

## JUDICATURE AMENDMENT

WESTERN SAMOA

### Arrangement of Provisions

Title

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| <ol style="list-style-type: none"> <li>1. Short title and commencement</li> <li>2. Practice and procedure</li> <li>3. Jurisdiction</li> <li>4. Reserving questions of law</li> <li>5. Repealing provisions as to criminal appeals</li> </ol> | <ol style="list-style-type: none"> <li>6. Order granting leave for appeal</li> <li>7. Removal to Court of Appeal</li> <li>8. Powers of the Court of Appeal</li> <li>9. Repealing provision as to stay of execution</li> <li>10. Leave to appeal</li> <li>11. Special leave to appeal</li> </ol> |
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1992/1993, No. 29

**AN ACT to amend the Judicature Ordinance 1961 to remove from that Ordinance references to criminal appeals to the Court of Appeal**

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

1. **Short title and commencement** - (1) This Act may be cited as the Judicature Amendment Act 1992/1993 and shall be read together with and deemed part of the Judicature Ordinance 1961 (hereinafter referred to as the principal Ordinance).

(2) This Act shall commence on the day that the Criminal Procedure Amendment Act 1992/1993 commences.

2. **Practice and procedure** - Section 39 of the principal Ordinance is amended by omitting the words "Criminal Procedure" and substituting the words "Civil Procedure".

3. **Jurisdiction** - Subsection (1) of section 45 of the principal Ordinance is amended by -

(a) Inserting immediately after the words "of this Ordinance" the words "and of the Criminal Procedure Act 1972";

(b) Adding after the words "pursuant to this Ordinance" the words "or pursuant to the Criminal Procedure Act 1972".

4. **Reserving questions of law** - Section 52 of the principal Ordinance is amended by inserting at the commencement of the section immediately before the words "The Supreme Court" the words "In any matter not being a criminal proceeding".

5. **Repealing provision as to criminal appeals** - Section 53 of the principal Ordinance is repealed.

6. **Order granting leave for appeal** - Subsection (2) and the proviso to subsection (3) of section 54 of the principal Ordinance are repealed.

7. **Removal to Court of Appeal** - (1) Section 55 of the principal Ordinance is amended by inserting at the commencement of the section immediately before the words "The Supreme Court" the words "In any matter not being a criminal proceeding".

(2) Section 55 of the principal Ordinance is further amended by omitting paragraph (e) of subsection (1).

8. **Powers of the Court of Appeal** - Subsection (2) of section 56 of the principal Ordinance is repealed.

9. Repealing provisions as to stay of execution - (1) Section 58 of the principal Ordinance is amended by omitting the words "or unless the appellant has been sentenced to death".

(2) Section 59 of the principal Ordinance is repealed.

10. Leave to appeal - Section 63 of the principal Ordinance is amended by adding the following proviso:-  
"Provided that no such leave shall be given with respect to a criminal proceeding."

11. Special leave to appeal - Subsection (1) of section 64 of the principal Ordinance is amended by inserting before the word "case" the word "civil".

## TEUTEUGA O LE TULAFONO O FAAMASINOGA

### SAMOA I SISIFO

#### Faatulagaina o Aiaiga

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|--|--|
| Igoa   | faatagaina mo se talosaga.                                       |
| 1. Igoa puupuu ma le amataga.                                      | 7. Aveese atu i le Faamasinoga o Talosaga.                       |
| 2. Faiga ma Taulumaga.   | 8. Pule a le Faamasinoga o Talosaga.                             |
| 3. Pule faa-Faamasinoga.   | 9. Soloia o aiaiga o le taofiga o le faataunuuna o le faasalaga. |
| 4. Taofiofia o mataupu tau le tulafono.                            | 10. Faatagana e faia ai se talosaga.                             |
| 5. Soloia o aiaiga e tusa ai ma talosaga tau le soliga o tulafono. | 11. Faatagana faapitoa e faia ai se talosaga.                    |
| 6. Poloaiga e tuuina atu ai le                                     |  |

1992/1993, Nu. 29

O SE TULAFONO e teuteu ai le Tulafono o Faamasinoga 1961 ina ia aveese ai mai lena Tulafono faamatalaga faasino i Talosaga tau Solitulafono e tuuina atu i le Faamasinoga o Talosaga.

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

1. Igoa puupuu ma le amataga-(1) E mafai ona taua lena Tulafono o le Teuteuga o le Tulafono o Faamasinoga 1992/1993 ma e tatau ona faitauina faatasi ma avea ai o se vaega o le Tulafono o Faamasinoga 1961 (e pei ona taua mulimuli ane iinei o le Tulafono atu).

(2) O lena Tulafono e tatau ona amata faamamaluina i le aso e faapea o le a amata faamamaluina ai le Tulafono o Teuteuga o le Tulafono o Taulumaga tau Solitulafono 1992/1993.

2. Faiga ma taulumaga- Fuaiupu 39 o le Tulafono atu ua

teuteuina i le aveeseina o upu "Taalumaga tau Solitulafono" ma suia i upu "Taalumaga tau i le Va o Tagata".

3. Pule faa-Faamasinoga- Faafuaiupu (1) o le fuaiupu 45 o le Tulafono autu ua teuteuina i le -

(a) Faaofiina i ai ina ua tuanai ia upu "o lenei Tulafono" ia upu "ma le Tulafono o Taalumaga tau solitulafono 1972";

(b) Faaopoopoina ina ua tuanai upu "e tusa ai ma lenei Tulafono" ia upu "po o e tusa ai ma le Tulafono o Taalumaga tau Solitulafono 1972".

4. Taofiofia o mataupu tau le tulafono- Fuaiupu 52 o le Tulafono autu ua teuteuina i le faaofiina i ai i le amataga o le fuaiupu i luma mai o upu "Le Faamasinoga Sili" ia upu "I so o se mataupu e le o se taalumaga tau solitulafono".

5. Soloia o aiaiga e tusa ai ma talosaga i le soliga o tulafono- Fuaiupu 53 o le Tulafono autu ua soloia.

6. Poloaiga e tuuina atu ai le faatagaina mo se talosaga- Faafuaiupu (2) ma le aiaiga o le faafuaiupu (3) o le fuaiupu 54 o le Tulafono autu ua soloia.

7. Aveese atu i le Faamasinoga o Talosaga-(1) Fuaiupu 55 o le Tulafono autu ua teuteuina i le faaofiina i ai i le amataga o le fuaiupu i luma mai o upu "Le Faamasinoga Sili" ia upu "I so o se mataupu e le o se taalumaga tau solitulafono".

(2) Fuaiupu 55 o le Tulafono autu ua toe teuteuina i le aveeseina o le parakalafa (e) o le faafuaiupu (1).

8. Pule a le Faamasinoga o Talosaga- Faafuaiupu (2) o le

fuaiupu 56 o le Tulafono autu ua soloia.

9. Soloia o aiaiga o le taofiga o le faataunuina o le faasalaga-(1) Fuaiupu 58 o le Tulafono autu ua teuteuina i le aveeseina o upu "po o vagana ai o le ua talosaga ua faasalaina i le oti".

(2) Fuaiupu 59 o le Tulafono autu ua soloia.

10. Faatagana e faia ai se talosaga- Fuaiupu 63 o le Tulafono autu ua teuteuina i le faaboopoina i ai o le aiaiga e faapea:-

"Ae vagana ai e faapea e leai se faatagana e tatau ona tuina atu e tusa ai i se tualumaga tau solitulafono."

11. Faatagana faapitoa e faia ai se talosaga- Faafuaiupu (1) o le fuaiupu 64 o le Tulafono autu ua teuteuina i le faaofiina i ai ina ua lumanai le upu "mataupu" le upu "tau le va o tagata".