



SAMOA

EXISTING LAW ADJUSTMENT ORDINANCE 1961

Arrangement of Provisions

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EXISTING LAW ADJUSTMENT ORDINANCE 1961 1961 No.29

AN ORDINANCE to make provision for the application of the existing law defined in Article 111 of the Constitution to Samoa.

[Assent date: 29 December 1961]

[Commencement date: 1 January 1962]

1. Short title and commencement – (1) This Ordinance may be cited as the Existing Law Adjustment Ordinance 1961.

(2) This Ordinance comes into force on 1 January 1962.

2. Interpretation – In this Ordinance, unless the context otherwise requires:

“Constitution” means the Constitution of the Independent State of Samoa.

3. Application of Ordinance – This Ordinance applies to the existing law defined in Article 111 of the Constitution and

continuing in force on and after Independence Day as provided in Article 114 of the Constitution.

4. Application of existing law and documents to Samoa –

(1) Unless inconsistent with the context, in an existing law, or in a contract, agreement, deed, instrument, application, licence, notice, or other document whatsoever existing at the commencement of this Ordinance:

- (a) references to an office, department, board or corporation, or Court shall, in relation to Samoa, be read as references to the corresponding office, department, board or corporation in Samoa, or, as the case may be, the Court constituted in Samoa having appropriate jurisdiction;
- (b) powers, duties and functions conferred on a person or department shall, in relation to Samoa, be construed as powers, duties, and functions conferred on or to be exercised or carried out by the person or department entrusted with corresponding powers, duties and functions in Samoa;
- (c) generally, provisions that require modification to make them applicable to circumstances and conditions for the time being existing in Samoa shall, subject to any regulations made under section 5 hereof, be read with all modifications necessary to apply such provisions to Samoa under Article 114 of the Constitution.

(2) Without limiting subsection (1), in the application of a law or document specified in that subsection, there shall be substituted for the respective terms set out in the first column of the Schedule the corresponding terms set out in the second column of that Schedule.

(3) Without limiting subsection (1), and unless the context otherwise requires:

- (a) a reference in an enactment or in a document to the High Court or the High Court of Samoa is to be read as a reference to the Supreme Court or the Supreme Court of Samoa, as the case may be; and

- (b) a reference in an enactment or in a document to the Chief Judge or the Chief Judge of the High Court, or to a Judge or a Judge of the High Court, is to be read as a reference to the Chief Justice or the Chief Justice of the Supreme Court, or to a Judge or a Judge of the Supreme Court, as the case may be.

5. Regulations – (1) The Head of State may by Order in Council make regulations necessary or expedient for giving full effect to the provisions of Article 114 of the Constitution and this Ordinance.

(2) The power conferred on the Head of State by subsection (1) includes the power to revoke any regulations made by the Head of State or the Council of State or the High Commissioner of Samoa before or after the coming into force of this Ordinance.

SCHEDULE
(Section 4(2))

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| 1. Act of the General Assembly of New Zealand | 1. Act of Parliament of Samoa |
| 2. Crown in right of New Zealand | 2. Government of Samoa |
| 3. Government of New Zealand | 3. Government of Samoa. |
| 4. Governor General | 4. Head of State. |
| 5. Governor General in Council | 5. Head of State acting by and with the advice of Cabinet. |
| 6. Her Majesty the Queen in right of New Zealand | 6. Government of Samoa. |
| 7. High Commissioner of Samoa. | 7. Head of State. |
| 8. Minister of the Crown. | 8. Minister appointed under Part IV of the Constitution. |
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REVISION NOTES 2008 – 2020/3 March 2021

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

This Ordinance 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*.

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) Insertion of the commencement date
- (c) Other minor editing has been done in accordance with the lawful powers of the Attorney General.
 - (i) “Every” and “any” changed to “a”
 - (ii) “shall be” changed to “is” and “shall be deemed” changed to “is taken”
 - (iii) “shall have” changed to “has”
 - (iv) “shall be guilty” changed to “commits”
 - (v) “notwithstanding” changed to “despite”
 - (vi) “pursuant to” changed to “under”
 - (vii) “it shall be lawful” changed to “may”
 - (viii) “it shall be the duty” changed to “shall”
 - (ix) Numbers in words changed to figures
 - (x) “hereby” and “from time to time” (or “at any time” or “at all times”) removed
 - (xi) “under the hand of” changed to “signed by”.

There were no amendments made to this Ordinance since the publication of the *Consolidated and Revised Statutes of Samoa 2007*.

*This Ordinance is administered by
the Office of the Attorney-General.*