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Western Samoa

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1980, No. 4

**AN ACT** to amend the Monetary Board of Western Samoa Act 1974 in order to extend the powers of the Monetary Board of Western Samoa to issue legal tender currency notes and to make provision for matters relating thereto.  
*[10 January 1980]*

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

PRELIMINARY

**1. Short title and commencement**—(1) This Act may be cited as the Monetary Board of Western Samoa Amendment Act 1980, and shall be read together with and deemed part of the Monetary Board of Western Samoa Act 1974\* (hereinafter referred to as the principal Act).

(2) This Act shall come into force on the first day of June 1980.

\* 1974, No.17

### THE MONETARY BOARD OF WESTERN SAMOA

**2. Establishment of Board**—The principal Act is amended by adding to section 3 the following subsections:—

“(4) The Board shall be a body corporate having perpetual succession and a common seal, and shall be capable of acquiring, holding and disposing of real and personal property, and of suing and being sued.

(5) The common seal of the Board shall be affixed pursuant to a resolution of the Board and to be witnessed by 2 members.”

**3. Powers of Board**—Subsection (1) of section 11 of the principal Act is amended by adding after the word “functions” the words “and to issue currency notes and coins”

### ISSUE OF CURRENCY

**4. Issue of currency**—The principal Act is amended by repealing section 19 and substituting therefor the following sections:—

“19. Issue of currency notes—(1) As from the date this Act comes into force the Board shall have the sole right to issue legal tender notes in Western Samoa, and except as provided for in section 19B of this Act, no other person shall issue or circulate notes in Western Samoa.

(2) The Board shall —

(a) Arrange for the printing of notes and for all matters pertaining thereto and for the security of such notes;

(b) Issue reissue, withdraw and at its discretion, exchange notes including those issued under section 13 of the Bank of Western Samoa Ordinance 1959.

(3) Notes issued under this Act shall be of such denominations and of such form and design and authenticated in such manner as may, from time to time, be determined by the Board.

**19A. Transfer of note-issue function**—As from the date this Act comes into force there shall be transferred to the Board the note-issue function and responsibilities of the Bank of Western Samoa prescribed by section 13 of the Bank of Western Samoa Ordinance 1959 together with the assets and corresponding liabilities as are necessary and appropriate for the assumption of this function by the Board. Upon such transfer the liability of the Bank of Western Samoa for currency issued and outstanding shall become the liability of the Board.

**19B. Transitional arrangements**—(1) The provisions of this section shall remain in force until the 1st day of June 1981 or such later date as may be recommended by the Board and approved by the Head of State, acting on the advice of Cabinet.

(2) During the transitional period currency notes issued by the Bank of Western Samoa shall remain legal tender.

(3) During the transitional period the Board may issue notes at par for the equivalent value of Bank of Western Samoa notes

**19C. Issue of coins**—The Minister shall continue to perform and exercise his functions and powers relating to the making and issuing of coins under the Decimal Currency Act 1966, but in the performance and exercise of this function the Minister shall comply with any direction given by the Board relating to the manufacture and characteristics of coins, the amount and composition of the assets to cover the coin-issue liability, the issuing and reissuing of coins, and the recovery of lost, stolen, mutilated or otherwise damaged coins”.

### FINANCIAL PROVISIONS

**5. Financial provisions**—The principal Act is amended by inserting after section 33 the following new provisions:—

**PART IX****FINANCIAL PROVISIONS**

**34. Financial year**—The financial year of the Board shall end on the 31st day of December.

**35. Profits**—The net profits of the Board for any financial year shall be determined by the Board after meeting all current expenditure for that year having made adequate provision for —

- (a) Bad and doubtful debts and depreciation of assets;
- (b) Such other purposes as the Board may deem necessary.

**36. General reserve**—(1) The Board shall establish a general reserve to which shall be allocated, at the end of each financial year, a percentage of the net profits to be determined by the Board.

(2) After allocations have been made to the general reserve under subsection (1) the remainder of the net profits in each financial year shall be transferred to the Treasury Fund

**37. Exemption from**—The Board shall be exempt from any form of taxation that may be imposed in Western Samoa.

**38 Audit**—The accounts of the Board shall be audited by the Controller and Chief Auditor.”

**REPEAL**

**6. Repeal**—Section 13 of the Bank of Western Samoa Ordinance 1959 is hereby repealed.

