



SAMOA

LAND AND TITLES ACT 2020

Arrangement of Provisions

PART 1

PRELIMINARY

1. Short title and commencement
2. Interpretation

PART 2

ADMINISTRATION OF ACT

3. Ministry responsible for administration of this Act
4. Registrar
5. Appointment of other officers and employees
6. Records of the Court
7. Seal

PART 3

CUSTOMARY LAND

Division 1 - Land deemed or declared Customary Land

8. Land deemed or declared customary land
9. Declaration of certain land to be customary land

Land and Titles Act 2020

10. Referral of judgments concerning customary land

Division 2 - Surveys, sketch plans and aerial images

11. Surveys, sketch plans and aerial images

PART 4
MATAI TITLES

Division 1 - Eligibility and Removal of Matai title

12. Eligibility to hold a Matai title
13. *repealed*
14. Removal of Matai title

Division 2 - Validity of Matai title bestowed

15. Validity of the bestowment of a Matai title

Division 3 - Matai title Register

16. Registrar to keep Matai title Register
17. Objection to Registrar's decision not to enter or delete Matai title

*Division 4 - Notification before
Matai title is bestowed*

18. Intention to bestow title
19. Objection may be filed against Notice of intention to bestow title
20. Procedure where no objection is filed

21. Jurisdiction where there is no objection

Division 5 - Notification after bestowment of Matai title

22. Notification after bestowment of Matai title
23. Objection to the Matai title bestowed

Division 6 - Procedure after bestowment of Matai title

24. Procedure after bestowment of Matai title

Division 7 - Offences relating to Matai titles

25. False information and misleading
26. Wrongful use of a Matai title

**PART 5
PROCEEDINGS**

Division 1 - Interim Orders

27. *repealed*
28. Interim orders by President or Deputy President
29. Interim orders by Registrar
30. Duration of interim order by Registrar

Division 1A - Conciliation and Resolution

31. Genuine effort to resolve the dispute
32. Registrar to conduct Samoan conciliation
33. *repealed*
34. Dispute resolution processes

Division 1B - Land and Titles First Court

35. Institution of proceedings
36. Sittings of the Court
37. Registrar's functions and powers on conciliations and hearings
38. Jurisdiction of the Land and Titles Courts

Division 2 - Land and Titles High Court

39. Grounds for appeal
40. Leave to appeal application and response
41. Leave to appeal hearing
42. Appeal hearing
43. *repealed*
44. *repealed*

Division 2A – Case stated

45. Case stated

Division 3 – Land and Titles Court of Appeal

46. Grounds for appeal
47. Leave to appeal application and response
48. Leave to appeal hearing
49. Appeal hearing
50. *repealed*
51. *repealed*

Division 4 – Decision of the Court

- 52. Application
- 53. Discontinuance of proceedings
- 54. Delivery of judgements
- 55. Reasons for decisions
- 56. Decisions final and not subject to appeal to other Courts
- 57. *repealed*

Division 5 – Orders of the Court

- 58. Orders as to costs

Division 6 – Enforcement and offences

- 59. Enforcement of Decisions and Orders of the Court
- 60. Offence proceedings
- 61. Non-Prosecution of matter

PART 5A

**KOMISI O LE FAAMASINOGA O FANUA MA SUAFA AND
APPOINTMENT OF JUDGES FOR THE LAND AND TITLES
COURT**

Division 1 – Komisi o le Faamasinoga o Fanua ma Suafa

- 61A. Functions of the Komisi o le Faamasinoga o Fanua ma Suafa

Division 2 – Appointment of Judges for the Land and Titles Court

- 61B. Judges of the Land and Titles Court

- 61C. Qualifications of Deputy President
- 61D. Qualifications of Vice Presidents
- 61E. Qualifications of judges of the Land and Titles
First Court
- 61F. Immunity of judges
- 61G. Tenure of office
- 61H. Suspension and removal of a judge
- 61I. Grounds for removal of the President under
Article 104D (3) of the Constitution
- 61J. Salaries and benefits

PART 6

RULES OF PROCEDURE OF THE COURTS

- 62. Rules for the procedures of the Courts
- 63. Regulations
- 64. Representation by a lawyer

PART 7

VILLAGE FONNO ACT MATTERS

- 65. Appeals from the Village Fonno

PART 8

MISCELLANEOUS

- 66. Repeal
 - 67. Savings and transitional provisions
 - 67A. Transitional and validation provisions relating to
the Land and Titles Amendment Act 2025
 - 68. Consequential amendments
-

2020, No. 24

AN ACT to replace the Land and Titles Act 1981.

[Re- Assent date: 14 October 2022]

[Commencement date: 15 March 2021]

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

**PART 1
PRELIMINARY**

1. Short title and commencement:

- (1) This Act may be cited as the Land and Titles Act 2020.
- (2) This Act commences on a date nominated by the Minister.
- (3) *Repealed*

2. Interpretation:

- (1) In this Act, unless the context otherwise requires:
“Court” means:
 - (a) the Land and Titles Courts, comprising the Land and Titles First Court, the Land and Titles High Court, and the Land and Titles Court of Appeal;
or
 - (b) one of the Land and Titles Courts specified in paragraph (a);

“custom and usage” or “Samoan custom and usage” means the customs and usages of Samoa accepted as being in force at the relevant time and includes:

- (a) the principles of custom usage accepted by the people of Samoa in general; and
- (b) the customs and usages accepted as being in force in respect of a particular place or matter;

“Chairperson” means the Chairperson of the Land and Titles Court of Appeal appointed under Part IX of the Constitution;

“day” means working day;

“decision” has the meaning given in Article 77 of the Constitution;

“Deputy President” means a Deputy President of the Court appointed by the Head of State on the advice of the Komisi under Part 5A;

“faapogai” means a Matai Sa’o or a sulii;

“judge” means a Judge of the Land and Titles Courts appointed under Part 5A;

“Komisi” means the Komisi o le Faamasinoga o Fanua ma Suafa constituted by Article 104E of the Constitution;

“land” means customary land;

“Land and Titles Court of Appeal” means the Court established under Article 104C of the Constitution;

“Land and Titles First Court” means the Court established under Article 104A of the Constitution;

“Land and Titles High Court” means the Court established under Article 104B of the Constitution;

“Land Registrar” means the Registrar defined in section 2 of the Land Titles Registration Act 2008;

- “Land Titles Investigation Commission” means the Commission appointed under the Land Titles Investigation Act 1966;
- “lawyer” has the meaning given it under the Lawyers and Legal Practice Act 2014;
- “matai” means a person whose title has been registered under this Act;
- “matai services” means the service and responsibilities required to be carried out by a person in connection with their matai title, and includes properly serving his or her family, village and community according to Samoan custom and usage;
- “Matai Title Register” means the Register of Matai continued under section 16;
- “Minister” means the Minister responsible for Justice and Courts Administration;
- “Ministry” means the Ministry responsible for Justice and Courts Administration;
- “name” for the purpose of sections 18(4)(d) and 22(b)(ii) means the name on a person’s birth certificate or passport;
- “officer” in relation to the Court includes any Registrar, clerk, bailiff, usher or messenger in the service of the Court;
- “party” includes every person who takes part as, petitioner, respondent or appellant or applicant in any proceedings under this Act (other than as a witness) whether or not named as a party to any such proceedings, and, in any proceedings to appoint a matai, includes the pule and the proposed appointee;
- “President” means the President of the Court appointed under Part IX of the Constitution;

“Registrar” means the Registrar referred to in section 4 also known as the Court Registrar;

“repealed Act” means the Land and Titles Act 1981;

“rules” means any rules of the Court made pursuant to this Act;

“Samoan” has the same meaning given to that term under the Samoan Status Act 1963;

“Samoan conciliation” means the process by which the parties to a dispute, with the assistance of the Registrar and in accordance with Samoan custom and usage, identify the disputed issues, develop options, consider alternatives and endeavour to reach an agreement and in which the Registrar may make suggestions for terms of settlement and actively encourage the participants to reach an agreement which accords with Samoan custom and usage and the requirements of this Act;

“Sui-o-le-Nuu” means a person appointed as such under section 14(1)(a) of the Internal Affairs Act 1995;

“Vice President” means a Vice President appointed by the Head of State on the advice of the Komisi under Part 5A;

“working day” means a day other than Saturday, Sunday or a public holiday.

(2) *(Repealed by section 3(g) of the Land and Titles Amendment Act 2025.)*

PART 2

ADMINISTRATION OF ACT

3. Ministry responsible for administration of this Act:

- (1) The Ministry responsible for Justice and Courts Administration is responsible for the administration of this Act.

- (2) The Chief Executive Officer of the Ministry also known as the Court Registrar shall keep or cause to be kept proper records in relation to the Ministry.

4. Registrar:

- (1) The Chief Executive Officer of the Ministry also known as the Court Registrar shall be the Registrar of the Land and Titles Courts.
- (2) Suitably qualified persons may be appointed under the Public Service Act 2004 as Assistant Registrars or Deputy Registrars.
- (3) In respect of the Court and subject to the direction of the Registrar, each Assistant Registrar and each Deputy Registrar possesses and may exercise and perform the same powers, functions and duties as the Registrar, and any reference in this Act to the Registrar, unless the context otherwise requires, includes a reference to each Assistant Registrar and to each Deputy Registrar.

5. Appointment of other officers and employees:

Other officers and employees of the Ministry may be appointed under the Public Service Act 2004 as may be necessary.

6. Records of the Court:

- (1) The Registrar shall keep or cause to be kept records of the Court, including records of every proceeding before the Court, as required by this Act, or as may be prescribed by Rules, or by the President.

- (2) No person shall have access to the records of the Court except with the permission of the President, or the Registrar.
- (3) A person may apply to the Court to remove records of the Court for Courts purposes.
- (4) No person shall remove the records of the Court except with the permission of the President granted on an application under subsection (3).
- (5) Any person who breaches subsections (2) or (4) shall be liable to a fine not exceeding 50 penalty units or to an imprisonment term not exceeding 3 years, or both.

7. Seal:

- (1) The seals of the Land and Titles Courts are to be kept in the custody of the Registrar.
- (2) The form of the seal is to be determined by the Registrar, with the approval of the President.
- (3) The seal or seals in use at the commencement of this Act continue to be the seal or seals of the Courts under subsection (1) until and unless replaced.

PART 3 CUSTOMARY LAND

Division 1 - Land deemed or declared Customary Land

8. Land deemed or declared customary land:

- (1) The following land is deemed customary land, and any interest in the following land is deemed interest in customary land:
 - (a) any land ordered by the Court to be customary land under section 9;

- (b) any land conveyed by Government or any public body by way of deed which provides that the land is held in accordance with the customs and usages of the Samoan people.
- (2) Land deemed or declared as customary land and saved as such under the repealed Act is regarded as customary land under this Act.

9. Declaration of certain land to be customary land:

- (1) A person or the alii and faipule of any village claiming an interest in any freehold land or any land in respect of which the customary or freehold status is claimed to be in doubt, may petition the Court for an order to be made with the consent of all parties, declaring such land to be customary land.
- (2) The Registrar, on payment of the prescribed fee, shall publish the petition in the Savali in three (3) consecutive issues, giving notice of the place, and the time or period (not being less than four (4) months from the date of the first publication) for filing objections by any Samoan who may be affected by the petition.
- (3) The Court shall not make an order under this section in respect of land which is registered as freehold land under the Land Titles Registration Act 2008 unless:
 - (a) a person having a registered interest in such land;
 - (b) a trustee appointed to represent beneficial interests in respect of such registered interest;
 - (c) a person who has filed an objection to the petition who claims any registered, beneficial or equitable interest; and

- (d) a person who has filed such an objection and who claims an interest in the land in accordance with custom and usage, has consented to such order in person before the Court, or by affidavit.
- (4) The Court shall not make an order under this section in respect of any land which is not registered as freehold land under the Land Titles Registration Act 2008 unless:
 - (a) a person, not being a person to whom subsection (5) applies, who has filed an objection to the petition and who claims that the land should be so registered as freehold land; and
 - (b) a person who has filed such an objection and who claims an interest in the land in accordance with custom and usage, has consented to such order in person before the Court, or by affidavit.
- (5) For the purpose of subsection (4), the Court may make an order under this section without the consent of any person who has claimed a freehold interest in the land if that person's claim has been rejected by the Land Titles Investigation Commission under the provisions of the Land Titles Investigation Act 1966.
- (6) If in the course of any proceedings begun under this section, it appears to the Court that any person who has objected to the making of an order under this section claims a freehold interest in the land in question, the Court may adjourn the proceedings to enable that person to make a claim in respect of the said land under the Land Titles Investigation Act

1966 and, if such application is made, the Court may further adjourn the proceedings as it thinks fit to await the decision of the Land Titles Investigation Commission in respect of the claim.

- (7) Despite any provision in this section to the contrary, if the Court would have made an order but for the failure of the persons referred to in subsection (3) or (4) to agree as to the matai title or the pule by which the land should be held, the Court may, with the consent of such persons, order the land to be customary land by consent and shall thereupon, or at an adjourned hearing, proceed to hear and determine the question of the matai title or the pule.
- (8) Any order made pursuant to this section shall be forwarded to the Registrar of Lands.

10. Referral of judgments concerning customary land:

Upon the request of the Land Registrar, the Registrar of the Court must refer to the Land Registrar any judgment of the Court concerning the pule or status of any customary land or interest in the land, or an order or declaration made under this Act.

Division 2 – Surveys, sketch plans and aerial images

11. Surveys, sketch plans and aerial images:

- (1) Where a petition seeks the accuracy of customary land boundaries, the Court may order a party to provide a sketch plan or aerial image of the customary land and its boundaries.

- (2) The Court may order a survey of customary land where a decision of the Court has confirmed the boundaries of that customary land.
- (3) The cost of the survey, sketch plan or aerial image must be paid as ordered by the Court.

PART 4

MATAI TITLES

Division 1 - Eligibility and Removal of Matai Title

12. Eligibility to hold a Matai Title:

- (1) A person is not qualified to hold a Matai Title or be registered as a matai unless she or he:
 - (a) is a Samoan;
 - (b) is at least 21 years of age; and
 - (c) is prepared to carry out the obligations of his or her Matai Title including properly serving his or her family, village and community according to Samoan custom and usage; and
 - (d) meets other criteria required by the family in accordance with their custom and usages.
- (2) *(Repealed by section 10 of the Land and Titles Amendment Act 2025.)*

13. *(Repealed by section 11 of the Land and Titles Amendment Act 2025.)*

14. Removal of Matai title:

- (1) The Court on petition of a Sa'o or a Suli may hear and determine whether to remove a Matai title if any of the following occurs:
 - (a) where the holder of that Title has acted in a manner that brings disrepute to the family, village or community of the Matai; or
 - (b) where the holder of that Title has failed to properly perform the duties of a Matai.
 - (c) *(Repealed by section 12(a) of the Land and Titles Amendment Act 2025.)*
- (2) The Court may order to stay the removal of a Matai title that is the subject of a petition under this section, until a final determination of the Court.
- (3) For the purpose of this section a petition to:
 - (a) remove a Matai title from a suli may only be made by the Sa'o with pule over that Matai title; and
 - (b) remove a Matai title of a Sa'o may be made on the petition of 10 or more suli.

Division 2 - Validity of Matai title bestowed

15. Validity of the bestowment of a Matai title:

- (1) The following requirements must be met in order for a Matai title bestowment to be considered valid for registration under this Act:
 - (a) the person is bestowed with a Matai title by and in accordance with the customs and usages of the Samoan people, including bestowment pursuant to a decision of the Court; and

- (b) a traditional ceremony of bestowment in the village to which that Matai title belongs is held; and
 - (c) that during the traditional ceremony under paragraph (b) -
 - (i) the person being bestowed a Matai title is physically present;
 - (ii) the village council of the village are physically present to acknowledge the bestowment of the Matai title.
- (2) Where a village is divided, 'village' means:
- (a) the village as recorded by the Ministry of Women, Community and Social Development (if the village has a Sui-o-le-Nuu recorded by the Ministry under the Internal Affairs Act 1995); or
 - (b) if there is no such record, the village as recorded in a relevant decision of the Court.

Division 3 - Matai Title Register

16. Registrar to keep Matai Title Register:

- (1) The Matai Title Register ("Register") is continued and must be maintained by the Registrar for the purpose of recording Matai titles referred for registration under this Act.
- (2) The Registrar must register a Matai title onto the Register:
 - (a) where for intention to bestow under Division 4 -

- (i) no objections are made and the person meets the requirements of Division 6; or
 - (ii) objections are made and the validity of the bestowment of the Matai title is upheld by the Court;
 - (b) where for notification after bestowment of a Matai title under Division 5 -
 - (i) no objections are made; or
 - (ii) if objections are made, the validity of the bestowment of the Matai title is upheld by the Court.
- (3) If the Registrar is not satisfied that the requirements of section 15 are met, the Registrar must:
 - (a) not enter the Matai title onto the Register; and
 - (b) in writing notify the Matai title holder that his or her Matai title has not been entered onto the Register after which the person notified is to provide a written response to the Registrar one (1) month after receiving that notice.
- (4) The Registrar must remove a Matai title from the Register where:
 - (a) the Court has determined and issued an order for the removal of a Matai title under section 14(1);
 - (b) the Registrar is satisfied that -
 - (i) upon application of a faapogai based on substantiated grounds that the person has vacated the Matai title in question; or
 - (ii) the entry was made pursuant to an incomplete or defective folio

- forwarded by a Sui-o-le-Nuu under section 24; or
- (iii) that the entry was made in error;
- (c) the Registrar receives a request from the holder of a matai title, with reasonable grounds and supporting documentation.
- (5) The Registrar may remove a Matai title from the Register upon an application of the Matai title holder.
- (6) The Matai title of a person that has been deleted from the Register under subsection (4)(a) must not be re-registered unless the person has again been appointed the holder of such Matai title in accordance with the customs and usage of the Samoan people under this Part.

17. Objection to Registrar's decision not to enter or delete Matai title:

- (1) A person may file a petition in Court objecting to the Registrar's decision made under section 16(3) or (4).
- (2) The Court may order that:
- (a) the Matai title of a person be entered onto the Register by the Registrar; or
- (b) confirm the Registrar's decision.

Division 4 - Notification before a Matai title is bestowed

18. Intention to bestow title:

- (1) A faapogai who intends to bestow a title to a Samoan may give notice of such intention to the Registrar which must be accompanied by the prescribed fee, at the office of the Court in Savaii or Upolu.

- (2) The intended Matai must meet the qualifications set out under section 12.
- (3) Upon receiving a notice under subsection (1), the Registrar must publish the particulars of the notice provided in three (3) consecutive issues of the Savali issued monthly.
- (4) The Registrar must ensure the notice specifies:
 - (a) the time limitation of four (4) months in which a person must file an objection petition to the intention to bestow title; and
 - (b) the place for an objection petition to be filed;
 - (c) the name of the faapogai;
 - (d) the name of the intended Matai title holder;
 - (e) the Matai title and the village where the title is to be bestowed.

19. Objection may be filed against Notice of intention to bestow title:

- (1) A person may file an objection petition to the Court for determination against the notice published under section 18 and such objection shall provide:
 - (a) the kinship connection of the person objecting to the bestowment of the Matai title as the subject of the Notice;
 - (b) the reasons for objecting to the bestowment of the Matai title and the remedy sought; and
 - (c) any other prescribed requirements.
- (2) The objections to a petition must be published providing the names of the parties, the reason for the objection and the remedy sought within 20 days before hearing of the matter.

20. Procedure where no objection is filed:

- (1) If there is no objection to the proposed bestowment, the Registrar shall, as soon as practicable after the time fixed for lodging objections, prepare, sign and file a petition to the Court for confirmation.
- (2) Upon receipt of the Court's confirmation under this section, the intended Matai who is the subject of a notice under section 18 must proceed with the required traditional ceremony for bestowment of a Matai title.
- (3) Upon receipt of confirmation and particulars of the traditional ceremony from the Sui-o-le-Nuu, the Registrar must register the Matai title onto the Register.

21. Jurisdiction where there is no objection:

- (1) The Court has jurisdiction, *ex parte*, to confirm wholly or in part, and with or without modification, any claim for the bestowment of any title for a notice in which an objection has not been filed.
- (1A) However, before declining a claim or part of a claim, or modifying a claim, the Court must give the person who published the notice under section 18 an opportunity to be heard before the Court makes its decision.
- (2) A proposed bestowment of title confirmed under this section may be set aside, in prescribed proceedings, for reason of error, misconduct or bad faith.
- (3) For all purposes any confirmation is regarded as a decision of the Court.

- (4) A confirmation by the Court under subsection (1) does not remove the obligation for a person to meet the requirements of Division 6.

Division 5 - Notification after bestowment of Matai title

22. Notification after bestowment of Matai title:

Where the Registrar receives for registration record for a Matai title after the title has been bestowed, the Registrar must before registration cause a Notice of the information provided pursuant to section 24 to be published:

- (a) in three (3) consecutive issues of the monthly issue of the Savali; and
- (b) setting out -
 - (i) the name of the faapogai;
 - (ii) the name of the Matai title holder;
 - (iii) the Matai title and the village where the title was bestowed;
 - (iv) the time limitation of 4 months from the date of first publication of a notice to inform that an objection may be made against the Matai title bestowed.

23. Objection to the Matai title bestowed:

- (1) A person may file a petition in Court objecting to the Matai title bestowed as set out in a Notice published under section 22.
- (2) Such petition filed must be in accordance with section 19.
- (3) Where the Registrar is satisfied that the bestowment of a Matai title has not been made in accordance with the Act, the Registrar must prepare, sign and file a

petition for the Court to determine whether or not the Matai title in question should be entered onto the Register.

- (4) The Court may either confirm the Matai title bestowed or declare that the Matai title bestowed is not valid under this Act.

Division 6 - Procedure after bestowment of Matai title

24. Procedure after bestowment of Matai title:

- (1) This section applies to matai titles bestowed after notification pursuant to Division 5, or before notification pursuant to Division 4.
- (1A) Within 7 days after a Matai title is bestowed on a person, the person who bestowed the Matai title must notify the Sui-o-le-Nuu of the village in which that bestowment ceremony was held.
- (2) A Sui-o-le-Nuu must within 14 days after a Matai title is bestowed, do the following:
 - (a) ensure the full name of the person bestowed with a Matai title is entered correctly in the book approved by the Registrar, and that the name is the same in his or her birth certificate, passport or other legal identification means;
 - (b) enter and sign in triplicate in a book approved by the Registrar to be kept by the Sui-o-le-Nuu, the particulars of the traditional ceremony of the bestowment of the title, including whether the requirements of section 15 are met; and
 - (c) either –

- (i) forward to the Registrar the original and duplicate record from the book containing those particulars; or
 - (ii) hand or forward to the new Matai title holder the duplicate record from the book containing those particulars.
- (d) *(Repealed by section 19(d) of the Land and Titles Amendment Act 2025.)*
- (e) *(Repealed by section 19(d) of the Land and Titles Amendment Act 2025.)*
- (2A) The Sui-o-le-Nuu must retain, in the book, the triplicate record containing the particulars until the book is full, after which it must be returned to the Registrar for the issuance of a new book.
- (3) If the duplicate record is provided by a Sui-o-le-Nuu to the new Matai title holder under subsection (2)(c)(ii), the new Matai title holder must forward it to the Registrar for the Court's confirmation and registration.
- (4) If a Matai title is bestowed in a village that does not have a Sui-o-le-Nuu, subsection (2) does not apply and, instead, the faapogai may file a petition for the confirmation of the Court for the Matai title to be registered.

Division 7 - Offences relating to matai titles

25. False information and misleading:

A person:

- (a) who wilfully gives false information to the Registrar, Sui-o-le-Nuu or person approved for the purpose of section 24(4); or

- (b) who wilfully misleads the Registrar, Sui-o-le-Nuu or person approved for the purpose of section 24(4); and
- (c) including any Sui-o-le-Nuu, who, without lawful excuse, breaches any duty required under section 24, commits an offence and is liable upon conviction to a fine not exceeding 50 penalty units or to imprisonment for a term not exceeding three (3) years.

26. Wrongful use of a Matai title:

A person who uses, or permits himself or herself to be addressed by, or who acts as the holder of a Matai title that has not been bestowed on that person or that has not been registered, commits an offence and is liable upon conviction to a fine not exceeding 50 penalty units, or imprisonment for a term not exceeding 3 years.

**PART 5
PROCEEDINGS**

Division 1 - Interim Orders

27. *(Repealed by section 22A of the Land and Titles Amendment Act 2025.)*

28. Interim orders by President or Deputy President:

- (1) Upon the commencement of any proceedings and pending the final determination of the petition, leave to appeal application, or appeal by the Court, the President or Deputy President, sitting alone may make, either ex parte or otherwise, such interim orders as the President or Deputy President thinks fit as to the possession of the land, or the use of the title,

or the exercise of the right to which the petition, leave to appeal application, or appeal relates.

- (1A) An order made under this section remains in force until the final determination of the petition, unless such order is earlier varied or revoked by the Court.
- (2) An order made under this section is taken as an order of the Court, and is enforceable accordingly.

29. Interim orders by Registrar:

- (1) The Registrar may on the application of a party, before the commencement of proceedings, make an order the Registrar regards necessary to restrain any person from:
 - (a) remaining in possession of or entering upon any land;
 - (b) holding or using any Matai title; or
 - (c) exercising any right or doing any act, matter or things concerning or affecting any land or any Matai title.
- (2) An order made under this section is taken as an order of the Court, and is enforceable accordingly.

30. Duration of interim order by Registrar:

- (1) An order under section 29 may be made ex parte or otherwise, and remains in force until the final judgment of the Court.
- (2) The President or Deputy President may after the commencement of proceedings, upon the application of any party affected by an order made under section 29, modify, vary or rescind the order.
- (3) The Registrar may before the commencement of proceedings, upon the application of any person

affected by an order made under section 29, modify, vary or rescind the order.

Division 1A - Conciliation and Resolution

31. Genuine effort to resolve the dispute:

Each party to a matter in the Court is required to make a genuine effort to resolve the dispute before the commencement of a case by participating in mediation or Samoan conciliation.

32. Registrar to conduct Samoan conciliation:

- (1) The Registrar shall conduct Samoan conciliation in relation to any dispute prior to a petition being filed under this Act, with a view to resolving that dispute.
- (2) The process of Samoan conciliation shall be provided under rules of procedure to be prescribed under this Act.
- (3) The rules may provide for the Registrar to make suggestions on how a dispute may be resolved.
- (4) The Registrar may order costs for non-attendance under this section.

33. *(Repealed by section 26 of the Land and Titles Amendment Act 2025.)*

34. Dispute resolution processes:

The Court may at any time it deems fit order the parties to use a dispute resolution process during the progression of a matter and where such order is made, the Court may adjourn the matter.

Division 1B - Land and Titles First Court

35. Institution of proceedings:

- (1) Proceedings before the Land and Titles First Court must commence on the filing of the petition in the prescribed form.
- (2) A petition filed must be published by the Registrar in the Savali.
- (3) The Registrar must set the matter for hearing when the requirements of subsections (1) and (2) are met.
- (4) An unpublished petition shall not be heard except by leave of the Court, which can only be granted on the exceptional nature of the matter on terms and conditions as the Court sees fit.

36. Sittings of the Court:

- (1) The time and places of sittings of the Land and Titles Courts are determined by the Registrar after consulting the President.
- (1A) The Registrar must publish in the Savali a notice of a sitting of any of the Courts at least 21 days before the sitting.
- (1B) The notice must provide particulars of the sitting and of the matters to be heard at the sitting.
- (2) A Court while sitting to hear any matter, may adjourn the hearing to any other time or venue.
- (3) A matter adjourned under subsection (2) must not be unreasonably delayed.
- (4) Two or more Land and Titles First Courts:
 - (a) may sit at the same time in the same or different appointed venues; and

- (b) have all the powers and jurisdiction of the Land and Titles First Court.

37. Registrar's functions and powers on conciliations and hearings:

- (1) The functions of the Court which may be exercised by the Registrar if the President, Deputy President or Vice President are not available include the adjournment of matters and other matters for administrative purposes.
- (2) A direction made by the Registrar under this section, is regarded as a direction of the Court.
- (3) In preparation for a matter under this section, the Registrar may include certified copies of the faiga faavae referred to her or him under section 5A(3) of the Village Fono Act 1990.

38. Jurisdiction of the Land and Titles Courts:

In addition to the jurisdiction of the Land and Titles First Court in Part IX of the Constitution, the Court has jurisdiction to determine disputes involving:

- (a) right of way or access on customary land; or
- (b) faalupega (but only if the faalupega has been confirmed by the Alii and Faipule of the village and the faalupega of the village is disputed by an affected party).

Division 2 - Land and Titles High Court

39. Grounds for appeal:

Leave to appeal to the Land and Titles High Court may be granted on any of the following grounds:

- (a) that new and material evidence had been found since the hearing of the petition of which the applicant had no knowledge, or which could not reasonably have been adduced at the hearing of the petition;
- (b) that the successful Party had been guilty of such misconduct in relation to the hearing of the petition as to affect the result of the case;
- (c) that a witness had been guilty of such misconduct in relation to the hearing of the petition as to affect the result of the case;
- (d) that a member or officer of the Court had made a mistake or misconducted himself or herself in relation to the hearing of the petition as to affect the result of the case;
- (e) that the Court did not have jurisdiction to make the decision;
- (f) that the decision is wrong in law or not in accordance with custom and usage;
- (g) that the decision was manifestly against the weight of the evidence adduced at the hearing of the petition;
- (h) a substantial wrong or a miscarriage of justice has occurred.

40. Leave to appeal application and response:

- (1) An appeal shall not be heard unless by leave of the Land and Titles High Court granted by the President or the Deputy President.
- (2) Within forty (40) days counting from the date of delivery of the decision of the Land and Titles First Court, a party may appeal a decision by filing:
 - (a) an application for leave to appeal detailing the grounds for the leave as provided under

section 39 in which the appeal relies on together with supporting documentation; and

(b) the prescribed fee.

- (3) A leave application filed under this section must be served on the respondent, who must file a response within 30 days from the date of receipt of the application.
- (4) The Registrar must not accept an application filed outside of the time specified under subsection (2), or a response filed outside of the time specified under subsection (3).

41. Leave to appeal hearing:

- (1) The application for leave to appeal shall be heard before the President or Deputy President sitting alone on a date to be notified to each party by the Registrar in the prescribed form.
- (2) All parties may be heard and may make submissions.
- (3) The Land and Titles High Court may make such order on the application as the President or Deputy President thinks fit.
- (4) The decision for leave to appeal must be made within 10 days from the date of the hearing.
- (5) In granting leave the Court:
 - (a) may order a stay of execution of the decision, pending the outcome of the appeal; and
 - (b) may grant requests for joinder parties; and
 - (c) may direct parties to prepare for issues identified to be determined; and
 - (d) may set the time and place for the appeal hearing; and

- (e) must order the appellant to pay security for costs.

42. Appeal hearing:

- (1) An appeal must be by way of rehearing by the Land and Titles High Court.
- (2) The Court in its discretion may re-hear the whole or any part of the matter.

43. *(Repealed by section 38 of the Land and Titles Amendment Act 2025.)*

44. *(Repealed by section 38 of the Land and Titles Amendment Act 2025.)*

Sub-Division 2A – Case stated

45. Case stated:

- (1) In any proceedings before the Land and Titles First Court, the Land and Titles First Court may reserve for consideration by the Land and Titles High Court a case stated on a decision of the Land and Titles First Court, and the Land and Titles High Court shall have the power to hear and determine such case stated.
- (2) In any proceedings before the Land and Titles High Court, the Land and Titles High Court may reserve for consideration by the Land and Titles Court of Appeal, a case stated, and the Land and Titles Court of Appeal shall have the power to hear and determine such case stated.

Division 3 - Land and Titles Court of Appeal

46. Grounds for Appeal:

- (1) The Land and Titles Court of Appeal must not grant leave to appeal unless it is satisfied that it is necessary in the interests of justice for the court to hear and determine the appeal.
- (2) It is necessary in the interests of justice for the Land and Titles Court of Appeal to hear and determine a proposed appeal if:
 - (a) the appeal involves a matter of general or public importance; or
 - (b) a substantial miscarriage of justice may have occurred, or may occur unless the appeal is heard; or
 - (c) the appeal involves a matter of general customary or cultural significance.

47. Leave to appeal application and response:

- (1) An appeal shall not be heard unless by leave of the Land and Titles Court of Appeal, granted by the Chairperson.
- (2) Within forty (40) days counting from the date of delivery of the decision of the Land and Titles High Court, an appellant may file:
 - (a) an application for leave to appeal in the prescribed form; and
 - (b) a Notice of Appeal in the prescribed form; and
 - (c) the prescribed fee.
- (3) The Respondent must file a response within 30 days counting from the date of receipt of the application.

- (4) The Registrar must not accept an application filed outside of the time specified under subsection (2), or a response filed outside of time under subsection (3).

48. Leave to appeal hearing:

- (1) The application for leave to appeal shall be heard before the Chairperson sitting alone on a date to be notified to each party by the Registrar in the prescribed form.
- (2) All parties may be heard and may make submissions.
- (3) The Land and Titles Court of Appeal may make such order on the application, as the Chairperson directs.
- (4) The decision for leave to appeal must be made within 10 days from the date of the hearing.
- (5) In granting leave, the Chairperson:
 - (a) may order a stay of execution of the decision, pending the outcome of the appeal; and
 - (b) may direct parties to prepare for issues identified, to be determined; and
 - (c) may set the time and place for the appeal hearing; and
 - (d) must order the appellant to pay security for costs.

49. Appeal hearing:

- (1) An appeal from the Land and Titles High Court must be by way of rehearing by the Land and Titles Court of Appeal.
- (2) The Court in its discretion may re-hear the whole or any part of the matter.

50. *(Repealed by section 40F of the Land and Titles Amendment Act 2025.)*
51. *(Repealed by section 40F of the Land and Titles Amendment Act 2025.)*

Division 4 – Decision of the Court

52. Application:

This Division applies to the Land and Titles First Court, Land and Titles High Court and Land and Titles Court of Appeal.

53. Discontinuance of proceedings:

- (1) The Court with the consent of all parties, may order that proceedings that commenced be discontinued, and such proceeding must be held in open court.
- (2) A petition filed but not served is discontinued at the request of the petitioner before the Registrar.

54. Delivery of judgments:

- (1) A full judgment is to be delivered in open Court:
 - (a) for the Land and Titles First Court, by the Vice President presiding or a member of the panel appointed by the Deputy President; and
 - (b) for the Land and Titles High Court, by the President or Deputy President presiding or a member of the panel appointed by the President; and
 - (c) for the Land and Titles Court of Appeal, by the Chairperson or a member of the Court appointed by the Chairperson.

- (2) *(Repealed by section 43(c) of the Land and Titles Amendment Act 2025.)*

55. Reasons for decisions:

- (1) The Court must in every decision made in respect of a petition or an appeal give reasons for such decision.
- (2) For leave to appeal decisions, the reasons may be stated briefly and in general terms only.
- (3) *(Repealed by section 44(c) of the Land and Titles Amendment Act 2025.)*

56. Decisions final and not subject to appeal to other Courts:

- (1) Subject to the Constitution, a decision of:
- (a) the Land and Titles Court of Appeal is not subject to appeal in any Court;
 - (b) the Land and Titles High Court is not subject to appeal in any Court except the Land and Titles Court of Appeal; and
 - (c) the Land and Titles First Court is not subject to appeal in any Court except the Land and Titles High Court,
- and must not be reviewed or questioned in any other Court by way of appeal.
- (2) A decision of the Land and Titles Court of Appeal is final, pursuant to Article 104C (7) of the Constitution.
- (3) Every final decision of the Court on a petition is deemed to be judgment *in rem* and binds all Samoans who are affected by it, whether parties to the proceedings or not.

- 57.** *(Repealed by section 46 of the Land and Titles Amendment Act 2025.)*

*Division 5 - Orders of the Court***58. Orders as to costs:**

- (1) In any proceedings, the Court may make such order as it thinks just, as to the payment of the costs of the proceedings, or of any matter incidental or preliminary to the proceedings, by or to any person who is a party to the proceedings.
- (2) If the Court is of the opinion:
 - (a) that any proceeding is frivolous or vexatious; or
 - (b) that any petition, application or objection in respect of the proceedings is frivolous or vexatious, it may, if it thinks fit, irrespective of the result of the proceedings, allow any party to pay the whole or any part of his or her costs in defending or disputing the frivolous and vexatious proceedings.
- (3) In any proceeding and at any stage of the hearing, the Court may require any party to deposit any sum of money as security for costs, and in default of making the deposit the Court may stay the proceedings either wholly or in respect of the party in default.
- (4) The sum deposited is disposed of in such manner as the Court directs.

*Division 6 – Enforcement and Offences***59. Enforcement of Decisions and Orders of the Court:**

- (1) A decision or order of the Court shall be enforced in and by the Supreme Court or, as the case may be, by the District Court.
- (2) A sealed copy of the decision or order to be enforced under this section is to be filed in the Supreme Court, or the District Court.

60. Offence proceedings:

- (1) A person commits an offence and is liable upon conviction to a fine not exceeding 50 penalty units or to imprisonment term not exceeding 3 years who:
 - (a) disobeys any decision of the Court, or any order made under section 28 or 29;
 - (b) uses any abusive, insulting, offensive or threatening words or behaviour in the presence of the Court, or writes any such words to a member or officer of the Court;
 - (c) assaults, resists, obstructs, or incites any other person to assault, resist, or obstruct, any police officer, surveyor, or officer of the Court in serving any process of the Court or executing any decision of the Court;
 - (d) by any words or behaviour obstructs in any manner the proper and orderly administration of justice in the Court;
 - (e) fails to appear without lawful excuse on a summons or a date notified by the Court relating to the hearing of any proceedings before the Court;
 - (f) fails to appear without lawful excuse to appear on a date notified for any procedure of the Court;

- (g) being a party to a petition, fails to be present at the time and place appointed for a survey under section 11.
- (2) Proceedings for an offence under this section, section 6(3), section 25 and section 26, are to be commenced in the District Court.

61. Non-Prosecution of matter:

- (1) If a Petitioner does not pursue with due diligence his or her petition filed in the Land and Titles First Court any other party may apply to the President to dismiss the petition.
- (2) If the Petitioner does not appear at the time appointed for hearing of his or her petition, the Land and Titles First Court may dismiss the petition.
- (3) In respect of subsection (1) the President or the Court may order the Petitioner to pay costs to any party.
- (4) If an Appellant does not prosecute his or her appeal with due diligence filed in the Land and Titles High Court or Land and Titles Court of Appeal, any other party may apply to the President or Chairperson to dismiss the appeal.
- (5) If the Appellant does not appear at the time appointed for hearing his or her appeal, the Court may dismiss the appeal.
- (6) In respect of subsection (4), the President or the Chairperson or the Court may order the Appellant to pay costs to any party.

PART 5A
KOMISI O LE FAAMASINOGA O FANUA MA
SUAFA AND APPOINTMENT OF JUDGES FOR THE
LAND AND TITLES COURT

Division 1 – Komisi o le Faamasinoga o Fanua ma Suafa

61A. Functions of the Komisi o le Faamasinoga o Fanua ma Suafa (“Komisi”):

- (1) Pursuant to Article 104E(4) of the Constitution, the Komisi may advise the Head of State on the following:
 - (a) the appointment of a judge of the Land and Titles Court;
 - (b) the terms and conditions of the appointment of a judge;
 - (c) the suspension or the removal of a judge.
- (2) The Komisi may regulate its own procedure and may make rules and guidelines as it thinks fit for regulating and facilitating the performance of its functions under this Part.
- (3) Any rules and guidelines made pursuant to subsection (2) must be published.

Division 2 – Appointment of Judges for the Land and Titles Court

61B. Judges of the Land and Titles Court:

Pursuant to Article 104E(4) of the Constitution, the Head of State, acting on the advice of the Komisi, may appoint fit and proper persons qualified under this Division to be:

- (a) Deputy Presidents; or

- (b) Vice Presidents; or
- (c) Judges of the Land and Titles First Court.

61C. Qualifications of Deputy President:

A person may be appointed as a Deputy President if the person:

- (a) is a Samoan lawyer who has been practicing under the relevant Act for lawyers in Samoa, for a period of not less than 10 years; and
- (b) holds a matai title and has rendered matai services in their village for a period of not less than three (3) consecutive years immediately prior to the appointment; and
- (c) is considered by the Komisi to be qualified by reason of character, ability, standing and reputation; and
- (d) resides in Samoa for a period of not less than three (3) consecutive years; and
- (e) has adequate knowledge and experience of Samoan custom and usage; and
- (f) has not reached the age of 68 years.

61D. Qualifications of Vice Presidents:

- (1) A person may be appointed as a Vice President if the person:
 - (a) is or has been a judge of the Land and Titles First Court for at least three (3) years; and
 - (b) meets the qualifications for an appointment of a judge under section 61E.
- (2) For the purpose of subsection (1)(a), three (3) years of being a judge also includes the years a

person was a Samoan judge under the repealed Act.

- (3) A Deputy President appointed under the repealed Act is taken to be appointed as a Vice President under this section until his or her tenure of office ceases pursuant to section 61G(1).
- (4) *(Repealed by section 49(b) of the Land and Titles Amendment Act 2025.)*

61E. Qualifications of judges of the Land and Titles First Court:

- (1) A person may be appointed as a judge of the Land and Titles First Court if the person:
 - (a) is a Samoan citizen who has resided in Samoa for a period of not less than three (3) consecutive years immediately prior to the appointment; and
 - (b) holds a matai title and has rendered matai services in their village for a period of not less than three (3) consecutive years; and
 - (c) is considered by the Komisi to be qualified by reason of character, ability, standing and reputation; and
 - (d) has adequate knowledge and experience of Samoan custom and usage; and
 - (e) has a minimum qualification of a certificate in the field of Law, or a certificate in any other relevant training as determined by the Komisi; and
 - (f) has not reached the age of 68 years.
- (2) A Samoan judge appointed under the repealed Act is taken to be appointed as a judge of the Land and Titles First Court under this section

until his or her tenure of office ceases pursuant to section 61G(1).

61F. Immunity of judges:

A judge has the same immunity as a judge of the Supreme Court.

61G. Tenure of office:

- (1) A judge appointed under this Division holds office until:
 - (a) he or she reaches the age of 68 years, subject to subsection (2); or
 - (b) he or she resigns under subsection (5); or
 - (c) he or she is removed from office under section 61H(1).
- (2) The Head of State acting on the advice of the Komisi may extend for not more than 12 months, or for successive periods each of not more than 12 months, the period or periods of office of a judge who has reached the age of 68 years.
- (3) The Komisi may take into account the following factors in advising the Head of State under subsection (2):
 - (a) a medical certificate under the hand of a senior medical officer designated by the Chief Executive Officer of the Ministry; and
 - (b) a performance appraisal of a judge.
- (4) Nothing done by a judge appointed under this Division in the performance of his or her functions is taken to be invalid by reason only

that the judge has reached the age at which he or she is required by this section to retire or that his or her term of office has expired.

- (5) A judge may resign his or her office by giving written notice to the Head of State through the Komisi.

61H. Suspension and removal of a judge:

- (1) A judge appointed under this Division may only be removed by the Head of State, acting on the advice of the Komisi, on the following grounds:
 - (a) a stated misbehaviour which may include a criminal conviction; or
 - (b) infirmity of body or mind, rendering the judge incapable of discharging the functions of his or her office.
- (2) The Head of State, acting on the advice of the Komisi, may suspend a judge from office, where an investigation into alleged misbehaviour is pending, and may at any time, revoke the suspension.

61I Grounds for removal of the President under Article 104D(3) of the Constitution:

- (1) Pursuant to Article 104D(3) of the Constitution, the President may only be removed from office on the following grounds:
 - (a) a stated misbehaviour which may include a criminal conviction; or
 - (b) infirmity of body or mind rendering the President incapable of discharging the functions of his or her office.

- (2) Pursuant to Article 104D(3) of the Constitution, other grounds for the removal of the President includes:
 - (a) behaviour which brings, or is likely to bring, the office of the President or the Court into disrepute; or
 - (b) behaviour which may affect the confidence of the public in the Land and Titles Court.

61J. Salaries and benefits:

- (1) Pursuant to Article 104G of the Constitution, the President is entitled to be paid such salaries, allowances and other benefits as are fixed by the Head of State, acting on the advice of Cabinet, after consulting the Remuneration Tribunal.
- (2) A Deputy President, Vice President and a judge of the Land and Titles First Court are entitled to be paid such salaries, allowances and other benefits as are fixed by the Head of State, acting on the advice of Cabinet, after Cabinet has received the recommendations from the Komisi.
- (3) The salaries of Judges shall not be diminished during their period of office, unless as part of a general reduction of salaries applied proportionately to all persons whose salaries are determined by Act.

PART 6

RULES OF PROCEDURE OF THE COURTS

62. Rules for the procedures of the Courts:

- (1) The Head of State acting on the advice of the Komisi may make rules for the purpose of regulating the

practice and procedure of the Land and Titles Courts in all matters within their jurisdictions.

- (2) The rules of Court made under subsection (1) shall be referred to as the “Land and Titles Court Procedure Rules”.
- (3) The rules may make provision for:
 - (a) in the Land and Titles First Court-
 - (i) filing of petitions required under this Act;
 - (ii) notification process for petitions filed under this Act;
 - (iii) service of petitions and responses;
 - (b) in the Land and Titles High Court, proceedings for leave to appeal, and for appeal; and
 - (c) in the Land and Titles Court of Appeal, proceedings for leave to appeal, and for appeals.
- (4) The rules must also provide for:
 - (a) trial management, including that the Court must -
 - (i) allow a right of response or question by any party to an issue arising from matters raised before it; and
 - (ii) not consider any matter that is not part of any evidence presented before it;
 - (iii) follow precedent set in other matters already decided by it, if it is relevant; and

- (b) categories of relevant evidence permitted to be presented before the Court;
 - (c) the adjournment of proceedings; and
 - (d) mediation and preliminary conferences prior to a hearing; and
 - (e) the prevention or termination of frivolous or vexatious proceedings; and
 - (f) the summary disposal of proceedings; and
 - (g) how a person makes a submission to the Court; and
 - (h) dispute resolution processes and the procedure to be followed when any dispute resolution process ends; and
 - (i) consent orders where parties have reached agreement about a matter in dispute in the proceedings; and
 - (j) such other matters as the Court thinks appropriate.
- (5) In any matter of practice or procedure not provided for, or where the strict compliance with any rule of practice or procedure may be inequitable or inconvenient, the Court may act in each case in such manner as it considers most consistent with Samoan custom and usage and natural justice and convenience.

63. Regulations:

- (1) The Head of State may, acting on the advice of Cabinet, make regulations to give effect to or for the purposes of this Act, and in particular to prescribe fees and charges for the purposes of this Act.

- (2) The amount of any fee or charge prescribed in subsection (1):
 - (a) shall be proposed by the Ministry in consultation with the President of the Land and Titles Court; and
 - (b) is subject to the consideration and approval of the National Revenue Board under the Public Finance Management Act 2001.

64. Representation by a lawyer:

- (1) A party may not be represented by a lawyer or other advocate before the Land and Titles First Court or the Land and Titles Appeal Court.
- (2) Subsection (1) does not exclude a party who is a lawyer or other advocate from representing themselves.

PART 7

VILLAGE FONO ACT MATTERS

65. Appeals from the Village Fono:

The rules of procedure provide for the process of appeals which shall be instituted by filing a petition, from the Village Fono, under sections 6 and 11 of the Village Fono Act 1990.

PART 8

MISCELLANEOUS

66. Repeal:

The Land and Titles Act 1981 is repealed.

67. Savings and transitional provisions:

- (1) All Matai Titles entered onto and deleted by the Registrar under the repealed Act is treated as having been entered onto or deleted from the Register by the Registrar under this Act, at the commencement of this Act.
- (2) The provisions of the repealed Act are saved for the purpose of determination of a petition filed before the commencement of this Act, at the commencement of this Act.
- (3) All records, instruments, nominations, appointments, warrants, decisions, orders and generally all documents and acts of authority originating under the repealed Act, and which are subsisting at the commencement of this Act, shall ensure for the purposes of this Act as fully and effectually as if they had originated under the corresponding provisions of this Act and accordingly shall, where necessary, be deemed to have so originated.
- (4) The repeal of the Land and Titles Act 1981 does not affect any claim, title, right or interest created or vested under that Act, nor any instrument or document in support, and every such claim, title, right, interest, instrument or document shall continue in force and have effect as if this Act had not been passed or as if made or done under the corresponding provisions of this Act.
- (5) Employees employed under the repealed Act are taken to be employed under this Act, at the commencement of this Act.

- (6) An appointment under the repealed Act that is not provided for in this Act is revoked at the commencement of this Act.
- (7) The Appellate Division of the Land and Titles Court is the Land and Titles High Court at the commencement of this Act.
- (8) A judge that is taken to be appointed under sections 61D(3) and 61E(2), continues to be entitled to be paid with the same salaries and other benefits he or she received before the commencement of this Act until the Head of State fixes salaries, allowances and other benefits pursuant to section 61J.

67A. Transitional and validation provisions relating to the Land and Titles Amendment Act 2025:

- (1) In this section:
 - (a) “Amendment Act” means the Land and Titles Amendment Act 2025;
 - (b) “commencement date” means the date on which the Amendment Act comes into force; and
 - (c) “existing proceeding” has the meaning given in Article 125(1) of the Constitution.
- (2) The provisions of Article 125 of the Constitution apply and, to the extent of any inconsistency, prevail over this Act as amended by the Amendment Act.
- (3) Despite the amendments made by the Amendment Act, this Act as it was immediately before the commencement date continues to apply in respect of an existing proceeding in accordance with (and subject to the modifications specified in) Article 125 of the Constitution.

- (4) A person who, immediately before the commencement date, is Deputy President of the Land and Titles Court is, on and from the commencement date, the Deputy President of the Land and Titles Court, subject to section 61G.
- (5) A person who, immediately before the commencement date, is Vice President of the Land and Titles Court is, on and from the commencement date, the Vice President of the Land and Titles Court, subject to section 61G.
- (6) An act done, before the commencement date, by an Assistant Chief Executive Officer of the Ministry of Justice and Courts Administration that was done in that person's purported capacity as an Assistant Registrar is validated to the extent that if the act had been done by a Deputy Registrar, validly appointed under this Act as it was immediately before the commencement date, the act would have been lawful and valid.
- (7) Section 6 continues to apply to the records of the Land and Titles Court of Appeal and Review, despite the replace of that Court under Article 125 of the Constitution.
- (8) Subsection (10) applies to a decision of a Land and Titles Court that was made or purported to have been made before the commencement date, and that relates to a dispute that involves a fa'alupega.
- (9) Subsection (10) applies to a decision of a Land and Titles Court that was made or purported to have been made between 21 December 2022 and the commencement date, and that relates to a petition under section 23 that was filed more than 3 months

- after the first publication of a notice under section 22, but less than 4 months after that first publication.
- (10) A decision referred to in subsection (8) or (9) is validated to the extent that the decision, if it had been made under this Act as amended by the Amendment Act, would have been a valid decision.
 - (11) Section 22(b)(iv), as it was before being amended by the Amendment Act, continues to apply:
 - (a) in respect of any notice published under section 22 before the commencement date; and
 - (b) for the purposes of any petition filed under section 23 in relation to the notice referred to in paragraph (a).
 - (12) Despite the enactment in 2020 of section 57 of the Act (now repealed by the Amendment Act), any decision of the Supreme Court and the Court of Appeal issued and delivered prior to the commencement of the Constitution Amendment Act 2020 and the Land and Titles Act 2020 has the same binding effect as if section 57 had never been enacted.

68. Consequential amendments:

- (1) The Village Fono Act 1990 is amended:
 - (a) in section 5D -
 - (i) inserting the following as subsection (2):

“(2) The Register is open to search and inspection by the public.”; and
 - (ii) renumber subsection (1) accordingly;

- (b) substitute section 5E with the following:

“5E. Use of *faiga faavae* in Land and Titles Court:

The Land and Titles Court may refer to and consider a registered *faiga faavae* where it is relevant to a Land and Titles Court proceeding before it.”;

- (c) by repealing section 11(6).
 (d) in section:
- (i) 2 by omitting the definition of “registrar”; and
 - (ii) 3 by substituting “Registrar” with “Chief Executive Officer”.

REVISION NOTES 2022 - 2025

This is the official *re*-assented version of this Act as at 31 December 2025. The Act was *re*-assented on 14 October 2022, with the *commencement date* to be *remained* on **15 March 2021** except for sections 43 and 44. (Sections 43 and 44 were repealed by the Land and Titles Amendment Act 2025, having never commenced.)

This Act has been revised and consolidated by the Legislative Drafting Division in 2022 – 2025 respectively under the Authority of the Attorney General given under the *Revision and Publication of Laws Act 2008*.

The following general revisions have been made:

- Insertion of the *re*-assent and commencement dates.
- Changes to some terms to achieve uniformity of expression.

The following amendments were made to this Act since its enactment:

By the Land and Titles Amendment Act 2022 (commenced retrospectively on 15 March 2021):

Section 2 new definitions inserted for “Chairperson”, “judge” and “matai services”
Amendments were also made to the definitions of “Court”, “Deputy President”, “rules” and “Vice President”.

Section 12(1)(b) amendment is only made to the Samoan version of this Act by inserting “lē” after the word “ia”.

Section 43(2) reference to “and review” has been omitted.

Section 54(1)(a) reference to “Deputy President” substituted with “Vice President”.

New Part 5A new Part 5A inserted (*new sections 61A to 61J* inserted).

Section 67 new subsection (8) inserted.

By the Land and Titles Amendment Act 2025 (commenced on 7 April 2025):

Section 1 subsection (2) amended;
subsection (3) repealed.

Section 2 definition of “Court” substituted;
definitions of “Chairperson”, “judge”, “Land and Titles Court of Appeal and Review” and “officer” amended;
new definition of “decision” inserted;
subsection (2) repealed.

Section 4 subsections (1) and (3) amended
subsection (2) substituted.

Section 5 section 5 substituted.

Section 6 subsection (1) amended;
subsections (3) and (4) substituted.

Section 7 subsection (1) substituted.

Heading of Division 2 of Part 3 substituted.

Section 11 subsections (1) and (3) amended;
subsection (2) substituted.

- Section 12** subsection (2) repealed.
- Section 13** section 13 repealed.
- Section 14** subsections (1) and (3) amended.
- Section 15** section 15 substituted.
- Section 18** subsections (2) and 4 amended.
- Section 19** paragraphs (a) and (b) amended.
- Section 20** subsections (1) to (3) amended.
- Section 21** new section (1A) inserted.
- Section 22** paragraph (b) amended.
- Section 24** new subsection (1A) inserted;
subsection (2)(b) and (c) amended;
subsection (2)(d) and (e) repealed;
new subsection (2A) inserted;
subsections (3) and (4) substituted.
- Section 25** paragraph (b) amended.
- Section 26** Section 26 substituted.
- New Part 5 heading, “Proceedings”, inserted.
- Heading of Division 8 amended (now Division 1).
- Section 27** Section 27 repealed.
- Section 28** new subsection (1A) inserted.
- Heading of Division 9 amended (now Division 1A).
- Section 33** section 33 repealed.
- Heading of Part 5 repealed.
- Heading of Division 1 amended (now Division 1B).
- Section 35** subsections (2) and (3) amended.
- Section 36** subsections (1), (2) and (4) amended;

new subsections (1A) and (1B) inserted.

Section 37 subsection (1) amended.

Section 38 section 38 substituted.

Heading of Sub-Division A of Division 2 repealed.

Section 39 paragraphs (d) to (g) amended.

Section 40 subsection (3) amended.

Section 41 subsection (5) amended.

Section 42 subsection (1) amended.

Sub-Division B of Division 2 (comprising the heading of the sub-division and sections 43 and 44) repealed.

Heading of Sub-Division C of Division 2 substituted (now Division 2A).

Section 45 subsection (2) amended.

Heading of Division 3 amended.

Heading of Sub-Division A of Division 3 repealed.

Section 46 section 46 amended.

Section 47 subsection (1) amended.

Section 48 subsections (3) and (5) amended.

Section 49 subsection (1) amended.

Sub-Division B of Division 3 (comprising the heading of the sub-division and sections 50 and 51) repealed.

Section 52 section 52 amended.

Section 53 subsection (2) substituted.

Section 54 subsection (1) amended;
subsection (2) repealed.

Section 55 heading amended;
subsection (1) amended;
subsection (3) repealed.

- Section 56** section 56 substituted.
- Section 57** section 57 repealed.
- Section 60** subsection (1) amended.
- Section 61** subsection (4) amended.
- Section 61D** subsection (1) amended;
subsection (4) repealed.
- Section 62** subsections (1) and (4) amended;
subsection (3) substituted.
- Section 64** Section 64 substituted.
- Section 67A** New section 67A inserted.

Mauga Precious Chang
Attorney General of Samoa

*The Land and Titles Act 2020 is administered
by the Ministry of Justice and Courts Administration.*