



GOVERNMENT OF SAMOA

## CABINET SECRETARIAT

APIA . . . . SAMOA

03<sup>rd</sup> April 2017

The Chief Executive Officer  
Ministry of Commerce, Industry and Labour

### PERSONAL PROPERTY SECURITIES REGULATIONS 2017

Attached herewith please find a copy of the Personal Property Securities Regulations 2017 (English version only) duly executed by His Highness the Head of State.

For your necessary action.

(Elena Ainuu)

For: CHIEF EXECUTIVE OFFICER

cc: The Minister of Commerce, Industry & Labour  
The Attorney General  
The Clerk of the Legislative Assembly

**CONFIDENTIAL**



Ministry of Commerce,  
Industry and Labour

4/4/2017

*How/How original  
Inalogo  
5/4/17*

FAK (6885) 22118  
TELEPHONE: 20 295 - 20 297 - 22 108, 22 109  
EMAIL: attorney.general@samoa.ws  
P.O. BOX 27  
APIA, SAMOA



GOVERNMENT OF SAMOA

*Please Address  
all correspondence  
to the Attorney-General*

*Hou Hon  
23/2/14*

*Office of the Attorney General*

22 February 2017

Chief Executive Officer  
Ministry of Commerce, Industry and Labour

**PERSONAL PROPERTY SECURITIES REGULATIONS 2017**

1. I refer to Mr. Fa'asau's email on 16.02.17 confirming your Ministry has no further comments and requesting for the Attorney General's Certificate for the above Regulations.
2. Please find attached:  
(a) the Personal Property Securities Regulations 2017; and  
(b) the Attorney General's Certificate.
3. Please note that your Ministry is responsible for preparing the Cabinet submission for the Regulations. By copy of this letter, the Clerk of the Legislative Assembly is provided with an electronic copy of the Regulations for translation purposes.
4. Please do not hesitate to contact Ms. Siovia Florina Liu or Ms. Lizatalei Hakai of my Office should you have any further queries.

(Lemalu Hermann P. Retzlaff)

**ATTORNEY GENERAL**

cc: Clerk of the Legislative Assembly (*electronic and hard copies*)

attach:



Ministry of Commerce,  
Industry and Labour  
22.02.2017

*Keli*

FAX: (685) 22118  
TELEPHONE: 20 295 - 20 297 - 22 108, 22 109  
EMAIL: attorneygeneral@samoa.ws  
P.O. BOX 27  
APIA, SAMOA



GOVERNMENT OF SAMOA

Please Address  
all correspondence  
to the Attorney-General

*Office of the Attorney General*

**ATTORNEY GENERAL'S CERTIFICATE**

22 February 2017

The Honourable Minister for Commerce, Industry and Labour

**PERSONAL PROPERTY SECURITIES REGULATIONS 2017**

1. I have considered the above-mentioned Regulations that was prepared by your Ministry and reviewed by my Office.
2. I am satisfied that the Regulations:
  - (a) are appropriate as to form and content; and
  - (b) make proper provision for the matters intended to be covered by them.
3. Accordingly I recommend that the attached Regulations now proceed to Cabinet for consideration.

(Lemalu Hermann P. Retzlaff)

**ATTORNEY GENERAL**

attach:

# **SAMOA**

## **PERSONAL PROPERTY SECURITIES REGULATIONS 2017**

### **Arrangement of Provisions**

#### **PART 1 PRELIMINARY**

1. Citation and commencement
2. Interpretation

#### **PART 2 CREATION OF ACCOUNTS**

3. Creation and use of client accounts
4. Government Agencies

#### **PART 3 FEES**

5. Fees

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#### **PART 4 ACCESS TO REGISTRY**

7. Accessing the Registry
8. Disclosure of access information
9. Certified copies

#### **PART 5 FORMS**

10. Forms

Schedule

PURSUANT to section 62 of the Personal Property Securities Act 2013 ("the Act"), I, TUI ATUA TUPUA TAMASESE EFI, Head of State, acting on the advice of Cabinet, MAKE these Regulations—

DATED this ..... day of.....2017.

.....*Tui Atua Tupua Tamasese Efi*.....  
(Tui Atua Tupua Tamasese Efi)  
**HEAD OF STATE**

## REGULATIONS

### **PART 1 PRELIMINARY**

**1. Citation and commencement** – (1) These Regulations may be cited as the Personal Property Securities Regulations 2017.

(2) These Regulations commence on the date they are signed.

**2. Interpretation** –In these Regulations, unless the context otherwise requires –

“access information” means information assigned for the purpose of maintaining the integrity of the Registry, such as, passwords, access numbers, user identification, and other personal identification numbers;

“authorised user” means a person who has log-on access to the Registry;

“filing number” means the unique identifier assigned to the notice of security interest on its filing.

### **PART 2 CREATION OF ACCOUNTS**

**3. Creation and use of client accounts** - (1) A person or government agency, intending to file notices into the Registry must establish an account with the Registry to be known as a client account.

(2) A person who intends to apply for a client account must apply to the Registrar.

(3) The application must be:

(a) in a format approved by the Registrar; and

(b) must be accompanied by documentation sufficient to authenticate the identity of the person or entity seeking to establish the client account to the reasonable satisfaction of the Registrar.

**4. Government Agencies** - (1) Any ministry or government department or any other government agency that is entitled to a lien in personal property to secure an obligation of a person to the government may request that the Registrar establish an account to be used by the ministry or department for access to the Registry to file notices.

(2) A ministry, government department or the Courts must not be charged on any fees for filing a notice to secure an ~~obligation arising under any law to the government or for~~ requesting a certified report of a search of the records of the Registry.

### **PART 3 FEES**

**5. Fees** - The fees payable for the purposes of the Act and these Regulations are set out in the Schedule.

**6. Payment of fees** - (1) All fees must be paid when the fee transaction occurs.

(2) Payments in favor of client accounts may be made by any means designated as acceptable by the Registrar from time to time.

(3) Any funds deposited into a client account may be used to pay Registry fees.

(4) The Registry will generate a statement each month for a client account showing the fee transactions completed for that account.

(5) The statement will be available in the client account record on the Registry website. A client's account statement will not be accessible to any other client.

## PART 4 ACCESS TO REGISTRY

**7. Accessing the Registry** – (1) In order for an authorised user to have access to the Registry, the authorised user must enter the relevant access information.

(2) The Registrar is not required to verify that:

- (a) an authorised user is entitled to use the access information he or she entered; or
- (b) a filing party is entitled to file a notice of security interest or change notice, as the case may be.

**8. Disclosure of access information** - The Registrar may disclose access information only if:

- (a) the Registrar is reasonably satisfied that the person to whom the access information is to be disclosed is entitled to the information; and
- (b) the disclosure of the access information is necessary to facilitate the operation of the Registry.

**9. Certified copies** - The Registrar may certify a copy of a filed notice of security interest as a true copy.

## PART 5 FORMS

**10. Forms** - The format provided by the Registry must be used for all filings submitted to the Registry.

## SCHEDULE (regulation 5)

### FEES

Item No	Item	Fees (\$)
1	Creation of a client account within the Registry	NIL
2	Filing a notice of security interest (section 34 of the Act)	100.00

3	Filing an amended notice of security interest (including assignment of security interest) (section 38 of the Act)	65.00
4	Filing a continuation notice (section 39 of the Act)	65.00
5	Filing a termination statement (section 40 of the Act)	NIL
6	Filing a notice of objection (Section 41 of the Act)	150.00
7	Filing a notice of security interest that filed by the Court (section 34 of the Act)	NIL
8	Filing a notice or a prior transaction or a notice of a prior lien (section 64 of the Act)	NIL
	Note the fee is for free for any notice that are filed within 90 days from the commencement of the Act.	
9	Requesting a certified report of a search of the records of the Registry	50.00