

LAND AND TITLES AMENDMENT

WESTERN SAMOA

Arrangement of Provisions

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1992/1993, No 17.

AN ACT to amend the Land and Titles Act 1981

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 Land and Titles Amendment Act 1992/1993 and shall be read together with and deemed part of the Land and Titles Act 1981 (hereinafter referred to as the principal Act).

2. **Qualifications of Samoan Judges and Assessors** - Section 28 of the principal Act is amended by inserting immediately after paragraph (b) thereof the following new paragraph to be known as paragraph (c):-

"(c) except where the provisos to subsection 29(2) of this Act apply he has not attained the age of 65 years."

3. **Appointment of Samoan Judges** - Section 29 of the principal Act is amended by repealing subsection (2) and substituting the following subsection:-

"(2) Each Samoan Judge shall hold office until he attains the age of 65 years:

PROVIDED THAT the Head of State acting on the advice of the Judicial Service Commission may extend for not more than twelve months or for successive periods each of not more than twelve months the period or periods of office of a Judge who has reached the age of 65 years:

PROVIDED FURTHER that no such extension shall be granted except after receipt by the Judicial Service Commission of a satisfactory medical certificate under the hand of a senior medical officer designated by the Secretary for Justice."

(2) Section 29 of the principal Act is further amended by inserting immediately after subsection (2) the following new subsections:

"(2A) Any order extending the period of office pursuant to subsection (2) of this section may be made before or after the Judge has attained the age of 65 years.

(2B) Nothing done by a Samoan Judge in the performance of his functions shall be deemed to be invalid by reason only that he has reached the age at which he is required by this section to retire or that his term of office has expired.

(3) Subsection (4) of section 29 of the principal Act is repealed and the following is substituted:-

"(4) The Head of State, acting on the advice of the Judicial Service Commission, may at any time, by Order, remove a Samoan Judge for inability or misbehaviour."

(4) Section 29 of the principal Act is further amended by adding the following subsection:-

"(5) A Samoan Judge may resign his office by writing under his hand addressed to the Head of State."

4. **Appointment of Assessors** - Section 31 of the principal Act is amended by adding the following subsection: -

"(5) An Assessor may resign his office by writing under his hand addressed to the Head of State."

5. **Oath of Office** - The principal Act is further amended by inserting immediately after section 31 the following new section, to be known as section 31A:-

"31A. **Oath of Office** - (1) An oath in the form appearing in subsection (3) of this section shall be taken by every Samoan Judge and Assessor as soon as may be after his acceptance of office, or as the case may be after the commencement of this section and no Judge or Assessor shall enter on his office or as the case may be continue in his office until he has taken the same.

(2) The oath to be taken under this section shall be administered in the case of a Samoan Judge, by the President, and in the case of an Assessor by the President or by a Deputy President.

(3) The oath referred to in subsection (1) of this section shall be in the following form:-

I,.....swear by Almighty God that I will well and truly serve the Independent State of Western Samoa in

the office of, in accordance with the Constitution and the law; and I will do right to all manner of people, without fear or favour, affection or ill will."

6. Fees - Section 91 of the principal Act is amended by adding the following subsection :-

"(3) The Head of State acting on the advice of Cabinet may by Regulations from time to time amend, add to, or vary the Schedule to this Act or any provision therein."

7. Validations - the extension of the term of office of every Samoan Judge who attained the age of 65 years and whose term was extended before the commencement of this Act shall be deemed to have been effected pursuant to section 3 of this Act and shall be as valid for all purposes as if this Act had commenced before such extension occurred.

TEUTEUGA O LE TULAFONO O FANUA MA SUAFA

SAMOA I SISIFO

Paatulagaina o Aiaiga

Igoa

1. Igoa Puupuu.
2. Agavaa Faamaonia o Faamsino Samoa ma Faatonu.
3. Tofiaina o Faamasino Samoa.
4. Tofiaina o Faatonu.
5. Tautoga o le Tofi.
6. Totogi Fuapauina.
7. Tulaga Aloaia.

1992/1993, Nu 17.

O SE TULAFONO e teuteu ai le Tulafono o
Fanua ma Suafa 1981.

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

1. Igoa Puupuu - E mafai ona taua leni Tulafono o le
Tulafono o Teuteuga o le Tulafono o Fanua ma Suafa
1992/1993 ma e tatau ona faitauina faatasi ma avea ai o se
vaega o le Tulafono o Fanua ma Suafa 1981 (e pei ona
faasinomia mulimuli ane iinei o le Tulafono autu).

2. Agavaa Faamaonia o Faamasino Samoa ma Faatonu -
O le Fuaiupu 28 o le Tulafono autu ua teuteuina i le faaofiina
i ai ina ua tuanai le parakalafa (b) o leni fuaiupu le
parakalafa fou e avea ma parakalafa (c) e faapea:-

"(c) ae vagana ai e faapea o le aiaiga i le faafuaiupu
29(2) o leni Tulafono o lo o faaogaina ma o ia lea e

le i aulia le 65 tausaga o lona soifuaga."

3. **Tofiaina o Faamasino Samoa** - O le fuaiupu 29 o le Tulafono autu ua teuteuina i le soloia o le faafuaiupu (2) ma ia suia i le faafuaiupu (2) e faapea "O Faamasino Samoa taitasi o le a tatau ona umia le tofi seia aulia e ia tausaga e 65 o lona soifua: ae vagana ai e faapea o le Ao o le Malo i le faia i luga o le fautuaga a le Komisi o Galuega faale-Faamsinoga e mafai ona toe faaopoopo mo ia le sili atu sefulu ma le lua masina po o mo ni vaitaimi sosoo taitasi e le sili atu na i lo le sefulu ma le lua masina o le vaitaimi po o ni vaitaimi o le tofi o se Faamasino o ia lea ua aulia le 65 tausaga o lona soifua:

AE VAGANA AI FOI e faapea e leai se faaopoopoga o le a tatau ona tuuina atu vagana ua uma ona mauaina e le Komisi o Galuega Faa-Faamasinoga se pepa faa-Fomai lelei ma faamaonia ua tuuina mai i lalo o se Fomai Sinia e tofia e le Failautusi o Faamasinoga."

(2) O le Fuaiupu 29 o le Tulafono autu ua toe teuteuina i le faaofiina i ai ina ua tuanai le faafuaiupu (2) le faafuaiupu fou e faapea: "(2A) So o se Poloaiga e faaopoopoina ai le vaitaimi o le tofi e tusa ai ma le faafuaiupu (2) o lenei fuaiupu e mafai ona faia i luma mai po o ina ua tuanai le aso na atoa i ai le 65 tausaga o le Faamasino.

(2B) E leai se mea e faia e se Faamasino Samoa i le faatinoina o ona tiute o le a tatau ona avea e faapea ua le aloaia i luga o le na o se mafuaaga e faapea ua aulia e ia tausaga e pei ona manaomia ai o ia e lenei fuaiupu ina ia malolo litaea po o e

faapea ua maea le vaitaimi sa tatau ona umia ai e ia le tofi.

(3) O le Faafuaiupu (4) o le fuaiupu 29 o le Tulafono autu ua soloia ma ua suia e faapea:-

"(4) O le Ao o le Malo, i le faia i luga o le fautuaga a le Komisi o Galuega Faa-Faamasinoga, e mafai i so o se taimi, i luga o se Poloaiaga, ona aveeseina se Faamasino Samoa ona o le le mafai ona faatinoina o ona tiute po o ona o se amio le taupulea."

(4) O le Fuaiupu 29 o le Tulafono autu ua toe teuteuina i le faaopoopoina ai le faafuaiupu e faapea:-

"(5) E mafai e se Faamasino Samoa ona faamavae mai i lona tofi i luga o se tusi e faia i lalo o lona lima e faatuatusi i le Ao o le Malo."

4. **Tofiina o Faatonu** - O le Fuaiupu 31 o le Tulafono autu ua teuteuina i le faaopoopoina i ai o le faa-fuaiupu e faapea:-

"(5) E mafai e se Faatonu ona faamavae mai i lona tofi i luga o se tusi ua faia i lalo o lona lima e faatuatusi i le Ao o le Malo."

5. **Tautoga o le Tofi** - O le Tulafono autu ua toe teuteuina i le faaofiina i ai ina ua tuana'i le Fuaiupu 31 le fuaiupu fou, e avea o se fuaiupu 31A:-

" 31A. **Tautoga o le Tofi** - (1) O se tautoga e pei ona faaalua i le pepa o lo o i totonu o le faafuaiupu (3) o lena fuaiupu e tatau ona faia e Faamasino Samoa uma ma Faatonu i se taimi vave e ono mafai ai ina ua tuana'i le aso na talia ai e ia le tofi, po o i se tulaga e ono mafai ai ina ua tuana'i le aso

e amata faamamalu ai leni fuaiupu ma e leai se Faamasino po o se Faatonu o le a tatau ona ulufale i sona tofi po o i se tulaga e ona mafai ai ona faaauau lona tofi seia vagana ai ua faia e ia lea tautoga.

(2) O le tautoga o le a faia e tusa ai ma leni fuaiupu o le a tatau ona faafoeina i le tulaga o se Faamasino Samoa e le Peresetene ma i le tulaga o se Faatonu e le Peresetene po o e se sui Peresetene.

(3) O le tautoga e pei ona faasinomia i ai le faafuaiupu (1) o leni fuaiupu e tatau ona faia i le tulaga e faapea:-

:O Au o,.....ou te tauto i le Atua e ona le malosi uma lava o le a ou tautua lelei ma le faamaoni i le Malo Tutoatasi o Samoa i Sisifo i le tofiga o leina ia tusa ai ma le Faavae ma le Tulafono; ma o le a ou faia le mea tonu i ituaiga uma o tagata e aunoa ma le le fefe po o le faapito, alofa po o le loto tiga."

6. **Totogi Fuapauina** - O le Fuaiupu 91 o le Tulafono autu ua teuteuina i le faaopoopoina i ai o le faafuaiupu e faapea:-
 "(3) O le Ao o le Malo i le faia i luga o le fautuga a le Kapeneta e mafai i luga o ni Tulafono Faatonutonu mai lea taimi i lea taimi ona teuteu, faaopoopo i ai, po o fetuutuunai le Faamatalaga i leni Tulafono po o so o se aiaiga o i totonu o leni Tulafono."

7. **Tulaga aloaia** - O le faaopoopoina o le vaitaimi o le tofi o Faamasino Samoa uma ua aulia le 65 tausaga o o latou soifua ma o vaitaimi o o latou tofi ua toe faaopoopoina a o le i amata

faamamaluina leni Tulafono o le a tatau ona avea e faapea ua
faamamaluina e tusa ai ma le fuaiupu 3 o leni Tulafono ma
o le a tatau ona aloaia mo faamoemoega uma e avea ai e faapei
o leni Tulafono na amata faamamaluina a o lei faia sea
faaopoopoga.