

SAMOA

PRODUCE EXPORT ORDINANCE 1961

Arrangement of Provisions

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PRODUCE EXPORT ORDINANCE 1961

1961

No.10

AN ORDINANCE to control and maintain the standard of primary produce exported from Samoa.

[Assent and commencement date: 12 October 1961]

1. Short title – This Ordinance may be cited as the Produce Export Ordinance 1961.

2. Interpretation – (1) In this Ordinance, unless inconsistent with the context:

“Chief Executive Officer”:

- (a) means the Chief Executive Officer of the Ministry of Agriculture; and
- (b) for powers conferred on the Chief Executive Officer by this Ordinance, includes any person to whom the Chief Executive Officer lawfully makes a delegation pursuant to the power and authority conferred on him or her by section 10 of the Agriculture, Forests, and Fisheries Ordinance 1959 of the powers exercisable by

him or her under this Ordinance but to the extent only of such delegation;

“export” means export from Samoa, whether by way of sale or otherwise, but does not include the exporting by way of gift of small parcels of produce exempted by regulation from the operation of this Ordinance;

“Minister” means the Minister responsible for Agriculture;

“occupier” means the person having control of premises;

“owner”, of produce;

(a) means the owner of the produce and a person entitled to the proceeds of the sale of the produce; and

(b) includes a person acting as agent for the owner in relation to the produce;

“premises” include any land, building, vessel, or aircraft;

“produce” means any primary produce of Samoa and includes fruit, vegetables, trees, plants, shrubs, and roots, the carcasses or produce of animals, birds, and fish or any part thereof, and the unmanufactured products of any produce.

(2) Nothing in this Ordinance derogates from the provisions of any other enactment relating to the control of the export of cocoa, copra, or other produce.

3. Chief Executive Officer to maintain standard of produce exported – (1) The Chief Executive Officer shall comply with and enforce all regulations made under this Ordinance for the purpose of maintaining the standard of produce exported from Samoa.

(2) The Chief Executive Officer may, in conformity with any such regulations:

(a) enter upon any premises where any produce is growing, kept, or stored, and inspect such produce;

(b) direct the owner of any produce or the occupier of such premises to treat by fumigation or otherwise such produce or premises and to take all such measures as are authorised by such regulations and are in the opinion of the Chief

Executive Officer necessary to maintain the standard of produce exported from Samoa;

- (c) issue such certificates of quality or freedom from disease, insect or animal life or foreign matter as may be prescribed by regulations made under this Ordinance or required by an importer, or by the laws of a country to which the produce is to be exported.

(3) If the owner of such produce or the occupier of such premises fails to comply with any directions lawfully given by the Chief Executive Officer, the Chief Executive Officer may enter upon the premises with servants and workers and may take measures as are necessary to ensure that such directions are complied with.

(4) The costs of taking any measures pursuant to the last preceding subsection shall constitute a debt due from the owner of the premises or the person entitled to the proceeds of the produce to the Government, and may be recovered at the suit of the Chief Executive Officer in a Court of competent jurisdiction.

4. Chief Executive Officer may supervise shipping of produce – The Chief Executive Officer may at any time give to a person engaged in the transport or shipment of produce for export, directions as to the handling of, and dealing with such produce for the purpose of preventing it being injured or deteriorating, and a person wilfully disobeying a direction lawfully given to him or her by the Chief Executive Officer commits an offence and is liable on conviction to a fine not exceeding 1 penalty unit.

5. Chief Executive Officer may board vessel – The Chief Executive Officer may for the purpose of enabling him or her to comply with and enforce regulations made under this Ordinance board a launch, lighter, or other vessel on which produce may be stored or transported for the purpose of being exported and have access to any place where such produce is.

6. Chief Executive Officer may forbid export – (1) It is lawful for the Chief Executive Officer, by notice to the owner or a person having control of any produce, or the occupier of

any premises on which there is any produce, to forbid the export of any produce if in his or her opinion the quality of the produce is such that its exportation will affect the good reputation or future saleability of any class of produce of Samoa.

(2) A person who exports or attempts to export any produce the exportation of which is forbidden by this Ordinance or any regulations or by the Chief Executive Officer, commits an offence and is liable on conviction to a fine not exceeding 1 penalty unit.

(3) A person aggrieved by a decision of the Chief Executive Officer under this section may appeal to the Minister, who may confirm, vary, or vacate such decision and the decision of the Minister is final.

7. Charges for inspection or treatment – (1) There shall be payable by the owner of any produce which is inspected pursuant to this Ordinance the sum of 3.3 sene per case, or such other sum as may be prescribed by regulations made under this Ordinance.

(2) There shall also be payable by the occupier of any premises, or the owner of any produce for export, such charges for the fumigation or other treatment of such premises or produce as may be prescribed.

8. Restriction on export of produce – The Head of State, acting by and with the advice of Cabinet, may at any time restrict or prohibit during any specified period the export of any class of produce if, in his or her opinion, such restriction or prohibition is expedient either to prevent a shortage of any necessity of life of the people of Samoa or to maintain the standard of the produce exported from Samoa.

9. Regulations – (1) The Head of State, acting by and with the advice of Cabinet, may make regulations as the Head of State considers necessary for any purpose for which regulations are contemplated by this Ordinance, and all such other regulations as may in his or her opinion be necessary or expedient for giving full effect to this Ordinance and for the due administration thereof.

(2) Without limiting subsection (1), regulations may be made under this section, for all or any of the following purposes:

- (a) requiring a person exporting or holding for export any produce or any class of produce to furnish such particulars thereof as may be prescribed;
- (b) specifying grades or standards for any class of produce for export;
- (c) prescribing the manner in which any class of produce is packed for export;
- (d) making provision for the inspection of produce for export and the manner in which such inspection is to be carried out;
- (e) varying the charges for the inspection of any produce, with power to prescribe different charges in respect of different classes of produce or in respect of containers of different classes or sizes;
- (f) prescribing charges for the fumigation of any premises or produce;
- (g) making provision in regard to the issue of certificates of quality, or freedom from pests or foreign matter, and the charging of fees for such certificates;
- (h) prescribing fines not exceeding 1 penalty unit for the breach of any regulations made under this section.

(3) The Minister shall lay all regulations made under this section before the Legislative Assembly within 28 days after the making thereof if the Assembly is then in session, and, if not, to lay them before the Assembly within 28 days after the commencement of the next ensuing session.

10. Repeal – The enactments specified in the Schedule to this Ordinance are repealed.

SCHEDULE
(Section 10)

ENACTMENTS REPEALED

- 1931 - No.4 : Fruit Export Ordinance 1931
 1958 - No.1 : Ordinances Amendment Ordinance
 1958,section 4.
 1959 - No.3 : Status Disabilities Removal Ordinance
 1959, section 4.

 REVISION NOTES 2008 – 2016

This is the official version of this Ordinance as at 31 December 2016.

This Ordinance has been revised by the Legislative Drafting Division from 2008 to 2016 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. (e.g. Ministry responsible for Agriculture)
- (c) Insertion of the commencement date
- (d) References to the male gender have been made gender neutral
- (e) Other minor editing has been done in accordance with the lawful powers of the Attorney General, where appropriate:
 - (i) “Every” and “any” changed to “a/an”
 - (ii) Present tense drafting style:
 - o “shall be” changed to “is/are”
 - o “hereby” and “for the time being”, “from time to time” removed
 - (iii) Offence provisions
 - o “shall be guilty” changed to “commits”
 - (iv) Removal of superfluous terms: “the provisions of”
 - (v) Interpretation of certain words in section 2 paragraphed – “Chief Executive Officer” and “owner”

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

*This Ordinance is administered by
 the Ministry of Agriculture.*

