

POLICE POWERS AMENDMENT BILL 2017

SAMOA

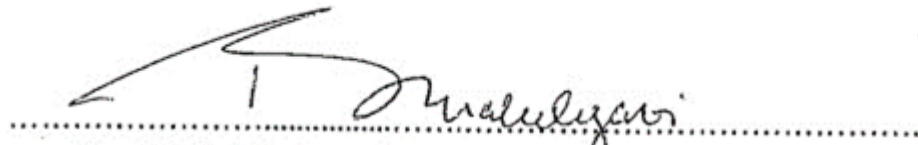
Explanatory Memorandum

Introduction

The Bill seeks to amend section 13 of the Police Powers Act 2007 (Principal Act).

Clauses:

- Clause 1:** - provides for the short title and commencement provisions.
- Clause 2:** - amends section 13 of the Principal Act in order to provide for when Minister may approve a police officer or person to be armed i.e. under exceptional circumstances, in accordance with relevant police internal orders or prescribed rules and after consultation with the Attorney General. Every approval issued by the Minister must have a commencement and expiration date.



(Hon TUILAEPA Auelua Fatialofa Lupesoliai Lolofietele
Neioti Aiono Galumalemana Dr. Sailele Malielegaoi)

**PRIME MINISTER AND MINISTER RESPONSIBLE
FOR THE SAMOA POLICE SERVICE**

POLICE POWERS AMENDMENT BILL 2017

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Arrangement of Provisions

1. Citation and commencement
2. Section 13 amended

2017, No.

A BILL INTITULED

AN ACT to amend the Police Powers Act 2007.

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

1. Citation and commencement:

- (1) This Act may be cited as the Police Powers Amendment Act 2017.

(2) This Act commences on the Date of Assent.

2. Section 13 amended:

In section 13 of the Principal Act:

(a) for subsection (3) substitute:

“(3) The Minister may only approve a police officer or person to be armed under subsection (2)(a) if:

(a) the arming is required because of exceptional circumstances, taking into account circumstances, such as -

(i) the nature and seriousness of the offence;

(ii) the behaviour or conduct of the suspect;

(iii) the Minister has reason to believe or has been advised by the Police Commissioner that the suspect may be armed or in possession of arms;

(iv) the Minister has reason to believe that the life of any police officer or person executing the warrant or undertaking the investigation may be threatened with any dangerous weapons, including arms; and

(v) the Minister has reason to believe that the safety of the public is under threat.

(b) the arming is otherwise in accordance with relevant police internal orders or rules; and

(c) the Minister has first consulted the Attorney General.

(3A) The approval of the Minister issued under subsection (2)(a) shall have a commencement and expiration date.”;

- (b) in subsection (4) insert the word “prescribed” before the word “rules”.
