

SAMOA

Arrangement of Provisions

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|---|---|
| 1. Short title and commencement | 8. Publication of the revised Statutes |
| 2. Interpretation | 9. Judicial notice etc. to be taken of the revised Statutes |
| 3. Authorised revisions of the Statutes | 10. Arrangements for securing the published Statutes |
| 4. General powers in relation to form and process | 11. Certain laws to continue in force |
| 5. General powers to edit and amend etc. | 12. Certain laws to remain repealed |
| 6. Amendments which require the endorsement of Parliament | 13. Repeal of the Reprint of Statutes Act 1972 |
| 7. Copyright to remain vested in the Government | 14. Savings provisions |

Schedule

2008, No.6

AN ACT to provide for the consolidation and revision of Samoa's statutes and subordinate legislation, and for the authorised publication and distribution of the revised laws in printed and electronic formats, and for related purposes.
[25th January 2008]

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 Revision and Publication of Laws Act 2008.

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

2. Interpretation-(1) In this Act, unless the context otherwise requires -

“Repealed Act” means the Reprint of Statutes Act 1972;

“Statute” includes any Act or Ordinance, and any regulations, rules, orders and notices made under the authority of an Act or Ordinance.

3. Authorised revisions of the Statutes-(1) The Attorney General may, from time to time, authorise the preparation of consolidated and revised Statutes applying in Samoa for any period determined by the Attorney General.

(2) The Attorney General shall make arrangements for the consolidation of Statutes to be undertaken at intervals of not less than one (1) year from the previous authorised consolidation and revision.

(3) The consolidated and revised Statutes authorised under this section may be published in printed hard copy and electronic forms (or either or both of these forms), as determined by the Attorney General to be the authorised versions of Samoa’s Statutes.

(4) The Attorney General may authorise the consolidation of the Statutes (or any of them) to be undertaken at any time by the Law Reform Commission, or any other body having the requisite expertise and resources.

(5) Any consolidated Statutes prepared under an authorisation given under subsection (4) shall require certification by the Attorney General before they can be said to be official versions of the Statutes (or any of them) in accordance with this Act.

4. General powers in relation to form and process-(1) In relation to any consolidation and revision of the Statutes authorised under section 3, the Attorney General may determine the following matters of form and process to be applied to the consolidation and revision -

- (a) a separate reprint of the Constitution or any Statute may be authorised;
- (b) the Statutes may be presented in alphabetical order, by thematic groups or in any other format approved by the Attorney General, or any combination of formats;
- (c) the consolidation and revision of the Acts and Ordinances, and of the subsidiary legislation made under them, may be undertaken and published separately;
- (d) a notation may be made to indicate the Government Ministry or agency which is vested with responsibility for administering a particular Statute, as determined by the Prime Minister acting in accordance with Article 35 of the Constitution of the Independent State of Samoa;
- (e) the date of assent of each Statute shall be noted in the consolidated version of it together with any other date that the Attorney General determines to be the commencement date of the Statute (and the date of assent or any other specified date of commencement shall be conclusive proof that the Statute commenced on the date of assent, or the other commencement date, as the case may be);

(2) The official language of the consolidated and revised Statutes shall be English, but the Attorney General may approve an official version of the Statutes in the Samoan language also.

(3) A requirement stated in any provision of any Statute for the publication of any notice of commencement or of any part of any Statute, or any document referred to any in any Statute, shall not affect the validity of any Statute or anything done under any Statute (whether the requirement has been complied

with or not, or can be proved to have been complied with or not), and the Attorney General is empowered to remove any such reference or provision from any Statute during a revision undertaken in accordance with this Act.

5. General powers to edit and amend etc.-(1) In relation to any consolidation and revision of Statutes authorised under section 3, the Attorney General may exercise the following powers of amendment to edit or re-format the Statutes so as to -

- (a) arrange the grouping or sequence of Statutes;
- (b) amend the provisions of any Statute to achieve uniformity of expression;
- (c) incorporate any amendment to any Schedule or Part of a Statute made by any authority authorised by the Statute to make such amendment;
- (d) alter the order of sections, subsections or paragraphs;
- (e) renumber sections, subsections or paragraphs;
- (f) amend sections and paragraphs by dividing them into subsections, paragraphs and sub-paragraphs;
- (g) alter the form or arrangement of any section, subsection or paragraph by sub-dividing it, combining it with any other part or by transferring words;
- (h) divide any Statute into Parts, Divisions and Sub-Divisions;
- (i) add or alter tables of contents, chronological tables and notes (but these shall not form part of the Statute);
- (j) correct grammatical, typographical and similar errors (but not so as to affect meanings);
- (k) delete outmoded words and terminology and to generally apply principles of plain language;
- (l) correct cross references (and where reference is made to a Statute which no longer exists as part of the laws of Samoa, the Attorney General may substitute the nearest most relevant Statute or Statutes to that which is referred to);

- (m) correct references to repealed Statutes (where the replacing Statute specifically provides, or where it re-enacts a provision of the repealed Statute without modification);
 - (n) make formal alterations to names, localities, ministers, ministries, departments, officers and offices and otherwise as may be necessary to conform to current circumstances in Samoa (and where reference is made to an office or office which no longer exists under the laws of Samoa, the Attorney General may substitute the nearest most relevant office or officer to that which formerly existed under the laws of Samoa);
 - (o) delete references to the male gender only and to render such references in gender neutral terms;
 - (p) adapt or amend any provision as required by any constitutional amendment;
 - (q) generalise references to Ministers by making reference to the Minister that is responsible for the administration of a particular Statute, or the Minister that is responsible for the area to which the Statute relates;
 - (r) provide one or more suitable index;
 - (s) make any other alteration as may be necessary to conform to current drafting style and practice, and to reconcile any contradictions, supply any omissions, and amend any imperfections in the form of any Statute;
 - (t) determine and note the date of assent and any other date being the date of commencement of each Statutes in accordance with section 4(1)(e); and
 - (u) do any other thing to correct the revised edition.
- (2) In the exercise of any power under subsection (1), the Attorney General may not make any amendment to a Statute so as to affect the substance or meaning of any of its provisions.
- (3) All references to the Samoan Gazette in any Statute may be amended to be a reference to the Savali, and all laws are amended accordingly.

6. Amendments which require the endorsement of Parliament-(1) When revising the Statutes under the authority of this Act, the Attorney General may -

- (a) consolidate Statutes into one law, making necessary alterations;
- (b) divide one Statute into more than one law, making necessary alterations;
- (c) transfer any provision from one Statute to another where it more properly belongs;
- (d) add or alter any long title or short title, and omit formal, enacting and introductory words.

(2) The approval of Parliament is required for any Statute which has been revised under subsection (1), or which has been revised under this Act so as to affect its substance or meaning.

(3) An approval required under this section shall be sought by the Prime Minister and may be considered and given by the Parliament in accordance -

- (a) with any relevant Standing Order; or
- (b) in the absence of any applicable Standing Order, with any procedure determined by the Parliament.

7. Copyright to remain vested in the Government-(1) The copyright for all consolidated and revised Statutes undertaken under the authority of this Act shall vest in the Government at all times.

(2) Any agreement which purports to vest the copyright of any consolidated and revised Statutes undertaken under the authority of this Act in any other person shall be void and of no effect.

(3) Nothing in subsection (2) shall affect the right of the Clerk of the Legislative Assembly to give permission under section 7 to any person to publish any Statutes consolidated and revised under the authority of this Act, on the terms and conditions set by the Clerk.

8. Publication of the revised Statutes-(1) No Statute that has been consolidated and revised under the authority of this

Act may be published in any form unless approved by the Clerk of the Legislative Assembly.

(2) In giving any approval under subsection (1) the Clerk of the Legislative Assembly may determine and apply any terms and conditions applying to any approved publication, including the fixing of any fee or payment for the right to publish any Statute.

(3) In giving any approval and setting any terms and conditions under this section, the Clerk shall have regard to relevant considerations relating to -

- (a) the need to ensure that the integrity of the Statutes is maintained;
- (b) the fixing of an affordable charge for the purchase of the Statutes, or rights of access to them; and
- (c) the effective dissemination of the Statutes so as to permit general access to the Statutes by all persons.

(4) The Clerk of the Legislative Assembly is authorised to make any necessary arrangements for the sale and distribution of the Statutes, and may fix the charges to be imposed for the purchase of any Statute, or to access the Statutes in electronic form and by electronic means.

(5) Any person who -

- (a) publishes any Statute without the approval of the Clerk of the Legislative Assembly under this section; or
- (b) publishes any Statute with the Clerk's approval but in breach of any term or condition applying to the approval; or
- (c) tampers with any consolidated and revised Statute prepared under the authority of this Act so as to alter any of its provisions in any way (except under the authority of this Act) -

commits an offence, and shall be liable upon conviction to -

- (d) a fine not exceeding 500 penalty units, if the offender has profited in any way from the publication or tampering; or

(e) a fine not exceeding 50 penalty units, if the offender has derived no profit from the publication or tampering.

(6) An approval under this section may be given by the Clerk for the publication of any Statute of Samoa on the internet or by any other electronic means for the purposes of study or public information on the basis that the versions so published shall not be regarded as an official version of the Statutes of Samoa.

(7) Where any approval is given under subsection (6) the person publishing the Statutes in electronic form must clearly note that the version so published is not an official version of the Statute.

(8) Any person who breaches subsection (7) or any other condition imposed by the Clerk in relation to an approval under subsection (6) commits an offence and shall be liable upon conviction to a fine not exceeding 100 penalty units for each Statute that is published in breach of this subsection.

9. Judicial Notice etc. to be taken of the revised Statutes-(1) All Courts and persons exercising any judicial power may take judicial notice of a Statute which is consolidated and revised under the authority of this Act.

(2) The validity of the text of a provision of a Statute which has been consolidated and revised under the authority of this Act may be clarified by reference to -

- (a) the Statute in its original assented form as kept by the Clerk of the Legislative Assembly or the Registrar of the Supreme Court; or
- (b) any of the original copies of the consolidated and revised Statutes kept in accordance with section 9.

(3) If a doubt is raised as to the accuracy of any consolidated and revised Statute the Court may determine the correct text of the Statute by reference to the copies of it referred to in subsection (2).

(4) All persons and government agencies having responsibilities related to the application of a Statute may rely on the consolidated and revised version of the Statute as authorised by this Act.

(5) Any person who alters and tampers with an original assented copy of a Statute commits an offence and shall be liable upon conviction to a fine not exceeding 500 penalty units.

10. Arrangements for securing the published Statutes-(1)

The Clerk of the Legislative Assembly and the Attorney General shall take all necessary steps to -

- (a) preserve the integrity of the Statutes consolidated and revised under the authority of this Act; and
- (b) maintain back-up copies of the consolidated and revised Statutes.

(2) Copies of the consolidated and revised Statutes shall be kept at a secure location within Samoa, and at least one secure location outside of Samoa.

(3) A copy of each consolidated and revised Statute shall be lodged with the Registrar of the Supreme Court for the use of the Judiciary.

11. Certain laws to continue in force-(1) The Statutes of New Zealand specified in the Schedule shall continue to form part of the laws of Samoa so far as they are in force at the date of commencement of this Act by reason of the provision of the repealed Act, and until they are amended or repealed.

(2) The Companies Act 1955 shall not have effect by reason of this section if it has been repealed by the Companies Act 2001 prior to the commencement of this Act.

12. Certain laws to remain repealed-(1) Subject to section 11, the Statutes of New Zealand which were repealed under section 8 of the repealed Act shall remain for all time repealed.

13. Repeal of the Reprint of Statutes Act 1972 - The Reprint of Statutes Act 1972 is repealed.

14. Savings provisions – The reprints of Statutes undertaken under the authority of the repealed Act shall be deemed to have been undertaken and authorised under the provisions of this Act, and may be regarded as authorised

Statutes applying for the period that the respective reprint of Statutes applies.

SCHEDULE

**NEW ZEALAND STATUTES REMAINING
IN FORCE**

The Bankruptcy Act 1908
The Property Law Act 1952
The Samoa Act 1921 (sections 360 and 362)
The Companies Act 1955

**The Revision and Publication of Laws Act 2008 is
administered by the Office of the Attorney General.**

