

# **Export of Meat Act 1997**

## **CONSOLIDATED ACTS OF SAMOA 2008**

### **EXPORT OF MEAT ACT 1997**

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## **THE EXPORT OF MEAT ACT 1997**

**1997 No. 20**

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

*(30 December 1997)*

*(Commencement date 30 December 1997)*

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

**1. Short title** - This Act may be cited as the [Export of Meat Act 1997](#).

**2. Interpretation –**

**"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 of Agriculture.

**"Packing house"** means a packing house that is for the time being 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 the carcass and every edible part of any slaughtered poultry, and also includes any bird which the Minister may by Regulations declare to be poultry for the purposes 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;

(c) Any other animal which the Head of State may declare by Order to be stock within the meaning of this Act.

## **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) Every person who contravenes subsection (1) of this section commits an offence against this Act.

**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 percent 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) Where any 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 he or she 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 thereof for approval.

(2) The Chief Executive Officer may in the Chief Executive Officer's discretion 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 undertaking or within such extended time as the Chief Executive Officer may allow (but subject always to the provisions of [section 7](#)).

**6. Application for licence-**(1) Every application for an export slaughterhouse licence shall be on a form provided by the Chief Executive Officer for the purpose, and shall be accompanied by an adequate plan and description of the premises, to which the application relates.

(2) Every such application shall also be accompanied by a fee to be prescribed from time to time by the Chief Executive Officer.

**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 such 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) Every export slaughterhouse licence shall be on a form provided by the Chief Executive Officer for the purpose and shall 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) Every such licence may from time to time be renewed by the Chief Executive Officer on payment of the prescribed fee.

(4) Every renewal of an export slaughterhouse licence shall be for the period ending with the 31st day of March next after the date on which the renewal takes effect.

(5) The issue or renewal of any licence under this section shall be subject to such 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 in the Chief Executive Officer's discretion, issue, renew or transfer any export slaughterhouse licence, or may decline to issue, renew or transfer any such licence.

(2) Without restricting the discretionary power conferred by subsection (1), the Chief

Executive Officer may decline to issue, renew or transfer any such 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) Notwithstanding the foregoing provisions of this section 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 the provisions of [section 22](#) with the necessary modifications, shall apply 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 shall be deemed 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) Any person not ordinarily resident in Samoa;
- (b) Any 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) Any 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 twenty five percent (25%) or more of the voting power at any general meeting of the company.

**9. Effect of export slaughterhouse licence** – While a licence in respect of an export slaughterhouse is in force, it shall be 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) For the purposes of this section, the term "export slaughterhouse "includes all freezing, cooling and storage chambers used for the purposes of or in conjunction with an export slaughterhouse, whether or not any such 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 any of the provisions of this section commits an offence.

## **GENERAL PROVISIONS AS TO EXPORT SLAUGHTERHOUSES**

**11. Sanitary conditions of export slaughterhouses-**(1) It shall be the duty of the licensee of every slaughterhouse to maintain the slaughterhouse in a sanitary condition to the satisfaction of the Inspector, and if the licensee fails at anytime to do so he or she commits an offence against this Act.

(2) It shall be 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) Notwithstanding the provisions of subsection (2) except as otherwise provided by Regulations under this Act, it shall be lawful to store in any part of a slaughterhouse any poultry or animals which are frozen.

**12. Keeping of records-**(1) The licensee of every 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;
- (c) Such other particulars as may be prescribed.

(2) If the licensee of any slaughterhouse 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, he or she 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 therefrom, it shall 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 he or she proves to the satisfaction of the Court that the carcass was removed without the licensee's knowledge, consent or connivance.



(2) Any person who without lawful excuse removes any carcass which has not been branded in accordance with this section from any slaughterhouse commits an offence against this Act.

## **EXPORT PACKING HOUSES AND CANNERIES**

**14. Export packing houses and canneries to be licensed-**(1) Subject to the provisions of 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 shall be deemed to be an export packing house and in respect thereof the holder of the export slaughterhouse licence shall be deemed 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 in respect of the premises.

(4) Where 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 shall be deemed to be a cannery and in respect thereof, the holder of the export slaughterhouse licence shall be deemed 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) Every 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) Every licensee commits an offence against this Act who contravenes or fails to comply in any respect with the provisions of this section.

**17. Conditions in respect to packing houses-**(1) The Chief Executive Officer may at any time 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;

(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) Any such 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 against this Act.

### **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;
- (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) If any person exports or does any act with intent to export any meat contrary to the provisions of this section he or she commits an offence against this Act.

**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 shall be granted, withheld, renewed or withdrawn in accordance with 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 in accordance with Regulations under this Act for the transport of meat intended for export shall be deemed to be approved by the Chief Executive Officer under this section.

## **INSPECTORS**

**20. Appointment and Qualification of Inspectors** – The Chief Executive Officer shall appoint a sufficient number of persons to be Inspectors under this Act. No person shall be appointed as an Inspector under this Act unless he or she 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 he or she 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, every Inspector shall for the purposes of his or her duties have 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 therein.

(2) Every Inspector shall in accordance with Regulations under this Act, have 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.

## **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. Every application for consent under this section shall be made to the Minister.

(2) Any consent given under this section may in the discretion of the Minister be given subject to such conditions not inconsistent with this Act as the Minister may think fit.

(3) Where any 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 pursuant to 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 such extended time as the Minister may allow.

(5) Every 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) Where any such transaction is entered into in contravention of this section or where any condition as aforesaid is not complied with the transaction shall be void and of no effect.

**23. Acquisition of interest in export slaughterhouse-**(1) It shall be deemed to be a condition of every 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 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) For the purposes of this section, the expression "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 shall be deemed to be unlawful and shall have 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, he may by writing addressed to the occupier of the premises or to the person for the time being in charge or appearing to be in charge thereof, order the removal therefrom of any stock or meat and may prohibit the use of any such premises for any of the aforesaid purposes, either absolutely or until the defective condition has been remedied to his or her satisfaction. Any order or prohibition under this subsection may be expressed to take effect as from a date to be specified therein by the Inspector.

(2) If any person fails to comply with any order given by an Inspector under this section he or she commits an offence against this Act.

**25. Obstruction of Officers** – Every person commits an offence against this Act who 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 who 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) Every person commits an Offence against this Act 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;

(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) Every person who commits an offence against this Act for which no other penalty is prescribed in this Act shall be liable on summary conviction-

(a) In the case of 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;

(b) In the case of 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) Where 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 he or she is charged that knowledge shall be presumed unless and until the contrary is proved.

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

(a) The Defendant shall be 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;

(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 shall be construed to authorise any person to commit a nuisance or shall affect the liability of any person in respect of a nuisance or the right or powers of any person to abate a nuisance.

**29. Regulations** – The Head of State may from time to time on the advice of Cabinet make Regulations as may in the Head of State’s opinion be necessary or expedient for giving full effect to the provisions of 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 shall be made;
- (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.

### **REVISION NOTES 2008**

This law has been generally edited as provided for by section 5 of *the [Revision and Publication of Laws Act 2008](#)*. The following general revisions have been made –

- (a) The fines have been amended and are stated as penalty units as provided for by the Fines (Review and Amendment) Act 1998.
- (b) All references to the male gender have been made gender neutral.
- (c) Amendments have been made to conform to modern drafting styles and to use modern language as applied in the laws of Samoa.
- (d) Amendments have been made to up-date references to offices, officers and statutes.
- (e) Other minor editing has been done in accordance with the lawful powers of the Attorney General.

There were no amendments made to this law since its enactment.

Revised and consolidated by Graham Bruce Powell  
Under the supervision of Teleiai Lalotoa Sinaalamaimaleula Mulitalo  
(Parliamentary Counsel)

## **REVISION NOTES 2008 No. 2**

This law has been generally reviewed and edited as provided for by [section 5](#) of the [Revision and Publication of Laws Act 2008](#). The commencement date is inserted relying on the [Acts Interpretation Act 1974](#) - where there is no commencement date expressed in the Act, the assent date is the commencement date. There were no changes made to this Act since the publication of *Consolidated and Revised Statutes of Samoa 2007*.

Revised and consolidated by the Legislative Drafting Division under the supervision of Teleiai Lalotoa Sinaalamaimaleula Mulitalo (Parliamentary Counsel)

**The [Export of Meat Act 1997](#) is administered  
in the Ministry of Agriculture and Fisheries.**