

ELECTRIC POWER CORPORATION AMENDMENT

WESTERN SAMOA

Arrangement of Provisions

Title

1. Short Title
2. Protection of lines

1992/1993, No. 22.

AN ACT to amend the Electric Power Corporation Act 1980

BE IT ENACTED by the Legislative Assembly of Western Samoa in Parliament assembled as follows:-

1. **Short Title** - This Act may be cited as the Electric Power Corporation Amendment Act 1992/1993 and shall be read together with and deemed part of the Act Electric Power Corporation Act 1980 (hereinafter referred to as the principal Act).

2. **Protection of lines** - The principal Act is amended by inserting immediately after section 15 the following new section:-

" 15A. **Protection of lines** - (1) If any tree growing on any land causes or is likely to cause damage to an electric line the General Manager may give written notice to the owner or occupier of that land to remove the tree or any part thereof and if the owner or occupier fails to comply with the notice within the time specified therein (being not less than 7 days) the General Manager may apply to the Court for an order

directing such owner or occupier to remove the tree or part thereof.

(2) Where there is more than one owner or occupier of the land upon which any tree is growing service of a notice upon one of such owners or occupiers shall be deemed to be service upon all of such owners or (as the case may be) occupiers.

(3) Any application made under subsection (1) of this section shall set out the time and place of hearing and shall be served upon the person against whom the Order is sought at least seven clear days before the date of hearing of the application.

(4) On the hearing of the application the Court may make an Order requiring the person named therein to remove the tree or part thereof within such time as the Court may direct and subject to such conditions (including any conditions as to compensation or as to the costs of removal) as the Court may impose.

(5) Any person who wilfully fails to comply with an order made under this section or who interferes with or attempts to interfere with a person attempting to comply with such order commits an offence and upon conviction is liable to a fine not exceeding two thousand tala or to imprisonment for a term not exceeding three months.

(6) Subject to subsection (7) of this section,

where any written notice is to be given or any document is required to be served such notice shall be given or such document shall be served by personal delivery upon the person to whom the notice or document is directed.

(7) Notwithstanding the provisions of subsection (6) of this section, if it appears to the Court or a Judge thereof that either the notice or other document has come to the knowledge of the person to whom it is directed or that prompt personal service cannot be effected, the Court or a Judge may order that the General Manager be at liberty to proceed as if personal service had been effected, subject to such conditions as the Court or a Judge thinks fit to impose.

(8) The provisions of Part VIII of the Lands, Surveys and Environment Act 1989 shall not apply to this section, or to any act or thing done pursuant to this section and subsection (2) of section 94 of that Act shall be read as if it were amended accordingly.

(9) For the purposes of this Section -

"Court" means the District Court;

"Judge" means a District Court Judge;

"Occupier" in relation to any land includes a person in apparent occupation of that land;

"Owner" in relation to any land includes any person having the pule in respect of that land."

**TEUTEUGA O LE TULAFONO O LE FAALAPOTOPOTOGA
O MALOSI FAA-ELETISE**

SAMOA I SISIFO

Faatulagaina o Aiaiga

- | | | | |
|----|----------------------|----|------------------------|
| 1. | Igoa
Igoa Puupuu. | 2. | Puipua o laina eletise |
|----|----------------------|----|------------------------|

1992/1993, Nu. 22.

O SE TULAFONO e teuteu ai le Tulafono o le Faalapotopotoga o Malosi Faa-eletise 1980.

UA FAIA e le Fono Aoaofaitulafono o Samoa i Sisifo i totonu o le Palemene ua potopoto e faapea:-

1. **Igoa Puupuu** - E mafai ona taua leni Tulafono o Teuteuga o le Tulafono o le Faalapotopotoga o Malosi Faa-eletise 1992/1993 ma e tatau ona faitauina faatasi ma avea ai o se vaega o le Tulafono o le Faalapotopotoga o Malosi Faa-eletise 1980 (e pei ona faasinomia mulimuli ane iinei o le Tulafono autu).

2. **Puipua o laina eletise** - (1) O le Tulafono autu ua teuteuina i le faaofiina i ai ina ua tuanai le fuaiupu 15 le fuaiupu fou e faapea:-

"15A. **Puipua o laina eletise** - (1) A fai o so o se laau o lo o ola i luga o so o se fanua e mafua ai po o e ono faaleagaina ai se laina eletise e mafai e le Pule Sili ona tuuina atu se faasilasilaga tusia i le e ona po o i e o lo o nonofo i lena fanua ina ia aveese le laau po o so o se vaega o lea laau ma a fai o le e ona le fanua po o e o lo

o nonofo ai o le a le usitaia le faasilasilaga i totonu o le taimi o lo o taua i totonu o le faasilasilaga (e le itiiti ifo i le 7 aso) e mafai e le Pule Sili ona talosaga i le Faamasinoga mo se poloaiga e faatonuina ai le e ona le fanua po o e o lo o nonofo ai i le fanua e aveese le laau po o se vaega o lea laau.

(2) A fai e sili atu na i lo le toatasi e e ona le fanua po o i latou o lo o nonofo i totonu o le fanua o lo o ola ai so o se laau o se faasilasilaga e tuuina atu i se toatasi o i latou e ona le fanua po o e o lo o nonofo ai i le fanua o le a tatau ona aveia ua tuuina atu ia i latou uma e ona lea fanua po o (fea lava o ia mea) i tagata o lo o nonofo ai i le fanua.

(3) So o se talosaga ua faia i lalo o le faafuaiupu (1) o leni fuaiupu e tatau ona faatulagaina ai le taimi ma le nofoaga e fofogaina ai e le Faamasinoga ma e tatau ona tuuina atu i le tagata o lo o faasaga i ai le Poloaiga ia le itiiti ifo i le fitu aso atoatoa a o le i oo atu i le aso e fofogaina ai le talosaga.

(4) I le fofogaina o le talosaga e mafai e le Faamasinoga ona faia se Poloaiga e manaomia ai le tagata o lo o taua i totonu o le faasilasilaga e aveese le laau po o se vaega o lea laau i totonu o se taimi e pei ona o le a faatonuina e le Faamasinoga ma e noatia i luga o nisi aiaiga (e aofia ai so o se aiaiga e tuuina atu ai se tau po o e tusa ai ma le tau e aveese ai lea laau)

e pei ona o le a faaecina i ai e le Faamasinoga.

(5) So o se tagata o ia lea ua le usitaia ma le loto i ai e faatino se poloaiga ua faia e tusa ai ma lenei fuaiupu po o ua faalavelave i ai po o ua taumafai e faalavelave i se tagata o lo o taumafai e usitaia sea poloaiga ua faia e ia se solitulafono ma i luga o se moliaga ua noatia i se sala e le sili atu i le lua afe tala po o i le nofosala i le falepuipui mo se vaitaimi e le sili atu i le tolu masina.

(6) I le roatia ma le fai fuafua i le faafuaiupu (7) o lenei fuaiupu, a fai o so o se faasilasilaga tusia o le a tuuina atu po o so o se pepa aloaia ua manaomia ina ia tuuina atu o sea faasilasilaga e tatau ona tuuina atu po o sea pepa aloaia e tatau ona tuulima atu i le tagata o ia lea o lo o faasino tonu i ai le faasilasilaga.

(7) E ese mai ai na i lo aiaiga o le faafuaiupu (6) o lenei fuaiupu, a fai e aliali mai i le Faamasinoga po o se Faamasino o le Faamasinoga e faapea pe o le faasilasilaga po o isi pepa aloaia ua uma ona silafia e le tagata o ia lea o lo o faasino tonu i ai po o e faapea ua le mafai ona tuulima atu i ai i lea tagata, e mafai e le Faamasinoga ona poloaiina le Pule Sili e faaauau ai i luga o lona saolotoga e faapei ua uma ona tuulima atu i lea tagata le faasilasilaga, ae noatia i ni tuutuuga e pei ona o le a manatu le Faamasinoga po o se Faamasino ua talafeagai ai ina ia faaecina atu.

(8) E le tatau ona faaaoga aiaiga o le Vaega VIII o le Tulafono o Eleele, Fuagafanua ma Siosiomaga 1989 i lenei fuaiupu, po o i so o se gaioiga po o se mea ua faia e tusa ai ma lenei fuaiupu ma o le faafuaiupu (2) o le fuaiupu 94 o lena Tulafono e tatau ona faitauina e faapea ua uma ona teuteuina e tusa ai ma lea tulaga.

(9) Mo faamoemoega o lenei fuaiupu -

"Faamasinoga" o lona uiga o le Faamasinoga Faa-Itumalo;

"Faamasinoga" o lona uiga o se Faamasino o le Faamasinoga Faa-Itumalo;

"Tagata o lo o nofoia" e tusa ai ma so o se fanua e aofia ai se tagata ua silafia o lo o nofoia lena fanua;

"Tagata e ona le fanua" e tusa ai ma so o se fanua e aofia ai so o se tagata o lo o umia le pule o lena fanua".