



## Western Samoa

## Analysis

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1975, No. 11

**AN ACT to consolidate and amend the law relating to trusts and trustees.**  
*[23 December 1975]*

**BE IT ENACTED** by the Legislative Assembly of Western Samoa in Parliament assembled as follows:—

**1. Short title**—This Act may be cited as the Trustee Act 1975.

## P A R T I

## PRELIMINARY

**2. Interpretation and application**—(1) In this Act, unless the context otherwise requires,—

“Authorised investments” means investments authorised for the investment of money subject to the trust by the instrument, if any, creating the trust or by this Act or any other Act:

“Conveyance”, as applied to any person, includes the execution by that person of every necessary or suitable assurance for conveying, transferring, assign-

ing, appointing, surrendering, or otherwise disposing of land wherein he is entitled to a right or interest, either for his whole estate, or for any less estate, together with the performance of all formalities required by law for the validity of the conveyance; and "to convey" has a corresponding meaning:

"Court" means the Supreme Court:

"Government securities" or "Western Samoa Government securities" means any securities issued by or under the authority of the Government by virtue of any Act, and secured upon the public revenues of Western Samoa:

"Person" includes a corporation sole, and also a body of persons, whether corporate or unincorporate:

"Personal representative" means the executor, original or by representation, or an administrator for the time being of a deceased person:

"Property" includes real and personal property, and any estate, share, and interest in any property, real or personal, and any debt, and any thing in action, and any other right or interest, whether in possession or not:

"Registrar" means the Registrar of the Supreme Court and includes a Deputy Registrar in any case where the Deputy may lawfully act for and on behalf of the Registrar:

"Right" includes an estate or interest:

"Securities" includes stock, funds, and shares:

"Stock" includes Government securities, and shares:

"Transfer", in relation to stock or securities, includes the performance and execution of every deed, power of attorney, act, and thing on the part of the transferor to effect and complete the title in the transferee:

"Trust" extends to implied and constructive trusts, and to cases where the trustee has a beneficial interest in the trust property, and to the duties incidental to the office of a personal representative; and "trustee" has a corresponding meaning and includes the Public Trustee:

“Trust for sale”, in relation to land, means an immediate binding trust for sale, whether or not exercisable at the request or with the consent of any person, and with or without power at discretion to postpone the sale; and “trustee for sale” means the person (including a personal representative) holding land on trust for sale.

(2) This Act, except where otherwise expressly provided, applies to trusts (as hereinbefore defined) constituted or created either before or after the commencement of this Act.

(3) The powers conferred by or under this Act on a trustee are in addition to the powers given by the instrument, if any, creating the trust; but the powers so conferred, unless otherwise stated, apply if and so far only as a contrary intention is not expressed in the instrument, if any, creating the trust, and have effect subject to the terms of that instrument.

(4) This Act does not affect the legality or validity of anything done before the commencement of this Act, except as otherwise in this Act expressly provided.

**3. Act to bind Government**—This Act shall bind the Government.

## P A R T II

### INVESTMENTS

**4. Authorised investments**—(1) A trustee may invest any trust funds in his hands, whether at the time in a state of investment or not, in any investments authorised by the instrument (if any) creating the trust for the investment of money subject to the trust, or in manner following, that is to say:

- (a) In any Western Samoa Government securities, or in any of the stock, funds, or other securities of a Commonwealth Government;
- (b) On real securities in Western Samoa to which subsection (3) of this section applies;
- (c) On deposit in any bank;

(d) In any securities authorised for the investment of money subject to a trust by an order of the Head of State acting on the advice of Cabinet.

(2) Any such investments may be varied from time to time.

(3) In this section the term "real security" means a first mortgage of an estate in freehold and a first sub-mortgage of such a first mortgage.

**5. Loans and investments by trustees not chargeable as breaches of trust**—A trustee lending money on the security of any property on which he can properly lend shall not be chargeable with breach of trust by reason only of the proportion borne by the amount of the loan to the value of the property at the time when the loan was made, if it appears to the Court—

- (a) That in making the loan the trustee was acting upon a certificate or report as to the value of the property made by a person whom he reasonably believed to be competent to value the property;
- (b) That the amount of the loan does not exceed seventy per centum of the value of the property as stated in the certificate or report.

**6. Liability for loss by reason of improper investment**—Where a trustee improperly advances trust money on a mortgage security which would at the time of the investment be a proper investment in all respects for a smaller sum than is actually advanced thereon, the security shall be deemed an authorised investment for the smaller sum, and the trustee shall only be liable to make good the sum advanced in excess thereof with interest.

**7. Powers in relation to company securities**—(1) Where any securities of a company are subject to a trust, the trustee may concur in any scheme or arrangement—

- (a) For the reconstruction of the company; or
- (b) For the sale of all or any part of the property and undertaking of the company to another company; or
- (c) For the amalgamation of the company with another company; or

- (d) For the release, modification, or variation of any rights, privileges, or liabilities attached to the securities or any of them—

in like manner as if he were entitled to the securities beneficially, with power to accept any securities of any denomination or description of the reconstructed or purchasing or new company instead of or in exchange for all or any of the first-mentioned securities; and the trustee shall not be responsible for any loss occasioned by any act or thing so done in good faith, and may retain any securities so accepted as aforesaid for any period for which he could have properly retained the original securities.

(2) A trustee may apply capital money subject to a trust in payment of the calls on any shares subject to the same trust.

### P A R T III

#### GENERAL POWERS AND INDEMNITIES OF TRUSTEES GENERAL POWERS

**8. Powers to sell, postpone, lease, etc.**—(1) Subject to the provisions of this section, every trustee may exercise the following powers in respect of any property for the time being vested in him:

- (a) Sell the property;  
 (b) Postpone the sale, calling in, and conversion of the property:

Provided that nothing in this paragraph shall permit a trustee to postpone the sale, calling in, or conversion of any property of a wasting or speculative nature for longer than is reasonably necessary to permit its prudent realisation.

- (c) Let or sublet the property at a reasonable rent for any term not exceeding one year, or from year to year, or for a weekly, monthly, or other like tenancy, or at will;  
 (d) Grant a lease or sublease of the property for any term not exceeding twenty-one years to take effect in possession within one year next after the date of the grant of the lease or sublease at a reasonable rent;

(e) At any time during the currency of a lease of the property, reduce the rent or otherwise vary or modify the terms thereof.

(2) Where there is a power (statutory or otherwise) to postpone the sale of any land or authorised investment that a trustee has a duty to sell by reason only of a trust or direction for sale, then (subject to any express direction to the contrary in the instrument, if any, creating the trust) the trustee shall not be liable in any way merely for postponing the sale, in the exercise of his discretion, for an indefinite and unlimited period, whether or not that period exceeds the period during which the trust or direction for sale remains valid; nor shall a purchaser of the land or authorised investment be concerned in any case with any directions respecting the postponement of a sale.

**9. Miscellaneous powers in respect of property—**(1) Every trustee may exercise the following powers in respect of any property for the time being vested in him:

- (a) Expend money subject to the same trusts for the repair, maintenance, upkeep, or renovation of the property, whether or not the work is necessary for the purpose of the salvage of the property; and (subject to the rules of law applicable in such cases and to any direction of the Court to the contrary) apportion the cost of the work between capital and income or otherwise among the persons entitled thereto in such manner as he considers equitable, with power, in any case where the whole or part of the cost of the work is charged to capital, to recoup capital from subsequent income if such a course would be equitable having regard to all the circumstances of the case;
- (b) Expend money subject to the same trusts in the improvement or development of the property;
- (c) Where the property is land and the land may be sold or let or leased or otherwise disposed of under any power or trust vested in the trustee, subdivide the land into sections and do all such things, and pay all such money, as he thinks necessary or as are required by any law relating to subdivisions;

- (d) Pay taxes, assessments, insurance premiums, and other outgoings in respect of the property out of money subject to the same trusts;
- (e) As mortgagor or mortgagee, agree to the renewal, extension, or variation of the mortgage for such period and on such terms and conditions as he thinks fit:  
    Provided that nothing in this paragraph shall authorise any trustee to advance any money on the security of any mortgage that would not be an authorised investment in respect of the amount advanced;
- (f) Make such inquiries, by way of advertisement or otherwise, as he deems necessary for the purpose of ascertaining the next-of-kin or beneficiaries entitled to the property, and charge the cost of the inquiries and advertisements against the property;
- (g) Where the property includes a life policy and there is no money or insufficient money available for the payment of premiums on the policy, surrender the policy for money, or accept instead of the policy a fully paid up policy, or vary the terms of the policy in such manner as the trustee thinks fit;
- (h) Apply any part of the property in or towards satisfaction of any legacy payable thereout or any share thereof (whether settled, contingent, or absolute) to which any person is entitled, and for that purpose value the whole or any part of the property:  
    Provided that effectual notice thereof shall be given to all persons of full age who are interested, and any such person may within two calendar months after receipt of the notice apply to the Court to vary the same.
- (i) Where provision is made in any instrument creating a trust for payment of an annuity or other periodical payment, and notwithstanding that the annuity or payment may by the instrument be charged upon the trust property or upon any part thereof, set aside out of property available for payment of the annuity and invest a sum sufficient in the opinion of the trustee at the time of setting aside to provide out of the income thereof the amount re-



quired to pay the annuity or periodical payment, and, the residue of the trust property and the income thereof shall thereafter no longer be liable for the annuity, and may be distributed forthwith in accordance with the trusts declared of and concerning the same;

- (j) Do or omit all acts and things, and execute all instruments necessary to carry into effect the powers and authorities given by this Act or by or under the instrument creating the trust.

(2) Where in the administration of any property employed in the production of income or from which income is derived a trustee considers that in the interests of the persons entitled or who may become entitled to the capital of the property it is equitable to set up a depreciation or replacement fund in respect of the property or in respect of any asset comprised therein, then, notwithstanding any rule of law to the contrary, it shall be lawful for but not obligatory upon him to do so, and to credit from time to time to the fund and accumulate by way of compound interest such part of the income so produced or derived as he considers equitable and also the resulting income therefrom. In any such case the fund shall follow the destination of the capital of the property and shall be subject to all the trusts, powers, and provisions applicable thereto; with further power to the trustee to apply as he thinks fit the fund and accumulations of income in or towards the replacement, repair, maintenance, upkeep, or renovation of the property or asset, or in or towards the acquisition by purchase or otherwise of property or assets of a like nature or which otherwise may advantageously be employed in conjunction with the property in producing or deriving the income as aforesaid.

**10. Power of trustee for sale to sell by auction, etc.**—(1) Where a trust for sale or a power of sale of property is vested in a trustee, he may sell or concur with any other person in selling all or any part of the property, either subject to prior encumbrances or not, and either together or in lots, by public auction or by public tender or by private contract, subject to any such conditions respecting title or evidence of title or other matters as the trustee thinks fit, with power to vary

any contract for sale, and to buy in at any auction, or to rescind any contract for sale and to resell, without being answerable for any loss.

(2) A trust or power to sell or dispose of land includes a trust or power to sell or dispose of part thereof, and also include a trust or power to sell or dispose of any buildings, fixtures, timber, or other things affixed to the soil apart and separately from the land itself.

**11. Power to sell property on terms—**(1) A sale of property by a trustee in exercise of any power vested in him in that behalf by the instrument creating the trust or by or under this Act or any other enactment may be on terms of deferred payment or otherwise.

(2) The terms of deferred payment shall be such as a person acting with prudence would, if the property were his own, have accepted in the circumstances in order to sell the property to the best advantage, and, subject thereto, may provide for the payment of the purchase money or any part thereof under an agreement for sale or for the conveyance of the property sold and the securing of the unpaid purchase money by mortgage of the property sold.

(3) For the purposes of any consent or direction required by the instrument, if any, creating the trust or by statute, a trustee selling property on terms of deferred payment shall not be deemed to be lending money or investing trust funds.

**12. Power of trustees to give receipts—**The receipt in writing of a trustee for any money, securities, or other personal property or effects payable, transferable, or deliverable to him under any trust or power shall be a sufficient discharge to the person paying, transferring, or delivering the same, and shall effectually exonerate that person from seeing to the application or being answerable for any loss or misapplication thereof.

**13. Power to compound liabilities—**A trustee may, if and as he thinks fit,—

- (a) Accept any property, real or personal, before the time at which it is made transferable or payable; or
- (b) Sever and apportion any blended trust funds or property; or

- (c) Pay or allow any debt or claim on any evidence that he thinks sufficient; or
- (d) Accept any composition or any security, real or personal, for any debt or for any property, real or personal, claimed; or
- (e) Allow any time for payment of any debt; or
- (f) Surrender any leasehold property subject to onerous covenants of such a nature that it would not be to the advantage of the person beneficially interested to retain the property; or
- (g) Compromise, compound, abandon, submit to arbitration, or otherwise settle any debt, account, claim, or thing whatever relating to the trust or to the trust property,—

and for any of those purposes may enter into, give, execute, and do such agreements, instruments of composition or arrangement, releases, and other things as to him seem expedient, without being responsible for any loss occasioned by any act or thing so done by him in good faith.

**14. Power to raise money by sale or mortgage**—Where a trustee is authorised by the instrument, if any, creating the trust or by this Act or any other Act or by law to pay or apply capital money subject to the trust for any purpose or in any manner, he shall have and shall be deemed always to have had power to raise the money required by sale, conversion, calling in, or mortgage of all or any part of the trust property for the time being in possession.

**15. Protection to purchasers and mortgagees dealing with trustees**—No purchaser or mortgagee, paying or advancing money on a sale or mortgage purporting to be made under any trust or power (statutory or otherwise) vested in a trustee, shall be concerned to see that the money is wanted, or that no more than is wanted is raised, or otherwise as to the application thereof.

**16. Devolution of powers or trusts**—(1) Where a power or trust is given to or imposed on two or more trustees jointly, the same may be exercised or performed by the survivors or survivor of them for the time being.

(2) Until the appointment of a new trustee, the personal representative for the time being of a sole trustee or (where there were two or more trustees) of the last surviving or continuing trustee shall be capable of exercising or performing any power or trust which was given to, or capable of being exercised by, the sole or last surviving or continuing trustee, or other the trustees for the time being of the trust.

**17. Power to insure**—(1) A trustee may insure against loss or damage, whether by fire or earthquake or otherwise, any building or other insurable property to any amount, including the amount of any insurance already on foot, not exceeding the full insurable value of the building or property, or (with the consent of the person entitled to the income or of the Court) the full replacement value of the building or property; and may also insure against any risk or liability against which it would be prudent for a person to insure if he were acting for himself; and may pay the premiums for the insurance out of the income of the building or property concerned or out of the income of any other property subject to the same trusts without obtaining the consent of any person who may be entitled wholly or partly to that income.

(2) The trustee may recover the costs of any premiums paid in respect of any such insurance from the life tenant or other person entitled to or in receipt of the rents and profits of the building or property concerned.

(3) Nothing in this section shall impose any obligation on a trustee to insure.

**18. Application of insurance money where policy kept up under any trust, power, or obligation**—(1) Money receivable by a trustee or any beneficiary under a policy of insurance against the loss of or damage to any property subject to a trust, whether by fire or otherwise, shall, where the policy has been kept up under any trust in that behalf or under any power, statutory or otherwise, or in performance of any covenant or of any obligation, statutory or otherwise, or by a tenant for life impeachable for waste, be capital for the purposes of the trust, except so far as it would be regarded as income under any rule of law.

(2) If any such money is receivable by any person other than the trustee of the trust, that person shall use his best

endeavours to recover and receive the money, and shall pay the net residue thereof, after discharging any costs of recovering and receiving it, to the trustee of the trust.

(3) Any such money,—

(a) If it was receivable in respect of property held upon trust for sale, shall be held upon the trusts and subject to the powers and provisions applicable to money arising by a sale under the trust;

(b) In any other case, shall be held upon trusts corresponding as nearly as may be with the trusts affecting the the property in respect of which it was payable.

(4) Any such money, or any part thereof, may also be applied by the trustee, in rebuilding, reinstating, replacing, or repairing the property lost or damaged, but any such application by the trustee shall be subject to the consent of any person whose consent is required by the instrument, if any, creating the trust to the investment of money subject to the trust.

(5) Nothing in this section shall prejudice or affect the right of any person to require any such money or any part thereof to be applied in rebuilding, reinstating, or repairing the property lost or damaged, or the rights of any mortgagee, lessor, or lessee, whether under any statute or otherwise.

(6) This section applies to policies effected either before or after the commencement of this Act, but only to money received after the commencement thereof.

**19. Valuation**—A trustee may, for the purpose of giving effect to the trust, or any of the provisions of the instrument, if any, creating the trust or of this Act or any other Act, from time to time ascertain and fix the value of any trust property, or of any property which he is authorised to purchase or otherwise acquire, in such manner as he thinks proper; and where the trustee is not personally qualified to ascertain the value of any property he shall consult a duly qualified person (whether employed by him or not) as to that value; but the trustee shall not be bound to accept any valuation made by any person whom the trustee may consult. Any valuation made by the trustee in good faith under this section shall be binding on all persons beneficially interested under the trust.

**20. Power to employ agents**—A trustee may, instead of acting personally, employ and pay an agent, whether a solicitor, accountant, bank, corporation, stockbroker, or other person, to transact any business or do any act required to be transacted or done in the execution of the trust or the administration of the trust property, including the receipt and payment of money, and the keeping and audit of trust accounts, and shall be entitled to be allowed and paid all charges and expenses so incurred, and shall not be responsible for the default of any such agent if employed in good faith.

**21. Power to delegate trusts**—(1) A trustee who for the time being is out of Western Samoa or is about to depart therefrom or who is or may be about to become, by reason of physical infirmity, temporarily incapable of performing all his duties as a trustee may, notwithstanding any rule of law or equity to the contrary, by power of attorney executed as a deed, delegate to any person the execution or exercise during his absence from Western Samoa or during his incapacity, as the case may be, of all or any trusts, powers, authorities, and discretions vested in him as such trustee, whether alone or jointly with any other person or persons;

Provided that a person being the only other co-trustee shall not be appointed to be an attorney under this subsection.

(2) The power of attorney shall not come into operation unless and until the donor is out of Western Samoa or is incapable of performing all his duties as a trustee, and shall be deemed to be revoked by his return or by his recovery of that capacity, as the case may be.

(3) A statutory declaration by the donee of a power of attorney relating to any trust or estate that the power has come into operation, or that in any transaction the donee is acting in the execution of the trust or the administration of the estate, shall in favour of a person dealing with the donee of the power be conclusive evidence of that fact.

**22. Power to carry on business**—(1) Subject to the provisions of any other Act, if at the time of his death any person (whether alone or in partnership) is engaged in carrying on a business, trade, or occupation, it shall be lawful for his trustee to continue to carry on the same in the same manner for any one or more of the following periods:

- (a) Three years from the death of that person;
- (b) Such period as may be necessary or desirable for the winding up of the business;
- (c) Such further period or periods as the Court may approve.

(2) In exercise of the powers conferred by this section or by the instrument creating the trust, a trustee may employ any part of the deceased's estate which is subject to the same trusts; and may from time to time increase or diminish the part of the estate so employed; and may purchase stock, plant, chattels for the purposes of the business; and may employ such managers, agents, servants, clerks, workmen, and others as he thinks fit; and may at any time enter into a partnership agreement to take the place of any partnership agreement subsisting immediately before the death of the deceased or at any time thereafter.

(3) Application to the Court for leave to carry on a business may be made by the trustee or any person beneficially interested in the estate at any time, whether or not any previous authority to carry on the business has expired; and the Court may make such an order, or may order that the business be not carried on, or be carried on subject to conditions, or may make such other order as in the circumstances seems proper.

(4) Nothing in this section shall prejudice any other authority to do the acts thereby authorised to be done.

**23. Power to convert business into a company**—A trustee may at any time, at the expense of the trust property, convert or join in converting any business into a company limited by shares in such manner as he may think fit; and may, at the like expense, promote and assist in promoting a company for taking over the business; and may sell or transfer the business and the capital and assets and goodwill thereof, or any part thereof, to the company, or to any company having for its objects the purchase of such a business, in consideration, in either case, wholly or in part of ordinary or preference shares wholly or partially paid up of any such company, or wholly or in part of debentures, debenture stock, or bonds of any such company, and as to the balance (if any) in cash payable immediately, or by any instalments with or without security.

## INDEMNITIES

**24. Protection against creditors by means of advertisements—**(1) Where a trustee has given notice by advertisement published at least once in a newspaper circulating in Western Samoa requiring creditors to send to the trustee, within the time fixed in the notice, particulars of their claims against or in respect of the estate of a deceased person and warning them of the consequences of their failure to do so, then, at the expiration of that time or at any time thereafter the trustee may administer or transfer or distribute the property or any part thereof to which the notice relates to or among the persons entitled thereto having regard only to the claims, whether formal or not, of which the trustee then has notice; and he shall not, as respects the property so administered or transferred or distributed, be liable to any person of whose claim the trustee has not had notice at the time of the administration or transfer or distribution:

Provided that nothing in this section shall prejudice any right which the person may have to follow the property or any part thereof or any property representing the same into the hands of any person who may have received it.

(2) The time to be fixed as aforesaid by any such notice shall not be less than three months from the date on which the notice is given.

(3) Any advertisement published under this section may relate to more than one estate or trust property.

**25. Implied indemnity of trustees—**(1) A trustee shall be chargeable only for money and securities actually received by him, and shall be answerable and accountable only for his own acts, receipts, neglects, or defaults, and not for those of any other trustee, nor for any bank, or other person with whom any trust money or securities may be deposited, nor for the insufficiency or deficiency of any securities, nor for any other loss, unless the same happens through his own wilful default.

(2) A trustee may reimburse himself or pay or discharge out of the trust property all expenses reasonably incurred in or about the execution of the trusts or powers; but, except as provided in this Act or any other Act or as agreed by the per-



sons beneficially interested under the trust, no trustee shall be allowed the costs of any professional services performed by him in the execution of the trusts or powers unless the contrary is expressly declared by the instrument creating the trust:

Provided that the Court may on the application of the trustee allow such costs as in the circumstances seem just.

**26. Protection of trustee in handing over chattels to life tenant—**(1) Where any chattels are, under the provisions of any will, bequeathed to any person for life or for any limited interest, the trustee may cause an inventory to be made of the chattels, which inventory shall be signed by that person and retained by the trustee, and a copy of the inventory shall be delivered to that person.

(2) The trustee may thereupon deliver the chattels to that person on such terms and conditions as the trustee thinks fit and shall not thereafter be bound to see to the repair or insurance of the chattels, and shall not be subject to any liability whatsoever by reason of the loss or destruction of the chattels or the neglect of that person to effect any such repairs or insurance.

#### MAINTENANCE, ADVANCEMENT, AND PROTECTIVE TRUSTS

**27. Power to apply income for maintenance, ect., and to accumulate surplus income during a minority—**(1) Where any property is held by a trustee in trust for any person for any interest whatsoever, whether vested or contingent, then, subject to any prior interests or charges affecting that property,—

(a) During the infancy of any such person, if his interest so long continues, the trustee may, at his sole discretion, pay to his parent or guardian, if any, or otherwise apply for or towards his maintenance or education (including past maintenance or education) or his advancement or benefit, the whole or such part, if any, of the income of that property as may, in all the circumstances, be reasonable, whether or not there is—

(i) Any other fund applicable to the same purpose; or

- (ii) Any person bound by law to provide for his maintenance, education, advancement, or benefit; and
- (b) If the person on attaining the age of twenty-one years has not a vested interest in that income, the trustee shall thenceforth pay the income of that property and of any accretion thereto under subsection (2) of this section to him until he either attains a vested interest therein or dies, or until failure of his interest:

Provided that, in deciding whether the whole or any part of the income of the property is during a minority to be paid or applied for the purposes aforesaid, the trustee shall have regard to the age of the infant and his requirements and generally to the circumstances of the case, and in particular to what other income, if any, is applicable for the same purposes; and where the trustee has notice that the income of more than one fund is applicable for those purposes, then, so far as practicable, unless the entire income of the funds is paid or applied as aforesaid or the Court otherwise directs, a proportionate part only of the income of each fund shall be so paid or applied.

(2) During the infancy of any such person, if his interest so long continues, the trustee shall accumulate all the residue of that income in the way of compound interest by investing the same and the resulting income thereof from time to time in authorised investments, and shall hold those accumulations as follows:

(a) If any such person—

(i) Attains the age of twenty-one years, or marries under that age, and his interest in the income during his infancy or until his marriage is a vested interest; or

(ii) On attaining the age of twenty-one years or on marriage under that age becomes entitled to the property from which the income arose—  
the trustee shall hold the accumulations in trust for that person absolutely, but without prejudice to any provision with respect thereto contained in any settlement by him made under any statutory powers

during his infancy, and so that the receipt of that person after marriage, and though still an infant, shall be a good discharge; and

- (b) In any other case the trustee shall, notwithstanding that that person had a vested interest in the income, hold the accumulations as an accretion to the capital of the property from which the accumulations arose and as one fund with that capital, for all purposes,—

but the trustee may, at any time during the infancy of that person if his interest so long continues, apply those accumulations, or any part thereof as if they were income arising in the then current year.

(3) This section applies in the case of a contingent interest only if the limitation or trust carries the intermediate income of the property, but it applies to a future or contingent legacy by the parent of, or a person standing in the place of a parent to, the legatee, if and for such period as, under the general law, the legacy carries interest for the maintenance of the legatee, and in any such case as last aforesaid the rate of interest shall (if the income available is sufficient and subject to any rules of Court to the contrary) be four per cent per annum.

(4) This section applies to a vested annuity in like manner as if the annuity were the income of property held by a trustee in trust to pay the income thereof to the annuitant for the same period for which the annuity is payable, save that in any case accumulations made during the infancy of the annuitant shall be held in trust for the annuitant or his personal representatives absolutely.

**28. Power to apply capital for maintenance, etc.**—A trustee may at any time or times pay or apply any capital money or other capital asset subject to a trust, for the maintenance or education (including past maintenance or education), or the advancement or benefit, in such manner as he may in his absolute discretion think fit, of any person entitled to the capital of the trust property or of any share thereof, whether absolutely or contingently on his attaining any specified age or on the occurrence of any other event, or subject to a gift over on his death under any specified age or on the occur-

rence of any other event, and whether in possession or in remainder or reversion, and any such payment or application may be made notwithstanding that the interest of that person is liable to be defeated by the exercise of a power of appointment or revocation, or to be diminished by the increase of the class to which he belongs:

Provided that—

- (a) The money or asset so paid or applied for the maintenance, education, advancement, or benefit of any person shall not exceed altogether half of the presumptive or vested share or interest of that person in the trust property where the value of that share or interest exceeds four thousand tālā, and in any other case shall not exceed altogether two thousand tālā in amount or value; and
- (b) If that person is or becomes absolutely and indefeasibly entitled to a share in the trust property the money or asset so paid or applied shall be brought into account as part of that share; and
- (c) No such payment or application shall be made so as to prejudice any person entitled to any prior life or other interest, whether vested or contingent, in the money or asset paid or applied unless that person is in existence and of full age and consents in writing to the payment or application, or unless the Court, on the application of the trustee, so orders.

## P A R T IV

### APPOINTMENT AND DISCHARGE OF TRUSTEES

**29. Power of appointing new trustees—**(1) Where a trustee (whether original or substituted, and whether appointed by the Court or otherwise)—

- (a) Is dead; or
- (b) Remains out of Western Samoa for the space of twelve months during which no delegation of any trusts, powers, or discretion vested in him as such trustee remains in operation under this Act; or

- (c) Desires to be discharged from all or any of the trusts or powers reposed in or conferred on him; or
- (d) Refuses to act therein; or
- (e) Is unfit to act therein; or
- (f) Is incapable of so acting;

the person nominated for the purpose of appointing new trustees by the instrument (if any) creating the trust, or if there is no such person or no such person able and willing to act, then the surviving or continuing trustees for the time being, or the personal representatives of the last surviving or continuing trustee, may by deed appoint a person or persons (whether or not being the person or persons exercising the power to be a trustee or trustees in the place of the first-mentioned trustee.

(2) On the appointment of a trustee or trustees for the whole or any part of trust property—

- (a) The number of trustees may be increased; and
- (b) Any assurance or thing requisite for vesting the trust property, or any part thereof, jointly in the persons who are the trustees shall be executed or done.

(3) Where a trustee has been removed under a power contained in the instrument creating the trust, a new trustee or new trustees may be appointed in the place of the trustee who is removed, as if he were dead, and the provisions of this section shall apply accordingly.

(4) The power of appointment given by subsection (1) of this section or any similar previous enactment to the personal representative of a last surviving or continuing (whether original or by representation) of that surviving or continuing trustee who have proved the will of their testator or by the administrators for the time being of that trustee without the concurrence of any executor who has renounced or has not proved.

(5) Where a sole trustee, is or has been originally appointed to act in a trust, or where, in the case of any trust, there are not more than three trustees either original or substituted and whether appointed by the Court or otherwise, then and in any such case —

- (a) The person or persons nominated for the purpose of appointing now trustees by the instrument, if any, creating the trust; or

- (b) If there is no such person, or no such person able and willing to act, then the trustee or trustees for the time being —

may, by writing, appoint a person or persons (whether or not being the person or persons exercising the power) to be an additional trustee or additional trustees, but it shall not be obligatory to appoint any addition trustee, unless the instrument, if any, creating the trust, or any statutory enactment provides to the contrary.

(6) Every new trustee appointed under this section as well before as after all the trust property becomes by law, or by assurance, or otherwise, vested in him, shall have the same powers, authorities, and discretions, and may in all respects act as if he had been originally appointed a trustee by the instrument, if any, creating the trust.

(7) The provisions of this section relative to a trustee who is dead include the case of a person nominated trustee whether sole or otherwise in a will, and who dies before the testator; and those relative to a continuing trustee include a refusing or retiring trustee, if willing to act in the execution of the provisions of this section.

(8) The provisions of this section relative to a person nominated for the purpose of appointing new trustees apply whether the appointment is made in a case specified in this section or in a case specified in the instrument, if any, creating the trust, but where a new trustee is appointed under this section in a case specified in that instrument, the appointment shall be subject to the terms applicable to an appointment in that case under the provisions of that instrument

**30. Evidence as to vacancy in a trust—**(1) A statement, contained in any instrument coming into operation after the commencement of this Act by which a new trustee is appointed for any purpose connected with land as to how a vacancy in the office of trustee occurred shall, in favour of a purchaser of the land, be conclusive evidence of the matter stated.

(2) In favour of any such purchaser any appointment of a new trustee depending on that statement, and any vesting declaration, express or implied, consequent on the appointment, shall be valid.

**31. Retirement of trustee—**(1) Where there are two or more trustees —

(a) If one of them by deed declares that he is desirous of being discharged from the trust, and

(b) If his co-trustees and such other person (if any) as is empowered to appoint trustees by deed consent to the discharge of the trustee, and to the vesting of the trust property in the co-trustees alone —

then, subject to the provisions of subsection (3) of this section, the trustee desirous of being discharged shall be deemed to have retired from the trust, and shall by the deed be discharged therefrom under this Act without any new trustee being appointed in his place.

(2) Any assurance or thing requisite for vesting the trust property in the continuing trustees alone shall be executed and done.

(3) Except where only one trustee was originally appointed, a trustee shall not be discharged under subsection (1) of this section unless there will be at least two individuals to act as trustees to perform the trust.

**32. Discharge of trustee with assistance of Court or Registrar—**(1) Where any trustee is desirous of being discharged from his trust he shall be entitled to retire therefrom on passing his accounts before the Registrar, and giving notice of his retirement to his co-trustees (if any), and to such other person (if any) as is empowered to appoint new trustees.

(2) If such co-trustees, or such other person as aforesaid empowered to appoint new trustees, or any of them, refuse or neglect to appoint a new trustee or to consent to such appointment in place of the trustee so retiring or if the retiring trustee is the sole trustee having power to appoint a new trustee, but the exercise of that power is impracticable or difficult without the assistance of the Court, it shall be lawful for the retiring trustee to apply to the Court for the appointment of a new trustee in his place.

(3) The Court may, upon any such application, make an order appointing some proper person as trustee in place of the trustee so desirous of being discharged from his trust, and direct any accounts and inquiries to be made, and make

an order discharging the trustee from the trust and from all liability in respect thereof, and may make such order as to costs or otherwise as it thinks fit; and the person who upon the making of the order becomes trustee shall have the same rights and powers as he would have had if appointed by judgment in an action duly instituted.

(4) If on any such application the Court thinks proper to appoint the Public Trustee to be trustee instead of the retiring trustee, it shall be the duty of the Public Trustee to undertake the trust.

**33. Vesting of trust property in new or continuing trustees**—(1) Where by a deed a new trustee is appointed to perform any trust, the deed, subject to any provision to the contrary therein contained, shall operate, without any conveyance or assignment, to vest in these persons as joint tenants and for the purposes of the trust the estate or interest or right that is subject to the trust.

(2) Where by a deed a retiring trustee is discharged under the statutory power without a new trustee being appointed, the deed, subject to any provision to the contrary therein contained shall, without any conveyance or assignment, operate to vest in the continuing trustees alone, as joint tenants, and for the purposes of the trust, the estate or interest or right that is subject to the trust.

(3) An express vesting declaration, whether made before or after the commencement of this Act, shall, notwithstanding that the estate or interest or right to be vested is not expressly referred to, and provided that the other statutory requirements were or are complied with, operate and be deemed always to have operated (but without prejudice to any express provision to the contrary contained in the deed of appointment or discharge) to vest in the persons respectively referred to in subsections (1) and (2) of this section, as the case may require, such estates, interests and rights as are capable of being and ought to be vested in those persons.

(4) Any such deed shall be registrable in any registry wherein any property subject to the trust is registered.



**34. Advisory trustees may be appointed to assist responsible trustee—** (1) In the administration of any trust property any trustee may act, to the extent hereinafter provided, with an advisory trustee.

(2) An advisory trustee may be appointed in respect of all or any part of the trust property —

- (a) By the testator, settlor, or other creator of the trust, in the instrument creating the trust; or
- (b) By order of the Court made on the application of any beneficiary or trustee or of any person on whose application the Court would have power to appoint a new trustee; or
- (c) By any person having power to appoint a new trustee.

(3) Where a trustee acts with an advisory trustee the trust property shall be vested in the first-mentioned trustee (hereafter in this section referred to as the responsible trustee), who shall have the sole management and administration of the estate and its trusts as fully and effectually as if he were the sole trustee:

Provided that—

- (a) The responsible trustee may consult the advisory trustee on any matter relating to the trusts or the estate;
- (b) The advisory trustee may advise the responsible trustee on any matter relating to the trusts or the estate, but shall not be a trustee in respect of the trust;
- (c) Where any advice or direction is tendered or given by the advisory trustee, the responsible trustee may follow the same and act thereon, and shall not be liable for anything done or omitted by him by reason of his following that advice or direction;
- (d) In any case where the responsible trustee is of opinion that such advice or direction conflicts with the trusts or any rule of law, or exposes him to any liability, or is otherwise objectionable, he may apply to the Court for directions in the matter, and the decision and order therein shall be final and shall bind the responsible trustee and the the advisory trustee, and the Court may make such order as to costs as appears proper:

Provided that nothing in this paragraph shall make it necessary for the responsible trustee to apply to the Court for any such directions.

(e) Where advisory trustees are not unanimous, and tender to the responsible trustee conflicting advice or directions, the responsible trustee may similarly apply to the Court for directions.

(4) No person dealing with the responsible trustee in relation to any trust property shall be concerned to inquire as to the concurrence or otherwise of the advisory trustee, or be affected by notice of the fact that the advisory trustee has not concurred.

(5) Subject to the provisions of the instrument (if any) creating the trust and to any order made by the Court, in any case where remuneration is payable to the trustee of any trust property, remuneration or commission may be paid to both the responsible trustee and the advisory trustee.

(6) Nothing shall prevent the Public Trustee from accepting appointment or acting as trustee in respect of any trust property in respect of which an advisory trustee is appointed under this section.

## PART V

### POWERS OF THE COURT

#### APPOINTMENT OF NEW TRUSTEES

**35. Power of Court to appoint new trustees—**(1) The Court may, whenever it is expedient to appoint a new trustee or new trustees, and it is found inexpedient, difficult, or impracticable so to do without the assistance of the Court, make an order appointing a new trustee or new trustees, either in substitution for or in addition to any existing trustee or trustees, or although there is no existing trustee.

(2) In particular and without prejudice to the generality of the foregoing provision, the Court may make an order appointing a new trustee in substitution for a trustee who —

(a) Has been held by the Court to have misconducted himself in the administration of the trust; or

- (b) Is convicted of any offence involving dishonesty; or
- (c) Is a mentally defective person; or
- (d) Is a bankrupt.

(3) An order under this section, and any consequential vesting order or conveyance, shall not operate further or otherwise as a discharge to any former or continuing trustee than an appointment of new trustees under any power for that purpose contained in any instrument would have operated.

(4) Nothing in this section shall give power to appoint an executor or administrator.

(5) Every trustee appointed by the Court shall, as well before as after the trust property becomes by law, or by assurance, or otherwise, vested in him, have the same powers, authorities, and discretions, and may in all respects act as if he had been originally appointed a trustee by the instrument if any, creating the trust.

#### VESTING ORDERS

**36. Vesting orders of property**—(1) Subject to the provisions of subsections (2) and (3) of this section, in any of the following cases, namely—

- (a) Where the Court appoints or has appointed a trustee, or where a trustee has been appointed out of Court under any statutory or express power;
- (b) Where a trustee entitled to or possessed of any property, whether by way of mortgage or otherwise, either solely or jointly with any other person—
  - (i) Is under disability; or
  - (ii) Is out of the jurisdiction of the Court; or
  - (iii) Cannot be found.
- (c) Where it is uncertain who was the survivor of two or more trustees jointly entitled to or possessed of any interest in property;
- (d) Where it is uncertain whether the last trustee known to have been entitled to or possessed of any interest in property is alive or dead;

- (e) Where there is no personal representative of a deceased trustee who was entitled to or possessed of any interest in property, or where it is uncertain who is the personal representative of a deceased trustee who was entitled to or possessed of any interest in property;
  - (f) Where a deceased person was entitled to or possessed of any interest in property and his personal representative is under disability;
  - (g) Where a trustee jointly or solely entitled to or possessed of any interest in property, or entitled to a contingent right therein, has been required, by or on behalf of a person entitled to require a conveyance of the property or interest or a release of the right, to convey the property or interest or to release the right, and has wilfully refused or neglected to convey the property or interest or release the right for twenty-eight days after the date of the requirement;
  - (h) Where property or any interest therein is vested in a trustee whether by way of mortgage or otherwise, and it appears to the Court to be expedient—  
the Court may make an order (in this Act called a vesting order) vesting the property or interest therein in any such person in any such manner and for any such estate or interest as the Court may direct, or releasing or disposing of the contingent right to such person as the Court may direct.
- (2) Where any such order is consequential on the appointment of a trustee, the property or interest therein shall be vested for such estate as the Court may direct in the persons who on the appointment are the trustees.
- (3) Where any such order relates to a trustee entitled or formerly entitled jointly with another person, and that trustee is under disability or out of the jurisdiction of the Court or cannot be found, the property interest, or right shall be vested in the other person who remains entitled, either alone or with any other person that the Court may appoint.

**37. Orders as to contingent rights of unborn persons—**  
Where any interest in land is subject to a contingent right in an unborn person or class of unborn persons who, on com-

ing into existence would, in respect thereof, become entitled to or possessed of that interest on any trust, the Court may make an order releasing the land or interest therein from the contingent right, or may make an order vesting in any person the estate or interest to or of which the unborn person or class of unborn persons would, on coming into existence, be entitled or possessed in the land.

**38. Vesting order consequential on order for sale or mortgage of land**—Where the Court gives a judgment or makes an order directing the sale or mortgage of any land, every person who is entitled to or possessed of any interest in the land, or entitled to a contingent right therein, and is a party to the action or proceeding in which the judgment or order is given or made or is otherwise bound by the judgment or order, shall be deemed to be so entitled or possessed, as the case may be, as a trustee for the purposes of this Act, and the Court may, if it thinks expedient, make an order vesting the land or any part thereof for such estate or interest as the Court thinks fit in the purchaser or mortgagee or in any other person.

**39. Effect of vesting order**—A vesting order under any of the foregoing provisions shall, in the case of a vesting order consequential on the appointment of a trustee, have the same effect—

- (a) As if the persons who before the appointment were the trustees, if any, had duly executed all proper conveyances of the land for such estate or interest as the Court directs; or
- (b) If there is no such person or no such person of full age and full mental capacity, as if such person had existed and been of full age and full mental capacity and had duly executed all proper conveyances of the land for such estate or interest as the Court directs;

and shall in every other case have the same effect as if the trustee or other person or description or class of persons to whose rights or supposed rights the said provisions respectively relate had been an ascertained and existing person of full age and full mental capacity and had executed a conveyance or release to the effect intended by the order.

**40. Power to appoint person to convey**—In all cases where a vesting order can be made under any of the foregoing provisions, the Court may, if it is more convenient, appoint a person to convey the land or any interest therein or release the contingent right, and a conveyance, or release by that person in conformity with the order shall have the same effect as an order under the appropriate provision.

#### JURISDICTION TO MAKE OTHER ORDERS

**41. Power of Court to authorise dealings with trust property and variations of trust**—(1) Subject to the provisions of subsection (3) of section 2 of this Act, where in the management or administration of any property vested in a trustee, any sale, lease, mortgage, surrender, release, or other disposition, or any purchase, investment, acquisition, retention expenditure, or other transaction, is in the opinion of the Court expedient, but it is inexpedient or difficult or impracticable to effect the same without the assistance of the Court, or the same cannot be effected by reason of the absence of any power for that purpose vested in the trustee by the trust instrument, if any, or by law, the Court may by order confer upon the trustee, either generally or in any particular instance, the necessary power for the purpose, on such terms, and subject to such provisions and conditions (if any) as the Court may think fit, and may direct in what manner any money authorised to be expended, and the cost of any transaction, are to be paid or borne as between capital and income.

(2) Where it is desired to rearrange the trusts to which any property is subject, but the rearrangement cannot be effected because those who take or may take any beneficial interest under the trusts include unborn or unascertained or unknown persons or persons under a disability, the Court may approve the rearrangement on behalf of the unborn or unascertained or unknown persons and the persons under a disability of the rearrangement is not to their detriment; and in determining whether any such rearrangement is to the detriment of any person the Court may have regard to all benefits which may accrue to him directly or indirectly in consequence of the rearrangement, including the welfare

and honour of the family to which he belongs. Any rearrangement so made shall be binding on all persons on whose behalf it is approved by the Court.

(3) The Court may from time to time rescind or vary any order made under this section, or may make any new or further order:

Provided that no such rescission or variation of any order shall affect any act or thing done in reliance on the order before the person doing the act or thing became aware of the application to the Court to rescind or vary the order.

(4) An application to the Court under this section may be made by the trustees, or by any of them, or by any person beneficially interested under the trust.

**42. Power of Court to direct sale or lease—**(1) Notwithstanding anything to the contrary in the instrument (if any) creating the trust, and notwithstanding the wishes of any trustee or person beneficially interested, the Court may, in any proceedings in which all trustees and persons who are or may be beneficially interested are parties or are represented, direct a sale or lease of any property subject to the trust on such terms, and subject to such provisions and conditions (if any) as the Court may think fit.

(2) Nothing in this section shall restrict any other power of the Court.

**43. Right of trustee to apply to Court for directions—**(1) Any trustee may apply to the Court for directions concerning any property subject to a trust, or respecting the management or administration of any such property, or respecting the exercise of any power or discretion vested in the trustee.

(2) Every such application shall be served upon, and the hearing may be attended by, all persons interested in the application or such of them as the Court thinks expedient.

**44. Persons entitled to apply to Court—**(1) An order under this Act for the appointment of a new trustee or concerning any property subject to a trust may be made on the application of any person beneficially interested in the property whether under disability or not or on the application of any person duly appointed trustee thereof or intended to be so appointed.

(2) An order under this Act concerning any interest in any property subject to a mortgage may be made on the application of any person beneficially interested in the property, whether under disability or not, or of any person interested in the money secured by the mortgage.

**45. Applications to Court to review acts and decisions of trustee—**(1) Any person who is beneficially interested in any trust property, and who is aggrieved by any act or omission or decision of a trustee in the exercise of any power conferred by this Act, or who has reasonable grounds to anticipate any such act or omission or decision of a trustee by which he will be aggrieved, may apply to the Court to review the act or omission or decision or to give directions in respect of the anticipated act or omission or decision: and the Court may require the trustee to appear before it, and to substantiate and uphold the grounds of the act or omission or decision that is being reviewed, and may make such order in the premises as the circumstances of the case may require:

Provided that no such order shall—

(a) Disturb any distribution of the trust property made without breach of trust before the trustee became aware of the making of the application to the Court;

(b) Affect any right acquired by any person in good faith and for valuable consideration.

(2) Where any such application is made, the Court may,—

(a) If any question of fact is involved, direct how the question shall be determined;

(b) If the Court is being asked to make an order that may prejudicially affect the rights of any person who is not a party to the proceedings, direct that any such person shall be made a party to the proceedings.

**46. Powers of Court to give judgment in absence of a trustee—**Where in any proceedings the Court is satisfied that diligent search has been made for any person who, in the character of trustee, is made a defendant in any action,



to serve him with a process of the Court, and that he cannot be found, the Court may hear and determine the proceedings and give judgment therein against that person in his character of a trustee as if he had been duly served, or had entered an appearance in the action, and had also appeared by his counsel and solicitor at the hearing, but without prejudice to any interest he may have in the matters in question in the proceedings in any other character.

**47. Power of Court to charge costs on trust estate**—The Court may order the costs and expenses of and incidental to any application for any order under this Act, or of and incidental to any such order, or any conveyance or assignment in pursuance thereof, to be raised and paid out of the property in respect whereof the same is made, or out of the income thereof, or to be borne and paid in such manner and by such persons as to the Court may seem just.

**48. Commission**—(1) The Court may, out of the property subject to any trust, allow to the trustee for the time being, in passing his accounts, any such commission or percentage, not exceeding ten per cent, for his pains and trouble as is just and reasonable.

(2) No such allowance shall be made to any trustee without a special order of the Court on the final passing of accounts, unless the Court otherwise orders.

(3) Where the Court allows a commission or percentage under this section in any case in which there are or have been two or more trustees, whether acting at the same time or at different times, the Court may, in its discretion, apportion the total amount allowed among the trustees in such manner as it thinks fit, and, in particular, may divide the amount in unequal shares or may make the allowance to one or more of the trustees to the exclusion of the other or others.

**49. Power to relieve trustee from personal liability**—If it appears to the Court that a trustee, whether appointed by the Court or otherwise, is or may be personally liable for any breach of trust, whether the transaction alleged to be a breach of trust occurred before or after the commencement of this Act, but has acted honestly and reasonably, and ought

fairly to be excused for the breach of trust and for omitting to obtain the directions of the Court in the matter in which he committed the breach, then the Court may relieve him either wholly or partly from personal liability for the same.

**50. Power to make beneficiary indemnify for breach of trust—**(1) Where a trustee commits a breach of trust at the instigation or request or with the consent in writing of a beneficiary, the Court may, if it thinks fit, make such order as to the Court seems just for impounding all or any part of the interest of the beneficiary in the trust estate by way of indemnity to the trustee or persons claiming through him.

(2) This section applies to breaches of trust committed as well before as after the commencement of this Act.

**51. Barring of claims—**(1) Where a trustee desires to reject a claim that has been made, or that he has reason to believe may be made, against—

- (a) The estate or property that he is administering; or
- (b) The trustee personally by reason of his being under any liability in respect of which he is entitled to reimburse himself out of the estate or property that he is administering for all expenses which he may incur in respect of the liability—

the trustee may serve upon the person by whom or on whose behalf the claim is made or expected a notice calling upon him, within a period of three months from the date of service of the notice, to take legal proceedings to enforce the claim and also to prosecute the proceedings with all due diligence.

(2) At the expiration of that period the trustee may apply to the Court for an order under subsection (3) of this section, and shall serve a copy of the application on the person concerned.

(3) If on the hearing of that application that person does not satisfy the Court that he has commenced the proceedings and is prosecuting them with all due diligence the Court may make an order—

- (a) Extending the period, or barring the claim, or enabling the trust property to be dealt with without regard to the claim; and

- (b) Imposing such conditions and giving such directions including a direction as to the payment of the costs of or incidental to the application, as to the Court seems just.

(4) Any such notice may be given by delivery it to the person for whom it is intended or by sending it by post in a letter addressed to that person at his usual or last known place of abode or business. Where a notice is sent by post as aforesaid it shall be deemed to served at the time at which the letter would have been delivered in the ordinary course of post.

(5) On an application by a trustee under this section, the persons beneficially entitled to the estate or property need not be made parties to the proceedings, and no order made by the Court on the application shall prejudice their right to contest the claim of the trustee to be entitled to indemnify himself out of the estate or property that he is administering if they have not been parties to the proceedings in which the order was made.

**52. Distribution of shares of missing beneficiaries—**(1) Where any real or personal property is held by a trustee and the property or any part thereof cannot be distributed by reason of the fact that it is not known to the trustee whether any person or class of persons who is or may be entitled thereto is in existence or whether any such person or class of persons ever has been in existence or whether any person or any member of any class of persons is alive or dead or where any such person is, the trustee, may publish such advertisements, (whether in Western Samoa or elsewhere) as are appropriate in the circumstances calling upon every such person to send in his claim within a time to be specified in the advertisements, not being less than two months in any case from the date on which the advertisement is published. Where the trustee is in doubt as to what advertisements should be published under this subsection or what notices should be given under subsection (2) of this section, he may apply to the Court for directions in that regard.

(2) Upon proof by affidavit of the circumstances and of the inquiries that have been made and that such advertisements as aforesaid have been published and that no person to whom the order will relate has sent in any claim, the Court

may authorise the trustee to distribute the property or part thereof, subject to such conditions as the Court may impose, as if every person to whom the order relates and every member of any class to which the order relates had died before a date or event specified in the order, whether or not any such person is known to have survived the date or event, and whether or not it is known whether any person or any member of any class has ever been in existence. Any such order may be made notwithstanding that there has not been strict compliance with any directions as to advertisements previously given by the Court.

(3) Any such order shall exonerate the trustee from any further liability in respect of the property or any part thereof distributed in accordance with the order:

Provided that nothing in this subsection shall prejudice any right which any person may have to follow the property or any part thereof or any property representing the same into the hands of the person who has received it.

(4) In making any order under this section no regard shall be had to any presumption which may arise by reason of any person not having been heard of for seven years or more.

(5) Any such order may provide that the order shall not be acted on for such period as is specified in the order, and may provide that the effect of the order shall during that period be advertised in such manner and form as may be specified in the order, or that the order be served upon such person or persons as are specified therein; and in the event of the Court exercise the jurisdiction conferred by this subsection it may in the order direct that the same shall be of no effect in the event of any person specified therein instituting proceedings in Western Samoa to enforce his claim and serving the proceedings upon the trustee within such period as is specified in the order.

(6) Any order made under this section may direct how the costs of the order and of advertising under or for the purposes of the order shall be borne.

(7) Nothing in this section shall prejudice the right of the trustee (if he so desires) to distribute under any other law

or statutory provision or prejudice the protection thereby afforded when he makes distribution pursuant to any such law or provision.

#### PAYMENT TO GOVERNMENT

**53. Payment by trustees to Government**—(1) Trustees, or the majority of trustees, having in their hands or under their control money or securities belonging to a trust, may, on filing in the Court an affidavit describing the instrument creating the trust and giving particulars of the persons beneficially entitled under the trust according to the best of their knowledge and belief, and on serving a copy of the affidavit on the Financial Secretary, pay the money or transfer the securities (if they can legally be so transferred) to the Government in the matter of the particular trust, which shall be described in the affidavit by the names of the parties as accurately as may be for the purpose of distinguishing it. All money and securities so paid or transferred shall be administered in the Treasury. All such money and all money derived from securities which have been transferred to or vested in the Government under this section shall be credited by the Financial Secretary to a deposit account established under the Public Moneys Act 1964 to be dealt with as hereafter provided in this Act.

(2) The receipt of the Financial Secretary shall be a sufficient discharge to the trustee for the money or securities paid or transferred to the Government under this section.

(3) Where money or securities are vested in any persons as trustees, and the majority are desirous of paying or transferring the same to the Government as aforesaid, but the concurrence of the other or others cannot be obtained, the Court may order the payment or transfer to the Government to be made by the majority without the concurrence of the other or others.

(4) Where any such money or securities are deposited with any banker, or other depositary, the Court may order payment or delivery of the money or securities to the majority of the trustees for the purpose of payment or transfer to the Government.

(5) Every transfer, payment, and delivery made in pursuance of any such order be valid and take effect as if the same had been made on the authority or by the act of all the persons entitled to the money and beneficiary in that estate, be investigated and audited by such solicitor or such member of the Western Samoa Society of Accountants as may be agreed on between the applicant trustee and his co-trustees and the Public Trustee, or between the applicant beneficiary and the trustees and the Public Trustee, as the case may be, or, in default of any such agreement, by a solicitor or a member of the Western Samoa Society of Accountants appointed by the Public Trustee:

Provided that—

- (a) Except with the leave of the Court, such an investigation or audit shall not be required within twelve months after any such previous investigation or audit; and
- (b) A beneficiary shall not be appointed under this section to make an investigation or audit; and
- (c) The Public Trustee may require the applicant to deposit a sum of money covering the costs of the investigation and audit, as estimated by the Public Trustee, or to secure the same to the Public Trustee's satisfaction before proceeding with the application.

(2) The person making the investigation or audit (in this section called "the auditor") shall have a right of access to the books, accounts, and vouchers of the trustees, and to any securities and documents of title held by them on account of the estate, and may require from them such information and explanations as may be necessary for the performance of his duties.

(3) Upon the completion of the investigation and audit, the auditor shall forward to the applicant, and to every trustee, and to the Public Trustee, a copy of the accounts of the estate, together with a report thereon, and a certificate signed by him to the effect that the accounts correctly show the state of the affairs of the estate, and that he has had the securities of the trust fund investments (if any) produced to

and verified by him, or (as the case may be) that such accounts are deficient in such respects as may be specified in that certificate.

(4) Every beneficiary shall, subject to the provisions of any regulations made under this section, be entitled at all reasonable times to inspect and take copies of the accounts, report, and certificate, and, at his securities so transferred, paid, or delivered.

(6) The Financial Secretary may at any time sell any securities held by the Government under this section.

**54. Disposal of funds paid to Government—**(1) All money and securities for the time being held by the Government under the preceding section of this Act shall be so held to attend the order of the Court:

Provided that any such money or securities may be paid or transferred by the Financial Secretary to the person entitled thereto upon his establishing a claim thereto or may be paid or transferred to the person from whom they were received to be held by him as trustee if that person so requests:

Provided also that all costs and expenses reasonably incurred by the Government in connection with any such money or securities may be deducted out of the money or securities or out of any other money and securities which are for the time being held by the Government and are subject to the same trusts.

(2) Where any money or securities paid or transferred to any claimant under this section are afterwards claimed by any other person, the Government and the Financial Secretary shall not be responsible for the payment or transfer thereof, but that person shall have recourse against the claimant to whom the money was paid or the securities were transferred.

**55. Orders in respect of funds paid to Government—**Upon application made *ex parte* by such person or persons as are competent or necessary in that behalf, the Court may from time to time make such order as it thinks fit in respect of any money or securities for the time being held by the Government under this Act, and for the payment, transfer, and administration thereof:

Provided that the Court may direct service of the application on such persons as it thinks fit.

## PART VI

### GENERAL PROVISIONS

**56. Audit of trust estates**—(1) Subject to the provisions of any regulations made under this Act, and unless the Court otherwise orders, the condition and accounts of any estate which is not being administered by the Public Trustee shall, on an application being made and notice thereof being given in the prescribed manner by or on behalf of any trustee or own expense, to be furnished with copies thereof or extracts therefrom.

(5) The auditor may be removed by order of the Court; and if any auditor is removed, or resigns, or dies, or becomes bankrupt or incapable of acting before the investigation and audit are completed, a new auditor may be appointed in his place in like manner as the original auditor was appointed.

(6) The remuneration of the auditor and the other expenses of the investigation and audit shall be such as may be approved by the Public Trustee but shall be subject to review by the Court on the application of any person affected. Unless the Court otherwise orders, such expenses shall be borne by the estate and in the event of the Court so ordering shall be borne by the trustees personally or any of them, or by the applicant, or be appointed between them or any of them, or between them and any of them and the estate, in such proportions as the Court thinks just.

(7) If any person having the custody of any books, accounts, vouchers, securities, or documents to which the auditor has a right of access under this section fails or refuses to allow him to have access thereto, or in anywise obstructs the investigation or audit, the auditor may apply to the Court, and thereupon the Court shall make such order as it thinks just.

(8) Subject to any rules of Court, applications under or for the purposes of this section to the Court shall be made to a Judge in Chambers.



(9) If any person in any statement of accounts, report, or certificate required for the purposes of this section wilfully makes a statement that is false in any material particular, he shall be liable on conviction to imprisonment for a term not exceeding two years, or to a fine not exceeding five hundred tālā instead of or in addition to that imprisonment.

(10) The Public Trustee shall not be liable for any expenses or costs under this section.

(11) All expenses and costs for which the estate is liable under this section shall be a charge on the assets of the estate, and that charge may be enforced in such manner as the Court directs.

**57. Fees and commission deemed a testamentary expense**—The fees commission remuneration and other charges payable to a trustee in respect of the administration of the estate of a deceased person shall be deemed to be testamentary expenses.

**58. Costs of inquiring regarding beneficiaries**—The costs, expenses, and charges of the trustee of any property in respect of any inquiries made by him to ascertain the existence and identity of any person or persons entitled to any legacy, money, or distributive share in the property or otherwise incurred in relation thereto shall be borne by and out of the legacy, money, or distributive share of the person or persons in respect of whom the inquiries were made.

**59. Repeal and saving**—(1) The Trustee Act 1956 (New Zealand) is hereby repealed as part of the law of Western Samoa.

(2) It is hereby declared that the repeal of the said Act shall not affect any document made or any thing whatsoever done under that Act, and every such document or thing, so far as it is subsisting or in force at the time of the repeal and could have been made or done under this Act, shall continue and have effect as if it had been made or done under the corresponding provision of this Act and as if that provision had been in force when the document was made or the thing was done.

By Authority

A. F. TEVAGA, ACTING GOVERNMENT PRINTER; APIA WESTERN SAMOA—1980



## SAMOA I SISIFO

## Vaevaeina

Igoa

## 1. Igoa Puupuu

## VAEGA I

## UPU TOMUA

2. Faamatalaina o Upu ma le Faa-aogaina
3. E noatia le Malo i le Tulafono

## VAEGA II

## TUPETEU FAafaigALUEGA

4. Tupeteu faafaigaluega ua faatagaina
5. Faaanegatupe ma tupeteu faafaigaluega e le mafai ona faia ai ni moliga e ave ma solitulafono tau tupe tausi
6. Noataga mo se tupe ua leiloa ona o se tupeteu faafaigaluega e lē sa'o
7. Pule i le itu i puipuiga malu a kamupani

## VAEGA III

PULE FAASALALAU MA  
PUIPUIGA O TAUSI MAVAEGA E  
FAASAGA I MEA UA LEILOA PO O  
UA FAALEAGAINA  
PULE FAASALALAU

8. Pule e faatau atu ai, tolopoina ai, lisiina atu, ma isi mea
9. Pule esee se i le itu i mea totino
10. Pule a le tausi-mavaega mo le faatauina atu e faatau atu ai i se faatautu'i, ma isi mea
11. Pule e faatau atu ai mea totino i luga o ni tuutuuga
12. Pule a tausi-mavaega e tuuina atu ai lisiti
13. Pule e tuufaatasi ai noataga

14. Pule e sailia ai ni tupe i le faatauina atu po o le mokesi atu o mea totino
15. Puipuiga i tagata e faatauina, ma tagata ua mokesi i ai se mea totino o loo faafeagai ma ni tausi-mavaega
16. Faaliliuina atu o pule po o teugatupe tausi
17. Pule e inisiua ai
18. Faaagaina o tupe o le nisiua pe afai o lo o tausia pea le pepa faamaoni o le inisiua i lalo o so o se tupe-tausi, pule po o se tiute tauave e noatia ai
19. Fuafuaina o le tau o se mea
20. Pule e faafaigaluega ai ni sui sooupu
21. Pule e tuuina atu ai i se tasi le pule i tupe tausi
22. Pule e tauaveina ai pea se pisinisi
23. Pule e faaliliuina ai se pisinisi e ave ma kamupani

PUIPUIGA E FAASAGA I SE MEA E  
LEILOA PE FAALEAGAINA

24. Puipuga e faasaga i tagata e nofo aitalafu ai e ala atu i ni tala'iga faasalalau
25. Puipuiga ua faatatauina e faasino i tausi-mavaega
26. Puipuiga o le tausi-mavaega i le tuuina atu o ni mea totino e mafai ona feavea'i i se o loo nofoia se esetete i lona soifuaga atoa

TAUSIGA FAALUALUINA I  
LUMA MA TUPE TAUSI E  
PUIPUI A'I

27. Pule e faaaogaina ai tupe maua mo le tausiga, ma isi mea, ma ia faaputuputu ai tupe maua faasilia a o faagasolo le vaiitaimi o lo o ititi ai lē e faamanujaina ai
28. Pule e faaaogaina ai tupe faavave mo le tausiga, ma isi mea

## VAEGA IV

TOFIA MA LE FAASA'OLOTOINA  
O TAUSI-MAVAEGA

29. Pule e tofia ai ni tausi-mavaega fou
30. Faamatalaga molimau i le itu i se avanoa i se tausi-mavaega
31. Faamalolo litaea o se tausi-mavaega
32. Faasa'olotoina o le tausi-mavaega faatasi ai ma le fesoasoani a le Faamasinoga po o le Resitara
33. Tuuina atu o le pule i mea totino ua tausia i tausi-mavaega fou po o tausi-mavaega o loo faaauau pea
34. E mafai ona tofia ni tausi-mavaega faufautua e fesoasoani i le tausi-mavaega e noatia ai

## VAEGA V

PULE A LE FAAMASINOGA  
TOFIA O TAUSI-MAVAEGA FOU

35. Pule a le Faamasinoga e tofia ai ni tausi-mavaega fou

## POLOA'IGA E TU'UINA ATU AI

36. Poloa'iga e tu'uina atu ai mea totino
37. Poloa'iga e fa'asino i aiā tatau e ono alia'i mai a tagata e le i fananau mai
38. Poloa'iga e tu'uina atu ai ua pogai mai i luga o se poloa'iga mo le fa'atauina atu po o le mokesi atu o se fanua
39. Taunu'uga o le poloa'iga e tu'uina atu ai
40. Pule e tofia ai se tagata na te fa'a-liliuina atu

PULE FA'A-FA'AMASINOGA E  
FAIA AI NISI POLOA'IGA

41. Pule a le Fa'amasinoga e fa'atagaina ai ni feua'iga i le mea totino o mea tausia ma ni fesua'iga o le mea tausia

42. Pule a le Fa'amasinoga e fa'atonuina ai le fa'atauina atu po o le lisiina atu
43. Aia tatau a le tausi-mavaega e talosaga ai i le Fa'amasinoga mo ni faatonuga
44. Tagata e avanoa ona talosaga atu i le Fa'amasinoga
45. Talosaga i le Fa'amasinoga ina ia toe iloilo gaioiga ma faai'uga a le tausi-mavaega
46. Pule a le Fa'amasinoga e tu'uina atu ai se fa'ai'uga a o to'esea se tausi-mavaega
47. Pule a le Fa'amasinoga e tusia ai ni tofogi i luga o mea tausia o le esetete
48. Komisi
49. Pule e fa'amāmā-avega ai i le tausi-mavaega mai se noataga tau le tagata lava ia
50. Pule e faia ai ina ia toe tofogi e lē e fa'amanuiaina ai se tupe mo le solia o se feagaiga tau le tulaga fa'atuatuaina
51. Fa'asāina o talosaga
52. Tufatufaina o sea o tagata e fa'amanuiaina ai ua leiloa le mea o i ai

## TUPE E TOTOGI ATU I LE MALO

53. Tupe e tofogi atu e tausi-mavaega i le Malo
54. Tu'ueseina atu o tupe na tofogi atu i le Malo
55. Poloaiga i le itu i tupe na tofogi atu i le Malo

## VAEGA VI

## TU'UTU'UGA ESE'ESE

56. Su'eina o tusi o esetete tausi
57. Ia fa'atatauina tofogi fuapauina ma komisi o se tupe alu tau le mavaega
58. Totogi o sailiga e uiga i tagata e fa'amanuiaina i se mavaega
59. Mea ua soloia ma mea ua fa'asaoina

**O SE TULAFONO e fa'amautu ma toe teuteu a'i le tula-  
fono e fa'asino i mea tausia ma tausi-mavaega.**

[23 Tesema 1975]

UA FAIA e le Fono Aoao Faitulafono a Samoa i Sisifo i tonu o le Palemene ua potopoto e fa'apea:—

**1. Igoa Pu'upu'u**— O leni Tulafono e mafai ona ta'ua o le Tulafono Tausi Mavaega 1975.

## VAEGA I

### UPU TOMUA

**2. Fa'amatalaina o upu ma le fa'aaogaina**—(1) I totonu o leni Tulafono, ae se'ia vagana ai ona ua mana'omia e le fa'a'upuga nisi uiga e ese,—

“Tupe teu-fa'afaigaluega ua fa'atagaina” o lona uiga o ni tupe teu-fa'afaigaluega ua fa'atagaina mo le teuina fa'afaigaluega o tupe a e noatia ma fai fua-fua i le mea ua tausia e tusa ma pepa ua saunia faale-tulafono, pe afai e i ai, ua fa'avacina ai le mea ua tausia po o e leni Tulafono po o e so o se tasi lava Tulafono:

“Faaliliuina atu o le pule o le mea totino”, e pei ona faaaogaina i so o se tagata, e aofia ai le sainia e lea tagata o ta'utinoga ta'itasi uma e tatau ai, po o, e talafeagai ai mo le faaooina atu, faaliliuina atu, tuuina atu, atofaina atu, faamatuuina atu, po o le tuueseina atu i se tasi lava faiga e ese ai o le fanua lea e ono tatau ona maua e ia se aiā tatau po o se pule, tusa lava pe mo lana esetete atoa po'o mo so'o se esetete e itiiti ifo faatasi ai ma faatino-ina o tulaga aloa'ia uma e mana'omia e le tulafono mo le alo a'ia faale-tulafono o le faaliliuina atu o le pule; “ma ina ia faaliliu atu” ua i ai lava lona uiga e talafeagai ai:

“Faamasinoga” o lona uiga o le Faamasinoga Sili:

“Mea Puipuia a le Malo” poo “Mea Puipuia a le Malo o Samoa i Sisifo” o lona uiga, o so o se mea puipuia na tuuina atu e, po o i lalo o le pule-faataga a le Malo i le aloa'ia o so o se Tulafono, ma ua puipui malu i luga o tupe maua a le Malo o Samoa i Sisifo:

“Tagata” e aofia ai se faalapotopotoga e na o le toatasi le tagata e auai, ma e faapea fo’i se faapotopotoga o tagata, tusa lava po o ua tuufaatasia po o e le’i tuufaatasia:

“Sui tautino” o lona uiga o le tagata na te faama’apeina mea totino a lē ua maliu, e afua mai le amataga po o i le avea ma sui, po o, se tagata na te faafoeina i le taimi nei mea totino a lē ua maliu:

“Mea Totino” e aofia ai mea totino tumau ma mea totino e mafai ona feavea’i, ma so o se esetete, sea, ma aiā i so o se mea totino, mea tumau po o mea e mafai ona feavea’i, ma so o se aitalafu, ma so o se mea o loo faagaoioia, ma so o se tasi lava aia tatau po o se aia, tusa lava po o ua umia pe leai:

“Resitara” o lona uiga o le Resitara o le Faamasinoga Sili ma e aofia ai se Sui Resitara i so o se itu pe afai e mafai e le Sui ona galue e tusa ai ma ala o le tulafono mo, ma e avea ma sui o le Resitara:

“Aia tatau” e aofia ai se aia i se fanua po o se aia:

“Mea Puipuia” e aofia ai oloa, tupe, ma sea:

“Tupe faavae ua sasaina” e aofia ai mea puipuia a le Malo, ma sea:

“Faaliliuina atu”, i le itu i tupe faavae po o mea puipuia, e aofia ai le faiga ma le faataunuaina o pepa faamaoni taitasi uma e tuuina atu ai le pule i se fanua, pule e tuuina atu i se tasi e avea ai ma sui, gaoioiga, ma se mea i le itu i le na te faaliliuina atu ina ia faatinoina ai ma faamautuina ai le pule i lē ua faaliliu atu i ai:

“Mea Tausi” e aofia ai tupe tausī ua mafaufauina ma tupe ua mautū, ma i itu pe afai o loo i ai i le tausī-mavaega se aia e ono faamanuiaina ai i le mea totino ua tausīa, ma, i tiute e ono alia’i mai i le tofi o se sui tautino; ma o le “tausī-mavaega” ua i ai lava se uiga e faasino tonu i ai ma e aofia ai le Tausi Mavaega a le Malo:

“Mea Tausi mo le faatauina atu” i le itu i fanua, o lona uiga o se mea tausī ua noatia ai loa lava mo le faatauina atu, tusa lava po o ua ono mafai ona faa-

taunuina pe leai i luga o se talosaga po o ina ua i ai faatasi ma le maliega o so o se tagata, ma ua i ai faatasi, po o, e aunoa ma se pule i le faitalia e tolopōina ai le faatauina atu; ma o le “tausi-mavaega mo le faatauina atu” o lona uiga o le tagata (e aofia ai se sui tautino) o loo ia umia se fanua i luga o se tulaga tausia mo le faatauina atu.

(2) O lenei Tulafono, a e vagana ai ona ua aiaia manino se tasi faiga e ese ai, e faaaogaina i mea ua tausia (e pei ona mua'i faamaninoina iinei) na faavaeina pe na faia, tusa lava, po o luma atu po o a ua tuanai ai le amataga o lenei Tulafono.

(3) O pule ua faaee atu e, po o e tusa ai ma lenei Tulafono i luga o se tausi-mavaega, e faaopoopo atu i pule ua tuuina atu e le pepa faamaoni faale-tulafono pe afai e i ai, ua faia ai le mea ua tausia; a e peita'i, o pule ua faapea ona faaee atu, a e se'ia vagana ai ona ua faaalua se tasi faiga e ese ai, e faaaogaina, pe afai, ma e oo atu i se tulaga e na ona avea ai o se manatu e ese ai e le o faaalua i totonu o le pepa faamaoni faale-tulafono, pe afai e i ai, o loo faia ai le mea ua tausia, ma ua i ai lava le faamamaluga a e noatia ma fai fuafua i tuutuuga o lea pepa faamaoni faale-tulafono.

(4) O lenei Tulafono e le afaina ai le tulaga faale-tulafono po o le aloa'ia faale-tulafono o so o se mea ua uma ona faia a o lumana'i ai le amataga o lenei Tulafono, a e vagana ai ona ua aiaia manino se tasi lava faiga e 'ese ai i totonu o le Tulafono lenei.

**3. E noatia le Malo i le Tulafono**—O le a tataua ona noatia le Malo i lenei Tulafono.

## VAEGA II

### TUPETEU FAAFAIGALUEGA

**4. Tupeteu faafaigaluega ua faatagaina**—(1) E mafai e se tausi-mavaega ona teuina faafaigaluega so o se tupe tausi o i ona 'a'ao, tusa lava pe faia i le taimi o le tulaga e teu ai faafaigaluega pe leai, i totonu o so o se teugatupe faafaigaluega ua faatagaina e le pepa faamaoni faale-tulafono (pe afai e i ai) ua faia ai le mea ua tausia mo le teuina faafaigaluega o tupe ae noatia ma fai fuafua i le mea ua tausia, po o, i le faiga o loo faaalua i lalo, o lona uiga e faapea:

- (a) I totonu o so o se mea puipuia a le Malo o Samoa i Sisifo, po o i totonu o so o se tupe faavae ua sasao-ina, faaputugatupe, po o nisi lava mea puipuia a se Malo o le Taupulega;
- (b) I luga o mea puipuia tumau i totonu o Samoa i Sisifo e faasino i ai le faafuaiupu (3) o lenei fuaiupu;
- (c) I luga o tupeteu i totonu o so o se fale teutupe;
- (d) I totonu o so o se mea puipuia ua faatagaina mo le teuina faafaigaluega o tupe a e noatia ma fai fua-fua i se mea ua tausia, i se poloaiga a le Ao o le Malo e faia i luga o le fautuaga a le kapeneta

(2) E mafai ona fesuisuia'i so o sea tupe teu faafaigaluega mai lea taimi i lea taimi.

(3) I totonu o lenei fuaiupu, o le fuaitau "puipuiga tumau" o lona uiga o se mokesi muamua o se esetete e umia sa'oloto ma se mokesi-lagolago muamua o se mokesi muamua faapena.

**5. O faaunega-tupe ma tupeteu faafaigaluega e faia e tausimavaega, e lē tatau ona molia e avea o se faiga e lē tatau ai—**O se tausimavaega ua na faauneina atu se tupe i luga o le puipuiga malu a so o se mea totino lea e mafai ai i ala tatau ona na faauneina atu, o le a lē tatau ona molia i se faiga e le tatau ai, ona o le mafuaga e tasi tau le fua faatatau o loo tauaveina e le aofaiga o tupe o le faaunega-tupe pe a fuafua atu i le aoga po o le tau o le mea totino i le taimi lea na fai ai le faaunega-tupe, pe afai ua aliali atu i le Faamasinoga e faapea—

- (a) I le faiga o le faaunega-tupe, sa galue ai le tausimavaega i luga o se pepa faamaoni po o se lipoti e faasino i le tau o le mea totino na faia e se tagata o ia lea ua i ai se mafuaga tatau e talitonu ai o ia, e agava'a i le fuafuaina o le tau o le mea totino;
- (b) O le aofaiga o tupe o le faaunega-tupe e lē o sili atu i lo le fitusefulu pasene o le tau o le mea totino e pei ona faalia i totonu o le pepa faamaoni po o le lipoti.

**6. Noataga mo se tupe ua lē maua ona ua lē sa'o ona teuina faafaigalega—**Afai o se tausimavaega ua lē sa'o ona na tuuina atu faaaitalafu se tupe o loo tausia i luga o se pui-

puiga malu faa-mokesi lea o le a ona avea i le taimi e teuina ai faafaigaluega, o se tupeteu faafaigaluega e sao ma tatau ai i ona itu uma mo se vaega tupe e itiiti ifo nai lo le tupe tonu lea ua tuuina atu faaaitalafu i luga o lea lava tupe teu faafaigaluega o le a faatatauina lava le puipuiga malu e avea o se tupe teu faafaigaluega ua faatagaina mo le vaega-tupe e itiiti ifo, ma o le a faatoa noatia le tausimavaega na te totogiina le vaega-tupe na tuuina atu faaaitalafu e sili atu i lo lea lava tupeteu faafaigaluega ua faatagaina faatasi ai ma le tului.

**7. Pule i le itu i puipuiga malu a se kamupani**—(1) Afai o loo noatia so o se puipuiga malu a se kamupani i se mea ua tausia, e mafai ona malie atu le tausimavaega i so o se fuafuaga po o se faatatauga—

- (a) Mo le toe fausia o le kamupani; po o
- (b) Mo le faatauina atu o mea uma po o so o se vaega o le mea totino ma le galuega a le kamupani i se tasi kamupani; po o
- (c) Mo le tuufaatasia o le kamupani ma se tasi kamupani; po o
- (d) Mo le tatalaina atu, fetuutu'una'i, po o le fesuisuia'ina o so o se aiā tatau, tulaga aloa'ia, po o ni noataga ua faapipi'i atu i puipuiga malu po so o se tasi o i latou—

i se uiga lava e tutusa e peiseai o ia e tatau ona na maua puipuiga malu i le tulaga e faamanuiaina ai, faatasi ai ma le pule na te talia ai so o se puipuiga malu o so o se ituaiga po o se faamatalaga o le kamupani ua toe fausia po o ua faatauina mai po o se kamupani fou a e lē o, po o, e avea ma sui mo mea uma po o so o se tasi o puipuiga malu ua ta'ua muamua i luga; ma o le a lē tatau ona lafo atu se leaga i le tausimavaega ona o so o se mea ua leiloa po o ua lē maua na pogai mai i so o se gaoioiga po o se mea na faapea ona faia i le agaga faamaoni, ma e mafai ona na taofia so o se puipuiga malu na faapea ona talia e pei ona ta'ua muamua i luga mo so o se vaitaimi lea e ono mafai ona taofia ai e ia i ala e tatau ai ulua'i puipuiga malu.

(2) E mafai e se tausimavaega ona faaaogā tupe faavae a e noatia ma fai fuafua i se mea o loo tausia, e totogi a'i ni vaila'au mo ni tupe e mana'omai i luga o so o se sea a e noatia ma fai fuafua i lea lava mea-tausi e tasi.



## VAEGA III

## PULE FAASALALAU MA PUIPUIGA O TAUSI MAVAEGA E

## FAASAGA I MEA UA LEILOA PO O UA

## FAALEAGAINA

## PULE ESEESE

8. Pule e faatau atu ai, tolopōina ai, lisiina atu ai ma isi mea—(1) I le noatia ma fai fuafua i tuutuuga o lenei fuai-upu, e mafai e tausimavaega taitasi uma ona faataunuaina pule ua tuuina atu i lalo i le itu i so o se mea totino ua tuuina atu ia te ia i le taimi nei:

- (a) Faatauina atu o le mea totino;
- (b) Tolopoina o le faatauina atu, vala'auina o sea ia totogi mai ma le faaliliuina o le mea totino:

Ae vagana ai ona e leai se mea o i totonu o lenei parakarafa o le a tatau ona faatagaina ai se tausimavaega na te tolopoina le faatauina atu, vala'auina o sea totogi mai, po o le faaliliuina o so o se mea totino i se uiga e maumau ai po o se uiga taumate i se vaitaimi e sili atu ona umi na i lo le tulaga e tusa ma tatau ai ina ia mafai ai ona maua lona faatinoga i se uiga faaeteete ma le va'ai mamao

- (c) Lisiina atu po o le toe lisiina atu o le mea totino i se totogi faa-lisi e ono talafeagai ai mo so o se vaitaimi e lē silia le tausaga e tasi, po o, mai lea tausaga i lea tausaga, po o, mo se nofoia e taitasi vaiaso pe tai masina po o nisi lava taimi e nofoia faa-lisi ai faapena, po o, i le finagalo malie i ai;
- (d) Faatagaina o se lisi po o le toe lisiina atu o le mea totino mo so o se vaitaimi e le silia le luasefulutasi tausaga e afua atu i le taimi e umia ai le fanua i totonu o le tausaga e tasi o loo soso'o ai a ua tuana'i le aso na faatagaina ai le lisi, po o le toe lisiina atu i se totogi faa-lisi e talafeagai ai;
- (c) I so o se taimi a o faagasolo le vaitaimi o se lisi o le mea totino, e faaititia ai le totogi o le lisi po o le fesuisuia'i i se tasi lava faiga e ese ai po o le toe fetu'utu'una'i o tuutuuga o sea lava lisi.

(2) Afai o loo i ai se pule (faale-tulafono pe leai) e tolopō ai le faatauina atu o so o se ele'ele po o se tupe-teu faafaigaluega ua faatagaina lea ua i ai i se tausi-mavaega se tiute na te faato'a faatauina atu ai ona o se mafuaga tau se mea o loo tausia, po o, ona o se faatonuga ina ia faatau atu, o o lona uiga la (i le noatia ma fai fuafua i so o se faatonuga e ese ai ua faaalua manino i totonu o le pepa faamaoni ua saunia faale-tulafono, pe afai e i ai, ua faia ai le mea o loo tausia) o le a le tatau ona noatia le tausi-mavaega i so o se auala ona o le itu e tasi tau le tolopoina o le faatauina atu, i le faataunuuna o lana faitalia, mo se vaitaimi e le'i ma ma'oti e le faatapula'aina, tusa lava po o ua sopo'ia e lea vaitaimi pe leai le vaitaimi lea e tumau ai pea ona aloa'ia faale-tulafono le mea o loo tausia po o le faatonuga mo le faatauina atu; o le a le tatau fo'i i se tagata na te faatauina le ele'ele po o se tupeteu faafaigaluega ua faatagaina ona a'afia i so o se itu i so o se faatonuga e uiga i le tolopoina o le faatauina atu o se mea.

**9. Pule eseese i le itu i mea totino—**(1) E mafai e tausi-mavaega taitasi uma ona faataunuuna pule ua ta'ua i lalo i le itu i so o se mea totino ua tuuina atu ia te ia i le taimi nei, ona:

- (a) Faaaluina se tupe a e noatia ma fai fuafua i ia lava mea-tausi mo le toe faafouina, tausiga, teuteuina, po o le toe faaleleia o le mea totino, tusa lava pe ono tatau ai le galuega pe leai mo le itu tau le faasaoina o le mea totino; ma (a e noatia ma fai fuafua i tulafono laiti o le tulafono e ono mafai ona faaaoga i ia itu, ma, i so o se faatonuga e ese ai a le Faamasinoga) ona vaevaeina le totogi o le galuega i le va o le tupe faavae ma le tupe maua po, o i se tasi lava faiga e ese ai, i tagata e aia i ai, i se faiga faapena e pei ona ua manatu o ia e tonu ma sa'o, faatasi ai ma le pule, i so o se itu pe afai o le totogi atoa o le galuega po o se vaega o le totogi o le galuega o loo tusia lea i le tupe faavae, ina ia toe faaola mai ai le tupe faavae mai ni tupe maua mulimuli ane, pe afai o se faiga faapena o le a tonu ma sa'o i le aloa'ia o itu uma ua o'o i ai le mataupu;
- (b) Faaaluina se tupe a e noatia ma fai fuafua i ia lava tupe-tausi i le faaleleia atili po o le atina a'e o le mea totino;

- (c) Afai o le mea totino o se fanua, ma e mafai ona faatau atu le fanua po o le tuuina atu faa-lisi po o le lisiina atu po o le faamatuu atu i se tasi lava faiga e ese ai, i lalo o so o se pule po o se mea o loo tautasia ua tuuina atu i le tausimavaega, vaevaeina le fanua i ni vaega ma faia mea uma, ma totogi atu ia tupe uma, e pei ona ua manatu o ia e ono tatau ai, poo e pei ona mana'omia e so o se tulafono e faasino i le vaevaeina o eleele;
- (d) Totogiina lafoga, fuafuaga, tupe totogi mo inisiua, ma nisi lava tupe alu i le itu i le mea totino mai tupe e noatia ma fai fuafua i ia lava tupe-tausi;
- (c) I le avea o le na te tuuina atu mokesi po o le ua mokesi atu i ai ona malie atu i le toe faafouina, faapoopoina, po o le toe fesuisuia'iina o le mokesi mo se vaitaimi, ma, i luga o ni aiaiga ma tuutuuga e pei ona ua manatu o ia e tatau ai:

A e vagana ai ona e leai se mea o i totonu o leni parakarafa o le a tatau ona faatagaina ai so o se tausimavaega na te tuuina atu faaa-italafu so o se tupe i luga o le puipuiga malu a so o se mokesi, lea o le a le ono avea o se tupe-teu faafai-galuega ua faatagaina i le itu i le aofa'i o le tupe na tuuina atu faa-aitalafu;

- (f) Faia ni suesuega, e ala atu i se faasalalauga faalaua'itele po o se tasi lava faiga e ese ai, e pei ona ua faatatauina e ia e ono tatau ai mo le itu tau le sailia ia mautinoa o le tagata la te aiga po o ni tagata e faamanuiaina ai e aia i le mea totino, ma tusia le totogi o su'esu'ega ma faasalalauga faalaua'itele e faasaga i le mea totino;
- (g) Afai e aofia i le mea totino se pepa faamaoni o le inisiua o le soifua ma e leai se tupe po o, e le lava le tupe e mafai ona maua mo le totogiina o tupe e totogi atu i luga o le pepa faamaoni o le inisiua, na te faamatuuina atu le pepa faamaoni o inisiua mo ni tupe, po o le talia e sui a'i le pepa faamaoni o le inisiua se pepa faamaonia o le inisiua ua to-

togi atoa, po o le fetuutuuna'i o tuutuuga o le pepa faamaoni a le inisiua i se faiga e pei ona ua manatu le tausimavaega e tatau ai:

- (h) Faaaogaina so o se vaega o le mea totino i, po o mo le faamalieina o so o se mea tuufaasolo mai se mavaega e tatau ona totogi atu mai le mea totino, po o so o se sea i lea lava mea totino (tusa lava po o ua faama'apeina pe ono mafai ona alia'i mai, po o ua atoatoa) lea e tatau ona maua e so o se tagata, ma mo lea itu, ia na fuafuaina le aoga o le mea totino atoa po o so o se vaega o le mea totino:

A e vagana ai ona o se faaaliga tau le faamamaluina o lea lava mea totino, o le a tatau ona tuuina atu i tagata uma ua matutua, i latou lava ia e aia i ai, ma e mafai e so o sea tagata i totonu o le lua masina faale-kalena talu ona maua e ia le faaaliga ona talosaga i le faamasinoga ina ia fetu'utu'una'i lea lava mea totino.

- (i) Afai ua faia se aiaiga i totonu o so o se pepa faamaoni ua saunia faale-tulafono ua faia ai se tupe-tausi mo le totogiina o se togiga faale-tausaga po o se tasi lava togiga faa-vaitaimi, ma, e ui lava ina faapea e mafai ona e tusa ai ma le pepa faamaoni ua saunia faale-tulafono ona tusia le togiga faale-tausaga po o se togiga i luga o le mea totino o loo tausia po o se vaega o lea lava mea totino, faataatiaese mai le mea totino e mafai ona maua mo le totogiina o le togiga faale-tausaga, ma teuina faafaigaluega se aofa'iga o tupe e lava ua i ai i le manatu o le tausimavaega i le taimi e faataatiaese ai, ina ia tuuina atu ai mai le tupe maua a lea lava mea totino le aofaiga o tupe e mana'omia e totogi a'i le tupe e totogi faale-tausaga po o le togiga faavaitaimi, ma, o le tupe maua a lea lava mea totino o loo tausia ma le tupe maua a lea lava mea totino o loo tausia, o le a tatau lava mulimuli ane ai ona le toe noatia mo le tupe e totogi faale-tausaga, ma e mafai loa lava ona tufatufaina e tusa ai ma tupe-tausi ua faaalua manino ma tupe e faasino i ia lava tupe-tausi;

- (j) Faia po o le le faia o gaoioiga ma mea uma, ma faa-  
ma'apeina pepa faamaoni uma ua saunia faale-  
tulafono e tatau ai ina ia faatanuuina ai pule ma  
pule--faataga ua tuuina atu e lenei Tulafono, po  
o e, po o e tusa ai ma le pepa faamaoni ua saunia  
faale-tulafono ua faavaeina ai le tupe tausī.

(2) Afai, i le faafoeina o so o se mea totino ua faaaogaina  
i le galuea'iina o tupe maua po o le mea totino lea e maua  
mai ai ni tupe maua ua manatu se tausī-mavaega e faapea,  
mo le lelei o tagata e aiā i ai, po'o i latou e ono mafai ona  
aiā i le tupe faavae o le mea totino, e tonu ma sa'o le faa-  
vaeina o se faaputugatupe tau le faaitiitia o le aogā o mea,  
po'o le suia o sea mea e faasino i le mea totino po'o le itu i so  
o se mea aoga mo le tologiina o se aitalafu o lo'o aofia ai i  
totonu, o lona uiga la, e ui lava i so'o se tulafono e puipui  
a'i le tulafono e ese ai, o le a tusa ai ma ala o le tulafono mo,  
a'e peita'i e lē avea lea ma mea e noatia ai o ia na te faia lea  
itu, ma na te tuuina atu ni tupe mo le lelei o le faaputuga-  
tupe mai lea taimi i lea taimi, ma faaputupu e ala atu i se  
tului tuufaatasi se vaega o le tupe maua na faapea ona tuu-  
ina mai pe na maua mai ai, e pei ona manatu o ia e tonu ma  
sa'o ma e faapea fo'i le tupe maua e maua mai ai. I so'o se  
itu faapena, o le a tatau lava i le faaputugatupe ona muli-  
muli atu i le taunuuga o le tupe faavae o le mea totino, ma  
o le a tatau ona noatia ma fai fuafua i tupe-tausi uma, pule,  
ma aiaiga e ono tatau ona faaaogā i ai; faatasi ai ma nisi pule  
i le tausī-mavaega na te faaaogaina ai, e pei ona ua manatu  
o ia e tatau ai, le faaputugatupe ma tupe ua faaputupu o  
tupe maua i, po'o mo le toe suia toe faafouina, tausiga, teu-  
teuina, po'o le toe faaleleia o le mea totino po'o le mea aogā  
e mafai ona faaavanoa atu mo le tologiina o ni aitalafu, po'o  
i, po o, i le aga'i atu i le aveina o se mea i le faatauina mai  
po o i se tasi lava faiga e ese ai o le mea totino po o mea aoga  
o se ituaiga faapena, po o, e ono mafai ona faaaogaina mo  
le lelei i se tasi lava faiga e ese ai i se tulaga fesoota'i ma le  
mea totino i le galuea'iina po o le maua mai ai o le tupe maua  
e pei ona ta'ua muamua i luga.

**10. Pule a le tausī-mavaega mo le faatauina atu e faatau  
atu ai i se faatautu'i, ma isi mea—**(1) Afai o meatausi ua  
tuuina atu i se tausī-mavaega mo le faatauina atu po o se

pule e faatau atu ai le mea totino, e mafai e ia ona faatau atu po o le malilie faatasi ma so o se tasi lava tagata ina ia faatau atu mea uma po o so o se vaega o mea totino, tusa lava po o noatia ma fai fuafua i ni noataga na mua'i noatia ai pe leai, ma e tusa foi pe faia faatasi po o le faia i ni pepa e lulu a e se'i, i se faatautu'i mo tagata uma, po o i se tau-ofoga a tagata uma, po o i se feagaiga taitoatasi, a e noatia ma fai fuafua i so o se aiaiga e faasino i le pule po o ni faa-matalaga molimau tau le pule po o nisi lava mataupu e pei ona ua manatu le tausimavaega e tatau ai, faatasi ai ma le pule e toe fetuutuuna'i ai so o se feagaiga mo le faatauina atu, ma e faatau mai ai i totonu o so o se faatautu'i, po o, ina ia soloia ai so o se feagaiga mo le faatauina atu ma e toe faatau atu ai, e aunoa ma le mana'omia o ia ina ia mautali atu mo so o se mea e leiloa.

(2) O se mea tausii po o se pule e faatau atu ai, po o e tuueseina atu ai se ele'ele e aofia ai se mea tausii po o le pule e faatau atu ai, po o, e tuueseina atu ai se vaega o sea lava mea, ma e aofia ai fo'i se mea tausii po o le pule e faatautu atu ai po o e tuueseina atu ai so o se fale, mea ua fausia tumau, laupapa, po o nisi lava mea ua faapipi'i atu i le elele e ese ai ma i se faiga e ese ai mai le elele lava ia.

### 11. Pule e faatau atu ai se mea totino i luga o ni tuutuuga—

(1) O le faatauina atu o se mea totino e se tausimavaega, i le faataunuuna o so o se pule ua tuuina atu ia te ia mo lea itu e le pepa faamaoni ua saunia faale-tulafono ua faia ai le mea tausii po o e, po o e tusa ai ma lenei Tulafono, po o so o se tasi lava tulafono e mafai ona faia i luga o ni tuutuuga o ni togiga e faata'atiaese mo se vaitaimi po o se tasi lava faiga e ese ai.

(2) O tuutuuga o se togiga e faataatiaese mo se vaitaimi o le a tatau lava ona faia i se faiga e ono mafai ona talia e se tagata e galue ma le faautauta potu, pe a na fai o sana lava mea totino, e tusa ai ma uiga ua o'o i ai ina ia mafai ai ona faatau atu se mea totino mo le lelei aupito sili e ono maua mai ai, ma, i le noatia ma fai fuafua i lea itu, e mafai e ia ona na tuuina atu ni tupe mo le totogiina o tupe e faatau mai ai, po so o se vaega o lea lava tupe i lalo o se feagaiga mo le faatauina atu, po o, mo le faaliliuina atu o le pule o

le mea totino na faatau atu, ma puipuia malu o le tupe e faatau mai ai e le'i totogiina i se mokesi o le mea totino na faatau atu.

(3) Mo le aano moni o so o se maliega po o se faatonuga e mana'omia e le pepa faamaoni ua saunia faale-tulafono, pe afai e i ai, ua faia ai le mea tausii po o i se tulafono faapogai, o se tausii-mavaega na te faatauina atu le mea totino i luga o ni tuutuuga tau togiga e faataatiaese mo se vai-taimi, o le a le tatau ona faatatauina e faapea ua na faauneina atu ni tupe po o ua na teuina faafaigaluega ni tupe-tausii

**12. Pule a tausii-mavaega e tuuina atu ai lisiti**—O le lisiti tusia a se tausii-mavaega mo so o se tupe, puipuiga malu, po o nisi lava mea totino po o ni mea tau le tagata lava ia e ono mafai ona totogi atu, faaliliu atu, po o, e ono mafai ona faao'o atu ia te ia i lalo o so o se mea tausii po o se pule, o le a tatau lava ona avea lea ma faamagaloga ua lava i le tagata ua na totogiina atu, faaliliuina atu, po o ua na faao'oina atu sea lava mea, ma o le a tatau ona matua le ta'usalaina ai le tagata mai le vaai atu i le faaogaina po o le ono tatau ona mautali atu mo so o se mea e leiloa pe maumuina po o le faaogaina sese o sea lava mea.

**13. Pule e tuufaatasia ai noataga**—E mafai e le tausii-mavaega, pe afai ma e pei ona ua manatu o ia e tatau ai,—

- (a) Ona na talia so o se mea totino, tumau po o se mea e le tumau, a o lumanai ai le taimi lea ua aiaia e ono tatau ona faaliliu atu ai po o e ono tatau ona totogi atu ai; po o
- (b) Ona tuueseese ma vaevaeina so o se teugatupe fefiloi e tuufaatasi ai mea totino tumau ma mea totino le tumau po o se mea totino; po o
- (c) Ona totogi atu po o le faatagaina o so o se aitalafu po o se talosaga i luga o so o se faamatalaga moli-mau lea ua manatu o ia e lava ma tatau ai; po o
- (d) Ona talia so o se fuafuaga fetuutuuna'i e totogi a'i se aitalafu po o so o se puipuiga malu, e tumau po o e le tumau, mo so o se aitalafu po o mo so o se mea totino, e tumau po o e le tumau, na talosaga ina; po o

- (e) Ona faatagaina so o se taimi mo le totogiina o so o se aitalafu; po o
- (f) Ona faamatu'u atu so o se mea totino o loo umia faalisi a e noatia ma fai fuafua i ni feagaiga e ono avea ma avega, o se ituaiga lea o le a le mo se lelei o le tagata lea e aia i ai ma faamanuiaina ai na te taofia ai le mea totino; po o
- (g) E faia ai se feagaiga i se maliliega fetuutuuna'i, tuu-faatasi, lafoa'i, tuuina atu i le faiga e faia ai e sui atofaina o itu e auai le faai'uga o se finauga, po o le totogiina ai i se tasi lava faiga e ese ai so o se aitalafu, faamatalaga tau tupe, mea ua tapaina, po o so o se tasi lava mea e faasino i mea-tausi po i le mea totino o loo tausia,—

ma mo so o se tasi o ia itu, e mafai e ia ona na osia, tuuina atu, faatinoina, ma na faia ni feagaiga, pepa faamaoni ua saunia faale-tulafono o fuafuaga fetuutuuna'i e totogi a'i se aitalafu po o se faatatauga tau le totogiina o se aitalafu, mea ua faamatuuina atu, ma nisi lava mea e pei ona ua manatu o ia e talafeagai ai, e aunoa ma le noatia ai o ia mo so o se mea e leiloa na pogai mai ona o so o se gaoioiga po o se mea na faapea ona faia e ia i le agaga faamaoni.

**14. Pule e sailia ai tupe i le faatauina atu po o le mokesi atu**—Afai ua faatagaina se tausimavaega e le pepa faamaoni ua saunia faale-tulafono, pe afai e i ai, na te faia se tupe tausim, po o, e lenei Tulafono po o e so o se tasi lava tulafono, po o, e se tulafono ina ia totogi atu, po o, ina ia faa-aogaina tupe faavae a e noatia ma faifuafua i le tupe tausim mo so o se galuega po o i so o se faiga, o le a tatau ona ia te ia ma o le a faatauina lava e faapea ua ia te ia i taimi uma lava le pulu e saosaina ai ni tupe e mana'omia i le faatauina atu, faaliliuina, tapaina ai ina ia totogi mai, po o le mokesi atu mea uma po o so o se vaega o le mea totino o loo ia umia i lea lava taimi.

**15. Puipuiga i tagata e faatauina, ma tagata ua mokesi i ai se mea-totino o loo faafeagai ma ni tausimavaega**—E leai se tagata na te faatauina po o se tasi ua mokesi atu i ai, o loo ia totogiina atu po o loo ia tuuina atu faa-aitalafu ni tupe i luga o se mea e faatau atu po o se mokesi ua faatatauina



e faapea o loo faia i lalo o so o se mea-tausi po o se pule (faale-tulafono pe leai) ua tuuina atu i se tausimavaega, o le a a tatau ona aafia ina ia na vaia pe mata e mana'omia le tupe po o, pe mata e lē o sili atu le tupe na sasaina i lo le tupe e manaomia, po o se tasi lava faiga e ese ai tau le faaaogaina o sea lava tupe.

**16. O le tuufaasolo atu o pule po o mea-tausi—**(1) Afai o se pule po o se mea-tausi ua tuuina atu i, po o ua faae'atu i ni tausimavaega soofaatasi se to'alua po o le sili atu, e mafai ona faataunuuna po o le faia o ia lava mea e ni tagata o loo soifua pea, po o se tasi o i latou o loo soifua pea i le taimi nei

(2) Se'ia o'o ina ua tofia se tausimavaega fou, o le sui tautino i le taimi nei o se tausimavaega e toatasi po o (pe afai sa ia'i ni tausimavaega se to'alua po o le sili atu) o le tausimavaega mulimuli o loo soifua pea po o loo faaauau pea ona avea ma tausimavaega o le a tatau lava ona avanoa ma talafeagai ai na te faataunuuna po o le faatinoina o so o se pule po o se mea-tausi lea na tuuina atu i, po o, e ono mafai ona faataunuuna e, le tausimavaega e toatasi po o loo soifua pea mulimuli, po o le tausimavaega o loo faaauauina pea, po o nisi lava tausimavaega i le taimi nei o le mea-tausi

**17. Pule e inisiua ai—**(1) E mafai e se tausimavaega ona na inisiuina e faasaga i ni mea e maumuina pe faaleagaina tusa lava pe pogai mai i se mu po o se mafui'e po o se tasi lava uiga e ese ai, so o se fale po o nisi lava mea totino e ono mafai ona inisiua e oo atu i so o se aofaiga o tupe, e aofia ai le aofaiga o tupe o so o se inisiua ua uma ona faia, e le sili atu i lo le tau atoa e ono mafai ona inisiua a'i le fale po o le mea totino, po o, (faatasi ai ma le maliega o le tagata e tatau ona maua e ia le tupe maua, po o, o le Faamasinoga) le tau atoa e toe sui a'i le fale po o le mea totino; ma e mafai fo'i ona na faia ni inisiua e faasaga i so o se uiga pagatia e ono alia'i mai po o se noataga lea o le a avea o se mea ua faia ma le faautauta potomo se tagata le inisiuina pe afai o loo galue o ia mo ia lava; ma e mafai e ia ona totogi atu tupe e totogi mo le inisiua mai tupe e maua o le fale po o le mea totino e aafia ai, po o, mai le tupe maua o so o se tasi lava mea totino a e noatia ma fai fuafua i ia lava mea o loo tausia, e aunoa

ma le maua mai i ai o le maliega o so o se tagata, o ia lea e ono tatau ona maua e ia le atoa po o se vaega o lea lava tupe maua.

(2) E mafai e le tausimavaega ona na toe maua totogi o so o se tupe na totogi atu i le itu i so o sea inisiua mai le tagata o loo nofoia se fanua i le olaga atoa po o se tasi lava tagata e aia i ai, po o ina ua maua mai totogi o lisi ma tupe mama o le fale po o le mea totino e aafia ai.

(3) E leai se mea o i totonu o lenei fuaiupu o le a tatau ona tuuina atu ai so o se tiute tauave i luga o se tausimavaega na te faia ai se inisiua.

**18. Faaagaina o tupe o le inisiua pe afai o loo tausia pea le pepa faamaoni o le inisiua i lalo o so o se tupe-tausi, pule po o se tiute tauave e noatia ai—**(1) O tupe e ono mafai ona maua e se tausimavaega po o so o se tagata e faamanuiaina ai i lalo o se pepa faamaoni o le inisiua e faasaga i le leiloa o se mea po o se leaga ua oo i so o se mea totino a e noatia ma fai fuafua i se tupe-tausi, tusa lava po o ona o se mu po o se tasi lava uiga e ese ai, o le a tatau lava pe afai sa tausia pea le pepa faamaoni o le inisiua i lalo o so o se tupe-tausi mo lea itu, po o e tusa ai ma so o se pule, faale-tulafono po o se tasi lava faiga e ese ai, po o, i le faatanuina o so o se feagaiga po o so o se tiute tauave e noatia ai, faale-tulafono po o se tasi lava faiga e ese ai, po o, e se tagata o loo nofoia se fanua i le olaga atoa e ono mafai ona molia ma suesu'eina ona o ni mea ua maumauina, ona avea ma tupe faavae mo le aano moni o le tupe-tausi, ae vagana ai i le itu e ono mafai ona faatatauina ai e avea o se tupe maua e tusa ai ma so o se tulafono e puipui a'i le tulafono.

(2) Afai e ono mafai ona maua so o sea tupe e so o se tagata e ese ai na i lo le tausimavaega o le tupe tausi, o le a tatau i lea tagata ona na faaaogaina ni ana taumafaiga e aupito sili ona lelei ina ia toe maua ma maua mai ai le tupe ma o le a tatau ona ia totogiina atu le vaega ma'oti o loo totoe o lea tupe, ina ua uma ona totogiina atu so o se totogi o le toe faaolaina ma le taliaina o lea tupe, i le tausimavaega o le tupe-tausi.

(3) So o se tupe faapena,—

(a) Pe afai e ono mafai ona maua mai i le itu i le mea totino o loo umia i luga o se mea-tausi mo le faatauina atu, o le a tatau lava ona umia i luga o mea-tausi ma i le noatia ma fai fuafua i pule ma ni tuutuuga e ono mafai ona faaaogaina i se tupe e alia'i mai i se mea e faatau atu i lalo o le mea-tausi.

(b) I so o se tasi lava itu, o le a tatau ona umia i luga o ni mea tausii e toetoe lava ina foliga tutusa ma mea-tausi e aafia ai le mea totino i le itu lea e ono tatau ona totoaina ai sea tupe.

(4) So o se tupe faapena, po o so o se vaega o lea lava tupe, e mafai fo'i ona faaaogaina e le tausii-mavaega, i le toe fausia, toe faatuina, toe suia, po o le toe faafouina o le mea totino ua leiloa po o ua faatamai'a, a e peita'i, o so o se faaaogaina faapena e le tausii-mavaega, o le a tatau lava ona noatia ma fai fuafua i le maliega o so o se tagata o ia lea e manaomia lona maliega e le pepa faamaoni ua saunia faaletulafono, pe afai e i ai, ua faia ai le mea-tausi i le teuina faa-faigaluega o tupe a e noatia ma fai fuafua i le mea-tausi

(5) E leai se mea o i totonu o lenei fuaiupu o le a tatau ona faaleagaina ai pe afaina ai le aia tatau a so o se tagata e mana'omia ai so o sea tupe po o so o se vaega o sea lava tupe ina ia faaaogaina i le toe fausia, toe faatuina,, po o le toe faafouina le mea totino ua leiloa pe na faatamai'a, po o aia tatau a so o se tagata ua mokesi atu i ai se mea totino po o le tagata na ia tuuina atu le lisi, po o le tagata ua lisi atu i ai, tusa lava po o faia i lalo o so o se tulafono po o se tasi lava faiga e ese ai.

(6) O lenei fuaiupu e faaaoga i pepa faamaoni o inisiua na faia, tusa po o le taimi a o lumana'i ai po o ua tuana'i ai le amataga o lenei Tulafono, a e peitai e mo na o tupe lava na maua a ua tuana'i ai le amataga o lenei Tulafono e faaaoga i ai.

**19. Fuafuaina o Tau**—E mafai e se tausii-mavaega, mo le aano moni tau le tuuina atu o le faamamaluga i le mea o loo tausii, po o so o se aiaiga o le pepa faamaoni ua saunia faaletulafono, pe afai e i ai, ua faia ai le mea o loo tausii, po o le nei Tulafono po o so o se tasi lava Tulafono, ona na faia ia mautinoa mai lea taimi i lea taimi ma faatulaga le tau o so o

se mea totino o loo tausia, po o so o se mea totino, lea ua faa-tagaina o ia na te faatauina po o le aveina i se tasi lava faiga e ese ai, i se faiga e pei ona ua manatu o ia e sa' o ma tatau ai; ma, afai e le agava'a le tausimavaega lava ia na te fuafuaina ia ma'utinoa le tau po o le aoga o so o se mea totino, o le a tatau ia te ia ona feutaga'i faatasi ma se tagata ua matua faamaonia lona agava'a (tusa lava po o loo faafaigaluegaina e ia pe leai) e faasino i lea tau, ae peitai o le a le tatau ona noatia le tausimavaega na te talia so o se tau fuafuaina na faia e so o se tagata, o ia lea atonu na siliga e le tausimavaega sona taofi. So o se tau fuafuaina na faia e le tausimavaega i le agaga faamaoni e tusa ai ma lenei fuaiupu, o le a tatau lava ona noatia ai tagata uma e aia ai ma faamanuaina ai lalo o le mea o loo tausia.

**20. Pule e faafaigaluega ai ni sui sooupu**—E mafai e se tausimavaega, na i lo le faia e ia lava, ona faafaigaluega ma totogi se sui sooupu, tusa lava po o se loia faufautua, tausiusi, fale teutupe, faalapotopotoga tagata e faatauina mai ma faatauina atu oloa pe osifeagaiga e avea ma sui o nisi ae maua sana komisi, po o se tasi lava tagata, na te faataunuuna so o se pisinisi po o le faia o so o se galuega e mana'omia ina ia faataunuuna po o le faia i le faatinoina o le mea o loo tausia po o le faafoeina o le mea totino o loo tausia, e aofia ai le taliaina ma le totogiina atu o tupe, ma le tausiga ma le sueina faa-suetusi o faamatalaga tau tupe o mea tausii ma o le a tatau ona avanoa o ia e faatagaina ai na te totogiina atu aitalafu uma ma tupe alu na faapea ona alia'i mai ai, ma o le a le tatau ona pa'u ia te ia se leaga ona o se mea ua le faia e so o sea sui sooupu pe afai na faafaigaluegaina i le agaga faamaoni.

**21. Pule e tuuina atu ai i se tasi le pule i mea-tausii**—(1)  
O se tausimavaega o ia lea o loo i fafo atu o Samoa i Sisifo i le taimi nei, po o, ua latalata ona malaga ese atu mai ai, po o ia lea ua, po o ua aga'i atu ina ua, ona o se mafuaga tau le le maopoopo o le malosii o le tino, na le mafai i se vaitaimi le tumau ona faataunuuna ona tiute uma e avea o se tausimavaega, e mafai e ia, e ui lava i so o se tulafono e puipui a'i le tulafono, po o se faiga e sa' o ma tonu e ese ai, ona o se pule e avea ai se tasi ma sui ua faatinoina e avea o se tusi faamaoni, ona na tuuina atu i so o se tagata le faatinoina po o le faataunuuna a o faagasolo lona toesea mai Samoa i Sisifo, po o, a o faagasolo lona le mafai ona toe galue, so

o se tasi o ia itu e ono aafia ai o mea uma po o so o se mea o loo tausia, pule, pule-faataga, ma pule faitalia ua tuuina atu ia te ia e avea ai o se tausimavaega faapena, tusa pe na o ia lava po o afaatasi ma so o se tasi lava tagata po o ni tagata:

A vagana ai ona o se tagata, e na o ia lava o le isi lea tausimavaega sofaatasi, o le a le tatau ai ona tofia e avea ma sui faale-tulafono i lalo o lenei faafuaiupu.

(2) O le pule a le ua fai a sui faale-tulafono o le a le tatau ona faamamaluina se'ia vagana ai ma se'ia o'o ina ua toesea mai Samoa i Sisifo le na ia tuuina atu le pule, po o, ua na le mafai ona faataunuina ona tiute uma i le avea ma tausimavaega, ma o le a faatatauina lava e faapea ua toe soloia ina ua toe foi mai o ia, po o, ina ua mafai ona toe galue o ia i lea tulaga, so o se tasi o ia itu e ono aafia ai.

(3) O se ta'utinoga faale-tulafono a le ua tuuina atu i ai se pule e avea ai ma sui faale-tulafono e faasino i so o se tupe-tausi po o se esetete e faapea, ua amata ona faamamaluina lea pule, po o le faapea ua faia e le ua tuuina atu i ai le pule se mea i so o se feuiuia'iga i le faama'apeina o le tupe-tausi po o le faafoeina o le esetete, o le a tatau lava mo le lelei o se tagata o loo faafeagai ma le ua tuuina atu i ai le pule, ona avea ma molimau mautu o lea mea moni.

**22. Pule e tauaveina ai pea se pisinisi**—(1) I le noatia ma fai fuafua i tuutuuga o so o se tasi lava Tulafono, afai i le taimi o lona maliu o loo faafeagai so o se tagata (tusa na o ia lava po o i se faiga faa-paaga) i le tauaveina pea o se pisinisi fefaataua'iga, po o se galuega, o le a tatau lava e tusa ai ma ala o le tulafono mo lana tausimavaega ona na faaauauina pea le faiga o lea lava mea, i le faiga lava e tasi mo so o se tasi po o le sili atu o vaitaimi ua ta'ua i lalo:

- (a) Tolu tausaga mai le aso na maliu ai lea tagata;
- (b) Se vaitaimi e pei ona o le a ono tatau ai, po o, e ono mana'omia mo le faata'apeina o le pisinisi
- (c) Se tasi lava vaitaimi po o ni vaitaimi e ono mafai ona faamaonia e le Faamasinoga

(2) I le faataunuina o pule ua faaee atu e lenei fuaiupu po o e le pepa ua saunia faale-tulafono ua faia ai le mea-tausi, e mafai e se tausimavaega ona faafaigaluega so o se vaega o le esetete a le ua maliu lea e noatia ma fai fuafua i ia lava

mea o loo tausia, ma e mafai mai lea taimi i lea taimi ona faaopoopoina po o le faaitiitia le vaega o le esetete ua faapea ona na faafaigaluega; ma e mafai ona faatau mai ni oloa, afi, mea totino e mafai ona feavea'i mo galuega tau le pisinisi; ma e mafai ona faafaigaluega ni alii pule, sui-sooupu, auauna, failautusi, tagata faigaluega, ma nisi lava tagata e pei ona ua manatu o ia e tatau ai; ma e mafai i so o se taimi ona ulu atu i se feagaiga faa-pa'aga e sui a'i le feagaiga faa-pa'aga lea sa i ai i le taimi lava a'o lumana'i ai le maliu o lē ua maliu, po'o, i so'o se taimi mulimuli ane ai.

(3) O se talosaga i le Faamasinoga mo se faatagaina e tauaveina ai se pisinisi e mafai ona faia e le tausimavaega po'o so'o se tagata e aiā i ai ma faamanuiaina i le esetete i so'o se taimi, tusa lava po'o ua faamutaina pe leai le pule-faataga talu ai e tauaveina ai le pisinisi; ma e mafai e le Faamasinoga ona faia se poloaiga faapena, po'o, e mafai ona poloa'iina e faapea ia lē toe faaauauina le pisinisi, po'o, ia faaauauina a'e noatia ma fai fuafua i ni aiaiga, po'o, e mafai ona na faia se tasi lava poloaiga e pei ona ua manatu o ia e tonu ma sa'o e tusa ma uiga ua o'o i ai.

(4) E leai se mea o i totonu o lenei fuaiupu o le a tatau ona faaleagaina ai so'o se tasi lava pule-faataga e faia ai gaoioiga ua faapea ona faatagaina e ao ina faia.

**23. Pule e faaliliuina ai se pisinisi e aveia o se kamupani—**  
E mafai e se tausimavaega i so'o se taimi, a'e totogi i tupe o le mea totino o lo'o tausia, ona na faaliliuina po o le auai i le faaliliuina o so'o se pisinisi e aveia o se kamupani e faatapu-la'aina sea i se faiga e pei ona ua manatu o ia e tatau ai; ma e mafai e ia, i ni tupe alu faapena, ona faaalualu i luma ma fesoasoani i le faaalualuina i luma o se kamupani mo le tauaveina o le pisinisi; ma e mafai e ia ona faatau atu, po'o le faaliliuina atu o le pisinisi ma le tupe faavae ma mea totino aoga ma le igoa tauleleia o lea lava pisinisi i le va feagai ai ma tagata e faatau i ai o lea pisinisi, po'o so'o se vaega o sea lava mea, i le kamupani, po'o, i so'o se kamupani ua aveia ma ona sini le faatauina mai o se pisinisi faapena, i le aveia ma tau i so'o sea itu, le aofaiga atoa o sea po'o se vaega o sea e masani ai, po o le sili ona mana'omia o le aofaiga atoa o sea po o se vaega o sea ua uma ona totogi le atoa pe na o se vaega o so'o sea kamupani, le aofaiga po'o atoa po'o se vaega o pepa

faamaoni o aitalafu, sea i pepa faamaoni o tupe faa-aitalafu, po'o ni noataga faa-feagaiga tau aitalafu o so'o sea kamupani, ma, i le itu e faasino i le paleni (pe afai e iai) i tino-tupe e ono tatau ona totogī loa lava, po'o, i so'o se togiga e fai-auaua'i ua i ai faatasi po'o, e aunoa ma se puipuiga malu.

#### PUIPUIGA MALU

**24. Puipuiga malu e faasaga i tagata e aitalafu ai e ala atu i ni faasalalauga faalaua'itele**—(1) Afai ua tuuina atu e se tausi-mavaega se faasilasilaga e ala atu i se faasalalauga faalaua'itele, e lomia a iti'iti mai o le faatasi i totonu o se nusi-pepa o lo'o faasalalauina i totonu o Samoa i Sisifo, e mana'omia ai tagata e aitalafu ai ina ia auina atu i le tausi-mavega, i totonu o le taimi ua faatulagaina i totonu o le faasilasilaga, faamatalaga auili'ili o a latou talosaga e faasaga pe faasino i le esetete a se tagata ua maliu, ma ua lapata'iina ai i latou e uiga i taunuuga o lo latou lē faia o lea itu, o lona uiga la, i le muataaga o lea taimi, po'o, i so'o se taimi mulimuli ane ai, e mafai e le tausi-mavaega ona faama'apeina pe faaliliu atu po'o le tufatufaina atu o le mea totino po'o so'o se vaega o lea lava mea totino, lea e faasino i ai le faasilasilaga po'o, i tagata e aiā i ai i le aloa'ia na o talosaga tusa lava po'o ua faia i se tulaga aloa'ia pe leai, ia ua maua ai i lea taimi e le tausi-mavaega se faaaliga; ma o le a lē tatau ia te ia, i le itu i le mea totino ua faapea ona faama'apeina po'o ua faaliliu atu po o le tufatufaina atu, ona noatia i so'o se tagata o ia lea e ana le talosaga lea sa le'i maua ai e le tausi-mavaega se faaaliga i le taimi o le faama'apeina po o le faaliliuina atu po o le tufatufaina atu:

A'e vagana ai ona e leai se mea o i totonu o leni fuaiupu o le a tatau ona faaleagaina ai so'o se aiā tatau lea e ono mafai ona mulimuli atu ai le tagata mea totino po'o so'o se vaega o lea lava mea totino, po'o, so'o se mea totino ua aveā ma sui o lea lava mea, i lima o so'o se tagata o ia lea atonu ua maua e ia.

(2) O le taimi e ao ina faatulagaina e pei ona ta'ua mua-mua i luga e so'o sea faasilasilaga, o le a lē tatau ona iti'iti ifo na i lo le tolu masina talu mai le aso lea na tuuina atu ai le faasilasilaga.

(3) So'o se faasilasilaga faalaua'itele e lomía e tusa ai ma lenei fuaiupu, e mafai ona o se esetete po'o se mea totino o lo'o tausia e sili atu nai lo le tasi.

**25. Puipuiga malu e faasino tonu i tausí-mavaega—**(1) O le a tatau ona noatia se tausí-mavaega mo na o tupe tonu ma puipuiga malu na maua e ia, ma o le a tatau ona mau-tali atu ma tuuina atu ni faamatalaga mo na o ana lava gaioiga, mea na maua e ia, itu ua faatalalē i ai, po'o ni mea ua lē faia, a'e le mo ni mea faapena na faia e so'o se tasi lava tausí-mavaega po'o mo so'o se fale teutupe, po'o se tasi lava tagata o ia lea e ono mafai ona teuina ai so'o se tupe-tausí po'o ni mea puipuia, po o ona o le lē lava o mea puipuia po o le lē atoatoa o so'o se mea puipuia po'o mo so'o se tasi lava mea ua leiloa, a'e se'ia vagana ai ona ua tupu mai sea uiga ona o se mea ua lē faia e ia ma le loto i ai.

(2) E mfaí e se tausí-mavaega ona toe totogi atu ia te ia lava po o le totogi atu po o le faamamāina mai tupe tausí o le mea totino tupe alu uma na pogai mai i ni ala tatau, po'o e uiga i le faatinoina o mea o lo'o tausia po'o pule; a'e peita'i, se'ia vagana ai e pei ona aiaia i totonu o lenei Tulafono po'o so'o se tasi lava Tulafono, po'o, e pei ona malilie i ai tagata e aiā i ai ma faamanuiaina ai e tusa ai ma le mea tausí, e leai se tausí-mavaega o le a tatau ona faatagaina i ai ni totogi o so'o se galuega tau le poto maoa'e na faia e ia i le faama'apeina o mea o lo'o tausia po'o pule a'e se'ia vagana ai ua faaalía manino se tasi uiga e ese ai e le pepa faamaoni ua saunia faale-tulafono na faia ai le mea tausí:

Ae vagana ai ona e mafai e le Faamasinoga, i luga o se talosaga a le tausí-mavaega, ona faatagaina ni totogi faapena e pei ona ua aliali mai e tusa ma uiga ua o'o i ai e tatau ai.

**26. Puipuiga o le tausí-mavaega i le tuuina atu o mea totino e mafai ona feavea'i i se tagata o loo nofoia se fale po o se fanua i lona olaga atoa—**(1) Afai ua tuuina atu e ala atu i se mavaega so o se mea totino e mafai ona feavea'i e tusa ai ma tuutuuga o so'o se mavaega, i so'o se tagata mo lona olaga atoa, po'o mo so'o se aiā faatapula'aina, e mafai e le tausí-mavaega ona poloa'iina se lisi auili'ili o mea totino e mafai ona feavea'i ina ia faia, ma o se ata o lea lisi auili'ili o le a tatau ona faao'atu i lea tagata.



(2) E mafai loa lava e le tausī-mavaega i luga o lea lisi auili'ili ona fao'o atu mea totino e mafai ona feavea'i i lea tagata, i luga o ni tu'utu'uga ma ni aiaiga e pei ona ua manatu le tausī-mavaega e tatau ai, ma o le a le tatau mulimuli ane ai ona noatia na te va'aia le toe faafouina po'o le inisiua o mea totino e mafai ona feavea'i, ma o le a lē tatau ona noatia i so'o se noataga ona o se mafuaga tau le leiloa po'o le faaleagaina o mea totino e mafai ona feavea'i, po'o le faatamala o lea tagata i ni faafouga po'o se inisiua faapena.

TUPE TAUSI MO LE TAUSIGA, FAAALUALUINA I LUMA  
MA LE PUIPUIGA

**27. Pule e faaogaina ai tupe maua mo le tausiga, ma isi mea, ma faaputupu ai tupe maua faasilia a'o savalia le vai-taimi o lo'o iti'iti ai se tagata—**(1) Afai o lo'o umia so'o se mea totino o se tausī-mavaega i se tupe tausī mo so'o se tagata ona o so'o se aia tatau tusa lava pe na tuuina atu i ai le pule po'o e ono alia'i mai, o lona uiga la, i le noatia ma fai fuatua i so'o se aia tatau na mua'i maua po'o ni tologi e a'afia ai lea mea totino,—

(a) A'o fa'agasolo le taimi o lo'o iti'iti ai so'o sea tagata, pe afai o lo'o fa'aauauina pea ana aiā tatau umi, e mafai e le tausī-mavaega, i lana lava faitalia to'a-tasi, ona tologi atu i ona mātua po o lē na te tausīa, pe afai e i ai, po'o le fa'aogaina i se tasi lava faiga e ese ai mo, po'o, mo lona tausiga po'o lona a'oa'oina (e aofia ai le tausiga po'o le a'oa'oina i aso ua mavae) po'o lona fa'alualuina i luma po'o lona lelei, le atoa po'o se vaega, pe afai e i ai, o le tupe maua o lea mea totino e pei ona tatau ai, e tusa ai ma uiga ua o'o i ai, tusa lava po'o i ai pe leai—

(i) So'o se tasi lava fa'aputugatupe e ono mafai ona fa'aogaina i lea lava itu; po'o

(ii) So'o se tagata ua noatia i le tulafono na te tu'uina atu ni tupe mo lona tausiga, a'oa'oina, fa'alualuina i luma, po'o lona lelei; ma

(b) Afai ua aulia e le tagata le luasefulu-tasi tausaga o lona olaga a'e le'i tu'uina atu lava ia te ia se aiā

tatau i lea tupe maua, o le a tatau loa lava i le tausi-mavaega ona totogi atu le tupe maua o lea mea totino, ma o so'o se faaopoopoga i lea mea totino i lalo o le fa'afuaiupu (2) o lenei fuaiupu ia te ia, se'ia o'o ina ua maua e ia se aia tatau ua tu'uina atu i ai i sea lava mea totino po'o ina ua maliu o ia, po'o, se'ia o'o ina ua uma le aoga o lana aia tatau;

A'e vagana ai ona fa'apea, i le ilo'iloina o se tonu pe mata e ao ina totogi atu pe fa'aaoga le atoa po o so'o se vaega o le tupe maua o le mea totino, a'o fa'agasolo le vaitaimi o lo'o iti'iti ai, se tagata, mo mea ua ta'ua muamua i luga, o le a tatau i le tausi-mavaega ona na aloa'ia ai le matua i tausaga o le tamaiti'iti ma ona mana'oga, ma itu ese'ese e tusa ai ma uiga ua o'o i ai le mata'upu, ma a'e maise ai lava pe mata o a nisi lava tupe maua, pe afai e i ai, e ono mafai ona faa-aogaina mo ia lava itu; ma afai ua maua e le tausi-mavaega se fa'aaliga e fa'apea o le tupe maua o le sili atu i lo se fa'aputugatupe e tasi e ono mafai ona fa'aaogaina mo ia itu, o lona uiga la, e tusa ma le tulaga e ono mafai ona fa'atinoina, se'ia vagana ai ona ua totogi atu po'o ua fa'aaogaina le tupe maua atoa o fa'aputugatupe e pei ona ta'ua muamua i luga, po'o ua fa'atonuina e le Fa'amasinoga se tasi lava faiga e ese ai, na o se vaega fa'atatauina o le tupe maua o fa'aputugatupe ta'itasi o le a tatau ona totogi atu fa'apena pe fa'aaogaina.

(2) A'o fa'agasolo le taimi o lo'o iti'iti ai so'o sea tagata, afai o lo'o fa'aaauuina pea lava ana aia tatau i se taimi umi fa'apena, o le a tatau i le tausi-mavaega ona na fa'aputu-putuina mea uma o lo'o totoe o lea tupe maua e ala atu i se tupe tului tu'ufa'atasi, i le teuina fa'afaigaluega o lea lava tupe, ma ua maua mai ai mai se tupe maua mai lea lava tupe mai lea taimi i lea taimi, i tupeteu fa'afaigaluega na faataga-ina, ma o le a tatau lava ona na umia ia tupe fa'aputupu, e pei ona faaalua i lalo:

(a) Afai o so'o sea tagata—

(i) Ua na aulia le matua e luasefulu-tasi tausaga o le olaga, po'o ua fa'aipoipo i lalo ifo o le matua i ia tausaga, ma o lana aia tatau i le tupe maua a'o iti'iti o ia po'o se'ia o'o ina ua fa'aipoipo o ia, o se aia lava lea ua tu'uina na te umia i aso o lumana'i; po'o

(ii) Ina ua na aulia le matua e luasefulu-tasi tausaga, po'o, ina ua fa'aipoipo i lalo ifo o lea matua i tausaga na avanoa ai o ia na te maua le mea totino lea na alia'i mai ai le tupe maua—

o le a tatau i le tausimavaega ona na umia tupe fa'aputupu i mea tausi mo lea tagata i se tulaga ma'oti lelei, ae peita'i, e aunoa ma le fa'aleagaina ai o so'o se tu'utu'uga i le itu e fa'asino i ai, o lo'o aofia ai so'o se teuteuga e ia na faia o ia i lalo o so'o se pule fa'ale-tulafono a'o fa'agasolo le vaitaimi o lo'o iti'iti ai o ia, ma ia mafai ai e le lisiti a lea tagata ina ua uma le fa'aipoipoga, ma e ui lava ina o lo'o iti'iti pea, o le a tatau lava ona avea fa'amagaloga e lelei; ma

- (b) I so'o se tasi lava itu, o le a tatau i le tausimavaega, e ui lava ina faapea sa i ai i lea tagata aia tatau ua tu'uina atu ai le pule i le tupe maua, ona na umia tupe fa'aputupu e avea o se fa'aopo'opoga i le tupe faavae o le mea totino lea na maua mai ai tupe fa'aputupu ma i le avea o se faaputugatupe, e tasi fa'atasi ma lea tupe faavae mo itu uma,—

a'e peita'i, e mafai e le tausimavaega, i so'o se taimi a'o faagasolo le taimi o lo'o iti'iti ai lea tagata pe afai o lo'o fa'aaauau i se taimi umi lana aia tatau, ona na fa'aaogaina ia tupe fa'aputupu, po'o so'o se vaega o ia tupe fa'aputupu, e peisea'i o ni tupe maua na alia'i mai i totonu o lea lava tausaga o lo'o savalia.

(3) O leni fuaiupu e fa'atoa fa'aoga lava i le itu i se tului e ono alia'i mai pe afai o lo'o tau'aveina i se aiaiga fa'atapulaa'ina po'o le tupe tausi le tupe maua faaleogalua o le mea totino, a'e peita'i e fa'aaogaina i se mea totino e tu'uina atu i se mavaega i aso o lumana'i po'o, e ono alia'i mai e faia e matua o, po'o, e se tagata o lo'o tu i le tulaga e avea ma sui o se matua i, le tagata o ia lea e tu'uina atu i ai mea tau le mavaega, pe afai ma mo se vaitaimi e avea ai, i lalo o le tulafono fa'asalalau, le mea tau le mavaega o lo'o tau'aveina ai le tului mo le tausiga o le na mavaea'iina, ma i so'o sea itu e pei ona ta'ua mulimuli i luga, o le fua fa'atatau o le tului o le a tatau lava (pe afai e lava le tupe maua ua mafai ona maua, ma i le noatia ma fai fuafua i so'o se tulafono laititi a le Fa'amasinoga e ese ai) ona fa pasene i le tausaga.

(4) O lenei fuaiupu e fa'aaoga i se togiga fa'ale-tausaga ua tuuina atu i lea lava faiga e tasi, e peisea'i o le togiga fa'ale-tausaga o le tupe maua lea o le mea totino sa umia e se tausi-mavaega i lana tausiga e totogi a'i le tupe maua lea lava mea totino i le e totogi i ai le togiga faale-tausaga mo lea lava vaitaimi, lea e tatau ona totogi ai le togiga faale-tausaga, a'e vagana ai i so'o se itu ona o tupe fa'aputupu na faia a'o fa'agasolo le taimi o lo'o iti'iti ai le tagata na te maua le togiga fa'ale-tausaga, o le a tatau lava ona umia i mea tausi mo le tagata na te maua i le togiga fa'ale-tausaga, po'o ni ona sui ta'utino ua fa'aalia ma'oti.

**28. Pule e fa'aaogaina ai tupe fa'avae mo le tausiga ma isi mea**—E mafai e se tausi-mavaega i so'o se taimi po'o ni taimi ona totogi atu pe fa'aaoga so'o se tupe fa'avae po'o nisi lava mea totino a'e noatia ma fai fuafua i mea tausi, mo le tausiga po'o le a'oa'oina (e aofia ai le tausiga po'o le a'oa'oina i aso ua tuana'i), po'o le fa'aalualuina i luma po'o se fa'a-manuiaga, i se faiga e pei ona ua manatu o ia i lana faitalia atoatoa e tatau ai, o so'o se tagata e aia i le tupe faavae o le mea totino o lo'o tausia, po'o, so'o se sea lava mea totino, tusa lava po'o ua ma'oti po'o e ono alia'i mai ina ua na aulia so'o se matua i tausaga ua fa'aalia ma'oti, po'o ina ua tupu mai so'o se tasi lava mea, po'o, i le noatia ma fai fuafua i se meaalofo ina ua maliu o ia i lalo ifo o so'o se matua i tausaga ua fa'aalia ma'oti, po'o, ina ua tupu mai so'o se tasi lava mea e alia'i mai, ma, e tusa lava po'o umia e ia, po'o lo'o totoe ia te ia po'o so o se feluaiga ma e mafai ona faia so sea togiga po'o le fa'aaogaina, e ui lava ina faapea e ono mafai ona to'ilalo le aia tatau a lea tagata i le faataunuuna o se pule tau le tofia po'o le soloia ai, po'o, e ono fa'aiti'itia i le fa'aopo'opoina o le ituaiga lea e faasino i ai o ia:

A'e vagana ai ona faapea—

(a) O le tupe po'o le mea totino ua faapea ona totogi atu po'o ua fa'aaogaina mo le tausiga, a'oa'oina, faaalualuina i luma, po'o le manuia o so'o se tagata, o le a le tatau ona sili atu le tu'u-faatasiga i lo le 'afa o sea ua i ai le manatu o lo'o i ai po'o sea ua tuuina atu po'o le aia tatau a lea tagata i le mea totino o lo'o tausia, pe afai o le tau o lea sea po'o le aia tatau e sili atu i lo le fa'afe tala, ma, i so'o

se tasi lava itu, o le a le tatau ona sili atu le tu'u-faatasiga i lo le lua afe tala o le aofaiga o tupe po o le tau; ma

- (b) Afai o lea tagata ua, po'o ua aga'i atu ina matua tatau atoatoa ona maua e le ono ave'esea lana aia tatau i se sea i le mea totino o lo'o tausia, o le tupe po'o le mea totino ua faapea ona totogi atu pe faa-aogaina, o le a tatau lava ona aloa'ia e avea ma vaega o lea sea; ma
- (c) E leai se togiga fa'apena po'o se fa'aaogaina o le a tatau ona faia ina ia fa'aleagaina ai so'o se tagata e tatau ona avanoa na te maua so'o se aia tatau a'o le'i soifua mai po'o se tasi lava aia tatau, tusa lava po'o ua tuuina atu poo e ono alia'i mai, i le tupe po'o o le mea totino na totogi atu pe na fa'aaogaina, ae vagana ai o lo'o i ai o lo'o iai lea tagata ma ua matua atoatoa i tausaga o le olaga ma ua malie atu i se faiga tusia i le totogiina atu po'o le faaaogaina, po'o, se'ia vagana ai ona ua fa'apea ona poloa'iina e le Faamasinoga, i luga o se talosaga a le tausi-mavaega.

#### VAEGA IV

##### TOFIA MA LE FAATEAINA O TAUSI MAVAEGA

**29. Pule e tofia ai ni tausi-mavaega fou**—(1) Afai o se tausi-mavaega (tusa lava po'o le ulua'i tausi-mavaega po'o se tausi-mavaega e sui a'i, ma tusa foi pe na tofia e le Fa'amasinoga po'o se tasi lava faiga e ese ai)—

- (a) Ua maliu; po'o
- (b) Ua nofo pea i fafo atu o Samoa i Sisifo mo se vaitaimi e sefulu-lua masina, le vaitaimi lea e le'i tuuina atu ai i se tasi so'o se mea o lo'o tausia, pule, po'o se faitalia na tu'uina atu ia te ia i le avea ai ma tausi-mavaega e tumau pea ona fa'agaoioia e tusa ai ma lenei Tulafono; po'o
- (c) Ua mana'o ina ia fa'asa'olotoina mai mea uma po'o se tasi o mea o lo'o tausia, po'o pule ua lafo atu i ai po'o ua fa'ae'e atu i ona luga; po'o

(d) Ua musu i galue ai iina; po'o

(e) Ua lē malosi lelei e galue ai iina;

(f) Ua le ono mafai ona galue fa'apena;

o le tagata ua filifilia mo le itu tau le tofia o ni tausimavaega fou e le pepa faamaoni ua saunia fa'ale-tulafono (pe afai e i ai) ua faia ai le mea o lo'o tausia, po'o, pe afai e le o i ai se tagata fa'apena poo, e le o i ai se tagata faapena e mafai ma loto malie e galue, o lona uiga la, o tausimavaega o lo'o soifua pea po'o tausimavaega o lo'o soifua pea po'o tausimavaega o lo'o fa'aauau pea i le taimi nei, po'o sui ta'utino o le tausimavaega mulimuli na soifua poo le tausimavaega o loo faaauau pea, e mafai e ia, i se tusi faamaoni, ona na tofia se tagata po'o ni tagata (tusa lava po'o lea tagata po'o ni tagata o lo'o faataunuaina le pule pe leai) e avea ma tausimavaega po o ni tausimavaega e sui tulaga i le tausimavaega ua ta'ua muamua i luga.

(2) I le tofia o se tausimavaega po'o ni tausimavaega mo le atoa po'o so'o se vaega o le mea totino o lo'o tausia—

(a) O le aofa'i o tausimavaega, e mafai ona fa'aopo'opoina; ma

(b) So'o se ta'utinoga mautu po'o se mea e mana'omia mo le tu'uina atu o le mea totino o lo'o tausia, po'o so'o se vaega o lea lava mea totino, i se tulaga so'ofa'atasi i ni tagata ia o lo'o avea ma tausimavaega, o le a tatau lava ona fa'ama'apeina pe faia.

(3) Afai ua ave'eseina se tausimavaega e tusa ai ma se pule o lo'o i totonu o le pepa fa'amaoni ua saunia fa'ale-tulafono ua faia ai le mea-tausi, e mafai ona tofia se tausimavaega fou po'o ni tausimavaega fou i le tulaga e avea ma sui o le tausimavaega o ia lea ua ave'eseina, e peisea'i ua maliu o ia, ma le a fa'apea lava ona fa'aaogaina loa i ai tu'utu'uga o lenei fuaiupu.

(4) O le pule tau le tofia ua tu'uina atu e le fa'afuaiupu (1) o lenei fuaiupu po'o so'o se tulafono muamua fa'apena i sui ta'utino o se tausimavaega mulimuli o lo'o soifua po'o lo'o fa'aauau pea, o le a tatau lava ma o le a fa'atatauina i taimi uma lava fa'apea e ono mafai ona fa'ataunu'uina e tagata e fa'ama'auina mea-tausi mo le taimi nei (tusa lava po'o le ulua'i tausimavaega po'o se tasi na avea ma sui) o lea tausimavaega o lo'o soifua pea poo o lo'o fa'aauau pea

ona galue o ia lea ua na fa'amaonia le mavaega a lo latou tagata e ona le mavaega, po'o e ni tagata e ni e ni tagata e pulea i lea taimi nei mea a lea tausimavaega e aunoa ma le maliega o so'o so tasi e fa'ama'auina mea-tausi o ia lea ua na fa'amatu'ueseina atu po'o ua na le'i fa'amaonia.

(5) Afai o se tausimavaega e na o ia lava, ua tofia pe na mua'i tofia e galue i se mea-tausi, po'o pe afai, i le itu i so'o se mea-tausi, e le o i ai ni tausimavaega e sili atu i lo le to'atolu, tusa lava po'o ni ulua'i tausimavaega po'o ni tausimavaega e sui a'i, ma e tusa foi pe na tofia e le Fa'amasinoga pe leai, o lona uiga la ma i so'o se mata'upu fa'apena—

(a) O le tagata po'o ni tagata na filifilia mo le itu tau le tofia o ni tausimavaega fou e le pepa ua saunia fa'ale-tulafono, pe afai e i ai, o lo'o fa'avaeina ai le mea-tausi; po'o

(b) Afai e leai sea tagata po'o e leai se tagata fa'apena na te mafaia ma finagalo malie e galue, o lona uiga la, o le tausimavaega po'o tausimavaega mo le taimi nei—

e mafai e i latou, i se faiga tusia, ona tofia se tagata po'o ni tagata (tusa lava po'o le tagata po'o ni tagata o lo'o fa'atinoina le pule pe leai) e avea o se tausimavaega fa'aopoopo po'o ni tausimavaega fa'aopoopo, a'e peita'i, o le a le tatau ona avea ma ana avega tau'ave le tofia o so'o se tausimavaega fa'aopoopo, a'e se'ia vagana ai ona ua aiaia e le pepa fa'amaoni ua saunia fa'ale-tulafono, pe afai e i ai, o lo'o fa'avaeina ai le mea-tausi, po'o e se uiga e ese ai ua aiaia so o se faiga fa'ale-tulafono.

(6) O tausimavaega fou ta'itasi uma na tofia i lalo o lenei fuaiupu fa'apea foi ma le taimi a'o lumana'i ai, po'o, a ua tuana'i le avea o le mea totino tausimavaega e tusa ai ma le tulafono, po'o, e se ta'utinoga fa'amaoni tau le fa'amatu'uina atu o le mea totino, po'o se tasi lava faiga e ese ai, ua tuuina atu ia te ia, o le a tatau ona ia te ia o ia lava pule, pule-faaitaga, ma pule-faitalia, ma e mafai e ia i itu uma ona galue e peisea'i na mua'i tofia o ia e avea ma tausimavaega i se pepa fa'amaoni ua saunia fa'ale-tulafono pe afai e i ai, o lo'o fa'avaeina ai le mea-tausi.

(7) O aiaiga o lenei fuaiupu e faasino i se tausi-mavaega o ia lea ua maliu, e aofia ai le itu i se tagata na filifilia e avea ma tausi-mavaega, tusa pe na o ia lava pe leai i totonu o se mavaega, ma o ia lea ua maliu a'o lo'o soifua pea le e ana le mavaega; ma o tagata e aiga ma se tausi-mavaega e aofia ai se tausi-mavaega e musu i tuuina atu i se tasi po'o se tausi-mavaega o lo'o malolo litaea, pe afai e malie ina ia galue i le faataunuina o tu'utu'uga o lea pepa faamaoni ua saunia faale-tulafono.

(8) O tu'utu'uga o lenei fuaiupu e faasino i se tagata ua filifilia mo le itu tau le tofia o ni tausi-mavaega fou, e fa'a-aogaina lava tusa pe faia le tofia i se itu o lo'o fa'aalia ma'oti i totonu o lenei fuaiupu po'o se mataupu o lo'o fa'aalia maoti i totonu o le pepa faamaoni ua saunia faale-tulafono, pe afai e i ai, o lo'o faavaeina ai le mea-tausi, a'e peita'i afai ua tofia se tausi-mavaega fou i lalo o lenei fuaiupu i se mataupu ua faaalua maoti i totonu o lea pepa faamaoni ua saunia faale-tulafono, o le a tatau lava i lea tofiga ona noatia ma fai fua-fua i tu'utu'uga e ono mafai ona faaaogaina i se tofiga i lea itu e tusa ai ma tu'utu'uga o lea pepa faamaoni ua saunia faale-tulafono.

**30. Faamatalaga molimau e uiga i se avanoa i totonu o se mea-tausi—**(1) O se faamatalaga o lo'o aofia i totonu o so'o se pepa faamaoni ua saunia faale-tulafono ua amata ona faamamaluina a ua tuana'i ai le amataga o lenei Tulafono, lea na tofia ai se tausi-mavaega fou mo so'o se itu e faasino i se fanua, pe faapefea ona alia'i mai se avanoa i le tofi o le tausi-mavaega o le a tatau lava, mo le lelei o se tagata na te faatauina le fanua, ona avea ma faamatalaga mausali o le mataupu ua faaalua.

(2) Mo le lelei o so'o sea tagata na te faatauina, so'o se tofia o se tausi-mavaega fou e faalagolago lava lea i luga o lea faamatalaga, ma o so'o se tautinoga e tuuina atu ai le pule, e faaalua maoti pe faasino i ai, e pogai mai i lea tofiga, o le a tatau lava ona aloa'ia faale-tulafono.

**31. Faamalolo litaea o le tausi-mavaega—**(1) Afai e to'a lua po'o le sili atu ni tausi-mavaega o lo'o i ai—

(a) Afai ua faaalua manino e se tasi o i latou i se tasi faamaoni e faapea ua mana'o o ia ina ia fa'asa'olotoina mai se noataga tau le mea-tausi, ma



- (b) Afai o ni tausi-mavaega na galulue faatasi ma ia ma nisi lava tagata faapena (pe afai e i ai) e pei ona sa tuuina atu i ai pule e tofia ai ni tausi-mavaega i se pepa faamaoni ua malie atu i le faasa'olotoina mai se noataga o le tausi-mavaega, ma, i le tuuina atu o le pule i le mea totino o lo'o tausia i na o tausi-mavaega e galulue faatasi—

o lona uiga la, i le noatia ma fai fuafua i aiaiga o le faafuaiupu (3) o lenei fuaiupu, o le tausi-mavaega ua mana'o ina ia faasa'olotoina o ia mai se noataga, o le a faatatauina lava e faapea ua faamalolo litaea mai le mea-tausi, ma, o le a tatau e ala i le pepa faamaoni ona faasa'olotoina mai ai i so'o se noataga e tusa ai ma lenei Tulafono e aunoa ma le tofia o so'o se tausi-mavaega fou e suitulaga ia te ia.

(2) So'o se faamatu'uina atu po'o se mea e mana'omia mo le tuuina atu o le pule i se mea totino ina o tausi-mavaega o lo'o fa'aaauu pea o le a tatau lava ona faatinoina ma faia.

(3) Se'ia vagana ai ona e na o le to'atasi le tausi-mavaega na mua'i tofia o le a le tatau ona faasa'olotoina mai noataga se tausi-mavaega i lalo o le faafuaiupu (1) o lenei fuaiupu, se'ia vagana ai ona o le a i ai ni tagata ta'itoatasi a iti'iti mai e toalua e galulue e ave ma tausi-mavaega e faafocina le mea o lo'o tausia.

**32. Faasa'olotoina mai noataga o le tausi-mavaega ina ua i ai faatasi ma le fesoasoani a le Faamasinoga po'o le Resitara—**(1) Afai ua finagalo se tausi-mavaega ina ia faasa'olotoina o ia mai noataga tau lana meatausi, o le a tatau ona avanoa o ia e fa'amalolo litaea mai ai, i le tuuina atu o ana faamatalaga tau tupe i luma o le Resitara ma tuuina atu se faaaliga e uiga i lona faamalolo litaea i isi tausi-mavaega o lo'o galulue faatasi ma ia (pe afai e i ai), ma, i nisi lava tagata faapena (pe afai e i ai) e pei ona ua tuuina atu i ai le pule e tofia ai ni tausi-mavaega fou.

(2) Afai o ni tausi-mavaega so'ofaatasi, po'o se tasi lava tagata faapena e pei ona ta'ua muamua ua tuuina atu i ai le pule e tofia ai ni tausi-mavaega fou, po'o so'o se tasi o i latou, ua musu po'o ua faatalale i le tofia o se tausi-mavaega fou, i malie atu i sea tofiga e sui ai le atusi mavaega ua faapea ona faamalolo litaea po'o afai o le tausi-mavaega

ua faamalolo litaea, ua na o ia lava le tausi-mavaega e i ai le pule e tofia ai se tausi-mavaega fou, a'e peita'i o le faa-taunu'uina o lea pule e le ono mafai ona faatinoina, po'o, e faigata ona faia e aunoa ma le fesoasoani i ai o le Faamasinoga, o le a tusa ai ma ala o le tulafono mo le tausi-mavaega ua faamalolo litaea ona talosaga atu i le Faamasinoga mo le tofia o se tausi-mavaega fou e sui ia te ia.

(3) E mafai e le Faamasinoga, i luga o so'o sea talosaga, ona na faia se poloaiga e tofia ai se tagata e tatau ai e avea ma tausi-mavaega e sui a'i le tausi-mavaega ua faapea ona finagalo ina ia faasa'olotoina mai mai noataga o lana mea o lo'o tausia, ma faatonuina ai so'o se faamatalaga tau tupe ma ni suesuega e ao ina faia, ma faia se poloaiga e faasa'olotoina ai le tausi-mavaega mai le mea-tausi, ma, mai noataga uma tau aitalafu i le itu i lea lava mea-tausi, ma e mafai ona faia se poloaiga faapena e faasino i totogi po'o nisi lava uiga e ese ai e pei ona ua manatu o ia e tatau ai; ma o le tagata o ia lea, ua uma ona faia le poloaiga e avea ai ma tausi-mavaega, o le a tatau ona ia te ia ia aia tatau ma pule lava ia semanu e maua e ia pe ana fai e tofia e se faai'uga i se tagi na faauluina i ala e tatau ai.

(4) Afai, i luga o so'o sea talosaga, ua manatu le Faamasinoga e tatau ai ona tofia le Tausi Mavaega a le Malo e avea ma tausi-mavaega a'e le o le tausi mavaega ua faamalolo litaea, o le a tatau ona avea ma tiute o le Tausi Mavaega a le Malo le tau'aveina o le mea-tausi.

**33. Tuuina atu o mea totino tausi i ni tausi-mavaega fou po'o ni tausi-mavaega o lo'o fa'aaauu pea—**(1) Afai ua tofia se tausi-mavaega fou i se pepa faamaoni na te faatinoina so o se mea-tausi, o le pepa faamaoni, i le noatia ma fai fuafua i so'o se aiaiga e ese ai o lo'o aofia ai i totonu, o le a tatau lava ona faagaioi, e aunoa ma so'o se faamatuuina atu o le pule po'o le faaliliuina atu, ina ia tuuina aia tatau faale-tulafono i ia tagata e avea o e e nofoia i se faiga so'ofaatasi, ma mo le a'ano moni o le mea-tausi, o le esetete po'o le aia po'o aia tatau o lo'o noatia i le mea tausi

(2) Afai i luga o se pepa faamaoni ua faasa'olotoina mai noataga se tausi-mavaega ua faamalolo litaea i lalo o se pule faale-tulafono e aunoa ma le tofia o se tausi-mavaega fou, o

le pepa faamaoni, i le noatia ma fai fuafua i so'o se aiaiga e ese ai o lo'o aofia ai i totonu o le a tatau lava e aunoa ma so o se faamatu'uina atu o le pule po'o le faaliliuina atu, ona faagaioi ina ia tuuina atu ai aia tatau faale-tulafono ina o tausi-mavaega o lo'o fa'aaauau pea, e avea o tagata e umia so'ofaatasi, ma mo le a'ano moni o le mea-tausi, o le esetete po'o le aia po'o le aia tatau lea o lo'o noatia i le mea-tausi.

(3) O se tautinoga ua fa'aalia manino ai le tuuina atu o aia tatau faale-tulafono tusa lava pe na faia a'o lumana'i ai po'o ua tuana'i ai le amataga o lenei Tulafono, o le a tatau lava, e ui lava ina e le o matua ta'ua manino ai le esetete po o le aia po'o le aia tatau o le a tuuina atu ma se'ia vagana ai ona faapea o isi lava aiaiga faale-tulafono sa, po'o, ua tau-sisia, faagaioia, ma ua faatatauina i taimi uma lava e faapea ua faagaioia (a'e peita'i, e aunoa ma le faaleagaina ai o so'o se aiaiga e ese ai ua faaalia manino i totonu o le pepa faamaoni o le tofia po'o le faasa'olotoina) ina ia tuuina atu ai le aia i tagata ua ta'ua e faasino tonu i ai i totonu o faafuaiupu (1) ma le (2) o lenei fuaiupu, so'o se itu e ono aafia ai, ni esetete, aia, ma ni aia tatau e pei ona e ono mafai ma e tatau ai ona tuuina atu i ia tagata.

(4) So'o se pepa faamaoni faapena o le a tatau lava ona ono mafai ona faamauina i totonu o so'o se ofisa e faamau ai lea o lo'o faamauina ai so'o se mea totino a'e noatia ma fai fuafua i le mea-tausi.

**34. E mafai ona tofia ni tausi-mavaega faufautua e fesoa-soani i le tausi-mavaega e aafia tonu ai—**(1) I le pulea o so o se mea totino tausi, e mafai e so'o se tausi-mavaega ona galulue, e o'o atu i le tulaga e ono mafai ona o'o i ai ua aiaia mulimuli ane i'inei, faatasi ma se tausi-mavaega faufautua.

(2) E mafai ona tofia se tausi-mavaega faufautua i le itu i le mea totino tausi atoa po'o so'o se vaega o le mea totino tausi—

(a) E le e ana le mavaega, le na ia faia se pepa faamaoni tau le nofoia o le mea totino, po'o se tasi lava tagata na faavaeina le mea-tausi i totonu o le pepa faamaoni ua faavaeina ai le mea-tausi; po'o

(b) E se poloaiga a le Faamasinoga na faia i luga o le talosaga a so'o se tagata e faamanuiaina ai, po'o se

tausī-mavaega, po'o so'o se tagata o ia lea o luga o lana talosaga, o le a maua ai e le Faamasinoga le pule e tofia ai se tausī-mavaega fou; po'o

- (c) E so'o se tagata o lo'o ia te ia le pule e tofia ai se tausī-mavaega fou.

(3) Afai o se tausī-mavaega ua galulue faatasi ma se tausī-mavaega faufautua, o le a tatau ona tuuina atu le mea totino tausī i le tausī-mavaega ua ta'ua muamua (lea ua ta'ua mulimuli ane i totonu o lenei fuaiupu o le tausī-Mavaega e lafo i ai le avega tau'ave), o ia lea o le a tatau ona i ai le pulea toatasi ma le faafoeina o le esetete ma ana mea-tausī i le tulaga e matua atoatoa ma alualu lelei e peiseai lava na o ia o le tausī-mavaega e toatasi:

A'e vagana ai e faapea—

- (a) E mafai e le tausī-mavaega e lafo i ai le avega tau'ave ona feutaga'i ma le tausī-mavaega faufautua e uiga i so'o se mataupu e faasino i mea-tausī po'o le esetete;
- (b) E mafai e le tausī-mavaega faufautua ona na fautua-ina le tausī-mavaega e lafo i ai le avega tau'ave e uiga i so'o se mataupu e faasino i mea-tausī po'o le esetete, a'e peita'i, o le a le tatau ona avea o ia ma tausī-mavaega i le itu i le mea-tausī;
- (c) Afai ua faao'o atu po'o ua tuuina atu so'o se fautuaga po'o se faatonuga e le tausī-mavaega faufautua, e mafai e le tausī-mavaega e lafo i ai le avega tau'ave ona mulimuli atu i lea lava fautuaga ma galue e faatatau i ai, ma o le a le tatau ona noatia o ia ona o so'o se mea na faia, pe na le faia e ia, ona o se mafuaga tau lona mulimuli atu i lea fautuaga po o le faatonuga;
- (d) I so'o se itu pe afai ua i ai i le taofi o le tausī-mavaega e lafo i ai le avega tau'ave e faapea o sea fautuaga po'o se faatonuga e fete'ena'i ma mea-tausī po'o so'o se tulafono e puipui a'i le tulafono, po'o, ua tuuina atu ai o ia i so'o se noataga po'o se uiga e ese ai e ono mafai ona te'ena ai, e mafai e ia ona talosaga i le Faamasinoga mo ni faatonuga i le

mataupu, ma o le faaiuga ma le poloaiga o lo'o i ai i totonu, o le a tatau lava ona mausali ma o le a tatau ona noatia ai le tausimavaega e lafo i ai le avega tau'ave ma le tausimavaega faufautua, ma e mafai e le Faamasinoga ona na faia se poloaiga faapena e uiga i ni totogi e pei ona aliali mai e ono tatau ai:

A'e vagana ai ona e leai se mea o i totonu o lenei parakarafo o le a tatau ona faia ai ina ia tatau mo le tausimavaega e lafo i ai le avega tauave ona talosaga atu i le Faamasinoga mo so'o sea faatonuga.

(e) Afai e le maua se maliega autasi o tausimavaega faufautua, ma ua tuuina atu i le tausimavaega e lafo i ai le avega tau'ave ni fautuaga fete'ena'i po'o ni faatonuga, e mafai e le tausimavaega e lafo i ai le avega tau'ave ona talosaga atu faapena i le Fa'amasinoga mo ni fa'atonuga.

(4) E leai se tagata o lo'o fa'afeagai ma le tausimavaega e lafo i ai le avega tau'ave i le itu i so'o se mea totino tausimavaega o le a tatau ona a'afia, ina ia su'esu'eina le itu i le maliega po'o se tasi lava uiga e ese ai o le tausimavaega faufautua, po'o, e a'afia i se fa'aaliga o le mea moni e faapea e le'i malie atu iai le tausimavaega faufautua.

(5) I le noatia ma fai fuafua i tu'utu'uga o le pepa fa'amaoni ua saunia fa'ale-tulafono (pe afai e i ai) o lo'o fa'avaeina ai le mea-tausimavaega, ma i so'o se poloaiga na faia e le Fa'amasinoga, i so'o se itu lea e tatau ona totogi atu ai le totogi o so'o se mea totino tausimavaega e mafai ona totogi atu i le tausimavaega, le totogi po'o le komisi i tausimavaega uma e lua, o le tausimavaega e lafo i ai le avega tau'ave ma le tausimavaega faufautua.

(6) E leai se mea o le a tatau ona taofia ai le Tausi-Mavaega a le Malo mai lona taliaina o le tofiga, po'o le galue e avea ma tausimavaega i le itu i so'o se mea totino tausimavaega, lea na tofia i ai se tausimavaega faufautua i lalo o lenei fuaiupu.

## VAEGA V

PULE A LE FA'AMASINOGA  
TOFIA O TAUSI-MAVAEGA FOU**35. Pule a le Fa'amasinoga e tofia ai ni tausi-mavaega fou**

—(1) E mafai e le Fa'amasinoga, i so'o se taimi e on ) talafeagagai ai ona tofia se tausi-mavaega fou po'o ni tausi-mavaega fou ma, ina ua maua e le ono talafeagagai ai, faigata, po'o e le mafai ona faia lea itu e aunoa ma le fesoasoani a le Fa'amasinoga, ona na faia se poloaiga e tofia ai se tausi-mavaega fou po'o ni tausi-mavaega fou, tusa lava pe avea ma sui mo, pe fa'aopo'opo atu i so'o se tausi-mavaega po'o ni tausi-mavaega o lo'o i ai, po'o, e ui lava ina e le o i ai nei se tausi-mavaega.

(2) I se itu fa'apitoa ma e aunoa ma le fa'aleagaina ai o le tulaga fa'asalalau o le tu'utu'uga ua tu'uina atu i luga, e mafai e le Fa'amasinoga ona faia se poloaiga e tofia ai se tausi-mavaega fou e sui a'i se tausi-mavaega o ia lea—

(a) Ua manatu le Fa'amasinoga ua na faia e ia lava se amioga e le tusa ai i le fa'afocina o le mea-tausi; po'o

(b) Ua fa'amaonia e nofosala, tusa lava po'o luma o se fa'amasino po'o ni fa'amasino, po'o i luga o se moliga tusi, e uiga i so'o se solitulafono e a'afia ai le le fa'amaoni; po'o

(c) O se tagata ua le maopo'opo le mafaufau; po'o

(d) O se tagata ua gau-mativa.

(3) O se poloaiga i lalo o lenei fuaiupu, ma so'o se poloaiga e pogai mai tau le tu'uina atu po'o le fa'amatu'uina atu o le pule, o le a le tatau ona fa'agaoioia atili po'o, se tasi faiga e ese ai e avea o se fa'amagaloga o so'o se tausi-mavaega na muamua atu po'o se tausi-mavaega o lo'o fa'aauau na i lo se tofiga o ni tausi-mavaega fou e tusa ai ma so'o se pule mo lea itu o lo'o aofia i totonu o so'o se pepa faamaoni se-manu e ono fa'agaoioia.

(4) E leai se mea o i totonu o lenei fuaiupu o le a tatau ona tuuina atu ai le pule e tofia ai se tagata na te faama'apeina po'o se tagata e pulea ma faafoeina.

(5) O tausi-mavaega ta'itasi uma na tofia e le Faamasi-noga o le a tatau lava, i le taimi a'o lumana'i ai ma ina ua tuana'i ai le tuuina atu ia te ia o le mea totino tausi e tusa

ai ma le tulafono, po'ou, e se molimau faale-tulafono, po'ou se tasi lava faiga e ese ai, ona ia te ia pulega lava e tasi, pulefaataga, ma pule faitalia, ma e mafai e ia ona galue i itu ese'ese uma e peisea'i lava na mua'i tofia o ia e avea o se tausimavaega e le pepa ua saunia faale-tulafono, pe afai e i ai, ua faavaeina ai le mea-tausi.

POLOAIGA E TUUINA ATU AI PULE

**36. Poloaiga tau le tuuina atu o le pule i mea totino—**(1) I le noatia ma fai fuafua i tuutuuga o faafuaiupu (2) ma le (3) o lenei fuaiupu, i so'ou se mataupu ua fa'aalia i lalo, e ta'ua faapea—

- (a) Afai ua tofia po'ou ua uma ona tofia e le Faamasinoga se tausimavaega, po'ou pe afai ua tofia se tausimavaega mai se Faamasinoga e tusa ai ma so'ou se pule faale-tulafono po'ou se pule ua fa'aalia manino;
- (b) Afai e tatau ona maua e se tausimavaega po'ou ua umia e ia so'ou se mea totino, tusa lava pe ala atu i se mokesi po'ou se tasi lava faiga e ese ai, tusa foi pe na o ia lava po'ou le umia i se faiga so'oufaatasi ma so'ou se tasi lava tagata—
  - (i) Ua le mafai ona toe galue; po'ou
  - (ii) Ua le a'afia i le pule'aga faale-faamasinoga; po'ou
  - (iii) Ua le mafai ona maua.
- (c) Afai ua le mautinoa po'ou ai o lo'ou soifua pea o le to'aula po'ou le sili atu o tausimavaega e aia i le tulaga so'oufaatasi i, po'ou, ua la umia so'ou se aia tatau i se mea totino;
- (d) Afai ua le mautinoa pe mata o soifua pea po'ou ua maliu le tausimavaega mulimuli na iloa e tatau ona ia te ia pe na umia e ia so'ou se aia tatau i so'ou se mea totino;
- (e) Afai e leai se sui ta'utino o se tausimavaega ua maliu, o ia lea e tatau ona ia te ia po'ou lo'ou umia e ia so'ou se aia tatau i le mea totino, po'ou, pe afai ua le o mautinoa po'ou ai le sui ta'utino o se tausimavaega ua maliu, o ia lea e tatau ona ia te ia pe umia e ia so'ou se aia tatau i le mea totino;

- (f) Afai o se tagata ua maliu sa tatau ona ia te ia po'ou ua ia umia so'ou se aia tatau i le mea totino, ma o lona sui ta'utino ua le mafai ona toe galue;
- (g) Afai o se tausi-mavaega e tatau i se tulaga so'ofaatasi po'ou le na o ia lava, po'ou ua na umia so'ou se aia tatau i le mea totino, po'ou e tatau ona maua e ia se aia tatau e ono alia'i mai i sea mea, ua mana'omia, e po'ou e avea ma sui o se tagata e avanoa na te tapa se pepa faamaoni tau le faaliliuina atu o le mea totino po'ou se aia po'ou ina ia faamatu'u atu ai le aia tatau, e tuuina atu ai le mea totino po'ou le aia, po'ou e faamatu'u atu ai le aia tatau, ma ua na te'ena ma le loto i ai, po'ou le faatalale i le tuuina atu o le mea totino po'ou se aia po'ou le faamatu'uina atu o le aia tatau mo le luasefulu-valu aso a ua tuana'i ai aso e mana'omia ai;
- (h) Afai ua tuuina atu le mea totino po'ou so'ou se aia i sea mea totino i se tausi-mavaega, tusa lava pe ala atu i se mokesi po'ou se tasi lava faiga e ese ai, ma ua aliali atu i le Fa'amasinoga e faapea ua talafeagai ai—

e mafai e le Fa'amasinoga ona faia se poloaiga (lea ua ta'ua i totonu o lenei Tulafono o se poloaiga tau le tuuina atu o le aia i se mea totino) e tuuina atu ai le mea totino po'ou se aia o lo'o i ai i sea lava mea i so'ou sea tagata i so'ou sea faiga, ma mo so'ou se esetete po'ou se aia e pei ona mafai ona faatonuina e le Fa'amasinoga, po'ou, e faamatu'uina atu ai po'ou, e tu'u-eseina atu ai le aia tatau e ono alia'i mai i sea tagata e pei ona mafai ona faatonuina e le Fa'amasinoga.

(2) Afai ua ala ona faia so'ou sea poloaiga ona o le tofia o se tausi-mavaega, o le mea totino po'ou le aia i sea lava mea, o le a tatau lava ona tuuina atu mo sea esetete e pei ona mafai ona faatonuina e le Fa'amasinoga i tagata ia ua avea ma tausi-mavaega ina ua tofia.

(3) Afai e faasino so'ou sea poloaiga i se tausi-mavaega e tatau ona aia po'ou se aia muamua i ai i le tulaga so'ofaatasi ma se tasi tagata, ma o lea tausi-mavaega ua le mafai ona galue, po'ou ua le a'afia i le pulega faale-fa'amasinoga a le Fa'amasinoga, po'ou ua le mafai ona maua, o le aia tau le mea totino, po'ou le aia tatau o le a tatau lava ona tuuina atu



i le isi tagata lea o lo'o tumau pea ona i ai le aia, tusa lava pe na o ia e toatasi, po'o le faatasi ai ma so'o se tasi lava tagata lea e ono mafai ona tofia e le Fa'amasinoga.

**37. Poloaiga e faasino i aia tatau e ono alia'i mai a ni tagata e le'i fananau mai**—Afai o so'o se aia i se fanua o lo'o noatia ma fai fuafua i se aia tatau e ono alia'i mai a se tagata e le'i soifua mai, po'o se vasega o ni tagata e le'i fananau mai i latou ia, a o'o ina ua soifua mai, i le itu i sea lava fanua, o le a o'o ina tatau ona aia i ai, po'o lo latou umia o lea aia i luga o so'o se mea-tausi, e mafai e le Fa'amasinoga ona faia se poloaiga e faamatu'uina atu ai le fanua po'o le aia i sea lava mea mai le aia tatau e ono alia'i mai, po'o, e mafai ona faia e ia se poloaiga lea e ono tuuina atu ai i so'o se tagata le esetete po'o le aia i, po'o le fanua lea semanu e ono tatau ona maua pe umia e se tagata e le'i fanau mai po'o se vasega o tagata e le'i fananau mai, ina ua o'o ina soifua mai, aia e tatau ona maua po'o le umia o le fanua.

**38. Poloaiga tau le tuuina atu o le pule e pogai mai luga o se poloaiga mo le faatauina atu po'o le mokesi atu o se fauna**—Afai ua tuuina atu e le Fa'amasinoga se faaiuga po'o ua na faia se poloaiga faatonuina ai le faatauina atu po'o le mokesi atu o so'o se fanua, o tagata ta'itasi uma o ia lea e tatau ona aia i ai, po'o lo'o ia umia so'o se aia i le fanua, po o e tatau ona maua e ia se aia tatau e ono alia'i mai ai i sea fanua, ma o se vaega e auai i se tagi po'o se taualumaga faa-faamasinoga lea ua tuuina atu ai le faaiuga po'o le poloaiga, po'o ua noatia ai i se tasi lava faiga e ese ai i le faaiuga po'o le poloaiga, o le a faatatauina lava ua faapea ona tatau ona maua e ia po'o ua umia e ia, so'o se itu e ono a'afia ai, e ave'a o se tausi-mavaega mo le a'ano moni o lenei Tulafono, ma e mafai e le Fa'amasinoga, pe afai ua manatu o ia e ono tatau ai, ona faia se poloaiga e tuuina atu ai le fanua po'o so'o se vaega o lea lava fanua mo sea esetete po'o se aia e pei ona ua manatu le Fa'amasinoga e tatau ai i le tagata ua na faatauina po'o le mokesi atu i ai, po'o, i so'o se tasi lava tagata.

**39. Taunuuga o le poloaiga e tuuina atu ai le aia i se mea totino**—O se poloaiga e tuuina atu ai le aia i se mea totino i lalo o so'o se tasi o tuutuuga ua ta'ua muamua i luga o le

a tatau lava, i le itu i se poloaiga e tuuina atu ai le aia i se mea totino e pogai mai i luga o le tofia o se tausimavaega, ona i ai le taunuuga po'o le faamamaluga lava e tasi—

- (a) E peisea'i o ia tagata, a'o le'i tofia, sa avea ma tausimavaega, pe afai e i ai, na latou faama'apeina i ala e tatau ai pepa faamaoni uma e tatau ai tau le faaliliuina atu o le fanua mo sea esetete po'o se aia e pei ona faatonuina e le Fa'amasinoga; po'o
- (b) Pe afai e leai se tagata faapena, po'o, e leai se tagata faapena ua atoatoa le matua i tausaga, ma atoatoa lona tulaga agava'a tau le mafaufau, e peise'i lava sa i ai sea tagata ma ua atoatoa lona matua i tausaga ma atoatoa lona tulaga agava'a tau le mafaufau, ma, sa ia faama'apeina i ala e tatau ai pepa faamaoni uma e tatau ai tau le faaliliuina atu o le fanua mo sea esetete po'o se aia e pei ona faatonuina e le Fa'amasinoga;

ma o le a tatau i isi itu taitasi uma, ona i ai le taunuuga po'o le faamamaluga lava e tasi e peisea'i o le tausimavaega po o se tasi lava tagata po'o se ituaiga po'o se vasega o tagata, i latou ia o a latou aia tatau ua i ai le manatu e faatatau iai latou, e faasino tonu i ai tuutuuga ua ta'ua i luga, na avea o se tagata ua mautinoa ma o lo'o i ai pea, ua atoatoa le matua i tausaga ma ua atoatoa le tulaga agava'a tau le mafaufau, ma sa faama'apeina e ia se pepa faamaoni tau le faaliliuina atu po'o le faamatu'uina atu e tusa ai ma le taunuuga na fa'amoemoeina e le poloaiga.

**40. Pule e tofia ai se tagata na te faaliliuina atu—**I mata'upu uma pe afai e mafai ona faia se poloaiga e tuuina atu ai i lalo o so'o se tasi o tuutuuga ua ta'ua i luga, e mafai e le Fa'amasinoga, pe afai ua sili atu ona tala-feagai ai, ona tofia se tagata na te faaliliuina atu le fanua po'o so'o se aia o lo'o i ai i sea lava fanua po'o le faamatu'uina atu o le aia tatau e ono alia'i mai, ma se pepa faamaoni tau le faaliliuina atu, po'o le faamatu'uina atu e lea tagata ina ia talafeagai ai ma poloaiga, o le a tatau lava ona i ai lea lava faamamaluga e tasi e peisea'i lava o se poloaiga e tusa ai ma le tuutuuga e tatau ai.

## PULE FAA-FAAMASINOGA E FAIA AI NISI..

## POLOAIGA

**41. Pule a le Fa'amasinoga e faatagaina ai ni feuia'iga i le mea totino o mea tausia ma ni fesuisuia'iga o le mea tausia**

—(1) I le noatia ma fai fuafua i tuutuuga o le faafuaiupu (3) o le fuaiupu e 2 o lenei Tulafono, pe afai i le faafoeina po'o le pulea o so'o se mea totino na tuuina atu i se tausimavaega, so'o se faatau atu, lisi atu, mokesi atu, faamatu'u atu, tatalaina atu, po'o se tasi lava faiga e tuueseina atu ai, po'o so'o se faatau mai, tupe teu-faafaigaluega, aveina, taofia, tupe alu, po'o se tasi lava feuia'iga, ua i ai i le taofi o le Fa'amasinoga e ono talafeagai ai, a'e peita'i e le ono talafeagai ai po'o e faigata poo e le ono mafai ona faatinoina ina ia faamamaluina ai lea lava mea e auno ma le fesoasoani a le Fa'amasinoga, po'o e le mafai ona faamamaluina lea lava mea ona o le leai o so'o se pule mo lea itu ua tuuina atu i le tausimavaega e le pepa ua saunia faale-tulafono o le mea tausii, pe afai e i ai, po'o e le tulafono, e mafai e le Faamasinoga ona faae'e atu i luga o le tausi-mavaega, tusa pe faasalalau po'o i so'o se itu faapitoa, o le pule e tatau ai mo lea itu, i luga o ni tuutuuga, ma i le noatia ma fai fuafua i ni tuutuuga ma ni aiaiga faapena (pe afai e i ai) e mafai e le Fa'amasinoga e pei ona ua manatu o ia e tatau ai, ma e mafai ona na faatonuina po'o le a le faiga o le a faaaluina ai so'o se tupe ua faatagaina, ma totogi o so'o se feuiaiga, e ao ina totogi atu po'o le tau'aveina ai i le va o le tupe faavae ma le tupe maua.

(2) Afai ua mana'omia ina ia toe faatulaga mea-tausii ia e noatia ai so'o se mea totino, a'e peita'i, e le mafai ona fa'ataunu'uina le toe faatulagaina ona o i latou ia e aveina, po'o, e ono mafai ona latou maua so'o se aia e faamanuiaina ai i lalo o ni mea-tausii, e aofia ai ni tagata e le'i fananau mai, po'o ni tagata e le'i mautinoa, po'o ni tagata e le'i iloa po'o ni tagata ua i se tulaga e le mafai ai ona toe galue, e mafai e le Fa'amasinoga ona faamaonia le toe faatulagaina e avea ma sui o ni tagata e le'i fananau mai, po'o ni tagata e le'i mautinoa, po'o ni tagata e le'i iloa, ma ni tagata ua i se tulaga e le mafai ai ona toe galue, pe afai e le avea le faatulagaina ma mea e faaleagaina ai i latou; ma, i le iloiloina o se tonu

pe mata e ono avea so'o sea toe faatulagaina ma ala e faaleagaina ai so'o se tagata, e mafai e le Fa'amasinoga ona na aloaia ai faamanuiaga uma ia e ono mafai ona faaopo'opo atu ia te ia i se faiga tuusa'o po'o se faiga e le tuusa'o ona o le toe faatulagaina, e aofia ai le soifuaga solo lelei ma le mamalu o le aiga e faasino tonu i ai o ia. So'o se toe faatulagaina ua faapea ona faia, o le a tatau ona noatia ai tagata uma, i latou lava e mo lo latou lelei ua faamaonia ai le toe faatulagaina e le Fa'amasinoga.

(3) E mafai e le Fa'amasinoga mai lea taimi i lea taimi ona soloia po'o le toe fetu'utu'una'i so'o se poloaiga na faia i lalo o lenei fuaiupu, po'o, e mafai ona na faia so'o se poloaiga fou po'o se tasi lava poloaiga fa'aopo'opo:

A'e vagana ai ona e leai se soloia po'o se toe fetu'utu'una'iga faapena o so'o se poloaiga o le a tatau ona afaina ai so o se gaioiga po o se mea ua uma ona faia, i le faalagolago atu i luga o le poloaiga, a'o le'i o'o ina silafia e le tagata o lo'o faia le gaioiga po'o se mea, le talosaga i le Fa'amasinoga ina ia soloia pe toe fetuutuuna'i le poloaiga.

(4) O se talosaga i le Fa'amasinoga i lalo o lenei fuaiupu, e mafai ona faia e ni tausimavaega, po'o, e so'o se tasi o i latou, po'o, e so'o se tagata e aia e faamanuiaina ai i le mea o lo'o tausia.

**42. Pule a le Fa'amasinoga e faatonuina ai le faatauina atu po'o le lisi'ina atu—**(1) E ui lava i so'o se mea e ese ai o lo'o i totonu o le pepa faamaoni ua saunia faale-tulafono (pe afai e i ai) ua faavaeina ai le mea-tausi, ma e ui lava i ni mana'oga o so'o se tausimavaega po'o se tagata e aia ma faamanuiaina ai, e mafai e le Fa'amasinoga, i so'o se taualumaga ia ua avea ai tausimavaega uma ma tagata i latou ia o lo'o po'o e ono mafai ona aia i ai ma faamanuiaina ai ma itu e auai, po'o, ua i ai ni o latou sui tautino, ona fa'atonuina le faatauina atu po'o le lisi'ina atu o so'o se mea totino a'e noatia ma fai fuafua i le mea-tausi i luga o ni aiga, i le noatia ma fai fuafua i ni tuutuuga ma ni aiaiga (pe afai e i ai) e pei ona ua manatu le Fa'amasinoga e tatau ai.

(2) E leai se mea o i totonu o lenei fuaiupu o le a tatau ona faatapula'aina ai so'o se tasi lava pule a le Faamasinoga.

**43. Aia tatau a le tausi-mavaega e talosaga ai i le Fa'amasinoga mo ni faatonuga—**(1) E mafai e so'o se tausi-mavaega ona talosaga i le Fa'amasinoga mo ni faatonuga e uiga i so'o se mea totino o lo'o noatia i se mea-tausi, po'o, e faasino i le pulea po'o le faafoeina o so'o sea mea totino, po'o, e uiga i le faataunu'uina o so'o se pule po'o se faitalia na tuuina atu i le tausi-mavaega.

(2) O tusi talosaga ta'itasi uma faapena o le a tatau lava ona faao'o atu, ma o le fofogaina e mafai ona auai atu i ai, tagata uma lava e aia i le talosaga po'o nisi o i latou e pei ona ua manatu le Fa'amasinoga e talafeagai ai.

**44. Tagata e avanoa ona talosaga i le Fa'amasinoga—**(1) O se poloaiga e tusa ai ma leni Tulafono mo le tofia o se tausi-mavaega fou, po'o, e uiga i so'o se mea totino o lo'o noatia i se mea-tausi, e mafai ona faia i luga o le talosaga a so'o se tagata e aia ma faamanuiaina ai i le mea totino, tusa lava po'o ona o se tulaga o le le mafai ona toe galue pe leai, tusa lava po'o luga o le talosaga a so'o se tagata ua tofia i ala e tatau ai e avea ma tausi-mavaega o sea lava mea totino, po'o ua i ai le faamoemoe ina ia faapea ona tofia.

(2) O se poloaiga e tusa ai ma leni Tulafono e uiga i so'o se aia tatau i so'o se mea totino o lo'o noatia i se mokesi, e mafai ona faia i luga o le talosaga a so'o se tagata e aia ma faamanuiaina ai i le mea totino, tusa lava po'o ona o se tulaga o le le mafai ona toe galue pe leai, po'o so'o se tagata e aia i le tupe ua malu puipuia e le mokesi.

**45. Talosaga i le Faamasinoga ina ia toe iloiloina gaoioiga ma faaiuga a le tausi-mavaega—**(1) So'o se tagata o ia lea e aia ma faamanuiaina ai i so'o se mea totino o lo'o tausia, ma o ia lea ua mafatia i se uiga le sa'o ona o so'o se gaoioiga po'o se mea ua le faia po'o se faaiuga a se tausi-mavaega i le faataunu'uina o so'o se pule na faae'atu i ai e leni Tulafono, po'o, o ia lea ua i ai ni mafuaga tatau na te faamoemoeina ai so'o sea gaoioiga po'o se mea e le faia po'o se faaiuga a se tausi-mavaega lea o le a mafatia ai o ia, e mafai e ia ona talosaga atu i le Faamasinoga ina ia toe iloiloina le gaoioiga po'o se mea ua le faia po'o se faaiuga, po'o, ina ia tuuina atu ni faatonuga i le itu i se gaoioiga ua faamoemoeina po'o se mea ua le faia po'o se faaiuga; ma e mafai e le

Faamasinoga ona poloai'ina le tausimavaega ina ia o'o atu i ona luma, ma, ina ia faamaonia ma faamautuina le mafuaga o le gaoiiga po'o le mea ua le faia, po'o le faaiuga lea ua toe iloiloina, ma, e mafai ona faia se poloaiga i faamatalaga na faia muamua e pei ona ua ono mana'omia e tusa ai ma uiga ua o'o i ai le mataupu:

A'e vagana ai ona e leai se poloaiga faapena o le a tatau—

- (a) Ona faalavelaveina ai so'o se vaevaeina o le mea totino o lo'o tausia, na faia e aunoa ma le solia o le tausiga faatuatuaina a'o le'i o'o ina silafia e le tausimavaega le faia o le talosaga i le Fa'amasinoga;
- (b) Ona afaina ai so'o se aia tatau na maua e so'o se tagata i le agaga faamaoni ma mo se tau'i e taua ma aoga.

(2) Afai ua faia so'o sea tusi talosaga, e mafai e le Fa'amasinoga—

- (a) Pe afai o lo'o aafia ai so'o se mataupu tau le mea moni, ona faatonuina pe faapefea ona fuafuaina se tonu o le mataupu;
- (b) Pe afai ua fesiligia le Fa'amasinoga na te faia se poloaiga lea e ono mafai ona afaina ai i se leaga aia tatau a so'o se tagata o ia lea e le o se itu e auai i taualumaga faa-faamasinoga, ona faatonuina e faapea o le a tatau ona faia ina ia avea so'o sea tagata o se itu e auai i taualumaga faa-faamasinoga.

46. Pule a le Faamasinoga e tuuina atu ai se faaiuga a'o toesea se tausimavaega—Afai ua malie le Fa'amasinoga i so'o se taualumaga faapea ua uma ona faia se sailiga ma le maellega mo so'o se tagata o ia lea, i lona tulaga o se tausimavaega, ua faia ai e avea ma itu tete'e i so'o se tagi, ina ia tuuina atu ia te ia se tusi-samani a le Fa'amasinoga, ma ua le mafai ona maua o ia, e mafai e le Faamasinoga ona su'esu'e ina ma faia se tonu o taualumaga, ma tuuina atu se faaiuga e faasaga i lea tagata i lona tulaga ua avea ai o se tausimavaeg, e peisea'i o ia lava na tuuina atu i ai i ala e tatau ai se tusi-samani, pe na o'o atu lava o ia i le tagi, ma na auai foi o ia e ala atu i lana ali'i faufautua ma le loia i le suesuega

a'e peita'i e aunoa ma le faaleagaina ai o so'o se aia tonu e mafai ona maua e ia i mataupu ua suesueina i taualumaga i so'o se tasi lava tulaga.

**47. Pule a le Fa'amasinoga e tusia ai totogi i luga o ni esetete tausi—**E mafai e le Fa'amasinoga ona poloai'ina ni totogi ma tupe alu o, ma e ono alia'i mai i so'o se talosaga mo so'o sea poloaiga, e tusa ai ma lenei tulafono ma po e, uiga e ono alia'i po'o so'o se pepa faamaoni tau le faaliliuina atu po'o le faamatu'uina atu ina ia tusa ai ma lea lava poloaiga, e ao ina sasaoina ma totogi atu mai le mea totino lea ua faia ai lea lava poloaiga, po'o, mai le tupe maua o le mea totino, po'o e ao ina tau'aveina ma totogi'ina i lea lava faiga e tasi, ma e ni tagata e pei ona ua finagalo le Fa'amasinoga e sa'o ma tonu.

**48. Komisi—**(1) E mafai e le Fa'amasinoga, mai le mea totino a'e noatia ma fai fuafua i so'o se mea-tausi, ona faavanoaina atu i le tausi-mavaega mo le taimi nei, i le pasia o ana faamatalaga tau tupe, so'o se komisi po'o se pasene, e le silia le sefulu pasene, mo lona tautiga ma faalavelave e pei ona sa'o ma tatau ai.

(2) E leai se alauni faapena o le a tatau ona faia i so'o se tausi-mavaega e aunoa ma se poloaiga faapitoa a le Fa'amasinoga, i luga o le pasia mulimuli o faamatalaga tau tupe, a'e se'ia vagana ai ona ua poloai'ina e le Fa'amasinoga se tasi faiga e ese ai.

(3) Afai ua faatagaina e le Fa'amasinoga se komisi po'o se pasene i lalo o lenei fuaiupu i so'o se itu, lea o lo'o i ai po o ua i ai ni tausi-mavaega se to'alua po'o le sili atu, po'o sa i ai le to'alua po'o le sili atu tausi-mavaega, tusa lava po'o galulue faatasi i le taimi lava e tasi po'o ni taimi e ese'ese, e mafai e le Fa'amasinoga, i lana lava faitalia, ona vaevaeina le aofaiga atoa o tupe na faataga atu i tausi-mavaega i se faiga e pei ona ua manatu o ia e tatau ai, ma, i se itu faapitoa, e amfai e ia ona vaevaeina ai le aofaiga o tupe i ni sea e le tutusa, po'o, e mafai e ia ona faia le alauni i se toatasi po'o le sili atu o tausi-mavaega a'e le aofia isi po'o nisi.

**49. Pule e faasa'olotoina ai le tausī-mavaega mai noataga tau ia lava**—Afai e aliali atu i le Fa'amasinoga e faapea o se tausī-mavaega, tusa lava pe na tofia e le Fa'amasinoga pe leai, ua noatia po'o e ono mafai ona noatia o ia lava ona o so'o se soliga o se tiute tau'ave tau se mea-tausi, tusa lava pe na alia'i mai le feuiuaiga lea ua molia mai e avea o se solitulafono tau le mea tausī, a'o lumana'i ai po'o ua tuana'i ai le amataga o lenei Tulafono, a'e peita'i sa galue o ia ma le agaga faamaoni ma uiga e talafeagai ai, ma ua tatau ai ona le ta'usalaina mo le solia o se tiute tau'ave tau se mea-tausi, ma, mo le le faia o la'asaga ina ia maua mai ni fa'atonuga a le Fa'amasinoga i le mataupu lea na ia faia ai le solitulafono, o lona uiga la e mafai e le Fa'amasinoga ona fa'asa'olotoina o ia tusa lava po'o le mea atoa po'o se vaega mai lona noataga tau ia lava ona o sea lava mea.

**50. Pule e faia ai ia toe totogi e se tagata e faamanuiaina ai se soli-tulafono tau se mea-tausi**—(1) Afai ua faia e so tausī-mavaega se soli-tulafono tau so mea tausī ona ua faa osoina po'o, ona o se talosaga po'o, ina ua i ai faatasi ma le maliega tusia o se tagata e faamanuiaina ai, e mafai e le Fa'amasinoga, pe afai ua manatu o ia e tatu ai, ona faia se poloaiga e pei ona ua manatu le Fa'amasinoga e sa'o ma tatau ai mo le tofia i se faiga puipuia aia uma po'o so'o se vaega o le aia a le tagata e faamanuiaina ai i le esetete o lo'o tausī, e ui atu i se tauī e toe totogi atu i le tausī-mavaega po'o ni tagata o lo'o talosaga mai e ala atu ia te ia.

(2) O lenei fuaiupu e fa'aaoga i solitulafono tau mea tausī na faia a'o lumana'i ai po'o ua tuana'i ai le amataga o lenei Tulafono.

**51. Faasaina o talosaga**—Afai ua finagalo se tausī-mavaega e te'ena se talosaga ua uma ona faia, po'o le faapea ua ia te ia se mafuaga e talitonu ai e mafai ona faia se talosaga, e fa'asaga—

- (a) I le esetete po'o le mea totino lea o lo'o ia faafoeina; po'o
- (b) I le tausī-mavaega lava ia, talu ai ona o lo'o i ai o ia i lalo o so'o se noataga tau aitalafu, lea e avanoa ai o ia ina ia toe totogi atu ia te ia lava ni tupe mai



le esetete po' o le mea totino lea o lo' o faafoeina e e ia, mo tupe alu uma ia e ono mafai ona pogai mai ia te ia i le itu i le noataga tau aitalafu—

e mafai e le tausimavaega ona faao' o atu i le tagata o ia lea ua na faia po' o ia lea ona o ia ua faia ai le talosaga, po' o na ia faamoemoeina se fa'aaliga e vala' auina ai o ia, i totonu o se vaitaimi e tolu masina niai le aso na faao' o atu ai le fa'aaliga, na te faia ni taualumaga faale-tulafono e faamalosia ai le talosaga ma ia faapea foi ona molia ai taualumaga ma le filiga uma e tatau ai.

(2) I le faaiuga o lea vaitaimi, e mafai e le tausimavaega ona talosaga atu i le Faamasinoga mo se poloaiga i lalo o le fuaiupu (3) o lenei fuaiupu, ma o le a tatau ona faao' o atu se ata o le talosaga i le tagata e aafia ai.

(3) Afai i le faafofogaina o lea talosaga e faapea ua le mafai e lea tagata ona na faamalieina le Faamasinoga e faapea, ua na amataina taualumaga ma o lo' o molia e ia i latou ma le filiga uma e tatau ai, e mafai e le Faamasinoga ona faia se poloaiga—

(a) E faapo' opoina ai le vaitaimi, po' o le faasaina ai o le talosaga po' o le faaavanoaina ai o le mea totino o lo' o tausia ina ia tagofia e aunoa ma le aloa' ia o le talosaga; ma

(b) E faae' e atu ai ni tu'utu'uga ma tuuina atu ni faatonuga, e aafia ai se faatonuga e uiga i le tofogi' ina o ni tofogi o, po' o ni tupe e ono alia' i mai i le talosaga, e pei ona ua manatu le Faamasinoga e sa' o ma tatau ai.

(4) O so' o sea fa'aaliga e mafai ona tuuina atu i le faao' oina atu o lea mea i le tagata lea e faasino i ai le fa'aaliga, po' o, i le auina atu o le fa'aaliga i le meli i totonu o se tusi e faatuatusi atu i lea tagata i lona nofoaga e masani ona mau ai, po' o le nofoaga mulimuli na iloa e mau ai, po' o le pisinisi. Afai o se fa'aaliga ua auina atu i le meli e pei ona ta' ua mua-mua i luga, o le a tatau ona faatatauina e faapea ua uma ona faao' o atu i le taimi ua ono tatau ona o' o atu ai le tusi i le faagasologa e masani ai o le meli.

(5) I luga o se talosaga a se tausimavaega i lalo o lenei fuaiupu, o tagata e aia ma faamanuiaina ai i le esetete po' o

le mea totino e le mana'omia ina ia avea ma itu e auai i tualumaga, ma e leai se poloaiga na faia e le Faamasinoga i luga o se talosaga o le a tatau ona faaleagaina ai a latou aia tatau e faafinau ai i le talosaga a le tausi-mavaega ina ia avanoa o ia e toe totogiina o ia lava mai le esetete po'o le mea totino lea o lo'o faafoeina e ia lava, pe afai sa le'i avea i latou ma vaega e auai i tualumaga ia na faia ai le poloaiga.

**52. Tufatufaina atu o sea o tagata e faamanuiaina ai ua le o maua le mea o iai—**(1) Afai o lo'o umia so'o se mea totino tumau po'o se mea totino e le tumau e se tausi-mavaega, ma ua le mafai ona tufatufaina atu so'o se vaega o sea lava mea totino ona o le mea moni e faapea ua le o silafia e le tausi-mavaega pe mata o lo'o i ai so'o se tagata po'o se vaega o ni tagata e aia po'o e ono tatau ona aia i ai, po'o pe mata sa i ai so'o sea tagata po'o so'o se tasi o so'o se vasega o ia tagata o lo'o soifua po'o ua maliu po'o pe mata o fea o lo'o i ai so'o sea tagata, e mafai e le tausi-mavaega ona faasalalauina ni faasalalauiga faalaua'itele (tusa lava po'o totonu o Samoa i Sisifo po'o se tasi lava atunu'u) e pei ona ua ono tatau ai e tusa ai ma uiga ua o'o i ai, e vala'auina ai so'o sea tagata ina ia auina mai sana talosaga i totonu o se taimi o le a fa'aalia ma'oti i totonu o faasalalauiga faalaua'itele, ia le itiiti ifo na i lo le lua masina i so'o se itu talu mai le taimi e faasalalauina ai le faasilasilaga faalaua'i tele.

Afai e faaletonu le tausi-mavaega pe mata o a faasilasilaga faalaua'itele e tatau ona faasalalau e tusa ai ma lenei faafuaiupu ma po'o a fa'aaliga e tatau ona tuuina atu e tusa ai ma le faafuaiupu (2) o lenei fuaiupu, e mafai e ia ona talosaga atu i le Faamasinoga mo ni faatonuga e faasino i lea itu.

(2) Ina ua faamaonia e se faamatalaga-tautō e tusa ai ma uiga ua o'o i ai, ma, e uiga i ni suesuega ua uma ona faia ma e faapea o ni faasilasilaga faalaua'itele e pei ona ta'ua muamua i luga ua uma ona faasalalauina, ma e faapea e leai se tagata o le a faasino i ai le poloaiga ua na auina mai so'o se talosaga, e mafai e le Faamasinoga ona faatagaina le tausi-mavaega ina ia tufatufa atu le mea totino po'o se vaega o sea lava mea totino, a'e noatia ma fai fuafua i ni tuutuuga e pei ona mafai ona tuuina atu e le Faamasinoga, e peisea'i lava o tagata taitasi uma ia e faasino i ai le poloaiga ma o tagata taitasi uma o so'o se vasega, lea e faasino i ai le polo-

aiga, na maliu a'o lumana'i ai le aso po'o le mea na alia'i mai, ma pe mata ua iloa pe leai pe mata sa i ai so'o sea tagata, po'o so'o se tasi o so'o se vasega o ia tagata. E mafai ona faia so'o sea poloaiga, tusa lava pe faapea sa le'i matua tausisia atoatoa so'o se faatonuga e faasino i ni faasilasilaga faalaua'itele na mua'i tuuina atu e le Faamasinoga.

(3) So'o se poloaiga faapena, o le a tatau lava ona le ta'u-salaina ai le tausii-mavaega mai so'o se tasi lava noataga i le itu i le mea totino po'o so'o se vaega o sea lava mea totino na tufatufaina atu e tusa ai ma le poloaiga:

A'e vagana ai ona e leai se mea o i totonu o lenei faafuaiupu o le a tatau ona faaleagaina ai o so'o se aia tatau, lea e ono mafai ona maua e so'o se tagata e mulimuli atu i le mea totino po'o so'o se vaega o sea lava mea totino o lo'o avea ma sui o sea lava mea totino i a'ao o le tagata o ia lea ua na mauaina sea lava mea.

(4) I le faiga o so'o se poloaiga e tusa ai ma lenei fuaiupu e leai se tulaga aloa'ia o le a tatau ona tuuina atu i so'o se taumatega e le'i faamaonia lea atonu e ono mafai ona alia'i mai ona o le mafuaga e uiga i se tagata sa le'i maua i ai se tala mo le fitu tausaga po'o le sili atu.

(5) So'o se poloaiga faapena, e mafai ona aiaia ai e faapea o le a le tatau ona faataunuaina mo se vaitaimi e pei ona ua fa'aalia ma'oti i totonu o le poloa'iga, ma e mafai ona aiaia ai e faapea o le taunuuga o le poloaiga o le a tatau, a'o savalia lea vaitaimi, ona faasalalauina faalauaitele i se faiga, ma i se tulaga tino mai e pei ona mafai ona fuafuaina i totonu o le poloaiga, po'o le faapea e tatau ona faao'atu le poloaiga i luga o sea tagata po'o ni tagata e pei ona o lo'o fa'aalia ma'oti ai i totonu; ma a o'o ina ua faataunuaina e le Faamasinoga le pule'aga faa-faamasinoga ua faae'e atu e lenei faafuaiupu, e mafai e ia i totonu o le poloaiga ona faatonuina e faapea, o le a le fa'aaogaina sea lava mea pe afai ua faauluina e so'o se tagata o lo'o fa'aalia ai i totonu ni taualumaga faa-faamasinoga i totonu o Samoa i Sisifo ina ia faamamaluina ai lana tagi ma faao'oina atu ai taualumaga faa-faamasinoga i luga o le tausii-mavaega i totonu o se vaitaimi e pei ona ua fa'aalia ma'oti i totonu o le poloaiga.

(6) So'o se poloaiga ua faia e tusa ai ma lenei fuaiupu, e mafai ona faatonuina ai pe mata o le a faapefea ona tauaveina totogi tau le poloaiga, ma, o le faasilasilaina faalauaitete e tusa ai ma mo le a'ano moni o le poloaiga.

(7) E leai se mea o i totonu o lenei fuaiupu o le a tatau ona faaleagaina ai le aia tatau a le tausimavaega (pe afai e faapea ona faafinagaloina e ia) na te tufatufaina atu ai e tusa ai ma so'o se tasi lava tulafono po'o se tuutuuga faale-tulafono, pe faaleagaina ai le puipuiga ua faapea ona tuuina atu pe a o'o ina ua faia e ia le tufatufaga e tusa ai ma so'o sea tulafono po'o se tuutuuga.

#### TUPE E TOTOGI ATU I LE MALO

**53. Tupe e totogi atu e tausimavaega i le Malo**—(1) O tausimavaega, po'o le vaega tele o tausimavaega, o lo'o i ai i o latou a'ao po'o lo'o i lalo o la latou tausiga ni tupe po o ni mea e puipui ai aitalafu e faasino i se mea-tausi, e mafai e i latou, ina ua faaulu atu i le Faamasinoga se faamatalagatautō o lo'o faamatalaina ai le pepa faamaoni faale-tulafono ua faavaeina ai le mea tausī, ma ia tuuina mai ai faamatalaga auli'ili o tagata e aia ma faamanuiaina ai i lalo o le mea-tausi e tusa ai ma le mea aupito sili latou te silafia ma talitonu i ai, ma ina ua faa'o atu s eata o le faamatalagatauto i le Failautusi o Tupe, ona totogi atu le tupe po'o le faaliliuina atu o mea e puipui a'i aitalafu (pe afai e mafai e tusa ai ma ala o le tulafono ona faaliliuina atu faapena) i le Malo i le mataupu e uiga i le mea-tausi faapitoa, lea o le a tatau ona faamatalaina i totonu o le faamatalagatauto i tafatafa o suafa o itu e auai i se faiga e sa'o atoatoa mo le itu e iloa gofie ai sea lava mea. O ia tupe uma ma mea e puipui a'i aitalafu na faapea ona totogi atu pe na faaliliu atu, o le a tatau lava ona faafoeina i totonu o le Ofisa o Tupe. O ia tupe uma ma tupe uma na maua mai mea e puipui a'i aitalafu ia ua faaliliu atu i, po'o ua tuuina atu i le Malo i lalo o lenei fuaiupu, o le a tatau lava ona tusia e le Failautusi o Tupe mo le lelei o se teugatupe na faavaeina i lalo o Tulafono o Tupe a le Malo 1964, ina ia faafoeina e pei ona aiaia mulimuli ane i totonu o lenei Tulafono.

(2) O le lisiti a le Failautusi o Tupe o le a tatau ona lava lea e le ta'usalaina avea ma sa'olotoga ai tausi-mavaega mo le tupe po'o mea e puipui a'i aitalafu na totogi atu pe na faaliliu atu i le Malo e tusa ai ma lenei fuaiupu.

(3) Afai ua tuuina atu ni tupe po'o mea e puipui a'i aitalafu i so'o se tagata e avea ma tausi-mavaega, ma ua manana'o le vaega tele ina ia totogi atu pe faaliliu atu ia lava tupe po'o mea e puipui a'i aitalafu i le Malo e pei ona ta'ua muamua, a'e le'i mafai ona maua mai i ai le maliega o le isi po'o nisi, e mafai e le Faamasinoga ona poloaiina le totogiina atu po'o le faaliliuina i le Malo, ina ia faia e le vaega tele e aunoa ma le malie atu i ai o le isi po'o nisi.

(4) Afai ua teuina so'o sea tupe po'o ni mea e puipui a'i aitalafu i so'o se tagata na te teuina tupe i se fale teutupe po'o se tasi lava nofoaga e teu ai tupe, e mafai e le Faamasinoga ona poloai'ina le totogi'ina atu po'o le faao'oina atu o le tupe po'o mea e puipui a'i aitalafu i le vaega tele o tausi-mavaega mo le itu tau le totogi'ina atu po'o faaliliuina atu i le Malo.

(5) O le faaliliuina atu tupe e totogi atu, ma le faaooina atu o mea taitasi uma na faia e tusa ai ma so'o sea poloaiga, o le a tatau lava ona aloaia faale-tulafono ma faamamaluina e peisea'i lava na faia ia mea i luga o le pule-faataga, po'o, e le gaoioiga a tagata uma e aia i le tupe ma mea e puipui a'i aitalafu ua faapea ona faaliliu atu, totogi atu, po'o ua faao'oina atu.

(6) E mafai e le Failautusi o Tupe i so'o se taimi ona faatau atu so'o se mea e puipui a'i aitalafu o lo'o umia e le Malo e tusa ai ma lenei fuaiupu.

**54. Tuueseina atu o tupe na totogi atu i le Malo—**(1) O tupe uma ma mea e puipui a'i aitalafu o lo'o umia i le taimi nei e le Malo e tusa ai ma le fuaiupu talu ai muamua atu o lenei Tulafono o le a tatau lava ona umia faapena ina ia o' gatasi ma le poloaiga a le Faamasinoga.

A'e vagana ai ona e mafai ona totogi atu po'o e mafai ona faaliliu atu so'o sea tupe po'o se mea e puipui a'i aitalafu e le Failautusi o Tupe i le tagata e tatau ona maua e ia sea mea ina ua na faamautuina se talosaga e faasino i ai, po'o, e mafai

ona totogi atu pe faaliliu atu i le tagata o ia lea na maua mai ai ia mea, ina ia umia e ia e avea ma tausimavaega pe afai e faapea ona talosagaina e lea tagata:

A'e vagana ai fo'i ona o totogi ma tupe alu uma na fa'aaluina ma le tatau e le Malo i le faafeagai ai ma so'o sea tupe po'o ni mea e puipui a'i aitalafu, e mafai ona toeseina mai le tupe po'o ni mea e puipui a'i aitalafu, po'o, mai so'o se tasi lava tupe ma mea e puipui a'i aitalafu ia o lo'o umia e le Malo i le taimi nei, ma o lo'o noatia i ia lava mea-tausi.

(2) Afai o so'o se tupe po'o se mea e puipui a'i aitalafu ua totogi atu, po'o, ua faaliliu atu i so'o se tagata na talosaga e tusa ai ma lenei fuaiupu, ua toe talosagaina mulimuli ane e so'o se tasi lava tagata, o le a le tatau ona noatia le Malo ma le Failautusi o Tupe i se avega tauave mo le totogiina atu po'o le faaliliuina atu o sea lava mea, ae peita'i, o le a tatau ona maua a lea tagata se faiga e tua i ai, e faasaga i le tagata na talosaga lea na totogi atu i ai le tupe, po'o, na faaliliu atu i ai le mea e puipui a'i se aitalafu.

**55. Poloaiga i le itu i tupe na totogi atu i le Malo**—I luga o se talosaga na faia itu-tasi e sea tagata po'o ni tagata e pei ona talafeagai ai po'o e tatau ai mo lea itu, e mafai e le Faamasinoga mai lea taimi i lea taimi ona faia sea poloaiga e pei ona ua manatu o ia e tatau ai i le itu i so'o se tupe po'o se mea e puipui a'i se aitalafu o lo'o umia i lea taimi e le Malo e tusa ai ma lenei Tulafono, ma mo le totogi'ina, faaliliuina, ma le pulea o sea lava mea:

A'e vagana ai ona e mafai e le Faamasinoga ona faatonuina le faao'oina atu o le talosaga i ni tagata faapena e pei ona ua manatu o ia e tatau ai.

## VAEGA VI

### TUUTUUGA ESEESE

**56. Sueina faa-suetusi o esetete tausimavaega**—(1) I le noatia ma fai fuafua i tuutuuga o so'o se tulafono faatonutonu na faia i lalo o lenei Tulafono, ma se'ia vagana ai ona ua poloai'ina e le Faamasinoga se tasi faiga e ese ai, o le tuutuuga ma

faamatalaga tau tupe o so'o se esetete lea e le o pulea i le taimi nei e le Tausi Mavaega a le Malo o le a tatau lava i luga o se talosaga ua faia ma se faasilasilaga e uiga i lea itu ua tuuina atu i le faiga ua aiaia e, po'o, e avea ma sui o so'o se tausi-mavaega po'o se tagata e faamanuiaina ai i lea esetete, ona suesueina ma sueina faa-suetusi e se loia po'o se sui o le "Western Samoa Society of Accountant" e ono mafai ona malilie i ai i le va o le tausi-mavaega ua talosaga ma ana tausi-mavaega so'ofaatasi ma le Tausi Mavaega a le Malo, po'o, i le va o le tagata e faamanuiaina ai ua talosaga ma tausi-mavaega ma le Tausi Mavaega a le Malo, so'o se itu e ono aafia ai, po'o, pe afai ua le maua so'o sea maliega, ia suesueina e se loia po'o se sui o le "Western Samoa Society of Accountants" na tofia e le Tausi Mavaega a le Malo:

A'e vagana ai ona faapea—

- (a) Se'ia vagana ona ua i ai faatasi ma le faatagaina e le Faamasinoga, o sea suesuega po'o se suega faa-suetusi o le a le tatau ona manaomia i totonu o le sefulu ma le lua masina a ua tuana'i ai so'o sea suesuega po'o se suega faa-suetusi talu ai; ma
- (b) O le a le tatau ona tofia se tagata e faamanuiaina ai i lalo o lenei fuaiupu ina ia ona faia se suesuega po'o se suega faa-suetusi; ma
- (c) E mafai e le Tausi Mavaega a le Malo ona tapaina le tagata ua talosaga ina ia tuuina mai se aofaiga o tupe e teu e totogi a'i le suesuega ma le suega faa-suetusi, e pei ona faatatauina e le Tausi Mavaega a le Malo, po'o, ina ia malu puipuia ai lea lava itu e tusa ai ma le maliega o le Tausi Mavaega a le Malo a'o le'i tagofia le talosaga

(2) O le tagata o lo'o ona faia le suesuega po'o le suega faa-suetusi (ua ta'ua "o le suetusi" i totonu o lenei fuaiupu) o le a tatau ona ia te ia se aia tatau e avanoa ai e o'o atu i tusi, faamatalaga tau tupe, ma pepa-totogi a tausi-mavaega, ma, i so'o se mea o puipui a'i aitalafu ma pepa teu-mau o le pule o lo'o teuina e i latou ona o le esetete ma e mafai ona tapaina mai ia i latou ni faamatalaga ma ni faamalamalama e pei ona tatau ai mo le faataunu'uina o ona tiute.

(3) Ina ua mae'a le suesuega ma le suega faa-suetusi, o le a tatau i le suetusi ona tuuina atu i le tagata na talosaga, ma, i tausī-mavaega taitasi uma, ma i le Tausi Mavaega a le Malo, se ata o faamatalaga tau tupe o le esetete, faatasi ai ma se lipoti e faasino i ai, ma se pepa faamaoni ua sainia e ia e o'o atu i le tulaga e faapea ua sa'o ona fa'aalia e faamatalaga tau tupe le tulaga o mataupu tau le esetete, ma e faapea na ia te ia ni mea e puipui a'i aitalafu tau le tupe-tausi faafaigaluega, (pe afai e i ai) na tuuina atu i ai ma se faamaonia e ia, po'o (i so'o se itu e ono aafia ai) e faapea, o ia faamatalaga tau tupe e le sa'o i ni itu e ono mafai ona fa'aalia manino i totonu o lea pepa faamaoni.

(4) O tagata taitasi uma e faamanuiaina ai o le a tatau lava, a'e noatia ma fai fuafua i tuutuuga o so'o se tulafono faatonutonu na faia i lalo o lenei fuaiupu, ona avanoa i taimi uma lava e ono tatau ai na te asiasia ma aveina ni ata o faamatalaga tau tupe, lipoti, ma pepa faamaoni, ma, a'e totogi e ia lava o le a tuuina atu i ai ni ata o ia lava tulafono faatonutonu po'o ni faamatalaga e si'itia mai ai.

(5) E mafai ona ave'eseina le suetusi i se poloaiga a le Faamasinoga; ma afai ua ave'eseina so'o se suetusi, po'o ua faamavae, po'o ua maliu, po'o ua o'o ina gau-mativa po'o ua le mafai ona galue a'o le'i mae'a le suesuega ma le suega faa-tusi, e mafai ona tofia se suetusi fou e suitulaga ia te ia i lea lava faiga e tasi e pei ona sa tofia ai le suetusi muamua.

(6) O le totogi o le suetusi ma isi tupe alu tau le suesuega ma le suega faa-suetusi o le a tatau lava ona i se tulaga e pei ona mafai ona faamaonia e le Tausi Mavaega a le Malo, a'e peita'i, o le a tatau ona noatia i le toe iloiloaina e le Faamasinoga i luga o le talosaga a so'o se tagata e aafia ai. Se'ia vagana ai ona ua poloai'ina e le Faamasinoga se tasi faiga e ese ai, o ni tupe alu faapena o le a tatau lava ona tauaveina o le esetete, ma afai ua faapea ona poloaina e le faamasinoga o le a tatau ona tauaveina e tausī-mavaega lava latou poo so o se tasi o i latou, po o, e le tagata na talosaga, po o le vaevaeina i le va o i latou po o so o se tasi o i latou, po o i le va o i latou ma so o se tasi o i latou, po o i le va o i latou ma so o se tasi o i latou ma le esetete i ni vaega faatatauina e pei ona ua manatu le Faamasinoga e sao ma tatau ai.

(7) Afai o so o se tagata o loo ia te ia le tausiga o so o se tasi, faamatalaga tau tupe, pepa-totogi mea e puipui a'i aitalafu, po o ni pepa teu-mau ia o loo i ai i le suetusi le aia



tatau e oo atu i ai e tusa ai ma lenei fuaiupu, ua na le faia po o ua musu i faatagaina o ia ina ia oo atu i ai, po o ua na faalavelaveina i so o se auala le suesueina po o le suega faasuetusi, e mafai e le suetusi ona talosaga atu i le Faamasinoga, ma i luga o lea talosaga o le a tatau ona faia e le Faamasinoga se poloaiga e pei ona ua manatu o ia e tonu ma tatau ai.

(8) I le noatia ma fai fuafua i so o se tulafono e puipui a'i a le Faamasinoga, o ni talosaga e tusa ai, po o, mo le aano moni o lenei fuaiupu i le Faamasinoga, o le a tatau lava ona faia i se Alii Faamasino i totonu o lona Ofisa.

(9) Afai ua faia ma le loto i ai e so o se tagata i totonu o so o se faamatalaga tau tupe, lipoti, po o se pepa faamaoni e mana'omia mo le aano moni o lenei fuaiupu, se faamatalaga pepelo i so o se itu faapitoa, o le a tatau ona noatia o ia ina ua faamaonia e nofosala i le nofo i le falepuipui mo se vaitaimi e le silia le lua tausaga, po o, i se sala-tupe e le silia le lima selau tala e sui a'i le nofo-falepuipui, po o le faaopopo atu i lea nofo-falepuipui.

(10) O le a le tatau ona noatia le Tausi Mavaega a le Malo mo so o se tupe alu po o ni totogi i lalo o lenei fuaiupu.

(11) O tupe alu uma ma totogi ia o loo noatia ai le esetete i lalo o lenei fuaiupu, o le a tatau lava ona avea o se aitalafu e tusia i luga o mea totino o le esetete, ma e mafai ona faamalosi lea aitalafu i se faiga e pei ona faatonuina e le Faamasinoga.

**57. Totogi fuapauina ma komisi ua faatatauina e avea ma tupe alu tau le faamaapeina o mea totino tau se mavaega—**O totogi fuapauina, komisi, totogi, ma nisi lava aitalafu e tatau ona totogi atu i se tausi-mavaega i le itu i le pulea o le esetete a se tagata ua maliu, o le a tatau lava ona faatatauina e avea ma tupe alu tau le faama'apeina o mea totino tau se mavaega.

**58. Totogi o sailiga e uiga i tagata e faamauina i se mavaega—**O totogi, tupe alu, ma aitalafu a le tausi-mavaega o so o se mea totino i le itu i so o se sailiga na faia e ia ina matua mautinoa ai o lo o i ai ma ia iloa tonu ai le tagata po o ni tagata e tatau ona latou maua so o se meaalofo ua aiaia

i se mavaega tupe, po o se sea tau tufatufaga i le mea totino po o ua alia'i mai i se tasi lava faiga e ese ai i le itu i sea mea, o le a tatau lava ona tau'aveina e, ma totogi atu mai le meaalofo ua aiaia i le mavaega, tupe, po o se sea tau tufatufaga o le tagata po o ni tagata o ia lea e faasino tonu i ai suesuega ma sailiga na faia.

59. Mea ua soloia ma mea ua faasaoina—(1) O le Tulafono o Tausi Mavaega 1956 (Niu Sila) ua soloia nei mai le avea o se vaega o le tulafono a Samoa i Sisifo.

(2) Ua faaalua manino nei e faapea o le soloia o le Tulafono ua ta'ua i luga o le a le afaina ai so o se pepa na faia po o so o se mea lava ua uma ona faia i lalo o lea Tulafono, ma o ia pepa po o mea taitasi uma, e oo atu i le tulaga e pei ona o lo o i ai, po o lo o faamamaluina ai i le taimi o le soloiga, ma sa ono mafai ona faia po o ua uma ona faia i lalo o lenei Tulafono, o le a tatau lava ona faaauau pea ma i ai le faamamaluga e peisea'i na faia po o ua uma ona faia sea mea i lalo o le tuutuuga e faasino tonu i ai o lenei Tulafono ma e peisea'i lava na faamamaluina lea tuutuuga i le taimi na faia po o ua uma ona faia ai le pepa o le tuutuuga e faasino tonu i ai o lenei Tulafono ma e peisea'i lava sa faamamaluina lea tuutuuga i le taimi na faia ai le pepa teu-mau pe na faia ai lea mea.

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