

1990/17

OFF SHORE CENTRE LEGISLATION AMENDMENT ACT

WESTERN SAMOA

Arrangement of Provisions

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1989, No. 17

AN ACT to amend certain legislation pertaining to international and off-shore business to increase the efficiency of the administration of that legislation, to grant, where it is perceived to be in the interests of Western Samoa so to do, financial benefits and concessions to persons involved in undertaking business pursuant to that legislation and to amend other Acts for those purposes.

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

PART I

Introduction

1. Short Title - (1) This Act may be cited as the Off-

Shore Centre Legislation Amendment Act 1990.

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

"The Banking Act" means the Off-Shore Banking Act 1987:

"The Companies Act" means the International Companies Act 1987:

"The Insurance Act" means the International Insurance Act 1988:

"The Trustee Companies Act" means the Trustee Companies Act 1987.

PART II

Amendments to the Companies Act

3. Exemptions and privileges of international companies-

(1) Section 249 of the Companies Act is amended by inserting in paragraph (a) of subsection (2) after the words "registered under part X" the words "except where the income is derived by such company in carrying on business in Western Samoa".

(2) Section 249 of the Companies Act is further amended by repealing subsection (4) and substituting the following subsection :-

"(4) No international company or foreign company registered under Part X shall :-

(a) Carry on business with, or acquire any assets from-

(i) any natural person ordinarily resident in Western Samoa; or

(ii) any domestic company which is not

a trustee company:

- (b) Own an interest in land or real estate situated in Western Samoa other than a lease referred to in clause (e) of subsection (5):
- (c) Make any disposition to or grant or settle any property (including shares or debentures) on-
 - (i) any natural person ordinarily resident in Western Samoa; or
 - (ii) any domestic company which is not a trustee company:
- (d) Make any disposition or grant or settle any property outside Western Samoa in the currency of Western Samoa."

(3) Section 249 of the Companies Act is further amended by adding three new subsections as follows :-

" (5) For the purposes of paragraph (a) of subsection (4) of this section an international company or a foreign company registered under Part X of this Act shall not be treated as carrying on business in Western Samoa with a domestic company by reason only that :-

- (a) it makes or maintains deposits with a company carrying on banking business in or from within Western Samoa:
- (b) it makes or maintains professional contact with solicitors, barristers, accountants,

trustee companies, investment advisers or similar persons carrying on business in or from within Western Samoa:

(c) it prepares or maintains books and records within Western Samoa:

(d) it holds meetings of its directors and members in or from within Western Samoa:

(e) it holds a lease of property for use as an office which it has established from which to communicate with members or where books and records of the company are prepared or maintained, or from where it maintains and, being the holder of an off shore banking licence, operates, its business with the approval and consent of the Minister:

(f) it holds shares, or debentures or other securities in another company incorporated or registered under this Act: and

(g) shares, debentures or other securities in the company are owned by any company incorporated or registered under this Act.

(6) If an international company or a foreign company registered under Part X of this Act contravenes sub-section (4) of this section it commits an offence against this Act and is liable on conviction to a fine not exceeding one thousand dollars for every day that the offence has continued and every officer of the company who

knowingly permits the contravention is guilty of the same offence and is liable upon conviction to a like fine.

(7) It shall be an offence against this Act for an international company or a foreign company registered under Part X of this Act, or an officer or employee of such company, to take or send, or cause or permit to be taken or sent out of Western Samoa, money or securities which are owned or controlled by a natural person ordinarily resident in Western Samoa or by a domestic company which is not a trustee company."

PART III

Amendments to the Banking Act

4. Interpretation - Section 2 of the Banking Act is amended by adding immediately after the definition of "Residence" the following new definition:-

" "Registrar" means the Registrar of International and Foreign Companies appointed pursuant to the provisions of the International Companies Act 1987."

5. "A" class off-shore banking licence - Subsection (3) of section 6 of the Banking Act is amended by inserting immediately after the words "banking business" where they last appear in that subsection the words "Such approval shall remain in force so long as the "A" class banking licence is valid or until that approval is sooner withdrawn by the Minister".

6. Grants and renewals of licence - Subsections (1) and

(3) of section 9 and subsection (3) of section 11 of the Banking Act are amended by omitting the words "and in accordance with the advice of Cabinet" wherever those words occur.

7. Annual audit - Subsection (1) of section 24 of the Banking Act is amended by omitting after the words "in his opinion" the words "the balance sheet is full and fair and properly drawn up" and substituting the words "proper books of account have been kept and where applicable, proper returns adequate for his audit have been received from branches not visited by him, whether the balance sheet and accounts are in agreement with the company's books, and whether the balance sheet is full and fair and properly drawn up and."

8. Licence fees - Section 10 of the Banking Act is amended by

(a) Repealing subsection (1) and consequentially renumbering the succeeding subsections of that section.

(b) By inserting in each of subsections (2) and (3) (as renumbered) after the words "by due date" the words "and the licensee continues to transact off-shore banking business".

9. Incidental amendments to the Banking Act - The Banking Act is further amended in the manner indicated in the First Schedule to this Act.

PART IV

Amendment to the Trustee Companies Act

10. Pioneer status - The Trustee Companies Act is amended by adding a new section as section 36 as follows:-

"36. Pioneer Status - (1) Where in the opinion of the Minister the operations of a trustee company incorporated or registered under this Act have been or are or are likely to be of unusual and exceptional benefit to Western Samoa in the establishment promotion or advancement of the purposes of any of the Off-Shore Centre Acts then the Minister may direct that such trustee company shall have Pioneer Status for such period not exceeding five years as the Minister may direct, commencing from such time (whether before or after the date of the direction) as the Minister may determine and may issue to the company a certificate to that effect.

(2) The income of a trustee company accruing during the period covered by a Pioneer Status certificate shall be exempt from taxation and the provisions of paragraph (v) of subsection (1) of section 7 of the Income Tax Act 1974 shall apply to that income accordingly.

(3) The Head of State, acting on the advice of Cabinet may by regulation provide that the holder of a Pioneer Status certificate shall enjoy such other concessions and benefits as may seem desirable to assist the establishment promotion or advancement of the purposes of the offshore centre acts.

(4) For the purposes of this section the expression "Off-Shore Centre Acts" means any or all of the following Acts :-

- (a) The Off-Shore Banking Act 1987;
- (b) The International Insurance Act 1988;
- (c) The Trustee Companies Act 1987;
- (d) The International Trusts Act 1987;
- (e) The International Companies Act 1987."

PART V

Amendments to the Insurance Act

11. Interpretation - Section 2 of the Insurance Act is amended by inserting after the definition of the term "domestic business" the following two new definitions:-

"foreign company" means a company registered under part X of the International Companies Act 1987.

"general business" means insurance business that is not long term business, reinsurance business or captive business and without limiting the generality of this term includes marine insurance, engineering insurance, aviation insurance, transportation insurance, motor insurance, property liability insurance, pecuniary loss insurance, credit and guarantor insurance and miscellaneous personal insurance."

12. Incidental amendments to the Insurance Act - The Insurance Act is further amended in the manner indicated in the Second Schedule to this Act.

PART VI

AMENDMENT TO THE INCOME TAX ACT 1974

13. Exempt Income - Section 7 of the Income Tax Act 1974 is amended by inserting immediately after paragraph (o) of subsection (1) the following new paragraph :-

" (oa) Income received by any person whether before or

after the coming into force of this section as an employee of a company registered under the Trustee Companies Act 1987 or licensed under the Off-Shore Banking Act 1987 or the International Insurance Act 1988 where that person is not a Western Samoan citizen and has entered into and remains in Western Samoa solely for the purposes of that employment."

PART VII

AMENDMENT TO THE SHOPS ORDINANCE 1961

14. Exemptions - Section 6A of the Shops Ordinance 1961 (as inserted by the schedule to the Off-Shore Banking Act 1987) is amended by inserting after the words "international company" the words "or foreign company"

FIRST SCHEDULE

INCIDENTAL AMENDMENTS TO THE BANKING ACT

<u>Section</u>	<u>Extent of Amendment</u>
6(3)	By omitting the words "endorsed thereon".
8(1)	By omitting after the words "submitted to" the words "the Central Bank" and substituting the words "the Registrar".
8(1)(b)	By omitting the words "Central Bank" and substituting the words "Off-Shore Administration Account"
8(1)(c)(iv)	By omitting the word "stock" and substituting the words "ultimate beneficial".
8(2), 8(3).	By omitting the words "Central Bank" wherever they occur and substituting the word "Registrar".
9 (1)	By omitting the words "is made to the Minister,

- he" and substituting the words "is made, the Minister"
- 11(1) By omitting the word "Minister" and substituting the word "Registrar".
- 11(1) By omitting the words "a licensee may" and substituting the words "a licensee shall, if renewal is required".
- 11(2) By omitting the words "Central Bank" and substituting the word "Registrar".
- 11(2)(a) By omitting the words "Subsections 8(1)(a) and (c) and 8 (2)" and substituting the words "subsections (1) and (2) of section 8 of this Act.
- 14(1) By omitting the word "Minister" and substituting the word "Registrar".
- 14(1)(a) By omitting the words "authorised to represent the company , to accept legal service and to sue and be sued in the name of the company"
- 14(1)(b) By adding after the words "Western Samoa" where they last appear the words "and authorised to accept legal service on behalf of, and to sue and be sued in the name of, the company."
- 14(2) By omitting the word "Minister" and substituting the word "Registrar".
- 14(2) By omitting the word "forthwith" and substituting the words "within 14 days".
- 16(1)(a) By inserting after the word "directly" the words "or indirectly".
- 17(1) By omitting the words "Minister through the

Central Bank" and substituting the word "Registrar".

17(2) By omitting the words "Minister through the Central Bank" and substituting the word "Registrar".

17(3) By omitting the words "Minister through the Central Bank" and substituting the word "Registrar".

19 By repealing this section and substituting the following as section 19 -

"19. Annual report and audit - A licensee shall submit to the Registrar within six months of the end of each financial year accounts duly audited pursuant to the provisions of section 24 of this Act."

20(1) By omitting the words "Minister through the Central Bank" and substituting the word "Registrar".

20(2) By omitting the words "Central Bank" and substituting the word "Registrar".

20(4) By omitting the word "Minister" and substituting the word "Registrar".

21 By omitting the words "Central Bank" and substituting the word "Registrar".

22(1) By omitting the words "Minister through the Central Bank" and substituting the word "Registrar".

22(1) By omitting the words "in Western Samoa" and

- substituting the words "from within Western Samoa".
- 24(2) By omitting the word "Minister" and substituting the word "Registrar".
- 24(3) By omitting the word "Minister" and substituting the word "Registrar".
- 24(7) By omitting the word "Minister" wherever it occurs and substituting the word "Registrar".
- 25 By omitting from the heading to the section the words "Central Bank" and substituting the word "Registrar".
- 25 (1) By omitting the words "Central Bank" and substituting the word "Registrar".
- 26(1)(a)(i) By omitting the words "in Western Samoa" and substituting the words "transacted from within Western Samoa".
- 26 (3)(a) By omitting the words "Central Bank" and substituting the word "Registrar".
- 28(b) By inserting immediately after the words "owned by another licensee or by" the words "an international company or".
- 31(1)(a) By omitting the word "Minister" and substituting the word "Registrar".
- 31(3) By omitting the word "Minister" and substituting the word "Registrar".
- 31(4) By omitting the word "Minister" and substituting the word "Registrar".
- 33(1)(d) By omitting the words "under this Act" and

- substituting the words "against this Act."
- 34(2)(b) By omitting the words "Central Bank" and substituting the word "Registrar".
- 40 By omitting the words "in Western Samoa" and substituting the words "from within Western Samoa".
- 45 By omitting the words "applications may be made to the Registrar for" and substituting the words "the Registrar may in response to applications made to him, or on his own motion, give".

SECOND SCHEDULE

INCIDENTAL AMENDMENTS TO THE INSURANCE ACT

<u>Section</u>	<u>Extent of Amendment</u>
6(1)(b)(ii)	By omitting the expression "\$1,000,000" and substituting the expression "\$500,000".
22(1)(a)	By inserting after the word "fee" the words "and every prescribed annual renewal fee".
22(1)(b)	By expressing the words "and is either an international company or a foreign company" as a new line not inset from the margin.

TULAFONO O TEUTEUGA O NOFOAGA TUTOTONU
O TEUGA-TUPE I FAFO

SAMOA I SISIFO

Faatulagaina o Aiaiga

Igoa

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VAEGA VI

Teuteuga i le Tulafono o Lafoga o Tupe Maua 1974

Tuusaunoaga o Tupe Maua

VAEGA VII

Teuteuga i le Tulafono o Faleoloa 1961

Tuusaunoaga

Faamatalaga Muamua

Faamatalaga Lona Lua

1989, Nu. 17

O SE TULAFONO e teuteu ai nisi tulafono e faasino i pisinisi faava-o-malo ma atunuu i fafo ina ia faaleleia atili ai le pulega o lena tulafono, i le faamatuu atu, pe afai ua iloa o le a faamanuiaina ai Samoa i Sisifo, faamanuiaga tau tupe ma tupe faameaalofa i tagata e aafia i le faiga o pisinisi e tusa ma lena tulafono ma teuteuina ai isi Tulafono mo ia faamoemoe.

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

VAEGA I

Faatomuaga

1. **Igoa Puupuu** - (1) O lenei Tulafono e mafai ona taua o le Tulafono o Teuteuga o Nofoga Tutotonu o Teuga-tupe i Fafu 1990.

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

"O le Tulafono o Teuga-tupe" o lona uiga o le Tulafono o Teuga-tupe i Atunuu i Fafu 1987:

"O le Tulafono o Kamupani" o lona uiga o le Tulafono o Kamupani Faava-o-Malo 1987:

"O le Tulafono o Inisiua" o lona uiga o le Tulafono o Inisiua Faava-o-Malo 1988:

"O le Tulafono o Kamupani Tausi Mavaega" o lona uiga o le Tulafono o Kamupani Tausi Mavaega 1987.

VAEGA II

Teuteuga i le Tulafono o Kamupani

3. **Tuusaunoaga ma Faamanuiaga o Kamupani Faava-o-Malo** -

(1) O le fuaiupu 249 o le Tulafono o Kamupani ua teuteuina i le faaofiina i ai i le parakalafa (a) o le faafuaiupu (2) ina ua tuanai upu "ua faamauina faale-tulafono i lalo o le vaega x" ia upu "ae vagana ai o tupe maua na mauaina mai e sea kamupani i le faatinoaina o ana pisinisi i Samoa i Sisifo".

(2) O le fuaiupu 249 o le Tulafono o Kamupani ua toe teuteuina i le soloia o le faafuaiupu (4) ma sua i le faafuaiupu e faapea:-

"(4) E leai se kamupani faava-o-malo po o se kamupani ua faamauina i lalo o le Vaega X o le a tatau:-

(a) Le faia o pisinisi i, po o le mauaina mai
o so o se meatotino mai -

(i) so o se tagatanuu e nofomau i Samoa i
Sisifo; po o

(ii) so o se kamupani i totonu o le atunuu
e le o se kamupani tausī mavaega:

(b) umia se aia i fanua po o se esetete tumau
o lo o i totonu o Samoa i Sisifo e ese ai
na i lo se lisi e pei ona faasinomia i ai
le fuaiupu (e) o le faafuaiupu (5):

(c) Faia o so o se fuafuaga i po o le faamatuu
atu po o le faia o so o se fuafuaga i so
o se meatotino (e aofia ai sea po o aita-
lafu) i luga -

(i) so o se tagatanuu masani ona nofomau
i Samoa i Sisifo; po o

(ii) so o se kamupani i totonu o le atunuu
e le o se kamupani tausī mavaega:

(d) Le faia o so o se fuafuaga po o le faamatuu
atu po o le faia o se fuafuaga i so o se
meatotino i fafo atu o Samoa i Sisifo i tupe
a Samoa i Sisifo."

(3) O le Fuaiupu 249 o le Tulafono o Kamupani ua toe teuteuina
i le faaopoopoina i ai ni faafuaiupu fou se tolu e faapea:-

"(5) Mo faamoemoega o le parakalafa (a) o le faa-
fuaiupu (4) o lenei fuaiupu o se kamupani faava-
o-malo po o se kamupani mai i fafo ua faamauina

i lalo o le Vaega X o lenei Tulafono o le a le tatau ona avea o se pisinisi ua faatinoina i Samoa i Sisifo ma se kamupani i totonu o le atunuu i ni na o ni mafuaaga e faapea:-

- (a) ia faia po o tausisia ni teuga-tupe ma se kamupani o lo o faaaauau pea ni pisinisi tau teuga-tupe i po o mai i totonu o Samoa i Sisifo:
- (b) ua ia faia po o tausisia fesootaiga faatomai faapitoa ma tagata Loia, Loia mo tagata lautele, Tausi-tusi, Kamupani Tausimavaega, Faufautua mo tupe teu faafaigaluega po o ni tagata faapea o lo o tauaveina pisinisi i po o mai i totonu o Samoa i Sisifo:
- (c) i le saunia po o le tausia o tusi ma faamauga i totonu o Samoa i Sisifo:
- (d) le faia o ni fonotaga a ana Faatonu ma Sui i po o mai i Samoa i Sisifo:
- (e) i le umia o se lisi o meatotino mo le faaogaina e avea ma ofisa ua ia faatuina ina ia fesootai ai ma sui po o le mea o lo o saunia ai po o le tausia ai tusi ma faamauga a le kamupani, po o mai le nofoaga o lo o tausia ai ma, ona o ia o lo o umia se laisene o se teuga-tupe i atunuu i fafo, ua faagaioia lana pisinisi i lalo o le maliega ma le faamaoniga a le Minisita:

(f) o lo o ia umia ni sea, po o ni tusi faamaonia o ni aitalafu po o nisi faamaoniga i se isi kamupani ua faamauina faale-tulafono po o ua faamauina e tusa ai ma lenei Tulafono: ma

(g) sea, tusi faamaonia o aitalafu po o isi faamaoniga i le kamupani o lo o umia e so o se kamupani ua faamauina faale-tulafono po o faamauina e tusa ai ma lenei Tulafono.

(6) Afai o se kamupani faava-o-malo po o se kamupani mai i fafo ua faamauina i lalo o lenei Vaega X o lenei Tulafono e faalavelave i le faafuaiupu (4) o lenei fuaiupu ua ia faia se soligatulafono faasaga i lenei Tulafono ma ua noatia i se faasalaga e le sili atu i le tasi le afe tala mo aso uma e faapea o le a faaauau ai pea ona faia sea soligatulafono ma o tagata ofisa uma o le kamupani o i latou ia ua faatagaina ma le iloa lea feteenaiga ua agasala i lea soligatulafono tutusa ma ua noatia i se faasalaga tutusa e pei ona taua i luga.

(7) O le a tatau ona avea o se soligatulafono faasaga i lenei Tulafono mo se kamupani faava-o-malo po o se kamupani mai i atunuu i fafo ua faamauina i lalo o le Vaega X o lenei Tulafono, po o se tagata ofisa po o se tagata faigaluega o sea kamupani, e aveina po o tuuina atu, po o le faia po o faataga ina ia aveina po o le auina atu mai i Samoa i Sisifo, tupe po o ni faamaoniga o lo o umia pe pulea e se tagatanuu nofomau masani i Samoa i Sisifo po o e se kamupani i totonu o le atunuu e le o se kamupani tausī mavaega."

VAEGA III

Teuteuga i le Tulafono o Teuga-tupe

4. Faamatalaina o uiga o upu - O le Fuaiupu 2 o le Tulafono o Teuga-tupe i le faaopoopoina i ai ina ua tuanai le faamatalaga o le "Nofomau" le faamatalaga fou e faapea:-

"Resitala" o lona uiga o le Resitala o Kamupani Faava-o-Malo ma Kamupani mai i Fafu o ua tofia e tusa ai ma aiaiga o le Tulafono o Kamupani Faava-o-Malo 1987."

5. Laisene o le Vasega "A" o teuga-tupe i fafo - O le Faafuaiupu (3) o le fuaiupu 6 o le Tulafono o Teuga-tupe ua teuteuina i le faaofiina i ai ina ua tuanai ia upu "pisinisi tau teuga-tupe" i le mea o lo o aliali mulimuli mai ai i lea faafuaiupu ia upu "O sea faamaoniga o le a tumau ona faamamaluina a o aloaia pea faale-tulafono le laisene o le Vasega "A" o teuga-tupe po o seia vagana ai ua vave aveeseina lea faamaoniga e le Minisita."

6. Faamatuu atu ma le faafouina o le Laisene - O Faafuaiupu (1) ma le (3) o le fuaiupu 9 ma le faafuaiupu (3) o le fuaiupu 11 o le Tulafono o Teuga-tupe ua teuteuina i le aveeseina o upu "ma e tusa ai ma le fautuaga a le Kapeneta" i so o se mea o lo o faaoga ai ia upu.

7. Sueina o Tusi Faale-tausaga - O le Faafuaiupu (1) o le fuaiupu 24 o le Tulafono o Teuga-tupe ua teuteuina i le aveeseina ina ua tuanai upu "i lona manatu" ia upu "o faamatalaga o tupe alu ma tupe maua o lo o atoatoa ma lelei ona tausia" ma sua i upu "tusi talafeagai o faamatalaga tau tupe o lo o tausia ma so o se mea e faaoga i ai, faamatalaga tau tupe lelei ma

talafeagai mo ana suesuega ua ia mauaina mai i lala na te lei asiasia, tusi a le kamupani, ma pe faamata o faamatalaga o tupe alu ma tupe maua o lo o atoatoa ma lelei ona tausia ma."

8. **Totogi Fuapauina o Laisene** - O le Fuaiupu 10 o le Tulafono o Teuga-tupe ua teuteuina i le -

(a) Soloia o le faafuaiupu (1) ma toe faanumeraina ia faafuaiupu ua suia o lena fuaiupu.

(b) I le faaofiina i faafuaiupu taitasi (2) ma le (3) (pei ona toe faanumeraina) ina ua tuanai upu "i le aso e faamutaina ai" ia upu "ma o le o lo o umia se laisene o le a faaauau ona faaaogaina i pisinisi o teuga-tupe i atunuu i fafo."

9. **Teuteuga talafeagai i le Tulafono o Teuga-tupe** - O le Tulafono o Teuga-tupe ua toe teuteuina i se faiga o lo o faamatalaina i totonu o le Faamatalaga Muamua i lenei Tulafono.

VAEGA IV

Teuteuga i le Tulafono o Kamupani Tausi Mavaega

10 **Tulaga Faa-Tama** - O le Tulafono o Kamupani Tausi Mavaega ua teuteuina i le faaopoopoina i ai o se fuaiupu fou e avea ma fuaiupu 36 e faapea:-

"36. **Tulaga Faa-Tama** - (1) I se tulaga ua i ai le manatu o le Minisita e faapea o gaioiga a se kamupani tausī mavaega ua faamauina faale-tulafono po o ua faamauina i lalo o lenei Tulafono sa i ai po o o lo o foliga o se faamanuiaga e le masani ai ma o lo o sologalelei pea i Samoa i Sisifo i le faavaeina o tulaga siitia po o le alualu i luma o faamoemoega o so o se Tulafono o Nofoga Tutotonu o

Teuga-tupe i Atunuu i Fafo e mafai e le Minisita ona faatonuina sea kamupani tausī mavaega e tatau ona avea ma kamupani Tulaga Faa-Tama mo se vaitaimi e le sili atu i le lima tausaga e pei ona o le a faatonuina e le Minisita, e amata mai i se taimi (pe i luma mai po o ina ua tuanai le aso o le faatonuga) e pei ona o le a fuafuaina ma e mafai ona tuuina atu i le kamupani se tusi faamaonia e tusa ai ma lea tulaga.

- (2) O tupe maua faaputupu a se kamupani tausī mavaega a o faagasolo le vaitaimi o lo o aofia i le tusi faamaonia o lona avea ma kamupani Faa-Tama o le a tatau ona tuusaunoa mai i lafoga ma o aiaiga o le parakalafa (v) o le faafuaiupu (1) o le fuaiupu 7 o le Tulafono o Lafoga o Tupe Maua 1974 o le a tatau ona faaoga e tusa ai ma lena tupe maua.
- (3) O le Ao o le Malo, i le faia i luga o le fautuaga a le Kapeneta e ono mafai i luga o se tulafono faatonutonu ona tuuina atu e faapea o le o lo o umia se tusi faamaonia o le tulaga Faa-Tama o le a tatau ona mauaina nisi faamamaavega ma faamanuiaga e pei ona o le a manaomia e fesoasoani i le faatuina o le siisii ae po o le alualu i luma o faamoemoga o tulafono o nofoaga tutotonu o teuga-tupe i atunuu i fafo.
- (4) Mo faamoemoga o lena fuaiupu o le faama-

talaina o le "Tulafono o Nofoga o Teuga-tupe i Atunuu i Fafo" o lona uiga o so o se tasi po o tulafono uma e pei ona taua:-

- (a) O le Tulafono o Teuga-tupe i Atunuu i Fafo 1987;
- (b) O le Tulafono o Kamupani Inisiua Faava-o-Malo 1988;
- (c) O le Tulafono o Kamupani Tausi Mavaega 1987;
- (d) O le Tulafono o Tausi Mavaega Faava-o-Malo 1987;
- (e) O le Tulafono o Kamupani Faava-o-Malo 1987."

VAEGA V

Teuteuga i le Tulafono o Inisiua

11. Faamatalaina o uiga o upu - O le Fuaiupu 2 o le Tulafono o Inisiua ua teuteuina i le faaofiina i ai ina ua tuanai le faamatalaga o le faaupuga "pisinisi i totonu o le atunuu" ia faamatalaga fou e lua e faapea:-

"kamupani mai i fafo" o lona uiga o se kamupani ua faamauina i lalo o le Vaega X o le Tulafono o Kamupani Faava-o-Malo 1987;

"pisinisi faalauaitetele" o lona uiga o pisinisi inisiua e faapea e le ni pisinisi mo ni vaitaimi uumi po o ni pisinisi na aveina faamalosi ma e aunoa ma le faatapu-laaina o tulaga aoao o nei faaupuga e aofia ai inisiua o vaa, inisiua o mea tau inisinia, inisiua taavale, inisiua o noataga o meatotino, inisiua o tupe gau,

inisiua o aitalafu ma tagata e faamaonia ai aitalafu ma inisiua o mea eseese tau le tagata."

12. Teuteuga talafeagai i le Tulafono o Inisiua - O le Tulafono o Inisiua ua toe teuteuina i le tulaga e pei ona fuafuaina i lalo o le faamatalaga Lona Lua i lenei Tulafono.

VAEGA VI

TEUTEUGA I LE TULAFONO O LAFOGA O TUPE MAUA 1974

13. Tuusaunoaga o Tupe Maua - O le Fuaiupu 7 o le Tulafono o Lafoga o Tupe Maua 1974 ua teuteuina i le faaofiina i ai ina tuanai le parakalafa (o) o le faafuaiupu (1) le parakalafa fou e faapea :-

"(oa) O Tupe Maua e mauaina mai e so o se tagata a o lumanai po o ina ua tuanai le aso na faamamaluina ai lenei fuaiupu e avea ai o se tagata faigaluega o le kamupani Tausi Mavaega 1987 po o laiseneina i lalo o le Tulafono o Teuga-tupe i Atunuu i Fafu 1987 po o le Tulafono o Inisiua Faava-o-Malo 1988 e faapea ai o lenei tagata e le o se tagatanuu o Samoa i Sisifo ma ua ia ofi mai i totonu ma nofo i totonu o Samoa i Sisifo mo le faamoemoe autu o lenei galuega".

vvvvvVvvVVVvvvvvvv

VAEGA VII

TEUTEUGA I LE TULAFONO O FALEOLOA 1961

14. Tuusaunoaga - O le Fuaiupu 6A o le Tulafono o Faleoloa 1961 (e pei ona faaofiina i totonu o le Faamatalaga i le Tulafono o Teuga-tupe i Atunuu i Fafu 1987) ua teuteuina i le faaofiina i ai ina ua tuanai upu "kamupani faava-o-malo" ia upu "po o kamupani mai i fafu."

FAAMATALAGA MUAMUA

TEUTEUGA TALAFEAGAI I LE TULAFONO O TEUGA-TUPE

Fuaiupu

Faalauteleina o Teuteuga

- 6(3) I le aveeseina o upu "o lo o tuuina atu i totonu."
- 8(1) I le aveeseina ina ua tuanai upu "tuuina atu" ia upu "o le Faletupe Tutotonu" ma tuuina i ai upu "Resitala".
- 8(1)(b) I le aveeseina o upu "FaleTupe Tutotonu" ma suia i upu "Faamatalaga tau tupe o le pulea o teuga-tupe i atunuu i fafo".
- 8(1)(c)(iv) I le aveeseina o upu "oloa" ma suia i upu "faamanuiaga autu".
- 8(2),8(3) I le aveeseina o upu "Faletupe Tutotonu" i so o se mea o lo o faaoga i ai ma suia i le upu "Resitala".
- 9(1) I le aveeseina o upu "ua faia i le Minisita, o ia" ma suia i upu "ua faia, o le Minisita"
- 11(1) I le aveeseina o le upu "Minisita" ma suia i le upu "Resitala".
- 11(1) I le aveeseina o upu " o Le o umia se laisene e tatau" ma suia i upu "o se o umia se laisene e tatau, pe afai e manaomia le toe faafouina".
- 11(2) I le aveeseina o upu "Faletupe Tutotonu" ma suia i le upu "Resitala".
- 11(2)(a) I le aveeseina o upu "Faafuaiupu 8(1)(a) ma le (c) ma le 8(2)" ma suia i upu "faafuaiupu (1) ma le(2) o le fuaiupu 8 o lenei Tulafono.

14(1) I le aveeseina o le upu "Minisita" ma suia i le upu "Resitala".

14(1)(a) I le aveeseina o upu "ua faatagaina e avea ma sui o le ua umia le laisene, na te taliaina ai galuega faale-tulafono ma ia molia mai i moliaga i le Igoa o le kamupani"

14(1)(b) I le faaopoopoina ina ua tuanai upu "Samoa i Sisifo" i mea o lo o aliali mulimuli mai ia upu "ma faatagaina e taliaina galuega faale-tulafono e avea ai ma sui o lo o umia le laisene, ma ia molia mai i moliaga i le igoa o le kamupani".

14(2) I le aveeseina o le upu "Minisita" ma suia i le upu "Resitala".

14(2) I le aveeseina o le upu "o le a" ma suia i le upu "i totonu o le 14 aso".

16(1(a)) I le faaofiina i ai ina ua tuanai le upu "tuusao" ia upu "po o le faaalatua".

17(1) I le aveeseina o upu "Minisita e ala atu i le Faletupe Tutotonu" ma suia i le upu "Resitala".

17(2) I le aveeseina o upu "Minisita e ala atu i le Faletupe Tutotonu" ma suia i le upu "Resitala".

17(3) I le aveeseina o upu Minisita e ala atu i le Faletupe Tutotonu" ma suia i le upu "Resitala".

19 I le soloia o lenei fuaiupu ma suia e avea ai ma fuaiupu 19 mea e pei ona ta'ua:-

"19. Lipoti Faale-tausaga ma le sueina o tusi -

O Le o lo o umia se laisene o le a tatau ona

tuuina mai i le Resitala i totonu o le ono masina

i le faaiuina o tausaga faale-tupe taitasi faamatalaga tau tupe ua uma ona sueina faa-suetusi e tusa ai ma aiaiga o le fuaiupu 24 o lenei Tulafono."

- 20(1) I le aveeseina o upu "Minisita e ui atu i le Faletupe Tutotonu" ma suia i le upu "Resitala".
- 20(2) I le aveeseina o upu "Faletupe Tutotonu" ma suia i le upu "Resitala".
- 20(4) I le aveeseina o le upu "Minisita" ma suia i le upu "Resitala".
- 21 I le aveeseina o upu "Faletupe Tutotonu" ma suia i le upu "Resitala".
- 22(1) I le aveeseina o upu "Minisita e ui atu i le Faletupe Tutotonu" ma suia i le upu "Resitala".
- 22(1) I le aveeseina o upu "i totonu o Samoa i Sisifo" suia i upu "mai i totonu o Samoa i Sisifo".
- 24(2) I le aveeseina o le upu "Minisita" ma suia i le upu "Resitala".
- 24(3) I le aveeseina o le upu "Minisita" ma suia i le upu "Resitala".
- 24(7) I le aveeseina o le upu "Minisita" i so o se mea o lo o faaaogaina ai ma suia i le upu "Resitala".
- 25 I le aveeseina mai le ulu-tala i le fuaiupu ia upu "Faletupe Tutotonu" ma suia i le upu "Resitala".
- 25(1) I le aveeseina o upu "Faletupe Tutotonu" ma suia i le upu "Resitala".
- 26(1)(a)(i) I le aveeseina o upu "i totonu o Samoa i Sisifo"

- ma sua i upu "feuiaiga faa-pisinisi mai i totonu o Samoa i Sisifo".
- 26(3)(a) I le aveeseina o upu "Faletupe Tutotonu" ma sua i le upu "Resitala".
- 28(b) I le faaofiina i ai ina ua tuanai upu "ua umia e se isi fai-laisene po o e" ia upu "se kamupani faava-o-malo po o".
- 31(1)(a) I le aveeseina o upu "Minisita" ma sua i le upu "Resitala".
- 31(3) I le aveeseina o le upu "Minisita" ma sua i le upu "Resitala".
- 31(4) I le aveeseina o le upu "Minisita" ma sua i le upu "Resitala".
- 33(1)(d) I le aveeseina o upu "i lalo o lenei Tulafono" ma sua i upu "faasaga i lenei Tulafono".
- 34(2)(b) I le aveeseina o upu "Faletupe Tutotonu" ma sua i le upu "Resitala".
- 40 I le aveeseina o upu "i totonu o Samoa i Sisifo" ma sua i upu "mai i totonu o Samoa i Sisifo".
- 45 I le aveeseina o upu "o tusi talosaga e mafai ona faia i le Resitala mo" ma sua i upu "o le Resitala e mafai ona tali atu i tusi talosaga ua faia ia te ia, po o i ana lava gaioiga, tuuina atu".

FAAMATALAGA LONA LUA

TEUTEUGA TALAFEAGAI I LE TULAFONO O INISIUA

Fuaiupu

Faalauteleina o Teuteuga

- 6(1)(b)(ii) I le aveeseina o le Faamatalaga "\$1,000,000" ma sua i le Faamatalaga "\$500,000".

22(1)(a)

I le faaofiina i ai ina ua tuanai le upu "totogi fuapauina" ia upu "ma totogi fuapauina uma ua toe faafouina ma faatonuina faale-tausaga".

22(1)(b)

I le faamatalaina o upu "ma pe o se kamupani faava-o-malo po o se kamupani mai fafo" e avea ai ma se laina fou e le o i totonu o se isi faaupuga.