



Western Samoa

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1975, No. 6

AN ACT for the prohibition of secret commissions.

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

[11 August 1975]

1. Short title—This Act may be cited as the Secret Commissions Act 1975.

2. Interpretation—In this Act, unless the context otherwise requires—

“Agent” includes any person who is or has been, or desires or intends to be, employed by or acting for any other person, whether as agent, servant, broker, autioneer, architect, solicitor, director, or in any other capacity whatever, either alone or jointly with any other person:

“Consideration” means valuable consideration of any kind; and particularly includes discounts, commissions, rebates, bonuses, deductions, percentages,

employment, payment of money (whether by way of loan, gift, or otherwise howsoever), and forbearance to demand any money or valuable thing:

“Principal” includes any person by whom an agent is or has been, or intends or desires to be, employed, or for whom an agent acts or has acted, or intends or desires to act.

3. Persons deemed to be agents within the meaning of this Act—(1) For the purposes of this Act—

- (a) Every officer of a corporation and every member of a governing body of a corporation shall be deemed to be an agent of the corporation;
- (b) Every officer or member of any Board, Council, Commission, Committee, or other body of persons, whether incorporated or unincorporated, charged by statute with any public functions shall be deemed to be an agent of that Board, Council, Commission, Committee, or other body;
- (c) Every person in the service of the Government, or acting for or on behalf of the Government, or holding any office in the Public Service, shall be deemed to be an agent of the Government;
- (d) Every partner in a firm shall be deemed to be an agent of the firm;
- (e) An executor, administrator, or trustee under a will, intestacy or trust shall be deemed to be an agent of the beneficiaries thereunder;
- (f) The administrator or committee of the estate of a mentally defective person shall be deemed to be the agent of that person;
- (g) An arbitrator, umpire, or valuer shall be deemed to be an agent of every party to the arbitration or valuation;
- (h) A liquidator of a company shall be deemed to be an agent of the company.

(2) If by virtue of the provisions of this Act any agent is deemed to be the agent of two or more principals in respect of the same matter, this Act shall apply to each of those principals in the same manner as if he was the sole principal.

(3) Nothing in this section shall be so construed as to restrict in any manner the meaning of the terms "agent" or "principal" as used in this Act.

4. Corrupt gift to agent without consent of principal an offence—(1) Every person is guilty of an offence who corruptly gives, or agrees or offers to give, to any agent, without the consent of his principal, any gift or other consideration as an inducement or reward for doing or forbearing to do, or for having done or forborne to do, any act in relation to the principal's affairs or business (whether such act is within the scope of the agent's authority or the course of his employment as agent or not), or for showing or having shown favour or disfavour to any person in relation to the principal's affairs or business.

(2) Any gift or other consideration given or offered or agreed to be given to any parent, husband, wife, or child of any agent, or to his partner, clerk, or servant, or (at the agent's request or suggestion) to any other person, shall be deemed for the purposes of this section to have been given or offered or agreed to be given to the agent.

5. Acceptance of such gifts by agent an offence—(1) Every agent is guilty of an offence who corruptly accepts or obtains, or agrees or offers to accept or attempts to obtain, or solicits from any person, for himself or for any other person, without the consent of his principal, any gift or other consideration as an inducement or reward for doing or forbearing to do, or for having done or forborne to do, any act in relation to the principal's affairs or business (whether such act is within the scope of the agent's authority or the course of his employment as agent or not), or for showing or having shown favour or disfavour to any person in relation to the principal's affairs or business.

(2) Every agent who diverts, obstructs, or interferes with the proper course of the affairs or business of his principal or fails to use due diligence in the prosecution of such affairs or business, with intent to obtain for himself or for any other person any gift or other consideration from any person interested in such affairs or business, shall be deemed to have corruptly solicited a consideration within the meaning of this section.

6. Duty of agent to disclose pecuniary interest in contract—(1) Every agent is guilty of an offence who makes a contract on behalf of his principal and fails to disclose to his principal, at the time of making the contract or as soon as possible thereafter, the existence of any pecuniary interest which the agent has in the making of the contract, unless to the knowledge of the agent the existence of such pecuniary interest is already known to his principal.

(2) For the purposes of this section any pecuniary interest which a parent, husband, wife, child, or partner of the agent has in the making of the contract shall be deemed to be the pecuniary interest of the agent, unless he proves that he had no knowledge of that interest at the time when he made the contract.

(3) For the purposes of this section an agent shall not be deemed to have any pecuniary interest in the making of a contract by reason merely of the fact that he or any person mentioned in subsection (2) of this section is a shareholder in an incorporated company having more than 20 members.

7. Giving false receipt, invoice, etc., to agent an offence—Every person is guilty of an offence who with intent to deceive the principal, gives to any agent, or signs or otherwise authenticates for the use of any agent, any receipt, invoice, account, or other document of any nature whatsoever in relation to the affairs or business of the agent or his principal which contains any statement which is false, defective, or misleading in any material particular, or which omits to state explicitly and fully the fact of any commission, percentage, bonus, discount, rebate, repayment-gratuity, or deduction having been made, given, or allowed, or agreed to be made, given, or allowed, in relation to the matters referred to in that document.

8. Delivery of false receipt, etc., to principal an offence—Every agent is guilty of an offence who delivers or presents to his principal any receipt, invoice, account, or other document of any nature whatsoever in relation to the business or affairs of his principal which to the knowledge of the agent is false or defective in any material particular, or is in any way likely to mislead the principal, or which to the

knowledge of the agent omits to state the fact of any commission, percentage, bonus, discount, rebate, repayment, gratuity, or deduction having been made, given, or allowed, or agreed to be made, given, or allowed, in relation to the matters referred to in that document, or which to the knowledge of the agent omits to disclose the fact of any gift or other consideration having been received by or promised to the agent in respect of those matters, unless in any such case the fact which is not disclosed is, to the knowledge of the agent, already known to the principal at the time when the said document is so delivered or presented to him.

9. Receiving secret reward for procuring contracts an offence—(1) Every person is guilty of an offence who advises any person to enter into a contract with a third person and receives or agrees to receive from that third person without the knowledge and consent of the person so advised, any gift or consideration as an inducement or reward for the giving of that advice or the procuring of that contract, unless the person giving that advice himself acts as the agent to the third person in entering into the contract, and is to the knowledge of the person so advised the agent of that third person.

(2) For the purposes of this section a person shall be deemed to advise another person to enter into a contract if he makes to that other person any statement or suggestion with intent to induce him to enter into the contract.

10. Aiding and abetting offences—Every person is guilty of an offence who aids, abets, counsels, or procures, or is in any way directly or indirectly knowingly concerned in or privy to the commission of any offence against this Act, or the commission outside Western Samoa of any act in relation to the affairs or business of a principal residing or carrying on business in Western Samoa which if committed in Western Samoa would be an offence against this Act.

11. Offences by persons acting on behalf of agents—Every person is guilty of an offence who, with or without authority, does on behalf of any other person who is an agent any act which if done by that agent himself would be an offence against this Act.

12. Except as provided in this section, customary nature of gift to be no defence—(1) Nothing in this Act contained shall be deemed to prohibit or render illegal any recognised practice or usage of any trade or calling existing at the time of the passing of this Act if the Court before which the matter of such practice or usage is in question shall be satisfied that such practice or usage is honest and reasonable; and, in so determining, the said Court may have regard to the circumstance that the commissions, rebates, or allowances paid or made by the third party to the agent under such practice or usage were prior to this Act lawfully receivable by the agent without any breach of his duty towards his principal; or the circumstance that the said commissions, rebate, or allowances so paid or made would not in any case be paid or allowed by such third party to the principal; or the circumstance that the same were paid or allowed in respect of services lawfully rendered by the agent to such third party without injury or loss to the principal and without any breach by the agent of his duty towards his principal.

(2) Except as provided by this section, evidence shall not be admissible in any proceeding for an offence against this Act to show that any such gift or consideration as is mentioned in this Act is customary in any trade or calling, nor shall the customary nature of any such gift or consideration be any defence in such proceedings.

13. Consent of Attorney-General necessary for prosecution—(1) No prosecution for an offence against this Act shall be commenced without the leave of the Attorney-General.

(2) The leave of the Attorney-General may be granted without notice to the accused, and it shall not be necessary in any information to state that such leave has been granted, or any term thereof. Objections to an information for want of such leave or for want of conformity to any term thereof shall be taken before the Magistrate, or by motion to dismiss the information, before the trial of accused commences, and not otherwise; and if the Magistrate is satisfied that such leave has not been granted, or that any term thereof has not been conformed to, the information shall be dismissed.

14. Penalty on conviction—Any person convicted of an offence against this Act is liable, if a corporation, to a fine not exceeding one thousand five hundred tālā; and if any other person, to imprisonment for any period not exceeding two years or to a fine not exceeding one thousand tālā or to both such imprisonment and such fine.

15. Incriminating answers and discovery—No person shall in any civil or criminal proceedings be excused from answering any question put either viva voce or by interrogatory, or from making any discovery of documents, on the ground that the answer or discovery may criminate or tend to criminate him in respect of an offence against this Act; but his answer shall not be admissible in evidence against him in any criminal proceedings for an offence against this Act.



By Authority

J. W. MEREDITH, GOVERNMENT PRINTER, APIA WESTERN SAMOA—1976.



Samoa i Sisifo

Vaevaeina

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| <p>Igoa</p> <ol style="list-style-type: none"> 1. Igoa pu'pu'u 2. Faamatalaina o upu 3. Tagata ua fa'atatauina e avea o sui so'oupu e tusa ai ma le uiga o lenei Tulafono 4. O se solitulafono le tu'uina atu o se meaalofo fa'atosina i se uiga e le sa'o i se sui so'oupu e aunoa ma le maliega o le alii pule 5. O se solitulafono le talia o ni meaalofo faapena e se sui so'oupu 6. O le tiute o se sui so'oupu le fa'aalia o se aia tau tupe i se feagaiga 7. O se solitulafono le tu'uina atu o se lisiti pepelo, pepa o oloa ma o latou tau, ma nisi lava mea fa'apena, i se sui so'oupu 8. O se solitulafono le faao'oina atu o se lisiti pepelo, ma nisi lava | <p>mea fa'apena, i le alii pule</p> <ol style="list-style-type: none"> 9. O se solitulafono le maua mai o se tau mo le sailia ina ia maua ni feagaiga 10. Solitulafono tau le fesoasoani atu ma le u'una'ia o le faiga o se solitulafono 11. Solitulafono e faia e ni tagata o lo'o avea ma sui o ni sui so'oupu 12. Se'ia vagana ai e pei ona aiaia i totonu o lenei fuaiupu, o uiga o masani ai o se meaalofo o le o loo avea lea ma puipuiga e sao ai 13. E tatau ona maua le maliega o le Loia-Sili mo se moliaga fa'ale-tulafono 14. Fa'asalaga ina ua faamaonia e nofosala 15. Tali ma se mea ua maua e ono mafai ona molia ai i se solitulafono |
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1975, Nu. 6

O SE TULAFONO mo le fa'asāina o ni faiga fa'alilolilo.

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

[11 Aukuso 1975]

1. Igoa pu'upu'u—O lenei Tulafono e mafai ona ta'ua o le Tulafono o Faiga Fa'alilolilo 1975.

2. Fa'amatalaina o upu—I totonu o le Tulafono lenei, a e seia vagana ai ona ua manaomia e le faaupuga nisi uiga e ese ai—

“Sui so'oupu” e aofia ai so o se tagata o ia lea o lo'o po o ua avea, po o ua na manaomia po o ua fa'amoemoe ina ia, fa'a-faigaluega e po o le avea

ma sui mo so o se tasi lava tagata, tusa lava pe aveva ma sui so'oupu, auauna, tagata e fa'atauina mai ma fa'atauina atu oloa e aveva ma sui o nisi, tagata e faia fa'atau-tu'i, tufuga tusiata, loia, alii faatonu, po o i so o se tasi lava tulaga tusa lava po o le ā, tusa pe na o ia lava po o le galulue so'ofaatasi ma so o se tasi lava tagata:

“Tau” o lona uiga o se tau tūa o so o se ituaiga; ma ae maise lava e aofia ai ni toese tau tupe ina ua totogi se aitalafu i le taimi tonu e tatau ai, komisi, vaega-tupe e toese mai le tau o se oloa,, ponesi, toese, tulaga fa'apaseneina, fa'a-fai-galuegaina, totogiina atu o se tupe (tusa pe ala atu i se fa'aunega-tupe, meaalofo, po o se tasi lava faiga e ese ai), ma le finagalo onosa'i e lē tapaina ai fa'amalosi so o se tupe po o se mea e aogā ma tūa:

“Alii Pule” e aofia ai so o se tagata o ia lea o lo'o po o ua aveva, po o ua manatu po o ua mana'o ina ia, fa'afaigaluegaina, po o ua suitulaga po o ua galue mo ia se sui so'oupu, po o ua manatu po o ua mana'o e suitulaga ai.

3. Tagata ua fa'atatauina e aveva o sui so'oupu e tusa ai ma le uiga o lenei Tulafono—(1) Mo le aano moni o lenei Tulafono—

- (a) O alii ofisa ta'itasi uma o se fa'alapotopotoga ma sui auai taitasi uma o se faapotopotoga e pulea se fa'alapotopotoga o le a fa'atatauina lava o se sui so'oupu o le faalapotopotoga;
- (e) O alii ofisa taitasi uma po o sui auai o so o se Komiti Faatino, Fono, Komisi, Komiti po o se tasi lava fa'apotopotoga o tagata, tusa lava po o ua faamauina fa'ale-tulafono pe le'i fa'amauina faale-tulafono, ua noatia faale-tulafono i so o se galuega fa'ale-malo o le a faatatauina lava e aveva o se sui so'oupu o lea Komiti Faatino, Fono, Komisi, Komiti, po o se tasi lava fa'apotopotoga;
- (i) O tagata taitasi uma i totonu o le aufaigaluega o galuega a le Malo, po o lo'o suitulaga po o lo'o aveva ma sui o le Malo, po o lo'o umia e ia so

- o se tofi i totonu o le Aufaigaluega o Galuega a le Malo, o le a faatatauina lava e avea o se sui so'oupu o le Malo;
- (o) O pa'aga taitasi uma i totonu o se kamupani o le a faatatauina lava e avea o se sui so'oupu o le kamupani;
- (u) O se tagata ua tā'ua le igoa i se mavaega na te faataunuina tuutuuga o le mavaega, tagata na te pulea esetete a se tasi ua maliu, po o se tausimavaega i lalo o se mavaega, o le maliu e le'i faia se mavaega po o se tupe-tausi, o le a faataatauina lava o se sui so'oupu o tagata e faamanuiaina ai i sea mea;
- (f) O lē na te pulea po o se komiti o le esetete a se tagata ua lē maopoopo le mafaufau o le a faatatauina lava e avea o le sui so'oupu o lea tagata;
- (g) O se tagata ua filifilia e faia le faai'uga o se finauga, tagata ua filifilia e faia le tonu o se eseesega, po o se tagata e fuafuaina le tau o se mea, o le a faatatauina lava e avea o se sui so'oupu o vaega taitasi uma e auai i le faiga o le faai'uga o se finauga po o le fuafuaina o le tau o se mea;
- (l) O se tagata na te faama'apeina mea totino ma totogi aitalafu ua lē mafai ona totogia se kamupani o le a faatatauina lava e avea o se sui so'oupu o le kamupani.

(2) Afai, e tusa ai ma le tulaga aloa'ia o tu'utu'uga o lenei Tulafono, ua faatatauina so o se sui so'oupu e avea o le sui so'oupu o ni alii pule se to'a lua po o le sili atu i le itu i se mataupu lava e tasi, o le a fa'aaogaina lava i ai lenei Tulafono i ia alii pule taitasi i le faiga lava e tasi e peisea'i sa na o ia lava le alii pule e to'atasi.

(3) E leai se mea o i totonu o lenei fuaiupu o le a tatau ona faauigaina e faapea ua faatapula'aina ai i so o se faiga le uiga o fuaitau "sui so'oupu" po o le "alii pule" e pei ona faaaogaina i totonu o lenei Tulafono.

4. O se solitulafono le tu'uina atu o se meaalofa fa'atosina i se uiga e lē sa'o i se sui so'oupu e aunoa ma le maliega o le alii pule—(1) E nofosala tagata taitasi uma i se solitulafono o ia lea ua na tu'uina atu i se uiga faatosina e lē sa'o, po o, ua malie atu po o ua ofo na te tu'uina atu, i so o se sui so'oupu, e aunoa ma le maliega o lona alii

pule, so o se meaalofa po o se tasi lava tau e avea o se faiga faatosiga po o se tau mo le faia po o le taofia ina ia lē faia, po o, ina ua uma ona faia po o ina ua lē faia, so o se gaoioiga i le itu i mataupu po o le pisinisi a le alii pule (tusa lava pe aofia ai sea gaoioiga i totonu o le tulaga e o'o i ai le pule-faataga a le sui so'oupu po o le faagasologa o lona faafaigalueiaina e avea ma sui so'oupu pe leai), po o mo le faaalua po o ina ua uma ona faaalua se uiga alofa po o se uiga lē alofa i so o se tagata i le itu i mataupu po o le pisinisi a le alii pule.

(2) So o se meaalofa po o se tasi lava tau ua tuuina atu po o ua ofoina atu po o ua malie ina ia tu'uina atu i so o se mātua, tane, avā, po o se tamaitiiti a so o se sui so'oupu, po o i lana pa'aga, failautusi, po o se auaua, po o (i luga o le talosaga po o se fautuaga) i so o se tasi lava tagata, o le a faatatauina lava mo le aano moni o lenei fuaiupu e faapea ua uma ona tuuina atu po o ua ofoina atu po o ua malie ina ia tuuina atu i le sui so'oupu.

5. O se solitulafono le talia o ni meaalofa faapena e se sui so'oupu—(1) E nofosala sui sooupu taitasi uma i se solitulafono o ia lea ua na talia po o ua na maua mai i se uiga faatosina e lē sa'o, po o ua na ofoina atu ina ia talia po o ua taumafai ina ia maua mai, po o ua tauanau ina mai so o se tagata, mo ia lava po o mo so o se tasi lava tagata e aunoa ma le maliega o lona alii pule, so o se meaalofa po o se tasi lava tau e avea o se faiga faatosina po o se tasi lava tau mo le faia po o le taofia ia lē faia, po o ina ua uma ona faia po o le taofia ina ia lē faia, so o se gaoioiga i le itu i mataupu po o le pisinisi a le alii pule (tusa lava pe aofia ai sea gaoioiga i le tulaga e o'o i ai le pule-faataga a le sui so'oupu po o le faagasologa o lona faafaigaluegaina e avea ma sui so'oupu pe leai), po o mo le faaalua po o ina ua uma ona faaalua se uiga alofa po o se uiga e lē alofa i so o se tagata i le itu i mataupu po o le pisinisi a le alii pule.

(2) O sui so'oupu taitasi uma o ia lea ua na 'alofia, faavelaveina, po o ua na aiāina le fa'agasologa e tatau ai o mataupu po o le pisinisi a lona alii pule, po o ua na lē fa'aaogaina le uiga ma'elegā e tatau ai i le fa'ataunuuna o ia mataupu po o le pisinisi, ma le faamoemoe ina ia maua ai mo ia lava po o mo so o se tasi lava tagata so o se meaalofa po o se tasi lava tau mai so o se tagata e aiā

i'ia mataupu po o le pisinisi, o le a tatau lava ona fa'ata-tauina e faapea ua tauanauina i se uiga fa'atosina e lē sa'o se tau i tusa ai ma le uiga o lenei fuaiupu.

6. O le tiute o se sui so'oupu le fa'aalia o se aiā tau tupe i se feagaiga—(1) E nofosala sui so'oupu taitasi uma i se solitulafono o ia lea ua na faia se feagaiga e avea ma sui o lona alii pule ma ua na lē faaalia lea itu i lona alii pule, i le taimi na faia ai le feagaiga po o se taimi aupito vave e ono mafai ai mulimuli ane, le i ai i so o se aiā tau tupe lea o lo'o i ai le sui so'oupu i le faiga o le feagaiga, a e se'ia vagana ai ona ua silafia e le sui so'oupu e faapea o le i ai o sea aiā tau tupe ua uma lava ona silafia e lona alii pule.

(2) Mo le aano moni o lenei fuaiupu, so o se aiā tau tupe lea o loo i ai i se mātua, tane, avā, tamaitiiti, po o se pa'aga a le sui so'oupu i le faiga o le feagaiga o le a fa'atatauina lava e avea o le aiā tau tupe a le sui so'oupu a e se'ia vagana ai ona ua ia faamaonia e faapea sa le'i silafia e ia lea aiā i le taimi na faia ai e ia le feagaiga.

(3) Mo le aano moni o lenei fuaiupu, o le a lē tatau ona faatatauina le sui so'oupu e faapea o loo ia te ia so o se aiā tau tupe i le faiga o se feagaiga ona o le mafuaga e tasi tau le mea moni e faapea. o ia po o so o se tagata ua ta'ua i totonu o le faafuiauupu (2) o lenei fuaiupu o se tagata o loo umia ni sea i totonu o se kamupani ua faamauina faale-tulafono o loo auai le sili atu i lo le to'a 20 ni sui auai.

7. O se solitulafono le tu'uina atu o se lisiti pepelo, pepa o oloa ma o latou tau, ma nisi lava mea fa'apena, i se sui so'oupu—E nofosala tagata taitasi uma i se solitulafono o ia lea ona o le fa'amoemoe na te faasesēina le alii pule, ua na tu'uina atu i so o se sui so'oupu, po i ua na sainia po o ua na fa'amaonia i se tasi lava faiga e ese ai mo le fa'aogaina e so o se sui so'oupu, so o se lisiti, pepa o oloa ma o latou tau, fa'amatalaga tau tupe, po o nisi lava pepa teu-mau o so o se ituaiga tusa lava pe fa'apefea ona faia i le itu i mataupu po o le pisinisi a le sui so'oupu po o lona alii pule, lea o loo aofia ai so o se fa'amatalaga e sesē, e ono sesē, po o e tau-faasasē i so o se itu tino mai, po o ua lē fa'aalia ai i le tulaga manino ma le atoatoa le mea moni e uiga i so o se komisi, tulaga faapaseneina, ponesi, tupe ua toeseina mai se aitalafu ua totogi i le taimi

tonu e tatau ona totogi ai, vaega-tupe e toese mai le tau o se oloa, tupe ua toe totogi atu, meaalofa tupe mo se galuega na faia, po o se toesega tau tupe ua uma ona faia, tuuina atu, po o ua faatagaina, po o ua malie ina ia faia, tuuina atu, po o ua faatagaina, i le itu i mataupu o loo tā'ua i totonu o lea pepa teu-mau.

8. O se solitulafono le faao'oina atu o se lisiti pepelo, ma nisi lava mea faapena, i le alii pule—E nofosala sui sooupu taitasi uma i se solitulafono o ia lea ua na faao'oina atu po o ua na tuuina atu i lona alii pule so o se lisiti, pepa oloa ma o latou tau, faamatalaga tau tupe, po o se tasi lava pepa teu-mau o so o se ituaiga tusa lava pe faapefea ona faia i le itu i le pisinisi po o mataupu a lona alii pule, lea ua silafia lelei e le sui sooupu e pepelo po o e ono sesē i so o se itu tino mai, po o ua foliga mai i so o se auala e ono taitai-sesēina ai le alii pule, po o lea ua silafia lelei e le sui sooupu ua lē o fa'aalia ai le mea moni e uiga i so o se komisi, tulaga faapaseneina, ponesi, tupe ua toeseina mai se aitalafu ua totogi i le taimi tonu e tatau ona totogi ai, vaega-tupe e toese mai le tau o se oloa, tupe ua toe totogi atu, meaalofa tupe mo se galuega na faia, po o se toesega tau tupe ua uma ona faia, tuuina atu, po o ua faatagaina, po o ua malie ina ia faia, tuuina atu, po o le faatagaina atu, i le itu i ia mataupu o loo tā'ua i totonu o lea pepa teu-mau, po o lea ua silafia lava e le sui sooupu e lē o faaalia ai le mea moni e uiga i so o se meaalofa po o se tasi lava tau ua uma ona maua e, po o, na folafolaina i le sui sooupu i le itu i ia mataupu, a e seia vagana ai i so o sea itu le mea moni lea e le i faaalia e faapea, ua silafia lelei e le sui sooupu ua uma ona silafia e le alii pule i le taimi na faapea ona faao'oina atu pe na tuuina atu ai sea pepa teu-mau ia te ia.

9. O se solitulafono le maua mai o se tau'i mo le sailia ina ia maua ni feagaiga—(1) E nofosala tagata taitasi uma i se solitulafono o ia lea ua na fautuaina so o se tagata ina ia na osia se feagaiga ma sona tolu o tagata, ma ua na maua mai ai po o ua malie ina ia na mauaina ai mai lona tolu lea o tagata, e aunoa ma le silafia ma le malie i ai o le tagata ua faapea ona fautuaina, so o se meaalofa po o se tau'i e avea o se faiga faatosina po o se tau'i mo le tuuina atu o lea fautuaga po o le sailia ia maua o lea

feagaiga, a e seia vagana ai ona o le tagata ua na tuuina atu lea fautuaga ua faia e ia lava e avea o le sui sooupu o lona tolu o tagata i le osia o le feagaiga, ma ua silafia lelei e le tagata na faapea ona fautuaina le sui sooupu o lona tolu lea o tagata.

(2) Mo le aano moni o lenei fuaiupu o le a faatatauina lava se tagata e faapea ua na fautuaina se tasi tagata ina ia na osia se feagaiga pe afai ua na faia i le isi lea tagata so o se faamatalaga po o se fautuaga ma le faamoemoe ina ia faatosina ai o ia na te osia le feagaiga.

10. Solitulafono tau le fesoasoani atu ma le faaosoina o le faiga o se solitulafono—E nofosala tagata ta'itasi uma i se solitulafono o ia lea ua fesoasoani atu, ua na faaosoina, fautuaina, po o ua na sailia ia maua, po o ua aafia ai ma lona iloa lelei i so o se auala tuusa'o po o se faiga e lē tuusa'o i, po o, i se uiga faalilolilo i le faiga o so o se solitulafono e faasaga i lenei Tulafono, po o le faiga i fafo atu o Samoa i Sisifo o so o se gaoioiga i le itu i mataupu po o le pisinisi a le alii pule, o loo mau po o loo tauaveina se pisinisi i totonu o Samoa i Sisifo, lea a na fai e faia i totonu o Samoa i Sisifo semanū e ono avea o se solitulafono e faasaga i lenei Tulafono.

11. Solitulafono e faia e ni tagata o loo avea ma sui o ni sui sooupu—E nofosala tagata ta'itasi uma i se solitulafono o ia lea, faatasi ai po o e aunoa ma se pule-faaitaga, ua na faia e avea ma sui o so o se tasi lava tagata o ia lea o se sui sooupu, so o se gaoioiga lea a na fai e faia e sea lava sui sooupu semanū e ono avea o se solitulafono e faasaga i lenei Tulafono.

12. Se'ia vagana ai e pei ona aiaia i totonu o lenei fuaiupu, o le a lē avea uiga e masani ai o se meaalofa ma talipupuni e sao ai—(1) E leai se mea e aofia i totonu o lenei Tulafono o le a tatau ona faatatauina e faapea ua faasaina po o ua faalēaogaina ai faale-tulafono so o se faiga masani aloa'ia po o se tu masani a so o se matātā po o se galuega o loo i ai i le taimi e pasia ai lenei Tulafono, pe afai o le a faamalieina le Faamasinoga lea ua suesueina ai i ona luma le mataupu e uiga i sea faiga masani po o le tu masani e faapea o lea faiga masani po o le tu masani e faamaoni ma e ono tatau ai; ma, i le fuafuaina

faapena o se tonu, e mafai e le Faamasinoga ona na aloa'ia ai le uiga ua oo i ai e faapea o komisi, vaega-tupe e toese mai le tau o se oloa, po o ni alauni na totogi atu pe na faia e lona tolu o vaega auai i le sui sooupu e tusa ai ma sea faiga masani po o sea tu masani, e ono mafai lava a o lumana'i lenei Tulafono ona maua e le sui sooupu e tusa ai ma ala o le tulafono, e aunoa ma so o se uiga e soli ai lona tiute mo lona alii pule; po o se uiga ua oo i ai e faapea o komisi ua ta'ua i luga, vaega-tupe e toese mai le tau o se oloa po o ni alauni na faapea ona totogi atu pe na faia o le a lē ono tataui i so o se itu ona totogi atu pe faatagaina e sea vaega auai lona tolu i le alii pule; po o se uiga ua o'o i ai e faapea o lea lava tupe na totogi atu pe na faatagaina i le itu i ni galuega na faia e tusa ai ma le tulafono e le sui so'oupu i sea vaega lona tolu e aunoa ma se leaga po o le lē maua ai o se mea e faasino i le alii pule ma e aunoa ma so o se uiga e soloia ai e le sui sooupu lona tiute i le faafeagai ai ma lona alii pule.

(2) Se'ia yagana ai e pei ona aiaia e lenei fuaiupu, o le a lē tataui ona faaulufaleina se faamatalaga molimau i totonu o so o se taualumaga faa-faamasinoga mo se solitulafono e faasaga i lenei Tulafono ina ia faaalua ai e faapea o soo sea mea meaalofa po o se tau e pei ona ua ta'ua i totonu o lenei Tulafono o se uiga lava lea ua masani ai i so o se matātā po o se galuega ua vala'auina ai, ma e lē tataui foi ona avea le uiga faale-aganu'u o so o sea meaalofa po o se tau o so o se tali-pupuni e sao ai i ni taualumaga faa-faamasinoga.

13. E tataui ona maua le maliega o le Loia-Sili mo se moliaga faale-tulafono—(1) E leai se moliaga faa-faamasinoga mo se solitulafono e faasaga i lenei Tulafono o le a tataui ona amataina e aunoa ma le faatagaina a le Loia-Sili.

(2) O le faatagaina a le Loia-Sili e mafai lava ona tu'uina atu e aunoa ma se faaaliga i lē ua molia, ma o le a lē tataui i totonu o so o se tagi ona tau faaalua ai e faapea ua uma ona tu'uina mai sea faatagaina, po o so o se tu'utu'uga o lea lava faatagaina. O ni tete'e i se tagi ona o le leai o sea faatagaina poo ona o le leai o se uiga e tala-feagai ai i so o se tu'utu'uga o lea lava faatagaina, o le a tataui lava ona aveina i luma o le Faamasino Maulalo,

po o i se talosaga ina ia faalēaogaina le tagi, a o le'i amataina le faamasinoina o lē ua molia, a e lē o se tasi lava faiga e ese ai; ma afai ua malie le Faamasino Maulalo e faapea ua le'i tuuina atu sea faatagaina, po o le faapea ua lē o talafeagai ai so o se tuutuuga o lea lava faatagaina, o le a tatau lava ona faalēaogaina le tagi.

14. Fa'asalaga ina ua faamaonia e nofosala—So o se tagata ua faamaonia i se solitulafono e faasaga i lenei Tulafono o le a ono mafai ona faasalaina, pe afai o se faalapotopotoga, i se sala-tupe e lē silia le tasi le afe lima selau tālā; ma afai o so o se tasi lava tagata, i le nofo i le falepuipui mo so o se vaitaimi e lē silia le lua tausaga po o i se sala-tupe e lē silia le tasi le afe tālā po o ia faasalaga uma e lua o le nofo i le falepuipui ma se sala-tupe faapena.

15. Tali ma se mea ua maua e ono mafai ona molia ai i se solitulafono—E leai se tagata o le a tatau i totonu o so o se taulumaga faa-faamasinoga tau le va o tagata po o se solitulafono ona faagafuaina mai le taliina o so o se fesili e tu'uina atu tusa lava pe fai-fofoga po o le su'esu'eina i ni fesili, po o, mai le faia o so o se sailiga ina ia maua ni pepa teu-mau, i luga o le mafuaga e faapea o lea tali po o le maua mai o sea mea e ono mafai ona faaalua ai e nofosala po o e aga'i ina faaalua ai e nofosala o ia i le itu i se solitulafono e faasaga i lenei Tulafono; a e peita'i o le a lē tatau ona faaulufaleina lana tali i totonu o se faamatalaga molimau e faasaga ia te ia i so o se taulumaga faa-faamasinoga tau soliga-tulafono ona o se solitulafono e faasaga i lenei Tulafono.