



SAMOA

## SAMOAN STATUS ACT 1963

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## SAMOAN STATUS ACT 1963

1963

No. 14

**AN ACT** to amend the laws as to Samoan status and as to eligibility to hold a matai title.

*[Assent and commencement date: 19 December 1963]*

**1. Short title** – This Act may be cited as the Samoan Status Act 1963.

**2. Samoan custom and usage** – This Act is in accord with Samoan custom and usage.

**3. Interpretation** – (1) In this Act and any other Act and Ordinance, unless the context otherwise requires, “Samoan” means a person who is a citizen of Samoa and has any Samoan blood.

(2) In this Act, unless the context otherwise requires: “Court” means the Samoan Land and Titles Court;

“land” means customary land;

“Registrar” means the Registrar of the Court.

**4. Court may declare person a Samoan** – The Court may, at any time and on the petition of any person, enquire and declare whether or not the petitioner, and his or her children under the age of 18 years, are Samoans, and effect shall be given to each such declaration for all purposes and in all Courts.

**5. Register of Declared Samoans** – (1) There shall be kept in the Court by the Registrar a “Register of Declared Samoans” in which shall be entered by the Registrar the full names and addresses of all persons declared by the Court to be Samoans, and the dates of such declarations.

(2) The Register may be inspected by any person at any time during office hours on payment of a fee of 20 sene.

**6. Eligibility to hold a matai title** – Subject to section 7, no person other than a Samoan shall be eligible:

- (a) to hold a matai title; or
- (b) to hold the pule over any land; or
- (c) to use any land as of right other than under any lease, licence or mortgage which may be permitted by any Act; or
- (d) to participate in the rents or profits of any land other than under any lease, licence or mortgage which may be permitted by any Act; or
- (e) to acquire any estate or interest in any land by virtue of any gift, devise or bequest, or otherwise than by virtue of any lease, licence or mortgage which may be permitted by any Act.

**7. Status of matai titles already held by Europeans** – If, at any time prior to the coming into force of this Act, a matai title was validly conferred on a person who was an European at the date of conferment, and that title was made a complimentary honour by the operation of section 8 of the Samoan Status Ordinance 1934, and that person is still holding that title on the coming into force of this Act, he or she shall hold that title thereafter, despite the repeal of that Ordinance, as a complimentary honour only.

**8. Offences** – Except as provided in section 7, a person other than a Samoan who permits a matai title to be conferred upon him or her, or uses a matai title in address, or permits himself or herself to be addressed by a matai title, or otherwise acts as the holder of a matai title, in breach of section 6, commits an offence and is liable on conviction to a penalty not exceeding 1 penalty unit.

**9. Saving existing rights in land** – Nothing in this Act affects any right in or over any land which may have been lawfully acquired before the commencement of this Act, whether or not in accordance with Samoan custom and usage.

**10. Repeals and other savings** – (1) The enactments set out in the First Schedule are repealed.

(2) The enactments set out in the Second Schedule cease to form part of the law of Samoa.

(3) Sections 19 and 20 of the Acts Interpretation Act 1974 apply to the enactments set out in the Second Schedule as if they had been repealed by this Act.

## **SCHEDULES**

### **FIRST SCHEDULE**

#### **(Section 10 (1))**

Samoan Status Ordinance 1934

Samoan Status Amendment Ordinance 1941

### **SECOND SCHEDULE**

#### **(Section 10 (2))**

Samoan Registration of Europeans Regulations 1920 (NZ)

Samoan Registration of Europeans Regulations Amendment 1935 (NZ)

Samoa Act 1921: Section 3: The definitions of the terms “European”, “Polynesian” and “Samoan”, the last as substituted by the Statutes Amendment Act 1944, section 57 (NZ)

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**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 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 Act since the publication of the *Consolidated and Revised Statutes of Samoa 2007*.

*This Act is administered by  
the Ministry of the Prime Minister and Cabinet.*