



SAMOA

REGULATIONS ORDINANCE 1953

Arrangement of Provisions

- | | |
|-----------------------------------------------------------------------------------------------------------|---------------------------------------------------|
| 1. Short title and commencement | 7. Incorporation of amendments in reprints |
| 2. Interpretation | 8. Date of regulations coming into force |
| 3. Printing and sale of regulations | 9. Regulations to be laid before Parliament |
| 4. Form of regulations | 10. Power to revoke spent or obsolete regulations |
| 5. Evidence of regulations | |
| 6. Publishing under this Ordinance sufficient compliance with direction to be published in <i>Gazette</i> | |

REGULATIONS ORDINANCE 1953

1953,

No. 2

AN ORDINANCE to make provision for the printing and publication of Statutory Regulations and for matters incidental thereto.

[Assent date: 31 March 1953]

[Commencement date: 1 January 1953]

1. Short title and commencement – This Ordinance may be cited as the Regulations Ordinance 1953, and is taken to apply and come into force as from 1 January 1953.

2. Interpretation – (1) In this Ordinance, unless the context otherwise requires:

“Ordinance” includes Act;

“regulations” means:

- (a) regulations, rules and bylaws made under any Ordinance by any authority empowered so to do; and

- (b) orders, proclamations, notices, warrants and other instruments made under any Ordinance by any authority empowered so to do which are not restricted to individual cases or persons or which extend or vary the scope or provisions of any Ordinance or any regulations,–

but do not include regulations made by any local authority or by any authority or person having jurisdiction limited to any district or village.

(2) If any question arises as to whether any instrument is a regulation for the purposes of this Ordinance it is to be determined by the Attorney-General.

3. Printing and sale of regulations – (1) All regulations made after the commencement of this Ordinance shall after they are made be numbered and printed in Samoan and in English and made available for sale:

PROVIDED THAT the Attorney-General may by writing signed by him or her exempt any specified regulations or specified class of regulations from the operation of this section if in the Attorney General's opinion it is unnecessary or undesirable that they should be printed under this Ordinance.

(2) Any regulations made before the commencement of this Ordinance as the Attorney-General directs shall be numbered, printed and made available for sale.

(3) Any regulations may, without prejudice to any other mode of citation, be cited by the number given to them under subsection (1) and a reference to the year in which they are printed.

4. Form of regulations – (1) The Attorney General may give directions as to the form in which regulations shall be printed and published under this Ordinance.

(2) Directions given under this section may provide for the printing of all or any regulations with the omission of such signature and formal introductory parts as the Attorney-General or any person authorised by the Attorney General directs:

PROVIDED THAT in every case there shall be printed references to the Ordinance or other authority under which the regulations were made, the date on which they were made and the date (if any) on which they are expressed to come into force.

(3) Despite subsections (1) and (2), all regulations purporting to be printed under this Ordinance are taken to be copies for the purposes of section 5.

5. Evidence of regulations – *Prima facie* evidence of any regulations may be given in all Courts and in all legal proceedings by the production of a copy of the regulations purporting to be printed under this Ordinance.

6. Publishing under this Ordinance sufficient compliance with direction to be published in Gazette – If any regulations are required by any Ordinance to be published or notified in the *Samoa Gazette*, a notice in the *Gazette* of the regulations having been made and of the place where copies of them can be purchased shall be sufficient compliance with that requirement.

7. Incorporation of amendments in reprints – (1) If any regulations have, whether before or after the commencement of this Ordinance, been amended by:

- (a) the revocation or omission of any words or figures;
or
- (b) the substitution of any words or figures instead of any revoked or omitted words or figures; or
- (c) the insertion of any words or figures, –

then in any reprint of the regulations the regulations shall be printed as so amended.

(2) In any reprint, reference shall be made in a footnote or otherwise to the instrument of authority by which each amendment is made.

(3) Before any such reprint is made the Attorney-General shall prepare and certify a copy of the regulations as so amended. The reprint shall be in accordance with the copy so certified and shall contain a statement that it is reprinted under this section.

(4) *Prima facie* evidence of any regulations reprinted under this section and of the amendments incorporated in the reprint may be given in all Courts and in all legal proceedings by the production of a copy of the reprint purporting to be reprinted under this section.

8. Date of regulations coming into force – All regulations made after the coming into force of this section, which do not expressly state therein the date on which they are to come into force, come into force on the date on which they are made.

9. Regulations to be laid before Parliament – All regulations made after the coming into force of this section shall be laid before Parliament within 28 days after the date of the making thereof if Parliament is then in session and, if not, shall be laid before Parliament within 28 days after the date of the commencement of the next ensuing session.

10. Power to revoke spent or obsolete regulations – (1) The Head of State, acting on the advice of Cabinet, may revoke any regulations, or, as the case may require, declare that they shall cease to have effect as part of the law of Samoa.

(2) This section is to be read in addition to any other enactment relating to the revocation of any regulations.

REVISION NOTES 2008 – 2022

This is the official version of this Ordinance as at 31 December 2022.

This Ordinance has been revised by the Legislative Drafting Division from 2008 to 2022 respectively under the authority of the Attorney General given under the *Revision and Publication of Laws Act 2008*.

The following general revisions have been made:

- (a) Amendments have been made to conform to modern drafting styles and to use modern language as applied in the laws of Samoa.
- (b) Amendments have been made to up-date references to offices, officers and statutes.
- (c) Insertion of the commencement date
- (d) Other minor editing has been done in accordance with the lawful powers of the Attorney General.
 - (i) Present tense drafting style where appropriate:
 - “shall be” and “has been” changed to “is/are” or “is/are to be”
 - “forthwith” removed
 - “hereby” and “from time to time” (or “at any time” or “at all times”) removed
 - (ii) Removal/replacement of obsolete, archaic and Latin terms with plain language
 - “notwithstanding” changed to “despite”

- “pursuant to” or “in accordance with the provisions of” changed to “under”
 - “aforesaid” replaced by whatever section referring to.
 - “under the hand of” changed to “signed by”
 - “in lieu of” changed to “instead”
 - “where” changed to “if”
- (iii) Removal of superfluous terms
- “the provisions of”

There were no amendments made to this Act since the publication of the *Consolidated and Revised Statutes of Samoa 2007*.

*This Ordinance is administered by
the Office of the Attorney General.*