



SAMOA

**NATIONAL PARKS AND RESERVES
ACT 1974**

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NATIONAL PARKS AND RESERVES ACT 1974
1974 **No.19**

AN ACT to provide for the establishment, preservation, and administration of national parks and reserves for the benefit of the people of Samoa.

(Assent and commencement date: 30 December 1974)

**PART I
PRELIMINARY**

1. Short title – This Act may be cited as the National Parks and Reserves Act 1974.

2. Interpretation – In this Act, unless the context otherwise requires:

“Ministry” means the Ministry of Agriculture;

“Chief Executive Officer” means the Chief Executive Officer of Agriculture;

“Minister” means the Minister of Agriculture;

“national park” means a national park established under section 4;

“reserve” means a reserve established under any of section 6, 7, 8 or 9.

3. Administration of Act – (1) This Act shall be administered by the Ministry, under the control of the Minister.

(2) *Repealed by s3(b) of the National Parks and Reserves Amendment Act 1976.*

(3) There may be applied and expended by the Ministry for the carrying into effect of the purposes of this Act such money as may be appropriated by Parliament for such purposes.

(4) The Minister may either generally or in a particular case delegate in writing to the Chief Executive Officer all or any of the powers conferred on him or her by this Act, but not including this present power of delegation.

(5) Subject to any general or special directions given or conditions attached by the Minister, the Chief Executive Officer may exercise any powers delegated to him or her under this section in the same manner and with the same effect as if they had been conferred on him or her directly by this section and not by delegation.

(6) A delegation is revocable at will, and the delegation does not prevent the exercise of any power by the Minister.

PART II NATIONAL PARKS

4. Establishment of national parks – (1) The Head of State, acting on the advice of Cabinet, may by order declare to be a national park any public land:

- (a) that is not set aside for any other public purpose;
- and

(b) that is not less than 1,500 acres in area, or that is an island.

(2) An order under this section shall designate the national park so established by a distinctive name, in the following manner:

“The [*name*] National Park”.

(3) No order under this section may be revoked otherwise than by Act of Parliament.

5. Status of national parks – A national park shall be preserved in perpetuity for the benefit and enjoyment of the people of Samoa, and shall be administered so that:

- (a) it is preserved as far as practical in its natural state; and
- (b) the flora and fauna in the national park are preserved as far as possible; and
- (c) its value as a soil, water, and forest conservation area is maintained; and
- (d) subject to the provisions of this Act, and to the imposition of any conditions or restrictions that are necessary for the preservation of the natural features and the flora and fauna in the park, and for the general benefit of the park, the public shall have freedom of entry and access to the park so that they may receive in full measure all the benefits, including inspiration, aesthetic appreciation, enjoyment, and recreation, that may be derived from the natural features of the park.

PART III RESERVES

6. Nature reserves – (1) The Head of State, acting on the advice of Cabinet, may by order declare any public land, or any area of the territorial sea, that is not set aside for any other public purpose, to be a nature reserve for the protection, conservation, and management of flora, fauna, or aquatic life, or the habitat of fauna or aquatic life.

(2) The Minister may, by notice published in the *Gazette* and in the *Savali*:

- (a) prohibit or restrict persons from altering, damaging, destroying, removing, or interfering with flora, or any specified species of flora or aquatic life, in nature reserves, or in a specified nature reserve; and
- (b) prohibit or restrict persons from hunting, killing, taking, capturing, molesting, or disturbing fauna, or aquatic life or any specified species of fauna or aquatic life in nature reserves or in a specified nature reserve; and
- (c) restrict the persons or classes of person who may enter a specified nature reserve; and
- (d) restrict the purposes for which any persons or classes of person may enter a specified nature reserve.

(3) The declaration of any area of the territorial sea to be a nature reserve under this section shall not affect the customary fishing rights of any person or persons in respect of that area.

7. Recreation reserves – (1) The Head of State, acting on the advice of Cabinet, may by order declare any public land, that is not set aside for any other public purpose, to be a recreational reserve for use by the public for the purposes of recreation, sport, and leisure.

(2) The Minister may, by notice published in the *Gazette* or the Savali, restrict the types of recreation and sport that may be carried on in any specified recreation reserve.

8. Historic reserves – (1) Where in the opinion of Cabinet, any public land that is not set aside for any other public purpose is of national, historical, legendary, or archaeological significance, the Head of State, acting on the advice of Cabinet, may by order declare the land to be an historic reserve for the benefit and enjoyment of the people of Samoa.

(2) The Minister may, by notice published in the *Gazette* and the Savali:

- (a) prohibit any persons from altering, damaging, destroying, removing, defacing, or interfering with any natural or artificial feature in historic reserves or in a specified historic reserve; and

- (b) restrict the persons or classes of person who may enter a specified historic reserve; and
- (c) restrict the purposes for which any persons or classes of person may enter a specific historic reserve.

9. Reserves for other purposes – The Head of State, acting on the advice of Cabinet, may declare any public land, that is not set aside for any other public purpose, to be a reserve for any purpose or purposes specified in the order, subject to such conditions (if any) as may be specified in the order.

PART IV GENERAL PROVISIONS

10. General powers of Minister in respect of national parks and reserves – (1) In addition to any other powers conferred on the Minister by this Act, the Minister may do all or any of the following things:

- (a) make, widen, alter, or close any roads, tracks, or bridges, on or through any national park or reserve;
- (b) set aside any parts of a national park or reserve for camping sites, picnic grounds, or vehicle parks for the convenience of the public;
- (c) cause or authorise the erection of buildings or shelters on any national park or reserve, and authorise the use for such purposes of materials found in a national park or reserve;
- (d) cause to be erected in any national park or reserve such signs and notices as may be necessary or desirable for the protection of the purposes of the park or reserve or for the guidance of persons within the park or reserve;
- (e) authorise, promote, or supervise excavations and other activities within any national park or reserve by any Department of State, scientist, or scientific body, for the purposes of discovering and preserving relics or other things of historical interest or national importance;

- (f) do or cause to be done any other thing that may be necessary or desirable for the proper protection, control, administration, maintenance, or improvement of any national park or reserve.
- (2) The Minister may, by notice published in the Savali:
- (a) restrict the hours during which any national park or reserve shall be open to the public; and
 - (b) for the proper protection, control, administration, maintenance, or improvement of any national park or reserve, temporarily close the park or reserve to members of the public.

11. Regulations – The Head of State, acting on the advice of Cabinet, may make regulations for all or any of the following purposes:

- (a) imposing fees for admission to any national park or reserve;
- (b) providing for the further protection of the purposes of any national park or reserve, or of any natural feature, flora, fauna, or aquatic life in a park or reserve;
- (c) authorising the appointment of rangers or other officials in national parks and reserves, and specifying their powers and duties;
- (d) providing that a contravention of any regulation made under this section shall be an offence;
- (e) providing for such other matters as are contemplated by or necessary for giving full effect to this Act and for its due administration.

12. Offences – (1) A person commits an offence who:

- (a) causes or allows any domestic animal to trespass in a national park or reserve; or
- (b) wilfully contravenes any prohibition or restriction imposed under this Act by notice in the Savali by the Minister in respect of any national park or reserve; or
- (c) without the authorisation of the Minister, wilfully alters, damages, destroys, removes or interferes with any natural feature or flora, in any national park; or

- (d) without the authorisation of the Minister, wilfully damages, destroys, removes, defaces or interferes with any building, erection, fence, sign, or notice in a national park or reserve; or
- (e) without the authorisation of the Minister, deposits or throws any rubbish, or any article or substance of a dangerous or offensive nature, in a national park or reserve, except in a place receptacle approved or provided by the Ministry for the purpose.

(2) A person convicted of an offence against this Act, or against any regulations made under this Act, is liable to a fine not exceeding 5 penalty units or to imprisonment for a term not exceeding 3 months, or both.

13. Repeal and saving – (1) Part VIII of the Land Ordinance 1959 is repealed.

(2) Despite subsection (1), a reserve set apart under section 93 of the Land Ordinance 1959 prior to the commencement of this Act is taken to have been declared to be a reserve under section 9 of this Act, and from the commencement of this Act the provisions of this Act apply to the reserve accordingly.

REVISION NOTES 2008 – 2012

This Act has been revised under section 5 of the *Revision and Publication of Laws Act 2008*.

The following general revisions have been made:

- (a) Amendments have been made to conform to modern drafting styles and to use modern language as applied in the laws of Samoa.
- (b) Amendments have been made to up-date references to offices, officers and statutes.
- (c) Insertion of the commencement date
- (d) Other minor editing has been done in accordance with the lawful powers of the Attorney General where appropriate:
 - (i) “Every” and “any” changed to “a/an” where appropriate
 - (ii) Present tense drafting style where appropriate:
 - “hereby” and “from time to time”
 - “shall be deemed” changed to “is taken”
 - (iii) Removal/replacement of obsolete, archaic and Latin terms with plain language: such as “notwithstanding” changed to “despite”
 - (iv) Numbers in words changed to figures

- (v) Removal of superfluous terms
 - “of this Act/section”
- (vi) A Part I inserted so Parts and Part numbers renumbered

There were no amendments made to this Act since the publication of the *Consolidated and Revised Statutes of Samoa 2007*.

This Act has been revised in 2008, 2009, 2010, 2011 and 2012 by the Attorney General under the authority of the *Revision and Publication of Laws Act 2008* and is the official version of this Act as at 31 December 2012. It is an offence to publish this Act without approval or to make any unauthorised change to an electronic version of this Act.



Aumua Ming Leung Wai
Attorney General of Samoa

Revised in 2008 by the Legislative Drafting Division under the supervision of Teleiai Lalotoa Sinaalamaimaleula Mulitalo (Parliamentary Counsel).

Revised in 2009, 2010 and 2011 by the Legislative Drafting Division under the supervision of Papalii Malietau Malietoa (Parliamentary Counsel).

Revised in 2012 by the Legislative Drafting Division.

**The National Parks and Reserves Act 1974
is administered by the Ministry of Agriculture.**