

SAMOA  
CUSTOMS (TOURISM AND MANUFACTURING  
DEVELOPMENT) AMENDMENT REGULATIONS  
2019

Arrangement of Provisions

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**PURSUANT** to section 333 and 344(3) of the Customs Act 2014, I, **TUIMALEALIIFANO VAALETOA SUALAUVI II**, Head of State, acting on the advice of Cabinet, **MAKE** the following Regulations:

DATED this ..... *28<sup>th</sup>* ..... day of ..... *OCTOBER* ..... 2019.

..... *Tuimalealiifano Vaaletoa Sualauvi II* .....  
(Tuimalealiifano Vaaletoa Sualauvi II)  
**HEAD OF STATE**

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## REGULATIONS

**1. Citation and commencement-**(1) These Regulations may be cited as the Customs (Tourism and Manufacturing Development) Amendment Regulations 2019.

(2) These Regulations commence on the date on which they are signed by the Head of State.

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

“Principal Regulations” means the Customs (Tourism and Manufacturing Development) Regulations 2010.

**3. Regulation 2 amended** - Regulation 2 of the Principal Regulations is amended by:

(a) inserting the following definition in its correct alphabetical order:

““agriculture development project” means a project that would contribute favorably to commercialisation of crop production, poultry farming, sheep farming, horticulture, and beekeeping in Samoa.

“agriculture produce” includes anything derived directly from crop production, poultry farming, sheep farming, horticulture and beekeeping;

“fisheries development project” means a project that would contribute favourably to the commercialisation of fish, fish harvesting, or aquaculture, processing and exporting of fish or fish products;

“fish processing” has the same meaning as in the Fisheries Management Act 2016;”;

(b) for the definition of “Investment Committee”, insert “Ministry of Agriculture and Fisheries after the words “Attorney General.

**4. Regulation 3 amended** - Regulation 3 of the Principal Regulations is amended as follows:

(a) in sub-regulation 3(2) (b), for “project.”, substitute with “project; or”; and

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(b) after sub-regulation 3(2) (b), insert the following new sub-paragraphs:

“(c) agriculture development project; or  
(d) fisheries development project.”; and

(c) after sub-regulation (5), insert the following new sub-regulations:

“(6) For an agriculture development project, an application shall be recommended to Cabinet for acceptance as a qualifying project, if the Chief Executive Officer certifies that the applicant’s project:

- (a) is either a new development project or an expansion of a current development project; and
- (b) has a principal objective to produce agricultural produce for markets outside of Samoa; and
- (c) is of benefit to the economy of Samoa; and
- (d) is in the public interest; and
- (e) is consistent with the Agriculture Sector Plan approved by the Ministry of Agriculture and Fisheries; and
- (f) is to be conducted by an approved person with a business licence issued under the Business Licence Act 1998.

(7) For a fisheries development project, an application shall be recommended to Cabinet for acceptance as a qualifying project, if the Chief Executive Officer certifies that the applicant’s project:

- (a) is either a new development project or an expansion of a current development project; and
  - (b) has a principal objective to produce fish or carry out fish processing for domestic markets and markets outside of Samoa; and
  - (c) is not a development project for the exporting of sea cucumber; and
  - (d) is of benefit to the economy of Samoa; and
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- (e) is in the public interest; and
- (f) is to be conducted by an approved person with a licenced fishing vessel under the Fisheries Management Act 2016; and
- (g) is consistent with the Agriculture Sector Plan approved by the Ministry of Agriculture and Fisheries; and
- (h) is in line with national, regional and international conservation and management measures for fisheries stocks and with all fisheries management measures;
- (i) is to be conducted by an approved person with a business licence issued under the Business Licence Act 1998.”.

**5. Regulation 4 amended** - Regulation 4 of the Principal Regulations is amended as follows:

- (a) after sub regulation 4(4), insert the following new sub-regulation 4(4A):

“(4A) Where the proposed project relates to the agriculture and fisheries industry, a representative of the Ministry responsible for Agriculture and Fisheries is co-opted into the Investment Committee to provide advice during the assessment of such project,”; and

- (b) after sub-regulation 4(5) (n), insert the following:

“(na) for an agriculture development project, the output or projected output for the proposed project; and

- (nb) for fish farming or aquaculture, the aquaculture authorisation issued under section 39 or 41 of the Fisheries Management Act 2016.”; and

- (c) after regulation 4(5)(o), insert the following new sub-regulation:

“(5A) An application recommended for approval may be referred by the Investment Committee to the National Revenue Board for the National Revenue Board’s opinion on the impact the approval has on the revenue of Government.”.

**6. Regulation 5 amended** - Regulation 5 of the Principal Regulations is amended by inserting the following new sub-regulations:

“(4) Approved goods in respect of an agriculture development project are capital goods used solely for a qualifying project and are limited to the following:

- (a) agricultural machinery, construction materials, equipment, instruments and tools used for the construction of buildings, plants and facilities to be used for poultry and sheep farming and bee keeping; or
- (b) equipment to be used for irrigation and other watering systems; or
- (c) seedlings and hatchlings.

(5) Approved goods in respect of a fisheries development project are capital goods used solely for qualifying project and are limited to the following:

- (a) machinery, construction materials to be used for production of commercial fish, and fish farming or aquaculture equipment; or
- (b) boat building materials including engines and spare parts.”.

**7. Regulation 6 amended** - Regulations 6 of the Principal Regulations is amended by inserting the following new sub-regulation after sub-regulation (3):

“(3A) Where the proposed project directly relates to the agriculture or fisheries industry, a representative of the responsible Ministry shall be co-opted into the Investment Committee during the assessment of such project.”.

**8. Regulation 7 amended** - Regulations 7 of the Principal Regulations is amended by inserting after sub-regulation (1) the following new sub-regulation:

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“(1A) An approved person that is granted import duty exemption under these Regulations must not be considered for any further exemption under any other concessionary scheme.”.

**9. Amendment to the name of the Regulations** - The title of the Principal Regulations is substituted with Customs (Development Projects) Regulations 2010.

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