

DEFAMATION

WESTERN SAMOA

Arrangement of Provisions

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1992/1993, No. 33

**An Act to amend the law relating to libel and slander and
other malicious falsehoods**

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

PART I
PRELIMINARY

1. **Short Title** - This Act may be cited as the Defamation Act 1992/1993.

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

"Broadcasting station" means the broadcasting service carried on by the Minister in charge of Broadcasting pursuant to the Broadcasting Ordinance 1959 and any private broadcasting station within the meaning of that Ordinance.

"Newspaper" means any paper containing public news or observations thereon, or consisting wholly or mainly of advertisements, which is printed for sale or distribution and is published, in Western Samoa or elsewhere, periodically at intervals not exceeding 3 months: References to words shall be construed as including references to pictures, visual images, gestures, and other methods of signifying meaning.

(2) The provisions of Part III of the First Schedule to this Act shall have effect for the purposes of the interpretation of that Schedule.

3. **Application of Act** - Except as otherwise provided in sections 4 and 5 of this Act, this Act applies for the purposes

of any proceedings begun after the commencement of this Act, whenever the cause of action arose or the offence was committed, but does not affect any proceedings begun before the commencement of this Act.

PART II

CIVIL PROCEEDINGS

4. Libel and slander actionable without proof of special damage - (1) In any action for defamation (whether libel or slander), it shall not be necessary to allege or prove special damage.

(2) This section applies for the purposes of any proceedings where the cause of action has arisen after the commencement of this Act, but does not affect any proceedings where the cause of action arose before the commencement of this Act, whenever the proceedings were commenced.

5. Slander of title, etc. - (1) In an action for slander of title, slander of goods, or other malicious falsehood, it shall not be necessary to allege or prove special damage if the words upon which the action is founded are calculated to cause pecuniary damage to the plaintiff.

(2) This section applies for the purposes of any proceedings where the cause of action has arisen after the commencement of this Act, but does not affect any proceedings where the cause of action arose before the commencement of

this Act, whenever the proceedings were commenced.

6. Repeating statements made in the course of judicial proceedings etc. - (1) Notwithstanding any rule of law or equity to the contrary, and notwithstanding the provisions of the Schedule to this Act any statement made in the course of judicial or quasi-judicial proceedings, which if made otherwise than in the course of those proceedings would be defamatory of any person other than a person who is a party to those proceedings, shall, if quoted, repeated or published otherwise than in the course of those proceedings, be deemed to be a defamatory statement made or published by the person so quoting repeating or publishing the same and shall be actionable at the suit of the person defamed.

(2) Subsection (1) of this section shall apply notwithstanding the fact that the person quoting repeating or publishing the statement attributes that statement to any other person.

(3) A Judge, Magistrate or other person presiding over any proceedings in Western Samoa during the course of which there is made a statement to which subsection (1) of this section applies may, if he is satisfied that it is in the public interest so to do, make an order permitting the publication of that statement and may attach conditions to that order.

(4) Subsection (1) of this section shall not apply in any case where the statement is quoted, repeated or published pursuant to and in conformity with the conditions of an order

made under subsection (3) of this section.

(5) For the purposes of this section:-

"Statement" includes sworn and unsworn testimony, and also includes any part of a statement, but excludes a judgment, ruling or decision of any Judge, Magistrate or other person or other person acting judicially in respect of any judicial or quasi-judicial proceedings.

"Party" in relation to any proceedings includes every person who is entitled as of right:-

- (a) to be present and to be heard;
- (b) to call evidence; and
- (c) to examine or cross examine all persons testifying,
at those proceedings.

7. **Defamation by association** - (1) This section applies to every publication of words which refer to an unidentified member of a class of persons, where a member of that class (in this section referred to as an aggrieved member) has reasonable grounds for believing and does believe that (whether by reason of the smallness of the class or otherwise) a person or persons may suppose that the words are intended to apply to him.

(2) An aggrieved member may give written notice to the person who published the words complained of, to any person who authorised their publication, and to any person to whom those words were in the publication attributed, calling upon that person to supply to that member a denial in writing

that those words were intended to apply to that member.

(3) If any person to whom subsection (2) of this section applies does not within seven days of service of notice upon him, supply to the aggrieved member the written denial requested in the notice (or as the case may be a written denial that he published or used those words) he shall be deemed to have intended those words to apply to the aggrieved member.

(4) If an aggrieved member elects to publish any denial received by him pursuant to subsection (3) of this section the costs of publication shall be recoverable by the aggrieved member as a debt due to him from every person who published or authorised the publication of the words complained of: Provided that the amount recoverable shall not exceed the minimum costs necessary to bring the denial to the attention of those persons who might reasonably be supposed to have been aware of the words complained of.

(5) For the purpose of this section "class of persons" includes (without limiting the generality of that expression) two or more persons, whether incorporated or unincorporated who are associated together either for a common purpose, or by reason of a common interest.

8. **Unintentional Defamation** - (1) A person who has published words alleged to be defamatory of another person may, if he claims that the words were published by him innocently in relation to that other person, make an offer of amends under this section; and in any such case -

(a) If the offer is accepted by the party aggrieved and is duly performed, no action for defamation shall be commenced or continued by that party against the person making the offer in respect of the publication in question (but without prejudice to any cause of action against any other person jointly responsible for that publication):

(b) If the offer is not accepted by the party aggrieved, then, except as otherwise provided by this section, it shall be a defence, in any action by him for defamation against the person making the offer in respect of the publication in question, to prove that the words complained of were published by the defendant innocently in relation to the plaintiff and that the offer was made as soon as practicable after the defendant received notice that they were or might be defamatory of the plaintiff, and has not been withdrawn.

(2) Paragraph (b) of subsection (1) of this section shall not apply in relation to the publication by any person of any words of which he is not the author unless he proves -

(a) That the author did not intend to write or publish them of and concerning the party aggrieved, and did not know of circumstances by virtue of which they might be understood to refer to him; or

(b) That the words were not defamatory on the face of

them, and the author did not know of circumstances by virtue of which they might be understood to be defamatory of the party aggrieved,

and that in either case the author exercised all reasonable care in relation to the matter.

(3) An offer of amends under this section must be expressed to be made for the purposes of this section, and must be accompanied by an affidavit specifying the facts relied upon by the person making it to show that the words in question were published by him innocently in relation to the party aggrieved; and for the purposes of a defence under paragraph (b) of subsection (1) of this section no evidence, other than evidence of facts specified in the affidavit, shall be admissible on behalf of that person to prove that the words were so published.

(4) An offer of amends under this section shall be understood to mean an offer -

(a) In any case, to publish or join in the publication of a suitable correction of the words complained of, and a sufficient apology to the party aggrieved in respect of those words:

(b) Where copies of a document or record containing the said words have been distributed by or with the knowledge of the person making the offer, to take such steps as are reasonably practicable on his part

for notifying persons to whom copies have been so distributed that the words are alleged to be defamatory of the party aggrieved.

(5) Where an offer of amends under this section is accepted by the party aggrieved -

(a) Any question as to the steps to be taken in fulfilment of the offer as so accepted shall in default of agreement between the parties be referred to and determined by the Court whose decision thereon shall be final:

(b) The power of the Court to make orders as to costs in any action by the party aggrieved against the person making the offer in respect of the publication in question, or in any proceedings in respect of the offer under paragraph (a) of this subsection, shall include power to order the payment by the person making the offer the party aggrieved of costs on an indemnity basis and any expenses reasonably incurred by that party in consequence of the publication in question, -

and, if no such action or proceedings as aforesaid are taken, the Court may, upon application made by the party aggrieved, make any such order for the payment of such costs and expenses as aforesaid as could be made in any such action or proceedings.

(6) For the purposes of this section words shall be

treated as published by one person (in this subsection referred to as the publisher) innocently in relation to another person if and only if the following conditions are satisfied, that is to say-

(a) That the publisher did not intend to publish them of and concerning that other person, and did not know of circumstances by virtue of which they might be understood to refer to him; or

(b) That the words were not defamatory on the face of them, and the publisher did not know of circumstances by virtue of which they might be understood to be defamatory of that other person,

and in either case the publisher exercised all reasonable care in relation to the publication; and any reference in this subsection to the publisher shall be construed as including a reference to any servant or agent of his who was concerned with the contents of the publication.

(7) For the purposes of this section the term "Court", in relation to the publication of any words, means the Court in which any action in respect of the publication has been taken, and, if no such action has been taken, means the Supreme Court.

9. **Justification** -In an action for defamation in respect of words containing 2 or more distinct charges against the plaintiff, a defence of justification shall not fail by reason only that the truth of every charge is not proved if the words

not proved to be true do not materially injure the plaintiff's reputation having regard to the truth of the remaining charges.

10. Fair Comment -In an action for defamation in respect of words consisting partly of allegations of fact and partly of expression of opinion, a defence of fair comment shall not fail by reason only that the truth of every allegation of fact is not proved if the expression of opinion is fair comment having regard to such of the facts alleged or referred to in the words complained of as are proved.

11. Actions in respect of publication in different newspapers of same defamatory matter - (1) When an action has been commenced by any person in respect of the publication of defamatory matter in a newspaper, no other action shall thereafter be commenced by the same person in respect of the publication at any time before the commencement of the first-mentioned action of the same or substantially the same defamatory matter in any other newspaper, unless that other action is commenced on or within 30 days after the date of the commencement of the first-mentioned action.

(2) When any action is commenced in breach of the provisions of this section, it shall not be necessary for the defendant to plead this matter by way of defence, but the same may be given in evidence as defence on the trial of the action.

(3) In determining for the purposes of this section the date of the publication of defamatory matter in a newspaper,

the defamatory matter shall be deemed to have been published on the date of issue of that newspaper, and at no subsequent time.

12. Plaintiff to give notice of such actions to each defendant - (1) When 2 or more actions have been commenced by the same person in respect of the publication of the same or substantially the same defamatory matter in different newspapers, the plaintiff shall as soon as practicable give to the defendant in each of the actions such notice of the existence of the other actions as is reasonably sufficient to enable each defendant to make application for the consolidation of the actions under the provisions hereinafter contained.

(2) If the plaintiff makes default in giving notice as aforesaid to any defendant, that defendant may apply to the Court to dismiss or stay the action, and the Court may, if in its discretion it thinks fit to do so, dismiss or stay the action accordingly.

13. Consolidation of actions on application of defendants-

(1) The Supreme Court, upon the application of the defendants in 2 or more actions brought in that Court or in a Magistrate's Court by one and the same person in respect of the publication of the same or substantially the same defamatory matter, may make an order for the consolidation of those actions so that they shall be tried together; and after any such order has been made, and before the trial of the actions, the

defendant in any other action brought in respect of the same or substantially the same defamatory matter shall also be entitled to be joined in a common action upon a joint application being made by that defendant and the defendants in the actions already consolidated.

(2) Every action consolidated under this section shall be heard and determined in the Supreme Court. If any of the actions consolidated was commenced in a Magistrate's Court the order consolidating it shall be deemed to be also an order for its removal into the Supreme Court.

(3) In an action consolidated under the provisions of this section the Judge or jury shall assess the whole amount of the damages (if any) in one sum, but a separate verdict shall be given for or against each defendant in the same way as if the actions consolidated had been tried separately; and if a verdict is given against the defendants in more than one of the actions so consolidated, the Judge or jury shall proceed to apportion the amount of damages so found between and against those defendants; and the Judge at the trial, if he awards to the plaintiff the costs of the action, shall thereupon make such order as he deems just for the apportionment of those costs between and against those defendants.

(4) Every action consolidated under the provisions of this section shall be heard at such time and place as the Supreme Court may order.

(5) This section shall apply to actions for slander of

title, slander of goods, or other malicious falsehood as it applies to actions for defamation; and references in this section to the same or substantially the same defamatory matter shall be construed accordingly.

14. **Public apology in mitigation of damages** - In an action for defamation the defendant may prove in mitigation of damages that he made or offered a public apology to the plaintiff for the defamation before the commencement of the action, or, if the action was commenced before there was a reasonable opportunity of making or offering such an apology, as soon afterwards as he had a reasonable opportunity of doing so.

15. **Other evidence in mitigation of damages** - In an action for defamation the defendant may prove in mitigation of damages that the plaintiff has already recovered damages, or has brought an action for damages, or has received or agreed to receive compensation, in respect of any other publication by the same or any other person of the same or substantially the same defamatory matter.

16. **Agreements for indemnity** - An agreement for indemnifying any person against civil liability for defamation in respect of the publication of any matter shall not be unlawful unless at the time of the publication that person knows that the matter is defamatory, and does not reasonably believe that there is a good defence to any action brought upon it.

PART III
CRIMINAL PROCEEDINGS

17. Powers of Court in prosecutions for defamatory libel -

(1) The Court upon the hearing of a charge pursuant to section 84 of the Crimes Ordinance 1961 in respect of the publication of a defamatory libel, may receive evidence as to the publication being for the public benefit, and as to the truth of the defamatory libel, and as to any other matter which might be given in evidence by way of defence in a civil action by the person charged.

(2) In any proceedings under section 84 of the Crimes Ordinance 1961 it shall be a good defence that the defamatory matter published by the person charged was true, and that the publication thereof was for the public benefit; but no evidence of the truth of that matter shall be admissible until and unless the person charged proves that, assuming the matter so published to be true, the publication thereof was for the public benefit.

PART IV

GENERAL

18. Qualified privilege for certain reports - (1) Subject to the provisions of this section, and subject also to the provisions of section 6 of this Act, the publication of any such report or

other matter as is mentioned in the Schedule to this Act shall be privileged in any civil or criminal proceeding unless the publication is proved to be made with malice.

(2) In an action for defamation in respect of the publication in a newspaper, or as part of any programme or service provided by means of a broadcasting station, of any such report or matter as is mentioned in Part II of the First Schedule to this Act, the provisions of this section shall not be a defence if it is proved that the defendant has been requested by the plaintiff to publish in the manner in which the original publication was made a reasonable letter or statement by way of explanation or contradiction, and has refused or neglected to do so, or has done so in a manner not adequate or not reasonable having regard to all the circumstances.

(3) Nothing in this section shall be construed as protecting the publication -

- (a) Of any report or other matter the publication of which is prohibited by law, or by any lawful order.
- (b) Of any such report or other matter as is mentioned in Part II of the First Schedule to this Act unless it is of public concern and the publication of it is for the public benefit.

(4) Nothing in this section shall be construed as limiting or abridging any privilege subsisting immediately before the commencement of this Act.

19. Stay of proceedings for publication of reports, etc., -

(1) Any person who is a defendant in any civil or criminal proceeding commenced or prosecuted in respect of the publication of any report, paper, votes, or proceedings by that person, or by his servant, by or under the authority of the Legislative Assembly, may bring before the Court in which the proceeding is so commenced or prosecuted (first giving 24 hours notice of his intention to do so to the plaintiff or prosecutor in the proceeding or to his solicitor) a certificate under the hand of the Speaker of the Legislative Assembly stating that the report, paper, votes, or proceedings, as the case may be, in respect of which the proceeding is commenced or prosecuted were published by that person, or by his servant, by order or under the authority of the Legislative Assembly.

(2) Every such certificate shall be accompanied by an affidavit verifying the certificate.

(3) The Court shall thereupon immediately stay the proceeding, and the proceeding shall be deemed to be finally determined by virtue of this section.

20. Publication of extract from parliamentary report, etc., in good faith and without malice - In any civil or criminal proceeding commenced or prosecuted in respect of the publication of any extract from or abstract of any such report, paper, votes, or proceedings as are referred to in section 19 of this Act, the defendant may give in evidence the report, paper, votes, or proceedings, and show that the extract or abstract was published in good faith and without malice; and if that is the

opinion of the court judgment shall be entered for the defendant.

21 Evidence as to publisher or printer - Upon the trial of any civil or criminal proceeding commenced or prosecuted in respect of the publication of any defamatory matter in any book or printed document, or in any number or part of a newspaper or other periodical, any printed statement contained in the book, document, number, or part that the same is published or printed by the defendant shall, in the absence of proof to the contrary, be evidence of the truth of that statement.

22. Actions to which Government is a party - In any action for Defamation to which the Government or a Minister of Cabinet acting in his official capacity is a party the Court seised of the matter shall take all steps as it deems practicable to hear and determine such action at the earliest opportunity.

23. Act to bind the Government - This Act shall bind the Government.

SCHEDULE
STATEMENTS HAVING QUALIFIED PRIVILEGE
Sections 2 (2),18

PART I

Statements Privileged Without Explanation or Contradiction

1. A fair and accurate report of the proceedings of the Legislative Assembly or of any Committee thereof.
2. A fair and accurate report of the proceedings of any Court of justice in Western Samoa, whether those proceedings are preliminary, interlocutory, or final, and whether in open Court or not, or of the result of any such

proceedings.

PART II

Statements Privileged Subject, in the Case of a Newspaper or a Broadcasting Station, to Explanation or Contradiction

3. A fair and accurate report of the proceedings of the legislature of any territory outside Western Samoa or of any Committee of any such legislature.
4. A fair and accurate report of the proceedings of any Court of justice outside Western Samoa, whether those proceedings are preliminary, interlocutory, or final, and whether in open Court or not, or of the result of any such proceedings.
5. A fair and accurate report of the proceedings in any inquiry held under the authority of the Government or legislature of Western Samoa or of any territory outside Western Samoa, or a true copy of or a fair and accurate extract from or abstract of any official report made by the person by whom the inquiry was held.
6. A fair and accurate report of the proceedings of any international organisation of which Western Samoa or any other territory within the Commonwealth, or the Government of Western Samoa or any such territory, is a member, or of any international conference to which the Government of Western Samoa or any other territory within the Commonwealth sends a representative.
7. A fair and accurate copy of or extract from any register kept in pursuance of any Act which is open to inspection by the public, or of any other document which is required by the law of Western Samoa to be open to inspection by the public.
8. A notice or advertisement published by or on the authority of any Court of justice, whether within Western Samoa or elsewhere, or any Judge or officer of such a Court.
9. A fair and accurate report of the proceedings at any meeting or sitting in any part of Western Samoa of any person or body appointed or constituted by or under, and exercising functions under, any Act (not being a Court of justice or a person holding an inquiry to which clause 5 of this Schedule relates), -
not being a meeting or sitting admission to which is

denied to representatives of newspapers and other members or the public.

10. A fair and accurate report of the proceedings, or of the result of the proceedings, in any inquiry held in accordance with the rules of any association formed for the purpose of -
 - (a) Promoting or safeguarding the interests of any game, sport, or pastime to the playing or exercise of which members of the public are invited or admitted; or
 - (b) Promoting or safeguarding the interests of any trade, business, industry, or profession, or of the persons carrying on or engaged in any trade, business, industry, or profession; or
 - (c) Promoting or encouraging the exercise of or interest in any art, science, religion, or learning, -
being an inquiry relating to a person who is a member of or is subject by virtue of any contract to the control of the association.
11. A fair and accurate report of the proceedings, or of the result of the proceedings, in any inquiry held in accordance with the rules of any association formed for the purpose of promoting and safeguarding the standards of the Western Samoa press.
12. A fair and accurate report of the proceedings at any public meeting held in Western Samoa, that is to say, a meeting bona fide and lawfully held for a lawful purpose and for the furtherance or discussion of any matter of public concern, whether the admission to the meeting is general or restricted.
13. A fair and accurate report of the proceedings at a general meeting of any company or association constituted or registered by or under any Act or of any other incorporated company or association operating in Western Samoa (other than a private company within the meaning of (the Companies Act 1955)), not being a meeting admission to which is denied to representatives of newspapers and other members of the public.
14. A copy or fair and accurate report or summary of any statement, notice or other matter issued for the information of the public by or on behalf of the Government or any department or officer thereof.

PART III

INTERPRETATION

15. In this Schedule, unless the context otherwise requires, -

"Court of justice" includes the International Court of Justice and any other judicial or arbitral tribunal deciding matters in dispute between State:

"Government", in relation to any territory outside Western Samoa which is subject to a central and a local Government, means either of those Governments:

"Legislature", in relation to any territory outside Western Samoa which is subject to a central and a local legislature, means either of those legislatures:

FAIGA TAU FAALEAGA

SAMOA I SISIFO

Faatulagaina o Aiaiga

Igoa

VAEGA I

FAATOMUAGA

1. Igoa Puupuu.
2. Faamatalaina o uiga o Upu.
3. Faaaogaina o le Tulafono.

VAEGA II

TAUALUMAGA TAU LE VA O TAGATA

4. Tagi ua faia e faamanualia ai le igoa tauleleia ma faamatalaga tau faaleaga e aunoa ma ni faamaoniga o ni tulaga tau faaleaga faapitua.
5. Lomiga faasalalau e faaleagaina ai se igoa ma isi tulaga.
6. Faamatalaga ua faia soo a o faagasolo taualumaga faafaamasinoga ma isi tulaga.
7. Faiga tau faaleaga ua faia e faalapotopotoga.
8. Faiga tau faaleaga e le i faamoemoeina.
9. Faamaoniga.
10. Faamatalaga talafeagai.
11. Tagi e tusa ai ma lomiga faasalalau i nusipepa eseese o le mataupu tau faaleaga lava e tasi.
12. O le itu tagi ina ia tuuina atu se faasilasilaga o ia tagi i tagata tetee taitoatasi.
13. Faamautuina o tagi talosaga a tagata tetee.
14. Faatoeseaga faalauaitete e

faamamaina ai mea ua faaleagaina.

15. Isi molimau i le faamamaina o mea ua faaleagaina.
16. Maliega mo le faasaolotoina.

VAEGA III

TAUALUMAGA TAU SOLITULAFONO

17. Pule a le Faamasinoga i moliaga mo faamatalaga e faamanualia ai le igoa tauleleia o se tagata ma faiga tau faaleaga.

VAEGA IV

TULAGA AOO

18. Tulaga aloaia mo nisi o lipoti.
19. Taofia o taualumaga mo lomiga faasalalau o lipoti; ma isi tulaga, i luga o poloaiga a le Palemene.
20. Lomiga faasalalau ootootoga mai lipoti faa-palemene, ma isi tulaga, e faia i luga o le agaga lelei ma e aunoa ma tulaga e faamanualia ai.
21. Molimau faasino i le tagata e faia lomiga faasalalau po o tagata e lolomiina nusipepa.
22. Tagi o lo o avea ai le Malo o se itu.
23. Tulafono e noatia ai le Malo Faamatalaga

1992/1993, Nu. 33.

O SE TULAFONO e teuteu ai le tulafono faasino i faamatalaga faasalalau e faamanualia ai tulaga tauleleia ma faamatalaga tau faaleaga ma isi tuuaiga le sao ua faia i luga o se agaga fia faaleaga.

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

VAEGA I

FAATOMUAGA

1. Igoa Puupuu - E mafai ona taua lenei Tulafono o le Tulafono o Faiga Tau Faaleaga 1992/1993.

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

"Nofoga mo Faasalalauga i le ea" o lona uiga o galuega tau faasalalauga i le ea o lo o tauaveina e le Minisita o lo o pulea le Matagaluega o Faasalalauga e tusa ai ma le Tulafono o Faasalalauga 1959 ma so o se isi nofoaga tau faasalalauga tumaoti i luga o le ea i totonu o le faauigaina o lena Tulafono.

"Nusipepa" o lona uiga o so o se pepa o lo o i ai ni tala faalauaitetele po o ni suesuega faasino i ai, po o ua aofia atoa ai po o ni vaega o faasalalauga faa-pisinisi, ua lomia mo le faatauina atu po o le tufatufaina atu ma ua lolomiina i totonu o Samoa i Sisifo po o so o se mea, faa-vaitaimi i vaitaimi e le sili atu i le 3 masina:

Faamatalaga faasino i upu e tatau ona mafai ona faapea e aofia ai faamatalaga faasino i ni ata, faailoga vaai, taga, ma isi faiga e mafai ona faauigaina.

(2) O aiaiga o le Vaega III o le Faamatalaga Muamua i lenei Tulafono e tatau ona i ai malosiaga mo aano moni o le faamatalaina o uiga o upu o lena Faamatalaga.

3. Faaaogaina o le Tulafono - Vagana ai e ese mai ai na i lo aiaiga o fuaiupu 4 ma le 5 o lenei Tulafono, o lenei Tulafono e faaoga mo aano moni o so o se taualumaga ua amataina ina ua tuanai le amata faamamaluina o lenei Tulafono, i so o se taimi e tulai mai ai se mafuaaga o se tagi po o le solitulafono na faia, peitai e le aafia ai so o se taualumaga na amataina i tua atu o le aso na amata faamamaluina ai lenei Tulafono.

VEAGA II

TAUALUMAGA TAU LE VA O TAGATA

4. Tagi ua faia e faamanualia ai le igoa tauleleia ma faamatalaga tau faaleaga e aunoa ma ni faamaoniga o ni tulaga tau faaleaga faapitoa - (1) I so o se tagi (pe faamanualia ai le igoa tauleleia po o tulaga tau faaleaga), e le tau manaomia ni tuutuuga po o le faamaonia o ni mea ua faaleagaina faapitoa.

(2) O lenei fuaiupu e faaoga mo faamoemoega o so o se taualumaga pe a fai o le mafuaaga o se tagi na tulai mai ina ua tuanai le amata faamamaluina o lenei Tulafono, peitai e le aafia ai so o se taualumaga pe a fai o le mafuaaga o se tagi na tulai mai a o le i amata faamamaluina lenei Tulafono, i so o se taimi na amata ai ia taualumaga.

5. Lomiga Faasalalau e faaleagaina ai se igoa, ma isi tulaga - (1) I se tagi mo lomiga faasalalau e faaleagaina le igoa, lomiga faasalalau e faaleagaina ai oloa, po o isi tuuaiga le sao i luga o se agaga fia faaleaga, e le tau manaomia ni tuuaiga po o le faamaonia o se faaleagaina faapitoa pe a fai o upu na faavae ai lea tagi ua fuafua e

faia ai ni tulaga tau faaleaga i tupe a le ua talosaga.

(2) O lenei fuaiupu e faaoga mo faamoemoega o so o se taualumaga pe a fai o le mafuaaga o se tagi ua tulai mai ina ua tuanai le amata faamamaluina o lenei Tulafono, peitai e le aafia ai so o se taualumaga pe a fai o le mafuaaga o se tagi na tulai mai a o le i amata faamamaluina lenei Tulafono, i so o se taimi na amata ai ia taualumaga.

6. Faamatalaga ua faia soo a o faagasolo taualumaga faa-faamasinoga ma isi tulaga - (1) E ese mai ai na i lo so o se poloaiga faale-tulafono po o faiga tutusa i le faatino-ina o le amiotonu i le va o tagata, ma e ese mai ai na i lo aiaiga o le Faamatalaga i lenei Tulafono so o se faamatalaga ua faia a o faagasolo faamasinoga po o e avea ai o ni taualumaga faa-faamasinoga, pe a fai i se faiga e ese mai ai na i lo le faiga e fai ai ia taualumaga o le a avea ma faiga tau faaleaga o so o se tagata e ese ai na i lo se tagata o ia lea o se itu auai i ia taualumaga, e tatau, pe a fai ua toe faia, fai fai pea po o lolomiina faasalalau e e se ai na i lo le faiga o ia taualumaga, ona avea o se faamatalaga tau faaleaga ua faia po o lolomiina e se tagata ua taua ua faia pea po o lolomiina lea mataupu e tasi ma e tatau ona molia i luga o se tagi faale-tulafono o le tagata ua faaleagaina.

(2) Faafuaiupu (1) o lenei fuaiupu e tatau ona faaoga e ese ai na i lo le tulaga e faapea o le tagata ua taua o lo o faia pea po o lolomiina le faamatalaga ua ia tuuina atu lea faamatalaga i se isi tagata.

(3) O se Faamasino, Faamasino o le Faamasinoga faa-itumalo po o se isi tagata o loo nofoia le nofoa i so o se

taualumaga faa-faamasinoga i totonu o Samoa i Sisifo ma i le faagasologa o ia taualumaga ua faia ai se faamatalaga e faasino tonu i ai le fuaiupu (1) o lenei fuaiupu e mafai, ona faia se poloaiga e faatagaina ai le lolomi faasalalau o lena faamatalaga ma e mafai ona tuu iai ni tuutuuga i lena poloaiga.

(4) Faafuaiupu (1) o lenei fuaiupu e le tatau ona faa-aoga i so o se mataupu pe a fai o le faamatalaga ua taua, faia pea po o lolomiina e tusa ai i ma i le tausisia o tuutuuga o se poloaiga ua faia i lalo o le faafuaiupu (3) o lenei fuaiupu.

(5) Mo faamoemoega o lenei fuaiupu :-

"Faamatalaga" e aofia ai tautinoga tauto ma tautinoga e le i faatautaina, ma e aofia ai foi so o se vaega o se faamatalaga, peitai e le aofia ai se faaiuga, faatonuga po o se filifiliga a se Faamasino, Faamasino o le Faamasinoga faa-itumalo po o so o se tagata po o isi tagata ua galulue faa-faamasinoga e tusa ai ma so o se taualumaga faa-faamasinoga po o ua ave'a o se taualumaga faa-faamasinoga.

"Itu tau Faamasinoga" faasino i so o se taualumaga e aofia ai tagata uma o i latou ia e i ai la latou aia:-

- (a) ina ia auai ma ina ia fofogaina a latou mataupu;
- (b) le valaauina o molimau; ma
- (c) le suesueina po o le tuuina atu o ni fesili i tagata uma o lo o faia ni molimau i ia taualumaga.

7. Faiga Tau Faaleaga ua faia e faalapotopotoga - (1)

O lenei fuaiupu e faaaoga i lomiga uma o upu o lo o faasino i se sui e le o faailoaina mai po o se vasega o ni tagata, pe a fai o se sui o lena vasega (e pei ona faasinomia i totonu o lenei fuaiupu o se sui ua faamanualia) ua ia te ia ni mafuaaga talafeagai e talitonuina ai ma ua ia talitonu e faapea (pe i luga o se mafuaaga ona o le faatauva'a o le vasega po o se isi mea e ese mai ai) o se tagata po o ni tagata e mafai ona faapea o ia upu ua fai faaagaaga e faasino ia te ia.

(2) O se sui ua faamanualia e mafai ona tuuina atu se faasilasilaga tusia i le tagata o ia lea ua lolomiina upu o lo o faitioina ai, i so o se tagata o ia lea na faatagaina le lolomiina o ia upu, ma i so o se tagata o i latou ia e ona ia upu na mafua ai ona faia le lomiga faasalalau, valaau lena tagata ina ia tuuina atu i lena sui se faamatalaga tusia e teena ai e faapea o ia upu na faamoemoe e faaaoga i lena sui.

(3) A fai o so o se tagata o ia lea o lo o faasinomia i ai le faafu'aiupu (2) o lenei fuaiupu ua ia le faia i totonu o le fitu aso mai le aso na tuuina atu ai le faasilasilaga ia te ia, ona tuuina atu i le sui ua faamanualia le faamatalaga tusia e teena ai e pei ona talosagaina i le faasilasilaga (po o fea lava o nei mea o se faamatalaga tusia e teena ai e faapea na ia lolomiina po o faaogaina ia upu) o le a avea loa e faapea o ia upu na faamoemoe e faasino i le sui ua faamanualia.

(4) A fai o se sui ua faamanualia ua filifili ina ia faia se lomiga faasalalau o so o se faamatalaga teena ua maua-

ina e ia e tusa ai ma le faafuaiupu (3) o leni fuaiupu o le totogi o le lolomiina e tatau ona toe faaolaina mai i le sui ua faamanualia e avea ai o se aitalafu e tatau ona totogiina mai ia te ia mai tagata uma o i latou ia na lolomiina po o na faatagaina le lomoiina o upu e pei ona faasino i ai le faitioga:

Ae vagana ai e faapea o le aofaiga e toe faaolaina mai o le a le sili atu i le totogi aupito i maualalo talafeagai e faia ai le faamatalaga teena ina ia silafia e tagata o i latou ia e ono faapea na latou silafia lelei upu e pei ona faasino i ai le faitioga.

(5) Mo le aano moni o leni fuaiupu "vasega o tagata" e aofia ai (e aunoa ma le faatapulaaina o tulaga aoao o lena faamatalaga) ni tagata se toalua po o le sili atu foi, pe ua tuufaatasia po o le le tuufaatasia o i latou ia ua soofaatasi pe mo se faamoemoega lautele, po o i luga o se mafuaaga o se manaoga lautele.

8. Faiga tau faaleaga e le i faamoemoeina - (1) O se tagata o ia lea ua faia se lomiga faasalalau o ni upu ua tuuaia e faapea o ni upu tau faaleaga o se isi tagata e mafai, pe a fai ua ia faasilasilaina faapea o upu na lomina faasalalau e ia i se agaga mama faasino i le isi lena tagata, ona faia se ofo o le faaleleiga i lalo o leni fuaiupu; ma po o fea lava o nei mea -

- (a) Pe a fai ua talia le ofo e le itu ua faamanualia ma ua faatinoina loa, e leai se tagi mo faiga tau faaleaga e tatau ona amata po o faaauau e lena itu faasaga i le tagata ua faia le ofo e tusa ai ma

le lomiga faasalalau o lo o fesiligia (peitai e au-
noa ma ni faiga faa-ituau i so o se isi mafuaaga
o se tagi faasaga i so o se isi tagata o lo o
aufaatasi ma lea tagata mo lena lomiga faasala-
lau).

- (b) A fai o le ofo e le taliaina e le itu o lo o faamanua-
lia, ona, vagana ai e ese mai ai na i lo aiaiga o
lenei fuaiupu, o le a avea ma tetee, i so o se gao-
ioga ua faia e ia mo tulaga tau faaleaga faasaga
i le tagata ua faia le ofo e tusa ai ma le lomiga
faasalalau e pei ona fesiligia, ina ia faamaonia
e faapea o upu ua faitio i ai na lolomi ma faasa-
lalauina e le ua tetee i luga o le agaga mama faa-
sino i le ua tagi ma e faapea o le ofo na faia i se
taimi vave lava na mafai ai ina ua mauaina e le
ua tetee le faasilasilaga e faapea o ni po o e ono
faaleagaina ai le ua tagi, ma e le i faamauina i
tua.

(2) Parakalafa (b) o le faafuaiupu (1) o lenei fuaiupu e
le tatau ona faaogaina faasino i le lomiga faasalalau e so
o se tagata o so o se upu e faapea e le o ia na tusiina vagana
ai ua ia faamaonia -

- (a) E faapea o le na tusiina e le i faamoemoe e tusiina
pe lolomiina ma faasalalau ia upu e faasino pe
faatatau i le itu o lo o faamanualia, ma na te le
i iloaina tulaga e tusa ai ma le ono toe
faasinomia ia te ia ia upu; po o

- (b) E faapea o upu e le o ni upu tau faaleaga e tusa ai

ma o latou uiga, ma o le na tusia na te le i iloaina tulaga e tusa ai ma le ono ave'a ai o ni faamatalaga tau faaleaga i le itu o lo o faamanualia,

ma e faapea i ia tulaga e lua o le na tusia na ia faatinoina auala talafeagai uma ma le faaeteete faasino i le mataupu.

(3) O se ofo mo le teuteuina i lalo o lenei fuaiupu e tatau ona faamatalaina o le a faia mo faamoemoega o lenei fuaiupu, ma e tatau ona tuuina mai faatasi ma se faamatalaga tauto o lo o faamatalaina ai mea moni o lo o faamoemoe i ai le tagata e faaalua ai e faapea o upu e pei ona fesiligia na lolomi faasalalauina e ia ma le agaga mama faasino i le itu o lo o faamanualia; ma mo faamoemoega o se tetee i lalo o le parakalafa (b) o le faaufiaupu (1) o lenei fuaiupu e leai se molimau, e ese ai na i lo isi molimau o mea moni ua faamatalaina i totonu o le faamatalaga tauto, e tatau ona faatagaina e tusa ai ma lena tagata ina ia faamaonia ai e faapea o upu sa lolomiina ma faasalalau.

(4) O se ofo e teuteuina ai le mataupu i lalo o lenei fuaiupu e tatau ona malamalama lelei lona faauigaina o se ofo -

(a) I so o se mataupu, o le lolomiina po o le auai ai i le faia o le lomiga faasalalau o se faasaoga talafeagai o upu o lo o faitio i ai, ma se faatoesega ia lava i le itu o lo o faamanualia e tusa ai ma ia upu:

(b) Pe a fai o kopi o se pepa aloaia po o faamaumauga

o lo o aofia ai upu e pei ona taua ua uma ona tufatufaina atu e po o faatasi ai ma le silafia a le tagata na faia le ofo, ina ia faia ni laasaga e pei ona o le tatau ma talafeagai e faia e ia mo le lo-goina o tagata o i latou ia na tufatufa atu i ai ia kopi e faapea o upu o lo o tuuaia o ni upu tau faaleaga i le itu o lo o faamanualia.

(5) Pe a fai o se ofo o le teuteuina o le mataupu e tusa ai ma lenei faiupu ua talia e le itu ua faamanualia -

(a) So o se fesili e tusa ai ma laasaga e ao ona faia i le faataunuaina o le ofo e pei ona taliaina e tatau i le le tausisia o le maliega i le va o itu e ao ona faasinomia i ma iloiloaina e le Faamasinoga o lana filifiliga i lea mataupu o le a mausali.

(b) O le pule a le Faamasinoga e faia ai poloaiga e tusa ai ma totogi o so o se tagi e le itu o lo o faamanualia faasaga i le tagata ua faia le ofo e tusa ai ma lomiga faasalalau o lo o fesiligia, po o i so o se taualumaga e tusa ai ma le ofo i lalo o le parakalafa (a) o lenei faafuaiupu, e tatau ona aofia ai pule e faia ai poloaiga i lalo o le parakalafa (a) o lenei faafuaiupu, e tatau ona aofia ai pule e poloaiga ai totogi i luga o se faiga e faasaoloto ai ma so o se tupe alu ua talafeagai na faatupulaia e lena itu e tusa ai ma aafiaga o le lomiga faasalalau o lo o fesiligia,

ma, a fai e leai se tagi po o taualumaga e pei ona taua muamua ua faia, e mafai e le Faamasinoga, i luga o le

talosaga ua faia e le itu ua faamanualia, ona faia so o sea poloaiga mo le tologiina o ia tau ma tupe alu e pei ona taua muamua e pei ona mafai ona faia i so o sea tagi po o taualumaga.

(6) Mo faamoemoega o lenei fuaiupu o upu e tatau ona avefaa e faapea na lolomiina e se tagata se toatasi (i totonu o lenei faafuaiupu o lo o faasinomia i ai o le tagata fai lomiga faasalalau) i se agaga mama faasino i se isi tagata pe a fai ma i le na o pe a fai ua faamalieina tuutuuga ua taua, e faapea -

(a) E faapea o le tagata e faia lomiga faasalalau e le i faamoemoe e lolomiina ia upu ma e aafia ai le isilena tagata, ma na te le i iloaina o tulaga e tusa ai ma le ono toe faasinomia ia te ia; po o

(b) E faapea o upu e le o ni upu tau faaleaga i o latou foliga mai, ma o le tagata fai lomiga faasalalau e na te le i iloaina tulaga e tusa ai ma lona malamalama e ono faaleagaina ai le isi lena tagata, ma i ia itu uma o le tagata fai lomiga faasalalau sa ia faatinoina itu uma ma le faaeteete faasino i le lomiga faasalalau;

ma o so o se faasinomaga i lenei faafuaiupu i le tagata fai lomiga faasalalau e tatau ona faapea ua aafia ai o se faasinomaga i so o se auauna po o sana sooupu o ia lea ua atugalu i mataupu o lo o aafia i le lomiga.

(7) Mo faamoemoega o lenei fuaiupu o le faaupuga "Faamasinoga", faasino i le lomiga faasalalau o so o se upu, o lona uiga o le Faamasinoga lea o lo o faia ai so o se tagi

e tusa ai ma le lomiga na faia, ma, a fai e leai sea tagi ua faia, o lona uiga o le Faamasinoga Sili.

9. Faamaoniga - I se tagi mo se tulaga tau faaleaga e tusa ai ma upu o lo o aofia i le 2 po o le sili atu foi ni moliaga iloga faasaga i le ua talosaga, o se tetee e faamaonia ai e le tatau ona le faia i luga o na o se mafuaaga e faapea o le moni o moliaga uma e le faamaonia pe a fai o upu e le o faamaonia le moni e le o faamanulia ai le igoa lelei o le ua talosaga e tusa ai ma le moni o tuuaiga o lo o totoe.

10. Faamatalaga talafeagai - I se tagi mo se tulaga tau faaleaga e tusa ai ma upu o lo o i ai se vaega tau faaleaga o ni mea moni ma se vaega o lo o faamatalaina ai ni manatu, o se tetee o ni faamatalaga talafeagai ma le sao e le tatau ona faia i luga o na o se mafuaaga e faapea o le moni o tuuaiga uma o mea moni e le faamaonia pe a fai o le faamatalaga o se manatu o se faamatalaga mama ma le sao e tusa ai ma nisi o mea moni ua tuuaina ai po o faasinomia i ai upu ua faitio ai e pei ona faamaonia.

11. Tagi e tusa ai ma lomiga faasalalau i nusipepa eʻeseese o le mataupu tau faaleaga lava e tasi - (1) A fai o se tagi ua amataina e so o se tagata e tusa ai ma le lomiga faasalalau o le mataupu tau faaleaga i se nusipepa, e leai se isi tagi e tatau ona toe amataina mulimuli mai ai e le tagata lava lea e toatasi e tusa ai ma le lomiga faasalalau i so o se taimi a o le i amataina le valaauina o le uluai tagi i le mataupu tau faaleaga lea e tasi po o le faamatalaga tau faaleaga lava lea i so o se isi nusipepa, vagana ai e faapea

o le isi lena tagi ua amataina i po o i totonu o le 30 aso ina ua tuanai le aso o le amataga o le tagi na uluai valaau.

(2) a fai o so o se tagi ua amataina ua solia ai aiaiga o lenei fuaiupu, e le tatau ona talafeagai mo le tagata o lo o tetee e talosagaina lenei mataupu i luga o se tetee i le faamasinoga e tusa ai ma le tagi.

(3) I le iloiloina mo faamoemoega o lenei fuaiupu o le aso o le lomiga faasalalau o mataupu tau faaleaga i totonu o se nusipepa, o le mataupu tau faaleaga o le a avea faapea na lolomiina i le aso o le lomiga o lena nusipepa, ma ae le o se taimi na mulimuli mai ai.

12. O le Itu Tagi ina ia tuuina atu se faasilasilaga o ia tagi i tagata tetee taitasi - (1) A fai e 2 po o le sili atu foi ni gaioiga ua amata ona faia e le tagata lava lea e tasi e tusa ai ma le lomiga faasalalau o le mataupu tau faaleaga lava lea e tasi i ni nusipepa eseese, o le ua tagi e tatau i se taimi vave lava e mafai ai ona tuuina atu i le ua tetee i tagi taitasi ua faia se faasilasilaga o isi tagi o lo o i ai e pei ona lava ma talafeagai ina ia mafai ai e tagata tetee taitasi ona faia ni talosaga mo le faamausaliina o tagi i lalo o aiaiga e pei ona taua mulimuli ane i nei.

(2) A fai o le ua tagi ua ia le tuuina atu se faasilasilaga e pei ona uluai taua i so o se tagata tetee e mafai ona talosaga i le Faamasinoga ina ia faaleaogaina po o le faatumauina o le tagi, ma e mafai e le Faamasinoga, pe a fai i luga o lana faitalia ua ia manatu ua talafeagai ai ina ia faia, faaleaogaina po o le faatumauina o le tagi e tusa ai ma lea tulaga.

13. Faamautuina o tagi i talosaga a tagata tetee -

(1) O le Faamasinoga Sili, i luga o talosaga a tagata tetee i le 2 po o le sili atu foi o tagi ua tuuina mai i lena Faamasinoga po o i se Faamasinoga Faa-itumalo e se tagata se toatasi ma o le tagata lava lea e tasi e tusa ai ma le lomiga faasalalau, e mafai ona faia se poloaiga mo le faamautuina o ia tagi ina ia mafai ai ona suesueina faatasi; ma ina ua maea ona faia sea poloaiga, ma a o le i tagofia le faamasinoga faasino i ia tagi, o le ua tetee i so o se isi tagi ua tuuina mai e tusa ai ma le mataupu lava lea e tasi o le tau faaleaga po o le mataupu tau faaleaga lava e tasi o le a tatau ona agavaa e faatasi atu i se tagi lautele i luga o se talosaga soofaatasi ua faia e lena tagata ua tetee ma ni tagata tetee i tagi ua uma ona faamautuina.

(2) O tagi uma ua faamautuina i lalo o lenei fuaiupu o le a tatau ona fofogaina ma iloiloina i le Faamasinoga Sili. A fai o so o se gaoioiga ua faamautuina sa amatina i se Faamasinoga Faaitumalo o le poloaiga e faamautuina e tatau foi ona avea o se poloaiga mo le aveeseina atu i le Faamasinoga Sili.

(3) I se tagi ua faamautuina i lalo o aiaiga o lenei fuaiupu o le Faamasino po o tagata e suesueina se mataupu o le faamasinoga e tatau ona fuafuaina le aofai atoa o le tupe e tatau ona totogi (pe a fai e i ai) i se afoaiga se tasi, peitai o se faaiuga eseese e tatau ona tuuina atu mo po o faasaga i tagata tetee taitoatasi i le faiga tutusa e avea ai faapei o tagi ua faamautuina sa suesueina eseese; ma a fai o se faaiuga ua tuuina atu faasaga i ni tagata tetee i le sili

atu na i lo se tagi se tasi e pei ona faamautuina, o le Faamasino po o tagata o lo o suesueina le mataupu i le faamasinoga e tatau ona faia se vaevaega o le aofaiga o tupe e tatau ona totogi ua mauaina i le va ma faasaga i ia tagata tetee; ma o le Faamasino i le faamasinoga, pe a fai ua ia faaeeina atu i le tagata ua tagi totogi o le tagi, e tatau ona faia se poloaiga ua ia manatu ua tonu ma saolelei mo le vaevaeina o ia totogi i le va ma faasaga i ia tagata tetee.

(4) O tagi ua faamautuina i lalo o aiaiga o lenei fuaiupu e tatau ona fofogaina i se taimi ma le nofoaga e pei ona o le a poloaia e le Faamasinoga Sili.

(5) O lenei fuaiupu o le a tatau ona faaogaina i tagi mo le faaleagaina o le tauleleia o se igoa, faaleagaina o ni oloa, po o isi tuuaiga sese matuia e pei ona faasino i ni tagi mo tulaga tau faaleaga; ma faamatalaga i lenei fuaiupu i le mataupu tau faaleaga tutusa po o faamatalaga tau faaleaga tutusa e tatau ona ogatasi ma lea faamoemoe.

14. Faatoesega faalauaitete e faamamaina ai mea ua faaleagaina - I so o se tagi mo tulaga tau faaleaga e mafai e le ua tetee ona faamaonia le faamamaina o mea ua faaleaga e faapēa na faia e ia po o le ofoina atu o se faatoesega faalauaitete i le ua tagi mo tulaga tau faaleaga a o le i amataina le tagi, po o, pe a fai ua amata le tagi le i oo ina maua se avanoa talafeagai i le faia po o le ofoina atu o sea faatoesega, i se taimi vave lava e mulimuli mai ai e pei ona o le a iai se avanoa talafeagai e faia ai lea tulaga.

15. Isi molimau i le faamamaina o mea ua faaleagaina - I so o se tagi mo tulaga tau faaleaga e mafai e le ua tetee

ona faamaonia le faamamaina o mea ua faaleagaina e faapea o le ua tagi ua uma ona faia e toe faaolaina ai mea ua faaleagaina, po o ua tuuina mai mo se tagi mo mea ua faaleagaina, po o ua mauaina po o ua malie i le mauaina o se tau, e tusa ai i so o se isi lomiga faasalalau e lea lava tagata po o so o se isi tagata i le mataupu lava lea e tasi o tulaga tau faaleaga po o mataupu tau faaleaga lava lea e tasi.

16. Maliega mo le faasaolotoina - O se maliega mo le faasaolotoina o so o se tagata faasaga i se noataga taule va o tagata mo tulaga tau faaleaga e tusa ai ma se lomiga faasalalau o so o se mataupu e le tatau ona le talafeagai ai ma le tulafono vagana i le taimi o le lomiga faasalalau e faapea na iloa e lena tagata o lena mataupu o se mataupu tau faaleaga, ma e le o talitonuina e faapea e i ai se tulaga lelei i so o se tagi tetee ua tuuina mai i luga o sea mataupu.

VAEGA III

TAUALUMAGA TAU SOLITULAFONO

17. Pule a le Faamasinoga i moliaga mo faamatalaga e faamanualia ai le igoa tauleleia o se tagata ma faiga tau faaleaga - (1) O le Faamasinoga i luga o le fofogaina o se moliaga e tusa ai ma le fuaiupu 84 o le Tulafono o Solitulafono 1961 faasino i le lomiga faasalalau o se faiga e faaleagaina ai le igoa tauleleia o se tagata, e mafai ona mauaina se molimau e tusa ai ma le lomiga faasalalau e faapea e mo le manuia o tagata lautele, ma i le tulaga o le moni o le faasalalauga e faaleagaina ai le igoa tauleleia o se tagata, ma e tusa ai ma so o se mataupu e ono tuuina atu

ai i totonu o molimau i luga o se tetee i se tagi tau le va o tagata e le tagata ua molia.

(2) I so o se taualumaga i lalo o le fuaiupu 84 o le Tulafono o Solitulafono 1961 o le a tatau ona avea ma se tetee lelei e faapea o le mataupu tau faaleaga ua lolomi ma faasalalauina e le tagata ua molia e moni, ma e faapea o le lomiga faasalalau ua taua e mo le manuia o tagata lautele; peitai e leai se molimau o le mea moni o lena mataupu e tatau ona faauluina seia ma vagana ai o le tagata ua molia ua faamaonia e faapea, o le a avea le mataupu e pei ona lolomiina e moni, o le lomiga faasalalau e pei ona taua e mo le manuia lautele o le atunuu.

VAEGA IV

TULAGA AOA O

18. Agavaa aloaia mo nisi o lipoti - (1) I le noatia ma le fai fuafua i aiaiga o lena fuaiupu, ma i le noatia ma le fai fuafua o aiaiga o le fuaiupu 6 o lena Tulafono, o le lomiga faasalalau o so o sea lipoti po o isi mataupu e pei ona taua i totonu o le Faamatalaga i lena Tulafono e tatau ona aloaia i so o se taualumaga tau le va o tagata po o taualumaga tau solitulafono vagana ai o le lomiga faasalalau ua faamaonia na faia i luga o se agaga fia faaleaga.

(2) I se tagi mo le tulaga tau faaleaga e tusa ai ma se lomiga faasalalau i se nusipepa, po o e avea ai o se vaega o so o se polokalame po o galuega ua tuuina atu i le faaogaina lea o se nofoaga tau faasalalau, o so o sea lipoti po o mataupu e pei ona taua i le Vaega II o le Faamatalaga

Muamua i lenei Tulafono, o aiaiga o lenei fuaiupu e le tatau ona avea o se tetee pe a fai ua faamaonia e faapea o le ua tetee ua uma ona talosagaina e le ua tagi e lolomiina i le faiga lea sa fai ai le uluai lomiga faasalalau se tusi talafeagai po o se faamatalaga e faia ai se faamalamalamaga po o se faafitiga, ma ua teena po o le faatalale e faia sea faamatalaga, po o ua maea ona faia i se faiga e le o atoatoa po o e le o talafeagai pe a manatunatu i tulaga uma e tatau ona faia.

(3) E leai se mea i totonu o lenei fuaiupu e tatau ona faauigaina o se puipuia o le lomiga faasalalau -

(a) O so o se lipoti po o so o se mataupu o lona faasalalauina ua faasaina i lalo o le Tulafono, po o i so o se poloaiga faale-tulafono

(b) O so o sea lipoti po o isi mataupu e pei ona taua i le Vaega II o le Faamatalaga Muamua o lenei Tulafono vagana ai e faapea e aafia ai tagata lautele ma o lona lomiga faasalalau e mo le lelei o tagata lautele.

(4) E leai se mea i totonu o lenei fuaiupu e tatau ona faauigaina o le faatapulaaina po o le faaitiitiina o so o se tulaga aloaia ua tulai mai i se taimi vave lava a o le i amata faamamaluina lenei Tulafono.

19. Taofia o taualumaga mo lomiga faasalalau o lipoti, ma isi tulaga, i luga o poloaiga a le Palemene - (1) So o se tagata o ia lea o se tagata tetee i so o se taualumaga tau le va o tagata po o solitulafono ua amataina po o ua molia e tusa ai ma le lomiga faasalalau o so o se lipoti, pepa, palota,

po o taualumaga e lena tagata, po o e lana auauna, i le po o i lalo o le pule a le Fono Aoa Fautulafono, e mafai ona tuuina mai i luma o le Faamasinoga lea ua amataina ai taualumaga po o le moliaga (e muamua ona tuuina atu le faasilasilaga i totonu o le 24 itula po o lona faamoemoe e faia sea faasilasilaga i le ua tagi po o le o lo o suesueina le mataupu i le faamasinoga po o i lana loia) se tusi faamaonia i lalo o le lima o le Fofoga Fetalai o le Fono Aoa Fautulafono e faamatalaina ai e faapea o le lipoti, pepa, palota, po o taualumaga, po o le a lava o ia mea, e tusa ai ma le taualumaga ua amataina po o ua molia na lolomiina faasalalau e lena tagata, po o e lana auauna, i se poloaiga po o i lalo o le pule a le Fono Aoa Fautulafono.

(2) O tusi faamaonia uma faapea e tatau ona tuuina mai faatasi ma se faamatalaga tauto e faamaninoina ai le tusi faamaonia

(3) E tatau i le Faamasinoga i le mauaina o le tusi faamaonia ona taofia vave le taualumaga, ma o taualumaga e tatau ona avea e faapea ua maea ona iloiloina e tusa ai ma leni fuaiupu.

20. Lomiga faasalalau o ootoga mai i lipoti faa-palemene, ma isi tulaga, e faia i luga o le agaga lelei ma e aunoa ma tulaga e faamanualia ai - I so o se taualumaga tau le va o tagata po o solitulafono ua amataina po o ua molia e tusa ai ma le lomiga faasalalau o so o se ootoga mai se vaega o so o se lipoti, pepa, palota, po o taualumaga e pei ona faasinomia i ai le fuaiupu 19 o leni Tulafono, o le ua tetee e mafai ona tuuina atu e avea ma molimau le lipoti, pepa,

palota, po o taualumaga, ma faaalia ai e faapea o le ototoga po o vaega na lolomiina i le agaga lelei ma e aunoa ma le faamanualia ai o se tagata; ma a fai o le manatu lena o le faaiuga a le faamasinoga e tatau ona tuuina i totonu mo le ua tetee.

21. Molimau faasino i le tagata e faia lomiga faasalalau po o tagata e lolomiina nusipepa - I luga o se faamasinoga o so o se taualumaga tau le va o tagata po o solitulafono ua amataina po o ua molia e tusa ai ma le lomiga faasalalau o so o se mataupu tau faaleaga i totonu o so o se tusi po o ni pepa aloaia ua lolomiina, po o i so o se fuaiunumera po o se vaega o se nusipepa po o isi lomiga faavaitaimi, so o se faamatalaga ua lolomiina o lo o i totonu o le tusi, pepa aloaia, fuainumera, po o se vaega e faapea o lea lava mataupu e tasi ua lolomi faasalalau po o lolomiina e le ua tetee e tatau, i le leai o se faamaoniga e ese mai ai, ona avea ma molimau o le mea moni o lena faamatalaga.

22. Tagi o lo o avea ai le Malo o se itu - I so o se tagi faasaga i faiga tau faaleaga o lo o avea ai le Malo po o se Minisita o le Kapeneta i luga o ana tiute aloaia o se itu o le a tatau i le Faamasinoga o lo o tagofiaina le mataupu ona faia auala uma ua faapea e talafeagai ina ia fofogaina ma faia se faaiuga i sea tagi i se avanoa e pito i sili ona vave.

23. Tulafono e noatia ai le Malo - O lenei Tulafono o le a noatia ai le Malo.

FAAMATALAGA

FAAMATALAGA E I AI AGAVAA ALOAIA

VAEGA I

Faamatalaga aloaia e aunoa ma ni faamalamalaga po o ni
Tetee

1. O se lipoti talafeagai ma le tonu o taualumaga a le Fono Aoa Fautulafono po o so o se Komiti e faasino i ai.
2. O se lipoti talafeagai ma le tonu o taualumaga a so o se Faamasinoga faale-tulafono i totonu o Samoa i Sisifo, tusa lava pe o ia taualumaga o se uluai suesuega, faafinauga, po o faaiuga, ma po o tauaveina i totonu o se Faamasinoga e tatalaina atu mo so o se tagata po o le leai foi, po o le taunuuga o so o sea taualumaga.

VAEGA II

Faamatalaga Aloaia e noatia ma fai fuafua, i le tulaga o se Nusipepa po o se Nofoga tau Faasalalauga, faasino i Faamatalaga po o Tetee

3. O se lipoti talafeagai ma le tonu o taualumaga a se fono faitulafono a so o se atunuu i fafo atu o Samoa i Sisifo, po o a so o se Komiti a so o sea fono faitulafono
4. O se lipoti talafeagai ma le tonu o taualumaga o so o se Faamasinoga Faale-tulafono i fafo atu o Samoa i Sisifo, tusa lava po o ia taualumaga o ni uluai suesuega, faafinauga, po o faaiuga, ma po o tauaveina i totonu o se Faamasinoga e tatalaina atu mo so o se tagata po o le leai foi, po o se taunuuga o so o sea taualumaga.
5. O se lipoti talafeagai ma le tonu o taualumaga i so o se suesuega ua faia i lalo o le pule a le Malo po o fono faitulafono o Samoa i Sisifo po o a soo o se atunuu i fafo atu o Samoa i Sisifo, po o se kopi moni o po o se oototoga sao ma le tonu mai i po o oototoga o so o se lipoti aloaia ua faia e le tagata o ia lea na faia i ai le suesuega.
6. O se lipoti sao ma le tonu o taualumaga a so o se faalapopotoga faava-o-malo lea o lo o auai ai Samoa i Sisifo po o so o se isi atunuu i totonu o Malo o le Taupulega, po o o lo o avea ai le Malo o Samoa i Sisifo po o so o sea atunuu ma sui auai, po o so o se fonotaga faava-o-malo o lo o auina atu i ai se sui o le Malo o Samoa i Sisifo po o so o se isi atunuu o lo o i totonu o Malo o le Taupulega.
7. O se kopi sao ma le tonu o po o oototoga mai i so o se tusi resitala ua tausia e tusa ai ma so o se Tulafono o lo o tatalaina atu mo suesuega a tagata lautele, po o o so o se isi pepa aloaia o lo o manaomia e le

tulafono o Samoa i Sisifo ina ia tatalaina atu mo suesuega e tagata lautele.

8. O se faasilasilaga po o faasalalauga faatosina ua faasalalau e po o i luga o le pule a so o se Faamasinoga Faale-tulafono, po o i totonu o Samoa i Sisifo po o so o se isi nofoaga, po o so o se Faamasino po o se tagata ofisa o sea Faamasinoga.

9. O se lipoti sao ma le tonu o tualumaga a so o se fonotaga po o tauaofiaga i so o se vaega o Samoa i Sisifo o so o se tagata po o faalapotopotoga ua tofia po o faavaeina e po o i lalo, ma faatinoina matafaioi i lalo, o so o se Tulafono (e le o se Faamasinoga Faale-tulafono po o se tagata o lo o faia i ai se suesuega e pei ona faasinomia i ai le fuaiupu 5 o lenei Faamatalaga), -

e le o se fonotaga po o se tauaofiaga ua taloina lea o lo o teena ai ni sui o le aufainusipepa ma isi sui auai o tagata lautele

10. O se lipoti sao ma le tonu o tualumaga, po o o le taunuuga o tualumaga, i so o se suesuega ua faia e tusa ai ma tulafono o so o se faalapotopotoga ua faatuina mo le faamoemoe mo -

(a) Le uunaia ma le puipuia o aia tatau a so o se faafiafiaga tau taaloga, taaloga, po o le fiafia i mea tau taaloga po o le faatinoina o taaloga e pei ona valaaulia po o faaulufale i ai tagata o le atunuu

(b) Le uunaia po o le puipuia o aia tatau o so o se matata, pisinisi, alamanuia, po o pisinisi tau poto faapitoa, po o ni tagata o lo o tauaveina po o faatinoina so o se matata eseese, pisini-si, alamanuia, po o pisinisi tau poto faapitoa; po o

(c) Le uunaia po o le faamalositia o le faatinoina o po o aia i so o se agavaa faapitoa, galuega faa-saienisi, faale-lotu, po o tau aoaoga, -

e faapea o se suesuega faasino i se tagata o ia lea o se sui o po o o lo o noatia i luga o so o se konekalate o lo o pulea e le faalapotopotoga.

11. O se lipoti sao ma le tonu o tualumaga, po o o le taunuuga o tualumaga, i so o se suesuega na faia e tusa ai ma tulafono a so o se faalapotopotoga ua faatuina mo le faamoemoe e uunaia ma puipuia ai tulaga o nusipepa i totonu o Samoa i Sisifo.

12. O se lipoti sao ma le tonu o tualumaga, i so o se fo-

notaga faalauaitale na faia i totonu o Samoa i Sisifo, e faapea, o se fonotaga na faia iluga o se agaga lelei ma sa faia e tusa ai ma le tulafono mo se faamoemoe faale-tulafono ma mo le faalauteleina po o le talanoaina o so o se mataupu

13. O se lipoti talafeagai ma le tonu o taualumaga i se fono lautele a so o se kamupani po o faalapotopotoga faavaeina po o ua faamauina i po o i lalo o so o se Tulafono po o o so o se isi kamupani tuufaatasia po o faalapotopotoga o lo o faagaioia i totonu o Samoa i Sisifo (e ese mai i se kamupani tutoatasi i totonu o le faauigaina o le Tulafono o kamupani 1955), e le o se fono e faasaina ai le auai atu i ai o sui o nusipepa ma isi tagata lautele.
14. O se lipoti talafeagai ma le tonu po o oototoga o so o se faamatalaga, faasilasilaga po o isi mataupu na tuuina atu mo le silafia e tagata lautele i po o e avea ma sui o le Malo po o so o se isi matagaluega po o ofisa ua i ai.

VAEGA III

FAAMATALAGA O UPU

15. I lenei Faamatalaga, ae vagana ai ua manaomia se isi faauigaina, -

"Faamasinoga" e aofia ai Faamasinoga faava-o-malo ma so o se isi faamasinoga po o faamasinoga o faiga e teuteu ai se finauga i le faaiuga a ni sui lautogia;

"Malo", i le faaaogaina i so o se nuu e i lalo o le vaauga a se atunuu tele i fafo atu o Samoa i Sisifo o lo o pulea e se Malo tutotonu ma se Malo faa-itumalo o lona uiga o so se isi o na Malo:

"Faitulafono", i le faaaogaina i so o se nuu e i lalo o le vaagia a se atunuu tele i fafo atu o Samoa i Sisifo o lo o pulea ese faitulafono tutotonu ma se faitulafono faa-itumalo o lona uiga o so o se isi o na faitulafono.