

SAMOA

Arrangement of Provisions

1. Short title and commencement
2. Valuation for calculation of renewal rent
3. Insertion of new provisions

2014, No. 11

AN ACT to amend the Lands, Surveys and Environment Act 1989 (“the Principal Act”) and for related purposes.

[7th April 2014]

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 Lands, Surveys and Environment Amendment Act 2014.
(2) This Act commences on the date of assent.

2. Valuation for calculation of renewal rent - After section 75(7) of the Principal Act insert:

“(8) This section does not apply to renewal of leases described in section 75A(1)(a) and (b).”.

3. Insertion of new provisions - After section 75 of the Principal Act insert:

“75A. Leases exempt from section 75-(1) Despite section 37(2)(c) the Board may, on being satisfied that it would be reasonable and in the public interest to do so, determine the calculation for rent payable on the granting of renewal for:

- (a) a hotel lease; or
- (b) any other lease in accordance with regulations under this Act.

(2) The Head of State acting on the advice of Cabinet may make regulations for the conditions to be met for exemption of a lease under subsection (1)(b).

(3) In this section “hotel” means a Category 1, Category 2 or Category 3 Hotel listed in Part B(2) of Schedule 2 of the Income Tax Act 2012.

(4) As soon as practicable after the rent payable upon renewal has been ascertained in accordance with subsection (1), and not later than nine (9) months before the expiry of a renewable lease, the Chief Executive Officer shall deliver to the lessee a notice in writing informing him or her of rent payable, and requiring him or her to elect whether he or she will accept a renewal lease at the proposed rent.

(5) If the Chief Executive Officer omits to deliver the said notice to the lessee within the prescribed times, the lessee’s right to renewal of the lease shall not be affected by any such omission or delay.

75B. Exempted Lessee’s election-(1) A lessee, within three (3) months after receipt of the notice referred to in section 75A(4), shall give notice in writing to the Chief Executive Officer of his or her desire:

- (a) to renew the lease and accept the proposed rent set out in the notice; or
- (b) not to renew the lease.

(2) If the lessee omits to give written notice to the Chief Executive Officer within the time referred to in subsection (1), he or she is deemed to have agreed to renew the lease and to have agreed to the proposed rent set out in the notice given to him or her by the Chief Executive Officer.”

**The Lands, Surveys and Environment Amendment
Act 2014 is administered by the Ministry of
Natural Resources and Environment.**

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