

PART VIII - IMPORT OF LIQUOR

58. Import of liquor - (1) For the purpose of this section “spirituous liquor” has the same meaning as the term “spirits” defined in the Excise Tax (Domestic Administration) Act 1984.

(2) Subject to subsection (3), a person who imports liquor:

- (a) not in accordance with licence conditions of an import licence; or
- (b) without an import licence,

issued under this Act commits an offence and is liable to:

- (a) an immediate fine not exceeding one penalty unit; or
- (b) upon conviction imprisonment for a term not exceeding 6 months or to a fine not exceeding 50 penalty units, or both.

(3) Subsection (2) does not apply to a person of, or over the age of 21 years entering Samoa bringing as part of his or her personal luggage and exempt from customs duty two bottles of spirituous liquors containing not more than 2250ml in total.

(4) A person who:

- (a) carries, conveys or conceals any liquor; or
- (b) who knowingly possesses or controls any such liquor,

in breach of this section shall be guilty of an offence against this Act and is liable to imprisonment for a term not exceeding 3 months or to a fine not exceeding 25 penalty units, or both.

59. Matters for Board to consider for an application for a licence to import liquor - (1) Subject to subsection (2) the Board shall consider the following for granting a licence to import liquor:

- (a) whether the person is fit and proper to hold this licence; and
- (b) whether it is in the public interest to grant this licence.

(2) A license to import liquor may not be granted:

- (a) to an applicant who has been convicted of a serious offence; or
- (b) unless reports are provided from the Ministry of Police and from the Excise Division of the Ministry responsible for such Division

60. Grant of a license to import liquor - (1) Subject to subsection (2), after considering the issues referred to in section 59, the Board may issue a license authorising the holder of the permit to import liquor as specified in the license.

(2) The Board shall not issue a license under this section to an applicant if the approved fees have not been paid.

(3) A license issued pursuant to this section comes into force on the day that it is issued and unless renewed, suspended or revoked, remains in force until 31st December in the year of its issue.

61. Conditions for a license to import liquor - (1) The Board may impose conditions not inconsistent with this Act for a licence to import liquor.

(2) A licence granted pursuant to this Part is subject to:

- (a) prescribed conditions; and
- (b) any conditions imposed under subsection (1), whether or not any such condition is endorsed on the license.

(3) Without limiting the generality of this section, a condition can be imposed by the Board:

- (a) to set the prescribed limits of alcohol in liquor imported; or
- (b) to set restrictions on how liquor is imported.

(4) The Board may vary or revoke a condition of a licence granted under this Part.

62. Breach of conditions for a licence to import liquor - A licensee for a licence granted under this Part of the Act who without lawful excuse breaches a condition of that licence commits an offence and is liable to imprisonment for a term not exceeding 6 months or to a fine not exceeding 50 penalty units, or both.

63. Minister may import liquor - (1) The Minister upon Cabinet approval may and at the cost of the Ministry of Finance on behalf of the Government, purchase and import into Samoa such liquor, of such nature as the Minister thinks fit for sale or use in accordance with this Act.

(2) The Minister may from time to time delegate all or any of the Minister's powers under subsection (1) to the Chief Executive Officer.