

1998

Fines (Review and Amendment)

No. 24

SAMOA

Arrangement of Provisions

Title.

- | | | | |
|----|------------------------------|----|------------------------------|
| 1. | Short title and commencement | 5. | Amendments to Specific Fines |
| 2. | Interpretation | 6. | Application of this Act |
| 3. | Amendment to fine provisions | 7. | Other Amendments |
| 4. | Fixing the Penalty Unit | | Schedules |

1998, No. 24

AN ACT to amend the fines prescribed for offences by all 1 Acts and Regulations and to replace references to fines fixed as monetary amounts with the concept of the penalty unit.

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 shall come 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" shall include a fine.

3. Amendment to fine provisions

- (1) In all Acts and Regulations, now or at any time in the future, in force in Samoa-
 - (a) A reference to the imposition of a fine or maximum fine, of less than \$100 shall be deemed to impose a fine or maximum fine, as the case may be, of \$100, unless otherwise specified in Schedule 1 to this Act; and
 - (b) A reference to a pecuniary penalty of T, where tala is a number, shall be 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 shall be amended accordingly.

(2) Subsection (1) shall not apply to fines that are expressed to be for continuing offences, which shall be 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" shall be the amount of "\$100" for each penalty unit prescribed as a pecuniary penalty.

5. Amendments to specific fines

Notwithstanding anything in subsection (1) of Section, 3 of this Act, the fines provided for in the Acts and Regulations specified in Column A of Schedule 1 to this Act shall be amended to provide the fine specified in Column B of the Schedule.

6. Application of this Act

(1) The penalties fixed by operation of this Act shall 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 shall be the fine fixed by the respective Act or Regulation prior to its amendment.

(3) In the event that the amount of the penalty unit is amended, the revised amount shall apply 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 shall be amended in accordance with the amendments specified in that Schedule.

SCHEDULE 1**Column A****Column B**

Act (or Regulation) and Section Penalty Unit

Legislative Assembly Powers and Privileges Ordinance 1960 Section 12

Section 13	5
Section 15	2
Section 16	5
Section 25	5
Section 26	5

Shipping Act 1972

Section 14	
Section 15	
Section 21	100
Section 27	
Section 32	

1998, No. 24

Fines (Review and Amendment

50
100
50
100
50

Section 34

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 1972Section 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

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

Fines (Review and Amendment)

1998, No. 24

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 197

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

1998, No. 24

Fines (Review and amendment)

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

Fines (Review and amendment)

1998, No. 24

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

1998, No. 24

Fines (Review and amendment)

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

SCHEDULE2

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 three times 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

Fines (Review and Amendment)

1998, No. 24

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.

Fines (Review and amendment)

1998, No. 24

Clerk of the Legislative Assembly

The Head of State Assents this 16th day of

July 1998

HEAD OF STATE

Printed under the authority of the Legislative Assembly,
by the Clerk of the Legislative Assembly.