



THE SAMOA LAND EMERGENCY REGULATIONS 1944

C. L. N. NEWALL, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington, this 11th day of
October, 1944

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Emergency Regulations Act, 1939, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby make the following regulations.

REGULATIONS

1. These regulations may be cited as the Samoa Land Emergency Regulations 1944.

2. These regulations shall come into force on the day following the date of their publication in the *Western Samoa Gazette*.

3. In these regulations, unless the context otherwise requires,—

“ The Act ” means the Samoa Act, 1921 :

“ Defence purposes ” includes the provision of aerodromes and the construction of works of any nature whatsoever for naval, military, or air force purposes :

Expressions used herein and in the Act shall have the same meanings as in the Act.

4. (1) Any European or Native land in Samoa may, by Order in Council, be taken for defence purposes, and it shall thereupon become absolutely vested in His Majesty as from the date of the Order in Council, or from any later date specified therein in that behalf, free from all estates, rights, and interests of any other person therein, save so far as any such estates, rights, or interests are expressly saved by such Order in Council.

(2) Where any land has been so taken for defence purposes all persons having in respect of that land any right, title, estate, or interest which is extinguished or divested by the taking of the land shall be entitled to compensation therefor from the Crown.

(3) The amount and form of the compensation may be agreed to between the persons entitled to the compensation and the Administrator, and in default of any such agreement the compensation shall be assessed and awarded by the High Court either on the application of the Administrator or on that of any person claiming the compensation or any share therein.

(4) In any case where land taken pursuant to these regulations is at the time of the taking occupied for a public purpose or for defence purposes, due regard shall be had to the amount of any moneys paid or payable in respect of such occupation for the purpose of assessing the compensation to be paid pursuant to this regulation, whether the assessment is made by agreement or by the High Court.

(5) Any lease, easement, or other limited right, title, or interest in any European or Native land may be taken by Order in Council for defence purposes, and compensation in respect thereof shall be payable in the same manner as in the case of land taken under the foregoing provisions of this regulation.

5. While these regulations continue in force sections 272 and 273 of the Act shall extend and apply as if defence purposes were a public purpose within the meaning of the Act, and section 8 of the Samoa Amendment Act, 1938, shall extend and apply as if land taken under these regulations were land taken under Part IX of the Act for a public purpose and as if defence purposes were a public purpose within the meaning of the Act.

C. A. JEFFERY,
Clerk of the Executive Council.

Issued under the authority of the Regulations Act, 1936.

Date of publication in *Gazette*: 12th day of October, 1944.

These regulations are administered in the Department of Island Territories.