

Samoa Trust Estates Corporation Reconstruction Act 1990

SAMOA

SAMOA TRUST ESTATES CORPORATION RECONSTRUCTION ACT 1990

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SAMOA TRUST ESTATES

CORPORATION RECONSTRUCTION ACT 1990

1990 No.18

AN ACT to assist the reorganisation of the Samoa Trust Estates Corporation and to vest in that Corporation and to divest from it interests in certain lands; to make provision for the reduction of debts due by it to the Government; to provide for the privatisation of its operation; and for objects incidental thereto.

[Assent and commencement Date: 29 August 1990]

1. Short title– This Act may be cited as the [Samoa Trust Estates Corporation Reconstruction Act 1990](#).

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

“Corporation” means the Samoa Trust Estates Corporation continued pursuant to the [Samoa Trust Estates Corporation Act 1977](#);

“Government” means the Government of the Independent State of Samoa;

“Registrar” means the Registrar of Land appointed for the purposes of the [Samoa Land Registration Order 1920](#) (N.Z.);

“Register” means the Land Register kept pursuant to clause 6 of the [Samoa Land Registration Order 1920](#) (N.Z.);

“Schedule” means the Schedule to this Act.

3. Exchange of land– To give effect to agreements heretofore entered into between the Government and the Corporation:

(a) all the estates and interests of the Corporation in the lands described in the first part of the Schedule shall subject to all existing encumbrances charges or other adverse interests forthwith and without further assurance vest in the Government; and

(b) all the estates and interests of the Government in the lands described in the second part of the Schedule shall subject to all existing encumbrances charges or other adverse interests forthwith and without further assurance vest in the Corporation; and

(c) the Government shall from funds appropriated for the purpose pay to the Corporation the sum of \$6,420,000 by way of equality of exchange in respect of the estates and interests referred to in paragraphs (a) and (b); and

(d) the Corporation shall forthwith upon receipt of the payment referred to in paragraph (c), pay to the Government the sum of \$6,420,000 in partial satisfaction of monies owing by the Corporation to the Government.

4. Interest to be recorded etc.– (1) The Registrar, without further warrant and by authority of this Act, shall as soon as it is practicable for him or her to do so, record in the land register and every relevant instrument of title to each piece of land described in the Schedule, the vesting thereof pursuant to this Act in the Government or the Corporation as the case may require; and where there is no instrument of title to any part of such land shall record the same in the register as soon as practicable after there has been deposited a survey plan in respect of the same.

(2) In any case where the description or area of any land described in the Schedule does not sufficiently correspond with its description or area in the register or in any instrument of title or pursuant to a survey as the case may be, the Head of State acting on the advice of Cabinet may by Order vary or amend the Schedule to show the correct area or description of any such land.

5. Subsequent vesting of Corporation lands– (1) Subject to the provisions of subsection (2) on 1 October 1990 all of the estates and interests of the Corporation in all lands in Samoa then held by it shall by virtue of this Act and without further assurance vest in such person as shall be determined by the Head of State acting on the advice of Cabinet by Order.

(2) Despite subsection (1), there may be excluded from the vesting directed by this section, the estate and interests of the Corporation in one or more parcels of land to be specified in the Order.

(3) The consideration and terms and conditions upon which the estates and interests shall vest pursuant to subsection (1) shall be such as may be agreed upon by Cabinet.

(4) Section 4 applies, with necessary modifications, to the divesting and vesting which occurs by virtue of this section.

6. Amendment to Samoa Trust Estates Corporation Act 1977– Section 11 of the Samoa Trust Estates Corporation Act 1977 is amended by inserting immediately after paragraph (b) which ends with the words "other enterprises" the following new paragraph:

“(c) From 1 September 1990 to carry on the operations of the Corporation with a view to the privatisation of its enterprise by disposal or otherwise;”

SCHEDULE

(Sections 2, 3 and 4)

FIRST PART

Firstly, that parcel of land containing approximately 346 acres situated at Fagalii/Letogo and used by the Government for leasing for private/residential purposes.

Secondly, that parcel of land containing approximately 1,424 acres situated at Laloanea and used by the Government for leasing to Faleata district for plantation development purposes.

Thirdly, that parcel of land containing approximately 2,500 acres situated at Vaipapa/Tanumalala and used by the Government for leasing for private plantation development purposes.

Fourthly, that parcel of land containing approximately 22 acres situated at Maugama'a i Olo and used by the Government for a quarry site.

Fifthly, that parcel of land containing approximately 268 acres situated at Faleolo and used by the Government for the purposes of an extension to Faleolo Airport.

Sixthly, that parcel of land containing approximately 1,000 acres situated at Faleolo and used by the Government for the purposes of an extension to Faleolo Airport.

Seventhly, that parcel of land containing approximately 60 acres located adjacent to Satapuala Village and used by the Government for leasing for private plantation development purposes.

Eighthly, that parcel of land containing approximately 17 acres situated at Nuu and used by the Government for the purposes of a telecommunications transmitter installation.

Ninthly, that parcel of land containing approximately 110 acres situated at Nuu and used by the Government for the purposes of a Cocoa Research facility.

Tenth, that parcel of land containing approximately 194 acres situated at Tanumalala and originally used by the Government for a banana plantation development, but latterly for leasing for private plantation development.

Eleventh, that parcel of land containing approximately 100 acres situated at Vaitele and designated or set aside by the Government as an Industrial Free Zone.

SECOND PART

Firstly, that parcel of land containing approximately 239 acres situated at Asau forming part of lands known as the “Cornwall Estate”.

Secondly, that parcel of land containing approximately 1,000 acres situated at Falelima forming part of lands known as the “Cornwall Estate”.

Thirdly, that parcel of land containing approximately 6,500 acres situated at Lata.

REVISION NOTES 2008– 2014

This is the official version of this Act as at 31 December 2014.

This Act has been revised by the Legislative Drafting Division from 2008 to 2014 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 Natural Resources and Environment*