



SAMOA

## CARRIERS ACT 1975

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## CARRIERS ACT 1975

1975

No.2

AN ACT to amend the law relating to the liability of carriers.

*[Assent and commencement date: 11 August 1975]*

**1. Short title** – This Act may be cited as the Carriers Act 1975.

**2. Interpretation** – In this Act, unless the context otherwise requires:

“carrier” means any common carrier of passengers or goods by land, sea or water, or any person engaged in the business of the carriage of passengers or goods by air for hire or reward who would, if that business were the carriage of passengers or goods by land, be a common carrier;

“contract” means any contract entered into in Samoa by a carrier for the carriage of any person or any goods from any place in Samoa to any other place in Samoa;

“goods” means goods, luggage, and chattels of any description, and includes animals.

**3. Liability of carriers of passengers for negligence causing death or personal injury** – Subject to the provisions of this Act, where any passenger carried under any contract made with a carrier of passengers suffers loss of life or personal injury occasioned by the negligence of the carrier or any employee or agent of the carrier, and there is expressed or implied in the contract any condition purporting to exclude or limit in any way the liability of the carrier, an action for damages in respect of the loss of life or personal injury may, despite the condition, be maintained in the same manner and to the same extent as if no such condition were so expressed or implied, and the condition shall not be a defence to the action or be taken into account in assessing the amount of any damages to which the plaintiff may be entitled.

**4. Liability of carriers for negligence in carriage of goods – (1)** Subject to the provisions of this Act, a carrier between any places in Samoa is liable for the loss of or any damage done to any goods in the receiving, carrying, forwarding, or delivery thereof, occasioned in the receiving, carrying, forwarding, or delivery thereof, occasioned by the negligence of the carrier or any employee or agent of the carrier, notwithstanding any notice, condition, declaration, or contract given, made, or entered into by the carrier and purporting to exclude or limit in any way the liability of the carrier, in the same manner and to the same extent as if no such notice, condition, declaration, or contract had been given, made, or entered into.

(2) Subject to section 5, nothing in subsection (1) shall be construed to prevent a carrier from making such special contracts or conditions with respect to the receiving, carrying, forwarding, and delivering of goods as are adjudged by the Court before which any question relating thereto is tried to be just and reasonable.

**5. Special contracts or conditions as to goods not binding unless signed** – No special contract or condition made between a carrier and any other party with respect to the receiving, carrying, forwarding, or delivering within Samoa of any goods is binding on or affect that party unless it is in writing signed by him or her, or by the person delivering the goods for carriage.

**6. Limit of liability for goods unless value declared and increased charge paid** – With respect to the receiving, carrying, forwarding, or delivering within Samoa of any goods by any carrier the following provisions apply:

- (a) no person is entitled to recover for any loss of or damage to or in connection with any goods any greater amount than \$100 for any package or unit unless the person sending or delivering the goods to the carrier has given to the carrier a statement in writing declaring the nature and value of the goods, has obtained a receipt for the goods specifying the nature and value so declared, and has, if required by the carrier so to do, paid to the carrier by way of compensation for the increased risk and care thereby occasioned an amount, in addition to the ordinary rate of charge, not exceeding a reasonable percentage of the excess of the value so declared above the sum specified in this paragraph as applicable to the goods;
- (b) where the nature and the value of any goods have been declared as aforesaid the liability of the carrier in respect of the loss of or damage done to the goods shall not exceed in amount the actual value of the goods or the value so declared, whichever is the lower, together with the amount of such additional charge as aforesaid;
- (c) the proof of the actual value of the goods shall in all cases lie upon the person claiming compensation for the loss or damage.

**7. When goods deemed to be in custody of carrier** – All goods received by any carrier for carriage, forwarding, or delivery, not being goods in the custody of a passenger, are taken to be in the custody of the carrier until delivered to the consignee thereof or, as the case may require, to any proper authority to whom the carrier is bound by any enactment to deliver the goods or to the passenger in respect of whom the goods are received for carriage.

**8. Act to be read subject to other enactments affecting carriers** – Except as otherwise provided in this Act, the provisions of this Act shall be read subject to the provisions of any enactment relating to the licensing or control of services for the carriage of passengers or goods,

or affecting or relating to the liabilities, obligations, rights, or protection of carriers, or any class of carriers, or persons declared by any such enactment to have any of the liabilities, obligations, rights, or protection of carriers.

**9. Act to bind Government** – This Act binds the Government.

**10. Repeal** – The Carriers Act 1948 (NZ) is repealed as part of the law of Samoa.

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**REVISION NOTES 2008 – 2020/3 March 2021**

This is the official version of this Act as at 3 March 2021.

This Act has been revised by the Legislative Drafting Division from 2008 – 2020/3 March 2021 respectively under the authority of the Attorney General given under the *Revision and Publication of Laws Act 2008*.

The following general revisions have been made:

- (a) Amendments have been made to conform to modern drafting styles and to use modern language as applied in the laws of Samoa.
- (b) Insertion of the commencement date
- (d) Other minor editing has been done in accordance with the lawful powers of the Attorney General:
  - (i) “Every” and “any” changed to “a”
  - (ii) “shall be” changed to “is” and “shall be deemed” changed to “is taken”
  - (iii) “shall have” changed to “has”
  - (iv) “notwithstanding” changed to “despite”
  - (v) Numbers in words changed to figures
  - (vi) “hereby” and “from time to time” (or “for the time being”) removed.

There were no amendments made to this Act since the publication of the *Consolidated and Revised Statutes of Samoa 2007*.

*This Act is administered by  
the Ministry of Justice and Courts Administration.*