



SAMOA

## LAND TRANSPORT AUTHORITY ACT 2007

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**LAND TRANSPORT AUTHORITY ACT  
2007 No. 17**

**AN ACT** to provide for the establishment, management and operations of a Land Transport Authority in Samoa, and for related purposes.

*[Assent date: 29 March 2007]*

*[Commencement date: 1 December 2008]*

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

**PART 1  
PRELIMINARY**

**1. Short title and commencement**– (1)This Act may be cited as the Land Transport Authority Act 2007.

(2)This Act commences on a date nominated by the Minister.

(3)Notice of commencement of this Act is to be published in Samoan and English in the Savali and one other newspaper circulating in Samoa.

**2. Interpretation**– (1) In this Act, unless the context otherwise requires:

- “authorised officer” means a person appointed as such in respect of a relevant function;
- “Authority” means the Land Transport Authority established by section 4;
- “Board of Directors” means the Board of Directors of the Authority;
- “Chief Executive Officer” means the Chief Executive Officer of the Authority;
- “commencement date” means the date that this Act comes into effect in accordance with section 1(2);
- “land transport infrastructure” means all bridges, culverts, bus stops and footpaths on national roads and road reserves or which relate to the construction and effective use of national roads, and includes seawalls and drains which are or have been constructed for purposes associated with national roads;
- “local road” means any road which is not a national road;
- “Minister” means the Minister for Works, Transport and Infrastructure;
- “national road” means any road designated as a national road under section 46;
- “vehicle” does not include a vehicle excluded by regulations.

**3. Act binds Government**–This Act binds the Government.

## **PART 2 LAND TRANSPORT AUTHORITY**

**4. Establishment of the Authority**–(1) The Samoa Land Transport Authority is established.

(2) The Authority:

- (a) is a body corporate with perpetual succession;
- (b) shall have a common seal;
- (c) may enter into contracts;
- (d) may sue and be sued in its corporate name;
- (e) shall have the power to acquire, hold and dispose of property both real and personal; and

- (f) may generally do all such acts and things that are necessary for or incidental to the performance of its functions under this Act or any other law.

**5. Functions of the Authority— (1)** In planning, developing, operating and maintaining a safe, efficient, and effective national road system for Samoa, the functions of the Authority are:

- (a) to undertake necessary planning, design, supervision, construction and maintenance of national roads and land transport infrastructure throughout Samoa, including functions related to—
  - (i) road network management and the preparation and implementation of a National Road Programme annually; and
  - (ii) the designation of national roads; and
  - (iii) the maintenance of national roads and land transport infrastructure; and
  - (iv) the implementation of capital works relevant to national roads and land transport infrastructure, and effective supervision of such works; and
  - (v) the implementation and utilisation of asset management systems relevant to the maintenance and up-grading of national roads and land transport infrastructure; and
  - (vi) the acquisition and management of property for these purposes; and
  - (vii) the undertaking and commissioning of relevant studies; and
  - (viii) the provision or procurement of design services and surveys; and
- (b) to provide the Minister for Public Enterprises with such information and advice relating to the functions of the Authority as the Minister may require; and
- (c) to implement the policies of the Government and the lawful directions of the Minister for Public Enterprises, relevant to the provision of adequate

and properly maintained national roads and land transport infrastructure throughout Samoa; and

*(d) (f) repealed by the Act 2019, No. 23;*

(g) to do anything incidental or conducive to the performance of any of the preceding functions.

(2) In addition to subsection (1), the Authority may in the case of an emergency and subject to any directions given to it by the Minister for Public Enterprises under section 7, enter into a contract with any person for the carrying on and maintenance of any road transport infrastructure or service, and for the purpose of meeting a particular emergency.

**6. Powers of the Authority** – The Authority may, subject to this Act and to any directions given to it by the Minister for Public Enterprises under section 7, carry out the following powers:

*(a) repealed by the Act 2019, No. 23;*

(b) do all acts, matters and things as it considers necessary, expedient or desirable for discharging its functions relating to planning, designing, supervising, constructing and maintaining national roads and land transport infrastructure throughout Samoa;

*(c) repealed by the Act 2019, No. 23;*

(d) appoint in writing authorised inspectors and officers for all or particular purposes of this Act;

(e) develop, approve, publish and implement codes of practice stating guidelines or standards which the Authority applies to any aspect of its functions under this Act;

(f) do all things necessary or convenient to be done for or in connection with, or incidental to, the exercise of its powers or the performance of its functions under this Act, or any other Act which vests powers or responsibilities in the Authority.

**7. Powers of the Minister**– (1) In the exercise of its powers and functions under this Act, the Authority shall act under any general or specific policy direction communicated to it by the Minister for Public Enterprises.

(2) The Minister for Public Enterprises may cause an investigation to be made into any matter connected with the functions of the Authority.

(3) For the purposes of subsection (2), the Minister for Public Enterprises may require the production of any papers, books or documents relevant to the matter under inquiry, and may require any person to state matters that are within his or her knowledge that are relevant to the investigation.

(4) A person who fails to comply with a requirement made under subsection (3) commits an offence and is liable on conviction to a fine not exceeding 50 penalty units or to a term of imprisonment not exceeding 6 months, or both.

(5) All information obtained by the Minister for Public Enterprises pursuant to subsection (3) must be treated as confidential except for the purpose of addressing any need to rectify any matter of administration within the Authority.

**8. The Board of Directors** –(1) The Board comprises 7 directors who are to be selected under the applicable law relating to the management of public bodies except for the Chief Executive Officer who is the *ex-officio* director.

(2) Other than an *ex-officio* director, the directors of the Board are to be appointed by the Head of State, acting on the advice of Cabinet, for a period not exceeding 3 years, and may be removed from office by the Cabinet.

(3) An *ex-officio* director shall not receive remuneration or other benefits from the Authority for services as a director.

(4) Cabinet shall appoint one of the directors to be Chairperson, and may appoint a Deputy Chairperson.

(5) No person may be appointed or continue to hold office as a director, while that person is a full-time salaried officer or employee of the Authority.

(6) Unless the Board decides otherwise, the Chief Executive Officer must attend all Board meetings but shall have no voting rights.

**9. Meetings**– (1)The Chairperson shall preside at all meetings of the Board at which he or she is present and in his or her absence from any meeting of the Board the Deputy Chairperson if any, shall preside at the meeting and if there is no Deputy Chairperson appointed, or the Deputy Chairperson is

absent from the meeting, the members shall appoint one of the members present to preside at the meeting.

(2) The Chairperson or other director presiding at a meeting of the Authority has a deliberative vote, and in the event of an equality of votes shall have a second or casting vote.

(3) Four directors constitute a quorum at any meeting of the Authority.

(4) Subject to this Act, the Authority may regulate its own procedures.

(5) Minutes must be kept of all meeting of the Authority, including any committee formed by the Authority, and such minutes are to be transcribed by or under the direction of the Chief Executive to form a permanent record of such meetings.

**10. Directors' remuneration** –Except for the Chief Executive Officer, the directors of the Authority are paid from the funds of the Authority, such remuneration and allowances as are approved by Cabinet for members and directors of government boards.

**11. Removal of directors**– (1) The Cabinet may revoke the appointment of the Chairperson of the Authority or of any director other than the Chief Executive Officer, if the Cabinet is satisfied that the Chairperson or any director:

- (a) has become permanently incapable of carrying out the duties of the office; or
- (b) is guilty of misconduct in the performance of the duties of the office; or
- (c) has, without the leave of the Authority, been absent from 3 or more consecutive meetings of the Authority; or
- (d) has been declared bankrupt; or
- (e) has been convicted of an offence involving dishonesty or which is of such a nature or seriousness that renders it inappropriate, in the opinion of the Minister for the director to continue to hold the office.

(2) Without limiting subsection(1)(b), a director is deemed to be guilty of misconduct in the performance of the director's duties if the director:

- (a) knowingly votes on any matter before the Authority in which the director has, directly or indirectly, a pecuniary interest; or
- (b) takes part in, or is present at the discussion of any such matter before the Authority without disclosing a pecuniary interest to the directors of the Authority.

(3) In the case of persons who are married or living together in a *de-facto* relationship, a pecuniary interest of one partner is, unless proved to be unknown to the other partner, deemed for the purpose of this section to be also a pecuniary interest of that other partner.

**12. Authority may delegate**— (1) The Authority may by instrument in writing delegate to a person specified in the instrument the performance of such of its functions and powers under this Act or any other Act (other than this power of delegation) as are specified in the instrument, and may, by instrument in writing, revoke wholly or in part any such delegation.

(2) A function or power, the performance or exercise of which has been delegated under this section, may, while the delegation remains in force, be performed or exercised under its terms.

(3) A delegation under this section may be made subject to such conditions or limitations as to the performance or exercise of any of the functions or powers delegated, or as to time or circumstances, as are specified in the instrument.

(4) Despite any delegation under this section, the Authority may continue to perform or exercise all or any of the functions or powers delegated.

(5) Any act or omission done by or to a delegate while acting in the exercise of a delegation under this section has the same force and effect as if the act or thing had been done by or to the Authority, and is deemed to have been done by or to the Authority.

(6) An instrument purporting to be signed by a delegate of the Authority in his or her capacity as the delegate shall in all courts or tribunals be received in evidence as if it were an instrument executed by the Authority and, until the contrary is proved, is



taken to be an instrument signed by a delegate of the Authority under this section.

(7) Despite subsection (1), the Authority shall not delegate a power in such a way as to be contrary to the provisions of this law or any regulation dealing with:

- (a) the licensing of drivers; or
- (b) the registration of any class of vehicle.

(8) If a person is aggrieved by a decision made by a person to whom a power has been delegated under subsection (1), the aggrieved person may, by notice in writing addressed to the Authority, require the Authority to reconsider the decision of its delegate and the Authority may either confirm or reverse the decision of its delegate.

**13. Official seal of the Authority**—(1) A court or tribunal shall take judicial notice of the official seal of the Authority that has been affixed to a document and shall, unless the contrary is proved, presume that the seal was properly affixed.

(2) The common seal of the Authority shall not be affixed unless it is done under a resolution of the Authority and in the presence of either the Chairperson or the Chief Executive Officer, and one director, and the affixing is to be authenticated by their signatures.

(3) All documents to which the Authority is a party, other than those required by law to be under seal, may be signed on behalf of the Authority by either the Chairperson or the Chief Executive Officer or by a director or employee of the Authority generally or specially authorised by a resolution passed at a meeting of the Authority.

### **PART 3 MANAGEMENT OF THE AUTHORITY**

**14. Chief Executive Officer**— (1) There shall be a Chief Executive Officer of the Authority who is to be appointed by the Authority for a period of not less than 3 years, and is entitled to remuneration as determined by the Authority, after consulting the Public Service Commission.

(2) The Chief Executive Officer shall devote the whole of his or her services to the Authority and shall not occupy any other office or employment, whether remunerated or not, except that

he or she may act as a director of any Board, Committee or Commission established by the Government.

(3) The Authority may revoke the appointment of the Chief Executive Officer:

- (a) on any of the grounds stated in section 11(1); or
- (b) if the Chief Executive Office fails to comply with any of the terms and conditions of his or her appointment, or any lawful direction given by the Board of Directors.

**15. Responsibilities of Chief Executive Officer–** (1) The Chief Executive Officer is responsible to the Authority for the management of the Authority and the execution of its functions under any direction given by the Board of Directors.

(2) Subject to this Act and any resolution passed at a meeting of the Board of Directors, the Chief Executive Officer may do all things necessary or convenient to be done in connection with the performance of his or her duties.

(3) The Chief Executive Officer shall make a report at each meeting of the Board of Directors in relation to the following:

- (a) all contracts or agreements entered into by or on behalf of the Authority since the previous meeting of the Board of Directors;
- (b) the financial affairs of the Authority;
- (c) any other matter in respect of which the Board of Directors requires the Chief Executive Officer to submit a report.

(4) Where the Chief Executive Officer is prevented by illness, absence or other similar cause from performing his or her duties, or when the office of Chief Executive Officer is vacant, the Board of Directors may appoint one or more of the Authority's officers to perform those duties.

**16. Appointment of staff–** (1) The Board of Directors may:

- (a) appoint and employ persons in addition to the Chief Executive Officer, subject to terms and conditions necessary for the proper carrying out of the provisions of this Act; and
- (b) delegate to the Chief Executive Officer the power to make any appointment in accordance with paragraph (a); and

(c) fix the remuneration and allowances of persons employed by the Authority.

(2) The Authority may enter into an agreement with the Public Service Commission to provide for the secondment of employees to the service of the Authority, on such terms and conditions as may be specified in the agreement.

(3) A person employed by the Authority shall at all times while performing his or her duties carry an identity card in a form determined by the Authority and signed by that person and the Chief Executive Officer.

(4) The Authority may dismiss any employee who acquires any direct or indirect interest or share in any contract with or on behalf of the Authority.

(5) When performing any functions under this Act, an authorised officer must carry a written authorisation from the Authority, and produce it when requested to do so.

**17. Police officers to assist**—A police officer shall, subject to the directions of the Commissioner of Police, aid and assist the Authority in the performance of its functions and the exercise of its powers under this Act when requested to do so by an employee of the Authority.

**18. Protection against personal liability**—A person who is or has been:

- (a) the Chairperson or a director or employee of the Authority; or
- (b) a police officer assisting the Authority in accordance with section 17, —

is not, in the exercise of a power or the discharge of a duty under this Act, personally liable for any civil or criminal proceedings for an act or omission done honestly and without negligence for this Act.

#### **PART 4 FUNDS, ACCOUNTS AND ASSETS OF THE AUTHORITY**

**19. Funds and resources of the Authority**— (1) The funds of the Authority consist of the following:

- (a) any property, investments, mortgages and debentures, acquired by or vested in the Authority, and any money earned or arising therefrom;
- (b) fees paid to the Authority under this Act;
- (c) money borrowed by the Authority for the purpose of meeting any of its obligations or discharging any of its functions;
- (d) all money appropriated by Parliament to the Authority;
- (e) *repealed by the Act 2019, No. 23*;
- (f) all other money or property which may in any manner become payable to or vested in the Authority in respect of any matter arising from the exercise of its powers and duties.

(2) The Authority may invest moneys standing to the credit of the Authority under any law.

**20. Borrowing powers**– (1) Subject to subsections (2) and (3), the Authority may borrow sums required by it for meeting any of its duties or discharging any of its functions.

(2) The power of the Authority to borrow can only be exercised with the written approval of the Minister for Public Enterprises but no such approval is required in respect of any loan not exceeding \$500,000 obtained from a bank which is licensed in Samoa.

(3) An approval given for the purposes of subsection (2) may be either general or limited to a particular borrowing or otherwise, and may be conditional or unconditional.

(4) The repayment of any money borrowed or loan raised under this section and the payment of interest thereon may be secured by mortgage, debenture or other charge upon the assets of the Authority.

**21. Payments by the Authority**–The Authority may from its funds and resources pay the following:

- (a) any expenses lawfully incurred by it, including legal, survey and other fees and costs;
- (b) any other expenses, costs or expenditures properly incurred or accepted by it in pursuance of its purposes under this Act.

**22. Financial year** –The financial year of the Authority is from 1 July to 30 June.

**23. Estimates of expenditure and the National Road Plan–**

(1) The Authority shall on or before 31 March in every year submit to the Shareholding Ministers (as defined in the Public Bodies (Performance and Accountability) Act 2001 for approval an estimate of the expenditure which the Authority expects to incur in the discharge of its functions during the next financial year.

(2) The Authority may at any time during the financial year for which an estimate has been approved cause a revised or supplementary estimate to be prepared and approved.

(3) The estimates submitted each year in accordance with this section shall include a National Road Program detailing proposed expenditures for the next financial year for the national road network, and the program shall cover all proposed works and programmes relating to the following:

- (a) routine maintenance of national roads;
- (b) periodic maintenance of national roads;
- (c) the development of national roads and the conversion of status of local roads to national roads;
- (d) minor works to national roads and land transport infrastructure;
- (e) *repealed by the Act 2019, No. 23*;
- (f) the formulation of strategies and the implementation of studies;
- (g) emergency works;
- (h) maintenance of property belonging to the Authority, or for which the Authority is responsible;
- (i) relevant aspects of the administration of the Authority;
- (j) the performance by the Authority of community service obligations.

(4) For each of its components, the format of the National Road Programme shall comprise:

- (a) performance goals and indicators for the next financial year, which shall—

- (i) state the core purpose or purposes of each output;
  - (ii) express goals and indicators in an objective and quantifiable manner;
  - (iii) represent key output characteristics and attributes;
  - (iv) inform stakeholders of the anticipated level of achievement; and
  - (v) ensure regular reporting of progress against the designated performance indicators; and
- (b) a description of the operational processes, skills and technology, human resources, information and financial resources that are required to meet the stated performance goals; and
- (c) a description of the means by which the Authority shall verify and validate the attainment of the stated performance goals.

**24. Accounts and audits**– (1) The Authority shall keep accounts of its transactions under the requirements of applicable laws and the accounts are to be audited annually by the Controller and Auditor General.

(2) A copy of the audited accounts must be provided to the Minister for Public Enterprises as soon as practicable after the audit of them is complete.

**25. Annual Report**– (1) The Authority shall, as soon as practicable after the end of each financial year but not later than 30 October, provide to the Minister for Public Enterprises a report on the operations, business and affairs of the Authority in respect of that financial year and a copy of the statement of accounts for that financial year required to be submitted to the Minister for Public Enterprises under section 24.

(2) The Minister for Public Enterprises shall cause the report received under subsection (1) to be laid before the Parliament within 30 days of its receipt, or as soon as is practicable.

**PARTS 5 – 7**

*(Sections 26 – 38)*

*Repealed by section 2(a) of the Miscellaneous (Ministerial Assignment) Amendment Act 2019.*

**PART 8  
ROAD OPERATIONS FUNCTIONS**

**39. Authority responsible for national roads and infrastructure**—The Authority is responsible for the construction, maintenance and management of all national roads, road reserves and land transport infrastructure.

**40. Designation of national roads**— (1)The Authority may designate any local road to be a national road, and a notice of such designation is to be published in the *Savali*.

(2)All roads designated as national roads under section 39 of the Ministry of Works Act 2002 prior to the commencement of this Act shall be deemed to be national roads designated in accordance with this section.

(3)The effect of a road being designated as a national road under this section is that:

- (a) the Authority is regarded as being responsible for the construction or maintenance of the road; and
- (b) once designated, all persons shall have a right to use the roadway, subject to any restrictions imposed by this Act or any other law; and
- (c) the road shall be listed on a register of national roads and land transport infrastructure maintained by the Authority; and
- (d) the Authority may designate bus stops along the road or road reserve, and place bus stops at those locations.

**41. Road Reserves**— (1)Subject to subsection (2), the area along the length of a national road being 11 metres on each side of the centre points of the carriageway is deemed to be a road reserve for the purposes of this Act.

(2)Where a surveyed boundary of privately owned land adjoining a national road is within the 11 metre area on either side of the centre point of the carriageway, the road reserve shall extend only up to the line of that boundary.

(3)All road reserves in existence at the commencement of this Act by virtue of section 39 of the Ministry of Works Act 2002 continue to have the status of a road reserve for the purposes of this Act, and all acts taken in relation to those road reserves prior

to the commencement of this Act are deemed to have been lawfully taken under the authority of this Act.

**42. Roads ceasing to be national roads– (1)**The Authority may by written determination published in the *Savali*, declare that any national road shall cease to be a national road as from the date of the determination or from any other specified date.

**(2)**In a case where the Authority determines that the road has become a danger to the public, the determination made under subsection (1) is sufficient to deem the road as having been closed.

**(3)**In any other case, the Authority shall notify the Chief Executive Officer of the Ministry of Natural Resources, Environment of any determination made under subsection (1) and action can then be taken, if appropriate, under Part 4 of the Taking of Land Act 1964 for the road to be closed.

**43. Regulations relating to national roads–**Regulations may be made for the following:

- (a) varying the dimensions of the road reserves, either generally or in relation to any specific road;
- (b) to classify roads, and to vary the area of a road reserve applying to any category of road;
- (c) to prescribe the uses which may, and may not, be made of road reserves;
- (d) to otherwise regulate the use of road reserves;
- (e) to prescribe means by which disputes over the existence of road reserves, or by competing users of road reserves, may be resolved;
- (f) to regulate the parking of vehicles, the designation and management of areas for the parking of vehicles and the collection of fees for parking vehicles;
- (g) to prescribe offences relating to the parking of vehicle.

**44. Designating other infrastructure to be public assets– (1)**The Authority may by written determinations published in the *Savali*, designate land transport infrastructure to be public assets to be managed and regulated by the Authority.



(2) Regulations may be made prescribing any matter relating to the management, regulation or use of any land transport infrastructure which has been designated as a public asset under subsection (1) and any consequence of designating such infrastructure to be public assets.

**45. Identifying lands required for roads and infrastructure–** (1) The Authority may make written determinations published in the *Savali*, specifying areas of land required for road development or for the construction or development of other land transport infrastructure.

(2) The Chief Executive Officer shall promptly notify the Chief Executive Officer of the Ministry of Natural Resources, Environment of any determination made under subsection (1) so that any required action can be taken under the Taking of Land Act 1964.

(3) The Authority and the Ministry of Natural Resources, Environment may agree that the Authority shall take responsibility, in accordance with agreed protocols, for any aspect of the process for taking lands required for the purposes of the Authority, including matters such as land survey, negotiating with landowners, determining and paying compensation and any other appropriate matter.

(4) Sections 14, 14A, 15 and 15A of the Taking of Land Act 1964 (insofar as they relate to objections) do not apply to any land to which subsection (1) applies.

**46. Restrictions on using areas required for roads etc. –**

(1) No person, without the prior written consent of the Authority, may erect, alter or extend any building or structure on land to which section 45(1) applies, or otherwise effect any development of such an area.

(2) In granting consent under subsection (1), the Authority may impose conditions in relation to the approved activity.

(3) No compensation is payable in respect of any building erected on an area to which section 45(1) applies after the commencement of this Act, or in respect of any alteration or extension made after the commencement of this Act.

**47. Right of entry for road or other development purposes–** (1) Although any action under section 45(2) remains

incomplete, the Authority may at any time authorise a person to enter upon land to which section 45(1) applies for the purpose of carrying out any development work, or for any related purpose.

(2) A person who obstructs any person authorised under subsection (1) commits an offence, and is liable to a fine not exceeding 20 penalty units, and to a further fine not exceeding 10 penalty units for each day during which the obstruction continues.

**48. Compensation–** (1) Regulations may be made prescribing the payment or assessment of compensation to be paid as a result of any land being acquired for the purposes of this Part or in respect of any right to compensation that might otherwise arise as a result of the operation of any provision of this Part.

(2) Regulations made under subsection (1) shall relate specifically to the compensation implications of road development or the development of other land transport infrastructure and shall apply in that regard notwithstanding that they may conflict with any general provision of Part 3 of the Taking of Land Act 1964.

(3) The Minister may, after consultation with the Minister responsible for Agriculture and the Minister responsible for Internal Affairs, approve a scale of compensation to be paid in relation to the destruction of any plants or crops caused due to road development or the development of other public assets to which this Act applies.

(4) No action may be maintained in any court for compensation relating to the destruction or removal of plants and crops which exceeds the amount prescribed in the scale of compensation approved under subsection (3) as it applies at the relevant time.

**49. Quarries and gravel pits–** (1) Where the Authority undertakes the development of roads or other land transport infrastructure and there is a need to extract gravel and stone for that purpose, the Chief Executive Officer shall notify the Chief Executive Officer of the Ministry of Natural Resources, Environment of the need to take action under the Taking of Land Act 1964 for this purpose.

(2) Once notification has been given under subsection (1), the Chief Executive Officer may exercise the powers given to the Minister in subsection 11(1) of the Taking of Land Act 1964.

(3) The powers exercisable by the Chief Executive Officer under subsection (2) are subject to the same restrictions and rights to compensation, as those applying to the powers of the Minister under section 11 of the Taking of Land Act 1964.

## **PART 9 MANAGEMENT OF NATIONAL ROADS**

**50. Requirement to clear areas near roads–** (1) An owner of land having frontage to a national road shall keep the grass on his or her road frontage cut short, and keep it clear of weeds and prune or remove plants or trees that may cause a safety hazard to persons using the road.

(2) The Chief Executive Officer may cause notice to be served on any owner of land requiring that subsection (1) be complied with within the time specified in the notice.

(3) Notice may be served for the purposes of this section by:

- (a) delivering it to the person named in it, or to any adult person residing on the land to which it relates; or
- (b) affixing it in a conspicuous place on the land to which it relates.

(4) An owner of land who fails to comply with a notice given under this section commits an offence and is liable to a fine not exceeding 5 penalty units.

(5) If an owner fails to comply with a notice given under this section, the Chief Executive Officer may arrange for the grass to be cut and for the weeds to be cleared or plants and trees to be pruned or removed, and all costs incurred in so doing are recoverable from the owner, or any co-owner.

(6) The costs referred to in subsection (5) shall be the costs fixed by the Chief Executive Officer and may be recovered pursuant to an order of the court given at the time of any prosecution taken under subsection (4).

### **51. Construction of road crossings for access purposes–**

(1) An owner of land where a national road adjoins a boundary of the land shall construct and maintain at his or her cost all road crossings leading from the land to the national road.

(2) All road crossings must be constructed in permanent materials and must be maintained to the satisfaction of the Chief Executive Officer, whose prior approval as to design and construction is obtained before any road crossing is constructed or re-constructed.

(3) The Chief Executive Officer may cause notice to be served on any owner of land requiring that a road crossing be repaired or reconstructed:

- (a) within the time specified in the notice; and
- (b) in accordance with the design or construction requirements determined by the Chief Executive Officer.

(4) Notice may be served for the purposes of this section by:

- (a) delivering it to the person named in it, or to any adult person residing on the land to which it relates; or
- (b) affixing it in a conspicuous place on the land to which it relates.

(5) The Chief Executive Officer may cause any road crossing to be demolished if it is constructed in a manner that does not comply with this section or if it is allowed to deteriorate to a state that is not acceptable to the Chief Executive Officer.

(6) The Chief Executive Officer, or any engineer, officer or appointed agent of the Authority, may at all reasonable times after the giving of at least 3 days prior notice, enter upon any land for the purpose of making an inspection of any road crossing, or to demolish any road crossing in accordance with subsection (5).

(7) A person who:

- (a) fails to construct or maintain a road crossing in accordance with this section; or
- (b) constructs or reconstructs a road crossing without the approval of the Chief Executive Officer, or in a manner that is not consistent with the approval given; or
- (c) fails to comply with a notice given under subsection (3), or any requirement of the notice; or
- (d) obstructs the Chief Executive Officer, or any engineer, officer or appointed agent of the Authority when inspecting a road crossing or demolishing a road crossing in accordance with subsection (5); or

(e) wilfully destroys or damages a road crossing, otherwise than as required by this section, – commits an offence and is liable to a fine not exceeding 10 penalty units.

**52. Powers of the Authority in relation to the use of roads, road reserves, bridges etc. – (1)**Despite the provision of any other law, the Chief Executive Officer may:

- (a) restrict or prohibit the use by any vehicle or class of vehicle on any road under construction or repair; or
- (b) place restrictions on the speed that any vehicle may travel in any designated area where a road is under construction or repair; or
- (c) place any other restrictions relating to an area of road under construction or repair that may be necessary to ensure the safety of road users or persons involved with the construction or repair of the road; or
- (d) place restrictions on vehicle access from private lands on to roads at points where access, either generally or at specific times, may adversely affect the flow of traffic on the road or create any danger to any person; or
- (e) place restrictions on the use of a road reserve, and order the removal of any structure or thing on a road reserve which endangers public safety or impedes the proper management of the road reserve; or
- (f) approve the use of any road reserve, including for the provision of utility services, subject to any conditions, and withdraw any such approval on the grounds that public safety is endangered or that the proper management of the road reserve is impeded; or
- (g) order the removal of any tree or vegetation on a road reserve, or take action to remove trees and vegetation and recover the cost of doing so from the owner or person responsible for placing the tree or vegetation on the road reserve; or

- (h) limit the weight of any vehicle passing over a bridge or road; or
- (i) limit the speed of any vehicle approaching or passing over a bridge or road; or
- (j) prohibit vehicles from standing or passing on a bridge or road.

(2) For any purpose related to subsection (1), the Chief Executive Officer may cause to be placed an appropriate sign on a road way or an approach to a bridge, or cause to be published, as the Chief Executive Officer sees fit, a notice specifying the power that has been exercised under subsection (1).

**53. Offences relating to interfering with road surfaces, obstructing roads and bridges etc.** –A person who except in the exercise of a lawful power:

- (a) fails to comply with any restriction, limitation or prohibition imposed under section 52(1);
- (b) wilfully obstructs any road, road reserve or bridge;
- (c) fails to remove an obstruction placed by that person or over which that person has control, to any road, road reserve or bridge when required to do so by the Chief Executive Officer;
- (d) uses any road reserve for any purpose that is not authorised by the Chief Executive Officer;
- (e) fails to comply with any condition imposed by the Chief Executive Officer in relation to any approval to use a road reserve;
- (f) interferes with the surface or lawful use of any road, the structure or soundness of any bridge or any part of the land transport infrastructure without the approval of the Chief Executive Officer; or
- (g) interferes with any utilities located on or within any road reserve,

commits an offence and is liable to a fine not exceeding 25 penalty units.

**54. Regulations for the management of roads and land transport infrastructure**– (1) The Head of State acting on the advice of Cabinet may make regulations prescribing matters relating to the construction, maintenance or management of

national roads (or any particular road) or to any other land transport infrastructure.

(2) Without limiting subsection (1), regulations may be made for the following purposes:

- (a) prescribing implications of designating a road to be a national road;
- (b) prescribing any other requirement relating to the clearing of road sides or the construction of access crossings from private land to national roads;
- (ba) prescribing fees and charges for the purposes of this Act;
- (c) prescribing powers of the Chief Executive Officer relating to the use of roads, road reserves, bridges and other public assets to which this Act applies;
- (d) prescribing requirements (including the payment of fees or charges), restrictions or prohibitions applying to any road user or class of road user, including the use of heavy vehicles or any other vehicle or thing which may adversely affect a road, road reserve or bridge, or which may interfere with any other road user;
- (e) prescribing rent or charges for the use of the road reserve for utilities, the display of any advertisement boarding or any other proposed use;
- (f) prescribing offences related to a matter to which this Part applies.

(3) The amount of a fee or charge prescribed under subsection (2)(ba):

- (a) shall be proposed by the Authority with the concurrence of the Board of Directors; and
- (b) is subject to the consideration and approval of the National Revenue Board under the Public Finance Management Act 2001.

**55. Other powers of the Authority– (1)** In addition to the powers conferred by this Act, the Chief Executive Officer may exercise powers conferred under any other Act, to give approvals in respect of:

- (a) the opening of drains on road reserves;

- (b) the removal of surfaces of any public footpath or public place on a road reserve; and
  - (c) the blasting of any rock, stone or timber in or near a public place.
- (2) For the purposes of subsection (1), the Chief Executive Officer may:
- (a) approve the form of any application for an approval which the Chief Executive Officer is empowered to give;
  - (b) propose any fee or charge in relation to an application for an approval, or for any approval; and
  - (c) impose such conditions as the Chief Executive Officer sees fit in relation to the grant of any approval.
- (3) The amount of a fee or charge proposed under subsection (2)(b):
- (a) shall be proposed by the Authority with the concurrence of the Board of Directors; and
  - (b) is subject to the consideration and approval of the National Revenue Board under the Public Finance Management Act 2001; and
  - (c) shall be prescribed by regulations.

## **PART 10 MISCELLANEOUS**

**56. Disclosure and use of information**– (1) Subject to subsection (2), a person who is or has been a Chairperson of the Authority or director or employee of the Authority, shall not, directly or indirectly, disclose to any other person information obtained by the person in the exercise of any power conferred, or duty imposed, on the person by this Act, or by virtue of the person's employment under, or for the purposes of, this Act.

(2) Subsection (1) does not operate to prevent the disclosure of information if that disclosure:

- (a) is made in connection with the administration or execution of this Act;
- (b) was ordered by a court, or by any other body or person authorised by law to examine witnesses, in



the course of the hearing or determination by that court, body, or person of any matter or thing; or

- (c) relates to a person, and was made with the approval in writing of that person.

(3) Where a person receives or obtains any information for the administration of this Act in the exercise of his functions, powers or duties, the person shall not use the information to his or any other person's benefit or advantage whether directly or indirectly.

(4) A person who contravenes subsection (1) or (3) commits an offence and is liable on conviction to a fine not exceeding 25 penalty units.

(5) In this section:

- (a) a reference to information includes a reference to the contents of a record; and
- (b) a reference to the disclosure of information includes a reference to the delivery or giving in whatever means to a person of that record or a copy of it or any part of it.

**57. Savings of contracts, permits, authorisations etc.–**

(1) Nothing in this Act affects the validity of any contract made by the Ministry of Works relating to national roads or other land transport infrastructure, and any contract validly made and in force at the commencement date are deemed to have been made by the Authority in the place of the Ministry.

(2) All permits, authorisations and approvals given by the Ministry under Part 5 of the Ministry of Works Act 2002 continue to have full force as if made by the Authority under the equivalent provision of this Act.

(3) All licences, permits, authorisations and approvals given by or under the authority of the Transport Control Board and which are valid and in force at the commencement date, continue to have full force for the remainder of their period of validity, as if given by the Authority this Act.

(4) All legal proceedings commenced by the Ministry or the Transport Control Board shall continue as if taken by the Authority, and may be deemed by a court to have been taken under the equivalent provision of this Act.

**58. Regulations– (1)** The Head of State acting on the advice of Cabinet may make regulations prescribing matters:

- (a) required or permitted by this Act to be prescribed; or
  - (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.
- (2) Without limiting subsection (1), regulations may be made for the purposes of:
- (a) further defining, adding to or deleting any of the principal functions of the Authority; and
  - (b) modifying the definition of land transport infrastructure in section 2; and
  - (c) prescribing the appointment, responsibilities and powers of any technical or advisory committee established as part of the Authority; and
  - (d) prescribing matters related to the transfer of functions and property to the Authority; and
  - (e) any other matter to facilitate the performance by the Authority of any of its functions and powers under this Act, or the discharge by the Chief Executive Officer of his or her powers and responsibilities; and
  - (f) prescribing the powers, responsibilities and procedures of authorised inspectors and officers under this Act; and
  - (g) prescribing matters of a savings or transitional nature, consequent on the repeal of legislation by this Act; and
  - (h) prescribing penalties for the breach of any regulation, being fines not exceeding 50 penalty units.

**59. Repeal**– (1) Part 5 of the Ministry of Works Act 2002 is repealed.

(2) The Notice of Appointment of Principal Licensing Authority under the Road Traffic Ordinance 1960 (2003) is repealed.

(3) The Road Transport and Traffic Control Act 1990 is repealed.

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**REVISION NOTES 2008 – 2019**

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

This Act has been revised by the Legislative Drafting Division from 2008 - 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” or “at all times”) removed
  - (xi) “under the hand of” changed to “signed by”.
  - (xii) Part numbering changed to decimal

The following amendments were made to this Act since the publication of the Consolidated and Revised Statutes of Samoa 2007.

By the *Audit Act 2013, No. 2*, commenced on 27 January 2014:

**section 24(1)** by substituting “an auditor appointed by the Authority” with “the Controller and Auditor General”.

By the *Public Bodies (Performance and Accountability) Amendment Act 2015*, commenced on 25 April 2014, and as such has retrospective effect:

**sections 5(1)(b)(c) & (2), 6, 7(1)(2)(3) & (5), 24(2), 25(1) & (2)** after “Minister” insert “for Public Enterprises”.

**section 20(2)** delete “of Finance” and substitute “for Public Enterprises”.

**section 23(1)** delete “Minister” and substitute “Shareholding Ministers (as defined in the Public Bodies (Performance and Accountability) Act 2001).

By the *Fees and Charges (Miscellaneous Amendments) Act 2017, No. 13*:

Amendments made to this Act reflects that fees charged under this Act are to be prescribed by Regulations. Amendments were made to sections 54 and 55.

By the *Miscellaneous (Ministerial Assignment) Amendment Act 2019 (No. 23)*, (commenced on 1 July 2019):

**Parts 5 - 7** repealed.

**Section 2** repealed definitions of “Ministry”, “motor vehicle”, “owner” or “owns”, “registered”, “registration plate or label”, and “rule”.

**Sections 5(1)(d)(e) & (f)** repealed.

**sections 6(a) & (c)** repealed.

**section 19(1)(e)** repealed.

**section 23(3)(e)** repealed.



Lemalu Hermann P. Retzlaff  
Attorney General of Samoa

*This Act is administered by  
the Land Transport Authority.*

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