

SAMOA**Arrangement of Provisions**

1. Short title and commencement
2. Animals Ordinance 1960 amended
3. Allied Health Professions Act 2014 amended
4. Apprenticeship Act 2014 amended
5. Arms Ordinance 1960 amended
6. Broadcasting Act 2010 amended
7. Business Licences Act 1998 amended
8. Citizenship Act 2004 amended
9. Credit Union Act 2015 amended
10. Customs Act 2014 amended
11. Dental Practitioners Act 2007 amended
12. District Courts Act 2016 amended
13. Education Act 2009 amended
14. Electricity Act 2010 amended
15. Export of Meat Act 1997 amended
16. Family Court Act 2014 amended

(Miscellaneous Amendments)

17. Film Control Act 1978 amended
18. Fire and Emergency Service Act 2007 amended
19. Fisheries Management Act 2016 amended
20. Foreign Affairs Act 1976 amended
21. Forestry Management Act 2011 amended
22. Gaming Act 1978 amended
23. Healthcare Professions Registration and Standards Act 2007 amended
24. Immigration Act 2004 amended
25. Incorporated Societies Ordinance 1952 amended
26. Intellectual Property Act 2011 amended
27. Internal Affairs Act 1995 amended
28. Judgment Summonses Act 1965 amended
29. Judicature Ordinance 1961 amended
30. Labour and Employment Relations Act 2013 amended
31. Land and Titles Act 1981 amended
32. Lands, Surveys and Environment Act 1989 amended
33. Land Titles Registration Act 2008 amended
34. Land Transport Authority Act 2007 amended
35. Land Valuation Act 2010 amended
36. Liquor Act 2011 amended
37. Medical Practitioners Act 2007 amended
38. Metrology Act 2015 amended

(Miscellaneous Amendments)

39. Ministry of Health Act 2006 amended
40. Ministry of Works Act 2002 amended
41. National Health Service Act 2014 amended
42. National Kidney Foundation of Samoa Act 2005 amended
43. National University of Samoa Act 2006 amended
44. Nursing and Midwifery Act 2007 amended
45. Passports Act 2008 amended
46. Pharmacy Act 2007 amended
47. Planning and Urban Management Act 2004 amended
48. Ports Authority Act 1998 amended
49. Postal Services Act 2010 amended
50. Public Finance Management Act 2001 amended
51. Public Trust Office Act 1975 amended
52. Quarantine (Biosecurity) Act 2005 amended
53. Revision and Publication of Laws Act 2008 amended
54. Samoa Sports Facilities Authority Act 2007 amended
55. Samoa Qualifications Authority Act 2010 amended
56. Samoa Water Authority Act 2003 amended
57. Scientific Research Organisation of Samoa Act 2008 amended
58. Slaughter and Meat Supply Act 2015 amended

59. Telecommunications Act 2005 amended
60. Tourism Development Act 2012 amended
61. Waste Management Act 2010 amended
62. Water Resources Management Act 2008
amended
63. Saving

2017, No. 13

**AN ACT to amend various Acts of Parliament in relation to
fees and charges and for related purposes.**

[04th July 2017]

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

1. Short title and commencement:

- (1) This Act may be cited as the Fees and Charges
(Miscellaneous Amendments) Act 2017.
- (2) This Act commences on the date of assent by
the Head of State.

2. Animals Ordinance 1960 amended:

For the Animals Ordinance 1960:

- (a) in section 5(2), for “the sum of 10 sene by way
of driving fees” substitute “a prescribed fee”;
- (b) in section 9, for paragraph (a) substitute:

(Miscellaneous Amendments)

- “(a) payment of prescribed fees for poundage and sustenance and driving;”;
- (c) in section 24(2), for “a fee of 20 sene” substitute “the prescribed fee”;
- (d) in section 34(2), for “to the Chief Executive Officer a fee determined by the Chief Executive Officer but not exceeding \$1 for each such castration” substitute “the prescribed fee for each castration”;
- (e) in section 40 -
- (i) in subsection (2), for paragraph (j) substitute:
- “(j) fees and charges for the purpose of this Act;”;
- (ii) after subsection (2), insert:
- “(2A) The amount of a fee or charge prescribed in subsection (2)(j):
- (a) shall be proposed by the Ministry; and
- (b) is subject to the consideration and approval of the National Revenue Board under the Public Finance Management Act 2001.”;

(Miscellaneous Amendments)

(f) Schedule 1 is repealed.

3. Allied Health Professions Act 2014 amended:

For the Allied Health Professions Act 2014:

- (a) in section 2, omit the term and definition of “fee”;
- (b) in sections 12(1), 21(1), 27, for “approved fee” substitute “the prescribed fee”;
- (c) in section 40(1), substitute:

“(1) The amount of a fee or charge required to be prescribed:

- (a) shall be proposed by the Council; and
- (b) is subject to the consideration and approval of the National Revenue Board under the Public Finance Management Act 2001.”.

4. Apprenticeship Act 2014 amended:

For the Apprenticeship Act 2014:

- (a) in section 42, for “the Council determines” substitute “prescribed”;
- (b) section 51 is repealed;
- (c) in section 56 -
 - (i) in subsection (2):
 - (aa) for the fullstop at the end of paragraph (b), substitute “; or”;

and

(bb) after paragraph (b), insert:

“(c) prescribing fees and charges for applications, certificates, documents or any other matter required or provided for in this Act.”; and

(ii) after subsection (2), insert:

“(3) The amount of a fee or charge prescribed in subsection (2)(c):
(a) shall be proposed by the Council; and
(b) is subject to the consideration and approval of the National Revenue Board under the Public Finance Management Act 2001.”.

5. Arms Ordinance 1960 amended:

For the Arms Ordinance 1960:

(a) in section 2,” insert:

““Ministry” means the Ministry of Police Service established under the Police Service Act 2009;”;

(Miscellaneous Amendments)

- (b) in sections 3(2), 6(1), 7(3), 9(2) and 12(2), for “fee prescribed in Schedule 1” substitute “prescribed fee”;
- (c) in section 27 -
 - (i) after subsection (2)(d), insert the following:

“(da) prescribing fees and charges for the purposes of this Ordinance.”;

and
 - (ii) after subsection (2), insert:

“(2A) The amount of a fee or charge prescribed in subsection (2)(da):

 - (a) shall be proposed by the Ministry; and
 - (b) is subject to the consideration and approval of the National Revenue Board under the Public Finance Management Act 2001.”;
- (d) Schedule 1 is repealed.

6. Broadcasting Act 2010 amended:

For the Broadcasting Act 2010:

- (a) after section 9(1), insert:

(Miscellaneous Amendments)

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

- (b) after section 73(2), insert:

- “(3) Regulations may be made under subsection (1) prescribing fees and charges for the purpose of this Act, and the amount of any fee or charge prescribed under this section:
- (a) shall be proposed by the Ministry in consultation with the Regulator; and
 - (b) is subject to the consideration and approval of the National Revenue Board under the Public Finance Management Act 2001.”.

7. Business Licences Act 1998 amended:

For the Business Licences Act 1998:

- (a) in section 2, insert:

““Ministry” means the Ministry responsible for Revenue;”; and

- (b) in section 9(3), for “a fee set by the Commissioner” substitute “the prescribed fee”;
- (c) in section 14(2)(b), for “a late application fee of \$200 or such other sum as may be later prescribed” substitute “the prescribed late application fee”;
- (d) after section 19(2), insert:

“(2A) The amount of a fee or charge prescribed in subsection (2):

- (a) shall be proposed by the Ministry; and
 - (b) is subject to the consideration and approval of the National Revenue Board under the Public Finance Management Act 2001.”;
- (e) Schedule 2 is repealed.

8. Citizenship Act 2004 amended:

For the Citizenship Act 2004:

- (a) in sections 8(2)(e), 9(2)(e), 11(1) and 22(1), for “required” substitute “prescribed”;
- (b) section 28 is repealed;
- (c) for section 29, substitute:

*(Miscellaneous Amendments)***“29. Regulations:**

- (1) The Head of State, acting on the advice of Cabinet, may make regulations to give effect to the provisions or for the purposes of this Act, and in particular may make regulations:
 - (a) to prescribe offences for regulations and their penalties not exceeding 50 penalty units;
 - (b) to prescribe fees and charges for the purpose of this Act; and
 - (c) for any other matter required to be prescribed by this Act.
- (2) Any fee or charge prescribed in subsection (1):
 - (a) shall be proposed by the Ministry; and
 - (b) is subject to the consideration and approval of the National Revenue Board under the Public Finance Management Act 2001.”.

9. Credit Union Act 2015 amended:

The Credit Union Act 2015 is amended as follows:

- (a) in section 5(2)(e), for “set out in Schedule 1” substitute “by regulations”; and
- (b) for section 68, substitute:

“68. Fees and charges:

- (1) The Head of State may, acting on the advice of Cabinet, make Regulations prescribing fees and charges for the purposes of this Act.
- (2) The amount of a fee or charge prescribed under subsection (1):
 - (a) shall be proposed by the Ministry; and
 - (b) is subject to the consideration and approval of the National Revenue Board under the Public Finance Management Act 2001; and
 - (c) shall be paid by the Registrar into the Treasury Fund, and such funds must be recorded as revenue for the Ministry.
- (3) The Minister may by order published in the Savali amend Schedule 2.”; and

- (c) Schedule 1 is repealed.

10. Customs Act 2014 amended:

The Customs Act 2014:

- (a) for section 65 substitute:

“65. Fees and charges for importation of goods:

- (1) The Head of State may, acting on the advice of Cabinet, make Regulations

(Miscellaneous Amendments)

prescribing fees, charges or other expenses that are to be payable to Customs for the purposes of this Act.

- (2) The amount of a fee or charge prescribed under subsection (1):
 - (a) shall be proposed by the Ministry; and
 - (b) is subject to the consideration and approval of the National Revenue Board under the Public Finance Management Act 2001.
- (3) A provision of Part 9 that relates to the collection and recovery of duty apply to fees, charges or other expenses under subsection (1), as if those fees, charges or other expenses were a duty.
- (4) Before regulations are submitted to Cabinet, the Comptroller must be satisfied that the persons that the Comptroller considers are representative of interests likely to be substantially affected by the proposed regulations have been consulted about the proposed regulations to the extent that is reasonably practicable having regard to the circumstances of the case.
- (5) The Comptroller may take into account any comments arising out of any consultation undertaken under subsection (4).

(Miscellaneous Amendments)

- (6) A failure to comply with subsections (4) and (5) do not affect the validity of any regulation made under subsection (1).”;

- (b) in section 78, paragraph (e) is repealed;
- (c) in section 333 -
 - (i) in subsection (1), after paragraph (s), insert:
 - “(sa) prescribing expenses for the purposes of this Act;
 - (sb) prescribing fees and charges for the purposes of this Act;”;

 - (ii) after subsection (1), insert:
 - “(1A) The amount of a fee or charge prescribed under subsection (1)(sb):
 - (a) shall be proposed by the Ministry; and
 - (b) is subject to the consideration and approval of the National Revenue Board under the Public Finance Management Act 2001.”;

- (d) in section 337 -
 - (i) in subsection (1):

(Miscellaneous Amendments)

- (A) for "Minister", substitute "Head of State";
- (B) for "the Comptroller" substitute "Cabinet";
- (C) for "order" substitute "regulations";
- (D) in paragraph (a), omit "subject to the approval of the Revenue Board,";
- (ii) in subsection (4), for "An order" substitute "Any regulations";
- (iii) after subsection (4), insert:

"(5) The amount of a fee or charge prescribed under this section:

- (a) shall be proposed by the Ministry; and
- (b) is subject to the consideration and approval of the Revenue Board under the Public Finance Management Act 2001."

11. Dental Practitioners Act 2007 amended:

For the Dental Practitioners Act 2007:

- (a) in section 12, paragraph (b), for "application" substitute "prescribed";
- (b) section 25 is repealed;

(c) after section 26(2), insert:

- “(3) The amount of a fee or charge prescribed under subsection (2):
- (a) shall be proposed by the Council; and
 - (b) is subject to the consideration and approval of the National Revenue Board under the Public Finance Management Act 2001.”.

12. District Courts Act 2016 amended:

In section 88 of the District Courts Act 2016, after subsection (2), insert:

- “(2A) Any fee prescribed under subsection (2)(e):
- (a) shall be proposed by the Ministry with the concurrence of the Rules Committee; and
 - (b) is subject to the consideration and approval of the National Revenue Board under the Public Finance Management Act 2001.”.

13. Education Act 2009 amended:

For the Education Act 2009:

- (a) in section 2, the definition of “approved fee” is repealed;

(Miscellaneous Amendments)

- (b) in section 30(2), in paragraph (b), for “approved fee” substitute “fee prescribed by regulations”;
- (c) section 47 is repealed;
- (d) in section 74, for subsection (2), substitute:

“(2) Without limiting subsection (1), regulations may be made on the following:

- (a) to create offences and to prescribe fines of up to 100 penalty units for such offences;
 - (b) to prescribe fees and charges (other than costs charged by school committees under section 40) for the purposes of this Act.
- (3) The amount of a fee or charge prescribed under subsection (2):
- (a) shall be proposed by the Ministry; and
 - (b) is subject to the consideration and approval of the National Revenue Board under the Public Finance Management Act 2001.”.

14. Electricity Act 2010 amended:

For the Electricity Act 2010:

- (a) in section 6 -
 - (i) in paragraph (m), for “impose and collect licence fees” substitute “propose

the amount of a fee for a licence and collect that fee”;

- (ii) renumber the current provision as subsection (1) and insert:

“(2) The amount of a fee proposed by the Regulator under subsection (1)(m):

(a) is subject to the consideration and approval of the National Revenue Board under the Public Finance Management Act 2001; and

(b) shall be prescribed by regulations.”;

- (b) for section 9 -

(i) in subsection (2), for “assess licence fees” substitute “propose the amount of a fee for a licence”;

(ii) in subsection (3), omit “and licence fees under subsection (2)”;

(iii) after subsection (3), insert:

“(4) The amount of a fee proposed under subsections (2) and (3), respectively:

- (a) is subject to the consideration and approval of the National Revenue Board under the Public Finance Management Act 2001; and
 - (b) shall be prescribed by regulations.”;
- (c) in section 13(3), paragraph (d) is repealed;
- (d) in section 54 -
- (i) in subsection (2), after paragraph (c) insert:
 - “(ca) prescribing fees for the purposes of this Act;”;
 - (ii) after subsection (2), insert:
 - “(2A) The amount of a fee prescribed under subsection (2)(ca):
 - (a) shall be proposed by the Regulator; and
 - (b) is subject to the consideration and approval of the National Revenue Board under the Public Finance Management Act 2001.”.

*(Miscellaneous Amendments)***15. Export of Meat Act 1997 amended:**

For the Export Meat Act 1997:

- (a) in section 2, insert:

““Ministry” means the Ministry responsible for agriculture;”;

- (b) in section 6(2), for “the Chief Executive Officer” substitute “regulations”;

- (c) for section 29, renumber the current provision as subsection (1) and insert the following:

“(2) The amount of a fee prescribed under subsection (1)(o):

- (a) shall be proposed by the Ministry; and

- (b) is subject to the consideration and approval of the National Revenue Board under the Public Finance Management Act 2001.”.

16. Family Court Act 2014 amended:

For section 19 of the Family Court Act 2014:

- (a) renumber current provision as subsection (1);
and

- (b) after subsection (1), insert the following:

“(2) The amount of a fee prescribed under subsection (1)(a):

(Miscellaneous Amendments)

- (a) shall be proposed by the Ministry with the concurrence of the Rules Committee; and
- (b) is subject to the consideration and approval of the National Revenue Board under the Public Finance Management Act 2001.”.

17. Film Control Act 1978 amended:

For the Film Control Act 1978:

- (a) in section 30 -
 - (i) for paragraph (a), omit “and the fees to be paid and the forms to be used in respect thereof”;
 - (ii) for paragraph (d), omit “and prescribing the fees to be paid and the forms to be used in relation thereto”;
 - (iii) after paragraph (a), insert:
 - “(aa) fees and charges for the purposes of this Act;
 - (ab) forms for the purposes of this Act;”;
 - (iv) renumber current provision as subsection (1) and insert the following:
 - “(2) The amount of a fee or charge prescribed under subsection (1)(aa):

- (a) shall be proposed by the Ministry with the concurrence of the Board; and
- (b) is subject to the consideration and approval of the National Revenue Board under the Public Finance Management Act 2001.”;

(b) Schedule 1 is repealed.

18. Fire and Emergency Service Act 2007 amended:

For the Fire and Emergency Service Act 2007:

- (a) for section 39, substitute:

“39. Recovery of costs:

- (1) The owner of a property for which an alarm is caused by fire or other emergency must pay to the Authority a charge incurred by the Authority in providing fire services to the property.
- (2) The Authority must:
 - (a) issue a notice setting out the prescribed charges to be paid within 28 days after receipt of the notice; and
 - (b) deliver it, in person or by post, to the owner of the property.

(Miscellaneous Amendments)

- (3) If an owner or property is insured:
 - (a) the Authority may, in writing, notify the insurance company of the prescribed charges payable under this section; and
 - (b) before disbursing the proceeds of any policy of insurance, the insurance company shall pay the prescribed charges to the Authority, and the policy of insurance is taken to be so varied.
- (4) A prescribed charge referred to in this section:
 - (a) shall be proposed by the Authority with the concurrence of the Board; and
 - (b) is subject to the consideration and approval of the National Revenue Board under the Public Finance Management Act 2001.”; and

(b) for section 41, substitute:

“41. Regulations:

- (1) The Head of State acting on the advice of Cabinet, may make regulations to give effect to the provisions or for the

(Miscellaneous Amendments)

purposes of this Act, and in particular may make regulations:

- (a) to prescribe fees and charges for the purposes of this Act;
 - (b) for matters required to be prescribed under this Act.
- (2) The amount of a fee or charge prescribed under subsection (1)(a):
- (a) shall be proposed by the Authority with the concurrence of the Board; and
 - (b) is subject to the consideration and approval of the National Revenue Board under the Public Finance Management Act 2001.”.

19. Fisheries Management Act 2016 amended:

For the Fisheries Management Act 2016, in section 92:

- (a) in subsection (1)(gg), omit “subject to the prior approval of the National Revenue Board,”;
- (b) after subsection (1), insert:

“(1A) The amount of a fee or charge prescribed under subsection (1)(a):

- (a) shall be proposed by the Ministry; and
- (b) is subject to the consideration and approval of the National Revenue Board under the Public Finance Management Act 2001.”.

*(Miscellaneous Amendments)***20. Foreign Affairs Act 1976 amended:**

For the Foreign Affairs Act 1976:

- (a) in section 2, after the term and definition of “Minister” insert:

““Ministry” means the Ministry responsible for foreign affairs;”;

- (b) for section 10, substitute:

“10. Regulations:

- (1) The Head of State acting on the advice of Cabinet, may make regulations to give effect to the provisions or for the purposes of this Act, and in particular may make regulations:
- (a) to determine the conditions of service of overseas representatives and officers appointed in accordance with this Act to assist overseas representatives; and
- (b) to prescribe fees and charges for the purposes of this Act.
- (2) The amount of a fee or charge prescribed under subsection (1)(b):
- (a) shall be proposed by the Ministry; and

(Miscellaneous Amendments)

- (b) is subject to the consideration and approval of the National Revenue Board under the Public Finance Management Act 2001.”.

21. Forestry Management Act 2011 amended:

For the Forestry Management Act 2011:

- (a) paragraph (e) of section 9 and section 19 are repealed;
- (b) in section 52 -
 - (i) in subsection (1), for “a natural resource fee”, substitute “a prescribed fee for natural resource (“natural resource fee”);
 - (ii) in subsection (2), omit “by the Minister by written order published in the *Savali* and 1 other newspaper in Samoa”;
- (c) in section 53 -
 - (i) in subsection (1), for “forestry application fee” substitute “prescribed fee for forestry application (“forestry application fee”);
 - (ii) subsection (2) is repealed;
- (d) in section 85 -
 - (i) in subsection (2), for paragraph (g), substitute:

“(g) prescribing fees and charges for the purposes of this Act;”;

(ii) after subsection (2), insert:

“(2A) The amount of a fee or charge prescribed under subsection (2)(g):

(a) shall be proposed by the Ministry; and

(b) is subject to the consideration and approval of the National Revenue Board under the Public Finance Management Act 2001.”; and

(e) in section 86, in subsection (5), omit “, including the fixing of any fee or”.

22. Gaming Act 1978 amended:

For the Gaming Act 1978:

(a) in section 2, insert:

““Ministry” means the Ministry of Police Service established under the Police Service Act 2009;”;

(b) in section 25 -

(i) after paragraph (a), insert:

(Miscellaneous Amendments)

“(aa) fees and charges for the purposes of this Act;”;

- (ii) renumber current provision as subsection (1) and insert:

“(2) A fee or charge prescribed under subsection (1)(aa):

(a) shall be proposed by the Ministry; and

(b) is subject to the consideration and approval of the National Revenue Board under the Public Finance Management Act 2001.”; and

- (c) in section 27 -

(i) in subsection (1), for “is \$200 per annum” substitute “is to be prescribed by regulations”;

(ii) subsection (3) is repealed.

23. Healthcare Professions Registration and Standards Act 2007 amended:

For the Healthcare Professions Registration and Standards Act 2007:

(Miscellaneous Amendments)

- (a) in paragraphs (c) and (d) of section 6, for “any fee fixed by the Chief Executive Officer” substitute “the prescribed fee”;
- (b) in section 24 -
 - (i) in subsection (2):
 - (A) in paragraph (e), for the fullstop, substitute a semicolon;
 - (B) after paragraph (e), insert the following:

“(f) prescribe fees and charges for the purposes of this Act;”;

and
 - (ii) after subsection (2), insert:

“(2A) The amount of a fee prescribed under subsection (2)(f):

 - (a) shall be proposed by the Ministry in consultation with the relevant Council; and
 - (b) is subject to the consideration and approval of the National Revenue Board under the Public Finance Management Act 2001.”.

24. Immigration Act 2004 amended:

For the Immigration Act 2004:

- (a) in section 2, insert:

““Ministry” means the Ministry responsible for immigration;”;

- (b) in sections 11(9) and 40(2), for “required” substitute “prescribed”;

- (c) section 48 is repealed;

- (d) in section 55 -

- (i) in subsection (2), after paragraph (b), insert:

“(ba) prescribing fees and charges for the purposes of this Act;”;

- (ii) after subsection (2), insert:

“(2A) The amount of a fee or charge prescribed in subsection (2)(ba):

- (a) shall be proposed by the Ministry; and

- (b) is subject to the consideration and approval of the National Revenue Board under the Public Finance Management Act 2001.”.

*(Miscellaneous Amendments)***25. Incorporated Societies Ordinance 1952 amended:**

For the Incorporated Societies Ordinance 1952:

- (a) in section 2, the definition of “prescribed” is repealed;
- (b) in section 6(b), for “Schedule 2” substitute “regulations”;
- (c) in sections 7A(1)(b), 7C(2) and 20(5)(a)(ii), for “approved fee” substitute “fee prescribed in regulations”;
- (d) in section 21A(1)(b), for “an approved fee”, substitute “the fee prescribed in regulations”;
- (e) in section 32, for subsection (3), substitute:

“(3) Fees prescribed in regulations are to be paid to the Registrar.”;

- (f) section 34A and Schedule 2 are repealed;
- (g) in section 35 -
 - (i) renumber the current provision as subsection (1); and
 - (ii) insert:

“(2) Without limiting subsection (1), regulations may be made to prescribe fees for the purposes of this Act.

(3) The amount of a fee prescribed under subsection (2):

- (a) shall be proposed by the Ministry; and

- (b) is subject to the consideration and approval of the National Revenue Board under the Public Finance Management Act 2001.”.

26. Intellectual Property Act 2011 amended:

For the Intellectual Property Act 2011:

- (a) in section 2, the definition of “determined fee” is repealed;
- (b) in sections 7(2)(b), 11(2)(c), 16(4), 22(2), 26(2)(c), 30(1) and (2), 48(1), 64(2), 69(2)(c), 77(4), 91(2), 119(2) and 121(b), for “determined fee” substitute “prescribed fee”;
- (c) in section 13(2), for “maintenance fee” substitute “prescribed maintenance fee”;
- (d) in sections 39(1) and 106(1), for “determined application fee” substitute “prescribed application fee”;
- (e) in sections 43(2) and 57(2), for “determined renewal fee” substitute “prescribed renewal fee”;
- (f) in section 57(4), before “late renewal fee” insert “prescribed”;
- (g) section 128 is repealed;
- (h) in section 129(2), for “late payment fee determined by the Minister” substitute “prescribed late payment fee”;

(Miscellaneous Amendments)

- (i) in section 140(2), for “determined fees” substitute “the prescribed fees”;
- (j) in section 137 -
 - (i) in subsection (2), after paragraph (k) insert:

“(ka) prescribing fees for the purposes of this Act;”;
 - (ii) after subsection (2), insert:

“(3) The amount of a fee prescribed under subsection (2)(ka):
 - (a) shall be proposed by the Ministry; and
 - (b) is subject to the consideration and approval of the National Revenue Board under the Public Finance Management Act 2001.”.

27. Internal Affairs Act 1995 amended:

For the Internal Affairs Act 1995:

- (a) in section 5 -
 - (i) in subsection(1), for paragraph (q), substitute:

“(q) to propose fees for any matter provided for in this Act (including fees for services rendered by Sui-o-le-nuu and Sui-o-le-Malo to other Government Departments, public bodies and other government agencies or institutions and any other Institutions).”;

(ii) after subsection (2), insert:

“(3) Any fee proposed in subsection (1)(q):

(a) is subject to the consideration and approval of the National Revenue Board under the Public Finance Management Act 2001; and

(b) must be prescribed by regulations.”;

(b) in section 18 -

(i) in subsection (2), for paragraph (a), substitute:

(Miscellaneous Amendments)

“(a) fees for any matter provided for in this Act (including fees for services rendered by a Sui-o-le-nuu and Sui-o-le-Malo to other Government Departments, Corporations and any other Institutions or persons);”;

(ii) after subsection (2), insert:

“(3) The amount of a fee prescribed under subsection (2)(a):

(a) shall be proposed by the Ministry; and

(b) is subject to the consideration and approval of the National Revenue Board under the Public Finance Management Act 2001.”.

28. Judgment Summonses Act 1965 amended:

For the Judgment Summonses Act 1965:

(a) in section 20, omit “fees and”;

(b) after section 20, insert:

“21. Regulations:

(1) The Head of State may, acting on the advice of Cabinet and with the concurrence of the Rules Committee,

make regulations to give effect to the provisions or for the purposes of this Act, including fixing scales of fees for judgment summonses.

- (2) The scales or amounts of fees prescribed under subsection (1):
 - (a) shall be proposed by the Ministry with the concurrence of the Rules Committee; and
 - (b) is subject to the consideration and approval of the National Revenue Board under the Public Finance Management Act 2001.”.

29. Judicature Ordinance 1961 amended:

For the Judicature Ordinance 1961:

- (a) in section 40(1), omit “fees and”;
- (b) after section 66, insert:

“67. Regulations:

- (1) The Head of State may, acting on the advice of Cabinet and with the concurrence of the Rules Committee, make regulations setting out the fees payable for proceedings in the Supreme Court and Court of Appeal.
- (2) The amount of any fee prescribed under subsection (1):

- (a) shall be proposed by the Ministry with the concurrence of the Rules Committee; and
- (b) is subject to the consideration and approval of the National Revenue Board under the Public Finance Management Act 2001.”;
- (c) in the First Schedule of the Court of Appeal Rules, for Rule 9, substitute:

“9. Fees payable to the Registrar:

Fees payable to the Registrar of the Court of Appeal, for proceedings in the Court of Appeal are to be prescribed under section 67 of the Ordinance.”.

30. Labour and Employment Relations Act 2013 amended:

For the Labour and Employment Relations Act 2013:

- (a) in section 2, the definition of “fee” is repealed;
- (b) in section 59(2), after “application fee” insert “as prescribed”;
- (c) in section 62(2), after “inspection fee” insert “as prescribed”;
- (d) in section 72(2)(b), after “registration fee” insert “as prescribed”;
- (e) in section 75, after “inspection fee” insert “as prescribed”;
- (f) section 79 is repealed;

(Miscellaneous Amendments)

- (g) in section 83 -
- (i) in subsection (2):
- (A) for the fullstop at the end of paragraph (u), substitute semicolon; and
- (B) after paragraph (u), insert:
- “(v) prescribing fees for the purposes of this Act.”;
- (ii) after subsection (2), insert:
- “(3) The amount of a fee prescribed under subsection (1):
- (a) shall be proposed by the Ministry; and
- (b) is subject to the consideration and approval of the National Revenue Board under the Public Finance Management Act 2001.”.

31. Land and Titles Act 1981 amended:

For the Land and Titles Act 1981:

- (a) in section 2, insert:

““Ministry” means the Ministry responsible for Justice and Courts Administration;”;

(Miscellaneous Amendments)

- (b) in section 9(2), for “fee prescribed in Schedule 1” substitute “prescribed fee”;
- (c) in sections 15 and 17(2), for “fee prescribed in the First Schedule” substitute “prescribed fee,”;
- (d) in section 34B, for subsection (3) substitute:

“(3) The Registrar may charge a prescribed fee when carrying out the power under this section.”;

- (e) in section 47 -
 - (i) in subsection (1), omit “and prescribing the fees payable in respect of the proceedings of the Court”;
 - (ii) subsection (6) is repealed;
- (f) in section 68, for “fee prescribed in Schedule 1” substitute “prescribed fee”;
- (g) for section 91, substitute:

“91. Regulations:

- (1) The Head of State may, acting on the advice of Cabinet, make regulations to give effect to or for the purposes of this Act, and in particular to prescribe fees and charges for the purposes of this Act.
- (2) The amount of any fee or charge prescribed in subsection (1):
 - (a) shall be proposed by the Ministry in consultation with the President of the Court; and

- (b) is subject to the consideration and approval of the National Revenue Board under the Public Finance Management Act 2001.
- (3) The prescribed fees payable under this Act may be prepaid in cash, and the Registrar may refuse to take any action or accept any petition, objection or other document unless all fees have first been paid.”;

(h) Schedule 1 is repealed.

32. Lands, Surveys and Environment Act 1989 amended:

For the Lands, Surveys and Environment Act 1989:

- (a) in section 37(2) -
 - (i) for paragraph (c), substitute:

“(c) the rent payable under subsection (2A);”;
 - (ii) after subsection (2), insert:

“(2A) The rent for a new or a renewal of lease shall:
 - (a) be prescribed by regulations; and
 - (b) be based on an annual percentage of the value of

(Miscellaneous Amendments)

- the land determined by
the Land Board; and
- (c) subject to the following -
- (i) the rent payable,
from the
commencement of
any period for
which the rent is
to be reassessed,
is 5% a year of the
value of the land
determined by the
Land Board; and
- (ii) the Land Board
shall not take into
account the value
of any
improvements
effected or paid
for by the lessee
when
determining the
value of the land
under this section.
- (2B) The rent specified in subsection
(2A)(c)(i) applies if no rent is
prescribed for a new or renewal
of lease.”;

(Miscellaneous Amendments)

- (iii) in subsection (6)(a), for “(whether single or periodic) as the Board may determine” substitute “as prescribed by regulations”;
- (b) in section 71(1), for “such fee in each case as it thinks fit” substitute “the prescribed fee”;
- (c) in section 146 -
 - (i) in subsection (2), for paragraph (a), substitute:

“(a) providing fees and charges for the purposes of this Act;”;

- (ii) after subsection (2), insert:

“(2A) The amount of a fee or charge prescribed under subsection (2)(a):

- (a) shall be proposed by the Ministry; and
- (b) is subject to the consideration and approval of the National Revenue Board under the Public Finance Management Act 2001.”.

33. Land Titles Registration Act 2008 amended:

In section 92 of the Land Titles Registration Act 2008:

(a) for subsection (2), substitute:

“(2) Regulations may be made:

- (a) to prescribe fees and charges for the purposes of this Act; and
- (b) to prescribe forms contemplated under this Act.

(2A) The amount of a fee or charge prescribed under subsection (2)(a):

- (a) shall be proposed by the Ministry; and
- (b) is subject to the consideration and approval of the National Revenue Board under the Public Finance Management Act 2001.”.

(b) subsection (3) is repealed.

34. Land Transport Authority Act 2007 amended:

For the Land Transport Authority Act 2007:

(a) in section 54 -

- (i) in subsection (2), after paragraph (b), insert:

“(ba) prescribing fees and charges for the purposes of this Act;”;

- (ii) after subsection (2), insert:

“(3) The amount of a fee or charge prescribed under subsection (2)(ba):

(a) shall be proposed by the Authority with the concurrence of the Board of Directors; and

(b) is subject to the consideration and approval of the National Revenue Board under the Public Finance Management Act 2001.”;

(b) in section 55 -

(i) in subsection (2)(b), for “fix any fee or charge to be paid” substitute “propose any fee or charge”;

(ii) after subsection (2), insert:

“(3) The amount of a fee or charge proposed under subsection (2)(b):

(a) shall be proposed by the Authority with the concurrence of the Board of Directors; and

(b) is subject to the consideration and approval of the National

Revenue Board under
the Public Finance
Management Act 2001;
and

- (c) shall be prescribed by
regulations.”.

35. Land Valuation Act 2010 amended:

For the Land Valuation Act 2010:

- (a) in section 2, the definition of “approved fee” is repealed;
- (b) in section 9, for subsection (3) substitute:

“(3) A person may obtain a copy of the register or part of the register on payment of the prescribed fee.”;

- (c) in section 10(1)(d), for “fees” substitute “prescribed fees”;
- (d) in sections 11(1)(c) and 13(3), for “an approved” substitute “the prescribed”;
- (e) in section 12(3), for “approved” substitute “prescribed”;
- (f) in section 20, after subsection (2), insert:

“(3) The amount of a fee prescribed under subsection (2)(e):

- (a) shall be proposed by the Ministry; and

(Miscellaneous Amendments)

- (b) is subject to the consideration and approval of the National Revenue Board under the Public Finance Management Act 2001.”.

36. Liquor Act 2011 amended:

For the Liquor Act 2011:

- (a) in section 2 -
 - (i) the definition of “approved fee” is repealed;
 - (ii) in the definition of “nightclub” after “fees” insert “as prescribed”;
- (b) in section 6, paragraph (i) is repealed;
- (c) in sections 24(1) and (2), 29(1), and 43(1) and (3) for “approved fee” substitute “prescribed fee”;
- (d) in section 67 -
 - (i) after paragraph (c), insert:

“(ca) fees for the purposes of this Act;”;
 - (ii) renumber the current provision as subsection (1) and insert:

“(2) The amount of a fee prescribed under subsection (1)(ca):
 - (a) shall be proposed by the Ministry; and

- (b) is subject to the consideration and approval of the National Revenue Board under the Public Finance Management Act 2001.”.

37. Medical Practitioners Act 2007 amended:

For the Medical Practitioners Act 2007:

- (a) in section 11(b), for “application” substitute “prescribed”;
- (b) section 23 is repealed;
- (c) in section 25, after subsection (2), insert:

“(3) The amount of a fee prescribed under subsection (2)(c):

- (a) shall be proposed by the Council; and
- (b) is subject to the consideration and approval of the National Revenue Board under the Public Finance Management Act 2001” after “other matter under this Act.”.

38. Metrology Act 2015 amended:

For the Metrology Act 2015:

- (a) in section 2, definition for “approved fee” is repealed;

(b) in section 41(1) substitute:

“(1) The Head of State, acting on the advice of Cabinet may make regulations to prescribe fees for the purpose of this Act.

(1A) The prescribed fees is proposed by the Ministry and is subject to the consideration and approval of the National Revenue Board under the Public Finance Management Act 2001.”;

(c) in section 42(1)(g) substitute “approved fees” with “prescribed fees”.

39. Ministry of Health Act 2006 amended:

For the Ministry of Health Act 2006:

(a) for section 19, substitute:

“19. Fees and charges:

(1) Fees and charges (including the time and manner of payment) concerning any matter under this Act or any applicable law and for any goods or services provided by the Ministry or for any goods or services funded by the Ministry and provided by another person or body are to be prescribed in regulations.

(Miscellaneous Amendments)

- (2) Subject to section 20, the fees and charges under subsection (1) are non-refundable unless approved by the Cabinet, acting on the advice of Minister.
 - (3) A refund of fees or charges under this Act may be made without further appropriation than this section and is a statutory expenditure payable out of the Treasury Fund.
 - (4) Fees and charges under this section do not apply to fees and charges for goods, services or other matters provided by the National Health Service under the National Health Service Act 2014.”;
- (b) in section 24 -
- (i) in subsection (2), after paragraph (b), insert:

“(ba) prescribing fees and charges for the purposes of this Act.”;
 - (ii) after subsection (2), insert:

“(3) The amount of a fee or charge prescribed under subsection (2)(ba):
 - (a) shall be proposed by the Ministry; and

- (b) is subject to the consideration and approval of the National Revenue Board under the Public Finance Management Act 2001.”.

40. Ministry of Works Act 2002 amended:

For the Ministry of Works Act 2002:

- (a) in section 32, subsection (3) is repealed;
- (b) in section 54(3), paragraph (b) is repealed;
- (c) in section 58 -
 - (i) in subsection (2)(e), after “the Ministry” insert “or prescribe matters required to be prescribed under this Act (including fees and charges required for the purposes of this Act)”;
 - (ii) after subsection (2), insert the following:
 - “(3) Any fee or charge prescribed under subsection (2)(e):
 - (a) shall be proposed by the Ministry; and
 - (b) is subject to the consideration and approval of the National Revenue Board under the Public Finance Management Act 2001.”.

*(Miscellaneous Amendments)***41. National Health Service Act 2014 amended:**

For the National Health Service Act 2014:

(a) for section 19 substitute:

“19. Fees and charges:

- (1) Subject to section 19 of the Ministry of Health Act 2006, fees and charges (including the time and manner of payment) for the purpose of this Act are to be prescribed by regulations made under section 25.
- (2) The fees and charges are non-refundable unless approved by the Minister, acting on the advice of the Board and with the approval of Cabinet.
- (3) A refund of fees or charges under this Act may be made without further appropriation than this section and is a statutory expenditure payable out of the Treasury Fund.”;

(b) in section 25 -

(i) after paragraph (d), insert:

“(da) to prescribe fees and charges for the purposes of this Act;”;

(ii) renumber the current provision as subsection (1) and insert:

- “(2) The amount of a fee or charge prescribed under subsection (1)(da):
- (a) shall be prescribed by the Service with the concurrence of the Board; and
 - (b) is subject to the consideration and approval of the National Revenue Board under the Public Finance Management Act 2001.”.

42. National Kidney Foundation of Samoa Act 2005 amended:

For the National Kidney Foundation of Samoa Act 2005:

- (a) in section 5, for subsection (2), substitute:

- “(2) When carrying out its functions under subsection (1), the Foundation may:
- (a) impose terms and conditions; and
 - (b) propose fees and charges to be prescribed by regulations.”;

(Miscellaneous Amendments)

- (b) in section 13 -
 - (i) after “administration” insert “, including prescribing fees and charges for the purposes of this Act”;
 - (ii) renumber the current provision as subsection (1) and insert:
 - “(2) The amount of a fee or charge prescribed under subsection (1):
 - (a) shall be proposed by the Foundation with the concurrence of the Board; and
 - (b) is subject to the consideration and approval of the National Revenue Board under the Public Finance Management Act 2001.”.

43. National University of Samoa Act 2006 amended:

For section 18 of the National University of Samoa Act 2006:

- (a) in subsection (2), for paragraph (l), substitute:
 - “(l) impose fines, and propose fees and charges;”;
- (b) after subsection (4), insert:

- “(5) The amount of a fee or charge proposed under subsection (2)(l) or any fee or charge required for the purposes of this Act:
- (a) shall be proposed by the University with the concurrence of the Council; and
 - (b) shall be set out in Statutes in accordance with section 25; and
 - (c) is subject to the consideration and approval of the National Revenue Board under the Public Finance Management Act 2001.”.

44. Nursing and Midwifery Act 2007 amended:

For the Nursing and Midwifery Act 2007:

- (a) in section 12(1)(b), for “application” substitute “prescribed”;
- (b) section 31 is repealed;
- (c) in section 32, after subsection (2), insert the following:

- “(3) Any fee prescribed under subsection (2)(b):
- (a) shall be proposed by the Council; and
 - (b) is subject to the consideration and approval of the National Revenue Board under the Public Finance Management Act 2001.”.

*(Miscellaneous Amendments)***45. Passports Act 2008 amended:**

For the Passports Act 2008:

- (a) in section 2, the definition of “approved fee” is repealed;
- (b) in sections 5(2), 7(2), 16, and 19(1), for “approved” substitute “prescribed”;
- (c) in sections 8(1), 20(2) and 21 for “an approved” substitute “the prescribed”;
- (d) in section 39 -
 - (i) in subsection (2), for paragraph (a), substitute:

“(a) prescribing fees and charges and other related matters for the purposes of this Act;”;

- (ii) after subsection (2), insert:

“(3) The amount of a fee or charge prescribed under subsection (2)(a):

- (a) shall be proposed by the Ministry; and
- (b) is subject to the consideration and approval of the National Revenue Board under the Public Finance Management Act 2001.”.

*(Miscellaneous Amendments)***46. Pharmacy Act 2007 amended:**

For the Pharmacy Act 2007:

- (a) in section 3(2)(a), for “charge any fees” substitute “collect any prescribed fees”;
- (b) in section 12(1)(b), for “application” substitute “prescribed”;
- (c) section 27 is repealed;
- (d) in section 28, after subsection (2), insert the following:

“(3) Any fee prescribed under subsection (2)(f):

- (a) shall be proposed by the Council; and
- (b) is subject to the consideration and approval of the National Revenue Board under the Public Finance Management Act 2001.”.

47. Planning and Urban Management Act 2004 amended:

For the Planning and Urban Management Act 2004:

- (a) in section 93(1)(g), omit “, including as determined by a person specified in the regulations”;
- (b) in section 105 -
 - (i) in subsection (2):
 - (A) for paragraphs (f), substitute:

“(f) fees and charges for the purposes of this Act.”;

(B) paragraphs (ee) and (ff) are repealed;

(ii) after subsection (2), insert:

“(3) The amount of any fee or charge prescribed under subsection (2)(f):

(a) shall be proposed by the Ministry; and

(b) is subject to the consideration and approval of the National Revenue Board under the Public Finance Management Act 2001.”.

48. Ports Authority Act 1998 amended:

For the Ports Authority Act 1998:

(a) in section 36, for “such port or other dues as the Authority, with the approval of the Minister and by notification in the *Gazette* or the *Savali*, may from time to time determine” substitute “prescribed port or other dues”;

(b) for section 37, substitute:

*(Miscellaneous Amendments)***“37. Dues payable in respect of goods:**

- (1) The owner of any goods shall pay the Authority the prescribed due levied on goods brought into, loaded or discharged within a port or its approaches (including a wharf that is not owned but controlled by the Authority).
 - (2) Subsection (1) does not apply to goods brought into, loaded or discharged within or at the Salelologa or Mulifanua ports.”;
- (c) in section 39 -
- (i) for “Subject to the provisions of this Act, the Authority may, with the approval of the Minister and by notification in the Gazette or Savali, levy such rates as it shall determine” substitute “The Authority may, with the concurrence of the Board, propose the amount of rates, fees or charges”;
 - (ii) renumber the current provision as subsection (1), and insert:
 - “(2) Any rate, fee or charge proposed under subsection (1):
 - (a) shall be prescribed by regulations; and

(b) is subject to the consideration and approval of the National Revenue Board under the Public Finance Management Act 2001.”;

(d) for section 44, substitute:

“44. Shipping clearance to be withheld:

- (1) A public officer responsible for clearance of any vessel, must not grant the clearance until the relevant due, rate, fee or charge is paid or secured to the satisfaction of the Authority.
- (2) Subsection (1) does not apply to a vessel docked or harboured within or at the Salelologa or Mulifanua ports.
- (3) Any due, rate, fee or charge required under subsection (1):
 - (a) shall be proposed by the Authority with the concurrence of the Board; and
 - (b) is subject to the consideration and approval of the National Revenue Board under the Public Finance Management Act 2001; and
 - (c) shall be prescribed by regulations.”;

(Miscellaneous Amendments)

- (e) in section 64 -
- (i) in subsection (1), after paragraph (b), insert:

“(ba) prescribing dues, rates, fees and any other charges for the purposes of this Act.”;

- (ii) after subsection (1), insert:

“(1A) The amount of any due, rate, fee or charge prescribed under subsection (1)(ba):

(a) shall be proposed by the Authority with the concurrence of the Board; and

(b) is subject to the consideration and approval of the National Revenue Board under the Public Finance Management Act 2001.”.

49. Postal Services Act 2010 amended:

For the Postal Services Act 2010:

- (a) for section 13, substitute:

*(Miscellaneous Amendments)***“13. Fees and charges:**

- (1) Fees and charges for universal postal services provided by the Samoa Post:
 - (a) shall be proposed by the Regulator in consultation with the Ministry; and
 - (b) are subject to the consideration and approval of the National Revenue Board under the Public Finance Management Act 2001; and
 - (c) are to be prescribed by regulations.
- (2) The requirements under subsection (1) do not apply to fees and charges in respect of commercial postal services provided by the Samoa Post.”;

(b) for section 23(1), paragraph (c) is repealed;

(c) for section 46 -

- (i) in subsection (2), after paragraph (d), insert:

“(da) prescribing fees and charges for the purposes of this Act.”;

- (ii) after subsection (2), insert:

- “(3) The amount of a fee or charge prescribed under subsection (2)(da):
- (a) shall be proposed by the Regulator in consultation with the Ministry; and
 - (b) is subject to the consideration and approval of the National Revenue Board under the Public Finance Management Act 2001.”.

50. Public Finance Management Act 2001 amended:

For the Public Finance Management Act 2001:

- (a) after section 13, insert:

“13A. Responsibilities of public beneficial bodies and selected public trading bodies:

- (1) The chief executive (or howsoever called) of a public body shall:
- (a) put in place a system to review any tax, duty, fee or charge under the enactment for which the public body is responsible, at least once a year to establish whether -
 - (i) the level of the tax, duty, fee or charge is adequate; and

(Miscellaneous Amendments)

- (ii) the tax, duty, fee or charge be varied and if so, by what amount; and
 - (b) prepare and submit a report of the review to the National Revenue Board in the format specified in Treasury Instructions.
 - (2) In this section, “public body” means the following public bodies:
 - (a) a public beneficial body listed in Part B of Schedule 1 of the Public Bodies (Performance and Accountability) Act 2001;
 - (b) the following public trading bodies -
 - (i) Land Transport Authority;
 - (ii) Ports Authority;
 - (iii) Public Trust Office;
 - (iv) Samoa Water Authority;
 - (v) any other public trading body approved by Cabinet for the purposes of this section.”;
- (b) for section 27, substitute:

*(Miscellaneous Amendments)***“27. Charge for supply of goods or services:**

- (1) Subject to sections 13(1)(j), 13A and 37(1)(e), a department or public body as defined under section 13A(2) may charge administrative fees or costs for goods or services provided to a person.
 - (2) Before a department charges another department for fees or costs under subsection (1), they must first have an agreement to charge the fees or costs incurred to an output of the recipient department.”;
- (c) in section 37(1)(e), for “section 13(1)(j) and (k) (*Responsibilities of heads of departments*)” substitute “sections 13(1)(j) and (k) and 13A”;
 - (d) in section 66(2), for “fee determined by the Financial Secretary” substitute “prescribed fee”;
 - (e) in section 126, after subsection (1), insert the following:
 - “(1A) Regulations may be made under subsection (1) to prescribe fees and charges for the purposes of this Act.
 - (1B) Any fee or charge prescribed under subsection (1A):
 - (a) shall be proposed by the Treasury; and

(Miscellaneous Amendments)

- (b) is subject to the consideration and approval of the National Revenue Board.”.

51. Public Trust Office Act 1975 amended:

For the Public Trust Office Act 1975:

- (a) in section 32 -
 - (i) in subsection (3), for “fixed” substitute “proposed”;
 - (ii) after subsection (3), insert:
 - “(4) An interest rate proposed by the Public Trustee under this section:
 - (a) is subject to the consideration and approval of the National Revenue Board under the Public Finance Management Act; and
 - (b) shall be prescribed by regulations.”;
- (b) in section 49 -
 - (i) in subsection (2), for “reasonable fee” substitute “fee to be prescribed”; and
 - (ii) after subsection (2), insert:

(Miscellaneous Amendments)

- “(3) The amount of a fee required to be paid under subsection (2) for the Public Trustee’s services:
- (a) shall be proposed by the Public Trustee; and
 - (b) is subject to the consideration and approval of the National Revenue Board under the Public Finance Management Act 2001.
- (4) The requirements under subsection (3) do not apply to fees and costs ordered by a Court.”;

- (c) in section 53, for subsection (2), substitute:

“(2) The charges of the Public Trustee for carrying out the functions, powers, authorities, discretions and rights delegated under subsection (1), are to be prescribed by regulations.”;

- (d) for section 69, substitute:

“69. Court fees payable on elections, etc.:

- (1) The fees payable to the Registrar of the Supreme Court for the filing of any election under this Part are prescribed

(Miscellaneous Amendments)

by regulations under this Act or any other enactment.

- (2) A certified copy of the election under the seal of the Supreme Court or by a Registrar of the Supreme Court is equivalent to an exemplification of that election for all purposes, and the only fee payable is the prescribed fee for certification.”;

- (e) in section 75(2), for “such fee as may be agreed on by the Public Trustee” substitute “the prescribed fee”;
- (f) in section 90(1), for “fixed or authorised” substitute “prescribed”;
- (g) in section 127, after subsection (2), insert:

“(3) The amount of any fee or charge required under this Act to be prescribed by regulations:

- (a) shall be proposed by the Public Trustee with the concurrence of the Investment Board; and
- (b) is subject to the consideration and approval of the National Revenue Board under the Public Finance Management 2001.”.

52. Quarantine (Biosecurity) Act 2005 amended:

For the Quarantine (Biosecurity) Act 2005:

(Miscellaneous Amendments)

- (a) in sections 38(4), 39 and 40(2), for “a fee determined by the Chief Executive Officer” substitute “the prescribed fee”;
- (b) in section 52(1), for “The Minister may impose fees or other charges, by public notice, on importers, exporters or other persons” substitute “Prescribed fees or charges are to be paid”;
- (c) after section 69(2), insert:

“(2A) The amount of a fee or charge prescribed under subsection (2)(a):

- (a) shall be proposed by the Ministry; and
- (b) is subject to the consideration and approval of the National Revenue Board under the Public Finance Management Act 2001.”.

53. Revision and Publication of Laws Act 2008 amended:

For the Revision and Publication of Laws Act 2008:

- (a) in section 8 -
 - (i) in subsection (2), for “fixing of a fee or payment” substitute “proposing of a fee or payment to be prescribed by regulations”;

(Miscellaneous Amendments)

- (ii) in subsection (4), for “fix the charges to be imposed” substitute “propose the charge to be prescribed by regulations”; and
- (b) after section 12, insert:

“12A. Regulations:

- (1) The Head of State, acting on the advice of Cabinet, may make regulations prescribing matters required or permitted by this Act or necessary for giving effect to this Act (including prescribing fees for the purposes of this Act).
- (2) The amount of a fee or charge prescribed under subsection (1):
 - (a) shall be proposed by the Clerk of the Legislative Assembly; and
 - (b) is subject to the consideration and approval of the National Revenue Board under the Public Finance Management Act 2001.”.

54. Samoa Sports Facilities Authority Act 2007 amended:

For the Samoa Sports Facilities Authority Act 2007:

- (a) in section 30 -
 - (i) at the end of paragraph (g), for the semicolon substitute a fullstop;

(Miscellaneous Amendments)

- (ii) paragraph (h) is repealed;
- (b) in section 31, paragraphs (f) and (h) are repealed;
- (c) after section 31, insert -

“31A. Fees:

Fees or charges for the following are to be prescribed by regulations:

- (a) for admission to or the operation of facilities under the control of the Authority, or any activity promoted, arranged or controlled by it;
 - (b) for admission to land or buildings under its control, or any activity promoted, arranged or controlled by it;
 - (c) as the Authority decides for the use of the sporting facilities or the use of defined areas of the sporting facilities or any buildings, conveniences, or recreation grounds under the control of the Authority and for any services provided by the Authority;
 - (d) charges for the purpose of section 33;
 - (e) any other fees and charges for the purposes of this Act.”;
- (d) in section 32 -
 - (i) in subsection (2), after paragraph (b), insert:

“(ba) to prescribe fees or charges for the purposes of this Act;”;

(iii) after subsection (2), insert:

“(3) The amount of fees and charges prescribed under subsection (1):

(a) shall be proposed by the Authority with the concurrence of the Board of Directors; and

(b) is subject to the consideration and approval of the National Revenue Board under the Public Finance Management Act 2001.”;

(e) in section 33(1), in paragraph (e), omit “and fixing charges for the admission of persons to any part of the facilities or lands under its control”.

55. Samoa Qualifications Authority Act 2010 amended:

For the Samoa Qualifications Authority Act 2010:

(a) in section 26, subsection (3) is repealed;

(b) in section 37 -

(i) in subsection (2), after paragraph (l), insert:

“(la) to prescribe fees or charges for the purposes of this Act;”;

(ii) after subsection (2), insert:

“(3) The amount of fees and charges prescribed under subsection (1):

(a) shall be proposed by the Authority with the concurrence of the Board; and

(b) is subject to the consideration and approval of the National Revenue Board under the Public Finance Management Act 2001.”.

56. Samoa Water Authority Act 2003 amended:

For the Samoa Water Authority Act 2003:

(a) in section 10(2) -

(i) in paragraph (j), for “fix, charge and recover rates and fees” substitute “recover prescribed rates and fees”;

(ii) in paragraph (k), for “fix, charge and recover surcharges on rates and fees” substitute “recover prescribed surcharges on prescribed rates and fees”;

(Miscellaneous Amendments)

(b) for section 34, substitute:

“34. Rates, fees and charges:

- (1) Rates, fees and charges to be paid in respect of any service and matter associated with the provision of services under this Act, are to be prescribed in regulations.
- (2) Any rates, fees and charges prescribed in regulations under section 48 must be published in the Savali and any other newspaper circulating widely in Samoa.
- (3) Rates, fees and charges are set, as far as is practicable, in order that the Authority may derive sufficient revenues to be as profitable and efficient as comparable businesses that are not owned by the Government.
- (4) The conditions of supply or Regulations made under this Act may make provision for matters relating to the metering of water supplies.
- (5) Unless otherwise proposed by the Authority, all rates, fees and charges are payable on a monthly basis where the rate, fee or charge relates to a continuing service and for other charges shall provide for them to be payable within 30 days from when they are incurred.

(Miscellaneous Amendments)

- (6) Despite subsections (1) to (5), rates, fees and charges may be prescribed for any service provided by the Authority that is not otherwise provided for (including a charge relating to specialist advice and technical services provided by the Authority and the hire of its plan and equipment).”;

- (c) in section 48 -
 - (i) in subsection (2):
 - (A) at the end of paragraph (g), omit “and”; and
 - (B) at the end of paragraph (h), for the fullstop substitute “; and”;
and
 - (C) after paragraph (h), insert:
 - “(i) prescribing rates, fees or charges for the purposes of this Act.”;

 - (ii) after subsection (2), insert:
 - “(2A) The amount of a rate, fee or charge prescribed in subsection (2)(i):

(Miscellaneous Amendments)

- (a) shall be proposed by the Authority with the concurrence of the Board; and
- (b) is subject to the consideration and approval of the National Revenue Board under the Public Finance Management Act 2001.”.

57. Scientific Research Organisation of Samoa Act 2008 amended:

For the Scientific Research Organisation of Samoa Act 2008:

- (a) in paragraph (c) of section 9, for “determining fees to be charged” substitute “proposed fees to be prescribed by regulations”; and
- (b) in section 20, after subsection (1), insert:

“(2) The amount of a fee prescribed in subsection (1)(a):

- (a) shall be proposed by the Organisation with the concurrence of the Board; and
- (b) is subject to the consideration and approval of the National Revenue Board under the Public Finance Management Act 2001.”.

*(Miscellaneous Amendments)***58. Slaughter and Meat Supply Act 2015 amended:**

In section 36 of the Slaughter and Meat Supply Act 2015:

(a) for paragraph (s), substitute:

“(s) prescribing fees and charges for the purpose of this Act.”;

(b) renumber current provision as subsection (1), and insert:

“(2) The amount of a fee or charge prescribed under subsection (1)(s):

(a) shall be proposed by the Ministry; and

(b) is subject to the consideration and approval of the National Revenue Board under the Public Finance Management Act 2001.”.

59. Telecommunications Act 2005 amended:

For the Telecommunications Act 2005:

(a) in section 10, after subsection (1), insert:

“(1A) The amount of a fee or charge prescribed under subsection (1):

(a) shall be proposed by the Ministry in consultation with the Regulator; and

(Miscellaneous Amendments)

(b) is subject to the consideration and approval of the National Revenue Board under the Public Finance Management Act 2001.”;

(b) in section 81, for subsection (2), substitute:

“(2) Without limiting subsection (1), regulations may be made:

(a) for the creation of offences for the purposes of this Act and to prescribe fines for those offences not exceeding 100 penalty units;

(b) for prescribing fees and charges for the purposes of this Act.

(3) The amount of any fee or charge prescribed under subsection (2)(b):

(a) shall be proposed by the Ministry in consultation with the Regulator; and

(b) is subject to the consideration and approval of the National Revenue Board under the Public Finance Management Act 2001.”.

60. Tourism Development Act 2012 amended:

For the Tourism Development Act 2012:

(a) repeal section 46(2);

(Miscellaneous Amendments)

- (b) for section 47 -
- (i) in subsection (2), after paragraph (b), insert:

“(ba) fees for the purposes of this Act (other than the fees under section 36);” and

- (ii) after subsection (2), insert:

“(3) The amount of a fee prescribed under subsection (1):

(a) shall be proposed by the Authority with the concurrence of the Board; and

(b) is subject to the consideration and approval of the National Revenue Board under the Public Finance Management Act 2001.”.

61. Waste Management Act 2010 amended:

For the Waste Management Act 2010:

- (a) for section 29, substitute:

*(Miscellaneous Amendments)***“29. Fees and charges for waste management services:**

- (1) The prescribed fees and charges (referred to in this Act as “fees and charges” or “fees”) for waste management services may cover the following:
 - (a) a compulsory garbage collection fee for residential premises in a designated waste management service area, and to all other premises to which the commercial waste collection fee does not apply;
 - (b) a commercial waste collection fee for all commercial premises but the Minister may waive the commercial waste collection for commercial premises which have made arrangements satisfactory to the relevant approved waste management operator for the proper management and disposal of the wastes generated at the premises;
 - (c) the compulsory garbage collection fee and the commercial waste collection fee

- if the premises are both residential and commercial;
- (d) additional or increased fees for premises or classes of premises which generate particular types of waste or greater quantities of waste, or which are located in areas which necessitate particular waste collection measures to be applied;
 - (e) fees for depositing wastes at landfill sites and approved dumping grounds;
 - (f) fees for the collection, storage or disposal of hazardous wastes;
 - (g) fees for any other waste service provided by an approved waste management operator.
- (2) The residential and commercial collection fees imposed under this section:
- (a) may be set on the basis of annual charges or set on any other basis;
 - (b) may be set at different levels for particular areas, taking account of matters such as the ability of persons to pay the fees; and
 - (c) are to be payable at intervals as prescribed.

(Miscellaneous Amendments)

- (3) The Chief Executive Officer or an approved waste management operator may determine for the purposes of this section:
- (a) the status of any premises as residential premises or commercial premises or both; or
 - (b) whether a particular service is provided as part of the normal garbage or waste collection service, or is another service for which prescribed fees and charges are imposed.”;
- (b) in section 32(1), for “All fees and charges payable to an approved waste management operator” substitute “Prescribed fees and charges payable”;
- (c) in section 43 -
- (i) in subsection (2), after paragraph (b), insert:

“(ba) prescribe fees or charges for the purposes of this Act;”;
 - (ii) after subsection (2), insert:

“(2A) The amount of a fee prescribed under subsection (1):

(Miscellaneous Amendments)

- (a) shall be proposed by the Ministry; and
- (b) is subject to the consideration and approval of the National Revenue Board under the Public Finance Management Act 2001.”.

62. Water Resources Management Act 2008 amended:

For the Water Resources Management Act 2008:

- (a) in section 12(2)(b), omit “by Order made by the Minister”;
- (b) in section 27, for subsection (2), substitute:

“(2) A person may obtain a copy of a watershed management plan upon payment of the prescribed fee.”;

- (c) in section 45 -
 - (i) in subsection (2), after paragraph (b), insert:

“(ba) prescribe fees or charges for the purposes of this Act;”;
 - (ii) after subsection (2), insert:

- “(2A) The amount of a fee prescribed under subsection (1):
- (a) shall be proposed by the Ministry; and
 - (b) is subject to the consideration and approval of the National Revenue Board under the Public Finance Management Act 2001.”.

63. Saving:

At the commencement of this Act:

- (a) a notice, order, determination, approval, rule and any other legislative instruments providing for fees or charges made under the Acts amended by this Act (other than regulations prescribing fees and charges); or
 - (b) fees or charges fixed under a section amended or repealed under those Acts,
- continue in force until they are amended, replaced or revoked by regulations made under those Acts.

The Fees and Charges (Miscellaneous Amendments) Act 2017
is administered by the Ministry of Finance.

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