

LAND REGISTRATION

WESTERN SAMOA

Arrangement of Provisions

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1992/1993, No. 24

**AN ACT to consolidate and amend the law relating to the
Registration of deeds affecting Land and for matters
incidental thereto.**

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

PART I

PRELIMINARY

1. **Short Title, commencement, and application** - (1) This Act may be cited as the Land Registration Act 1992/1993.

(2) This Act shall commence on a date to be fixed by the Head of State acting upon the advice of Cabinet, by Order.

(3) Subject to the provisions of sections 11, 12 and 13 of the Land and Titles Act 1981 this Act shall apply only to public land, freehold land, and customary land leases.

2. **Interpretation** - In this Act unless the context otherwise requires -

"Conveyancer" means a person who draws or prepares any instrument on behalf of any other person;

"Customary land lease" means an interest held in accordance with the proviso to Article 102 of the Constitution in customary land and otherwise than by virtue of Samoan custom and usage;

"Government" means the Government of the Independent State of Western Samoa;

"Instrument" means any document, or documents in a set, affecting land or an interest in land which may be registered pursuant to this Act; and includes an instrument of title;

"Instrument of title", means and includes:-

- (a) Any conveyance, mortgage, variation of mortgage, lease, licence, grant, assignment, surrender, or other

instrument of assurance:

(b) Any will, codicil, probate or letters of administration:

(c) Any order of the Supreme Court or of any other Court of competent jurisdiction:

(d) Any warrant, notice or other instrument of executive authority authorised by law - affecting the title to land.

"Land Register" means the Land Register continued pursuant to section 14 of this Act:

"Legal title" or "legal estate or interest" is opposed to equitable title or equitable estate or interest:

"Lessee", in relation to a customary land lease includes a licensee and any other person to whom a customary land lease is granted and includes also every lawful successor of the original holder of a customary land lease:

"Minister" means the Minister of Lands, Surveys and Environment:

"Practising certificate" means a current practising certificate issued pursuant to the Law Practitioners Act 1976;

"Prescribed" means prescribed by regulations made under this Act:

"Solicitor" means a Solicitor or a Barrister and Solicitor of the Supreme Court of Western Samoa:

"Registrar" means the Registrar of Land under this Act, and includes any person designated pursuant to section 4 of this Act as an Assistant Land Registrar when acting within the scope of his delegated authority;

"Western Samoa representative" has the meaning given to it by the Oaths Affidavits and Declarations Act 1963.

PART II

ADMINISTRATION

3. Registrar - (1) There shall continue to be a Registrar of Land who shall be the Director for the time being of Lands, Surveys and Environment.

(2) It shall be the duty of the Registrar -

(a) To keep and maintain the Land Register;

(b) Generally to do all such things and take all such proceedings as are prescribed by this Act or regulations made pursuant to this Act, or as the Supreme Court directs.

4. Delegation by Registrar - (1) Subject to this Act, the Registrar may delegate to any person all or any of his powers and functions (excepting only this power of delegation) which may then be exercised and performed by that person in relation to the matters or classes of matters the subject of the delegation.

(2) Every delegation is revocable at will, and no such delegation affects the exercise of a power or the performance of a function by the Registrar.

(3) The Registrar may designate as an Assistant Land Registrar any person to whom powers and functions are delegated pursuant to subsection (1) of this section.

5. Administration of Act - This Act is administered in the Department of Lands, Surveys and the Environment.

PART III INSTRUMENTS

6. Multiple ownership - Any two or more persons named in any instrument of title as transferees, mortgagees, or proprietors of any estate or interest in land, shall, unless the contrary is expressed, be deemed to be entitled as joint tenants with right of survivorship and every such instrument when registered shall take effect accordingly.

7. Execution of instruments - Otherwise than by way of testamentary disposition it shall not be competent for any person to create, transfer, or surrender any legal estate or interest in any land, except by an instrument executed by him or by his duly authorised agent and attested or verified in manner hereinafter provided:

Provided that nothing in this section shall be deemed to apply to any order of Court, or any Warrant, notice, or other instrument of executive authority.

8. Attestation of execution - If any instrument requiring attestation pursuant to section 7 of this Act is executed in Western Samoa, the execution thereof shall be attested by a Registrar or Deputy Registrar of the Supreme Court, or by the

Registrar or Assistant Registrar of Land or by the Public Trustee or by a Notary Public or by a solicitor.

9. Execution abroad - If any instrument requiring attestation pursuant to section 7 of this Act is executed elsewhere than in Western Samoa, then the execution thereof shall be attested by -

(a) a Western Samoa Representative or Notary Public exercising his office in the country in which the instrument is signed; or

(b) a Solicitor who holds a practising certificate.

10. Correctness of instrument to be certified - (1) Subject to subsections (2) and (3) of this section the Registrar shall not be required to receive any instrument (other than an instrument or other document to which section 18 of this Act applies) affecting any estate or interest in land unless there is endorsed thereon and signed by the solicitor for the party claiming under or in respect of the instrument a certificate of correctness in the following form :- "Certified correct for the purposes of the Land Registration Act 1992/1993."

(2) Notwithstanding the provisions of subsection (1) of this section, where the Registrar is satisfied that no solicitor acts or has acted in respect of the instrument on behalf of the party claiming under or in respect of the same, the Registrar may accept a certificate signed by that party, or if more than one, by any or all of them.

(3) Any person having an interest in any instrument

referred to in subsection (2) of this section who is aggrieved by a refusal of the Registrar to accept a certificate under that subsection, may apply to the Supreme Court for an order directing the Registrar to accept such certificate and upon such application the Court may make such order as it deems just and expedient; and upon production of a sealed copy of the order the Registrar shall register the instrument if it is certified or otherwise presented in accordance with the order.

(4) A corporation may authorise any person to certify on its behalf.

(5) A person signing a certificate of correctness, by so doing, certifies that the instrument is correct in form and may safely be acted upon by the Registrar and does not contravene any Act or Regulation then in force.

(6) Every person who falsely or negligently signs a certificate of correctness of an instrument commits an offence and is liable upon conviction to a fine not exceeding \$1,000.

(7) Nothing in this section shall repeal or modify any provision of the Alienation of Freehold Land Act 1972.

11. **Unregisterable instruments** - (1) Except where any of sections 11, 12 and 13 of the Land and Titles Act 1981 apply, no instrument operating merely by way of contract or trust, or any other instrument not affecting the legal title to land, shall be registered in the Land Register:

Provided always that nothing herein expressed or implied shall be deemed to prevent the registration of any instrument

which, but for the fact that the legal estate or interest is vested in a mortgagee, would when duly registered affect the legal estate or interest in any land authorised to be placed on the Land Register.

(2) No instrument liable to stamp duty shall be entered in the Land Register, unless the same purports to have been duly stamped, but no registration shall be invalidated by any error in this respect.

12. **Special provisions as to second and subsequent mortgages** - (1) Where any conveyance by way of mortgage has been registered in respect of any land and the mortgagor purports subsequently to convey that land by way of further mortgage, any such subsequent conveyance shall take effect and be as valid as if it were an assignment by way of mortgage of the mortgagor's equity of redemption or other interest in the land and shall be registerable accordingly, and shall rank in priority in accordance with the provisions of section 28 of this Act.

(2) This section shall apply to every subsequent conveyance by way of mortgage whether executed or registered before or after the commencement of this Act.

13. **Lost instruments** - (1) Where any instrument of title having been registered in the Land Register has been lost or destroyed the person entitled to the custody of that instrument may apply to the Registrar for a duplicate of the copy deposited with the Registrar in accordance with section 19 of

this Act.

(2) Where the Registrar is satisfied upon such evidence as he may require that the instrument has been lost or destroyed, and that the person applying for the duplicate is the person entitled to the custody of that instrument, he may upon payment of the prescribed fee, issue to that person a duplicate of the copy of that instrument.

(3) Without limiting the generality of subsection (2) of this section the Registrar may require the applicant to produce to him a statutory declaration -

(a) by the applicant stating -

- (i) the facts of the case;
- (ii) the name and address of every person who to his knowledge might have had possession of the instrument since it was last produced to the registrar;
- (iii) that the instrument has not been pledged or dealt with in any manner which is not disclosed on the register;
- (iv) the efforts the applicant has made to locate the instrument:

(b) by or on behalf of every person in whose possession or control the instrument has been since it was last produced to the Registrar stating how he disposed of that instrument and when;

(4) Every duplicate issued pursuant to this section shall

be marked with the words "Certified duplicate of document held in the office of the Registrar of Land, issued for the purposes of section 13 of the Land Registration Act 1992/1993". Such duplicate shall be dated and signed by the Registrar and shall be conclusive evidence for all purposes that the copy of which it purports to be a duplicate was on the date of the certificate held by the Registrar of Lands.

(5) Whenever a duplicate is issued pursuant to this section the registrar shall forthwith enter a memorial to that effect in the Land Register.

(6) For the purposes of this section "Instrument" includes a duplicate issued pursuant to this section.

PART IV

REGISTRATION

14. Register - There shall continue to be a Land Register which shall be the same Land Register as that existing under the same name immediately prior to the commencement of this Act.

15. Inclusion of land - When after the commencement of this Act any land becomes Public land, or freehold land, or any customary land lease is created, it shall be the duty of the Registrar to include such Public land or freehold land or upon application, such customary land lease in the Land Register.

16. Effect of registration - No instrument of title shall in any manner affect the legal title to land until and unless such instrument is registered in the Land Register in accordance

with this Act.

17. **Mode of registration** - The registration of an instrument shall be effected by the entry of a memorial thereof signed by the Registrar in the Land Register on application for registration being made in accordance with this Act.

18. **Application for registration of public documents and Orders of the Land and Titles Court** - Application for the registration of an Order of the Supreme Court, or other public or official instrument of title or any document required to be registered pursuant to the Land and Titles Act 1981 shall be made by depositing with the Registrar a copy thereof signed by the Head of State or sealed with the seal of Western Samoa or of the Supreme Court, or as the case may be of the Land and Titles Court, and such copy shall be retained by the Registrar as an official record.

19. **Application for registration of other instruments** - (1) Application for the registration of any instrument of title not being a document registerable pursuant to section 18 of this Act shall be made by depositing with the Registrar a copy thereof, and by producing for his inspection the original instrument, and such copy shall be retained by the Registrar as an official record.

(2) Where any instrument produced for registration is executed by an agent on behalf of any person there shall be produced with the instrument, the Power under which the

instrument purports to executed (unless the same has already been deposited pursuant to section 32 of this Act) together with a certificate of non-revocation in the form marked "B" in the Schedule hereto signed by the person executing the instrument.

20. Transmission - (1) Whenever by reason of death, forfeiture, re-entry, or in any other manner the legal title to land or the interest of any person registered on the Land Register is affected otherwise than by an instrument of title it shall be the duty of the Registrar, on receipt of any instrument satisfying him as to the facts, to enter a memorial thereof in the Land Register.

(2) Without in any way limiting the generality of subsection (1) of this section the Registrar may register any instrument which is in a form approved by him and which varies the provisions of a lease or licence or mortgage or which evidences a change of name, address or occupation.

21. Caveat - (1) Any person -

- (a) Claiming to be entitled to or to be beneficially interested in any land, estate, or interest authorised to be included in the Land Register by virtue of any unregistered agreement or other instrument or transmission or of any trust, expressed or implied, or otherwise howsoever; or
- (b) Transferring or conveying any estate or interest in land authorised to be included on the Land

Register to any other person to be held in trust - may at any time lodge with the Registrar a caveat in the form marked "A" in the Schedule hereto.

(2) Notwithstanding any other provision of this Act a caveat may be signed on behalf of the caveator by a solicitor claiming to be the solicitor for the caveator and the provisions of this Act shall apply as if that caveat had been signed by the caveator in person.

22. Registrar's caveat - The Registrar may deposit a caveat for the protection of any person who is under the disability of infancy, lunacy, unsoundness of mind, or absence from Western Samoa, or on behalf of the Government, to prohibit the transfer or conveying or dealing with any land belonging or supposed to belong to any such persons as hereinbefore mentioned, and also to prohibit the dealing with any land for the prevention of any fraud or improper dealing.

23. Effect of caveat - (1) So long as a caveat remains in force the Registrar shall not register any instrument affecting the estate or interest protected by such Caveat:

Provided that nothing herein shall prevent the completion of the registration of an instrument which has been accepted for registration before the receipt of the caveat.

(2) For the purposes of this section a caveat which is registered by the Registrar shall be deemed to have come into force at the time it was presented for registration.

24. Notice and removal of caveat - (a) Upon the receipt of any caveat the Registrar shall enter a memorial thereof in the Land Register and shall give notice of the same to the person against whose estate or interest the caveat has been lodged.

(b) The person to whom such notice is given or any other person having any registered estate or interest in the estate or interest protected by the caveat may, if he thinks fit, apply to the Supreme Court or a Judge thereof for an order that the caveat be removed.

(c) Such Court or Judge, upon proof that notice of the application has been served on the caveator or the person on whose behalf the caveat has been lodged, may make such order as the Court or Judge deems just.

25. Lapse of caveat - Except in the case of a caveat lodged by or on behalf of a beneficiary claiming under any will or settlement, or for the protection of any trust, or by the Registrar in exercise of the powers by this Act given to him in that behalf, every caveat shall, upon the expiration of 14 days after notice given to the caveator that application has been made for the registration of any instrument affecting the land, estate, or interest protected thereby, be deemed to have lapsed as to such land, estate, or interest, or so much thereof as is referred to in such notice, unless notice is within the said 14

days given to the Registrar that application for an order to the contrary has been made to the Supreme Court or a Judge thereof, and such order is made and served on the Registrar within a further period of 28 days.

26. Caveat may be withdrawn - Any caveat may be withdrawn by the caveator or by his solicitor, and either as to the whole or part of the land affected, or the consent of the caveator may be given for the registration of any particular dealing expressed to be made subject to the rights of the caveator.

27. Refusal of registration - The Registrar may refuse to accept for registration any instrument which does not in his opinion sufficiently describe or indicate the land to which it refers, or of which (not being an instrument described in section 18 of this Act) the copy deposited with the Registrar under clause 19 of this Act is not endorsed with the name and address of the person who drew or prepared the instrument, or which in his opinion is in any respect not prepared in conformity with this Act.

28. Priority - Instruments in respect of the same land shall be entitled to registration in accordance with the priority of the respective applications for registration, and when such applications are made at the same time, then in accordance with the priority of execution.

29. Fees - On the registration of any instrument and on the deposit of powers of attorney there shall be payable by the

applicant for registration or deposit such fees as may be prescribed.

PART V

GENERAL

30. Errors in Land Register may be corrected - The Registrar may upon such evidence as appears to him to be sufficient, subject to any regulations under this Act, correct errors and supply omissions in the Land Register.

31. Power of Registrar to apply to Court - (1) The Registrar may apply to the Supreme Court for directions in respect of any matter which -

(a) relates to an alteration or amendment of the Land Register or to any other record in any case where any person who might be adversely affected by such amendment objects to, or fails to agree to such amendment;

(b) is, in the opinion of the Attorney-General (conveyed in writing to the Registrar) of such significance that a judicial precedent ought to be established; or

(c) directly affects the interest of the Independent State of Western Samoa.

and upon such application the Court may give such directions and make such orders, including orders as to costs, as it deems just and expedient.

(2) The Registrar shall act on every such direction or order in accordance with its tenor, and where he deems it

necessary he shall register a copy under the Seal of the Court of any such direction or order.

32. **Deposit of powers** - Every power of attorney, with the verifications, if any, of the due execution of the same, may be deposited in the Land Register Office for safe custody and reference.

33. **Search** - The Land Register and all deposited copies of instruments of title, and all other instruments or copies thereof deposited with the Registrar, shall be open to search and inspection on payment of such fees as may be prescribed.

34. **Search copies** - (1) Upon receipt of the prescribed fee the Registrar may issue to any person an uncertified copy of

(a) an instrument or copy thereof which has been deposited with him pursuant to this Act; or

(b) a folio of the Register or part thereof.

(2) Every copy issued pursuant to this section shall be endorsed with the words "Search copy only".

35. **Acting as a conveyancer** - No person shall act as a conveyancer in connection with any instrument capable of being registered under this Act who is not a solicitor.

36. **How notice to be given** - Where any notice is required to be given under this Act, such notice shall be given -

(a) To any caveator where an address for service is shown in the caveat by delivering a copy thereof to that address between the hours of 8.30 a.m. and 4.30 p.m. on any day other than a Saturday, Sunday or

Public Holiday, and there leaving the same with some person at that address, or if no person is then present by affixing the same to the door of the premises at that address (or if the premises have no door, to a portion of the premises adjacent to an entrance).

(b) To any other person -

- (i) either by delivering a copy thereof to the solicitors for that other person (if known to the Registrar); or
- (ii) at the option of the Registrar by publication of that notice in a newspaper published in Western Samoa or by means of a notice broadcast by radio or television.

37. Declarations may be made before Registrar -
Notwithstanding the provisions of the Oaths, Affidavits and Declarations Act 1963 any person who is required to make a declaration for the purposes of this Act may make the same before any person referred to in sections 21 or 22 of the Oaths, Affidavits and Declarations Act 1963, or before the Registrar.

38. Government not liable - The Government is not liable in any civil proceedings for any damage done or for any loss suffered as result of any act, omission or default of the Registrar or any of his subordinates.

39. Loss or destruction of deposited copies of instruments
- (1) Where the copy of an instrument lodged with the

Registrar has been lost or destroyed, or so damaged as to require replacement, the Registrar may give written notice to the person who has possession of the original thereof, requiring him to deliver the same to the Registrar for copying.

(2) Forthwith upon receipt of an instrument delivered pursuant to subsection (1) of this section the Registrar shall cause a copy thereof to be made and deposited, and shall within 14 days of such receipt return the original instrument to the person who delivered the same to him, or to such other person as may be nominated in writing by the person who delivered it.

(3) A person in possession of an instrument to whom notice in respect of that instrument is given pursuant to subsection (1) of this section and who fails without reasonable cause (the proof whereof shall be upon him) to comply with the notice within 14 days of receipt of the same by him commits an offence and is liable on conviction to a fine not exceeding \$500.

40. Registrar not civilly liable - Neither the Registrar nor any subordinate is personally liable in any civil proceedings for any damage done or for any loss suffered as a result of any act, omission or default of the Registrar or subordinate, unless that act, omission or default arose from the wilful misconduct of the person who is sought to be made liable.

41. Validation of prior informal appointments of Registrars (1) In any case where prior to the commencement of this Act the Director or any other person with the ostensible

authority of the Government has acted as Registrar without having been appointed by the Minister of External Affairs as hitherto required by the Samoa Land Registration Order 1920 (N.Z.) he shall be deemed to have been validly appointed as Registrar and all acts done and decisions made by him or done or made by a person acting under his authority shall be deemed to have been as validly done and made as if he had been appointed in accordance with the provisions of that Order.

(2) For the purposes of this section, "Director" means the Director of Lands Surveys and Environment and includes every person previously known as the Director of Lands, or the Director of Lands and Environment.

42. **Regulations** - The Head of State, acting on the advice of Cabinet may from time to time make such regulations as may in his opinion be necessary or expedient for giving full effect to the provisions of this Act and for the due administration thereof.

43. **Repeals, revocations and savings** - (1) The Fees for Land Registration Ordinance 1952 (as amended by the Ordinance Amendment Ordinance 1956, the Decimal Currency Act 1966, the Fees for Land Registration Amendment Act 1983, and the Omnibus Fees and Charges Amendment Act 1988) is repealed.

(2) Section 135 of the Property Law Act 1952 (N.Z.)] shall be read subject to subsection (2) of section 19 of this Act.

(3) The Samoa Land Registration Order 1920 (N.Z.) (as amended by the Samoa Land Registration Amendment Order

1921 (N.Z.), the Samoa Land Registration Amendment Order 1924 (N.Z.), the Samoa Land Registration Amendment Order 1927 (N.Z.), the Samoa Land Registration Amendment Order 1938 (N.Z.), the Samoa Land Registration Amendment Order 1946 (N.Z.) is revoked.

(4) Where any document has been executed before the commencement of this Act, and would not, except for this section, be registerable under this Act but would have been registerable as an instrument of title under the Samoa Land Registration Order 1920 (N.Z.), that document shall be registerable under this Act as if the said Order had not been revoked by this Act.

(5) A document shall not be deemed to have been unregistrable under the Samoa Land Registration Order 1920 (N.Z.), only because of an accidental misdescription of the parties, or the land affected, or because of any technical or minor defect, and any such error may be rectified after the commencement of this Act, in the same manner as it might have been rectified before the commencement of this Act, so as to give effect to the true spirit and intent of the document.


(6) Nothing in this Act shall be deemed to repeal or modify the provisions of any sections 11, 12 or 13 of the Land and Titles Act 1981.

(7) Wherever in any Enactment there appears a reference to the Samoa Land Registration Order 1920 it shall be read and construed as if it were a reference to this Act and

Power of Attorney dated the day of 19 (a copy of which
is deposited in the Land Register Office under No.).

2. I have not received any notice or information of the
revocation of the said Power of Attorney by death or otherwise
[or in the case of a Corporation, by the dissolution or the
winding up of the said Corporation] and I verily believe it to
be in full force and effect.

Dated this day of 19 .


.....
(signature)

FAAMAUINA O FANUA

SAMOA I SISIFO

Faatulagaina o Aiaiga

Igoa

VAEGA I FAATOMUAGA

1. Igoa Puupuu, amataga ma le faaogaina.
2. Faamatalaina o uiga o Upu.

VAEGA II FAAFOEINA

3. Resitara.
4. Tuuina atu o pule a le Resitara.
5. Faafocina o le Tulafono.

VAEGA III PEPA FAALE-TULAFONO

6. Umia toatele.
7. Faatinoga o pepa faale-tulafono.
8. Molimauiina o le faatinoga.
9. Faatinoga i fafo atu o Samoa.
10. Faasaoga o pepa faale-tulafono e ao ona faamaonia.
11. Pepa faale-tulafono e le mafai ona faamauiina.
12. Aiaiga faapitoa e tusa ai ma le lona lua o mokesi ma isi mokesi e mulimuli mai ai.
13. Pepa faale-tulafono leiloa.

VAEGA IV FAAMAUINA

14. Tusi Resitara.
15. Fanua e aofia ai.
16. Aafiaga o le faamauiina.
17. Faiga o le faamauiina.
18. Talosaga mo le faamauiina o pepa aloaia a le malo ma Poloaiiga a le Faamasinoga o Fanua ma Suafa.
19. Talosaga mo le faamauiina o isi pepa faale-tulafono.
20. Tuuina atu o fanua.
21. Faaaliga e taofia ai le faamaonia o se Mavaega scia maca ona sucsucina e le Faamasinoga.
22. Faaaliga a le Resitara e taofia ai le faamaonia o se

23. Mavaega scia maca ona sucsucina e le Faamasinoga. Aafiaga o le faaaliga etaoia ai le faamaonia o se Mavaega scia maca ona sucsucina e le Faamasinoga.
24. Faasilasilaga ma le avecsina o le faaaliga e taofia ai le faamaonia o se Mavaega scia maca ona sucsucina e le Faamasinoga.
25. Faalcaogaina o le faaaliga e taofia ai le faamaonia o se Mavaega scia maca ona sucsucina e le Faamasinoga.
26. E mafai ona toe faamaui i tua se faaaliga e taofia ai le faamaonia o se Mavaega scia maca ona sucsucina e le Faamasinoga.
27. Teena o le faamauiina.
28. Tulaga e ave i ai le faamua-mua.
29. Totogi fuapauina.

VAEGA V TULAGA AOAQ

30. E mafai ona faasaoina mea sese i totonu o le Tusi Resitara.
31. Pule a le Resitara e talosaga ai i le Faamasinoga.
32. Tuuina atu o Pule.
33. Sailiga.
34. Kopi sailia.
35. Galue e ave ai o se tagata e faaliliuina atu fanua.
36. Pe faapefea ona tuuina atu faasilasilaga.
37. E mafai ona faia tautinoga i luma o le Resitara.
38. E le noatia le Malo.
39. Leiloa po o le faaleagaina o kopi o pepa faale-tulafono ua teuina i totonu o faama-umauga.
40. E le noatia le Resitara i tulaga taule va o tagata.
41. Aloaia o tofiga e le i aloaia

42. muamua o Resitara.
Tulafono Faatonuonu.

43. Soloia, avecesina ma mea
faasao.
Faamatalaga.

1992/1993, Nu. 24.

**O SE TULAFONO e faamausali ma teuteu ai le tulafono
faasino i le Faamauina o Tusi Faamaonia e aafia ai
Fanua ma mo isi mataupu e ono aliali mai**

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

VAEGA I

FAATOMUAGA

1. Igoa Puupuu, amataga, ma le faaaogaina - (1) E mafai ona
taua leni Tulafono o le Tulafono o le Faamauina o Fanua
1992/1993.

(2) O leni Tulafono o le a tatau ona amataina i se aso o le a
faatulagaina e le Ao o le Malo e faia i luga o le fautuaga a le
Kapeneta, i se Poloaiaga.

(3) I le noatia ma le fai fuafua i aiaiga o fuaiupu 11, 12 ma le
13 o le Tulafono o Fanua ma Suafa 1981 o leni Tulafono e
tatau ona faaaoga i na o fanua o le malo, fanua umia saoloto,
ma lisi o lo o faia i fanua faale-aganuu.

2. Faamatalaina o uiga o Upu - I totonu o leni Tulafono ae
vagana ai ua manaomia e le mataupu se isi faaupuga e ese mai
ai -

"Le e faaliliuina atu" o lona uiga o se tagata o ia lea ua faia po
o saunia so o se pepa faale-tulafono e aveā ai ma sui o so o se
isi tagata;

"Lisi o fanua faale-aganuu" o lona uiga o se aia ua faia e tusa ai ma le aiaiga i le Mataupu 102 o le Faavae i fanua faaleaganuu ma e ese ai na i lo le tulaga e tusa ai ma aganuu ma agaifanua;

"Malo" o lona uiga o le Malo Tutoatasi o Samoa i Sisifo;

"Pepa faale-tulafono" o lona uiga o so o se pepa aloaia, po o ni pepa aloaia i totonu o se seti, e aafia ai fanua po o se aia i se fanua e mafai ona faamauina e tusa ai ma lenei Tulafono; ma e aafia ai se pepa faale-tulafono ua tuuina i ai se igoa;

"Pepa faale-tulafono ua tuuina i ai se igoa" o lona uiga ma e aafia ai:-

- (a) So o se pepa e tuuina atu ai se fanua, mokesi, fesuiaiga o mokesi, lisi, laisene, fanua e tuuina atu i luga o se maliiega, faamatuu atu, po o isi pepa faale-tulafono o maliiega:
- (b) So o se mavaega, faaopoopoga fou i se mavaega, kopi o le ata moni o le mavaega po o ni tusi tau le pulea:
- (c) So o se poloaiga a le Faamasinoga Sili po o so o se isi Faamasinoga iloga faale-tulafono:
- (d) So o se tusi faamaonia, faasilasilaga po o isi pepa faale-tulafono tar pulega ua faatagaina e le tulafono - e aafia ai le pule faasino i fanua.

"Tusi Resitala o Fanua" o lona uiga o le Tusi Resitala o Fanua ua faaanau e tusa ai ma le fuaiupu 14 o lenei Tulafono:

"Pule faale-tulafono" po o "esetete faale-tulafono po o aia"

e ese ai na i lo pule tutusa po o esetete umia tutusa po o aia:

"Le ua tuuina atu i ai le Lisi", e tusa ai i se lisi i luga o se fanua faale-aganuu e aofia ai ma se tagata ua tuuina atu i ai se laisene ma so o se isi tagata o ia lea ua tuuina atu i ai le lisi o le fanua faale-aganuu ma e aofia ai i latou uma o le a tauaveina aia a le na uluai umia se fanua faale-aganuu ua lisiina atu:

"Minisita" o lona uiga o le Minisita o Eleele, Fuagafanua ma Siosiomaga:

"Tusi Faamaonia e galue ai" o lona uiga o se tusi faamaonia e galue ai o lo o i ai i le taimi nei ua tuuina atu e rusa ai ma le Tulafono o Alii Loia 1976;

"Faatonuina" o lona uiga ua faatonuina e tulafono faatonotonu ua faia e lenei Tulafono;

"Loia" o lona uiga o se Loia po o se Loia e galue i mea tau Faamasinoga ma galuega faa-Loia o le Faamasinoga Sili o Samoa i Sisifo;

"Resitara" o lona uiga o le Resitara o Fanua e tusa ai ma lenei Tulafono, ma e aofia ai so o se tagata ua tofia e rusa ai ma le fuaiupu 4 o lenei Tulafono e ave'a o se Resitara Fesoasoani o Fanua pe a fai e galue i totonu o lenei pule tuuina atu;

"Sui o Samoa i Sisifo" o lo o i ai lona uiga tutusa e pei ona tuuina i ai e le Tulafono o Tautoga, Faamatalaga Tauto ma Tautinoga 1963.

VAEGA II

FAAFOEINA

3. Resitara - (1) O le a faaauau pea ona i ai o se Resitara o Fanua o ia lea o le Faatonu Sili mo le taimi nei o Eleele, Fugafanua ma Siosiomaga.

(2) O le a avea ma tiute a le Resitara -

(a) Le teuina ma le tausia o le Tusi Resitala o Fanua;

(b) Tiute masani o le faia lea o mea uma ma mulimulitai i taualumaga uma e pei ona faatonuina e lenei Tulafono po o tulafono faatonutonu ua faia e tusa ai ma lenei Tulafono, po o e pei ona faatonuina e le Faamasinoga Sili.

4. Tuuina atu o Pule a le Resitara - (1) I le noatia ma le fai fuafua i lenei Tulafono, e mafai e le Resitara ona tuuina atu i so o se tagata pule uma po o so o se isi o ana pule ma matafaioi ae vagana ai e na o lenei pule tuuina atu) o le a mafai loa ona faatinoina ma galueina e lena tagata e tusa ai ma mataupu po o vasega o mataupu e pei ona faaautu i ai le pule e pei ona tuuina atu.

(2) O pule uma ua tuuina atu e mafai ona toe aveeseina i luga o le faitalia, ma e leai se pule ua tuuina atu e aafia ai le faatinoina o se pule po o le galueaiina o se matafaioi a le Resitara.

(3) E mafai e le Resitara ona tofia e avea ma Resitara Fesoasoani o Fanua so o se tagata o ia lea ua tuuina atu i ai pule ma matafaioi e tusa ai ma le faafuaiupu (1) o lenei fuaiupu.

5. **Faafoeina o le Tulafono** - O leni Tulafono o lo o faafoeina e le Matagaluega o Eleele, Fuagafanua ma le Siosioma-ga.

VAEGA III

PEPA FAALE-TULAFONO

6. **Umia toatele** - So o se toalua po o le sili atu foi o ni tagata ua faaigoaina i totonu o so o se pepa faale-tulafono o pule e avea ai ma tagata e tuuina atu, mokesiina atu, po o e umia faale-tulafono so o se esetete po o aia i totonu o se fanua, e tatau, ae vagana e ese mai ai na i lo le tulaga ua faamatalaina, ona agavaa e avea o ni tagata umia soofaatasi faapea foi ma aia e umia ai e tagata o le a soifua pea ma so o se pepa faale-tulafono faapea pe a fai o le a faamauina o le a aloaia loa e tusa ai ma lea tulaga.

7. **Faatinoga o pepa faale-tulafono** - E ese mai ai na i lo auala e faamatuu atu ai mavaega a e ua maliliu o le a le tatau ona aloaia mo so o se tagata na te faia, faaliliuina atu, po o le faamatuu atu o so o se esetete faale-tulafono po o aia i so o se fanua, vagana ai i luga o se pepa faale-tulafono ua faatinoina e ia po o e sona sui sooupu ua faatagaina ma molimauina po o faamaonia i le tulaga, e pei ona aiaia mulimuli ane iinei.

Ae vagana ai e faapea e leai se mea i totonu o leni fuai-upu o le a tatau ona faaaoga i so o se poloaiga a le Faamasinoga, po o so o se Tusi Faamaoni, faasilasilaga, po o isi pepa faale-tulafono o pulega taule malo.

8. **Molimauina o le faatinoga** - A fai o so o se pepa faale-

tulafono e manaomia le molimauina e tusa ai ma le fuaiupu 7 o lenei Tulafono ua faatinoina i Samoa i Sisifo, o le faatinoina o lea pepa faale-tulafono o le a tatau ona molimauina e se Resitara po o se Sui Resitara o le Faamasinoga Sili, po o e le Resitara po o le Sui Resitara Fesoasoani o Fanua po o e le Tausi Mavaega a le Malo po o se Sui faamaonia o le Malo po o e se loia.

9. Faatinoga i fafo atu o Samoa - A fai o so o se pepa faale-malo e manaomia le molimauina e tusa ai ma le fuaiupu 7 o lenei Tulafono ua faatinoina i se isi nofoaga e ese mai ai na i lo Samoa i Sisifo, o le faatinoina o lea pepa faale-tulafono o le a tatau ona molimauina e -

(a) se Sui o Samoa i Sisifo po o se Sui faamaonia o le Malo o lo o faatinoina sona ofisa i le atunuu o lo o sainia ai le pepa faale-tulafono.

(b) se Loia o ia lea o lo o umia se tusi faamaonia e galue ai.

10. Faasaoga o pepa faale-tulafono e ao ona faamaonia - (1) I le noatia ma fai fuafua i faafuaiupu (2) ma le (3) o lenei fuaiupu o le a le manaomia le Resitara na te mauaina so o se pepa faale-tulafono (e ese mai ai na i lo se pepa faale-tulafono po o isi pepa aloaia e pei ona faasinomia i ai le fuaiupu 18 o lenei Tulafono) e aafia ai so o se esetete po o aia i fanua vagana ua i ai se faamaoniga i lea pepa ma ua sainia e le loia mo le itu tagi i lalo po o e tusa ai ma le pepa faale-tulafono se tusi faamaonia o le sao lelei i le faiga faapea:- "Faamaonia ua sao lelei

mo faamoemoega o le Tulafono o le Faamauina o Fanua 1992/1993".

(2) E ese mai ai i so o se aiaiga o le faafuaiupu (1) o lenei fuaiupu, a fai ua faamalieina le Resitara e faapea e leai se loia na faia po o sa na faia le pepa faale-tulafono e avea ai ma sui o le vaega o lo o faia se tagi po o e tusa ai ma lea tulaga, e mafai e le Resitara ona taliaina se tusi faamaonia ua sainia e lena vaega, pe a fai e sili atu na i lo le toatasi, e so o se tasi po o i latou uma.

(3) So o se tagata o lo o i ai se aia i so o se pepa faale-tulafono e pei ona faasinomia i ai le faafuaiupu (2) o lenei fuaiupu o ia lea ua faagau le malie i se tetee a le Resitara e talia se tusi faamaonia i lalo o lena faafuaiupu, e mafai ona talosaga i le Faamasinoga Sili mo se poloaiga e faatonuina ai le Resitara e talia sea tusi faamaonia ma i luga o sea talosaga e mafai e le Faamasinoga ona faia se poloaiga e pei ona ia manatu ua sao ma faatinoina loa; ma i le tuuina atu o se ata ua faamau faailogaina o le poloaiga ua tatau loa i le Resitara ona faaamauina le pepa faale-tulafono pe a fai ua uma ona faamaonia po o ua tuuina atu i se isi faiga e ese mai ai e tusa ai ma le poloaiga.

(4) E mafai e se faalapopotoga ona faatagaina so o se tagata e faamaonia se pepa faale-tulafono e avea ai lea tagata ma sui o lea faalapopotoga.

(5) O se tagata ua sainia se pepa faamaonia o le sao atoa-toa, ma i lona faia o lea tulaga, ua faamaonia ai e faapea o le

pepa faale-tulafono ua sao atoatoa i ona tulaga uma ma e mafai ona faagaioia e le Resitara ina ua sao lelei ona tulaga uma ma e le o feteenai ma so o se Tulafono po o Tulafono Faatonu o lo o faamamaluina i lea taimi.

(6) O tagata uma ua faasese po o faatalale e sainia se tusi faamaonia o le sao atoatoa o se pepa faale-tulafono ua faia se solitulafono ma ua noatia i luga o se moliaga i se faasalaga e le sili atu i le \$1,000.

(7) E leai se mea i totonu o lena fuaiupu o le a soloia pe sua ai so o se aiaiga o le Tulafono o le Faaliliuina atu o Fanua Umia Saoloto 1972.

11. Pepa faale-tulafono e le mafai ona faamauina - (1)
Vagana ai pe a fai o so o se fuaiupu 11, 12 ma le 13 o le Tulafono o Fanua ma Suafa ua faaoga, e leai se pepa faale-tulafono ua faagaioia mo na o se konekarate po o se mavaega, po o so o se isi pepa faale-tulafono e le o aafia ai le pule faale-tulafono i fanua, e tatau ona faamauina i le Tusi Resitala o Fanua:

Ae vagana ai mo taimi uma e faapea e leai se mea ua faamatalaina i totonu i nei po o faasino i ai o le a taofia ai le faamauina o so o se pepa faale-tulafono e faapea, i le tulaga moni o lena esetete faale-tulafono po o aia o lo o umia i se mokesi, ma a fai o le a faamauina o le a aafia ai le esetete faale-tulafono po o aia i so o se fanua ua faatagaina ina ia tuuina i totonu o le Tusi Resitala o Fanua.

(2) E leai se pepa faale-tulafono e noatia i tiute o faailoga tusi o le a tatau ona tuuina i totonu o le Tusi Resitala o Fa-

nua, vagana ai o sea pepa o lo o faailoa mai ai ua maea ona tuuina i ai le faailoga tusi, peitai e leai se pepa ua faamauina o le a tatau ona le aloaia ona o so o se sese e tusa ai ma lea tulaga.

12. Aiaiga faapitoa e tusa ai ma le lona lua o mokesi ma isi mokesi e mulimuli mai ai - (1) A fai o so o se faaliliuga o le pule i luga o se mokesi ua uma ona faamauina e tusa ai ma so o se fanua ma o le o lo o mokesiina atu o lo o i ai se fuafuaga mo se taimi mulimuli mai e faaliliu atu lena fanua mo se isi mokesi, o so o se faaliliuga mulimuli faapea e tatau ona faamamauina ma o le a aloaia e ave ai e faapei o se fanua ua ruuina atu i luga o se mokesi i luga o aia tatau a le o lo o mokesiina atu e toe faaola mai ai po o isi aia i le fanua ma o le a tatau ona mafai ona faamauina e tusa ai ma lea tulaga, ma e tatau ona faatulagina i le faasologa o mataupu ua ave i ai le tulaga faamuamua e tusa ai ma aiaiga o le fuaiupu 28 o lenei Tulafono.

(2) O lenei fuaiupu e tatau ona faaaoga i faaliliuga uma e mulimuli mai ai i luga o mokesi pe ua faatinoina po o ua faamauina i luma mai po o ina ua tuanai le amata faamamaluina o lenei Tulafono.

13. Pepa faale-tulafono leiloa - (1) A fai o so o se pepa faale-tulafono o le pule o le fanua ua uma ona faamauina i le Tusi Resitala o Fanua ua leiloa po o ua faaleagaina o le tagata e aia i le puipuiga malu o lena pepa faale-tulafono e mafai ona talosaga i le Resitara mo se ata o le kopi o lo o teuina e le

Resitara e tusa ai ma le fuaiupu 19 o lenei Tulafono.

(2) A fai ua faamalieina le Resitara i luga o se molimau e ono manaomia e ia e faapea o lena pepa faale-tulafono ua lei-loa po o ua faaleagaina, ma e faapea o le tagata ua talosaga mo le ata o le pepa faale-tulafono o le tagata lea e aia i le pui-puiga malu o lena pepa faale-tulafono, e mafai i luga o le totogiina o le totoi fuapauina e pei ona faatonuina, ona tuuina atu i lena tagata se ata o le kopi o lena pepa faale-tulafono.

(3) E aunoa ma le faatapulaaina o tulaga aoao o le faa-fuaiupu (2) o lenei fuaiupu e mafai e le Resitara ona manaomia le ua talosaga ina ia tuuina mai ia te ia se tautinoga faale-tulafono -

(a) e le o lo o talosaga e faamatalaina ai -

(i) tulaga moni o le mataupu;

(ii) le igoa ma le tuatusi o tagata uma ua ia iloa sa latou ono umia le pepa faale-tulafono talu mai le taimi mulimuli na tuuina atu ai i le Resitara;

(iii) e faapea o le pepa faale-tulafono e le i faatalosagaina po o na tagofia i so o se tulaga e le o faaalua i totonu o le tusi resitala.

(iv) taumafaiga ua faia e le ua talosaga ina ia maua le pepa faale-tulafono;

(b) ua faia e po o e avea ai o ia ma sui o tagata uma sa tatau ona latou umia ma pulea le pepa faale-tulafono talu mai le taimi mulimuli na tuuina atu ai i le Resitara e faamatalaina ai pe na faapefea ona ia tuuina

atu lena pepa faale-tulafono ma le taimi na tuu atu ai;

(4) O ata uma o pepa faale-tulafono ua tuuina atu e tusa ai ma lenei fuaiupu e tatau ona faailogaina i upu "Ata faamaonia o pepa aloaia o lo o umia i le ofisa o le Resitara o Fanua, ua tuuina atu mo faamoemoega o le fuaiupu 13 o le Tulafono o le Faamauina o Fanua 1992/1993". O sea ata e tatau ona tuuina i ai le aso ma ia sainia e le Resitara ma e tatau ona avea ma molimau mausali mo faamoemoega uma e faapea o le ata e pei ona tuuina atu o se ata na faia i le aso na umia ai e le Resitara le tusi faamaonia.

(5) So o se taimi e tuuina atu ai se ata o pepa faale-tulafono e tusa ai ma lenei fuaiupu e tatau i le Resitara ona tuuina i ai se faamatalaga e tusa ai ma lena tulaga i totonu o le tusi Resitala o Fanua.

(6) Mo faamoemoega o lenei fuaiupu "Pepa Faale-tulafono" e aofia ai se ata ua tuuina atu e tusa ai ma lenei fuaiupu.

VAEGA IV

FAAMAUINA

14. Tusi Resitala - O le a tatau ona faaauau e avea ma Tusi Resitala o Fanua e pei ona o lo o i ai i le taimi nei i lalo o le igoa lava lea e tasi i le taimi a o lumanai le amata faamamaluina o lenei Tulafono.

15. Fanua e aofia ai - I le taimi ina ua maea ona amata faamamaluina lenei Tulafono so o se fanua ua avea ma fanua faale-Malo, po o fanua umia saoloto, po o so o se isi fanua

faale-aganuu ua faia ai se lisi, o le a avea ma tiute a le Resitara le tuuina i totonu o le Tusi Resitala o Fanua sea fanua faale-Malo, fanua umia saoloto po o fanua faale-aganuu o lo o faia ai se lisi.

16. Aafiaga o le faamauina - E leai se pepa faale-tulafono o pule o le a tatau i so o se tulaga ona aafia ai le pule faale-tulafono i le fanua seia ma vagana ai o sea pepa faale-tulafono ua faamauina i le Tusi Resitala o Fanua e tusa ai ma leni Tulafono.

17. Faiga o le faamauina - O le faamauina o se pepa faale-tulafono o le a faamamaluina i le tuuina i ai o se faamatalaga i totonu o le Tusi Resitala o Fanua ma sainia e le Resitara i luga o se talosaga ua faia mo le faamauina o sea pepa faale-tulafono e tusa ai ma leni Tulafono.

18. Talosaga mo le faamauina o pepa aloaia a le malo ma Poloaiaga a le Faamasinoga o Fanua ma Suafa - O le talosaga mo le faamauina o se Poloaiaga a le Faamasinoga Sili, po o isi pepa faale-tulafono a le malo po o pepa aloaia o pule po o so o se pepa aloaia e manaomia ina ia faamauina e tusa ai ma le Tulafono o Fanua ma Suafa 1981 e tatau ona faia i le tuuina atu i le Resitara o se ata o sea pepa ua sainia e le Ao o le Malo po o ua faamau faailogaina i le Faamau Faailoga a le Malo o Samoa i Sisifo po o le Faamasinoga Maualuga, po o le faamau faaailoga a le Faamasinoga o Fanua ma Suafa, ma o se ata e tatau ona raofia e le Resitara e avea ai o se faamaumauga aloaia.

19. Talosaga mo le faamauina o isi pepa faale-tulafono -

(1) O talosaga mo le faaamauina o so o se pepa faale-tulafono o pule e le o se pepa aloaia e mafai ona faaamauina e tusa ai ma le fuaiupu 18 o lenei Tulafono e tatau ona faia i le tuuina atu i le Resitara o se ata o sea pepa, ma i le tuuina atu mo ana suesuega le pepa faale-tulafono muamua, ma o sea kopi o le a taofia e le Resitara e avea ai o se faamaumauga aloaia.

(2) A fai o so o se pepa faale-tulafono ua tuuina atu mo le faaamauina ua faatinoina e se sui sooupu e avea ai ma sui o so o se tagata e tatau ona tuuina atu ma le pepa faale-tulafono, le pule o lo o faamoemoe e faatino ai le pepa faale-tulafono (ae vagana ai o sea pepa ua uma ona tuuina atu e tusa ai ma le fuaiupu 32 o lenei Tulafono) faatasi ai ma se tusi faamaonia o le le mafai ona soloia i le pepa o lo o faailogaina i le mataitusi "B" i totonu o le Faamatalaga o lo o i totonu o lenei Tulafono ua sainia e le tagata o lo o faatinoina le pepa faale-tulafono.

20. Tuuina atu o fanua - (1) I so o se mafuaaga ona o se maliu, aveeseina o aia, toe ulufale i ai, po o i so o se isi tulaga e aafia ai le pule faale-tulafono i le fanua po o i aia a so o se tagata ua faaamauina i le Tusi Resitala o Fanua e ese mai ai na i lo se pepa faale-tulafono o pule, o le a tatau ona avea ma tiute a le Resitara, i le mauaina o so o se pepa faale-tulafono i le faamalieina o ia e tusa ai ma mea moni, ona faauluina i ai se faamatalaga i lea pepa i totonu o le Tusi Resitala o Fanua.

(2) E aunoa ma se isi tulaga e faatapulaaina ai le tulaga aoao o le faafuaiupu (1) o lenei fuaiupu e mafai e le Resitara

ona faamauina so o se pepa faale-tulafono e faia i le pepa ua faamaonia e ia ma o lo o fetuutuunai ai aiaiga o se lisi po o se laisene po o se mokesi po o lo o molimauina ai se suiga i le igoa, tuatusi po o le galuega.

21. Faaaliga e taofia ai e faamaonia o se Mavaega seia maea ona susesueina e le Faamasinoga - (1) So o se tagata -

(a) Ua faia se tagi ina ia aia ai i po o e aia ai i faamanuiaga i so o se fanua, esetete, po o aia ua faatagaina ina ia aofia ai i totonu o le Tusi Resitala o Fanua e tusa ai ma so o se maliega e le i faamauina po o isi pepa faale-tulafono po o le tuuina atu po o so o se mavaega, ua faamatalaina po o e faasino i ai, po o se isi lava mea e ese mai ai; po o

(b) Siitia atu po o le faaliliuina atu o so o se esetete po o aia i fanua ua faatagaina ina ia aofia i totonu o le Tusi Resitala o Fanua i so o se isi tagata ina ia umia i luga o se mavaega.

e mafai i so o se taimi ona tuuina mai i le Resitara se faaaliga e taofia ai le faamaonia o se mavaega seia maea ona susesueina e le Faamasinoga i totonu o le pepa ua faailogaina "A" i totonu o le Faamatalaga o lo o i lenei Tulafono.

(2) E ese mai ai na i lo se isi aiaiga o lenei Tulafono o se faaaliga e taofia ai le faamaonia o se mavaega seia maea ona susesueina e le Faamasinoga e mafai ona saina e avea ai ma sui o le e ona le faaaliga se loia ua avea ma loia a le e ona le faaaliga ma o aiaiga o lenei Tulafono e tatau ona faaoga e avea ai

faapei o lena faaaliga na sainia lava e le e ona lea faaaliga.

22. Faaaliga a le Resitara e taofia ai le faamaonia o se Mavaega seia maea ona suesueina e le Faamasinoga - E mafai e le Resitara ona teuina se faaaliga e taofia ai le faamaonia o se Mavaega seia maea ona suesueina e le Faamasinoga mo le puipuiga malu a so o se tagata o ia lea e le o malosia atoatoa lona tino mai i lona olaga faa-tamaitiiti, matuia le faaletonu o le mafaufau, le atoatoa lelei le mafaufau, po o toesea mai Samoa i Sisifo, po o e avea ai ma sui o le Malo o Samoa i Sisifo, e faasa ai le siitia atu po o le faaliliuina atu po o le tagofia o so o se fanua faasino ia po o e faapea e umia e so o sea tagata e pei ona taua muamua i totonu iinei, ma o lo o faasaina ai foi le tagofia o so o se fanua mo le puipuia o so o se faiga tau faasese po o ni ituaiga faiga le talafeagai ai.

23. Aafiaga o le faaaliga e taofia ai le faamaonia o se Mavaega seia maea ona suesueina e le Faamasinoga - (1) A fai o le a tumau pea ona faamamaluina le faaaliga e taofia ai le faamaonia o se Mavaega seia maea ona suesueina e le Faamasinoga e le tatau i le Resitara ona faamauina so o se pepa faale-tulafono e aafia ai le esetete po o aia puipuia a le e ona lena faaaliga;

Ae vagana ai e faapea e leai se mea o lo o i totonu o lenei Tulafono o le a taofia ai le faamaeaina o le faamauina o se pepa faale-tulafono ua uma ona taliaina mo le faamauina a o le i mauaina le faaaliga e taofia ai le faamaonia o se Mavaega seia maea ona suesueina e le Faamasinoga.

(2) Mo faamoemoega o leni fuaiupu o se faaaliga e taofia ai le faamaonia o se Mavaega seia maea ona suesueina e le Faamasinoga ua uma ona faamauina e le Resitara e tatau ona amata faamamaluina i le taimi na tuuina mai ai mo le faamauina.

24. Faasilasilaga ma le aveeseina o le faaaliga e taofia ai ai le faamaonia o se Mavaega seia maea ona suesueina e le Faamasinoga - O aiaiga ua taua o le a tatau ona faaoga i faaaliga e taofia ai se faamaoniga o se mavaega seia maea ona iloiloina e le Faamasinoga:-

(a) I le mauaina o so o se faaaliga e le Resitara e taofia ai le faamaonia o se Mavaega seia maea ona suesueina e le Faamasinoga e tatau loa i le Resitara ona tuuina i ai se faamatalaga i totonu o le Tusi Resitala o Fenua ma e tatau ona ia tuuina atu se faasilasilaga e tusa ai ma lea faaaliga i le tagata o lo o faasaga i ai lea faaaliga e tusa ai ma le esetete po o aia ua mafua ai ona tuuina mai sea faaaliga e taofia ai le faamaonia o se Mavaega seia maea ona suesueina e le Faamasinoga.

(b) O le tagata o ia lea ua tuuina atu i ai sea faasilasilaga po o so se isi tagata o lo o i ai so o se esetete faamauina po o se aia i totonu o le esetete po o aia puipuia e le faaaliga e taofia ai le faamaonia seia maea ona suesueina e le Faamasinoga e mafai, pe a fai ua ia manatu ua talafeagai ai, ona talosaga i le Faamasinoga Sili po o se Faamasino o le Faamasinoga mo se poloaiga e faapea ina ia

aveeseina lea faaaliga e taofia ai le faamaonia o se mavaega seia maea ona suesueina e le Faamasinoga.

- (c) O sea Faamasinoga po o se Faamasino, i luga o se faa-
maoniga e faapea ua uma ona tuuina atu se faasilasilaga o le talosaga i le e ona le faaaliga e taofia ai le faamaonia o se mavaega seia maea ona suesueina e le Faamasinoga po o le tagata o ia lea na tuuina mai lea faaaliga, e mafai ona faia sea poloaiga e pei ona manatu ai le Faamasinoga po o Faamasino ua tatau ma talafeagai.

25. Faaleaogaina o le faaaliga e taofia ai le faamaonia o se Mavaega seia maea ona suesueina e le Faamasinoga - Vagana ai i le tulaga o se faaaliga e taofia ai le faamaonia o se mavaega seia maea ona suesueina e le Faamasinoga ua tuuina mai e po o e avea ai ma sui o se tagata e faamanuiaina ai ua faia se tagi i lalo o so o se mavaega po o se maliega, po o mo le puipuia o so o se mavaega, po o e le Resitara i le faatinoina o pule i lalo o lenei Tulafono ua tuuina atu ia te ia i le avea o ia ma sui o lona tagata, o faaaliga uma e taofia ai le faamaonia o se mavaega seia maea ona suesueina e le Faamasinoga e tatau, ina ua tuana'i aso e 14 na tuuina atu ai le faasilasilaga i le e ona le faaaliga e faapea ua uma ona faia le talosaga mo le faamaonia o so o se pepa faale-tulafono e aafia ai le fanua, esetete, po o aia puipuia o lo i ai, ona avea e faapea ua faaleaogaina e tusa ai ma sea fanua, esetete, po o aia, po o nisi lava tulaga e faasino i ai e pei ona faasinomia i ai sea faasilasilaga, vagana ai o le faasilasilaga o lo o i totonu o le 14 aso e pei ona taua ma ua

tuuina atu i le Resitara e faapea o le talosaga mo se poloaiga e ese mai ai ua uma ona faia i le Faamasinoga Sili po o se Faamasino o le Faamasinoga, ma o sea poloaiga ua faia ma tuuina atu i le Resitara i totonu o se isi vaitaimi e 28 aso.

26. E mafai ona toe faamaui i tua se faaaliga e taofia ai le faamaonia o se Mavaega seia maea ona suesueina e le Faamasinoga - E mafai ona faamaui i tua e le e ona le faaaliga po o e lana loia so o se faaaliga e taofia ai le faamaonia o se mavaega seia maea ona suesueina e le Faamasinoga, ma i le fanua atoa po o se vaega o le fanua ua aafia, po o le maliega a le e ona le faaaliga e mafai ona tuuina atu mo le faamauiina o so o se faatinoga faapitoa ua faamatalaina ina ia faia i le noatia ma fai fuafua i aia a le e ona le faaaliga e taofia ai le faamaonia o se mavaega seia maea ona suesueina e le Faamasinoga.

27. Teena o le faamauiina - E mafai e le Resitara ona teena le taliaina mo le faamauiina o so o se pepa faale-tulafono ua ia manatu e le o lava ona faamatalaina po o faailoa mai ai le fanua o lo o faasinomia i ai, po o lea fanua (e le o se pepa faale-tulafono e pei ona faamatalaina i le fuaiupu 18 o lenei Tulafono) o le ata ua tuuina atu i le Resitara e tusa ai ma le fuaiupu 19 o lenei Tulafono e le i faamaonia i le igoa ma le tuatusi o le tagata o ia lea na faia po o na saunia le pepa faale-tulafono, po o ni tulaga ua ia manatu e le o saunia lelei ina ia tusa ai ma lenei Tulafono.

28. Tulaga e ave i ai le faamuamua - O pepa faale-tulafono e tusa ai ma se fanua e tasi e tataua ona agavaa ina ia faa-

mauina e tusa ai ma tulaga e ave i ai le faamuamua i talosaga taitasi mo le faamauina, ma a fai o ia talosaga ua faia i se taimi e tasi, e tatau loa ona tuuina le tulaga faamuamua e tusa ai ma le vave e faatino ai.

29. Totogi Fuapauina - I le faamauina o so o se pepa faaletulafono ma i le tuuina atu o pule faataga e avea ai ma sui o le a tatau ona totogiina e le ua talosaga mo le faamauina po o le tuuina atu o sea totogi fuapauina e pei ona o le a faatonuina.

VAEGA V

TULAGA AOA

30. E mafai ona faasaoina mea sese i totonu o le Tusi Resitala - E mafai e le Resitara i luga o se molimau ua ia manatu ua lava ma talafeagai, i le noatia ma le fai fuafua i so o se tulafono faatonutonu i lalo o lenei Tulafono, ona faasao ni mea sese ma tuuina atu ni faasaoga i totonu o le Tusi Resitala o Fanua.

31. Pule a le Resitara e talosaga ai i le Faamasinoga - (1)
E mafai e le Resitara ona talosaga i le Faamasinoga Sili mo ni faatonuga e tusa ai ma so o se mataupu e -

(a) faasino i se suiga po o se teuteuga o le Tusi Resitala o Fanua po o i so o se isi faamaumauga i so o se tulaga e faapea o le a ono aafia ai so o se tagata e tusa ai ma autu o sea teuteuga, po o ua faagau le malie i sea teuteuga;

(b) e faapea, i le manatu o le Loia Sili (ua tuuina atu i luga o se tusitusiga i le Resitara) o sea tulaga iloga

e faapea e ao ona faavaeina se faaiuga faale faamasinoga i ai; po o

(c) e aafia ai le aia a le Malo Tutoatasi o Samoa i Sisifo.

ma i luga o sea talosaga, e mafai e le Faamasinoga ona tuuina atu ni faatonuga ma faia ni poloaiga, e aofia ai ni poloaiga e tusa ai ma tau, ua ia manatu ua talafeagai ai ma ia totogiina ai loa i se taimi vave lava.

(2) E tatau i le Resitara ona galue i luga o ia faatonuga uma po o poloaiga e tusa ai ma o latou manaoga, ma a fai ua ia manatu ua talafeagai ai e tatau ona ia faamauina se ata i lalo o le faamau faailoga a le Faamasinoga o so o sea faatonuga po o se poloaiga.

32. Tuuina atu o Pule - O pule faataga uma e avea ai ma ma sui, faatasi ai ma ni fetuunaiga, pe a fai e i ai, o le faatinoina loa o lea pule, e mafai ona tuuina i le Ofisa o le Resitara o Fanua mo le puipuiga malu ma avea ai ma faamatalaga faasino i lea pule faataga.

33. Sailiga - O le Tusi Resitala o Fanua ma ata uma o pepa faale-tulafono o pule o lo o teu ai, ma isi lava pepa faale-tulafono po o ni ata o ia pepa na tuuina atu i le Resitara, e tatau ona tatalaina mo sailiga ma suesuega i le totogiina o ni totogi fuapauina e pei ona o le a faatonuina.

34. Kopi sailia - (1) I luga o le mauaina o le totogi fuapauina e mafai e le Resitara ona tuuina atu i so o se tagata se ata e le i faamaonia o -

(a) se pepa faale-tulafono po o se ata o lea pepa sa teu-
ina e ia e tusa ai ma lenei Tulafono; po o

(b) se itulau o le Tusi Resitala po o se vaega o lea tusi.

(2) O ata uma ua tuuina atu e tusa ai ma lenei fuaiupu e tatau ona faamaonia i le tuuina i ai o upu "na o se ata mo Sailiga".

35. Galue e avea ai o se tagata e faaliliuina atu fanua - E leai se tagata e tatau ona galue e avea o se tagata e faaliliuina atu se fanua e tusa ai ma so o se pepa faale-tulafono e mafai ona faamauina i lalo o lenei Tulafono pe a fai o ia lea e le o se loia.

36. Pe faapefea ona tuuina atu faasilasilaga - A fai o so so o se faasilasilaga ua manaomia ina ia tuuina atu e tusa ai ma lenei Tulafono, o sea faasilasilaga e tatau ona tuuina atu

(a) I so o se tagata o ia lea e ona le faaaliga pe a fai o lo o i ai se tuatusi e tauaaoina atu i ai o lo o faaaliga i totonu o le faaaliga e taofia ai le faamaonia o se mavaega seia maea ona susesueina e le Faamasinoga i le auina atu i ai o se ata o lea faaaliga i lena tuatusi i le va o le itula o le 8.30 i le taeao ma le 4.30 i le aoauli i so o se aso e ese mai ai na i lo Aso Toonai, Aso Sa, po o Aso Malolo o le Malo, ma tuu ai sea faasilasilaga i nisi o tagata o lo o i lena tuatusi, po o a fai e leai se tagata o lo o i ai ona faapipii lea o le faasilasilaga i le faitotoa o fale o lo o i lena tuatusi (po

o a fai o fale o lo o i ai se faitotoa, ona faapipii lea i se vaega o le fale o lo o i tala ane o se auala e ui atu ai i totonu o ia fale).

(b) I so o se isi tagata -

(i) pe i le auina atu o se ata o lea faasilasilaga i loa mo le isi tagata (pe a fai e silafia lelei e le Resitara); po o

(ii) i luga o le faitalia a le Resitara i le faia lea o se lomiga o lena faasilasilaga i se nusipepa o lo o lomiiina i totonu o Samoa i Sisifo po o i se faasilasilaga e faasalalau i le leitio po o le televise.

37. E mafai ona faia tautinoga i luma o le Resitara - E ese mai ai na i lo aiaiga o le Tulafono o Tautinoga, Faamatalaga Tauto ma Tautinoga 1963 so o se tagata o ia lea ua manaomia e faia se tautinoga mo faamoemoega o lena Tulafono e mafai ona faia lea tautinoga i luma o so o se tagata e pei ona faasionomia ia i fuaiupu 21 po o le 22 o le Tulafono o Tautoga, Faamatalaga Tauto ma Tautinoga 1963, po o i luma o le Resitara.

38. E le noatia le Malo - E le noatia le Malo i so o se taualumaga tau le va o tagata ma so o se mea ua faatamaia po o mo so o se mea ua leiloa ua pagatia ai ona o se taununga o so o se gaioiga, faatamala po o le le faataunuaina o galuega a le Resitara ma so o se tagata o lo o lagolagosua i ai.

39. Leiloa po o le faaleagaina o kopi o pepa faale-tulafono ua teuina i totonu o faamaumauga - (1) Pe a fai o le ata o se pepa faale-tulafono na teuina e le Resitara ua leiloa po o ua

faatamaia, po o ua matua faaleagaina ua manaomia ai ona toe suia, e mafai e le Resitara ona tuuina atu se faasilasilaga tusia i le tagata o ia lea o lo o umia le uluai ata o lea pepa, e manaomia ai o ia ina ia tauaaoina mai lea pepa i le Resitara mo le toe pueina o se isi ata.

(2) I le taimi lava e mauaina ai se pepa faale-tulafono ua tauaaoina mai e tusa ai ma le faafuaiupu (1) o lenei fuaiupu e tatau i le Resitara ona faatonuina se ata o lea pepa ina ia faia ma teuina, ma e tatau i totonu o le 14 aso talu ona ia mauaina lea pepa ona toe faafoi le uluai ata o le pepa faale-tulafono i le tagata o ia lea na tauaaoina mai lea pepa, po o i se isi lava tagata e pei ona o le a filifilia i luga o se tusitusiga e le tagata o ia lea na tauaaoina mai lea pepa faale-tulafono.

(3) O se tagata o umia se pepa faale-tulafono e pei ona tuuina atu i ai se faasilasilaga e tusa ai ma le faafuaiupu (1) o lenei fuaiupu ma ua ia le usitaia e aunoa ma se mafuaaga tatau (o le faamaoniga o lea tulaga o le a pau i ona luga) ina ia usitaia le faasilasilaga i totonu o le 14 aso na ia mauaina ai lea faasilasilaga ua faia se solitulafono ma ua noatia i se moliaga i se faasalaga e le sili atu i le \$500.

40. E le noatia le Resitara i tulaga tau le va o tagata - E le noatia le Resitara po o se o se isi o lagolagosua i ai i so o se taualumaga tau le va o tagata mo so o se faatamaiga ua faia po o mo so o se mea ua leiloa ua pagatia ai ona o se taunuuga o so o se gaioiga, faatamala po o le le faataunuaina o galuega a le Resitara po o tagata o lo o lagolagosua i ai, vagana ai e faapea

o ia gaoioiga, faatamala po o le le faataunuina o galuega ua mafua mai le amio le taupulea ua faia e lena tagata o ia lea o le a noatia i sea moliaga.

41. Aloaia o tofiga e le i aloaia muamua o Resitara - (1) I so o se tulaga pe a fai a o le i amata faamamaluina lenei Tulafono o le Faatonu Sili po o so o se i si tagata ua tuuina i ai le pule a le Malo e galue ai e avea o se Resitara e aunoa ma le tofiga e le Minisita o Mataupu Tau le Va i Fafu e pei ona manaomia e le Tulafono Faa-Poloaiga o le faamauina o Fanua tau Samoa 1920 (N.Z.) o le a tatau ona avea o ia e faapea ua aloaia lona tofiga e avea ai ma Resitara ma o gaoioiga uma na faia ma faaiuga na faia e ia po o sa fai e se tagata i lalo o lana puleaga e tatau ona avea e faapea ua aloaia ona faatino ma ua faia e faapei ai na tofia o ia e tusa ai ma aiaiga o lena Poloaga.

(2) Mo faamoemoega o lenei fuaiupu, "Faatonu Sili" o lona uiga o le Faatonu Sili o Fanua Fuagafanua ma Siosiomaga ma e aofia ai tagata uma sa avea muamua ma Faatonu Sili o Eleele, po o le Faatonu Sili o Eleele ma Siosiomaga.

42. Tulafono Faatonutonu - O le Ao o le Malo, i le faia i luga o le fautuaga a le Kapeneta e mafai mai i lea taimi i lea taimi ona faia ni tulafono faatonutonu e pei ona o le a ia manatu ua talafeagai po o le faatelevave ona faia ina ia tuuina atu ai le malosiaga atoatoa i aiaiga o lenei Tulafono ma mo lona faafoeina.

43. Soloia, aveeseina ma mea faasao - (1) O totogi Fuapau-

ina mo le Tulafono o le Faamauina o Fanua 1952 (e pei ona teuteuina e le Tulafono o Teuteu ai Tulafono 1956, Tulafono o Tupe Tesimale 1966, Tulafono Toe Teuteu o Totogi Fuapauina mo le faamauina o Fanua 1983, ma le Tulafono e Teuteu ai le Tulafono o Totogi ma Tuufaatasiga o Totogi 1988) ua soloia nei.

(2) O le Fuaiupu 135 o le Tulafono o Meatotino 1952 (N.Z) e tatau ona faitauina i le noatia ma le fai fuafua i le faafuaiupu (2) o le fuaiupu 19 o lenei Tulafono.

(3) O le Tulafono Faa-Poloaiga o le Faamauina o Fanua tau Samoa 1920 (N.Z.) (e pei ona teuteuina e le Tulafono Faa-Poloaiga e Teuteu ai le Tulafono Faa-Poloaiga o le Faamauina o Fanua tau Samoa 1921 (N.Z.), le Tulafono Faa-Poloaiga e Toe Teuteu ai le Tulafono Faa-Poloaiga o le Faamauina o Fanua tau Samoa 1924 (N.Z.), o le Tulafono Faa-Poloaiga e Toe Teuteu ai le Tulafono Faa-Poloaiga o le Faamauina o Fanua tau Samoa 1927 (N.Z.), le Tulafono Faa-Poloaiga e Toe Teuteu ai le Tulafono Faa-Poloaiga 1938 (N.Z.), Tulafono Faa-Poloaiga e Toe Teuteu ai le Tulafono Faa-Poloaiga o le Faamauina o Fanua tau Samoa 1946 (N.Z.) ua soloia nei.

(4) A fai o so o se pepa aloaia ua uma ona faatinoina a o le i amata faamamaluina lenei Tulafono, ma e le i, ae vagana ai mo lenei fuaiupu, e ono faamauina i lalo o lenei Tulafono peitai sa tatau ona faamauina e avea ai o se pepa faale-tulafono o pule e tusa ai ma le Tulafono Faa-Poloaiga o le Faamauina o Fanua tau Samoa 1920 (N.Z.), o lena pepa aloaia

o le a tatau ona faamauina i lalo o lenei Tulafono e avea ai e faapea o lenei Tulafono Faa-Poloaiga e le i soloia e lenei Tulafono.

(5) O se pepa aloaia e le tatau ona avea e faapea e le mafai ona faamauina i lalo o le Tulafono Faa-Poloaiga o le Faamauina o Fanua tau Samoa 1920 (N.Z), ona o se faamatalaga sese e le i fuafuaina e tagata e aafia, po o le fanua ua aafia ai, ma so o se mea sese faapea e mafai ona toe faasaoina ina ua tuana'i le amata faamamaluina o lenei Tulafono, ina ia tuuina atu ai le malosiaga i le agaga moni ma le faamoemoe o le pepa aloaia.

(6) E leai se mea i totonu o lenei Tulafono e tatau ona soloia ai pe toe faafouina ai aiaiga o so o se fuaiupu 11, 12, po o le 13 o le Tulafono o Fanua ma Suafa 1981.

(7) I so o se mea i totonu o so o se Tulafono o lo o aliali mai ai se faamatalaga i le Tulafono Faa-Poloaiga o le Faamauina o Fanua tau Samoa 1920 e tatau ona faitauina ma faaliliuina e avea ai faapei o se faamatalaga faasino i lenei Tulafono ma so o se faamatalaga i se aiaiga i totonu o lenei Tulafono Faa-Poloaiga e tatau ona avea o se faamatalaga i aiaiga tutusa (pe a fai e i ai) i lenei Tulafono.

F A A M A T A L A G A

Pepa A

FAAALIGA E FAASA AI LE FAAMAUINA O SE FEUTAGAINA E FAIA I LUGA O SE FANUA.

I le Resitara o Fanua, Samoa i Sisifo.

IA UTAGIA MAI lenei faasilasilaga e faapea o Au, (Igoa o le e ona le Faasilasilaga o (Galuega male Tuatusi), ua ou faia