



SAMOA

SAMOAN MARKET ORDINANCE 1927

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SAMOAN MARKET ORDINANCE 1927

1927

No. 1

AN ORDINANCE to provide for the establishment and control of a Samoan Market.

[Assent and commencement date: 22 March 1927]

1. Short title – This Ordinance may be cited as the Samoan Market Ordinance 1927.

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

“area” or “the central area” means that part of Apia and adjoining districts lying within a radius of one mile from the Apia Custom House;

“Head of State” means the Head of State of Samoa;

“market” means the land and building in Beach Road, Apia, set apart and constructed by the trustee of the Estate of Jane Nelson deceased for the purpose of a market for the offer and sale of Samoan food and produce or such other site or building as may be hereafter declared and proclaimed by the Head of State as the market for the central area;

“market licence” means a licence issued under this Ordinance and authorising or permitting the licensee to sell or expose for sale in the Market any Samoan foodstuffs;

“public place” includes any road, street, or place to which the public have access whether as of right or otherwise;

“Samoan foodstuffs” includes:

- (a) all fruit, vegetables, poultry and eggs grown or produced in Samoa except citrus fruit and mangoes;
- (b) meat grown and cooked in Samoa;
- (c) fresh fish and fresh shell fish;
- (d) all such bread, cakes, buns and similar goods and all such Samoan prepared foods, as shall be made cooked or baked, as the case may be, in Samoa.

3. Samoan Market established – There is established a Samoan Market for the offer and sale of Samoan foodstuffs to be held and conducted exclusively on the market.

4. No sale of Samoan foodstuffs (exception for fish or shellfish) in central area save at the Market – Except as hereinafter provided, from and after the date of coming into force of this Ordinance, save and so far as hereinafter except or provided, no person shall sell or offer for sale or set up or keep a stall for the purpose of selling or offering for sale any Samoan foodstuff or foodstuffs in any public place within the central area other than at or in the Samoan Market:

PROVIDED THAT a person shall not sell fish or shellfish upon the sea beach or upon the Main Beach Road within the central area within 3 hours of their being taken from the sea.

5. Vendor must hold a Market licence – No person shall sell or offer to sell or expose for sale in the market any Samoan foodstuffs unless the person is the holder of a valid market licence authorising the person to sell Samoan foodstuffs in the market.

6. Saving as to licensed stores, delivery from outside the area, and holidays – The provisions hereof do not apply to or prevent any sale in or delivery from any licensed shop, store, or business premises in the area or to delivery within the area of any foodstuffs to a purchaser under contract for sale made outside the area nor to the sale or exposure for sale of food stuffs by any holder of a Market licence on the occasion of any public holidays or special occasion proclaimed or allowed by the Head of State from or upon a stall or stalls erected at such place or places within the area as may be specifically allotted by the Chief Inspector of Police for that purpose.

7. Samoan foodstuffs unfit for human consumption and offensive matter in the Market – (1) No person shall bring into the market any Samoan foodstuffs unfit for human consumption or other offensive matter.

(2) The Chief Inspector of Police or any person authorised by him or her or any Inspector of Health may condemn, seize, remove and destroy any Samoan foodstuffs or other matter so brought into the market and at the risk and expense of the owner or other person so bringing in the same and any person so offending may be prosecuted for such offence.

8. Misbehaviour in the Market – No person shall enter the market whilst drunk or gamble or excite any riot or fight or use any gross, indecent, obscene, filthy or abusive language therein or spit or put any dirt or offensive matter upon the building, floor, stalls, furniture or appliances or be guilty of any indecent or improper conduct therein and any person so offending may be forthwith ejected from the Market and may be prosecuted for such offence.

9. Licence to sell Samoan foodstuffs in Market – (1) No person shall sell or expose for sale within the market any Samoan

foodstuffs unless the person be the holder of a licence from the Chief Inspector of Police so to sell Samoan foodstuffs.

(2) The licence shall be issued upon the payment of a fee of 50 sene if the Chief Inspector of Police is satisfied that the applicant is the *bona fide* tenant of a stall in the Market.

(3) The licence remains in force until 31 March then next ensuing or until the licensee ceases to be the *bona fide* tenant of a stall as aforesaid (whichever event happens first) when the licence becomes void.

(4) The Chief Inspector of Police may cancel or suspend a licence for any breach of this Ordinance or of any regulations relating to the sale of foods for human consumption.

9A. Licence holder may carry on business of confectioner or tobacconist – The holder of a market licence may if duly licensed under the Business Licences Act 1998, carry on at his or her stall in the market the businesses of a confectioner or a tobacconist or either of them.

9B. Reference to Shops Ordinance 1961 – Section 6(b) of the Shops Ordinance 1961 is subject to section 9A.

[Note – Shops Ordinance 1961 has been repealed s5 of the Public Holidays Amendment Act 2015, No.10]

9C. Licence restricted to sale of foodstuffs except as provided in section 9A – Save as provided by section 9A, it is not lawful for the holder of a Market licence to carry on or permit to be carried on at his or her stall in the Market any trade or business other than the sale of Samoan foodstuffs.

10. Penalty – A person who commits any breach of this Ordinance is liable on conviction to a fine not exceeding 1 penalty unit or to imprisonment for a term not exceeding 3 months for every breach committed.

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 – 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”

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



Lemalu Hermann P. Retzlaff
Attorney General of Samoa

*This Ordinance is administered by
the Ministry of Natural Resources and Environment.*
