



SAMOA

**OFFICIAL FLAG AND NATIONAL ANTHEM OF
SAMOA ACT 1994**

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**OFFICIAL FLAG AND NATIONAL ANTHEM OF
SAMOA ACT 1994**

1994

No.10

AN ACT to provide for the Flag and National Anthem of Samoa

[Assent and commencement date: 28 July 1994]

1. Short title and commencement – (1) This Act may be cited as the Official Flag and National Anthem of Samoa Act 1994.

(2) This Act comes into force on the day it is assented to by the Head of State.

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

“Anthem” means the National Anthem specified in section 4;

“driver” means the driver of a vehicle, and includes the following:

- (a) the rider of a bicycle;

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- (b) the rider of a motor cycle;
- (c) the rider of a horse;
- (d) the rider of a donkey;
- (e) the person in control of a motor vehicle;
- (f) the person in control of a motor vehicle that is being towed;
- (g) a separate person who acts as steersman or engaged in the driving of any vehicle;

“Flag” means the official flag of Samoa referred to in section 3 and described in the Schedule;

“vehicle” means a motor vehicle of any type propelled by mechanical power and constructed for use on roads and not rails or specially prepared ways and includes any motor cycle or bicycle.

3. The Flag of Samoa– There shall be an official Flag of Samoa which is the Flag more particularly described in the Schedule.

4. The National Anthem of Samoa– There shall be a national anthem of Samoa which is “Samoa Tula’i”.

5. Persons to respect the raising and lowering of the Flag – (1) A person who is within or comes upon a public place or an area where the Flag of Samoa is being raised or lowered shall go into a stand still position and remain in that position until the raising or lowering of the flag has been completed.

(2)The driver of a vehicle:

- (a) that is within a public place or an area where the flag is being raised or lowered shall refrain from driving the vehicle and ensure that the vehicle remains motionless until the raising and lowering of the flag is completed; or
- (b) that enters a public place or an area where the flag is being raised or lowered shall ensure that the vehicle is stopped and kept motionless until the raising or lowering of the flag is completed.

6. Persons to respect the national anthem – (1) A person who is within or comes upon a public place or an area at which the national anthem is being sung or played shall come to a

standstill position and remain in that position until the playing or singing of the national anthem is completed.

(2) The driver of a vehicle:

- (a) that is within a public place or an area where the national anthem is being sung or played shall refrain from driving the vehicle and ensure that the vehicle is kept motionless until the playing or singing of the national anthem is completed; or
- (b) that enters a public place or an area where the national anthem is being sung or played shall ensure that the vehicle is stopped and kept motionless until the playing or singing of the national anthem is completed.

7. Offences and Penalty – (1) A person who defaces the Flag of Samoa or wilfully causes the Flag to be torn, destroyed or so defaced is liable upon conviction to a fine not exceeding 10 penalty units or to imprisonment for a term not exceeding 6 months, or both.

(2) A person who by act, word or conduct wilfully offers an insult to the Flag of Samoa is liable upon conviction to a fine not exceeding 10 penalty units or to imprisonment for a term not exceeding 6 months, or both.

(3) A person who by act, word or conduct wilfully offers an insult to the national anthem or by act, word or conduct is disrespectful while the national anthem is being sung or played in any place referred to in sections 5 and 6 is liable upon conviction to a fine not exceeding 10 penalty units or to imprisonment for a term not exceeding 6 months, or both.

8. Repeal - The Flag of Samoa Act 1973 is repealed.

SCHEDULE **(Sections 2 and 3)**

THE OFFICIAL FLAG OF SAMOA

Red, the first quarter blue and bearing thereon 5 white regular five-rayed stars representing the Southern Cross the size and disposition of the stars being as follows:

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1. In this prescription the hoist of the flag from top to bottom is regarded as 144 vertical units, and its breadth from side to side as 288 horizontal units.
2. Each star has its uppermost point on a vertical line through its centres.
3. Two of the stars are disposed with their centres on a vertical line bisecting the blue quarter. The top point of the upper star and bottom points of the lower star are distant 3 vertical units from the upper and lower edges of the blue quarter respectively.
4. The star nearest the staff has its top point distant 21 vertical units from the upper edge of the flag, and its nearest point distant 42 horizontal units from the edge nearest the staff.
5. The star nearest the fly has its top point distant 18 vertical units from the upper edge of the flag, and its nearest point distant 42 horizontal units from the fly edge of the blue quarter.
6. The fifth star has its bottom points distant 26 vertical units from the lower edge of the blue quarter and its nearest point distant 56 horizontal units from the fly edge of the blue quarter.
7. The star nearest the fly edge measures 15, the topmost star and the star nearest the staff 16, the lowest star 20, and the fifth star 10 vertical units measured from the point of any ray to the point of the next ray but one.

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) Insertion of the commencement date
- (c) Other minor editing has been done in accordance with the lawful powers of the Attorney General, where appropriate:
 - (i) “Every” changed to “a/an”
 - (ii) Present tense drafting style:
 - “shall be” changed to “is”

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- “hereby” removed
- (iv) Empowering provisions for the Schedule inserted.

There were no amendments made to this Act since the publication of the *Consolidated and Revised Statutes of Samoa 2007*.



Lemalu Hermann P. Retzlaff
Attorney General of Samoa

*This Act is administered by
The Ministry of Justice and Courts Administration.*
