

SAMOA

EXPORT OF MEAT ACT 1997

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EXPORT OF MEAT ACT 1997

1997

No. 20

AN ACT to provide for the establishment of meat export facilities and controls relating thereto.

[Assent and commencement date: 30 December 1997]

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

**PART 1
PRELIMINARY**

1. Short title – This Act may be cited as the Export of Meat Act 1997.

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

“carcass” means the dressed body of any slaughtered stock, and includes any part that has been severed therefrom;

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

“edible offal” in relation to slaughtered stock includes the brain, the thymus gland, the pancreas gland, the liver, the spleen, the kidney, the heart, the lung and the stomach;

“export cannery” means a place that is under this Act licensed as a place where the canning of meat for export takes place and includes all appurtenances thereto;

“export packinghouse” means a place that is under this Act licensed as a place where the packaging of meat intended for export takes place and includes all appurtenances thereto;

“export slaughterhouse” means a place that is licensed under this Act as a place where stock are slaughtered for export and includes all appurtenances thereto and “slaughterhouse” has the same meaning;

“Inspector” means an Inspector appointed for the purposes of this Act;

“meat” means:

- (a) the edible part of the muscle of any slaughtered stock which muscle is skeletal or found in the tongue or diaphragm with or without the accompanying and overlying fat and the portions of bone skin sinew nerve and blood vessels which normally accompany the muscle tissue and which are not separated from it in the process of dressing but does not include the muscle found in the lips, snout or ears; and

- (b) any edible offal taken from slaughtered stock;

“Minister” means the Minister responsible for agriculture;

“Ministry” means the Ministry responsible for agriculture;

“packing house” means a packing house that is licensed under the Act for the packaging of meat intended for export and includes all appurtenances thereto;

“poultry” means domestic fowls, ducks, geese, turkeys and pheasants, and includes:

- (a) the carcass and any edible part of any slaughtered poultry, and
- (b) any bird, which the Minister may by Regulations declare to be poultry for the purpose of this Act;

“stock” includes:

- (a) cattle, sheep and horses;
- (b) pigs and goats which have been herded; mustered or handled in the manner of farm animals; and
- (c) any other animal which the Head of State may declare by Order to be stock within the meaning of this Act.

PART 2 EXPORT SLAUGHTERHOUSES

3. Export slaughterhouses to be licensed – (1) No premises shall be used as an export slaughterhouse unless the premises are licensed as an export slaughterhouse by the Chief Executive Officer under this Act.

(2) A person who contravenes subsection (1) commits an offence.

4. Minimum requirements in respect of export of meat – No export slaughterhouse licence shall be granted or renewed unless the Chief Executive Officer is satisfied that not less than 25% of the meat derived from stock slaughtered in the slaughterhouse during the period for which the licence is granted or renewed is intended for export.

5. Premises proposed as export slaughterhouses –

(1) If a person proposes to erect any premises or to reconstruct or adapt any existing premises with the intention that they be used as an export slaughterhouse the person shall, before the work is commenced, submit to the Chief Executive Officer (in a form approved by the Chief Executive Officer) the plans and specifications of the premises for approval.

(2) The Chief Executive Officer may, if the plans and specifications are approved, undertake to issue an export slaughterhouse licence if the premises are completed to the Chief Executive Officer's satisfaction and an export slaughterhouse licence is duly applied for within 12 months after the date of his or her undertaking or within any extended time, as the Chief Executive Officer may allow (but subject to section 7).

6. Application for licence – (1) An application for an export slaughterhouse licence shall:

- (a) be on a form provided by the Chief Executive Officer for the purpose; and
- (b) be accompanied by an adequate plan and description of the premises, to which the application relates.

(2) An application must also be accompanied by a fee to be prescribed by regulations.

7. Grant and renewal of export slaughterhouse licence – (1) On receipt of an application for an export slaughterhouse licence in respect of any premises, the Chief Executive Officer shall consider the application, and shall after any enquiry and investigations as the Chief Executive Officer thinks fit, issue a licence if satisfied:

- (a) that the requirements of this Act in relation to the application have been complied with;
 - (b) that the situation of the premises is not objectionable and that satisfactory provision is made in respect of drainage and sanitation, and the disposal of refuse effluent and trade wastes; and
 - (c) that the premises have been completed to the Chief Executive Officer's satisfaction.
- (2) An export slaughter house licence shall:
- (a) be on a form provided by the Chief Executive Officer for the purpose; and
 - (b) unless sooner cancelled or surrendered, continue in force until the 30 day of June next after the date on which the licence takes effect.
- (3) A licence may be renewed by the Chief Executive Officer on payment of the prescribed fee.
- (4) The renewal of an export slaughter house licence is for the period ending on 31 March next after the date on which the renewal takes effect.
- (5) The issue or renewal of any licence under this section is subject to any terms, conditions and directions, as the Chief Executive Officer may impose.

8. Discretionary power of Chief Executive Officer in respect of export slaughterhouse licence – (1) Subject to section 5, the Chief Executive Officer may issue, renew or transfer any export slaughterhouse licence, or may decline to issue, renew or transfer the licence.

(2) Without restricting subsection (1), the Chief Executive Officer may decline to issue, renew or transfer the licence if he or she is of the opinion, on grounds that the Chief Executive Officer thinks sufficient:

- (a) that the applicant is not a suitable person to be the holder of the licence;
- (b) that the business of the export slaughterhouse has been carried on or is likely to be carried on, in a manner contrary to the public interest;
- (c) that the licensee has been convicted of an offence against this Act in respect of the same or any other export slaughterhouse; or
- (d) that the licensee has failed in respect of the same or any other slaughterhouse, to comply with any directions or conditions imposed on him or her in accordance with this Act.

(3) Despite subsections (1) and (2), the Chief Executive Officer shall not issue a new licence or renew or transfer any existing licence to any non-resident without the prior consent of the Minister and section 22, with the necessary modifications, applies to an application for the sale, lease or other disposition of an export slaughterhouse or export packinghouse.

(4) For the purposes of this section, the buying of stock to be slaughtered for export is taken to be part of the business of an export slaughterhouse, and the buying of any such stock in a manner contrary to the public interest shall accordingly be a ground on which the Chief Executive Officer may decline the issue, renewal or transfer of a licence in respect of an export slaughterhouse.

(5) In subsection (3) “non resident” means:

- (a) a person not ordinarily resident in Samoa; or
- (b) a company or body corporate that is incorporated outside Samoa or any company within the meaning of the Companies Act that is for the purposes of that Act a subsidiary of any company or body corporate incorporated outside Samoa; or
- (c) a company within the meaning of the Companies Act in which the shares are held by non-residents if those shares in the aggregate carry the right to exercise or control the exercise of 25% or more of the voting power at any general meeting of the company.

9. Effect of export slaughterhouse licence – While a licence for an export slaughterhouse is in force, it is lawful, subject to the provisions of this Act and to the terms and conditions of the licence, to slaughter stock in the slaughterhouse to which the licence relates, whether the meat derived from the stock is intended for consumption in Samoa or is intended for export.

10. Structural alterations to export slaughterhouse –

(1) In this section, “export slaughterhouse” includes all freezing, cooling and storage chambers used for the purposes of or in conjunction with an export slaughterhouse, whether or not the chambers are erected on land appurtenant to the slaughterhouse.

(2) No addition to or structural alteration of any export slaughterhouse or no alteration of its freezing power or no addition to or alteration of its plant or fittings or equipment, whereby in the opinion of the Chief Executive Officer the hygienic conditions of the slaughterhouse or the facilities for inspection therein maybe affected or the productive capacity thereof materially increased shall be made except with the prior approval of the Chief Executive Officer.

(3) The licensee of any export slaughterhouse who contravenes subsection (2) commits an offence.

PART 3
GENERAL PROVISIONS AS TO EXPORT
SLAUGHTERHOUSES

11. Sanitary conditions of export slaughterhouses –

(1) The licensee of a slaughterhouse shall maintain the slaughterhouse in a sanitary condition to the satisfaction of the Inspector, and if the licensee fails at any time to do so the licensee commits an offence.

(2) It is unlawful to slaughter or to process any poultry or any animals other than stock, in any part of a slaughterhouse normally used for the slaughtering or processing of stock.

(3) Despite subsection (2) except as otherwise provided by Regulations under this Act, it is lawful to store in any part of a slaughterhouse any poultry or animals which are frozen.

12. Keeping of records – (1) The licensee of a slaughterhouse shall keep at the slaughterhouse a record book, in which shall be entered daily the following particulars relating to all stock slaughtered at the slaughterhouse during the day namely:

- (a) the number species and sex of the stock;
- (b) the name, occupation and address of the owner of the stock or if the licensee is the owner, of the person from whom the stock was purchased or obtained and the date of taking delivery; and
- (c) any other particulars as may be prescribed.

(2) The licensee of any slaughterhouse who fails on any day to make in the record book any entry required to be made under this section, or knowingly makes a false entry therein, commits an offence.

(3) The record book shall at all times during working hours, be available for inspection by any Inspector or member of the Police.

13. Branding of carcasses – (1) Before the carcasses of any stock that has been slaughtered in a slaughterhouse is removed from the slaughterhouse, the carcasses must be branded in the prescribed manner with a brand approved by the Chief Executive Officer in respect of the premises, and if any carcass is removed in breach of this section, the licensee of the slaughterhouse commits an offence against this Act unless the licensee proves to the satisfaction of the Court that the carcass was removed without the licensee's knowledge, consent or connivance.

(2) A person who, without lawful excuse, removes any carcass which has not been branded under this section from any slaughterhouse commits an offence.

PART 4 EXPORT PACKING HOUSES AND CANNERIES

14. Export packing houses and canneries to be licensed – (1) Subject to this section, no person shall use any premises for the packaging of meat for export, unless the person is the holder of an export packing house licence issued under this Act in respect of those premises.

(2) Where the licensee of any export slaughterhouse carries on the packaging of meat for export in any part of the premises of the export slaughterhouse, that part of those premises is taken to be an export packing house and in respect thereof the holder of the export slaughterhouse licence is taken to be the holder of an export packing house licence.

(3) No person shall use any premises for the canning of meat for export unless the person is the holder of an export cannery licence issued under this Act for the premises.

(4) If the licensee of an export slaughterhouse carries on the canning of meat in any part of the premises of the export slaughterhouse, that part of those premises is taken to be a cannery and in respect thereof, the holder of the export slaughterhouse licence is taken to be the holder of an export cannery licence.

(5) No person shall hold an export packing house licence or an export cannery licence unless the person is also the holder of an export slaughterhouse licence under this Act.

15. Restriction on meat used in export packing house and export cannery – No person shall bring on to any premises licensed as an export packing house or as an export cannery or allow to remain on those premises, or pack or can on those premises any meat derived from stock slaughtered elsewhere, than at any export slaughterhouse.

16. Sanitary conditions of certain premises – (1) A licensee of a packing house or a cannery shall maintain the packing house or cannery in a sanitary condition to the satisfaction of the Inspector.

(2) A licensee commits an offence against this Act who contravenes or fails to comply in any respect with subsection (1).

17. Conditions in respect to packing houses – (1) The Chief Executive Officer may during the currency of a packing house licence by notice given to the licensee fix with respect to any period or periods specified in the notice:

- (a) the maximum in the packing house during any such period; and
- (b) the maximum number of any specified kind or specified class of carcasses that may be processed in the packing house during any such period.

(2) The notice may at any time in like manner be amended or revoked.

(3) No notice shall be given under subsection (1) unless the Chief Executive Officer is of the opinion that having regard to the capacity and equipment of the packing house, it is necessary to limit the number of carcasses to be processed in order to ensure that the hygienic conditions of the premises and the quality of the products are not detrimentally affected.

(4) The licensee of any packing house in which any carcasses are processed contrary to the terms of any notice under this section commits an offence.

PART 5 EXPORT OF MEAT

18. Conditions in respect of export of meat – (1) No meat shall be exported from Samoa unless:

- (a) it is derived from stock slaughtered in a meat export slaughterhouse;
- (b) it has been inspected by an Inspector and has been passed by him or her as free from disease or defect and as suitable for export and is branded in the prescribed manner;
- (c) it has been properly preserved by freezing, chilling, salting, canning, drying, dehydrating or other approved method;
- (d) it is properly packed in a packinghouse and is in good order and condition at the time it is placed on board ship or aircraft for export;
- (e) it has at all times before export been kept or stored in premises approved by the Chief Executive Officer under section 19 as a meat export store; or
- (f) any conditions imposed in respect of the entry of the meat into the country to which it is proposed to export it, or in respect of its sale for human export it, or in respect of its sale for human consumption therein, have, so far as they can be complied with in Samoa been complied with.

(2) A person who exports or does any act with intent to export any meat contrary to subsection (1) commits an offence.

19. Meat export stores – (1) No person shall keep or store any meat intended for export in any premises unless the premises are approved in that behalf by the Chief Executive Officer as a meat export store.

(2) All approvals under this section must be granted, withheld, renewed or withdrawn pursuant to Regulations under this Act.

(3) All premises licensed under this Act as export slaughterhouses or export packing houses, shall for the purposes of this section be deemed to be approved by the Chief Executive Officer as meat export stores.

(4) Any vehicle or other conveyance used under any Regulations under this Act for the transport of meat intended for export is deemed to be approved by the Chief Executive Officer under this section.

PART 6 INSPECTORS

20. Appointment and Qualification of Inspectors – (1)

The Chief Executive Officer shall appoint a sufficient number of persons to be inspectors under this Act.

(2) No person shall be appointed as an inspector under this Act unless the person is registered as a Veterinary Surgeon in a country approved of by the Chief Executive Officer, or has passed the prescribed examination and has obtained a certificate from the prescribed authority, that the person is competent to perform the duties of an inspector.

21. General powers of Inspectors – (1)

In addition to any other powers or functions that may be conferred on inspectors by or under this Act, an inspector, for the purposes of the inspector's duties, has the power to enter at any reasonable time on any premises registered licensed or approved under this Act, and there inspect the premises or any stock or meat found in the premises.

(2) An inspector, pursuant to Regulations under this Act, has power to require the destruction or disposition of any stock or meat which after inspection by the inspector is in his or her opinion diseased defective or otherwise unfit for human consumption.

PART 7

MISCELLANEOUS PROVISIONS

22. Sale or disposition of export slaughterhouse or packing house – (1)

No licensee of an export slaughterhouse or a packing house shall enter into any contract agreement or undertaking for the sale, lease or other disposition of the slaughterhouse or packing house, unless the consent in writing of the Minister has first been obtained. An application for consent under this section is to be made to the Minister.

(2) A consent given under this section may be given subject to any conditions, not inconsistent with this Act, as the Minister may think fit.

(3) If a sale, lease or other disposition is consented to under this section the licence in respect of the slaughterhouse or packing house may subject to any conditions imposed under this section be transferred to the person to whom the sale lease or other disposition is made on application in that behalf being made to the Minister by the licensee and on payment of the prescribed fee.

(4) No licence shall be transferred under subsection (3), unless the application for the transfer is duly made within 12 months after the date on which the consent is given, or within any extended time, as the Minister may allow.

(5) A licensee of an export slaughterhouse or packinghouse who enters into any transaction in contravention of the provisions of this section, or who fails to comply with any conditions imposed under this section, commits an offence.

(6) If a transaction is entered into in contravention of this section or if any condition as aforesaid is not complied with, the transaction is void.

23. Acquisition of interest in export slaughterhouse –

(1) It is deemed to be a condition of any licence issued in respect of an export slaughterhouse that the licensee or if the licensee is a company any subsidiary of the licensee or any company of which the licensee is a subsidiary shall not after the commencement of this Act acquire any estate or interest in any company which is the licensee of an export slaughterhouse without the consent of the Minister.

(2) If any licensee or his or her subsidiary or any company of which the licensee is a subsidiary acquires any estate or interest contrary to the provisions of this section, it shall be a ground on which the Minister may refuse to consent to the renewal of the licence of that licensee.

(3) In this section, “estate or interest” includes ownership whether complete or partial any mortgage or charge any share stock debenture or debenture stock and any right title or claim to any share stock debenture or debenture stock.

(4) If any licensee or his or her subsidiary or any company of which the licensee is a subsidiary enters into any transaction for the acquisition of any estate or interest contrary to the provisions of this section, the transaction is deemed to be unlawful and has no effect.

24. Inspector may prohibit use of unsanitary premises –

(1) If an inspector is of the opinion that any premises are by reason of their unsanitary condition or for any other reason unsuitable for the collection holding slaughtering storage or carriage of meat or stock for export or for the packaging or canning of meat for export, the inspector may:

- (a) by writing addressed to the occupier of the premises or to the person-in-charge or appearing to be in charge thereof, order the removal therefrom of any stock or meat; and
 - (b) prohibit the use of any the premises for any of the aforesaid purposes, either absolutely or until the defective condition has been remedied to his or her satisfaction, –
- and the order or prohibition may be expressed to take effect as from a date to be specified therein by the inspector.
- (2) A person who fails to comply with an order given by an inspector under this section commits an offence.

25. Obstruction of officers – A person commits an offence who:

- (a) obstructs or in any way interferes with or fails to comply with the lawful requirements of any Inspector, member of the Police or other person in the performance of his or her duties or the exercise of his or her powers or functions under this Act; or
- (a) furnishes under this Act any particulars which to the person's knowledge are false or misleading in any material respect.

26. Offences and penalties – (1) A person commits an offence who:

- (a) without reasonable excuse acts in contravention of or fails to comply in any respect with any provision of this Act or any notice direction restriction requirement or condition given made or imposed under this Act or any Regulations under it; or
- (b) with intent to deceive makes any false or misleading statement or any material omission in any communication or application or return for the purposes of this Act or of any Regulations under it.

(2) A person who commits an offence against this Act for which no other penalty is prescribed in this Act is liable on summary conviction:

- (a) for an individual, to a fine not exceeding 20 penalty units and if the offence is a continuing one to a further fine not exceeding

2 penalty units for every day on which the offence has continued; and

- (b) for a body corporate, to a fine not exceeding 40 penalty units and if the offence is a continuing one to a further fine not exceeding 4 penalty units for every day on which the offence has continued.

(3) If, in any proceedings for an offence against this Act, knowledge on the part of the defendant is an essential element of the offence with which the defendant is charged that knowledge is presumed unless the contrary is proved.

27. Proceedings against licensees – If proceedings for an offence against this Act are taken against the licensee of any slaughterhouse or packinghouse the following provisions apply:

- (a) the defendant is required to produce his or her licence at the commencement of the hearing;
- (b) if the defendant is convicted of an offence against this Act, the convicting court shall cause a record of the conviction to be endorsed on the licence; and
- (c) if at any time not less than 3 convictions in respect of which the licensee was fined are endorsed on the licence, the court, in addition to imposing any other penalty to which the licensee may be liable, may cancel or suspend the licence either immediately or as from a date to be specified in the order of the court.

28. Liability for a nuisance not affected – Nothing in this Act or in any licence granted under this Act:

- (a) is to be construed to authorise a person to commit a nuisance; or
- (b) affects the liability of a person in respect of a nuisance or the right or powers of a person to abate a nuisance.

29. Regulations – (1) The Head of State may on the advice of Cabinet make regulations necessary or expedient for giving full effect to this Act and for the due administration thereof and without limiting the generality thereof for any or all of the following purposes:

- (a) providing for the conditions to be complied with before the grant of any licence or approval under this Act and the terms and conditions subject to which any such licence or approval shall be held or may be renewed, transferred, surrendered or cancelled;
- (b) providing for the Registration of marks, stamps, brands or labels used for the branding or marking of meat or any other products derived from slaughtered stock;
- (c) providing for the inspection of slaughtering places, packing houses, stockyards and other premises subject to this Act of stock carcasses meat or meat products, and of conveyances used for the carriage of stock carcasses meat or meat products and prescribing the powers of Inspectors in respect of any such inspection;
- (d) regulating or prohibiting the administration of drugs or harmful substances to stock before slaughter;
- (e) regulating or prohibiting the acceptances at slaughterhouses of animals for slaughter which are diseased or defective;
- (f) providing for inspection of ships or aircraft carrying or intended to carry carcasses or meat;
- (g) providing for the certification of carcasses or meat intended for export;
- (h) the provision of refrigerating space and appliances in premises in respect of which licences or approvals may be issued or given under this Act;
- (i) regulating the construction, lighting, ventilation, air temperature cleansing, drainage water supply, maintenance and good management of slaughtering places, packing houses, stockyards, and other premises subject to this Act and the construction cleansing and maintenance of all fixtures appliances, instruments, utensils, and things connected or used therewith or connected with the management thereof and the hygiene requirements to be observed by or in relation to any persons working therein so far as

- concerns the clothing conduct and health of such person;
- (j) regulating the conveyance of carcasses or of meat from place to place;
 - (k) regulating or controlling the application of chemicals or drugs to meat derived from stock slaughtered in slaughterhouses;
 - (l) providing for the storage and treatment of meat intended for human consumption and prohibiting the use of any injurious or detrimental or deceptive processes in respect of any such meat;
 - (m) prescribing the mode of dealing with diseased or defective stock;
 - (n) regulating methods for the slaughtering of stock and prohibiting methods of slaughter which are not humane;
 - (o) the matters in respect of which fees are payable under this Act the amount of the fees and the person liable for the payment thereof;
 - (p) prescribing returns to be made by licensees or other persons in charge of slaughtering places or by the holders of export licences and prescribing the persons to whom any such returns is made; and
 - (q) prescribing offences against regulations and prescribing penalties for such offences not exceeding in any case a fine of 20 penalty units in the case of an individual, and 40 penalty units in the case of a body corporate, and not exceeding for a continuing offence a further fine of 2 penalty units (in the case of an individual), or 4 penalty units (in a case of a body corporate), for every day on which the offence has continued.
- (2) The amount of a fee prescribed under subsection (1)(o):
- (a) shall be proposed by the Ministry; and
 - (b) is subject to the consideration and approval of the National Revenue Board under the Public Finance Management Act 2001.

This is the official version of this Act as at 31 December 2018.

This Act has been revised by the Legislative Drafting Division from 2008 to 2018 respectively under the authority of the Attorney General given under 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) References to the male gender made gender neutral
- (e) Other minor editing has been done in accordance with the lawful powers of the Attorney General.
 - (i) “Every” and “any” changed to “a” or “each” where appropriate
 - (ii) Present tense drafting style:
 - o “shall be” and “has been” changed to “is” and “shall be deemed” changed to “is taken”
 - o “shall have” changed to “has”
 - o “hereby” and “from time to time” (or “at any time”) removed
 - o “shall be guilty” changed to “commits”
 - o “such” replaced with appropriate articles
 - o “in the case of” replaced with “for”
 - (iii) Use of plain language
 - o “notwithstanding” changed to “despite”
 - o “pursuant to” changed to “under”
 - o “for the purposes of” changed to “in”
 - (iv) Numbers in words changed to figures
 - (v) Removal of superfluous terms:
 - o “the provisions of”
 - o “against this Act”
 - (vi) “the foregoing provisions of this section”, “the preceding subsection” and similar wording changed to the actual section/subsections
 - (vii) section 2 – “In this Act, unless the context otherwise requires added
 - (viii) Sections 6, 7(2), 18(2), 20, 24, 25 and 28 revised and paragraphed or divided into subsections (s20)
 - (ix) Parts were inserted
 - (x) “in the discretion of...” deleted as superfluous as “may” implies discretionary power
 - (xi) Part numbers changed to decimal

The following amendments were made to this Act since the publication of the *Consolidated and Revised Statutes of Samoa 2007*:

By the *Fees and Charges (Miscellaneous Amendments) Act 2017* No. 13:

- Section 2** - inserted definition of “Ministry”
- Section 6(2)** - replaced “the Chief Executive Officer” with “regulations”;
- Section 29** - inserted new subsection (2).

*This Act is administered by
the Ministry of Agriculture and Fisheries.*