



SAMOA

BUILDING ALIGNMENT ORDINANCE 1932

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BUILDING ALIGNMENT ORDINANCE 1932

1932

No.3

AN ORDINANCE to make provision for the fixing of building lines in certain areas.

[Assent and commencement date: 10 October 1932]

1. Short title – This Ordinance may be cited as the Building Alignment Ordinance 1932.

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

“building line” means the line to be fixed under this Ordinance defining the position nearest a street or road to which a new building may approach;

“building regulations” means the Board of Health Regulations No.6;

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“Chief Executive Officer” means the Chief Executive Officer of the Ministry responsible for Works, Transport and Infrastructure;

“Chief Surveyor” means the person holding the appointment of Chief Surveyor in the Public Service;

“Minister” means the Minister responsible for Works, Transport and Infrastructure;

“Ministry” means the Ministry responsible for Works, Transport and Infrastructure;

“new building” includes additions to and the re-erection of an existing building;

“town Area of Apia” means, pending the definition thereof under section 13, the area within a radius of 2 miles from the intersection of Vaitele street and Vaea street.

3. Application and administration of Ordinance – (1)

Despite this Ordinance and any other Act, the Planning and Urban Management Agency is responsible for the administration and enforcement of this Ordinance.

(2) Where this Ordinance and the Planning and Urban Management Act 2004 make no sufficient provision to give effect to subsection (1), the Minister, the Chief Executive Officer and the Ministry, the Chief Surveyor and the Planning and Urban Management Agency may make such adaptations and modifications to the provisions of this Ordinance and take such action as they consider necessary to ensure that subsection (1) has full effect.

(3) Any reference to the Chief Surveyor in this Ordinance is to be read as a reference to the Assistant Chief Executive Officer of the Planning and Urban Management Agency (appointed under section 6 of the Planning and Urban Management Act 2004), unless the context otherwise requires.

(4) This Ordinance applies to all land within 100 feet of any street or part of a street within the Town Area of Apia or of the main Coast Road of the Town Area of Apia in the East and Cape Fatusofia in the West.

4. Fixing building line – (1) The Chief Surveyor may, with the approval in writing of the Head of State, fix the building line of all land to which this Ordinance applies and delineate the same

in a map or plan or in separate maps or plans of the respective parts thereof.

(2) A map or plan delineating the building line shall be deposited by the Chief Surveyor in his or her office in Apia and open to public inspection during ordinary office hours.

(3) The building line of any land is taken to be fixed immediately after the Head of State has signed approval thereof upon the map or plan which delineates the same.

5. Marking out building line – A person who intends to erect a new building on land to which this Ordinance applies may apply in writing to the Chief Surveyor to mark out on such land the building line thereof and the Chief Surveyor or some person authorised by the Chief Surveyor shall mark out the same accordingly.

6. Building permits – A permit issued under the building regulations to erect a new building on land to which this Ordinance applies is subject to this Ordinance.

7. Building line to be observed – No new building is erected on land to which this Ordinance applies until the building line thereof has been fixed or so that any part of such building is nearer to the street or road than the building line.

8. Repealed by section 5 of the Lands, Surveys and Environments Amendment Act 1992/1993

9. Offences – A person who erects or takes part or is concerned in the erection of a new building in contravention of section 7 commits an offence and is liable to a fine not exceeding 2 penalty units.

10. Demolition of buildings – (1) The Chief Surveyor may apply to the Supreme Court for an order that a new building erected in contravention of section 7 be demolished wholly or in part as the case may require and the Supreme Court may make such order in the premises as to it may seem just.

(2) The application shall be made by motion under the rules of the Supreme Court.

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(3) All costs, charges and expenses incurred in carrying out a demolition order made under this section are recoverable from the owner of the building as a debt owing to the Government.

11. Verandahs and balconies – Despite section 6, the Chief Surveyor may, subject to the provisions of the building regulations and to such terms and conditions as the Chief Surveyor may think fit to impose, permit the verandah or balcony of a new building to be erected beyond the building line and the street boundary of the land to a distance of not more than 14 feet from such boundary.

12. Exemption of public or memorial buildings – Despite this Ordinance, the Head of State may authorise the erection of any building in contravention of section 7 if the Head of State is satisfied that the building is required for public purposes and is to be erected on land belonging to or used in connection with the Government of Samoa or that the building is in the nature of a memorial of a religious or historical event.

13. Definition of Town Area of Apia – The Head of State may, by proclamation published in the Savali, declare that an area perimetrically described to be the Town Area of Apia and thereafter the area so described is the Town Area of Apia for the purposes of this Ordinance.

14. Repeal – The Ordinances set out in the Schedule are repealed.

SCHEDULE
(Section 14)

1. Ordinance of the 25th day of April 1903 (Samoanisches Government Blatt Band 111 No.22, page 71).
2. Ordinance Extending Building Restrictions (being Proclamation No.22 made during the British Military Occupation of Samoa).
3. Building Alignment Ordinance 1921.
4. Building Alignment Amendment Ordinance 1922.

REVISION NOTES 2008 – 2019

This is the official version of this Ordinance as at 31 December 2019.

This Ordinance has been revised by the Legislative Drafting Division from 2008 to 2019 respectively under the authority of the Attorney General given under the *Revision and Publication of Laws Act 2008*.

The following general revisions have been made:

- (a) Amendments have been made to conform to modern drafting styles and to use modern language as applied in the laws of Samoa.
- (b) Amendments have been made to up-date references to offices, officers and statutes.
- (c) Insertion of the commencement date
- (d) Other minor editing has been done in accordance with the lawful powers of the Attorney General.
 - (i) “Every” and “any” changed to “a”;
 - (ii) “shall be” changed to “is” and “shall be deemed” changed to “is taken”;
 - (iii) “shall have” changed to “has”;
 - (iv) “shall be guilty” changed to “commits”;
 - (v) “notwithstanding” changed to “despite”;
 - (vi) “pursuant to” changed to “under”;
 - (vii) “it shall be lawful” changed to “may”;
 - (viii) “it shall be the duty” changed to “shall”;
 - (ix) Numbers in words changed to figures;
 - (x) “hereby” and “from time to time” (or “at any time”) removed;
 - (xi) Generalised references to the Minister and Ministry by making reference to the Minister and Ministry that is responsible for Lands;
 - (xii) In section 4(3), inserted “after” before “the Head of State” to clarify the time that the building line of any land is fixed;
 - (xiii) References to “any” or “every” is substituted with “a” or “an” where appropriate;
 - (xiv) Inserted authorising section for Schedule to the Act (under the heading “Schedule”).

The following amendments were made to this Act since its enactment:

By the *Miscellaneous (Ministerial Assignment) Act 2019, No. 32* (commenced on 1 July 2019):

- Section 2** - inserted new definitions of “Chief Executive Officer”, “Minister” and “Ministry”.
- Section 3** - in subsection (2), substituted “Minister responsible for Natural Resources and Environment (formerly the Minister

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responsible for Lands, Surveys, and Environment), the Chief Executive Officer (formerly the Director of Lands, Surveys and Environment), the Ministry responsible for Natural Resources and Environment (formerly the Department of Lands, Surveys and Environment)” with “Minister, Chief Executive Officer and the Ministry”.



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Attorney General of Samoa

*This Ordinance is administered by
the Ministry of Works, Transport and Infrastructure.*
