

SAMOA

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2011, No. 6

AN ACT to provide for the change to standard time in Samoa and to make consequential amendments to the position of the International Date Line, and for related purposes. *[28th June 2011]*

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 International Date Line Act 2011.

(2) Except for section 5(3) this Act commences at 12 o'clock midnight, on Thursday 29th December 2011.

(3) Section 5(3) commences on the date of assent by the Head of State.

2. Act binds the Government - This Act binds the Government of Samoa.

3. Interpretation - In this Act unless the contrary intention appears:

“instrument” includes:

- (a) any form of enactment, order, notice or rule made under delegated power conferred by statute or regulation; and
- (b) any contract taking effect in Samoa or having affecting parties in Samoa regardless of where the contract is to be performed or enforced.

“International Date Line” means meridian (in red colour) depicted in the map in the Schedule;

“Samoa standard time” in this Act and any other statute of Samoa which refers to ‘Samoa standard time’ means the time 13 hours in advance of Co-ordinated Universal Time.

4. Samoa standard time-(1) Upon the commencement of this Act, Samoa standard time shall be set at 13 hours in advance of Co-ordinated Universal Time for the whole of Samoa.

(2) All references to Samoa’s time zone and to Samoa standard time in Samoa in all legislation and instruments after the commencement of this Act shall be references to Samoa standard time as provided for in this Act.

(3) Nothing in this Act affects the provisions of the Daylight Saving Act 2009, except that it defines Samoa standard time.

5. International Date Line-(1) Upon the commencement of this Act, the International Date Line within Samoa territorial waters and for all other lawful purposes is moved from the west of Samoa to the east of Samoa to reflect Samoa standard time.

(2) For all purposes in and affecting Samoa the precise position of all International Date Line shall be the 171° longitude west of Greenwich and as is depicted (in blue colour) in the map in the Schedule.

(3) The Government of Samoa shall consult with relevant mapping and charting authorities regarding the change in Samoa standard time and the consequential moving of the International Date Line.

6. Deeming provisions-(1) For the purposes of any deadline or time limit in any statute based on a number of days which falls on the day which is lost due to the change in Samoa standard time, the next consecutive day shall be counted as the day lost.

(2) Where any statute, regulation, decision of the Court or other instrument specifies a period of time within which an action must be taken, time must be served or notice must be given, the period shall expire on the next day or the next business day whichever is relevant.

7. Calculation of interest - Where under any instrument of loan it is required to calculate interest on a daily basis, the calculation of interest shall be made so as to reflect that there is no interest calculated for the day lost consequent upon the commencement of this Act.

8. Effect on pay and allowances - Where, by reason of the change in Samoa standard time upon the commencement date of this Act, the normal or usual hours worked by an employee on that day are lost, the applicable pay and allowance of that employee for that day must be an amount equal to the amount of pay and allowances for the day lost if that employee would normally have worked on the day lost.

9. Offence and penalty-(1) An employer commits an offence if he or she does not pay an employee for the normal or usual hours (inclusive of contributions paid under the National

Provident Fund Act 1972 and the Accident Compensation Act 1989 and other like benefits or contributions) that the employee would have earned or been paid on the day lost due to the change in Samoa standard time.

(2) Any employer who contravenes subsection (1):

- (a) is liable upon conviction to a fine not exceeding 50 penalty units or a term of imprisonment not exceeding three (3) months; and
- (b) with or without conviction must make the payment as required under subsection (1).

10. Maps, charts and atlases-(1) This Act applies to any maps, charts and atlases which reflect the International Date Line and any document mentioning or referring to a point of time in connection with the International Date Line.

(2) After the commencement of this Act all maps, charts and atlases prepared in Samoa or for the Government of Samoa must accurately depict the International Date Line in the position reflected in the map in the Schedule (in blue colour).

11. Non-liability of Government - The Government is not liable by reason of any provision of this Act for any damage, injury or loss that may be suffered by any person as a result of the change in Samoa standard time or arising from or incidental to any matter arising from the change in Samoa standard time, or the International Date Line change in accordance with this Act.

12. Consequential Amendments-(1) The Measures Ordinance 1960 is amended by:

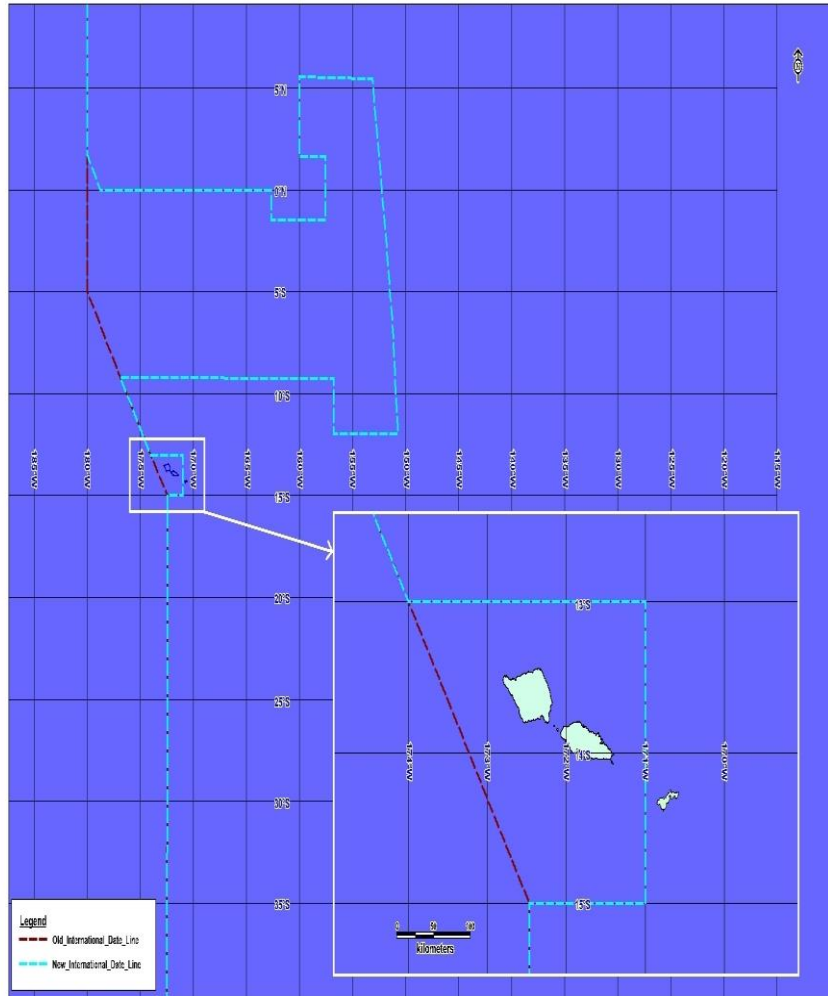
- (a) omitting “**Samoa standard time**” and its definition in section 2; and
- (b) repealing sections 6 and 7.

(2) Section 2 of the Daylight Saving Act 2009 is amended by substituting the definition of “standard time” with the following:

“means the time 13 hours in advance of Co-ordinated Universal Time.”.

SCHEDULE

Sections 3, 5(2), 10(2)



**The International Date Line Act 2011 is administered
by the Ministry of Commerce, Industry and Labour.**

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by authority of the Legislative Assembly.**