



SAMOA

OIL FUEL SUPPLY ACT 1974

Arrangement of Provisions

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OIL FUEL SUPPLY ACT 1974

1974

No.5

AN ACT to provide for the control of the supply and use of oil fuel in the public interest, to avert or lessen the effects of oil fuel shortages in Samoa.

[Assent and commencement date: 28 August 1974]

1. Short title – This Act may be cited as the Oil Fuel Supply Act 1974.

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

“Minister” means the Minister responsible for works, transport and infrastructure;

“oil fuel” includes motor spirits, diesoline, power kerosene, and any other form of petroleum distillate;

“supply” includes importation, distribution, and sale.

3. Powers of the Minister – (1) To avert or lessen the effects of oil fuel shortages in Samoa, the Minister may take any steps and do such things as the Minister considers necessary and proper, in the public interest, relating to the supply, possession, and use of oil fuel.

(2) Without limiting subsection (1), the Minister may for the purposes of that subsection do all or any of the following things:

- (a) regulate or restrict services conducted by omnibus operators, taxi proprietors, or carriers; or
- (b) regulate or restrict the use of motor vehicles for purposes of business or personal convenience or pleasure, or for any other purposes; or
- (c) restrict or prohibit the supply or use of oil fuel or during any specified periods; or
- (d) give directions to suppliers of oil fuel as to the persons or classes of persons to whom they may supply oil fuel, and restrict or prohibit the supply of oil fuel to any persons; or
- (e) require suppliers of oil fuel to enter into working agreements with one another for the pooling of supplies of oil fuel and the storage of oil fuel, and restrict or limit the number of suppliers of oil fuel who may operate in an area or district or otherwise; or
- (f) restrict the quantities of oil fuel which may be supplied by or to any persons during any specified periods; or
- (g) require any persons to provide any returns or other information relating to oil fuel and the supply possession, and use of oil fuel as the Minister may require; or
- (h) issue permits or coupons for the purchase of oil fuel by any persons on the terms and conditions (as to payment and otherwise) as the Minister may specify, and prohibit the purchase of oil fuel otherwise than by means of the permits or coupons.

(3) A step taken or thing done by the Minister under this section may relate:

- (a) to oil fuel generally, or to a specified class or classes of oil fuel, or to all oil fuel other than oil fuel of a specified class or classes; and
- (b) to suppliers, users, and persons generally, or to a specified class or classes of supplier, user, or

person, or to all suppliers, users, or persons other than those of a specified class or classes.

(4) For the purposes of this Act, there shall be established a committee, to be known as the Oil Fuel Supply Committee, which shall consist of the following members:

- (a) the Chief Executive Officer, Ministry of Works, Transport and Infrastructure or his or her nominee, who shall be the chairperson; and
- (b) the Chief Executive Officer, Ministry of the Prime Minister or his or her nominee; and
- (c) three other members, to be appointed by the Minister to represent oil fuel suppliers, distributors, and users respectively in Samoa.

(5) Before exercising any of his or her powers under this section, the Minister shall consult with the Oil Fuel Supply Committee, unless the Minister is satisfied in any case of emergency that it is not practicable to do so.

4. Notices – (1) The Minister shall give public notice of an exercise of any of his or her powers under this Act.

(2) Such public notice is to be given by being published in the *Savali* and in at least one newspaper circulating in Samoa.

(3) The Minister shall by any other means give notice to a person of an exercise of any of the Minister's powers under this Act.

(4) A public notice or other notice under this Act shall take effect when it is first published or given, or at such later time as may be specified in that behalf in the notice.

(5) A notice under this Act may at any time be varied or revoked by a subsequent notice.

5. Regulations – The Head of State, acting on the advice of Cabinet, may make all such regulations as shall be necessary or expedient for the general purpose of this Act and for giving full effect to this Act and for its due administration.

6. Offences and penalties – (1) A person who does an act, or makes an omission, in contravention of a restriction, prohibition, direction, or requirement imposed, given, or made by the Minister under this Act of which public notice has been

given or of which notice has been given to that person, commits an offence against this Act.

(2) A person who commits an offence against this Act or against any regulations made under this Act is liable on summary conviction to a fine not exceeding 20 penalty units, and if the offence is a continuing one, to a further fine not exceeding 5 penalty units for every day on which the offence has continued.

7. Revocation – The Oil Fuel Supply Regulations 1973 are revoked.

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 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) References to the male gender made gender neutral;
- (e) Other minor editing has been done in accordance with the lawful powers of the Attorney General, where appropriate:
 - (i) “Every” and “any” changed to “a/an”;
 - (ii) Present tense drafting style:
 - “shall” changed to “is to be”;
 - “hereby” and “from time to time” removed;
 - (iii) Removal of superfluous terms – “the generality of”;
 - (iv) Offence provisions: “shall be guilty” changed to “commits”;
 - (v) Numbers in words changed to figures.

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

A handwritten signature in blue ink, reading "L. Retzlaff", is written over a light blue rectangular background.

Lemalu Hermann P. Retzlaff
Attorney General of Samoa

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