

**SAMOA**

## Arrangement of Provisions

- |   |   |
|---|---|
| 1. Short title and commencement                 | 3. Appointment of a person qualified to be a Judge or a Samoan Judge as President |
| 2. President, Judges and Assessors of the Court |   |
- 

**2004, No. 11****AN ACT to amend the Land and Titles Act 1981.***[2<sup>nd</sup> September 2004]*

**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 Land and Titles Amendment Act 2004 and shall be read with and form part of the Land and Titles Act 1981 (the Principal Act).

(2) This Act shall commence on the day of assent by the Head of State.

(3) Notice of commencement shall be published in Samoan and English in the Savali and one other newspaper circulating in Samoa.

**2. President, Judges and Assessors of the Court** – Section 26(a) of the Principal Act is amended by inserting after the words “Judge of the Supreme Court” the following words:

“or a person qualified to be appointed a Judge of the Supreme Court under Article 65 of the Constitution or a Samoan Judge qualified under section 26A and section 28.”

**3. Appointment of a person qualified to be a Judge or a Samoan Judge as President** – The Principal Act is amended by inserting the following after section 26:

**“26A. Appointment of a person qualified to be a Judge or a Samoan Judge as President-**(1) The Head of State, acting on the advice of Cabinet, upon the recommendation of the Judicial Service Commission, may appoint as President a person qualified to be appointed a Judge of the Supreme Court under Article 65 of the Constitution or a Samoan Judge qualified under section 28 and this section.

(2) A Samoan Judge appointed under subsection (1) shall:

- (a) have at least five (5) years of relevant work experience in a senior position in the administration of justice; and
- (b) hold such qualifications as may be determined by the Judicial Service Commission by Notice.

(3) The Judicial Service Commission shall cause any Notice issued under subsection (2)(b) to be published in Samoan and English in the Savali and one other newspaper circulating in Samoa.

(4) A Samoan Judge appointed as President under subsection (1) shall be solely responsible during the person’s term of appointment for the performance of the duties and functions of the office of President unless such person is disqualified under section 28(c).

**26B. Oath of Office-**(1) The person or Samoan Judge appointed as President under section 26(A) shall take and subscribe before the Head of State the same oath as a Judge of the Supreme Court before assuming the functions of the office of President.

**26C. Disqualification from performance of functions-**

(1) Despite the other provisions of this Act, where a person or a Samoan Judge is appointed as President under section 26(A) and is for any reason disqualified from hearing an application for leave to appeal or an appeal under Part IX, the Chief Justice or any other Judge of the Supreme Court shall act or preside as President, as the case may require.

**26D. Appointment, suspension and removal-**(1) Save for section 29(4), section 29 shall apply to a person or a Samoan Judge who is appointed President under section 26A.

(2) A person or a Samoan Judge appointed as President may be suspended or removed in the same manner as provided for a Judge of the Supreme Court under Article 68 of the Constitution.

**26E. Salary, allowances and benefits-**(1) The salary, allowances and other benefits paid or given to a person or a Samoan Judge appointed as President shall be the same as the salary, allowances and benefits paid or given to a Judge of the Supreme Court.

(2) The provisions of Article 69 of the Constitution shall apply to a person or a Samoan Judge appointed as President as if the person or the Samoan Judge is a Judge of the Supreme Court.”

---

**The Land and Titles Amendment Act 2004 is administered in the  
Ministry of Justice and Courts Administration**

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