

PORTS AUTHORITY AMENDMENT

SAMOA

Arrangement of Provisions

1. Short title and commencement
2. "Pilotage Area"
3. Pollution of waters of a Port

2002, No. 3

AN ACT to further amend the Ports Authority Act 1998.

[28th March 2002]

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 Ports Authority Amendment Act 2002 and shall be read with and form part of the Ports Authority Act 1998 (the "principal Act").

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

2. "Pilotage Area" - Section 2 of the principal Act is amended by deleting the definition of "Pilotage Area" and replacing it with the following:

‘ “Pilotage Area” means the area of any port and the approaches to any port declared under section 3. A boarding area may be designated by a pilot in any instance to be a place within a circle of five miles radius from the main wharf at a port, and in such an instance the pilotage area shall be deemed to extend to that place of boarding.’

3. Pollution of waters of a Port - Section 57(3) of the principal Act is repealed and replaced with the following:

“(3) Every person who commits an offence against this section is liable upon conviction –

(i) if the case involves a vessel with GRT (Gross Registered Tonnage) in excess of 200 tons, to a fine not exceeding 10,000 penalty units or to imprisonment for a term not exceeding two years or both; or

(ii) in any other case, to a fine not exceeding 250 penalty units or to imprisonment for a term not exceeding two years or both; and

(iii) to pay to the Authority such amount as the Court assesses in respect of:

(a) The expenses and costs incurred by the Authority or any other responsible person or agency in the process of locating, investigating and establishing causation and responsibility for the offence; and

(b) The removal, clean up or dispersal of the harmful substance; and

(c) Any other expenses or costs for prevention measures used or proposed to be used to reduce or eliminate any danger to human life, the environment or property caused by or contributed to by the offence.”
