

New Zealand.



ANALYSIS.

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| <p>Title.</p> <ol style="list-style-type: none"> 1. Short Title. 2. Deputy Administrator of Western Samoa. 3. Secretary to the Administration. 4. Statutory recognition of <i>Fono</i> of <i>Faipules</i>. 5. Section 46 of principal Act (relating to validity of Samoan Ordinances) amended. 6. Provision for elective membership of Legislative Council of Western Samoa. 7. Provision may be made by Ordinance for establishment of municipal government in Apia. | <ol style="list-style-type: none"> 8. Penalty for being found on premises used as gaming-house. 9. Repeal. 10. Increasing penalty for trespass by cattle. 11. Section 265 of principal Act (relating to Crown suits) amended. 12. Increased penalties for unlawful manufacture, importation, or sale of intoxicating liquor in Samoa. 13. Offence of concealing intoxicating liquor manufactured in breach of principal Act. 14. Section 338 of principal Act modified. |
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1923, No. 24.

AN ACT to amend the Samoa Act, 1921.

[22nd August, 1923.]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Samoa Amendment Act, 1923, and shall be read together with and deemed part of the Samoa Act, 1921 (hereinafter referred to as the principal Act).

2. Section six of the principal Act is hereby amended by repealing subsection one, and substituting the following subsection:—

“(1.) The Governor-General may from time to time appoint a fit person who shall be the Deputy Administrator of Western Samoa.”

3. There shall be an officer of the Samoan Public Service, to be called the Secretary to the Administration, who shall be the principal administrative officer of the Samoan Public Service.

4. (1.) The Administrator may from time to time, by Warrant under his hand and the Public Seal of Samoa, appoint such number of Samoans as he thinks fit to be *Faipules*. No person shall be appointed as a *Faipule* under this section who is not qualified, in accordance with existing Samoan usage and custom, to occupy the position of *Faipule* in any Council or body having advisory functions.

(2.) The appointment of any person as a *Faipule* (whether such appointment has been made before or after the commencement of this Act) may be at any time revoked by the Administrator for any cause that he deems sufficient.

(3.) All persons for the time being holding appointment as *Faipules* shall together constitute a Council of Advisers to the Administrator

Title.

Short Title.

Deputy
Administrator o
Western Samoa.

Secretary to the
Administration.

Statutory
recognition of *Fono*
of *Faipules*.

under the name of the *Fono* of *Faipules*, and shall meet at such times and places as the Administrator from time to time appoints in that behalf.

(4.) The Administrator shall preside at any meeting of the *Fono* of *Faipules* at which he is present.

(5.) It shall be the function of the *Fono* of *Faipules* to consider such matters relative to the welfare of the Samoan people as of their own initiative they think proper or as may be submitted to them by the Administrator, and to express their opinions and make their recommendations to the Administrator.

5. Section forty-six of the principal Act is hereby amended as from the commencement of that Act by omitting from subsection one the words "to any Act" before the words "of the United Kingdom."

6. (1.) Section forty-eight of the principal Act is hereby amended as follows:—

(a.) By omitting from paragraph (a) of subsection one the words "(not less than four in number)," and substituting the words "(not less than six in number)";

(b.) By omitting from paragraph (b) of subsection one all words after the words "(not more in number than the official members)," and substituting the words "who may be either elected members or nominated members, or partly elected and partly nominated members, as the Governor-General in Council from time to time determines":

(c.) By repealing subsection two.

(2.) With respect to the elective membership of the Legislative Council, the Governor-General may from time to time make, revoke, or amend regulations, not inconsistent with the principal Act as amended by this Act, prescribing—

(a.) The number and mode of election of members:

(b.) The qualifications of electors:

(c.) The qualifications of candidates for election:

(d.) The tenure of the office of such members:

(e.) The forfeiture of such office:

(f.) Any other matters deemed necessary for the regulation of the elective membership of the Council.

(3.) Nominated members of the Legislative Council shall be appointed by the Governor-General to hold office either during his pleasure or for such fixed period not exceeding five years, and subject to such conditions as to resignation or forfeiture of office, as the Governor-General thinks fit.

7. (1.) It shall be competent for the Legislative Council to provide by Ordinance for the establishment of a system of municipal government in and for the Town of Apia.

(2.) Any such Ordinance may define the boundaries of the said town, and those boundaries may from time to time be in like manner altered.

(3.) Paragraphs (c) and (d) of section sixty-one of the principal Act shall be read subject to this section, and no Ordinance as aforesaid shall be held to be invalid only because it establishes a body corporate or a form of municipal or local government with rating, taxing, or legislative authority.

Section 46 of principal Act (relating to validity of Samoan Ordinances) amended.

Provision for elective membership of Legislative Council of Western Samoa.

Cf. 1915, No. 40, sec. 64.

Provision may be made by Ordinance for establishment of municipal government in Apia.

8. Every person found in any gaming-house within the meaning of section one hundred and forty of the principal Act shall be liable to a fine of five pounds unless he proves that he was there for some lawful purpose.

Penalty for being found on premises used as gaming-house.

9. Section one hundred and eighty-five of the principal Act (relative to the offence of furious driving in a public place) is hereby repealed.

Repeal.

10. Section one hundred and eighty-six of the principal Act is hereby amended by omitting the words "one pound," and substituting the words "five pounds."

Increasing penalty for trespass by cattle.

11. Section two hundred and sixty-five of the principal Act is hereby amended by adding to subsection one the following proviso:—

Section 265 of principal Act (relating to Crown suits) amended.

"Provided that in the case of any claim or demand against His Majesty in which the amount claimed does not exceed fifty pounds the consent of the Administrator to the prosecution of that claim or demand in the High Court shall be deemed to be the consent of a Law Officer for the purposes of section thirty-six of the Crown Suits Act, 1908."

12. (1.) Section three hundred and thirty-six of the principal Act is hereby amended by repealing subsection two, and substituting the following subsection:—

Increased penalties for unlawful manufacture, importation, or sale of intoxicating liquor in Samoa.

"(2.) Every person who commits an offence against this section shall be liable to a fine of two hundred pounds or to imprisonment for two years."

(2.) Section three hundred and thirty-seven of the principal Act is hereby amended by repealing subsection two, and substituting the following subsection:—

"(2.) Every person who commits an offence against this section shall be liable to a fine of two hundred pounds or to imprisonment for two years."

(3.) Section three hundred and thirty-eight of the principal Act is hereby amended by repealing subsection two, and substituting the following subsection:—

"(2.) Every person who commits an offence against this section shall be liable to a fine of one hundred pounds or to imprisonment for one year."

13. Every person who carries, conveys, or conceals any intoxicating liquor manufactured in breach of the principal Act, or who has in his possession or under his control any such liquor, or who is the owner, lessee, or occupier of any premises in or about which any such liquor is found, shall be liable to a fine of two hundred pounds or to imprisonment for one year, unless in the case of an accused person charged with being the owner, lessee, or occupier of premises in which any such liquor is found as aforesaid he satisfies the Court that such liquor was not there with his knowledge or consent.

Offence of concealing intoxicating liquor manufactured in breach of principal Act.

14. In any prosecution for offering for sale or for having in possession for sale any intoxicating liquor in breach of section three hundred and thirty-eight of the principal Act the burden of proving that any liquor found in the possession of the accused was not in fact offered for sale or in his possession for sale shall be on the accused.

Section 338 of principal Act modified.