



SAMOA

## SAMOA RED CROSS ACT 1993

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## SAMOA RED CROSS ACT 1993

1993

No. 13

### AN ACT to provide for the establishment of the Samoa Red Cross Society and for other related matters.

*[Assent and commencement date: 23 December 1993]*

**1. Short title and commencement** – (1) This Act may be cited as the Red Cross Act 1993.

(2) This Act comes into force on the date upon which it is assented to by the Head of State.

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

“body” means any legally constituted entity;

“Conventions” means the:

- (a) the Geneva Convention for the Amelioration of the Condition of Wounded and Sick in Armed Forces in the Field;
  - (b) the Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea;
  - (c) the Geneva Convention relative to the Treatment of Prisoners of War; and
  - (d) the Geneva Convention relative to the Protection of Civilian Persons in Time of War,
- all adopted at Geneva on 12 August 1949;
- “distinctive emblem” means the sign of the Red Cross with vertical and horizontal arms of the same length on and completely surrounded by a white ground;
- “Red Cross Society” means the Samoa Red Cross Society.

**2A. Recognising the establishment of the Society - (1)**

This section recognises the establishment of the Samoa Red Cross Society as the body corporate which is now the Red Cross Society in Samoa.

(2) The Red Cross Society is a body corporate:

- (a) having perpetual succession and a common seal;
- (b) with power to sue and be sued;
- (c) to purchase, acquire, hold, manage and dispose of property; and
- (d) to enter into any agreements.

**2B. Board** - The governing body of the Society shall be a Board constituted in accordance with its Constitution.

**2C. General objects - (1)** The objects of the Red Cross Society are:

- (a) to deliver volunteer aid to the sick and wounded in time of war and to non-belligerents and to prisoners of war and civilian sufferers from the effects of war;
- (b) in the case of catastrophes or public disasters, to provide the victims thereof with relief;
- (c) in time of peace or war to carry on and assist in the work for the improvement of health, the

prevention of diseases and the mitigation of suffering in Samoa and throughout the world;

- (d) to promote the Junior Red Cross movement among the youth of all races;
- (e) to propagate the ideals and the humanitarian principles of the Red Cross with a view to developing a feeling of solidarity and mutual understanding among all men and nations; and
- (f) to adhere to the Statutes of the International Red Cross sharing in the Fellowship which includes its members, the National Societies and the International Body and to keep in close touch with them.

(2) In pursuing the objects referred to in subsection (1) the Red Cross Society shall not make any adverse distinction founded on sex, race, nationality, religion or faith, political opinions or any other similar criteria and shall act in accordance with the spirit and principles of the Conventions.

**2D. Recognition as a voluntary aid society** - The Government of Samoa shall recognise the Society as a voluntary aid society auxiliary to the public authorities both for the purpose of the Conventions and otherwise, and its right in accordance with the Geneva Conventions Act 2015 and the Conventions to use the distinctive emblem and the term “Red Cross”.

**3. Protection of “Red Cross” and emblem** – (1) No person or body, other than a person or body so authorised under the Geneva Conventions Act 2015 and the Conventions, shall use the term “Red Cross” or its distinctive emblem for any purpose or activity.

(2) The Red Cross Society may authorise in writing any other person or body to use the term Red Cross or its distinctive emblem.

(3) A person or body so authorised by the Society shall use the term “Red Cross” or its distinctive emblem in accordance with any condition or conditions specified by the Society.

**4. Offence for use of “Red Cross” or its emblem** – (1) A person or body who uses the term “Red Cross” or its distinctive emblem in contravention of section 3 commits an offence.

(2) A person or body that makes a written or oral representation to the effect that they have been authorised by the Red Cross Society to use the term Red Cross or use its distinctive emblem without being so authorised commits an offence.

(3) A person or body who uses any word or design which constitutes an imitation or close resemblance that is capable of being mistaken for or understood to be referring to or confused with the term Red Cross or its distinctive emblem for any purpose or activity commits an offence.

**5. Offence against officers of a body** – If an offence has been committed under section 4 by a body, then any officer, director, manager, secretary, partner, trustee or other servant or any person purporting to act under such capacity, for the body who authorised or permitted the contravention mentioned in section 4 commits, in addition to the body, an offence and is liable upon conviction to the penalties imposed under section (6).

**6. Penalties** – A person or body convicted under section 4 or 5 is liable to a fine not exceeding 100 penalty units or to imprisonment for a period not exceeding one year, or both.

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#### **REVISION NOTES 2008 – 2023**

This is the official version of this Act as at 31 December 2023.

This Act has been revised by the Legislative Drafting Division from 2008 to 2023 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) Other minor editing has been done in accordance with the lawful powers of the Attorney General.
  - (i) “Every” and “any” changed to “a”
  - (ii) “shall be” changed to “is” and “shall be deemed” changed to “is taken”
  - (iii) “shall have” changed to “has”
  - (iv) “shall be guilty” changed to “commits”
  - (v) “notwithstanding” changed to “despite”

- (vi) “pursuant to” changed to “under”
- (vii) “it shall be lawful” changed to “may”
- (viii) “it shall be the duty” changed to shall”
- (ix) Numbers in words changed to figures
- (x) “hereby” and “from time to time” (or “at any time” or “at all times”) removed
- (xi) “under the hand of” changed to “signed by”

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

*By the Geneva Conventions Act 2015, commenced on 9 July 2015:*

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|-------------------|--|
| <b>Long Title</b> | substituted with a new long title.   |
| <b>Section 2</b>  | new definition of “conventions” was inserted; and new sections 2A, 2B, 2C, and 2D were inserted after section 2.     |
| <b>Section 3</b>  | deleted and substituted subsections (1) and (2) with new subsections (1) and (2) and a new subsection (3) was added. |



Su'a Hellene Wallwork  
**Attorney General of Samoa**

*This Act is administered by  
the Ministry of Health*