



SAMOA

REVISION AND PUBLICATION OF LAWS ACT 2008

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REVISION AND PUBLICATION OF LAWS ACT 2008 2008 No.6

AN ACT to provide for the consolidation and revision of Samoa's statutes and subordinate legislation, and for the authorised publication and distribution of the revised laws in printed and electronic formats, and for related purposes.

[Assent and commencement date: 25 January 2008]

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

1. Short title and commencement – (1) This Act may be cited as the Revision and Publication of Laws Act 2008.

(2) This Act commences on the date that it is assented to by the Head of State.

2. Interpretation – (1) In this Act, unless the context otherwise requires:

“repealed Act” means the Reprint of Statutes Act 1972;

“Statute” includes any Act or Ordinance, and any regulations, rules, orders and notices made under the authority of an Act or Ordinance.

3. Authorised revisions of the Statutes – (1) The Attorney General may, authorise the preparation of consolidated and revised Statutes applying in Samoa for any period determined by the Attorney General.

(2) The Attorney General shall make arrangements for the consolidation of Statutes to be undertaken at intervals of not less than 1 year from the previous authorised consolidation and revision.

(3) The consolidated and revised Statutes authorised under this section may be published in printed hard copy and electronic forms (or either or both of these forms), as determined by the Attorney General to be the authorised versions of Samoa’s Statutes.

(4) The Attorney General may authorise the consolidation of the Statutes (or any of them) to be undertaken at any time by the Law Reform Commission, or any other body having the requisite expertise and resources.

(5) Any consolidated Statutes prepared under an authorisation given under subsection (4) shall require certification by the Attorney General before they can be said to be official versions of the Statutes (or any of them) in accordance with this Act.

4. General Powers in relation to form and process – (1) In relation to any consolidation and revision of the Statutes authorised under section 3, the Attorney General may determine the following matters of form and process to be applied to the consolidation and revision:

(a) a separate reprint of the Constitution or any Statute may be authorised;

- (b) the Statutes may be presented in alphabetical order, by thematic groups or in any other format approved by the Attorney General, or any combination of formats;
- (c) the consolidation and revision of the Acts and Ordinances, and of the subsidiary legislation made under them, may be undertaken and published separately;
- (d) a notation may be made to indicate the Government Ministry or agency which is vested with responsibility for administering a particular Statute, as determined by the Prime Minister acting under Article 35 of the Constitution;
- (e) the date of assent of each Statute shall be noted in the consolidated version of it together with any other date that the Attorney General determines to be the commencement date of the Statute (and the date of assent or any other specified date of commencement is conclusive proof that the Statute commenced on the date of assent, or the other commencement date, as the case may be).

(2) The official language of the consolidated and revised Statutes is English, but the Attorney General may approve an official version of the Statutes in the Samoan language also.

(3) A requirement stated in a provision of any Statute for the publication of a notice of commencement or of any part of any Statute, or a document referred to in any Statute, shall not affect the validity of any Statute or anything done under any Statute (whether the requirement has been complied with or not, or can be proved to have been complied with or not), and the Attorney General is empowered to remove any such reference or provision from any Statute during a revision undertaken in accordance with this Act.

5. General Powers to edit, amend and re-format – (1) In relation to any consolidation and revision of Statutes authorised under section 3, the Attorney General may exercise the following powers of amendment to edit or re-format the Statutes so as to:

- (a) arrange the grouping or sequence of Statutes;
- (b) amend the provisions of any Statute to achieve uniformity of expression;

- (c) incorporate any amendment to any Schedule or Part of a Statute made by any authority authorised by the Statute to make such amendment;
- (d) alter the order of sections, subsections or paragraphs;
- (e) renumber sections, subsections or paragraphs;
- (f) amend sections and paragraphs by dividing them into subsections, paragraphs and sub-paragraphs;
- (g) alter the form or arrangement of any section, subsection or paragraph by sub-dividing it, combining it with any other part or by transferring words;
- (h) divide any Statute into Parts, Divisions and Sub-Divisions;
- (i) add or alter tables of contents, chronological tables and notes (but these shall not form part of the Statute);
- (j) correct grammatical, typographical and similar errors (but not so as to affect meanings);
- (k) delete outmoded words and terminology and to generally apply principles of plain language;
- (l) correct cross references (and where reference is made to a Statute which no longer exists as part of the laws of Samoa, the Attorney General may substitute the nearest most relevant Statute or Statutes to that which is referred to);
- (m) correct references to repealed Statutes (where the replacing Statute specifically provides, or where it re-enacts a provision of the repealed Statute without modification);
- (n) make formal alterations to names, localities, ministers, ministries, departments, officers and offices and otherwise as may be necessary to conform to current circumstances in Samoa (and where reference is made to an office or office which no longer exists under the laws of Samoa, the Attorney General may substitute the nearest most relevant office or officer to that which formerly existed under the laws of Samoa);
- (o) delete references to the male gender only and to render such references in gender neutral terms;

- (p) adapt or amend any provision as required by any constitutional amendment;
 - (q) generalise references to Ministers by making reference to the Minister that is responsible for the administration of a particular Statute, or the Minister that is responsible for the area to which the Statute relates;
 - (r) provide one or more suitable index;
 - (s) make any other alteration as may be necessary to conform to current drafting style and practice, and to reconcile any contradictions, supply any omissions, and amend any imperfections in the form of any Statute;
 - (t) determine and note the date of assent and any other date being the date of commencement of each Statutes in accordance with section 4(1)(e); and
 - (u) do any other thing to correct the revised edition.
- (2) In the exercise of any power under subsection (1), the Attorney General may not make any amendment to a Statute so as to affect the substance or meaning of any of its provisions.
- (3) All references to the Samoan *Gazette* in any Statute may be amended to be a reference to the Savali, and all laws are amended accordingly.

6. Amendments which require the endorsement of Parliament – (1) When revising the Statutes under the authority of this Act, the Attorney General may:

- (a) consolidate Statutes into one law, making necessary alterations;
 - (b) divide one Statute into more than one law, making necessary alterations;
 - (c) transfer a provision from one Statute to another where it more properly belongs;
 - (d) add or alter a long title or short title, and omit formal, enacting and introductory words.
- (2) The approval of Parliament is required for a Statute which has been revised under subsection (1), or which has been revised under this Act so as to affect its substance or meaning.
- (3) An approval required under this section shall be sought by the Prime Minister and may be considered and given by the Parliament in accordance:

- (a) with any relevant Standing Order; or
- (b) in the absence of an applicable Standing Order, with any procedure determined by the Parliament.

7. Copyright to remain vested in the Government – (1)

The copyright for all consolidated and revised Statutes undertaken under the authority of this Act shall vest in the Government at all times.

(2) Any agreement which purports to vest the copyright of any consolidated and revised Statutes undertaken under the authority of this Act in any other person is void.

(3) Nothing in subsection (2) affects the right of the Clerk of the Legislative Assembly to give permission under section 7 to any person to publish any Statutes consolidated and revised under the authority of this Act, on the terms and conditions set by the Clerk.

8. Publication of the revised Statutes – (1) No Statute that has been consolidated and revised under the authority of this Act may be published in any form unless approved by the Clerk of the Legislative Assembly.

(2) In giving any approval under subsection (1) the Clerk of the Legislative Assembly may determine and apply any terms and conditions applying to any approved publication, including the proposing of a fee or payment to be prescribed by regulations for the right to publish a Statute.

(3) In giving any approval and setting any terms and conditions under this section, the Clerk shall have regard to relevant considerations relating to:

- (a) the need to ensure that the integrity of the Statutes is maintained;
- (b) the fixing of an affordable charge for the purchase of the Statutes, or rights of access to them; and
- (c) the effective dissemination of the Statutes so as to permit general access to the Statutes by all persons.

(4) The Clerk of the Legislative Assembly is authorised to make any necessary arrangements for the sale and distribution of the Statutes, and may propose the charge to be prescribed by regulations for the purchase of a Statute, or to access the Statutes in electronic form and by electronic means.

(5) A person commits an offence who:

- (a) publishes a Statute without the approval of the Clerk of the Legislative Assembly under this section; or
- (b) publishes a Statute with the Clerk's approval but in breach of a term or condition applying to the approval; or
- (c) tampers with a consolidated and revised Statute prepared under the authority of this Act so as to alter any of its provisions in any way (except under the authority of this Act), –

and is liable upon conviction to:

- (d) a fine not exceeding 500 penalty units, if the offender has profited in any way from the publication or tampering; or
- (e) a fine not exceeding 50 penalty units, if the offender has derived no profit from the publication or tampering.

(6) An approval under this section may be given by the Clerk for the publication of a Statute of Samoa on the internet or by any other electronic means for the purposes of study or public information on the basis that the versions so published shall not be regarded as an official version of the Statutes of Samoa.

(7) When an approval is given under subsection (6), the person publishing the Statutes in electronic form must clearly note that the version so published is not an official version of the Statute.

(8) A person who breaches subsection (7) or any other condition imposed by the Clerk in relation to an approval under subsection (6) commits an offence and is liable upon conviction to a fine not exceeding 100 penalty units for each Statute that is published in breach of this subsection.

9. Judicial notice to be taken of the revised Statutes – (1) All Courts and persons exercising a judicial power may take judicial notice of a Statute which is consolidated and revised under the authority of this Act.

(2) The validity of the text of a Statute which has been consolidated and revised under the authority of this Act may be clarified by reference to:

- (a) the Statute in its original assented form as kept by the Clerk of the Legislative Assembly or the Registrar of the Supreme Court; or
- (b) any of the original copies of the consolidated and revised Statutes kept in accordance with section 9.

(3) If a doubt is raised as to the accuracy of any consolidated and revised Statute the Court may determine the correct text of the Statute by reference to the copies of it referred to in subsection (2).

(4) All persons and government agencies having responsibilities related to the application of a Statute may rely on the consolidated and revised version of the Statute as authorised by this Act.

(5) A person who alters and tampers with an original assented copy of a Statute commits an offence and is liable upon conviction to a fine not exceeding 500 penalty units.

10. Arrangements for securing the published Statutes – (1) The Clerk of the Legislative Assembly and the Attorney General shall take all necessary steps to:

- (a) preserve the integrity of the Statutes consolidated and revised under the authority of this Act; and
- (b) maintain back-up copies of the consolidated and revised Statutes.

(2) Copies of the consolidated and revised Statutes must be kept at a secure location within Samoa, and at least one secure location outside of Samoa.

(3) A copy of each consolidated and revised Statute must be lodged with the Registrar of the Supreme Court for the use of the Judiciary.

11. Certain laws to continue in force – (1) The Statutes of New Zealand specified in the Schedule continue to form part of the laws of Samoa so far as they are in force at the date of commencement of this Act by reason of the repealed Act, and until they are amended or repealed.

(2) The Companies Act 1955 does not have effect by reason of this section if it has been repealed by the Companies Act 2001 prior to the commencement of this Act.

12. Certain laws to remain repealed – (1) Subject to section 11, the Statutes of New Zealand which were repealed under section 8 of the repealed Act remain for all time repealed.

12A. Regulations – (1) The Head of State, acting on the advice of Cabinet, may make regulations prescribing matters required or permitted by this Act or necessary for giving effect to this Act (including prescribing fees for the purposes of this Act).

(2) The amount of a fee or charge prescribed under subsection (1):

- (a) shall be proposed by the Clerk of the Legislative Assembly; and
- (b) is subject to the consideration and approval of the National Revenue Board under the Public Finance Management Act 2001.

13. Repeal – The Reprint of Statutes Act 1972 is repealed.

14. Savings provisions – The reprints of Statutes undertaken under the authority of the repealed Act are taken to have been undertaken and authorised under this Act, and may be regarded as authorised Statutes applying for the period that the respective reprint of Statutes applies.

SCHEDULE **(Section 11)**

NEW ZEALAND STATUTES REMAINING IN FORCE

Bankruptcy Act 1908
Property Law Act 1952
Samoa Act 1921 (sections 360 and 362)
Companies Act 1955

REVISION NOTES 2008 – 2020/3 March 2021

This is the official version of this Act as at 3 March 2021.

This Act has been revised by the Legislative Drafting Division from 2008 – 2020/3 March 2021 respectively under the authority of the Attorney General given under the *Revision and Publication of Laws Act 2008*.

This Act has been revised under section 5 of 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/an” or “each” where appropriate
 - (ii) Present tense drafting style where appropriate:
 - “shall be” and “has been” changed to “is/are” or “is/are to be”
 - “hereby” and “from time to time” (or “at any time” or “at all times”) removed
 - (iii) Use of plain language
 - “in accordance with” changed to “under”
 - “deemed” changed to “taken”
 - (iv) Numbers in words changed to figures
 - (v) Removal of superfluous terms
 - “the provisions of”
 - “and of no effect”
 - (vi) Inserted authorising provision for the Schedule (under the heading “Schedule”)

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

By the *Fees and Charges (Miscellaneous Amendments) Act 2017, No 13*:

Amendments made to this Act reflect that fees charged under this Act are to be prescribed by Regulations. Amendments are made to sections 8 and 12.

*This Act is administered by
the Office of the Attorney General.*