



SAMOA

ANIMALS ORDINANCE 1960

Arrangement of Provisions

PART 1 PRELIMINARY

1. Short title
2. Interpretation

PART 2 IMPOUNDING AND CONTROL OF ANIMALS

Division 1 – Impounding

3. Public pounds
4. Pound keepers
5. Impounding of cattle
6. Duty of pound keeper
7. Duty of person delivering cattle to pound keeper
8. Lien for damages
9. Release of cattle
10. Pound sales
11. Notices
12. Common law rights preserved
13. Payment of driving fees

Division 2 – Special as to Pigs

14. Pigs to be kept in enclosed place
15. Distance from dwelling
16. Pigs in villages

Division 3 – Wandering Pigs

17. Declaration of prohibited area
18. Warrant destroying pigs
19. No liability for shooting pig pursuant to warrant
20. Obligations of person destroying pig
21. Obligation of person claiming carcass
22. Saving of right to impound

Division 4 – General

23. Killing of trespassing or diseased animals

PART 3 REGISTRATION OF LIVESTOCK BRANDS

24. Owner of brand to register same
25. Branding not compulsory
26. Similar brands not to be registered
27. Using another person's brand
28. Brand evidence of ownership
29. Defacing brands
30. Using unregistered brand

PART 4 STOCK IMPROVEMENT

31. Chief Executive Officer to be notified of ownership of stallions and bulls

2

Animals Ordinance 1960

- 32. Function of the Chief Executive Officer under this Part
- 33. Duty of owner
- 34. Power of Chief Executive Officer or inspector
- 35. Offences
- 36. Regulations

PROTECTION OF GAME

- 41. Declaration that game protected
- 42. Absolutely protected animals not to be taken
- 43. Taking of partially protected animals
- 43A. Exportation of birds
- 43B. Entry search and seizure

**PART 5
CONTROL OF ANIMAL
IMPORTATION**

- 37. *Repealed*
- 38. *Repealed*
- 39. *Repealed*
- 40. Regulations

**PART 7
EXISTING LEGISLATION
AFFECTED**

- 44. Repeal and savings
Schedules

PART 6

ANIMALS ORDINANCE 1960

1960

No. 12

AN ORDINANCE to consolidate and amend certain enactments relating to animals and game, and to make provision for controlling the importation of animals and animal products.

[Assent and commencement date: 26 August 1960]

**PART 1
PRELIMINARY**

1. Short title – (1) This Ordinance may be cited as the Animals Ordinance 1960.

(2) This Ordinance is divided into parts as follows:

- (a) Part 1: Preliminary (sections 1 and 2);
- (b) Part 2: Impounding and Control of Animals (sections 3 to 23);
- (c) Part 3: Registration of Livestock brands (sections 24 to 30);
- (d) PART 4: Stock Improvement (sections 31 to 36).

- (e) PART 5: Control of Animal Importation (sections 37 to 40);
- (f) PART 6: Protection of Game (sections 41 to 43B);
- (g) PART 7: Existing Legislation affected (section 44).

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

“animal”:

- (a) means a beast, bird, reptile or fish of any species or kind whatever, whether domesticated or wild; and
- (b) includes—
 - (i) a carcass or part of an animal or carcass or an animal product;
 - (ii) an egg or semen of an animal;
 - (iii) a fodder which has been fed to an animal but not consumed;
 - (iv) any litter which has been used by an animal and the excreta of an animal;
 - (v) any harness, cover or other thing which has been in contact with an animal in such a manner or to such an extent that it may convey any disease to which the animal is subject; but
- (c) does not include any carcass or part of an animal which has been tinned, cooked, sterilised, manufactured or so treated that in the opinion of the Chief Executive Officer it cannot convey animal disease;

“brand” means a distinct and plain mark not less than 2 inches in length burnt with a branding iron into the skin, to which may be added an ear mark made by cutting, splitting, or punching the ear, but so that in no case is more than ¼ of the ear removed, or a tattoo mark imprinted on any part of the skin or a metal clip affixed to the ear;

“cattle” or “stock” includes a horse, mare, gelding, colt, filly or foal; a bull, cow, ox, steer, heifer or calf; any ass, mule, pig, goat or sheep;

“Court” means the District Court;

“Chief Executive Officer”:

- (a) means—

Animals Ordinance 1960

(i) the Chief Executive Officer of the Ministry responsible for agriculture; and

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

(b) a person to whom the Chief Executive Officer has made a delegation for a purpose is taken to be included in the term “inspector” where it relates to that purpose;

“Minister” means the Minister responsible for agriculture;

“occupier”, in relation to any land:

(a) means a person in actual occupation of the land or entitled to occupy it; and

(b) includes the owner of the land and any other person in receipt of or entitled to the receipt of the rents and profits thereof, and any agent or trustee of an occupier of the land, but does not include the Government as trustee for the beneficial owners;

“owner”, in relation to cattle or stock, includes a bailee of the cattle or stock and a person having the charge, management or control of them.

PART 2

IMPOUNDING AND CONTROL OF ANIMALS

Division 1 – Impounding

3. Public pounds – (1) The Minister may, by notice published in the Savali, declare a place or places in Samoa to be public pounds, and may in like manner declare that any such place is longer a public pound.

(2) A place previously declared to be a public pound continues to be a public pound until the Minister declares that such place is no longer a public pound.

4. Pound keepers – (1) A fit and proper person being a member of the Police Service or a member of the Public Service may, with the approval of the Minister responsible for police or

of the Public Service Commission, as the case may be, be appointed by the Minister to be a pound keeper.

(2) All persons who at the commencement of this Ordinance have been appointed as pound keepers are taken to have been appointed under this Ordinance.

5. Impounding of cattle – (1) A person may impound a cattle which at any time of the day or night are found:

- (a) wandering at large in any public road or other place of public resort; or
- (b) wandering or otherwise trespassing on the land of such person or land in his or her occupation or control, or land in the occupation or control of his or her principal or master.

(2) There is payable by the owner to the person so impounding for loading or driving cattle to the pound a prescribed fee for every mile from the place where the cattle were found to the nearest accessible public pound.

6. Duty of pound keeper – A pound keeper shall receive and sustain all cattle brought to his or her pound for impounding and detain such cattle until released or disposed of under this Part.

7. Duty of person delivering cattle to pound keeper – (1) A person shall upon delivering cattle to a pound keeper for impounding sign and deliver to the pound keeper a statement setting out particulars of the time and place where the cattle were found and of their ownership (if known to the person) and of the amount (if any) claimed for driving fees.

(2) A person commits an offence and is liable to a fine not exceeding 1 penalty unit who:

- (a) fails to deliver the statement to the pound keeper in accordance with the provisions of subsection (1); or
- (b) knowingly or negligently sets out in such statement any particular which is false or misleading.

8. Lien for damages – (1) An occupier of land who impounds cattle found wandering or otherwise trespassing on such land and who has suffered damage by reason of such

trespass shall acquire thereby a lien on such cattle for the amount of damages and costs which may be awarded by Court in an action commenced for that purpose.

(2) The lien acquired under subsection (1) lapses if the occupier of the land trespassed upon:

- (a) fails to give written notice to the pound keeper to whom he or she delivered the cattle within 24 hours from the time the cattle were so delivered of his or her intention to claim a lien;
- (b) fails to commence an action in the Court to recover damages in respect of such trespass within 7 days from the time the cattle were so delivered or within such further period as the Court may allow upon an application made to it within the period of 7 days.

(3) The owner of an impounded cattle who is prejudicially affected by a lien acquired under this section may apply to the Court by motion for an order that the cattle be released and the Court may make such order in the premises as to it may seem just.

9. Release of cattle – A pound keeper (unless otherwise ordered by the Court) shall not release cattle from the pound until:

- (a) payment of prescribed fees for poundage and sustenance and driving; and
- (b) any lien on the cattle under section 8 has lapsed or has been discharged; or
- (c) the cattle has been sold or disposed of under this Part.

10. Pound sales – (1) A pound keeper (unless otherwise ordered by the Court) shall sell all cattle in the pound at the first pound sale to be held after the expiration of 7 days from the date on which the same were delivered.

(2) Pound sales shall be held at a pound at such times as the pound keeper of the pound shall fix.

(3) At a sale, the pound keeper shall act as auctioneer.

(4) The proceeds of each sale shall be applied in payment:

- (a) firstly, of the costs (if any) of the sale and of all poundage and sustenance fees;
- (b) secondly, of all driving fees;

- (c) thirdly, to discharge a lien under section 8;
- (d) fourthly, of a residue to the owner of the cattle.

(5) A purchaser of cattle sold under this Part shall obtain an indefeasible title to the cattle.

(6) A cattle which is offered for sale at a pound sale but is not sold at the pound shall be disposed of as the Minister may direct.

11. Notices – (1) A pound keeper shall:

- (a) deliver, within 7 days after a cattle have been delivered to him or her, a notice to the owner of the cattle (if such owner can be reasonably ascertained) setting out particulars of the cattle, the person by whom the cattle were impounded, and the time and place where the cattle were found;
- (b) exhibit for 3 clear days before a pound sale in a prominent place at or near to the entrance of the pound a notice specifying the time and date of the pound sale and the cattle to be sold;
- (c) if the pound is situated within 10 miles from the Customs-house in Apia, give public notice in some newspaper published in Apia of each intended pound sale and of all cattle to be sold thereat, at least 3 clear days before the holding of the pound sale.

(2) A pound keeper who contravenes a provision of subsection (1) commits an offence and is liable to a fine not exceeding 1 penalty unit.

12. Common law rights preserved – Except as specifically provided in this Ordinance, nothing in this Part limits or takes away the common law rights of a person in respect of damage caused by cattle whether by trespass or otherwise howsoever.

13. Payment of driving fees – A pound keeper may accept payment of driving fees on behalf of the person entitled thereto and the receipt of such pound keeper is a good discharge to the person paying the same.

Division 2 – Special as to Pigs

14. Pigs to be kept in enclosed place – No person shall keep a pig or cause or suffer a pig to be kept in any place except a place which is for the time being securely and completely fenced and enclosed so as to be a pig-proof enclosure.

15. Distance from dwelling – (1) No person shall without the express permission in writing of the Chief Executive Officer of the Ministry of Health or a Medical Practitioner or Inspector of Health authorised by the Chief Executive Officer of the Ministry of Health, keep a pig or cause or suffer a pig to be kept in a place any part of which is within 200 yards of a dwelling for the time being used for human habitation or in a place where keeping of a pig is liable to cause pollution of water supply regularly used for drinking or domestic purposes.

(2) A person who contravenes section 14 or subsection (1) commits an offence and is liable to a fine not exceeding 1 penalty unit.

(3) A permission given under subsection (1) may at any time be withdrawn by the authority who gave permission or his or her successor in office and such withdrawal is sufficient if given by notice in writing delivered to the person for the time being in occupation of the place to which permission refers.

16. Pigs in villages – (1) The owner of any pig found at large upon any road within a village or in the neighbourhood of any dwelling house in a village is liable to a fine not exceeding 1 penalty unit, and the Sui-o-le-nuu of the village where any such pig is found, or any person authorised by the Sui-o-le-nuu so to do, may destroy such pig unless it has been previously brought into proper confinement by the owner.

(2) The Sui-o-le-nuu shall cause the carcass of any pig so destroyed to be returned to the owner, but if after reasonable inquiry the Sui-o-le-nuu is unable to ascertain the owner the Sui-o-le-nuu may dispose of it as he or she thinks fit.

Division 3 – Wandering Pigs

17. Declaration of prohibited area – (1) The Minister may, by notice in the Savali, declare that any area specified in the notice is, after a day to be stated therein, being not less than 14

days after the publication of the notice and thereafter for a period to be stated therein being not more than 6 months, an area in which wandering pigs may be destroyed under section 18.

(2) A further notice in respect of any area or part thereof may in like manner be given at any time despite that a previous notice may not then have expired, and any notice or further notice may at any time in like manner be revoked in respect of any area or part thereof.

18. Warrant destroying pigs – (1) Subject to any special or general directions given by the Minister responsible for police, the Commissioner of Police may, by warrant in writing, direct a person named in the warrant to destroy, within an area named in the warrant being an area specified in a notice published under section 17 or part thereof, a pig which at any time of day or night is found wandering at large in any place except a place in which it is lawful to keep a pig pursuant to section 14.

(2) A warrant may be issued in respect of an area despite that when it is issued no notice published under section 17 is in force in respect of that area, but shall not authorise destruction of pigs in an area at a time when no such notice is in force in respect of that area.

(3) A warrant issued under subsection (1) may at any time be withdrawn by the authority who issued the warrant or his or her successor in office by notice in writing delivered to the person to whom the warrant was issued.

19. No liability for shooting pig pursuant to warrant – A person shooting or attempting to shoot or otherwise destroying or attempting to destroy a pig under a warrant in force in his or her favour is not either civilly or criminally liable for so doing.

20. Obligations of person destroying pig – (1) A person destroying a pig under authority of a warrant shall:

- (a) forthwith, take all reasonable steps to ascertain who is the person entitled to the property in the pig; and
- (b) call upon the person entitled to declare whether he or she claims the carcass or not,–

and if the person entitled cannot be found or does not claim the carcass the person who under warrant destroyed the pig is entitled

to the possession of the carcass for the purpose of disposing of the same and shall forthwith dispose of the same in a manner that it does not become a nuisance.

(2) A person destroying a pig under a warrant who fails to comply with subsection (1) commits an offence and is liable to a fine not exceeding 1 penalty unit.

21. Obligation of person claiming carcass – If a person entitled to the property in the pig claims the carcass, the person shall forthwith dispose of the carcass in a manner that it does not become a nuisance and if the person fails so to do the person commits an offence and is liable to a fine not exceeding 1 penalty unit.

22. Saving of right to impound – Nothing in sections 16 to 21 affects the right of a person to impound a pig under this Ordinance, or the right of a person to kill or attempt to kill a pig in a case not involving a breach of section 23.

Division 4 – General

23. Killing of trespassing or diseased animals – (1) No occupier of land shall kill or attempt to kill any animal found trespassing on the land except:

- (a) *bona fide* in self defence;
- (b) a dog attacking and interfering with cattle or poultry;
- (c) a pig or goat found in a taro or similar cultivated area or on any golf links, football field, tennis court or kept lawn;
- (d) a wild pig.

(2) An occupier of land who contravenes subsection (1) commits an offence and is liable to a fine not exceeding 1 penalty unit.

(3) The Chief Executive Officer of the Ministry of Health or the Chief Executive Officer (or a person authorised by either of them) may destroy a diseased pig or other animal wherever found, or may require the owner or some other person to destroy it, and any owner of such who fails to comply with such requirement is liable to a fine not exceeding 1 penalty unit.

(4) If the Chief Executive Officer finds a cattle, or receives a complaint that a cattle have been found:

- (a) not in a securely fenced paddock belonging to, or under the exclusive control of, the owner of the cattle; and
- (b) not tethered, so as to be unable to do any damage to a cultivated plant or tree liable to be damaged by cattle and not currently treated with an effective cattle repellent,

the Chief Executive Officer may serve a notice in writing on the owner of the cattle requiring the owner, as from not later than 7 days after the date of service of the notice, to keep all cattle in a paddock or so tethered.

(5) If at any time after the service of the notice on an owner, and the expiration of the period of 7 days from the date of service of the notice, the Chief Executive Officer finds a cattle of that owner not in the paddock and not so tethered, the Chief Executive Officer may destroy the cattle and shall dispose of the carcass in a manner that it does not become a nuisance.

(6) Service of such a notice may be effected either personally or by registered post, and in the latter case is taken to be served on the day on which the notice would be delivered in the ordinary course of post unless it is returned unclaimed.

(7) If the Chief Executive Officer:

- (a) after inquiry from the Ali'i and Faipule of the area in which he or she has found a cattle, not in a paddock and not so tethered; or
- (b) receives a complaint that a cattle have been found, not in a paddock and not so tethered; and
- (c) after such further inquiry as seems to be appropriate, cannot discover an owner of such cattle,—

the Chief Executive Officer may, by a notice published in a Samoa newspaper and in the Savali, declare the cattle to be wild and that he or she proposes to destroy the cattle if found not in the paddock and not so tethered at any time after the expiration of 7 days from the later publication of the notice.

(8) If at any time after the expiration of the period of 7 days specified under subsection (7), the Chief Executive Officer finds the cattle not in a paddock and not so tethered, the Chief Executive Officer may destroy the cattle, and shall dispose of the carcass in a manner that it does not become a nuisance.

PART 3

REGISTRATION OF LIVESTOCK BRANDS

24. Owner of brand to register same – (1) An owner of stock who uses a brand which has not been registered shall apply to the Chief Executive Officer for the brand to be registered by him or her, and shall on such application deposit 2 correct copies or impressions of his or her brand on the form supplied for the purpose.

(2) There is paid by the owner of a brand to the Chief Executive Officer the prescribed fee for the registration of such brand.

(3) An owner who uses a brand which is not registered is liable to a fine not exceeding 1 penalty unit.

25. Branding not compulsory – Nothing in this Ordinance is to be construed to oblige a person to brand stock.

26. Similar brands not to be registered – (1) The Chief Executive Officer must not register any brands which in his or her opinion are likely to lead to mistakes or confusion.

(2) If any 2 owners of stock have the same or similar brands, the Chief Executive Officer may require the owner of the brand last registered to alter the brand.

(3) An owner who refuses or neglects to alter a brand accordingly when duly required to do so, and afterwards uses the brand, is liable to a fine not exceeding 1 penalty unit.

27. Using another person's brand – (1) After any owner of stock has registered a brand, no other person in Samoa shall, without the authority of the stock owner, brand any stock with the same brand, or with a brand bearing the same mark, or one so nearly similar as in the opinion of the Chief Executive Officer to be not easily distinguishable therefrom, or make or cause to be made any branding iron bearing the same or a nearly similar brand as aforesaid.

(2) A person who contravenes subsection (1) is liable to a fine not exceeding 1 penalty unit.

28. Brand evidence of ownership – The mark or impression of a registered brand on a stock is *prima facie* evidence of the

ownership of the stock by the person in whose name such brand is registered.

29. Defacing brands – A person who destroys, defaces or alters the brand on any stock, or is a party to the destruction, defacement, or alteration thereof, unless the person is the lawful owner of the stock, is liable to a fine not exceeding 1 penalty unit for each head of stock for which the offence has been committed, or at the discretion of the convicting court to imprisonment for a period not exceeding 2 years.

30. Using unregistered brand – A person who brands any stock with a brand which is not registered, or of which he or she is not the registered owner, is liable to a fine not exceeding 1 penalty unit for each head of stock in respect of which such offence has been committed.

PART 4 STOCK IMPROVEMENT

31. Chief Executive Officer to be notified of ownership of stallions and bulls – (1) In the month of January in each year a Sui-o-le-nuu of a village shall forward to the Chief Executive Officer a list containing the names of a person owning a stallion or bull ordinarily depasturing on land forming part of such village, together with particulars of each stallion or bull which is the property of each such owner.

(2) In the month of January in each year, a owner of a stallion or bull not ordinarily depasturing on land forming part of a village shall forward to the Chief Executive Officer a list containing particulars of each stallion or bull owned by that person.

(3) For the purposes of this section, a bailee or bailor and a grantor or grantee of a stallion or bull are taken to be the owners thereof.

32. Function of the Chief Executive Officer under this Part – (1) It shall be the function of the Chief Executive Officer and an inspector to approve of stallions and bulls which in their opinion are fit for breeding purposes and to ensure the castration of such stallions and bulls as are not so approved.

(2) The Chief Executive Officer or an inspector may at any time enter upon a land for the purpose of inspecting a stallion or bull or of otherwise carrying out powers and functions under this Part.

33. Duty of owner – A person being the owner of or in possession or in charge of any stallion or bull shall on being required so to do by the Chief Executive Officer or an inspector present for inspection such stallion or bull, and shall also if so required, yard or otherwise secure such stallion or bull in accordance with such requirement.

34. Power of Chief Executive Officer or inspector – (1) The Chief Executive Officer or an inspector may castrate any stallion or bull which is not approved for breeding purposes, and the owner shall not obstruct the Chief Executive Officer or such inspector in doing so, but shall aid the Chief Executive Officer or inspector in all reasonable ways in carrying out such duty.

(2) The owner of a stallion or bull so castrated must pay the prescribed fee for each castration.

35. Offences – A person who uses for breeding purposes a stallion or bull which is not approved for such purposes, and a owner of any such stallion or bull who wilfully permits the same to be so used, and also any person who fails to comply with, or who commits a breach of, any provision of this Ordinance or any regulation made thereunder commits an offence and on conviction is liable to a fine not exceeding 1 penalty unit, and if such offence is a continuing one, to a fine not exceeding 1 penalty unit for every day during which such offence continues.

36. Regulations – (1) The Head of State, acting on the advice of Cabinet, may make all such regulations as may in his or her opinion be necessary or expedient for giving full effect to the provisions of this Part and for the due administration thereof.

(2) 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.

PART 5
CONTROL OF ANIMAL IMPORTATION

37. *Repealed by section 70 and the Second Schedule of the Quarantine (Biosecurity) Act 2005.*

38. *Repealed by section 70 and the Second Schedule of the Quarantine (Biosecurity) Act 2005.*

39. *Repealed by section 70 and the Second Schedule of section 70 and the Second Schedule of the Quarantine (Biosecurity) Act 2005.*

40. Regulations – (1) The Head of State, acting on the advice of Cabinet, may make all such regulations as may in his or her opinion be necessary or expedient for giving full effect to the provisions of this Part and for the due administration thereof.

(2) Without limiting the power conferred by this section the power to make regulations includes the power to make regulations:

(a) – (h) *Repealed by section 70 and the Second Schedule of the Quarantine (Biosecurity) Act 2005.*

(i) prescribing and regulating the treatment of animals or things to which this Part or any regulations made under this Ordinance apply;

(j) fees and charges for the purpose of this Act;

(k) prescribing fines not exceeding 5 penalty units or terms of imprisonment not exceeding 2 years for offences against the provisions of any regulation made under this Ordinance.

(2A) The amount of a fee or charge prescribed in subsection (2)(j):

(a) shall be proposed by the Ministry; and

(b) is subject to the consideration and approval of the National Revenue Board under the Public Finance Management Act 2001.

(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.

PART 6

Animals Ordinance 1960
PROTECTION OF GAME

41. Declaration that game protected – (1) The Head of State, acting on the advice of Cabinet, may make regulations:

- (a) declaring any animal to be absolutely protected;
- (b) declaring any animal to be partially protected, that is, to be protected during such time or times and in such part or parts of Samoa as are specified in such regulations;
- (c) prescribing conditions under which partially protected animals may be taken and killed.

(2) Any such regulations may be varied or revoked in whole or in part.

42. Absolutely protected animals not to be taken – (1) No person shall take, kill or keep an absolutely protected animal.

(2) A person who is convicted of an offence against subsection (1) is liable to a fine not exceeding 1 penalty unit.

43. Taking of partially protected animals – (1) No person shall:

- (a) take or kill a partially protected animal at a time or at a place in which such animal is protected; or
- (b) take or kill a partially protected animal except in accordance with any condition regulating the taking or killing of partially protected animals contained in regulations made under this Part.

(2) A person who is convicted of an offence against subsection (1) is liable to a fine not exceeding 1 penalty unit.

43A. Exportation of birds – (1) A person shall not, without the prior written authority of the Minister, export or attempt to export from Samoa any bird, whether native, introduced, or imported, or that has migrated to Samoa or has arrived in Samoa and become established there (but not including any domestic bird), or any feathers, egg or other part of any such bird.

(2) The Minister may refuse to grant authority under the subsection (1) or may grant authority either unconditionally or subject to such conditions as the Minister thinks fit to impose, and may revoke or vary any authority previously granted.

(3) Before granting any authority under this section to export any bird, the Minister may require the applicant to satisfy the Minister that a permit for its importation into the country to which it is proposed to be exported has been granted by the appropriate authority in that country.

(4) A person convicted of an offence under this section is liable to imprisonment for a period not exceeding 6 months or to a fine not exceeding 10 penalty units.

43B. Entry, search and seizure – (1) If the Chief Executive Officer has reasonable cause to believe that an offence under section 43A has been or is likely to be committed he or she may board and search any ship or aircraft and may seize any bird which is in or on such ship or aircraft.

(2) A bird seized under subsection (1) is to be disposed of in a manner as the Minister may direct.

PART 7 EXISTING LEGISLATION AFFECTED

44. Repeal and savings – (1) The enactments specified in Schedule 2 are repealed.

(2) As from the coming into force of this Ordinance, regulations 21 to 23 of the Samoa Village Regulations 1938 (New Zealand Statutory Regulations 1938, Serial No. 87) cease to be part of the law of Samoa.

(3) All proclamations, regulations, orders, declarations, appointments proceedings, exemptions and generally all acts of authority which originated under any enactment repealed by subsection (1) or mentioned in subsection (2) and are subsisting or in force on the coming into operation of this Ordinance shall inure for the purposes of this Ordinance as fully and effectually as if they had originated under the corresponding provisions of this Ordinance, and accordingly shall, where necessary, be taken to have so originated.

SCHEDULES

SCHEDULE 1

repealed.

SCHEDULE 2
(Section 44 (1))

ENACTMENTS REPEALED

- 1923 - No. 7: The Stallions and Bulls Ordinance 1923.
 1928 - No.3: The Registration of Livestock Brands Ordinance 1928.
 1931 - No.3: The General Laws Ordinance 1931, sections 20, 23, 23A and Second Schedule.
 1934 - No. 3: The Ordinances Amendment Ordinance 1934, section 2 (7), (b), (c) and (d).
 1944 - No. 3: The General Laws Amendment Ordinance 1944, section 2.

REVISION NOTES 2008 – 2019

This is the official version of this Act as at 31 December 2019.

This Act has been revised by the Legislative Drafting Division from 2008 - 2019 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 deemed” changed to “is” and “shall be deemed” changed to “is taken”
 - (iii) “hereby” and “from time to time” (or “at any time”) removed
 - (iv) “shall have” changed to “has”
 - (v) Numbers in words changed to figures
 - (vi) “notwithstanding” changed to “despite”
 - (vii) “it shall be lawful” changed to “may”
 - (viii) “it shall be the duty” changed to “shall”
 - (ix) Sections 20(1), 23(7) divided into paragraphs and a new subsection 23(8) created
 - (x) Reference to “Pulenuu” changed to “Sui-o-le-nuu”

Animals Ordinance 1960

19

The following amendments were made to this Act since the publication of the *Consolidated and Revised Statutes of Samoa 2007*.

By the *Fees and Charges (Miscellaneous Amendments) Act 2017, No. 13*

- Section 5 - replaced “sum of 10 sene by way of driving fees” with “prescribed fees”;
- Section 9 - paragraph (a) substituted;
- Section 24(2) - replaced “a fee of 20 sene” with “the prescribed fee”;
- Section 34(2) - replaced “to the Chief Executive Officer a fee determined by not exceeding \$1 for each such castration” with “the prescribed fee for each castration”;
- Section 40 - paragraph (j) substituted, and new subsection (2) inserted;
- Schedule 1 - repealed



Lemalu Hermann P. Retzlaff
Attorney General of Samoa

*This Act is administered by
the Ministry of Agriculture and Fisheries.*
