

SAMOA

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2016, No. 5

AN ACT to repeal the District Courts Act 1969 and to apply reformed arrangements relating to the constitution, powers and procedures of the District Courts of Samoa and the Divisions of the Court, and for related purposes.

[09th February 2016]

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

**PART I
PRELIMINARY**

1. Short title and commencement-(1) This Act may be cited as the District Courts Act 2016.

(2) This Act commences on the date of its assent by the Head of State.

2. Interpretation-(1) In this Act, unless the context otherwise requires:

“bailiff” means a bailiff or deputy bailiff and any person acting as bailiff holding that office under this Act, and includes any person acting in that position;

“Chief Executive Officer” means the Chief Executive Officer of the Ministry, and includes any person acting in that position;

“child” means any person below the age of 18 years;

“Court” or “District Court” means a District Court of Samoa constituted under this Act;

“defendant” means:

(a) in civil proceedings - any person against whom proceedings have been commenced or an application for relief has been made, and includes any party served with notice of or entitled to attend the proceedings otherwise than as plaintiff; or

(b) in any other proceedings - any person charged with an offence or for any other order which the Court has jurisdiction to make.

“Fa’amasino Fesoasoani” means a Fa’amasino Fesoasoani holding office under this Act;

“Judge” means a District Court Judge holding office under this Act, and includes the Senior District Court Judge appointed under section 7;

“Judicial Service Commission” means the Judicial Service Commission constituted by Article 72 of the Constitution;

“matter”, in any civil proceedings, means any proceeding in a Court which may be commenced as prescribed otherwise than by statement of claim;

“Minister” means the Minister responsible for Justice and Courts Administration;

“Ministry” means the Ministry responsible for Justice and Courts Administration;

“officer”, in relation to a Court, includes all of the following:

(a) a Registrar or Assistant Registrar of the Court;

(b) any other administrative officer in the service of the court (including clerks, bailiffs and interpreters);

(c) any police officer acting in support of a Court in accordance with this Act.

“party”, in any civil proceedings, includes every person served with notice of, or attending, any proceeding other than as a witness or spectator, whether named as a party to that proceeding or not;

“plaintiff” includes every person seeking any relief (otherwise than by way of counterclaim as a defendant) against any other person by any form of civil proceedings;

“police officer” means any sworn member of the Samoa Police Service;

“prescribed” means prescribed by this Act or by Rules of Court for the time being in force;

“proceedings” with reference to civil proceedings, includes both actions and matters;

“Registrar” means the Registrar of the District Court;

“Repealed Act” means the District Court Act 1969, as amended;

“Rules” and “Rules of Court” means District Court Rules made under the authority of this Act;

“Rules Committee” means the Rules Committee as established under the Judicature Ordinance 1961.

(2) A non-suit, determination, direction, decision, judgment or order is regarded for all lawful purposes to be given or made when it is delivered (whether orally or in writing), whether or not reasons