



SAMOA

FINES (REVIEW AND AMENDMENT) ACT 1998

Arrangement of Provisions

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FINES (REVIEW AND AMENDMENT) ACT 1998 **1998** **No. 24**

AN ACT to amend the fines prescribed for offences by all Acts and Regulations and to replace references to fines fixed as monetary amounts with the concept of the penalty unit.

[Assent and commencement date: 16 July 1998]

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

1. Short title and commencement – (1) This Act may be cited as the Fines (Review and Amendment) Act 1998.

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

2. Interpretation – In this Act, unless the contrary intention appears:

“pecuniary penalty” includes a fine.

3. Amendment to fine provisions– (1) In all Acts and Regulations, now or at a time in the future, in force in Samoa:

- (a) a reference to the imposition of a fine or maximum fine, of less than \$100 is taken to impose a fine or maximum fine, as the case may be, of \$100, unless otherwise specified in Schedule 1; and
- (b) a reference to a pecuniary penalty of T tala, where tala is a number, is taken to be a reference to a pecuniary penalty of P pecuniary penalty units, where P is :
 - (i) if $T \div 100$ is a whole number - that whole number; or
 - (ii) if $T \div 100$ is not a whole number - the next highest whole number,

and all Acts and Regulations are amended accordingly.

(2) Subsection (1) does not apply to fines that are expressed to be for continuing offences, which is set at one-half of the substantive fine in each case.

4. Fixing the penalty unit – In all Acts and Regulations a reference to a “penalty unit” is the amount of “\$100” for each penalty unit prescribed as a pecuniary penalty.

5. Amendments to specific fines – Despite anything in section 3(1), the fines provided for in the Acts and Regulations specified in Column A of Schedule 1 are amended to provide the fine specified in Column B of the Schedule.

6. Application – (1) The penalties fixed by operation of this Act apply only to offences committed after the date of commencement of this Act.

(2) The appropriate fine for offences committed prior to the commencement of this Act is the fine fixed by the respective Act or Regulation prior to its amendment.

(3) If the amount of the penalty unit is amended, the revised amount applies only to fines imposed in respect of offences committed after the amendment has come into force.

7. Other amendments – The provisions of the Acts and Regulations specified in Schedule 2 are amended in accordance with the amendments specified in that Schedule.

SCHEDULES

SCHEDULE 1
(Sections 3(1)(a) and 5)

Column A	Column B
Act (or Regulation) and Section	Penalty Unit
Legislative Assembly Powers and Privileges Ordinance 1960	
Section 12	5
Section 13	5
Section 15	2
Section 16	5
Section 25	5
Section 26	5
Shipping Act 1972	
Section 14	100
Section 15	50
Section 21	100
Section 27	50
Section 32	100
Section 34	50
Port Control Regulations 1939	
Regulation 56	5
Radio on Ships Regulation 1960	
Regulation 18	5
Port Control Amendment Regulations 1960	
Regulation 44	10

Labour and Employment Act 1972

Section 41(1)	10
Section 41(2)	5
Section 41(3)	5

Apprenticeship Act 1972

Section 31(1)	5 (in the case of an employer) 10 (in the case of an apprentice)
Section 31(2)	2
Section 31(3)	10

Shops Ordinance 1961

Section 15(2)	5
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Audit Office Regulations 1976

Regulations 18(a)	5
Regulations 18(b)	2
Regulations 18(c)	5
Regulations 18(d)	2

Rhinoceros Beetle Ordinance 1954

Section 11	5
Section 17(2)	5

Bunchytop Act 1965

Section 21(1)	2
Section 21(2)	5

Fisheries Act 1988

Section 5	5
Section 21(1)	2
Section 21(2)	50
Section 21(5)	50
Section 21(6)	50

Infants Ordinance 1961

Section 12	5
Section 20	5

Permits and Passports Act 1978

Section 13(1) (e) 5

Burials Ordinance 1961

Section 10(2) 5

Section 11 2

Citizenship Act 1972

Section 21 10

Commissions of Inquiry Act 1964

Section 12(b) 5

Section 15(2) 10

Secret Commissions Act 1975

Section 14 50 (for a Corporation)
20 (for any other person)

Liquor Act 1971

Section 14(1) 5 (for a first offence)
10 (for subsequent offences)

Police Offences Ordinance 1961

Section 3 2

Section 4 2

Section 5 2

Section 7 2

Section 8(1) 2

Section 8(2) 2

Section 9 2

Section 10 2

Section 11 5

Section 12(2) 2

Section 12(5) 2

Section 13 2

Section 14(3) 2

Section 16 2

Section 18(3) 2

Section 18(4) 2

Section 19 2

Section 20	2
Section 21	2
Section 22	2

Gaming Act 1978

Section 3(1)	20
Section 3(3)	5
Section 4	20
Section 5(1)	2
Section 10	10
Section 14(1)	20
Section 14(2)	10
Section 23(1)	20
Section 23(2)	5

Magistrates (District) Court Act 1969

Section 58(1)	10
Section 58(2)	10
Section 116(3)	10
Section 117(2)	10

Excise Tax (Domestic Administration) Act 1984

Section 14	100
Section 50	20
Section 51	100
Section 52	100
Section 53	20
Section 55	100
Section 60	10

Customs Act 1977

Section 13(3)	10
Section 20(2)	20
Section 37(2)	50
Section 38(3)	50
Section 39(7)	50
Section 40(3)	50
Section 41	10
Section 42(2)	10
Section 43(2)	10
Section 44(3)	10

Section 45(3)	10
Section 45(4)	20
Section 46(3)	20
Section 46(4)	20
Section 47	10
Section 49(10)	50
Section 51(4)	50
Section 53(3)	20
Section 54(3)	50
Section 62(2)	20
Section 65(6)	20
Section 66(3)	20
Section 68(2)	20
Section 71(3)	20
Section 73(10)	50
Section 74(2)	50
Section 75(2)	20
Section 77(4)	10
Section 79(4)	20
Section 94(2)	20
Section 101(2)	1
Section 105(2)	10
Section 120	20
Section 126	20
Section 176	20
Section 179(3)	20
Section 180(3)	10
Section 184(2)	50
Section 187(2)	20
Section 191(7)	50
Section 193	50
Section 216	20
Section 217	50
Section 218(2)	50
Section 219	50
Section 220	20
Section 222	20
Section 223(2)	20
Section 224	10
Section 226	100
Section 227(1)	10

Section 228(2)	10
Section 229	20
Section 230	20
Section 231	20
Section 237	10
Section 280	50

SCHEDULE 2
(Section 7)

AMENDMENTS TO ACTS

Customs Act 1977:

1. Section 40(3) is amended by prescribing a penalty being a fine not exceeding \$5,000, or 3 times the value of the imported goods, whichever is the greater, and by providing for the forfeiture to the State of the goods and the ship or aircraft involved.

2. Section 105(2) is amended by prescribing a fine not exceeding \$1,000, or 3 times the value of the goods, whichever is the greater.

3. Section 241(1) is amended by -

- (a) deleting the figure "\$100" from paragraph (a) and replacing it with "\$10,000"; and
- (b) deleting the figure "\$20" from paragraph (b) and replacing it with "\$5,000".

4. Section 241(2) is amended by prescribing penalty being a fine not exceeding \$1,000, or 3times the amount of the duty avoided, whichever is the greater.

5. Section 280 is amended by prescribing penalties being fines not exceeding \$1,000 for breach of Regulations.

Excise Tax (Domestic Administration) Act 1984

Section 54 is amended by prescribing a penalty being a fine not exceeding \$5,000, or imprisonment for a term not exceeding 5 years, or both.

Customs Regulations 1986:

Regulation 103(2) is amended by providing for fines not exceeding \$1,000.

REVISION NOTES 2008 – 2020/3 March 2021

This is the official version of this Act as at 3 March 2021.

This Act has been revised by the Legislative Drafting Division from 2008 to 2020/3 March 2021 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
- (d) Other minor editing has been done in accordance with the lawful powers of the Attorney General.
 - (i) “shall be” and “has been” changed to “is” and “shall be deemed” changed to “is taken”,
 - (ii) “notwithstanding” changed to “despite”,
 - (iii) Numbers in words changed to figures.

Note:

- (a) The Liquor Act 1971 amended in this Act has been *repealed* by the Liquor Act 2011;
- (b) The Labour and Employment Act 1972 amended in this Act has been *repealed* by the Labour and Employment Relations Act 2013;
- (c) The Shipping Act 1972 amended in this Act has been *repealed* by the Shipping Act 1998.
- (d) The Customs Act 1977 has been *repealed* by the Customs Act 2014.

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

Although this Act is spent, it is retained in the Consolidation for information purposes.

*This Act is administered by
the Ministry for Customs and Revenue.*