



SAMOA

## SAMOAN ANTIQUITIES ORDINANCE 1954

### Arrangement of Provisions

1. Short title
2. Interpretation
3. Head of State may acquire Samoan antiquities
4. Samoan antiquities to be offered for sale before export except fine mats to American Samoa
5. Power to detain Samoan antiquities attempted to be exported
6. Exporting Samoan antiquities without permission
7. Power to remove antiquities under certain conditions
8. Right to copy of antiquities intended to be exported
9. Head of State to decide what articles come under Ordinance
10. Regulations

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## SAMOAN ANTIQUITIES ORDINANCE 1954 1954, No.4

**AN ORDINANCE to make provision for the protection and preservation of Samoa Antiquities, Relics, Curios and Articles of Anthropological interest and scientific value, and for related purposes.**

*[Assent and commencement date: 23 September 1954]*

**1. Short title** – This Ordinance may be cited as the Samoan Antiquities Ordinance 1954.

**2. Interpretation** – In this Ordinance, unless the context otherwise requires:

“Samoan antiquities” includes Samoan relics, articles manufactured with ancient Samoan tools and according to Samoa customs and methods and all other articles or things of historic, anthropological, or scientific value or interest and relating to Samoa including Samoan fine

mats, orators staffs, orators fly whisks, ceremonial headdress and other artefacts but does not include any botanical or mineral collections or specimens.

**3. Head of State may acquire Samoan antiquities** – The Head of State may acquire on behalf of the Government of Samoa such Samoan antiquities as the Head of State deems expedient and may provide for the safe custody of the same.

**4. Samoan antiquities to be offered for sale before export except fine mats to American Samoa** – (1) Subject to subsection (2), it is not lawful to remove from Samoa any Samoan antiquities without first offering the same for sale to some person authorised in that behalf by the Head of State for the benefit of Samoa.

(2) Despite subsection (1), if it is shown to the satisfaction of Comptroller of Customs or a Customs officer that any person is desirous of transporting out of Samoa to American Samoa any fine mat or mats for presentation as a ceremonial gift or gifts, the Comptroller or Customs officer may grant permission in writing to such person under this subsection for the export of such mat or mats from Samoa.

**5. Power to detain Samoan antiquities attempted to be exported** – All constables and officers of Customs have the power seize and detain any Samoan antiquities attempted to be removed from Samoa contrary to this Ordinance.

**6. Exporting Samoan antiquities without permission** – (1) A person who without the express permission in writing of the Head of State or otherwise than in pursuance of section 4(2) exports or attempts to export from Samoa any Samoan antiquities is liable to a fine not exceeding 2 penalty units.

(2) Notice of the intention to export any Samoan antiquities shall be given by the exporter to Comptroller of Customs or a Customs officer at least 7 days before shipment.

(3) Any Samoan antiquities entered for export contrary to this Ordinance are to be forfeited and vested in the Government for the use of the people of Samoa: **PROVIDED THAT** the Head

of State may after enquiry cancel the forfeiture if he or she thinks fit.

**7. Power to remove antiquities under certain conditions**

– Nothing in this Ordinance prevents a person who has offered any Samoan antiquities as provided by section 4 from removing such Samoan antiquities from Samoa: **PROVIDED THAT** the person has obtained the permission in writing of the Head of State.

**8. Right to copy of antiquities intended to be exported –**

(1) On any application for permission to export any Samoan antiquities, the Head of State may, if he or she thinks fit, make it a condition to the granting of the application that the owner thereof allows them to be copied by photography, cast, or otherwise, in such manner and by such person as the Head of State directs.

(2) The copy shall be the property of the Government for the use of the people of Samoa.

**9. Head of State to decide what articles come under Ordinance** – In case any dispute arises as to whether any article or thing comes within the scope of this Ordinance such dispute shall be determined by the Head of State.

**10. Regulations** – (1) The Head of State, acting on the advice of Cabinet, may by notice published in the Samoa Gazette make regulations as may be required for the purpose of this Ordinance.

(2) Without limiting subsection (1), regulations, not inconsistent with any Ordinance or other enactment, may be made under this section for all or any of the following purposes:

- (a) prescribing the duties and powers of constables and officers of Customs in enforcing the provisions of this Ordinance;
  - (b) prescribing for the breach of any such regulations;
  - (c) prescribing the forms required for the purpose of this Ordinance, the records to be kept and the returns to be provided.
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**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 – 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) “Every” and “any” changed to “a”;
  - (ii) “shall be” changed to “is” and “shall be deemed” changed to “is taken”;
  - (iii) “shall have” changed to “has”;
  - (iv) “shall be guilty” changed to “commits”;
  - (v) “notwithstanding” changed to “despite”;
  - (vi) “pursuant to” changed to “under”;
  - (vii) “it shall be lawful” changed to “may”;
  - (viii) “it shall be the duty” changed to “shall”;
  - (ix) Numbers in words changed to figures;
  - (x) “hereby” and “from time to time” (or “at any time” or “at all times”) removed;
  - (xi) “under the hand of” changed to “signed by”.

There following amendments were made to this Act since the publication of the *Consolidated and Revised Statutes of Samoa 2007*:

*By the Customs Act 2014 (commenced on 25 August 2014):*

**Section 4(2)** substituted “the Collector or other proper office of Customs” and “Collector or other proper officer” with “Comptroller of Customs or a Customs officer” and “Comptroller or Customs officer” respectively.

**Section 6(2)** substituted “the Collector or other proper officer of Customs” with “Comptroller of Customs or a Customs officer”.

*This Ordinance is administered by  
the Ministry of the Prime Minister and Cabinet.*