



Western Samoa

## Analysis

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1966, No. 9

**AN ACT to amend the Alienation of Customary Land Act 1965**  
 (7 July 1966)

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 Alienation of Customary Land Amendment Act 1966, and shall be read together with and be deemed part of the Alienation of Customary Land Act 1965 (hereinafter referred to as the principal Act).

**2. Commencement**—This Act shall be deemed to have come into force at the same time as the principal Act.

**3. Interpretation**—Section 2 of the principal Act is hereby amended by inserting, in their appropriate alphabetical order, the following definitions:

“Agricultural purpose” includes forestry, horticulture and fisheries (but not fish canning):

“Authorised purpose” means a public, hotel, industrial, commercial or business purpose:

“Hotel” means a residential building which is designed and intended to be used for providing board and lodging for reward for six or more persons,

whether or not it is designed and intended to be used also for the sale of liquor:

“Industrial purpose” does not include wholesale or retail trade, a commercial, agricultural or pastoral purpose, a mine, a quarry, a construction business or the provision of services; but does include manufacturing and processing:

“Manufacturing or processing” includes,—

- (a) Manufacturing or processing or both of food, beverages, tobacco, textiles, textile goods, wearing apparel, footwear, leather, leather products, furniture, fixtures, wood and cork products, paper and paper products, printing, publishing, rubber products, chemicals and chemical products, petroleum and coal products, metallic and non-metallic mineral products, electrical machinery, apparatus, appliances and supplies, transport equipment and other machinery and metal products;
- (b) Generation, transformation and distribution of electrical energy, gas or steam for trade or sale;
- (c) Provision of water or sanitary works;
- (d) Every abattoir within the meaning of section 41 of the Health Ordinance 1959;
- (e) Every bakery within the meaning of section 41 of the Health Ordinance 1959;
- (f) The business of pasteurising milk carried on for trade or sale otherwise than on a farm or plantation;
- (g) Every offensive trade within the meaning of section 2 of the Health Amendment Act 1965 carried on for trade or sale;
- (h) Every other industry in which three or more persons are engaged or employed in manufacturing or processing and packing raw materials or goods for trade or sale, whether by means of electrical energy, gas, steam or any mechanical power or appliance or not.

**4. Prohibiting some leases and licences**—Section 3 of the principal Act is hereby amended by deleting the words

“lease or licence any customary land for any agricultural or pastoral purpose to any Samoan who is not for the time being the holder of a Matai title” where they secondly appear.

5. **Power to grant lease or licence**— Section 4 of the principal Act is hereby repealed, and the following section is hereby substituted therefor:

4. **Power to grant lease or licence**— Subject to section 3 of this Act, the Minister, if in his opinion the grant of a lease or licence of any customary land or any interest therein is in accordance with Samoan custom and usage, the desires and interests of the beneficial owners of the land or interest therein and the public interest, may grant a lease or licence of that customary land or interest therein as trustee for such owners—

- (a) For an authorised purpose approved by the Minister;
- (b) If the authorised purpose so approved is a hotel or industrial purpose, for a term not exceeding thirty years, with or without a right or rights or renewal for a term or terms not exceeding an additional thirty years in the aggregate, as may be approved by the Minister;
- (c) If the authorised purpose so approved is not a hotel or industrial purpose, for a term not exceeding twenty years with or without a right or rights of renewal for a term or terms not exceeding an additional twenty years in the aggregate, as may be approved by the Minister;
- (d) For such rent or other consideration payable to the Director, reviewable or not, and if reviewable at such intervals or on such occasions and in such way, as may be approved by the Minister; and
- (e) Subject to such other covenants, conditions and stipulations as may be approved by the Minister.

Cf. 1921, No. 16, s. 280 (4) (N.Z.).

6. **Publishing of application**— Section 8 of the principal Act is hereby amended as follows:

- (a) In subsection (2), by omitting the word "committee", and substituting the words "agent or agents", and
- (b) In clause (iv) of paragraph (b) of subsection (3), by omitting the word "Such", and substituting the word "Each".