



Western Samoa

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1975, No. 24

AN ACT to consolidate and make provision for the limitation of actions and arbitrations.

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

[23 December 1975]

1. Short title - This Act may be cited as the Limitation Act 1975.

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

“Action” means any proceeding in a Court of law other than a criminal proceeding:

“Land” includes corporeal hereditaments and rent-charges, and any legal or equitable estate or interest therein, including an interest in the proceeds of the sale of land held upon trust for sale, but save as aforesaid does not include any incorporeal hereditament:

“Personal estate” and “personal property” do not include chattels real:

“Ship” includes every description of vessel used in navigation not propelled by oars.

(2) For the purposes of this Act, a person shall be deemed to be under a disability while he is an infant or of unsound mind.

(3) A person shall be deemed to claim through another person if he became entitled by, through, under, or by the act of that other person to the right claimed:

Provided that a person becoming entitled to any estate or interest by virtue of a special power of appointment shall not be deemed to claim through the appointor.

(4) References in this Act to a right of action to recover land shall include references to a right to enter into possession of the land or, in the case of rent-charges, to distrain for arrears of rent; and references to the bringing of such an action shall include references to the making of such an entry or distress.

(5) References in this Act to the possession of land shall, in the case of rent-charges, be construed as references to the receipt of rent; and references to the date of dispossession or discontinuance of possession of land shall, in the case of rent-charges, be construed as references to the date of the last receipt of rent.

(6) In Part II references to a right of action shall include references to a cause of action and to a right to receive money secured by a mortgage or charge on any property or to recover proceeds of the sale of land, and to a right to receive a share or interest in the personal estate of a deceased person; and references to the date of the accrual of a right of action shall -

- (a) In the case of an action for an account, be construed as references to the date on which the matter arose in respect of which an account is claimed:
- (b) In the case of an action upon a judgment, be construed as references to the date on which the judgment became enforceable:
- (c) In the case of an action to recover arrears of rent or interest, or damages in respect thereof, be construed as references to the date on which the rent or interest became due.

**3. Application to the Government** - Save as in this Act otherwise expressly provided, this Act shall apply to proceedings by or against the Government in like manner as it applies to proceedings between subjects:

Provided that this Act shall not apply to any proceedings by the Government for the recovery of any tax or duty or interest or penalty thereon, or to any forfeiture proceedings under any Customs legislation for the time being in force, or to any proceedings in respect of the forfeiture of a ship.

4. Act not apply to customary land and titles - Nothing in this Act shall apply to customary land and titles.

PART I

PERIODS OF LIMITATION FOR DIFFERENT CLASSES OF ACTION

5. Part I to be subject to provisions of Part II relating to disability, acknowledgment, fraud, etc. - The provisions of this Part shall have effect subject to the provisions of Part II, which provide for the extension of the periods of limitation in the case of disability, acknowledgment, part payment, fraud, and mistake.

ACTIONS OF CONTRACT AND TORT AND CERTAIN OTHER ACTIONS

6. Limitation of actions of contract and tort, and certain other actions - (1) Except as otherwise provided in this Act, the following actions shall not be brought after the expiration of 6 years from the date on which the cause of action accrued, that is to say, -

- a) Actions founded on simple contract or on tort:
- (b) Actions to enforce a recognisance:
- (c) Actions to enforce an award, where the submission is not by a deed:
- (d) Actions to recover any sum recoverable by virtue of any enactment, other than a penalty or forfeiture or sum by way of penalty or forfeiture.

(2) An action for an account shall not be brought in respect of any matter which arose more than 6 years before the commencement of the action.

(3) An action upon a deed shall not be brought after the expiration of 12 years from the date on which the cause of action accrued:

Provided that this subsection shall not affect any action for which a shorter period of limitation is prescribed by any other provision of this Act.

(4) An action shall not be brought upon any judgment which has been obtained subsequent to the commencement of this Act after the expiration of 12 years from the date on which the judgment became enforceable or on any judgment which has been obtained before the commencement of this Act after the expiration of 20 years from the date on which

the judgment became enforceable; and no arrears of interest in respect of any judgment debt shall be recovered after the expiration of 6 years from the date on which the interest became due.

(5) An action to recover any penalty or forfeiture, or sum by way of penalty or forfeiture, recoverable by virtue of any enactment shall not be brought after the expiration of 2 years from the date on which the cause of action accrued:

Provided that for the purposes of this subsection the expression "penalty" shall not include a fine to which any person is liable on conviction of a criminal offence.

(6) An action to have any will of which probate has been granted, or in respect of which letters of administration with the will annexed have been granted, declared or adjudicated to be invalid on the ground of want of testamentary capacity in the testator or on the ground of undue influence shall not be brought after the expiration of 12 years from the date of the granting of the probate or letters of administration.

(7) An action in respect of the bodily injury to any person shall not be brought after the expiration of 2 years from the date on which the cause of action accrued:

Provided that application may be made to the Court, after notice to the intended defendant, for leave to bring such an action at any time within 6 years after the date on which the cause of action accrued; and the Court may, if it thinks it is just to do so, grant leave accordingly, subject to such conditions (if any) as it thinks it is just to impose, where it considers that the delay in bringing the action was occasioned by mistake or by any other reasonable cause or that the intended defendant was not materially prejudiced in his defence or otherwise by the delay.

(8) This section shall not apply to any claim for specific performance of a contract or for an injunction or for other equitable relief.

**7. Limitation in case of successive conversions, and extinction of title of owner of converted goods—**(1) Where any cause of action in respect of the conversion or wrongful detention of a chattel has accrued to any person and, before he recovers possession of the chattel, a further conversion or wrongful detention takes place, no action shall be brought in respect of the further conversion or detention after the expiration of 6 years from the accrual of the cause of action in respect of the original conversion or detention.

(2) Where any such cause of action has accrued to any person and the period prescribed for bringing that action and for bringing any action in respect of such a further conversion or wrongful detention as aforesaid expires without his having commenced action to recover possession of the chattel, the title of that person to the chattel shall be extinguished.

(3) Nothing in this section shall affect the provisions of any enactment relating to the revesting of the property in stolen goods on the conviction of an offender.

#### ACTIONS TO RECOVER LAND AND RENT, AND ACCRUAL OF RIGHTS AND...CAUSES OF ACTION

**8. Application of Act to land of the Government -** (1) This Act shall be read subject to the Land Ordinance 1959, and to any enactment for the time being in force relating to the registration of title to any land, so far as this Act is inconsistent with any provision of such Ordinance or enactment.

(2) Nothing in this Act shall affect the right of the Government to any minerals including petroleum.

**9. Limitation of actions to recover land -** (1) No action shall be brought by the Government to recover any land after the expiration of 60 years from the date on which the right of action accrued to the Government or to some person through whom the Government claims.

(2) No action shall be brought by any other person to recover any land after the expiration of 12 years from the date on which the right of action accrued to him or to some person through whom he claims:

Provided that, if the right of action first accrued to the Government, the action may be brought at any time before the expiration of the period during which the action could have been brought by the Government, or of 12 years from the date on which the right of action accrued to some person other than the Government, whichever period first expires.

**10. Accrual of right of action in case of present interests in land -** (1) Where the person bringing an action to recover land, or some person through whom he claims, has been in possession thereof, and has while entitled thereto been dis-

possessed or discontinued his possession, the right of action shall be deemed to have accrued on the date of the dispossession or discontinuance.

(2) Where any person brings an action to recover any land of a deceased person, whether under a will or on intestacy, and the deceased person was on the date of his death in possession of the land or, in the case of a rent-charge created by will or taking effect upon his death, in possession of the land charged, and was the last person entitled to the land to be in possession thereof, the right of action shall be deemed to have accrued on the date of his death.

(3) Where any person brings an action to recover land, being an estate or interest in possession assured otherwise than by will to him, or to some person through whom he claims, by a person who, at the date when the assurance took effect, was in possession of the land or, in the case of a rent-charge created by the assurance, in possession of the land charged, and no person has been in possession of the land by virtue of the assurance, the right of action shall be deemed to have accrued on the date when the assurance took effect.

### **11. Accrual of right of action in case of future interests**

(1) Subject as hereafter in this section provided, the right of action to recover any land shall, in a case where the estate or interest claimed was an estate or interest in reversion or remainder or any other future estate or interest and no person has taken possession of the land by virtue of the estate or interest claimed, be deemed to have accrued on the date on which the estate or interest fell into possession by the determination of the preceding estate or interest or otherwise.

(2) If the person entitled to the preceding estate or interest was not in possession of the land on the date of the determination thereof, no action shall be brought by the person entitled to the succeeding estate or interest -

- (a) After the expiration of 60 years from the date on which the right of action accrued to the Government where the Government is entitled to the succeeding estate or interest; or
- (b) In any other case, after the expiration of 12 years from the date on which the right of action accrued to the person entitled to the preceding estate or

interest, or 6 years from the date on which the right of action accrued to the person entitled to succeeding estate or interest, whichever period last expires.

(3) The foregoing provisions of this section shall not apply where the preceding estate or interest is a leasehold interest other than one which is determinable with life or lives or with the cesser of a determinable life interest.

**12. Provisions in case of land held on trust -** (1) Subject to the provisions of subsection (1) of section 19, the provisions of this Act shall apply to equitable interests in land, including interests in the proceeds of the sale of land held upon trust for sale, in like manner as they apply to legal estates, and accordingly a right of action to recover the land shall, for the purposes of this Act but not otherwise, be deemed to accrue to a person entitled in possession to such an equitable interest in the like manner and circumstances and on the same date as it would accrue if his interest were a legal estate in the land.

(2) Where any land is held by any trustee (including a trustee who is also tenant for life) upon trust, including a trust for sale, and the period prescribed by this Act for the bringing of an action to recover the land by the trustee has expired, the estate of the trustee shall not be extinguished if and so long as the right of action to recover the land of any person entitled to a beneficial interest in the land or in the proceeds of sale either has not accrued or has not been barred by this Act, but if and when every such right of action has been so barred, the estate of the trustee shall be extinguished.

**13. Accrual of right of action in case of certain tenancies -** (1) A tenancy at will or a tenancy determinable at the will of either of the parties by one month's notice in writing shall, for the purposes of this Act, be deemed to be determined at the expiration of a period of one year from the commencement thereof, unless it has previously been determined, and accordingly the right of action of the person entitled to the land subject to the tenancy shall be deemed to have accrued on the date on which it is determined or deemed to be determined as aforesaid:



Provided that, where any rent has subsequently been received in respect of the tenancy, the right of action shall be deemed to have accrued on the date of the last receipt of rent.

(2) A tenancy from year to year or other period without a lease in writing (but not a tenancy to which subsection (1) applies) shall, for the purposes of this Act, be deemed to be determined at the expiration of the first year or other period, and accordingly the right of action of the person entitled to the land subject to the tenancy shall be deemed to have accrued at the date of such determination:

Provided that, where any rent has subsequently been received in respect of the tenancy, the right of action shall be deemed to have accrued on the date of the last receipt of rent.

**14. Right of action not to accrue or continue unless there is adverse possession**—(1) No right of action to recover land shall be deemed to accrue unless the land is in the possession of some person in whose favour the period of limitation can run (hereafter in this section referred to as adverse possession), and, where under the foregoing provisions of this Act any such right of action is deemed to accrue on a certain date and no person is in adverse possession on that date, the right of action shall not be deemed to accrue unless and until adverse possession is taken of the land.

(2) Where a right of action to recover land has accrued, and thereafter, before the right is barred, the land ceases to be in adverse possession, the right of action shall no longer be deemed to have accrued and no fresh right of action shall be deemed to accrue unless and until the land is again taken into adverse possession.

(3) For the purposes of this section possession of any land subject to a rent-charge by a person (other than the person entitled to the rent-charge) who does not pay the rent shall be deemed to be adverse possession of the rent-charge.

**15. Accrual of cause of action on claim for contribution or indemnity** - For the purposes of any claim for a sum of money by way of contribution or indemnity, however the right to contribution or indemnity arises, the cause of action in respect of the claim shall be deemed to have accrued at

the first point of time when everything has happened which would have to be proved to enable judgment to be obtained for a sum of money in respect of the claim.

**16. No right of action to be preserved by formal entry or continual claim** - For the purposes of this Act, no person shall be deemed to have been in possession of any land by reason only of having made a formal entry thereon, and no continual or other claim upon or near any land shall preserve any right of action to recover the land.

**17. Limitation of actions to recover rent** - No action shall be brought, or distress made, to recover arrears of rent or damages in respect thereof, after the expiration of 6 years from the date on which the arrears became due.

ACTIONS TO RECOVER MONEY SECURED  
BY A MORTGAGE OR CHARGE OF THE  
RECOVER PROCEEDS OF THE  
SALE OF LAND

**18. Limitation of actions to recover money secured by a mortgage or charge or to recover proceeds of the sale of land** - (1) No action shall be brought to recover any principal sum of money secured by a mortgage or other charge on property, whether real or personal, or to recover proceeds of the sale of land (not being the proceeds of the sale of land held upon trust for sale), after the expiration of 12 years from the date when the right to receive the money accrued.

(2) No foreclosure action in respect of mortgaged personal property shall be brought after the expiration of 12 years from the date on which the right to foreclose accrued.

Provided that, if after that date the mortgagee was in possession of the mortgaged property, the right to foreclose on the property which was in his possession shall not, for the purposes of this subsection, be deemed to have accrued until the date on which his possession discontinued.

(3) The right to receive any principal sum of money secured by a mortgage or other charge and the right to foreclose on any personal property subject to the mortgage or charge shall not be deemed to accrue so long as the property

subject to the mortgage or charge comprises any future interest or any life insurance policy which has not matured or been determined.

(4) No action to recover arrears of interest payable in respect of any sum of money secured by a mortgage or other charge or payable in respect of proceeds of the sale of land, or to recover damages in respect of such arrears, shall be brought after the expiration of 6 years from the date on which the interest became due:

Provided that -

(a) Where a prior mortgagee or other encumbrancer has been in possession of the property charged, and an action is brought within one year of the discontinuance of that possession by the subsequent encumbrancer, he may recover by that action all the arrears of interest which fell due during the period of possession by the prior encumbrancer or damages in respect thereof, notwithstanding that the period exceeded 6 years:

(b) Where the property subject to the mortgage or charge comprises any future interest or life insurance policy and it is a term of the mortgage or charge that arrears of interest shall be treated as part of the principal sum of money secured by the mortgage or charge, interest shall not be deemed to become due before the right to receive the principal sum of money has accrued or is deemed to have accrued.

(5) This section shall not apply to any mortgage or charge on a ship.

#### ACTIONS IN RESPECT OF TRUST PROPERTY OR THE PERSONAL ESTATE OF DECEASED PERSONS

**19. Limitation of action in respect of trust property - (1)**  
No period of limitation prescribed by this Act shall apply to an action by a beneficiary under a trust, being an action -

(a) In respect of any fraud or fraudulent breach of trust to which the trustee was a party or privy; or

(b) To recover from the trustee trust property or the proceeds thereof in the possession of the trustee, or previously received by the trustee and converted to his use.

(2) Subject as aforesaid, an action by a beneficiary to recover trust property or in respect of any breach of trust, not being an action for which a period of limitation is prescribed by any other provision of this Act, shall not be brought after the expiration of 6 years from the date on which the right of action accrued:

Provided that the right of action shall not be deemed to have accrued to any beneficiary entitled to a future interest in the trust property until the interest fell into possession.

(3) No beneficiary as against whom there would be a good defence under this Act shall derive any greater or other benefit from a judgment or order obtained by any other beneficiary than he could have obtained if he had brought the action and this Act had been pleaded in defence.

**20. Limitation of actions claiming personal estate of a deceased person** - Subject to the provisions of subsection (1) of section 19, no action in respect of any claim to the personal estate of a deceased person or to any share or interest in such estate, whether under a will or on intestacy, shall be brought after the expiration of 12 years from the date when the right to receive the share or interest accrued, and no action to recover arrears of interest in respect of any legacy, or damages in respect of such arrears, shall be brought after the expiration of 6 years from the date on which the interest became due.

#### ACTIONS AGAINST THE GOVERNMENT AND PUBLIC AUTHORITIES, ETC.

**21. Protection of persons acting in execution of statutory or other public duty** - (1) No action shall be brought against any person (including the Government) for any act done in pursuance or execution or intended execution of any Act of Parliament, or of any public duty or authority, or in respect of any neglect or default in the execution of any such Act, duty, or authority, unless -

- (a) Notice in writing giving reasonable information of the circumstances upon which the proposed action will be based and the name and address of the prospective plaintiff and of his solicitor or agent (if any) in the matter is given by the prospective

plaintiff to the prospective defendant as soon as practicable after the accrual of the cause of action; and

- (b) The action is commenced before the expiration of one year from the date on which the cause of action accrued:

Provided that, where the act, neglect, or default is a continuing one, no cause of action in respect thereof shall be deemed to have accrued, for the purposes of this section, until the act, neglect, or default has ceased:

Provided also that the notice required by paragraph (a) of this subsection may be given, and an action may thereafter be brought, while the act, neglect, or default continues:

Provided further that any such person may consent to the bringing of such an action at any time before the expiration of 6 years from the date on which the cause of action accrued, whether or not notice has been given to the prospective defendant as aforesaid.

(2) Notwithstanding the foregoing provisions of this section, application may be made to the Court, after notice to the intended defendant, for leave to bring such an action at any time before the expiration of 6 years from the date on which the cause of action accrued, whether or not notice has been given to the intended defendant under subsection

(1); and the Court may, if it thinks it is just to do so, grant leave accordingly, subject to such conditions (if any) as it thinks it is just to impose, where it considers that the failure to give the notice or the delay in bringing the action, as the case may be, was occasioned by mistake or by any other reasonable cause or that the intended defendant was not materially prejudiced in his defence or otherwise by the failure or delay.

(3) Where notice has to be given to the Government under this section it shall be given to the Attorney-General, and may be so given by leaving it at his office in Apia or by sending it by post in a registered letter addressed to him at his said office.

(4) Except as provided in subsection (3), where any notice has to be given under this section, it may be given either -

- (a) By delivering it to the person to whom it has to be given; or

- (b) By leaving it at the usual or last known place of abode in Western Samoa of that person; or
  - (c) By sending it by post in a registered letter addressed to that person at his usual or last known place of abode in Western Samoa.
- (5) Where a notice is sent by post in manner prescribed by subsection (3) or by paragraph (c) of subsection (4), it shall be deemed to have been given at the time at which the letter would have been delivered in the ordinary course of post.
- (6) The foregoing provisions of this section shall not apply to any criminal proceeding, or to any action commenced by the Audit Office under any Act.

## PART II

### EXTENSION OF LIMITATION PERIODS IN CASE OF DIS- ABILITY, ACKNOWLEDGMENT, PART PAYMENT, FRAUD, AND MISTAKE

#### Disability

**22. Extension of limitation period in case of disability —** If, on the date when any right of action accrued for which a period of limitation is prescribed by or may be prescribed under this Act the person to whom it accrued was under a disability, -

- (a) In the case of any action to which section 21 applies, or of any other action in respect of the death of or bodily injury to any person, or of any action to recover a penalty or forfeiture or sum by way thereof by virtue of any enactment where the action is brought by an aggrieved party, the right of action shall be deemed to have accrued on the date when the person ceased to be under a disability or died, whichever event first occurred; or
- (b) In any other case the action may be brought before the expiration of 6 years from the date when the person ceased to be under a disability or died, whichever event first occurred, -

notwithstanding that, in any case to which either of the foregoing paragraphs of this section applies, the period of limitation has expired:

Provided that -

- (c) This section shall not affect any case where the right of action first accrued to some person (not under a disability) through whom the person under a disability claims:
- (d) When a right of action which has accrued to a person under a disability accrues, on the death of that person while still under a disability, to another person under a disability, no further extension of time shall be allowed by reason of the disability of the second person:
- (e) No action to recover land or money charged on land shall be brought by virtue of this section by any person after the expiration of 30 years from the date on which the right of action accrued to that person or some person through whom he claims.

ACKNOWLEDGMENT AND PART PAYMENT

**23. Fresh accrual of action on acknowledgment or part payment -** (1) Where there has accrued any right of action to recover land or any right of a mortgagee of personal property to bring a foreclosure action in respect of the property, and -

- (a) The person in possession of the land or personal property acknowledges the title of the person to whom the right of action has accrued; or
- (b) In the case of a foreclosure or other action by a mortgagee, the person in possession as aforesaid or the person liable for the mortgage debt makes any payment in respect thereof, whether of principal or interest, -

the right shall be deemed to have accrued on and not before the date of the acknowledgment or the last payment.

(2) Where a mortgagee is by virtue of the mortgage in possession of any mortgaged land, and either receives any sum in respect of the principal or interest of the mortgage debt or acknowledges the title of the mortgagor, or his equity

of redemption, an action to redeem the land in his possession may be brought at any time before the expiration of 12 years from the date of the payment or acknowledgment.

(3) Where any right of action has accrued to recover any debt or other liquidated pecuniary claim, or any claim to the personal estate of a deceased person or to any share or interest therein, and the person liable or accountable therefor acknowledges the claim or makes any payment in respect thereof, the right shall be deemed to have accrued on and not before the date of the acknowledgment or the last payment:

Provided that a payment of a part of the rent or interest due at any time shall not extend the period for claiming the remainder then due, but any payment of interest shall be treated as a payment in respect of the principal debt.

**24. Formal provisions as to acknowledgments and part payments—**(1) Every such acknowledgment as aforesaid shall be in writing and signed by the person making the acknowledgment.

(2) Any such acknowledgment or payment as aforesaid may be made by the agent of the person by whom it is required to be made under section 23, and shall be made to the person, or to an agent of the person, whose title or claim is being acknowledged or, as the case may be, in respect of whose claim the payment is being made.

**25. Effect of acknowledgment or part payment on persons other than the maker or recipient -** (1) An acknowledgment of the title to any land or mortgaged personalty by any person in possession thereof shall bind all other persons in possession during the ensuing period of limitation.

(2) A payment in respect of a mortgage debt by the mortgagor or any person in possession of the mortgaged property shall, so far as any right of the mortgagee to foreclose or otherwise to recover the property is concerned, bind all other persons in possession of the mortgaged property during the ensuing period of limitation.

(3) Where two or more mortgagees are by virtue of the mortgage in possession of the mortgaged land, an acknowledgment of the mortgagor's title or of his equity of redemption by one of the mortgagees shall bind only him and his successors and shall not bind any other mortgagee or his



successors, and, where the mortgagee by whom the acknowledgment is given is entitled to a part of the mortgaged land and not to any ascertained part of the mortgage debt, the mortgagor shall be entitled to redeem that part of the land on payment, with interest, of the part of the mortgage debt which bears the same proportion to the whole of the debt as the value of the part of the land bears to the whole of the mortgaged land.

(4) Where there are two or more mortgagors, and the title or right to redemption of one of the mortgagors is acknowledgment as aforesaid, the acknowledgment shall be deemed to have been made to all the mortgagors.

(5) An acknowledgment of any debt or other liquidated pecuniary claim shall bind the acknowledgor and his successors but not any other person:

Provided that an acknowledgment made after the expiration of the period of limitation prescribed for the bringing of an action to recover the debt or other claim shall not bind any successor on whom the liability devolves on the determination of a preceding estate or interest in property under a settlement taking effect before the date of the acknowledgment.

(6) A payment made in respect of any debt or other liquidated pecuniary claim shall bind all persons liable in respect thereof:

Provided that a payment made after the expiration of the period of limitation prescribed for the bringing of an action to recover the debt or other claim shall not bind any person other than the person making the payment and his successors, and shall not bind any successor on whom the liability devolves on the determination of a preceding estate or interest in property under a settlement taking effect before the date of the payment.

(7) An acknowledgment by one of several personal representatives of any claim to the personal estate of a deceased person, or to any share or interest therein, or a payment by one of several personal representatives in respect of any such claim shall bind the estate of the deceased person.

(8) In this section the expression "successor" in relation to any mortgagee or person liable in respect of any debt or claim means his personal representatives and any other person on whom the rights under the mortgage or, as the case may be, the liability in respect of the debt or claim devolve, whether on death or bankruptcy or the disposition of property or the determination of a limited estate or interest in settled property or otherwise.

#### FRAUD AND MISTAKE

**26. Postponement of limitation period in case of fraud or mistake** - Where, in the case of any action for which a period of limitation is prescribed by this Act, either -

- (a) The action is based upon the fraud of the defendant or his agent or of any person through whom he claims or his agent; or
- (b) The right of action is concealed by the fraud of any such person as aforesaid; or
- (c) The action is for relief from the consequences of a mistake, -

the period of limitation shall not begin to run until the plaintiff has discovered the fraud or the mistake, as the case may be, or could with reasonable diligence have discovered it:

Provided that nothing in this section shall enable any action to be brought to recover, or enforce any charge against, or set aside any transaction affecting, any property which -

- (d) In the case of fraud, has been purchased for valuable consideration by a person who was not a party to the fraud and did not at the time of the purchase know or have reason to believe that any fraud had been committed; or
- (e) In the case of mistake, has been purchased for valuable consideration, subsequently to the transaction in which the mistake was made, by a person who did not know or have reason to believe that the mistake had been made.

## PART III

## GENERAL

**27. Application of Act and other limitation enactments to arbitrations** - (1) This Act and any other enactment relating to the limitation of actions shall apply to arbitrations as they apply to actions.

(2) Notwithstanding any term in a submission to the effect that no cause of action shall accrue in respect of any matter required by the submission to be referred until an award is made under the submission, the cause of action shall, for the purposes of this Act and of any other such enactment (whether in their applications to arbitrations or to other proceedings), be deemed to have accrued in respect of any such matter at the time when it would have accrued but for that term in the submission.

(3) For the purposes of this Act and of any such other enactment an arbitration is deemed to commence when one party thereto serves on the other party or parties a notice requiring him or them to appoint an arbitrator or, where the submission provides that the reference shall be to a person named in the submission, requiring him or them to submit the dispute to the person so named.

**28. Provisions as to set-off or counterclaim** - For the purposes of this Act, any claim by way of set-off or counterclaim shall be deemed to be separate action and to have been commenced on the same date as the action in which the set-off or counterclaim is pleaded.

**29. Acquiescence** - Nothing in this Act shall affect any equitable jurisdiction to refuse relief on the ground of acquiescence or otherwise.

**30. Savings for other limitation enactments**—This Act shall not apply to any action or arbitration for which a period of limitation is prescribed by any other enactment.

**31. Provisions as to actions already barred and pending actions** - Nothing in this Act shall -

- (a) Enable any action to be brought which was barred before the commencement of this Act by an enactment repealed or amended by this Act or ceasing

to have effect by virtue of this Act, except in so far as the cause of action or right of action may be revived by an acknowledgment or part payment made in accordance with the provisions of this Act; or

- (b) Affect any action or arbitration commenced before the commencement of this Act or the title to any property which is the subject of any such action or arbitration.

**32. Repeal** - (1) The Limitation Act 1950 (New Zealand) is hereby repealed.

(2) The Reprint of Statutes Act 1972 is hereby consequentially amended by repealing from the Schedule, under the heading "New Zealand Acts", the item "The Limitation Act 1950".



BY AUTHORITY

D. SLADE, ACTING GOVERNMENT PRINTER, APIA, WESTERN SAMOA-1977



## SAMOA I SISIFO

## Vaevaeina

## Igoa

1. Igoa puupuu
2. Faamatalaina o Upu
3. Faaaogaina i le Malo
4. Ia lē faaaogaina le Tulafono i ele-ele ma suafa faale-aganuu

## VAEGA I

VAITAIMI FAATAPULAAINA  
MO ITUAIGA ESEESE O TAGI

5. E noatia ma fai fuafua le Vaega I i tuutuuga o le Vaega II e faasino i le lē mafai ona toe galua, faamaonia o se mea ua faia, faiga tau-faasesē, ma isi mea

TAGI E UIGA I FEAGAIGA MA UIGA  
SESE MA NISI LAVA TAGI

6. Faatapulaaina o taimi o tagi e uiga i tuutuuga o le Vaega II e faasino lava tagi
7. Faatapulaaina o taimi i le itu i le faaliliuga fai-faasolo, ma le faamutaina o le pule a lē e ona oloa ua faaliliu atu

TAGI INA IA TOE MAUA SE FANUA  
MA SE TOTOGI FAA-LISI, MA LE  
ALIA'I MAI O NI AIA TATAU MA  
NI MAFUAGA O SE TAGI

8. Faaaogaina o le Tulafono i fanua o le Malo
9. Faatapulaaina o taimi o tagi ina ia toe maua se fanua
10. O le alia'i mai o le aiā tatau e fai ai se tagi i le itu i ni aiā i le taimi nei i le elele
11. O le alia'i mai o le aiā tatau e fai ai se tagi i le itu i aiā i aso o lumanai
12. Tuutuuga i le itu i elele o loo umia i luga o se tausiga mautū
13. O le alia'i mai o le aiā tatau e fai ai se tagi i le itu i nisi nofo-lisi
14. O le aiā tatau e fai ai se tagi ia lē alia'i mai pe faaauauina se'ia vagona ai ona ua umia i se uiga se-sē

15. O le alia'i mai o le mafuaga o se tagi i luga o se talosaga mo se saofaga tau tupe po o se tau mo se mea ua faaleagaina
16. E leai se aiā tatau e fai ai se tagi o le a faatumauina ona ua nofoia aloa'ia po o se talosaga fai fai pea
17. Faatapulaaina o taimi e fai ai ni tagi ina ia toe maua totogi o lisi

TAGI INA IA TOE MAUA MAI NI  
TUPE NA PUIPUIA E SE MOKESI PO  
O SE TOTOGI TUSIA PO O INA IA  
TOE MAUA MAI TUPE NA MAUA  
I LE FAATAUINA ATU O ELELE

18. Faatapulaaina o taimi o tagi ina ia toe maua mai se tupe na puipuia e se mokesi po o se totogi tusia po o ina toe maua mai ni tupe na maua i le faatauina atu o elele

TAGI I LE ITU I MEA TOT.NO TAU-  
SIA PO O LE ESETETE TAUTINO A  
TAGATA UA MALLIU

19. Faatapulaaina o taimi o tagi i le itu i mea totino tausia
20. Faatapulaaina o taimi o tagi o loo talosagaina ai le esetete tautino a se tagata ua malii

TAGI E FAASAGA I LE MALO MA NI  
PULEGA FAALE-MALO MA IS:

21. Puipuiga o tagata o loo galulue i le faataunuaina o tiute faale-tulafono po o nisi tiute faale-malo

## VAEGA II

FAAOPPOPONA O VAITAIMI FAATAPU-  
LAINA I LE ITU I LE LE MAFAI ONA  
TOE GALUE, FAAMAONIGA O SE MEA  
UA FAIA, TOGIGA FAA-VAEGA,  
FAIGA TAUFAAESESE, MA MEA SESE

O LE LE MAFAI ONA TOE GALUE

22. Faaoppopona o le vaitaimi faata-  
pulaaina i le itu i le lē mafai ona  
toe galue

FAAMAONIGA MA LE TOTOGIINA O  
SE VAEGA

23. O le faatoa alia'i mai o se tagi i luga o se faamaoniga po o le to-  
togiina o se vaega
24. Tuutuuge aloaia e faasino i faa-  
maoniga ma ni togiga faa-vaega
25. Tauntuuga o le faamaoniga po o  
le tologiina o se vaega i luga o  
tagata e ese ai na i lo lē na faia  
po o lē na te mauaina

## FAIGA TAU-FAASESE MA MEA SESE

26. Tolopoina o le vaitaimi faatapu-  
laaina i le itu i se faiga tau faa-  
sesē po o se mea sesē

## VAEGA III

## MEA ESESE

27. Faaaogaina o le Tulafono ma isi  
tulafono o taimi faatapulaaina i  
suesuega e fai ai faaiuga o ni fi-  
nauga
28. Tuutuuga e faasino i talosaga e  
faafetaia'i ai po o talosaga-tetee
29. Maliega
30. Mea ua faasaoina mo isi tulafono  
o taimi faatapulaaina
31. Tuutuuga e faasino i tagi ua uma  
ona faasaina ma ni tagi o loo  
loma
32. Mea ua Soloia

## 1975, Nu. 24

**O SE TULAFONO** e faamautu a'i ma faia ai aiaiga mo le faatapulaaina o taimi o tagi ma suesuega e faia ai faaiuga o finauga.

**UA FAIA** e le Fono Aoaofaitulafono a Samoa i Sisifo i totonu o le Palemene ua potopoto e faapea -

**1. Igoa puupuu** - O lenei Tulafono e mafai ona ta'ua o le Tulafono o le Faatapulaaina o Taimi 1975.

**2. Faamatalaina o Upu** - (1) I totonu o le Tulafono lenei, a e vagana ai ona ua manaomia e le faaupuga nisi uiga e ese ai, -

“Tagi” o lona uiga o so o se taulumaga i totonu o se Faamasinoga tau le Tulafono e ese ai na i lo se taulumaga tau solitulafono:

“Eleele” e aofia ai ni mea tautino tuufaasolo ma ni totogi o lisi, ma so o se esetete po o se aiā faale-tulafono po o e sa'o ma tonu o loo i ai i sea lava mea, e aofia ai ma so o se aiā i tupe e maua mai le faatauina atu o le eleele o loo umia i luga o se tau-siga faatuatuaina mo le faatauina atu, a e se'ia vagana ai ona ua ta'ua muamua a e lē aofia ai so o se mea tautino tuufaasolo:

“Esetete tau le tagata lava ia” ma “mea totino tau le tagata lava ia” e lē aofia ai mea totino tumau e mafai ona feavea'i:

“Vaa” e aofia ai so o se ituaiga o vaa e faaaogaina i folauga e lē tauloia i ni foe.

(2) Mo le aano moni o le Tulafono lenei, o le a faatatauina lava se tagata e faapea o loo i ai o ia i se tulaga e lē mafai ai ona galue a o loo i le tulaga o se tamaitiiti po o e lē mapoopo le mafaufau.

(3) O le a faatatauina se tagata e faapea ua talosaga e ala mai i se tasi tagata pe afai ua oo ina aiā o ia i le, ala mai, i lalo, po o i le gaioiga a le isi lea tagata i le aiā ua talosaga-ina:

A e vagana ai e faapea o se tagata lea ua oo ina aiā i so o se esetete po o le aiā e tusa ai ma le aloaia o le pule faapitoa e tofia ai, o le a lē faatatauina e faapea ua talosaga o ia e ala i le tagata na ia faia le tofiga.

(4) O fuaitau i totonu o le Tulafono lenei e faasino i se aiā tatau e fai ai se tagi mo le toe maua o se eleele o le a aofia ai fuaitau e faasino i se aiā tatau e ulu atu ai ma umia le eleele po o, i le itu i totogi o lisi, ina ia pu'eina faamalosi le lisi ona ua lē totogiina totogi-tuua o lisi; ma o fuaitau e faasino i le faauluina o sea tagi o le a aofia ai fuaitau e faasino i le faia o sea ulufale atu po o se uiga pagatia

(5) O fuaitau i totonu o lenei Tulafono e faasino i le fanua o le a tatau lava, i le itu i totogi o lisi, ona faatatauina o ni fuaitau e faasino i le maua mai o totogi faa-lisi; po o fuaitau e faasino i le aso o le aveeseina po o le lē faaauuina ona umia le fanua o le a tatau lava, i le itu i totogi o lisi, ona faatatauina o fuaitau e faasino i le aso o le maua mai talu ai o le totogi o le lisi.

(6) I totonu o le Vaega II o fuaitau e faasino i se aiā tatau e maua mai ai se tupe na puipuia malu e se mokesi po o se aitalafu i luga o so o se mea totino po o ina ia toe maua mai ni tupe na maua i le faatauina atu o le fanua, ma i se aiā tatau e maua mai ai se sea po o se aiā i se esetete i le mea tau-tino a se tagata ua maliu; ma o fuaitau e faasino i le aso o le faapoopoina o se aiā tatau e fai ai se tagi o le a tatau lava -

(a) I le itu i se tagi mo se aitalafu, ona faauigaina e avea o fuaitau e faasino i le aso lea na alia'i mai ai le mataupu e faasino i ai se aitalafu ua faatagisia:

(b) I le itu i se tagi i luga o se faaiuga, ona faatatauina e avea o ni fuaitau e faasino i le aso lea ua oo ina tatau ona faataunuina ai le faaiuga:

- (c) I se tagi ina ia toe maua mai ni totogi tu'ua o totogi o lisi po o se aiā, po o ni tau e faasino i sea lava mea, ona faatatauina e avea o fuaitau e faasino i le aso lea sa tatau ona totogi ai le totogi faa-lisi po o le aiā.

**3. Faaaogaina i le Malo** - Se'ia vagana ai ona ua aiaia se tasi faiga e ese ai i totonu o lenei Tulafono, o le a tatau lava ona faaaogaina le Tulafono lenei i ni taualumaga e faia e, po o e faasaga i le Malo i le faiga lava e tasi e pei ona faaaogaina ai i so o se taualumaga i le va o ni tagata:

A e vagana ai ona o le a lē tatau ona faaaogaina le Tulafono lenei i so o se taualumaga e faia e le Malo mo le toe maua mai o so o se lafoga po o se tiute po o se faasalaga i luga o sea lava mea, po o i so o se taualumaga tau le pu'eina ma taofia i lalo o so o se tulafono o le Ofisa o Tiute o loo faamamaluina i le taimi nei, po o i so o se taualumaga i le itu i le pu'eina ma taofia se vaa.

**4. Ia lē faaaogaina le Tulafono i eleele ma suafa faaleaganuu** - E leai se mea o i totonu o lenei Tulafono o le a tatau ona faaaogaina i so o se eleele po o ni suafa faaleaganuu.

## VAEGA I

### VAITAIMI FAATAPULAAINA MO ITUAIGA ESEESE O TAGI

**5. E noatia ma fai fuafua le Vaega I i tuutuuga o le Vaega II e faasino i le lē mafai ona toe galue, faamaonia o se mea ua faia, faiga tau faasesē, ma isi mea** - O tuutuuga lenei Vaega o le a i ai le faamamaluga a e noatia ma fai fuafua i tuutuuga o le Vaega II, lea ua aiaia ai le faaopoopoina o vaitaimi faatapulaaina i le itu i le mafai ona toe galue, faamaonia o se mea ua faia, totogiina o se vaega, faiga tau-faasesē, ma mea sesē.

### TAGI E UIGA I FEAGAIGA MA UIGA SESE MA NISI LAVA TAGI

**6. Faatapulaaina o taimi o tagi e uiga i feagaiga ma uiga sesē, ma nisi lava tagi** - (1) Se'ia vagana ai e pei ona aiaia se tasi faiga e ese ai i totonu o lenei Tulafono, o tagi ua ta'ua i



lalo o le a lē tatau ona aumaia a ua tuanai le muta'aga o le 6 tausaga mai le aso lea na alia'i mai ai le mafuaga o le tagi, o lona uiga e faapea, -

- (a) Tagi e faavaeina i luga o se feagaiga faigofie tusa pe tusia pe fai-fofoga po o se uiga sesē;
- (b) Tagi ina ia faamalosi ai se noataga faamauina na osia e se tagata i se Faamasinoga;
- (c) Tagi ina ia faamalosi se faaiuga, pe afai o le tuuina mai e lē o faia i luga o se tusi faamaoni ua saunia faale-tulafono;
- (d) Tagi ina ia toe maua so o se vaega-tupe e ono mafai ona toe maua e tusa ai ma le tulaga aloaia o so o se tulafono, e ese ai na i lo se faasalaga po o le taofia o se mea e avea ma faasalaga po o se vaega-tupe e ala i se faasalaga po o se mea ua taofia e avea ma faasalaga.

(2) O se tagi mo se aitalafu o le a lē tatau ona aumaia i le itu i so o se mataupu lea na alia'i mai i se taimi ua silia i lo le 6 tausaga a o lumanai ai le amataga o le tagi.

(3) O se tagi i luga o se tusi faamaoni ua saunia faale-tulafono o le a lē tatau ona aumaia a ua tuanai le muta'aga o le 12 tausaga mai le aso lea na alia'i mai ai le mafuaga o le tagi:

A e vagana ai ona o le a lē tatau i lenei faafuaiupu ona afāina ai so o se tagi lea ua fuafuaina i ai se vaitaimi faatapulaina e puupuu ifo e so o se tasi lava tuutuuga o lenei Tulafono.

(4) O le a lē tatau ona aumaia se tagi i luga o so o se faaiuga lea ua maua mai mulimuli ane i le amataga o lenei Tulafono a ua tuanai le muta'aga o le 12 tausaga mai le aso lea sa ono mafai ona faamalosi ai le faaiuga po o luga o so o se faaiuga lea ua maua mai a o lumanai ai le amataga o lenei Tulafono a ua tuanai le 20 tausaga talu mai le aso lea sa ono mafai ona faamalosi ai le faaiuga; ma e leai ni totogi tu'ua o le tului i le itu i so o se aitalafu tau se faaiuga o le a tatau ona toe maua a ua tuanai le muta'aga o le 6 tausaga mai le aso lea sa tatau ona totogi ai le tului

(5) O se tagi ina ia toe maua so o se faasalaga po o se mea na taofia, po o se vaega-tupe e ala i se faasalaga po o se mea na taofia, e ono mafai ona toe maua e tusa ma le aloaia o so o se tulafono o le a lē tatau ona aumaia a ua tuanai le muta'aga o le 2 tausaga mai le aso lea na alia'i mai ai le mafuaga o tagi:

A e vagana ai ona faapea, mo le aano moni o lenei faa-fuaiupu, o le fuaitau “faasalaga” o le a lē tatau ona aofia ai se sala-tupe lea o loo noatia ai so o se tagata ina ua faamaonia e nofosala i se solitulafono mamafa.

(6) O se tagi ina ia tautinoina po o le faia o se faaiuga e faapea ua faaleaogaina faale-tulafono so o se mavaega lea ua tuuina atu i ai le faamaoniga, po o le itu i tusi tau le pulea ua faapipii faatasi ma le mavaega ua tuuina atu, i luga o le mafuaga tau le lē lava o le tulaga tau le faiga o se mavaega i le tagata na faia le mavaega, po o luga o le mafuaga tau se uiga faatosina e lē tatau ai a ua tuanai le mutaaga o le 12 tausaga mai le aso o le faatagaina o le faamaoniga po o tusi tau le pulea.

(7) O se tagi i le itu i se manu'a o le tino ua oo i so o se tagata o le a lē tatau ona aumaia a ua tuanai le muta'aga o le 2 tausaga mai le aso lea na alia'i mai ai le mafuaga o le tagi:

A e vagana ai ona e mafai ona faia se talosaga i le Faamasinoga, ina ua uma ona tuuina atu se faaaliga i lē ua faamoemoe e avea ma itu tetee, mo le faatagaina ina ia aumai se tagi faapena i so o se taimi i totonu o le 6 tausaga a ua tuanai le aso lea na alia'i mai ai le mafuaga o le tagi; ma e mafai e le Faamasinoga, pe afai e manatu o ia e sa'o ma tonu ona faia faapena, ona tuuina atu loa lava le faatagaina, a e noatia ma fai fuafua i ni tuutuuga (pe afai e i ai) e pei ona ua manatu o ia e sa'o ma tatau ai ona tuuina atu, pe afai ua manatu o ia e faapea o le faatuai i le aumaiga o le tagi na pogai mai ona o se sesē, po'o ona o so o se tasi lava mafuaga tatau po o le faapea o lē ua faamoemoe e avea ma itu tetee sa le'i faaleagaina i se uiga tino mai i lana tetee po o se tasi lava uiga e ese ai ona o le faatuai.

(8) O lenei fuaiupu o le a lē tatau ona faaogaina i so o se talosaga mo le faataunuaina faapitoa o se feagaiga po o mo se poloaiga faa-faamasinoga po o mo se tasi lava fesoasoani e sa'o ma tonu.

**7. Faatapulaaina o taimi i le itu i faaliliuga fai-faasolo, ma ma le faamutaina o le pule a lē e ōna oloa ua faaliliu atu - (1) Afai o so o se mafuaga o se tagi i le itu i le faaliliuina po o le taofia i se faiga sesē o se mea totino e mafai ona feavea'i ua alia'i atu i so o se tagata ma, a o le toe maua e ia le mea totino e mafai ona feavea'i, ua toe faia se tasi faaliliuga po o le taofia i se faiga sesē, e leai se tagi o le a tatau**

ona aumaia i le itu i se tasi faaliliuga po o se taofiga a ua tuana'i le muta'aga o le 6 tausaga talu mai le alia'i o le mafua'aga o le tagi i le itu i le ulua'i faaliliuga po o le ulua'i taofia.

(2) Afai ua alia'i atu so o sea mafuaga o se tagi i so o se tagata ma o le vaitaimi na fuafuaina mo le aumaia o lea tagi ma mo le aumaia o so o se tagi i le itu i se tasi faaliliuga faapena po o le taofia i se faiga sesē e pei ona ta'ua muamua i luga ua faamutaina e aunoa ma lona faauluina o se tagi ina ia toe maua mai le mea totino e mafai ona feavea'i, o le pule a lea tagata i le mea totino e mafai ona feavea'i o le a tatau lava ona faamutaina.

(3) E leai se mea o i totonu o lenei fuaiupu o le a tatau ona afāina ai tuutuuga o so o se tulafono e faasino i le toe tuuina atu o le pule i oloa na gaoia ina ua faamaonia le nofosala o se tagata solitulafono.

Tagi ina ia Toe Maua se Fanua ma se Totogi Faa-Lisi, ma le

#### ALIA'I MAI O NI AIA TATAU MA NI MAFUAGA O SE TAGI

**8. Faaogaina o le Tulafono i fanua o le Malo - (1) O lenei Tulafono o le a tatau ona faitauina a e noatia ma fai fuafua i le Tulafono o Eleele 1959, ma i so o se tulafono o loo faamamaluina i le taimi nei e faasino i le resitaraina o le pule i so o se eleele, e tusa ai ma le tulaga e oo i ai le lē talafeagai ai o lenei Tulafono ma so o se tuutuuga o sea Tulafono po o se aiaiga faale-tulafono.**

(2) E leai se mea o i totonu o lenei Tulafono o le a tatau ona afaina ai le aiā tatau a le Malo i so o se minerale e aofia ai le suauu.

**9. Faatapulaaaina o taimi o tagi ina ia toe maua se fanua - (1) E leai se tagi o le a tatau ona aumaia e le Malo ina ia toe maua so o se fanua a ua tuana'i le muta'aga o le 60 tausaga mai le aso na alia'i mai ai le aiā tatau e fai ai se tagi i le Malo po o i se tagata o ia lea e ala mai ai ni talosaga a le Malo.**

(2) E leai se tagi o le a tatau ona aumaia e so o se tasi lava tagata ina ia toe maua so o se fanua a ua tuana'i le muta'aga o le 12 tausaga mai le aso lea na alia'i mai ai ia te ia le aiā tatau e fai ai se tagi po o i se tasi tagata o ia lea ua ala mai ai sana talosaga:

A e vagana ai ona faapea, afai na mua'i alia'i atu le aiā tatau e fai ai se tagi i le Malo, e mafai ona aumai le tagi i so o se taimi a o lumanai ai le muta'aga o le vaitaimi lea sa ono mafai ona aumaia ai le tagi e le Malo, po o le 12 tausaga mai le aso lea na alia'i mai ai le aiā tatau e fai ai se tagata e ese ai na i lo le Malo, so o se tasi o ia vaitaimi e mua'i faamutaina.

**10. O le alia'i mai o le ā'a tatau e fai ai se tagi i le itu i ni aiā i le taimi nei i le eleele -** (1) Afai o le tagata o loo aumaia se tagi ina ia toe maua ai se fanua, po o se tagata o ia lea o loo ala mai ai sana talosaga o loo umia e ia sea lava fanua, o le aiā tatau e fai ai se tagi o le a faatatauina lava e faapea ua alia'i mai i le aso ua aveeseina ai po o ua faamutaina ai lona umia o le fanua.

(2) Afai o so o se tagata ua na aumaia se tagi ina ia toe maua ai so o se fanua o se tagata ua maliu, tusa lava po o lalo o se mavaega po o luga o le maliu a e leai se mavaega, ma o le tagata ua maliu sa umia e ia i le aso o lona maliu le fanua po o, i le itu i se tofogi faa-lisi na faia i se mavaega po o le amata faamamaluina ina ua maliu o ia, i le umia o le fanua o loo tusia ai sea tofogi, ma sa avea o le tagata mulimuli e tatau ona na maua le fanua e ao ina umia lea lava fanua, o le aiā tatau e fai ai se tagi o le a faatatauina lava e faapea ua alia'i mai i le aso o lona maliu.

(3) Afai o so o se tagata ua na aumaia se tagi ina ia toe maua se fanua, o lea eleele o se esetete po o se aiā e umia ai ua faamautuina i se tasi lava faiga e ese ai na i lo se mavaega

(3) Afai o so o se tagata ua na aumaia se tagi ina ia toe maua se fanua, o lea eleele o se esetete po o se aiā e umia ai ua faamautuina i se tasi lava faiga e ese ai na i lo se mavaega ia te ia, po o i se tasi lava tagata o ia lea na ala atu ai lana talosaga, e se tagata o ia lea, i le aso na amata faamamaluina ai le puipuiga malu, sa ia umia le fanua po o, i le itu i se tofogi faa-lisi na faia e le puipuiga malu, i le umia o le fanua ua tusia ai se tofogi, ma e leai se tagata ua ia umia le eleele e tusa ai ma le tulaga aloaia o le puipuiga malu, o le aiā tatau e fai ai se tagi o le a faatatauina e faapea ua alia'i mai i le aso e amata faamamaluina ai le puipuiga malu.

**11. O le alia'i mai o le aiā tatau e fai ai se tagi i le itu i aiā i aso o lumanai -** (1) I le noatia ma fai fuafua e pei ona aiaia mulimuli ane i totonu o lenei fuaiupu, o le aiā tatau e

fai ai se tagi ina ia 'toe maua so o se fanua o le a tatau, i se mataupu pe afai o le esetete po o le aiā na talosagaina sa avea o se esetete po o se aiā i le toe feliiuaiga po o se mea na totoe po o so o se tasi lava esetete po o se aiā i aso o lumanai ma e leai se tagata ua na umia le fanua e tusa ai ma le tulaga aloaia o le esetete po o le aiā talosagaina, ona faatatauina e faapea ua alia'i mai i le aso lea na pa'ū i ai le umia o le esetete po o le aiā e tusa ma le faaiuga o le esetete po o le aiā na muamua po o se tasi lava itu e ese ai.

(2) Afai o le tagata e aiā i le esetete po o le aiā na muamua ua na lē umia le fanua i le aso o le faaiuga o sea lava mea, e leai se tagi o le a tatau ona aumaia e le tagata e aiā i le esetete po o le aiā e sosoo ai —

(a) Ina ua tuanai le 60 tausaga mai le aso lea na alia'i mai ai le aiā tatau e fai ai se tagi i le Malo pe afai e aiā le Malo i le esetete po o le aiā; po o

(b) I so o se itu, a ua tuanai le muta'aga o le 12 tausaga mai le aso lea na alia'i mai ai le aiā tatau e fai ai se tagi i le tagata e aiā i le esetete po o le aiā na muamua, po o le 6 tausaga mai le aso lea na alia'i mai ai le aiā tatau e fai ai se tagi i le tagata e aiā i le esetete po o le aiā, so o se tasi o ia vaitaimi e mulimuli faaiuina.

(3) O tuutuuga ua ta'ua i luga o lenei fuaiupu o le a lē tatau ona faaaogaina pe afai o le esetete po o le aiā na muamua o se aiā lea o loo umia faa-lisi e ese ai na i lo se aiā lea e ono mafai ona faamutaina ina ua i'u le soifua po o soifua po o faatasi ai ma le muta'aga o se aiā e ono mafai ona faamutaina ina ua i'u le soifua.

**12. Tuutuuga i le itu i elele o loo umia i luga o se tausiga mautu** - (1) I le noatia ma fai fuafua i tuutuuga o le faafuaiupu (1) o le fuaiupu e 19, o tuutuuga o lenei Tulafono o le a tatau ona faaaogaina i aiā e tonu ma sa'o, e aofia ai aiā i tupe e maua mai le faatauina atu o le elele o loo umia i luga o se tausiga mautū mo le faatauina atu, i le faiga lava e tasi e pei ona faaaogaina ai i latou i esetete faale-tulafono, ma ua faapena lava ona o se aiā tatau e fai ai se tagi ina ia toe maua mai le fanua o le a tatau lava, mo le aano moni o lenei Tulafono a e lē o se tasi lava faiga e ese ai, ona faatatauina e faapea ua alia'i atu i se tagata e aiā i le umia o sea aiā e tonu ma sa'o i le faiga lava e tasi ma uiga ua oo i ai ma i

i lea lava aso e tasi e peisea'i semanū e alia'i mai pe a na fai o lana aiā o se esetete po o se pule faale—tulafono i le elele.

(2) Afai o so o se fanua o loo umia e so o se tausi-mavaega (e aofia ai se tausi-mavaega o ia lea o loo avea foi o se tagata na te nofoia mo le olaga atoa) i luga o le tausiga mautū, o loo aofia ai se mea-tausi mo le faatauina atu, ma o le vai-taimi ua fuafuaina e lenei Tulafono mo le aumaia o se tagi ina ia toe maua le fanua e le tausi-mavaega ua faamutaina, o le esetete po o le pule a le tausi-mavaega o le a lē tatau ona aveeseina pe afai, ma, i aso uma lava e lē o alia' mai ai le aiā tatau e fai ai se tagi ina ia toe maua le fanua o so o se tagata e tatau ona na maua se aiā e faamanuiaina ai i le elele po o i tupe e maua mai le faatauina atu po o ua le'i faasaina ai e lenei Tulafono, a e peitai pe afai ma pe a oo ina ua faapea ona faasaina so o se aiā tatau, o le a tatau lava ona faamutaina le esetete po o le pule a le tausi-mavaega.

**13. O le alia'i mai o le aiā tatau e fai ai se tagi i le itu i nisi nofo-lisi** - (1) O se nofo-lisi i luga o lona malie po o se nofo-lisi e ono mafai ona faamutaina e tusa ai ma le finagalo o se tasi o vaega auai e lua i se faaaliga tusia e tasi le masina o le a tatau lava, mo le aano moni o lenei Tulafono, ona faatatauina e faapea ua faamutaina i le muta'aga o se vaitaimi e tasi le tausaga talu mai le amataga o sea nofo-lisi, a e se'ia vagana ai ona ua mua'i faamutaina, ma o lea la, o le aiā tatau e fai ai se tagi o le tagata e aiā i le elele a e noatia ma fai fuafua i le nofoia o le a faatatauina lava e faapea ua alia'i mai i le aso lea ua faamutaina ai po o ua faamutaina ai e pei ona ta'ua muamua i luga.

A e vagana ai ona faapea afai o so o se totogi o le lisi ua maua mai mulimuli ane i le itu tau le nofoia, o le aiā tatau e fai ai se tagi o le a faatatauina lava e faapea ua alia'i mai i le aso mulimuli na maua mai ai le totogi o le lisi.

(2) O se nofo-lisi mai lea tausaga i lea tausaga po o nisi lava vaitaimi e aunoa ma se lisi tusia (a e lē o se nofo-lisi lea e faasino i ai le faafuaiupu (1) o le a tatau lava, mo le aano moni o lenei Tulafono, ona faatatauina e faapea ua faamutaina i le faaiuga o le tausaga muamua po o se tasi lava vaitaimi, ma o lona uiga la, o le aiā tatau e fai ai se tagi a le tagata e aiā i le fanua a e noatia ma fai fuafua i le nofoia o le a faatatauina lava e faapea ua alia'i mai i le aso o sea muta'aga:

A e vagana ai ona faapea, afai o so o se totogi o le lisi ua maua mai mulimuli ane i le itu i le nofoia, o le aiā tatau e fai ai se tagi o le a faatatauina lava e faapea ua alia'i mai i le aso mulimuli na maua mai ai le totogi o le lisi.

**14. O le aiā tatau e fai ai se tagi ia lē alia'i mai pe faaauiina se'ia vagana ai ona ua umia i se uiga sesē -** (1) E leai se aiā tatau e fai ai se tagi ina ia toe maua se fanua o le a faatatauina e faapea ua alia'i mai se'ia vagana ai ona ua umia le fanua e se tagata o ia lea e mo lona lelei le mafai ona faaoga i ai le vaitaimi o le faatapulaaina o taimi (ua ta'ua mulimuli ane i totonu o lenei fuaiupu e faapea o le umia i se uiga sesē), ma, afai e tusa ai ma tuutuuga ua ta'ua i luga o lenei Tulafono ua faatatauina so o sea aiā tatau e fai ai se tagi ua alia'i mai i se aso ma e leai se tagata o loo ia umia i se uiga sesē i lea aso, o le aiā tatau e fai ai se tagi o le a tatau ona lē faatatauina e faapea ua alia'i mai se'ia vagana ai ma se'ia oo ina ua faia le umia o le fanua i se uiga sesē.

(2) Afai ua alia'i mai se aiā tatau e fai ai se tagi ina ia toe maua se fanua, ma o le taimi mulimuli ane ai, a o le'i faasaina le aiā tatau, ua lē o toe umia ai le fanua i se uiga sesē, o le aiā tatau e fai ai se tagi o le a lē toe faatatauina e faapea ua alia'i mai, ma e leai se aiā tatau fou e fai ai se tagi o le a faatatauina ua alia'i mai se'ia vagana ai ma se'ia oo ina ua toe umia le fanua i se uiga sesē.

(3) Mo le aano moni o lenei fuaiupu, o le umia o so o se fanua a e noatia ma fai fuafua i se totogi faa-lisi e se tagata (e ese ai na i lo le tagata e tatau ona na maua le totogi o le lisi) o ia lea na te lē totogiina le totogi o le lisi o le a faatatauina lava ua na umia i se uiga sesē le totogi o le lisi.

**15. O le alia'i mai o le mafuaga o se tagi i luga o se talosaga mo se saofaga tau tupe po o se tau'i mo se mea ua faaleagaina -** Mo le aano moni o so o se talosaga mo se vaega-tupe e ala i se saofaga po o se tau'i, tusa lava pe na faapefea ona alia'i mai le aia tatau i se saofaga po o se tau'i, o le mafuaga o se tagi i le itu i le talosaga o le a faatatauina lava e faapea ua alia'i mai i le vaega muamua o le taimi pe a oo ina ua tupu mai, lea o le a ono tatau ona faamaonia ina ia mafai ai ona maua se faaiuga mo se vaega-tupe i le itu i le talosaga.

**16. E leai se aiā tatau e fai ai se tagi o le a faatumauina ona ua nofoia aloa'ia po o se talosaga fai fai pea -** Mo le aano moni o lenei Tulafono, e leai se tagata o le a faatatauina e faapea ua ia umia so o se fanua ona o le mafuaga e tasi e faapea ua na faia le nofoia aloaia o lea eleele, ma e leai se talosaga fai fai pea po o se tasi lava talosaga i luga po o tafatafa ane o so o se eleele o le a faatumauina ai so o se aiā tatau e fai ai se tagi ina ia toe maua le fanua.

**17. Faatapulaaina o taimi e fai ai ni tagi ina ia toe maua totogi o lisi -** E leai se tagi o le a tatau ona aumai, po o se uiga e pagatia ai e faia, ina ia toe maua mai ai totogi tu'ua o totogi o le lisi po o ni tau'i mo ni mea ua faaleagaina i le itu i lea lava fanua, a ua tuanai le muta'aga o le 6 tausaga talu mai le aso sa tatau ona totogi ai ia totogi tu'ua.

TAGI INA IA TOE MAUA MAI NI TUPE NA PUIPUIA  
E SE MOKESI PO O SE TOTOGI TUSIA PO O INA IA  
TOE MAUA MAI TUPE NA MAUA I LE  
FAATAUINA ATU O ELEELE

**18. Faatapulaaina o taimi o tagi ina ia toe maua mai se tupe na puipuia e se mokesi po o se totogi tusia po o ina ia toe maua mai ni tupe na maua i le faatauina atu o eleele** (1) E leai se tagi o le a tatau ona aumai ina ia toe maua so o se tupe autū na puipuia e se mokesi po o se tasi lava totogi tusia i luga o le mea totino, tusa lava po o se mea tumau po o se mea e lē tumau, po o ina ia toe maua ni tupe na maua mai le faatauina atu o eleele (e lē o ni tupe na maua mai le faatauina o se eleele o loo i luga o le tausiga mautū mo le faatauina atu), a ua tuanai le muta'aga o le 12 tausaga mai le aso lea na alia'i mai ai le aiā tatau na te mauaina ai le tupe.

(2) E leai se tagi mo le aveeseina o le aiā tatau mai le tagata e ōna le mokesi mai le mea totino ona ua na lē totogina le mokesi o le a tatau ona aumai a ua tuanai le muta'aga o le 12 tausaga mai le aso lea na alia'i mai ai le aiā tatau e aveeseina ai:

A e vagana ai ona faapea, afai ina ua tuanai lea aso sa umia e lē na tuuina atu i ai le mokesi le mea totino ua mokesi, o le aiā tatau e aveese ai le pule i luga o le mea totino



lea sa umia e ia o le a lē tatau, mo le aano moni o lenei faafu'aiupu, ona faatatauina e faapea ua alia'i mai se'ia oo i le aso lea e faamutaina ai lona umia o lea mea.

(3) O le aiā tatau e talia ai so o se vaega-tupe autū na puipuia e se mokesi po o se tasi lava totogi tusia ma o le aiā tatau e aveesea ai le pule i luga o so o se mea totino lē tumau a e noatia ma fai fuafua i le mokesi po o se totogi tusia o le a lē tatau ona faatatauina e faapea ua alia'i mai i taimi uma lava e noatia ai i le mokesi po o le totogi tusia o loo aofia ai so o se aiā i aso o lumana'i po o so o se pepa faamaoni o le inisiua o le soifua lea e le'i oo ina matua po o ua faamutaina.

(4) E leai se tagi ina ia toe maua ni totogi tu'ua o le tului e tatau ona totogi i le itu i so o se vaega-tupe na puipui e se mokesi po o se tasi lava totogi tusia po o e ono tatau ona totogi i le itu i tupe na maua mai le faatauina atu o le eleele, po o ina ia toe maua mai ai tau i le itu i ni totogi tu'ua faapena, o le a tatau ona aumai a ua tuanai le muta'aga o le 6 tausaga mai le aso lea sa tatau ona totogi ai le tului.

A e vagana ai ona faapea -

(a) Afai o se tagata na mua'i mokesi atu i ai po o se tasi lava tagata e faalavelave ua na umia le mea totino ua tusia ai se totogi, ma ua aumai se tagi i totonu o le tausaga e tasi talu ona lē faaauuina lea umia e se tagata e faalavelave mulimuli ane, e mafai e ia ona toe maua i luga o lea tagi totogi tu'ua uma o le tului ia ua tatau ona totogi a o savalia le vaitaimi o le umia e le tagata muamua na faalavelave po o ni tau i le itu i sea lava mea totino, e ui lava ina faapea o le vaitaimi ua sili atu i lo le 6 tausaga:

(b) Afai o le mea totino e noatia ma fai fuafua i le mokesi po o se totogi tusia o loo aofia ai se aiā i aso o lumanai po o se pepa faamaoni tau le inisiua o le soifua, ma avea o se tuutuuga o le mokesi po o se totogi ua tusia le faapea o totogi tu'ua o le tului o le a tatau ona faatatauina o se vaega o le vaega-tupe autū na puipuia e le mokesi po o le totogi ua tusia, o le a lē faatatauina le tului e faapea ua tatau ona totogi a o le'i alia'i mai po o le faatatauina e faapea ua alia'i mai le aiā tatau e maua mai ai le vaega-tupe autū.

(5) O lenei fuaiupu o le a lē tatau ona faaogaina i so o se mokesi po o se totogi tusia i luga o se vaa.

TAGI I LE ITU I MEA TOTINO TAUSI PO O LE ESETETE  
TAUTINO A TAGATA UA MALILIU

**19. Faatapulaaina o taimi o tagi i le itu i mea totino tausia**

- (1) E leai se vaitaimi faatapulaaina ua fuafuaina e lenei Tulafono o le a tatau ona faaaogaina i se tagi a se tagata e faamanuiaina ai i lalo o le mea-tausi, o se tagi lea -

(a) I le itu i so o se faiga tau-faasesē po o se soliga tau-faasesē o le tausiga faatuatuaina lea sa avea ai le tausi-mavaega o se vaega e auai po o se tagata e auai; po o

(b) Ina ia toe maua mai le tausi-mavaega le mea totino tausia po o ni tupe e maua mai sea lava mea o loo umia e le tausi-mavaega, pe na maua talu ai o le tausi-mavaega ma ua faaliliuina mo le faaaogaina e ia.

(2) I le noatia ma fai fuafua e pei ona ta'ua muamua i luga, o se tagi e faia e se tagata e faamanuiaina ai ina ia toe maua le mea totino tausia po o le itu i so o se soliga o le tausiga faatuatuaina, e lē o se tagi lea ua fuafuaina ai se vaitaimi faatapulaaina e so o se tasi lava tuutuuga o lenei Tulafono, o le a tatau ona lē aumaia a ua tuanai le muta'aga o le 6 tausaga mai le aso lea na alia'i mai ai le aiā tatau e fai ai se tagi:

A e vagana ai ona faapea o le aiā tatau e fai ai se tagi o le a lē tatau ona faatatauina e faapea ua alia'i atu i so o se tagata e faamanuiaina ai e tatau ona na maua se tului i aso o lumanai i le mea totino tausia se'ia oo ina ua umia le tului.

(3) E leai se tagata e faamanuiaina ai o ia lea e ono faasaga i ai se pui puiga lelei i lalo o lenei Tulafono o le a tatau ona na mauaina so o se faamanuiaga e sili atu ona tele po o se tasi lava faamanuiaga mai se faaiuga po o se poloaiga na maua e so o se tasi lava tagata e faamanuiaina ai na i lo le mea semanū e ono mafai ona maua e ia pe a na fai na aumaia e ia le tagi ma sa talosagaina ai lenei Tulafono e avea ma tetee.

**20. Faatapulaaina o taimi o tagi o loo talosagaina ai le esetete tautino a se tagata ua maliu** - I le noatia ma fai fuafua i tuutuuga o le faafuaiupu (1) o le fuaiupu e 19, e leai se tagi i le itu i so o se talosaga i le esetete tautino a se tagata ua maliu po o i so o se sea po o se aiā i sea esetete, tusa lava pe faia i lalo o se mavaega po o luga o le maliu a e leai se

mavaega, o le a tatau ona aumaia a ua tuanai le muta'aga o le 12 tausaga mai le aso lea na alia'i mai ai le aiā tatau e maua ai le sea po o le aiā, ma e leai se tagi ina ia toe maua mai ni totogi tu'ua i le tului i le itu i so o se mea ua tu'ua i se mavaega, po o ni tau i le itu i ni totogi tu'ua faapena, o le a tatau ona aumaia a ua tuanai le muta'aga o le 6 tausaga mai le aso lea na tatau ona totogi ai le tului.

TAGI E FAASAGA I LE MALO MA NI PULEGA  
FAALE-MALO, MA ISI

**21. Puipuiga o tagata o loo galulue i le faataunuina o tiute faale-tulafono po o nisi tiute faale-malo -** (1) E leai se tagi o le a tatau ona aumaia e faasaga i so o se tagata (e aofia ai le Malo) ona o so o se gaoioiga na faia e tusa ai po o le faataunuina po o le faataunuina na faamoemoeina o so o se Tulafono a le Palemene, po'o o so 'o se tiute faale-malo po o se pule-faataga, po o le itu i so o se uiga faatamala po o le lē faataunuina o so o sea Tulafono, tiute, po o se pule-faataga, a e se'ia vagana ai -

- (a) Se faaaliga tusia o loo tuuina atu ai se faaaliga e tatau ai e uiga ua oo i ai ia o le a faavaeina ai le tagi ua faamoemoeina ma le igoa ma le tuatusi o le tagata ua faamoemoe e talosaga ma le igoa o lana loia po o le sui sooupu (pe afai e i ai) i le mataupu e tuuina atu e le tagata ua faamoemoe e talosaga i le tagata ua faamoemoe e avea ma itu tetee i se taimi aupito vave e ono mafai ai ina ua tuanai le alia'i mai o le mafuaga o le tagi; ma
- (b) O le tagi ua faauluina a o lumanai ai le muta'aga o le tausaga e tasi talu mai le aso lea na alia'i mai ai le mafuaga o le tagi:

A e vagana ai ona, afai o le gaoioiga, faatamala, po o le lē faia o se mea o se uiga fai fai pea, e leai se mafuaga e fai ai se tagi i le itu i sea lava mea o le a tatau ona faatauina e faapea ua alia'i mai, mo le aano moni o lenei fuaiupu, se'ia oo ina ua faamutaina le gaoioiga, faatamala po o le lē faia o se mea:

A e vagana ai foi ona faapea o le faaaliga ua ma-naomia e le parakarafa (a) o lenei faafuaiupu e mafai ona tuuina atu, ma e mafai mulimuli ane ona aumai se tagi, a o loo faaauauina pea le gaioioiga, faatamala, po o le lē faia o se mea:

A e vagana ai foi ona e mafai e so o sea tagata ona malie i le aumaia o se tagi faapena i so o se taimi a o lumanai ai le muta'aga o le 6 tausaga mai le aso lea na alia'i mai le mafuaga o se tagi, tusa lava po o ua tuuina atu pe leai se faaaliga i le tagata ua faamoemoe e avea ma itu tetee e pei ona ta'ua muamua i luga.

(2) E ui lava i tuutuuga ua ta'ua i luga o lenei fuaiupu, a e mafai ona faia se talosaga i le Faamasinoga, ina ua tuanai se faaaliga i le tagata ua faamoemoe e avea ma itu tetee, mo le faatagaina ina ia aumai se tagi faapena i so o se taimi a o lumanai ai le muta'aga o le 6 tausaga mai le aso lea na alia'i mai ai le mafuaga o le tagi, tusa lava po o ua tuuina atu pe leai se faaaliga i le tagata ua faamoemoe e avea ma itu tetee i lalo o le faafuaiupu (1); ma e mafai e le Faamasinoga, pe afai e manatu o ia e tatau ona faia faapena, ona tuuina atu loa lava le faatagaina, a e noatia ma fai fuafua i ni tuutuuga (pe afai e i ai) e pei ona ua manatu o ia e tatau ona tuuina atu, pe afai ua finagalo o ia e faapea o le lē tuuina atu o le faaaliga po o le faatuai i le aumaiga o le tagi, so o se itu e ono aafia ai, na pogai mai ona o se sesē, po o, i so o se tasi lava mafuaga tatau po o le faapea e lē o faaleagaina i se uiga tino mai le tagata ua faamoemoe e avea ma itu tetee i lana tetee po o se tasi lava uiga e ese ai ona o le lē faia o se mea po o le faatuai.

(3) Afai e ao ina tuuina atu se faaaliga i le Malo i lalo o lenei fuaiupu o le a tatau lava ona tuuina atu i le Loia-Sili, ma e mafai ona tuuina atu faapena i le tuuina o le faaaliga i lona ofisa i Apia po o i le auina atu i le meli i totonu o se tusi puipuia e faatuatusi ia te ia i lona ofisa ua ta'ua i luga.

(4) Se'ia vagana ai e pei ona aiaia i totonu o le faafuaiupu (3), pe afai e ao ina tuuina atu so o se faaaliga i lalo o lenei fuaiupu, e mafai lava ona tuuina atu -

- (a) I le faaooina atu o le faaaliga i le tagata o ia lea e tatau ona tuuina atu i ai; po o
- (b) I le tuuina o le faaaliga i le nofoaga e masani ai po o le nofoaga mulimuli ua iloa e mau ai i totonu o Samoa i Sisifo o lea tagata; po o

(c) I le auina atu o le faaaliga i le meli i totonu o se tusi puipuia e faatutusi atu i lea tagata i lona nofoaga e masani ai po o lona nofoaga mulimuli ua iloa e mau ai i totonu o Samoa i Sisifo.

(5) Afai ua auina atu se faaaliga i le meli i le faiga ua fuafuaina e le faafuaiupu (3) po o e le parakarafa (c) o le faafuaiupu (4), o le a tatau lava ona faatatauina e faapea ua uma ona tuuina atu i le taimi lea o le a ono tatau ona taunuu ai le tusi i le faagasologa e masani ai o le meli.

(6) O tuutuuga ua ta'ua i luga o lenei fuaiupu o le a lē tatau ona faaogaina i so o se tualumaga tau soligatulafono, po o i so o se tagi na amataina e le Ofisa Suetusi i lalo o so o se Tulafono.

## VAEGA II

### FAAOPOPOINA O VAITAIMI FAATAPULAAINA I LE ITU I LE LE MAFAI ONA TOE GALUE, FAAMAONIGA O SE MEA UA FAIA, TOGIGA FAA-VAEGA, FAIGA TAU FAASESE, MA MEA SESE

#### O LE LE MAFAI ONA TOE GALUE

**22. Faaopoopoina o le vaitaimi faatapulaaina i le itu i le lē mafai ona toe galue** - Afai, i le aso ua alia'i mai ai so o se aiā tatau e fai ai se tagi lea ua fuafuaina ai se vaitaimi faatapulaaina, e, po o e ono mafai ona fuafuaina i lalo o lenei Tulafono, o le tagata o ia lea na alia'i atu i ai sa i lalo o se uiga o le lē mafai ona toe galue, -

(a) I le itu i so o se tagi lea e faasino i ai le fuaiupu e 21, po o so o se tasi lava tagi i le itu i le maliu o, po o se manu'a ua oo i le tino o so o se tagata, po o so o se tagi ina ia toe maua mai se faasalaga po o se mea na taofia po o se vaega-tupe e ala mai i sea lava mea e tusa ai ma le tulaga aloa'ia o so o se tulafono pe afai ua aumai le tagi e se vaega ua mafatia, o le aiā tatau e fai ai se tagi o le a faatatauina lava e faapea ua alia'i mai i le aso pe a oo ina ua lē toe i ai le tagata i lalo o se uiga o le lē mafai ona toe galue po o ua maliu, so o se tasi o ia itu e muamua alia'i mai; po o

- (b) I so o se tasi lava itu, e mafai ona aumai le tagi a o lumana'i ai le muta'aga o le 6 tausaga mai le aso lea ua lē toe i ai le tagata i lalo o se uiga o le lē mafai ona toe galue po o ua maliu, so o se tasi o ia itu e muamua alia'i mai, -

e ui lava ina faapea, i so o se itu lea e faasino i ai se tasi o parakarafa ua ta'ua i luga o lenei fuaiupu, o le vaitaimi faatapulaaina ua faamutaina:

A e vagana ai ona -

- (c) O lenei fuaiupu o le a lē afaina ai so o se itu pe afai o le aiā tatau e fai ai se tagi na mua'i alia'i atu i se tagata (e lē ona o se uiga o le lē mafai ona toe galue) o ia lea ua ala atu ai le talosaga a le o loo i ai i se uiga o le lē mafai ona toe galue:
- (d) A oo ina ua alia'i atu se aiā tatau e fai ai se tagi i lalo o se uiga ua lē mafai ai ona toe galue ma ua alia'i atu, ina ua maliu lea tagata a o loo i ai pea i le tulaga o le lē mafai ona toe galue, i se tagata o loo i ai i se uiga o le lē mafai ona toe galue, e leai se tasi faaopoopoga o le taimi o le a tatau ona faatagaina ona o le mafuaga tau le lē mafai ona toe galue lona lua o tagata:
- (e) E leai se tagi ina ia toe maua se fanua po o se tupe na tusia i luga o le fanua o le a tatau ona aumaia e tusa ai ma le tulaga aloaia o lenei fuaiupu e so o se tagata a ua tuanai le muta'aga o le 30 tausaga mai le aso lea na alia'i mai ai le aiā tatau e fai ai se tagi i lea tagata po o se tasi lava tagata lea o loo ala mai ai lana talosaga.

#### FAAMAONIGA MA LE TOTOGIINA O SE VAEGA

**23. O le faatoa alia'i mai o se tagi i luga o se faamaoniga po o le totogiina o se vaega** - (1) Afai ua alia'i mai so o se aiā tatau e fai ai se tagi ina ia toe maua se fanua po o so o se aiā tatau a lē na tuuina atu i ai le mokesi o le mea totino ina ia aumai ai se tagi e aveeseina ai le pule i le itu i le mea totino, ma -

- (a) O le tagata o loo umia le fanua po o ua na faamaonia le pule a le tagata o ia lea ua alia'i atu i ai le aiā tatau e fai ai se tagi; po o
- (b) I le itu i se tagi e taofia ai se mea totino ona ua lē togia se mokesi po o se tasi lava tagi e faia e se tagata ua tuuina atu i ai le mokesi, o le tagata o

loo umia e pei ona ta'ua muamua i luga po o le tagata e noatia mo le aitalafu o le mokesi ua na faia so o se togiga i le itu i sea lava aitalafu, tusa lava po o le tupe autū po o le tului, -

o le aiā tatau o le a faatatauina lava e faapea ua alia'i mai i luga ma e lē o luma atu o le aso o le faamaoniga po o le togiga mulimuli.

(2) Afai ua umia e lē na tuuina atu i ai le mokesi e tusa ai ma le aloaia o le mokesi so o se fanua ua mokesi, ma ua na mauaina so o se vaega-tupe i le itu i le tupe autū po o se tului o le aitalafu tau le mokesi po o ua na faamaonia le pule a lē na tuuina atu le mokesi, po o sona vaega e tonu sa'o o le tau, o se tagi ina ia laveaiina le eleele o loo umia e ia e mafai ona aumai i so o se taimi a o lumanai ai le mutaaga o le 12 tausaga mai le aso o le totogiina po o le faamaoniga.

(3) Afai ua alia'i mai so o se aiā tatau e fai ai se tagi ina ia toe maua 'mai so o se aitalafu po o se tasi lava talosaga tau tupe ua faa-ma'apeina, po o so o se talosaga i le esetete tautino a se tagata ua maliu po o i so o se sea po o se aiā i sea lava mea; ma ua faamaonia e le tagata e noatia po o e ono tatau ona mautali atu mo sea mea le talosaga po o ua na faia so o se togiga i le itu i sea lava mea, o le a tatau ona faatatauina e faapea ua alia'i mai le aiā tatau i luga ma e lē o le taimi a o lumanai ai le aso o le faamaoniga po o le togiga mulimuli:

A e vagana ai ona faapea o le totogiina o se vaega o le totogi o le lisi po o le tului e tatau ona totogi i so o se taimi o le a lē tatau ona faaopoopoina ai le vaitaimi mo le tapaina o le vaega o loo totoe e tatau ona totogi i lea taimi, a e peitai o so o se togiga tau le tului o le a faatatauina lea e avea o se togiga i le itu i le tupe autū o le aitalafu.

**24. Tuutuuga aloaia e faasino i faamaoniga ma ni togiga faa-vaega** - (1) So o se faamaoniga faapena e pei ona ta'ua muamua i luga o le a tatau lava ona tusia ma sainia e le tagata o loo faia le faamaoniga.

(2) E mafai ona faia so o sea faamaoniga po o se togiga e pei ona ta'ua muamua i luga e le sui sooupu o le tagata o ia lea ua manaomia ai ina ia faia i la'o o le fuaiupu e 23, ma o le a tatau ona faia i le tagata, po o i se sui sooupu o le tagata, o ia lea e ana le pule po o le talosaga ua faamaonia po o, so o se itu e ono aafia ai, o ia lea e ana le talosaga ua faia ai le togiga.

**25. Taunuuga o le faamaoniga po o le totogiina o se vaega i luga o tagata e ese ai na i lo lē na faia po o lē na te mauaina** - (1) O le faamaoniga o le pule i so o se fanua po o se mea tau le tagata lava ia e so o se tagata o loo umia sea lava mea o le a tatau ona noatia ai isi tagata uma o loo latou umia a o faagasolo le vaitaimi e sosoo ai ma le vaitaimi faatapulaaina.

(2) O se tupe e totogi atu i le itu i se aitalafu o se mokesi e le tagata na ia tuuina atu le mokesi po o so se tagata o loo umia le mea totino ua mokesi atu o le a tatau lava, e tusa ai ma le tulaga e aafia ai so o se aiā tatau a lē ua mokesi atu i ai na te taofia ai se mea totino ona ua lē totogiina le mokesi po o se tasi lava faiga e ese ai ina ia toe maua mai le mea totino, ona noatia ai isi tagata uma o loo latou umia le mea totino ua mokesi atu a o faagasolo le vaitaimi faatapulaaina.

(3) Afai e to'a lua pe sili atu tagata ua tuuina atu i ai le mokesi o loo latou umia e tusa ai ma le tulaga aloaia o le mokesi le fanua ua mokesi atu, o se faamaoniga o le pule a le tagata na ia tuuina atu le mokesi po o sona vaega e tonu ma sa'o o le tau e faia e se tasi o tagata ua tuuina atu i ai le mokesi o le a tatau lava ona noatia ai na o ia ma ona sui e solo'a'i atu e suitulaga ia te ia ma o le a lē tatau ona noatia ai so o se tasi lava tagata na tuuina atu i ai le mokesi po o nisi e solo'a'i atu e suitulaga ia te ia, ma, afai o lē na tuuina atu i ai le mokesi o ia lea na tuuina atu le faamaoniga e tatau ona maua e ia se vaega o le fanua ua mokesi atu a e lē o so o se vaega ua ma'oti o le aitalafu tau le mokesi, o le a tatau ona avanoa lē na ia tuuina atu le mokesi na te faamagaloina lea vaega o le fanua i luga o le totogiina, faatasi ai ma le tului, o le vaega o le aitalafu tau le mokesi lea o loo tauaveina ai lea lava vaega faatatauina i le fai fuafua i le aofaiga atoa o le aitalafu e ave ma tau o le vaega o le eleele pe a fuafua i le aofaiga atoa o le eleele na mokesi atu.

(4) Afai e to'a lua pe sili atu tagata na tuuina atu le mokesi, ma o le pule po o aiā tatau i le faamagaloga a se toatasi o tagata na tuuina atu le mokesi ua faamaonia e pei ona ta'ua muamua i luga, o le a faatatauina lava le faamaoniga e faapea ua uma ona faia i tagata uma na tuuina atu le mokesi.



(5) O se faamaoniga o so o se aitalafu po o nisi lava talosaga tau tupe ua faama'apeina o le a tatau lava ona noatia ai lē na ia faamaonia ma ona sui e solo'a'i atu e sui tulaga ia te ia a e lē o so o se tasi lava tagata.

A e vagana ai ona o se faamaoniga na faia a ua tuanai ai le muta'aga o le vaitaimi faatapulaaina na fuafuaina mo le aumaiga o se tagi ina ia toe maua le aitalafu po o se tasi lava talosaga, o le a lē noatia ai so o se tagata e solo'a'i atu e suitulaga ia te ia, lea e pa'ū i ona luga le noataga i luga o se faaiuga o se esetete na muamua atu po o se aiā i le mea totino i lalo o se teuteuga ua faamamaluina a o lumanai ai le aso o le faamaoniga.

(6) O se togiga na faia i le itu i so o se aitalafu po o se tasi lava talosaga tau tupe ua faama'apeina o le a tatau lava ona noatia ai tagata uma e ono noatia ai i le itu i sea lava mea:

A e vagana ai ona o se togiga na faia a ua tuanai le muta'aga o le vaitaimi faatapulaaina na fuafuaina mo le aumaiga o se tagi ina ia toe maua mai le aitalafu po o se tasi lava talosaga o le a lē noatia ai so o se tasi lava tagata e ese ai na i lo le tagata na faia le togiga ma ina sui e solo'a'i atu e suitulaga ia te ia, ma o le a lē noatia ai so o se tagata e solo'a'i atu, lea e pa'ū i ona luga le noataga e faatatau i se faaiuga o se esetete na muamua atu po o se aiā i le mea totino i lalo o se teuteuga ua faamamaluina a o lumanai ai le aso o le totogiina.

(7) O se faamaoniga e se tasi o sui totino eseese o so o se talosaga i le esetete tautino a se tagata ua maliu, po o i so o se sea po o se aiā o loo i ai i totonu po o se togiga e faia e se toatasi o sui totino eseese i le itu i so o sea talosaga o lo a tatau lava ona noatia ai le esetete a le tagata ua maliu.

(8) I totonu o lenei fuaiupu, o le fuaitau "lē e solo'a'i atu" i le itu i so o se tagata ua tuuina atu i ai le mokesi po o se tagata e noatia i le itu i so o se aitalafu po o se talosaga, o lona uiga o ona sui tautino ma o so o se tasi lava tagata o ia lea e pa'ū atu i ai aiā tatau i lalo o le mokesi po o, so o se itu e ono aafia ai, le noataga i le itu i le aitalafu po o le talosaga, tusa lava po o inā ua maliu po o ua gaumativa po o le tuueseina o le mea totino po o le faaiuga o se esetete po o se aiā faatapulaaina i le mea totino ua faamautuina po o se tasi lava uiga e ese ai.

## FAIGA TAU-FAASESE MA MEA SESE

**26. Tolopoina o le vaitaimi faatapulaaina i le itu i se faiga tau faasesē po o se mea sesē—**Afai, i le itu i so o se tagi lea ua fuafuaina i ai se vaitaimi faatapulaaina e lenei Tulafono, tusa lava po o

- (a) Le tagi o loo faavaeina i luga o le faiga tau-faasese a lē ua tetee po o sona sui sooupu po o so o se tagata o ia lea o loo ala mai ai šana talosaga po o sona sui sooupu; po o
- (b) Le aia tatau e fai ai se tagi ua nātia i se faiga tau-faasese a so o sea tagata e pei ona ta'ua muamua i luga; po o
- (c) O le tagi e mo se fesoasoani mai taunuuga o se mea sesē, o le vaitaimi faatapulaaina o le a lē tatau ona amata faagasolo se'ia oo ina ua maua e lē ua talosaga le faiga tau-faasesē, po o le mea sesē, so o se itu e ono aafia ai, po o e ono mafai i le uiga ma'elegā ona maua sea mea:

A e vagana ai ona e lei se mea o i totonu o lenei fuaiupu o le a tatau ona mafai ai ona aumaia ai so o se tagi ina ia toe maua, pe faamalosia ai so o se moliaga e faasaga, pe faataatiaese ai so o se feuia'iga o loo afaina ai, so o se mea totino lea —

- (d) I le itu i se faiga tau-faasesē, ua uma ona faatauina mo se tau taua e se tagata o ia lea sa le'i avea o se vaega e auai i le faiga tau-faasesē ma sa le'i silafia e ia i le taimi o le faatauina mai, pe na ia te ia se mafuaga e talitonu ai o faapea na faia se faiga tau-faasesē; po o
- (e) I le itu i se mea sesē, ua uma ona faatauina i se tau taua, mulimuli ane i le feuiaiga lea na faia ai le mea sesē, e se tagata o ia lea na te le'i silafia, pe na ia te ia se mafuaga e talitonu ai e faapea na faia se mea sesē.

## VAEGA III

## MEA ESESE

**27. Faaaogaina o le Tulafono ma isi tulafono o taimi faatapulaaina i suesuega e fai ai faaiuga o ni finauga—(1)** O lenei Tulafono ma so o se tasi lava tulafono e faasino i

le faatapulaaina o taimi e fai ai ni tagi o le a tatau lava ona faaaogaina i ni suesuega e fai ai faaiuga o ni finauga e pei ona faaaogaina ai latou i ni tagi.

(2) E ui lava i so o se fuaitau o i totonu o se manatu ua tuuina mai e faapea e leai se mafuaga e fai ai se tagi o le a tatau ona alia'i mai i le itu i so o se mataupu e manaomia e le manatu e ao ina tuuina atu se'ia oo ina ua faia se faaiuga e tusa ai ma le manatu, a o le mafuaaga o se tagi o le a tatau lava, mo le aano moni o lenei Tulafono ma o so o sea lava tulafono (tusa lava po o totonu o lo latou faaaogaina i suesuega e fai ai faaiuga o ni finauga po o i nisi lava tualumaga), ona faatatauina e faapea ua alia'i mai i le itu i so o sea mataupu i le taimi lea ua ono alia'i mai ai a e se'ia vagana ai lea fuaitau i totonu o le manatu ua tuuina mai.

(3) Mo le aano moni o lenei Tulafono ma o so o se tasi lava tulafono faapena ua faatatauina lava e faapea ua amata se suesuega e ni sui filifilia mo le faaiuina o se fefinauiga ina ua faaoo atu e se tasi o vaega e auai i sea suesuega i le isi vaega po o ni vaega e auai se faaaliga e faatonuina ai o ia po o i latou ina ia tofia se sui e faia le faaiuga o se finauga po o, pe afai o le faaaliga ua tuuina atu ua aiaia ai e faapea o le fuaitau o le a tatau ona faasino i se tagata o loo ta'ua lona igoa i le faaaliga ua tuuina atu, o loo faatonuina ai o ia po o i latou ina ia tuuina atu le finauga i le tagata ua faapea ona ta'ua ai le igoa.

**28. Tuutuuga e faasino i talosaga e faafetaia'i ai po o talosaga-tetee**—Mo le aano moni o lenei Tulafono, so o se talosaga e ala mai i se teuteuga e faafetaia'i ai po o se talosaga-tetee o le a faatatauina lava e avea o se tagi e ese ai ma e faapea ua amataina i le aso lava e tasi e pei o le tagi lea ua tuuina atu ai mafuaga o le talosaga e faafetaia'i ai po o se talosaga-tetee.

**29. Maliega**—E leai se mea o i totonu o lenei Tulafono o le a afaina ai so o se pulega e sa'o ma tonu e teena ai se fesoasoani i luga o le mafuaga tau se maliega po o se tasi lava faiga e ese ai.

**30. Mea ua faasaoina mo isi tulafono o taimi faatapulaaina**—O lenei Tulafono o le a lē tatau ona faaaogaina i so o se tagi po o se suesuega e fai ai faaiuga o ni finauga lea ua fuafuaina ai se vaitaimi faatapulaaina e so o se tasi lava tulafono.

**31. Tuutuuga e faasino i tagi ua uma ona faasaina ma ni tagi o loo loma**—E leai se mea o i totonu o lenei Tulafono o le a —

- (a) Mafai ai ona aumai so o se tagi lea na faasaina a o lumana'i ai le amataga o lenei Tulafono e se Tulafono ua soloia po o ua toe teuteuina e lenei Tulafono po o ua lē o toe faamamaluina e tusa ai ma le tulaga aloa'ia o lenei Tulafono, a e se'ia vagana ai e tusa ai ma le mafuaga o se tagi po o le aiā tatau e fai ai se tagi e mafai ona toe faaolaola e se faamaoniga po o le totoigiina o se vaega na faia e tusa ai ma tuutuuga o lenei Tulafono; po o
- (b) Afāina ai so o se tagi po o se suesuega e fai ai faaiuga o ni finauga na amata a o lumanai ai le amataga o lenei Tulafono po o le pule i so o se mea totino lea ua aveā ma mataupu autū o so o sea tagi po o se suesuega e fai ai faaiuga o ni finauga.

**32. Mea ua soloia**—(1) O le Tulafono o le Faatapulaaaina o Taimi 1950 (Niu Sila) ua soloia nei.

(2) O le Tulafono o le Toe Lolomiina o Tulafono 1972 ua faapea lava ona toe teuteuina nei i le soloia mai le Faamatalaga, i lalo o le ulutala "Tulafono Fou a Niu Sila", o le mea taitasi "O le Tulafono o le Faatapulaaaina o Taimi 1950".

By AUTHORITY

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