



SAMOA

## SAMOA ACT 1921

### Arrangement of Provisions

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## SAMOA ACT 1921 (NZ)

1921

No. 16

**AN ACT** to make provision for the Government of Samoa.

*[Assent date: 7 December 1921]*

*[Commencement date: 1 April 1922]*

**WHEREAS** pursuant to the Treaty of Peace with Germany, signed at Versailles on the 28th day of June, 1919, a mandate in the terms in the First Schedule to this Act has been conferred by the League of Nations upon His or Her Majesty, to be exercised on his or her behalf by the Government of the Dominion of New Zealand, to administer the former German colony of Samoa; and whereas by the mandate it is provided that the Government of the Dominion of New Zealand; shall have full power of administration and Legislation over the said Territory, subject to the terms of the mandate, as integral portion of the Dominion of New Zealand; and whereas, acting under the authority of the Treaties of Peace Act 1919, and of an Order in Council intituled the Samoa Order in Council 1920 made by His or Her Majesty with the advice of His or Her Privy Council on the 11th day of March 1920, His or Her Excellency the Governor-General of the Dominion of New Zealand, has, on diverse dates, by Orders in Council, made temporary provision for the peace, order, and good

government of the said Territory; and whereas it is expedient that permanent provision should now be made for the peace, order, and good government of the aforesaid Territory.

**1. Short title and commencement** – This Act may be cited as the Samoa Act 1921, and comes into force on 1 April 1922.

**2. Application** – Except so far as a contrary intention appears, this Act applies to Samoa only, and not to New Zealand.

**360. Legal capacity and status of married women** –

(1) Save where otherwise provided by this Act or by an Ordinance, the legal capacity of a married woman, whether contractual, proprietary, testamentary, or of any other kind whatsoever, shall be the same as that of an unmarried woman, and marriage shall not, save in respect of intestate succession, confer on either party thereto any rights to or in respect of the property of the other.

(2) Nothing in this section affects the validity or operation of a restraint on anticipation.

**362. No distress for rent** – (1) Despite anything to the contrary in any Act, or in any rule of law, or in any lease, it shall not be lawful for any person to distrain for rent.

(2) This section extends and applies to leases granted by the Government of Samoa.

**367. Repealed** – *This section has been declared void as being contrary to Article 15 of the Constitution by the Supreme Court in John Chu Ling and Bank of Samoa (Civil No.5 2/87).*

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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”.

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 the Prime Minister and Cabinet.*

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