

PORTS AUTHORITY AMENDMENT BILL 2014

SAMOA

Explanatory Memorandum

Introduction

The Bill seeks to amend the Ports Authority Act 1998 (“principal Act”). The objective of the Bill is to authorise the transfer of the ownership of the Mulifanua and Salelologa ports from the Samoa Ports Authority (“Authority”) to the Samoa Shipping Corporation Limited (“Corporation”). The Bill also makes amendments to Schedule 1 and other provisions of the principal Act, to reflect the amendment with regard to the transfer of the Ports.

Clauses:

- Clause 1:** - states that, when enacted, the Bill will be called the Ports Authority Amendment Act 2014, and will be treated to have commenced on 1 July 2014.
- Clause 2:** - amends section 17 of the principal Act by inserting a new subsection (4).
- Clause 3:** - provides for the insertion of section 17A, which authorizes the transfer of ownership of the Mulifanua and Salelologa ports currently owned by the Authority to the Corporation.
- Clause 4:** - amends section 64(1) of the principal Act.
- Clause 5:** - amends Schedule 1 of the principal Act.



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(Hon MANUALESAGALALA Enokati Posala)

**MINISTER OF WORKS, TRANSPORT
AND INFRASTRUCTURE**

PORTS AUTHORITY AMENDMENT BILL 2014

SAMOA

Arrangement of Provisions

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| 1. Short title and commencement | 4. Section 64 amended |
| 2. Section 17 amended | 5. Schedule 1 amended |
| 3. Section 17A inserted | |

2014, No.

A BILL INTITULED

AN ACT to amend the Ports Authority Act 1998 (“principal Act”).

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 Ports Authority Amendment Act 2014.

(2) This Act is treated to have commenced on 1 July 2014.

2. Section 17 amended - After section 17(3) of the principal Act insert the following:

“(4) Subsection (3) does not apply to land or property acquired and transferred under section 17A, which shall vest in the Samoa Shipping Corporation Limited.”.

3. Section 17A inserted - After section 17 of the principal Act insert:

“17A. Transfer of property to Samoa Shipping Corporation Limited-(1) The ownership of the Mulifanua port and the Salelologa port belonging to the Authority is transferred to and vested in the Samoa Shipping Corporation Limited.

(2) All assets prescribed by regulations, debts, liabilities and obligations in connection with or pertaining to the Mulifanua port and the Salelologa port are transferred to and vest in the Samoa Shipping Corporation and are regarded to have been incurred by the Samoa Shipping Corporation Limited.

(3) For the purposes of subsection (1):

(a) the port of Mulifanua means all that land described as Freehold Lot 1326 in Plan 7569 including fixtures on the land; and

(b) the port of Salelologa means all that land described as Freehold Lot 870 in Plan 7570 and Freehold Lot 863 in Plan 7570 including fixtures on the land.”.

4. Section 64 amended - In section 64(1) of the principal Act, after “approaches thereto” insert “, to deal with any other transitional matter to give effect to the transfer of property under section 17A”.

5. Schedule 1 amended - Schedule 1 of the principal Act is amended by deleting “Ports of Mulifanua” and “Ports of Salelologa”.
