



Western Samoa

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1975, No. 23

AN ACT to consolidate the law relating to the administration of the estates of deceased persons. [23 December 1975]

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

1. **Short title**—This Act may be cited as the Administration Act 1975.

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

“Administration” includes probate of the will of a deceased person, and letters of administration of the estate of a deceased person, granted with or without a will annexed; and in the case of the Public Trustee, includes an order to administer, and an election to administer:

“Administrator” means any person to whom administration is granted:

“Court” means the Supreme Court of Western Samoa; and includes a Judge of that Court:

“Estate” means real and personal property of every kind:

“Intestate” includes a person who leaves a will but dies intestate as to some beneficial interest in his real or personal estate:

“Personal chattels”, in relation to any person who has died, means all articles of household or personal use or ornament which were owned by him, as the

legal or beneficial owner, immediately before his death; but does not include any chattels used exclusively or principally at the death of the intestate for business purposes, or money, or securities for money:

“Registrar” means the Registrar of the Supreme Court:

“Rules” means rules from time to time made under the authority of this Act:

“Securities” includes stocks, funds, shares, and convertible notes:

“Will” includes a codicil:

References to a child or issue living at the death of any person include a child or issue who is conceived but not born at the death but who is subsequently born alive.

3. Act to bind Government—This Act shall bind the Government.

4. Application — Except as otherwise provided herein, this Act shall apply in every case, whether the death occurred before or after the commencement of this Act.

PART I

ADMINISTRATION BY ADMINISTRATOR

GRANT OF ADMINISTRATION

5. Probate jurisdiction of Supreme Court—(1) The Supreme Court shall continue to have jurisdiction and authority in relation to the granting and revoking of probate of wills and letters of administration with or without a will annexed of the estates of deceased persons, and in regard to the hearing and determining of proceedings relating to testamentary matters and matters relating to the estates of deceased persons.

(2) Without restricting subsection (1) of this section or any other enactment, the Court shall have jurisdiction to make a grant of probate or letters of administration in respect of a deceased person, whether or not the deceased per-

son left any estate in Western Samoa or elsewhere, and whether or not the person to whom the grant is made is in Western Samoa.

6. Discretion of Court as to person to whom administration is granted — In granting letters of administration with or without a will annexed, or an order to administer with or without a will annexed, in respect of the estate of any deceased person or any part thereof, the Court shall have regard to the rights of all persons interested in the estate of the deceased person or the proceeds of sale thereof, and, in particular, administration with a will annexed may be granted to a devisee, or legatee, and any such administration may be limited in any way the Court thinks fit:

Provided that where the deceased died wholly intestate as to his estate, administration shall be granted to some one or more persons beneficially interested in the estate of the deceased, if they make an application for the purpose.

7. Administration with will annexed — Where the Court grants administration of the estate of a deceased person with the will annexed, the will of the deceased shall be performed and observed in like manner as if probate thereof had been granted to an executor.

8. Cesser of right of executor to prove — (1) where a person appointed executor by a will

(a) Survives the testator but dies without having been granted probate of the will; or

(b) Is cited to take out probate of the will and does not appear to the citation; or

(c) Renounces probate of the will, —

his rights in respect of the executorship shall wholly cease, and the representation to the testator and the administration of the testator's estate shall devolve and be committed as if that person had not been appointed executor.

(2) Where a person is appointed by a will to be both executor and trustee and his rights in respect of the executorship wholly cease under subsection (1) of this section, his rights in respect of the trusteeship shall also wholly cease and the trusteeship shall devolve or be determined as if he had not been appointed as trustee:

Provided that nothing in this subsection shall prevent his subsequent appointment as trustee.

9. Executor of executor represents original testator — (1) An executor of a sole or last surviving executor of a testator shall be the executor of that testator:

Provided that for the purposes of the foregoing provisions of this subsection a person who does not prove the will of his testator shall be deemed not to be an executor notwithstanding his appointment as such by the will.

(2) So long as the chain of representation is unbroken, the last executor in the chain is the executor of every preceding testator.

(3) The chain of representation is broken by —

- (a) The failure to leave a will; or
- (b) The failure of a testator to appoint an executor; or
- (c) The failure to obtain probate of a will

(4) Every person in the chain of representation to a testator —

- (a) Has the same rights in respect of the estate of that testator as the original executor would have had if living; and
- (b) Is, to the extent to which the estate of that testator has come to his hands, answerable as if he were an original executor.

10. Notice to be sent to Public Trustee of applications for administration — Forthwith upon the filing in the Office of the Supreme Court of an application by any applicant other than the Public Trustee for administration of the estate of a deceased person, it shall be the duty of the Registrar to give to the Public Trustee a notice stating —

- (a) The date of the filing, and the date (if any) of the hearing;
- (b) The full name of the deceased;
- (c) Whether the deceased person died testate or intestate and, if testate, the date of the will.

11. Proceedings where executor neglects to prove will — (1) In any case where any executor named in a will neglects or refuses to prove the will, or to renounce probate thereof, within three months from the death of the testator, the Court may, upon the application of any other executor or

executors or of any person interested in the estate or of the Public Trustee or of any creditor of the testator, grant an order nisi calling upon the executor who so neglects or refuses to show cause why probate of the will should not be granted to that executor alone or with any other executor or executors or, in the alternative, why administration should not be granted to the applicant or some other person.

(2) Upon proof of service of the order, or upon the Court dispensing with service of the order, if the executor who is so called on does not appear or upon cause being shown, the Court may make such order for the administration of the estate, and as to costs, as it thinks just.

12. Discharge or removal of administrator — (1) Where an administrator is absent from Western Samoa for twelve months without leaving a lawful attorney, or desires to be discharge from the office of administrator, or becomes incapable of acting as administrator or unfit to so act, or where it becomes expedient to discharge or remove an administrator, the Court may discharge or remove that administrator, and may if it thinks fit appoint any person to be administrator in his place, on such terms and conditions in all respects as the Court thinks fit.

(2) The administrator so remove or discharged shall, from the date of that order, cease to be liable for acts and things done after that date.

(3) Upon any administrator being discharged or removed as aforesaid (whether or not any other administrator is appointed) all the estate and rights of the previous administrator or administrators which were vested in him or them as such shall become and be vested in the continuing administrator or administrators (including any administrator appointed under subsection (1) of this section) who shall have the same powers, authorities, discretions, and duties, and may in all respects act, as if he or they had been originally appointed as the administrator or administrators.

(4) This section shall, with all necessary modifications extend to the case where an administrator dies, and the powers and authorities hereby conferred may be exercised and shall take effect accordingly.

(5) Nothing in this section shall restrict section 8 of this Act.

THE ADMINISTERING OF ESTATES

13. Executor not to act while another administrator is in office—Subject to the provisions of this Act and of any other Act, where administration has been granted in respect of any part of the estate of a deceased person, and is not for the time being suspended, no person other than the administrator of that part of the estate shall have power to bring an action or otherwise act as administrator of the deceased person in respect of the estate comprised in or affected by the grant until the grant has been recalled or revoked.

14. Estate to vest in administrator—(1) Immediately upon the grant of administration of the estate of any deceased person, all the estate then unadministered of that person, whether held by him beneficially or held by him in trust, shall vest in the administrator to whom the administration is granted for all the estate therein of that person:

Provided that nothing in this section shall affect the earlier vesting in an executor by operation of law.

(2) The title of every administrator to any part of the estate of a deceased person, whether he has died before or after the commencement of this Act, shall relate back to and be deemed to have arisen immediately upon the death of the deceased person, as if there had been no interval of time between the death and the grant of administration.

(3) If there are concurrently more administrators than one of any part of the estate that part shall vest in them as joint tenants.

15. How estate to be held by administrator — Subject to the provisions of this Act, the administrator shall hold—

- (a) The estate of any person who dies or has died either before or after the commencement of this Act leaving a will according to the trusts and dispositions of the will, so far as the will affects that estate;
- (b) The estate of any person who dies after the commencement of this Act intestate as to that estate according to the provisions of Part III of this Act;

- (c) The estate of any person who has died before the commencement of this Act intestate as to that estate according to the provisions of the enactments and law which would have applied thereto if this Act had not been passed.

16. Estate to be assets for payment of debts, etc. — The whole of the estate of every deceased person shall be assets in the hands of his administrator for the payment of all duties and fees payable under any Act imposing or charging duties or fees on the estates of deceased persons, and for the payment in the ordinary course of administration of his debts and of debts properly incurred by his administrator; and for those purposes the administrator may, in as full and effectual a manner in law as the testator or intestate could have done in his lifetime, sell, lease (with or without an optional or compulsory purchasing clause), or mortgage (with or without a power of sale), the estate, or any part thereof

17. Power of sale on intestacy — (1) On the death of a person intestate as to any real or personal estate, his administrator shall have power to sell that real estate and to call in, sell, and convert into money such part of that personal estate as may not consist of money, with power to postpone the sale, calling in, and conversion for such a period as the administrator, without being liable to account, may think proper, and so that, unless required for purposes of administration owing to want of other assets, personal chattels be not sold under this section except for special reason.

(2) This section shall have effect notwithstanding that the administrator has ceased to hold the real or personal estate as administrator and holds it as trustee.

(3) Where the deceased leaves a will this section shall have effect subject to the provisions contained in the will.

18. Debts under deeds and simple contracts to stand in equal degree—Subject to the provisions of this Act and of any other Act, in the administration of the estate of every person who has died, whether before or after the commencement of this Act, no debt or liability of the person shall be entitled to any priority or preference by reason merely that it arises under a bond, deed, or instrument under seal; but

all the creditors of that person shall be treated as standing in equal degree and be paid accordingly out of the assets of the deceased person, whether those assets are legal or equitable:

Provided that nothing in this section shall prejudice or affect any lien, charge, mortgage, or other security which any creditor may hold or be entitled to for payment of his debt or liability.

19. Charges on property of deceased to be paid primarily out of the property charged — (1) Where a person dies possessed of, or entitled to, or under a general power of appointment by his will disposes of, an interest in property, or where an interest in property passes by survivorship on the death of a person, and at the time of his death the interest is charged with the payment of money, whether by way of mortgage, charge, or otherwise, and the deceased has not by will, deed, charge, or document signified a contrary or other intention, the interest so charged shall, as between the different persons claiming through the deceased, be primarily liable for payment of all amounts charged thereon; and every part of the said interest, according to its value, shall bear a proportionate part of the amounts charged on the whole thereof.

(2) Such a contrary or other intention shall not be deemed to be signified —

(a) By a general direction for payment of debts or of all the debts of the testator out of his personal estate, or his residuary real and personal estate, or his residuary real estate, or his residuary personal estate; or —

(b) By a charge of debts upon any such estate — unless that intention is further signified by words expressly or by necessary implication referring to all or some part of the charge on the interest in property.

(3) Nothing in this section shall affect the right of a person entitled to the payment with which the interest in property is charged to obtain payment or satisfaction thereof out of the other assets of the estate or otherwise.

20. Liability of specific devise or bequest where estate primarily liable is insufficient — If any testator's estate primarily liable for the payment of his debts is insufficient for

that purpose, each of his specifically devised or bequeathed estates (if more than one) shall be liable to make good the deficiency, in the proportion of the value of each of those estates bears to the aggregate value of the specifically devised or bequeathed estates of the testator.

21. Rights and liabilities of administrator — Every person to whom administration of the estate of a deceased person is granted, other than an executor, shall, subject to the limitations contained in the grant have the same rights and liabilities and be accountable in like manner as if he were the executor of the deceased.

22. Administrator may be required to exhibit inventory — Every administrator shall, when required by the Court so to do, exhibit on oath in the Court a true and perfect inventory and account of the estate of the deceased; and the Court shall have power as heretofore to require administrators to bring in inventories.

23. Protection of persons acting on administration— Every administrator or person who makes any payment or disposition or assumes any liability, or who permits any payment or disposition to be made or who does any act, or who permits any act to be done in good faith under an administration shall notwithstanding any effect or circumstances whatsoever affecting the validity of the administration or its subsequent revocation, have the same indemnity and protection in so doing and in respect of all commission and remuneration earned by him in so doing, as he would if the administration were valid and not revoked.

24. Liability of person fraudulently obtaining or retaining estate of deceased — If any person other than the administrator, to the defrauding of creditors or without full valuable consideration, obtains or receives or holds any part of the estate of a deceased person or effects the release of any debt or liability due to the estate of the deceased, he shall be charged as executor in his own wrong to the extent of the estate received or coming into his hands, or the debt or liability released, after deducting—

- (a) Any debt for valuable consideration and without fraud due to him from the deceased person at the time of his death which might properly be retained by an administrator; and
- (b) Any payment made by him which might properly be made by an administrator.

POWERS AND PROCEDURE OF COURT

25. Direction to executor to prove or renounce, etc.—The Court shall have power to direct any person named as executor in a will to prove or renounce probate of the will, and (subject to this Act and any other enactment and the rules) to do such other things as it thinks fit concerning the granting and revocation of administration, and the hearing and determination of proceedings relating to testamentary matters and matters relating to the estates of deceased persons.

26. Production of instruments purporting to be testamentary—The Court may, whether any suit or other proceeding is or is not pending with respect to any administration, order any person to produce any paper or writing, being or purporting to be testamentary, which may be shown to be in the possession or under the control of that person; and if it is not shown that any such paper or writing is in the possession or under the control of any person, but it appears that there are reasonable grounds for believing that he has knowledge of any such paper or writing, the Court may direct that person to attend for the purpose of being examined in open Court, respecting the same; and that person shall be bound to answer any such questions and, if so ordered, to produce and bring in any such paper or writing, and shall be subject to the like process of contempt in case of default in not attending or in not answering any such questions, or not bringing in any such paper or writing, as he would have been subject to in case he had been a party to a suit in the Court and had made any such default; and the costs of any such suit or proceeding shall be in the discretion of the Court.

27. Practice of Court in its administration jurisdiction—The practice of the Court in regard to administration shall, except where otherwise provided by this Act or by the rules, be regulated, so far as the circumstances of the case will admit, by the practice of the Court heretofore in force.

28. Form of order to Public Trustee—Whenever the Court grants an order to the Public Trustee (either alone or together with any other person or persons) to administer the estate of any deceased person, the order shall be in the form in the First Schedule to this Act or in such other form or forms as may be prescribed by regulation.

29. Power to make rules — The power to make rules of Court shall include power to make rules —

- (a) Prescribing the forms of administration;
- (b) Prescribing the practice in obtaining a grant of administration, and the procedure and practice of the Court and the duties of the Registrar;
- (c) Regulating the procedure and practice of the Court with respect to non-contentious or common form probate business;
- (d) Regulating the procedure and practice of the Court with respect to contentious probate business;
- (e) Regulating the practice and procedure of the Court in relation to the resealing of probates or letters of administration, and in particular for the purpose of imposing upon persons applying thereunder for the resealing of probates or letters of administration, or relieving any such persons from any requirements that may be imposed upon persons applying to the Supreme Court of Western Samoa for original grants of probate or letters of administration;
- (f) Prescribing orders of priority among applicants for administration which shall apply unless the Court in special circumstances otherwise directs;
- (g) Generally for carrying the provisions of this Act into effect.

CAVEATS

30. Caveat may be lodged — Any person may lodge with the Registrar a caveat against any application for administration at any time previous to the granting of administration, and every such caveat shall set forth the name of the person lodging it, and an address within Western Samoa at which notices may be served on him.

(2) Every such caveat shall, unless application for administration is sooner made, lapse upon the expiration of one year from the date of the lodging of the caveat.

(3) Any such caveat may be withdrawn by the caveator at any time by notice in writing lodged with the Registrar. A copy of every such notice shall be served on any person who has applied for administration or to whom an order nisi has been granted.

(4) Nothing in this section shall prevent any person who has lodged a caveat from lodging a subsequent caveat, whether or not any caveat previously lodged has lapsed or been withdrawn.

31. Where a caveat lodged, Court may grant order nisi—
In every case where a caveat has been lodged and has neither lapsed nor been withdrawn, the following provisions shall apply:

- (a) The Court may, upon application on behalf of the person applying for administration, supported by affidavits upon which, if there had been no caveat, administration would have been granted, make an order nisi for the grant of administration to the person applying, and every such order shall name a time and place for showing cause against the same, and the Court may enlarge any such order from time to time;
- (b) Every such order nisi, and every order enlarging the same, shall be served on the caveator by delivering a copy of the same at the address mentioned in his caveat;
- (c) If before the day named in the order nisi or the day to which the order is enlarged the caveat is withdrawn, the order nisi may be made absolute at any time thereafter;

- (d) In any case to which paragraph (c) of this section does not apply, if on the day named in the order nisi or on the day to which the order is enlarged, the caveator does not appear, the order nisi may be made absolute, upon an affidavit of service; but if the caveator appears, the hearing shall be conducted in the same manner as nearly as may be as in an ordinary action, and the Court may order
- (i) That the order nisi be made absolute or discharged; or
 - (ii) That the application for administration be made in solemn form, —
and any order made under subparagraph (1) or subparagraph (ii) of this paragraph may be with or without costs, as may be just, and if the Court so directs, those costs may be paid out of the estate;
- (e) Upon the hearing of the order nisi the parties may, subject to the rules, verify their cases in whole or in part by affidavit, but so that the deponent in every such affidavit shall, on the application of opposite party, be subject to be cross-examined by or on behalf of the opposite party orally in open Court, and after cross-examination may be re-examined orally in open Court by or on behalf of the party by whom the affidavit was filed;
- (f) In any case where a caveat is lodged by the Public Trustee, the Court may, if it thinks fit, order costs to be paid to him out of the estate, whether the order nisi is discharged or not.

MISCELLANEOUS PROVISIONS

32. Administration not to be granted to companies other than authorised companies—No grant of probate of the will of any deceased person or letters of administration of the estate of a deceased person, either with or without a will annexed, shall be made to any company unless the company is expressly authorised by an Act of Parliament to apply for and obtain the grant.

33. Devolution of loan stock without administration — (1) Where any person has died, whether before or after the commencement of this section, and at the time of his death the person was the registered holder of Government stock of a nominal value not exceeding one thousand tālā, the Registrar of Stock may register as holder of the stock any person who proves:

- (a) That the registered holder has died and administration of his estate has not been obtained in Western Samoa; and
- (b) That he is either —
 - (i) Beneficially entitled to the stock under the will or on the intestacy of the deceased stockholder; or
 - (ii) Entitled to obtain in Western Samoa administration of the estate of the deceased stockholder.

(2) In this section —

“Government stock” means any stock issued by or under the authority of the Government by virtue of any Act.

34. Payment without administration — (1) In the event of the death of any person to whom any sum of money not exceeding one thousand tālā is payable by a provident or superannuation fund, a society, a bank, an employer of the deceased person at or within six months before the date of his death, or the Government respectively, whether the death occurred before or after the commencement of this section, it shall be lawful, without requiring administration of the estate of that deceased person to be obtained in Western Samoa, and on receiving such evidence as it considers satisfactory that the person has died and that administration of his estate has not been obtained in Western Samoa, to pay the sum or any part thereof to any of the following persons:

- (a) The widow, widower, or children of the deceased person;
- (b) The persons beneficially entitled to the estate of the deceased person under the will or on the intestacy of that person;
- (c) Any person appearing to be entitled to obtain administration of the estate of the deceased person in Western Samoa;

- (d) Any person related by blood or marriage to the deceased person who undertakes to maintain the children of that person who are minors or any of them;
- (e) Any person who has the custody and control of any of the children of the deceased person who are minors:

Provided that no payment shall be made to any person unless he applies for or consents to receive that payment.

(2) It shall be lawful, out of the Government money to which subsection (1) of this section applies, to pay the funeral expenses of a deceased person or to refund the account of those expenses to any person who has paid them, in any case where no person has applied for or consented to receive payment of the money under subsection (1) of this section.

(3) Where money is payable by a bank in the event of the death of any person and comprises money in a separate investment account and also other money, the provisions of subsections (1) and (2) of this section shall apply separately to the amount of money in the investment account and to the amount of other money as if each such amount was the only amount payable by the bank in the event of the death of that person.

(4) Where, by virtue of a policy or policies of insurance within the meaning of any enactment relating to life insurance, a sum of money not exceeding one thousand tālā (including profits but not including any money that may be payable to or deductible by the company liable under the policy or policies) has become payable to the administrator of a deceased person, whether before or after the commencement of this section, it shall be lawful for the company, without requiring administration of the estate of the deceased person to be obtained in Western Samoa, and upon receiving such evidence as it considers satisfactory that the person has died and that administration of his estate has not been obtained in Western Samoa, to make payment of the sum or any part thereof to any of the persons to whom payment may be made under paragraphs (a) to (e) of subsection (1) of this section.

(5) Any payment made in good faith pursuant to this section to a person to whom the maker of the payment has reasonable grounds to believe that payment may be made

under this section shall be valid against all person whomsoever, and the maker of the payment shall be absolutely discharged from all liability in respect of money paid by him under this section.

(6) Every person to whom money is paid pursuant to this section shall be liable to apply the money in due course of administration, and the maker of the payment may, if he thinks fit, without being liable to see to the application of the money, require any such person to give sufficient undertakings, by bond or otherwise, that the money so paid will be so applied.

35. Saving — Nothing in the preceding section shall prevent any person to whom the money to which that section applies or any part thereof ought to have been paid from pursuing and exercising any remedy for recovery thereof against the person or persons to whom the money has been paid.

36. Other Acts providing for payment without administration not affected — Nothing in this Act shall affect the powers of any person or body to make any payment to, or register any person to be, the owner of any property in accordance with any of the provisions of any enactment for the time being in force authorising the payment of money belonging to the estate of a deceased person without requiring administration of the estate to be obtained.

PART II

ADMINISTRATION GRANTED OUT OF WESTERN SAMOA

37. Interpretation—For the purposes of this Part of this Act, —

“Probate or letters of administration” includes an exemplification of any probate or letters of administration, or a duplicate thereof sealed with the seal of the Court granting the same, or a copy thereof certified as correct by or under the authority of the Court granting the same, and also includes an exemplification or a copy certified by or under the

authority of any Court, or a duplicate sealed under the seal of any Court, of any instrument which is filed in or issued out of that Court and which within the jurisdiction of that Court operates to make any person the administrator of any property of a deceased person as if probate or letters of administration had been granted to him by that Court:

The filing in or the issuing out of any Court of any instrument which operates to make any person an administrator as aforesaid shall be deemed to be equivalent to the granting of probate or letters of administration by that Court to that person.

38. Estate of person dying abroad not to vest without administration obtained in Western Samoa — (1) Estate in Western Samoa belonging to any person who dies abroad shall not vest in any person under any bequest or devise, or under an intestacy, or by inheritance, until administration of that estate is obtained in Western Samoa; or, if probate or letters of administration of the estate have been granted in any place out of Western Samoa, unless the probate or letters of administration are resealed in Western Samoa as hereinafter provided.

(2) Upon the estate in Western Samoa becoming legally vested in accordance with the provisions of this section, the legal estate therein shall vest as from the time of the death of the person from whom it is obtained.

(3) This section shall not restrict the provisions of this or any other enactment relating to the payment or devolution of any estate without administration.

39. Resealing of probate, etc.—(1) When any probate or letters of administration granted by any competent Court in any other country is produced to and a copy thereof deposited with the Registrar of the Supreme Court, the probate or letters of administration may be sealed with the seal of the last-mentioned Court, and shall thereupon have the like force and effect and have the same operation in Western Samoa, and every executor and administrator thereunder shall perform the same duties and be subject to the same liabilities, as if the probate or letters of administration had been originally granted by the Supreme Court of Western Samoa.

(2) Nothing in this section shall prevent the Court from making an independent grant of administration in Western Samoa.

40. Seal not to be affixed till fees are paid—The seal of the Supreme Court of Western Samoa shall not be affixed to any probate or letters of administration granted in any country so as to give operation thereto as if the grant had been made by the Supreme Court of Western Samoa, until all such fees have been paid as would have been payable if the probate or letters of administration had been originally granted by the Supreme Court of Western Samoa.

41. No probate, etc., granted out of Western Samoa to be evidence unless resealed — (1) Probate or letters of administration granted in any place out of Western Samoa shall not be received in evidence of the title of any person to any estate in Western Samoa until the probate or letters of administration are resealed in Western Samoa as hereinbefore provided.

(2) This section shall not restrict the provisions of this or any other enactment relating to the payment or devolution of any estate without administration.

PART III

DISTRIBUTION OF INTESTATE ESTATES

42. Application of this Part of this Act—This Part of this Act shall not apply in any case where the death occurred before the commencement of this Act; and the estate of any person who died intestate before the commencement of this Act shall be distributed in accordance with the enactments and law in force at the death of that person.

43. Abolition of escheat — There shall be no escheat to the Government for want of heirs or successors.

44. Succession to real and personal estate on intestacy—

(1) Where any person dies intestate as to any real or personal estate, that estate shall be distributed in the manner or be held on the trusts mentioned in this section, namely:

(a) If the intestate leaves a husband or wife, the surviving husband or wife shall take the personal chattels absolutely, and, in addition, the residue of the estate shall stand charged with the payment of a sum of five thousand tālā to the surviving husband or wife with interest thereon from the date of the death until paid or appropriated, at the rate of five per centum per annum, and, subject to providing for that sum and the interest thereon, the residue of the estate shall be held,—

(i) If the intestate leaves issue, in trust as to one-third for the surviving husband or wife absolutely, and as to the other two-thirds on the statutory trusts for the issue of the intestate:

(ii) If the intestate leaves no issue, in trust as to two-thirds for the surviving husband or wife absolutely, and as to the other one-third if the intestate leaves both parents, in trust for the father and mother in equal shares absolutely or, if the intestate leaves only one parent, in trust for the surviving father or mother absolutely:

(iii) If the intestate leaves no issue or parent, in trust for the surviving husband or wife absolutely;

- (b) If the intestate leaves issue but no husband or wife, the estate shall be held on the statutory trusts for the issue of the intestate;
- (c) If the intestate leaves no husband or wife or issue but a parent or parents, the estate shall be held in trust for the parents in equal shares if they both survive the intestate but if only one of them survives the intestate for that one;
- (d) If the intestate leaves no husband or wife or issue or parent, the estate shall be held in trust for the following persons living at the death of the intestate, and in the following order and manner, namely:

Firstly, on the statutory trusts for the brothers and sisters (whether of full or of half blood) of the intestate; but if no person takes an absolutely vested interest under such trusts; then

Secondly, in trust for the grandparents of the intestate and, if more than one survive the intestate, in equal shares; but if there is no member of this class; then

Thirdly, on the statutory trusts for the uncles and aunts of the intestate, being brothers and sisters (whether of full or of half blood) of a parent of the intestate;

- (e) In default of any person taking an absolute interest under the foregoing provisions, the estate shall belong to the Government as bona vacantia, and in place of any right to escheat; and the Government may (without prejudice to any other powers), out of the whole or any part of the property devolving on it, provide for dependants, whether kindred or not, of the intestate, and other persons for whom the intestate might reasonably have been expected to make provision.

(2) A husband and wife shall for all purposes of distribution or division under the foregoing provisions of this section be treated as two persons.

45. Statutory trusts in favour of issue and other classes of relatives of intestate — (1) Where under this Act the estate of an intestate, or any part thereof, is directed to be held on the statutory trusts for the issue of the intestate, the same shall be held upon the following trusts, namely:

- (a) In trust, in equal shares if more than one, for all or any the children or child of the intestate, living at the death of the intestate, who attain full age or marry under that age, and for all or any of the issue living at the death of the intestate who attain full age or marry under that age of any child of the intestate who predeceases the intestate, the said issue to take through all degrees, according to their stocks, in equal shares if more than one, the share which their parent would have taken if living at the death of the intestate, and so that no issue shall take whose parent takes an absolutely vested interest:

Provided that if any person capable of taking under this paragraph (including this proviso) dies before taking an absolutely vested interest leaving any child or children who shall be living at the expiration of twenty-one years from the death of the intestate or who shall sooner attain full age or marry under that age, that child or those children shall take, in equal shares if more than one, the share which his, her, or their parent would have taken if he or she had not so died;

- (b) The statutory power of advancement, and the statutory provisions which relate to maintenance, education, and benefit, and the accumulation of surplus income, shall apply, and when a person becomes entitled to a vested share or interest under the statutory trusts, that person shall be entitled on attaining the age of eighteen years or sooner marrying to give a valid receipt for his share or interest;
 - (c) The administrator may permit any minor who has a vested or contingent interest in any personal chattels to have the use and enjoyment of the chattels in such manner and subject to such conditions (if any) as the administrator may consider reasonable, and without being liable to account for any consequential loss.
- (2) If the trusts in favour of the issue of the intestate fail by reason of no child or other issue attaining an absolutely vested interest -
- (a) The estate of the intestate and the income thereof and all statutory accumulations, if any, of the income thereof, or so much thereof as may not have been paid or applied under any power affecting the same, shall go, devolve, and be held under the provisions of this Act as if the intestate had died without leaving issue living at the death of the intestate;
 - (b) References in this Act to the intestate "leaving no issue" shall, subject to the provisions of this section, be construed as "leaving no issue who attain an absolutely vested interest";
 - (c) References in this Act to the intestate "leaving issue" or "leaving a child or other issue" shall, subject to the provisions of this section, be construed as "leaving issue who attain an absolutely vested interest".

(3) Where under this Act the estate of an intestate or any part thereof is directed to be held on the statutory trusts for any class of the relatives of the intestate, other than issue of the intestate, the same shall be held on trusts corresponding to the statutory trusts for the issue of the intestate as if those trusts were repeated with the substitution of references to the members or member of that class for references to the children or child of the intestate.

46. Application to cases of partial intestacy—(1) Where any person dies leaving a will effectively disposing of part of his estate, the provisions of this Part of this Act shall have effect in respect of the part of his estate not so disposed of, subject to the provisions of the will and of subsection (2) of this section.

(2) Where the deceased leaves a husband or wife who acquires as beneficial interest under the will of the deceased, the references in section 44 of this Act to a sum of five thousand tālā payable to a surviving husband or wife, and to interest on that sum, shall be taken as references to that sum diminished by the value of the said beneficial interest at the date of death, and to interest on that sum as so diminished and, accordingly, where the said value exceeds that sum, section 44 of this Act shall have effect as if references to that sum and to interest thereon were omitted.

(3) For the purposes of the foregoing provisions of this section the administrator may ascertain and fix the value of the said beneficial interest, and no action shall lie against the administrator if he distributes the estate in accordance with the value that he has honestly and reasonably so fixed.

PART IV

FAMILY PROTECTION

47. Court may grant relief—The Court may grant to any widow, widower, parent, child, or grandchild of a deceased person who has died leaving estate in Western Samoa, such relief thereout as to it seems just, if the Court is satisfied

(having regard to all the circumstances of the case) that such widow, widower, parent, child, or grandchild is insufficiently provided for.

48. Time for making application—Application for relief under this Part of this Act shall be made by way of motion in accordance with the rules of the Court and shall be made within twelve months after the grant of probate in Western Samoa:

Provided that the Court may on special grounds give leave to make an application for relief at any time after the expiration of the said period.

49. Orders for relief—The Court may order that any specified part or parts or that the whole estate shall bear the amount or extent of any relief granted under this Part.

50. Following of assets—The Court may, if it thinks it just and equitable, order any person having an interest in any assets which formed part of the estate of the deceased person and which had been distributed at any time prior to the hearing of the application for relief, to transfer or pay such interest to the administrator or trustee of the estate, or to the applicant for relief, upon such terms (if any) as in the circumstances the Court shall think fit.

P A R T V

MISCELLANEOUS

51. Repeals—(1) The enactments specified in the Second Schedule to this Act are hereby repealed as part of the law of Western Samoa.

(2) The Reprint of Statutes Act 1972 is hereby amended -

(a) By omitting from the Schedule, under the heading "New Zealand Acts", the item "The Administration Act 1952";

- (b) By omitting from the Schedule, under the heading "Regulations and orders made under the authority of the Samoa Act 1921", the item "The Samoa Reciprocal Administration Order 1930: New Zealand Gazette 1930, p. 2835", and the item "The Samoa Administration Order 1939": N.Z.S.R. 1939/46.

52. Regulations—The Head of State, acting on the advice of Cabinet, may from time to time make all such regulations as shall be necessary or expedient for the due administration of this Act.

SCHEDULES

FIRST SCHEDULE

Section 28:

**ORDER TO PUBLIC TRUSTEE TO ADMINISTER
IN THE SUPREME COURT OF WESTERN SAMOA**

The.....day of.....19.....

UPON reading the affidavits of.....it is ordered that the Public Trustee shall be administrator of all the real and personal estate of..... deceased [with the will of the said..... annexed].

SECOND SCHEDULE

Section 51:

ENACTMENTS REPEALED

- The Administration Act 1952 (New Zealand).
- The General Law (No. 2) Ordinance 1932: section 13.
- The Samoa Reciprocal Administration Order 1930 (New Zealand).
- The Samoa Administration Order 1939 (New Zealand).



Samoa i Sisifo

Vaevaeina

Igoa

1. Igoa pu'upu'u
2. Fa'amatalaina o upu
3. E noatia le Malo i le Tulafono
4. Fa'aaogaina

VAEGA I

O LE PULEA E LE TAGATA E PULEA
FAATAGAINA O LE PULEA

5. Pule'aga tau le fa'amaonia aloa'ia e le Fa'amasinoga Sili
6. Pule—faitalia a le Fa'amasinoga e fa'asino i le tagata o ia lea na fa'ataga atu iai le pulea
7. O le pulea fa'atasi ai ma le mavaega ua fa'apipi'i iai
8. Fa'amutaina o le aiā tatatu a lē e fa'ama'apeina na te fa'amaonia ai
9. O lē e fa'ama'apeina a lē e fa'ama'apeina se mavaega e aveva ma sui o le tagata muamua e ona le mavaega
10. Ia auina atu se fa'aaliga i le Tausi Mavaega o le Malo e uiga i ni talosaga mo le pulea
11. Taualumaga pe afai e fa'atalalē le tagata e fa'ama'apeina i le fa'amaonia o le mavaega
12. Fa'ate'aina po o le ave'eseina o lē e pulea

O LE PULEA O ESETETE

13. Ia lē aveva ma sui lē e fa'ama'apeina a o loo tu i le tofi se tasi tagata e pulea
14. Ia tu'uina atu le pule o esetete i lē na te pulea
15. O le faiga e ao ina umia ai esetete e lē na te pulea
16. Ia aveva esetete o ni mea totino mo le togiina o aitalafu, ma isi mea
17. Pule e fa'atau atu ai i luga o le leai o se mavaega

18. O aitalafu i lalo o ni tusi fa'a maoni ma ni feagaiga tusia pe fai fofoga ia i le tulaga tutusa
19. O aitalafu i luga o mea totino a se tagata ua maluu e ao ina totogi muamua mai le mea totino e noatia ai
20. Noataga o se mea fa'apitoa ua tu'uina atu i se mavaega po o se mea tu'ufa'asolo e ala atu i se mavaega pe afai ua lē lava le esetete e noatia tonu ai
21. Aiā tatau ma noatga o lē e pulea
22. E mafai ona tapaina lē e pulea ina ia na fa'aalialia se fa'asologa auiliili o mea o le esetete
23. Puipuiga o tagata o lo o galulue i luga o le pulea
24. Noataga o se tagata ua na mauaina po o ua na taofia i se faiga tau-fa'asesē le esetete a lē ua maluu

PULE MA TAUALUMAGA A LE
FAAMASINOGA

25. Fa'atonuga i lē e fa'ama'apeina ina ia na faamaonia po'o le faamatu'ueseina atu, ma isi mea
26. O le tu'uina mai o ni pepa aloa'ia fa'ale—tulafono ua fa'atatauina o se mea tau mavaega
27. Faiga masani a le Fa'amasinoga i lana puleaga tau le pulea
28. Pepa o le poloaiga i le Tausi Mavaega o le Malo
29. Pule e fai ai tulafono laiti

LAPATA'IGA FA'ALE—TULAFONO

30. E mafai ona fa'aulu ni lapata'iga fa'ale—tulafono
31. Afai ua fa'aulu se lapata'iga fa'ale-tulafono, e mafai e le Faamasinoga ona fa'atagaina se poloaiga fa'atapulaina

TU'UTU'UGA ESEESE

32. Ia lē fa'atagaina le pulea i ni kamupani e ese ai na i lo kamupani ua fa'atagaina
33. O le tu'ufa'asolo atu mai se tasi tagata i se isi tagata o sea i se faaunega-tupe e aunoa ma le pulea
34. Totogiina atu o ni tupe e aunoa ma le pulea
35. Mea ua fa'asaoina
36. E lē aafia ai nisi Tulafono o lo'o faia ai ni tuutuuga mo le totogiina o ni tupe e aunoa ma le pulea

VAEGA II

O LE PULEA NA FA'ATAGAINA I FAFO ATU O SAMOA I SISIFO

37. Fa'amatalaina o upu
38. O le esetete a se tagata ua maliu i nu'u mamao ia lē tu'uina atu i ai le pule e aunoa ma le maua mai o le pulea i totonu o Samoa i Sisifo
39. O le toe fa'amau—fa'ailogaina o le fa'amaoniga fa'ale—tulafono o se mavaega ma isi mea
40. Ia lē fa'apipi'iina le fa'amau-fa'a-ilogaga se'ia o'o ina ua uma ona totogi mai totogi fuapauina
41. E leai se fa'amaoniga fa'ale-tulafono o se mavaega, ma nisi mea, na faatagaina i fafo atu o Samoa i Sisifo e ao ina avefa ma molimau seia vagana ai ona ua toe faamau-fa'ailogaina

V A E G A III

TUFATUFAINA O ESETETE A SE TAGATA UA MALIU A E LEAI SANA MAVAEGA

42. Fa'aaogaina o lenei Vaega o le Tulafono lenei
43. Soloia o le fa'aliliuina o le pule i se mea totino i le Malo
44. O le soloa'i atu i se esetete tumau ma se esetete le tumau i luga o le leai o se mavaega
45. Tupe tausi faale-tulafono mo le lelei o le fanau ma isi vasega o tagata o le aiga o lē ua maliu a e leai sana mavaega
46. Fa'aaogaina i se vaega o mea totino e le'i faia iai se mavaega

V A E G A IV

PUIPUIGA O LE AIGA

47. E mafai e le Fa'amasinoga ona fa'atagaina se fesoasoani
48. Taimi mo le faiga o talosaga
49. Poloaiga mo se fesoasoani
50. Tuliloaina o mea totino o le esetete

V A E G A V

MEA ESEESE

51. Mea ua soloia
52. Tulafono fa'atonutonu Faamatalaga

1975, Nu. 23

O SE TULAFONO e fa'amautu a'i le tulafono e fa'asino i le pulea o esetete a ni tagata ua malilii. [23 *Tesema* 1975]

UA FAIA e le Fono Aoaofaitulafono a Samoa i Sisifo i totonu o le palemene ua potopoto e faapea:—

1. Igoa puupuu—E mafai ona taua le Tulafono lenei o le tulafono o le Pulea 1975.

2. Faamatalaina o upu—I totonu o le Tulafono lenei, a'e se'ia vagana ai ona ua manaomia e le faaupuga nisi uiga e ese ai—

“Pulea” e aofia ai le faamaoniga faale-tulafono o le mavaega a se tagata ua maliu, ma tusi tau le pulea o le esetete a se tagata ua maliu, na faatagaina faatasi ai po o e aunoa ma se mavaega e faapipi'i iai; ma i le itu i le Tausi Mavaega o le Malo, e aofia ai se poloaiga e pulea ai, ma se filifiliga e pulea ai: “Tagata e Pulea” o lona uiga o so o se tagata o ia lea ua faatagaina iai le pulea:

“Faamasinoga” o lona uiga o le Fa'amasinoga Sili o Samoa i Sisifo; ma e aofia ai se Alii Fa'amasino o lea Fa'amasinoga:

“Esetete” o lona uiga o se mea totino tumau ma se mea totino tau le tagata lava ia o so o se ituaiga:

“Tagata ua maliu a'e le'i faia sana mavaega” e aofia ai se tagata o ia lea ua na taua se mavaega a e ua maliu e le'i faia sana mavaega e faasino i nisi aiā tatau e faamanuiaina ai i ana mea totino tumau ma mea totino tau le tagata lava ia:

“Mea e mafai ona feavea'i tau le tagata lava ia”, i le itu i so'o se tagata o ia lea ua maliu, o lona uiga o mea uma tau le lotoifale po'o le faaaogaina e le tagata lava ia po'o ni mea teuteu faa-matagofie a'i sa pulea e ia, e avea o le e ona faale-tulafono po'o e ono faamanuiaina ai, i le taimi lava a'o lumana'i ai lona maliu; a'e peita'i e le aofia ai so'o se mea e mafai ona feavea'i na faaaogaina faapitoa pe na faaaogaina atoatoa i le taimi o le maliu o le tagata ua maliu e leai sana mavaega mo galuega tau le pisinisi, po'o se tupe, po'o ni pui-puiga malu mo se tupe:

“Resitara” o lona uiga o le Resitara o le Faamasinoga Sili:

“Tulafono laiti” o lona uiga o tulafono laiti e faia mai lea taimi i lea taimi i lalo o le pule faataga a lenei Tulafono:

“Pui-puiga malu” e aofia ai ni mea—tatsia, tupe, sea, ma ni tupe pepa e ono mafai ona fa'aliliuina:

“Mavaega” e aofia ai se mea ua faapo'opo pe sui a'i se mavaega: O fuaitau e faasino i se tamaiti'iti po o se suli o lo o ola i le taimi o le maliu. o so o se tagata e aofia ai se tamaiti'iti po o se suli o ia lea ua

i le ma'itaga o se tina a e le'i fanau mai i le taimi o le maliu, a e peita'i o ia lea ua fanau mai mulimuli ane o ola.

3. E noatia le Malo i le Tulafono—O lenei Tulafono o le a noatia ai le Malo.

4. Fa'aaogaina—Se'ia vagana ai se tasi faiga e ese ai ua aiaia iinei, o le fa'aaogaina lava lenei Tulafono i itu ta'itasi uma, tusa lava pe na alia'i mai le maliu a o lumana'i ai po o ua tuana'i ai le amataga o lenei Tulafono.

VAEGA I

O LE PULEA E LE TAGATA E PULEA

FA'ATAGAINA O LE PULEA

5. Puleaga tau le faamaonia aloaia e le Faamasinoga Sili—(1) O le Fa'amasinoga Sili o le a fa'aaauu pea ona ia te ia le puleaga ma le pule-faataga i le itu i le faatagaina atu ma le toe soloia o mavaega ma tusi tau le pulea faatasi ai po'o e aunoa ma se mavaega e faapipi'i iai o esetete a ni tagata ua maliliu, ma i le itu i le faafogogaina ma le fuafuaina o se tonu o taualumaga e faasino i mataupu tau mavaega ma mataupu e faasino i esetete a tagata ua maliliu.

(2) E aunoa ma le fa'atapula'aina ai o le fa'afuiaiupu (1) o lenei fuaiupu po'o o so o se tasi lava tulafono, o le a tatau ona iai i le Faamasinoga le puleaga e faia ai se faatagaina o le fa'amaoniga fa'ale-tulafono po o ni tusi tau le pulea i le itu i se tagata ua maliu, tusa lava pe na tu'uina pe leai e le tagata ua maliu so'o se esetete i totonu o Samoa i Sisifo po'o se tasi lava atunuu, ma e tusa foi po'o iai se tagata na faia iai le fa'atagaina i totonu o Samoa i Sisifo pe leai.

6. Pule-faitalia a le Faamasinoga e faasino i le tagata o ia lea ua faataga atu iai le pulea—I le faatagaina o ni tusi tau le pulea fa'atasi ai po o e aunoa ma se mavaega e fa'apipi'i iai, po'o se pologa e pulea ai faatasi ai po'o e aunoa ma se mavaega e faapipi'i iai, i le itu i le esetete a so o se tagata ua maliu po'o so'o se vaega o lea lava esetete, o le a tatau i le Fa'amasinoga ona na aloa'ia ai aiā tatau a tagata uma e aiā

i le esetete, a le tagata ua maliu po'o tupe e maua mai le faatauina atu o ia lava esetete ma, a'emaie ai lava o le pulea faatasi ai ma se mavaega ua faapipi'i iai e mafai lava ona faatagaina i se tagata ua mavaeai'ina po'o se tagata ua tuuina atu iai le pule tuufaasolo i se mavaega, ma o so'o sea pulega e mafai lava ona faatapula'aina i so'o se auala ua finagalo le Faamasinoga e tatau ai:

A'e vagana ai ona afai e maliu le ua maliu a'e matua leai atoatoa sana mavaega e fa'asino i lana esetete, o le a tu'uina atu lava le pulea i se tasi po o nisi tagata e aia ma faamanu-iaina ai i le esetete a le ua maliu, pe a fai latou te faia se talo-saga mo lea itu.

7. O le pulea faatasi ai ma le mavaega ua faapipi'i iai— Afai ua fa'atagaina e le Fa'amasinoga le pulea o le esetete a se tagata ua maliu faatasi ai ma le mavaega ua fa'apipi'i iai, o le a tatau lava ona fa'atinoina ma tausisia le mavaega a le ua maliu i le faiga lava e tasi e peisea'i ua uma ona faa-tagata atu se faamaoniga faale-tulafono o lea lava mavaega i le ua taua ai le igoa i totonu na te faamaapeina tuutuuga o le mavaega.

8. Fa'amutaina o le aiā tatau a lē e fa'ama'apeina na te fa'amaonia ai—(1) Afai o se tagata ua tofia e avea o lē e fa'ama'apeina i se mavaega —

- (a) O lo o soifua pea a ua maliu lē na faia le mavaega a e peitai, ua maliu e aunoa ma le fa'atagaina atu iai o se fa'amaoniga fa'ale-tulafono o le mavaega; po o
- (b) Ua vala'auina ina ia o'o mai i luma o le fa'amasinoga na te aveina le fa'amaoniga fa'ale-tulafono o le mavaega ma ua lē o'o mai e tusa ai ma le vala'au atu; po o
- (c) Ua na fa'amatu'ueseina atu aloa'ia le fa'amaoniga fa'ale-tulafono o le mavaega, o le a tatau lava ona faamutaina atoatoa ana aiā tatau i le tulaga tau le faama'apeina o le mavaega, ma o le itu i le avea ma sui o lē e ana le mavaega ma le pulea o le esetete a le na faia le mavaega o le a tatau lava ona tuu-fa'asolo ifo ma taofia aloa'ia e peisea'i lava sa le'i tofia lea tagata e avea o lē e fa'ama'auina le mavaega.

(2) Afai o se tagata ua tofia e se mavaega ina ia avea o lē e fa'ama'auina le mavaega ma o lē e tausi-mavaega, ma o ana aiā tatau i le itu i le fa'ama'apeina o le mavaega ua fa'amutaina atoatoa i lalo o le fa'afuaiupu (1) o leni fuaiupu, o ana aia tatau i le itu i le avea ma tausi-mavaega o le a tatau lava ona tu'ufa'asolo ifo ma tofia aloa'ia po o e tatau ona faamutaina e peisea'i lava sa le'i tofia o ia e avea ma tausi-mavaega:

A e vagana ai ona e leai se mea o i totonu o leni fa'afuaiupu o le a tatau ona taofia ai le tofia mulimuli ane o ia e avea ma tausi-mavaega.

9. O lē e faama'apeina a le e faama'apeina se mavaega e avea lea ma sui o le tagata muamua e ona le mavaega—
(1) O se tagata e fa'ama'apeina a se tagata e toatasi po o se tagata mulimuli o lo o soifua e fa'ama'apeina le mavaega a se tagata e ona le mavaega:

A e vagana ai ona fa'apea, mo le a'ano moni o tu'utu'uga ua ta'ua i luga o leni fa'afuaiupu, o se tagata o ia lea na te lē fa'amaonia le mavaega a lana tagata e ona le mavaega o le a faatatauina lava e le o ia o se tagata e faama'apeina le mavaega e ui lava ina ua tofia faapena o ia e le mavaega.

(2) O taimi uma lava e lē motusia ai le filifili po'o le faasologa o ē na avea ma sui o le tagata mulimuli e faama'apeina se mavaega i le faasologa o ia lava lea o le tagata e faama'apeina le mavaega a tagata taitasi uma e ona le mavaega ua muamua atu.

(3) O le faasologa o ē na avea ma sui, e motusia ona—

(a) O le lē tuuina o se mavaega; po o

(b) O le lē tofia e se tagata e ona le mavaega o se tagata e faama'apeina le mavaega; po o

(c) O le lē maua mai o se faamaoniga faale-tulafono o se mavaega.

(4) O tagata taitasi uma i totonu o le faasologa o ē e avea ma sui o se tagata e ona le mavaega—

(a) E ia te ia aiā tatau lava e tasi i le itu i le esetete a lea tagata e pei ona semanu e maua e le ulua'i tagata e fa'ama'apeina le mavaega pe a na fai e soifua pea o ia; ma

- (b) Ua tatau ona mautali atu o ia, e tusa ai ma le tula-ga lea na o'o atu ai i ona lima le esetete a lea tagata e ona le mavaega, e peisea'i lava o ia na mua'i avea o lē e faama'apeina le mavaega.

10. Ia auina atu se faaaliga i le Tausi Mavaega o le Malo e uiga i ni talosaga mo le pulea—O le taimi lava ua faauluina ai i totonu o le ofisa o le Fa'amasinoga Sili se talosaga e so o se tagata ua talosaga e ese ai na i lo le Tausi Mavaega o le Malo mo le pulea o le esetete a se tagata ua maliu, o le a tatau ona avea ai ma tiute o le Resitara le tuuina atu i le Tausi Mavaega o le Malo o se faaaliga o lo'o faaaliala ai—

- (a) Le aso o le faauluga, ma le aso (pe afai e i ai) o le suesuega;
 (b) Le igoa atoa o lē ua maliu;
 (c) Pe mata na maliu le tagata ua maliu a'e ua fai sana mavaega, po'o e leai sana mavaega ma, afai na fai sana mavaega, le aso o le mavaega.

11. Taulumaga pe afai e faatalale le tagata e fa'ama'apeina i le faamaonia o le mavaega—(1) I so'o se itu pe afai o so o se tagata e faama'apeina o loo ta'ua le igoa i totonu o se mavaega ua faatalalē po o ua musu i faamaonia le mavaega, po o i faamatuuese atu le faamaoniga faale-tula fono o sea lava mavaega, i totonu o le tolu masina talu ona maliu lē e ana le mavaega, e mafai e le Faamasinoga, i luga o le talosaga a so'o se tasi lava tagata po'o ni tagata e faama'apeina mavaega po o so o se tagata e aia i le esetete po o a le Tausi Mavaega o le Malo po'o so'o se tagata e nofoaitalafu ai lē e ana le mavaega, ona faatagaina se poloaiga e ma'oti le taimi e valaauina ai le tagata e faama'apeina, o ia lea ua faapea ona faatalalē po o ua musu i faaaliala le mafuaga ua ala ai ona le tatau ona faatagaina le faamaoniga o le mavaega i lea lava tagata e faamaapeina na o ia lava po'o faatasi ai ma so'o se tasi lava tagata po'o ni tagata e faamaapeina mavaega po'o, a le o lea, pe ai se a e le tatau ai ona faatagaina atu le pulea i le ua talosaga po'o se tasi lava tagata.

(2) A oo ina ua faamaonia le faooina atu o le poloaiga, po o a oo ina ua faataunuaina e le Faamasinoga le faooina atu o le poloaiga, pe afai o le tagata e faamaapeina o ia lea na faapea ona valaauina a ua lē oo mai po o luga o se mafu-

aga ua faaaliala, e mafai e le Faamasinoga ona faia sea polo-aiga mo le pulea o le esetete, ma i le itu i totogi, e pei ona ua manatu o ia e tatau ai.

12. Faate'aina po o le aveeseina o lē e pulea—(1) Afai o se tagata e pulea ua toesea mai Samoa i Sisifo mo le sefululua masina e aunoa ma le tuuina o se tasi na tofia e ia e avea ma ona sui e tusa ai ma ala o le tulafono, po o ua mana'oina ia tuueseina mai le tofi o lē e pulea, po o ua oo ina ua le mafai ona galue e avea o le e pulea po'o ua le agavaa e galue faapena, po o pe afai ua talafeagai ai ona faate'aina po o le aveeseina mai le avea o se tagata e pulea, e mafai e le Faamasinoga ona faate'aina po o le aveeseina lea tagata e pulea ma e mafai pe afai ua manatu o ia e tatau ai ona tofia so o se tasi tagata e avea o le e pulea e sui a'i o ia i luga o ni tuutuuga ma ni aiaiga i itu uma e pei ona ua manatu le Faamasinoga e tatau ai.

(2) O lē e pulea ua faapea ona aveeseina po o ua faate'aina o le a tatau lava, mai le aso o lea poloaiga, ona faamuta le ono noatia mo ni gaioiga ma ni mea ua faia a e ua tuna'i le aso.

(3) A o'o ina ua faateaina po'o ua ave'eseina so'o se tagata e pulea e pei ona ta'ua muamua i luga (tusa lava po o ua tofia pe leai so o se tasi tagata e pulea) o le esetete ma aiā tatau uma a lē po o ē na pulea talu ai, ia na tu'uina atu le pule ia te ia po o i latou a o fa'apea ona galulue, o le a tatau lava ona avea ma tuuina atu o le pule i le po'o e e pulea o lo'o fa'aaauau pea (e aofia ai so o se tagata e pulea na tofia i lalo o le faafuaiupu (1) o lenei fuaiupu) o ia lea o le a iai ia lava pule, pule-fa'ataga, pule-faitalia, ma tiute, ma e mafai i itu uma lava ona galue, e peisea'i lava o ia po o i latou na mua'i tofia e avea o lē po o ē e pulea.

(4) O lenei fuaiupu o le a tatau lava, faatasi ai ma fetuu-tuunaiga uma e ono tatau ai, ona faalautele atu i le mataupu pe afai ua maliu se tagata e pulea, ma o pule ma pule-faataga ua faae'e atu i'inei, e mafai lava ona faataunu'uina ma o le a tatau ona faamamaluina faapena.

(5) E leai se mea o i totonu o lenei fuaiupu o le a tatau ona faatapula'aina ai le fuaiupu e 8 o lenei Tulafono.

O LE PULEA O ESETETE

13. Ia le avea ma sui le e faamaapeina a'o lo'o tu i le tofi le tagata e pulea—I le noatia ma fai fuafua i tu'utu'uga o lenei Tulafono ma o so o se tasi lava Tulafono ,pe afai ua fa'atagaina le pulea i le itu i so o se vaega o le esetete a se tagata ua maliu, ma e le o tofia i le taimi nei, e leai se tagata ese ai na i lo le tagata e pulea lea vaega o le esetete o le a tatau ona maua e ia le pule na te aumaia ai se tagi po o se tasi lava gaioiga e ese ai, e avea o lē e pulea a le tagata ua maliu i le itu i le esetete o lo o aofia ai i totonu po o ua a'afia i le fa'atagaina se'ia o'o ina ua toe ave'eseina po o ua toe soloia le fa'atagaina.

14. Ia tu'uina atu le pule o esetete i lē na te pulea—(1) O le taimi lava e fa'atagaina ai le pulea o le esetete a so o se tagata ua maliu, o le esetete uma lava e o'o mai i lea taimi le'i pulea a lea tagata, tusa lava pe na umia e ia i se tulaga fa'amanuiaina ai pe na tofia e ia i lana tausiga, o le a tatau lava ona tu'uina atu le pule i le na te pulea o ia lea ua faataga atu i ai le pulea o esetete uma o lo'o i ai i totonu a lea tagata:

A e vagana ai ona e leai se mea o i totonu o lenei fuaiupu o le a tatau ona a'afia ai le ulua'i tu'uina atu o le pule i se tagata e fa'ama'apeina i le fa'agaioiga o le tulafono.

(2) O le aiā tatau fa'ale-tulafono a tagata ta'itasi uma e pulea i so o se vaega o le esetete a se tagata ua maliu, tusa lava po o ua maliu o ia a o lumana'i ai po o ua tuana'i ai le amataga o lenei Tulafono, o le a tatau lava ona fa'asino i tua i, ma ia fa'atatauina e fa'apea ua alia'i mai loa lava ina ua maliu le tagata ua maliu, e peisea'i lava sa le'i iai se vai-taimi avanoa i le va o le maliu ma le fa'atagaina atu o le pulea.

(3) Afai o lo o iai i le taimi lava e tasi ni tagata e pulea e sili atu na i lo le to'atasi o so se vaega o le esetete, o le a tatau lava ona tu'uina atu le pule o lea vaega ia i latou e avea o ē e nofoia i le tulaga so'ofa'atasi.

15. O le faiga e ao ina umia ai esetete e lē na te pulea—I le noatia ma fai fuafua i tu'utu'uga o lenei Tulafono, o le a tatau i lē na te pulea ona na umia —

(a) Le esetete a so o se tagata o ia lea e maliu po o ua maliu, tusa lava po o le taimi a o lumana'i ai po o ua tuana'i ai le amataga o lenei Tulafono, a e ua

na tu'uina se mavaega e tusa ai ma mea-tausi ma le fa'ama'apeina o le mavaega, e o'o atu i le tula-ga o lea a'afia ai i le mavaega lea esetete;

- (b) Le esetete a so o se tagata o ia lea e maliu a ua tuana'i le amataga o lenei Tulafono e aunoa ma le faia o sana mavaega e fa'asino i lea esetete e tusa ai ma tu'utu'uga o le vaega III o lenei Tulafono;
- (c) Le esetete a so o se tagata o ia lea ua maliu a o lumana'i ai le amataga o lenei Tulafono e aunoa ma le faia o sana mavaega e fa'asino i lea esetete e tusa ai ma tu'utu'uga o aiaiga fa'ale-tulafono ia semanu e fa'aaoga iai pe a na fai e lē pasia lenei Tulafono.

16. Ia avea esetete o ni mea totino mo le totogiina o aitalafu, ma isi mea—O le esetete atoa a so'o se tagata ua maliu o le a tatau lava ona avea o mea totino ua i aao o lana tagata e pulea, mo le totogiina o tiute uma ma totogi fuapauina e ono tatau ona totogi i lalo o so o se Tulafono o lo o tu'uina atu po o lo'o tusia ai fa'a-aitalafu ni tiute po o ni totogi fuapauina i luga o esetete a tagata ua maliliu, ma mo le totogiina i le fa'agasologa e masani ai tau le pulea po o le fa'afocina o ana aitalafu ma o ni aitalafu na faia ma le tatau e lana tagata e pulea; ma mo ia itu e mafai e lē na te pulea, i se faiga e aupito sili ona atoatoa ma aloa'ia i le tulafono e pei ona sa ono mafai ona faia e lē e ana le mavaega po o lē e leai sana mavaega i le taimi a'o soifua o ia, ona faatau atu, lisi atu, (faatasi ai po'o e aunoa ma se fuaiupu tau le faitalia e filifili ai po'o le faamalosi ona faatau mai ai), po o le mokesi (faatasi ai po'o e aunoa ma se pule e faatau atu ai), le esetete, po'o so'o se vaega o lea lava esetete.

17. Pule e faatau atu ai i luga o le leai o se mavaega—(1) A o'o ina ua maliu se tagata a e leai sana mavaega e fa'asino i so o se esetete tumau po o se esetete e lē tumau, o le a iai i lana tagata e pulea le pule na te fa'atauina atu ai lea mea totino tumau ma vala'uina i totonu, fa'atau atu, ma faaliliuina i tupe se vaega o lea esetete e lē tumau lea atonu e lē o aofia ai se tupe, faatasi ai ma le pule na te tolopōina ai le faatauina atu, valaauina i totonu, ma le faaliliuina mo se vaitaimi e pei ona ua manatu lē na te pulea e tatau ai, e aunoa ma le ono noatia ai i le aitalafu, ma ina ia mafai ai

ona faapea, se'ia vagana ai ona ua mana'omia mo itu tau le pulea ona o le lē lava o isi mea totino, ia lē faatauina atu mea totino e mafai ona feavea'i i lalo o lenei fuaiupu a'e se'ia vagana ai ona o se mafuaga faapitoa.

(2) O lenei fuaiupu o le a tatau ona i ai le fa'amamaluga e ui lava ina fa'apea ua fa'amutaina le umia e lē na te pulea le esetete tumau po o se esetete e lē tumau e avea o lē na te pulea ma ua na umia sea lava mea e avea ai o le tausi-mavaega.

(3) Afai ua tuuina e lē ua maliu se mavaega o le a tatau ona iai i lenei fuaiupu le fa'amamaluga ae noatia ma fai fuafua i tu'utu'uga o lo o aofia i totonu o le mavaega.

18. O aitalafu i lalo o ni tusi fa'amaoni ma ni feagaiga tusia pe faifofoga ia i le tulaga tutusa—I le noatia ma fai fuafua i tu'utu'uga o lenei Tulafono ma o so se tasi lava Tulafono, i le pulea o le esetete a tagata ta'itasi uma o ia lea ua maliu, tusa po o luma atu po o tua mai o le amataga o lenei Tulafono, e leai se aitalafu po o se noataga o le tagata o le a tatau ona na maua so o se tulaga fa'amuamua po o se faiga fa'apitoa ona o le mafuaaga e tasi e fa'apea ua alia'i mai lea itu i lalo o se feagaiga e noatia ai, pepa faamaoni, po o se pepa na saunia fa'ale-tulafono i lalo o le fa'amau-fa'ailoga a e peita'i o tagata uma o lo'o nofo-aitalafu ai lea tagata, o le a tatau lava ona faafoeina e faapea o loo tula'i mai i le tulaga tutusa, ma ia fa'apea lava ona totogiina mai mea totino a le tagata ua maliu, tusa lava po o ia mea totino e fa'ale-tulafono po o, e sa'o ma tonu:

A e vagana ai ona e leai se mea o i totonu o lenei fuaiupu o le a tatau ona faa'leagaina pe afaina ai so o se lieni po o se aia tatau e taofia ai se mea totino a se tasi tagata se'ia o'o ina ua totogi sana aitalafu, se aitalafu e ao ina totogi, mokesi, po o se tasi lava puipuiga malu lea e mafai ona umia po o e tatau ona maua e so o se tagata lea sa nofo-aitalafu ai lē ua maliu mo le totogiina o lana aitalafu po o sona noataga.

19. O aitalafu i luga o mea totino a se tagata ua maliu e ao ina totogi muamua mai le mea totino e noatia ai—(1) Afai o se tagata ua maliu a'o umia e ia, po'o e tatau ona maua e ia po'o e tusa ai ma se pule lautele tau le tofia e lana mavaega ua na tuu'eseina atu ai, se aiā i le mea totino, po'o pe afai o se aia i le mea totino ua se'e atu i le tulaga o le soifua pea ina

ua maliu se tagata, ma o le taimi o lona maliu ua noatia ai le aiā tatau i le totogiina o se tupe, tusa lava pe ala atu i se mokesi, aitalafu e ao ina totogi, po'o se tasi lava faiga e ese ai, ma sa le'i faaalua e lē ua maliu i le mavaega, pepa faamaoni, po'o se tasi lava pepa se manatu e ese ai po'o se tasi lava faamoemoe, o le aiā tatau ua faapea ona noatia ai o le a tatau lava, i le itu i le va o tagata ese'ese o lo'o talosagaina e ala mai i le ua maliu, ona mua'i noatia sea mea mo le totogiina o vaega-tupe uma na tusia ai i luga o sea mea; ma o vaega taitasi uma o le aiā tatau ua ta'ua i luga, e tusa ai ma lona aogā po'o le tau, o le a tatau lava ona tau'aveina ai se vaega faatatauina o vaega-tupe na tusia i luga o le aofaiga atoa o ia lava mea totino.

(2) O se manatu e ese ai po o se tasi lava fa'amoemoe fa'a pena o le a lē tatau ona fa'atatauina e fa'apea ua fa'aalia —

(a) I se fa'atonuga fa'asalalau mo le totogiina o aitalafu po'o o aitalafu uma a le tagata e ana le mavaega mai lana esetete ta'utino, po o lana esetete tumau ma esetete ta'utino o lo o totoe, po o lana esetete tumau o lo o totoe, po o lana esetete ta'utino o lo o totoe; po o

(b) I se moliga tau aitalafu i luga o so o sea esetete - se'ia vagana ai ona ua toe fa'aalia atili lea fa'amoemoe i ni upu e fa'aalia manino po o i se fa'aloga e ono tatau ai e fa'asino i mea uma po o se vaega o le moliga i luga o le aia i le mea totino.

(3) E leai se mea o i totonu o lenei fuaiupu o le a tatau ona afāina ai le aiā tatau a se tagata e tatau ona maua e ia le tupe e totogi atu, lea o lo o molia ai le aiā i le mea totino ina ia maua mai ai le totogiina po o le fa'amalieina o lea lava togiga mai isi mea totino o le esetete po o se tasi lava faiga e ese ai.

20. Noataga o se mea faapitoa ua tuuina atu i se mavaega po o se mea tuufaasolo e ala atu i se mavaega pe afai ua lē lava le esetete e noatia tonu ai—Afai ua lē lava le esetete e noatia tonu ai a so o se tagata e ana le mavaega mo le totogiina o ana aitalafu mo lea itu, o ana esetete ta'itasi ua mavae'iina fa'apitoa po o ua tu'ufa'asolo atu i le mavaega (pe afai e sili atu i lo le tasi) o le a tatau lava ona noatia e totogi ai le mea ua lē lava, i le fua fa'atatau o le tau o ia esetete ta'i-

tasi pe a fuafua atu i le aogā po o le tau tu'ufa'atasi o esetete na mavaea'iina fa'apitoo pe na tu'ufa'asolo atu i le mavaega a le tagata e ana le mvaega.

21. Aiā tatau ma noataga o lē e pulea—O tagata taitasi uma o ia lea ua fa'ataga atu iai le pulea o le esetete a se tagata ua maliu, e ese ai na i lo se tagata e fa'ama'apeina, o le a tatau lava, a e noatia ma fai fuafua i tulaga fa'atapula'aina o lo o aofia i totonu o le fa'atagaina, ona maua e ia aia tatau ma noataga lava e tasi, ma e ono tatau ona mautali atu i le faiga lava e tasi e peisea'i o ia lava sa avea o le tagata e fa'ama'apeina mea totino a le ua maliu.

22. E mafai ona tapaina lē e pulea ina ia na faaalialia se faasologa auili'ili o mea o le esetete—O le a tatau i tagata ta'itasi uma e pulea, pe a o'o ina ua tapaina e le Fa'amasinoga ina ia fa'apea ona fai, ona na fa'ali'alia i luga o se tautoga i totonu o le Fa'amasinoga se fa'asologa auiliili e moni ma atoatoa o mea ma se fa'amatalaga tau tupe o le esetete a le ua maliu; ma o le a iai i le Fa'amasinoga le pule e o'o mai i le taini nei na te tapaina ai ē e pulea ina ia aumai i totonu ni fa'asologa auiliili o mea o le esetete.

23. Puipuiga o tagata o lo o galulue i luga o le pulea—O tagata ta'itasi uma e pulea po o se tagata o ia lea ua na faia so o se togiga po o se fa'ama'apega po o ua na tau'aveina so o se noataga, po o ia lea ua na fa'atagaina so o se togiga po o se fa'ama'apega ina ia faia, po o ia lea ua na faia so o se gaioiga po o ia lea ua na fa'atagaina so o se gaioiga ina ia faia, i le agaga fa'amaoni i lalo o se pulega o le a tatau, e ui lava i so o se fa'aletonu po o ni uiga ua o'o iai o lo o afaina ai le tulaga aloa'ia fa'ale-tulafono o le pulega po o lona toe soloia mulimuli ane, ona iai le toe totogiina o ni mea ua fa'aleaga-ina ma le puipuiga lava e tasi i le faia o lea itu, ma, i le itu i komisi ma totogi uma na maua e ia i le faia o lea itu, e pei ona semanu e maua e ia pe a na fai na aloa'ia fa'ale-tulafono ma e le'i toe soloia le pulega.

24. Noataga o se tagata ua na mauaina po o ua na taofia i se faigataufaasesē le esetete a le ua maliu—Afai o so o se tagata e ese ai na i lo lē na te pulea, i le ta'ita'i-sesēina o tagata o lo o nofo-aitalafu ai po o e aunoa ma se tau'i tāua ua atoatoa, ua na mauaina po o ua na taliaina po o ua na

umia so o se vaega o le esetete a se tagata ua maliu po o ua na faia le tatalaina atu o so o se aitalafu po o se noataga e tatau ona tu'uina atu i le esetete a lē ua maliu, o le a tatau ona molia o ia e avea o lē e fa'ama'apeina i lona lava sesē e o'o atu i le tulaga o le esetete na maua mai po'o ua o'o mai i ona a'ao, po o le aitalafu po o le noataga na tatala atu, ina ua uma ona to'eseina —

- (a) So se aitalafu mo se tau i tāua ma e aunoa ma se faiga taufa'asesē e tatau ona totogi atu ia te ia mai le tagata ua maliu i le taimi o lona maliu, lea e ono mafai i le tulaga e tatau ai ona taofia e se tagata e pulea; ma
- (b) So se togiga na faia e ia, lea e ono mafai i le tulaga e tatau ai ona faia e se tagata e pulea.

PULE MA TAUALUMAGA A LE FA'AMASINOGA

25. Faatonuga i le e faama'apeina ina ia na faamaonia po o le faamatuu'eseina atu, ma isi mea—O lea i ai i le Fa'amasinoga le pule na te fa'atonuina ai so o se tagata ua ta'ua le igoa e avea o le e faamaapeina i totonu o se mavaega ina ia na faamaonia po'o le faamatuu'eseina atu le faamaoniga faale-tulafono o le mavaega, ma (i le noatia ma fai fuafua i lenei Tulafono ma so'o se tasi lava tulafono ma tulafono laiti e puipui a'i) na te faia ai nisi lava mea e pei ona ua manatu o ia e tatau ai e uiga i le faatagaina po'o le toe soloia o le pulega, ma le faafogaina ma le faia o se faaiuga o taualumaga e faasino i mataupu tau le mavaega ma mataupu e faasino i esetete a tagata ua maliu.

26. O le tuuina mai o ni pepa aloa'ia faale-tulafono ua faatatauina o se mea tau mavaega—E mafai e le Faamasinoga, tusa po'o so'o se tagi po'o se tasi lava taualumaga o lo'o tatali pe leai i le itu i so o se pulega, ona poloa'iina so o se tagata ina ia na tu'uina mai so o se pepa po o se tusitusiga, ua avea po o ua fa'atautuina e avea o se mea tau se mavaega, lea atonu ua faaalua o lo'o umia, po' o lo'o iai se mea i lalo o le puleaga a lea tagata; ma afai ua le o faaalua e faapea o lo'o umia po'o lo'o i ai so'o sea pepa po'o se tusitusiga i lalo o le pule'aga a so'o se tagata, a'e ua aliali mai o lo'o i ai ni mafua'aga tatau e talitonu ai e faapea o lo'o ia te ia se malamala-

maga e uiga i so'o sea pepa po'o se tusitusiga, e mafai e le Faamasinoga ona faatonuina lea tagata ina ia o'o mai mo le itu tau le suesueina i totonu o le Faamasinoga e avanoa iai tagata uma, e faasino i lea lava suesuega; ma o le a tatau ona noatia lea tagata e tali atu i so'o se fesili ma, afai e faapea ona poloaiina, ia na tuuina mai ma aumaia i totonu so'o sea pepa po'o sea tusitusiga, ma o le a tatau ona noatia i lea lava faagasologa o le faalemigao pe afai ua le usitai e auai poo ua lē tali atu i so'o sea fesili po'o le lē aumaia i totonu o so'o sea pepa po'o se tusitusiga, e pei ona semanu e ono noatia ai o ia pe ana fai o ia o se vaega e auai ai se tagi i totonu o le Faamasinoga ma ua faia ai e ia so'o sea uiga lē usita'i; ma o todogi o so'o sea tagi po'o sea taualumaga o le a tatau lava ona i le pule-faitalia a le Faamasinoga.

27. Faiga masani a le Faamasinoga i lana puleaga tau le pulea—O le faiga masani a le Faamasinoga i le itu tau le pulea o le a tatau lava, a'e vagana ai pe afai ua aiaia se tasi faiga e ese ai e lenei Tulafono, po'o, e tulafono laiti e puipui a'i ona faatonuina, e tusa ai ma le tulaga ua o'o iai le mataupu o le a faaulufale mai, i le faiga masani a le Faamasinoga o lo'o faamamaluina e o'o mai i le taimi nei.

28. Pepa o le poloaiga i le Tausi Mavaega o le Malo—I so'o se taimi e fa'atagaina ai e le Fa'amasinoga se poloaiga i le Tausi Mavaega (tusa pe na o ia lava po o fa'atasi ai ma so se tasi lava tagata po o ni tagata) na te pulea ai le esetete a a so o se tagata na maliu o lea poloaiga o le a tatau lava ona i le pepa o lo o i totonu o Lona Lua o Fa'amatalaga i le Tulafono lenei po o i se tasi lava pepa po'o ni pepa e pei ona mafai ona fuafuaina e le tulafono faatonutonu.

29. Pule e fai ai tulafono laiti—O le pule e fai ai tulafono laiti o le Fa'amasinoga o le a tatau ona aofia ai le pule e fai ai tulafono laiti —

(a) E fuafuaina ai pepa tau le pulea;

(b) E fuafuaina ai le faiga masani ina ia maua mai se faatagaina tau le pulea, ma le taualumaga ma le faiga masani a le Fa'amasinoga ma tiute o le Resitara;

- (c) E faatonutonuina ai le tualumaga ma le faiga masani a le Fa'amasinoga i le itu i se pisinisi o pepa o fa'amaoniga fa'ale-tulafono e lē ono fa'afinauina po o pepa e masani ai o fa'amaoniga fa'ale-tulafono;
- (d) E fa'atonutonuina ai le tualumaga ma le faiga masani a le Fa'amasinoga i le itu i se pisinisi tau le faiga o pepa o faamaoniga faale-tulafono e ono faafinauina.
- (e) E fa'atonutonuina ai le faiga masani ma le tualuma-a le Fa'amasinoga i le itu i le toe faamau-faailogaina o pepa o faamaoniga faale-tulafono o mavaega po o tusi tau le pulea, ma a e maise ai lava mo le itu tau le tuuina atu i luga o ni tagata e talosaga mai i lalo o lea faiga masani mo le toe fa'amau-faailogaina o pepa o faamaoniga faale-tulafono o mavaega po o ni tusi tau le pulea, po o le fa'a-gafuaina o so o sea tagata mai, so'o se aiaiga e mana'omia lea e mafai ona tuuina atu i luga o ni tagata e talosaga atu i le Faamasinoga Sili o Samoa i Sisifo mo ni ulua'i faatagaina o pepa o faamaoniga faale-tulafono o mavaega po'o ni tusi tau le pulea;
- (f) E fuafuaina ai poloaiga o se tulaga faanatinati i luga o tagata e talosaga mai mo le pulea, lea o le a tatau ona fa'aaogā a e se'ia vagana ai ona ua fa'atonuina e le Fa'amasinoga i ni uiga fa'apitoa ua o'o iai se tasi lava faiga e ese ai;
- (g) Itu ese'ese mo le tauaveina o tuutuuga o lenei Tulafono i le tulaga e fa'amamaluina ai.

LAPATA'IGA FA'ALE-TULAFONO

30. E mafai ona faaulu ni lapataiga faale-tulafono—(1)

E mafai e so o se tagata ona fa'aulu i le Resitara se lapata'iga fa'ale-tulafono e faasaga i so o se talosaga mo le pulea i so o se taimi a o lumana'i ai le fa'atagaina o le pulea, ma o lapata'iga fa'ale-tulafono ta'itasi uma fa'apena o le a tatau lava ona fa'aalia ai le igoa o le tagata na te fa'auluina sea talosaga, ma se tuatusi i totonu o Samoa i Sisifo lea e mafai ona fa'ao'o atu ai ni fa'aaliga ia te ia.

(2) O ia lapata'iga fa'ale-tulafono ta'itasi uma o le a tatau lava, a e se'ia vagana ai ona ua vave faia se talosaga mo le pulea, ona fa'amutaina lona aogā ina ua fa'aiuina le tausaga e tasi talu mai le aso na fa'auluina ai le lapata'iga fa'ale-tulafono.

(3) So o se lapata'iga fa'ale-tulafono fa'apena, e mafai lava ona toe tatala i tua e le tagata na faia le lapata'iga fa'ale-tulafono i so o se taimi i se fa'aaliga tusia e tu'uina atu i le Resitara. O se kopi o so o sea fa'aaliga o le a tatau lava ona fa'ao'o atu i so o se tagata o ia lea ua talosaga mai mo le pulea po o ia lea ua fa'atagaina i ai se poloaiga fa'atapula'aina.

(4) E leai se mea o i totonu o lenei fuaiupu o le a tatau ona taofia ai so o se tagata o ia lea ua na fa'auluina se lapata'iga fa'ale-tulafono mai le fa'auluina o se lapata'iga fa'ale-tulafono mulimuli ane ai, tusa lava po o ua fa'amutaina le aogā po o ua toe tatala i tua pe leai so o se lapata'iga fa'ale-tulafono na fa'auluina muamua.

31. Afai ua faaulu se lapataiga faale-tulafono, e mafai e le Fa'amasinoga ona fa'atagaina se poloaiga fa'atapula'aina— I so o se itu pe afai ua fa'aulu se lapata'iga fa'ale-tulafono ma ua le'i fa'amutaina lona aogā pe toe tatala i tua, o le a tatau ona fa'aaogā iai tu'utu'uga ua tu'uina atu i lalo:

(a) E mafai e le Fa'amasinoga, i luga o se talosaga e avea ma sui a le tagata o lo o talosaga mo le pulea, e lagooni e ni fa'amatalaga-tautō ia, a na fai e leai se lapata'iga fa'ale-tulafono, semanū e fa'atagaina atu le pulea, ona na faia se poloaiga fa'atapula'aina mo le fa'atagaina o le pulega i le tagata o lo o talosaga, ma o ia poloaiga taitasi uma o le a tatau lava ona tāua ai se taimi ma le nofoaga mo le faaaliga o le mafuaga e fa'asaga i lea lava fa'atagaina, ma e mafai e le Fa'amasinoga ona na fa'alauteleina so o sea poloaiga mai lea taimi i lea taimi;

(b) So o se poloaiga fa'atapula'aina fa'apena, ma so o se poloaiga o lo o fa'alauteleina ai lea poloaiga, o le a tatau lava ona fa'ao'o atu i lē na faia le lapata'iga fa'ale-tulafono i le tu'uina atu o se kopi o lea lava poloaiga i le tuatusi o lo'o ta'ua i totonu lana lapata'iga fa'ale-tulafono;

(c) Afai ua toe tatala i tua le lapata'iga fa'ale-tulafono a o lumana'i ai le aso o lo o ta'ua i totonu o le poloaiga fa'atapula'aina po o le aso lea ua fa'alautele atu iai le poloaiga, e mafai ona faia ia matuā mautū atoatoa le poloaiga fa'atapula'aina i so o se taimi mulimuli ane ai;

- (d) I so o se itu e le fa'aaogaina i ai le parakarafa (i) o lenei fuaiupu, pe afai e o'o atu i le aso o lo o ta'ua i totonu o le poloaiga fa'atapula'aina, po o le aso lea ua fa'alautele iai le poloaiga, a e lē o'o mai lē na faia le lapata'iga fa'a'le-tulafono, e mafai ona faia ia matuā mautū atoatoa le poloaiga fa'atapula'aina, i luga o se fa'amatalaga-tautō o le fa'ao'oina atu; a e peita'i afai e o'o mai lē na faia le poloaiga fa'atapula'aina, o le a tatau lava ona ta'ita'iina le su'esu'ega i le faiga lava e tasi e toetoe ina tutusa ma le faiga e ono mafai ona faia i se tagi e masani ai, ma e mafai e le Fa'amasinoga ona na poloa'iina e fa'apea —
- (i) I le poloaiga faatapula'aina ua tatau ona faia ia matua mautu atoatoa po'o le soloia; po'o
O le talosaga mo le pulea e tatau lava ona faia i le tulaga o mafaufauga naunauta'i,—
ma o so o se poloaiga e faia i lalo o le fa'a-parakarafa (i) po o le fa'a-parakarafa (ii) o lenei parakarafa e mafai lava fa'atasi ai po o e aunoa ma ni totogi, e pei ona sa'o ma tatau ai, ma, pe afai e fa'apea ona fa'atonuina e le Fa'amasinoga, e mafai ona totogi atu ia totogi mai le esetete;
- (e) I luga o le fa'afogogaina o le poloaiga fa'atapula'aina e mafai e vaega e auai, a e noatia ma fai fuafua i tulafono laiti, ona fa'amaonia le atoa po o se vaega o a latou mataupu i se faamatalaga-tauto, a'e peitai o le a tatau i lē ua tautō i so o sea fa'amatalaga-tautō, i luga o le talosaga a le isi vaega tete'e e auai, ona noatia i le su'esu'eina i ni fesili e, po o e avea ma sui o le isi vaega tete'e e auai i le tulaga fai-fofoga i totonu o le Fa'amasinoga e avanoa iai tagata uma, ma ina ua uma ona su'esu'eina i ni fesili, e mafai ona toe su'esu'eina i ni fesili e fai-fofoga i totonu o le Fa'amasinoga e avanoa i ai tagata uma e, po o e avea ma sui o le vaega e auai lea na ia fa'auluina le fa'amatalaga-tautō;
- (f) I so o se itu pe afai ua fa'aulu se lapata'iga fa'ale-tulafono e le Tausi Mavaega o le Malo, e mafai e le Fa'amasinoga, pe afai e manatu o ia e tatau ai, ona poloa'iina ni totogi e ao ina totogi atu e ia mai le esetete, tusa lava po o ua fa'ataunuuina le poloaiga fa'atapula'aina pe leai.

TU'UTU'UGA ESE'ESE

32. Ia le faatagaina le pulea i ni kamupani e ese ai na i lo ni kamupanni ua faatagaina—E leai se faatagaina o le faa-maoniga fa'ale-tulafono o le mavaega a so o se tagata ua maliu po o ni tusi tau le pulea o le esetete a se tagata ua maliu, tusa lava po o ua iai fa'atasi po o e aunoa ma se mavaega e fa'a-pipi'i iai, o le a tatau ona faia i so o se kamupani a e se'ia va-gana ai ona ua fa'atagaina manino e se Tulafono a le Palemene ina ia talosaga mo lea itu ma ua maua mai le faatagaina.

33. O le tuufaasolo atu mai se tasi tagata i se isi tagata o sea i se faaunega-tupe e aunoa ma le pulea—Afai ua maliu so o se tagata, tusa lava po o luma atu po o tua mai o le ama-taga o lenei fuaiupu, ma i le taimi o lona maliu sa avea ai lea tagata o le ua resitara na te umia ni sea tau le Malo o se aoga maulalo ua tusia e lē silia le tasi le afe tālā, e mafai e le Resitara o Sea ona resitara e avea o lē na te umia le sea o so o se tagata, o ia lea ua na fa'amaonia e fa'apea:

(a) Ua maliu le na resitara na te umia ma o le pulea o lana esetete e lē maua mai i totonu o Samoa i Sisifo; ma

(b) O ia e tusa lava—

(i) Pe tatau ona fa'amanuiaina ai i lea sea i lalo o le mavaega po o luga o le leai o se mavaega a le na te umia sea ua maliu; po o

(ii) E tatau ona na mauaina i totonu o Samoa i Sisifo le pulea o le esetete a le na te umia sea ua maliu.

(2) I totonu o lenei fuaiupu -

“Sea tau le Malo” o lona uiga o so o se sea na tu'uina atu e, po o, i lalo o le pule-fa'ataga a le Malo e tusa ai ma le tulaga aloa'ia o so o se Tulafono.

34. Totogi'ina atu o ni tupe e aunoa ma le pulea—(1) A o'o ina ua alia'i mai le maliu o so o se tagata o ia lea e tatau ona totogi atu iai so o se aofa'iga o tupe e lē silia le tasi le afe tālā e se fa'aputuga-tupe mo le lumana'i manuia o tagata po o se supeaneueta, se sosaiete, se fale teutupe, se tagata sa fa'a-faigaluegaina le tagata ua maliu i, po o i totonu o le ono ma-sina a o lumana'i ai le aso o lona maliu, po o le Malo i le tulaga o lo'o tutu mai ai, tusa lava pe na alia'i mai le maliu na tupu

mai a o lumana'i ai po'o a ua tuana'i ai le amataga o lenei fuaiupu, o le a tusa ai ma ala o le tulafono, e aunoa ma le mana'omia o le pulea o le esetete a lea tagata ua maliu ina ia maua mai i totonu o Samoa i Sisifo, ma ina ua maua mai se faamatalaga molimau e pei ona ua faatatauina e ia ua faamalieina ai e faapea ua maliu le tagata ma e faapea, o le pulea o lana esetete ua lē o maua mai i totonu o Samoa i Sisifo, e totogi a'i le tupe po o so o se vaega o lea tupe i so o se tagata ua ta'ua i lalo:

- (a) O le fafine ua oti lana tane, tane ua oti lana ava, po o le fanau a le tagata ua maliu;
- (b) O tagata e fa'amanuiaina ai a latou aia le esetete a lē ua maliu e tusa ai ma le mavaega po o luga o le leai o se mavaega a lea tagata;
- (c) So o se tagata ua aliali mai e tatau ona na maua le pulea o le esetete a le tagata ua maliu i totonu o Samoa i Sisifo;
- (d) So o se tagata e faia ma le ua maliu e ala i le toto po o le fa'aipoipoga, o ia lea ua malie mai na te tausia le fanau a lea tagata, i latou ia o lo'o laiti po'o so'o se tasi o i latou;
- (e) So o se tagata o ia lea ua ia te ia le tausiga ma le pui-puiga o so o se tasi o le fanau a lē ua maliu i latou ia o lo'o laiti;

A'e vagana ai ona e leai se tupe o le a tatau ona totogi atu i so o se tagata se'ia vagana ai ona ua talosaga o ia mo, po o ua malie o ia na te taliaina lea tupe e totogi atu.

(2) O le a tusa ma ala o le tulafono, le totogiina atu o tupe alu i le falelauasiga o se tagata ua maliu, mai tupe a le Malo lea e fa'asino i ai le fa'afuaiupu (1) o lenei fuaiupu, po o le toe faafoi'ina atu o le aofaiga o ia tupe alu i so'o se tagata o ia lea na ia totogiina ia tupe, i so'o se itu pe afai e leai se tagata ua talosaga mo, po'o ua malie mai na te taliaina le totogi ina atu o le tupe e tusa ai ma le faafuaiupu (1) o lenei fuaiupu.

(3) Afai e ono tatau ona totogi atu se tupe e se fale teutupe pe a o'o ina ua alia'i mai le maliu o so o se tagata ma o lo'o aofia ai ni tupe o lo'o aofia i totonu o se teugatupe fa'afaigaluega e ese ai, ma e faapea foi nisi lava tupe, o lea tatau ona faa-aogaina eseese i ai aiaiga o faafuaiupu (1) ma le (2) o lenei fuaiupu i le aofaiga o tupe o lo'o i totonu o tupeteu faafai-galuega ma e o'o atu i le aofa'iga o isi lava tupe, e peisea'i o ia

aofa'iga ta'itasi o tupe sa na o le pau lava lea o le aofa'iga o tupe e tatau ona totogi atu e le fale teutupe pe a oo ina ua alia'i mai le maliu o lea tagata.

(4) Afai, ona o le aloa'ia o se pepa fa'amaoni po o ni pepa fa'amaoni o inisiua e tusa ai ma le uiga o so o se tulafono e fa'a-sino i le inisiua o le soifua, o se vaegatupe e le silia le tasi afe tālā (o lo'o aofia ai tupe mamā a e lē aofia ai so o se tupe lea e ono tatau ona totogi atu i, po'o e ono mafai ona toeseina e le kamupani e noatia ai i lalo o le pepa faamaoni po'o ni pepa faamaoni) ua tatau ona totogi atu i le o lo'o faamaapeina mea totino a se tagata ua maliu, tusa lava po'o a o lumana'i ai po o ua tuana'i ai le amataga o lenei fuaiupu, o le a tatau lava e tusa ai ma ala o le tulafono mo le kamupani, e aunoa ma le mana'omia o le pulea o le esetete a le tagata ua maliu ina ia maua mai i totonu o Samoa i Sisifo, ma, i luga o le maua mai o sea fa'amatalaga molimau e pei ona ua manatu o ia e ono tatau ai e fa'apea, ua maliu le tagata ma o le pulea o lana esetete ua le o maua mai i totonu o Samoa i Sisifo, ona na totogiina atu le vaegatupe po o so o se vaega o lea lava vaega-tupe i so o se tagata o ia lea e mafai ona totogi atu i ai se tupe e tusa ai ma parakarafa (a) e o'o i le (u) o le fa'afuaiupu (1) o lenei fuaiupu.

(5) So'o se tupe na totogi atu i le agaga faa-faamaoni e tusa ai ma lenei fuaiupu i se tagata o ia lea e iai ni mafuaga tatau ua talitonu ai le na faia le togiga e faapea o tupe e mafai ona totogi atu e tusa ai ma lenei fuaiupu o le a tatau lava ona aloaia faale-tulafono e faasaga i tagata uma lava, ma o le na totogi'ina atu le tupe o le a tatau lava ona matua faagafuaina atoatoa mai noataga uma i le itu i tupe na totogi atu e ia e tusa ai ma lenei fuaiupu.

(6) O tagata ta'ito'atasi uma ia ua totogi atu iai se tupe e tusa ai ma lenei fuaiupu o le a tatau ona noatia na te fa'aogaina sea tupe i le faagasologa e tatau ai o le pulea, ma e mafai e lē na ia totogiina atu le tupe, pe afai e manatu o ia e tatau ai, e aunoa ma le noatia ai o ia na te va'aia le fa'aogaina o le tupe, ona na tapaina so o sea tagata ina ia tu'uina mai ni ta'utinoga e tatau ai, e ala i se feagaiga e noatia ai po o se tasi lava faiga e ese ai, e fa'apea o le tupe na fa'apea ona totogi atu o le fa'aogaina lava fa'apena.

35. Mea ua Faasaoina—E leai se mea o i totonu o le fuaiupu talu ai o le a tatau ona taofia ai so o se tagata o ia lea sa ono tatau ona totogi atu iai le tupe lea e fa'asino iai lea fuaiupu, po o so o se vaega o lea lava tupe mai le tuliloaina ma le fa'ataunuaina o so'o se faiga e fo'ia ai mo le toe maua mai o lea lava tupe e fa'asaga i le tagata po o ni tagata i latou na totogi atu iai le tupe.

36. E lē aafia ai nisi Tulafono o lo'o faia ai tuutuuga mo le totogiina o ni tupe e aunoa ma le pulea—E leai se mea o i totonu o lenei Tulafono o le a tatau ona a'afia ai pule a so o se tagata po o se fa'alapotopotoga na te faia ai so o se togiga tau tupe i, po o, na te fa'amauiina ai so o se tagata e avea, o lē e ōna so'o se mea totino e tusa ai ma so'o se tasi o tuutuuga o so'o se tulafono o lo'o faamamaluina i le taimi nei o lo'o faatagaina ai le totogiina atu o se tupe e faasino i le esetete a se tagata ua maliu e aunoa ma le tapaina o le pulea o le esetete ina ia maua mai.

VAEGA II

O LE PULEA NA FA'ATAGAINA I FAFO ATU O SAMOA I SISIFO

37. Faamatalaina o upu—Mo le a'ano moni o lenei Vaega o le Tulafono leni, -

“Fa'amaoniga-fa'ale-tulafono o le mavaega po o tusi tau le pulea” e aofia ai se ata aloa'ia o so o se fa'amaoniga fa'ale-tulafono po o ni tusi tau le pulea, po o se ata faamaonia o sea lava mea ua faamau-faailogaina i le faamau-faailoga a le Faamasinoga o lo'o faatagaina ai lea lava mea, po'o se kopi o sea lava mea ua faamaonia e faapea ua sa'o e po'o e tusa ai ma le pule-faataga a le Faamasinoga o lo'o faatagaina ai sea lava mea ma e aofia ai foi se ata aloa'ia po'o se kopi ua faamaonia e po'o e tusa ai ma le pule-faataga a so'o se Faamasinoga, po'o se ata ua faamau-faailogaina i lalo o le faamau faailoga a so'o se Faamasinoga, o so'o se pepa ua saunia faale-tulafono lea ua faauluina i totonu po'o ua tuueseina atu mai lea Faamasinoga, ma o sea pepa e tusa ai ma le pule'aga faa-faamasinoga a lea faamasinoga e faagaoioia ina ia avea ai so'o se

tagata o le e pulea ma faafoeina so'o se mea totino a le ua maliu e peisea'i lava na faatagaina atu le faamaoniga faaletulafono po'o tusi tau le pulea ia te ia e lea Tulafono:

O le fa'auluina mai i totonu po o le tu'uina atu mai so o se Fa'amasinoga o so o se pepa ua saunia fa'ale-tulafono lea e fa'agaoioi ina ia avea ai so o se tagata o se tagata e pulea e pei ona ta'ua muamua i luga o le a faatatauina lava faapea e tutusa ma le faatagaina atu o le faamaoniga faale-tulafono o le mavaega po'o tusi tau le pulea e lea Faamasinoga i lea tagata.

38. O le esetete a se tagata ua maliu i nuu **mamao ia lē tuuina** atu iai le pule e aunoa ma le maua mai o le pulea i totonu o Samoa i Sisifo—(1) O se esetete i totonu o Samoa i Sisifo e fa'asino i so o se tagata o ia lea ua maliu i nu'u mamao, o le a lē tatau ona tu'uina atu ai le pule i so o se tagata e tusa ai ma so o se mea e tu'uina atu fa'ameaalofa i se mavaega, po o se tu'uina atu fa'a-meaalofa o se fanua po o nisi mea fa'apena i se mavaega po o, i lalo o le maliu a e leai se mavaega, po o, e avea ma tofi e tu'ufa'asolo atu i sulii, se'ia vagana ai ona ua maua mai le pulea o lea esetete i totonu o Samoa i Sisifo; po o, pe afai ua uma ona fa'atagaina atu le fa'amaoniga fa'ale-tulafono o le mavaega po o tusi tau le pulea o le mavaega i totonu o so o se nofoaga e i fafo atu o Samoa i Sisifo, se'ia vagana ai ona ua toe fa'amau-fa'ailogaga le fa'amaoniga fa'ale-tulafono o le mavaega po o tusi tau le pulea i totonu o Samoa i Sisifo e pei ona aiaia mulimuli ane iinei.

(2) A o'o ina ua tu'uina atu fa'ale-tulafono le pule i le esetete i totonu o Samoa i Sisifo e tusa ai ma tu'utu'uga o lenei fuaiupu, o le a tatau ona tu'uina atu le esetete fa'ale-tulafono o lo'o iai i totonu e afua mai i le taimi o le maliu o le tagata o ia lea na maua mai ai le esetete.

(3) O lenei fuaiupu o le a lē tatau ona fa'atapula'aina ai tu'utu'uga o lenei po o so o se tasi lava tulafono e fa'asino i le totogiina atu po o le fa'aliliuina atu i se tasi o so o se esetete e aunoa ma le pulea.

39. O le toe faamau-faailogaina o le faamaoniga faale-tulafono o se mavaega, ma isi mea—(1) Afai o so o se faamaoniga fa'ale-tulafono o le mavaega po o tusi tau le pulea na faatagaina e so'o se Faamasinoga e tatau ai i totonu o so'o

se tasi lava atunuu ua tuuina mai i ma ua faao'o atu se kopi o lea lava mea i le Resitara o le Faamasinoga Sili e mafai ona faamau-faailogaina le faamaoniga faale-tulafono o le mavaega po'o tusi tau le pulea i le faamau-faailoga a le Faamasinoga ua taua mulimuli, ma o le a tatau loa lava ona iai le faamamaluga ma le taunuuga lava e tasi ma le faagaioiga lava e tasi i totonu o Samoa i Sisifo, ma o tagata taitasi uma e faama'apeina ma lē e pulea mea totino i lalo o ia lava pepa o le a tatau ona na faataunuaina ia lava tiute ma ia noatia ma fai fuafua i ia lava noataga, e peisea'i lava na mua'i faatagaina le faamaoniga faale-tulafono o le mavaega po'o tusi tau le pulea e le Faamasinoga Sili o Samoa i Sisifo.

(2) E leai se mea o i totonu o lenei fuaiupu o le a taofia ai le Fa'amasinoga mai lona faia o se fa'atagaina auliuli tau le pulea i totonu o Samoa i Sisifo.

40. Ia lē faapipi'ina le faamau-faailoga se'ia o'o ina ua uma ona totogi mai totogi fuapauina—E lē tatau ona faapipii atu le fa'amau-fa'ailoga a le Fa'a'masinoga Sili o Samoa i Sisifo i so o se fa'amaoniga fa'ale-tulafono o le mavaega po o ni tusi tau le pulea na faatagaina i totonu o so'o se atunu'u, ina ia mafai ai ona tu'uina atu le fa'amamaluga i ia pepa e peisea'i lava na faia le fa'atagaina e le Fa'amasinoga Sili o Samoa i Sisifo, se'ia o'o ina ua uma ona totogi mai totogi fuapauina uma ia semanū e ono tatau ona totogi pe a na fai e mua'i fa'atagaina atu le fa'amaoniga fa'ale-tulafono o le mavaega po o tusi tau le pulea e le Fa'amasinoga o Samoa i Sisifo.

41. E leai se faamaoniga faale-tulafono o se mavaega, ma nisi mea, na faatagaina i fafo atu o Samoa i Sisifo e ao ina avefa ma molimau se'ia vagana ai ona ua toe faamau-faailogaina—(1) O se faamaoniga faale-tulafono o le mavaega po o tusi tau le pulea na faatagaina i so'o se nofoaga e i fafo atu o Samoa i Sisifo o le a lē tatau ona talia i totonu o molimau tau le pulea a so'o se tagata i so'o se esetete i totonu o Samoa i Sisifo se'ia vagana ai ona ua toe faamau-faailogaina le faamaoniga faale-tulafono o le mavaega po'o tusi tau le pulea i totonu o Samoa i Sisifo e pei ona aiaia muamua iinei.

(2) O le a lē fa'atapula'aina e lenei fuaiupu tu'utu'uga o lenei po o so o se tasi lava tulafono e fa'asino i le totogiina po o le fa'aliliuina atu i se tasi tagata o so o se esetete e aunoa ma le pulea.

V A E G A III

TUFATUFAINA O ESETETE A SE TAGATA UA MALIU A E LEAI
SANA MAVAEGA

42. Faaagaina o lenei Vaega o le Tulafono lenei—O le a lē tatau ona fa'aaogaina lenei Vaega o le Tulafono lenei i so o se itu pe afai na alia'i mai le maliu a o lumana'i ai le amataga o lenei Tulafono; ma o le esetete a so o se tagata o ia lea na maliu a e leai sana mavaega a o lumana'i ai le amataga o lenei Tulafono, o le a tatau lava ona tufatufaina e tusa ai ma aiaiga fa'ale-tulafono ma le tulafono o lo'o fa'amamaluina i le taimi na maliu ai lea tagata.

43. Soloia o le fa'aliliuina atu o le pule i se mea totino i le Malo—O le a lē tatau ona fa'aliliuina atu le pule i se mea totino i le Malo ona o le leai o ni suli po o ē e soloa'i atu i sea meatotino.

44. O le soloa'i atu i se esetete tumau ma se esetete e lē tu i luga o le leai o se mavaega—(1) Afai ua maliu so o se tagata a e leai sana mavaega e fa'asino i so o se esetete tumau po o se esetete e lē tumau, o le a tatau ona tufatufa atu lea esetete i le faiga, po o le taofia i luga o ni tupe-tausi o lo o tã'ua i totonu o lenei fuaiupu fa'apea:

- (a) Afai ua tu'ua e lē ua maliu a e leai sana mavaega se tane po o se avā, o le a tatau i le tane po o le avā o lo'o soifua pea ona na aveina atoatoa mea totino lē tumau e mafai ona feavea'i, ma, e faaopo'opo atu iai, o le vaega o lo'o totoe o le esetete o le a tatau ona tusia ai le totogiina atu o le aofa'iga o tupe e lima afe tālā i le tane po'o le avā o lo'o ola pea fa'atasi ai ma le tului i luga o lea tupe mai le aso o le maliu se'ia o'o ina ua totogi atu po o ua fa'atatauina le tupe e totogi atu, i le fua fa'ata-
tau e lima pasene i le tausaga, ma, ae noatia ma fai fuafua i le faiga o aiaiga mo lea aofaiga ma le tului i luga o lea aofa'iga o tupe, o le vaega o lo'o totoe o le esetete o le a tatau ona taofia, -

(i) Pe afai ua tuua se fanau e le ua maliu ae leai sana mavaega, ia teuina atoatoa i teugatupe-tausi le tasi-o-vae-tolu mo le tane po o le avā o lo'o ola

pea, ma o le itu i le isi lua-o-vae-tolu ia tu'uina atu i luga o teugatupe-tausi fa'ale-tulafono mo le fanau a lē ua maliu a e leai sana mavaega:

(ii) Afai e leai se fanau a le ua maliu a'e leai sana mavaega ia teuina atoatoa i teugatupe-tausi le lua-o-vae-tolu mo le tane po o le avā o loo ola pea, ma o le itu i le isi tasi-o-vae-tolu, pe afai o loo soifua pea matua uma e to'alua o lē ua maliu a e leai sana mavaega, ia teuina i le tupe-tausi mo le tamā ma le tinā i ni vaega tutusa lelei ua ma'oti, po o, pe afai ua tu'ua e lē ua maliu a e leai sana mavaega na o se to'atasi o ōna mātua, ia teuina i le tupe-tausi mo le tamā po o le tinā o lo'o soifua pea:

(iii) Afai e leai se fanau a le ua maliu a'e leai sana mavaega po'o ua leai ni ona matua, ia teuina maoti i le tupe-tausi mo le tane po'o le ava o lo'o soifua pea:

- (b) Afai ua tu'ua e lē ua maliu a e leai sana mavaega se fanau, a e leai se tane po o se avā, o le a tatau ona taofia le esetete i luga o teugatupe-tausi fa'ale-tulafono mo le fanau a lē ua maliu a e leai sana mavaega;
- (c) Afai o lē ua maliu a e leai sana mavaega e leai sana tane po o sana avā po o sana fanau a o lo'o iai se matua po o ni mātua, o le a tatau ona taofia le esetete i se tupe-tausi mo matua i ni vaega tutusa, pe afai o lo'o soifua pea i la'ua uma e to'alua e avea ma sui o lē ua maliu a e leai sana mavaega, a e peita'i, afai e na o le to'atasi o i la'ua o lo'o soifua pea e avea ma sui o lē ua maliu a e leai sana mavaega, ia taofia lava lea esetete mo lea tagata e to'atasi;
- (d) Afai o lē ua maliu a e leai sana mavaega e leai sana tane po o sana avā po o sana fanau po o sona mātua, o le a tatau ona taofia le esetete i tupe-tausi mo tagata ua ta'ua i lalo o lo'o soifua i le taimi o le maliu o lē e leai sana mavaega, ma i le fa'asologa ma le faiga ua ta'ua i lalo, e fa'apea:

Muamua, ia tu'uina atu i tupe-tausi fa'ale-tulafono mo uso ma tuafafine (tusa lava po o ni uso tu'ofe po o ni uso taufeagai) o lē ua maliu a e leai sana mavaega; a e peita'i afai e leai se tagata ua ia te ia se aiā tatau ua matuā tu'uina atu atoatoa i lalo o ia tupe-tausi; o lona uiga la

O lona lua, ia tu'uina atu i le tupe-tausi mo mātua o mātua o lē ua maliu a e leai sana mavaega ma, afai e sili atu i lo le to'atasi ē o lo'o soifua pea a e ua maliu lē e leai sana mavaega, ia tu'uina atu i ni vaega tutusa; a e peita'i afai e leai se tasi o iai o lenei vasega; o lona uiga la

O lona tolu, ia tu'uina atu i ni tupe-tausi fa'ale-tulafono mo uso ma tuafafine o le tamā po o tuagane ma uso o le tinā o lē ua maliu a e leai sana mavaega, i latou ia o uso ma tuafafine (tusa lava po o ni uso tu'ofe po o ni uso taufeagai) o se mātua o lē ua maliu a e leai sana mavaega;

(e) Afai e leai so'o se tagata ua na mauaina se aiā tatau ua atoatoa i lalo o tuutuuga ua ta'ua i luga, o le a tatau lava ona tuuina atu le esetete i le Malo e avea o ni oloa ua leai se tagata ua aliali mai e ona tonu sea mea, ma e sui a'i so o se aiā tatau e fa'aliliu atu ai sea mea i le malo; ma e mafai e le Malo (e aunoa ma le fa'aleagaina ai o so o se tasi lava pule), mai le mea atoa po o so o se vaega o le mea totino ua fa'aliliu atu iai, ona faia ni aiaiga mo tagata sa fa'alagolago lo latou tausiga i lē ua maliu, tusa lava po o se tagata e iai sana fāiā fa'aleaiga pe leai, ma lē ua maliu a e leai sana mavaega, ma nisi lava tagata ia atonu e ono mafai ona fa'amoemoeina i ala e tatau ai semanū e ono fai iai se aiaiga e lē ua maliu a e leai sana mavaega.

(2) O le a fa'atatauina lava se tane ma le avā mo itu uma tau le tufatufaina atu po o se vaevaega i lalo o tu'u-tu'uga ua ta'ua muamua i luga o lenei fuaiupu e avea o ni tagata se to'alua.

45. Tupe-tausi fa'ale-tulafono mo le lelei o le fanau ma isi vaega o tagata o le aiga o lē ua maliu a e leai sana mavaega—(1) Afai, e tusa ai ma lenei Tulafono ua fa'atonuina le esetete a se tagata ua maliu a e leai sana mavaega, po o so o se vaega o lea lava esetete, ina ia taofia i ni tupe-tausi fa'ale-tulafono mo le fanau a lē ua maliu a e leai sana mavaega, o le a tatau lava ona taofia ia lava mea i luga o tupe-tausi ua ta'ua i lalo, e fa'apea:

(a) I totonu o le tupe-tausi, i ni vaega tutusa pe afai e sili atu i lo le to'atasi, mo le fanau uma po o so o se tamaitiiti a lē ua maliu a e leai sana mavaega, o lo'o ola pea i le taimi ua maliu ai lē e leai sana mavaega, o ia lea ua na aulia le atoaga o ona tausaga

le matua po o ua fa'aipoipo i lalo ifo o lea matua i tausaga, ma mo le fanau uma po o so o se tasi o le fanau o lo'o soifua pea i le taimi ua maliu ai lē e leai sana mavaega, o ia lea ua na aulia le atoaga o tausaga o le matua po o ua fa'aipoipo i lalo ifo o lea matua i tausaga o so o se tamaitiiti a lē ua maliu a e leai sana mavaega o ia lea ua mua'i oti a e le'i maliu lē e leai sana mavaega, ia aveina e le fanau ua ta'ua i luga i le fa'agasologa o tulaga uma, e tusa ai ma o latou sea, i ni vaega tutusa pe afai e sili atu i lo le to'atasi, le vaega lea semanū e aveina e o latou mātua pe a na fai o lo'o soifua pea i le taimi na maliu ai lē e leai sana mavaega, ma ina ia leai ai se fanau e tataua ona na aveina se aiā tataua ua matuā tu'uina atu atoatoa lea ua aveina e ona matua:

A e vagana ai ona afai ua maliu so o se tagata o ia lea e ono mafai ona na aveina i lalo o lenei parakarafa (e aofia ai ma lenei aiaiga fa'a-tu'utu'uga) a o le'i aveina se aiā tataua ua tu'uina atu atoatoa iai le pule a e ua tu'ua so o se tamaitiiti po o se fanau, i latou ia o lo'o soifua pea a ua tuana'i le luasefulu-tasi tausaga mai le aso o le maliu o lē e leai sana mavaega po o ia lea ua na vave aulia le atoaga o tausaga e aveina ai ma tagata matua po o ua fa'aipoipo i lalo ifo o lea matua i tausaga, o le a tataua ona aveina lea tamaitiiti po o lea fanau, i ni vaega tutusa pe afai e sili atu i lo le to'atasi, sea po o vaega ia semanū e aveina e lona, po o, e o latou matua pe a na fai e lē fa'apea ona maliu le tamā po o le tinā;

- (b) O le pule fa'ale-tulafono e mua'i tu'uina atu ai se tupe i lē e tataua ai, ma tu'utu'uga fa'ale-tulafono ia e fa'asino i le tausiga, a'oa'oga, ma fa'amanuiaga, ma le fa'aputupu'upuina o tupe maua fa'asilia, o le a tataua ona fa'aaogaina, ma a o'o ina ua alia'i mai ua tataua ona maua e se tagata se vaega po o se aiā tataua ua tu'uina atu i lalo o tupe-tausi fa'ale-tulafono, o le a tataua ona maua e lea tagata ina ua na aulia le sefuluvalu tausaga o lona olaga po o ua vave fa'aipoipo, ona na tu'uina mai se lisiti aloa'ia fa'ale-tulafono mo lona sea po o lana aiā tataua;

(c) E mafai e le tagata e pulea ona fa'atagaina so o se tamaitiiti o ia lea ua ia te ia se aiā tatau ua tu'uina atu po o se aiā tatau e ono alia'i mai i so o se mea totino lē tumau e mafai ona feavea'i na te fa'aaogaina ma fa'afiafiaina ai i le mea totino e mafai ona feavea'i i se faiga ma e noatia ma fai fuafua i ni tu'utu'uga (pe afai e iai) e pei ona ua manatu le tagata e pulea e ono tatau ai, ma e aunoa ma le noatia ai na te tu'uina mai se fa'amatalaga ona o so o se mea ua leiloa e ono alia'i mai ai.

(2) Afai o ni tupe-tausi mo le lelei o le fanau a lē ua maliu a e leai sana mavaega ua lē taulau ona o le leai o se tamaitiiti po o se tasi lava fanau ua na mauaina se aiā tatau ua matuā tu'uina atu atoatoa -

(a) O le esetete a lē ua maliu a e leai sana mavaega ma o le tupe o sea lava esetete ma tupe fa'aputupuutu uma fa'ale-tulafono, pe afai e iai, o le tupe maua o lea lava esetete, ma o le tele o sea lava tupe maua e pei ona atonu e le'i tologiina atu pe faaaogaina i lalo o so'o se pule e a'afia ai lea lava esetete, o le a tatau lava ona alu atu, fa'aliliu atu, ma ia taofia e tusa ai ma tu'utu'uga o lenei Tulafono e peisea'i na maliu lē e leai sana mavaega e aunoa ma le tu'ua o se fanau o lo'o soifua pea i le taimi o le maliu o lē e leai sana mavaega;

(b) O fa'amatalaga i totonu o lenei Tulafono e fa'asino i lē ua maliu a e leai sana mavaega "e leai se fanau ua na tu'ua" o le a tatau, a e noatia ma fai fuafua i tu'utu'uga o lenei fuaiupu, ona fa'auigaina e fa'apea "e leai se fanau ua na tu'ua i latou ia ua tu'uina atu atoatoa iai le aiā tatau";

(c) O faamatalaga i totonu o lenei Tulafono e faasino i lē ua maliu a e leai sana mavaega "ua na tu'ua se fanau" po o ua na "tu'ua se tamaiti'iti po o se tasi lava fanau" o le a tatau lava, a e noatia ma fai fuafua i tu'utu'uga o lenei fuaiupu, ona fa'auigaina e fa'apea "ua na tu'ua se fanau i latou ia ua tu'uina atu atoatoa iai le aiā tatau".

(3) Afai e tusa ai ma lenei Tulafono ua fa'atonuina le esetete a se tagata ua maliu a e leai sana mavaega ina ia taofia i luga o ni tupe-tausi fa'ale-tulafono mo so o se vasega o tagata o le aiga o lē ua maliu a e leai sana mavaega, e ese ai

na i lo se fanau o lē ua maliu a e leai sana mavaega, o le a tatau ona taofia ia lava mea i luga o ni tupe-tausi e foliga tutusa ma tupe-tausi fa'ale-tulafono mo le fanau a lē ua maliu a e leai sana mavaega e peisea'i lava na toe faia ia tupe-tausi fa'atasi ai ma le fa'aofiina o fa'amatalaga e fa'asino i tagata po o se tagata o lea vasega e sui a'i fa'amatalaga e fa'asino i le fanau po o le tamaitiiti a lē ua maliu a e leai sana mavaega.

46. Fa'aaogaina i se vaega o mea totino e le'i faia iai se mavaega—(1) Afai o so o se tagata ua maliu a e tu'ua sana mavaega ua matuā fa'ama'apeina ai se vaega o lana esetete, o tu'utu'uga o lenei Vaega o le Tulafono lenei o le a iai lava le fa'amamaluga e fa'asino i le vaega o lana esetete e le i fa'apea ona fa'ama'apeina, a e noatia ma fai fuafua i tu'utu'uga o le mavaega ma o le fa'afuaiupu (2) o lenei fuaiupu.

(2) Afai ua tu'ua e lē ua maliu se tane po o se avā o ia lea ua na mauaina se aiā tatau e fa'amanuiaina ai i lalo o le mavaega a le ua maliu, o fa'amatalaga i totonu o le fuaiupu e 44 o lenei Tulafono e fa'asino i se vaega-tupe e lima afe tālā e tatau ona totogi atu i se tane po o se avā o lo'o soifua pea, ma i se tului i luga o lea lava vaegatupe, o le a tatau lava ona avea o fa'amatalaga e fa'asino i lea vaegatupe e tusa ai ma le aogā o le aiā tatau e fa'amanuiaina ai ua fa'apea ona fa'aitiitia, ma, fa'apena lava, pe afai ua sili atu le aogā ua ta'ua i luga i lo lea vaegatupe, o le a tatau lava iai le fa'amamaluga i le fuaiupu e 44 o lenei Tulafono e peisea'i lava o fuaitau e fa'asino i lea vaegatupe ma i le tului i luga o lea lava vaegatupe na pa'ū e le'i faia.

(3) Mo le a'ano moni o tu'utu'uga ua ta'ua i luga o lenei fuaiupu, e mafai e le tagata e pulea ona na sailia ia mautinoia ma fa'atulaga le aogā o le aiā tatau e fa'amanuiaina ai ua ta'ua i luga, ma e leai se tagi e tatau ona faia fa'asaga i le tagata e pulea pe afai ua na tufatufaina atu le esetete e tusa ai ma le aogā po'o le tau lea na faapea ona faatulagina e ia i le agaga fa'amaoni ma i ala e tatau ai.

VAEGA IV

PUIPUIGA O LE AIGA

47. E mafai e le Fa'amasinoga ona fa'atagaina se fesoasoani—E mafai e le Fa'amasinoga ona fa'atagaina se fesoasoani i so o se fafine ua oti lana tane, tane ua oti lana avā,

mātua, tamaitiiti, po o se tama a se tasi o le fanau a le tagata ua maliu o ia lea ua maliu a e tu'ua se esetete i totonu o Samoa i Sisifo, o sea fesoasoani e tu'uina atu e pei ona ua aliali atu ia te ia e sa'o ma tatau ai, pe afai ua malie le Fa'amasinoga (i le aloa'ia o uiga uma ua o'o iai le mata'upu) e fa'apea ua lē o lava ni mea na aiaia mo le tausiga o sea fafine ua oti lana tane, tane ua oti lana avā, mātua, tamaitiiti, po'o se tama se tasi o le fanau a lē ua maliu.

48. Taimi mo le faiga o talosaga—O se talosaga mo se fesoasoani i lalo o lenei Vaega o le Tulafono o le a tatau lava ona faia e ala mai i se lafo fa'atu e tusa ai nia tulafono laiti o le Fa'amasinoga ma o le a tatau ona faia i totonu o le sefululua masina talu ona fa'atagaina le fa'amaoniga fa'ale-tulafono o le mavaega i totonu o Samoa i Sisifo: a'e vagana ai ona e mafai e le Fa'amasinoga i luga o ni mafuaga faapitoa ona tuuina atu le faatagaina e faia ai se talosaga mo se fesoasoani i so'o se taimi a ua tuana'i le muta'aga o le vaitaimi ua ta'ua i luga.

49. Poloaiga mo se fesoasoani—E mafai e le Fa'amasinoga ona poloaiina e fa'apea o le a tatau ona tau'aveina e so o se vaega po o ni vaega ua fa'aalia ma'oti po o le esetete atoa le aofa'iga o tupe po o le tulaga e o'o iai so o se fesoasoani e fa'atagaina i lalo o lenei Vaega.

50. Tuliloaina o mea totino o le esetete—E mafai e le Fa'amasinoga, pe afai e manatu o ia e sa'o ma tonu, ona poloaiina so o se tagata o lo'o ia te ia se aiā tatau i so o se esetete lea o lo'o avaea o se vaega o le esetete a le tagata ua maliu ma o lea esetete na tufatufa atu i so o se taimi a o lumanai ai le fa'afogaina o le talosaga mo se fesoasoani, ina ia faaliliu atu po'o le totogi atu se tului i le tagata na te pulea po'o le Tausi Mavaega o le Esetete i le na talosaga mo se fesoasoani, i luga o ni tu'utu'uga (pe afai e i ai) e pei ona manatu le Fa'amasinoga e tatau ai e tusa ai ma iuga ua o'o iai.

VAEGA V

MEA ESEESE

51. Mea ua soloia—(1) O tulafono o lo'o faaalii maoti i totonu o lona lua o Faamatalaga i lenei Tulafono ua soloia nei mai le avea ma vaega o le tulafono a Samoa i Sisifo.

(2) O le Tulafono o le Toe Lolomiina o Tulafono 1972 ua toe teuteuina nei -

- (a) I le soloia mai le Faamatalaga, i lalo o le ulutala "Tulafono a Niu Sila", le mea taitasi "O le Tulafono o le Pulea 1952";
- (b) I le soloia mai le Faamatalaga, i lalo o le ulutala "Tulafono Faatonutonu ma tulafono faa-poloaiga na faia i lalo o le pule faataga a le Tulafono Faa-vae o Samoa 1921", le mea taitasi "O le Tulafono Faa-Poloaiga: o Pulega Fetaua'i a Samoa 1930 Kaseti a Niu Sila 1930, itulau 2835", ma le mea taitasi "O le Tulafono Faa-Poloaiga tau Pulega i Samoa 1939": N.Z.S.R. 1939/46.

52. Tulafono Faatonutonu—E mafai e le Ao o le Malo, i le faia i luga o le fautuaga a le Kapeneta, mai lea taimi i lea taimi ona faia ni tulafono fatonutonu uma e pei ona o le a ono tatau ai po o e talafeagai ai mo le pulea po o le faafoeina i ala e tatau ai o lenei Tulafono.

FAAMATALAGA

Fuaiupu 28.

FAAMATALAGA MUAMUA

I TOTONU O LE FAAMASINOGA SILI O SAMOA I SISIFO

POLOAIGA I LE TAUSI MAVAEGA INA IA PULEA

O le aso.....19.....

I LUGA o le faitauina o faamatalaga-tauto a
ua poloaia ai nei e faapea o le Tausi Mavaega o le Malo o le a tatau ona avea o lē e pulea esetete tumau ma esetete lē tumau uma a le
 ua maliu [faatasi ai ma le mavaega a lē ua ta'ua i luga.....
 ua faapipii atu iinei].

FAAMATALAGA LONA LUA

Fuaiupu 51:

TULAFONO UA SOLOIA

O le Tulafono tau le Pulea 1952 (Niu Sila).

O le Tulafono o Tulafono Esee (Nu. 2) 1932: fuaiupu 13.

O le Tulafono Faa-Poloaiga o Uiga Fetauia'i tau le Pulea 1930 (Niu Sila).

O le Tulafono Faa-Poloaiga tau le Pulea i Samoa 1939 (Niu Sila).

By Authority

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