

SAMOA

Arrangement of Provisions

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2010, No. 15**AN ACT to amend the Bankruptcy Act 1908.***[16th August 2010]*

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

1. Short title and commencement-(1) This Act may be cited as the Bankruptcy Amendment Act 2010.

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

2. Principal Act - In this Act, "Principal Act" means the Bankruptcy Act 1908 of New Zealand as applied to Samoa by the Samoa Bankruptcy Order 1922.

3. Interpretation - Section 2 of the Principal Act is amended by inserting the following in correct alphabetical order:

““Court” means the Supreme Court of Samoa;
“Minister” means the Minister responsible for Justice and Courts Administration;”.

4. Insertion of new sections - Part II of the Principal Act is amended by inserting before section 25 the following sections:

21. Official Assignee - Subject to sections 15 and 16, the Minister may from time to time appoint an Official Assignee for the purposes of this Act.

22. Qualifications of an Official Assignee - A person appointed as an Official Assignee must have a qualification and experience in accounting, auditing or financial management.

23. Duration of Appointment – The appointment of an Official Assignee ceases when a matter for which he or she was appointed to administer concludes.

24. Official Assignee not liable to certain actions – An Official Assignee is not liable to an action, suit or proceeding in respect of anything done or omitted to be done in good faith in the exercise or purported exercise of any power conferred by this Act or any other Act.”.

5. Composition with creditors – Section 118(27) of the Principal Act is amended by deleting after “Official Assignee”, the comma and the words “which commission shall be paid into the Public Account and form part of the Consolidated Fund”.

6. Official Assignee to pay money into bank - Section 119 of the Principal Act is amended by:

- (a) in subsection (1), deleting “Governor-General” and substituting with “Minister”; and
- (b) repealing -
 - (i) the provision titled, “Official Assignee to have one bank account for all estates”, which makes reference to the Finance Act 1931 (No. 2); and
 - (ii) the provision titled “Investment of cash balances of Official Assignee’s bank accounts”, which makes reference to the Finance Act 1933 (No. 2).

7. Insertion of new sections - The Principal Act is amended by:

- (a) inserting after section 119 the following:

“119A. Commissions payable to the Official Assignee - All commissions payable to the Official Assignee shall be paid into the Treasury Fund.”; and

- (b) inserting after section 154 the following:

“155. Publication of notices - Notices required to be published by the Official Assignee shall be published in a newspaper circulating in Samoa.”.

**The Bankruptcy Amendment Act 2010 is administered
by the Ministry of Justice and Courts Administration.**

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