

Serial Number 211/1937.



**THE SAMOA HIGH COURT AMENDMENT RULES, 1937.**

Enacting authority : His Excellency the Governor-General in Council.  
Act pursuant to which the regulations were made : The Samoa Act,  
1921.

Date on which the regulations were made : 4th day of August, 1937.

Date of notification in *Gazette* : 19th day of August, 1937.

R U L E S .

1. These rules may be cited as the Samoa High Court Amendment Rules, 1937.

2. These rules shall be read with and form part of the Rules of the High Court of Western Samoa Consolidation, 1924\* (hereinafter referred to as "the principal rules").

3. The principal rules are hereby amended by adding thereto the following additional rules :—

*" Re-hearing of Cases tried by Native Judges.*

" 142. Any party to any proceedings, whether civil or criminal, before a Native Judge in which the Native Judge has given his decision may apply for a re-hearing of the proceedings before a Judge or Commissioner of the High Court by oral or written notice given by such party to a Judge, Commissioner, Registrar, Deputy Registrar, or Native Judge.

" 143. Every such application shall be made within twenty-one days after the delivery of the decision of the Native Judge.

" 144. Any Judge, Commissioner, Registrar, Deputy Registrar, or Native Judge may upon such application or at any time after such oral or written notice has been given order a stay of execution of the decision of the Native Judge pending the re-hearing and the determination thereof.

" 145. Any Judge or Commissioner of the High Court may re-hear the proceedings in respect of which such notice as aforesaid has been given, and may for that purpose direct notice of the time and place of re-hearing to be given to all necessary parties and give such other directions as he thinks fit, and the re-hearing shall be a complete re-hearing of the information or action upon or in which the decision of the Native Judge was given.

\* *Gazette*, 3rd July, 1924, Vol. II, page 1587.

“146. Any Judge or Commissioner may order proceedings whether completed or not before a Native Judge to be set aside, and every step taken, document filed, or direction or decision given in such proceedings save the information, motion, or statement of claim by which the proceedings were initiated shall thereupon become wholly void save in so far as any such step, document, direction, or decision is by the Judge or Commissioner ordered to remain valid, and the proceedings shall thereupon be had, taken, and heard before a Judge or Commissioner to all intents and purposes as if no steps save as aforesaid had been taken in the proceedings.”

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Issued under the authority of the Regulations Act, 1936.  
These regulations are administered by the External Affairs Department.