



Western Samoa

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1975, No. 20

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

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

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

**2. Interpretation**—In this Act, if not inconsistent with the context,-

“Action” includes counterclaim and set-off;

“Freight” includes the profit derivable by a shipowner from the employment of his ship to carry his own goods or movables, as well as freight payable by a third party, but does not include passage money:

“Movables” means any movable tangible property other than the ship, and includes money, valuable securities, and other documents:

“Policy” means a marine policy.

## PART I

### MARINE INSURANCE

#### **3. Marine insurance defined. Mixed sea and land risks—**

(1) A contract of marine insurance is a contract whereby the insurer undertakes to indemnify the assured, in manner and to the extent thereby agreed, against marine losses - that is to say, the losses incident to marine adventure.

(2) A contract of marine insurance may, by its express terms or by usage of trade, be extended so as to protect the assured against losses on inland waters or on any land risk which may be incidental to any sea voyage.

(3) Where a ship in course of building, or the launch of a ship, or any adventure analogous to a marine adventure, is covered by a policy in the form of a marine policy, the provisions of this Act, in so far as applicable, shall apply thereto; but, except as provided by this section, nothing in this Act shall alter or affect any rule of law applicable to any contract of insurance other than a contract of marine insurance as defined by this Act.

**4. Marine adventure and maritime perils defined—**(1) Subject to the provisions of this Act, every lawful marine adventure may be the subject of a contract of marine insurance.

(2) In particular there is a marine adventure where -

(a) Any ship, goods, or other movables (such property being hereinafter referred to as “insurable property”) are exposed to maritime perils;

(b) The earning or acquisition of any freight, passage money, commission, profit, or other pecuniary benefit,

or the security for any advances, loan or disbursements, is endangered by the exposure of insurable property to maritime perils;

- (c) Any liability to a third party may be incurred by the owner of, or other person interested in or responsible for, insurable property by reason of maritime perils.

(3) "Maritime perils" means the perils consequent on or incidental to the navigation of the sea - that is to say, perils of the seas, fire, war perils, pirates, thieves, captures, seizures, restraints, and detainments of princes and peoples, jettisons, barratry, and any other perils, either of the like kind or designated by the policy.

## PART II

### INSURABLE INTEREST

**5. Avoidance of wagering or gaming contracts**—(1) Every contract of marine insurance by way of gaming or wagering is void.

(2) A contract of marine insurance is deemed to be a gaming or wagering contract—

- (a) Where the assured has not an insurable interest as defined by this Act, and the contract is entered into with no expectation of acquiring such an interest; or
- (b) Where the policy is made "interest or no interest", or "without further proof of interest than the policy itself", or "without benefit of salvage to the insurer", or subject to any other like term:

Provided that where there is no possibility of salvage a policy may be effected without benefit of salvage to the insurer.

**6. Insurable interest defined**—(1) Subject to the provisions of this Act, every person has an insurable interest who is interested in a marine adventure.

(2) In particular a person is interested in a marine adventure where he stands in any legal or equitable relation to the adventure, or to any insurable property at risk therein, in consequence of which he may benefit by the safety or due arrival of insurable property, or may be prejudiced by its loss, or by damage thereto, or by the detention thereof, or may incur liability in respect thereof.

**7. When interest must attach**—(1) The assured must be interested in the subject-matter insured at the time of the loss, though he need not be interested when the insurance is effected:

Provided that where the subject-matter is insured "lost or not lost", the assured may recover although he may not have acquired his interest until after the loss, unless at the time of effecting the contract of insurance the assured was aware of the loss and the insurer was not.

(2) Where the assured has no interest at the time of the loss, he cannot acquire interest by any act or election after he is aware of the loss.

**8. Defeasible or contingent interest**—(1) A defeasible interest is insurable, as also is a contingent interest.

(2) In particular, where the buyer of goods has insured them he has an insurable interest, notwithstanding that he might at his election have rejected the goods, or have treated them as at the seller's risk, by reason of the latter's delay in making delivery or otherwise.

**9. Partial interest**—A partial interest of any nature is insurable.

**10. Reinsurance**—(1) The insurer under a contract of marine insurance has an insurable interest in his risk, and may reinsure in respect of it.

(2) Unless the policy otherwise provides, the original assured has no right or interest in respect of such reinsurance.

**11. Bottomry**—The lender of money on bottomry or *respondentia* has an insurable interest in respect of the loan.

**12. Master's and seamen's wages**—The master or any member of the crew of a ship has an insurable interest in respect of his wages.

**13. Advance freight**—In the case of advance freight, the person advancing the freight has an insurable interest in so far as such freight is not repayable in case of loss.

**14. Charges of insurance**—The assured has an insurable interest in the charges of any insurance which he may effect.

**15. Quantum of interest**—(1) Where the subject-matter insured is mortgaged, the mortgagor has an insurable interest in the full value thereof, and the mortgagee has an insurable interest in respect of any sum due or to become due under the mortgage.

(2) A mortgagee, consignee, or other person having an interest in the subject-matter insured may insure on behalf and for the benefit of other persons interested as well as for his own benefit.

(3) The owner of insurable property has an insurable interest in respect of the full value thereof, notwithstanding that some third person may have agreed, or be liable, to indemnify him in case of loss.

**16. Assignment of interest**—(1) Where the assured assigns or otherwise parts with his interest in the subject-matter insured, he does not thereby transfer to the assignee his rights under the contract of insurance, unless there is an express or implied agreement with the assignee to that effect.

(2) The provisions of this section do not affect a transmission of interest by operation of law.

### PART III

#### INSURABLE VALUE

**17. Measure of insurable value**—Subject to any express provision or valuation in the policy, the insurable value of the subject-matter insured must be ascertained as follows:

- (a) In insurance on ship the insurable value is the value, at the commencement of the risk, of the ship, including her outfit, provisions and stores for the officers and crew, money advanced for seamen's wages, and other disbursements (if any) inlured to make the ship fit for the voyage or adventure contemplated by the policy, plus the charges of insurance upon the whole; and, in the case of a steamship, includes also the machinery, boilers, and coals and engine stores if owned by the assured; and, in the case of a ship engaged in a special trade, the ordinary fittings requisite for that trade;
- (b) In insurance on freight, whether paid in advance or otherwise, the insurable value is the gross amount of the freight at the risk of the assured, plus the charges of insurance;

- (c) In insurance on goods or merchandise the insurable value is the prime cost of the property insured, plus the expenses of and incidental to shipping and the charges of insurance upon the whole;
- (d) In insurance on any other subject-matter the insurable value is the amount at the risk of the assured when the policy attaches, plus the charges of insurance.

## PART IV

### DISCLOSURE AND REPRESENTATIONS

**18. Disclosure by assured**—(1) Subject to the provisions of this section, the assured must disclose to the insurer, before the contract is concluded, every material circumstance known to the assured, and the assured is deemed to know every circumstance which, in the ordinary course of business, ought to be known by him. If the assured fails to make such disclosure, the insurer may avoid the contract.

(2) Every circumstance is material which would influence the judgment of a prudent insurer in fixing the premium or determining whether he will take the risk.

(3) In the absence of inquiry the following circumstances need not be disclosed, namely:

- (a) Any circumstance which diminishes the risk;
- (b) Any circumstance known or presumed to be known to the insurer. The insurer is presumed to know matters of common notoriety or knowledge, and matters which an insurer in the ordinary course of his business, as such, ought to know;
- (c) Any circumstance as to which information is waived by the insurer;
- (d) Any circumstance which it is superfluous to disclose by reason of any express or implied warranty.

(4) Whether any particular circumstance which is not disclosed is material or not is in each case a question of fact.

(5) The term "circumstance" includes any communication made to or information received by the assured.

**19. Disclosure by agent effecting insurance**—Subject to the provisions of the last preceding section as to circumstances which need not be disclosed, where an insurance is effected for the assured by an agent, the agent must disclose to the insurer —

- (a) Every material circumstance known to himself; and an agent to insure is deemed to know every circumstance which in the ordinary course of business ought to be known by him or to have been communicated to him; and
- (b) Every material circumstance which the assured is bound to disclose, unless it comes to his knowledge too late to communicate it to the agent.

**20. Representations pending negotiation of contract---(1)**

Every material representation made by the assured or his agent to the insurer during the negotiations for the contract, and before the contract is concluded, must be true. If it is untrue, the insurer may avoid the contract.

(2) A representation is material which would influence the judgment of a prudent insurer in fixing the premium or determining whether he will take the risk.

(3) A representation may be either a representation as to a matter of fact or as to a matter of expectation or belief.

(4) A representation as to a matter of fact is true if it is substantially correct - that is to say, if the difference between what is represented and what is actually correct would not be considered material by a prudent insurer.

(5) A representation as to a matter of expectation or belief is true if it is made in good faith.

(6) A representation may be withdrawn or corrected before the contract is concluded.

(7) Whether a particular representation is material or not is in each case a question of fact.

**21. When contract is deemed to be concluded**—A contract of marine insurance is deemed to be concluded when the proposal of the assured is accepted by the insurer, whether the policy is then issued or not; and for the purpose of showing when the proposal was accepted reference may be made to the slip or covering note, or other customary memorandum of the contract, although it is unstamped.

**PART V**

**THE POLICY**

**22. Contract must be embodied in policy**—(1) No action shall be brought on a contract of marine insurance unless it is embodied in a marine policy in accordance with this Act.



(2) The policy may be executed and issued either at the time when the contract is concluded or afterwards.

**23. What policy must specify**—A marine policy must specify

- (a) The name of the assured, or of some person who effects the insurance on his behalf;
- (b) The subject-matter insured and the risk insured against;
- (c) The voyage or period of time, or both, as the case may be, covered by the insurance;
- (d) The sum or sums insured;
- (e) The name or names of the insurers.

**24. Signature of insurer**—(1) A marine policy must be signed by or on behalf of the insurer:

Provided that in the case of a corporation the corporate seal may be sufficient, but nothing in this section shall be construed as requiring the subscription of a corporation to be under seal.

(2) Where a policy is subscribed by or on behalf of two or more insurers, each subscription, unless the contrary is expressed, constitutes a distinct contract with the assured.

**25. Designation of subject-matter**—(1) The subject-matter insured must be designated in a marine policy with reasonable certainty.

(2) The nature and extent of the interest of the assured in the subject-matter insured need not be specified in the policy.

(3) Where the policy designates the subject-matter insured in general terms, it shall be construed to apply to the interest intended by the assured to be covered.

(4) In the application of this section regard shall be had to any usage regulating the designation of the subject-matter insured.

**26. Failure to execute and stamp policy**—(1) If any person, whether as an insurer or as the agent of an insurer, directly or indirectly receives or takes credit in account for any premium or consideration for any contract of marine insurance, and does not before or within thirty days after receiving or taking credit for such premium or consideration duly execute and stamp, or procure to be duly executed and stamped, a policy or note of such insurance, he shall be liable to a fine of two hundred tālā.

(2) If any person, whether as an insurer or as the agent of an insurer, pays any sum of money upon any loss under a contract of marine insurance which is not expressed in a duly stamped policy, or note or if he in any way settles any claim made in respect of such a contract, he shall be liable to a fine of two hundred tālā.

(3) This section does not apply to contracts of reinsurance of risks in respect whereof policies have been duly executed and stamped.

(4) This section applies to the agent of an insurer, whether such insurer resides or carries on business in Western Samoa or else-where.

**27. Voyage and time policies**—(1) Where the contract is to insure the subject-matter at and from, or from one place to another or others, the policy is called a “voyage policy”; and where the contract is to insure the subject-matter for a definite period of time, the policy is called a “time policy”. A contract for both voyage and time may be included in the same policy.

(2) A time policy which is made for any time exceeding twelve months is invalid; but a time policy may (without being liable to any additional stamp duty) contain an agreement to the effect that, in the event of the ship being at sea or the voyage otherwise not completed on the expiration of twelve months, the subject-matter of the insurance shall be held covered until the arrival of the ship at her destination, or for a reasonable time thereafter not exceeding thirty days.

**28. Valued policy**—(1) A policy may be either valued or unvalued.

(2) A valued policy is a policy which specifies the agreed value of the subject-matter insured.

(3) Subject to the provisions of this Act, and in the absence of fraud, the value fixed by the policy is, as between the insurer and assured, conclusive of the insurable value of the subject intended to be insured, whether the loss is total or partial.

(4) Unless the policy otherwise provides, the value fixed by the policy is not conclusive for the purpose of determining whether there has been a constructive total loss.

**29. Unvalued policy**—An unvalued policy is a policy which does not specify the value of the subject-matter insured, but, subject to the limit of the sum insured, leaves the insurable value to be subsequently ascertained in the manner herein-before specified.

**30. Floating policy by ship or ships**—(1) A floating policy is a policy which describes the insurance in general terms, and leaves the name of the ship or ships and other particulars to be defined by subsequent declaration.

(2) The subsequent declaration or declarations may be made by endorsement on the policy or in other customary manner.

(3) Unless the policy otherwise provides, the declarations must be made in the order of despatch or shipment. They must, in the case of goods, comprise all consignments within the terms of the policy, and the value of the goods or other property must be honestly stated, but an omission or erroneous declaration may be rectified even after loss or arrival, provided the omission or declaration was made in good faith.

(4) Unless the policy otherwise provides, where a declaration of value is not made until after notice of loss or arrival, the policy must be treated as an unvalued policy as regards the subject-matter of that declaration.

**31. Premium to be arranged**—(1) Where an insurance is effected at a premium to be arranged, and no arrangement is made, a reasonable premium is payable.

(2) Where an insurance is effected on the terms that an additional premium is to be arranged in a given event, and that event happens but no arrangement is made, then a reasonable additional premium is payable.

**32. Construction of terms in policy**—Subject to the provisions of this Act, and unless the context of the policy otherwise requires, the terms and expressions mentioned in the Schedule have, when contained in a policy, the meaning and operation attributed to them in the said Schedule.

## PART VI

### DOUBLE INSURANCE

**33. Double insurance**—(1) Where two or more policies are effected by or on behalf of the assured on the same ad-

venture and interest or any part thereof, and the sums insured exceed the indemnity allowed by this Act, the assured is said to be overinsured by double insurance.

- (2) Where the assured is overinsured by double insurance -
- (a) The assured, unless the policy otherwise provides, may claim payment from the insurers in such order as he thinks fit, provided that he is not entitled to receive any sum in excess of the indemnity allowed by this Act;
  - (b) Where the policy under which the assured claims is a valued policy, the assured must give credit as against the valuation for any sum received by him under any other policy, without regard to the actual value of the subject-matter insured;
  - (c) Where the policy under which the assured claims is an unvalued policy, he must give credit, as against the full insurable value, for any sum received by him under any other policy;
  - (d) Where the assured receives any sum in excess of the indemnity allowed by this Act, he is deemed to hold such sum in trust for the insurers, according to their right of contribution among themselves.

## PART VII

### WARRANTIES, ETC.

**34. Nature of warranty**—(1) A warranty, in the following sections relating to warranties, means a promissory warranty - that is to say, a warranty by which the assured under takes that some particular thing shall or shall not be done, or that some condition shall be fulfilled, or whereby he affirms or negatives the existence of a particular state of facts.

(2) A warranty may be express or implied.

(3) A warranty as above defined is a condition which must be exactly complied with, whether material to the risk or not. If it is not so complied with, then, subject to any express provision in the policy, the insurer is discharged from liability as from the date of the breach of warranty, but without prejudice to any liability incurred by him before that date.

**35. When breach of warranty excused**—(1) Non-compliance with a warranty is excused when, by reason of a change of circumstances, the warranty ceases to be applicable to the circumstances of the contract, or when compliance with the warranty is rendered unlawful by any subsequent law.

(2) Where a warranty is broken, the assured cannot avail himself of the defence that the breach has been remedied, and the warranty complied with, before loss.

(3) A breach of warranty may be waived by the insurer.

**36. Express warranties**—(1) An express warranty may be in any form of words from which the intention to warrant is to be inferred.

(2) An express warranty must be included in or written upon the policy, or must be contained in some document incorporated by reference into the policy.

(3) An express warranty does not exclude an implied warranty, unless it is inconsistent therewith.

**37. Warranty of neutrality**—(1) Where insurable property, whether ship or goods, is expressly warranted neutral, there is an implied condition that the property shall have a neutral character at the commencement of the risk, and that, so far as the assured can control the matter, its neutral character shall be preserved during the risk.

(2) Where a ship is expressly warranted neutral, there is also an implied condition that, so far as the assured can control the matter, the ship shall be properly documented - that is to say, that she shall carry the necessary papers to establish her neutrality, and that her papers shall not be falsified or suppressed, and that simulated papers shall not be used. If any loss occurs through breach of this condition, the insurer may avoid the contract.

**38. No implied warranty of nationality**—There is no implied warranty as to the nationality of a ship, or that her nationality shall not be changed during the risk.

**39. Warranty of good safety**—Where the subject-matter insured is warranted “well” or “in good safety” on a particular day, it is sufficient if it is safe at any time during that day.

**40. Warranty of seaworthiness of ship**—(1) In a voyage policy there is an implied warranty that at the commencement of the voyage the ship shall be seaworthy for the purpose of the particular adventure insured.

(2) Where the policy attaches while the ship is in port, there is also an implied warranty that she shall, at the commencement of the risk, be reasonably fit to encounter the ordinary perils of the port.

(3) Where the policy relates to a voyage which is performed in different stages, during which the ship requires different kinds of or further preparation or equipment, there is an implied warranty that at the commencement of each stage the ship is seaworthy in respect of such preparation or equipment for the purposes of that stage.

(4) A ship is deemed to be seaworthy when she is reasonably fit in all respects to encounter the ordinary perils of the seas of the adventure insured.

(5) In a time policy there is no implied warranty that the ship shall be seaworthy at any stage of the adventure; but where, with the privity of the assured, the ship is sent to sea in an unseaworthy state, the insurer is not liable for any loss attributable to unseaworthiness.

**41. No implied warranty that goods are seaworthy**—(1) In a policy on goods or other movables there is no implied warranty that the goods or movables are seaworthy.

(2) In a voyage policy on goods or other movables there is an implied warranty that at the commencement of the voyage the ship is not only seaworthy as a ship, but also that she is reasonably fit to carry the goods or other movables to the destination contemplated by the policy.

**42. Warranty of legality**—There is an implied warranty that the adventure insured is a lawful one, and that so far as the assured can control the matter, the adventure shall be carried out in a lawful manner.

## PART VIII

### THE VOYAGE

**43. Implied condition as to commencement of risk**—(1) Where the subject-matter is insured by a voyage policy “at and from” or “from” a particular place, it is not necessary that the ship should be at that place when the contract is con-

cluded, but there is an implied condition that the adventure shall be commenced within a reasonable time, and that if the adventure is not so commenced the insurer may avoid the contract.

(2) The implied condition may be negated by showing that the delay was caused by circumstances known to the insurer before the contract was concluded, or that he waived the condition.

**44. Alteration of port of departure**—Where the place of departure is specified by the policy, and the ship instead of sailing from that place sails from any other place, the risk does not attach.

**45. Sailing for different destination**—Where the destination is specified in the policy, and the ship instead of sailing for that destination sails for any other destination, the risk does not attach.

**46. Change of voyage**—(1) Where, after the commencement of the risk, the destination of the ship is voluntarily changed from the destination contemplated by the policy, there is said to be a change of voyage.

(2) Unless the policy otherwise provides, where there is a change of voyage the insurer is discharged from liability as from the time of change - that is to say, as from the time when the determination to change it is manifested; and it is immaterial that the ship may not in fact have left the course of voyage contemplated by the policy when the loss occurs.

**47. Deviation**—(1) Where a ship without lawful excuse deviates from the voyage contemplated by the policy, the insurer is discharged from liability as from the time of deviation, and it is immaterial that the ship may have regained her route before any loss occurs.

(2) There is a deviation from the voyage contemplated by the policy -

- (a) Where the course of the voyage is specifically designated by the policy, and that course is departed from; or
- (b) Where the course of the voyage is not specifically designated by the policy, but the usual and customary course is departed from.

(3) The intention to deviate is immaterial; there must be a deviation in fact to discharge the insurer from his liability under the contract.

**48. Several ports of discharge**—(1) Where several ports of discharge are specified by the policy, the ship may proceed to all or any of them, but in the absence of any usage or sufficient cause to the contrary she must proceed to them, or such of them as she goes to, in the order designated by the policy. If she does not, there is a deviation.

(2) Where the policy is to “ports of discharge” within a given area, which are not named, the ship must, in the absence of any usage or sufficient cause to the contrary, proceed to them, or such of them as she goes to, in their geographical order. If she does not, there is a deviation.

**49. Delay in voyage**—In the case of a voyage policy the adventure insured must be prosecuted throughout its course with reasonable despatch, and if without lawful excuse it is not so prosecuted, the insurer is discharged from liability as from the time when the delay became unreasonable.

**50. Excuses for deviation or delay**—(1) Deviation or delay in prosecuting the voyage contemplated by the policy is excused -

- (a) Where authorised by any special term in the policy; or
- (b) Where caused by circumstances beyond the control of the master and his employer; or
- (c) Where reasonably necessary in order to comply with an express or implied warranty; or
- (d) Where reasonably necessary for the safety of the ship or subject-matter insured; or
- (e) For the purpose of saving human life, or aiding a ship in distress where human life may be in danger; or
- (f) Where reasonably necessary for the purpose of obtaining medical or surgical aid for any person on board the ship; or
- (g) Where caused by the barratrous conduct of the master or crew, if barratry is one of the perils insured against.

(2) When the cause excusing the deviation or delay ceases to operate, the ship must resume her course and prosecute her voyage with reasonable despatch.



## PART IX

## ASSIGNMENT OF POLICY

**51. When and how policy is assignable**—(1) A marine policy is assignable unless it contains terms expressly prohibiting assignment. It may be assigned either before or after loss.

(2) Where a marine policy has been assigned so as to pass the beneficial interest in the policy, the assignee of the policy is entitled to sue thereon in his own name; and the defendant is entitled to make any defence arising out of the contract which he would have been entitled to make if the action had been brought in the name of the person by or on behalf of whom the policy was effected.

(3) A marine policy may be assigned by endorsement thereon or in other customary manner.

**52. Assured who has no interest cannot assign**—Where the assured has parted with or lost his interest in the subject-matter insured, and has not, before or at the time of so doing, expressly or impliedly agreed to assign the policy, any subsequent assignment of the policy is inoperative:

Provided that nothing in this section affects the assignment of a policy after loss.

## PART X

## THE PREMIUM

**53. Policy effected through broker**—(1) Unless otherwise agreed, where a marine policy is effected on behalf of the assured by a broker, the broker is directly responsible to the insurer for the premium, and the insurer is directly responsible to the assured for the amount which may be payable in respect of losses or in respect of returnable premium.

(2) Unless otherwise agreed, the broker has, as against the assured, a lien upon the policy for the amount of the premium and his charges in respect of effecting the policy; and, where he has dealt with the person who employs him as a principal, he also a lien on the policy in respect of any balance on any

insurance account which may be due to him from such person, unless when the debt was incurred he had reason to believe that such person was only an agent.

**54. Effect of receipt on policy**—Where a marine policy effected on behalf of the assured by a broker acknowledges the receipt of the premium, such acknowledgment is, in the absence of fraud, conclusive as between the insurer and the assured, but not as between the insurer and the broker.

## PART XI

### LOSS AND ABANDONMENT

**55. Included and excluded losses**—(1) Subject to the provisions of this Act, and unless the policy otherwise provides, the insurer is liable for any loss proximately caused by a peril insured against; but, subject as aforesaid, he is not liable for any loss not proximately caused by a peril insured against.

(2) In particular -

- (a) The insurer is not liable for any loss attributable to the wilful misconduct of the assured; but, unless the policy otherwise provides, he is liable for any loss proximately caused by a peril insured against, even though the loss would not have happened but for the misconduct or negligence of the master or crew;
- (b) Unless the policy otherwise provides, the insurer on ship or goods is not liable for any loss proximately caused by delay, although the delay is caused by a peril insured against;
- (c) Unless the policy otherwise provides, the insurer is not liable for ordinary wear and tear, ordinary leakage and breakage, inherent vice or nature of the subject-matter insured, or for any loss proximately caused by rats or vermin, or for any injury to machinery not proximately caused by maritime perils.

**56. Partial and total loss**—(1) A loss may be either total or partial. Any loss other than a total loss, as hereinafter defined, is a partial loss.

(2) A total loss may be either an actual total loss or a constructive total loss.

(3) Unless a different intention appears from the terms of the policy, an insurance against total loss includes a constructive as well as an actual total loss.

(4) Where the assured brings an action for a total loss, and the evidence proves only a partial loss, he may, unless the policy otherwise provides, recover for a partial loss.

(5) Where goods reach their destination in specie, but by reason of obliteration of marks or otherwise they are incapable of identification, the loss (if any) is partial and not total.

**57. Actual total loss**—(1) Where the subject-matter insured is destroyed, or so damaged as to cease to be a thing of the kind insured, or where the assured is irretrievably deprived thereof there is an actual total loss.

(2) In the case of an actual total loss no notice of abandonment need be given.

**58. Missing ship**—Where the ship concerned in the adventure is missing, and after the lapse of a reasonable time no news of her has been received, an actual total loss may be presumed.

**59. Effect of transshipment, etc.**—Where by a peril insured against, the voyage is interrupted at an intermediate port or place under such circumstances as, apart from any special stipulation in the contract of affreightment, to justify the master in landing and reshipping the goods or other movables, or in transshipping them, and sending them on to their destination, the liability of the insurer continues, notwithstanding the landing or transshipment.

**60. Constructive total loss defined**—(1) Subject to any express provision in the policy, there is a constructive total loss where the subject-matter insured is reasonably abandoned on account of its actual total loss appearing to be unavoidable, or because it could not be preserved from actual total loss without an expenditure which would exceed its value when the expenditure had been incurred.

(2) In particular there is a constructive total loss -

(a) Where the assured is deprived of the possession of his ship or goods by a peril insured against; and

(i) It is unlikely that he can recover the ship or goods, as the case may be; or

- (ii) The cost of recovering the ship or goods, as the case may be, would exceed their value when recovered; or
- (b) In the case of damage to a ship, where she is so damaged by a peril insured against that the cost of repairing the damage would exceed the value of the ship when repaired; or
- (c) In the case of damage to goods, where the cost of repairing the damage and forwarding the goods to their destination would exceed their value on arrival.
- (3) In estimating the cost of repairs, no deduction is to be made in respect of general average contributions to those repairs payable by other interests, but account is to be taken of the expense of future salvage operations and of any future general average contributions to which the ship would be liable if repaired.

**61. Effect of constructive total loss**—Where there is a constructive total loss, the assured may either treat the loss as a partial loss or abandon the subject-matter insured to the insurer and treat the loss as if it were an actual total loss.

**62. Notice of abandonment**—(1) Subject to the provisions of this section, where the assured elects to abandon the subject-matter insured to the insurer he must give notice of abandonment. If he fails to do so, the loss can be treated only as a partial loss.

(2) Notice of abandonment may be given in writing, or by word of mouth, or partly in writing and partly by word of mouth, and may be given in any terms which indicate the intention of the assured to abandon his insured interest in the subject-matter insured unconditionally to the insurer.

(3) Notice of abandonment must be given with reasonable diligence after the receipt of reliable information of the loss, but where the information is of a doubtful character the assured is entitled to a reasonable time to make inquiry.

(4) Where notice of abandonment is properly given, the rights of assured are not prejudiced by the fact that the insurer refuses to accept the abandonment.

(5) The acceptance of an abandonment may be either express or implied from the conduct of the insurer. The mere silence of the insurer after notice is not an acceptance.

(6) Where notice of abandonment is accepted, the abandonment is irrevocable. The acceptance of the notice conclusively admits liability for the loss and the sufficiency of the notice.

(7) Notice of abandonment is unnecessary where, at the time when the assured receives information of the loss, there would be no possibility of benefit to the insurer if notice were given to him.

(8) Notice of abandonment may be waived by the insurer.

(9) Where an insurer has reinsured his risk, no notice of abandonment need be given by him.

**63. Effect of abandonment**—(1) Where there is a valid abandonment, the insurer is entitled to take over the interest of the assured in whatever may remain of the subject-matter insured, and all proprietary rights incidental thereto.

(2) Upon the abandonment of a ship the insurer thereof is entitled to any freight which is in course of being earned, and which is earned by her subsequent to the casualty causing the loss, less the expenses of earning it incurred after the casualty; and where the ship is carrying the owner's goods, the insurer is entitled to a reasonable remuneration for the carriage of them subsequent to the casualty causing the loss.

## PART XII

### PARTIAL LOSSES (INCLUDING SALVAGE AND GENERAL AVERAGE AND PARTICULAR CHARGES)

**64. Particular average loss**—(1) A particular average loss is a partial loss of the subject-matter insured, which is caused by a peril insured against, and which is not a general average loss.

(2) Expenses incurred by or on behalf of the assured for the safety or preservation of the subject-matter insured, other than general average and salvage charges, are called particular charges. Particular charges are not included in particular average.

**65. Salvage charges**—(1) Subject to any express provision in the policy, salvage charges incurred in preventing a loss by perils insured against may be recovered as a loss by those perils.

(2) "Salvage charges" means the charges recoverable under maritime law by a salvor independently of contract, and does

not include the expenses of services in the nature of salvage rendered by the assured or his agents, or any person employed for hire by them, for the purpose of averting a peril insured against. Such expenses, where properly incurred, may be recovered as particular charges or as a general average loss, according to the circumstances under which they were incurred.

**66. General average loss**—(1) A general loss is a loss caused by or directly consequential on a general average act. It includes a general average expenditure as well as a general average sacrifice.

(2) There is a general average act where any extraordinary sacrifice or expenditure is voluntarily and reasonable made or incurred in time of peril for the purpose of preserving the property imperilled in the common adventure.

(3) Where there is a general average loss, the party on whom it falls is entitled, subject to the conditions imposed by maritime law, to a rateable contribution from the other parties interested, and such contribution is called a general average contribution.

(4) Subject to any express provision in the policy, where the assured has incurred a general average expenditure he may recover from the insurer in respect of the proportion of the loss which falls upon him; and, in the case of a general average sacrifice, he may recover from the insurer in respect of the whole loss without having enforced his right of contribution from the other parties liable to contribute.

(5) Subject to any express provision in the policy, where the assured has paid or is liable to pay a general average contribution in respect of the subject insured he may recover there for from the insurer.

(6) In the absence of express stipulation, the insurer is not liable for any general average loss or contribution where the loss was not incurred for the purpose of avoiding or in connection with the avoidance of a peril insured against.

(7) Where ship, freight, and cargo, or any two of those interests, are owned by the same assured, the liability of the insurer in respect of general average losses or contributions is to be determined as if those subjects were owned by different persons.

## PART XIII

## MEASURE OF INDEMNITY

**67. Extent of liability of insurer for loss**—(1) The sum which the assured can recover in respect of a loss on a policy by which he is insured, in the case of an unvalued policy to the full extent of the insurable value, or in the case of a valued policy to the full extent of the value fixed by the policy, is called the measure of indemnity.

(2) Where there is a loss recoverable under the policy, the insurer, or each insurer if there are more than one, is liable for such proportion of the measure of indemnity as the amount of his subscription bears to the value fixed by the policy in the case of a valued policy, or to the insurable value in the case of an unvalued policy.

**68. Total loss**—Subject to the provisions of this Act and to any express provision in the policy, where there is a total loss of the subject-matter insured, -

- (a) If the policy is a valued policy, the measure of indemnity is the sum fixed by the policy;
- (b) If the policy is an unvalued policy, the measure of indemnity is the insurable value of the subject-matter insured.

**69. Partial loss of ship**—Where a ship is damaged, but is not totally lost, the measure of indemnity, subject to any express provision in the policy, is as follows:

- (a) Where the ship has been repaired, the assured is entitled to the reasonable cost of the repairs, less the customary deductions, but not exceeding the sum insured in respect of any one casualty;
- (b) Where the ship has been only partially repaired, the assured is entitled to the reasonable cost of such repairs, computed as above, and also to be indemnified for the reasonable depreciation (if any) arising from the unrepaired damage, provided that the aggregate amount shall not exceed the cost of repairing the whole damage, computed as above;
- (c) Where the ship has not been repaired, and has not been sold in her damaged state during the risk, the assured is entitled to be indemnified for the reasonable de-

preciation arising from the unrepaired damage, but not exceeding the reasonable cost of repairing such damage, computed as above.

**70. Partial loss of freight**—Subject to any express provision in the policy, where there is a partial loss of freight the measure of indemnity is such proportion of the sum fixed by the policy in the case of a valued policy, or of the insurable value in the case of an unvalued policy, as the proportion of freight lost by the assured bears to the whole freight at the risk of the assured under the policy.

**71. Partial loss of goods, merchandise, etc.**—Where there is a partial loss of goods, merchandise, or other movables, the measure of indemnity, subject to any express provision in the policy, is as follows:

- (a) Where part of the goods, merchandise, or other movables insured by a valued policy is totally lost, the measure of indemnity is such proportion of the sum fixed by the policy as the insurable value of the part lost bears to the insurable value of the whole, ascertained as in the case of an unvalued policy;
- (b) Where part of the goods, merchandise, or other movables insured by an unvalued policy is totally lost, the measure of indemnity is the insurable value of the part lost, ascertained as in case of total loss;
- (c) Where the whole or any part of the goods or merchandise insured has been delivered damaged at its destination, the measure of indemnity is such proportion of the sum fixed by the policy in the case of a valued policy, or of the insurable value in the case of an unvalued policy, as the difference between the gross sound and damaged values at the place of arrival bears to the gross sound value;
- (d) "Gross value" means the wholesale price or, if there is no such price, the estimated value, with in either case freight, landing charges, and duty paid beforehand; provided that, in the case of goods or merchandise customarily sold in bond, the bonded price is deemed to be the gross value.



**72. Apportionment of valuation**—(1) Where different species of property are insured under a single valuation, the valuation must be apportioned over the different species in proportion to their respective insurable values, as in the case of an unvalued policy.

(2) The insured value of any part of a species is such proportion of the total insured value of the same as the insurable value of the whole, ascertained in both cases as provided by this Act.

(3) Where a valuation has to be apportioned, and particulars of the prime cost of each separate species, quality, or description of goods cannot be ascertained, the division of the valuation may be made over the net arrived sound values of the different species, qualities, or descriptions of goods.

**73. General average contributions and salvage charges**—

(1) Subject to any express provision in the policy, where the assured has paid or is liable for any general average contribution the measure of indemnity is the full amount of such contribution if the subject-matter liable to contribution is insured for its full contributory value, but if such subject-matter is not insured for its full contributory value, or if only part of it is insured, the indemnity payable by the insurer must be reduced in proportion to the under-insurance, and where there has been a particular average loss which constitutes a deduction from the contributory value, and for which the insurer is liable, that amount must be deducted from the insured value in order to ascertain what the insurer is liable to contribute.

(2) Where the insurer is liable for salvage charges, the extent of his liability must be determined on the like principle.

**74. Liabilities to third parties**—Where the assured has effected an insurance in express terms against any liability to a third party, the measure of indemnity, subject to any express provision in the policy, is the amount paid or payable by him to such third party in respect of such liability.

**75. General provisions as to measure of indemnity**—(1) Where there has been a loss in respect of any subject-matter not expressly provided for in the foregoing provisions of this Act, the measure of indemnity shall be ascertained, as nearly as may be, in accordance with those provisions, in so far as applicable to the particular case.

(2) Nothing in the provisions of this Act relating to the measure of indemnity shall affect the rules relating to double insurance, or prohibit the insurer from disproving interest wholly or in part, or from showing that at the time of the loss the whole or any part of the subject-matter insured was not at risk under the policy.

**76. Particular average warranties**—(1) Where the subject-matter insured is warranted free from particular average, the assured cannot recover for a loss of part, other than a loss incurred by a general average sacrifice, unless the contract contained in the policy is apportionable; but if the contract is apportionable, the assured may recover for a total loss of any apportionable part.

(2) Where the subject-matter insured is warranted free from particular average, either wholly or under a certain percentage, the insurer is nevertheless liable for salvage charges, and for particular charges and other expenses properly incurred pursuant to the provisions of the suing and labouring clause in order to avert a loss insured against.

(3) Unless the policy otherwise provides, where the subject-matter insured is warranted free from particular average under a specified percentage, a general average loss cannot be added to a particular average loss to make up the specified percentage.

(4) For the purpose of ascertaining whether the specified percentage has been reached, regard shall be had only to the actual loss suffered by the subject-matter insured. Particular charges and the expenses of and incidental to ascertaining and proving the loss must be excluded

**77. Successive losses**—(1) Unless the policy otherwise provides and subject to the provisions of this Act, the insurer is liable for successive losses, even though the total amount of such losses may exceed the sum insured.

(2) Where under the same policy a partial loss which has not been repaired or otherwise made good is followed by a total loss, the assured can only recover in respect of the total loss.

(3) Nothing in this section shall affect the liability of the insurer under the suing and labouring clause.

**78. Suing and labouring clause**—(1) Where the policy contains a suing and labouring clause, the engagement thereby entered into is deemed to be supplementary to the contract of insurance, and the assured may recover from the insurer any expenses properly incurred pursuant to the clause, notwithstanding that the insurer may have paid for a total loss, or that the subject-matter may have been warranted free from particular average, either wholly or under a certain percentage.

(2) General average losses and contributions and salvage charges, as defined by this Act, are not recoverable under the suing and labouring clause.

(3) Expenses incurred for the purpose of averting or diminishing any loss not covered by the policy are not recoverable under the suing and labouring clause.

(4) It is the duty of the assured and his agents in all cases to take such measures as may be reasonable for the purpose of averting or minimising a loss.

## PART XIV

### RIGHTS OF INSURER ON PAYMENT

**79. Rights of subrogation**—(1) Where the insurer pays for a total loss either of the whole or, in the case of goods, of any apportionable part of the subject-matter insured, he thereupon becomes entitled to take over the interest of the assured in whatever may remain of the subject-matter so paid for, and he is thereby subrogated to all the rights and remedies of the assured in and in respect of that subject-matter as from the time of the casualty causing the loss.

(2) Subject to the foregoing provisions, where the insurer pays for a partial loss he acquires no title to the subject-matter insured, or such part of it as may remain, but he is thereupon subrogated to all rights and remedies of the assured in and in respect of the subject-matter insured as from the time of the casualty causing the loss, in so far as the assured has been indemnified according to this Act, by such payment for the loss.

**80. Right of contribution**—(1) Where the assured is over-insured by double insurance, each insurer is bound, as between himself and the other insurers, to contribute rateably to the loss in proportion to the amount for which he is liable under his contract.

(2) If any insurer pays more than his proportion of the loss, he is entitled to maintain an action for contribution against the other insurers, and is entitled to the like remedies as a surety who has paid more than his proportion of the debt.

**81. Effect of under-insurance**—Where the assured is insured for an amount less than the insurable value, or, in the case of a valued policy, for an amount less than the policy valuation, he is deemed to be his own insurer in respect of the uninsured balance.

## PART XV

### RETURN OF PREMIUM

**82. Enforcement of return**—Where the premium or a proportionate part thereof is by this Act declared to be returnable,-

- (a) If already paid, it may be recovered by the assured from the insurer; and
- (b) If unpaid, it may be retained by the assured or his agent.

**83. Return by agreement**—Where the policy contains a stipulation for the return of the premium or a proportionate part thereof on the happening of a certain event, happens, the premium or, as the case may be, the proportionate part thereupon returnable to the assured.

**84. Return for failure of consideration**—(1) Where the consideration for the payment of the premium totally fails, and there has been no fraud or illegality on the part of the assured or his agents, the premium is thereupon returnable to the assured.

(2) Where the consideration for the payment of the premium is apportionable, and there is a total failure of any apportionable part of the consideration, a proportionate part of the premium is under the like conditions thereupon returnable to the assured.

(3) In particular,-

- (a) Where the policy is void, or is avoided by the insurer as from the commencement of the risk, the premium is returnable, provided that there has been no fraud or illegality on the part of the assured; but if the risk is not apportionable, and has once attached, the premium is not returnable;

- (b) Where the subject-matter insured or part thereof has never been imperilled, the premium or, as the case may be, a proportionate part thereof is returnable:  
 Provided that where the subject-matter has been insured "lost or not lost", and has arrived in safety at the time when the contract is concluded, the premium is not returnable unless at such time the insurer knew of the safe arrival;
- (c) Where the assured has no insurable interest throughout the currency of the risk, the premium is returnable; provided that this rule does not apply to a policy effected by way of gaming or wagering;
- (d) Where the assured has a defeasible interest which is terminated during the currency of the risk, the premium is not returnable;
- (e) Where the assured has over-insured under an unvalued policy, a proportionate part of the premium is returnable;
- (f) Subject to the foregoing provisions, where the assured has over-insured by double insurance, a proportionate part of the several premiums is returnable:  
 Provided that if the policies are effected at different times, and any earlier policy has at any time borne the entire risk, or if a claim has been paid on the policy in respect of the full sum insured thereby, no premium is returnable in respect of that policy; and when the double insurance is effected knowingly by the assured, no premium is returnable.

## PART XVI

### MUTUAL INSURANCE

**85. Modification of Act in case of mutual insurance—(1)** Where two or more persons mutually agree to insure each other against marine losses there is said to be a mutual insurance.

(2) The provisions of this Act relating to the premium do not apply to mutual insurance, but a guarantee, or such other arrangement as may be agreed upon, may be substituted for the premium.

(3) The provisions of this Act, in so far as they may be modified by the agreement of the parties, may in the case of mutual insurance be modified by the terms of the policies issued by the association, or by the rules and regulations of the association.

(4) Subject to the exceptions mentioned in this section, the provisions of this Act apply to a mutual insurance.

## PART XVII

### SUPPLEMENTAL

**86. Ratification by assured**—Where a contract of marine insurance is in good faith effected by one person on behalf of another, the person on whose behalf it is effected may ratify the contract even after he is aware of the loss.

**87. Implied obligations varied by agreement or usage**—  
(1) Where any right, duty, or liability would arise under a contract of marine insurance by implication of law, it may be negated or varied by express agreement, or by usage, if the usage be such as to bind both parties to the contract.

(2) The provisions of this section extend to any right, duty, or liability declared by this Act which may be lawfully modified by agreement.

**88. Reasonable time, etc., a question of fact**—Where by this Act any reference is made to reasonable time, reasonable premium, or reasonable diligence, the question what is reasonable is a question of fact.

**89. Application of rules of common law**—The rules of the common law including the law merchant, save in so far as they are inconsistent with the express provisions of this Act, shall continue to apply to contracts of marine insurance.

**90. Slip as evidence**—Where there is a duly stamped policy reference may be made in any legal proceeding to the slip or covering note, although it is not stamped.

**91. Repeal and saving**—(1) The marine Insurance Act 1908 (New Zealand) is hereby repealed as part of the law of Western Samoa.

(2) All matters and proceedings commenced under that Act, and pending or in progress on the coming into operation of this Act, may be continued, completed, and enforced under this Act.

## SCHEDULE

### Section 32:

#### RULES FOR THE CONSTRUCTION OF POLICIES

The following are the rules referred to by this Act for the construction of a policy where the context does not otherwise require:

1. Where the subject-matter is insured "lost or not lost", and the loss has occurred before the contract is concluded, the risk attaches unless at such time the assured was aware of the loss and the insurer was not.

(2) Where the subject-matter is insured "from" a particular place, the risk does not attach until the ship starts on the voyage insured.

3. (a) Where a ship is insured "at and from" a particular place, and she is at that place in good safety when the contract is concluded, the risk attaches immediately.

(b) If she is not at that place when the contract is concluded the risk attaches as soon as she arrives there in good safety; and, unless the policy otherwise provides, it is immaterial that she is covered by another policy for a specified time after arrival.

(c) Where chartered freight is insured "at and from" a particular place, and the ship at that place in good safety when the contract is concluded, the risk attaches immediately. If she is not there when the contract is concluded, the risk attaches as soon as she arrives there in good safety.

(d) Where freight other than chartered freight is payable without special conditions, and is insured "at and from" a particular place, that if there is cargo in readiness which belong to the shipowner, or which some other person has contracted him to ship, the risk attaches as soon as the ship is ready to receive such cargo.

4. Where goods or other movables are insured "from the loading thereof", the risk does not attach until such goods or movables are actually on board, and the insurer is not liable for them while in transit from the shore to the ship.

5. Where the risk on goods or other movables continues until they are "safety landed", they must be landed in the customary manner and within a reasonable time after arrival at the port of discharge, and if they are not so landed the risk ceases.

6. In the absence of any further licence or usage, the liberty to touch and stay "at any port or place whatsoever" does not authorise the ship to depart from the course of her voyage from the port of departure to the port of destination.

7. The term "perils of the seas" refers only to fortuitous accidents or casualties of the seas. It does not include the ordinary action of the winds and waves.

8. The term "pirates" includes passengers who mutiny and rioters who attack the ship from the shore.

9. The term "thieves" does not cover clandestine theft or a theft committed by any one of the ship's company, whether crew or passengers.

10. The term "arrests, etc., of kings, princes, and people" refers to political or executive acts, and does not include a loss caused by riot or by ordinary judicial process.

11. The term "barratry" includes every wrongful act wilfully committed by the master or crew to the prejudice of the owner or, as the case may be, the charterer.

12. The term "all other perils" includes only perils similar in kind to the perils specifically mentioned in the policy.

13. The term "average unless general" means a partial loss of the subject-matter insured other than a general average loss, and does not include "particular charges".

14. When a policy contains the words "warranted free from particular average unless the ship is stranded, sunk, or burnt", or any similar expression, and any such accident has happened to the ship, the insurer is liable for the excepted losses, although the loss is not attributable to such accident, provided that when the accident occurs the risk has attached and (if the policy is on goods) the damaged goods are on board.

15. The term "ship" includes the hull, materials and outfit, stores and provisions for the officers and crew, and, in the case of vessels engaged in a special trade, the ordinary fittings requisite for the trade; and also, in the case of a steamship, the machinery, boilers, and coals and engine stores, if owned by the assured.



16. The term "freight" includes the profit derivable by a shipowner from the employment of his ship to carry his own goods or movables, as well as freight payable by a third party, but does not include passage money.

17. The term "goods" means goods in the nature of merchandise, and does not include personal effects or provisions and stores for use on board.

18. In the absence of any usage to the contrary, deck cargo and living animals must be insured specifically, and not under the general denomination of goods.

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## SAMOA I SISIFO

## Vaevaevaina

## Igoa

1. Igoa puupuu
2. Faamatalaina o upu

## VAEGA I

## INISUIA O VAA

3. Faamaoniaina o inisiua o vaa.  
Uiga fefiloi e ono lamatia i le sami ma le laueleele
4. Faamaninoina o faigamalaga a vaa o le sami ma uiga matautia e ono alia'i mai i folauga i le sami

## VAEGA II

## AIA TATAU E MAFAI ONA INISUIA

5. O le faaleaogaina faale-tulafono o ni feagaiga tau petiga ma taaloga
6. Faamaoniaina o aiā tatau e mafai ona inisiua
7. Taimi e tatau ona faapipi'i ai le aiā tatau
8. Aiā tatau e ono mafai ona faamutaina po o e ono alia'i mai
9. Aiā tatau i se vaega
10. O le toe inisiuaina
11. Feagaiga o le mokesiina o se vaa mo ni tupe e faia ai se malaga
12. Totogi o le aliivaa ma le auvaa
13. Totogi o uta e mua'i totogi
14. Totogi o inisiua
15. Aiā tatau e tusa ai ma le tupe e maua
16. Faamatuuina atu o se aiā tatau

## VAEGA III

## TAU E MAFAI ONA INISUIA

17. Fua o le tau e mafai ona inisiua

## VAEGA IV

FAAALIA O MEA MA  
FAAMATALAGA

18. O le faaaliga o mea e lē ua inisiua
19. Faaaliga e faia e le sui sooupu o loo faia le inisiua

20. Faamatalaga a o loo tatali se feutagaiga tau le feagaiga
21. Taimi e faatatauina ai se feagaiga e faapea ua mauu

## VAEGA V

## O LE PEPA O LE INISUIA

22. E tatau ona faatinoina le feagaiga i totonu o le pepa o le inisiua
23. O ā mea e tatau ona faaaliga maoti i le pepa o le inisiua
24. Sainia o le igoa o lē ua faia le inisiua
25. Faaaliga maoti o le mataupu-autu
26. O le lē faatinoina ma faailoga le pepa o le inisiua
27. Pepa o le inisiua o malaga ma taimi
28. Pepa o le inisiua ua fuafuaina ai le tau
29. Pepa o le inisiua e le'i fuafuaina ai le tau
30. Pepa o le inisiua e puipui a'i uta a se vaa po o ni vaa
31. Tupe e totogi mo le inisiua e ao ina faatulaga
32. Fausia o tuutuuga i totonu o le pepa o le inisiua

## VAEGA VI

## INISUIA SAUTUALUA

33. Inisiua sautualua

## VAEGA VII

## PUIPUIGA MALU MA ISI MEA

34. Uiga moni o le puipuiga malu
35. Taimi e faagafuaina ai le soliga o se puipuiga malu
36. Puipuiga malu ua faaaliga manino
37. Puipuiga malu o le tulaga auliuh
38. E leai se puipuiga malu o le tulaga faamalo e aafia ai
39. Puipuiga malu o le tulaga saogalemulelei
40. Puipuiga malu o le lelei atoatoa o le vaa mo malaga i le sami

41. E leai se puipuiga malu e aafia ai i le faapea ua lelei atoatoa oloa i le faafeagai ai ma uiga o le sami  
 42. Puipuiga malu o le tulaga aloa'ia faale-tulafono

## VEAGA VIII

## O LE MALAGA

43. Tuutuuga e aafia ai e faasino i le amataga o se uiga e lamatia ai  
 44. Suiga o le taulaga e malaga ese atu ai  
 45. O le folau atu mo se taunuuga e ese ai  
 46. Suiga o le malaga  
 47. O le ui ese mai le alava'a  
 48. Taulaga eseese e la'u ese ai oloa oloa  
 49. Uiga faatuai i se malaga  
 50. O mafuaga tatau mo le ui ese mai le alava'a po o se faatuai

## VEAGA IX

## FAALILIUINA ATU O PEPA O INISIUA

51. O le taimi ma le faiga e mafai ona faaliliu atu ai se pepa o le inisiua  
 52. O le ua inisiua e leai sana aiā tatau, e lē mafai ona na faaliliuina atu

## VEAGA X

## O LE TUPE E TOTOGI MO INISIUA

53. Pepa o le inisiua e faia e ala atu i se tagata e faatauina mai ma faatauina atu oloa  
 54. Taunuuga o le lisiti i luga o le pepa o le inisiua

## VEAGA XI

## MEA UA LEILOA MA LE FAAMATUUINA ATU O AIA TATAU

55. Mea leiloa e aofia ai ma mea leiloa e lē aofia ai  
 56. O le leiloa o se vaega ma le matuā leiloa atoa o se mea  
 57. O le matuā leiloa atoa ua tino mai  
 58. Vaa ua leiloa  
 59. Taunuuga o le toe auina atu o se uta i se vaa  
 60. Faamanoinoa o le matuā leiloa atoa ona faamatuu atu le aiā tatau i luga o ni mafuaga tatau  
 61. Taunuuga o le matuā leiloa atoa ona ua faamatuu atu le aiā tatau i luga o ni mafuaga tatau.

62. Faaaliga o le faamatuuina atu o le aiā tatau  
 63. Taunuuga o le faamatuuina atu o le aiā tatau.

## VAEGA XII

## MEA UA LEILOA SE VAEGA (E AOFIA AI TAU MO LE LAVEAIINA O VAA MA OLOA MA FUA FAATA-TAU AOA O LAUGATASIA AI AI MA TOTOGI FAAPITOA)

64. Fua Faatautu e laugatasia ai le leiloa  
 65. Totogi o le laveaiina  
 66. Fua faatautu aoa o laugatasia ai o le mea ua leiloa

## VAEGA XIII

## FUA O LE PUIPUIGA E FAASAGA I SE LEAGA E ONO ALIA'I MAI

67. Tulaga e oo i ai le noataga o lē na faia le inisiua mo se mea e leiloa  
 68. O le matuā leiloa atoa  
 69. O le leiloa o se vaega o se vaa  
 70. O le leiloa o se vaega o totogi o uta  
 71. Leiloa o se vaega o oloa, oloa na faatau mai mo le toe faatauina atu, ma isi mea  
 72. Vaevaeina o le tau fuafuaina  
 73. Saofaga o le fua faatautu aoa o laugatasia ai ma totogi o le laveaiina  
 74. Noataga i lona tolu o vaega auai  
 75. Tuutuuga eseese e faasino i le fua o le puipuiga e faasaga i se leaga e ono alia'i mai  
 76. Puipuiga faapitua o le tulaga laugatasia  
 77. Mea ua leiloa faasolosolo  
 78. Fuaiupu tau moliga ma galuega

## VAEGA XIV

## AIA TATAU A LE NA FAIA LE INISIUA I LUGA O TUPE E TOTOGI ATU

79. Aiā tatau e suitulaga ai se tasi i se isi  
 80. Aiā tatau tau saofaga  
 81. Taunuuga o le maulalo ona inisiua

## VAEGA XV

## O LE TOE FAAFOIINA O TUPE NA TOTOGI TAU INISIUA

## O LE TOE FAAFOIINA O TUPE NA TOTOGI TAU INISIUA

84. Toe faafoiga ona ua lē maua se faamanuiaga

VAEGA XVI

INISUIA FEALOA'I

85. Fetuutuunaiga o le Tulafono i le itu i inisiua fealoa'i

VAEGA XVII

TUUTUUGA FAAOPOPO

86. Faamaoniga a lē ua inisiua

87. Tiute tauave e faasino i ai ua fesuia'i e le feagaiga po o le faaogaina

88. O le taimi e ono tatau ai, ma isi mea, o se mataupu lea tau le mea moni

89. Faaogaina o tulafono laiti o le tulafono lautele

90. Fasi-pepa e aveva ma molimau

91. Mea ua soloia ma mea ua faasaoina

Faamatalaga

1975, Nu. 20

**O SE TULAFONO e toe teuteu ma faamautu a'i le tulafono e faasino i le inisiuaina o vaa.** [23 Tesema 1975]

UA FAIA e le Fono Aoaofaitulafono a Samoa i Sisifo i totonu o le Palemene ua potopoto e faapea:-

**1. Igoa puupuu**—O lenei Tulafono e mafai ona ta'ua o le Tulafono o le Inisiua o Vaa 1975.

**2. Faamatalaina o upu**—I totonu o lenei Tulafono, pe afai e lē feteena'i ma le faa'upuga, -

“Tagi” e aofia ai se tagi tete'e ma se talosaga e faafetaia'i ai se tagi:

“Totogi o uta” e aofia ai le tupe mamā e ono mafai ona maua e se tagata e ōna le vaa mai le faafaigaluegaina o lona vaa e la'uina ai ana lava oloa po o ni mea e ono mafai ona feavea'i, faapea foi ma totogi o uta e ono tatau ona totogi e sona tolu o vaega, a e lē aofia ai tupe o pasese:

“Mea e ono mafai ona feavea'i” o lona uiga o so o se mea totino faitino e ono mafai ona feavea'i e ese ai na i lo le vaa, ma e aofia ai tupe, mea tāua e puipui a'i, ma nisi lava pepa faamaonia:

“Pepa o le inisiua” o lona uiga o se pepa o le inisiua o se vaa.

VAEGA I

INISUIA O VA'A

**3. Faamaninoina o inisia o vaa. Uiga fefiloi e ono lamatia ai i faalavelave i le sami ma le lauelele** —(1) O se feagaiga o le inisiua o vaa, o se feagaiga lea ua faia ai e le tagata na te

faia le inisiua se tautinoga e noatia ai o ia na te puipuia lē ua inisiua, i le faiga ma e oo atu i le tulaga ua faapea ona malilie faatasi i ai, e faasaga i ni mea tau vaa e leiloa pe maumauina - o lona uiga e faapea, o mea e leiloa e ono alia'i mai i faigamalaga i vaa o le sami.

(2) O se feagaiga tau inisiua o vaa e mafai, e ala i ona tuutuuga e faaalua manino po o e ui atu i faiga masani tau i faiga masani tau fefaatauaiga, ona faalatele atu ina ia puipuia ai le ua inisiua e faasaga i ni mea e leiloa pe maumauina i luga o ni vai i uta i le laueleele po o so o se uiga e ono lamatia ai i luga o so o se laueleele, ia e ono mafai ona alia'i mai i so o se malaga i le sami.

(3) Afai o se vaa o loo faagasolo ona fausia, po o le vaa-afi o se vaa, po o so o se faigamalaga e foliga tutusa ma se faigamalaga tau vaa o le sami, o loo malutia e se pepa o le inisiua i le uiga tino mai o se pepa tau inisiua o vaa, o le a tatau lava ona faaaogaina i ai tuutuuga o lenei Tulafono, e tusa ai ma le tulaga e ono mafai ona faaaogaina ai; a e peitai, se'ia vagana ai e pei ona aiaia e lenei fuaiupu, e leai se mea o i totonu o lenei Tulafono o le a tatau ona suia pe afāina ai so o se tulafono e puipui a'i le tulafono e ono mafai ona faaaogaina i so o se feagaiga tau inisiua e ese ai na i lo se feagaiga tau inisiua o vaa e pei ona faamanoinoina e lenei Tulafono.

**4. Faamanoinoina o faigamalaga a vaa o le sami ma uiga mata'utia e ono alia'i mai i folauga i le sami—**(1) I le noatia ma fai fuafua i tuutuuga o lenei Tulafono, faigamalaga taitasi uma e tusa ai ma ala o le tulafono i vaa o le sami, e mafai ona avea lea ma mataupu-autū o se feagaiga tau inisiua o vaa.

(2) I le tulaga faapitoa, o le a iai se faigamalaga a vaa o le sami pe afai -

(a) O so o se vaa, oloa, po o nisi lava mea e ono mafai ona feavea'i (mea ia ua ta'ua mulimuli ane iinei o "mea totino e mafai ona inisiua") ua tuuina atu ma avanoa i uiga imatautia e ono lamatia ai o le sami;

(e) O le maua mai po o le aveina o so o se tologi o uta, tupe o pasese, komisi, tupe mamā, po o se tasi lava faamanuiaga tau tupe, po o le puipuiga malu mo so o se tupe na tuuina atu faa-aitalafu, faaunega-tupe, po o ni tupe na tologi atu, ua lamatia i se uiga mata'utia ona o le tuuina atu ma faaavanoa atu le mea totino e mafai ona inisiua i uiga mata'utia e ono lamatia ai o le sami:

- (i) So o se noataga tau tupe i se vaega lona tolu e mafai ona faia e lē e ōna, po o se tasi lava tagata e aiā i ai po o e noatia ai mo, mea totino e mafai ona inisiua ona o uiga matautia e ono lamatia o le sami.
- (3) “Uiga matautia e ono lamatia ai o le sami” o lona uiga o uiga matautia e ono pogai mai i luga, po o, e ono alia'i mai i folauga i le sami - o lona uiga e faapea, o uiga matautia e ono lamatia ai i le vasa, mu, uiga matautia e ono lamatia ai i taua, tagata faomea o le sami, tagata gaoui, pu'eina faapagota, pu'eina faamalosi, faalavelaveina o le malaga, ma le taofia faapagota o aloali'i ma tagata, lafoina i lalo o oloa i le sami ina ia faamāmāina ai le vaa, faiga tau-faasesē a le kapeteni po o le auvaa ina ia faaleaga a'i lē e ōna le vaa po o oloa, ma so o se tasi lava uiga matautia e ono lamatia ai, tusa lava po o se ituaiga o faiga faapena pe na aiaia manino e le pepa o le inisiua.

## VAEGA II

### AIA TATAU E MAFAI ONA INISIUA

5. **O le faalēaogaina faale-tulafono o ni feagaiga tau petiga po o taaloga**—(1) O feagaiga taitasi uma tau inisiua o vaa e ala i mea tau taaloga po o petiga e lē faaogaina faale-tulafono.

(2) O se feagaiga tau inisiua o vaa e faatatauina lava e avea o se feagaiga o mea tau taaloga po o mea tau petiga -

(a) Pe afai e lē o i ai i lē ua inisiua se aiā tatau e mafai ona inisiua e pei ona faamaninoina e lenei Tulafono, ma ua na osia le feagaiga e aunoa ma se faamoemoe e maua mai ai sea aiā tatau; po o

(e) Pe afai ua faia le pepa o le inisiua e faapea “aiā tatau po o e leai se aiā tatau”, po o “e aunoa ma se tasi faamaoniga o le aiā tatau e ese ai na i lo le pepa o le lava ia”, po o “e aunoa ma se faamanuiaga tau le laveaiina o le vaa e maua e le tagata na te faia le inisiua”, po o e noatia ma fai fuafua i so o se tasi lava tuutuuga faapena :

A e vagana ai pe afai e leai se tulaga e ono mafai laveaiina ai, e mafai lava ona faia se pepa o le inisiua e aunoa ma se faamanuiaga tau le laveaiina e maua e le tagata na te faia le inisiua.

**6. Faamaninoina o aiā tatau e mafai ona inisiua—**(1) I le noatia ma fai fuafua i tuutuuga o lenei Tulafono, e maua e tagata taitasi uma se aiā tatau e mafai ona inisiua o ia lea e aiā i se faigamalaga i le sami.

(2) I le tulaga faapitoa, e aiā se tagata i se faigamalaga i le sami pe afai o loo tula'i mai o ia i so o se fāiā faale-tulafono po o se fesootaiga e sa'o ma tonu i le itu i le faigamalaga, po o le itu i so o se mea totino e mafai ona inisiua o loo i ai i se tulaga e ono lamatia ai iina, ma o le taunu'uga o sea faiga e ono faamanuiaina ai o ia ina ua saogalemu po o ua taunuu atu i le tulaga e tatau ai le mea totino e mafai ona inisiua, po o e ono mafai ona afāina ai i le leiloa o se mea, po'o ona o se leaga ua oo i ai, po'o ona ua taofia sea lava mea, po o e ono mafai ona alia'i mai ai se noataga i le itu i sea lava mea.

**7. Taimi e tatau ona faapipi'i ai le aiā tatau—**(1) E tatau ona aiā lē ua inisiua i le mataupu-autū ua inisiua i le taimi o le leiloa, e ui lava ina e lē tau manaomia le aia i ai o ia i le taimi e faia ai le inisiua:

A e vagana ai ona afai ua inisiua le mataupu-autū e faapea "leiloa po o le lē leiloa", e mafai ona toe maua e lē ua inisiua lana aiā tatau e ui lava ina atonu e lē maua e ia lea aiā tatau se'ia o'o ina ua tuanai le leiloa, ae vagana ai ona sa silafia e lē ua inisiua i le taimi e faatinoina ai le feagaiga le leiloa a e sa le'i silafia e lē na faia le inisiua.

**8. Aiā tatau e ono mafai ona faamutuina po o e ono alia'i mai—**(1) O se aiā tatau e ono mafai ona faamutaina e mafai ona inisiua, e pei foi o se aiā tatau e ono alia'i mai.

(2) I le tulaga faapitoa, pe afai ua inisiua e lē na faatauina mai oloa i latou, ua ia te ia se aiā tatau e mafai ona inisiua, e ui lava ina faapea e ono mafai ona teena e ia oloa i le taimi o lana filifiliga, po o ua ia faatatauina i latou e faapea o loo i ai i se tulaga e ono lamatia ai lē e faatauina atu, ona o se uiga faatuai o lē ua ta'ua mulimuli i le faaooina atu po o se tasi lava faiga e ese ai.

**9. Aiā tatau i se vaega—**O se aiā tatau i se vaega o so o se ituaiga e ono mafai ona inisiua.

**10. O le toe inisiuaina—**(1) O lē ua na faia le inisiua i lalo o se feagaiga tau inisiua o vaa, ua ia te ia se aiā tatau e mafai ona inisiua, a e ono lamatia ai o ia, ma e mafai ona toe inisiua i le itu i sea lava aiā tatau.

Se'ia vagana ai ona ua aiaia se tasi lava faiga e ese ai i le pepa o le inisiua, o lē na mua'i inisiua e leai sana aiā tatau po o se aiā i le itu i sea toe inisiuaina.

**11. Feagaiga o le mokesiina o se vaa mo ni tupe e faia ai se malaga**—O lē na te faauneina atu se tupe i luga o se feagaiga o se mokesi e faamau i se vaa, po o se faaunega-tupe e faamau i oloa o loo i totonu o se vaa, ua ia te ia se aiā tatau e mafai ai ona inisiua i le itu i le faaunega-tupe.

**12. Totogi o le aliivaa ma le auvaa**—Ua i ai i le aliivaa po o so o se tasi o le auvaa o se vaa se aiā tatau e mafai ona inisiua, i le itu i lenei totogi.

**13. Totogi o uta mua'i totogi**—I le itu i le totogi o uta e mua'i totogi, ua maua ai e le tagata na te mua'i totogiina atu le totogi o uta se aiā tatau e mafai ona inisiua e oo atu i le tulla e lē ono tatau ona toe totogiina ai sea totogi o uta i le itu i le leiloa o sea mea.

**14. Totogi o inisiua**—Ua i ai i le ua inisiua se aia tatau e mafai ona inisiua i le itu i totogi o so o se inisiua lea e ono mafai ona faia e ia.

**15. Aiā tatau e tusa ai ma le tupe e maua**—(1) Afai ua mokesi atu le mataupu-autu ua inisiua, ua i ai lē na te tuuina atu le mokesi se aiā tatau e mafai ona inisiua i le tau atoa o sea lava mea, ma ua i ai i lē e mokesi atu i ai se aiā tatau e mafai ona inisiua, i le itu i so o se vaega-tupe e tatau po o ua oo ina tatau ona totogi atu i lalo o le mokesi.

(2) O se tagata ua mokesi atu i ai, tagata e auina atu i ai oloa, po o se tasi lava tagata o loo ia te ia se aiā tatau i le mataupu-autu ua inisiua, e mafai ona na inisiuaina e avea ma sui ma mo le lelei ma le manuia o nisi lava tagata e aiā i ai faapea foi ma mo lo latou lava lelei.

(3) O lē e ōna le mea totino e mafai ona inisiua ua ia te ia se aiā tatau e mafai ona inisiua i le itu i le tau atoa o sea lava mea, e ui lava ina atonu ua malie sona tolu o tagata, po o e ono noatia ai, na te toe totogiina po o na te puipuia malu o ia mai se noataga i le itu i se mea e leiloa.

**16. Faamatuuina atu o se aiā tatau**—(1) Afai ua faamatuu atu e lē ua inisiua po o ua tete'a eseese i se tasi lava faiga e ese ai ma lana aiā tatau i le mataupu-autū ua inisiua, e lē



faapea ua avea lea ma ala ua na faaliliuina atu ai lē ua faamatuu atu i ai, ana aiā tatau e tusa ai ma le feagaiga tau inisiua, a e se'ia vagana ai ona ua i ai se feagaiga maoti pe faasino i ai ua osia ma lē ua faamatuu atu i ai mo le faia o lea itu.

(2) O tuutuuga o lenei fuaiupu e lē aafia ai le faaooina atu o se aiā tatau i le faagaoioiga o le tulafono.

### VAEGA III

#### TAU E MAFAI ONA INISIUA

**17. Fua o le tau e mafai ona inisiua**—I le noatia ma fai fuafua i so o se tuutuuga ua faaalua manino po o le fuafuaina o le tau i totonu o le pepa o le inisiua, o le tau e mafai ona inisiua o le mataupu-autu ua inisiua e tatau lava ona faia ia mautinoa e pei ona faaalua i lalo:

- (a) I le inisiua e faatatau i se vaa o le tau e mafai ona inisiua o le tau lea, e oo mai i le amataga o uiga e ono lamatia ai, o le vaa, e aafia ai lona faatotogiina, mea'ai ma oloa mo alii ofisa ma le auvaa, tupe e tuuina atu faa-aitalafu mo totogi o le auvaa, ma isi lava tupe na totogi atu (pe afai e i ai) na faaalua ina ia saunia ai le vaa ia lelei atoatoa mo le malaga po o le faigamalaga ua mafaufauina i le pepa o le inisiua, faaopoopo i ai totogi o le inisiua i luga o le mea atoa; ma, i le itu i se vaa e alu i le enesini, e aafia ai foi mea tau masini, enesini e tunu ai le vai vevela, ma koale ma oloa tau enesini pe afai e pule ai lē ua inisiua; ma, i le itu i se vaa o loo faafaigaluega i se galuega faapitoa, totoga masani e manaomia mo lea galuega;
- (e) I le inisiua e faatatau i totogi o uta, tusa lava po o ua mua'i totogi pe leai, o le tau e mafai ona inisiua, o le aofaiga atoa lea e le'i maoti o le totogi o uta, e ono lamatia ai lē ua inisiua, faaopoopo i ai totogi o le inisiua;
- (i) I le inisiua e faatatau i oloa po o oloa na faatau mai mo le toe faatauina atu, o le tau e mafai ona inisiua o le tau muamua lava lea o le mea totino ua inisiua, faaopoopo i ai tupe alu ma tupe e ono alia'i mai i mea tau vaa ma totogi o le inisiua i luga o le mea atoa;

- (o) I le inisiua e faatatau i so o se tasi lava mataupu-autu, o le tau e mafai ona inisiua o le aofaiga lava lea o tupe e ono lamatia ai lē ua inisiua pe a oo ina ua faapipi'i i ai le pepa o le inisiua, faaopopo i ai ma totoi o le inisiua.

## VAEGA IV

### FAAALIA O MEA MA FAAMATALAGA

**18. O le faaalua o mea e lē ua inisiua**—(1) I le noatia ma fai fuafua i tuutuuga o leni fuaiupu, e tatau i lē ua inisiua ona na faaalua i lē e faia le inisiua, a o le'i faamautūina le feagaiga, uiga tino mai taitasi uma ua oo i ai ua silafia e lē ua inisiua, ma ua faatatauina lava e faapea ua silafia e lē ua silafia e lē ua inisiua uiga taitasi uma ua oo i ai ia e tatau ona silafia e ia, i le faagasologa e masani ai o le pisinisi. Afai ua lē faaalua e lē ua inisiua sea mea, e mafai e lē ua faia le inisiua ona na faaleaogaina faale-tulafono le feagaiga.

(2) Ua tino mai uiga taitasi uma ua oo i ai, ia o le a ono tosina ai le faaiuga a se tagata faautauta na te faia le inisiua i le faatulagaina o le tupe e totoi mo le inisiua po o le fuafuaina o se tonu pe mata o le a na tauaveina se uiga e ono lamatia ai.

(3) O le leai o se suesuega, o le a lē tatau ai ona faaalua uiga ua oo i ai ia ua ta'ua i lalo, e faapea:

(a) So o se uiga ua oo i ai lea ua faaitiitia ai le tulaga e ono lamatia ai;

(e) So o se uiga ua oo i ai ua iloa po o ua i ai le manatu e faapea ua silafia e lē na faia le inisiua. Ua faatatauina le na te faia le inisiua e faapea ua na silafia mataupu tau se uiga ta'uvalea taatele po o se malamalama lautele, ma mataupu ia e ono tatau ona silafia e se tagata na te faia le inisiua i le faagasologa e masani ai o lana pisinisi, a o faapea ona galue;

(i) So o se uiga ua oo i ai lea e faasino i ai se faamatalaga ua faataatia'ese e lē na te faia le inisiua;

(o) So o se uiga ua oo i ai lea ua soona sili atu na i lo le tulaga e tatau ai ona faaalua ona o so o se pule-faataga ua faaalua manino pe faasino i ai.

(4) O le fesili pe mata ua tino mai pe leai so o se uiga faapitoa ua oo i ai, o se fesili lava lea tau le mea moni, i itu taitasi.

(5) O le fuaitau “uiga ua oo i ai” e aofia ai so o se fesootaiga na faia i, po o se faamatalaga na maua e lē ua inisiua.

**19. Faaaliga e faia e le sui sooupu o loo faia le inisiua**—I le noatia ma fai fuafua i tuutuuga o le fuaiupu mulimuli talu ai e faasino i uiga ua oo i ai ia e lē tatau ona faaaliga, afai o se inisiua ua faia mo lē ua inisiua e se sui sooupu, e tatau ona faaaliga e le sui sooupu i lē na te faia le inisiua -

- (a) So o se uiga tino mai ua oo i ai ua iloa e ia lava; ma o se sui sooupu na te faatinoina le inisiua ua faatatauina lava e faapea ua na silafia uiga taitasi uma o i ai ia e tatau ona iloa e ia po o ua faailoa atu ia te ia i le faagasologa e masani ai o le pisinisi; ma
- (e) So o se uiga tino mai ua oo i ai lea ua noatia ai lē ua inisiua na te faaaliga, a e se'ia vagana ai ona ua na silafia ua matuā tuai tele ona faailoa atu lea itu i le sui sooupu.

**20. Faamatalaga a o loo tatali se feutgaiga tau le feagaiga**—(1) So o se faamatalaga tino mai na faia e lē ua inisiua po o sona sui sooupu i lē na te faia le inisiua a o faagasolo feutagaiga mo le feagaiga, ma a o le'i faamautuina le feagaiga, e tatau lava ona moni. Afai e lē moni, e mafai e lē na te faia le inisiua ona faalēaogaina faale-tulafono le feagaiga.

(2) Ūa tino mai se faamatalaga lea o le a ono faatosinaina ai le faaiuga a se tagata faautauta na te faia le inisiua i le faatulagaina o le tupe e totogi i le inisiua po o le fuafuaina o se tonu pe mata o le a na tauaveina le tulaga e ono lamatia ai.

(3) E mafai ona avea se faamatalaga o se faamatalaga e faasino i se mataupu tau le mea moni po o e faasino i se mataupu tau se faamoemoega po o se talitonuga.

(4) O se faamatalaga e faasino i se mataupu tau le mea moni, e moni pe afai e tele ina sa'o - o lona uiga e faapea, pe afai o le eseesega i le va o le mea ua faamatalaina ma le mea tonu e sa'o, o le a lē ono faatatauina e se tagata faautauta na te faia le inisiua e faapea ua tino mai.

(5) O se faamatalaga e faasino i se mataupu tau se faamoemoega po o se talitonuga, e moni pe afai ua faia i le agaga faamaoni.

(6) E mafai ona toe tatala i tua po o le faasa'oina se faamatalaga a o le'i faamautuina le feagaiga.

(7) O le fesili pe mata ua tino mai se faamatalaga faapitoa pe leai, o se fesili lava lea tau le mea moni, i itu taitasi.

**21. Taimi e faatatauina ai se feagaiga e faapea ua mautū**—E faatatauina lava se feagaiga tau inisiua o vaa e faapea ua mautū pe a oo ina talia le fuafuaga a lē ua inisiua e lē na te faia le inisiua, tusa lava po o ua tuuina atu i lea taimi le pepa o le inisiua pe leai; ma mo le itu tau le faaalua o le taimi na talia ai le fuafuaga, e mafai ona faia ai se fuaitau e faasino i le fasi-pepa po o se faamatalaga ootoo e faasino i ai, po o se tasi lava tusi e masani ai o le feagaiga, e ui lava ina e le'i faailogaina i le faailoga o'omi.

## VAEGA V

### O LE PEPA O LE INISIUA

**22. E tatau ona faatinoina le feagaiga i totonu o le pepa o le inisiua**—(1) E leai se tagi o le a tatau ona aumaia i luga o se feagaiga tau inisiua o vaa a e se'ia vagana ai ona ua faatinoina i se pepa o le inisiua tau vaa e tusa ai ma lenei Tulafono.

(2) E mafai ona sainia le pepa o le inisiua ma tuuina atu, tusa lava po o le taimi ua faamautuina ai le feagaiga po o se taimi mulimuli ane.

**23. O a mea e tatau ona faaalua maoti i le pepa o le inisiua**—O le pepa o le inisiua tau vaa e tatau lava ona faaalua ai -

- (a) Le igoa o lē ua inisiua, po'o o se tagata o ia lea ua na faatinoina le inisiua e avea ma ona sui;
- (e) Le mataupu-autu ua inisiua ma le tulaga e ono lamatia ai ua faia faasaga i ai le inisiua;
- (i) Le faigamalaga po o le vaitaimi, po o ia mea uma e lua, sō o se itu e ono aafia ai, o loo aafia ai ma puipuia e le inisiua;
- (o) Le aofa'iga o le tupe po o ni tupe ua inisiua;
- (u) Le igoa po o igoa o ē ua faia le inisiua.

**24. Sainia o le igoa o lē ua faia le inisiua**—(1) O le pepa o le inisiua tau vaa e tatau lava ona sainia e, po o, e avea ma sui o lē ua faia le inisiua:

A e vagana ai ona o le itu i se faalapotopotoga, o le faamau-faailoga a le faalapotopotoga e mafai ona lava lea, a e peitai e leai se mea o i totonu o lenei fuaiupu o le a tatau ona faa- uigaina e faapea o loo manaomia ai le sainiga a se faalapotopotoga ina ia faia i lalo o le faamau-faailoga.

(2) Afai o se pepa o le inisiua ua sainia e, po o e avea ma sui o se to'a lua po o le sili atu o ē e faia inisiua, o ia sainiga taitasi, a e se'ia vagana ai ona ua faaalua se faiga e ese ai, ua aofia ai se feagaiga ua maoti lelei ma lē ua inisiua.

**25. Fa'aalia maoti o mataupu-autu—**(1) O le mataupu-autū ua inisiua e tatau lava ona faaalua maoti i totonu o se pepa o le inisiua tau vaa faatasi ai ma le tulaga mautū e tatau ai.

(2) O le uiga moni ma le tulaga e oo i ai le aiā tatau a lē ua inisiua i le mataupu-autu ua inisiua, e lē tau faaalua i totonu o le pepa o le inisiua.

(3) Afai ua faaalua maoti i le pepa o le inisiua le mataupu-autu i ni fuaitau lautele, o le a tatau lava ona faauigaina faapea e faasino i le aiā tatau na faamoemoeina e lē ua inisiua e ao ina puipuia.

(4) I le faaaogaina o lenei fuaiupu, o le a tatau lava ona aloa'ia ai so o se tulaga masani o loo faatonutonuina ai le faaalua maoti o le mataupu-autu ua inisiua.

**26. O le lē faatinoina ma faailoga le pepa o le inisiua—**(1) Afai o so o se tagata, tusa lava pe avea o lē na te faia le inisiua po o e avea o le sui sooupu a se tagata e faia le inisiua, ua na inisiua po o e avea o le sui sooupu a se tagata e faia le inisiua, ua na totogiina so o se aofaiga o tupe i luga o so o se mea ua totogi atu mo le inisiua po o se tau'i mo so o se feagaiga tau inisiua o vaa, ma ua na lē faatinoina ma faailoga i ala e tatau ai a o lumanai ai po o i totonu o le tolusefulu aso talu ona maua mai po o le aveina se tupe mo sea tupe e totogi i le inisiua po o se tau'i, po o le sailia ina ia faatino ma faailoga i ala e tatau ai, se pepa o le inisiua po o se faamatalaga ootoo o sea inisiua, o le a mafai ona faasalaina o ia i se sala-tupe e lua selau tālā.

(2) Afai o so o se tagata, tusa lava pe avea o lēna te faia le inisiua po o e avea o le sui sooupu a se tagata e faia le inisiua, ua na totoigina so o se aofaiga o tupe i luga o so o se mea ua leiloa e tusa ai ma se feagaiga tau inisiua o vaa, lea e lē o faaalua i totonu o se pepa o le inisiua ua uma ona faailoga i le faiga e tatau ai, po o se faamatalaga ootoo po o pe afai ua na teuteuina i so o se auala so o se talosaga na faia i le itu i sea feagaiga, o le a mafai ona faasalaina o ia i se sala-tupe e lua selau tālā.

(3) O lenei fuaiupu e lē faaaogaina i feagaiga tau le toe inisiuaina o ni uiga e ono lamatia ai, i le itu i ni pepa o inisiua ua uma ona faatinoina ma faailogaina i le faiga e tatau ai.

(4) O lenei fuaiupu e faasino i le sui sooupu a se tagata e faia le inisiua, tusa lava po o loo mau po o loo tauaveina e sea tagata e faia le inisiua se pisinisi i totonu o Samoa i Sisifo po o se tasi lava atunuu.

**27. Pepa o inisiua o malaga ma taimi**—(1) Afai o le feagaiga e mo le inisiuaina o le mataupu-autu i ma mai, po o mai se tasi nofoaga i se isi nofoaga po o nisi lava nofoaga, e ta'ua le pepa o le inisiua o se “pepa o le inisiua o le malaga”; ma afai o le feagaiga e mo le inisiuaina o le mataupu-autu mo se vaitaimi maoti, e taua le pepa o le inisiua o se “pepa o le inisiua o le taimi”. O se feagaiga mo ia mea uma e lua o le malaga ma le taimi e mafai lava ona aofia i totonu o le pepa o le inisiua e tasi.

(2) O se pepa o le inisiua o le taimi lea e faia mo so o se taimi e sili atu i lo le sefululua masina e lē aloa'ia faale-tulafono; a e peitai e mafai o se pepa o le inisiua o le taimi e mafai (e aunoa ma le noatia i so o se tiute o faailoga faaopoopo) ona aofia ai se feagaiga e faasino i le taunuuga e faapea, afai o loo i ai pea le vaa i le sami po o ua le'i faama'eaina le malaga i se tasi lava faiga e ese ai i le aso e faamutaina ai le sefululua masina, o le faatatauina lava le mataupu-autu o le inisiua e faapea o loo puipuia pea se'ia oo ina ua taunuu atu le vaa i lona taulaga e faataunuu i ai, po o mo se vaitaimi mulimuli ane ai e lē silia le tolusefulu aso.

**28. Pepa o le inisiua ua fuafuaina ai le tau**—O se pepa o le inisiua e mafai ona fuafuaina ai le tau po o e le'i fuafuaina ai le tau.

(2) O se pepa o le inisiua ua fuafuaina ai le tau o se pepa lea o le inisiua o loo faaalua manino ai le tau o le mataupu-autu ua inisiua.

(3) I le noatia ma fai fuafua i tuutuuga o lenei Tulafono, ma i le leai o se faiga tau-faasesē, o le tau ua faatulagaina e le pepa o le inisiua, e pei ona faia i le va o lē e faia le inisiua ma lē ua inisiua, ua avea lava lea o le tau ua mautū e mafai ona inisiua o le mea ua faamoemoe e ao ina inisiua, tusa lava po o ua leiloa le atoa po o se vaega o sea mea.

**29. Pepa o le inisiua e le'i fuafuaina ai le tau**—O se pepa o le inisiua e le'i fuafuaina ai le tau, o se pepa lava lea e lē o faaalua maoti ai le tau o le mataupu-autu ua inisiua, a e peitai,

i le noatia ma fai fuafua i le tapula'a o le vaega-tupe ua inisiua, ua tuuina ai le tau e mafai ona inisiua ina ia fai mulimuli ane i ai se tonu i le faiga ua faaalua muamua atu i'inei.

**30. Pepa o le inisiua e puipui a'i uta a se vaa po o ni vaa—**

(1) O se pepa o le inisiua e puipui a'i uta a vaa o se pepa lea ua faamatalaina ai le inisiua i ni tuutuuga eseese, ma ua tuuina ai le igoa o le vaa po o ni vaa ma nisi lava itu auiliili ina ia faamaninoina i se tautinoga mulimuli ane.

(2) O le tautinoga po o ni tautinoga mulimuli ane, e mafai ona faia i le tusia o se faamaoniga i luga o le pepa o le inisiua po o i se tasi lava faiga e masani ai.

(3) Se'ia vagana ai ona ua aiaia i le pepa o le inisiua se tasi faiga e ese ai, e tatau lava ona faia tautinoga i le faasologa o le auina ese atu po o uta a vaa. E tatau ia i latou, i le itu i oloa, ona aofia ai uta faatonuina uma e tusa ai ma tuutuuga o le pepa o le inisiua, ma o le tau o oloa po o nisi lava mea totino e tatau lava ona faaalua ma le faamaoni, a e peitai o se mea ua pa'u po o se tautinoga e sesē e mafai lava ona toe faasa'o-ina tusa lava po o ua tuanai le leiloa po o le taunuu atu, a e vagana ai ona o le lē faia o se mea po o se tautinoga, sa faia lava i le agaga faamaoni.

(4) Se'ia vagana ai ona ua aiaia e le pepa o le inisiua se tasi faiga e ese ai, pe afai e le'i faia se tautinoga o le tau se'ia oo ina ua tuanai se faaaliga o le leiloa po o le taunuu atu, e tatau lava ona faatatauina ai le pepa o le inisiua e avea o se pepa o le inisiua e le'i fuafuaina ai le tau e faasino i le mata-upu-autu o lea tautinoga.

**31. Tupe e totogi ma le inisiua e ao ina faatulaga—(1)**  
Afai ua faia se inisiua i se tupe e totogi o le a faatulaga, ma e leai se faatulagaga ua faia, e tatau ona totogi se tupe e totogi mo le inisiua e ono tatau ai.

(2) Afai o se inisiua ua faia i luga o ni tuutuuga e faapea o le a faatulaga se totogi faaopoopo o le inisiua i se mea e tupu ua atofaina, ma ua alia'i mai sea mea a e leai se faatulagaga ua faia, o lona uiga la e tatau ona totogi se totogi faaopoopo mo le inisiua e ono tatau ai.

**32. Fausia o tuutuuga i totonu o le pepa o le inisiua—**I le noatia ma fai fuafua i tuutuuga o lenei Tulafono, ma se'ia vagana ai ona ua manaomia e le faa'upuga o le pepa o le inisiua nisi uiga e ese ai, o tuutuuga ma fuaitau o loo tā'ua i to-

tonu o le Faamatalaga ua i ai lava, pe a oo ina aofia ai i totonu o se pepa o le inisiua, le uiga ma le faagaioiga e faasino ia i latou i totonu o le Faamatalaga ua ta'ua i luga.

## VAEGA VI

### INISUIA SAUTUALUA

**33. Inisiua sautualua**—(1) Afai e lua pe sili atu ni pepa o le inisiua ua faia e, po o e avea ma sui o lē ua inisiua e faatatau i le faigamalaga lava e tasi ma se aiā tatau po o so o se vaega o sea lava mea, ma ua sili atu vaega-tupe ua inisiua i lo le puipuiga ua faatagaina o lenei Tulafono, o le a faatautauina lava lē ua inisiua e faapea ua sili a'e lona inisiua ona o le inisiua sautualua.

(2) Afai ua sili a'e le inisiua o lē ua inisiua ona o le inisiua sautualua -

(a) E mafai e lē ua inisiua, a e se'ia vagana ai ona ua aiaia e le pepa o le inisiua se tasi faiga e ese ai, ona na tapaina le totogiina mai ē na faia inisiua i se faasologa e pei ona ua manatu o ia e tatau ai, ae vagana ai ona faapea e lē tatau ona maua e ia so o se vaega-tupe e sili atu i lo le puipuiga ua faatagaina e lenei Tulafono;

(e) Afai o le pepa o le inisiua lea ua faia ai le talosaga a lē ua inisiua o se pepa o le inisiua ua fuafuaina le tau, e tatau i lē ua inisiua ona na tuuina atu se tulaga aloa'ia e faasaga i le fuafuaina o le tau mo so o se vaegatupe na maua e ia i lalo o so o se tasi lava pepa o le inisiua, e aunoa ma se manatu i le tau tonu o le mataupu-autu na inisiua;

(i) Afai o le pepa o le inisiua lea ua faia ai le talosaga a lē ua inisiua o se pepa o le inisiua e le'i fuafuaina ai le tau, e tatau ona na tuuina atu le tulaga aloaia, e faasaga i le tau atoa e mafai ona inisiua, mo so o se vaegatupe na maua e ia i lalo o so o se tasi lava pepa o le inisiua;

(o) Afai ua maua e lē ua inisiua so o se vaegatupe e sili atu i lo le puipuiga malu na faaavanoaina e lenei Tulafono, e fatatauina lava o ia e faapea ua na umia sea vaegatupe i se tupe-tausi mo ē na faia le inisiua, e tusa ai ma la latou aiā tatau i saofaga tau tupe a i latou lava.



## VAEGA VII

## PUIPUIGA MALU MA ISI MEA

**34. Uiga moni o le puipuiga malu—**(1) O se puipuiga malu, i totonu o fuaiupu ua ta'ua i lalo e faasino i puipuiga malu, o lona uiga o se puipuiga malu faafolafolaga - o lona uiga, o se puipuiga malu lea ua noatia ai lē ua inisiua e faapea o le a tatau po o le a lē tatau ona faia se mea faapitoa, po o le faapea o le a tatau ona faataunuaina se tuutuuga, po o ua na faamaonia ai po o ua na teena ai le i ai o se tulaga faapitoa o mea moni.

(2) O se puipuiga malu, e mafai ona faaalua manino po o i se uiga e aafia ai.

(3) O se puipuiga malu e pei ona faamanoina i luga o se tuutuuga lea e tatau ona matuā tausisia atoatoa, tusa lava po ua tino mai i le tulaga e ono lamatia ai pe leai. Afai e le faapea ona tausisia, o lona uiga la, i le noatia ma fai fuafua i so o se tuutuuga ua faaalua manino i totonu o le pepa o le inisiua, ua faagafuaina lē na faia le inisiua mai le noataga e afua mai i le aso o le soliga o le puipuiga malu, a e peitai, e aunoa ma le faaleagaina ai o so o se noataga na pogai mai ia te ia a o lumanai ai lea aso.

**35. Taimi e faagafuaina ai le soliga o se puipuiga malu—**

(1) O le lē tausisia o se puipuiga malu e faagafuaina, ona o se suiga o uiga ua oo i ai, pe a oo ina ua le mafai ona faaaogaina le puipuiga malu i uiga ua oo i ai le feagaiga, po o, pe a oo ina ua lē tusa ai ma ala o le tulafono le tausisia o le puipuiga malu e so o se tulafono mulimuli ane.

(2) Afai ua motusia se puipuiga malu, e lē mafaia e lē ua inisiua ona na faaaogaina le tete'e e faapea ua uma ona toe fō'ia le soliga o lea itu, ma ua tausisia le puipuiga malu, a o lumanai ai le leiloa o se mea

(3) O se soliga o le puipuiga malu e mafai ona faataatia'ese e lē na faia le inisiua.

**36. Puipuiga malu ua faaalua manino—**(1) O se puipuiga malu ua faaalua manino e mafai ona so o se tulaga o upu ia o le a ono alia'i mai ai le manatu ina ia puipuia malu.

(2) O se puipuiga malu ua faaalua manino e tatau lava ona aofia ai i totonu po o le tusia ai i luga o le pepa o le inisiua, po o e tatau ona aofia i totonu o se pepa ua faamauina faaletulafono i le silasila atu i totonu o le pepa o le inisiua.

(3) O se puipuiga malu ua faaalua manino e lē tuueseina ai se puipuiga malu e faasino i ai, a e se'ia vagana ai ona ua lē talafeagai ai ma sea lava puipuiga.

**37. Puipuiga malu o le tulaga auliuli**—(1) Afai o le mea totino e mafai ona inisiua, tusa lava po o le vaa po o ni (loa, ua puipuia manino faapea e tulaga auliuli, o loo i ai se tuutuuga e faasino i ai e faapea o le a tatau ona iai i le mea totino se tulaga auliuli i le amataga o le uiga e ono lamatia ai, ma e faapea, e tusa ai ma le tulaga e mafai e lē ua inisiua ona pulea ai le mataupu, o lona tulaga auliuli o le a tatau lava ona puipuia a o faagasolo le uiga e ono lamatia ai.

(2) Afai o se vaa ua puipuia manino faapea e tulaga auliuli, o loo i ai foi se tuutuuga e faasino i ai e faapea, e tusa ai ma le tulaga e mafai e lē ua inisiua ona pulea ai le mataupu, o le a tatau ona faia lelei pepa o le vaa - o lona uiga e faapea - o le a tatau ona na tauaveina ni pepa e tatau ai ina ia faamautuina ai lona tulaga auliuli, ma e faapea o ona pepa o le a lē tatau ona faia i ai se faiga tau-faasesē pe taofiofia, ma e faapea o ni pepa ua faafoliga pepelo o le a lē tatau ona faaogaina. Afai e alia'i mai ua leiloa so o se mea ona ua solia leni tuutuuga, e mafai e lē e faia le inisiua ona faalēogaina le feagaiga.

**38. E leai se puipuiga malu o le tulaga faa-malo e aafia ai**—E leai se puipuiga malu e aafia ai i le itu i le tulaga faa-malo o se vaa, po o le faapea e lē tatau ona suia lona tulaga faa-malo a o faagasolo le uiga e ono lamatia ai.

**39. Puipuiga malu o le tulaga saogalemu lelei**—Afai o le mataupu-autū na inisiua ua puipuia ai e faapea “ua lelei” po o “ua saogalemu lelei” i se aso faapitoa, ua lava lea pe afai o loo saogalemu lea mea i so o se taimi a o faagasolo lea aso.

**40. Puipuiga malu o le lelei atoatoa o le vaa mo malaga i le sami**—(1) I totonu o le pepa o le inisiua o se malaga o loo i ai se puipuiga malu e aafia ai e faapea i le amataga o le malaga, o le a tatau i le vaa ona lelei atoatoa mo le itu i le faigamalaga faapitoa ua inisiua.

(2) Afai e faaogā le pepa o le inisiua a o loo i ai le vaa i totonu o le taulaga, o loo i ai foi se puipuiga malu e aafia ai e faapea o le a tatau i le vaa, i le amataga o le tulaga e ono lamatia ai, ona ia matuā lelei atoatoa e faafetaia'i ai ni uiga matautia e masani ai o le taulaga.

(3) Afai e faasino le pepa o le inisiua i se malaga lea e faia i ni laasaga eseese, o le faagasologa o lea faigamalaga e manaomia ai e le vaa ni ituaiga eseese o, po o nisi sauniuniga po o ni mea faigaluega faaopoopo, o loo i ai lava se puipuiga malu e aafia ai e faapea, i le amataga o laasaga taitasi o le a tatau i le vaa ona lelei atoatoa i le faafeagai ai ma uiga o le sami i le itu i sea sauniuniga po o ni mea faigaluega mo galuega o lea laasaga.

(4) Ua faatatauina se vaa e faapea ua lelei atoatoa mo le sami pe a oo ina ua faatotogaina i le faiga e tatau ai i itu eseese uma e faafetaia'i ai uiga mata'utia e masani ai o le sami mo le faigamalaga ua inisiua.

(5) I se pepa faamaoni tau le inisiua o le taimi, e leai se puipuiga malu e aafia ai e faapea o le a tatau i le vaa ona lelei atoatoa i le faafeagai ai ma le sami i so o se laasaga o le faigamalaga; a e peitai afai, i le auai ma ua silafia e lē ua inisiua, ua aunia atu le vaa i le sami i se tulaga e lē talafeagai ai ma uiga o le sami, e lē noatia lē na faia le inisiua mo so o se mea e leiloa e ono pogai mai i le lē lelei atoatoa o le vaa i le faafeagai ai ma uiga o le sami.

**41. E leai se puipuiga malu e aafia ai i le faapea ua lelei atoatoa oloa i le faafeagai ai ma uiga o le sami—**(1) I se pepa faamaoni tau inisiua e faatatau i oloa po o nisi lava mea e ono mafai ona feavea'i, e lē o i ai se puipuiga malu e faapea o oloa po o ni mea e ono mafai ona feavea'i ua lelei atoatoa i le faafeagai ai ma uiga o le sami.

(2) I se pepa o le inisiua e faatatau i oloa po o nisi lava mea e mafai ona feavea'i, o loo i ai se puipuiga malu e faapea i le amataga e lē gata ina o loo lelei atoatoa le vaa e tusa ai ma uiga o le sami e aveva o se vaa, a e ua faapea foi ona fetau lelei ma talafeagai ai le vaa na te tauaveina ni oloa po o nisi lava mea e mafai ona feavea'i i le mea e faataunuu i ai na faamoe-moeina e le pepa o le inisiua.

**42. Puipuiga malu o le tulaga aloaia faale-tulafono—**O loo i ai se puipuiga malu e aafia ai e faapea o le faigamalaga ua inisiua o se malaga lava lea e tusa ai ma le tulafono, ma e faapea, e tusa ai ma le tulaga e mafai ona pulea ai le mataupu e lē ua inisiua, o le a tatau lava ona faataunuina ai le faiga-malaga i se faiga e tusa ai ma ala o le tulafono.

## VAEGA VIII

## O LE MALAGA

**43. Tuutuuga e aafia ai e faasino i le amataga o se uiga e ono lamatia ai**—(1) Afai ua inisiua le mataupu-autu e se pepa o le inisiua o se malaga “i le ma mai” po o “mai” se nofoaga faapitoa, e lē tatau ona faapea o le a tatau i le vaa ona i ai i lea nofoaga pe a oo ina ua faamautuina le feagaiga, a e peitai o loo i ai se tuutuuga e aafia ai e faapea, o le a tatau ona amataina le faigamalaga i totonu o se taimi e tatau ai, ma afai ua lē faapea ona amataina le faigamalaga, e mafai e lē na ia faia le inisiua ona faalēaoga faale-tulafono le feagaiga.

(2) E mafai ona te‘ena le tuutuuga e aafia ai ina ua faaalua e faapea na pogai le faatuai ona o ni uiga ua oo i ai na silafia e lē na te faia le inisiua a o le‘i faamautuina le feagaiga, po o le faapea na ia faataatia‘eseina le tuutuuga.

**44. Suiga o le taulaga e malaga ese atu ai**—Afai ua faaalua manino le nofoaga e malaga ese atu ai e le pepa o le inisiua, ma ua lē malaga ese atu le vaa mai lea nofoaga a e ua malaga ese atu mai so o se tasi lava nofoaga, e lē aafia ai le uiga e ono lamatia ai.

**45. O le folau atu mo se taunuuga e ese ai**—Afai ua faaalua manino le taunuuga i totonu o le pepa o le inisiua, ma ua lē folau atu le vaa mo lea taunuuga a e ua malaga atu mo so o se tasi lava taunuuga, e lē aafia ai le uiga e ono lamatia ai.

**46. Suiga o le malaga**—(1) Afai, ina ua tuanai le amataga o le uiga e ono lamatia ai, ua suia i lana lava fuafuaga le taunuuga o le vaa mai le taunuuga na faamoemoeina i totonu o le pepa o le inisiua, o le a ta‘ua loa lea faiga o se suiga o le malaga.

(2) Se‘ia vagana ai ona ua aiaia i le pepa o le inisiua se tasi lava faiga e ese ai, pe afai ua i ai se suiga o le malaga, o le a faagafuaina lē na ia faia le inisiua mai se noataga e afua mai i le taimi o le suiga - o lona uiga e faapea, e afua mai i le taimi ua matuā manino ai le faaiuga ina ia suia; ma e lē ono mafai ona faamaonia e faapea atonu o le mea moni sa le‘i tu‘ua e le vaa le alavaa i le faagasologa o le malaga na mafaufauina e le pepa o le inisiua i le taimi na alia‘i mai ai le leiloa o se mea.

**47. O le ui ese mai le alavaa**—(1) Afai o se vaa ua ui ese a aunoa ma se mafuaga tatau faale-tulafono mai le malaga na faamoemoeina e le pepa o le inisiua, e faagafuaina lē na faia le inisiua mai se noataga e afua mai ile taimi na ui ese ai, ma a lē ono mafai ona faamaonia e faapea na toe maua e le vaa lona alavaa a o le'i alia'i mai so o se leiloa o sea mea.

(2) Ua i ai se uiga ua ui ese ai mai le faagasologa o le malaga na faamoemoeina e le pepa o le inisiua -

(a) Pe afai ua faaalii faapitoa le alavaa o le malaga e le pepa o le inisiua, ma o lea alavaa ua lē tausisia ma ua tu'ua ma ui ese mai ai; po o

(e) Pe afai e lē o faaalii faapitoa le alavaa o le malaga e le pepa o le inisiua, a e peitai ua tu'ua ma ua ui ese mai le alavaa e masani ai.

(3) O le faamoemoe e ui ese mai le alavaa e lē ono mafai ona faamaonia; e tatau lava ona i ai se ui ese ua faamaonia ina ia faagafuaina ai lē na faia le inisiua mai lona noataga i lalo o le feagaiga.

**48. Taulaga eseese e la'u ese ai oloa**—(1) Afai e tele ni taulaga e la'u ese ai oloa o loo faaalii manino e le pepa o le inisiua, e mafai e le vaa ona alu atu i taulaga uma po o so o se tasi o i latou, a e peitai afai e leai so o se tulaga masani tau le faaaogaina po o se mafuaga tatau e ese ai, e tatau lava i le vaa ona alu atu i ia taulaga, po o nisi o i latou e pei ona alu atu i ai o ia, i le faatonuga ua faaalii maoti e le pepa o le inisiua. Afai e lē alu atu i ai o ia, ua i ai loa se tulaga o le ui ese mai le alavaa.

(2) Afai e faasino le pepa faamaoni o le inisiua i "ni taulaga e la'u ese ai oloa" i totonu o se vaegaeleele ua atofaina, lea e lē o tā'ua le igoa, e tatau i le vaa, pe afai e leai so o se tulaga masani tau le faaaogaina po o se mafuaga tatau e ese ai, ona aga'i atu loa i ia taulaga, po o nisi o i latou e pei ona alu i ai, i le faasologa o o latou tulaga o loo i ai. Afai na te lē faia lea itu, ua i ai loa se tulaga o le ui ese mai le alavaa.

**49. Uiga faatuai i se malaga**—I le itu i se pepa o le inisiua o se malaga, o le faigamalaga ua inisiua e tatau lava ona faataunuina i le faagasologa atoa o lona alavaa i le faiga e tusa ma tatau ai, ma afai e aunoa ma se mafuaga tatau faale-tulafono ua lē faapea ona faataunuina, o le a faagafuaina loa lē na faia le inisiua mai se noataga e afua mai le taimi lea na alia'i mai ai se faatuai e lē tatau ai.

50. O mafuaaga tatau mo le ui ese mai le alavaa po o se faatuai—(1) O le ui ese mai le alavaa po o se faatuai i le faataunuaina o le malaga na faamoemoeina e le pepa o le inisiua, e faagafuaina -

- (a) Pe afai ua faatagaina e so o se tuutuuga faapitoa i tonu o le pepa o le inisiua; po o
- (e) Pe afai na pogai mai ona o ni uiga e lē oo i ai le pule'aga a le aliivaa ma le tagata o loo faafaigaluegaina o ia; po o
- (i) Pe afai e ono tusa ma tatau ai ina ia tausisia ai se pui-puiga malu ua faaalua manino po o e ono aafia ai; po o
- (o) Pe afai e ono tusa ma tatau ai mo le saogalemu o le vaa po o le matau-autu ua inisiua; po o
- (u) Mo le itu tau le faasaoina o le soifua o tagata, po o le fesoasoani atu i se vaa ua i se tulaga pagatia pe afai ua ono lamatia i se uiga mata'utia le soifua o tagata; po o
- (f) Pe afai e ono tusa ma tatau ai mo le itu tau le maua mai o se fesoasoani faafoma'i po o se fesoasoani tau tipiga mo so o se tagata o loo i luga o le vaa; po o
- (g) Pe afai na pogai i ni amioga tau-faasesē po o le matuā faatalalē o le aliivaa po o le auvaa, pe afai o ni amioga tau-faasesē po o le matuā faatalalē o se tasi lea o uiga mata'utia na fai faasaga i ai le inisiua.

(2) A oo ina ua faamutaina le faagaoioiga o le mafuaga ua faagafuaina ai le ui ese mai le alavaa po o le faatuai, e tatau lava i le vaa ona toe faaauuina lona alavaa ma faataunuaina lana malaga i le faiga e tusa ma tatau ai.

## VAEGA IX

### FAALILIUINA ATU O PEPA O INISIUA

51. O le taimi ma le faiga e mafai ona faaliliu atu ai se pepa o le inisiua—(1) E mafai ona faaliliu atu se pepa o le inisiua o vaa a e se'ia vagana ai ona o loo aofia ai ni tuutuuga ua faaalua manino e faasāina ai le faaliliuina atu. E mafai ona faaliliu atu sea pepa o le inisiua i le taimi a o lumanai ai po o ua tuanai ai le leiloa o se mea.

(2) Afai ua faaliliu atu se pepa o le inisiua o vaa ina ia mafai ai ona faaoo atu le aiā tatau e faamanuiaina ai i le pepa o le inisiua, e avanoa lē ua faaliliu atu i ai le pepa o le inisiua na te faia se tagi i luga o lea lava pepa o le inisiua i lona lava igoa; ma e avanoa lē ua tetee na te faia so o se puipuiga tetee e alia'i mai i le feagaiga lea semanū e tatau ona na faia pe a na fai e aumai le tagi i le igoa o le tagata o ia lea na faia, po o, e avea ma ona sui le pepa faamaoni o le inisiua.

(3) O se pepa faamaoni o le inisiua e mafai ona faaliliu atu i le tusia ai i ona luga o se faamaoniga po o se tasi lava faiga masani ai.

52. O le ua inisiua e leai sana aia tatau, e le mafai ona na faaliliuina atu—Afai ua tete'a lē ua inisiua ma, po o ua lē maua lana aiā tatau i le mataupu-autu ua inisiua, ma ua na le'i faaalua manino pe faapea mai ua malie ina ia faaliliu atu le pepa o le inisiua, a o lumanai ai po o i le taimi ua faapea ona faia ai, so o se faaliliuina atu mulimuli ane o le pepa o le inisiua e lē ono mafai ona faagaioia:

A e vagana ai ona e leai se mea o i totonu o lenei fuaiupu e afāina ai le faaliliuina atu o se pepa o le inisiua a ua tuanai le leiloa o se mea.

## VAEGA X

### O LE TUPE E TOTOGI MO INISIUA

53. Pepa o le inisiua e faia e ala atu i se tagata e faatauina mai na faatauina atu oloa—(1) Se'ia vagana ai ona ua malilie i se tasi lava faiga e ese ai, pe afai o se pepa o le inisiua tau vaa ua faia e avea ma sui o lē ua inisiua e se tagata e faatauina mai ma faatauina atu oloa, e noatia tuusa'o lē e faatauina mai ma faatauina atu oloa i lē ua inisiua mo le tupe e totogi mo le inisiua, ma e noatia tuusa'o lē e faia le inisiua i lē ua inisiua mo le aofaiga o tupe ia e ono tatau ona totogi i le itu i ni mea e leiloa po o le itu i tupe na totogi atu mo inisiua e ono tatau ona toe faafo'i.

(2) Se'ia vagana ai ona ua malilie i se tasi lava faiga e ese ai, ua i ai i lē e faatauina mai a faatauina atu oloa, e faasaga i lē ua inisiua, se lieni po o se aiā tatau e taofia ai se mea se'ia oo ina ua totogi se aitalafu i luga o le pepa o le inisiua mo le aofaiga o le tupe na totogi atu mo le inisiua ma ana totogi i le

itu i le faatinoina o le pepa o le inisiua; ma, afai ua faafeagai o ia ma le tagata o ia lea ua faafaigaluegaina o ia e avea o se alii pule, ua ia te ia foi se leni po o se aiā tatau e taofia ai se mea se'ia oo ina ua totogi se aitalafu i luga o le pepa o le inisiua i le itu i so o se paleni i luga o so o se teuga-tupe tau inisiua e se'ia vagana ai ona sa ia te ia se mafuaga e talitonu ai i le taimi na alia'i mai ai le aitalafu e faapea o sea tagata sa na o lea e mafai ona tatau ona totogi atu ia te ia mai sea tagata, a se sui sooupu.

54. **Taunuuga o le lisiti i luga o le pepa o le inisiua—(1)**  
Afai o se pepa o le inisiua o vaa na faia e avea ma sui o lē ua inisiua e se tagata e faatauina mai ma faatauina atu oloa ua na faamaonia le lisiti o le tupe na totogi atu mo le inisiua, o le a avea lava lea faamaoniga, pe afai e leai se faiga tau-faa-sesē, ma molimau mautū i le va o lē na faia le inisiua ma lē ua inisiua, a e lē o le va o lē na faia le inisiua ma le tagata e faatauina mai na faatauina atu oloa.

## VAEGA XI

### MEA UA LEILOA MA LE FAAMATUUINA ATU O AIA TATAU

55. **Mea leiloa e aofia ai ma mea leiloa e lē aofia ai—(1)**  
I le noatia ma fai fuafua i tuutuuga o lenei Tulafono, ma se'ia vagana ai ona ua aiaia se tasi faiga e ese ai e le pepa o le inisiua, e noatia lē na faia le inisiua mo so o se mea e leiloa na pogai mai i se tulaga e aupito latalata i ai ona o se uiga mata'utia na fai faasaga i ai le inisiua; a e peitai, i le noatia ma fai fuafua e pei ona ta'ua muamua i luga, e lē noatia o ia mo so o se mea e leiloa e le'i pogai mai i se tulaga e aupito latalata i ai ona o se uiga mata'utia e ono lamatia ai na fai faasaga i ai le inisiua.

(2) I se itu faapitoa -

(a) E lē noatia lē na faia le inisiua mo so o se mea e leiloa e ono pogai mai i se amioga e lē tusa ma tatau ai na faia ma le loto i ai e lē ua inisiua; ae peitai, se'ia vagana ai ona ua aiaia e le pepa o le inisiua se tasi faiga e ese ai, e noatia o ia mo so o se mea e leiloa na pogai mai i se tulaga e aupito latalata i ai ona o se uiga matautia e ono lamatia ai na fai faasaga i ai le inisiua, tusa lava po faapea semanu e le ono



alia'i mai le leiloa o sea mea, a e ona o le amioga e lē tusa ma tatau ai po o le faatamala o le aliivaa po po o le auvaa;

- (e) Se'ia vagana ai ona ua aiaia e le pepa o le inisiua se tasi faiga e ese ai, e lē noatia lē na faia le inisiua e faatatau i se vaa po o ni oloa mo so o se mea e leiloa na pogai mai i le tulaga e aupito latalata i ai ona o se faatuai, e ui lava ina faapea na pogai mai le faatuai ona o se uiga mata'utia e ono lamatia ai na fai faasaga i ai le inisiua;
- (i) Se'ia vagana ai ona ua aiaia e le pepa o le inisiua se tasi faiga e ese ai, e lē noatia lē na faia le inisiua mo se uiga e masani ai o le aga'i ina faaleagaina se mea, uiga e masani ai o le mama ma le ta'ei, e pogai mai i se uiga faatalalē po o le uiga masani o le mataupuautu ua inisiua, po o mo so o se mea ua leiloa na pogai mai i le tulaga e aupito latalata i ai ona o isumu po o meaola nini'i faaleaga mea, po o mo so o se leaga ua oo i masini e le'i pogai mai i le tulaga e aupito latalata i ai ona o ni uiga matautia e ono lamatia ai vaa i le sami.

**56. O le leiloa o se vaega ma le matua leiloa atoa o se mea**  
—(1) O le leiloa o se mea, e mafai lava ona o le matuā leiloa atoa o se mea po o se vaega. So o se leiloa o se mea e ese ai na i lo le matuā leiloa atoa, e pei ona faamaninoina mulimuli ane iinei, o le leiloa lava lea o se vaega.

(2) O le matuā leiloa atoa o se mea e mafai lava ona o se mea tonu ua matuā leiloa atoatoa ona ua faatama'ia po o se mea ua leiloa atoatoa ona ua faamatuuina atu le aiā tatau i luga o ni mafuaga tatau.

(3) Se'ia vagana ai ona ua aliali mai se manatu e ese ai nai tuutuuga o le pepa o le inisiua, o se inisiua e faasaga i le leiloa atoatoa o se mea e aofia ai le leiloa atoatoa o se mea ona ua faamatuuina atu le aiā tatau i luga o ni mafuaga tatau po o se leiloa atoatoa o se mea ona ua faaleagaina.

(4) Afai ua aumai e lē ua inisiua se tagi mo se mea ua leiloa atoatoa, ma ua faamaonia e faamatalaga molimau na o se vaega ua leiloa, e mafai e ia, a e se'ia vagana ai ona ua aiaia e le pepa o le inisiua se tasi faiga e ese ai, ona na maua se tau mo se vaega ua leiloa.

(5) Afai ua taunuu atu oloa i lo latou taunuuga i ituaiga, a e ona ua soloia po o ua titina ese faailoga po o ua lē ono mafai ona iloa gofie i latou i se tasi lava faiga e ese ai, o le leiloa (pe afai e i ai) e faasino i se vaega a e lē o le mea atoa.

**57. O le matua leiloa atoa ua tino mai**—(1) Afai o le mataupu-autu na Inisiua ua faatama'ia, po o ua matuā faaleagaina e oo atu i se tulaga ua lē toe avea ai o se mea o le ituaiga na inisiua, po o pe afai ua lē ono mafai ona toe maua e lē ua inisiua sea lava mea, o loo i ai lava se leiloa atoa ua tino mai o sea mea.

(2) I le itu i se mea tonu ua leiloa atoa ona ua faaleagaina, e leai se faamatuuina atu o le aiā tatau e tau tuuina atu.

**58. Vaa ua leiloa**—Afai o se vaa na aafia i le faigamalaga ua leiloa, ma ina ua tuanai se vaitaimi e ono tatau ai a e leai lava se tala ua maua mai e uiga i lea vaa, e mafai loa ona faatatauina e avea o se mea ua matuā leiloa atoa.

**59. Taunuuga o le toe auina atu o se uta i se vaa**—Afai, ona o se uiga mata'utia e ono lamatia ai na fai faasaga i ai le inisiua, ua faalavelaveina le malaga i se taulaga po o se nofoaga i le va e tusa ai ma ni uiga ua oo i ai, e ese ai ai so o se aiaiga faapitoa i totonu o le feagaiga lea na malie ai lē e ona le vaa na te aveina oloa i lona vaa mo se tau'i, e ono alagata-tatau ai i le aliivaa le la'uina i uta ma le toe la'uina i le vaa o oloa po o nisi lava mea e ono mafai ona feavea'i, po o i le toe la'uina o i latou i vaa, ma auina atu ai i latou i lo latou taunuuga, o le noataga o lē na faia le inisiua e faaauauina pea, e ui lava i le la'uina i uta o oloa po o le toe la'uina atu i vaa.

**60. Faamaninoina o le matua leiloa atoa ona ua faamatuu atu le aiā tatau i luga o ni mafuaga tatau**—(1) I le noatia ma fai fuafua i so o se tuutuuga ua faaalua manino i totonu o le pepa o le inisiua, o loo i ai se matuā leiloa atoa ona ua faamatuuina atu i luga o se mafu'aga tatau le mataupu-autu na inisiua, ona ua aliali mai ua lē ma'alofia lona matuā leiloa atoatoa ona ua faatama'ia, po'o ona ua lē ono mafai ona faasaoina sea mea mai le matuā leiloa atoatoa ona ua faatama'ia e aunoa ma se tupe alu lea semanū e ono sili atu i lo lona tau pe a na fai e faaalua sea tupe alu.

(2) I le tulaga faapitoa, o loo i ai se matuā leiloa atoatoa ona ua faamatuu atu le aiā tatau i luga o se mafuaga tatau -

- (a) Pe uafai ua taofia lē ua inisiua mai le umia e ia o lona vaa po o ni oloa ona o se uiga mata'utia e ono lamati' ai na fai faasaga i ai le inisiua; ma
- (i) Ua lē o foliga mai e ono mafai ona toe maua ia le vaa po o oloa, so o se itu e ono aafia ai; po o
- (ii) O le totogi o le toe maua mai o le vaa po o oloa, so o se itu e ono aafia, o le a ono sili atu lea na i lo lo latou tau pe a oo ina ua toe maua mai; po o
- (e) I le itu i se leaga ua oo i le vaa, pe afai ua faapea ona faaleagaina i se uiga matautia na fai faasaga i ai le inisiua o le a ono sili atu ai le totogi o le toe faafouina o le mea ua leaga na i lo le tau o le vaa pe a oo ina ua toe faafouina; po o
- (i) I le itu i se leaga ua oo i oloa, pe afai o le totogi o le toe faafouina o se mea ua leaga ma le auina atu o oloa i lo latou taunuuga o le a ono sili atu lea na i lo lo latou tau ina ua taunuu atu.

(3) I le faatatauina o le totogi o mea e toe faafouina e leai se toesea e ao ina faia i le itu i le fua faatatau aoao e laugatasia ai saofaga i ia toe faafouga e ono tatau ona totogi o isi tagata e aiā i ai, a e peitai e tatau ona aloa'ia ai le tupe alu i gaioioiga tau le laveaiina i aso o lumanai, ma, o so o se fua faatatau aoao e laugatasia ai o saofaga ia o le a ono noatia ai le vaa pe afai ua toe faafouina.

**61. Taunuuga o le matua leiloa atoa ona ua faamatuu atu le aiā tatau i luga o ni mafuaga tatau—**Afai o loo i ai se mea ua matuā leiloa atoa ona ua faamatuu atu le aiā tatau i luga o ni mafuaga tatau, e mafai e lē ua inisiua ona na faatatauina le mea ua leiloa e avea o le leiloa o se vaega po o le faamatuuina atu i le mataupu-autu na inisiua i lē na faia le inisiua ma faatatauina le mea ua leiloa e peisea'i lava o lea leiloa o se matuā leiloa atoa ona ua faatama'ia.

**62. Faaaliga o le faamatuuina atu o le aia tatau—**(1) I le noatia ma fai fuafua i tuutuuga o lenei fuaiupu, afai ua filifilia e lē ua inisiua ina ia faamatuu atu le aiā tatau i le mataupu-autu na inisiua i lē na faia le inisiua e tatau ia te ia ona na tuuina atu se faaaliga o le faamatuuina atu o le aiā tatau. Afai ua na lē faia lea itū, e mafai ona faatatauina le mea ua leiloa e avea o se mea ua leiloa na, o se vaega.

(2) E mafai ona tuuina atu se faaaliga o le faamatuuina atu o le aiā tatau i se faiga tusia, po o le fai-fofoga, po o le tusia o se vaega a e fai-fofoga se tasi vaega, ma e mafai ona tuuina atu i so o se fuaitau lea e faaaliga ai le manatu o le ua inisiua ina ia faamatu'u atu lana aiā tatau na inisiua i le mataupu-autu na inisiua e aunoa ma se tuutuuga i le na faia le inisiua.

(3) E tatau ona tuuina atu se faaaliga o le faamatuuina atu o le aiā tatau ma le faautauta potō e tatau ai ina ua uma ona maua mai se faaaliga faatuatuaina e uiga i le mea ua leiloa, a e peitai afai o lea faaaliga o se uiga e faalētonu, e tatau ona maua e lē ua inisiua se taimi e ono tatau ai na te faia ai se sue-suega.

(4) Afai ua tuuina atu se faaaliga o le faamatuuina atu o le aia tatau i le faiga e tatau ai, e lē faalegaina ai aiā tatau a lē ua inisiua ona o le mea moni e faapea e musu lē na faia le inisiua i talia le faamatuuina atu o le aiā tatau.

(5) O le talia o se faamatuuina atu o le aiā tatau, e mafai ona faaaliga manino po o le alia'i mai i le amio a lē na faia le inisiua. O le na o le faapea e leai se upu mai lē na faia le inisiua ina ua tuana'i se faaaliga, e lē aveva lea ma faaailoga o le talia.

(6) Afai ua talia se faaaliga e le faamatuuina atu o le aiā tatau, o lē ono mafai ona toe soloia le faamatuuina atu o le aiā tatau. O le talia o le faaaliga ua matuā tautinoina ai le noataga mo le leiloa o se mea ma le tulaga e lava ma tatau ai o le faaaliga.

(7) E lē ono tatau ona faia se faaaliga o le faamatuuina atu o le aiā tatau, pe afai, i le taimi ua maua ai e lē ua inisiua le faaaliga e uiga i le leiloa o se mea, e leai se faamanuiaga e ono mafai ona maua e lē na faia le inisiua pe afai e tuuina atu se faaaliga ia te ia.

(8) E mafai ona faataatia'ese le faaaliga o le faamatuuina atu o lē aiā tatau e lē na faia le inisiua.

(9) Afai ua toe inisiua e se tagata na faia le inisiua lona tulaga e ono lamatia ai, e leai se faaaliga o le faamatuuina atu o le aiā tatau e tatau ona tuuina atu e ia.

**63. Taunuuga o le faamatuuina atu o le aiā tatau—(1)**  
Afai o loo i ai se faamatuuina atu o le aiā tatau e aloa'ia faale-tulafono, e avanoa lē na faia le inisiua na te tauaveina le aiā tatau a lē ua inisiua i so o se vaega o loo totoe o le mataupu-autu na inisiua, ma aiā tatau uma tau le pule e ono aafia ai.

(2) I luga o le faamatuuina atu o le aiā tatau i se vaa, e tatau ona maua e lē na faia le inisiua o lea lava vaa so o se to-  
 togi o uta ia o loo faagasolo ina maua mai, ma totonu ia e maua  
 mulimuli ane e le vaa a e ua tuanai le faalavelave na pogai ai  
 le leiloa o sea vaa, toese ai tupe e alu i le maua mai o sea totonu  
 e alia'i mai a ua tuanai le faalavelave; ma afai o loo tauaveina  
 e le vaa ni oloa a lē e ona le vaa, e tatau ona maua e lē na faia  
 le inisiua se tau e tatau ai mo le fela'ua'iga o ia oloa i le taimi  
 mulimuli ane a ua tuanai le faalavelave na pogai ai le leiloa  
 o le vaa.

## VAEGA XII

### LAVEAIINA O VAA MA OLOA FUA FAA- TATAU AOA O E LAUGATASIA AI MA TOTOGI FAAPITOA

**64. Fua faatatau faapitoa e laugatasia ai le leiloa—**(1) O se fua faatatau faapitoa e laugatasia ai le leiloa, o le leiloa lava lea o se vaega o le mataupu-autu na inisiua, lea na pogai mai i se uiga mata'utia e ono lamatia ai na fai faasaga i ai le inisiua, ma o lea mea e lē o se leiloa o le fua faatatau aoao e laugatasia ai.

(2) O tupe alu na faaaluina e, po o e avefa ma sui o lē ua inisiua, mo le saogalemu po o le puipuiga o le mataupu-autu ua inisiua, e ese ai na i lo le fua faatatau aoao e laugatasia ai ma totonu o le laveaiina, e ta'ua ia o totonu faapitoa. O totonu faapitoa e lē aofia i le fua faatatau faapitoa e laugatasia ai.

**65. Totogi o le laveaiina—**(1) I le noatia ma fai fuafua i so o se tuutuuga ua faaalia manino i totonu o le pepa o le inisiua, o totonu o le laveaiina na pogai mai le puipuiga o se mea e leiloa ona o ni uiga matautia e ono lamatia ai na fai faasaga i ai le inisiua, e mafai ona toe maua mai e pei o se mea ua leiloa ona o ia uiga matautia.

(2) O "totogi o le laveaiina" o lona uiga o totonu e ono mafai ona toe maua i lalo o le tulafono o vaa o le sami e se tagata na ia laveaiina e ese ai mai le feagaiga, ma e lē aofia ai ni tupe alu i galuega i le itu i le laveaiina na tuuina atu e lē ua inisiua po o ana sui sooupu, po o so o se tagata na faafaigaluega mo le faaaogaina e i latou, mo le itu tau le taofia po o le 'alofia o se uiga matautia e ono lamatia ai na fai faasaga i ai le inisiua. O ni tupe alu faapena, pe afai na pogai mai i ala e tatau ai, e

mafai lava ona toe maua e avea o ni totogi faapitoa po o e avea o se fua faatatau aoao e laugatasia ai o le mea ua leiloa, e tusa ai ma uiga ua oo i ai ia na pogai mai ai i latou.

**66. Fua faatatau aoao e laugatasia ai o le mea ua leiloa—**

(1) O se fua faatatau aoao e laugatasia ai o le mea ua leiloa, o se leiloa ua pogai mai ona po o na mafua mai tonu i luga o se fua faatatau aoao e laugatasia ai o le gaioiga. E aofia ai foi se fua faatatau aoao e laugatasia ai o le tupe alu faapea foi se fua faatatau aoao e laugatasia ai le faapa'ūina i lalo o le tupe mamā i lalo o ni uiga e lē taugamālie.

(2) O loo i ai se fua faatatau aoao e laugatasia ai o le gaioiga po afai na faia e aunoa ma le tauanauina so o se faapa'ūina tulaga ese o le tupe mama po o ua faaalua i ala e tata ai se tupe alu i le taimi o le faalavelave matautia mo le itu tau le puipuia ole mea totino na lamatia i se uiga matautia i le faigamalaga e masani ai.

(3) Afai o loo i ai se fua faatatau aoao e laugatasia ai o le leiloa, o le vaega o ia lea e pa'u i ai lea itu e tata lava, a e noatia ma fai fuafua i ni tuutuuga e tuuina atu e le tulafono o vaa i le sami, ona maua e ia se saofaga o le tupe e ono mafai ona fuafuaina mai isi vaega e aiā i ai, ma o sea saofaga tau tupe e ta'ua o se saofaga aoao e laugatasia ai.

(4) I le noatia ma fai fuafua i so o se tuutuuga ua faaalua manino i totonu o le pepa o le inisiua, afai ua faaalua e lē ua inisiua se fua faatatau aoao e laugatasia ai o le tupe alu, e mafai e ia ona toe maua lea tupe mai lē na faia le inisiua i le itu i le fua faatatau o le mea ua leiloa lea e pa'ū atu i ona luga; ma, i le itu i se fua faatatau aoao e laugatasia ai le faapa'ūina o le tupe mamā, e mafai e ia ona toe maua mai lē na faia le inisiua i le itu i le mea atoa ua leiloa e aunoa ma le faamalosi o lana aiā tata i le saofaga mai isi vaega e auai e ono noatia ai latou te tuuina mai ni sao.

(5) I le noatia ma fai fuafua i so o se tuutuuga ua faalia manino i totonu o le pepa o le inisiua, afai ua totogi atu e lē ua inisiua po o ua nuoatia na te totogiina atu se fua faatatau aoao e laugatasia ai o le saofaga i le itu i le atapu na inisiua e mafai e ia ona toe maua mai sea tupe mo lea itu mai lē na faia le inisiua.

(6) I le leai o se aiaiga e faalia manino, e lē on onoatia lē na faia le inisia mo so o se fua fa'atatau aoao o le mea ua leiloa po o le saofaga pe afai sa le'i alia'i ai le leiloa o sea mea mo

le itu tau le taofia po o le 'alofia po o i le fa'afeagai ai ma le 'alofia o se uiga pagatia e ono lamatia ai na fai faasaga i ai le inisiua.

(7) Afai o le va'a, totogi o uta, ma le uta, po o so o se to'alua o i latou e aiā i ai, e pulea e le tagata lava lea ua inisiua, o le noataga o lē na faia le inisiua i le itu i le fua faatatau aoao e laugatasia ai o mea ua leiloa po o saofaga o le fuafuaina lava le tonu e peisea'i sa pulea ia mataupu e ni tagata ese'ese.

### VAEGA XIII

FUA O LE PUIPUIGA E FA'ASAGA I SE LEAGA E ONO ALIA'I MAI

**67. Tulaga e oo i ai le noataga o lē na faia le inisiua mo se mea e leiloa—**(1) O le vaegatupe lea e mafai ona maua e lē ua inisiua i le itu i se mea e leiloa i luga o se pepa o le inisiua lea ua inisiua ai o ia, i le itu i se pepa o le inisiua e le'i fuafuaina le aogā e o'o atu i le tulaga atoa e oo i ai le aoga e mafai ona inisiua, po o le itu i se pepa o le inisiua ua fuafuaina le aogā e oo atu i le tulaga atoa e oo i ai le aogā ua faatulaga maoti e le pepa o le inisiua, e ta'ua lea o le fua o le puipuiga e faasaga i se leaga e ono alia'i mai.

(2) Afai o lo o i ai se mea ua leiloa e ono Mafai ona toe maua mai i lalo o le pepa o le inisiua, e noatia lē na faia le inisiua, po o tagata taitasi na faia le inisiua pe afai e sili atu i lo le toatasi, mo se vaega faatatauina o le fua o le puipuiga e faasaga i se leaga e ono alia'i mai e avea o le aofaiga o lona sao pe a fuafua i le aogā po o le tau ua faatulaga maoti e le pepa o le inisiua i le itu i se pepa o le inisiua ua fuafuaina le aogā, po o i le aogā e mafai ona inisiua i le itu i se pepa o le inisiua e le'i fuafuaina le aogā.

**68. O le matuā leiloa atoa—**I le noatia ma faj fuafua i tuutuuga o lenei Tulafono ma i so o se tuutuuga ua faaalai manino i totonu o le pepa o le inisiua, pe afai ua matuā leiloa atoa le mataupu-autu na inisiua,-

- (a) Afai o le pepa o le inisiua o se pepa o le inisiua ua maoti le aogā, o le fua o le puipuiga e faasaga i se leaga e ono alia'i mai o le vaegatupe lava lea na faatulaga e le pepa o le inisiua;
- (e) Afai o le pepa o le inisiua o se pepa e le'i maoti le aogā, o le fua o le puipuiga e faasaga i se leaga e ono alia'i mai o le tau po o le aogā lea e ono mafai ona inisiua o le mataupu-autu na inisiua.

69. **O le leiloa o se vaega o se vaa**—Afai o se vaa ua faaleagaina, a o le'i matuā leiloa atoa, o le fua o le puipuiga e faasaga i se leaga e ono ali'i mai, a e noatia ma fai fuafua i so o se tuutuuga i totonu o le pepa o le inisiua, e faapenei:

- (a) Afai ua toe faafouina le vaa, e tatau ona maua e lē ua inisiua le totogi e ono tatau ai o mea na toe faafouina, toese ai toesea e masani ai, a e lē silia i lo le vaega-tupe na inisiua i le itu i so o se faalavelave e tasi;
- (e) Afai ua toe faafouina na o se vaega o le vaa, e tatau ona maua e lē ua inisiua le totogi e ono tatau ai o sea toe faafouga, e fuafuaina e pei ona ta'ua i luga, ma o le a tatau foi ona toe faaola atu i ai se tupe mo le faaititia o le aogā e ono tatau ai o le vaa (pe afai e i ai) e alia'i mai ona o se leaga e le'i toe faafouina, a e vagana ai ona e lē tatau ona sili atu le tuufaatasiga o tupe i lo le totogi o le toe faafouina o le leaga atoa, e fuafuaina e pei ona faaalua i luga;
- (i) Afai ua le'i toe faafouina le vaa, ma ua le'i faatauina atu i lona tulaga faaleagaina a o faagasolo le uiga e ono lamatia ai, e tatau ona toe faaola atu i lē ua inisiua se tupe e ono tatau ai mo le faaititia o le aogā o le vaa ua alia'i mai ona o le leaga e le'i toe faafouina, a e peita'i e lē sili atu i lo le totogi e ono tatau ai o le toe faafouina o sea leaga, e fuafuaina e pei ona faaalua i luga.

70. **O le leiloa o se vaega o totogi o uta**—I le noatia ma fai fuafua i so o se tuutuuga ua faaalua manino i totonu o le pepa o le inisiua, pe afai o loo i ai se vaega ua leiloa o totogi o uta, o le fua o le puipuiga e faasaga i se leaga e ono alia'i mai o se vaega faatatauina lea o le vaegatupe na faatulaga maoti e le pepa o le inisiua i le itu i se pepa o le inisiua ua fuafuaina maoti le aogā, po'o o le aogā e ono mafai ona inisiua i le itu i se pepa faatatauina o le totogi o uta ua lē maua e lē ua inisiua i le fuafua atu i le totogi atoa o uta i le tulaga e ono lamatia ai lē ua inisiua i lalo o le pepa o le inisiua.

71. **Leiloa o se vaega o oloa, oloa na faatau mai mo le toe faatauina atu, ma isi mea**—Afai ua leiloa se vaega o oloa, na faatau mai mo le toe faatauina atu, po o nisi lava mea e ono mafai ona feavea'i, o le fua o le puipuiga e faasaga i se leaga



c ono alia'i mai, a e noatia ma fai fuafua i so o se tuutuuga ua faaalua manino i totonu o le pepa o le inisiua, e faapenei:

- (a) Afai o se vaega o ni oloa, oloa na faatau mai mo le toe faatauina atu, po o nisi lava mea e ono mafai ona feavea'i ua inisiua e se pepa o le inisiua ua fuafuaina maoti le tau ua matuā leiloa atoa, o le fua o le pui-puigapuiga e faasaga i se leaga e ono alia'i mai, o se vaega faatatauina lava lea o le vaegatupe na faatulaga maoti e le pepa o le inisiua e avea o le tau e ono mafai ona inisiua o le vaega ua leiloa i le fuafua atu i le aogā e ono mafai ona inisiua o le mea atoa, e aiaia ia mautinoa le tonu e pei ona faia i le itu i se pepa o le inisiua e le'i fuafuaina maoti le tau;
- (e) Afai o se vaega o ni oloa, oloa na faatau mai mo le toe faatauina atu, po o nisi lava mea e ono mafai ona feavea'i ua inisiua e se pepa o le inisiua e le'i fuafuaina maoti le tau ua matuā leiloa atoa, o le fua o le pui-puiga e faasaga i se leaga e ono alia'i mai o le tau lava lea e ono mafai ona inisiua o le vaega ua leiloa, e aiaia ia mautinoa le tonu e pei o le itu i se mea ua matuā leiloa atoa;
- (i) Afai o le mea atoa po o so o se vaega o oloa po o oloa na faatau mai mo le toe faatauina atu na inisiua, ua faaoo atu a ua leaga i lona taunuuga, o le fua o le pui-puiga e faasaga i se leaga e ono alia'i mai, o se vaega faatatauina lea o le vaegatupe na faatulaga maoti o le pepa o le inisiua i le itu i se pepa o le inisiua ua fuafuaina maoti le tau, po'o o le tau e ono mafai ona inisiua i le itu i se pepa o le inisiua e le'i fuafuaina maoti le tau, e avea o le eseeseaga i le va o tau e le'i maoti o oloa o loo maopoopo ma oloa ua faaleaogaina i le nofoaga e taunuu i ai pe a fuafua atu i le tau e le'i maoti o oloa o lo'o maopoopo;
- (o) "Tau e le'i maoti" o lona uiga o le tau e faatau atu ai oloa atoatoa po o, pe afai e leai se tau faapena, o le tatau ua faatatauina, faatasi ai ma le itu i totogi o uta, totogi o le la'uina i uta o oloa, ma le tiute e mua'i totogi; a e vagana ai ona faapea, i le itu i oloa po o oloa e faatau mai mo le toe faatauina atu e masani ona faatau atu i se nofoaga e taofia ai, o le tau ua taofia ai e faatatauina lava lea o le tau e le'i maoti.

**72. Vaevaeina o le tau fuafuaina**—(1) Afai e eseese itu-aiga o le mea totino o loo inisiua i lalo o se tau fuafuaina e tasi, e tatau ona vaevaeina le tau fuafuaina i luga o itu-aiga eseese i fuafua faatatau i o latou tau taitasi e ono mafai ona inisiu, e pei lava o le itu i se pepa o le inisiua e le'i fuafuaina maoti le tau.

(2) O le tau ua inisiua o so o se vaega o se itu-aiga, o se vaega faatatauina lava lea o le aofaiga atoa o le tau ua inisiua o lea lava vaega e avea o le tau e mafai ona inisiua o le vaega pe a fuafua atu i le tau e mafai ona inisiua o le mea atoa, e faia ia mautinoa i ia itu uma e lua e pei ona aiaia e lenei Tulafono.

(3) Afai o le a tatau ona vaevaeina se tau ua fuafuaina, ma e lē mafai ona faia ia mautinoa faamatalaga auiliili o le tau autū o vaega eseese taitasi, itu-aiga, po o le faamatalaga o oloa, e mafai ona faia le vaevaeina o le tau ua fuafuaina i luga o tau ua maoti e taunuu ai oloa e maopoopo o vaega eseese, itu-aiga po o faamatalaga o oloa.

**73. Saofaga o le fua faatautau aoao e laugatasia ai ma totogi o le laveaiina**—(1) I le noatia ma fai fuafua i so o se tuutuuga ua faaalua manino i totonu o le pepa o le inisiua, pe afai ua totogi e lē ua inisiua po ua noatia mo so o se saofaga o le fua faatatau aoao e laugatasia ai, o le fua o le puipuiga e faasaga i se leaga e ono alia'i mai o le aofaiga atoa lava lea o sea saofaga pe afai ua inisiua le mataupu-autu e noatia i le saofaga mo lona tau atoa e ao ina sasaina, a e peitai, pe afai e le'i inisiuina sea mataupu-autu mo lona tau atoa e ao ina sasaina, po o pe afai e na o se vaega o lea mataupu-autu ua inisiua, o le puipuiga e faasaga i se leaga e ono alia'i mai e tatau ona totogi e lē na faia le inisiua e tatau lava ona faaitiitia i le fuafua faatatau i le inisiua ua maualalo ona faia, ma afai ua i ai se fua faatatau e laugatasia ai se tupe faapitoa ua lē maua, lea ua avea o se toesea mai le tau e ao ina sasaina, ma o lea tupe e noatia ai lē na faia le inisiua, e tatau ona toese lea aofaiga mai le tau na inisiua ina ia mautinoa ai le tupe e noatia ai lē na faia le inisiua na te sasaina.

(2) Afai e noatia lē na faia le inisiua mo ni totogi o le laveaiina, o le tulaga e oo i ai lona noataga e tatau lava ona fuafuaina le tonu i luga o lea lava tulaga faavae.

74. **Noataga i lona tolu o vaega auai**—Afai ua faia e lē ua inisiua se inisiua i ni tuutuuga ua faaalua manino e faasaga i so o se noataga i sona tolu o vaega auai, o le fua o le puipuiga e faasaga i se leaga e ono ali'ai mai, a e noatia ma fai fuafua i so o se tuutuuga ua faaalua manino i totonu o le pepa o le inisiua, o le aofaiga lea o tupe ua totogi atu po o e ono tatau uona totogi atu e ia i sona tolu o vaega auai faapena i le itu i sea noataga.

75. **Tuutuuga eseese e faasino i le fua o le puipuiga e faasaga i se leaga e ono alia'i mai**—(1) Afai ua i ai se mea e leiloa i le itu i so o se mataupu-autu e le'i faia i ai se aiaiga manino i totonu o tuutuuga ua ta'ua i luga o lenei Tulafono, o le fua o le puipuiga e faasaga i se leaga e ono alia'i mai o le a tatau ona faia ia mautinoa, i le tulaga aupito latalata e ono mafai, e tusa ai ma ia tuutuuga, e oo atu i le tulaga e ono mafai ona faaogaina i lea mataupu faapitoa.

(2) E leai se mea o i totonu o tuutuuga o lenei Tulafono e faasino i le fua o le puipuiga e faasaga i se leaga e ono alia'i mai o le a tatau ona afāina ai tulafono laiti e faasino i le inisiua sautualua, pe faasāina ai lē na faia le inisiua mai le lē faamaonia o le aiā tatau atoa po o se vaega, po o mai le faaalua e faapea o le taimi o le leiloa o le mea atoa po o so o se vaega o le mataupu-autu na inisiua sa le'i i ai i se tulaga e ono lamatia ai i lalo o le pepa o le inisiua.

76. **Puipuiga faapitoa o le tulaga laugatasia**—(1) Afai o le mataupu-autu na inisiua ua puipuia e aunoa ma se uiga faapitoa o le tulaga laugatasia, e lē mafai ona toe maua e lē ua inisiua se tau mo le leiloa o se vaega, e ese ai na i lo se mea ua leiloa na pogai mai i se tulaga aoao e laugatasia ai le faapa'ūina o le tau, a e se'ia vagana ai ona e ono mafai ona vaevaeina le feagaiga na aofia i totonu o le pepa o le inisiua; a e peitai afai e ono mafai ona vaevaeina le feagaiga, e mafai e lē ua inisiua ona toe maua se tau mo le matuā leiloa atoa o so o se vaega e ono mafai ona vaevaeina.

(2) Afai o le mataupu-autu na inisiua ua puipuia e aunoa ma se uiga faapitoa o le tulaga laugatasia, tusa po o le mea atoa po o lalo o se tulaga faapaseneina, e ui lava i lea itu a o le a noatia lē na faia le inisiua mo totogi tau le lavea'iina ma mo ni totogi faapitoa ma nisi lava tupe alu na faaluina ma

le tatau e tusa ai ma tuutuuga o le fuaiupu mo le faiga o se tagi ma ni galuega ina ia 'alofia ma taofia ai le leiloa o se mea na fai faasaga i ai le inisiua.

(3) Se'ia vagana ai ona ua aiaia e le pepa o le inisiua se tasi faiga e ese ai, pe afai ua puipuia e aunoa le mataupu-autu na inisiua ma se uiga faapitoa o le tulaga laugatasia i lalo o se tulaga faapaseneina ua faaalua faapitoa, e lē mafai ona faaopoopoina le fua faatatau aoao e laugatasia ai o le mea ua leiloa i se fua faatatau faapitoa e laugatasia ai le mea ua leiloa ina ia faa-atoa a'i le tulaga faapaseneina ua faaalua faapitoa.

(4) Mo le itu tau le sailia ia mautinoa pe mata ua aulia le tulaga faapaseneina ua faaalua manino, o le a tatau ona faia ai se faatatau e faapitoa i le leiloa o se mea po o le leaga tonu ua mafatia ai le mataupu-autu na inisiua. O totogi faapitoa ma ni tupe alu o, ma e ono alia'i mai i le sailia ia mautinoa ma le faamaonia o le leiloa o se mea e tatau lava ona lē aofia ai.

**77. Mea ua leiloa faasolosolo**—(1) Se'ia vagana ai ona ua aiaia i le pepa o le inisiua se tasi faiga e ese ai, ma i le noatia ma fai fuafua i tuutuuga o lenei Tulafono, e noatia lē na faia le inisiua mo ni mea e leiloa faasolosolo, e ui lava ina atonu e sili atu le aofaiga atoa o tupe o ia mea ua leiloa na i lo le vaega-tupe na inisiua.

(2) Afai, i lalo o lea lava pepa o le inisiua, ua sosoo le leiloa o se vaega lea e le'i toe faafouina pe toe faaleleia i se tasi lava faiga e ese mai le matuā leiloa atoa o sea lava mea, e mafai e lē inisiua ona na toe maua na o le tupe e faasino i le matuā leiloa atoa o sea mea.

(3) E leai se mea o i totonu o lenei fuaiupu o le a tatau ona aafia ai le noataga o lē na faia le inisiua i lalo o le fuaiupu tau moliaga ma galuega.

**78. Fuaiupu tau moliaga ma galuega**—(1) Afai o loo aofia i le pepa o le inisiua se fuaiupu tau moliaga ma galuega, o le fuafuaga ua faapea ona osia ua faatatauina lava e avea ma faaopoopo i le feagaiga o le inisiua, ma e mafai e lē ua inisiua ona toe maua mai lē na faia le inisiua so o se tupe alu na faaaluina ma le tatau e tusa ai ma lea fuaiupu, e ui lava ina faapea atonu ua totogi atu e lē na faia le inisiua se tupe mo le matuā leiloa atoa, po o le faapea atonu ua puipuia le mataupu-autu e aunoa ma se tulaḡa faapitoa e laugatasia ai, tusa lava po o le mea atoa po o lalo o se tulaga faapaseneina.

(2) O le fua faatatau aoao e laugatasia ai mea e leiloa ma saofaga ma totoi o le lavea'iina, e pei ona faamanoina e lenei Tulafono, e lē ono mafai ona toe maua i lalo o le fuaiupu tau moliaga ma galuega.

(3) O tupe alu na faaalaina mo le itu tau le taofia po o le faaititia o so o se leiloa o se mea e lē o puipua e le pepa o le inisiua e lē ono mafai ona toe maua i lalo o le fuaiupu tau moliaga ma galuega.

(4) O le tiute lava o le ua inisiua ma ana sui sooupu i mataupu uma le faia o ni fuafuaga e ono tatau ai ina ia taofia ai po o le faaititia ai le leiloa po o le maumauina o se mea.

## VAEGA XIV

### AIA TATAU A LE NA FAIA LE INISIUA I LUGA O TUPE E TOTOGI ATU

79. **Aiā tatau e suitulaga ai se tasi i se isi**—(1) Afai ua totoi atu e lē na faia le inisiua se tupe mo se mea ua matuā leiloa atoa tusa po o le mea atoa po o, i le itu i ni oloa, o so o se vaega e ono mafai ona vaevaeina o le mataupu-autu na inisiua, e faapea ona totoiina, ma e faapea loa lava ona suitulaga ai o ia i aiā tatau uma ma tau o lē ua inisiua ai i totonu ma i le itu i lea mataupu-autu e afua mai i le taimi o le faalavelave ua pogai mai ai le leiloa po o le maumauina o se mea.

(2) I le noatia ma fai fuafua i tuutuuga ua ta'ua i luga, afai ua totoi e lē na faia le inisiua se tupe mo se vaega ua leiloa, e lē maua e ia se pule i le mataupu-autu na inisiua, po o se vaega o sea mea e mata o loo totoe, ae peitai e suitulaga loa lava o ia i aiā tatau uma ma tau o lē ua inisiua ai i totonu, ma, i le itu i le mataupu-autu na inisiua e afua mai i le taimi o le faalavelave ua pogai mai ai le leiloa o se mea, e tusa ai ma le tulaga ua oo i ai le malu puipua o lē ua inisiua e faasaga i se leaga e ono alia'i mai, e tusa ai ma lenei Tulafono, i luga o sea tupe na totoi atu mo le mea ua leiloa pe maumauina.

80. **Aia tatau tau saofaga**—(1) Afai ua sili a'e ona inisiua lē ua inisiua i se inisiua sautualua, e noatia tagata taitasi e faia le inisiua, i le va o ia lava ma isi tagata e faia inisiua, na te faia se sao i le fua faatatau e talafeagai ai i se mea e leiloa i le fuafua faatatau i le aofaiga o tupe, lea o noatia ai o ia i lalo o lana feagaiga.

(2) Afai ua totoġi e so o se tagata e faia le inisiua se tupe e sili atu na i lo lona vaega faatatauina o le mea ua leiloa, e tatau ona na lagolagoina se tagi mo le saofaga e faasaga i isi tagata na faia inisiua, ma e tatau ona maua e ia ni tau e pei lava o se tagata lea na avea ma pui puiga malu, o ia lea ua na totoġiina se tupe e sili atu nai lo lona vaega faatatauina o le aitalafu.

**81. Taunuuga o le maulalo ona inisiua**—Afai ua inisiua lē ua inisiua mo se vaegatupe e itiiti ifo na i lo le tau e ono mafai inisiua, po o, i le itu i se pepa o le inisiua ua fuafuaina ai le tau, mo se vaegatupe e itiiti ifo na i lo le tau po o le aogā o le pepa o le inisiua, e faatatauina lava o ia e avea o lē ua na faia lona lava inisiua i le itu i le paleni e le'i inisiuaina.

## VAEGA XV

### O LE TOE FAAFOIINA O TUPE NA TOTOGI TAU INISIUA

**82. Faamalosia o le toe faafoiina**—Afai o le tupe na totoġi atu mo le inisiua po o se vaega faatatauina o sea lava tupe ua faaalua manino e lenei Tulafono faapea e ono mafai ona toe faafoi atu, -

- (a) Pe afai ua uma ona toe totoġi, e mafai ona toe maua lea tupe e lē ua inisiua mai lē na faia le inisiua; ma
- (e) Afai e le'i totoġiina, e mafai ona taofia pea e lē ua inisiua po o lona sui soupu.

**83. Toe faafoiga i luga o se feagaiga**—Afai o loo aofia i le pepa o le inisiua se aiaiga mo le toe faafoiga o le tupe na totoġi tau inisiua po se vaega faatatauina o sea lava pepa ina ua tupu se faalavelave, ma ua tupu lea faalavelave, o le tupe na totoġi atu tau le inisiua, so o se itu e ono aafia ai, o le vaega faatatauina o sea lava mea e faapea loa lava ona mafai ona toe faafoi atu i lē ua inisiua.

**84. Toe faafoiga ona ua lē maua se faamanuiaga**—(1) Afai ua matua lē maua atoatoa le tau e faamanuiaina ai mo le totoġiina o le tupe e totoġi tau inisiua, ma e le o i ai se

faiga tau faasesē po o se uiga e lē tusa ai ma ala o le tulafono i le itu i lē ua inisiua po o ana sui sooupu, o le a tatau loa lava ona totogi atu le tupe na totogi tau inisiua i lē ua inisiua.

(2) Afai e ono mafai ona vaevaeina i ni vaega le tau mo le totogiina o le tupe e totogi tau inisiua, ma ua matua le maua atoatoa so o se vaega e ono mafai ona vaevaeina o le tau, e ono mafai loa lava on toe faafoi atu se vaega faatatauina o le tupe na totogi tau inisiua i lalo o tuutuuga faapena i lē ua inisiua.

(3) I le tulaga faapitoa, -

(a) Afai ua lē aloa'ia faale-tulafono le pepa o le inisiua, po o ua faamatuu atu le aiā tatau e lē na faia le inisiua e afua mai i le amataga o le uiga e ono lamatia ai, e ono tatau ona toe faafoi atu le tupe na totogi tau inisiua, a e vagana ai ona e lē o i ai se faiga tau-faasesē po o se uiga e lē tusa ai ma ala o le tulafono i le itu i lē ua inisiua; a e peitai e lē ono mafai ona vaevaeina le tulaga e ono lamatia ai, ma ua faa-tasi ona aofia ai, e lē ono tatau ona toe faafoiina le tupe na totogi mole inisiua;

(e) Afai sa le'i ono lamatia i se uiga matautia le mataupu-autu ua inisiua po o se vaega o sea lava mea, o le tupe na totogi tau inisiua po o, i so o se itu e ono aafia ai, o se vaega faatatauina o sea lava tupe na totogi atu e ono tatau ona toe faafoi:

Ae vagana ai ona afai ua uma ona inisiua le mataupu-autu e faapea "ua leiloa po o e le'i leiloa", ma ua taunuu saogalemu i le taimi ua faamautuina ai le feagaiga, e lē ono tatau ona toe faafoi le tupe na totogi mo le inisiua a o se'ia vagana ai i se taimi na silafia ai e lē na faia le inisiua le taunuu saogalemu;

(i) Afai e leai se aiā tatau e ono mafai ona inisiua a lē ua inisiua i le faagasologa atoa, o le tulaga e ono lamatia ai, e ono tatau ona toe faafoi atu le tupe na totogi mo le inisiua; a e vagana ai ona e lē faaogaina lenei tulafono e puipui a'i i se pepa o le inisiua na faia e ala atu i se faiga tau taaloga po o se faigātemu;

(o) Afai o loo i ai ilē ua inisiua se aiā tatau e ono mafai ona faamutaina lea ua faaiuina ao faagasolo le vaitaimi o le tulaga e ono lamatia ai, e lē ono tatau ona toe faafoi atu le tupe na totogi mo le inisiua;

- (u) Afai ua sili a'e ona inisiua lē ua inisiua i lalo o se pepa o le inisiua e le'i fuafuaina le tau po o le aogā, e ono ona toe faafoi atu se vaega faatatauina o le tupe na totogi mo le inisiua;
- (f) I le noatia ma fai fuafua i tuutuuga ua ta'ua i luga, pe a fai ua sili a'e ona inisiua lē ua inisiua i luga o se inisiua sautualua, o se vaega faatatauina o tupe eseese na totogi mo inisiua e ono mafai ona toe faafoi atu:

A e vagana ai ona afai ua faia pepa o inisiua i ni taimi eseese, ma ua tauaveina e so o se pepa o le inisiua na mua'i faia i so o se taimi le tulaga e ono lomatia ai atoatoa, po o pe afai ua uma ona totogi atu se tālosaga i luga o le pepa o le inisiua e faasino i le vaegatupe atoa na faapea ona inisiuaina ai, e leai se tupe na totogi atu mo le inisiua e ono tatau ona toe faafoi i le itu i lea pepa o le inisiua; ma a oo ina ua faia se inisiua sautualua ma le silafia lelei e lē ua inisiua, e leai se tupe na totogi mo le inisiua e ono tatau ona toe faafoi.

## VAEGA XVI

### INISIUUA FEALOA'I

**85. Fetuutuunaiga o le Tulafono i le itu i se inisiua fealoa'i**—(1) Afai o ni tagata se to'a lua po o le sili atu ua malilie i le agaga fealoai ina ia tau fai inisiua e le tasi le isi e faasaga i ni mea e leiloa o vaa i le sami, o le a tatau loa lea o se inisiua fealoai.

(2) O tuutuuga o lenei Tulafono e faasino i le tupe e totogi tau le inisiua e lē faaaogaina i se inisiua fealoa'i, a e o se pui-puiga malu, po o se tasi lava fuafuaga e ono mafai ona malilie faatasi i ai, e mafai ona avea ma sui mo le tupe e totogi mo le inisiua.

(3) O tuutuuga o lenei Tulafono, e tusa ai ma le tulaga e ono mafai ona fetuutuuna'i ai i latou i luga o le maliliega o vaega e auai, e mafai i le itu i se inisiua fealoa'i ona fetuutuuna'i e tuutuuga o pepa o inisiua na tuuina atu e le feagaiga tau se sosaiete, po o e tulafono laiti ma tulafono faatonutonu o le sosaiete.

(4) I le noatia ma fai fuafua i ni mea e lē aofia ai o loo tā'ua i totonu o lenei fuaiupu, e faaaogaina ai tuutuuga o lenei Tulafono i se inisiua fealoa'i.



## VAEGA XVII

## TUUTUUGA FAAOPOPO

86. **Faamaoniga a lē ua inisiua**—Afai o se feagaiga tau se inisiua o vaa i le sami ua faia i le agaga faamaoni e se tasi tagata, e avea ma sui o se isi tagata e mafai e le tagata o ia lea e faasino i ai le inisiua ua faia ona na faamaonia le feagaiga tusa lava po o le taimi a ua tuanai lona silafia o le mea ua leiloa.

87. **Tiute tauave e faasino i ai ua fesuisuia'i e le feagaiga po o le faaaogaina**—(1) Afai o le a ono alia'i mai so o se aiā tatau, tiute po o se noataga i lalo o se feagaiga tau inisiua o vaa i le sami i se tulaga e faasino i ai o le tulafono, e mafai ona faalē-aogaina po o le fesuisuia'i i se feagaiga ua faaaliamanino, po o i le faaaogaina, pe afai o le faaaogaina o le a i ai lea i se tulaga e noatia ai itu uma e lua e auai i le feagaiga.

(2) O tuutuuga o lenei fuaiupu e oo atu lava ia i so o se aiā tatau, tiute, po o se noataga ua faaaliamanino e lenei Tulafono lea e mafai ona fetuutuuna'i e le feagaiga.

88. **O le taimi e ono tatau ai, ma isi mea, o se mataupu lea tau le mea moni**—Afai ua faia so o se fuaitau e lenei Tulafono e faasino i le taimi e tatau ai, totagi e tatau ai mo le inisiua, po o se uiga filiga e tatau ai, o le fesili po o le ā le mea e tatau ai o se fesili lava lea tau le mea moni.

89. **Faaaogaina o tulafono laiti o le tulafono lautele**—O tulafono laiti o le tulafono lautele e aofia ai ma le tulafono o tagata fai'oloa, ae vagana ai e tusa ai ma le tulaga e o'o i ai lo latou lē feteena'i ma tuutuuga ua faaaliamanino o lenei Tulafono, o le a faaauau pea lava ona faaaogaina i feagaiga tau inisiua o vaa i le sami.

90. **Fasi-pepa e avea ma molimau**—Afai o lo o i ai se pepa o le inisiua ua uma ona faailogaina i le faiga e tatau ai, e mafai ona faia se fuaitau i so o se taulumaga faale-tulafono e faasino i le fasi-pepa po o se faamatalaga tusia ootoo e faasino i ai, e ui lava ina e le i faailogaina sea mea i le faailoga o'omi.

91. Mea ua soloia ma mea ua faasaoina—(1) O le tulafono o Inisiua o Vaa 1908 (Niu Sila) ua soloia nei mai le avea o se vaega o le tulafono a Samoa i Sisifo.

(2) O mataupu ma taualumaga uma na amataina i lalo o lea Tulafono, ma o lo o tatali po o lo o faagasolo i le taimi e amata ai ona faamamaluina lenei Tulafono, e mafai ona faaauaaina, faama'eaina, ma faamalosia i lalo o lenei Tulafono.

## F A A M A T A L A G A

Fuaiupu 32:

### TULAFONO LAITI MO LE FA'AUPUINA O PEPA O INISIUA

O mea ua ta'ua i lalo o tulafono laiti ia o lo o tā'ua e lenei Tulafono mo le faa'upuina o se pepa o le inisiua pe afai e lē manaomia e le faa'upuga se tasi uiga e ese ai:

1. Afai ua inisiua le mataupu-autu e faapea “ua leiloa po o le'i leiloa”, ma o le leiloa o sea mea na alia'i mai a o le'i faamautuina le feagaiga, e faapipi'i i ai le tulaga e ono lamatia ai a e se'ia vagana ai ona sa silafia e lē ua inisiua le leiloa o sea mea a e sa le'i silafia e lē na faia le inisiua.

2. Afai ua inisiua le mataupu-autu “mai” se nofoaga faapitoa, e lē faapipi'iina i ai le tulaga e ono lamatia ai se'ia o'ina ua amataina e le vaa le malaga ua inisiua ai.

3. (a) Afai ua inisiua se vaa “i ma mai” se nofoaga faapitoa, ma ua i ai o ia i lea nofoaga i se tulaga saogalemu lelei i le taimi ua faamautuina ai le feagaiga, e faapipi'i loa lava i ai le tulaga e ono lamatia ai.

(e) Afai e lē o i ai le vaa i lea nofoaga i le taimi ua faamautuina ai le feagaiga, e faapipi'i i ai le tulaga e ono lamatia ai i le taimi lava e taunuu atu ai i ai le vaa i le tulaga saogalemu lelei se'ia vagana ai ona ua aiaia e le pepa o le inisiua se tasi lava faiga e ese ai, e lē tāua le faapea o lo o puipuia o ia e se tasi pepa o le inisiua mo le taimi ua faaalua faapitoa a ua tuapai le taunuu i ai.

(i) Afai ua inisiua le totogi faatogipau o le uta “i ma mai” se nofoaga faapitoa, ma ua i ai le vaa i lea nofoaga i le tulaga saogalemu lelei i le taimi ua faamautuina ai le feagaiga, e faapipi'i loa lava i ai le tulaga e ono lamatia ai.

Afai e le'i i ai o ia i le taimi na faamautuina ai le feagaiga, e faapipi'i loa lava i ai le tulaga e ono lamatia ai i le taimi lava e taunuu ai le vaa iinā i le tulaga saogalemu lelei.

(o) Afai o se totogi o uta e ese ai na i lo se totogi o uta faatogipau e tatau ona totogi e aunoa ma ni tuutuuga faapitoa, ma ua inisiua "i ma mai" se nofoaga faapitoa, e faapipii i ai le fua faatatau o le tulaga e ono lamatia ai a o la'uina atu i vaa oloa po o ni oloa na faatau mai mo le toe faatauina atu; a e vagana ai ona faapea afai o lo o i ai se uta ua sauni a lē e ona le vaa, po o se uta lea ua osi-feagaiga ai o ia ma se tasi lava tagata ina ia auina atu i le vaa, e faapipii i ai le tulaga e ono lamatia ai i le taimi lava ua nofo sauni ai le vaa e talia sea uta.

4. Afai ua inisiua ni oloa po o nisi lava mea e ono mafai ona feavea'i "mai le la'uina o sea lava mea", e lē faapipi'iina i ai le tulaga e ono lamatia ai se'ia o o ina ua i ai oloa po o mea e ono mafai ona feavea'i i luga o le vaa, ma e lē noatia ai lē na te faia le inisiua mo ia lava mea a o lo o lauina atu mai le laueleele i le vaa.

5. Afai e faaauau pea le tulaga e ono lamatia ai i luga o oloa po o nisi lava mea e ono mafai ona feavea'i se'ia o o ina ua "tu-laueleele saogalemu" i latou, e tatau lava ona la'uina i uta i latou i le faiga masani ai ma i totonu o se taimi e ono tatau ai talu ona taunuu i le taulaga e la'ueseina ai i uta, ma afai e lē faapea ona la'uina i uta i latou ona faamutaina loa lea o le tualga e ono lamatia ai.

6. A o leai so o se tasi lava laisene po o se faaaogaina, o le saolotoga e tagata ma taofia ai i so o se po o so o se nofoaga e le faatagaina ai le vaa ina ia alu ese atu mai le faagasologa o lana malaga mai le taulaga e malaga ese atu ai i le taulaga e taunuu i ai le malaga.

7. O le fuaitau "uiga mata'utia o le sami" e na o ni faalavelave faafuase'i matautia po o ni faalavelave e ono alia'i mai ai le maliu i le sami. E lē aofia ai se gaoioiga e masani ai a matagi ma galu o le sami.

8. O le fuaitau "tagata faomea o le sami" e aofia ai ni tagata pase, i latou ia ua faia se fou i luga o le vaa ma ni tagata faatupu-faalavelave ua latou osofa'ia le vaa mai uta i le laueleele.

9. O le fuaitau "tagata gāoi" e le aofia ai se gaoiga faalilolilo po o se gaoiga na faia e so'o se tasi o tagata o loo folau i le vaa, tusa lava po o le auvaa po o tagata pase.

10. O le fuaitau “pu'eina, ma nisi faiga, o tupu, perenise, ma tagata” e faasino lea i ni gaoioiga tau upu fai o malo po o pulega faatonu, ma e lē aofia ai se leiloa na pogai mai i se fouvalega po o se tualumaga faale-faamasinoga e masani ai.

11. O le fuaitau “faiga tau-faasesē ina ia alia'i mai ai se tagi” e aofia ai so o se gaoioiga sesē ua faia ma le loto i ai e le alii-vaa po o le auvaa ina ia faaleaga a'i lē e ona le vaa po o, so o se itu e ono aafia ai, le tagata o loo togipauina le vaa.

12. O le fuaitau “isi lava uiga matautia uma” e aofia ai na o uiga matautia e foliga tutusa ma le ituaiga o uiga matautia o loo ta'ua faapitoa i totonu o le pepa o le inisiua.

13. O le fuaitau “fua faatatau o laugatasia ai a e vagana ai le tulaga aoao” o lona uiga o le leiloa o se vaega o le mataupu-autu ua inisiua e ese ai na i lo le fua faatatau e laugatasia ai le leiloa o se mea, ma e lē aofia ai “ni totogi faapitoa”.

14. A oo ina ua aofia i se pepa o le inisiua upu ia “ua faamaonia e aunoa ma se uiga faapitoa o le tulaga e laugatasia ai a e se'ia vagana ai ona ua sesē ese le vaa mai lona alāvaa, goto, po o ua mū”, po o so o se fuaitau faapena, ma ua tupu mai so o sea faalavelave faafuasei i le vaa, e noatia lē na faia le inisiua mo ni mea ua leiloa tulaga ese, e ui lava ina e le'i ono pogai mai le leiloa po o le maumauina i sea faalavelave faafuase'i, ae vagana ai ona o le taimi ua alia'i mai ai le faalavelave faafuase'i ua faapipi'iina ai le tulaga e ono lamatia ai ma (pe afai e faasino i oloa le pepa o le inisiua) o loo i luga o le vaa oloa ua faaleagaina.

15. O le fuaitau “vaa” e aofia ai le tino o le vaa, mea o loo fausia a'i ma mea o loo faatotoga a'i oloa ma mea taumafa mo alii ofisa ma le auvaa, ma, i le itu i ni vaa o loo faafeagai ma se fefaataua'iga faapitoa, ni totoga e masani ai ma e tatau ona i ai mo le fefaataua'iga po o se galuega faapitoa; ma e faapea foi, i le itu i se setima, mea tau masini, mea e tunu ai le suavai vevela, po afai o ni mea e pule ai lē ua inisiua.

16. O le fuaitau “totogi o uta” e aofia ai le tupe mamā e ono mafai ona maua e se tagata e ōna le vaa mai le faafai-galuegaina o lona vaa e la'uina ai ana lava oloa po o ni mea e ono mafai ona feavea'i, faapea foi ma le totogi o uta e tatau ona totogi e sona tolu o vaega, a e lē aofia ai tupe o pasese.

17. O le fuaitau “oloa” o lona uiga o oloa e faasino tonu i oloa na faatau mai mo le toe faatauina atu, ma e lē aofia ai ni mea totino tau le tagata lava ia ma ni oloa mo le faaaogaina i luga o le vaa.

18. Afai e leai so o se faaaogaina e ese ai, o le uta i luga o le fogāvaa ma manu o loo ola e tatau lava ona inisiua faa-pitoa, a ia lē inisiuaina i lalo o le ituaiga lautele o oloa.

