

SAMOA

Arrangement of Provisions

1. Short title and commencement
 2. Grant of telephonic communication services licences
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2004, No. 10**AN ACT to amend the Post Office Act 1972.**

[21st June 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 Post Office Amendment Act 2004 and shall be read with and form part of the Post Office Act 1972 (the Principal Act).

(2) This Act shall commence on the date 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. Grant of telephonic communication services licences
– The Principal Act is amended by inserting the following after section 106:

“106A. Grant of telephonic communication services**licences-**(1) For the purposes of:

- (a) improving the quality and range of telephonic communication services available to the people of Samoa; and
- (b) increasing competition in the Samoan telephonic communication services market with the objective of providing reliable and efficient telephonic communication services at the lowest possible price for the people of Samoa,

the Minister, acting on the advice of Cabinet, may grant licences to provide and operate telephonic communication services on terms and conditions approved by Cabinet from time to time.

(2) The Minister’s power under subsection (1) applies notwithstanding:

- (a) any law, including but not limited to this Act and the Postal and Telecommunications Services Act 1999; and
- (b) any agreement, contract, arrangement, licence or other provision (howsoever called) in existence at the date of commencement of the Post Office Amendment Act 2004.

(3) Where:

- (a) the Minister has granted a licence under subsection (1); and
- (b) the Attorney General and the Chief Executive Officer of the Ministry of Finance have advised Cabinet in writing that the grant of such licence has adversely affected the rights of a party under an existing agreement, contract, arrangement, licence or other provision (howsoever called) to which Samoa is a party also, Cabinet, in its absolute discretion, may authorise the provision of

compensation to such party in the form of money, concessions, benefits or otherwise in such amount and/or form as the Attorney General and the Chief Executive Officer of the Ministry of Finance in writing may recommend.”

**The Post Office Amendment Act 2004 is administered in the
Ministry of Communications and Information Technology**