

BANKRUPTCY AMENDMENT BILL 2016

SAMOA

Explanatory Memorandum

Introduction:

The Bill seeks to amend the *Bankruptcy Act 1908* ("the Act"). The objective of the Bill is to prohibit adjudicated bankrupts from leaving Samoa without the Official Assignee's approval.

Clauses:

- Clause 1:** - states that, when enacted, the Bill will be called the Bankruptcy Amendment Act 2016, and will commence on the date of assent by the Head of State.
- Clause 2:** - amends section 138(1) of the Act by deleting paragraph (uu) of the Act and substituting it with a new paragraph (uu) to expressly state that a person declared bankrupt commits a crime if he or she leaves, attempts to leave or make preparations to leave Samoa without having first obtained the consent of the Official Assignee.

- Clause 3:** - provides consequential amendments to the *Immigration Act 2004* to add “persons declared bankrupt” as an additional category of persons prohibited from departing or attempting to depart from Samoa under section 24 of the Immigration Act, unless the Official Assignee gives consent to depart.

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(Hon FAAOLESA Katopau T. Ainuu)

**MINISTER OF JUSTICE AND
COURTS ADMINISTRATION**