

CRIMINAL PROCEDURE AMENDMENT

WESTERN SAMOA

Arrangement of Provisions

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1992/1993, No.28

AN ACT to amend the Criminal Procedure Act 1972.

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 Criminal

Procedure Amendment Act 1992/1993 and shall be read together with and deemed part of the Criminal Procedure Act 1972 (hereinafter referred to as the principal Act).

2. **Interpretation** - Section 2 of the principal Act is amended by inserting immediately before the definition of "Rules Committee" the following new definition:-

"Rules" means rules made under, or applying pursuant to, section 176 of this Act."

3. **Defendant's general right of appeal to Supreme Court** - Subsection (1) of section 138 is amended by omitting the words "on any order" and substituting the words "or any order"

4. **Right of prosecution to appeal to Supreme Court** - The principal Act is amended by inserting immediately after section 138 the following new section:-

"138A. **Right of prosecution to appeal to Supreme Court-** (1) Where on the trial of a person on any charge that person is acquitted of that charge the Attorney-General may on behalf of the prosecution appeal to the Supreme Court against that acquittal.

(2) The Attorney-General on behalf of the prosecution may appeal to the Supreme Court against the sentence passed on any person, unless the sentence is one fixed by law.

(3) No appeal under subsection (1) of this section against a sentence of imprisonment that is unheard before the date on which the person convicted has completed

serving that sentence shall lapse, and if the Supreme upholds the appeal and imposes an increased sentence the convicted person shall be recalled to serve the additional period of imprisonment so imposed."

5. Notice of appeal - (1) Subsection (1) of section 139 of the principal Act is repealed and the following is substituted:-

"(1) Where a convicted person desires to appeal to the Supreme Court against conviction or sentence, or the Attorney-General desires to appeal against the sentence passed on the conviction of any person, or to appeal against an acquittal, the appellant shall give notice of appeal by filing in the office of the Court whose decision is appealed against within 14 days after the date of sentence, or as the case may be, the date of acquittal a notice in writing of the appeal and of the grounds thereof. The notice shall be filed in quadruplicate and shall be in the prescribed form (if any)."

(2) Section 139 of the principal Act is further amended by adding the following subsection :-

"(3) The time within which notice of appeal may be given may be extended at any time by the Supreme Court where the Court is satisfied that there were reasonable grounds for the delay and that in the interests of justice such extension ought to be granted."

6. Transmission of documents to Supreme Court -
Paragraph (c) of section 140 of the principal Act is amended

by omitting the words "any entry " and substituting the words "the entry (if any)".

7. Supreme Court to hear and determine appeal - (1)
Section 144 of the principal Act is amended by inserting immediately after subsection (2) the following two new subsections :-

"(2A) In the case of an appeal against an acquittal the Supreme Court may :-

- (a) Dismiss the appeal; or
- (b) Uphold the appeal and direct a new trial; or
- (c) Uphold the appeal and convict the respondent on the charge in respect of which the appeal is made; or
- (d) Where it is satisfied that the acquittal should not be set aside but that the respondent ought to have been convicted of some other offence and that the District Court had jurisdiction to convict the respondent of that other offence, instead of dismissing the appeal, convict the appellant of that other offence.

(2B) Where the Supreme Court convicts a respondent pursuant to subsection (2A) of this section it may -

- (a) Refer the matter back to the District Court instance for sentence; or
- (b) Itself sentence the respondent."

(2) Subsection (7) of section 144 of the principal Act is

repealed.

8. Insertion of new Part - The principal Act is further amended by inserting immediately after section 164 the following new Part :-

" PART VIIA

CRIMINAL APPEALS FROM SUPREME COURT

164A. Interpretation - In this Part of this Act, unless the context otherwise requires, -

"Appellant" includes a person who has been convicted and desires to appeal under this Part of this Act:

"Court of Appeal" means the Court of Appeal of Western Samoa:

"Court of Appeal Rules" means rules relating to the practice and procedure of the Court of Appeal made under this Act and has the extended meaning required by subsection (4) of section 176 of this Act;

"Judge" means a Judge of the Supreme Court of Western Samoa:

"Sentence" includes any order of the Supreme Court made on conviction, and includes a discharge without conviction pursuant to section 104 of this

Act; and the power of the Court of Appeal to pass a sentence includes a power to make any such order or to direct a discharge under section 104 of this Act.

164B. Right of appeal on certain matters arising before trial - (1) At any time before the trial, either the prosecutor or the accused person, with the leave of the Court of Appeal, may appeal to that Court against the making of an order or the refusal to make an order as to any of the following matters:-

- (a) The severance or joinder of charges;
- (b) Directing separate trials of persons jointly charged;
- (c) The admissibility or inadmissibility of evidence;
- (d) The amendment of charges;
- (e) The quashing or amendment of an information on the grounds that the information does not state in substance a crime or offence;

(2) At any time before the trial, the accused person, with the leave of the Court of Appeal, may appeal to that Court against a refusal to make an order for further particulars of any matter which is the subject of an information.

(3) On any appeal under this section, the Court of

Appeal may confirm the decision of the Supreme Court or Judge or vary it, or set it aside and make such other order as the Court of Appeal thinks ought to have been made in the first place.

(4) Where a person desires to obtain the leave of the Court of Appeal to appeal to that Court under this section, that person shall give notice of his or her application for leave to appeal, in such manner as may be directed by the Court of Appeal Rules, within 14 days after the decision of the Supreme Court or Judge is given, irrespective of whether reasons for the decision are given at a later date and irrespective of whether any formal steps to sign, enter, or otherwise perfect the decision are necessary or are afterwards taken.

(5) The time within which notice of an application for leave to appeal under this section may be given may be extended at any time by the Court of Appeal.

(6) Notwithstanding that an application for leave to appeal under subsection (1) of this section has been made, the Supreme Court may, if it is satisfied that it is in the interests of justice to do so, proceed with the trial without awaiting the determination of the application.

164C. Granting of bail to appellant, and custody pending appeal - (1) The Court of Appeal or the Judge who presided at the trial in the Court below may, if the

Court or the Judge thinks fit, on the application of an appellant and on such terms and subject to such conditions as the Court or Judge thinks fit, grant bail to the appellant pending the determination of the appeal, if the appellant is in custody only under the conviction to which the appeal relates.

(2) The time during which an appellant is released on bail pending the determination of the appeal shall not count as part of any term of detention under his or her sentence, whether it is the sentence passed by the Court from which the appeal is brought or the sentence passed or varied by the Court of Appeal.

(3) Where a case is stated under this Part of this Act, this section shall apply to any person in relation to whose conviction the case is stated as it applies to an appellant.

164D. Appeal from decision of Judge relating to bail- (1) Subject to subsection (4) of this section, this section applies to any decision made by any Judge whereby -

- (a) Any person is granted or refused bail; or
- (b) Any condition of bail is imposed or substituted or revoked or varied; or
- (c) The imposition of any condition of bail, or any particular condition of bail, is refused; or
- (d) The variation or revocation of any condition

of bail is refused.

(2) Either the prosecutor or the person to whom the decision relates may appeal to the Court of Appeal against any decision to which this section applies.

(3) For the purposes of this section, the failure of a Judge to impose any condition of bail, or any particular condition of bail, on any occasion on which any such condition could lawfully have been imposed shall be deemed to be a refusal to impose such a condition.

(4) Nothing in this section applies in respect of any decision made by a Judge if that decision was made on appeal from any decision of a District Court Judge or a Fa'amasino Fesoasoani.

164E. Procedural provisions relating to appeal on question of bail - (1) Every person wishing to appeal under section 164D of this Act shall file notice of that person's intention to appeal with the Registrar of the Court of Appeal within 14 days after the date of the decision to be appealed against.

(2) Every appeal under section 164D of this Act that is not heard before the date on which the decision appealed against ceases to be of any effect shall lapse on that date, and shall be deemed to have been dismissed by the Court of Appeal for non-prosecution.

(3) No decision of a Judge appealed against under

section 164D of this Act shall be suspended only by reason of the fact that notice of that appeal has been given.

(4) On any appeal under section 164D of this Act the Court of Appeal may confirm the decision appealed against, or vary it, or set it aside and make such other order as the Court of Appeal thinks ought to have been made in the first place.

164F. Execution of decision of Court of Appeal - (1)

Where, on any appeal under section 164E of this Act against a refusal to grant bail to any person, the Court of Appeal determines that bail shall be granted, the Court of Appeal shall order that the person be released on bail, subject to such conditions as the Court of Appeal thinks fit.

(2) Where, on an appeal under section 164E of this Act in respect of any condition of bail, the Court of Appeal cancels or amends a condition of bail or substitutes or imposes any other condition, the Registrar of the Court whose decision was appealed against shall send written notice to the person bailed and to every surety (if any) requiring them to attend at a specified time and place for the execution of a fresh bail bond containing the conditions (if any) required to give effect to the Court of Appeal's decision.

(3) If, in any case to which subsection (2) of this

section applies, the person bailed fails without reasonable excuse to attend at the time and place required, or fails to enter into a fresh bail bond as aforesaid, the Registrar shall refer the matter to a Judge, who may issue a warrant for the arrest of the person bailed.

(4) If, on an appeal under section 164E of this Act against a grant of bail, the Court of Appeal determines that bail shall not be granted or, as the case may be, should not be continued, a warrant for the detention in custody of the person to whom the determination relates shall be issued out of the Court of Appeal and signed by a Judge; and the person who executes that warrant shall ensure that a copy of the notice of the result of the appeal is given to the person arrested when the warrant is executed or as soon as practicable after the warrant is executed.

(5) Any person to whom subsection (4) of this section applies and who is not in custody may be arrested without warrant by any constable or any officer of a penal institution.

164G. Reserving question of law - (1) The Court before which any accused person is tried may, before, during or after the trial, reserve for the opinion of the Court of Appeal, in accordance with the succeeding provisions of this section, any question of law arising

either on the trial or on any of the proceedings preliminary, subsequent, or incidental to the trial.

(2) If the decision of the question may in the opinion of the Supreme Court depend on any questions of fact, the Judge may when he is sitting with Assessors, ask the Assessors questions as to the facts separately, and the Court shall make a note of those questions and the findings on those questions.

(3) Either the prosecutor or the accused may during the trial apply to the Court to reserve any such question, and the Court, if it refuses to reserve it, shall nevertheless take a note of the application, unless it considers the application to be frivolous.

(4) If the result of the trial is acquittal, the accused shall be discharged, subject to being again arrested if the Court of Appeal orders a new trial.

(5) If the result of the trial is conviction, the Supreme Court may respite the execution of the sentence, and shall where the sentence is death respite the sentence, until the question reserved has been decided; and the Court shall either commit the offender to prison, or grant the offender bail on such terms and subject to such conditions as the Court thinks fit.

(6) If the question is reserved, a case shall be stated for the opinion of the Court of Appeal, to be approved and signed by the Judge who presided at the

trial, or if that Judge is unable to perform his duties or is absent from Western Samoa, by another Judge.

(7) Where the question is reserved on application, the case shall be stated by the party who applied for the question to be reserved, and where the question is reserved by the Judge on his own motion the case shall be stated by that Judge.

164H. Appeal on question of law question not reserved - (1) If the Supreme Court refuses to reserve a question, the party applying may move the Court of Appeal for leave to appeal against that refusal.

(2) The Court of Appeal may upon the motion, and upon considering such evidence, if any, as it thinks fit to require, grant or refuse such leave.

(3) If leave to appeal is granted, a case shall be stated for the opinion of the Court of Appeal as if the question had been reserved.

164J. Powers of Court of Appeal where appeal is on question of law - (1) The Court of Appeal may of its own motion restate any case.

(2) Upon the hearing of any appeal under the preceding provisions of this Part of this Act, other than section 164B, the Court of Appeal may -

(a) Confirm the ruling appealed from; or

(b) If it is of the opinion that the ruling was erroneous, and that there has been a mistrial

in consequence, direct a new trial; or

(c) If it considers the sentence erroneous pass such a sentence as ought to have been passed, or set aside any sentence passed by the Court below, and remit the case to the Court below with a direction to pass the proper sentence; or

(d) If it is of the opinion, where the accused has been convicted, that the ruling was erroneous, and that the accused ought to have been acquitted, order that the conviction be set aside, which order shall be deemed to be an acquittal; or

(e) Make such other order as justice requires.

(3) No conviction or acquittal shall be set aside, nor any new trial directed, even though it appears that some evidence was improperly admitted or rejected, or that something not according to law was done at the trial, or some misdirection given, unless, in the opinion of the Court of Appeal, some substantial wrong or miscarriage of justice was thereby occasioned on the trial.

(4) If it appears to the Court of Appeal that such wrong or miscarriage of justice did not affect all of the charges, the Court of Appeal may give separate directions as to each charge, and may pass sentence on

any charge that stands good and unaffected by such wrong or miscarriage of justice, or remit the case to the Court below with a direction to pass such sentence as justice requires.

(5) The order or direction of the Court of Appeal shall be certified under the hand of the presiding Judge to the Registrar of the Court before which the case was tried, and such order or direction shall be carried into effect.

164K. Right of appeal against conviction or sentence

- (1) Any person convicted in the Supreme Court except on appeal from a decision of the District Court may appeal to the Court of Appeal -

(a) Against conviction; and

(b) Against the sentence passed, unless the sentence is one fixed by law.

(2) Any person convicted or sentenced in the Supreme Court on appeal from the District Court may with leave of the Court of Appeal, appeal to the Court of Appeal -

(a) Against conviction; and

(b) Against the sentence passed, unless the sentence is one fixed by law.

164L. Right of Attorney-General to appeal against sentence or acquittal-

(1) The Attorney-General may appeal to the

Court of Appeal against the sentence passed on any person, unless the sentence is one fixed by law.

(2) No appeal under subsection (1) of this section against a sentence of imprisonment that is unheard before the date on which the person convicted has completed serving that sentence shall lapse, and if the Court of Appeal upholds the appeal and imposes an increased sentence the convicted person shall be recalled to serve the additional period of imprisonment so imposed.

(3) Where on the trial of a person on any charge before a Judge alone that person is acquitted of that charge the Attorney-General may appeal to the Court of Appeal against that acquittal.

(4) Where on the trial of a person on any charge before a Judge sitting with Assessors that person is acquitted of that charge, the Attorney-General, on the grounds that an error of law has occurred, appeal to the Court of Appeal against that acquittal.

(5) Upon the hearing of an appeal under subsection (3) or subsection (4) of this section the Court of Appeal may:

(a) Dismiss the appeal; or

(b) Uphold the appeal and direct a new trial.

164M. Right of appeal against sentence or conviction for contempt of Court - Where any person is found guilty

in the Supreme Court of a criminal contempt of that Court or of any other Court, that person may appeal to the Court of Appeal against the finding, or against any sentence imposed in respect of the contempt, or against both the finding and the sentence; and the provisions of this Part of this Act shall apply accordingly as if the finding were a conviction.

164N. Determination of appeals in ordinary cases -

(1) On any appeal against conviction, the Court of Appeal shall allow the appeal if it is of the opinion -

- (a) That the verdict of the Assessors should be set aside on the ground that it is unreasonable or cannot be supported having regard to the evidence; or
- (b) That the judgment of the Court before which the appellant was convicted should be set aside on the ground of a wrong decision of any question of law; or
- (c) That on any ground there was a miscarriage of justice; or
- (d) That the trial was a nullity.

(2) In any other case, the Court of Appeal shall dismiss the appeal.

(3) The Court of Appeal may, even though it is of the opinion that the point raised in the appeal might be decided in favour of the appellant, dismiss the appeal if

it considers that no substantial miscarriage of justice has actually occurred.

(4) Subject to the special provisions of this Part of this Act, the Court of Appeal shall, if it allows an appeal against conviction, quash the conviction, and direct an verdict of acquittal to be entered, or direct a new trial, or make such other order as justice requires.

(5) On any appeal against sentence, the Court of Appeal, if it thinks that a different sentence should have been passed, shall either quash the sentence passed and pass such other sentence warranted in law (whether more or less severe) in substitution for the original sentence, or vary the sentence or any part of it or any condition imposed in it; and in any other case the Court shall dismiss the appeal.

164O. Powers of Court of Appeal in special cases -

(1) If on any appeal under section 164J of this Act it appears to the Court of Appeal that an appellant, though not properly convicted on some charge, has been properly convicted on some other charge, the Court may either affirm the sentence passed on the appellant or pass such sentence in substitution for the original sentence as it thinks proper and as may be warranted in law by the verdict on the charge on which the Court considers that the appellant has been properly convicted.

(2) Where an appellant has been convicted of an

offence and the Judge or the Assessors could, on the charge or charges, have found the appellant guilty of some other offence, and on the finding of the Judge or Assessors it appears to the Court of Appeal that the Judge or Assessors must have been satisfied on facts that proved the appellant guilty of that other offence, the Court of Appeal may, instead of allowing or dismissing the appeal, substitute for the verdict found by the Judge or Assessors a verdict of guilty of that other offence, and pass such sentence in substitution for the sentence passed as may be warranted in law for that other offence.

(3) If on any such appeal it appears to the Court of Appeal that the appellant was insane at the time of the commission of the offence and should have been acquitted on account of his or her insanity, the Court may quash the conviction; and thereupon sections 11, 12, 13, 14 and 15 of the Mental Health Ordinance shall apply, so far as they are applicable, as if the appellant had been so acquitted and as if references in any of those sections to the Court or a Judge were references to the Court of Appeal.

164P. Revesting and restitution of property on conviction - (1) The operation of any order for the restitution of any property to any person made on a conviction, and the operation, in case of any such conviction, of the provisions of section 24(1) of the Sale

of Goods Act 1975 as to the re-vesting of the property in stolen goods on conviction, shall (unless the Court before which the conviction takes place directs to the contrary in any case in which, in its opinion, the title to the property is not in dispute) be suspended -

(a) In any case, until the expiry of 14 days after the date of the conviction; and

(b) In cases where notice of appeal or leave to appeal is given within 14 days after the date of conviction, until the determination of the appeal;-

and in cases where the operation of any such order or the operation of those provisions is suspended until the determination of the appeal, the order or those provisions, as the case may be, shall not take effect as to the property in question if the conviction is quashed on appeal.

(2) Provision may be made by Rules for securing the safe custody of any property, pending the suspension of the operation of any such order or of those provisions.

(3) The Court of Appeal may, by order, annul or vary any order made on a trial for the restitution of any property to any person, even though the conviction is not quashed; and the order, if annulled, shall not take effect, and, if varied, shall take effect as so varied.

164Q. Time for appealing - (1) Where a convicted

person desires to appeal to the Court of Appeal against conviction or sentence, or to obtain the leave of that Court to so appeal, or where the Attorney-General desires to appeal against the sentence passed on the conviction of any person, or to appeal against an acquittal, the appellant or Attorney-General shall give notice of appeal or notice of application for leave to appeal in such manner as may be directed by the Court of Appeal Rules within 14 days after the date of sentence, or as the case may be, the date of acquittal.

(2) The Court of Appeal Rules shall enable any person to present his or her case and his or her argument in writing instead of by oral argument if that person so desires; and any case or argument so presented shall be considered by the Court.

(3) The time within which notice of appeal or notice of application for leave to appeal may be given may be extended at any time by the Court of Appeal.

164R. Supplemental powers of Court of Appeal - (1)

For the purposes of any appeal or application for leave to appeal against conviction or sentence, the Court of Appeal may, if it thinks it necessary or expedient in the interests of justice, do all or any of the following things:

- (a) Order the production of any document, exhibit, or other thing connected with the proceedings the production of which appears to the Court to

be necessary for the determination of the case:

- (b) Order any witnesses who would have been compellable witnesses at the trial to attend and be examined before the Court, whether they were or were not called at the trial, or order the examination of any such witnesses to be conducted in the manner prescribed by the Court of Appeal Rules before any Judge of the Court or before any officer of the Court, Judge or other person appointed by the Court of Appeal for the purpose, and allow the admission of any depositions so taken as evidence before the Court:
- (c) Receive the evidence, if tendered, of any witness (including the appellant) who is a competent but not compellable witness:
- (d) Where any question arising on the appeal involves prolonged examination of documents or accounts, or any scientific or local investigation, which cannot in the opinion of the Court conveniently be conducted before the Court, order the reference of the question in manner prescribed by the Court of Appeal Rules made under this Act for inquiry and report to a special commissioner appointed by the Court, and act upon the report of any such

commissioner so far as the Court thinks fit to adopt it:

- (e) Appoint any person with special expert knowledge to act as adviser to the Court in any case where it appears to the Court that such special knowledge is required for the proper determination of the case.

(2) In any such proceedings, the Court of Appeal may exercise in relation to the proceedings any other powers that may for the time being be exercised by the Court of Appeal on appeals in civil matters, and issue any warrants necessary for enforcing the orders or sentences of the Court.

(3) In no case shall any sentence be increased by reason of or in consideration of any evidence that was not given at the trial.

164S. Duties of Registrar with respect to notices of appeal, etc. - (1) The Registrar of the Court of Appeal shall take all necessary steps for obtaining a hearing of any appeal or application for leave to appeal of which notice is given to him, and shall obtain and lay before the Court of Appeal in proper form all documents, exhibits, and other things connected with the proceedings in the Court whose decision is appealed against, which appear necessary for the proper determination of the appeal or application.

(2) Any documents, exhibits, or other things connected with the proceedings on the trial of any person who, if convicted, is entitled or may be authorised to appeal against conviction or sentence shall be kept in the custody either in the custody of the Supreme Court or the Court of Appeal, in accordance with Rules made for the purpose, for such time as may be provided by those Rules, and subject to such power as may be given by those Rules for the conditional release of any such documents, exhibits, or things from that custody.

(3) The Registrar shall furnish the necessary forms and instructions in relation to notices of appeal or notices of application to any person who demands them, and to officers of the Court, Superintendents of Prisons, and such other officers or persons as the Registrar thinks fit; and the Superintendent of Prisons shall cause those forms and instructions to be placed at the disposal of prisoners desiring to appeal or to make any application under this Part of this Act, and shall cause any such notice given by a prisoner in that institution to be forwarded on behalf of the prisoner to the Registrar.

(5) The Registrar shall report to the Court of Appeal or a Judge of that Court any case in which it appears to the Registrar that, although no application has been made for the purpose, legal aid ought to be granted to an appellant.

164T. Evidence for Court of Appeal - (1) On any appeal or application for leave to appeal under this Act, the Court before which the appellant was convicted shall, if it thinks necessary or if the Court of Appeal so desires, send to the Court of Appeal in addition to any documents referred to in Section 164T of this Act or in any Rules, a copy of the whole or of such part as is material of any notes taken by the Judge presiding at the trial.

(2) The Court of Appeal may, if it considers the notes defective, refer to such other evidence of what took place at the trial as it thinks fit.

164U. Right of appellant to be represented - (1) On the hearing of an appeal or on any proceedings preliminary or incidental to an appeal, the appellant, shall be entitled to be represented by counsel; but if the appellant is in custody, he or she shall not be entitled to be present, except where the Court of Appeal Rules provide that the appellant shall have the right to be present, or where the Court of Appeal gives the appellant leave to be present.

(2) The power of the Court of Appeal to pass any sentence under this Act may be exercised even though the appellant is for any reason not present.

164V. Power to forbid report of proceedings. etc. -
The Court of Appeal shall have the same powers as the

Supreme Court has under section 61 of this Act, and the provisions of that section, so far as they are applicable and with the necessary modifications, shall apply to proceedings before the Court of Appeal.

9. **Rules of Court** - (1) Subsection (1) of section 176 of the principal Act is amended by inserting after the words "Supreme Court", the words "and the Court of Appeal"

(2) Section 176 of the principal Act is further amended by adding the following new subsection:-

"(4) Parts I, II and IV of the Court of Appeal Rules 1961, and the Schedules to those Rules shall apply to Part VIIA of this Act as if they were Rules made under this Act."

TEUTEUGA O LE TULAFONO O TAUALUMAGA
TAU SOLITULAFONO

SAMOA I SISIFO

Faatulagaina o Aiaiga

Igoa

1. Igoa Puupuu.
2. Faamatalaina o uiga o Upu.
3. Aia tatau a Le ua Tete e talosaga ai i le Faamasinoga Sili.
4. Aia a le itu o lo o aumaia ni moliaga tau solitulafono e talosaga ai i le Faamasinoga Sili.
5. Faasilasilaga o talosaga.
6. Tuuina atu o pepa aloaia i le Faamasinoga Sili.
7. Faamasinoga Sili ina ia fofogaina ma iloiloina talosaga.
8. Faaofiina o le vaega fou.

VAEGA VIIIA

Talosaga Tau Solitulafono Mai
le Faamasinoga Sili

- 164A Faamatalaina o uiga o Upu.
- 164B Aia e talosaga ai i nisi o mataupu e tulai mai a o le i faia le faamasinoga.
- 164C Faatagaina o se faamaoniga e tatala ai i tua le ua talosaga, ma le puipuiga malu o sea tagata a o faatali le taimi o le talosaga.
- 164D Talosaga mai le faaiuga a le Faamasino faasino i se faamaoniga e tatala ai i tua mai le puipuiga malu a leoleo.
- 164E Aiaiga e tusa ai ma taualumaga faasino i talosaga i le tulaga o se faamaoniga e tatala ai i tua mai le puipuiga malu a leoleo.

- 164F Faatinoina o faaiuga a le Faamasinoga o Talosaga.
- 164G Taofia o fesili faale-tulafono
- 164H Talosaga i luga o se fesili faale-tulafono pe a fai e le o taofia sea fesiti.
- 164J Pule a le Faamasinoga o Talosaga pe a fai o le talosaga ua faia i luga o se fesili faale-tulafono.
- 164K Aia e talosaga ai faasaga i se moliaga po o se faasalaga.
- 164L Aia a le Loia Sili e talosaga ai faasaga i se faasalaga po o se faamagaloga.
- 164M Aia e talosaga ai faasaga i se faasalaga po o se moliaga mo le le usitaia ma le le amanaia o faatonuga a le Faamasinoga.
- 164N Iloiloina o talosaga i mataupu masani.
- 164O Pule a le Faamasinoga o Talosaga i mataupu faapitoa.
- 164P Toe umia ma le toe mauaina o se meatotino i luga o se moliaga.
- 164Q Taimi mo talosaga.
- 164R Pule faaopoopo a le Faamasinoga o Talosaga.
- 164S Tiute a le Resitara e tusa ai ma faasilasilaga o talosaga ma isi tulaga.
- 164T Molimau mo le Faamasinoga o Talosaga.
- 164U Aia a Le ua Talosaga ina ia auai po o le faia o sona sui.
- 164V Pule e faasa ai lipoti o taualumaga ma isi tulaga.
9. Tulafono o le Faamasinoga.

1992/1993, Nu. 28

O SETULAFONO e teuteu ai le Tulafono o Tualumaga tau
Solitulafono 1972

UA FAIA e le Fono Aoao Faitulafono o Samoa i Sisifo i totonu

o le Palemene ua potopoto e faapea:-

1. Igoa Puupuu- E mafai ona taua lenei Tulafono o Teuteuga o le Tulafono o Taulumaga tau Solitulafono 1992/1993 ma e tatau ona faitauina faatasi ma avea ai o se vaega o le Tulafono o Taulumaga tau Solitulafono 1972 (e pei ona faasinomia mulimuli ane iinei o le Tulafono autu).

2. Faamatalaina o uiga o Upu- Fuaiupu 2 o le Tulafono autu ua teuteuina i le faaofiina i ai i luma mai o le faamatalaga o "Komiti o Tulafono" faamatalaga fou e faapea:-

"Tulafono" o lona uiga o tulafono ua faia i lalo, po o le faaogaina e tusa ai ma le, fuaiupu 176 o lenei Tulafono".

3. Aia tatau a Le ua Tetee e talosaga ai i le Faamasinoga Sili- Faafuaiupu (1) o le fuaiupu 138 ua teuteuina i le aveeseina o upu "i luga o so o se poloaiga" ma suia i upu "po o so so o se poloaiga".

4. Aia a le itu o lo o aumaia ni moliaga tau solitulafono e talosaga ai i le Faamasinoga Sili- O le Tulafono autu ua teuteuina i le faaofiina i ai ina ua tuanai le fuaiupu 138 le fuaiupu fou e faapea:-

"138A. Aia a le itu o lo o aumaia ni moliaga tau solitulafono e talosaga ai i le Faamasinoga Sili-(1) A fai o se faamasinoga o se tagata i luga o so o se moliaga e faapea o lena tagata ua faamagaloina mai lena moliaga e mafai e le Loia Sili e avea ai ma sui o le faamasinoga ona talosaga i le Faamasinoga Sili faasaga i lena faamagaloga.

(2) E mafai e le Loia Sili e avea ai ma sui o le faamasinoga

ona talosaga i le Faamasinoga Sili faasaga i le faasalaga ua pasia i so o se tagata, ae vagana ai o lea faasalaga o se faasalaga ua faatulagaina i luga o le tulafono.

(3) E leai se talosaga i lalo o le faafuaiupu (1) o lenei fuaiupu faasaga i se faasalaga i le nofo falepuipui e faapea e le i fofogaina i luma o le aso na uma ai ona tuli le faasalaga a le na molia o le a tatau ona faaleaogaina, ma a fai ua taofia e le Faamasinoga Sili le talosaga ma faaeeina i ai se isi faasalaga faaopoopo i le tagata ua molia e tatau ona toe valaauina lena tagata e toe tuli le vaitaimi faaopoopo o lona nofo falepuipui e pei ona faaeeina atu i ai".

5. Faasilasilaga o talosaga-(1) Faafuaiupu (1) o le fuaiupu 139 o le Tulafono autu ua soloia ma ua suia e faapea:-

"(1) A fai o se tagata ua molia ua manao e talosaga i le Faamasinoga Sili faasaga i le moliaga po o le faasalaga, po o ua manao le Loia Sili e talosaga faasaga i le faasalaga ua pasia i luga o le moliaga o so o se tagata, po o e talosaga faasaga i se faamagaloga, e tatau i le e talosaga ona tuuina atu se faasilasilaga o le talosaga i le failaina lea i le ofisa o le Faamasinoga o lana faaiuga e tatau ona talosagaina i totonu o le 14 aso ina ua tuanai le aso o le faasalaga, po o fea lava o ia mea, le aso o le faamagaloga se faasilasilaga tusia o le talosaga ma mafuaaga o lea talosaga. O le faasilasilaga e tatau ona failaina i ni kopi tai fa ma e tatau ona faia i pepa faatonuina

(pe a fai e i ai)."

(2) Fuaiupu 139 o le Tulafono autu ua toe teuteuina i le faaopoopoina i ai o le faafuaiupu e faapea :-

"(3) O le taimi e mafai ai ona tuuina atu se faasilasilaga o le talosaga e mafai ona faaopoopoina i so o se taimi e le Faamasinoga Sili pe a fai ua faamalieina le Faamasinoga e faapea o lo o i ai ni mafuaaga talafeagai mo le faatuai ma e faapea i le manaoga o le faamasino o sea faaopoopoga e tatau ona faataga-ina."

6. Tuuina atu o pepa aloaia i le Faamasinoga Sili- Parakala-fa (c) o le fuaiupu 140 o le Tulafono autu ua teuteuina i le ave-eseina o upu "so o se mea e tuuina i totonu" ma sua i upu "le tuuina i totonu (pe a fai e i ai)".

7. Faamasinoga Sili ina ia fofogaina ma iloiloina talosaga-

(1) Fuaiupu 144 o le tulafono autu ua teuteuina i le faaofiina i ai ina ua tuanai le faafuaiupu (2) faafuaiupu fou e lua e faapea:-

"(2A) I le tulaga e tusa ai ma se talosaga faasaga i se faamagaloga e mafai e le Faamasioga Sili ona :-

(a) Faaleaogaina le talosaga. po o

(b) Talia le talosaga ma faatonuina se faamasinoga fou;

po o

(c) Taliaina le talosaga ma faamaonia le solitulafono a le

itu tetee e tusa ai ma tulaga o lo o faia ai le

talosaga; po o

(d) Pe a fai ua faamalieina o ia e faapea o le faamagaloga e le tatau ona faataatia ese peitai sa tatau ona faamaonia se solitulafono a le itu tetee ma e faapea o le Faamasinoga faa-Itumalo ua i ai aia ma pule faale-tulafono e faamaonia ai le solitulafono a le itu tetee i lena solitulafono, na i lo le faaleaogaina o le talosaga, faamaonia o le solitulafono a le itu tetee i lena solitulafono.

(2B) Pe a fai ua faamaonia e le Faamasinoga Sili le solitulafono a se itu tetee e tusa ai ma le

faafuaiupu (2A) o lena fuaiupu, e mafai ona ia -

(a) Toe faafoi atu le mataupu i le Faamasinoga faa-Itumalo i se taimi vave mo se faasalaga; po o

(b) Faia e ia lava se faasalaga i le itu tetee."

(2) Faafuaiupu (7) o le fuaiupu 144 o le Tulafono autu ua soloia.

8. Faaofiina o le Vaega fou - O le Tulafono autu ua toe teu-teuina i le faaofiina i ai ina ua tuanai le fuaiupu 164 le Vaega fou e faapea:-

VAEGA VIIA

Talosaga Tau Solitulafono mai le Faamasinoga Sili

164A. Faamatalaina o uiga o Upu- I totonu o lena Vaega o lena Tulafono, ae vagana ai ua manaomia e le mataupu se isi uiga e ese mai ai, -

"Le ua Talosaga" e aofia ai se tagata o ia lea ua faamaonia le solitulafono ma ua manao e talosaga i lalo o

lenei Vaega o lenei Tulafono:

"Faamasinoga o Talosaga" o lona uiga o le Faamasinoga o Talosaga a Samoa i Sisifo;

"Tulafono o Faamasinoga o Talosaga" o lona uiga o tulafono faasino i le faiga ma taualumaga a le Faamasinoga o Talosaga ua faia i lalo o lenei Tulafono ma o lo o i ai lona faauigaina lautele e pei ona manaomia e le faafuaiupu (4) o le fuaiupu 176 o lenei Tulafono;

"Faamasino" o lona uiga o le Faamasino o le Faamasinoga Sili o Samoa i Sisifo;

"Faasalaga" e aofia ai so o se poloaiga a le Faamasinoga Sili ua faia i luga o se moliaga, ma e aofia ai se soloiaga e aunoa ma le moliaga e tusa ai ma le fuaiupu 104 o lenei Tulafono, ma o le pule a le Faamasinoga o Talosaga e tuuina atu ai se faasalaga e aofia ai se pule e faia ai so o se poloaiga po o se faatonuga i lalo o le fuaiupu 104 o lenei Tulafono.

164B. Aia e talosaga ai i nisi o mataupu e tulai mai a o lei faia le faamasinoga-(1) I so o se taimi a o lei faia le faamasinoga, pe o le o lo o tauaveina le faamasinoga po o le tagata ua molia, i le faatagana a le Faamasinoga o Talosaga, e mafai ona talosaga i le Faamasinoga faasaga i le faia o se poloaiga po o le teena e faia se poloaiga e tusa ai ma so o se mataupu e faapea:-

- (a) Le tuueseeseina po o le tuufaatasia o moliaga;
- (b) Faatonuina ina ia eseese le faatinoina o faamasinoga

o ni tagata o lo o molia faatasi;

(c) Le talia po o le le taliaina o molimau;

(d) Le teuteuga o moliaga;

(e) Le faaleaogaina po o le teuteuina o se moliaga i
luga o ni mafuaaga e faapea o le moliaga e le o taua
ai le aano moni o le soligatulafono po o solitula-
fono;

(2) I so o se taimi a o le i tagofia le faamasinoga, o le tagata
ua molia, faatasi ai ma le faatagana a le Faamasinoga o Talo-
saga, e mafai ona talosaga i lena Faamasinoga faasaga i se
teena e faia se poloaiga mo nisi auililiga o so o se mataupu o
lo o avea ma autu o se moliaga.

(3) I so o se talosaga i lalo o lena fuaiupu, o le Faamasino-
ga o Talosaga e mafai ona faamaonia le faaiuga a le Faamasi-
noga Sili po o le Faamasino po o le toe suia o lea faaiuga, po
o le faataatia ese ma faia se isi poloaiga e pei ona ua manatu
le Faamasinoga o Talosaga sa tatau ona faia i le taimi
muamua.

(4) A fai o se tagata ua manao ina ia mauaina le faatagana
a le Faamasinoga o Talosaga e talosaga ai i lena Faamasinoga
i lalo o lena fuaiupu, o lena tagata e tatau ona tuuina atu se
faasilasilaga o lana talosaga mo le faatagana e talosaga ai, i
se faiga e pei ona o le faatonuina e Tulafono o le Faamasinoga
o Talosaga, i totonu o le 14 aso ina ua maea ona faia le faaiuga
a le Faamasinoga Sili po o le Faamasino, e tusa lava po o ma-
fuaaga mo le faaiuga o le a tuuina mai i se aso mulimuli mai

ai ma e tusa lava po o so o se laasaga ua faia ina ia sainia, faauluina, po o le toe faaleleia o le faaiuga e faapea ua talafeagai po o le a faia mulimuli mai ai.

(5) O le taimi e tatau ai ona tuuina mai se faasilasilaga mo le faatagana e talosaga ai e tusa ai ma lenei fuaiupu e mafai ona faaopoopoina i so o se taimi e le Faamasinoga o Talosaga.

(6) E ese mai ai na i lo lena talosaga mo le faatagana e talosaga ai i lalo o le faafuuiupu (1) o lenei fuaiupu e faapea ua uma ona faia, e mafai e le Faamasinoga Sili, pe a ia manatu e onomea ma talafeagai e tusa ma aiaiga o le Tulafono ina ia faia, faaauau le faamasinoga e aunoa ma le toe faatali i le iloiloina o le talosaga.

164C. Faatagaina o le faamaoniga e tatala ai i tua le ua talosaga, ma le puipuiga malu o sea tagata a o lo o faatali le talosaga-(1) E mafai e le Faamasinoga o Talosaga po o le Faamasino o lo o nofoia le Faamasinoga o lo o taua i lalo, pe a fai ua manatu le Faamasinoga po o le Faamasino ua talafeagai ai, i luga o se talosaga a se tagata talosaga ma i luga o ni tuutuuga ma i le noatia ma le fai fuafua i ia tuutuuga e pei ona ua manatu le Faamasinoga po o le Faamasino ua talafeagai ai, ona faatagaina se faamaoniga e tatala ai i tua le tagata ua talosaga a o faatali le iloiloina o le talosaga, pe a fai o le tagata ua talosaga o lo o i lalo o le puipuiga malu e tusa ai ma le solitulafono e pei ona faasino i ai le talosaga.

(2) O le taimi na tatala ai i tua le na talosaga i luga o se

faamaoniaga a o faatalitali le iloiloina o le talosaga e le tatau ona avea ose vaega o so o se vaitaimi o le faasalaga i lalo o lona faasalaga, po o se faasalaga na tuuina mai e le Faamasinoga lea na tuuina mai ai le talosaga po o le faasalaga na tuuina mai po o na suia e le Faamasinoga o Talosaga.

(3) A fai o se mataupu ua faamatalaina i lalo o lenei Vaega o lenei Tulafono, o lenei fuaiupu e tatau ona faaoga i so o se tagata faasino i le faamaoniga o lana solitulafono e pei ona faamatalaina i le mataupu ma lona faaogaina i se tagata ua talosaga.

164D. Talosaga mai faaiuga a le Faamasino faasino i le faamaoniga e tatala ai i tua mai le puipuiga malu a leoleo-(1) I le noatia ma le fai fuafua i le faafuaiupu (4) o lenei fuaiupu, o lenei fuaiupu e faaoga i so o se faaiuga ua faia e so o se Faamasino e faapea -

- (a) So o se tagata ua faatagaina po o ua teena le tatalaina i tua i luga o se faamaoniga; po o
- (b) So o se aiaiga o le faamaoniga e tatala ai i tua ua faaeeina i ai po o ua fesuai po o soloia po o fetuutuunai; po o
- (c) Le faaeeina i ai o so o se aiaiga o le faamaoniga e tatala ai i tua, po o so o se aiaiga faapitoa o le faamaoniga o le tatalaina i tua, ua teena; po o
- (d) Le suia po o le soloia o so o se tuutuga o le faamaoniga e tatala ai i tua ua teena.

(2) E mafai e le tagata o lo tagofia le faamasinoga po o le

tagata o ia lea e faasino i ai le faaiuga ona talosaga i le Faamasinoga o Talosaga faasaga i so o se faaiuga e pei ona faaoga i ai leni fuaiupu.

(3) Mo faamoemoega o leni fuaiupu, a fai ae le faaeeina atu e se Faamasino so o se tuutuuga i le faamaoniga e tatala ai i tua, po o so o se tuutuuga faapitoa o le faamaoniga e tatala ai i tua, i so o se tulaga e faapea o so o sea tuutuuga e mafai ona faapea ua tuuina atu faale-tulafono o le a avea o se teena e faaeeina atu sea tuutuuga.

(4) E leai se mea i totonu o leni fuaiupu e faaoga e tusa ai ma so o se faaiuga ua faia e se Faamasino pe a fai o lena faaiuga na faia i luga o le talosaga mai i so o se faaiuga a se Faamasino o le Faamasinoga Faa-itumalo po o se Faamasino Fesoasoani.

164E. Aiaiga e tusa ai ma taualumaga faasino i talosaga i le tulaga o se faamaoniga e tatala ai i tua mai le puipuiga malu a leoleo-(1) O tagata uma o lo o mananao e talosaga i lalo o le fuaiupu 164D o leni Tulafono e tatau ona failaina se faasilalaga o le faamoemoega a lena tagata e talosaga ai i le Resitara o le Faamasinoga o Talosaga i totonu o le 14 aso ina ua tuana'i le aso o le faaiuga ina ia talosaga faasaga i ai.

(2) O talosaga uma i lalo o le fuaiupu 164D o leni Tulafono e faapea e le i fofogaina i luma mai o le aso na faia ai le faaiuga lea ua faasaga i ai le talosaga ua faamutaina le toe i ai o se malosiaga ma ua tatau ona faaleaogaina i lena aso, ma e tatau ona avea e faapea ua faaleaogaina e le Faamasinoga o

Talosaga mo le le faia i ai o se suesuega a le faamasinoga.

(3) E leai se faaiuga a se Faamasino ua faasaga i ai se talosaga i lalo o le fuaiupu 164D o lenei Tulafono e tatau ona faaleaogaina i luga o na o se mafuaaga e faapea o le faasilasilaga o lena talosaga ua uma ona tuuina atu.

(4) I so o se talosaga ua faia i lalo o le fuaiupu 164D o lenei Tulafono e mafai e le Faamasinoga o Talosaga ona faamaonia le faaiuga ua faasaga i ai le talosaga, po o le suia o lea faaiuga, po o le faataatia ese ma faia se isi poloaiga e pei ona ua manatu le Faamasinoga o Talosaga sa tatau ona faia i le taimi muamua.

164F. Faatinoina o le faaiuga a le Faamasinoga o Talosaga-

(1) a fai, o so o se talosaga ua faia i lalo o le fuaiupu 164E o lenei Tulafono faasaga i se teena e faatagaina se faamaoniga e tatala ai i tua so o se tagata, o le Faamasinoga o Talosaga e tatau ona fuafuaina faapea e tatau ona faatagaina se faamaoniga mo le tatalaina i tua, o le Faamasinoga o Talosaga e tatau ona faia se poloaiga e faapea o le tagata ua tatalaina i luga o le faamaoniga e tatala ai i tua, ae noatia i ni tuutuuga e pei o le a manatu le Faamasinoga o Talosaga ua talafeagai ai.

(2) Pe a fai, o se talosaga i lalo o le fuaiupu 164E o lenei Tulafono e tusa ai i so o se tuutuuga o le faamaoniga e tatala ai i tua, o le Faamasinoga o Talosaga e mafai ona soloia po o le teuteuina se tuutuuga o le faamaoniga e tatala ai i tua po o le suia po o le faaeeina i ai o so o se isi tuutuuga, o le Resitara o le Faamasinoga o lana faaiuga o lo o faasaga i ai le talosaga

e tatau ona ia tuuina atu se faasilasilaga tusia i le tagata ua tatalaina i tua ma so o se faamaoniga (pe a fai e i ai) e manaomia ai i latou i le taimi ua faamatalaina ma le nofoaga e faatino ai o se faamaoniga fou o se feagaiga e tatala ai i tua o lo o i ai ni aiaiga (pe a fai e i ai) e tuuina atu ai malosiaga i le faaiuga a le Faamasinoga o Talosaga.

(3) A fai, i so o se mataupu e faaoga i ai le faafuaiupu (2) o leni fuaiupu, o le tagata ua tatalaina i tua ua le usitaia e aunoa ma se mafuaaga talafeagai e auai ai i le taimi ma le nofoaga e pei ona manaomia, po o le le tausisia e toe faia se isi feagaiga fou o lona tatalaina i tua e pei ona uluai taua, e tatau i le Resitara ona tuuina atu le mataupu i se Faamasino, o ia lea e mafai ona tuuina atu se tusi faamaonia mo le pueina faamalosi o le tagata ua tatalaina i tua mai le puipuiga malu a leoleo.

(4) A fai, o se talosaga ua faia i lalo o le fuaiupu 164E o leni Tulafono faasaga i se faatagana o se faamaoniga e tatala ai i tua se tagata mai le puipuiga malu a leoleo, o le Faamasinoga o Talosaga e tatau ona iloiloaina e faapea e le tatau ona faatagaina le faamaoniga e tatala ai i tua po o, fea lava o ia mea, e le tatau ona faaauau, o se tusi faamaonia mo le taofia i lalo o le puipuiga malu a leoleo o le tagata o ia lea e faasino i ai le iloiloga e tatau ona tuuina atu i le Faamasinoga o Talosaga ma sainia e le Faamasino; ma o le tagata o ia lea ua faatinoina lena tusi faamaonia e tatau ona mautinoaina e faapea o se kopi o le faasilasilaga e tusa ai ma le taunuuga o le talosaga ua tuuina atu i le tagata ua pueina faamalosi i le taimi na faa-

tino ai le tusi faamaonia po o i se taimi vave lava e mafai ai ona faatino ina ua uma ona faatinoina le tusi faamaonia.

(5) so o se tagata o ia lea e faasino i ai le faafuaiupu (4) o lenei fuaiupu ma o ia lea e le o i lalo o le puipuiga malu a leoleo e mafai ona pueina faamalosi e aunoa ma se tusi faamaonia e so o se leoleo po o so o se tagata ofisa o se faalapotopotoga faatinoina faasalaga.

164G. Taofia o fesili faale-tulafono-(1) O le uluai Faamasinoga na suesueina ai so o se tagata na molia e mafai, i luma mai, a o faagasolo po o ina ua tuana'i le faamasinoga, ona taofia mo se manatu o le Faamasinoga o Talosaga, e tusa ai ma ai-aiga o lo o mulimuli mai o lenei fuaiupu, so o se fesili faale-tulafono e tulai mai pe i luga o le faamasinoga po o i so o se taualumaga na faia muamua, mulimuli mai, po o e ono tulai mai i le faamasinoga.

(2) A fai o le faaiuga o le fesili e mafai i le manatu o le Faamasinoga Sili e faalagolago i luga o so o se fesili e tusa ai ma le moni, e mafai e le Faamasino pe a fai e nonofo faatasi ma le Au Faatonu, ona fesiligia Faatonu taitoatasi i fesili e tusa ai ma le mea moni, ma e tatau i le Faamasinoga ona faia se faamatalaga tusitusia o ia fesili faapea foi ma sailiiliga na faia i ia fesili.

(3) O le tagata o lo o tagofia le suesuega po o le tagata o lo o molia e mafai a o faagasolo le faamasinoga ona talosaga i le Faamasinoga ina ia taofia so o sea fesili, ma o le Faamasinoga, pe a fai ua teena e ia le taofia o lea fesili, e tatau ona

faia se faamatalaga tusia o le talosaga, ae vagana ai ua ia manatu o sea talosaga e le taua.

(4) A fai o le taunuuga o le faamasinoga ua faamagaloina, o le tagata na molia e tatau ona faasaolotoina, ae noatia i le toe pueina faamalosi pe a fai ua poloaiina e le Faamasinoga o Talosaga se isi faamasinoga fou.

(5) a fai o le taunuuga o le faamasinoga ua faamaonia le solitulafono, e mafai e le Faamasinoga Sili ona faatuai le faatinoina o le faasalaga, ma a fai o le faasalaga o le oti ona faatuai lea o lea faasalaga, seia oo ina maua le tonu o le mataupu lea na taofia, ma o le a tuuina atu loa e le Faamasinoga le tagata solitulafono i le falepuipui, po o le faatagaina i le tagata ua solia le tulafono se faamaoniga e tatala ai i tua mai le puipuga malu a leoleo i luga o ni tuutuuga ma i le noatia ma le fai fuafua i ia tuutuuga e pei ona manatu le Faamasinoga ua talafeagai ai.

(6) A fai ua taofia le fesili, e tatau ona tuuina atu le mataupu mo se manatu o le Faamasinoga o Talosaga, ina ia faamaonia ma sainia e le Faamasino o ia lea na tauaveina le faamasinoga, po o pe a fai o lena Faamasino ua le mafai ona faatinoina ana tiute po o ua toesea mai Samoa i Sisifo, e se isi Faamasino.

(7) A fai o le fesili ua taofia i luga o se talosaga, e tatau ona faamatalaina le mataupu e le itu o i latou ia na talosaga mo le fesili ina ia taofia, ma pe a fai o le fesili ua taofia e le Faamasino i luga o lona lava faitalia o le mataupu o le a tatau

ona faamatalaina e lena Faamasino.

164H. Talosaga i luga o se fesili faale-tulafono pe a fai e le o taofia sea fesili-(1) A fai o le Faamasinoga Sili ua teena e taofia se fesili, o le itu o lo o talosaga e mafai ona talosaga-ina le Faamasinoga o Talosaga mo se faatagana e talosaga ai faasaga i lena teena.

(2) E mafai e le Faamasinoga o Talosaga i luga o se talosaga, ma i luga o le iloiloaina o sea molimau, pe a fai e i ai, e pei ona ua ia manatu ua talafeagai ai e manaomia, faataga po o le teena o sea faatagana.

(3) A fai ua tuuina mai se faatagana e talosaga ai, e tatau ona faamatalaina le mataupu mo se manatu o le Faamasinoga o Talosaga e avea ai faapei sa taofia lea fesili.

164J. Pule a le Faamasinoga o Talosaga pe a fai o le talosaga ua faia i luga o se fesili faale-tulafono-(1) E mafai e le Faamasinoga o Talosaga i luga o lona faitalia ona toe faamatalaina so o se mataupu.

(2) I luga o le fofogaina o so o se talosaga i lalo o aiaiga o lo o mulimuli mai ai i lenei Vaega o lenei Tulafono, e ese ai na i lo le fuaiupu 164B, e mafai e le faamasinoga o Talosaga ona

(a) Faamaonia le faaiuga na faavae ai le talosaga; po o

(b) A fai ua i le manatu e faapea o le faaiuga e le sao, ma e faapea e leai se malosiaga faale-tulafono ona o ni mea sese na faia i ana taualumaga na mulimuli mai ai, faatonu se faamasinoga fou ina ia toe faia; po o

(c) A fai ua ia manatu o le faasalaga sese ua pasia o sea

faasalaga e tatau ona faapea ua pasia, po o tuuese-ina so o se faasalaga ua pasia e le Faamasinoga i lalo, ma toe tuuina atu le mataupu i le Faamasinoga i lalo faatasi ai ma se faatonuga ina ia pasia le faasalaga talafeagai; po o

(d) A fai ua ia manatu, o le tagata ua tuuina ua faasalaina, o lena faaiuga e sese, ma e faapea o le tagata ua tuuaia e tatau ona faamagaloina, ona poloaia e faapea o le faasalaga e tatau ona tuuese, o lea poloaiga e tatau ona avea o se faamagaloga; po o

(e) Faia nisi poloaiga e pei ona manaomia e le faamasinoga.

(3) e leai se moliaga po o se faamagaloga e tatau ona tuuese-ina, e leai foi se faamasinoga fou e toe faatonuina, e ui lava ua foliga mai e faapea o nisi o molimau e le i lelei ona tuuina atu po o sa teena, po o e faapea o nisi e le tusa ai ma le tulafono ae sa faaaogaina i taualumaga a le faamasinoga, po o nisi faatonuga sese na tuuina atu, vagana ai, i le manatu o le Faamasinoga o Talosaga, e tele se sese po o le tauaveina sese sa faaaogaina e le faamasinoga.

(4) A fai e aliali mai i le Faamasinoga o Talosaga e faapea o sea sese po o le tauaveina sese o faamasinoga e le o aafia ai moliaga uma, e mafai e le Faamasinoga o Talosaga ona tuuina atu ni faatonuga eseese e tusa ai ma moliaga taitasi, ma e mafai ona faia se faasalaga i luga o so o se moliaga e faapea o lo o lelei ma e le o aafia i sea sese po o le le tauaveina lelei o le faamasinoga, po o le toe tuuina atu o le mataupu i le Faamasi-

noga ua taua i lalo faatasi ma se faatonuga e pasia sea faasalaga e pei ona manaomia e le faamasinoga.

(5) O le poloaiga po o faatonuga a le Faamasinoga o Talosaga e tatau ona faamaonia i lalo o le lima o le Faamasino o lo o nofoia le Nofoa i le Resitara o le Faamasinoga i luma o le nofoaga sa faia ai le faamasinoga, ma o sea poloaiga po o faatonuga e tatau ona faamamaluina loa.

164K. Aia e talosaga ai faasaga i moliaga po o faasalaga-

(1) So o se tagata ua faamaonia se solitulafono i le Faamasinoga Sili vagana ai i luga o se talosaga mai se faaiuga a le Faamasinoga faa-Itumalo e mafai ona talosaga i le Faamasinoga o Talosaga -

- (a) Faasaga i faamaoniga o solitulafono; ma
- (b) Faasaga i le faasalaga ua pasia, vagana ai o le faasalaga o se faasalaga ua faatulagaina i luga o le tulafono.

(2) So o se tagata ua molia po o faasalaina i le Faamasinoga Sili i le talosaga mai le Faamasinoga faa-Itumalo e mafai i le faatagana a le Faamasinoga o Talosaga, ona talosaga i le Faamasinoga o Talosaga -

- (a) Faasaga i faamaonia o solitulafono; ma
- (b) Faasaga i le faasalaga ua pasia, vagana ai o le faasalaga o se faasalaga ua faatulagaina e le tulafono.

164L. Aia a le Loia Sili e talosaga ai faasaga i faasalaga po o faamagaloga-(1) E mafai e le Loia Sili ona talosaga i le Faamasinoga o Talosaga faasaga i le faasalaga ua pasia i luga o so o se tagata, vagana ai o le faasalaga o se faasalaga

na faatulagaina e le tulafono.

(2) E leai se talosaga i lalo o le faafuaiupu (1) o lenei fuaiupu faasaga i se faasalaga o le nofo falepuipui e faapea e le i fofogaina i luma mai o le aso ua maea ona tuli ai le faasalaga a le ua molia e tatau ona faaleaogaina, ma a fai o le Faamasinoga o Talosaga ua taofia le talosaga ma faaeeina se faasalaga faaopoopo i le tagata ua molia e tatau ona toe valaau lea tagata e toe tuli le vaitaimi faaopoopo o lona nofo falepuipui e pei ona faaeeina atu.

(3) A fai i le faamasinoga o se tagata i luga o so o se moliaga i luma o se Faamasino na o ia ma o lena tagata ua faamagaloina mai i lena moliaga, o le Loia Sili, i luga o ni mafuaaga e faapea ua i ai se mea ua sese ua tulai mai i le tulafono, ona talosaga i le Faamasinoga o Talosaga faasaga i lena faamagaloga.

(4) A fai i le faamasinoga o se tagata i luga o so o se moliaga i luma o se Faamasino o lo o nonofo faatasi ai ma ni Faatonu o lena tagata ua faamagaloina i lena moliaga, o le Loia Sili, i luga o ni mafuaaga e faapea ua i ai se sese ua tulai mai i le tulafono, e mafai ona talosaga i le Faamasinoga o Talosaga faasaga i lena faamagaloga.

(5) I luga o le fofogaina o se talosaga i lalo o le faafuaiupu (3) po o le faafuaiupu (4) o lenei fuaiupu e mafai e le Faamasinoga o Talosaga ona:

(a) Teena le talosaga; po o

(b) Taliaina le talosaga ma faatonu se faamasinoga fou.

164M. Aia e talosaga ai faasaga i se faasalaga po o se moliaga mo le le usitaia ma le le amanaia o faatonuga a le Faamasi-noga. A fai o so o se tagata ua faamaonia le moliaga i luma o le Faamasinoga Sili i se solitulafono i le le usitaia ma amanaia poloaiga a lena Faamasinoga po o so o se isi Faamasinoga, e mafai e lena tagata ona talosaga i le Faamasinoga o Talosaga faasaga i le faaiuga, po o faasaga i so o se faasalaga ua faaeina e tusa ai ma le le usitaia ma le le amanaia o poloaiga a le Faamasinoga, po o faasaga i nei mea e lua o le faaiuga ma le faasalaga; ma o aiaiga o lena Vaega o lena Tulafono ua faa-aogaina tatau e avea ai e faapei o lea faaiuga o se faamaoniga o se solitulafono.

164N. Hoiloina o talosaga i mataupu masani - (1) I luga o so o se talosaga ua faia faasaga i se moliaga, e tatau i le Faamasinoga o Talosaga ona faatagaina le talosaga pe a fai ua ia manatu -

- (a) E faapea o le faaiuga a Faatonu o le Faamasinoga e tatau ona faataatia'ese i luga o mafuaaga e faapea e le talafeagai po o e le mafai ona lagolagoina pe a fuafua i molimau ua tuuina atu; po o
- (b) E faapea o le faaiuga muamua a le Faamasinoga lea na faasalaina ai le sa talosaga sa tatau ona faataatia ese i luga o le mafuaaga e faapea o se faaiuga sese i so o se fesili faale-tulafono; po o
- (c) E faapea i so o se mafuaaga e le i tauaveina e tusa ma aiaiga o le Tulafono; po o

(d) E faapea ua faaleaogaina lea faamasinoga.

(2) I so o se isi mataupu, e tatau i le Faamasinoga o Talosaga ona teena le talosaga.

(3) E mafai e le Faamasinoga o Talosaga, e ui lava ona o lo o i ai se manatu e faapea o mataupu e pei ona tulai mai i le talosaga e ono mafuli atu i le itu o le ua talosaga, teena le talosaga pe a fai ua ia manatu e leai se mea matuia na tulai mai e aafia ai ala tatau o le Tulafono.

(4) I le noatia ma le fai fuafua i aiaiga faapitoa o lenei vaega o lenei Tulafono, e tatau i le Faamasinoga o Talosaga, pe a fai ua faatagaina e ia se talosaga faasaga i le faamaoniga o solitulafono, ona faaleaogaina le moliaga, ma faatonu se faaiuga o le faamagaloga ina ia faauluina, po o faatonu se faamasinoga fou, po o le faia o se isi poloaiga e pei ona manaomia e tusa ai ma ala tatau o le Tulafono.

(5) I so o se talosaga faasaga i se faasalaga, o le Faamasinoga o Talosaga, pe a fai ua ia manatu e faapea e ese se isi faasalaga sa tatau ona pasia, e tatau ona faaleaogaina le faasalaga na pasia ma tuuina atu se isi faasalaga ua talafeagai ai ma le tulafono (pe sili atu ona mamafa po o le itiiti ifo) e faafe-sui ai le uluai faasalaga, po o le suia o le faasalaga po o so o se isi vaega o lea faasalaga po o so o se tuutuuga e faaeeina i ai; ma i so o se isi tulaga e tatau i le Faamasinoga ona faaleaogaina le talosaga.

1640. Pule a le Faamasinoga o Talosaga i mataupu faapitoa-(1) A fai i luga o so o se talosaga i lalo o le fuaiupu 164J

o lenei Tulafono ua foliga mai i le Faamasinoga o Talosaga e faapea o se tagata na talosaga, e ui lava e le o talafeagai le faamaoniga o lana solitulafono i se moliaga a ua talafeagai le faamaoniga o lana solitulafono i se isi moliaga, e mafai e le Faamasinoga pe toe faamaonia le faasalaga ua tuuina atu i le na talosaga po o le pasia o se isi faasalaga e suia ai le uluai faasalaga ua ia manatu ua talafeagai ma tatau ma e pei ona faamaonia e le tulafono i luga o se faaiuga i luga o le moliaga ua manatu le Faamasinoga e faapea o le na talosaga ua talafeagai le faamaoniga o lana solitulafono.

(2) A fai o se tagata na talosaga ua molia i se solitulafono ma o le Faamasino po o Faatonu o le Faamasinoga e mafai, i luga o moliaga po o ni moliaga, ua latou mauaina o le na talosaga ua faamaonia le faia o nisi o solitulafono, ma i luga o le suesuega a le Faamasino po o Faatonu o le faamasinoga e foliga mai i le Faamasinoga e faapea o le Faamasino po o Faatonu o le Faamasinoga ua faamalieina i tulaga moni e faapea ua faamaonia ai le solitulafono o le na talosaga i isi solitulafono, e mafai e le faamasinoga o Talosaga, e aunoa ma le faatagaina po o le faaleaogaina ole talosaga, ona suia le faaiuga ua maua e le Faamasino po o Faatonu o le faamasinoga o se faaiuga o le nofosala i isi solitulafono, ma pasia sea faasalaga e suia ai le faasalaga na pasia e avea ai o ni faamaoniga i le tulafono mo isi solitulafono.

(3) A fai i luga o so o se talosaga e foliga mai i le Faamasinoga o Talosaga e faapea o le ua talosaga e faaetonu lona ma-

faufau i le taimi na faia ai le solitulafono ma sa tatau ona faa-
magalo i luga o le tulaga faaletonu o lona mafaufau, e mafai
e le Faamasinoga ona soloia le moliaga; ma o le a faaaogaina
loa i ai fuaiupu 11, 12, 13, 14, ma le 15 o le Tulafono o le
Soifua Maloloina o Tagata Faaletonu Mafaufau, i itu e mafai
ona faaaogaina ai, e avea ai e faapei o le na talosaga ua faa-
magaloina ma e faapei ai o faamatalaga i totonu o ia fuaiupu
i le Faamasinoga po o se Faamasino o ni faamatalaga i le Faa-
masinoga o Talosaga.

164P. Toe umia ma le toe mauaina o se meatotino i luga o
se moliaga-(1) O le faatino o so o se poloaiga mo le toe mauaina
o se meatotino e se tagata i luga o se moliaga, ma o le faatino-
ina, e tusa ai ma so o se sea moliaga, o aiaiga o fuaiupu 24(1)
o le Tulafono o le Faatauina atu o Oloa 1975 e tusa ai ma le toe
umia o le meatotino o oloa gaoia i luga o se moliaga, e tatau (ae
vagana ai o le Faamasinoga na uluai suesueina lenei moliaga
ua faatonuina se isi tulaga e ese mai ai, ua ia manatu, o le aia
i le meatotino e le o faalavelaveina) ona faamutaina -

(a) I so o se tulaga, seia faamutaina le 14 aso ina ua tuanai
le aso o le moliaga; ma

(b) I so o se tulaga pe a fai o le faasilasilaga o le talosaga po
le faatagana e talosaga ai ua tuuina i totonu o le 14
aso ina ua tuanai le aso o le moliaga, seia iloiloina le
talosaga; -

ma i tulaga e faapea o le faatinoina o so o sea polo-
aiga po o le faatinoina o isi aiaiga ua faamutaina

seia iloiloina le talosaga, o le poloaiga po o isi aiaiga, po o fea lava o ia mea, e le tatau ona faia e tusa ai ma meatotino o lo o fesiligia i le moliaga ua soloia i luga o le talosaga.

(2) O aiaiga e mafai ona faia i luga o ni Tulafono mo le mauaina o le puipuiga malu o so o se meatotino, a o faatalitali le faamutaina o le faatinoina o so o sea poloaiga po o ia aiaiga.

(3) E mafai e le Faamasinoga o Talosaga, i luga o se poloaiga, ona soloia po o suia so o se poloaiga ua faia i se faamasinoga mo le toe umia o so o se meatotino e so o se tagata, e ui lava o le moliaga e le i soloia; ma o le poloaiga, pe a fai ua soloia, e le tatau ona faia, ma, pe a fai e fetuutuunai, e tatau ona faia loa e pei ona fetuutuunai.

164Q. Taimi mo talosaga-(1) A fai o se tagata ua molia ua manao e talosaga i le Faamasinoga o Talosaga faasaga i le moliaga po o le faasalaga, po o le mauaina mai o le faatagana a lena Faamasinoga e faia ai se talosaga, po o pe a fai ua manao le Loia Sili e talosaga faasaga i le faasalaga ua pasia i luga o le moliaga o so o se tagata, po o e talosaga ai faasaga i se faamagaloga, o le ua talosaga po o le Loia Sili e tatau ona tuuina atu se faasilasilaga o le talosaga po o le faasilasilaga o le talosaga mo le faatagana e talosaga ai i se faiga e pei ona o le faatonuina e Tulafono a le Faamasinoga o Talosaga i totonu o le 14 aso ina ua tuunai le aso o le faasalaga, po o fea lava o ia mea, le aso o le faamagaloga.

(2) O Tulafono a le Faamasinoga o Talosaga o le a mafai ai

e so o se tagata ona tuuina atu lana mataupu ma ana finauga tusitusia ae le o se finauga tuu-gutu pe a fai ua manao i ai lena tagata; ma o so o se mataupu po o se finauga e pei ona tuuina atu e tatau ona iloiloina e le Faamasinoga.

(3) O le taimi e tatau ona tuuina atu ai le faasilasilaga o le talosaga po o le faasilasilaga o le talosaga mo le faatagana e talosaga ai e mafai ona tuuina atu ma e mafai ona toe faaopoopoina i so o se taimi e le Faamasinoga o Talosaga.

164R. Pule faaopoopo a le Faamasinoga o Talosaga-(1) Mo faamoemoega o so o se talosaga po o se talosaga mo le faatagana e talosaga ai faasaga i le moliaga po o le faasalaga, e mafai e le Faamasinoga o Talosaga, pe a fai ua ia manatu ua talafeagai ai ma ala tatau ma le Tulafono, le faia o mea uma po o mea ua taua:

(a) Poloaia le tuuina mai o so o se pepa aloaia, pepa lagolago faaopoopo, po o isi mea faasino i taualumaga o le tuuina mai o ia mea ua foliga mai i le Faamasinoga ua talafeagai mo le iloiloina o le mataupu:

(b) Poloaia so o se molimau o ia lea e ono avea o se molimau ua faamalosia e auai ai i le faamasinoga ma ina ia suesueina i luma o le faamasinoga, pe sa valaauina po o le leai foi e le faamasinoga, po o le poloaia le suesueina o so o sea molimau ina ia faia i le faiga ua faatonuina e Tulafono o Faamasinoga o Talosaga i luma o so o se Faamasino o le Faamasi-

noga po o i luma o so o se tagata ofisa o le Faamasinoga, Faamasino po o isi tagata ua tofia e le Faamasinoga o Talosaga mo ia faamoemoega, ma faataga ai le faaulufaleina o so o se faamatalaga tauto e pei ona avea ma molimau i luma o le Faamasinoga:

(c) Mauaina o molimau, pe a fai na ofoina atu, o so o se molimau (e aofia ai le na talosaga) o ia lea o se molimau agavaa ae le i faamalosia:

(d) Pe a fai o so o se fesili na tulai mai i le talosaga e aofia ai ni suesuega uumi o pepa aloaia po o faamatalaga tau tupe, po o so o se suesuega faasaienisi po o i totonu o le atunuu, e le mafai i le manatu o le Faamasinoga ona tauaveina lelei i luma o le Faamasinoga, ona poloaia faamatalaga i le fesili i le faiga ua faatonuina e Tulafono o Faamasinoga o Talosaga ua faia i lalo o lenei Tulafono mo le suesueina ma lipoti atu i se Komesina faapitoa ua tofia e le Faamasinoga, ma galue i luga o le lipoti o so o se komesina e pei ona ua manatu le Faamasinoga e tatau ona faavaeina.

(e) Tofia so o se tagata o lo o i ai ni tomai faapitoa e galue e avea ai o se faufautua i le Faamasinoga i so o se mataupu pe a fai ua silafia e le Faamasinoga e faapea o sea tomai faapitoa ua manaomia mo le iloiloina lelei o le mataupu.

(2) I so o sea taualumaga, o le faamasinoga o Talosaga e

mafai ona faatinoina e tusa ai ma taualumaga so o se isi pule e faapea e mafai mo lea taimi ona faatinoina e le Faamasinoga o Talosaga i mataupu tau le va o tagata, ma tuuina atu ni tusi faamaonia talafeagai mo le faamalositia o poloaiga po o ni faasalaga a le Faamasinoga.

(3) E leai se tulaga e tatau ai ona faaopoopo i luga o se mafuaaga o po o i le iloiloaina o so o se molimau e faapea e le i faia i ai se faamasinoga.

164S. Tiute a le Resitara e tusa ai ma faasilasilaga o talosaga, ma isi tulaga-(1) O le Resitara o le Faamasinoga o Talosaga e tatau ona faia laasaga talafeagai uma mo le fofogaina o so o se talosaga po o talosaga mo le faatagana o se talosaga e pei ona tuuina atu ai ia te ia le faasilasilaga, ma e tatau ona mauaina ma faataatia i luma o le Faamasinoga o Talosaga pepa saunia pepa aloaia uma, pepa faaopoopo lagolago, ma isi mea faasino i taualumaga a le Faamasinoga o lo o faasaga i ai le talosaga, e ono foliga mai e talafeagai mo le iloiloaina lelei o le talosaga po o talosaga.

(2) So o se pepa aloaia, pepa faaopoopo lagolago, po o isi mea e faasino i taualumaga i luga o le faamasinoga o so o se tagata o ia lea, pe a fai ua molia, ua agavaa po o e mafai ona faatagaina e talosaga faasaga i le moliaga po o le faasalaga e tatau ona tausia i lalo o le puipuiga malu a le Faamasinoga Sili po o le Faamasinoga o Talosaga, e tusa ai ma Tulafono ua faia mo lea faamoemoe, mo se taimi e ono mafai ai ona aiaia e ia Tulafono, ma i le noatia ma le fai fuafua i pule e pei ona o le

a tuuina atu e ia Tulafono mo le faaavanoaina atu i luga o ni tuutuuga o ia pepa aloaia, pepa faaopoopo lagolago, po o mea mai lalo o lena puipuiga malu.

(3) O le Resitara e tatau ona tuuina atu pepa talafeagai ma faatonuga faasino i faasilasilaga o talosaga po o faasilasilaga o talosaga mo faatagana i so o se tagata o ia lea o lo o manaomia ia mea, ma i tagata ofisa o le Faamasinoga, Pule o Falepuipui, ma isi tagata ofisa po o ni tagata e pei ona manatu le Resitara ua talafeagai ai; ma o le Pule o Falepuipui e tatau ona tuuina atu nei pepa ma faatonuga ma tuuina i se nofoaga e faigofie ai ona maua e pagota o lo o mananao e talosaga po o le faia o so o se talosaga i lalo o lenei Vaega o lenei Tulafono, ma e tatau ona faia so o se faasilasilaga e tuuina atu i se pagota i lena faalapotopotoga tau faasalaga ina ia tuuina mai e avea ai ma sui o le pagota i le Resitara.

(5) O le Resitara e tatau ona lipoti atu i le Faamasinoga o Talosaga po o se Faamasino o lena Faamasinoga so o se mataupu ua foliga mai i le Resitara e faapea, e ui lava e leai se talosaga ua faia mo lena faamoemoe, e tatau lava ona tuuina atu ni fesoasoani faale-tulafono i se tagata ua talosaga.

164T. Molimau mo Faamasinoga o Talosaga-(1) I so o se talosaga po o talosaga mo le faatagana e talosaga ai i lalo o lenei Tulafono, o le Faamasinoga lea na molia ai le ua talosaga e tatau, pe a fai ua ia manatu ua talafeagai ai po o pe a fai e manaomia e le Faamasinoga o Talosaga, ona tuuina atu i le Faamasinoga o Talosaga e faaopoopo atu i so o se pepa aloaia

e pei ona faasinomia i ai le Fuaiupu 164T o lenei Tulafono po o so o se Tulafono, o se ata atoa po o se vaega e avea ai o ni mataupu o so o se faamatalaga ua faia e le Faamasino o lo o tauaveina lea faamasinoga.

(2) E mafai e le Faamasinoga o Talosaga, pe a fai ua ia manatu o lo o i ai ni faaletonu i ia faamatalaga, ona suesue i isi molimau na faia i le faamasinoga ua ia manatu ua talafeagai ai.

164U. Aia a Le ua Talosaga e auai ai po o le faia o sona Sui Filifilia-(1) I le fofogaina o se talosaga po o so o se isi uluai taualumaga po o e ono tulai mai i se talosaga, o le ua talosaga e tatau ona agavaa ina ia auai po o le suia o ia e se loia faufautua; peitai a fai o le ua talosaga o lo o taofia i lalo o le puipuiga malu a leoleo, e le tatau ona agavaa o ia e auai, vagana pe a fai o lo o aiaia i totonu o Tulafono a le Faamasinoga o Talosaga e faapea o le ua talosaga e tatau ona agavaa e auai ai, po o pe a fai o le Faamasinoga o Talosaga ua tuuina atu i le ua talosaga se faatagana e auai ai.

(2) O le pule a le Faamasinoga o Talosaga e pasia ai so o se faasalaga i lalo o lenei Tulafono e mafai ona faatinoina e ui lava o le ua talosaga i luga o so o se mafuaaga ua le mafai ai ona auai ai.

164V. Pule e faasa ai lipoti o taualumaga, ma isi tulaga- O le Faamasinoga o Talosaga e tatau ona iai pule tutusa e pei ona tuuina atu i le Faamasinoga Sili i lalo o le fuaiupu 61 o lenei Tulafono, ma o aiaiga o lena fuaiupu, pe a fai e mafai ona faa-

aogaina i ai ma faatasi ai ma nisi faaleleiga talafeagai, e tatau ona faaoga i taualumaga o lo o i luma o le Faamasinoga o Talosaga.

9. Tulafono o Faamasinoga;-(1) Faafuaiupu (1) o le fuaiupu 176 o le Tulafono autu ua teuteuina i le faaofiina ina ua tuana'i upu "Faamasinoga Sili", ia upu "ma le Faamasinoga o Talosaga"

(2) Fuaiupu 176 o le Tulafono autu ua toe teuteuina i le faaopoopoina i ai le faafuaiupu fou e faapea:-

"(4) O Vaega I, II ma le IV o Tulafono o Faamasinoga o Talosaga 1961, ma Faamatalaga faasino i ia Tulafono e tatau ona faaoga i le Vaega VIIA o lenei Tulafono e avea ai e faapei o ni Tulafono na faia i lalo o lenei Tulafono."