| 4. | Industrial Designs Act 1972 | 11. | Arms Ordinance 1960 |
| 5. | Land and Titles Act 1981 | 12. | Gaming Act 1978 |
| 6. | Patents Act 1972 | 13. | Police Offences Ordinance 1961 |
| 7. | Trademarks Act 1972 | 14. | Customs Act 1977 |
| | | 15. | Lands and Titles Investigation Act 1966 |

1998, No. 16

AN ACT to amend the fees payable to government in various Acts of Parliament. *(19 June 1998)*

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 Miscellaneous Fees Amendment Act 1998 and shall

form part of and be read with the respective enactments that are amended by it.

(2) This Act shall come into force on the date that it is assented to by the Head of State.

2. Credit Union Ordinance 1960 - Section 67 of the Credit Union Ordinance 1960 is amended by prescribing the following amended fees:

“For filing a Memorandum of Association	\$45.00
Fee for Certificate of Incorporation	\$45.00
Fee for filing Annual Return	\$30.00”

3. Incorporated Societies Ordinance 1952 - The Second Schedule to the Incorporated Societies Ordinance is repealed and replaced with the following:

“SECOND SCHEDULE Section 6(b)
Table of Fees Payable to the Register

Fee on application for registration	\$45.00
Fee for certificate of incorporation	\$45.00
Fee for alteration of rules	\$24.00
Fee for certified copy of extract	\$24.00
(if the copy of extract exceeds 3 folios of 72 words each an additional fee for each additional folio or part thereof)	\$3.00
Fee for any other document required to be registered	\$24.00
Fee for inspection of Register	\$12.00
Fee for inspection of any document	\$12.00.”

4. Industrial Designs Act 1972 - The Schedule to the Industrial Designs Act 1972 is repealed and replaced with the following:

“Schedule**Section 9****Fees**

Item No.	Subject	Amount
1	On application for registration of an industrial design to be applied to a single article	\$45.00
2	On application to register one design to be applied to a set of articles	\$69.00
3	On first application for renewal	\$45.00
4	On second application for renewal	\$69.00
5	On request to record assignment, transmission, or licence contract - In respect of one design For each additional design	\$24.00 \$ 6.00
6	On alteration of address, or address for service - In respect of one design For each additional design	\$ 9.00 \$ 3.00
7	On application for cancellation	\$ 9.00
8	Duplicate certificate of registration	\$ 9.00
9	On application for annulment	\$69.00
10	On appeal to the Supreme Court against decision of the Registrar	\$45.00
11	For typewritten or photographic copy of design or document	Reasonable cost.”

5. Land and Titles Act 1981 - The First Schedule to the Land and Titles Act 1981 is repealed and replaced with the following:

**“ FIRST SCHEDULE
Sections 9(2), 15, 17, 68, and 91**

ITEM	ACTION FOR WHICH FEE PAYBLE	AMOUNT
1	Filing petition, to include of summons and services	\$40.00
2	Hearing (including sealed copy of decision to each party)	\$20.00
3	Each additional copy of decision	\$5.00 plus .60 sene per page
4	Application for leave to appeal, to include order thereon and service of notice to parties	\$200.00
5	Each single search, per file	\$5.00
6	Each general search, per file	\$20.00
7	Survey	as ordered by the Court
8	Application for pulefaamau, or intention to appoint, to include publication in Savaii and petition to confirm	\$100.00
9	Hearing on confirmation of pulefaamau (no objection having been lodged)	\$60.00
10	Survey unless certified for greater or lesser amount by the President	\$150.00
11	Objection to Pulefaamau	\$70.00

12	Release of Court proceedings, per file	\$20.00 plus 60 sene per page
13	Priority Hearing Fee (in addition to item 2)	\$300.00
14	Adjournment Fee	\$500.00
15	Registration and Publication of Matai Titles	\$40.00
16	Certificate of confirmation of Matai Title	\$20.00
17	Interim Orders by Registrar and President	\$50.00”

6. Patents Act 1972 - The Sixth Schedule to the Patents Act 1972 is repealed and replaced with the following:

“SIXTH SCHEDULE

Section 15

On filing application and specification for patent or registration of overseas patent	\$180.00
Fee to the Attorney-General for provisional certificate of protection	\$450.00
On obtaining letter patent	\$225.00
On lodging objections	\$90.00
Every search and inspection	\$27.00
Registration of assignments of letters of patent	\$135.00
Certificate of registration issued under section 9	\$225.00
Copy of extract of documents and drawings	Reasonable cost fixed by Registrar

On filing application and specification for registration of a New Zealand patent issued prior to 1 January 1962 and for certificate of registration thereon issued under section 9 in lieu of the filing and certificate fees above \$45.00

On filing application and specification for registration of a New Zealand patent issued prior to the commencement of this Act and subsequent to 1 January 1962 and for certificate of registration thereon issued under section 9 in lieu of the filing and certificate fees above \$225.00”

7. Trademarks Act 1972 - The Second Schedule to the Trademarks Act 1972 is repealed and replaced with the following:

**“SECOND SCHEDULE
Section 24: Proviso**

List of Fees Payable

On application to register a trade mark or renewal of a trade mark \$180.00

On application to register a series of trade marks under section 12 of this Act or a renewal thereof:
 For the first trade mark \$180.00
 For every other trade mark in the series \$60.00

On application for a certificate of registration under section 16 of this Act \$180.00

On application for a certificate of registration under section 16 of this Act of any New Zealand trade mark registered prior to 1 January 1962 provided application is made within one year of the commencement of this Act \$45.00

On renewal of registration of an overseas trade mark	\$90.00
On filing an appeal under section 17 of this Act	\$90.00
On application to register an assignment or transmission	\$45.00
For a search under section 4 (3)	\$18.00
For a certified copy of any entry in the register	\$18.00
For typed or photographich copy of documents	Reasonable Cost fixed by Registrar".

8. Companies Act 1955 - The First Schedule to the Companies Act 1955 is repealed and replaced with the following:

FIRST SCHEDULE

Sections 8, 379, 470

Table of fees to be paid to the Registrar of companies

(i) **Fees Payable on Registration or on Increase of Capital by a Company Having a Share Capital:**

For registration of a company whose nominal share capital does exceed \$4,000 \$126.00

For registration of a company whose nominal hare capital exceeds \$4,000. The above fee of \$126.00 with the following additional fees, regulated according to the amount of nominal share capital, that is to say:

For every \$2,000 of nominal share capital, or part of \$2,000 after the first \$4,000 up to \$10,000 \$18.00

For every \$2,000 of nominal share capital, or part of \$2,000 after the first \$10,000 up to \$200,000.00 \$4.50

For every \$2,000 of nominal share capital, or part of \$2,000 after the first \$10,000 up to \$200,000.00 \$0.90

For registration of any increase of share made after the first registration of the company: The same fees per \$2,000, or part of \$2,000, as would have been payable if the increased share capital had formed part of the original capital as the time of registration:

Provided that no company shall be liable to pay in respect of nominal share capital, on registration or afterwards, any greater amount of fees than \$900.00, taking into account, in the case of fees payable on an increase of share capital after registration, the fees paid on registration.

For registration of any existing company, except such companies as are by this Act exempted from payment of fees in respect of registration under this Act. The same fee as is charged for registering a new company.

(ii) **Fees Payable on Registration or on Increase of Members by a Company not having a Share Capital:**

For registration of a company whose number of members as stated in the articles does not exceed 20. \$126.00

For registration of a company whose number of members as stated in the articles exceeds 20, but does not exceeds 100 \$216.00

For registration of a company whose number of members as stated in the articles exceeds 100 but is not stated to be unlimited. The above fee of \$216.00 with an additional \$4.50 for every additional 50 members or less after the first 100

For registration of a company in which the number of members is stated in the articles to be unlimited
\$396.00

For registration of any increase in the number of members made after the registration of the company, in respect of every 50 members, or less than 50 members, of that increase \$4.50

Provided that no company shall be liable to pay in the aggregate a greater fee than \$500.00 in respect of its number of members, taking into account the fee paid on the first registration of the company.

For registration of any existing company, exceed such companies as are by this Act exempted from payment of fees in respect of registration under this Act. The same fee as is charged for registering a new company.

(iii) **Miscellaneous Fees**

For the first certificate of incorporation:

Where the company has a nominal share capital exceeding \$10,000.00 \$180.00

In every other case \$108.00

For any certificate of incorporation after the first \$4.50

For recording any alteration of the objects of a company	\$18.00
---	---------

For registering under Part IV of this Act the instrument creating or evidencing any charge required to be registered thereunder to be registered thereunder (to be computed in the case of a series of debentures as on one charge for the total amount secured by the whole series):

Where the amount of the charge does not exceed \$400.00	\$9.00
--	--------

Where the amount exceeds \$400.00 or is not specified	\$18.00
--	---------

Where two or more instruments create or evidence a charge or charges securing the same moneys, for every such instrument after the first.	\$4.50
--	--------

For a certificate of the registration of any charge under Part IV of this Act	\$4.50
--	--------

For registering any satisfaction or partial satisfaction of a charge or release or partial release of property from a charge under Part IV of this Act	\$4.50
---	--------

For a certificate of the satisfaction or partial satisfaction or release or partial release of a charge under Part IV of this Act	\$4.50
---	--------

For re-registration of a public company as a private company	\$90.00
---	---------

For re-registration of a private company as a public company	\$90.00
---	---------

For registering any document by this Act required or authorised to be registered or required to be delivered, sent, or forwarded to the Registrar and not otherwise charged, delivered to the Registrar by a receiver or manager or the statement required to be sent to the Registrar by a liquidator	\$4.50
For making a record of any fact by this Act required or authorised to be recorded by the Registrar and not otherwise charged	\$4.50
For a certified copy of or extract from any document	\$4.50
For a copy or extract from any document, over and above the fee for certifying the same, for each folio of seventy-two words, not exceeding	\$0.50
For every inspection of any document	\$1.00
For every inspection of five or more documents relating to a single company	\$4.50

9. Business Licences Ordinance 1960 - The Business Licences Ordinance 1960 is amended as follows -

- (a) By deleting from section 4(1) the words “of \$200.00” and replacing them with the words “as prescribed”; and
- (b) By deleting from section 14(2) the words “an amount of \$15” and adding the words “the amount prescribed for late payment”, after words “in respect of each licence”; and
- (c) By adding to section 22(2) the following subparagraph;
 - “(g) The fees payable for business licences issued under this Act”; and

- (d) By deleting from paragraph (f) of section 22(2) the figure “\$100” and replacing it with the figure “\$2,000”; and
- (e) By deleting from section 15(4) the words “in the Third Schedule”; and
- (f) By deleting from the Third Schedule all references to the amounts of fees.

10. Road Traffic Ordinance 1960 - The First Schedule to the Road Traffic Ordinance 1960 is repealed and replaced with the following:

“FIRST SCHEDULE

ITEM NO. DESCRIPTION OF TYPE OF LICENCE

1	Vehicle Licence issued pursuant to section 9:																											
	(a) For each goods vehicle, tractor, other than for tractors used exclusively in connection with the cultivation or farming of the owner’s plantation or farm and used on the road only in proceeding to or from a garage in connection with the servicing or repair of such tractor) and trailer.																											
	<table border="0" style="width: 100%;"> <tr> <td style="width: 40%; text-align: center;">Tare weight (tons)</td> <td style="width: 30%; text-align: center;">Registration</td> <td style="width: 30%; text-align: center;">Fee</td> </tr> <tr> <td style="text-align: center;">less than 1</td> <td style="text-align: center;">\$300</td> <td></td> </tr> <tr> <td style="text-align: center;">exceeding 1 but not exceeding 3</td> <td style="text-align: center;">\$300</td> <td style="text-align: center;">plus</td> </tr> <tr> <td style="text-align: center;">excess</td> <td style="text-align: center;">\$7.50</td> <td style="text-align: center;">per</td> </tr> <tr> <td></td> <td style="text-align: center;">cwt</td> <td style="text-align: center;">in</td> </tr> <tr> <td></td> <td style="text-align: center;">of 1 ton</td> <td></td> </tr> <tr> <td style="text-align: center;">exceeding 3 but not exceeding 5</td> <td style="text-align: center;">\$600</td> <td style="text-align: center;">plus</td> </tr> <tr> <td></td> <td style="text-align: center;">\$15 per cwt</td> <td style="text-align: center;">in excess of</td> </tr> <tr> <td></td> <td style="text-align: center;">3 tons</td> <td></td> </tr> </table>	Tare weight (tons)	Registration	Fee	less than 1	\$300		exceeding 1 but not exceeding 3	\$300	plus	excess	\$7.50	per		cwt	in		of 1 ton		exceeding 3 but not exceeding 5	\$600	plus		\$15 per cwt	in excess of		3 tons	
Tare weight (tons)	Registration	Fee																										
less than 1	\$300																											
exceeding 1 but not exceeding 3	\$300	plus																										
excess	\$7.50	per																										
	cwt	in																										
	of 1 ton																											
exceeding 3 but not exceeding 5	\$600	plus																										
	\$15 per cwt	in excess of																										
	3 tons																											

excess	exceeding 5 but not exceeding 8	\$1,200 plus \$22.50 per cwt in of 5 tons
	exceeding 8	\$2,550 plus \$30 per cwt in excess of 8 tons

(b) An additional fee in relation to a vehicle referred to in item (1)(a) for every 5 cwt net weight of the vehicle or part of every 5 cwt where the vehicles in total:

(i) 3 tons or less tare weight:

- having an engine capacity up to and including 1500 cc \$50 plus \$21 per 5 cwt.

- having an engine capacity from 1500 cc up to and including 2000 cc \$55 plus \$23 per 5 cwt.

- having an engine capacity from 2,000 cc up to and including 3,000 cc \$72 plus \$28 per 5 cwt.

- having an engine capacity over 3,000 cc \$80 plus \$32 per 5 cwt.

(ii) over 3 tons tare weight \$80 + \$35 (per 5cwt or part thereof)

(c) Public Service vehicles other than taxis:

The fee shall be the same as is payable under item (1)(a) and (b) plus for each

14 *Miscellaneous Fees Amendment* 1998, No. 16

passenger the vehicle is licensed to carry. \$6.00

(d) Taxi and rental vehicles:

(i) having an engine capacity of up to and including 1500 cubic centimetres. \$175.00

(ii) having an engine capacity from 1501 cubic centimetres up to and including 2000 cubic centimetres. \$195.00

(iii) having an engine capacity from 2001 cubic centimetres up to and including 3000 cubic centimetres. \$240.00

(iv) having an engine capacity of over 3000 cubic centimetres. \$260.00

(e) Private motor vehicles (other than motor cycles and rental vehicles):

(i) having an engine capacity of up to and including 1500 cubic centimetres. \$175.00

(ii) having an engine capacity from 1501 cubic centimetres up to and including 2000 cubic centimetres. \$195.00

(iii) having an engine capacity from 2001 cubic centimetres up to and including 3000 cubic centimetres. \$240.00

(iv) having an engine capacity of over 3000 cubic centimetres. \$260.00

- (f) Motor cycle (with or without side car). \$70.00
- (g) Dealer's licence issued pursuant to section 19. \$240.00

Where any licence mentioned in Item 1 (f) is issued for a number of months less than 12, the licence fee shall be the proportion of the appropriate fee above which the number of months covered by the licence bears to 12 months.

2. Driving Licence:

- (a) On issue of driving licence pursuant to section 29. \$40.00
- (b) On renewal of driving licence for 1 year pursuant to section 32. \$40.00
- (c) On endorsement of an international driving licence pursuant to section 27. \$12.00
- (d) For practical driving test pursuant to section 30. \$20.00
3. Vehicle licence on first registration issued pursuant to section 13. \$80.00
4. Transfer of vehicle licence pursuant to section 17. \$80.00
5. Duplicate vehicle licence liable under section 12. \$20.00
6. Road service licences -
- (a) Application under section 59 in respect of one route for a road service -
- | | |
|-------------------------------|----------|
| Heavy Public Service Vehicle: | \$150.00 |
| Light Public Service Vehicle: | \$120.00 |
- (b) Road service licence issued pursuant to section 60 for each 6 monthly period -
- | | |
|-------------------------------|----------|
| Heavy Public Service Vehicle: | \$150.00 |
| Light Public Service Vehicle: | \$120.00 |

16	<i>Miscellaneous Fees Amendment</i>	1998, No. 16
	(c) Application fee under section 66 for transfer of road service licence.	\$50.00
	(d) Application fee under section 68 for temporary road service licence for every day for which the licence is applied for.	\$40.00
	(e) Application fee for variation of road service licence.	\$40.00
	(f) Rental fees for public stands, bus stops parking places for every vehicle under Section 73 \$25.00	
7.	Learner's permit issued pursuant to section 28	\$50.00
8.	Duplicate driving licence issued pursuant to section 32.	\$30.00
9.	New driving licence without endorsement issued pursuant to section 35.	\$40.00
10.	Registration plates issued pursuant to section 13 for motor cycles, other motor vehicles or trailer.	\$120.00
11.	For the issue of an international driving licence	\$40.00

11. Arms Ordinance 1960 - The First Schedule to the Arms Ordinance is repealed and replaced with the following:

“First Schedule

Sections 7(3), 9(2), 12(2)

**Fees for Permits, Licences and Certificates
etc**

On the issue to any person other than a dealer of a permit to bring a firearm and ammunition therefor into Samoa for each importation	\$50.00
On the issue of a permit to a dealer to bring firearms and ammunition into Samoa for multiple imports for each year or part of a year	\$200.00
On the issue of a dealer's licence under section 3 of the Ordinance - in respect of both firearms and ammunition for each year or part of a year	\$200.00
In respect of ammunition only (for each year or part of a year)	\$50.00
On the issue of a certificate of registration (for each year or part of a year)	\$20.00
On the renewal for one year of a certificate of registration	\$20.00
On the issue of a permit for possession under section 7 of the Ordinance for each such permit	\$20.00
On the issue of a new certificate of registration on the destruction, defacement, or loss of a certificate	\$10.00
On the issue of a licence to retain an unlawful weapon	\$20.00"

12. Gaming Act 1978 - The Gaming Act 1978 is amended by inserting section 27 as follows:

“27 Fees for Lottery and Bingo Permits-(1) The fee for a lottery or bingo permit issued under this Act shall be \$200 per annum.

(2) The fee payable under this section shall be paid before the lottery or bingo is conducted or played.

(3) Notwithstanding sub-section (1), fees for particular lotteries or bingo operations may be prescribed by Regulation under this Act and such fees shall be paid in substitution of the fee payable under subsection (1)”.

13. Police Offences Ordinance 1961 - Section 18(3) of the Police Offences Ordinance 1961 is amended by deleting the figure “\$10” and replacing it with the figure “\$50”.

14. Customs Act 1977 - The Customs Act 1977 is amended as follows -

(a) By deleting the Second Schedule and replacing it with the following:

“Second Schedule

Section 87

Part I

Annual licence fees for warehouses licensed for the warehousing of dutiable goods other than oils in vessels capable of containing 100 gallons or more:

CUBIC CONTENTS OF WAREHOUSE	ANNUAL FEE
Less than 200 tons	\$1000
more than 200 tons and less than 300 tons	\$1250
more than 300 tons and less than 400 tons	\$1500

more than 400 tons and less than 500 tons	\$1750
more than 500 tons and less than 600 tons	\$2000
more than 600 tons and less than 700 tons	\$2250
more than 700 tons and less than 800 tons	\$2500
more than 800 tons and less than 900 tons	\$2750
more than 900 tons and less than 1000 tons	\$3000
more than 1000 tons	\$3250

PART II

Annual licence fees for warehouses licensed for the warehousing of oils in vessels capable of containing 100 gallons or more:

CUBIC CONTENTS OF WAREHOUSE	ANNUAL FEE
Less than 200 tons	\$1000
more than 200 tons and less than 300 tons	\$1250
more than 300 tons and less than 400 tons	\$1500
more than 400 tons and less than 500 tons	\$1750

more than 500 tons and less than 600 tons	\$2000
more than 600 tons and less than 700 tons	\$2250
more than 700 tons and less than 800 tons	\$2500
more than 800 tons and less than 900 tons	\$2750
more than 900 tons and less than 1000 tons	\$3000
more than 1000 tons	\$3250

1. When any warehouse requires the entire services of an officer or officers of Customs, the annual licence fee for that warehouse shall, in lieu of the above amounts, be \$1000 for each officer so required, and all questions as to the number of officers required and the time for which their services are required shall be determined from time to time by the Comptroller, whose determination shall be final.

2. When any warehouse is used for the storage of goods during a portion only of the year, of the services of an officer of Customs are required at what warehouse during a portion only of the year, the Comptroller may remit or refund a proportionate part of the licence fee otherwise payable, calculated in respect of the period during which the warehouse is not used or the services of that officer are not required"; and

(b) By deleting from section 87(2) (b) the amount "\$900" and replacing it with "\$1000";

(c) By adding paragraph (i) to section 279 as follows:

“ (i) prescribing fees to be paid in respect of the exercise of any power or function under this Act or consistent with this Act, including

application fees applicable to requests made for the exercise of any such power or functions”.

15. Lands and Titles Investigation Act 1966 - The Schedule to the Land and Titles Investigation Act 1966 is repealed and replaced by the following:

“SCHEDULE

Section 25

Item	Transaction	Amount of fee
1	Giving notice of claim to Secretary (to cover the cost of public notice)	\$100.00
2	Hearing before Commission (to cover sealed copy of Commission’s order for each party)	\$15.00
3	Each additional copy of order	\$5.00
4	Giving notice of objection to Secretary	\$50.00

**Printed under the authority of the Legislative Assembly,
by the Clerk of the Legislative Assembly.**