

**SAMOA**

## Arrangement of Provisions

- |  |   |
|--|---|
| 1. Short title and commencement                    | 16. Malietoa Cross                      |
| 2. Interpretation                                  | 17. Samoa Cross                         |
| 3. Administration of Act                           | 18. Samoa Medal of Honour               |
| 4. Conferring of awards                            | 19. Head of State's Medal for Valour    |
| 5. General qualification for awards                | 20. Posthumous awards                   |
| 6. Description of awards                           | 21. Meaning of "Field of endeavour"     |
| 7. Grand Order of Samoa - Special Class            | 22. Privileges attaching to awards      |
| 8. Order of Samoa – Poloaiga Sili a Samoa          | 23. Honours Committee                   |
| 9. Order of Samoa - First Class                    | 24. Functions of the Committee          |
| 10. Companion of the Order of Samoa - Second Class | 25. Recommendations for awards          |
| 11. Order of Merit                                 | 26. Style and cost of awards            |
| 12. Officer of the Order of Samoa - Third Class    | 27. Monetary payments                   |
| 13. Member of the Order of Samoa - Fourth Class    | 28. Honorary awards                     |
| 14. Head of State's Service Order                  | 29. Lost awards                         |
| 15. Head of State's Service Medal                  | 30. Revocation of awards for misconduct |
|  | 31. Offences                            |
|  | 32. Regulations                         |
|  | 33. Repeal and savings                  |

**AN ACT to repeal the Merit Act 1992/1993, No.3 and to consolidate the system for the conferring of awards in recognition of meritorious service to Samoa or acts of bravery.**  
*[25<sup>th</sup> August 1999]*

**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 Honours and Awards Act 1999.

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

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

“Awards” means an award described in section 6 of this Act:

“Civil Service” means service of Samoa in any capacity, and includes service in the private and religious sectors:

“Committee” means the Honours Committee established under section 23 of this Act:

“Department” means the Prime Minister’s Department.

**3. Administration of Act** – This Act shall be administered in the Prime Minister’s Department and that Department shall provide the administrative, executive and secretarial services for the Committee.

**4. Conferring of awards** – The Head of State, acting on the advice of Cabinet, may by Order confer or grant awards in accordance with the provisions of this Act.

**5. General qualification for awards**—(1) Subject to subsection (2) and to section 10(1)(b), no person shall be eligible to receive an award unless at the time of the conferring of that award he is a citizen of Samoa.

(2) Subsection (1) shall not apply to honorary awards made under section 28.

**6. Description of awards-**(1) Awards shall be classified as follows –

- (a) Awards for civil service; and
- (b) Awards for bravery and gallantry.

(2) The awards for civil service, in order of precedence, shall be -

- (a) Grand Order of Samoa - Special Class (G.O.S.);
- (b) Order of Samoa – Poloaiga Sili a Samoa;
- (c) Order of Samoa – First Class (O.S.);
- (d) Companion to the Order of Samoa - Second Class (C.O.S.);
- (e) Order of Merit (O.M.);
- (f) Officer of the Order of Samoa – Third Class (O.S.);
- (g) Member of the Order of Samoa – Fourth Class (M.S.);
- (h) Head of State’s Service Order (H.S.S.O.);
- (i) Head of State’s Service Medal (H.S.S.M.).

(3) The awards for bravery and gallantry, in order of precedence, shall be -

- (a) Malietoa Cross (M.C.);
- (b) Samoa Cross (S.C.);
- (c) Samoa Medal of Honour (S.M.H.);
- (d) Head of State’s Medal for Valour (H.S.M.V.).

(4) The letters in parentheses in subsections (2) and (3) do not form part of the names of the awards, but where an award is expressed in written form it may be described by the appropriate letters as they appear in those subsections.

**7. Grand Order of Samoa - Special Class-**(1) The Grand Order of Samoa - Special Class, shall be the state badge of office, symbolizing the tenure of the highest public office in Samoa.

(2) Subject to subsection (3), the Head of State shall by virtue of his office and during his tenure be the only holder of this Order, and upon his death while in office or upon his retirement, it shall be handed down to his successor.

(3) Notwithstanding the provisions of subsection (2), His Highness Malietoa Tanumafili II, Head of State of the Independent State of Samoa, shall be the only recipient who shall retain this Order forever, as a tribute to his long and dedicated service to the State and to the people of Samoa.

**8. Order of Samoa – Poloaiga Sili a Samoa-**(1) The Order of Samoa – Poloaiga Sili a Samoa shall be the nation's highest meritorious award, and may be conferred on persons who have made a paramount contribution to the State and to the People, life and culture of Samoa on the national or international level, and which deserves the highest recognition of the people of Samoa.

(2) Subject to section 28, at no time shall more than 2 living persons be the holders of the Order of Samoa – Poloaiga Sili a Samoa.

**9. Order of Samoa – First Class-**(1) The Order of Samoa – First Class may be conferred on persons who have made an outstanding contribution to the State and to the people, life and culture of Samoa on the national or international level.

(2) Subject to section 28, at no time shall more than 10 living persons be the holders of the Order of Samoa – First Class.

**10. Companion of the Order of Samoa - Second Class-**  
(1) The Companion of the Order of Samoa - Second Class may be conferred on -

- (a) Persons who have made an exceptionally important contribution to the State and to the people, life and culture of Samoa, on the national or international level; and
- (b) Those persons who are or have been leaders of corporations (whether foreign or domestic), or who are or have been leaders of foreign states or organisations, in recognition of lengthy and valuable service help and friendship afforded to Samoa by those corporations, states or organisations, or by those leaders.

(2) Subject to section 28, at no time shall more than 10 living persons be holders of the Companion of the Order of Samoa – Second Class.

**11. Order of Merit-**(1) The Order of Merit may be conferred on -

(a) Persons who have rendered outstanding meritorious service for Samoa in the domestic or international spheres; and

(b) Persons who have made exceptional contributions towards the advancement of any field of endeavour, but with particular emphasis on the arts, learning, literature, science and religion, in the domestic or international spheres, and which is of benefit directly or indirectly to Samoa.

(2) Subject to section 28, at no time shall more than fifteen (15) living persons be holders of the Order of Merit.

**12. Officer of the Order of Samoa - Third Class-**(1) The Officer of the Order of Samoa – Third Class may be conferred on -

(a) Persons who have made highly significant and meritorious contributions to Samoa; and

(b) Persons who have excelled in any field of endeavour, domestically and internationally, and which is of benefit, directly or indirectly to Samoa or which brings credit to Samoa.

(2) Subject to section 28, at no time shall more than fifteen (15) living persons be holders of the Officer of the Order of Samoa – Third Class.

**13. Member of the Order of Samoa - Fourth Class-**(1) The Member of the Order of Samoa – Fourth Class may be conferred on -

(a) Persons who have made meritorious contributions to Samoa; and

(b) Persons who have excelled in any field of endeavour domestically, and which is of benefit directly or indirectly to Samoa, or which brings credit to Samoa.

(2) Subject to section 28 at no time shall more than fifteen (15) living persons be holders of the Member of the Order of Samoa.

**14. Head of State's Service Order-**(1) There shall be two (2) divisions of the Head of State's Service Order as follows -  
(a) For Community Service; and  
(b) For Public Services.

(2) The Head of State's Service Order for Community Service may be conferred on persons in recognition of their unique and valuable contributions to their village, district or township, or for their high achievement in any field of endeavour.

(3) The Head of State's Service Order for Public Services may be conferred on persons who have made meritorious contributions, or given long service with exemplary conduct to the Government of Samoa.

(4) Subject to section 28, at no time shall more than twenty (20) living persons be holders of the Head of State's Service Order.

**15 Head of State's Service Medal-**(1) There shall be two (2) divisions of the Head of State's Service Medal as follows -  
(a) For Community Service; and  
(b) For Public Services.

(2) While the criteria for the grant of the Head of State's Service Medal in either division are similar to those set out in subsections (2) and (3) of section 14, a Medal awarded under this section may be granted to those persons who in the opinion of the Honours Committee have achieved a highly valuable accomplishment in any field of endeavour, or who have provided long service to Samoa with good conduct.

(3) Subject to section 28, at no time shall more than twenty (20) Head of State's Service Medals be awarded in any calendar year.

**16. Malietoa Cross** – The Malietoa Cross may be awarded only for acts of the greatest heroism and of supreme bravery in the face of the enemy, or for some daring and pre-eminent act of valour and self-sacrifice in circumstances of extreme danger.

**17. Samoa Cross** – The Samoa Cross may be awarded for acts of the greatest valour entailing the display of exceptional courage in circumstances of extraordinary danger, where there is a total disregard for personal loss of life and limb.

**18. Samoa Medal of Honour** – The Samoa Medal of Honour may be awarded for acts of the most conspicuous courage in circumstances of extraordinary danger involving potential loss of life or limb.

**19. Head of State’s Medal for Valour** – The Head of State’s Medal for Valour may be awarded for acts of extraordinary courage in circumstances of very great danger.

**20. Posthumous awards** – The awards described in sections 8, 16 and 17 of this Act may be made posthumously.

**21. Meaning of “Field of endeavour”** – For the purposes of this Act, “Field of endeavour” includes -

- (a) Work in the service of Samoa;
- (b) Service as a Member of Parliament or as a Minister of State;
- (c) Service as a member of an organisation dedicated to the welfare of Samoa or Samoans;
- (d) Service as a member of an ecclesiastical or religious body;
- (e) Work as a self-employed person;
- (f) Work as an employee;
- (g) Work as a volunteer;
- (h) Participation in any academic activity;
- (i) Engaging in any literary activity;
- (j) Participation in fine arts, visual arts or performing arts;
- (k) Engaging in any craft;

- (l) Performance as a sports representative; and
- (m) Any other activity prescribed by regulation as a field of endeavour.

**22. Privileges attaching to awards-**(1) Every holder of an award shall have the right to be invited to attend all Government functions, and to wear his ribbon and medal on every such occasion, and may at any other time wear a miniature replica of the medal or ribbon.

(2) Every holder of an award may, after any printed or written form of his name, add the appropriate letters denoting the award which he holds.

(3) Holders of awards shall have such other entitlements and privileges as may be prescribed by regulation.

(4) For the purposes of this section, "award" includes an honorary award.

**23. Honours Committee-**(1) There is hereby constituted a Committee to be known as the Honours Committee.

(2) The Committee shall consist of six (6) members as follows -

- (a) The Secretary to Cabinet, who shall be Chairman;
- (b) The Secretary to the Prime Minister's Department;
- (c) The Secretary for Internal Affairs;
- (d) Three persons appointed by the Head of State, acting on the advice of Cabinet, one of whom shall represent –
  - (i) the private sector;
  - (ii) the ecclesiastical and religious denominations; and
  - (iii) the chiefs and orators of Samoa.

(3) Members appointed under subsection (2)(d) shall be appointed for a term of three (3) years and are eligible for reappointment for a further term or terms.

(4) The Committee shall determine its own procedure in all matters.

(5) Members of the Committee may be paid such remuneration and allowances as Cabinet may from time to time determine.



**24. Functions of the Committee** – The functions of the Honours Committee shall be to -

- (a) Consider persons from all areas of Samoa and overseas who may be eligible for awards or honorary awards, and to recommend to Cabinet the granting of an award to any of such persons where it considers that an award is justified; and
- (b) Continuously review the suitability, where appropriate of persons who have received awards previously for the purpose of recommending to Cabinet the granting to them of higher or other awards, as the case may be.

**25. Recommendations for awards** – Recommendations for awards shall be made in writing by the Committee to Cabinet.

**26. Style and cost of awards-**(1) Each award shall comprise –

- (a) A certificate given under the hand of the Head of State and sealed with the Public Seal of Samoa;
- (b) A medal with or without a ribbon as the Honours Committee may determine; and
- (c) A miniature of the medal and ribbon, as the case may be.

(2) Medals, ribbons, certificates and miniature replicas shall be of such design as shall be approved by the Head of State by Order, acting on the advice of Cabinet.

(3) The cost of the design, fabrication and conferring of the awards and all costs incidental thereto (including remuneration and allowances made pursuant to section 23 together with the monetary payments made in accordance with section 27) shall be statutory expenditure and shall be paid out of the Treasury Fund without further appropriation.

**27. Monetary payments** – The following monetary payments shall accompany the granting of an award -

- (a) To a person who has been awarded the Malietoa Cross, the sum of \$2,000.00.

- (b) To a person who has been awarded the Samoa Cross, the sum of \$2,000.00.

**28. Honorary awards-**(1) Subject to section 5, where the Head of State, acting on the advice of Cabinet, is satisfied that a person merits the receipt of an award under this Act, and that person is not a citizen of Samoa, he may by Order confer an honorary award on that person.

(2) Honorary awards may be made for all awards under this Act other than the Grand Order of Samoa, and there shall be no limitations as to the number of honorary awards that may be granted or conferred under this section.

**29. Lost awards** – Where the holder of an award has lost his medal, ribbon, miniature replica or certificate, he may obtain a duplicate from the Prime Minister’s Department upon paying the reasonable cost, which shall be fixed by the Secretary to the Prime Minister’s Department.

**30. Revocation of awards for misconduct** – The Head of State, acting on the advice of Cabinet, may by Order revoke an award conferred or granted under this Act on the ground that the holder has committed an act or acts of gross or serious misconduct such as to bring into disrepute the dignity and honour of the award.

**31. Offences** – Any person who wears any medal, ribbon or miniature replica to which he is not entitled, or who in any way holds himself out, or permits or suffers himself to be held out as the holder of an award which he does not hold, commits an offence and upon conviction is liable to a fine not exceeding ten (10) penalty units, or to imprisonment for a term not exceeding twelve (12) months.

**32. Regulations** – The Head of State, acting on the advice of Cabinet, may make such regulations as may in his opinion be necessary or expedient for giving full effect to the provisions of this Act.

**33. Repeal and savings-**(1) The Merit Act 1992/1993 is repealed.

(2) Upon the commencement of this Act, any Order, award or certificate (including any honorary award) conferred or granted under the Merit Act 1992/1993 shall continue to retain its validity, status and recognition under the laws of Samoa.

(3) Any Order, honour or award (including any honorary award) other than those referred to in subsection (2), that may have been conferred or granted by the Government of Samoa shall continue to retain its validity, status and recognition under the laws of Samoa.