

**SAMOA**

**LAND TITLES REGISTRATION REGULATIONS 2010**

Arrangement of Provisions

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**PURSUANT** to section 92(1) of the Land Titles Registration Act 2008, **I, TUI ATUA TUPUA TAMASESE EFI**, Head of State, **MAKE** the following regulations:

**DATED** at Apia this 12<sup>th</sup> day of April 2010.

signed: (Tui Atua Tupua Tamasese Efi)  
**HEAD OF STATE**

**REGULATIONS**

**1. Short title and commencement-**(1) These Regulations may be cited as the Land Titles Registration Regulations 2010.

(2) These Regulations commence on the date that they are made.

(3) Nothing in these regulations affects ownership of customary land held within the meaning of Article 101(2) of the Constitution or alienates customary land within the meaning of Article 102 of the Constitution.

**2. Interpretation** - Unless the context otherwise requires:

“approved” means approved for the time being by the Registrar;

“practising certificate” means a current practising certificate issued pursuant to the Law Practitioners Act 1976;

“Samoa representative” refers to the meaning given to it by the Oaths, Affidavits and Declarations Act 1963;

“Solicitor” means a Solicitor or a Barrister and Solicitor of the Supreme Court of Samoa;

“the Act” means the Land Titles Registration Act 2008.

**3. Service of notice** - Where the Registrar gives notice under section 5(1)(h) of the Act, such notice shall be given:

(a) to any caveator, where an address for service is shown in the caveat by delivering a copy thereof to that address between the hours of 8:30am and 4:30pm on any day other than a Saturday, Sunday or Public Holiday and there leaving the same with some person at that address, or if no person is then present by affixing the same to the door of the premises at that address (or if the premises have no door, to a portion of the premises adjacent to an entrance); and

(b) to any other person -

(i) either by delivering a copy thereof to the solicitors for that other person (if known to the Registrar); or

(ii) at the option of the Registrar by publication of that notice in a newspaper published in Samoa or by means of a notice broadcast by radio or television.

**4. Attestation of execution-**(1) If any instrument requiring attestation is executed in Samoa, the execution thereof must be attested:

- (a) by a Registrar or Deputy Registrar of the Supreme Court;
- (b) by the Registrar or Assistant Registrar of Land;
- (c) by the Public Trustee;
- (d) by a Notary Public; or
- (e) by a solicitor.

(2) If any instrument requiring attestation is executed elsewhere than in Samoa, then the execution thereof must be attested by:

- (a) a Samoa Representative or Notary Public exercising his office in the country in which the instrument is signed;
- (b) a Solicitor who holds a practising certificate; or
- (c) a Justice of the Peace with his or her seal or stamp affixed or any other person authorised for the attestation of instruments in the country in which the instrument is signed.

**5. Public searches** - For the purposes of section 72 of the Act:

- (a) the prescribed times at which information in the Register is to be made available are 9am to 4.30pm each day (other than a Saturday, Sunday or public holiday); and
- (b) the prescribed manner in which information in the Register is to be made available to an applicant is -
  - (i) by providing a copy of the information to the applicant in printed, electronic or other approved form;
  - (ii) in the case of information contained in a computer folio of the Register, by furnishing a certificate to the applicant in accordance with section 73 or 74 of the Act; or

(iii) in the case of information contained in hardcopy form, by permitting the applicant to inspect the hardcopy.

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**Issued under the authority of the Regulations Ordinance 1953.  
Date of Commencement: 12<sup>th</sup> April 2010  
These Regulations are administered by the Ministry of Natural  
Resources and Environment.**

**Copies of these Regulations can be purchased from  
the Office of the Clerk of the Legislative Assembly.**

**Printed by the Clerk of the Legislative Assembly,  
by authority of the Legislative Assembly.**