

## STATUTORY INSTRUMENTS

1978 NO. 783

## PACIFIC ISLANDS

**The Solomon Islands Independence Order 1978**

*Made* - - - 31st May 1978  
*Laid before Parliament* - 8th June 1978  
*Coming into Operation* - 7th July 1978

At the Court at Buckingham Palace, the 31st day of May 1978

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers in that behalf by the Foreign Jurisdiction Act 1890(a) or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follow:—

1.—(1) This Order may be cited as the Solomon Islands Independence Order 1978.

Citation and commencement

(2) This Order shall be published in the Gazette and shall come into operation on the appointed day:

Provided that sections 4(2) and 6 of this Order shall come into operation forthwith.

2.—(1) In this Order—

Interpretation

“the appointed day” means 7th July 1978;

“the Constitution” means the Constitution set out in the Schedule to this Order;

“the existing Constitution” means the Constitution set out in the Schedule to the British Solomon Islands Order 1974 (b) as amended by the British Solomon Islands (Amendment) Order 1975(c), the British Solomon Islands (Name of Territory) Order 1975(d), the Solomon Islands Courts Order 1975(e), the Solomon Islands (Amendment) Order 1975(f), the Solomon Islands (Amendment) Order 1976(g), and the Solomon Islands (Amendment) Order 1977(h);

“the existing laws” means any Acts of the Parliament of the United Kingdom, Orders of Her Majesty in Council,

(a) 1890 c. 37. (b) S.I. 1974/1262. (c) S.I. 1975/807. (d) S.I. 1975/808.  
 (e) S.I. 1975/1511. (f) S.I. 1975/1832. (g) S.I. 1976/422. (h) S.I. 1977/590.

Ordinances, rules, regulations, orders or other instruments having effect as part of the law of Solomon Islands (whether or not they have been brought into operation) immediately before the appointed day but does not include any Order revoked by this Order;

"the existing Legislative Assembly" means the Legislative Assembly established by the existing Constitution;

"the existing Orders" means the Orders revoked by section 3(1) of this Order.

(2) The provisions of sections 133(2), 139, 144 and 145 of the Constitution shall apply for the purposes of interpreting sections 1 to 14 of this Order and otherwise in relation thereto as they apply for the purpose of interpreting and in relation to the Constitution.

#### Revocations

3.—(1) The British Solomon Islands Order 1974, the British Solomon Islands (Amendment) Order 1975, the British Solomons Islands (Name of Territory) Order 1975, the Solomon Islands Courts Order 1975, the Solomon Islands (Appeals to Privy Council) Order 1975(a), the Solomon Islands (Amendment) Order 1975, the Solomon Islands (Amendment) Order 1976, and the Solomon Islands (Amendment) Order 1977 are revoked.

(2) The Emergency Powers Order in Council 1939(b) and any Order in Council amending that Order shall cease to have effect as part of the law of Solomon Islands on the appointed day.

#### Establishment of Constitution

4.—(1) Subject to the provisions of this Order, the Constitution shall come into effect in Solomon Islands on the appointed day.

(2) The Governor (as defined for the purposes of the existing Constitution) may at any time after this subsection comes into operation exercise any of the powers conferred upon the Governor-General by section 5 of this Order or by the Constitution to such extent as may in his opinion be necessary or expedient to enable the Constitution to function as from the appointed day.

#### Existing laws

5.—(1) The revocation of the existing Orders shall be without prejudice to the continued operation of any existing laws made, or having effect as if they had been made, under any of those Orders; and the existing laws shall have effect on and after the

(a) S.I. 1975/1510. (b) See S.I. 1952 I, p. 621.

appointed day as if they had been made in pursuance of the Constitution and shall be construed with such modifications, adaptations, qualifications and exceptions as may be necessary to bring them into conformity with the Solomon Islands Act 1978(c) and this Order.

(2) Where any matter that falls to be prescribed or otherwise provided for under the Constitution by Parliament or by any other authority or person is prescribed or provided for by or under an existing law (including any amendment to any such law made under this section) or is otherwise prescribed or provided for immediately before the appointed day by or under the existing Orders that prescription or provision shall, as from that day, have effect (with such modifications, adaptations, qualifications and exceptions as may be necessary to bring it into conformity with the Solomon Islands Act 1978 and this Order) as if it had been made under the Constitution by Parliament or, as the case may require, by the other authority or person.

(3) The Governor-General may, by order published in the Gazette, at any time before 31st December 1978 make such amendments to any existing law (other than the Solomon Islands Act 1978 or this Order) as may appear to him to be necessary or expedient for bringing that law into conformity with the provisions of this Order or otherwise for giving effect or enabling effect to be given to those provisions.

(4) An order made under this section may be amended or revoked by Parliament or, in relation to any existing law affected thereby, by any other authority having power to amend, repeal or revoke that existing law.

(5) It is hereby declared, for the avoidance of doubt, that, save as otherwise provided either expressly or by necessary implication, nothing in this Order shall be construed as affecting the continued operation of any existing law.

(6) The provisions of this section shall be without prejudice to any powers conferred by this Order or any other law upon any person or authority to make provision for any matter, including the amendment or repeal of any existing law.

6. Notwithstanding the provisions of section 27(1) of the Constitution, the first Governor-General shall be appointed by Her Majesty in accordance with such address as may have been made to Her before the appointed day by the existing Legislative

First Governor-General

(c) 1978 c. 15.

Assembly, and any such appointment shall take effect as from the appointed day.

## Ministers

7.—(1) Any person who immediately before the appointed day holds office as Chief Minister or any other Minister under the existing Constitution shall as from that day hold office as Prime Minister or other Minister, as the case may be, as if he had been elected or appointed thereto under section 33 of the Constitution.

(2) Any person holding office as Prime Minister or other Minister by virtue of the preceding subsection who immediately before the appointed day was assigned responsibility for any business of the Government shall be deemed to have been assigned responsibility for such business under section 37 of the Constitution.

(3) Any person who holds office as Prime Minister or other Minister by virtue of subsection (1) of this section shall be deemed to have complied with the requirements of section 39 of the Constitution.

## Leaders of Official Opposition and of Independent Members

8. The persons who immediately before the appointed day are the Leader of the Official Opposition and the Leader of the Independent Members (as defined for the purposes of the existing Constitution) shall as from that day hold office respectively as Leader of the Official Opposition and Leader of the Independent Members as if they had been appointed thereto under section 66 of the Constitution.

## Parliament

9.—(1) Until such time as it is otherwise provided under section 54 of the Constitution, Solomon Islands shall be divided into thirty-eight constituencies the respective boundaries of which shall be the same as those prescribed in the Electoral Provisions (Legislative Assembly) Regulations 1976 for the thirty-eight electoral districts established by those Regulations.

(2) Notwithstanding anything in sections 47 and 54 of the Constitution, Parliament shall, until it is first dissolved, consist of thirty-eight members, and any person who immediately before the appointed day is an elected member of the existing Legislative Assembly shall on that day become a member of Parliament (whether or not he becomes a citizen of Solomon Islands on that day) and shall be deemed to have complied with the requirements of section 63 of the Constitution and shall hold his seat in Parliament in accordance with the provisions of the Constitution.

(3) Any person who immediately before the appointed day holds the office of Speaker or Deputy Speaker of the existing Legislative Assembly shall on that day become the Speaker or, as the case may be, the Deputy Speaker of Parliament and shall hold office as such in accordance with the provisions of the Constitution.

(4) The rules and orders of the existing Legislative Assembly as in force immediately before the appointed day shall, except as may be otherwise provided under section 62 of the Constitution, have effect after the appointed day as if they had been made under that section but shall be construed with such modifications, adaptations, qualifications and exceptions as may be necessary to bring them into conformity with this Order.

(5) Notwithstanding anything in section 73(3) of the Constitution, Parliament shall, unless sooner dissolved, stand dissolved on 1st June 1980.

## Public officers

10.—(1) Every person who immediately before the appointed day holds or is acting in a public office shall, as from that day, hold or act in that office or the corresponding public office established by the Constitution as if he had been appointed to do so in accordance with the provisions of the Constitution and shall be deemed to have taken any oaths required upon such appointment by any existing law:

Provided that any person who under the existing Constitution or any existing law would have been required to vacate office at the expiration of any period or on the attainment of any age shall vacate his office under the Constitution upon the expiration of that period or upon the attainment of that age.

(2) The provisions of this section shall be without prejudice to any powers conferred by or under the Constitution upon any person or authority to make provision for the abolition of offices and for the removal from office of persons holding or acting in any office.

(3) For the purpose of administering the oaths to be taken by the first Governor-General under section 29 of the Constitution, the Chief Justice (or such other judge of the High Court or the Court of Appeal as the Chief Justice may have designated under that section) shall be deemed to have taken the oaths required by section 141 of the Constitution.

11.—(1) Any person who immediately before the appointed day holds or is acting in any office to which this subsection

## Transitional provisions relating to Commissions

applies shall, as from that day, hold or act in the corresponding office established by the Constitution as if he had been appointed to do so in accordance with the provisions of the Constitution:

Provided that any such person who under the provisions of the existing Constitution would have been required to vacate his office on the expiration of any period or at any other time specified in the instrument by which he was appointed shall vacate his office at the expiration of that period or at that time.

(2) Subsection (1) of this section applies to the following offices of members of Commissions established by Chapter V of the existing Constitution—

- (a) any member of the Public Service Commission;
- (b) the member of the Judicial and Legal Service Commission appointed under section 68A(2)(d) of the existing Constitution; and
- (c) the member of the Police Service Commission appointed under section 68C(2)(c) of the existing Constitution.

(3) Any power that, immediately before the appointed day, is vested in a Commission established by Chapter V of the existing Constitution and that under that Constitution is then delegated to some other person or authority shall be deemed to have been delegated to that person or authority on the appointed day in accordance with the provisions of the Constitution; and any proceedings commenced or pending before any such Commission immediately before the appointed day may be carried on before the corresponding Commission established by Chapter XIII of the Constitution.

12.—(1) All proceedings commenced or pending immediately before the appointed day before the High Court or the Court of Appeal established by the existing Constitution may continue on and after that day before the High Court or the Court of Appeal, as the case may be, established by the Constitution.

(2) Any decision given before the appointed day by the High Court or the Court of Appeal established by the existing Constitution shall for the purposes of its enforcement or, in the case of a decision given by the High Court, for the purpose of any appeal therefrom, have effect on and after that day as if it were a decision of the High Court or the Court of Appeal, as the case may be, established by the Constitution.

(3) Sections 85 to 89 of the Constitution shall come into operation on such date as the Governor-General may by order

Legal  
proceedings

prescribe, and any such order may make such transitional provision as to pending proceedings or otherwise as the Governor-General thinks fit.

(4) Notwithstanding the provisions of this section, until such time as the Court of Appeal is established under section 85 of the Constitution, appeals from the High Court shall lie to the Court of Appeal of Fiji or such other court as Parliament may prescribe.

13. Until further provision is made by Parliament under section 114 of the Constitution—

Provincial  
government

- (a) provincial government in Solomon Islands shall be regulated by the provisions of the Local Government Ordinance(a) subject to such modifications, adaptations, qualifications and exceptions as may be necessary to bring them into conformity with the provisions of the Constitution; and
- (b) each Local Council shall be redesignated Provincial Assembly, and each Area Committee shall be redesignated Area Council.

14.—(1) Parliament may alter any of the provisions of this Order in the same manner as it may alter any of the provisions of the Constitution not specified in section 61(2) of the Constitution:

Alteration of this  
Order

Provided that subsections (1), (2), (3) and (5) of section 9, section 10, subsections (1) and (2) of section 11 and this section may be altered by Parliament only in the same manner as the provisions so specified.

(2) Section 61(5) of the Constitution shall apply for the purpose of construing references in this section to any provision of this Order and to the alteration of any such provision as it applies for the purpose of construing references in section 61 of the Constitution to any provision of the Constitution and to the alteration of any such provision.

(a) Cap. 14.

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LN 43 of 1978  
14 of 1982  
1 of 1983  
1 of 1989  
10 of 1992

[Sections 1 to 84 & 90 to 145—7th July 1978  
Sections 85 to 89—1st December 1982]

We the people of Solomon Islands, proud of the wisdom and the worthy customs of our ancestors, mindful of our common and diverse heritage and conscious of our common destiny, do now, under the guiding hand of God, establish the sovereign democratic State of Solomon Islands;

As a basis of our united nation

DECLARE that

- (a) all power in Solomon Islands belongs to its people and is exercised on their behalf by the legislature, the executive and the judiciary established by this Constitution;
- (b) the natural resources of our country are vested in the people and the government of Solomon Islands;

AGREE AND PLEDGE that

- (a) our government shall be based on democratic principles of universal suffrage and the responsibility of executive authorities to elected assemblies;
- (b) we shall uphold the principles of equality, social justice and the equitable distribution of incomes;
- (c) we shall respect and enhance human dignity and strengthen and build on our communal solidarity;
- (d) we shall cherish and promote the different cultural traditions within Solomon Islands;
- (e) we shall ensure the participation of our people in the governance of their affairs and provide within the framework of our national unity for the decentralisation of power;

AND for these purposes we now give ourselves this Constitution.

## CHAPTER I

### THE STATE AND THE CONSTITUTION

1.—(1) Solomon Islands shall be a sovereign democratic State.

The State and  
Head of State

(2) Her Majesty shall be the Head of State of Solomon Islands.

2. This Constitution is the supreme law of Solomon Islands and if any other law is inconsistent with this Constitution, that other law shall, to the extent of the inconsistency, be void.

Constitution is  
supreme law

## CHAPTER II

### PROTECTION OF FUNDAMENTAL RIGHTS AND FREEDOMS OF THE INDIVIDUAL

3. Whereas every person in Solomon Islands is entitled to the fundamental rights and freedoms of the individual, that is to say, the right, whatever his race, place of origin, political opinions, colour, creed or sex, but subject to respect for the rights and freedoms of others and for the public interest, to each and all of the following, namely:—

Fundamental  
rights and  
freedoms of the  
individual

- (a) life, liberty, security of the person and the protection of the law;
- (b) freedom of conscience of expression and of assembly and association; and
- (c) protection for the privacy of his home and other property and from deprivation of property without compensation,

the provisions of this Chapter shall have effect for the purpose of affording protection to those rights and freedoms subject to such limitations of that protection as are contained in those provisions, being limitations designed to ensure that the enjoyment of the said rights and freedoms by any individual does not prejudice the rights and freedoms of others or the public interest.

4.—(1) No person shall be deprived of his life intentionally save in execution of the sentence of a court in respect of a criminal offence under the law in force in Solomon Islands of which he has been convicted.

Protection of  
right to life

(2) A person shall not be regarded as having been deprived of his life in contravention of this section if he dies as the result of the use, to such extent and in such circumstances as are permitted by law, of such force as is reasonably justifiable—

- (a) for the defence of any person from violence or for the defence of property;
- (b) in order to effect a lawful arrest or to prevent the escape of a person lawfully detained;



(c) for the purpose of suppressing a riot, insurrection or mutiny;  
or

(d) in order to prevent the commission by that person of a criminal offence,

or if he dies as the result of a lawful act of war.

Protection of  
right to personal  
liberty

5.—(1) No person shall be deprived of his personal liberty save as may be authorised by law in any of the following cases, that is to say—

(a) in consequence of his unfitness to plead to a criminal charge;

(b) in execution of the sentence or order of a court, whether established for Solomon Islands or some other country, in respect of a criminal offence of which he has been convicted;

(c) in execution of the order of a court of record punishing him for contempt of that court or of a court inferior to it;

(d) in execution of the order of a court made to secure the fulfilment of any obligation imposed on him by law;

(e) for the purpose of bringing him before a court in execution of the order of a court;

(f) upon reasonable suspicion of his having committed, or being about to commit, a criminal offence under the law in force in Solomon Islands;

(g) in the case of a person who has not attained the age of eighteen years, under the order of a court or with the consent of his parent or guardian, for the purpose of his education or welfare;

(h) for the purpose of preventing the spread of an infectious or contagious disease;

(i) in the case of a person who is, or is reasonably suspected to be, of unsound mind, addicted to drugs or alcohol, or a vagrant, for the purpose of his care or treatment or the protection of the community;

(j) for the purpose of preventing the unlawful entry of that person into Solomon Islands, or for the purpose of effecting the expulsion, extradition or other lawful removal of that person from Solomon Islands or for the purpose of restricting that person while he is being conveyed through Solomon Islands in the course of his extradition or removal as a convicted prisoner from one country to another; or

(k) to such extent as may be necessary in the execution of a lawful order of a court requiring that person to remain within a specified area within Solomon Islands or prohibiting him from being within such an area, or to such extent as may be reasonably justifiable for the taking of proceedings against that person relating to the making of any such order, or to such extent as may be reasonably justifiable for restraining that person during any visit that he is permitted to make to any part of Solomon Islands in which, in consequence of any such order, his presence would otherwise be unlawful.

(2) Any person who is arrested or detained shall be informed as soon as reasonably practicable, and in a language that he understands, of the reasons for his arrest or detention.

(3) Any person who is arrested or detained—

(a) for the purpose of bringing him before a court in execution of the order of a court; or

(b) upon reasonable suspicion of his having committed, or being about to commit, a criminal offence under the law in force in Solomon Islands,

and who is not released, shall be brought without undue delay before a court; and if any person arrested or detained upon reasonable suspicion of his having committed or being about to commit a criminal offence is not tried within a reasonable time, then, without prejudice to any further proceedings that may be brought against him, he shall be released either unconditionally or upon reasonable conditions, including in particular such conditions as are reasonably necessary to ensure that he appears at a later date for trial or for proceedings preliminary to trial.

6.—(1) No person shall be held in slavery or servitude.

(2) No person shall be required to perform forced labour.

(3) For the purposes of this section, the expression “forced labour” does not include—

(a) any labour required in consequence of the sentence or order of a court;

(b) any labour required of any person while he is lawfully detained that, though not required in consequence of the sentence or order of a court, is reasonably necessary in the interests of hygiene or for the maintenance of the place at which he is detained;

Protection from  
slavery and  
forced labour

(c) any labour required of a member of a disciplined force in pursuance of his duties as such or, in the case of a person who has conscientious objections to service as a member of a naval, military or air force, any labour that that person is required by law to perform in place of such service;

(d) any labour required during any period of public emergency or in the event of any other emergency or calamity that threatens the life and well-being of the community, to the extent that the requiring of such labour is reasonably justifiable in the circumstances of any situation arising or existing during that period or as a result of that other emergency or calamity, for the purpose of dealing with that situation; or

(e) any labour reasonably required as part of reasonable and normal communal or other civic obligations.

Protection from  
inhuman  
treatment

7. No person shall be subjected to torture or to inhuman or degrading punishment or other treatment.

Protection from  
deprivation of  
property

8.—(1) No property of any description shall be compulsorily taken possession of, and no interest in or right over property of any description shall be compulsorily acquired, except where the following conditions are satisfied, that is to say—

(a) the taking of possession or acquisition is necessary or expedient in the interests of defence, public safety, public order, public morality, public health, town or country planning or the development or utilisation of any property in such a manner as to promote the public benefit; and

(b) there is reasonable justification for the causing of any hardship that may result to any person having an interest in or right over the property; and

(c) provision is made by a law applicable to that taking of possession or acquisition—

(i) for the payment of reasonable compensation (the valuable consideration of which may take the form of cash or some other form and may be payable by way of lump sum or by instalments) within a reasonable period of time having due regard to all the relevant circumstances; and

(ii) securing to any person having an interest in or right over the property a right of access to the High Court, whether direct or on appeal from any other authority, for the determination of his interest or right, the

legality of the taking of possession or acquisition of the property, interest or right, and the reasonableness of the compensation and the period of time within which it shall be paid.

(2) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section—

(a) to the extent that the law in question makes provision for the taking of possession or acquisition of any property—

(i) in satisfaction of any tax, rate or duty;

(ii) by way of penalty for breach of the law or forfeiture in consequence of a breach of the law;

(iii) as an incident of a lease, tenancy, mortgage, charge, bill of sale, pledge or contract;

(iv) in the execution of judgments or orders of a court in proceedings for the determination of civil rights or obligations;

(v) in circumstances where it is reasonably necessary so to do because the property is in a dangerous state or injurious to the health of human beings, animals or plants;

(vi) in consequence of any law with respect to the limitation of actions or acquisitive prescription; or

(vii) for so long only as may be necessary for the purposes of any examination, investigation, trial or enquiry or, in the case of land, the carrying out thereon—

(A) of work of soil conservation or of conservation of other natural resources; or

(B) of work relating to agricultural development or improvement which the owner or occupier of the land has been required, and has without reasonable excuse refused or failed, to carry out,

except so far as that provision or, as the case may be, the thing done under the authority thereof is shown not to be reasonably justifiable in a democratic society; or

(b) to the extent that the law in question makes provision for the taking of possession or acquisition of—

(i) enemy property;

(ii) property of a deceased person, a person of unsound

mind, a person who has not attained the age of twenty-one years or a person who is absent from Solomon Islands, for the purpose of its administration for the benefit of the persons entitled to the beneficial interest therein;

(iii) property of a person declared to be insolvent or a body corporate in liquidation, for the purpose of its administration for the benefit of the creditors of the insolvent or body corporate and, subject thereto, for the benefit of other persons entitled to the beneficial interest in the property; or

(iv) property subject to a trust, for the purpose of vesting the property in persons appointed as trustees under the instrument creating the trust or by a court or, by order of a court, for the purpose of giving effect to the trust.

(3) Nothing in this section shall be construed as affecting the making or operation of any law for the compulsory taking of possession in the public interest of any property, or the compulsory acquisition in the public interest of any interest in or right over property, where that property, interest or right is held by a body corporate established for public purposes by any law and in which no moneys have been invested other than moneys provided by the Government.

9.—(1) Except with his own consent, no person shall be subjected to the search of his person or his property or the entry by others on his premises.

(2) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provision—

(a) in the interests of defence, public safety, public order, the prevention and investigation of breaches of the law, public morality, public health, town or country planning, the development and utilisation of mineral resources, or the development or utilisation of any other property in such a manner as to promote the public benefit;

(b) for the purpose of protecting the rights or freedoms of other persons;

(c) for the purpose of authorising an officer or agent of the Government, an authority of the government of Honiara city or of a provincial government or a body corporate

Protection for  
privacy of home  
and other  
property

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established by law for a public purpose to enter on the premises of any person in order to inspect those premises or anything thereon for the purpose of any tax, rate or duty or in order to carry out work connected with any property that is lawfully on those premises and that belongs to the Government, that authority or that body corporate, as the case may be;

(d) for the purpose of authorising the entry upon any premises in pursuance of an order of a court for the purpose of enforcing the judgment or order of a court in any proceedings; or

(e) for the purpose of authorising the entry upon any premises for the purpose of preventing or detecting criminal offences,

and except so far as that provision or, as the case may be, anything done under the authority thereof is shown not to be reasonably justifiable in a democratic society.

10.—(1) If any person is charged with a criminal offence, then, unless the charge is withdrawn, that person shall be afforded a fair hearing within a reasonable time by an independent and impartial court established by law.

Provisions to  
secure protection  
of law

(2) Every person who is charged with a criminal offence—

(a) shall be presumed to be innocent until he is proved or has pleaded guilty;

(b) shall be informed as soon as reasonably practicable, in detail and in a language that he understands, of the nature of the offence charged;

(c) shall be given adequate time and facilities for the preparation of his defence;

(d) shall be permitted to defend himself before the court in person or, at his own expense, by a legal representative of his own choice;

(e) shall be afforded facilities to examine in person or by his legal representative the witnesses called by the prosecution before the court, and to obtain the attendance and carry out the examination of witnesses to testify on his behalf before the court on the same conditions as those applying to witnesses called by the prosecution; and

(f) shall be permitted to have without payment the assistance of an interpreter if he cannot understand the language used at the trial of the charge,

and, except with his own consent, the trial shall not take place in his absence unless he so conducts himself as to render the continuance of the proceedings in his presence impracticable and the court has ordered him to be removed and the trial to proceed in his absence.

(3) When a person is tried for any criminal offence, the accused person or any person authorised by him in that behalf shall, if he so requires and subject to payment of such reasonable fee as may be prescribed by law, be given within a reasonable time after judgment a copy for the use of the accused person of any record of the proceedings made by or on behalf of the court.

(4) No person shall be held to be guilty of a criminal offence on account of any act or omission that did not, at the time it took place, constitute such an offence, and no penalty shall be imposed for any criminal offence that is severer in degree or description than the maximum penalty that might have been imposed for that offence at the time when it was committed

(5) No person who shows that he has been tried by a competent court for a criminal offence and either convicted or acquitted shall again be tried for that offence or for any other criminal offence of which he could have been convicted at the trial for that offence, save upon the order of a superior court in the course of appeal or review proceedings relating to the conviction or acquittal.

(6) No person shall be tried for a criminal offence if he shows that he has been pardoned for that offence.

(7) No person who is tried for a criminal offence shall be compelled to give evidence at the trial.

(8) Any court or other adjudicating authority prescribed by law for the determination of the existence or extent of any civil right or obligation shall be established or recognised by law and shall be independent and impartial; and where proceedings for such a determination are instituted by any person before such a court or other adjudicating authority, that person shall be given a fair hearing within a reasonable time.

(9) Except with the agreement of all the parties thereto, all proceedings of every court and proceedings for the determination of the existence or extent of any civil right or obligation before any other adjudicating authority, including the announcement of the decision of the court or other authority, shall be held in public.

(10) Nothing in the preceding subsection shall prevent the court or other adjudicating authority from excluding from the proceedings persons other than the parties thereto and their legal representatives to such extent as the court or other authority—

(a) may by law be empowered so to do and may consider necessary or expedient in circumstances where publicity would prejudice the interests of justice or in interlocutory proceedings or in the interests of decency, public morality, the welfare of persons under the age of eighteen years or the protection of the private lives of persons concerned in the proceedings; or

(b) may by law be empowered or required so to do in the interests of defence, public safety or public order.

(11) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of—

(a) subsection (2)(a) of this section to the extent that the law in question imposes upon any person charged with a criminal offence the burden of proving particular facts;

(b) subsection (2)(e) of this section to the extent that the law in question imposes reasonable conditions that must be satisfied if witnesses called to testify on behalf of an accused person are to be paid their expenses out of public funds; or

(c) subsection (5) of this section to the extent that the law in question authorises a court to try a member of a disciplined force for a criminal offence notwithstanding any trial and conviction or acquittal of that member under the disciplinary law of that force, so, however, that any court so trying such a member and convicting him shall in sentencing him to any punishment take into account any punishment awarded him under that disciplinary law.

11.—(1) Except with his own consent, no person shall be hindered in the enjoyment of his freedom of conscience, and for the purposes of this section the said freedom includes freedom of thought and of religion, freedom to change his religion or belief, and freedom, either alone or in community with others, and both in public and in private, to manifest and propagate his religion or belief in worship, teaching, practice and observance.

(2) Every religious community shall be entitled, at its own expense, to establish and maintain places of education and to manage any place of education which it wholly maintains.

Protection of  
freedom of  
conscience

(3) No religious community shall be prevented from providing religious instruction for persons of that community in the course of any education provided at any place of education which it wholly maintains or in the course of any education which it otherwise provides.

(4) Except with his own consent (or, if he is a person who has not attained the age of eighteen years, the consent of his guardian) no person attending any place of education shall be required to receive religious instruction or take part in or attend any religious ceremony or observance if that instruction, ceremony or observance relates to a religion other than his own.

(5) No person shall be compelled to take any oath which is contrary to his religion or belief or to take any oath in a manner which is contrary to his religion or belief.

(6) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provision which is reasonably required—

(a) in the interests of defence, public safety, public order, public morality or public health; or

(b) for the purpose of protecting the rights and freedoms of other persons, including the right to practise and observe any religion without the unsolicited intervention of members of any other religion,

and except so far as that provision or, as the case may be, the thing done under the authority thereof is shown not to be reasonably justifiable in a democratic society.

(7) Nothing in this section shall affect the power of Parliament to prescribe the curriculum and related matters in all places of education within Solomon Islands.

(8) References in this section to a religion shall be construed as including references to a religious denomination, and cognate expressions shall be construed accordingly.

12.—(1) Except with his own consent, no person shall be hindered in the enjoyment of his freedom of expression, and for the purposes of this section the said freedom includes the freedom to hold opinions without interference, freedom to receive ideas and information without interference, freedom to communicate ideas and information without interference and freedom from interference with his correspondence.

Protection of  
freedom of  
expression

(2) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provision—

(a) in the interests of defence, public safety, public order, public morality or public health;

(b) for the purpose of protecting the reputations, rights and freedoms of other persons or the private lives of persons concerned in legal proceedings, preventing the disclosure of information received in confidence, maintaining the authority and independence of the courts, or regulating the administration or the technical operation of telephony, telegraphy, posts, wireless, broadcasting or television; or

(c) that imposes restrictions upon public officers,

and except so far as that provision or, as the case may be, the thing done under the authority thereof is shown not to be reasonably justifiable in a democratic society.

13.—(1) Except with his own consent, no person shall be hindered in the enjoyment of his freedom of assembly and association, that is to say, his right to assemble freely and associate with other persons and in particular to form or belong to political parties or to form or belong to trade unions or other associations for the protection of his interests.

Protection of  
freedom of  
assembly and  
association

(2) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provision—

(a) in the interests of defence, public safety, public order, public morality or public health;

(b) for the purpose of protecting the rights or freedoms of other persons; or

(c) that imposes restrictions upon public officers,

and except so far as that provision or, as the case may be, the thing done under the authority thereof is shown not to be reasonably justifiable in a democratic society.

14.—(1) No person shall be deprived of his freedom of movement, and for the purposes of this section the said freedom means the right to move freely throughout Solomon Islands, the right to reside in any part of Solomon Islands, the right to enter

Protection of  
freedom of  
movement

Solomon Islands and immunity from expulsion from Solomon Islands.

(2) Any restriction on a person's freedom of movement that is involved in his lawful detention shall not be held to be inconsistent with or in contravention of this section.

(3) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provision—

- (a) for the imposition of restrictions on the movement or residence within Solomon Islands of any person or on any person's right to leave Solomon Islands that are reasonably required in the interests of defence, public safety or public order;
- (b) for the imposition of restrictions on the movement or residence within Solomon Islands or on the right to leave Solomon Islands of persons generally or any class of persons that are reasonably required in the interests of defence, public safety, public order, public morality or public health;
- (c) for the imposition of restrictions on the movement or residence within Solomon Islands of any person who is not a citizen of Solomon Islands or the exclusion or expulsion from Solomon Islands of any such person;
- (d) for the imposition of restrictions on the acquisition or use by any person of land or other property in Solomon Islands;
- (e) for the imposition of restrictions upon the movement or residence within Solomon Islands of public officers;
- (f) for the removal of a person from Solomon Islands to be tried or punished in some other country for a criminal offence under the law of that other country or to undergo imprisonment in that other country in execution of the sentence of a court in respect of a criminal offence under the law in force in Solomon Islands of which he has been convicted; or
- (g) for the imposition of restrictions, by order of a court, on the movement or residence within Solomon Islands of any person or on any person's right to leave Solomon Islands either in consequence of his having been found guilty of a criminal offence under the law in force in Solomon Islands or for the purpose of ensuring that he appears before a court

at a later date for trial or for proceedings relating to his extradition or lawful removal from Solomon Islands,

and except so far as that provision or, as the case may be, the thing done under the authority thereof is shown not to be reasonably justifiable in a democratic society.

(4) If any person whose freedom of movement has been restricted by virtue only of such a provision as is referred to in subsection (3) (a) or (b) of this section so requests at any time during the period of that restriction not earlier than six months after he last made such a request during that period, his case shall be reviewed by an independent and impartial tribunal presided over by a person, qualified to be admitted to practise in Solomon Islands as an advocate or as a barrister and solicitor, appointed by the Chief Justice.

(5) On any review by a tribunal in pursuance of the preceding subsection of the case of a person whose freedom of movement has been restricted, the decision of the tribunal concerning the necessity or expediency of continuing the restriction shall be binding on the authority by which it was ordered.

15.—(1) Subject to the provisions of subsections (5), (6) and (9) of this section, no law shall make any provision that is discriminatory either of itself or in its effect.

Protection from discrimination on grounds of race, etc.

(2) Subject to the provisions of subsections (7), (8) and (9) of this section, no person shall be treated in a discriminatory manner by any person acting by virtue of any written law or in the performance of the functions of any public office or any public authority.

(3) Subject to the provisions of subsection (9) of this section, no person shall be treated in a discriminatory manner in respect of access to shops, hotels, lodging-houses, public restaurants, eating-houses or places of public entertainment or in respect of access to places of public resort maintained wholly or partly out of public funds or dedicated to the use of the general public.

(4) In this section, the expression "discriminatory" means affording different treatment to different persons attributable wholly or mainly to their respective descriptions by race, place of origin, political opinions, colour, creed or sex whereby persons of one such description are subjected to disabilities or restrictions to which persons of another such description are not made subject or are accorded privileges or advantages which are not accorded to persons of another such description.

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(5) Subsection (1) of this section shall not apply to any law so far as that law makes provision—

- (a) for the imposition of taxation or the appropriation of revenue by the Government or the government of Honiara city, or any provincial government, or the Honiara city council or any provincial assembly for local purposes;
  - (b) with respect to persons who are not citizens of Solomon Islands;
  - (c) for the application, in the case of persons of any such description as is mentioned in the preceding subsection (or of persons connected with such persons), of the law with respect to adoption, marriage, divorce, burial, devolution of property on death or other like matters that is the personal law applicable to persons of that description;
  - (d) for the application of customary law;
  - (e) with respect to land, the tenure of land, the resumption and acquisition of land and other like purposes;
  - (f) for the advancement of the more disadvantaged members of the community; or
  - (g) whereby persons of any such description as is mentioned in the preceding subsection may be subjected to any disability or restriction or may be accorded any privilege or advantage which, having regard to its nature and to special circumstances pertaining to those persons or to persons of any other such description, is reasonably justifiable in a democratic society.
- (6) Nothing contained in any law shall be held to be inconsistent with or in contravention of subsection (1) of this section to the extent that it makes provision with respect to standards or qualifications (not being standards or qualifications specifically relating to race, place of origin, political opinions, colour, creed or sex) to be required of any person who is appointed to any office in the public service, any office in a disciplined force, any office in the service of the government of Honiara city or any provincial government or any office in a body corporate established directly by any law for public purposes, or who wishes to engage in any trade or business.

(7) Subsection (2) of this section shall not apply to anything which is expressly or by necessary implication authorised to be done by any such provision of law as is referred to in subsection (5) or (6) of this section.

(8) Subsection (2) of this section shall not affect any

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discretion relating to the institution, conduct or discontinuance of civil or criminal proceedings in any court that is vested in any person by or under this Constitution or any other law.

(9) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provision whereby persons of any such description as is mentioned in subsection (4) of this section may be subjected to any restriction on the rights and freedoms guaranteed by sections 9, 11, 12, 13 and 14 of this Constitution, being such a restriction as is authorised by section 9(2), 11(6), 12(2), 13(2) or 14(3), as the case may be.

**16.—**(1) In this Chapter “period of public emergency” means any period during which—

- (a) Solomon Islands is at war; or
- (b) there is in force a declaration made under the provisions of this section.

(2) The Governor-General may at any time by proclamation declare that a state of public emergency exists and as soon as practicable shall publish such proclamation in the Gazette.

(3) A declaration made under subsection (2) of this section shall cease to have effect on the expiration of a period of seven days commencing with the day on which the declaration is made unless before the expiration of that period it has been approved by a resolution of Parliament supported by the votes of at least two-thirds of all the members thereof.

Provided that, if a declaration is made during any period when Parliament is not sitting, Parliament shall be convened not later than two weeks after the day on which the declaration is made and the period of seven days referred to in this subsection shall commence on the day on which Parliament convened.

(4) A declaration made under subsection (2) of this section may at any time before it has been approved by a resolution of Parliament be revoked by the Governor-General by a proclamation published in the Gazette.

(5) A declaration made under subsection (2) of this section and approved by a resolution of Parliament under subsection (3) shall continue in force until the expiration of a period of four months commencing with the day on which the declaration is made or until such earlier date as may be specified in the resolution.

Provisions for  
periods of public  
emergency



(6) Notwithstanding the provisions of subsection (5) of this section, a declaration made under subsection (2) and approved by a resolution of Parliament under subsection (3) may at any time be revoked by a resolution of Parliament supported by the votes of a majority of all the members thereof.

(7) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of section 5, 6(2), 9, 11, 12, 13, 14 or 15 of this Constitution to the extent that the law in question makes in relation to any period of public emergency provision, or authorises the doing during any such period of any thing, that is reasonably justifiable in the circumstances of any situation arising or existing during the period for the purpose of dealing with that situation.

(8) Where a person is detained by virtue of a law that authorises the taking during a period of public emergency of measures that are reasonably justifiable for the purpose of dealing with the situation that exists in Solomon Islands during that period, the following provisions shall apply, that is to say—

(a) he shall, as soon as reasonably practicable, be furnished with a statement in writing, in a language that he understands, specifying in detail the grounds upon which he is detained;

(b) the announcement of his detention shall be made as soon as possible, and not more than fourteen days after the commencement of his detention a notification shall be published in the Gazette stating that he has been detained and giving particulars of the provision of law under which his detention is authorised;

(c) not more than one month after the commencement of his detention and thereafter during his detention at intervals of not more than six months, his case shall be reviewed by an independent and impartial tribunal established by law consisting of a Chairman appointed by the Chief Justice and two other persons appointed by the Judicial and Legal Service Commission;

(d) he shall be afforded reasonable facilities to consult a legal representative of his own choice who shall be permitted to make representations to the tribunal; and

(e) at the hearing of his case by the tribunal he shall be permitted to appear in person or by a legal representative of his own choice.

(9) On any review by a tribunal in pursuance of subsection (8)

of this section of the case of a detained person, the decision of the tribunal concerning the necessity or expediency of continuing his detention shall be binding on the authority by which it was ordered.

(10) Nothing contained in paragraph (d) or (e) of subsection (8) of this section shall be construed as entitling a person to legal representation at public expense.

17. Any person any of whose rights or freedoms under this Chapter has been contravened shall be entitled to compensation for the contravention thereof from the person or authority which contravened it.

Compensation  
for contravention  
of rights and  
freedoms

18.—(1) Subject to the provisions of subsection (6) of this section, if any person alleges that any of the provisions of sections 3 to 16 (inclusive) of this Constitution has been, is being or is likely to be contravened in relation to him (or, in the case of a person who is detained, if any other person alleges such a contravention in relation to the detained person) then, without prejudice to any other action with respect to the same matter which is lawfully available, that person (or that other person) may apply to the High Court for redress.

Enforcement of  
protective  
provisions

(2) The High Court shall have original jurisdiction—

(a) to hear and determine any application made by any person in pursuance of the preceding subsection;

(b) to determine any question arising in the case of any person which is referred to it in pursuance of the next following subsection,

and may make such orders, issue such writs and give such directions, including the payment of compensation, as it may consider appropriate for the purpose of enforcing or securing the enforcement of any of the provisions of sections 3 to 16 (inclusive) of this Constitution:

Provided that the High Court may decline to exercise its powers under this subsection if it is satisfied that adequate means of redress for the contravention alleged are or have been available to the person concerned under any other law.

(3) If in any proceedings in any subordinate court any question arises as to the contravention of any of the provisions of sections 3 to 16 (inclusive) of this Constitution, the person presiding in that court may, and shall if any party to the proceedings so requests, refer the question to the High Court unless, in his



opinion, the raising of the question is merely frivolous or vexatious.

(4) Any person aggrieved by any determination of the High Court under this section may appeal therefrom to the Court of Appeal:

Provided that no appeal shall lie from a determination of the High Court under this section dismissing an application on the ground that it is frivolous or vexatious.

(5) Parliament may confer upon the High Court powers additional to those conferred by this section for the purpose of enabling that court more effectively to exercise the jurisdiction conferred upon it by this section.

(6) Rules of court making provision with respect to the practice and procedure of the High Court in relation to the jurisdiction conferred on it by or under this section (including rules with respect to the time within which any application or reference shall or may be made or brought) may be made by the person or authority for the time being having power to make rules of court with respect to the practice and procedure of that court generally.

19.—(1) In this Chapter, unless the context otherwise requires—

“contravention”, in relation to any requirement, includes a failure to comply with that requirement, and cognate expressions shall be construed accordingly;

“court” means any court of law having jurisdiction in Solomon Islands, other than a court established by a disciplinary law, and includes in sections 4 and 6 of this Constitution a court established by a disciplinary law;

“disciplinary law” means a law regulating the discipline of any disciplined force;

“disciplined force” means—

- (a) any naval, military or air force;
- (b) the Solomon Islands Fire Service;
- (c) the Prisons Service;
- (d) the Marine Division;
- (e) the Police Force;
- (f) the Special Constabulary; or
- (g) any other constabulary or police force established by Parliament;

“member”, in relation to a disciplined force, includes any

Interpretation  
and savings

person who, under the law regulating the discipline of that force, is subject to that discipline.

(2) Nothing contained in sections 12, 13 and 14 of this Constitution shall be construed as precluding the inclusion in the terms and conditions of service of public officers of reasonable requirements as to their communication or association with other persons or as to their movements or residence.

(3) In relation to any person who is a member of a disciplined force of Solomon Islands, nothing contained in or done under the authority of the disciplinary law of that force shall be held to be inconsistent with or in contravention of any of the provisions of this Chapter other than sections 4, 6, 7, 8 and 15.

(4) In relation to any person who is a member of a disciplined force that is not a disciplined force of Solomon Islands and who is present in Solomon Islands in pursuance of arrangements made between the Government of Solomon Islands and another Government or an international organisation, nothing contained in or done under the authority of the disciplinary law of that force shall be held to be inconsistent with or in contravention of any of the provisions of this Chapter.

(5) No measure taken in relation to a person who is a member of a disciplined force of a country with which Solomon Islands is at war and no law, to the extent that it authorises the taking of any such measures, shall be held to be inconsistent with or in contravention of any of the provisions of this Chapter.

### CHAPTER III

#### CITIZENSHIP

20.—(1) (a) Every person who is immediately before Independence Day an indigenous Solomon Islander shall become a citizen of Solomon Islands on Independence Day.

(b) Every person who was born in Solomon Islands before Independence Day and who has or had two grandparents who are or were members of a group, tribe or line indigenous to Papua New Guinea or the New Hebrides shall become a citizen of Solomon Islands on Independence Day.

(2) Every person who before Independence Day has made, or been included in, an application to the Government for citizenship of Solomon Islands containing the information specified in subsection (4) of this section and who at the time of making such application possessed any of the qualifications specified in sub-

Persons who  
become citizens  
on Independence  
Day

section (3) of this section shall become a citizen of Solomon Islands on Independence Day.

(3) The qualifications referred to in subsection (2) of this section and subsection (1) of the next following section are that the person concerned, not being an indigenous Solomon Islander, is—

- (a) a woman married to an indigenous Solomon Islander; or
- (b) a citizen of the United Kingdom and Colonies or a British protected person who was born in Solomon Islands; or
- (c) a citizen of the United Kingdom and Colonies or a British protected person having acquired such status under the British Nationality Acts 1948 to 1965(a) by virtue of his having been naturalised or registered under those Acts, or naturalised as a British subject before 1949, by the Governor of the former protectorate of the Solomon Islands; or
- (d) a citizen of the United Kingdom and Colonies or a British protected person whose father possesses, or at his death possessed, one of the qualifications specified in paragraph (b) or (c) of this subsection; or
- (e) a woman who has been married to a person who possesses, or at his death possessed, one of the qualifications specified in paragraph (b), (c) or (d) of this subsection; or
- (f) a citizen of the United Kingdom and Colonies or a British protected person who was deemed to belong to Solomon Islands because such person—
  - (i) has lawfully resided in Solomon Islands for any period of seven years during which he has not been absent therefrom for a period or periods amounting in all to more than eighteen months and since the completion of such period of residence has not been ordinarily resident continuously for a period of two years or more in any other territory within the Commonwealth in circumstances in which he has acquired or retained a right of residence in that territory; or
  - (ii) is the wife of a person to whom the foregoing subparagraph applies not living apart from such person under a decree of a court or a deed of separation; or

(a) 1948 c. 56; 1958 c. 10; 1964 c. 22; 1964 c. 54; 1965 c. 34.

(iii) is the child, step-child or child adopted in a manner recognised by law under the age of eighteen years of a person to whom either of the foregoing subparagraphs applies.

(4) The information required to be contained in an application for the purposes of this section and the next following section is as follows—

- (a) the name, date and place of birth (so far as is known) of the applicant, of any other person included in the application or of a minor on whose behalf the application is made, together with, where applicable, the date of naturalisation or registration;
- (b) a statement by the applicant whether or not he is including in his application his wife and minor children, if any, and in the case of an application including a wife, a statement by her that she consents to her inclusion in the application;
- (c) if the applicant is applying on grounds that his father was born, naturalised or registered in Solomon Islands, also the father's name, place and date of birth (so far as is known) and, if relevant, the date of the father's naturalisation or registration;
- (d) if the application is made by or on behalf of a woman on grounds of marriage to a man who, or whose father, was born, naturalised or registered in Solomon Islands, also the name, place and date of birth (so far as is known) and, if relevant, the date of naturalisation or registration of the man and, if necessary, his father;
- (e) a statement by the applicant that, if he is resident in Solomon Islands at the time of making application, he intends to continue such residence, or that, if he is not so resident at that time, he regards Solomon Islands as his home country;
- (f) a declaration by the applicant of his allegiance to Solomon Islands and his respect for the culture, the language and the way of life of Solomon Islands; and
- (g) a statement by the applicant that he intends to renounce any other nationality that he may hold at the time of making application.

(5) The reference in paragraph (c) of subsection (3) of this section to the Governor of the former protectorate of the Solomon Islands shall, in relation to any certificate of naturalisation granted or registration effected by some other officer in

his capacity as the officer for the time being administering the Government of the former protectorate of the Solomon Islands, be construed as a reference to that officer.

(6) Every person who becomes a citizen of Solomon Islands on Independence Day by virtue of subsection (2) of this section shall receive a certificate of his acquisition of such citizenship as soon as practicable after Independence Day.

Persons entitled to be registered as citizens after Independence Day

21.—(1) Every person who immediately before Independence Day possessed any of the qualifications specified in subsection (3) of the preceding section and who within the prescribed period has made, or been included in, an application to the Government for citizenship of Solomon Islands containing the information specified in subsection (4) of the preceding section shall be registered as a citizen of Solomon Islands.

(2) For the purposes of subsection (1) of this section, "the prescribed period" means the period beginning on Independence Day and expiring two years thereafter:

Provided that the Minister responsible for citizenship matters may extend that period in respect of such applications or classes of application where the applicant was, by reason of his absence from Solomon Islands or other reasonable cause, unaware of his right to apply, as he may think fit.

Persons born on or after Independence Day

22. Every person born on or after Independence Day, whether within or outside Solomon Islands, shall become a citizen of Solomon Islands at the date of his birth if at that date either of his parents is, or would but for his death have been, a citizen of Solomon Islands.

Avoidance of dual nationality

23.—(1) Subject to the provisions of subsection (2) of this section, any citizen of Solomon Islands who is a national of some other country shall cease to be a citizen of Solomon Islands at the expiry of two years after the date on which he acquired citizenship of Solomon Islands or attained the age of eighteen years, whichever is the later, or such longer period as may be prescribed by Parliament, unless before the expiry of that period he has renounced or lost the nationality of that other country or, if the law of that other country does not permit him to renounce that nationality, made such declaration as may be prescribed.

(2) Any person who, being aged eighteen years or more, acquired citizenship of Solomon Islands by virtue of section

20(2) or 21 of this Constitution and who is a national of some other country shall cease to be a citizen of Solomon Islands at the expiry of six months after the date on which he acquired citizenship of Solomon Islands or such longer period as may be prescribed by Parliament, unless before the expiry of that period he has renounced or lost the nationality of that other country or, if the law of that other country does not permit him to renounce that nationality, made such declaration as may be prescribed.

24.—(1) Every person who under this Chapter or any other law is a citizen of Solomon Islands or under any enactment for the time being in force in any country to which this section applies is a citizen of that country shall, by virtue of that citizenship, have the status of a Commonwealth citizen.

Commonwealth citizens

(2) Every person who is a British subject without citizenship under the British Nationality Act 1948, who continues to be a British subject under section 2 of that Act or is a British subject under the British Nationality Act 1965 shall, by virtue of that status, have the status of a Commonwealth citizen.

(3) Save as may be otherwise provided by Parliament, the countries to which this section applies are Australia, The Bahamas, Bangladesh, Barbados, Botswana, Canada, Cyprus, Fiji, The Gambia, Ghana, Grenada, Guyana, India, Jamaica, Kenya, Lesotho, Malawi, Malaysia, Malta, Mauritius, Nauru, New Zealand, Nigeria, Papua New Guinea, Seychelles, Sierra Leone, Singapore, Southern Rhodesia, Sri Lanka, Swaziland, Tanzania, Tonga, Trinidad and Tobago, Uganda, The United Kingdom and Colonies, Western Samoa and Zambia.

25. Parliament may make provision—

Powers of Parliament

- (a) for the acquisition of citizenship of Solomon Islands by persons who are not eligible or who are no longer eligible to become citizens of Solomon Islands by virtue of the provisions of this Chapter;
- (b) for the deprivation and renunciation of citizenship of Solomon Islands held by any person who has attained the age of eighteen years.

26.—(1) In this Chapter—

Interpretation

"British protected person" means a person who is a British protected person for the purposes of the British Nationality Act 1948;

"indigenous Solomon Islander" means any person who is

or one of whose parents is or was, a British protected person and of a group, tribe or line indigenous to Solomon Islands:

(2) Any reference in this Chapter to the father of a person shall, in relation to a person born out of wedlock, be construed as a reference to the mother of that person.

(3) For the purposes of this Chapter, a person born aboard a registered ship or aircraft, or aboard an unregistered ship or aircraft of the government of any country, shall be deemed to have been born in the place in which the ship or aircraft was registered or, as the case may be, in that country.

(4) For the purposes of this Chapter, an application shall be deemed to have been made on the date on which it is lodged with the Government or with any person who has been appointed by the Government to receive applications.

#### CHAPTER IV

##### THE GOVERNOR-GENERAL

Establishment of  
office of  
Governor-  
General

27.—(1) There shall be a Governor-General of Solomon Islands who shall be appointed by the Head of State in accordance with an address from Parliament and who shall be the representative of the Head of State in Solomon Islands.

(2) A person shall not be qualified for appointment to the office of Governor-General unless he is qualified for election as a member of Parliament under Chapter VI of this Constitution.

(3) The office of Governor-General shall become vacant—

(a) at the expiration of five years from the date of his appointment; or

(b) if he is removed from office by the Head of State, in accordance with an address from Parliament supported by the votes of at least two-thirds of all the members thereof, for misbehaviour or for such other cause as may be prescribed by Parliament.

(4) No person may be appointed as Governor-General for more than two terms of office.

Acting  
Governor-  
General

28. Whenever the office of Governor-General is vacant or the holder of the office is absent from Solomon Islands or is for any other reason unable to perform the functions of his office, those functions shall be performed by the Speaker or, if the office of

Speaker is vacant or the holder of that office is likewise absent or unable to perform those functions, by the Chief Justice.

29. A person appointed to the office of Governor-General or assuming the functions of that office under the preceding section shall, before entering upon the duties of that office, take and subscribe the oath of allegiance and the oath of office as prescribed in Schedule 1 to this Constitution, such oaths being administered by the Chief Justice or such other judge of the High Court or the Court of Appeal as may be designated by the Chief Justice.

Oaths to be taken  
by Governor-  
General

#### CHAPTER V

##### THE EXECUTIVE

30.—(1) The executive authority of the people of Solomon Islands is vested in the Head of State.

Executive  
authority of  
Solomon Islands

(2) Save as otherwise provided in this Constitution, that authority may be exercised on behalf of the Head of State by the Governor-General either directly or through officers subordinate to him.

(3) Nothing in this section shall preclude persons or authorities other than the Governor-General from exercising such functions as may be conferred upon them by any law.

31.—(1) In the exercise of his functions under this Constitution or any other law, the Governor-General shall act in accordance with the advice of the Cabinet or of a Minister acting under the general authority of the Cabinet except in cases where he is required by this Constitution to act in accordance with the advice of, or after consultation with, any person or authority other than the Cabinet or in his own deliberate judgment.

Exercise of  
Governor-  
General's  
functions

(2) Where the Governor-General is required by this Constitution to exercise any function after consultation with any person or authority other than the Cabinet, he shall not be obliged to exercise that function in accordance with the advice of that person or authority.

(3) Where the Governor-General is required by this Constitution to act in accordance with the advice of, or after consultation with, any person or authority, the question whether he has in any matter so acted shall not be called in question in any court of law.

Governor-General to be kept informed

32. The Prime Minister shall keep the Governor-General fully informed concerning the general conduct of the government of Solomon Islands and shall furnish the Governor-General with such information as he may request with respect to any particular matter relating to the government of Solomon Islands.

Ministers

33.—(1) There shall be a Prime Minister who shall be elected as such by the members of Parliament from amongst their number in accordance with the provisions of Schedule 2 to this Constitution.

(2) There shall be, in addition to the office of Prime Minister, such other offices of Minister of the Government, not exceeding eleven or such greater number as Parliament may prescribe, as may be established by the Governor-General, acting in accordance with the advice of the Prime Minister:

Provided that one of such offices of Minister of the Government shall be that of Deputy Prime Minister.

(3) The Ministers other than the Prime Minister shall be appointed by the Governor-General, acting in accordance with the advice of the Prime Minister, from among the members of Parliament:

Provided that if occasion arises for making an appointment while Parliament is dissolved a person who was a member of Parliament immediately before the dissolution may be appointed.

34.—(1) If a resolution of no confidence in the Prime Minister is passed by Parliament by an absolute majority of the votes of members thereof the Governor-General shall remove the Prime Minister from office, whereupon the members of Parliament shall meet as soon as possible during the same session of Parliament to elect a new Prime Minister in accordance with the provisions of Schedule 2 to this Constitution.

(2) A motion for a resolution of no confidence in the Prime Minister shall not be passed by Parliament unless notice of the motion has been given to the Speaker at least seven clear days before it is introduced.

(3) The office of Prime Minister shall also become vacant—

(a) when, after a general election, the members of Parliament meet to elect a Prime Minister in accordance with the provisions of Schedule 2 to this Constitution;

Tenure of office of Ministers.

(b) if he ceases to be a member of Parliament for any reason other than a dissolution of Parliament;

(c) if he is elected as Speaker or Deputy Speaker; or

(d) if he resigns such office by writing under his hand addressed to the Governor-General.

(4) Subject to the next following subsection, during any period when the office of Prime Minister is vacant, the person who held that office immediately before the vacancy arose shall continue to perform the functions of Prime Minister until a person is elected to the office of Prime Minister in accordance with the provisions of Schedule 2 to this Constitution.

(5) If the person holding the office of Prime Minister dies, the Governor-General shall, after consultation with the other Ministers, appoint one of them to perform the functions of Prime Minister until a person is elected to the office of Prime Minister in accordance with the provisions of Schedule 2 to this Constitution.

(6) The office of a Minister other than the Prime Minister shall become vacant—

(a) upon the election of any person to the office of Prime Minister in accordance with the provisions of Schedule 2 to this Constitution;

(b) if he ceases to be a member of Parliament for any reason other than a dissolution of Parliament;

(c) if he is elected as Speaker or Deputy Speaker;

(d) if he resigns such office by writing under his hand addressed to the Governor-General; or

(e) if his appointment to the office of a Minister is revoked by the Governor-General, acting in accordance with the advice of the Prime Minister.

35.—(1) There shall be a Cabinet for Solomon Islands, consisting of the Prime Minister and the other Ministers.

The Cabinet.

(2) The functions of the Cabinet shall be to advise the Governor-General in the government of Solomon Islands and the Cabinet shall be collectively responsible to Parliament for any advice given to the Governor-General by or under the general authority of the Cabinet and for all things done by or under the authority of any Minister in the execution of his office.

(3) The provisions of the preceding subsection shall not apply in relation to—

(a) the appointment and removal from office of Ministers, the assigning of responsibility to any Minister under section 37 of this Constitution, or the authorisation of another Minister to perform the functions of the Prime Minister during illness or absence; or

(b) the matters referred to in section 45 of this Constitution (which relate to the Prerogative of Mercy).

(4) The Attorney-General shall be the legal adviser to the Cabinet and as such shall attend the meetings of the Cabinet unless otherwise directed by the Cabinet.

**36.—**(1) The Cabinet shall be summoned by the Prime Minister.

(2) The Prime Minister shall, so far as is practicable, attend and preside at all meetings of the Cabinet.

(3) No business except that of adjournment shall be transacted in the Cabinet if objection is taken by any member present that there are present less than a majority of the members for the time being of the Cabinet.

(4) Subject to the preceding subsection, the Cabinet shall not be disqualified for the transaction of business by reason of any vacancy in its membership, and any proceedings of the Cabinet shall be valid notwithstanding that some person who was not entitled to do so took part in those proceedings.

(5) The Prime Minister shall decide what business shall be considered at any meeting of the Cabinet.

(6) The person presiding in the Cabinet may summon any person to a meeting of the Cabinet, notwithstanding that that person is not a member of the Cabinet, when in the opinion of the person presiding the business of the Cabinet makes the presence of that person desirable:

Provided that a person shall not be under any obligation to answer any question put to him by any member of the Cabinet at such meeting.

**37.** The Governor-General, acting in accordance with the advice of the Prime Minister, may, by directions in writing, assign to the Prime Minister or any other Minister responsibility for the conduct (subject to the provisions of this Constitution and any other law) of any business of the Government, including responsibility for the administration of any department of the Government.

Proceedings in  
Cabinet.

Assignment of  
responsibilities  
to Ministers

**38.—**(1) Whenever the Prime Minister is unable, by reason of illness or absence from Solomon Islands, to perform the functions conferred on him by this Constitution, those functions shall be performed by the Deputy Prime Minister or, if he too is unable to do so, the Governor-General may, by directions in writing, authorise some other Minister to perform those functions (other than the functions conferred by this section) and that Minister may perform those functions until his authority is revoked by the Governor-General.

Performance of  
Prime Minister's  
functions during  
illness or  
absence

(2) The powers of the Governor-General under this section shall be exercised by him in accordance with the advice of the Prime Minister:

Provided that if the Governor-General, acting in his own deliberate judgment, considers that it is impracticable to obtain the advice of the Prime Minister owing to the Prime Minister's illness or absence, the Governor-General may exercise those powers without that advice and in his own deliberate judgment.

**39.** Before assuming the functions of his office every member of the Cabinet shall make before the Governor-General, or some person authorised in that behalf by the Governor-General, oaths of allegiance and for the due execution of his office in the forms set out in Schedule 1 to this Constitution.

Oaths to be taken  
by members of  
Cabinet

**40.** Where any Minister has been charged with responsibility for the administration of any department of the Government, he shall exercise general direction and control over that department and, subject to such direction and control, any department in the charge of a Minister (including the office of the Prime Minister or any other Minister) shall be under the supervision of a Permanent Secretary or some other supervising officer whose office shall be a public office:

Direction, etc. of  
Government  
departments

Provided that—

(a) any such department may be under the joint supervision of two or more supervising officers; and

(b) different parts of any such department may respectively be under the supervision of different supervising officers.

**41.—**(1) There shall be a Secretary to the Cabinet whose office shall be that of a Permanent Secretary.

Secretary to  
Cabinet

(2) The Secretary to the Cabinet shall have charge of the office of the Cabinet and shall be responsible, in accordance with

such instructions as may be given to him by the Prime Minister, for arranging the business for, and keeping the minutes of, the meetings of the Cabinet and for conveying the decisions of the Cabinet to the appropriate person or authority, and shall have such other functions as the Prime Minister may from time to time direct.

Attorney-General

42.—(1) There shall be an Attorney-General whose office shall be a public office and who shall be the principal legal adviser to the Government.

(2) The Attorney-General shall be appointed by the Judicial and Legal Service Commission acting in accordance with the advice of the Prime Minister.

(3) No person shall be qualified to hold the office of Attorney-General unless he is entitled to practise in Solomon Islands as an advocate or as a barrister and solicitor.

(4) If the Minister responsible for justice is not a person entitled to practise in Solomon Islands as an advocate or as a barrister and solicitor, the person holding the office of Attorney-General shall be entitled to take part in the proceedings of Parliament as adviser to the Government:

Provided that he shall not be entitled to vote in Parliament or in any election for the office of Prime Minister.

Commissioner of Police

43.—(1) There shall be a Commissioner of Police, whose office shall be a public office.

(2) The Commissioner of Police shall be appointed by the Governor-General, acting in accordance with the advice of the Prime Minister tendered after the Prime Minister has consulted the Police and Prisons Service Commission.

(3) The Police Force shall be under the command of the Commissioner of Police.

(4) The Prime Minister, or such other Minister as may be authorised in that behalf by the Prime Minister, may give to the Commissioner of Police such general directions of policy with regard to the maintenance of public safety and public order as he may consider necessary and the Commissioner shall comply with such directions or cause them to be complied with.

(5) Nothing in this section shall be construed as precluding the assignment to a Minister of responsibility under section 37 of this Constitution for the organisation, maintenance and adminis-

tration of the Police Force, but the Commissioner of Police shall be responsible for determining the use and controlling the operations of the Force and, except as provided in the preceding subsection, the Commissioner shall not, in the exercise of his responsibilities and powers with respect to the use and operational control of the Force, be subject to the direction or control of any person or authority.

44. Subject to the provisions of this Constitution and of any other law, the Governor-General, acting on the advice of the Prime Minister, may constitute offices for Solomon Islands, make appointments to any such office and terminate any such appointment.

Constitution of offices

45.—(1) The Governor-General may, in the name and on behalf of the Head of State—

Prerogative of Mercy

(a) grant to any person convicted of any offence under the law of Solomon Islands a pardon, either free or subject to lawful conditions;

(b) grant to any person a respite, either indefinite or for a specified period, of the execution of any punishment imposed on that person for such an offence;

(c) substitute a less severe form of punishment for any punishment imposed on any person for such an offence; or

(d) remit the whole or any part of any punishment imposed on any person for such an offence or any penalty or forfeiture otherwise due to the Crown on account of such an offence.

(2) There shall be a Committee on the Prerogative of Mercy (in this section referred to as "the Committee") which shall consist of the following members—

(a) a Chairman and two other persons, one of whom shall be a qualified medical practitioner and the other of whom shall be a social worker, appointed by the Governor-General in his own deliberate judgment; and

(b) one person nominated —

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(i) by the Honiara city council, if the person whose case is being reviewed ordinarily resides in Honiara city; or

(ii) by the provincial assembly of a province, if such a person ordinarily resides in that province.

(3) The Honiara city council and the provincial assembly of

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every province shall as soon as they are respectively elected nominate a person for the purposes of subsection (2) (b) of this section for such period as they deem appropriate.

(4) A member of the Committee appointed under subsection (2) (a) of this section shall vacate his seat on the Committee—

(a) at the expiration of the term of his appointment (if any) specified in the instrument of his appointment; or

(b) if his appointment is revoked by the Governor-General, acting in his own deliberate judgment.

(5) In the exercise of the powers conferred upon him by subsection (1) of this section, the Governor-General shall act in accordance with the advice of the Committee.

(6) The validity of the transaction of any business by the Committee shall not be affected by reason only of the fact that some person who was not entitled to do so took part in the proceedings.

(7) Whenever any person has been sentenced to death (otherwise than by a court-martial) for an offence, a report on the case by the judge who presided at the trial (or, if a report cannot be obtained from that judge, a report on the case by the Chief Justice), together with such other information derived from the record of the case or elsewhere as may be required by or furnished to the Committee shall be taken into consideration at a meeting of the Committee, which shall then advise the Governor-General whether or not to exercise his powers under subsection (1) of this section in that case.

## CHAPTER VI

### THE NATIONAL LEGISLATURE

#### Part I—Parliament

Establishment of  
Parliament

46. There shall be a national legislature for Solomon Islands, which shall consist of a single chamber and shall be known as the National Parliament of Solomon Islands.

Composition of  
Parliament

47.—(1) Parliament shall consist of persons elected in accordance with the provisions of this Constitution and, subject thereto, in such manner as may be prescribed.

(2) Each of the constituencies prescribed under section 54(1) of this Constitution shall return one member of Parliament.

48. Subject to the provisions of the next following section, a person shall be qualified for election as a member of Parliament if, and shall not be so qualified unless—

(a) he is a citizen of Solomon Islands; and

(b) he has attained the age of twenty-one years.

Qualifications  
for membership

49.—(1) No person shall be qualified for election as a member of Parliament who—

Disqualifications  
from  
membership

(a) is, by virtue of his own act, under any acknowledgement of allegiance, obedience or adherence to a foreign power or state;

(b) holds, or is acting in, any public office;

(c) is an undischarged bankrupt, having been adjudged or otherwise declared bankrupt under any law for the time being in force in any part of the Commonwealth;

(d) is certified to be insane or otherwise adjudged to be of unsound mind under any law for the time being in force in Solomon Islands;

(e) is under sentence of death imposed on him by a court in any part of the world, or is under a sentence of imprisonment (by whatever name called) for a term of, or exceeding, six months, other than a sentence in lieu of a fine, but including a suspended sentence, imposed on him by such a court or substituted by competent authority for some other sentence imposed on him by such a court;

(f) is disqualified from membership of Parliament or from registration as an elector or from voting at elections under any law for the time being in force in Solomon Islands relating to offences connected with elections; or

(g) holds, or is acting in, any office the functions of which involve any responsibility for, or in connection with, the conduct of any election to Parliament or the compilation or revision of any electoral register for that purpose.

(2) For the purpose of paragraph (e) of the preceding subsection two or more terms of imprisonment that are required to be served consecutively shall be regarded as a single term of imprisonment for the aggregate period of those terms.

50. A member of Parliament shall vacate his seat—

(a) on a dissolution of Parliament;

(b) if he resigns his seat by writing under his hand addressed to the Speaker;

Vacation of seats  
by members



- (c) if he is elected as Speaker;
- (d) if he is appointed as Governor-General;
- (e) if he is absent from two consecutive meetings of Parliament without having obtained from the person presiding, before the termination of either meeting, permission to be or to remain absent therefrom unless, in the opinion of the Speaker (or, if the office of Speaker is vacant or he is for any reason unable to perform the functions of his office, the Deputy Speaker), such absence was due to causes beyond the member's control;
- (f) if any circumstance arises that, if he were not a member of Parliament, would cause him to be disqualified from election thereto by virtue of paragraph (a), (b), (d), (f) or (g) of subsection (1) of the preceding section; or
- (g) in the circumstances mentioned in the next following section.

Vacation of seat  
on sentence, etc.

51.—(1) Subject to the provisions of this section, if a member of Parliament is sentenced by a court in any part of the world to death or to imprisonment (by whatever name called) for a term of, or exceeding, six months, including a suspended sentence, he shall forthwith cease to perform his functions as a member of Parliament, and his seat in Parliament shall become vacant at the expiration of a period of thirty days thereafter:

Provided that the Speaker (or, if the office of Speaker is vacant or he is for any reason unable to perform the functions of his office, the Deputy Speaker) may, at the request of the member, from time to time extend that period for thirty days to enable the member to pursue any appeal in respect of his conviction or sentence so however that extensions of time exceeding in the aggregate one hundred and fifty days shall not be given without the approval of Parliament signified by resolution.

(2) If at any time before the member vacates his seat he is granted a free pardon or his conviction is set aside or his sentence is reduced to a term of imprisonment of less than six months or a punishment other than imprisonment is substituted, his seat in Parliament shall not become vacant under the provisions of this section, and he may again perform his functions as a member of Parliament.

(3) For the purposes of this section—

- (a) two or more terms of imprisonment that are required to be

served consecutively shall be regarded as a single term of imprisonment for the aggregate period of those terms; and

- (b) no account shall be taken of a sentence of imprisonment imposed as an alternative to or in default of the payment of a fine.

52.—(1) The High Court shall have jurisdiction to hear and determine any question whether—

Determination of  
questions as to  
membership

- (a) any person has been validly elected as a member of Parliament; or
- (b) any member of Parliament has vacated his seat therein or is required by virtue of section 51 of this Constitution to cease to perform his functions as a member.

(2) No appeal shall lie from any decision of the High Court in proceedings under the preceding subsection.

53.—(1) There shall be a Constituency Boundaries Commission consisting of—

Constituency  
Boundaries  
Commission

- (a) a Chairman and two other members (in this section referred to as "the appointed members") appointed by the Governor-General, acting in accordance with the advice of the Judicial and Legal Service Commission; and
- (b) the persons for the time being holding the offices of Surveyor-General and Head of the Government's Statistical Services, who shall be members of the Commission *ex officio*.

(2) A person shall not be qualified to be an appointed member of the Commission if he is a member of, or a candidate for election to, Parliament or any provincial assembly.

(3) Subject to the provisions of the next following subsection, an appointed member of the Commission shall vacate his office—

- (a) at the expiration of the period specified in the instrument by which he was appointed; or
- (b) if any circumstances arise that, if he were not a member of the Commission, would cause him to be disqualified from appointment as such.

(4) The provisions of section 126 of this Constitution shall apply to an appointed member of the Constituency Boundaries Commission as they apply to a member of the Public Service Commission except that subsection (7) shall apply as if for the

words "in accordance with the advice of the Prime Minister" there were substituted the words "in accordance with the advice of the Judicial and Legal Service Commission".

## Constituencies

**54.**—(1) For the purpose of the election of members of Parliament, Solomon Islands shall be divided into such number of constituencies, being not less than thirty and not more than fifty, and each constituency shall have such boundaries, as may be prescribed by Parliament by resolution on a recommendation of the Constituency Boundaries Commission in accordance with subsection (4) of this section.

(2) The Constituency Boundaries Commission shall make recommendations to Parliament with respect to the number and boundaries of constituencies as soon as practicable after the commencement of this Constitution; and thereafter the Commission may review the number and boundaries of the constituencies whenever they consider this to be desirable and shall do so not later than ten years after they last reviewed them, and may make recommendations to Parliament for alterations in the number and boundaries of the constituencies.

(3) In making recommendations under the preceding subsection, the Constituency Boundaries Commission shall have regard to the principle that the number of inhabitants of each constituency shall be as nearly equal as is reasonably practicable:

Provided that the Commission may depart from the foregoing principle to such extent as they consider expedient in order to take account of the distribution of the population, the means of communication, and ethnic affiliations.

(4) Parliament may, by resolution, approve or reject the recommendations of the Constituency Boundaries Commission but may not vary them; and, if so approved, the recommendations shall have effect as from the next dissolution of Parliament.

**55.**—(1) Subject to the provisions of this section, a person shall be entitled to be registered as an elector if, and shall not be so entitled unless—

- (a) he is a citizen of Solomon Islands; and
- (b) he has attained the age of eighteen years.

(2) No person shall be entitled to be registered as an elector—

- (a) in more than one constituency; or

Qualifications  
and  
disqualifications  
for registration  
as an elector

(b) in any constituency in which he is not ordinarily resident.

(3) No person shall be entitled to be registered as an elector who—

- (a) is under sentence of death imposed on him by a court in any part of the world, or is under a sentence of imprisonment (by whatever name called) for a term of, or exceeding, six months, other than a sentence in lieu of a fine, but including a suspended sentence, imposed on him by such a court or substituted by competent authority for some other sentence imposed on him by such a court;
- (b) is certified to be insane or otherwise adjudged to be of unsound mind under any law for the time being in force in Solomon Islands; or
- (c) is disqualified from registration as an elector or from voting at elections under any law for the time being in force in Solomon Islands relating to offences connected with elections.

(4) For the purposes of paragraph (a) of the preceding subsection two or more terms of imprisonment that are required to be served consecutively shall be regarded as a single term of imprisonment for the aggregate period of those terms.

**56.**—(1) Any person who is registered as an elector in any constituency shall be entitled to vote in such manner as may be prescribed at any election for that constituency unless—

- (a) on the date appointed for polling he is under such sentence of death or serving such sentence of imprisonment as is referred to in paragraph (a) of section 55(3) of this Constitution or (except in so far as may be otherwise prescribed) he is for any other reason unable to attend in person at the place and time appointed for polling; or
- (b) he is prohibited from so voting by any law in force in Solomon Islands because he holds or is acting in any office the functions of which involve any responsibility for, or in connection with, the conduct of that election or because he has been convicted of any offence connected with elections.

(2) No person shall vote at any election for any constituency who is not registered as an elector in that constituency.

Right to vote at  
elections

Electoral  
Commission

57.—(1) There shall be an Electoral Commission consisting of—

- (a) the Speaker, who shall be Chairman of the Commission; and
- (b) two other members (in this section referred to as “the appointed members”) appointed by the Governor-General, acting in accordance with the advice of the Judicial and Legal Service Commission.

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Sched.

(2) A person shall not be qualified to be an appointed member of the Commission if he is a member of, or a candidate for election to, Parliament or the Honiara city council or any provincial assembly.

(3) Subject to the provisions of the next following subsection, an appointed member of the Commission shall vacate his office—

- (a) at the expiration of the period specified in the instrument by which he was appointed; or
- (b) if any circumstances arise that, if he were not a member of the Commission, would cause him to be disqualified from appointment as such.

(4) The provisions of section 126 of this Constitution shall apply to an appointed member of the Electoral Commission as they apply to a member of the Public Service Commission except that subsection (7) shall apply as if for the words “in accordance with the advice of the Prime Minister” there were substituted the words “in accordance with the advice of the Judicial and Legal Service Commission”.

Functions of  
Electoral  
Commission

58.—(1) The Electoral Commission shall have general responsibility for, and shall supervise, the registration of electors for the election of members of Parliament and the conduct of elections of such members and the Commission shall have such powers and other functions relating to such registration and such elections as may be prescribed.

(2) Every proposed Bill and every proposed regulation or other instrument having the force of law relating to the registration of electors for the election of members of Parliament or to the election of such members shall be referred to the Electoral Commission at such time as shall give them sufficient opportunity to make comments thereon before the Bill is introduced in Parliament or, as the case may be, the regulation or other instrument is made.

(3) The Electoral Commission may make such reports to the Governor-General concerning the matters under their supervision, or any draft Bill or instrument that is referred to them, as they may think fit, and if the Commission so request in any such report other than a report on a draft Bill or instrument that report shall be laid before Parliament.

#### *Part II—Legislation and Procedure in Parliament*

59.—(1) Subject to the provisions of this Constitution, Parliament may make laws for the peace, order and good government of Solomon Islands.

Power to make  
laws

(2) The laws referred to in this section shall take the form of Bills passed by Parliament; and when a Bill has been passed by Parliament it shall be presented to the Governor-General who shall assent to it forthwith on behalf of the Head of State, and when such assent is given the Bill shall become law.

(3) No law shall come into operation until it has been published in the Gazette but Parliament may postpone the coming into operation of any such law and may make laws, subject to section 10(4) of this Constitution with retrospective effect.

(4) All laws made by Parliament shall be styled “Acts of Parliament” and the words of enactment shall be “Enacted by the National Parliament of Solomon Islands”

60. Except on the recommendation of the Cabinet signified by a Minister, Parliament shall not—

Introduction of  
Bills, etc.

- (a) proceed upon any Bill (including any amendment to a Bill) which, in the opinion of the person presiding, makes provision for imposing or increasing any tax, for imposing or increasing any charge on the Consolidated Fund or other funds of Solomon Islands, or for altering any such charge otherwise than by reducing it, or for compounding or remitting any debt due to Solomon Islands;
- (b) proceed upon any motion (including any amendment to a motion) which would, in the opinion of the person presiding, if the motion were carried, require the introduction of such a Bill as is referred to in paragraph (a) to give effect to the motion; or
- (c) receive any petition which, in the opinion of the person presiding, requests that provision be made for any of the purposes aforesaid.

Alteration of  
Constitution

**61.—**(1) Subject to the provisions of this section, Parliament may alter this Constitution.

(2) A Bill for an Act of Parliament to alter any of the following provisions of this Constitution, that is to say—

(a) this section;

(b) Chapters II, VII and IX;

(c) sections 46 to 58 (inclusive), and 108; and

(d) Chapter XIV to the extent that it relates to any of the provisions specified in the preceding paragraphs, shall not be passed by Parliament unless it is supported at the final voting on two separate readings in Parliament by the votes of not less than three-quarters of all the members of Parliament.

(3) A Bill for an Act of Parliament to alter any provision of this Constitution (but which does not alter any of the provisions of this Constitution as specified in subsection (2) of this section) shall not be passed by Parliament unless it is supported at the final voting on two separate readings in Parliament by the votes of not less than two-thirds of all the members of Parliament.

(4) Without prejudice to the provisions of subsections (2) and (3) of this section, a Bill for an Act of Parliament under this section shall not be passed by Parliament unless—

(a) notice of the Bill has been given to the Speaker at least four weeks before the first reading of the Bill in Parliament; and

(b) the Bill is clearly expressed to be a Bill for an Act of Parliament to alter the Constitution.

(5) In this section—

(a) references to this Constitution or to any particular provision thereof include references to any other law in so far as that law alters the Constitution or, as the case may be, that provision; and

(b) references to altering this Constitution or any particular provision thereof include references—

(i) to repealing it, with or without re-enactment thereof or the making of different provision in lieu thereof;

(ii) to modifying it, whether by omitting or amending any of its provisions or inserting additional provisions in it or otherwise;

(iii) to suspending its operation for any period, or terminating any such suspension; and

(iv) to making any other provision that is repugnant to or otherwise inconsistent with it.

**62.** Subject to the provisions of this Constitution, Parliament may from time to time make, amend and revoke rules and orders for the regulation and orderly conduct of its proceedings and the despatch of business, and for the passing, intituling and numbering of Bills.

Rules of  
procedure of  
Parliament

**63.** No member of Parliament shall be permitted to take part in the proceedings of Parliament (other than proceedings necessary for the purpose of this section) until he has made before Parliament an oath of allegiance in the form set out in Schedule 1 to this Constitution.

Oath of  
allegiance

**64.—**(1) Parliament shall at its first sitting after any general election elect—

The Speaker and  
Deputy Speaker

(a) from among persons who are qualified for election as a member of Parliament, a Speaker; and

(b) from among its members, a Deputy Speaker.

(2) The office of the Speaker or the Deputy Speaker shall become vacant—

(a) if he announces the resignation of his office to Parliament or if, by writing under his hand addressed to Parliament and received by the Clerk to the Legislature, he resigns that office;

(b) if Parliament passes a resolution supported by the votes of not less than two-thirds of all the members thereof requiring his removal;

(c) in the case of the Speaker—

(i) if any circumstances arise that would cause him to be disqualified from election as a member of Parliament; or

(ii) when Parliament first sits after a general election; or

(d) in the case of the Deputy Speaker—

(i) if he ceases to be a member of Parliament or if, under the provisions of section 51 of this Constitution, he is required to cease to perform his functions as a member of Parliament;

(ii) if he becomes a Minister;

(iii) if he is elected as Speaker; or

(iv) if he becomes a recognised leader in Parliament of any political party.

(3) If the office of Speaker or Deputy Speaker becomes vacant Parliament shall, unless it is sooner dissolved, elect a person qualified under this section to fill the vacancy at its next sitting after the occurrence of the vacancy or as soon as practicable thereafter.

(4) No business shall be transacted in Parliament (other than the election of a Speaker) at any time when the office of Speaker is vacant.

(5) Save as otherwise provided in this Constitution or any other law, the Speaker shall not hold any other office.

Presiding in  
Parliament

**65.** The Speaker or in his absence the Deputy Speaker or in their absence a member of Parliament (not being a Minister) elected by Parliament for the sitting, shall preside at any sitting of Parliament:

Provided that at the first sitting of Parliament after any general election, until a Speaker is elected there shall preside the person who last held office as Speaker or, in his absence, the person who last held office as Deputy Speaker.

Leaders of  
opposition and  
independent  
groups in  
Parliament

**66.—**(1) If at any time it appears to the Governor-General, acting in accordance with the advice of the Speaker, that the leader of an opposition group, by reason of the numerical strength of that opposition group or by reason of the support which he receives from the members of opposition groups generally, should be appointed as Leader of the Official Opposition, the Governor-General shall appoint him as such leader.

(2) If at anytime it appears to the Governor-General, acting in accordance with the advice of the Speaker, that the leader of an independent group, by reason of the numerical strength of that independent group or by reason of the support which he receives from the members of independent groups generally, should be appointed as Leader of the Independent Members, the Governor-General shall appoint him as such leader.

(3) If the Governor-General, acting in accordance with the advice of the Speaker, considers that the Leader of the Official Opposition is no longer the person who, if the office of Leader of the Official Opposition were vacant, would be appointed thereto under subsection (1) of this section, the Governor-

General shall remove the Leader of the Official Opposition from office.

(4) If the Governor-General, acting in accordance with the advice of the Speaker, considers that the Leader of the Independent Members is no longer the person who, if the office of Leader of the Independent Members were vacant, would be appointed thereto under subsection (2) of this section, the Governor-General shall remove the Leader of the Independent Members from office.

(5) Before tendering advice to the Governor-General under subsections (1) and (3) of this section, the Speaker shall consult with the leaders and members of the opposition groups and such other persons as he deems appropriate, and before tendering advice under subsections (2) and (4) of this section, the Speaker shall consult with the leaders and members of the independent groups and such other persons as he deems appropriate.

(6) If the Leader of the Official Opposition or the Leader of the Independent Members—

(a) is required under section 51 of this Constitution to cease to perform his functions as a member of Parliament;

(b) otherwise ceases to be such a member; or

(c) is elected as Deputy Speaker,  
his office shall become vacant.

(7) For the purposes of this section—

“opposition group” means a group of members of Parliament in opposition to the Government, whose number includes a leader who commands their support;

“independent group” means a group of members of Parliament whose members are independent both of the Government and of any opposition group and whose number includes a leader who commands their support.

(8) Parliament may by resolution supported by an absolute majority of the members thereof prescribe the minimum number of members of opposition or independent groups there must be before the Leader of the Official Opposition or of the Independent Members, as the case may be, is appointed under this section.

**67.** If objection is taken by any member of Parliament present that there are present in Parliament (besides the person presiding) less than half of all the members thereof and, after such interval as may be prescribed in the rules of procedure of Parliament, the person presiding ascertains that the number of

Quorum.

members present is still less than half of all the members, he shall thereupon adjourn Parliament.

Proceedings in  
Parliament

68. Subject to the provisions of the preceding section, Parliament shall not be disqualified from the transaction of business by reason of any vacancy in its membership, and any proceedings in Parliament shall be valid notwithstanding that some person who was not entitled to do so took part in those proceedings.

Privileges of  
Parliament and  
its members

69. Parliament may prescribe the privileges, immunities and powers of Parliament and its members.

Members of  
Parliament  
(Entitlements)  
Commission  
1 of 1983, s. 2

69A.—(1) There shall be a Members of Parliament (Entitlements) Commission consisting of the Chairman and four other members.

(2) The Chairman and two of the members (in this section referred to as the "appointed members"), shall be appointed by the Governor-General on the advice of the Prime Minister.

(3) The person for the time being holding the office of the Minister of Finance, and the person for the time being holding the office of the Chairman, Public Accounts Committee appointed under Standing Order 69 of the Standing Orders of the National Parliament of Solomon Islands, shall be the other two members.

(4) A person shall not be qualified to be appointed as the Chairman or an appointed member of the Commission if he is a member of, or a candidate for election to, Parliament.

(5) The office of the Chairman and an appointed member shall become vacant—

- (a) at the expiration of such period not exceeding three years as may be specified in the instrument by which he was appointed; or
- (b) on death, or by resignation in writing addressed to the Governor-General; or
- (c) upon his removal, in relation to which the provisions of section 126 of this Constitution shall apply as they apply in relation to the removal of a member of the Public Service Commission.

(6) The Chairman and the members shall be entitled to receive a daily allowance at the rate from time to time prescribed by the

Constitutional Offices (Terms and Conditions of Service) Act in respect of the members of the Public Service Commission.

69B.—(1) Power to determine the entitlements of the Parliamentarians and to amend them by yearly review shall vest in the Members of Parliament (Entitlements) Commission.

Determination of  
entitlements of  
Parliamentarians  
1 of 1983, s. 2

(2) In the exercise of their powers, the Members of Parliament (Entitlements) Commission shall—

- (a) consider such representations as they may receive from persons or body of persons, within such time as may be notified by them;
- (b) have regard to such information as may be supplied to them by the Government, Parliament or any other organisation in relation to the following matters—
  - (i) the state of the national economy and the financial position of the Government;
  - (ii) movements in the level of the pay and other entitlements admissible to other persons in employment; and
  - (iii) changes in the retail price index and other relevant indicator showing the cost of maintaining the standard of living that Parliamentarians might reasonably be expected to enjoy.
- (c) make regulations and having made them, amend those regulations, in accordance with section 137 of this Constitution, providing for the following matters—
  - (i) the scales of salaries and other entitlements payable to Parliamentarians;
  - (ii) the terms, conditions and manner of payment of such salaries and entitlements and of loans and advances on such salaries;
  - (iii) exemptions of such salaries and entitlements from taxes and other liabilities;
  - (iv) such other matters, including matters specified in subsection (3) of this section as may facilitate the discharge of their functions as Parliamentarians.

(3) In making or amending the regulations, the Members of Parliament (Entitlements) Commission shall —

- (a) consider, in relation to Parliamentarians and their families the following matters, namely, accommodation during sittings of Parliament, housing, medical treatment, internal

transport, external transport, travelling imprest, death and retirement benefits, appointment and terminal grants, advances and loans, additional payment for service in committees of Parliament, insurance and such other matter as may facilitate the discharge of their functions as Parliamentarians;

(b) secure that the salaries and other entitlements of Parliamentarians increase at no less a rate than the rate of increase, if any, of salaries and entitlements (taken as a whole) of the public officers.

(4) Every regulation made or amended under this section —

(a) shall come into force on 1st April —

(i) of the year in which it is made, if it is made on that day; or

(ii) of the year next following the date on which it is made, if it is made on any other date:

Provided that the Members of Parliament (Entitlements) Commission may, in order to comply with the requirement of subsection (3)(b) of this section, enforce any such regulation from such other date prospectively or retrospectively, as they may specify in that regulation; and

(b) shall, during the period such regulation is in force, have effect as if it were a provision of this Constitution.

**69C.**—(1) Upon the commencement of the regulations made or amended under section 69B of this Constitution, no entitlement and no exemption of an entitlement from any tax or other liability shall be admissible to any Parliamentarian except in accordance with those regulations.

(2) In this section and in sections 69A and 69B of this Constitution—

(a) “entitlements” include salaries, allowances and such other benefits, services or facilities, whether in cash or otherwise, as the Members of Parliament (Entitlements) Commission may consider it necessary to be provided to the Parliamentarians to enable them to maintain the dignity of their office; and

(b) “Parliamentarian” means the Prime Minister, Ministers, the Leader of the Opposition, the Leader of the Independent Group, the Deputy Speaker and all other

Admissibility of entitlements to be in accordance with the regulations  
1 of 1983, s. 2

members of Parliament, whether or not, Parliament is in session or in sitting;

(c) “year” means a period of twelve months commencing on 1st April, and ending with 31st March next following.

**70.** The proceedings of Parliament shall be held in public except in so far as its rules of procedure otherwise provide.

Proceedings of Parliament to be held in public

**71.**—(1) Subject to the provisions of this Constitution, all questions proposed for decision in Parliament shall be determined by a majority of the votes of the members present and voting.

Voting

(2) If the person presiding is—

(a) the Speaker, he shall have neither an original nor a casting vote;

(b) the Deputy Speaker or a member elected by Parliament for the sitting under section 65 of this Constitution, he shall not have an original vote but shall have and shall exercise a casting vote if on any question the votes are equally divided.

(3) Subject to the provisions of subsection (2)(b) of this section, if upon any question the votes are equally divided the motion shall be declared lost.

**72.**—(1) Subject to the provisions of this section, each session of Parliament shall be held at such place within Solomon Islands and shall commence at such time as the Governor-General may appoint by proclamation published in the Gazette.

Sessions of Parliament

(2) Sessions of Parliament shall be held so that a period of twelve months does not intervene between the end of one session and the first sitting of Parliament in the next session.

**73.**—(1) If at any time Parliament decides by resolution supported by the votes of an absolute majority of the members of Parliament that Parliament should be prorogued or dissolved, the Governor-General shall forthwith prorogue or, as the case may be, dissolve Parliament by proclamation published in the Gazette.

Prorogation and dissolution

(2) A motion for a resolution under the preceding subsection shall not be passed by Parliament unless notice of the motion has been given to the Speaker at least seven clear days before it is introduced.

(3) Parliament, unless sooner dissolved under subsection (1) of this section, shall continue for four years from the date of the



first sitting of Parliament after any general election and shall then stand dissolved.

General elections

74. There shall be a general election at such time within four months of every dissolution of Parliament as the Governor-General shall appoint by proclamation published in the Gazette.

## CHAPTER VII

### THE LEGAL SYSTEM

#### *Part I—The Application of Laws*

Application of laws

75.—(1) Parliament shall make provision for the application of laws, including customary laws.

(2) In making provision under this section, Parliament shall have particular regard to the customs, values and aspirations of the people of Solomon Islands.

Common law and customary law, etc.

76. Until Parliament makes other provision under the preceding section, the provisions of Schedule 3 to this Constitution shall have effect for the purpose of determining the operation in Solomon Islands—

- (a) of certain Acts of the Parliament of the United Kingdom mentioned therein;
- (b) of the principles and rules of the common law and equity;
- (c) of customary law; and
- (d) of the legal doctrine of judicial precedent.

#### *Part II—The Judiciary*

##### (a) The High Court

Establishment of High Court

77.—(1) There shall be a High Court for Solomon Islands which shall have unlimited original jurisdiction to hear and determine any civil or criminal proceedings under any law and such other jurisdiction and powers as may be conferred on it by this Constitution or by Parliament.

(2) The judges of the High Court shall be the Chief Justice and such number of puisne judges, if any, as may be prescribed by Parliament:

Provided that the office of a judge shall not be abolished while any person is holding that office unless he consents to its abolition.

78.—(1) The Chief Justice shall be appointed by the Governor-General, acting in accordance with the advice of the Judicial and Legal Service Commission.

Appointment of judges of High Court

(2) The puisne judges shall be appointed by the Governor-General, acting in accordance with the advice of the Judicial and Legal Service Commission.

(3) A person shall not be qualified for appointment as a judge of the High Court unless—

- (a) he holds, or has held, high judicial office in any country in the Commonwealth or in any country outside the Commonwealth that may be prescribed by Parliament; or
- (b) he is qualified to practise as a barrister or solicitor in such a country and he has been so qualified for not less than five years.

(4) In computing, for the purposes of the preceding subsection, the period during which any person has been qualified to practise as a barrister or solicitor, any period during which he has held judicial office after becoming so qualified shall be included.

79.—(1) If the office of Chief Justice is vacant or if the person holding that office is for any reason unable to perform the functions of his office, the Governor-General, acting in accordance with the advice of the Judicial and Legal Service Commission, may appoint a puisne judge or some other person qualified for appointment as a judge of the High Court to act as Chief Justice.

Acting judges and Commissioners of High Court

(2) If the office of a puisne judge is vacant or if a person holding the office of puisne judge is acting as Chief Justice or is for any reason unable to perform the functions of his office, the Governor-General, acting in accordance with the advice of the Judicial and Legal Service Commission, may appoint a person qualified for appointment as a judge of the High Court to act as a puisne judge.

(3) Any person appointed under the provisions of this section to act as a judge of the High Court shall, unless he earlier resigns his acting office or is removed therefrom under the next following section, continue so to act until the end of the period for which he was appointed or, if he was not appointed for a specified period, until his appointment is revoked by the Governor-General, acting in accordance with the advice of the Judicial and Legal Service Commission:



Provided that a person whose appointment has expired or whose appointment has been revoked may continue to act as such for so long thereafter as may be necessary to enable him to deliver judgment or to do any other thing in relation to any proceedings that were commenced before him previously thereto.

(4) Whenever he is satisfied that no judge of the High Court is available to attend to the business of the Court, the Governor-General, acting in accordance with the advice of the Judicial and Legal Service Commission, may appoint some person to perform—

(a) all or any of the functions of a judge, either generally or in respect of any particular case or class of cases;

(b) such functions of a judge as it shall appear to that person require to be performed without delay,

subject to such limitations and conditions, if any, as may be specified in the instrument of appointment.

(5) Any person appointed under the provisions of the preceding subsection shall be styled a Commissioner of the High Court; all things done by him in accordance with the terms of his appointment shall have the same validity and effect as if they had been done by a judge of the High Court; in respect thereof he shall have the same powers and enjoy the same immunities as if he had been a judge of the High Court; and, notwithstanding that the period of his appointment has expired or his appointment has been revoked, he may sit as a Commissioner of the High Court for the purpose of delivering judgment or doing any other thing in relation to any proceedings that were commenced before him whilst his appointment was subsisting.

80.—(1) Subject to the provisions of this section, a judge of the High Court shall hold office until he attains the age of sixty years.

(2) Notwithstanding the preceding subsection, a person who is not a citizen of Solomon Islands and is over the age of sixty years may be appointed as a judge of the High Court for a term of years and shall cease to hold office at the expiration of that term, and shall not otherwise cease to hold office except in accordance with this section.

(3) Nothing done by a judge of the High Court shall be invalid by reason only that he has attained the age at which he is required by this section to vacate his office.

(4) A judge of the High Court may be removed from office

Tenure of office  
of Judges of  
High Court

only for inability to discharge the functions of his office (whether arising from infirmity of body or mind or any other cause) or for misbehaviour and shall not be so removed except in accordance with the provisions of this section.

(5) A judge of the High Court shall be removed from office by the Governor-General if the question of the removal of that judge from office has been referred to a tribunal appointed under the next following subsection and the tribunal has advised the Governor-General that he ought to be removed from office for inability as aforesaid or for misbehaviour.

(6) If the Governor-General considers that the question of removing a judge of the High Court from office for inability as aforesaid or for misbehaviour ought to be investigated, then—

(a) the Governor-General shall appoint a tribunal which shall consist of a chairman and not less than two other members, selected by the Governor-General from among persons who hold or have held high judicial office in some part of the Commonwealth; and

(b) the tribunal shall enquire into the matter and report on the facts thereof to the Governor-General and advise the Governor-General whether that judge should be removed under this section.

(7) If the question of removing a judge of the High Court from office has been referred to a tribunal under the preceding subsection, the Governor-General may suspend the judge from performing the functions of his office, and any such suspension may at any time be revoked by the Governor-General and shall in any case cease to have effect if the tribunal advises the Governor-General that that judge should not be removed from office.

(8) Except as provided in subsection (5) of this section, the functions of the Governor-General under this section shall be exercised by him in his own deliberate judgment.

81. A judge of the High Court whose appointment has terminated otherwise than by reason of his removal from office may sit as a judge of that Court for the purpose of delivering judgment or doing any other thing in relation to any proceedings that were commenced before him while his appointment was subsisting.

Judge may sit  
after  
appointment has  
terminated

82. The High Court shall have a seal bearing on it the words "The High Court of Solomon Islands" and such device as Parliament shall approve by resolution.

Seal of High  
Court

Jurisdiction of  
High Court in  
constitutional  
questions

83.—(1) Subject to the provisions of section 31(3) and 98(1) of, and paragraph 10 of Schedule 2 to, this Constitution, if any person alleges that any provision of this Constitution (other than Chapter II) has been contravened and that his interests are being or are likely to be affected by such contravention, then, without prejudice to any other action with respect to the same matter which is lawfully available, that person may apply to the High Court for a declaration and for relief under this section.

(2) The High Court shall have jurisdiction, in any application made by any person in pursuance of the preceding subsection or in any other proceedings lawfully brought before the Court, to determine whether any provision of this Constitution (other than Chapter II) has been contravened and to make a declaration accordingly:

Provided that the High Court shall not make a declaration in pursuance of the jurisdiction conferred by this subsection unless it is satisfied that the interests of the person by whom the application under the preceding subsection is made or, in the case of other proceedings before the Court, a party to those proceedings, are being or are likely to be affected.

(3) Where the High Court makes a declaration in pursuance of the preceding subsection that any provision of the Constitution has been contravened and the person by whom the application under subsection (1) of this section was made or, in the case of other proceedings before the Court, the party in those proceedings in respect of whom the declaration is made, seeks relief, the High Court may grant to that person such remedy, being a remedy available against any person in any proceedings in the High Court under any law for the time being in force in Solomon Islands, as the Court considers appropriate.

(4) Nothing in this section shall confer jurisdiction on the High Court to hear or determine any such question as is referred to in section 52 of this Constitution otherwise than upon an application made in accordance with the provisions of that section.

84.—(1) The High Court shall have jurisdiction to supervise any civil or criminal proceedings before any subordinate court and may make such orders, issue such writs and give such directions as it may consider appropriate for the purpose of ensuring that justice is duly administered by any such court.

High Court and  
subordinate  
courts

(2) Where any question as to the interpretation of any provision of this Constitution other than Chapter II arises in any subordinate court and the court is of opinion that the question involves a substantial question of law, the court shall refer the question to the High Court.

(3) Where any question is referred to the High Court in pursuance of the preceding subsection, the High Court shall give its decision upon the question and the court in which the question arose shall dispose of the case in accordance with that decision or, if that decision is the subject of an appeal to the Court of Appeal, in accordance with the decision of the Court of Appeal.

#### (b)—The Court of Appeal

85.—(1) There shall be a Court of Appeal for Solomon Islands which shall have such jurisdiction and powers to hear and determine appeals in civil and criminal matters as may be conferred on it by this Constitution or by Parliament.

Establishment of  
Court of Appeal

(2) The judges of the Court of Appeal shall be—

- (a) a President and such number of other Justices of Appeal, if any, as may be prescribed by Parliament; and
- (b) the Chief Justice and the puisne judges of the High Court, who shall be judges of the Court *ex officio*.

86.—(1) The President of the Court of Appeal shall be appointed by the Governor-General, acting in accordance with the advice of the Judicial and Legal Service Commission.

Appointment of  
judges of Court  
of Appeal

(2) The other Justices of Appeal shall be appointed by the Governor-General, acting in accordance with the advice of the Judicial and Legal Service Commission.

(3) A person shall not be qualified to be appointed under subsection (1) or (2) of this section unless he is qualified for appointment as a judge of the High Court.

(4) A judge of the Court of Appeal shall not sit as a judge of the Court on the hearing of an appeal—

- (a) from any decision given by himself or any decision given by any court of which he was sitting as a member; or
- (b) against a conviction or sentence if he was the judge by or before whom the appellant was convicted.

(5) If the office of President of the Court of Appeal is vacant

or if the person holding that office is for any reason unable to perform the functions of his office, then, until a person has been appointed to and has assumed the functions of that office or until the holder thereof has resumed those functions, as the case may be, the Governor-General, acting in accordance with the advice of the Judicial and Legal Service Commission, may appoint one of the other judges of the Court of Appeal or some other person qualified for appointment to that office to act as President of the Court of Appeal:

Provided that a person appointed under this subsection who is not a judge of the Court of Appeal may, notwithstanding the assumption or resumption of the functions of the office of President of the Court of Appeal by the holder of that office, continue to act as a judge of the Court of Appeal for so long thereafter as may be necessary to enable him to deliver judgment or do any other thing in relation to any proceedings that were commenced before him previously thereto.

(6) Nothing in this section or the preceding section shall preclude the offices of Chief Justice and President of the Court of Appeal from being held by the same person.

**87.—**(1) Subject to the provisions of this section, a judge of the Court of Appeal shall hold office until he attains the age of sixty years.

(2) Notwithstanding the preceding subsection, a person who is not a citizen of Solomon Islands and is over the age of sixty years may be appointed as a judge of the Court of Appeal for a term of years and shall cease to hold office at the expiration of that term, and shall not otherwise cease to hold office except in accordance with this section.

(3) Nothing done by a judge of the Court of Appeal shall be invalid by reason only that he has attained the age at which he is required by this section to vacate his office.

(4) A judge of the Court of Appeal may be removed from office only for inability to discharge the functions of his office (whether arising from infirmity of body or mind or any other cause) or for misbehaviour, and shall not be so removed except in accordance with the provisions of this section.

(5) A judge of the Court of Appeal shall be removed from office by the Governor-General if the question of the removal of that judge from office has been referred to a tribunal appointed under the next following subsection and the tribunal has advised the

Tenure of office  
of judges of  
Court of Appeal

Governor-General that he ought to be removed from office for inability as aforesaid or for misbehaviour.

(6) If the Governor-General considers that the question of removing a judge of the Court of Appeal from office for inability as aforesaid or for misbehaviour ought to be investigated, then—

(a) the Governor-General shall appoint a tribunal which shall consist of a chairman and not less than two other members, selected by the Governor-General from among persons who hold or have held high judicial office in some part of the Commonwealth; and

(b) the tribunal shall enquire into the matter and report on the facts thereof to the Governor-General and advise the Governor-General whether that judge should be removed under this section.

(7) If the question of removing a judge of the Court of Appeal from office has been referred to a tribunal under the preceding subsection, the Governor-General may suspend the judge from performing the functions of his office, and any such suspension may at any time be revoked by the Governor-General and shall in any case cease to have effect if the tribunal advises the Governor-General that that judge should not be removed from office.

(8) Except as provided in subsection (5) of this section, the functions of the Governor-General under this section shall be exercised by him in his own deliberate judgment.

**88.** A judge of the Court of Appeal whose appointment has terminated otherwise than by reason of his removal from office may sit as a judge of that Court for the purpose of delivering judgment or doing any other thing in relation to any proceedings that were commenced before him while his appointment was subsisting.

Judge may sit  
after  
appointment has  
terminated

**89.** The Court of Appeal shall have a seal bearing on it the words "The Court of Appeal of Solomon Islands" and such device as Parliament shall approve by resolution.

Seal of Court of  
Appeal

#### (c)—Rules of Court

**90.** There shall be a Rules Committee, consisting of the Chief Justice, the President of the Court of Appeal and the Attorney-General (who shall constitute a quorum) and such other persons

Rules of court

as the Governor-General, acting after consultation with the Chief Justice, may appoint, which may make rules of court regulating the practice and procedure of the High Court and the Court of Appeal, prescribing the fees to be paid in respect of any proceeding and generally for making provision for the proper and effectual exercise of the jurisdiction of the High Court and the Court of Appeal, including the procedure for the making and hearing of appeals to the High Court from subordinate courts and for the making and hearing of appeals to the Court of Appeal from the High Court:

Provided that rules regulating the admission of legal practitioners to practise as barristers and solicitors or in either of these capacities, or prescribing or affecting the amount of any fees or the recovery thereof, shall not come into operation unless approved, either before or after being made, by Parliament.

*Part III—The Director of Public Prosecutions and the Public Solicitor*

Director of  
Public  
Prosecutions

91.—(1) There shall be a Director of Public Prosecutions whose office shall be a public office.

(2) The Director of Public Prosecutions shall be appointed by the Governor-General, acting in accordance with the advice of the Judicial and Legal Service Commission.

(3) A person shall not be qualified to hold or act in the office of Director of Public Prosecutions unless he is entitled to practise in Solomon Islands as an advocate or as a barrister and solicitor.

(4) The Director of Public Prosecutions shall have power in any case in which he considers it desirable to do so—

(a) to institute and undertake criminal proceedings against any person before any court (other than a court-martial) in respect of any offence alleged to have been committed by that person;

(b) to take over and continue any such criminal proceedings that have been instituted or undertaken by any other person or authority; and

(c) to discontinue at any stage before judgment is delivered any such criminal proceedings instituted or undertaken by himself or any other person or authority.

(5) The powers of the Director of Public Prosecutions under the preceding subsection may be exercised by him in person or

through other persons acting in accordance with his general or specific instructions.

(6) The powers conferred on the Director of Public Prosecutions by paragraphs (b) and (c) of subsection (4) of this section shall be vested in him to the exclusion of any other person or authority:

Provided that where any other person or authority has instituted criminal proceedings, nothing in this subsection shall prevent the withdrawal of those proceedings by or at the instance of that person or authority and with the leave of the court.

(7) In the exercise of the powers conferred on him by this section the Director of Public Prosecutions shall not be subject to the direction or control of any other person or authority:

Provided that, where any case in any way concerns the defence, security or international relations of Solomon Islands, the Director of Public Prosecutions shall bring the matter to the attention of the Minister responsible for justice and shall, in the exercise of his powers in relation to that case, act in accordance with any directions that Minister may give to him.

(8) For the purposes of this section, any appeal from any judgment in any criminal proceedings before any court, or any case stated or question of law reserved for the purpose of any such proceedings to any other court, shall be deemed to be part of those proceedings:

Provided that the power conferred on the Director of Public Prosecutions by paragraph (c) of subsection (4) of this section shall not be exercised in relation to any appeal by a person convicted in any criminal proceedings or to any case stated or question of law reserved at the instance of such a person.

(9) During any period when the office of Director of Public Prosecutions is vacant or the holder of that office is for any reason unable to perform the functions of his office, those functions shall be performed by the Attorney-General.

92.—(1) There shall be a Public Solicitor, whose office shall be a public office.

Public Solicitor

(2) The Public Solicitor shall be appointed by the Governor-General, acting in accordance with the advice of the Judicial and Legal Service Commission.

(3) A person shall not be qualified to hold or act in the office

of Public Solicitor unless he is entitled to practise in Solomon Islands as an advocate or as a barrister and solicitor.

(4) The functions of the Public Solicitor are to provide legal aid, advice and assistance to persons in need in such circumstances and subject to such conditions as may be prescribed by Parliament, and in particular—

(a) to provide legal aid, advice and assistance to any person in need who has been charged with a criminal offence; and

(b) to provide legal aid, advice and assistance to any person when directed to do so by the High Court.

(5) A person aggrieved by a refusal of the Public Solicitor to provide legal aid, advice and assistance to him may apply to the High Court for a direction under paragraph (b) of the preceding subsection.

(6) Parliament may make provision for the Public Solicitor to make a reasonable charge for services provided by him to persons in need whom he considers are able to make a contribution towards the cost of those services.

(7) Except as provided in paragraph (b) of subsection (4) of this section, in the exercise of the functions conferred on him by or under this section the Public Solicitor shall not be subject to the direction or control of any other person or authority.

## CHAPTER VIII

### LEADERSHIP CODE

93. The provisions of this Chapter apply to and in relation to—

(a) the Governor-General;

(b) the Prime Minister and the other Ministers;

(c) the Leader of the Official Opposition and the Leader of the Independent Members;

(d) all other members of Parliament;

(e) the Speaker;

(f) members of any Commission established by this Constitution;

(g) public officers;

(h) officers of the government of Honiara city, provincial government officers, members of the Honiara city council and provincial assemblies;

Application of  
this Chapter

1 of 1983, Sch

(i) officers of statutory corporations and Government agencies; and

(j) such other officers as Parliament may prescribe.

94.—(1) A person to whom this Chapter applies has a duty to conduct himself in such a way, both in his public or official life and his private life, and in his associations with other persons, as not—

(a) to place himself in a position in which he has or could have a conflict of interests or in which the fair exercise of his public or official duties might be compromised;

(b) to demean his office or position;

(c) to allow his integrity to be called into question; or

(d) to endanger or diminish respect for and confidence in the integrity of the government of Solomon Islands.

(2) In particular, a person to whom this Chapter applies shall not use his office for personal gain or enter into any transaction or engage in any enterprise or activity that might be expected to give rise to doubt in the public mind as to whether he is carrying out or has carried out the duty imposed by the preceding subsection.

(3) It is the further duty of a person to whom this Chapter applies—

(a) to ensure, as far as is within his lawful power, that his spouse and children and any other persons for whom he is responsible, including nominees, trustees and agents, do not conduct themselves in a way that might be expected to give rise to doubt in the public mind as to his complying with his duties under this section; and

(b) if necessary, publicly to dissociate himself from any activity or enterprise of any of his associates, or of a person referred to in paragraph (a) of this subsection, that might be expected to give rise to such a doubt.

(4) A person to whom this Chapter applies who—

(a) is convicted of an offence in respect of his office or position or in relation to the performance of his functions or duties;

(b) fails to carry out the obligations imposed by the preceding subsections of this section; or

(c) commits any act or omission prescribed under section 95 of this Constitution as constituting misconduct in office, is guilty of misconduct in office.

Responsibilities  
of office

Further  
provisions

**95.** Subject to the provisions of this Constitution, for the purposes of this Chapter, Parliament—

- (a) may make provision for the disclosure of the personal and business incomes and financial affairs of persons to whom this Chapter applies, and of their families and associates, and in particular of interests in contracts with governmental bodies and of directorships and similar offices held by them (including powers to nominate directors, trustees or agents, or similar officers);
- (b) may make provision for the disposal or temporary control of the assets or income of a person to whom this Chapter applies where this seems to be desirable for attaining the objects of this Chapter;
- (c) may prescribe specific acts or omissions as constituting misconduct in office;
- (d) may create offences (including offences by persons to whom this Chapter applies and offences by other persons) and prescribe penalties for such offences;
- (e) shall provide for the investigation of cases of alleged or suspected misconduct in office;
- (f) shall provide for the reference of cases of alleged or suspected misconduct in office to such independent courts or tribunals as may be prescribed, and for the investigation and determination by such courts or tribunals of any such cases that may be referred to them in the manner prescribed;
- (g) shall make provision with respect to the powers and procedure of such courts or tribunals as may be prescribed under the preceding paragraph and shall prescribe the penalties or other consequences that may result from a lawful determination by any such court or tribunal that a person to whom this Chapter applies is guilty of misconduct in office; and
- (h) may make such other provision as may appear necessary or expedient for attaining the objects of this Chapter.

## CHAPTER IX

### THE OMBUDSMAN

**96.—**(1) There shall be an Ombudsman, whose office shall be a public office.

(2) The Ombudsman shall be appointed by the Governor-

General, acting in accordance with the advice of a committee consisting of the Speaker, the Chairman of the Public Service Commission and the Chairman of the Judicial and Legal Service Commission.

(3) If the person appointed as Ombudsman is a member of Parliament or a provincial assembly, he shall forthwith cease to be such a member.

(4) The Ombudsman shall not perform the functions of any other public or provincial government office, and shall not, without the approval of the Governor-General in each particular case, hold any other office of emolument than the office of the Ombudsman or engage in any occupation for reward outside the duties of his office.

(5) Subject to the provisions of the next following subsection, the Ombudsman shall vacate his office at the expiration of five years from the date of his appointment.

(6) The Ombudsman may be removed from office only for inability to discharge the functions of his office (whether arising from infirmity of body or mind or any other cause) or for misbehaviour and shall not be so removed except in accordance with the procedure for the removal of a judge of the High Court as set out in subsections (4) to (7) of section 80 of this Constitution.

**97.—**(1) The functions of the Ombudsman shall be to:—

- (a) enquire into the conduct of any person to whom this section applies in the exercise of his office or authority, or abuse thereof;
- (b) assist in the improvement of the practices and procedures of public bodies; and
- (c) ensure the elimination of arbitrary and unfair decisions.

(2) Parliament may confer additional functions on the Ombudsman.

(3) This section applies to members of the public service, the Police Force, the Prisons Service, the government of Honiara city, provincial governments, and such other offices, commissions, corporate bodies or public agencies as may be prescribed by Parliament:

Provided that it shall not apply to the Governor-General or his personal staff or to the Director of Public Prosecutions or any person acting in accordance with his instructions.

Functions of  
Ombudsman

1 of 1983, Sched

Office of  
Ombudsman

(4) Nothing in this section or in any Act of Parliament enacted for the purposes of this Chapter shall confer on the Ombudsman any power to question or review any decision of any judge, magistrate or registrar in the exercise of his judicial functions.

Discharge of  
functions of  
Ombudsman

**98.**—(1) In the discharge of his functions the Ombudsman shall not be subject to the direction or control of any other person or authority and no proceedings of the Ombudsman shall be called in question in any court of law.

(2) The Ombudsman shall not conduct an investigation in respect of any matter if he has been given notice by the Prime Minister that the investigation of that matter would not be in the interests of the security of Solomon Islands.

(3) The Ombudsman shall make an annual report and may make such additional reports to Parliament as he deems appropriate concerning the discharge of his functions, and may draw attention to any defects which appear to him to exist in the administration or any law.

Further  
provisions

**99.** Parliament may make provision for such supplementary and ancillary matters as may appear necessary or expedient to give effect to the provisions of this Chapter.

## CHAPTER X

### FINANCE

Consolidated  
Fund and Special  
Funds

**100.**—(1) All revenues or other moneys raised or received by or for the purposes of the Government (not being revenues or other moneys that are payable by or under any law into some other fund established for any specific purpose or that may, by or under any law, be retained by the authority that received them for the purpose of defraying the expenses of that authority) shall be paid into and form one Consolidated Fund.

(2) Parliament may make provision for the establishment of Special Funds, which shall not form part of the Consolidated Fund.

(3) The receipts, earnings and accruals of Special Funds established under this section and the balance of such funds at the close of each financial year shall not be paid into the Consolidated Fund but shall be retained for the purposes of those funds.

**101.**—(1) No money shall be issued from the Consolidated Fund except upon the authority of a warrant under the hand of the Minister of Finance.

Withdrawal of  
money from the  
Consolidated  
Fund

(2) No warrant shall be issued by the Minister of Finance for the purpose of meeting any expenditure unless—

- (a) the expenditure has been authorised for the financial year during which the issue is to take place by an Appropriation Act;
- (b) the expenditure has been authorised in accordance with the provisions of section 103 or 104 of this Constitution; or
- (c) it is statutory expenditure.

**102.**—(1) The Minister of Finance shall cause to be prepared and laid before Parliament before the commencement of each financial year estimates of the revenues and expenditure of the Government for that year, provided that in exceptional circumstances which shall be explained to Parliament the Minister may cause the estimates to be laid before Parliament not later than ninety days after the commencement of the financial year.

Authorisation of  
expenditure

(2) The heads of expenditure contained in the estimates (other than statutory expenditure) shall be included in a bill to be known as an Appropriation Bill which shall be introduced into Parliament to provide for the issue from the Consolidated Fund of the sums necessary to supply those heads and the appropriation of those sums for the purposes specified therein.

(3) If in respect of any financial year it is found that the sum appropriated by the Appropriation Act for any purpose is insufficient or that a need has arisen for expenditure for a purpose for which no sum has been appropriated by that law, a supplementary estimate showing the sums required shall be included in a Supplementary Appropriation Bill for appropriation.

(4) If at the close of account for any financial year it is found that any moneys have been expended on any head in excess of the sum appropriated for that head by an Appropriation Act or for a purpose for which no money has been appropriated, the excess or the sum expended but not appropriated as the case may be shall be included in a statement of heads in excess which, together with the report of the Public Accounts Committee thereon, shall be presented to Parliament.

(5) Statutory expenditure shall not be voted on by Parliament but, without further authority of Parliament, shall be paid out of



the Consolidated Fund by warrant under the hand of the Minister of Finance.

Authorisation of  
expenditure in  
advance of  
appropriation

**103.**—(1) If the Appropriation Act in respect of any financial year has not come into operation by the beginning of that financial year, Parliament by resolution may empower the Minister of Finance to authorise the issue of moneys from the Consolidated Fund for the purpose of meeting expenditure necessary to carry on the public services at a level not exceeding the level of these services in the previous financial year, until the expiration of four months from the beginning of that financial year or the coming into operation of the Appropriation Act, whichever is the earlier.

(2) Where in respect of any financial year the Minister is satisfied that an urgent and unforeseen need has arisen to authorise for any purpose issues from the Consolidated Fund for expenditure in excess of the sum appropriated for that purpose by an Appropriation Act, or for a purpose for which no sum has been so appropriated, he may, subject to the provisions of any law or regulations for the time being in force in that regard, authorise, with the prior approval of the Cabinet, such issues by warrant and shall include such amount in a Supplementary Appropriation Bill for appropriation at the meeting of Parliament next following the date on which the warrant was issued:

Provided that if there shall be no further meeting in the same financial year, the Bill may be deferred to any meeting held before the end of the following financial year.

(3) No expenditure shall be authorised or incurred under the preceding subsection unless Parliament has specified in advance of the expenditure the maximum amount of expenditure that may be incurred under that subsection.

Delay in  
Appropriation  
Act owing to  
dissolution

**104.** Where at any time Parliament has been dissolved before any provision or any sufficient provision is made under this Chapter of this Constitution for the carrying on of the government of Solomon Islands, the Minister of Finance may issue a warrant for the payment out of the Consolidated Fund of such sums as he may consider necessary for the continuance of the public services until the expiry of a period of three months commencing with the date on which Parliament first meets after that dissolution, but a statement of the sums so authorised shall, as soon as practicable, be laid before Parliament and the aggregate sums shall be included, under the appropriate heads, in the next Appropriation Bill.

**105.**—(1) There shall be charged on the Consolidated Fund all debt charges for which the Government is liable.

Public debt and  
borrowing

(2) For the purposes of this section debt charges include interest, sinking fund charges, the repayment or amortisation of debt, and all expenditure in connection with the raising of loans on the security of the revenue of the Government or the Consolidated Fund and the service and redemption of debt thereby created.

(3) The Government shall not borrow money nor enter into a guarantee involving any financial liability except in accordance with such provisions as may be prescribed by Parliament.

**106.** No taxation shall be imposed or altered except by or under an Act of Parliament.

Imposition of  
taxation

**107.**—(1) There shall be paid to the holders of the offices to which this section applies such salary or other remuneration and such allowances as may be prescribed by Parliament.

Remuneration of  
certain officers

(2) The remuneration and allowances payable to the holders of those offices are hereby charged on and shall be paid out of the Consolidated Fund.

(3) The remuneration prescribed in pursuance of this section in respect of the holder of any such office and his other terms of service (other than allowances that are not taken into account in computing, under any law in that behalf, any pension payable in respect of his service in that office) shall not be altered to his disadvantage after his appointment except as part of any alteration generally applicable to holders of offices specified in this section.

(4) Where a person's remuneration or other terms of service depend upon his option, the remuneration or terms for which he opts shall, for the purposes of the preceding subsection, be deemed to be more advantageous to him than any others for which he might have opted.

(5) This section applies to the offices of Governor-General, any judge of the High Court or the Court of Appeal, Speaker, Ombudsman, Director of Public Prosecutions, Public Solicitor, Auditor-General, Commissioner of Police, and member of any Commission established by this Constitution.

**108.**—(1) There shall be an Auditor-General whose office shall be a public office.

Auditor-General



(2) The Auditor-General shall be appointed by the Governor-General, acting in accordance with the advice of the Public Service Commission.

1 of 1983, Sched

(3) The public accounts of Solomon Islands, of all Ministries, offices, courts and authorities of the Government, of the government of Honiara city and of all provincial governments, shall be audited and reported on annually by the Auditor-General, and for that purpose the Auditor-General or any person authorised by him in that behalf shall at all times be entitled to access to all books, records, returns and other documents relating to such accounts.

(4) The Auditor-General shall submit his reports to the Speaker who shall cause them to be laid before Parliament; and he shall also send a copy of each report to the Minister of Finance and the Minister concerned.

(5) In the exercise of his functions under this section, the Auditor-General shall not be subject to the direction or control of any other person or authority.

(6) Nothing in this section shall prevent the performance by the Auditor-General of—

(a) such other functions in relation to the accounts of the Government and the accounts of other public authorities and other bodies administering public funds in Solomon Islands as may be prescribed by Parliament; or

(b) such other functions in relation to the supervision and control of expenditure from public funds in Solomon Islands as may be so prescribed.

Interpretation

**109.** In this Chapter of this Constitution—

“financial year” means the twelve months ending on the 31st December in any year or on such other date as may from time to time be prescribed by Parliament;

“statutory expenditure” means expenditure charged on the Consolidated Fund or on the general revenues and assets of Solomon Islands by virtue of any of the provisions of this Constitution or by virtue of any provision of any other law for the time being in force in Solomon Islands.

## CHAPTER XI

### LAND

**110.** The right to hold or acquire a perpetual interest in land shall vest in any person who is a Solomon Islander and only in such other person or persons as may be prescribed by Parliament.

Land

**111.** Parliament may, in regard to land which has ceased to be customary land:—

Non-customary land

(a) provide for the conversion into a fixed-term interest of any perpetual interest in such land held by a person who is not entitled under the preceding section to hold such a perpetual interest;

(b) provide for the compulsory acquisition where necessary of such land or any right over or interest in such land;

(c) prescribe the criteria to be adopted in regard to the assessment and payment of compensation for such conversion or compulsory acquisition (which may take account of, but need not be limited to, the following factors: the purchase price, the value of improvements made between the date of purchase and the date of acquisition, the current use value of the land, and the fact of its abandonment or dereliction).

**112.** Parliament shall provide, in relation to any compulsory acquisition of customary land or any right over or interest in it, that:—

Customary land

(a) before such land is compulsorily acquired, there shall be prior negotiations with the owner of the land, right or interest;

(b) the owner shall have a right of access to independent legal advice; and

(c) so far as practicable the interest so acquired shall be limited to a fixed-term interest.

**113.—**(1) Nothing in this Chapter shall be construed as enabling Parliament to make any provision which is inconsistent with the provisions of section 8 (1) (c) of this Constitution.

Savings and interpretation

(2) In this Chapter “Solomon Islander” has the same meaning as in the Land and Titles Act (a).

(a) Cap. 133.

## CHAPTER XII

## POLITICAL DIVISIONS

Government of  
Honiara city and  
provinces  
1 of 1983, s. 3

**114.** (1) Notwithstanding anything contained in the Solomon Islands Independence Order 1978(a) Solomon Islands shall be divided into Honiara city and provinces.

(2) Parliament shall by law—

(a) prescribe the number of provinces, and the boundaries of Honiara city and the provinces after considering the advice of the Constituency Boundaries Commission;

(b) make provision for the government of Honiara city and the provinces and consider the role of traditional chiefs in the provinces.

## CHAPTER XIII

## THE PUBLIC SERVICE

Public Service  
Commission

**115.**—(1) There shall be a Public Service Commission for Solomon Islands which shall consist of a Chairman and not less than two nor more than four other members appointed by the Governor-General for such period, being not less than three nor more than six years, as may be specified in their respective instruments of appointment.

(2) A person shall be disqualified for appointment as a member of the Public Service Commission if he is a member of Parliament or a public officer or an officer of any society or association which the Governor-General, in his own deliberate judgment, is satisfied is of a political nature.

(3) A person shall not, while he holds or is acting in the office of a member of the Public Service Commission or within a period of five years commencing with the date on which he last held or acted in that office, be eligible for appointment to or to act in any public office.

(4) The office of a member of the Public Service Commission shall become vacant—

(a) at the expiration of the period specified in the instrument by which he was appointed;

(b) if he becomes a member of Parliament;

(a) U.K. SI 1978 No 783

(c) if he becomes an officer of any society or association which the Governor-General, in his own deliberate judgment, is satisfied is of a political nature; or

(d) if he is removed from office in accordance with section 126 of this Constitution.

(5) Whenever the office of the Chairman of the Public Service Commission is vacant or the holder thereof is for any reason unable to perform the functions of his office, such one of the other members of the Public Service Commission as the Governor-General shall appoint may act in the office of the Chairman.

(6) If the office of a member of the Public Service Commission other than the Chairman is vacant or the holder thereof is acting as the Chairman or is for any reason unable to perform the functions of his office, the Governor-General may appoint a person who is qualified for appointment as a member of the Commission to act as such a member; and any person so appointed may, subject to the provisions of subsection (4) of this section, continue to act until he is notified by the Governor-General that the circumstances giving rise to the appointment have ceased to exist.

(7) Except as provided in subsections (2) and (4) (c) of this section, the powers conferred on the Governor-General by this section shall be exercised by him acting in accordance with the advice of the Prime Minister.

**116.**—(1) Subject to the provisions of this Constitution, power to make appointments to public offices (including power to confirm appointments) and to remove and to exercise disciplinary control over persons holding or acting in such offices is vested in the Public Service Commission.

Appointments  
etc. of public  
officers

(2) The Public Service Commission may, subject to such conditions as it thinks fit, delegate any of its powers under this section by directions in writing to any member of the Commission or to any public officer.

(3) The provisions of this section shall not apply in relation to—

(a) the office of any judge of the High Court or the Court of Appeal;

(b) the office of Ombudsman, Director of Public Prosecutions, Public Solicitor or Auditor-General;

14 of 1982, s. 2

- (c) any office to which section 116B or 118 of this Constitution applies;
- (d) the office of any member of the Police Force or the Prisons Service; or
- (e) any office to which section 127 of this Constitution applies.

(4) The Public Service Commission shall not exercise any of its powers in relation to any office on the personal staff of the Governor-General or in relation to any person holding or acting in any such office without the concurrence of the Governor-General, acting in his own deliberate judgment.

(5) Before making any appointment to any office on the staff of the Ombudsman, the Public Service Commission shall consult the Ombudsman.

(6) Before making any appointment to the office of Clerk to the Legislature, the Public Service Commission shall consult the Speaker.

Teaching Service  
Commission  
14 of 1982, s. 2

**116A.** (1) There shall be a Teaching Service Commission comprised of—

- (a) the Chairman of the Public Service Commission who shall be Chairman of the Commission;
- (b) not less than two nor more than three other members appointed by the Governor-General for such period being not less than three nor more than six years as may be specified in their respective instruments of appointment.

(2) Any person shall be disqualified for appointment as a member of the Teaching Service Commission if he is a member of Parliament or of a Provincial Assembly or a public officer or an officer of any society or association which the Governor-General in his own deliberate judgment is satisfied is of a political nature.

(3) A person shall not while he holds or is acting in the office of a member of the Teaching Service Commission be eligible for appointment to or to act in any public office.

(4) The office of a member of the Teaching Service Commission shall become vacant—

- (a) at the expiration of the period specified in the instrument by which he was appointed;
- (b) if he becomes a member of Parliament;

- (c) if he becomes an officer of any society or association which the Governor-General in his own deliberate judgment, is satisfied is of a political nature; or
- (d) if he is removed from office in accordance with section 126 of this Constitution.

(5) If the office of a member of the Teaching Service Commission other than the Chairman is vacant or the holder is acting as the Chairman or is for any reason unable to perform the functions of his office, the Governor-General may appoint a person who is qualified for appointment as a member of the Commission to act as such a member, and any person so appointed may, subject to subsection (4) of this section, continue to act until he is notified by the Governor-General that the circumstances giving rise to the appointment have ceased to exist.

**116B.** (1) Power to make appointments to the offices to which this section applies (including power to confirm appointments) and to remove and to exercise control over persons holding or acting in such offices is vested in the Teaching Service Commission.

Appointments,  
etc. of teachers  
14 of 1982, s. 2,  
1 of 1989, s. 2

(2) The Teaching Service Commission may, subject to such conditions as it thinks fit, delegate any of its powers under this section by directions in writing to any member of the Commission or to any public officer or to any provincial government officer.

(3) Before making any appointment to a school set up by a Provincial Assembly or a Church or other body, the Teaching Service Commission shall consult the relevant education authority.

(4) This section applies to teachers in primary schools and secondary schools.

**117.**—(1) There shall be a Judicial and Legal Service Commission for Solomon Islands.

Judicial and  
Legal Service  
Commission  
10 of 1992, s.2

(2) The members of the Commission shall be—

- (a) the Chief Justice, who shall be Chairman of the Commission;
- (b) the Attorney-General;
- (c) the Chairman of the Public Service Commission;
- (d) the President of the Bar Association; and
- (e) two other members.

(3) The two members referred to in paragraph (e) of subsection (2) of this section shall be appointed by the Governor-General, acting in accordance with the advice of the Prime Minister.

(4) The office of the member of the Commission appointed under the preceding subsection shall become vacant—

- (a) at the expiration of three years from the date of his appointment;
- (b) if he becomes a member of Parliament or a public officer other than a judge of the High Court or the Court of Appeal; or
- (c) if he is removed from office in accordance with section 126 of this Constitution.

**118.—**(1) Power to make appointments to the offices to which this section applies (including power to confirm appointments) and to remove and to exercise disciplinary control over persons holding or acting in such offices is vested in the Judicial and Legal Service Commission.

(2) This section applies to—

- (a) all public offices for which a legal qualification is required, except those of Attorney-General, judge of the High Court or the Court of Appeal, Director of Public Prosecutions and Public Solicitor;
- (b) magistrates engaged in full time judicial and related duties; and
- (c) such other officers, including registrars of the High Court and the Court of Appeal, as may be prescribed.

**119.—**(1) There shall be a Police and Prisons Service Commission for Solomon Islands.

(2) The members of the Commission shall be—

- (a) the Chairman of the Public Service Commission, who shall be Chairman of the Commission;
- (b) the Chairman of the Judicial and Legal Service Commission; and
- (c) a person appointed by the Governor-General, acting in accordance with the advice of the Prime Minister.

(3) If the office of the member of the Commission appointed under subsection (2) (c) of this section is vacant or the holder thereof is for any reason unable to perform the functions of his

Appointments  
etc. of judicial  
and legal officers

Police and  
Prisons Service  
Commission

office, the Governor-General, acting in accordance with the advice of the Prime Minister, may appoint some other person to act in the office of that member; and any person so appointed may continue to act until he is notified by the Governor-General, acting as aforesaid, that the circumstances giving rise to the appointment have ceased to exist.

**120.—**(1) Save as provided in section 43(2) of this Constitution, power to make appointments (including power to confirm appointments) to offices in the Police Force of or above the rank of Inspector is vested in the Police and Prisons Service Commission.

Appointments of  
officers in Police  
Force

(2) Power to make appointments (including power to confirm appointments) in the Police Force below the rank of Inspector is vested in the Commissioner of Police.

(3) There shall be in the Police Force such number of Police Promotion Boards, each consisting of officers in the Police Force above the rank of Inspector, as may be prescribed by regulations made under subsection (5) of this section.

(4) In the exercise of the powers to make appointments to offices in the Police Force vested in him, the Commissioner of Police may refer any question relating to the promotion of an officer in the Police Force to a rank below that of Inspector to a Police Promotion Board for their advice, but he shall not be obliged to act in accordance with the advice given him by any such Board.

(5) The Police and Prisons Service Commission may be regulations make provision for all or any of the following matters—

- (a) the number of Police Promotion Boards which shall be established for the Police Force;
- (b) the composition of any Police Promotion Board and the method of appointment and tenure of office of the members thereof; and
- (c) the manner in which a Police Promotion Board shall perform its functions.

(6) The power to make appointments under subsection (1) of this section shall not extend to postings or transfers within the Police Force of officers in that Force, and the power to make such postings and transfers is vested in the Commissioner of Police.

Removal and  
discipline of  
members of  
Police Force

**121.**—(1) Save as provided in section 129 of this Constitution and subsection (2) of this section, power to remove and to exercise disciplinary control over persons holding or acting in offices in the Police Force is vested in the Police and Prisons Service Commission.

(2) The following powers are vested in the Commissioner of Police—

- (a) in respect of officers of or above the rank of Assistant Superintendent, the power to administer reprimands;
- (b) in respect of Inspectors, the power to exercise disciplinary control other than removal or reduction in rank; and
- (c) in respect of officers below the rank of Inspector, the power to exercise disciplinary control including the power of removal.

(3) The Commissioner of Police may, by directions in writing, and subject to such conditions as he thinks fit, delegate to any officer in the Police Force of or above the rank of Inspector any of his powers under subsection (2) (c) of this section other than the power of removal, but an appeal from any award of punishment by such an officer shall lie to the Commissioner.

Appeal

**122.** Any police officer upon whom the Commissioner has imposed any punishment which includes—

- (a) reduction in rank; or
- (b) removal,

may appeal to the Police and Prisons Service Commission against either the finding or the punishment or both, and the Commission may confirm, set aside or vary the finding and confirm, set aside, reduce, suspend or otherwise vary the punishment:

Provided that nothing in this section shall be construed as empowering the award of any greater punishment than could have been awarded by the officer inflicting the punishment.

Appointments of  
officers in  
Prisons Service

**123.**—(1) Power to make appointments (including power to confirm appointments) to offices in the Prisons Service of or above the rank of Assistant Prison Officer is vested in the Police and Prisons Service Commission.

(2) Power to make appointments (including power to confirm appointments) in the Prisons Service below the rank of Assistant Prison Officer is vested in the Superintendent of Prisons.

(3) The power to make appointments under subsection (1) of this section shall not extend to postings or transfers within the Prisons Service of officers in that Service, and the power to make such postings and transfers is vested in the Superintendent of Prisons.

**124.**—(1) Save as provided in subsection (2) of this section, power to remove and to exercise disciplinary control over persons holding or acting in offices in the Prisons Service is vested in the Police and Prisons Service Commission.

Removal and  
discipline of  
members of  
Prisons Service

(2) The following powers are vested in the Superintendent of Prisons—

- (a) in respect of officers of or above the rank of Prison Officer, the power to administer reprimands;
- (b) in respect of Assistant Prison Officers, the power to exercise disciplinary control other than removal or reduction in rank; and
- (c) in respect of officers below the rank of Assistant Prison Officer, the power to exercise disciplinary control including the power of removal.

(3) The Superintendent of Prisons may, by directions in writing, and subject to such conditions as he thinks fit, delegate to any officer in the Prisons Service of or above the rank of Assistant Prison Officer any of his powers under subsection (2)(c) of this section other than the power of removal, but an appeal from any award of punishment by such an officer shall lie to the Superintendent of Prisons.

**125.** Any officer in the Prisons Service upon whom the Superintendent of Prisons has imposed any punishment which includes—

Appeal

- (a) reduction in rank; or
- (b) removal,

may appeal to the Police and Prisons Service Commission against either the finding or the punishment or both, and the Commission may confirm, set aside or vary the finding and confirm, set aside, reduce, suspend or otherwise vary the punishment:

Provided that nothing in this section shall be construed as empowering the award of any greater punishment than could have been awarded by the officer inflicting the punishment.

Removal from  
office of  
members of  
Commissions

**126.—**(1) A person holding an office to which this section applies (in this section referred to as "a Commissioner") may be removed from office only for inability to discharge the functions of his office (whether arising from infirmity of body or mind or any other cause) or for misbehaviour and shall not be so removed except in accordance with the provisions of this section.

(2) A Commissioner shall be removed from office by the Governor-General if the question of his removal from that office has been referred to a tribunal appointed under the next following subsection and the tribunal has advised the Governor-General that he ought to be removed from office for inability as aforesaid or for misbehaviour.

(3) If the Governor-General considers that the question of removing a Commissioner ought to be investigated, then—

(a) the Governor-General shall appoint a tribunal in accordance with the provisions of subsection (6) of this section; and

(b) that tribunal shall inquire into the matter and report on the facts thereof to the Governor-General and advise the Governor-General whether the Commissioner ought to be removed under this section.

(4) If the question of removing a Commissioner has been referred to a tribunal under this section, the Governor-General may suspend the Commissioner from performing the functions of his office, and any such suspension may at any time be revoked by the Governor-General, and shall in any case cease to have effect if the tribunal advises the Governor-General that the Commissioner should not be removed.

(5) The offices to which this section applies are those of members of the Public Service Commission, appointed members of the Teaching Service Commission under section 116A(1)(b) of this Constitution, members of the Judicial and Legal Service Commission appointed under section 117(3) of this Constitution, and member of the Police and Prisons Service Commission appointed under section 119(3) of this Constitution.

(6) A tribunal appointed under this section shall consist of a chairman and two other members, and

(a) in the case of a tribunal to investigate the removal of a member of the Judicial and Legal Service Commission appointed under section 117(3) of this Constitution, all members of the tribunal shall be persons who hold or have

14 of 1982, s. 2  
10 of 1992, s. 3

10 of 1992, s. 3

held high judicial office in some part of the Commonwealth; and

(b) in any other case, the chairman shall be a person who holds or has held such office.

(7) Except as provided in subsection (2) of this section, the functions of the Governor-General under this section shall be exercised by him in accordance with the advice of the Prime Minister.

**127.—**(1) Power to make appointments to the offices to which this section applies (including power to confirm appointments) and to remove and to exercise disciplinary control over persons holding or acting in such offices is vested in the Governor-General, acting in accordance with the advice of the Prime Minister tendered after the Prime Minister has consulted the Public Service Commission.

Appointments  
etc to particular  
offices

(2) The offices to which this section applies are those of Ambassador, High Commissioner or other principal representative of Solomon Islands in any other country or accredited to any international organisation.

**128.—**(1) Power to make appointments to the office of Permanent Secretary shall vest in the Public Service Commission acting with the concurrence of the Prime Minister.

Appointment of  
Permanent  
Secretaries

(2) Power of posting or transfer of a person holding the office of Permanent Secretary shall vest in the Prime Minister, acting after consultation with the Public Service Commission.

**129.—**(1) The provisions of this section shall apply in relation to persons holding the offices of Auditor-General, Director of Public Prosecutions, Public Solicitor and Commissioner of Police.

Tenure of office  
of certain public  
officers

(2) Subject to the provisions of this section, a person to whom this section applies shall vacate his office when he attains the age of fifty-five years:

Provided that the Governor-General may permit a person to whom this section applies who attains the age of fifty-five years to continue in office until he has attained such later age as may have been agreed between the Governor-General and that person.

(3) A person to whom this section applies may be removed from office only for inability to discharge the functions of his

office (whether arising from infirmity of body or mind or any other cause) or for misbehaviour and shall not be so removed except in accordance with the provisions of this section.

(4) A person to whom this section applies shall be removed from office by the Governor-General if the question of his removal from office has been referred to a tribunal appointed under subsection (5) of this section and the tribunal has recommended to the Governor-General that he ought to be removed from office for inability as aforesaid or for misbehaviour.

(5) If the Governor-General considers that the question of removing a person to whom this section applies from office for inability as aforesaid or for misbehaviour ought to be investigated, or if the Prime Minister represents to the Governor-General that that question ought to be investigated, then—

(a) the Governor-General shall appoint a tribunal, which shall consist of a Chairman who is a person who holds or has held high judicial office in some part of the Commonwealth, and not less than two other members; and

(b) the tribunal shall inquire into the matter and report on the facts thereof to the Governor-General and recommend to the Governor-General whether the person ought to be removed from office for inability as aforesaid or for misbehaviour.

(6) If the question of removing a person to whom this section applies has been referred to a tribunal under subsection (5) of this section, the Governor-General may suspend the person from performing the functions of his office, and any such suspension may at any time be revoked by the Governor-General and shall in any case cease to have effect if the tribunal recommends to the Governor-General that the person should not be removed.

(7) Except as provided in subsection (4) of this section, the functions of the Governor-General under this section shall be exercised by him—

(a) in relation to the office of Auditor-General, in accordance with the advice of the Public Service Commission;

(b) in relation to the office of Director of Public Prosecutions or Public Solicitor, in accordance with the advice of the Judicial and Legal Service Commission; and

(c) in relation to the office of Commissioner of Police, in his own deliberate judgment.

(8) The provisions of this section shall not apply in relation to

a person appointed to act in any office referred to in subsection (1) of this section during any period when that office is vacant or the holder thereof is unable to perform the functions of his office; and the appointment of such a person may be revoked by the Governor-General at any time before the expiration of that period.

(9) (a) Nothing in this section shall prevent the appointment of a person who is not a citizen of Solomon Islands to any office to which this section applies for a term of years.

(b) A person appointed to an office to which this section applies under this subsection shall cease to hold office on the expiration of the term for which he was appointed but shall otherwise be removed from office only in accordance with the provisions of this section.

**130.**—(1) Subject to the provisions of section 132 of this Constitution, the law applicable to the grant and payment to any officer, or to his widow, children, dependants or personal representatives, of any pension, gratuity or other like allowance (in this section and in sections 131 and 132 of this Constitution referred to as an "award") in respect of the service of that officer in a public office shall be that in force on the relevant day or any later law not less favourable to the person concerned.

Applicability of  
pensions law

(2) For the purposes of this section the relevant day is—

(a) in relation to an award granted before Independence Day, the day on which the award was granted;

(b) in relation to an award granted or to be granted on or after Independence Day to or in respect of a person who was a public officer before that day, the day immediately before that day;

(c) in relation to an award granted or to be granted to or in respect of a person who first becomes a public officer on or after Independence Day, the day on which he becomes a public officer.

(3) For the purposes of this section, in so far as the law applicable to an award depends on the option of the person to or in respect of whom it is granted or to be granted, the law for which he opts shall be taken to be more favourable to him than any other law for which he might have opted.

**131.** Awards granted under any law for the time being in force in Solomon Islands are (except so far as they are a charge on some

Pensions etc.  
charged on the  
Consolidated  
Fund



other fund and are duly paid out of that fund to the person to whom payment is due) hereby charged on and shall be paid out of the Consolidated Fund.

Grant and withholding of pensions etc.

**132.**—(1) The power to grant any award under any pensions law for the time being in force in Solomon Islands (other than an award to which, under that law, the person to whom it is payable is entitled as of right) and, in accordance with any provisions in that behalf in any such law, to withhold, reduce in amount or suspend any award payable under any such law shall vest in the Governor-General.

(2) The power vested in the Governor-General by subsection (1) of this section shall be exercised by him—

- (a) in the case of an award payable in respect of the services of any person who, having been a public officer, was, immediately before the date on which he ceased to hold public office; serving as a judge of the High Court or the Court of Appeal, or Commissioner of Police, in his own deliberate judgment;
- (b) in the case of an award payable in respect of the services of any person who, having been a public officer, was, immediately before the date aforesaid, serving as Ombudsman, Director of Public Prosecutions, or Public Solicitor, or in any office to which section 118 of this Constitution applies at the date of the exercise of the power, in accordance with the advice of the Judicial and Legal Service Commission;
- (c) in the case of an award payable in respect of the services of any person who, having been a public officer, was, immediately before the date aforesaid, serving in any office in the Prisons Service or in the Police Force other than the office of Commissioner of Police, in accordance with the advice of the Police and Prisons Service Commission; and
- (d) in the case of an award payable in respect of the services of any other person for whom no other statutory or other provision has been made, in accordance with the advice of the Public Service Commission.

(3) In this section, "pensions law" means any law relating to the grant to any person, or to the widow, children, dependants or personal representatives of that person, of an award in respect of the services of that person in a public office.

## CHAPTER XIV

## MISCELLANEOUS

**133.**—(1) Any reference in this Constitution to power to make appointments to any public office shall be construed as including a reference to power to make appointments on promotion and transfer to that office and to power to appoint a person to act in that office during any period during which it is vacant or the holder thereof is unable to perform the functions of that office.

Powers of appointment and acting appointments

(2) In this Constitution, unless the context otherwise requires, a reference to the holder of an office by the term designating his office shall be construed as including a reference to any person who is for the time being lawfully acting in or performing the functions of that office.

(3) Where by this Constitution any person is directed, or power is conferred on any person or authority to appoint a person, to act in or otherwise to perform the functions of an office if the holder thereof is unable to perform the functions of that office, the validity of any performance of those functions by the person so directed or of any appointment made in exercise of that power shall not be called in question in any court on the ground that the holder of the office is not unable to perform the functions of the office.

**134.**—(1) Where any person has vacated any office established by this Constitution, he may, if qualified, again be appointed or elected to hold that office in accordance with the provisions of this Constitution.

Reappointments and concurrent appointments

(2) Whenever the holder of any office constituted by or under this Constitution, or any public office otherwise constituted, is on leave of absence pending relinquishment of his office—

- (a) another person may be appointed to that office; and
- (b) that person shall, for the purpose of any function of that office, be deemed to be the sole holder of that office.

**135.**—(1) References in this Constitution to the power to remove a public officer from his office shall be construed as including references to any power conferred by any law to require or permit that officer to retire from the public service and to any power or right to terminate a contract on which a person is employed as a public officer and to determine whether any such contract shall or shall not be renewed:

Removal from office



Provided that—

- (a) nothing in this subsection shall be construed as conferring on any person or authority power to require any judge of the High Court or the Court of Appeal, the Ombudsman, the Director of Public Prosecutions, the Public Solicitor, the Commissioner of Police or the Auditor-General to retire from the public service; and
- (b) any power conferred by any law to permit a person to retire from the public service shall, in the case of any officer mentioned in the preceding paragraph or an officer who may be removed from office by some person or authority other than a Commission established by this Constitution, vest in the Commission or other authority that, if that officer had retired, would be the appropriate Commission or authority in relation to the awards of that officer under section 132 of this Constitution.

(2) Any provision of this Constitution that vests in any person or authority power to remove any public officer from his office shall be without prejudice to the power of any person or authority to abolish any office or to any law providing for the compulsory retirement of public officers generally or any class of public officer on attaining an age specified therein.

Resignations

**136.** Save as otherwise provided in sections 34, 50 and 64 of this Constitution, any person who is appointed to or to act in any office established by this Constitution may resign from that office by writing under his hand addressed to the person by whom he was appointed; and the resignation of any person from any such office (including any seat in Parliament) by writing under his hand addressed in accordance with this Constitution to any other person shall take effect, and the office shall accordingly become vacant—

- (a) at such time or on such date (if any) as may be specified in the writing; or
- (b) when the writing is received by that other person, whichever is the later:

Provided that the resignation may be withdrawn before it takes effect if the person to whom the resignation is addressed consents to its withdrawal.

**137.—(1)** Any Commission established by this Constitution may by regulations make provision for regulating and facilitating the performance by the Commission of their functions under this Constitution.

Performance of  
functions of  
Commissions,  
etc.

(2) Any decision by any such Commission shall require the concurrence of a majority of all the members thereof and, subject as aforesaid, the Commission may act notwithstanding the absence of any member:

Provided that if in any particular case a vote of all the members is taken to decide the question and the votes cast are equally divided the chairman shall have and shall exercise a casting vote.

(3) Subject to the provisions of this section, any such Commission may regulate their own procedure.

(4) In the exercise of their functions under this Constitution, no such Commission shall be subject to the direction or control of any other person or authority, except where otherwise provided by this Constitution.

(5) In addition to the functions conferred upon them by or under this Constitution any such Commission shall have such powers and other functions (if any) as may be prescribed.

(6) The validity of the transaction of business of any such Commission shall not be affected by the fact that some person who was not entitled to do so took part in the proceedings.

(7) The provisions of subsections (1), (2), (3) and (4) of this section shall apply in relation to the Committee on the Prerogative of Mercy as they apply in relation to a Commission established by this Constitution.

(8) The provisions of subsections (1), (2), (3) and (4) of this section shall apply in relation to a tribunal established for the purposes of section 14(4), 16(8), 80(6), 126(3) and 129(5) of this Constitution as they apply in relation to a Commission established by this Constitution, and any such tribunal shall have the same powers as the High Court in respect of the attendance and examination of witnesses (including the administration of oaths and the examination of witnesses abroad) and in respect of the production of documents.

**138.** No provision of this Constitution that any person or authority shall not be subject to the direction or control of any other person or authority in the exercise of any functions under this Constitution shall be construed as precluding a court of law from exercising jurisdiction in relation to any question whether that person or authority has performed those functions in accordance with this Constitution or any other law or should not perform those functions.

Saving for  
jurisdiction of  
courts

Power to amend  
and revoke  
instruments, etc.

**139.** Where any power is conferred by this Constitution to make any proclamation, regulation, order or rule, or to give any direction or instructions, the power shall be construed as including the power, exercisable in like manner, to amend or revoke any such proclamation, regulation, order, rule, direction or instructions.

Consultation

**140.—(1)** Where any person or authority other than the Governor-General is directed by this Constitution to exercise any function after consultation with any other person or authority, that person or authority shall not be obliged to exercise that function in accordance with the advice of that other person or authority.

(2) Where any person or authority is directed by any law to consult any other person or authority before taking any decision or action, that other person or authority must be given a genuine opportunity to present his or its views before the decision or action, as the case may be, is taken.

Oaths

**141.—(1)** Before entering upon the functions of his office a person to whom this section applies shall take and subscribe the oath of allegiance and such other oath (if any) as may be prescribed by Parliament.

(2) This section applies to any person appointed to hold or to act in—

- (a) the office of any judge of the High Court or the Court of Appeal;
- (b) such other public offices as may be prescribed by Parliament; and
- (c) the office of member of any Commission established by this Constitution or of the Committee on the Prerogative of Mercy.

National Seal

**142.** There shall be a national seal bearing on it such device as Parliament shall approve by resolution.

Establishment of  
certain offices

**143.** The offices specified in sections 91 (Director of Public Prosecutions), 92 (Public Solicitor) and 96 (Ombudsman) shall be established no later than 8th July 1981.

Interpretation

**144.—(1)** In this Constitution, unless the context otherwise requires—

“absolute majority” means at least one half of all the members plus one;

“the Commonwealth” means Solomon Islands and any country to which section 24 of this Constitution for the time being applies, and includes the dependencies of any such country;

“the Crown” means the Crown in right of Solomon Islands;

“customary law” means the rules of customary law prevailing in an area of Solomon Islands;

“functions” includes rights, duties and powers;

“the Gazette” means the Solomon Islands Gazette;

“the Government” means Her Majesty’s Government of Solomon Islands;

“the Governor-General” means the Governor-General of Solomon Islands;

“the High Court” and “the Court of Appeal” mean respectively the High Court and the Court of Appeal established by this Constitution;

“high judicial office” means the office of judge of a court having unlimited jurisdiction in civil and criminal matters or a court having jurisdiction in appeals from any such court;

“Independence Day” means 7th July 1978;

“legal representative” means a person entitled to practise as an advocate or a barrister and solicitor in Solomon Islands;

“meeting” in relation to Parliament means any sittings of Parliament commencing when Parliament first meets after being summoned at any time, and terminating when Parliament is adjourned *sine die* or at the conclusion of a session;

“oath” includes affirmation;

“oath of allegiance” means such oath of allegiance as is prescribed in Schedule 1 to this Constitution;

“officer of the government of Honiara city” means a person holding or acting in any office of emolument in the service of an authority of the government of Honiara city;

“Parliament” means the National Parliament of Solomon Islands established by this Constitution;

“the Police Force” means the Solomon Islands Police Force;

“prescribed” means prescribed in a law;

Provided that—

(a) in relation to anything that may be prescribed only by Parliament, it means prescribed in an Act of Parliament; and

(b) in relation to anything that may be prescribed only by some other specified person or authority, it means prescribed in an order made by that other person or authority;

“the Prisons Service” means the Solomon Islands Prisons Service;

"provincial government officer" means a person holding or acting in any office of emolument in the service of a provincial government authority;

"public office" means, subject to the provisions of the next following section, an office of emolument in the public service;

"public officer" means a person holding or acting in any public office;

"public service" means the service of the Crown in a civil capacity in respect of the government of Solomon Islands;

"session" means the sittings of Parliament commencing when Parliament first meets after its prorogation or dissolution at any time and ending when Parliament is prorogued or dissolved without having been prorogued;

"sitting" means, in relation to Parliament, a period during which Parliament sits without adjournment and includes any period during which Parliament is in committee;

"Solomon Islands" means the territory which immediately before Independence Day constituted the territory under Her Majesty's protection known as the Solomon Islands;

"the Speaker" means the Speaker of Parliament.

(2) The provisions referring to Her Majesty shall extend to Her Majesty's Heirs and Successors in the sovereignty of the United Kingdom of Great Britain and Northern Ireland.

(3) Save as otherwise provided in this Constitution, the Interpretation Act 1889(a) shall apply, with the necessary adaptations, for the purpose of interpreting this Constitution, and otherwise in relation thereto, as it applies for the purpose of interpreting, and in relation to, Acts of the Parliament of the United Kingdom.

145.—(1) In this Constitution the expression "public office" shall be construed—

(a) as including the office of any judge of the High Court or the Court of Appeal and the office of member of any other court of law in Solomon Islands, unless the context otherwise requires;

(b) as not including—

(i) the office of any Minister, Leader of the Official Opposition, Leader of the Independent Members, Speaker or member of Parliament; or

References to  
public office, etc.

(a) 1889 c.63.

(ii) the office of member of any Commission established by this Constitution or of the Committee on the Prerogative of Mercy.

(2) For the purposes of this Constitution a person shall not be treated as holding, or acting in, a public office by reason only that he—

(a) is on leave of absence pending relinquishment of a public office, or is on leave of absence without salary from a public office;

(b) is receiving a pension or other like allowance from the Crown;

(c) is a special constable or a retired or reserve member of Her Majesty's forces;

(d) is an officer of the government of Honiara city;

(dd) is a provincial government officer; or

(e) is the holder of an office in the service or appointment of the Crown, or is performing any functions on behalf of the Crown, if the only payments he receives in respect of that office or those functions are by way of travelling or subsistence allowances or a refund of out-of-pocket expenses.

1 of 1983, Sch

## SCHEDULE 1 TO THE CONSTITUTION

Sections 29, 39, 63 and 141

## FORMS OF OATHS AND AFFIRMATIONS

## 1. Oath of Allegiance

I, ....., do swear [or solemnly affirm] that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, Her Heirs and Successors, according to law. [So help me God.]

## 2. Oath for the due execution of the office of Governor-General

I, ....., do swear [or solemnly affirm] that I will well and truly serve Her Majesty Queen Elizabeth II, Her Heirs and Successors, in the office of Governor-General of Solomon Islands. [So help me God.]

## 3. Oath for the due execution of the office of member of the Cabinet.

I, ....., being a member of the Cabinet, do swear [or solemnly affirm] that I will to the best of my judgment, at all times when so required, freely give my counsel and advice to the Governor-General of Solomon Islands (or any other person for the time being lawfully performing the functions of that office) for the good management of the public affairs of Solomon Islands, and I do further swear [or solemnly affirm] that I will not on any account, at any time whatsoever, disclose the counsel, advice, opinion or vote of any particular member of the Cabinet, and that I will not, except with the authority of the Cabinet and to such extent as may be required for the good management of the affairs of Solomon Islands, directly or indirectly reveal the business or proceedings of the Cabinet or any matter coming to my knowledge in my capacity as a member of the Cabinet and that in all things I will be a true and faithful member of the Cabinet. [So help me God.]

## Section 33 (1)

## SCHEDULE 2 TO THE CONSTITUTION

## ELECTION OF PRIME MINISTER

1. As soon as possible after a general election of members of Parliament, or whenever there is a vacancy in the office of Prime Minister, the Governor-General shall convene a meeting of members for the purpose of electing a Prime Minister by issuing to each member a notice stating—

Calling of election meeting

- (a) the date, place and time of the election meeting;
- (b) the place at and the date and time on which nomination papers are to be delivered to the Governor-General which time shall be not later than four days before the date appointed for the election meeting.

2. A list specifying all candidates nominated and their respective nominators shall be submitted by or by direction of the Governor-General to each member prior to the election meeting.

List of candidates

3.—(1) All members shall be eligible for candidature.

Candidature

(2) No member shall be a candidate unless he is nominated as such by four other members, and no member may nominate more than one candidate.

(3) Any candidate may withdraw his candidature at any time before the conclusion of the election.

4. If, at any stage of the election, a candidate dies or in the opinion of the Governor-General is seriously incapacitated, or if for any other reason the election in the opinion of the Governor-General cannot or is unlikely to be successfully completed in accordance with paragraph 7 of this Schedule, the Governor-General may either—

Election may be counter-manded or suspended

(a) countermand the election in which case the electoral procedure shall be commenced *de novo*; or

(b) suspend the election proceedings until some later time or day.

5.—(1) The election shall be by secret ballot.

Method of voting

(2) Each member shall have only one vote at the first and at each subsequent ballot, if any, held in accordance with paragraph 7 of this Schedule.

6.—(1) The election meeting shall be presided over and the election conducted by the Governor-General.

Conduct of meeting

(2) The Governor-General may for the purpose of counting votes and for any other purpose relating to the conduct of the election enlist the assistance of such number of public officers as he shall consider necessary.

(3) No person other than the Governor-General, a member, or a public officer whose assistance is enlisted under the preceding sub-paragraph shall be present at an election meeting.

7.—(1) If any candidate should at any ballot receive an absolute majority of votes he shall thereby be elected Prime Minister.

Voting procedure

(2) If no candidate should receive an absolute majority of votes at the first ballot a further ballot shall be held wherein—

(a) the candidate who received fewest votes at the first ballot shall thereby be eliminated; or

(b) if there is a tie between two or more candidates for the fewest number of votes received at the first ballot, the Governor-General shall decide by lot which one of such candidates shall be eliminated.

(3) If in a second ballot no candidate should receive an absolute majority of votes, subject to subparagraph (5) of this paragraph, further ballots shall be held until one candidate receives an absolute majority of votes.

(4) The procedure specified in subparagraphs (1) and (2) of this paragraph relating to the first and second ballots shall apply in relation to subsequent ballots.

(5) If, after one or more ballots, all candidates save two have been eliminated, only one further ballot shall be conducted to decide the election between these two candidates at which the candidate receiving the greater number of votes shall be elected Prime Minister.

(6) If the ballot conducted in accordance with the preceding subparagraph results in a tie between the two candidates, one further ballot shall be conducted to decide the election between these two candidates and if there is a tie between them again, the Governor-General shall countermand the election and the election procedure shall be commenced *de novo*.

(7) No ballot shall be held within a period of less than six hours after the conclusion of the preceding ballot.

Announcement  
of results

8. When the count has been completed in any ballot the Governor-General shall forthwith announce to the meeting the number of votes received by each candidate and, where any candidate has received an absolute majority of votes, or the greater number of votes under paragraph 7 (5) or (6) of this Schedule, shall declare such candidate to have been elected Prime Minister.

Notification of  
result

9. Upon the election of a Prime Minister, the Governor-General shall cause that fact and the identity of the Prime Minister—

(a) to be made known to the public in such manner as to him may seem appropriate; and

(b) to be published as soon as may be in the Gazette.

Disputes

10. Any dispute arising out of or in connection with the calling or conduct of any election meeting or the election of the Prime Minister under this Schedule shall be determined by the Governor-General whose determination of the matter in dispute shall be final and conclusive and shall not be questioned in any proceedings whatsoever.

Functions of  
Governor-  
General

11. The functions conferred upon the Governor-General by this Schedule shall be exercised by him in his own deliberate judgment.

## Section 76

### SCHEDULE 3 TO THE CONSTITUTION

#### APPLICATION OF LAWS

1. Subject to this Constitution and to any Act of Parliament, the Acts of the Parliament of the United Kingdom of general application and in force on 1st January 1961 shall have effect as part of the law of Solomon Islands, with such changes to names, titles, offices, persons and institutions, and as to such other formal and non-substantive matters, as may be necessary to facilitate their application to the circumstances of Solomon Islands from time to time.

2.—(1) Subject to this paragraph, the principles and rules of the common law and equity shall have effect as part of the law of Solomon Islands, save in so far as:—

(a) they are inconsistent with this Constitution or any Act of Parliament;

(b) they are inapplicable to or inappropriate in the circumstances of Solomon Islands from time to time; or

(c) in their application to any particular matter, they are inconsistent with customary law applying in respect of that matter.

(2) The principles and rules of the common law and equity shall so have effect notwithstanding any revision of them by any Act of the Parliament of the United Kingdom which does not have effect as part of the law of Solomon Islands.

3.—(1) Subject to this paragraph, customary law shall have effect as part of the law of Solomon Islands.

(2) The preceding subparagraph shall not apply in respect of any customary law that is, and to the extent that it is, inconsistent with this Constitution or an Act of Parliament.

(3) An Act of Parliament may:—

(a) provide for the proof and pleading of customary law for any purpose;

(b) regulate the manner in which or the purposes for which customary law may be recognised; and

(c) provide for the resolution of conflicts of customary law.

4.—(1) No court of Solomon Islands shall be bound by any decision of a foreign court given on or after 7th July 1978.

(2) Subject to the preceding provisions of this Schedule or any provision in that regard made by Parliament, the operation in Solomon Islands of the doctrine of judicial precedent shall be regulated by practice directions given by the Chief Justice.

5. The provisions of this Schedule are without prejudice to the provisions of section 5 of the Order to which the Constitution is scheduled.

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**THE CONSTITUTION OF SOLOMON ISLANDS***Subsidiary Legislation***THE STANDING ORDERS OF THE NATIONAL PARLIAMENT OF  
SOLOMON ISLANDS  
(Section 62)**

[22nd October 1982]

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#### PART A

##### INTERPRETATION

#### 1. INTERPRETATION

(1) In these Orders, unless the context otherwise requires—  
 “Clerk” means the Clerk of the Parliament and includes any assistant to the Clerk acting as such on the authority of the Speaker;

“the Constitution” means the Constitution of Solomon Islands set out in the Schedule to the Solomon Islands Independence Order 1978;

“mace” means the mace of Parliament;

“Member” means a Member of Parliament elected in accordance with section 47 of the Constitution;

“Minister” means a member of the Cabinet;

“Parliament” means the National Parliament of Solomon Islands;

“Speaker” means any person presiding in Parliament in accordance with section 65 of the Constitution;

(2) In these Orders, unless the context otherwise requires, reference to printing shall include all mechanical, electrical and photographic methods of reproducing words in visible form.

(3) Subject to the provisions of paragraph (1) of this order, expressions used in these Orders shall, unless the context otherwise requires, have the same meanings as in the Constitution.

#### PART B

##### MEMBERS AND OFFICERS OF PARLIAMENT

#### 2. OATH OR AFFIRMATION OF ALLEGIANCE

(1) No Member shall be permitted to take part in the proceedings of Parliament (other than proceedings necessary for the purposes of this order and section 63 of the Constitution) until he has made the oath or affirmation of allegiance prescribed by that section.

(2) On the first day of the first session of a new Parliament the Clerk shall administer the oath or affirmation of allegiance to each Member by calling before him in alphabetical order the Members elected to serve in that Parliament.

(3) The Clerk shall administer the oath or affirmation of allegiance prescribed by section 63 of the Constitution to any Member who has during the course of a session been elected to



serve in Parliament at the first sitting at which such Member attends.

### 3. LANGUAGE

(1) Subject to paragraph (2) of this order, the proceedings and debates of Parliament shall be in the English language or in pidgin.

(2) Every petition, bill, motion, paper, written question, report, declaration of interest and notice, and every amendment thereof, shall be in the English language.

### 4. PRESIDING IN PARLIAMENT AND IN COMMITTEE OF WHOLE HOUSE

(1) Any question as to who shall preside at sittings of Parliament and sittings of a Committee of the whole House shall be determined in accordance with section 65 of the Constitution.

(2) The person presiding shall be known and addressed as the Speaker.

(3) Whenever Parliament resolves itself into a Committee of the whole House, the Speaker shall leave his chair and seat himself at the Clerk's table as chairman of the Committee; and when Parliament resumes he shall return to his chair.

(4) The person presiding in Parliament or acting as chairman of a Committee of the whole House shall while so presiding or acting enjoy all the powers conferred by these Orders on the Speaker.

(5) During sittings of Parliament the mace shall be on the Clerk's table and during sittings of a Committee of the whole House it shall be under the Clerk's table.

### 5. ELECTION OF SPEAKER

(1) The Speaker shall be elected at the first sitting of Parliament after a general election or after the office of Speaker has become vacant, in accordance with the provisions of this order.

(2) Every citizen of Solomon Islands over the age of twenty-one and who is otherwise qualified for election as a Member shall be eligible for election as Speaker.

(3) Nomination papers shall be issued to Members by the Clerk not less than two clear days before the first sitting of the new Parliament and shall be returned to him not later than 4.00 p.m. on the day immediately preceding the date fixed for the first sitting of the new Parliament:

Provided that where the office of Speaker has become vacant during the course of Parliament a date shall be fixed for

the election by the Clerk and this paragraph shall be read accordingly.

(4) A list setting out all the candidates who have been nominated shall be made available to each Member before the commencement of voting.

(5) The election shall be by secret ballot and each Member shall have only one vote at the first and each subsequent ballot, if any, and shall be held in accordance with paragraphs (6) to (12) of this order.

(6) If any candidate should at any ballot receive an absolute majority of votes he shall be declared to be elected as Speaker.

(7) If no candidate should receive an absolute majority of votes at the first ballot a further ballot shall be held wherein

(a) the candidate who received fewest votes at the first ballot shall thereby be eliminated; or

(b) if there is a tie between two or more candidates for the fewest number of votes received at the first ballot the Clerk shall decide by lot which one of such candidates shall be eliminated.

(8) If in a second ballot no candidate should receive an absolute majority of the votes of the Members, subject to paragraph (10) of this order, further ballots shall be held until one candidate receives an absolute majority of votes.

(9) The procedure specified in paragraphs (6) and (7) of this order relating to the first and second ballots shall apply in relation to subsequent ballots.

(10) If, after one or more ballots, all candidates save two have been eliminated, not more than three further ballots shall be held to decide the election between these two candidates.

(11) If the three further ballots referred to in the preceding paragraph do not result in either of the two candidates receiving an absolute majority of votes then the Clerk shall re-commence the procedure *de novo*.

(12) Upon the decision of the Members being known in accordance with the voting procedure the Clerk will forthwith announce the name of the person elected as Speaker.

### 6. DUTIES OF THE CLERK

(1) The Clerk shall be responsible for keeping the minutes of proceedings of Parliament and of committees of the whole House. The minutes of proceedings shall record the Members attending, all decisions taken and details of every division held.

(2) The Clerk shall submit the minutes of proceedings of each sitting to the Speaker for his signature and shall then

distribute copies to Members before the commencement of the next sitting.

(3) The Clerk shall be responsible for preparing from day to day an Order Book showing all future business of which notice has been given. The Order Book shall be open to the inspection of Members at all reasonable hours.

(4) The Clerk shall be responsible for preparing for each sitting—

(a) an Order Paper showing the business for that sitting; and

(b) a Notice Paper recording all notices entered in the Order Book on the previous day if Parliament then sat, or in the case of the first sitting after an adjournment over one or more days, all notices entered in the Order Book since Parliament last sat.

(5) The Clerk shall be responsible for the custody of the votes, records, bills and other documents laid before Parliament which shall be open to inspection by Members and other persons under arrangements approved by the Speaker.

(6) The Clerk, acting under the directions of the Speaker, shall be responsible for the production of an official report of all speeches made in Parliament and in committees of the whole House.

(7) The Clerk shall be responsible for providing every Select Committee of Parliament with a clerk.

(8) The Clerk shall perform further duties laid upon him in these Orders and all other duties in the service of Parliament ordered by Parliament or directed by the Speaker.

#### PART C

#### SESSIONS, MEETINGS, SITTINGS AND ADJOURNMENTS OF PARLIAMENT

#### 7. COMMENCEMENT OF SESSIONS AND MEETINGS

(1) Each session of Parliament shall be held at such place and on such days and shall begin at such time as the Governor-General may appoint in accordance with section 72 of the Constitution.

(2) Written notice of every meeting of Parliament shall be given to Members by the Clerk at least thirteen clear days before the day of the meeting except in the case of the first meeting following the constitution or the re-constitution of Parliament or in a case of emergency where the Governor-General, acting on the advice of the Prime Minister, may dispense with such

notice in which event the longest possible notice shall be given.

(3) The Governor-General may, after consultation with the Prime Minister, at any time after he has determined the day and time upon which a meeting is to begin, change the day or time so determined to a later day or time, or in cases of emergency to an earlier day or time.

(4) At the first sitting of any meeting the Governor-General, on the invitation of the Prime Minister, may deliver a speech to Parliament.

(5) Immediately after the Governor-General has delivered such a speech, the sitting may be suspended for such period or Parliament may be adjourned until such day as the Speaker may determine.

(6) At the resumption of the sitting, or on the day to which Parliament is adjourned under paragraph (5) of this order, a motion may be moved without notice for an address of thanks to the Governor-General for his speech.

(7) A motion under paragraph (6) of this order shall be moved in the following form—

That an address be presented to His Excellency the Governor-General as follows—

“We, the National Parliament of Solomon Islands here assembled, beg leave to offer thanks for the speech which has been addressed by you to Parliament”.

(8) Amendments may be moved to the motion described in paragraph (7) of this order only by way of adding words at the end of the motion.

#### 8. CONCLUSION OF SESSIONS AND MEETINGS

(1) A session shall be concluded when Parliament is prorogued by the Governor-General in accordance with section 73(1) of the Constitution.

(2) A meeting shall be concluded by the adjournment of Parliament for the conclusion of the meeting.

(3) A motion to determine the day for the conclusion of a session or meeting shall only be moved by a Minister and in the following terms—

“That at the adjournment of Parliament on (here the date for conclusion of the meeting shall be entered) the present meeting shall be concluded and Parliament shall then stand adjourned *sine die*.”

(4) No amendment to the motion described in the foregoing paragraph shall be in order save only an amendment to

substitute another date for the date mentioned in the motion and any debate on the motion shall be confined to the substance of the motion.

#### 9. DAYS OF SITTING

(1) During the course of a meeting, unless it has been previously decided otherwise on a motion moved by a Minister, Parliament shall sit on Mondays, Tuesdays, Wednesdays, Thursdays and Fridays, other than public holidays.

(2) A motion moved under paragraph (1) of this order may provide that—

(a) Parliament shall sit on any Saturday, Sunday or public holiday named in the motion;

(b) Parliament shall not sit on any day or days named in the motion.

(3) Whenever Parliament is adjourned, it shall stand adjourned to the next sitting day as determined by paragraphs (1) and (2) of this order, unless adjourned under the provisions of order 8.

#### 10. HOURS OF SITTING

(1) Every sitting other than the first sitting of a meeting shall begin at 9.30 a.m.

(2) At 4.30 p.m. the proceedings on any business under consideration shall be interrupted, any motion which has been moved in pursuance of order 35 shall lapse and if Parliament is in committee the Speaker shall return to his chair:

Provided that if the Speaker is of opinion that the proceedings on which Parliament is engaged could be concluded by a short deferment of the moment of interruption, he may in his discretion defer interrupting the business.

(3) If a division is in progress at 4.30 p.m. the business shall not be interrupted until after the declaration of the result of the division.

(4) Save as provided in paragraph (4) of order 11, no further business shall be entered upon after the interruption of business under paragraph (2) of this order.

(5) The Speaker may at any time suspend a sitting or adjourn Parliament and if he shall adjourn Parliament, Parliament shall stand adjourned in accordance with order 9.

(6) A motion moved with the consent of the Speaker to suspend this order in accordance with order 81, and passed shall permit the continuation of the business of the House until adjourned by the Speaker under the foregoing paragraph of this

order or, where such motion so states, shall permit the commencement of a specified sitting before 9.30 a.m.

#### 11. MOTIONS FOR THE ADJOURNMENT OF PARLIAMENT

(1) When for any sufficient reason it is not desired to formulate a motion in express terms for the purpose of debating a matter or matters, a motion that Parliament do now adjourn may be moved for the purpose of such debate.

(2) Such a motion shall not require notice but shall not be moved except between two items of business and then only by a Minister.

(3) If such a motion shall be agreed to, Parliament shall stand adjourned in accordance with order 9.

(4) After the interruption of business under paragraph (2) of order 10 or at the conclusion of all the business on the Order Paper, whichever is the earlier, a Minister may move that Parliament do now adjourn.

(5) On a motion moved under paragraph (4) of this order a Member who is not a Minister and who has obtained the right to do so, may raise any public matter for which the Government is responsible with a view to eliciting a reply from a Minister.

(6) A Member who wishes to raise a matter under the provisions of paragraph (5) of this order shall give notice of the matter in writing to the Speaker not less than one clear day before the sitting at which he wishes to do so:

Provided that the Speaker may in his discretion dispense with such notice.

(7) If at the expiration of twenty minutes from the moving of the motion under paragraph (4) of this order a Minister has not yet been called upon to reply, the Speaker shall direct the Member then speaking to resume his seat and shall call upon a Minister to reply.

(8) If at the expiration of thirty minutes from the moving of the motion under paragraph (4) of this order such motion has not been agreed to, the Speaker shall adjourn Parliament without putting any question.

#### 12. QUORUM

(1) Any question as to the quorum of Parliament and of a committee of the whole House shall be determined in accordance with section 67 of the Constitution as supplemented by this order.

(2) For the purpose of section 67 of the Constitution, the interval after which the Speaker may ascertain the number of

Members present shall be fifteen minutes (during which the Speaker may leave the chair) and if the Speaker adjourns Parliament is pursuant of section 67, he shall do so without the question being put and Parliament shall then stand adjourned to the next sitting day in accordance with order 9.

(3) If objections are taken under section 67 of the Constitution in committee of the whole House, paragraph (2) of this order shall apply, save that if the Speaker is satisfied that a quorum is not then present he shall leave the chair of the committee and Parliament shall be resumed prior to being adjourned in accordance with paragraph (2) of this order.

#### PART D

#### ARRANGEMENT OF BUSINESS

#### 13. ORDER OF BUSINESS AT SITTING

(1) The business of each sitting other than the first sitting of a meeting shall be transacted in the following order—

- (a) Prayers
- (b) Administration of oaths or affirmations
- (c) Reading by the Speaker of messages and announcements
- (d) Presentation of petitions
- (e) Presentation of papers and of reports of Select Committees by laying them on the Table
- (f) Asking and answering of questions put to the Government
- (g) Statements by Ministers
- (h) Statements on business by or on behalf of the Prime Minister or Chairman of the Business Committee
- (i) Personal explanations
- (j) Obituary and other ceremonial speeches
- (k) Raising of matters of privilege
- (l) Proceedings on motions and bills.

(2) The items of business mentioned in sub-paragraphs (b), (c), (d), (e), (g), (h), (i), (j) and (k) of paragraph (1) of this order shall not require notice; but with the exception of sub-paragraphs (b) and (c) they shall not be entered upon save with the previous leave of the Speaker.

#### 14. THE ORDER PAPER

(1) All items of business of which notice has been given shall be placed on the Order Paper in the order required by order 13.

(2) Oral questions to the Government shall be placed on the Order Paper in accordance with the provisions of paragraph (1) of order 23.

(3) Proceedings on motions and on Bills shall be placed on the Order Paper in accordance with the provisions of order 15.

#### 15. ARRANGEMENT OF MOTIONS AND BILLS

(1) Subject to the provisions of these Orders, the motions and Bills to be considered by Parliament on any day shall be determined as laid down in this order.

(2) The Prime Minister shall determine the motions or Bills to be considered on any day except Friday or any other day allocated by him and the order in which they shall be set down upon the Order Paper.

(3) On Fridays or any other day allocated under the provisions of paragraph (2) of this order the Business Committee shall determine the motions proposed to be made by and the Bills in charge of Members who are not Ministers to be considered and the order in which these shall be set down upon the Order Paper:

Provided that—

(a) the number of motions to be moved on any one day be limited to not more than twelve.

(b) when the number of motions of which notice has been given exceeds twelve in number the Business Committee may decide which motions should be deferred to a subsequent day in the same meeting, what priority should be given to such deferred motions for later debate, or that time should not be allocated for debate on any motion during a particular meeting in which case the said motion shall lapse unless further notice is given by the Member concerned to the Clerk that he wishes to move the motion at a subsequent meeting;

(c) if in the opinion of the Business Committee there are insufficient such motions or Bills to occupy the time of Parliament on any Friday, the Business Committee may direct that there be set down to follow such motions or Bills upon the Order Paper such other motions or Bills as the Prime Minister may request.

(4) At the beginning of each meeting and on Friday of each week, statements shall be made by or on behalf of the Prime Minister and the Chairman of the Business Committee informing Parliament, so far as is practicable, of the motions and Bills arranged to be considered on each day of the following week.

(5) The Prime Minister may on any day make a further statement informing Parliament of any changes in, or additions

to, the arrangement of motions and Bills already announced in accordance with paragraph (4) of this order.

#### PART E

##### PETITIONS AND PAPERS

#### 16. PRESENTATION OF PETITIONS

(1) A petition may be presented to Parliament only by a Member.

(2) A Member who wishes to present a petition to Parliament shall inform the Speaker not later than the day before the sitting at which he wishes to present it. When so informing the Speaker he shall certify in writing to the Speaker that the petition is respectful and in his opinion deserving of presentation.

(3) Except on the recommendation of the Cabinet the Speaker shall not permit a petition to be received, if in his opinion the petition requests that provision be made for any of the purposes set out in section 60 of the Constitution.

(4) The signification of the Cabinet's recommendation shall be recorded in the minutes of proceedings.

(5) No speech shall be made by a Member when presenting a petition other than a brief statement of the number and description of the petitioners and the substance of the petition.

(6) If immediately after the petition has been presented a Member rises in his place and requests that the petition be referred to a Special Select Committee, the Speaker shall call upon those Members who support the request to rise in their places. If the total number, including the Member who first rose, who have then risen is not less than half the Members the petition shall stand referred to a Special Select Committee.

#### 17. PRESENTATION OF PAPERS

(1) In this order "paper" means any account, paper, return, order, statement or other document which is ordinarily laid upon the Table at the time appointed by order 13.

(2) A paper may be presented to Parliament only by either—

(a) a Minister;

(b) any other Member authorised so to do by the House; or

(c) any other person authorised or required by law so to do.

(3) Whenever a Minister or other Member or person authorised or required by law so to do wishes to present a paper he shall send a copy of it to the Clerk who shall lay it on the

Table at the opening of the next sitting and shall record its presentation in the minutes of proceedings of that sitting.

#### 18. DEBATE UPON PAPERS PRESENTED

(1) At any time after the recording of the presentation of a paper as mentioned in sub-paragraphs (a) and (b) of paragraph (2) of order 17 the Minister or other Member who presented the paper or, in the case of a paper presented as mentioned in sub-paragraph (c) of that paragraph, any Member may give notice of a motion that Parliament resolve itself into a committee of the whole House to consider the paper. Debate upon such motion shall be confined to the general principles set forth in the paper.

(2) If a motion under paragraph (1) of this order be agreed to, Parliament shall resolve itself into committee. Debate in committee may extend over all the details contained in the paper, which shall be discussed paragraph by paragraph unless otherwise decided by the Speaker having regard to the convenience of the committee. No question shall be put on, nor any amendment proposed to, any part of the paper and at the conclusion of the debate no question shall be put save that the Minister or other Member who moved the motion do report to Parliament that the committee has considered the paper.

(3) As soon as the Minister or other Member who moved the motion has reported that the committee has considered the paper, a motion may be made forthwith, or on a later day after notice, that Parliament agrees to the proposals contained in the paper.

(4) Any Member may, if the Minister or other Member who presented the paper has not given notice of a motion in accordance with paragraph (1) of this order, ask a question or move a motion relating thereto in accordance with these Orders.

#### PART F

##### QUESTIONS TO THE GOVERNMENT

#### 19. NATURE OF QUESTIONS

Any Member who is not a Minister may address a question to the Government relating to a public matter for which the Government is responsible, either seeking information on such matter or asking for official action with regard to it.

#### 20. QUESTION DAYS

(1) Questions may be asked on any sitting day other than at the first sitting of a meeting and on Fridays.

(2) On any question day not more than twelve questions may be asked and so far as practicable Members shall be afforded equal opportunity of asking questions.

(3) Notwithstanding paragraph (2) of this order a question which the Speaker has permitted to be asked in accordance with paragraph (4) of order 21 may be asked on any sitting day.

## 21. NOTICE OF QUESTIONS

(1) A question shall not be asked without notice except as provided in paragraph (4) of this order.

(2) A Member shall give notice of a question by delivering to the office of the Clerk a copy thereof signed by him.

(3) A Member may not ask more than two questions of which notice has been given on any one question day.

(4) If a Member asks the permission of the Speaker to ask a question without notice on the ground that it is of an urgent character and relates to a matter of public importance or to the arrangement of business, the Speaker may permit the question to be asked without notice, if he is satisfied that it is of that nature and that sufficient private notice of the question has been or is to be given by the Member concerned to the Government to enable the question to be answered.

(5) Notice of a question may specify that the answer thereto may be given in writing.

## 22. CONTENT OF QUESTIONS

(1) A question shall conform to the following rules—

(a) A question shall not include the names of persons or any statement other than those necessary to make the question intelligible.

(b) A question shall not contain a statement which the Member who asks the question is not prepared to substantiate.

(c) A question shall not contain arguments, inferences, expressions of opinion, imputations, epithets or tendentious, ironical or offensive expressions.

(d) A question shall not refer to debates or answers to questions in the current meeting.

(e) A question shall not refer to proceedings in a Select Committee before that Committee has made its report to Parliament.

(f) A question shall not seek information about a matter which is of its nature secret.

(g) A question shall not reflect on the decision of a court of law or be so framed as to be likely to prejudice a case pending in a court of law.

(h) A question shall not be asked for the purpose of obtaining an expression of opinion, the solution of an abstract legal question, or the answer to a hypothetical proposition.

(i) A question shall not be asked whether statements in the press or of private individuals or private concerns are accurate.

(j) A question shall not be asked about the character or conduct of any person mentioned in paragraphs (7) and (8) of order 36 and a question shall not be asked about the character or conduct of any other person except in his official or public capacity.

(k) A question shall not be asked seeking information which can be found in accessible documents or ordinary works of reference.

(l) A question which has already been set down or has been fully answered shall not be asked again during the same meeting.

(2) If the Speaker is of the opinion that a question of which a Member has given notice to the Clerk, or which a Member has sought to ask without notice, infringes any of the provisions of order 19 or of this order he may direct—

(a) that it be placed on the Order Paper with such alterations as he may direct; or

(b) in the case of a question which a Member has sought to ask without notice, that it may be so asked with such alterations as he may direct; or

(c) that the Member concerned be informed that the question is out of order.

## 23. ASKING AND ANSWERING OF QUESTIONS

(1) Every question in respect of which a Member has given due notice under the provisions of order 21 and which complies with the provisions of order 19 and order 22 shall be put on the Order Paper for a question day not being earlier than four clear days during which the House sits after the question has appeared on the Notice Paper.

(2) The questions to be asked on each question day shall, subject to the provisions of paragraph (2) of order 20, be placed on the Order Paper by the Clerk in the order in which they appear on the Notice Paper, and in the order indicated by the Member:

Provided that questions which specify that the answer may be given in writing shall be placed after questions which do not so specify.

(3) Subject to paragraph (4) of this order when each question is reached on the Order Paper the Speaker shall call



on the Member in whose name the question stands. The Member called shall then rise in his place and ask the question by reference to its number on the Order Paper and the Minister who is to answer it shall give his reply.

(4) When any question specifies that the answer may be given in writing it shall be sufficient reply for the Minister to state that the question has been so answered prior to the commencement of proceedings on the day of sitting at which the question is reached and thereupon the answer in writing shall be deemed to be read into the minutes of proceedings.

(5) After the Minister has given an answer to a question any Member may put supplementary questions to him for the purpose of elucidating his answer but the Speaker shall refuse to allow a supplementary question to be answered, if in his opinion it introduces matter which is not related to the original question or answer or which infringes any of the provisions of order 19 or order 22.

(6) A Member shall not address Parliament on a question and a question shall not be made a pretext for a debate.

(7) If a Member is not present to ask his question when his name is called, the question shall be postponed until the next question day.

#### PART G

##### STATEMENTS AND RAISING OF MATTERS OF PRIVILEGE

#### 24. STATEMENTS BY MINISTERS

(1) A Minister who wishes to make a statement on some public matter for which the Government is responsible shall inform the Speaker of his wish before the beginning of the sitting at which he wishes to make the statement.

(2) No debate may arise on such statement but the Speaker may in his discretion allow short questions to be put to the Minister making the statement for the purpose of elucidating it.

#### 25. MATTERS OF PRIVILEGE

(1) A Member who wishes to raise a matter which he believes affects the privileges of Parliament may, not later than the day before the sitting at which he wishes to raise the matter, inform the Speaker of his wish, stating the facts to which he wishes to draw attention.

(2) When a Member is called by the Speaker to raise a matter of privilege he shall briefly state the facts to which he wishes to draw the attention of Parliament and the grounds on

which he believes that those facts affect the privilege of Parliament.

(3) The Speaker shall then state whether in his opinion the matter may or may not affect the privilege of Parliament.

(4) If the opinion of the Speaker is that the matter raised may affect the privilege of Parliament a Member may without notice move a motion based on that matter of privilege and the motion shall be debated forthwith and in priority to any business arranged in accordance with the provisions of order 15.

#### PART H

##### MOTIONS

#### 26. NOTICE OF MOTIONS AND AMENDMENTS

(1) Except as otherwise provided in these Orders or with the prior permission of the Speaker on grounds of public urgency no Member shall move a motion in Parliament unless such motion has appeared in the Notice Paper three clear days before the day on which it is to be considered by Parliament or a committee thereof.

(2) Except as otherwise provided in these Orders no amendment shall be moved to a motion unless either—

(a) notice of the amendment has been given not later than one clear day before the day on which the motion concerned is to be considered by Parliament; or

(b) the Speaker gives leave to dispense with notice of the amendment.

(3) A Member may not, on any day upon which the Business Committee have determined that motions may be moved under paragraph (3) of order 15, move more than two motions in respect of which he shall have given notice or have received the prior permission of the Speaker under paragraph (1) of this order.

#### 27. MANNER OF GIVING NOTICE OF MOTIONS AND AMENDMENTS

(1) Notice of a motion or an amendment shall be given by the delivery of a copy of the proposed motion or amendment in writing signed by the Member to the Clerk who shall thereupon submit a copy to the Speaker.

(2) Subject to paragraph (3) of this order the Speaker may direct that the motion or amendment be printed in the terms in which it was submitted to him or subject to such correction of spelling, punctuation and grammatical errors as he may specify.

(3) If the Speaker is of the opinion that the proposed motion or amendment—

(a) is one which infringes, or the debate on which is likely to infringe, any of the provisions of these Orders; or

(b) is contrary to the Constitution; or

(c) is too long; or

(d) embraces more than one substantive motion or amendment; or

(e) is framed in terms which are inconsistent with the dignity of Parliament; or

(f) contains or implies allegations which in the Speaker's opinion cannot be substantiated by the Member; or

(g) contains matter which is inconsistent with paragraphs (2), (3), (4), (5), (7) or (8) of order 36; or

(h) anticipates a matter already appointed for consideration in Parliament; or

(i) is ambiguous or cannot or may not be understood, he may direct either that the motion or amendment be returned to the Member as inadmissible or that it be printed with such alterations as may be agreed with the Member.

## 28. MOTIONS AND AMENDMENTS REQUIRING RECOMMENDATION

(1) In the case of a motion or amendment to a motion, the effect of which, in the opinion of the Speaker, is that provision should be made for any of the purposes set out in section 60 of the Constitution (that is to say, that such motion if carried, would require the introduction of a bill to make provision for imposing or increasing any tax, for imposing or increasing any charge on the Consolidated Fund or other funds of Solomon Islands, including aid funds which have been or might be made available to Solomon Islands or for altering any such charge otherwise than by reducing it, or for compounding or reducing any debt due to Solomon Islands), the Speaker shall first transmit the motion or amendment to the Cabinet with a request that a Minister signify whether or not he will give a recommendation for the purposes of section 60 of the Constitution, and unless the Minister so signifies, the motion or amendment shall neither be printed nor included in any Notice or Order Paper.

(2) Except upon the recommendation of the Cabinet signified by a Minister and recorded in the minutes of the proceedings, Parliament shall not proceed upon such a motion or amendment as is referred to in the preceding paragraph.

## 29. MANNER OF DEBATING MOTIONS

(1) A Member called upon by the Speaker to move a motion shall rise in his place and, after making such remarks as he may wish to make, shall move the motion, stating its terms.

(2) When a motion has been moved, the Speaker shall propose the question thereon to Parliament or the committee in the same terms as the motion; debate may then take place on that question.

(3) Amendments of which notice has been given or dispensed with in accordance with paragraphs (2)(a) or (2)(b) of order 26 may be moved to a motion at any time after the question has been proposed on that motion by the Speaker; and after all the amendments have been disposed of the Speaker shall again propose the question on the motion or shall propose the question on the motion as amended, as the case may require, and a further debate may take place.

(4) When no more Members wish to speak, the Speaker shall put the question on the motion or on the motion as amended to Parliament or to the committee for its decision.

## 30. MANNER OF DEBATING AMENDMENTS TO MOTIONS

(1) A Member called upon by the Speaker to move an amendment to a motion shall rise in his place and after making such remarks as he may wish to make shall move the amendment stating its terms.

(2) An amendment to a motion shall take one of the following forms—

(a) leaving out one or more of the words of the motion;

(b) inserting or adding one or more words in the motion or at the end of the motion;

(c) leaving out one or more words of the motion and inserting or adding one or more words instead.

(3) When an amendment has been moved, the Speaker shall thereupon propose the question on the amendment to Parliament or the committee and a debate may then take place on that question.

(4) (a) On an amendment to leave out any of the words of a motion the question proposed by the Speaker shall be that the words proposed to be left out, be left out.

(b) On an amendment to insert words in or to add words at the end of a motion, the question proposed by the Speaker shall be that those words be inserted or added.

(c) On an amendment to leave out words and insert or add



other words instead, the Speaker shall propose one question only on the amendment.

(d) When two or more amendments are moved to the same motion the Speaker shall call on the movers in the order in which their amendments relate to the text of the motion, or in case of doubt, in such order as he may determine.

(e) Once the Speaker has proposed a question to leave out words of a motion, no amendment to leave out part only of those words may be proposed unless the earlier amendment is first withdrawn.

### 31. WITHDRAWAL OF MOTIONS AND AMENDMENTS

(1) A motion or an amendment may be withdrawn at the request of the mover by leave of Parliament or the committee before the question is fully put thereon if there is no dissenting voice. A motion or amendment which has been so withdrawn may be proposed again if, in the case of a motion, notice required by these Orders is given.

(2) A notice of motion or an amendment may be withdrawn from the Notice Paper at any time before it is moved, if the Member in whose name the motion or amendment stands gives instructions to that effect to the Clerk.

#### PART I

#### RULES OF DEBATE

### 32. TIME AND MANNER OF SPEAKING

(1) A Member shall speak standing and shall address his observations to the Speaker.

(2) When the Speaker rises, during proceedings in Parliament or in committee of the whole House, every other Member shall be seated.

(3) If two or more Members rise at the same time to speak the Speaker shall select a Member and call on him to speak.

(4) When a Member has finished speaking he shall resume his seat and any other Member wishing to speak shall then rise.

(5) A Member shall whenever possible avoid referring to another Member by name.

### 33. OCCASIONS WHEN A MEMBER MAY SPEAK MORE THAN ONCE

(1) Save with the leave of the Speaker a Member may not speak more than once on a question except—

(a) in committee; or

(b) in explanation as provided in paragraph (2) of this order; or

(c) in the case of the mover of a motion, in reply in accordance with paragraph (3) of this order.

(2) A Member who has spoken on a question may again be heard if the Speaker so permits, to explain some material part of his speech which has been misquoted or misunderstood but when speaking he shall not introduce any new matter.

(3) In Parliament the mover of a motion may reply after all the other Members present have had an opportunity of speaking and before the question is put.

(4) A Member who has spoken on a question may speak again on an amendment proposed to that question and on a motion that the debate be now adjourned, moved during the debate on that question.

(5) No Member may speak on a question after it has been fully put by the Speaker to Parliament or a committee for decision.

### 34. INTERRUPTIONS

(1) A Member shall not interrupt another Member except—

(a) by rising to call attention to a point of order whereupon the Member speaking shall resume his seat and the Member interrupting shall concisely state the point which he wishes to bring to notice and submit it to the Speaker for decision; or

(b) to elucidate some matter raised by that Member in the course of his speech, if the Member speaking is willing to give way and resume his seat and the Member wishing to interrupt is called by the Speaker.

(2) The debate on a question may be interrupted—

(a) by a matter of privilege suddenly arising;

(b) by the Speaker intervening to restrain words of heat between Members;

(c) by questions of order;

(d) by a message from the Governor-General;

(e) by a Member presenting himself to take the oath of allegiance;

(f) by a motion that strangers withdraw;

(g) by objection being taken under section 67 of the Constitution that there is not a quorum present;

(h) by the making, by leave of the Speaker, of a ministerial statement.

### 35. ADJOURNMENT OF DEBATE OR OF PROCEEDINGS OF A COMMITTEE

(1) A Member who has risen to speak on a question proposed by the Speaker may without notice move that the debate on that question be now adjourned. Thereupon the Speaker shall propose the question on that motion.

(2) When a motion that the debate be now adjourned has been carried the debate on the question then before Parliament shall stand adjourned and Parliament shall proceed to the next item of business.

(3) When a motion that the debate be now adjourned has been negatived, the debate on the question then before Parliament shall be continued and no further motion that the debate be now adjourned shall be moved during that debate except by a Minister.

(4) When Parliament is in committee a Member may without notice move that further proceedings of the committee be now adjourned. Thereupon the Speaker shall propose the question on that motion. If the motion is carried the Speaker shall leave the chair of the committee and Parliament shall resume but if the motion is negatived the committee shall continue its proceedings.

(5) It shall not be in order to move an amendment to a motion under the provisions of this order.

### 36. CONTENT OF SPEECHES

(1) A Member shall restrict his observations to the subject under discussion and shall not introduce matters irrelevant to that subject and without prejudice to the generality of the foregoing shall not introduce into his speech personal references which have no direct relevance to the subject under discussion.

(2) Reference shall not be made to a case pending in a court of law in such a way as, in the opinion of the Speaker, might prejudice that case.

(3) It shall be out of order to attempt to reconsider a specific question on which Parliament has taken a decision during the current or preceding two meetings of that Parliament except on a substantive motion to rescind that decision moved with the permission of the Speaker.

(4) It shall be out of order to use offensive and insulting language.

(5) A Member shall not impute improper motive to another Member or make unbecoming references to his private affairs.

(6) The name of Her Majesty or of the Governor-General shall not be used disrespectfully or to influence Parliament.

(7) The conduct of Her Majesty and members of the Royal Family shall not be called in question.

(8) The conduct of the Governor-General, Ministers and Members and Judges or other persons performing judicial functions shall not be raised.

### 37. BEHAVIOUR OF MEMBERS NOT SPEAKING

During a sitting—

(a) all Members shall enter or leave Parliament with decorum;

(b) no Member shall cross the floor of Parliament unnecessarily;

(c) Members shall not read newspapers, books, letters, or other documents except such matters therein as may be directly connected with the business of Parliament; and

(d) while a Member is speaking all other Members shall be silent and shall not make unseemly interruptions.

## PART J

### RULES OF ORDER

### 38. DECISION OF SPEAKER FINAL

The Speaker shall be responsible for the observance of the rules of order in Parliament and in committee. His decision on a point of order shall be final.

### 39. ORDER IN PARLIAMENT AND COMMITTEE

(1) The Speaker, after having called the attention of Parliament or the committee to the conduct of a Member who persists in irrelevance or tedious repetition of his own or other Member's arguments in the debate, may direct him to discontinue his speech and if the Member does not immediately comply his conduct shall be deemed grossly disorderly.

(2) The Speaker, in any case where he considers that a Member has deliberately made a remark or statement defamatory of another Member or which contains a personal reference to any person which has no direct relevance to the subject under discussion, may require him to withdraw that remark or statement, and order that such remark or statement be not included in any record of the meeting. If the Member refuses to withdraw his remark or statement, his conduct shall be deemed to be grossly disorderly.

(3) Where any Member has conducted himself in a manner which is grossly disorderly the Speaker may, after giving the Member an opportunity to be heard, either—

- (a) reprimand the Member; or
- (b) order that a sum not exceeding one hundred dollars be deducted from any salary or allowance which may be due or become due to the Member by virtue of his Membership and paid into the Consolidated Fund; or
- (c) suspend the Member for a period not exceeding fourteen sitting days; or
- (d) impose two or more of the foregoing penalties.

(4) Any Member may raise the matter of the grossly disorderly behaviour of another Member as though it were a matter of privilege under order 25 and, if it is the opinion of the Speaker that the conduct complained of is capable of being found to be grossly disorderly the Speaker shall express the opinion for the purposes of order 25(4) that the matter raised may affect the privilege of Parliament.

(5) On a motion moved under order 25(4) for the purposes of this order it may be moved that the Member suffer any one or more of the penalties set out in paragraph (2) of this order and if passed such motion shall take effect immediately.

(6) Where any Member is suspended, he shall withdraw immediately from the House and shall not return until his period of suspension has expired and the Sergeant-at-Arms shall act on behalf of the House to ensure compliance with this order.

#### PART K

#### VOTING

#### 40. DECISION ON QUESTIONS

All questions proposed for decision in Parliament or the committee shall be determined in accordance with section 71 of the Constitution.

#### 41. COLLECTION OF VOICES

(1) When the debate upon a question is concluded the Speaker shall put the question to Parliament or the committee and, if it shall not have been heard, shall again put it to Parliament or to the committee.

(2) Every Member present in the House when the question is put is required to vote and in case he shall not have heard the question put, the Speaker shall again put the question.

(3) Having put the question the Speaker shall call upon those Members in favour to say "Aye" and immediately thereafter call upon those Members who are against the question to say "No".

(4) As soon as the Speaker has collected the voices of the Ayes and of the Noes, the question being then fully put no other Member may speak on it.

(5) The Speaker may, according to his judgment of the number of voices on either side, then state that he thinks the Ayes have it or that he thinks the Noes have it, as the case may be; and if no Member challenges his statement as provided in the next succeeding paragraph he shall declare the question to have been decided.

(6) If a Member challenges the statement of the Speaker that he thinks the Ayes or the Noes have it by claiming a division, then the Speaker shall order Parliament or the committee, as the case may be, to proceed to a division and the division shall be held forthwith in the manner prescribed in order 42.

(7) Notwithstanding paragraph (4) of this order the Speaker may if in his opinion the division is unnecessarily claimed, take the vote of Parliament or the committee by calling upon the Members who support or who challenge his decision successively to rise in their places and he shall thereupon, as he sees fit, either declare the determination of Parliament or the committee or order a division.

#### 42. DIVISIONS

(1) When a division has been ordered a bell shall be rung for two minutes unless all Members be sooner present. On the conclusion of that time the votes shall be taken by the Clerk who shall ask each Member seated in the House by the time the bell has ceased to ring separately how he wished to vote. A Member shall upon his name being called give his vote by saying "Aye" or "No" or by expressly stating that he abstains from voting.

(2) As soon as the Clerk has taken the votes the Speaker shall state the numbers voting for the Ayes and for the Noes respectively and shall also state the number of abstentions and then declare the result of the division.

(3) No Member shall be entitled to speak while a division is being taken except to a point of order which, if raised, shall immediately be dealt with by the Speaker without debate.

(4) If a Member states that he voted in error or that his vote has been counted wrongly, he may claim to have his vote altered if his statement is made before the Speaker has declared the result of the division.

## PART I

## PROCEDURE ON BILLS

## 43. FORM OF BILLS

(1) A Bill submitted for presentation shall conform with the requirements of this order.

(2) The Bill shall be given a short title corresponding to the title by which it is to be cited if it becomes law.

(3) The Bill shall be given a long title setting out the purposes of the Bill in general terms:

Provided that a Bill to amend those provisions of the Provincial Government Act 1981 referred to in section 43(1) of that Act shall in the long title show that it is intended to amend such provisions.

(4) The clauses of the Bill shall be preceded by the enacting formula prescribed by law.

(5) The Bill shall be divided into clauses numbered consecutively and having a descriptive note in the margin or at the head of each clause:

Provided that matters of detail dependent upon the provisions of the Bill may be annexed to the Bill in the form of a schedule or schedules.

(6) An explanatory memorandum stating the contents and objects of the Bill in non-technical language shall be attached to the Bill.

(7) In the case of a Bill involving the expenditure of public money, the explanatory memorandum shall set out briefly the financial effect of the Bill and contain estimates, where possible, of the amount of money involved.

(8) In the case of any Bill amending an existing Act by reference to part only of individual sections of that Act, the Speaker may require that the Bill include as an annexure the whole of those sections of the existing Act indicating clearly the amendments that are proposed to be made by the Bill.

## 44. NOTICE OF PRESENTATION OF BILLS

(1) Subject to paragraph (2) of this order and section 61(4) of the Constitution a Member may at any time give notice of his intention to present a Bill; such notice shall be accompanied by a copy of the Bill and memorandum required by order 43 for submission to the Speaker.

(2) A Member who is not a Minister shall, not less than twelve clear days before the first reading of the Bill, give notice of his intention to present a Bill.

(3) In the case of a Bill having any effect such as is described in paragraph (1) of order 28, the notice shall be accompanied by a certificate signed by a Minister stating that Cabinet's recommendation shall be signified to the Bill on second reading.

(4) In the case of a Bill which includes any provision—

(a) relating to a matter that is within the legislative competence of a Provincial Assembly; or

(b) affecting the functions of a Provincial Executive, the notice shall be accompanied either by a certificate signed by the Speaker of each Provincial Assembly or a member of each Provincial Executive affected by the Bill stating the date on which a copy of the Bill was received by the Provincial Assembly or Provincial Executive as the case may be or by such other evidence that a copy of the Bill has been sent to the Provincial Assembly or Provincial Executive as the Speaker may in his discretion deem satisfactory.

(5) A Member submitting such a Bill for presentation shall be known throughout the subsequent proceedings on the Bill as the Member in charge of the Bill.

## 45. EXAMINATION OF BILLS BY THE SPEAKER

(1) The Speaker shall examine every Bill submitted for presentation and shall satisfy himself that it complies with the requirements of orders 43 and 44.

(2) If the Speaker is not satisfied that the Bill complies with the requirements as aforesaid, he shall instruct the Clerk so to inform the Member in charge of the Bill and no further proceedings shall be taken in respect of the Bill.

## 46. PRESENTATION AND PUBLICATION OF BILLS

(1) If the Speaker is satisfied that the Bill complies with the requirements of orders 43 and 44 he shall endorse the Bill to that effect; the Bill shall then be deemed to have been presented to Parliament.

(2) As soon as may be after presentation of a Bill the Clerk shall cause the text of the Bill as contained in the copy submitted to the Speaker and the explanatory memorandum required by order 43 to be published in such manner as the Speaker may direct and copies of the text of the Bill and memorandum as so published shall be sent to every Member.

## 47. FIRST READING OF BILLS

(1) The short title of every Bill presented in accordance with order 46 shall be placed upon the Order Paper for first reading on the next sitting day after it shall have been published.

(2) No debate shall be allowed upon the first reading of a Bill and the Bill shall be deemed to have been read the first time upon the Clerk reading the short title.

(3) When a Bill has been read the first time Parliament shall be deemed to have ordered the Bill to be set down for second reading in accordance with the provisions of order 15 and the order of Parliament shall be so recorded in the minutes of proceedings and notice of motion for second reading shall not be required to be given by the Member in charge of the Bill.

#### 48. SECOND READING OF BILLS

(1) In the case of a Bill having any effect such as is described in paragraph (1) of order 28 the Speaker shall call for the signification of the recommendation of the Cabinet by a Minister before Parliament enters upon consideration of the second reading of the Bill and the motion that the Bill be now read a second time shall not be moved unless such recommendation has been signified.

(2) The signification of the Cabinet's recommendation shall be recorded in the minutes of proceedings.

(3) A Bill to amend those provisions of the Provincial Government Act referred to in section 43(1) of that Act shall not be read a second time until 28 days have elapsed since the first reading.

(4) A Bill including the provisions referred to in paragraph (4) of order 44 shall not be read a second time until the Speaker is satisfied that adequate notice of such provisions has been given to each Provincial Assembly or Provincial Executive concerned.

(5) Parliament shall proceed to the second reading of a Bill on a motion that the Bill be now read a second time and on this motion a debate may arise confined to the general merits and principles of the Bill.

(6) No amendment may be proposed to the question that the Bill is now read a second time.

(7) When a motion for the second reading of a Bill has been negatived no further proceedings shall be taken on that Bill.

#### 49. COMMITMENT OF BILLS

(1) When a Bill has been read a second time it shall stand committed to a committee of the whole House unless—

(a) Parliament, on a motion which may be moved without notice by any Member immediately after the Bill has been read a second time, commits the Bill to a Select Committee; or

(b) the Speaker is of the opinion that the Bill would specially benefit or otherwise specially affect some particular person or association or corporate body, in which case he shall direct that the Bill be committed to a Select Committee.

(2) Proceedings on a Bill in committee of the whole House shall be begun upon a day appointed in accordance with the provisions of order 15 and notice of the committal shall not be required to be given by the Member in charge of the Bill.

(3) Proceedings upon a Bill in Select Committee shall be begun upon a day appointed in accordance with paragraph (2) of order 72.

#### 50. FUNCTIONS OF COMMITTEES ON BILLS

(1) Any committee to which a Bill is committed shall not discuss the principles of the Bill but only its details.

(2) Any such committee shall have power to make such amendments therein as they shall think fit, provided that the amendments, including new clauses and new schedules, are relevant to the subject-matter of the Bill and are otherwise in conformity with these Orders; but if any amendment shall not be within the title of the Bill the committee shall amend the title accordingly and report the same specially to Parliament.

#### 51. AMENDMENTS TO BILLS

(1) The provisions of this order shall apply to amendments proposed to be moved to Bills in committee of the whole House in a Select Committee and on re-committal.

(2) Notice of amendments proposed to be moved to a Bill shall be given not later than one clear day before that on which the Bill is to be considered in committee and except with the leave of the Speaker no amendment of which notice has not been so given may be moved to a Bill.

(3) The provisions of order 27 shall apply to notices of amendments to Bills.

(4) The following additional provisions shall apply to amendments relating to Bills—

(a) an amendment must be relevant to the subject-matter of the Bill and to the subject-matter of the clause to which it relates;

(b) an amendment must not be inconsistent with any clause already agreed to or with any previous decision of the committee upon the Bill;

(c) an amendment must not be such as to make the clause which it proposes to amend unintelligible or ungrammatical;

(d) an amendment which is in the opinion of the Speaker or

in the case of a Select Committee the Chairman, frivolous or meaningless may not be moved.

(5) If an amendment refers to, or is not intelligible without a subsequent amendment or schedule, notice of the subsequent amendment or schedule must be given before the first amendment is moved so as to make the series of amendments intelligible as a whole.

(6) Except upon the recommendation of the Cabinet signified by a Minister and recorded in the minutes of proceedings, the committee shall not proceed upon any amendment to which the provisions of order 28 apply.

(7) The Speaker or in the case of a Select Committee, the Chairman may at any time during the discussion of a proposed amendment withdraw it from the consideration of the committee if, in his opinion the discussion shall have shown that the amendment violates the provisions of this order.

## 52. PROCEDURE IN COMMITTEE OF THE WHOLE HOUSE ON A BILL

(1) The Speaker in committee of the whole House shall call the number of each clause in succession. If no amendment is proposed thereto, or when all proposed amendments have been disposed of, he shall propose the question "That the clause (or the clause as amended) stand part of the Bill" and when all Members who wish to speak thereon have spoken, he shall put the question to the committee for its decision.

(2) Notwithstanding the provisions of paragraph (1) of this order, the Speaker may, if no member objects or has given notice of any amendment to any clause affected, call the numbers of more than one clause or group of clauses, in which case he shall propose the question "That the clauses (or group of clauses) stand part of the Bill".

(3) In order to save time and repetition or arguments, the Speaker may allow a single discussion to cover a series of interdependent amendments.

(4) The provisions of order 30 shall apply to the discussion of amendments to Bills with the substitution of the word "clause" for the word "motion".

(5) Consideration of a clause may be postponed, unless a decision has already been taken upon an amendment thereto. Postponed clauses shall be called again after the remaining clauses of the Bill have been considered.

(6) A clause may be replaced or a new clause inserted at the proper and logical stage during the course of consideration of the clauses of the Bill.

(7) The Speaker shall call on the Member in whose name the clause stands and upon such Member moving "That clause. . . be replaced by the following clause" or "That the following clause be inserted immediately after clause . . . .". The Speaker shall propose the question thereon and debate may then take place on that question and any amendments to the clause may be proposed. Thereafter the final question shall be proposed and if this is agreed to the Bill shall be amended accordingly without any further question, and any renumbering or other minor consequential amendment may be carried out by the Clerk.

(8) Schedules shall be disposed of and a schedule may be replaced or a new schedule inserted in the same way as clauses.

(9) When every clause and schedule and proposed new clause or schedule has been dealt with, the preamble, if there is one, shall be considered and the question put "That this be the preamble to the Bill". No amendment to the preamble shall be considered which is not made necessary by a previous amendment to the Bill.

(10) If any amendment to the title of the Bill is made necessary by amendment to the Bill, it shall be made at the conclusion of the proceedings detailed above but no question shall be put that the title (as amended) stand part of the Bill; nor shall any question be put upon the enacting formula.

(11) An amendment, proposed new clause or proposed new schedule, upon which a question has been proposed, may be withdrawn at the request of the mover by leave of the committee before the question has been fully put on it, if no Member objects.

(12) When all the proceedings upon the Bill have been concluded in committee the Speaker shall return to his chair and the Member in charge of the Bill shall report the bill to Parliament with or without amendment as the case may be.

## 53. PROCEDURE ON REPORTING OF BILL FROM COMMITTEE OF THE WHOLE HOUSE

(1) When a Bill has been reported from a committee of the whole House, Parliament shall be deemed to have ordered the Bill to be set down for third reading in accordance with the provisions of order 15 and the order of Parliament shall be so recorded in the minutes of proceedings and notice of motion for third reading shall not be required to be given by the Member in charge of the Bill.

(2) If any Member desires to propose further amendments to a Bill as reported from a committee of the whole House, he shall give notice of such further amendments and may, not later



than the day before that on which the Bill is set down for third reading upon the Order Paper, give notice of a motion that the Bill be recommitted, either as a whole or in respect only of some specified clause or clauses or schedule or schedules or some proposed new clause or new schedule. Such a motion shall be placed on the Order Paper immediately before the motion for the third reading of the Bill.

(3) When a motion for recommitment has been moved no amendments may be proposed to it except amendments to widen the scope of the proposed recommitment.

(4) When a motion for recommitment is agreed to, the Bill shall stand recommitted as required by the motion and Parliament shall immediately resolve itself into a committee of the whole House to consider it.

(5) When a motion for recommitment is negatived Parliament shall forthwith proceed to the third reading of the Bill.

#### 54. PROCEEDINGS ON RECOMMITTAL OF BILL REPORTED FROM COMMITTEE OF THE WHOLE HOUSE

(1) When the whole of a Bill has been recommitted the committee shall go through the Bill as provided in order 52.

(2) When a Bill has been recommitted in respect only of some specified clause or clauses or schedule or schedules of the Bill, or some proposed new clause or new schedule, the committee shall consider only the matter or matters in respect of which the Bill has been so recommitted and shall proceed on every such clause or schedule in the manner provided in order 52 and if necessary may thereafter consider amendment of the long or short title of the Bill:

Provided that if the Speaker considers it necessary or desirable he may require the whole Bill to be recommitted as in paragraph (1) of this order.

(3) When all proceedings in committee of the whole House on a recommitted Bill have been completed the Speaker shall return to his chair and the Member in charge of the Bill shall report the Bill as amended (or as not amended) on recommitment to Parliament.

(4) When the Bill has been so reported after recommitment Parliament shall forthwith proceed to the third reading of the Bill unless the Member in charge states that he wishes the third reading to be postponed and in the latter event the provisions of paragraph (1) of order 53 shall apply but no further motion to recommit the Bill shall be allowed.

#### 55. PROCEDURE IN SELECT COMMITTEE ON A BILL

(1) A Select Committee considering a Bill shall conform with the provisions of order 72 but before reporting the Bill to Parliament it shall go through the Bill in the same manner as a committee of the whole House as prescribed in order 52.

(2) When a Bill has been amended in a Select Committee, the whole text of the Bill as amended shall, if practicable, be printed as part of the report of the Select Committee but if this is not practicable the text of every clause or schedule amended, and of every new clause or new schedule added, shall be so printed.

(3) When all the proceedings upon the Bill have been concluded in a Select Committee and the committee has agreed to its report, the Chairman shall, at the next sitting of Parliament, report the Bill, with or without amendment as the case may be, to Parliament and shall lay a copy of the report of the committee upon the Table.

#### 56. PROCEDURE ON REPORTING OF BILL FROM SELECT COMMITTEE

(1) When a Bill has been reported from a Select Committee Parliament may consider the Bill as reported on a motion that the report of the Select Committee on the Bill be adopted.

(2) If that motion is carried without amendment Parliament shall be deemed to have ordered the Bill to be set down for third reading in accordance with the provisions of order 15 and the order of Parliament shall be so recorded in the minutes of proceedings, and notice of third reading shall not be required to be given by the Member in charge of the Bill.

(3) On a motion to adopt the report of a Select Committee on a Bill moved under paragraph (1) of this order, a Member may propose an amendment to add at the end of the motion the words "subject to the recommitment of the Bill (either wholly or in respect only of some particular part or parts of the Bill or of some proposed new clause or new schedule) to a committee of the whole House".

(4) If the motion is carried as amended in accordance with paragraph (3) of this order, the Bill shall stand recommitted as required by the motion and Parliament shall immediately resolve itself into a committee of the whole House to consider it.

#### 57. PROCEEDINGS ON RECOMMITTAL OF BILL REPORTED FROM SELECT COMMITTEE

(1) When a Bill reported from a Select Committee has been recommitted, the proceedings on recommitment shall be subject to the provisions of order 54.

**58. THIRD READING OF BILLS**

(1) Parliament shall proceed to the third reading of a Bill on a motion that the Bill be read the third time and do pass. Debate on that motion shall be confined to the contents of the Bill and no amendment may be moved to the motion.

(2) Amendments for the correction of errors or oversights may, with the Speaker's permission, be made to the Bill before the question for the third reading of the Bill is put by the Speaker, but no amendments of a material character shall be proposed.

(3) When a motion for the third reading of a Bill has been carried the Clerk shall read the short title of the Bill and shall write at the end of the Bill the words "Passed by the National Parliament of Solomon Islands this day" giving the date.

(4) When a motion for the third reading of a Bill has been negatived no further proceedings shall be taken on that Bill.

**59. WITHDRAWAL OF BILLS**

The Member in charge of a Bill may, at the beginning of the proceedings on a Bill at a sitting, announce that he withdraws the Bill. And such Bill shall thereupon stand withdrawn and no further proceedings shall be taken on it.

**60. PRESENTATION OF BILLS FOR ASSENT BY THE GOVERNOR-GENERAL**

A copy of every Bill passed by Parliament, certified as a true copy by the Clerk, shall be submitted by the Clerk to the Governor-General for his assent.

**PART M****FINANCIAL PROCEDURE****61. PRESENTATION AND SECOND READING OF APPROPRIATION BILL**

(1) Any Appropriation Bill for the purposes of section 102 of the Constitution presented to Parliament shall be accompanied by the estimates of revenue and expenditure referred to in subsection (1) of that section.

(2) After the motion for the second reading of an Appropriation Bill has been proposed the debate thereon shall be adjourned and shall be resumed not earlier than the day following, after which three further days shall be allotted for the second reading of the Bill. The debate upon second reading when resumed, shall be confined to the financial and economic state of

Solomon Islands and the general principles of Government policy and administration as indicated by the Bill and estimates. Unless the debate is concluded earlier, the Speaker shall at 4.30 p.m. on the last day allocated for the second reading put any question necessary to bring the proceedings thereon to a conclusion.

(3) For the purposes of this order and order 63 an allotted day shall be any day on which the consideration of the Appropriation Bill whether by Parliament or in the Committee of Supply, stands as the only motion or Bill set down by the Prime Minister upon the Order Paper in accordance with the provisions of order 15.

**62. THE COMMITTEE OF SUPPLY**

(1) There shall be a Committee of the whole House to be called the Committee of Supply. Subject to the provisions of order 79 the deliberations of the Committee of Supply shall be in public.

(2) The estimates shall upon presentation to Parliament stand referred to the Committee of Supply and the Appropriation Bill upon being read a second time shall stand committed to that committee.

**63. ALLOTMENT OF TIME IN COMMITTEE OF SUPPLY**

(1) A maximum of four days shall be allotted for discussion of the Appropriation Bill in Committee of Supply.

(2) This period may be extended if the question on the second reading of the Bill was carried on a day earlier than the last day allotted for the debate on second reading as the day or days thus saved may be added to the days allotted under this paragraph.

(3) The Speaker may name the hour upon any day allotted under paragraph (1) of this order as being the time at which proceedings upon any head in the schedules to the Bill, on any schedule of, or on the clauses of the Bill shall be concluded. If in the case of any head or schedule or of the clauses the hour so named is reached before the business concerned is disposed of the Speaker shall thereupon put any question necessary to dispose of that business.

(4) If in the case of any head or schedule the proceedings thereon are concluded before the hour named in accordance with paragraph (3) of this order, the Committee of Supply may forthwith proceed to the next business.

**64. PROCEDURE IN COMMITTEE OF SUPPLY**

(1) On the consideration of the Appropriation Bill in



Committee of Supply the clauses of the Bill shall stand postponed until after consideration of the schedule or schedules.

(2) On consideration of the schedules each head shall be considered with the appropriate estimate and any reference in these Orders to a subhead or an item means a subhead or an item in the estimates for the head then under discussion.

(3) On the consideration of a schedule, the Speaker shall call the title of each head in turn and shall propose the question "That the sum of \$                      for head                      stand part of the schedule" and unless an amendment is proposed under the provisions of the next succeeding order, a debate may take place on that question. Any such debate shall be confined to the policy of the service for which the money is to be provided and shall not deal with the details of any item or subhead but may refer to the details of revenue or funds for which that service is responsible.

(4) When all the heads in a schedule have been disposed of the Speaker shall put forthwith, without amendment or debate, the question "That the schedule (as amended) stand part of the Bill".

(5) When every schedule has been disposed of the Speaker shall call successively each clause of the Bill and shall forthwith propose the question "That the clause stand part of the Bill" and, unless a consequential amendment is moved, that question shall be disposed of without amendment or debate.

(6) No amendment may be moved to any clause except any amendment consequential on an alteration in the total sum appropriated by any schedule. Any such consequential amendment shall be moved by a Minister only and may be moved without notice and the question thereon shall be put forthwith without amendment or debate. When the question on the last of any such amendments to a clause has been decided the Speaker shall forthwith put the question "That the clause as amended stand part of the Bill" and that question shall then be decided without amendment or debate.

(7) When the question upon every clause of the Bill has been decided, the Speaker shall return to his chair and the Member in charge of the Bill shall report the Bill to Parliament with or without amendment as the case may be.

#### 65. AMENDMENTS TO HEADS IN COMMITTEE OF SUPPLY

(1) Notwithstanding the provisions of paragraph (2) of order 51 no amendment shall be moved in the Committee of Supply under this order until one clear day after that on which it was published in the Notice Paper.

(2) Except upon the recommendation of the Cabinet to be signified by a Minister and recorded in the minutes of proceedings, the committee shall not proceed upon any amendment which in the opinion of the Speaker increases the sum allotted to any head whether in respect of any item or subhead or of the head itself; every such amendment shall take the form of a motion "That head                      be increased by \$                      (in respect of subhead                      item                      )".

(3) An amendment to increase a head whether in respect of any item or subhead or of the head itself shall take precedence over an amendment to reduce the head in the same respect and if it is carried no amendment to reduce the head in that respect shall be called.

(4) Except upon the recommendation of the Cabinet to be signified by a Minister and recorded in the minutes of proceedings, the committee shall not proceed upon any amendment which in the opinion of the Speaker has any effect such as is mentioned in paragraph (1) of order 28.

(5) Subject to the provisions of paragraph (4) of this order, an amendment to any head to reduce the sum allotted thereto in respect of any item therein may be moved by any Member, and shall take the form of a motion "That head                      be reduced by \$                      in respect of (or by omitting) subhead                      item                     ".

(6) An amendment to reduce a head in respect of any subhead or by omitting a subhead shall only be in order if the subhead is not itemised.

(7) An amendment to reduce a head without reference to a subhead therein shall only be in order if the head is not divided in subheads.

(8) An amendment to omit a head shall not be in order and shall not be placed on the Order Paper.

(9) In the case of each head, amendments in respect of items or subheads in that head shall be placed upon the Order Paper and considered in the order in which the items or subheads to which they refer stand in the head in the estimates.

(10) When notice has been given of two or more amendments to reduce the same item, subhead or head, they shall be placed upon the Order Paper and considered in the order of the magnitude of the reductions proposed, the amendment proposing the largest reduction being placed first in each case.

(11) Debate on every amendment shall be confined to the item, subhead or head to which the amendment refers and after an amendment to an item or subhead has been disposed of, no

amendment or debate on a previous item or subhead of that head shall be permitted.

(12) When all amendments standing on the Order Paper in respect of any particular head have been disposed of the Speaker shall again propose the question "That the sum of \$ for head stand part of the schedule", or shall propose the amended question "That the (increased) (reduced) sum of \$ for head stand part of the schedule", as the case may require. The debate on any such question shall be subject to the same limitations as apply to a debate arising under paragraph (3) of order 62.

#### 66. THIRD READING OF APPROPRIATION BILL

The motion for third reading of the Appropriation Bill shall be decided without amendment or debate.

#### 67. SUPPLEMENTARY APPROPRIATION BILLS

If from time to time, whether in the course of a particular financial year or after its close, a Supplementary Appropriation Bill for the purposes of section 102 of the Constitution is presented, the Bill, after the motion for the second reading has been proposed, shall stand committed to the Committee of Supply and the provisions of orders 64, 65 and 66 shall apply in the same manner as to an Appropriation Bill.

### PART N

#### SELECT AND SPECIAL COMMITTEES

#### 68. APPOINTMENT, NOMINATION AND FUNCTIONS OF SELECT COMMITTEES

(1) Parliament may appoint, under Standing Orders or by an Order specially made, one or more Select Committees to consider matters or Bills which Parliament may refer to the committee.

(2) A Select Committee appointed under Standing Orders shall be termed a "Standing Select Committee".

(3) A Select Committee appointed under an Order specially made shall be termed a "Special Select Committee".

(4) The Speaker shall decide the size of every Select Committee and shall nominate the chairman and members thereof.

(5) A Standing Select Committee may from time to time report to Parliament concerning the matters referred to it and shall not be dissolved save in accordance with paragraph (7) of this order.

(6) A Special Select Committee shall, as soon as it has completed considering the matter or Bill referred to it, report to Parliament thereon and the committee shall thereupon be dissolved. If the committee is of the opinion that it will not be able to complete consideration of the matter or Bill before the day appointed for the dissolution of Parliament in accordance with section 73 of the Constitution it shall so report to Parliament.

(7) Upon the dissolution of Parliament every Select and Special Committee of Parliament shall be dissolved.

#### 69. PUBLIC ACCOUNTS COMMITTEE

LN 23/1995

(1) There shall be a Standing Select Committee designated the Public Accounts Committee whose functions shall be—

(a) to examine the accounts prescribed by section 38 of the Public Finance and Audit Act, together with the report of the Auditor-General thereon, and to report the results of such examination to Parliament;

(b) to establish the causes of any excesses over authorised expenditure and to make recommendations to Parliament on any appropriate measures to cater for such excesses of expenditure;

(c) to examine such other accounts laid before Parliament as the Committee may think fit, together with any auditor's report thereon and to report the results of such examination to Parliament;

(d) to summon any public officer to give information on any explanation, or to produce any records or documents which the Committee may require in the performance of its duties;

(e) to consider in detail the Draft Estimates prepared by the Government in support of the Annual Appropriation Bill;

(f) to summon and examine the Accounting Officers and Technical staff of Ministries and Departments and require the production of background information and explanation in relation to draft estimates;

(g) to report to Parliament in such a way that the report may inform Members prior to the Parliamentary debate thereon of the background to the Draft Estimates and draw attention to those matters which the Committee feels should be the subject for such Parliamentary debate; and

(h) to make such recommendations as the Committee sees fit and subsequently receive comments and reports on such recommendations from the Government.

(2) The Auditor-General or his nominee shall be the Secretary to the Committee and shall make available to the

Committee the services of his staff and other facilities of his office.

LN 23/1995

## 70. PARLIAMENTARY HOUSE COMMITTEE

(1) There shall be a Standing Select Committee designated the Parliamentary House Committee whose functions shall be—

- (a) to consider and advise appropriate authorities on such matters that are connected with Members' terms and conditions of service;
- (b) to oversee and supervise matters connected with the management and administration of the facilities and property of Parliament which are not provided for in any other specific rules or regulations;
- (c) to consider, decide on and advise Parliament on all matters that are connected with Parliamentary business for its meetings and sittings;
- (d) to examine and make recommendations on any matters which are connected with the provisions of sections 62 and 69 of the Constitution;
- (e) to make rules and guidelines governing the Members' use of Parliament facilities;
- (f) to report regularly to Parliament of any action taken pursuant to these Orders.

LN 23/1995

## 71. BILLS AND LEGISLATION COMMITTEE

There shall be a Standing Select Committee designated the Bills and Legislation Committee whose functions, in addition to the provisions of orders 50 and 55, shall be to—

- (a) examine such matters as may be referred to it by Parliament or the Government;
- (b) review all draft legislation prepared for introduction into Parliament;
- (c) examine all subsidiary legislation made under any Act so as to ensure compliance with the Acts under which they are made;
- (d) monitor all motions adopted by Parliament which require legislative action;
- (e) review current or proposed legislative measures to the extent it deems necessary;
- (f) examine such other matters in relation to legislation that, in the opinion of the Committee, require examination; and
- (g) make a written report to each meeting of Parliament containing the observations and recommendations arising from the Committee's deliberations.

## 71A. CONSTITUTION REVIEW COMMITTEE

LN 23/1995

There shall be a Standing Select Committee designated the Constitution Review Committee whose functions shall be—

- (a) to review the Constitution regularly and advise the Government on any changes as the Committee may deem necessary;
- (b) to examine any proposed changes to the Constitution and request submissions of views thereon from individuals or groups;
- (c) to deal with and advise on any matters relating to the use, abuse or misuse of constitutional powers, rights or responsibilities;
- (d) to report to Parliament in accordance with order 72(11).

## 71B. FOREIGN RELATIONS COMMITTEE

LN 23/1995

There shall be a Standing Select Committee designated the Foreign Relations Committee whose functions shall be to examine and make its observations and recommendations on—

- (a) the establishment of new diplomatic and consular relations and the severing of existing ties;
- (b) the accession to and signing and ratification of international treaties and conventions;
- (c) the appointment of Ambassadors and High Commissioners or other principal representatives of Solomon Islands in any other country or accredited to any international organisations;
- (d) the application of the Geneva Convention relating to diplomatic immunities and privileges;
- (e) the receiving of foreign assistance and the administration and management thereof;
- (f) the regulations, terms and conditions of service of employees of regional bodies of which Solomon Islands is a member;
- (g) the Government's conduct of its foreign policy.

## 72. PROCEDURE OF SELECT COMMITTEES

(1) The deliberations of a Select Committee shall be confined to the matter or matters referred or assigned to it by Parliament or by or under these Orders and in the case of a Select Committee on a Bill its deliberations shall be confined to the Bill committed to it and relevant amendments.

(2) A Select Committee shall sit at the times determined by the Chairman and may continue to sit although Parliament may be adjourned. The sittings of all Select Committees shall be held in private unless the Committee otherwise orders.

(3) The quorum of a Select Committee shall be one-third of the members excluding the Chairman, a fraction of the whole number being discarded.

(4) If the Chairman is unable to be present at a sitting the Committee shall elect a member of the Committee to act as Chairman in his place for the period during which he is absent.

(5) The clerk to the Committee appointed under paragraph (7) of Order 6 shall attend meetings of the Committee and shall keep the minutes of proceedings of the Committee.

(6) Divisions in a Select Committee shall be taken by the clerk to the Committee who shall ask each member of the Committee separately how he wishes to vote and record the votes accordingly.

(7) Neither the Chairman nor any other member acting in his place shall vote, unless the votes of other members are equally divided in which case he shall give a casting vote.

(8) (a) A member of a Select Committee may bring a report for its consideration. When all the reports have been brought up the Chairman shall propose the reports in order until one is accepted as a basis for discussion, beginning with his own report and proceeding with the remainder in the order in which they were brought up. The question to be proposed by the Chairman on a report shall be "That the Chairman's (or Mr 's) report be read a second time paragraph by paragraph". When this question has been agreed to, it shall not be proposed on further reports but portions thereof may be offered as amendments to the report under consideration, if they are relevant to it.

(b) The Committee shall then go through the report paragraph by paragraph and the provisions of order 52 shall apply as if the report were a Bill and the paragraphs were the clauses of the Bill.

(c) When consideration of the report paragraph by paragraph is concluded and when all proposed new paragraphs have been considered the Chairman shall put the question that this report be the report of the Committee to Parliament.

(9) A Select Committee may make a special report relating to the powers, functions and proceedings of the Committee on matters which it thinks fit to bring to the notice of Parliament.

(10) The minutes of proceedings of the Committee shall record all proceedings on consideration of a report or Bill in the Committee and on every amendment proposed to the report or Bill, with a note of divisions, if divisions were taken in the Committee, showing the names of members voting in the divisions or declining to vote.

(11) A report or special report, with the minutes of

proceedings of a Select Committee and the minutes of evidence, if evidence was taken, shall be laid on the Table by the chairman of the committee in accordance with order 17:

Provided that, if a committee has concluded its report at a time when Parliament is not meeting, that report shall be deemed for all purposes to have been laid upon the Table if it is delivered to the office of the Clerk by the Chairman of the Committee; and the Clerk shall record in the minutes of proceedings of the day on which Parliament next sits the date upon which the report was so delivered.

### 73. SPECIAL COMMITTEES

(1) Parliament may, on the motion of any Member, appoint under this order or by an order specially made, a Special Committee to consider a matter of public importance upon which Parliament wishes the Government to initiate a Bill or take other legislative or administrative action.

(2) Such Special Committee shall comprise both members and persons who are not Members but who have special knowledge of, or expertise related to, the matter to be considered by the committee.

(3) The members to serve on the committee shall be appointed by the Speaker; those persons to serve on the committee who are not Members shall be appointed by the Speaker upon the nomination of the Minister to whom the committee is required to report.

(4) The motion moving the appointment of a Special Committee shall specify a Minister to whom the committee shall deliver its report. The Minister shall appoint a secretary to the committee.

(5) A Special Committee, before proceeding to any other business shall elect a Chairman who shall be one of the Members appointed to the committee and who shall hold office during the life of the committee. In the absence of the Chairman the committee shall elect any one of its members to temporarily act as Chairman.

(6) When a Special Committee has considered its proceedings it shall present a report to the Minister specified in accordance with paragraph (4) of this order. As soon as Parliament meets after receiving the report of the committee, the Minister shall lay the same on the Table together with his proposals as to the action which he proposes to take thereon.

(7) Subject to the provisions of this order, proceedings of a Special Committee shall be in accordance with order 72.

**74. PREMATURE PUBLICATION OF EVIDENCE**

The evidence taken before any Select or Special Committee and documents presented to or a report prepared by such committee shall not be published by a member thereof or by any other person before such time as the committee shall have presented its report to Parliament or the Minister has tabled the report as the case may be.

**75. ATTENDANCE AT COMMITTEES**

(1) Members of Parliament nominated in accordance with order 68(4) to serve on a Select Committee or Special Committee shall be entitled to remuneration or allowances for so attending only in accordance with the provisions of the Parliamentary Financial Rules from time to time in force.

(2) The Speaker, who for this purpose may consult with the Chairman of the Committee concerned, may, if any member fails without good reason to attend the meetings of any committee to which he has been appointed, reprimand that member in respect of his failure to attend.

(3) If, after receiving two such reprimands, the member again fails without good reason to attend the meetings of the committee, the Speaker may, after giving the member an opportunity to be heard, order the Clerk to deduct from any salary or allowances of the member which may be due to the member by virtue of his membership a sum of money, not exceeding ten dollars in respect of each meeting which the member has failed to attend and to pay such moneys into the Consolidated Fund.

**PART O****MISCELLANEOUS MATTERS****76. ELECTION OF GOVERNOR-GENERAL**

If Parliament shall consider that it be necessary to hold an election before making an address to the Head of State in accordance with section 27 of the Constitution, such election shall be carried out in the manner prescribed by order 5, save only that nomination papers shall be issued to Members not less than three clear days before the date fixed for the election.

**77. EMPLOYMENT OF MEMBERS IN PROFESSIONAL CAPACITY**

No Member shall appear before Parliament or a committee thereof as a legal practitioner acting for or on behalf of any

person or otherwise in a capacity for which he is to receive a fee or award.

**78. DECLARATION AND DISCLOSURE OF PERSONAL INTEREST**

(1) Every Member shall, not later than the day before he makes his oath of allegiance pursuant to section 63 of the Constitution, submit to the Speaker a written declaration of all shares and interests he may have in any company or business undertaking that has any contract with the Government and of any office of director or manager he may hold in any company or business undertaking (whether or not it has a contract with the Government) and thereafter, upon his acquisition of any such share or interest or appointment to such office, he shall make such a declaration before the next sitting of Parliament he attends following upon the acquisition of that share or interest or appointment to that office.

(2) The Speaker shall maintain a record of all declarations made under paragraph (1) of this order and shall not disclose any of the contents of the same except upon a motion to that effect passed by Parliament, a request made pursuant to any Act of Parliament, or where he considers it fit and proper to do so.

(3) A Member shall not move any motion or amendment relating to a matter in which he has a direct personal pecuniary interest or speak or vote on any such matter, whether in Parliament or in any committee, without disclosing the nature of that interest.

(4) A motion to disallow a Member's vote on the ground of non-disclosure of his personal pecuniary interest may be moved without notice by any Member immediately upon the statement of the numbers voting in a division by the Speaker, but not otherwise.

(5) The Speaker shall have discretion whether or not to propose the question upon such a motion; and in exercising such discretion he shall have regard to the nature of the question upon which the vote was taken and to the consideration whether the interest therein of the Member whose vote is challenged is direct and pecuniary and not an interest in common with the rest of the inhabitants of Solomon Islands or whether his vote was given on a matter of state policy.

(6) If the question for the disallowance of a Member's vote is proposed, the Member concerned may be heard in his place but he shall then withdraw from Parliament or committee for the duration of the debate and any vote on the question.

(7) If a motion for the disallowance of a Member's vote is

carried the Speaker shall direct the Clerk to alter the numbers voting in the original division accordingly.

#### 79. ADMISSION OF PRESS AND PUBLIC

Subject to such Rules as may be made from time to time by the Speaker, members of the public and of the press shall be admitted as spectators of sittings of Parliament. The Sergeant-at-Arms shall ensure that any such Rules are complied with.

#### 80. WITHDRAWAL OF STRANGERS

(1) A Member may without notice at any time during a sitting of Parliament or a committee rise and move that strangers do withdraw, specifying whether the withdrawal is to be for the remainder of that day's sitting or during the consideration of certain business. The Speaker shall forthwith put the question on such motion and Parliament or the committee shall dispose of it before proceeding further with the business which was before it when the motion was moved.

(2) The Speaker may at any time order strangers to withdraw and the doors of the House to be closed.

(3) When an order has been made by Parliament or committee, or by the Speaker for the withdrawal of strangers, members of the public and of the press shall forthwith withdraw from the House and the Clerk and the Sergeant-at-Arms shall ensure that the order is complied with.

#### 81. SUSPENSION OF STANDING ORDERS

A motion which has the object or effect of suspending a Standing Order shall not be moved except after notice or with the consent of the Speaker.

#### 82. PROCEDURE IN CASE OF DOUBT

Where any matter arises which is not provided for in these Orders or the resolution of any other matter causes doubt, the usage and practice of the Commons House of Parliament of Great Britain and Northern Ireland shall be followed as far as it is not inconsistent with the Orders or with the practice of Parliament but no restriction which the House of Commons has introduced by standing order shall extend to Parliament or its Members until Parliament has provided by standing order for a similar restriction.

### THE MEMBERS OF PARLIAMENT (ENTITLEMENTS) COMMISSION REGULATIONS (Section 69B(2))

LN 29/1988  
LN 36/1990  
LN 66/1990  
LN 34/1992  
LN 56/1993  
LN 30/1995

[1st April 1988]

#### ARRANGEMENT OF REGULATIONS

#### REGULATION

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#### PART III

#### TRAVELLING IMPRESTS

16. USE OF IMPRESTS
17. THE RESPONSIBILITY OF THE CLERK
18. IMPREST WARRANT



carried the Speaker shall direct the Clerk to alter the numbers voting in the original division accordingly.

### 79. ADMISSION OF PRESS AND PUBLIC

Subject to such Rules as may be made from time to time by the Speaker, members of the public and of the press shall be admitted as spectators of sittings of Parliament. The Sergeant-at-Arms shall ensure that any such Rules are complied with.

### 80. WITHDRAWAL OF STRANGERS

(1) A Member may without notice at any time during a sitting of Parliament or a committee rise and move that strangers do withdraw, specifying whether the withdrawal is to be for the remainder of that day's sitting or during the consideration of certain business. The Speaker shall forthwith put the question on such motion and Parliament or the committee shall dispose of it before proceeding further with the business which was before it when the motion was moved.

(2) The Speaker may at any time order strangers to withdraw and the doors of the House to be closed.

(3) When an order has been made by Parliament or committee, or by the Speaker for the withdrawal of strangers, members of the public and of the press shall forthwith withdraw from the House and the Clerk and the Sergeant-at-Arms shall ensure that the order is complied with.

### 81. SUSPENSION OF STANDING ORDERS

A motion which has the object or effect of suspending a Standing Order shall not be moved except after notice or with the consent of the Speaker.

### 82. PROCEDURE IN CASE OF DOUBT

Where any matter arises which is not provided for in these Orders or the resolution of any other matter causes doubt, the usage and practice of the Commons House of Parliament of Great Britain and Northern Ireland shall be followed as far as it is not inconsistent with the Orders or with the practice of Parliament but no restriction which the House of Commons has introduced by standing order shall extend to Parliament or its Members until Parliament has provided by standing order for a similar restriction.

## THE MEMBERS OF PARLIAMENT (ENTITLEMENTS) COMMISSION REGULATIONS (Section 69B(2))

LN 29/1988  
LN 36/1990  
LN 66/1990  
LN 34/1992  
LN 56/1993  
LN 30/1995

[1st April 1988]

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## PART I

## GENERAL

- |  |                           |
|--|---------------------------|
| 1.— (1) These Regulations may be cited as the Members of Parliament (Entitlements) Commission Regulations.   | Short title               |
| (2) In any case where a duty is imposed on any public officer the obligations laid on such officer shall be read subject to General Orders, Financial Instructions and any other administration instructions binding upon him. |                           |
| 2. These Regulations shall be deemed to have come into force on 1st April, 1988 except where otherwise provided in these Regulations and thereupon all previous Financial Rules shall be revoked.                              | Date of commencement      |
| 3. These Regulations shall only be amended in accordance with the provisions of the Constitution   | Amendments to Regulations |
| 4. The various terms used throughout these Regulations are defined as follows:-  | Definitions               |
| “child” includes any child for whom the Member has legal responsibility or has assumed social responsibility for medical treatment and education;  |                           |
| “Clerk” means the Clerk to Parliament;   |                           |
| “Leader of Official Opposition and of Independent Members” means the leaders for whose appointment provision is made in section 66(1) and (2) respectively of the Constitution;  |                           |
| “Member” means any Member of Parliament and in its general use the Prime Minister, the Deputy Prime Minister, Ministers and Leader of the Official Opposition and the Independent groups;                                      |                           |
| “Minister” means any Member of Parliament appointed to the office under the Constitution;  |                           |
| “on duty” means when travelling to and from and participating in a meeting of Parliament or of a Special Select or Standing Committee or on occasions at which a Member is representing the Government of Solomon Islands;     |                           |
| “Prime Minister” means any Member of Parliament elected and appointed to that office under the Constitution;   |                           |
| “Speaker” means any person elected and appointed to the office of Speaker under the Constitution.  |                           |

Accounting  
books and  
records

5. The Clerk shall maintain such accounting books and records for payments of salaries and allowances as an Accounting Officer of Government is required to keep under Government Financial Instructions.

Forms

6. Any forms required specifically for the operation of these Regulations shall be designed, amended or deleted from use by the Clerk in consultation with the Ministry of Finance.

## PART II

## PAYMENTS

Salary and  
allowances

7.— (1) The salary and allowances of a Member shall become payable when the Speaker confirms that the Member is duly elected and shall have effect from the day on which the Returning Officer declares the result of the election.

(2) The salary and allowances of a Member shall cease to be payable upon the dissolution of Parliament or upon his vacating seat, whichever shall be earlier:

Provided that a Minister shall be entitled to claim his salary from the date of dissolution until the day prior to the formation of a new Government.

Salary authority

8.— (1) The Clerk shall prepare salary authority forms in duplicate for submission to the Treasury. The reasons for the application shall be stated and where applicable, any relevant authority quoted. The receipt of the authority shall be acknowledged by returning the duplicate to the Clerk bearing the Member's file number.

(2) Salary authorities shall show details of basic salary, allowances of all types and deductions for income tax, rent or other purposes.

(3) Salary authorities shall be submitted—

(a) on first election;

(b) when changes are made in monthly payments of salary, allowances or deductions or the method of payment;

(c) to stop payment.

Method of  
payment

9.— (1) Salaries may be paid in one of three ways—

(a) direct to a bank account on the request of a Member submitted on the appropriate form of authority;

(b) by cash or cheque to the Member direct;

(c) to a third party, provided that the Member has given a signed authority in writing authorising a specifically named person to collect the payment. Such authority shall clearly state how long it shall remain in force.

(2) Constituency allowance is for the purpose of a Member touring his constituency at least twice a year and is not to be paid as part of basic salary but to be drawn in two equal instalments not being less than four months apart. The rate is as specified in Appendix A.

(3) (a) Subject to the condition laid down in paragraph (b), Members shall be entitled to draw an allowance for the purpose of encouraging micro-projects and charities established within their constituencies.

(b) (i) the maximum amount claimable by any one Member in any calendar year shall be ten thousand dollars.

LN 36/1990  
LN 30/1995

(ii) Members shall obtain the prior approval in writing of the Minister responsible for the Province in which the micro-project or charity is established, or in the case of Honiara members, the Minister responsible for Honiara before committing funds to the support of any micro-project or charity.

(iii) Payment of micro-project and charities allowance shall only be made in reimbursement of expenditure actually incurred by a Member. Alternatively payment is to be made to a Member in anticipation of the actual expenditure upon the signature by not less than one of the following community leaders—a Minister of religion, an Area Constable or the Traditional Leader of the community where the project will be of benefit.

(iv) Claims shall not be reimbursed unless submitted in the form set out in Appendix B and fully supported by relevant receipts.

10. The levels of salaries and allowances for the Prime Minister, Deputy Prime Minister, Ministers, Leader of the Opposition and Independent Members, Deputy Speaker and Members are set out in Appendix A.

Levels of  
payment

10A. (1) The Prime Minister in consultation with the Secretary to the Cabinet may appoint a Member of Parliament for special duties in the Prime Minister's Office provided that it is not a public service established post.

Appointment of  
a Member for  
special duties in  
Prime Minister's  
Office  
LN 30/1995

(2) Such an appointment shall be based on the Member's qualification and suitability for the job.

(3) The Prime Minister and the Secretary to the Cabinet shall decide on the terms and conditions of the appointment. The remuneration for the services performed shall be the responsibility of the authority which benefits from the services rendered.

Relocation  
allowance  
LN 34/1992  
LN 30/1995

**10B.** (1) A Minister whose appointment is revoked for reasons other than misconduct in office, as defined in the Leadership Code (Further Provisions) Act or the Constitution, shall be entitled to a relocation allowance equivalent to one month of a Minister's net salary. A Minister who resigns shall not be entitled to such an allowance.

(2) A Minister who qualifies for such an allowance shall be allowed not less than fifteen days to vacate Government accommodation.

Terminal grant  
LN 36/1990

**11.** (1) A person who has been a Member for a period of at least six months shall be entitled to a tax-free terminal grant as specified in Appendix A, at the end of the life of Parliament. Such terminal grant shall only be payable at the end of the life of Parliament.

(2) The terminal grant or a proportion thereof of a deceased Member shall be payable to the widow or widower or legal representative of the Member.

(3) A Member who has served for less than six months shall only be entitled to one-sixth of the full terminal grant for every full month of service.

(4) Any debt outstanding and owing to the Government shall be deducted from the terminal grant before any payment is made to a Member.

National  
Provident Fund  
Scheme  
LN 36/1990

**11A.** (1) A Member shall become a contributor to the National Provident Fund from the date he is duly declared elected by the Returning Officer and confirmed by the Speaker, provided the Minister of Finance and Economic Planning has made a declaration under section 2 of the National Provident Fund Act making Members employees of the Government for the purposes of that Act:

Provided that no such declaration shall be made in respect of the Prime Minister.

(2) A Member who is already entitled to a life pension under regulations 11B(1) or 11B(2) as at 1st April 1990 shall not be a

contributor to the National Provident Fund under paragraph (1) of this regulation.

**11B.** (1) A Member who had served in Parliament for an aggregate period of twelve years shall be entitled to a life pension of 35% of the current annual basic salary of a Member.

Pension Scheme  
LN 36/1990  
LN 34/1992  
LN 30/1995

(2) A Member who had served in Parliament for an aggregate period of more than twelve years shall be entitled to a life pension of 40% of the current annual basic salary of a Member.

(3) A Member who had held the office of Prime Minister for—

(a) an aggregate period of twelve months shall be entitled to a life pension of 35%;

(b) an aggregate period of more than twelve months shall be entitled to a life pension of 50%,  
of the current annual basic salary of the Prime Minister.

(4) The pensions payable under paragraphs (1), (2) and (3) shall be frozen if a recipient re-enters Parliament or is serving as a Minister or Prime Minister following the dissolution of Parliament pending a National Election. When he ceases to be a Member such pension shall resume.

(5) In calculating the number of years for pension entitlements under these Regulations, only parliamentary service commencing from 1976 and thereafter shall be taken into account.

(6) In the circumstances that a Member who has served for twelve or more years has been elected as Prime Minister and qualifies also for pensions under paragraph (3) he shall be eligible for only one pension of his choice.

(7) The Commission may review these pension rates.

**12.** (1) Where a Member dies whilst being a Member of Parliament, an *ex gratia* amount of \$10,000 shall be paid to the widow or widower or to the legal personal representative of the deceased Member.

Death or injury  
LN 30/1995

(2) Where a Member sustains bodily injuries (not resulting in death) from an accident arising out of and in the course of his official duties, the Member shall be entitled to compensation for such bodily injuries in accordance with the Workmen's Compensation Act.

Debt

13. The Clerk shall ascertain that all debts to Government are settled by obtaining a Certificate to that effect from all Ministries.

Hospitality allowance

14. (1) The Prime Minister shall receive an annual hospitality allowance of an amount voted by Parliament.

(2) Ministers and the Leader of the Opposition will obtain funds for official hospitality from a vote provided for the purpose and controlled by the Prime Minister.

Appointment grant

15. A Member elected to Parliament shall receive an appointment grant at the rate prescribed in Appendix A and any Minister or the Leader of the Opposition appointed for the first time shall receive a further grant at the rate prescribed in Appendix A. No appointment grant shall be paid twice to a Member of Parliament, Minister or the Leader of the Opposition within the life of a Parliament.

## PART III

## TRAVELLING IMPRESTS

Use of imprests

16. (1) An imprest is a sum of money issued to a Member to make payments directly for a specific expenditure vote for which vouchers cannot be presented conveniently to a sub-accountant in the usual way.

(2) An imprest may be granted to a Member when touring if the actual expenses and allowances to which the Member will be entitled are unknown. The Member will be issued with a touring advance equal to the amount of the entitlements.

(3) Imprests are the personal responsibility of the Member in whose name they are issued. Imprest holders are not relieved of their responsibility until the imprest has been retired in full and found to be correct.

The responsibility of the Clerk

17. The Clerk will be responsible for calculating the amount of any such imprest and for ensuring that the necessary documents are provided to retire the imprest correctly.

Imprest warrant  
LN 36/1990

18. An imprest warrant shall be prepared on the appropriate form and shall be—

(a) authorised by the Secretary to Prime Minister in respect of an imprest issued to a Minister;

(b) authorised by the Clerk in respect of an imprest

issued to other Members including the Leader of the Opposition.

19. A Member issued with an imprest shall submit not more than three days after returning to Honiara all reasonably available bills, receipts and other documentation required to support the expenditure incurred under the imprest together with any cash balance to the respective Authority under regulation 18.

Retirement of imprest  
LN 36/1990

20. The following items may be charged to a travelling imprest—

Charges imprest  
LN 36/1990

(a) hotel bills for business class accommodation and food and standard service charge percentage on such items, including official communication charges, laundry and dry cleaning;

(b) travel expenses such as airport charges, transport to and from airports or other duty journeys;

(c) the cost of a chauffeur-driven hire car for Ministers when representing Solomon Islands at conferences where the host country does not provide transport; provided that such transport shall be used only on duty or for travelling to and from official functions connected with the visit;

(d) any hospitality allowances approved under regulation 53;

(e) any non-accountable allowance approved under regulation 56.

21. Alcoholic beverages, soft drinks and cigarettes shall not be charged to a travelling imprest, except alcoholic beverages and soft drink charges incurred under regulation 53(3).

Travelling imprest  
LN 36/1990

## PART IV

## ADVANCES AND LOANS

22. The Minister of Finance may authorise the issue of guarantees of loans to Members in the circumstances described in the following regulations. Applications for such loans shall be made to the Clerk in the first instance, and in the case of Ministers should bear the recommendation of the Prime Minister.

Application

23. An advance of salary and allowances not exceeding one month's gross pay may be made by the Clerk in consultation with the Treasury—

Advances of salary

(a) in case of serious illness or unforeseen domestic calamity or other circumstances which the Member could not have foreseen and for which he could not have made prior provision; or

(b) when the Member will be travelling at the time payment is due and will require funds to use during his travel period in which case the sum advanced shall be in the net amount payable after standard deduction for tax, rent, advances, or other purposes have been made.

Repayment

24. (1) An advance of salary made in the circumstances described in paragraph (a) of regulation 23 shall be repaid over a period not exceeding three months starting with the month immediately following that in which the advance is made.

(2) An advance of salary made in the circumstances described in paragraph (b) of regulation 23 shall be payable from the salary due for the month in which the advance is made.

Guarantee of loans

25. If funds are available, the Permanent Secretary, Ministry of Finance may issue a guarantee to a bank in support of a Member's application for a bank loan. The Member shall make the necessary arrangements with the bank and complete an application in Form TY84/1 set out in Appendix C. Each application for a loan shall be supported by a *pro-forma* invoice, receipted insurance cover note and works valuation certificate in case of a second-hand item, where necessary.

Limits of guarantee

26. (1) The principal of the sum guaranteed by the Government shall not exceed \$10,000 or half the Member's gross annual salary and allowances whichever is the less. The period of the guarantee shall not exceed the prescribed life of the current Parliament and full repayment must be made either before the dissolution of Parliament or, if the Member shall cease to hold office, on demand.

LN 36/1990

(2) Where the official duties of the Prime Minister, a Minister, the Leader of the Opposition or a Honiara Member obliges him to live in Honiara he is entitled to be given a Government guarantee, not exceeding \$80,000.00 to purchase his own house in Honiara. As a condition of the guarantee the Government shall have the first charge over the house and such guarantee shall not expire on the dissolution of Parliament but shall remain in force while the Government continues to hold the first charge;

Provided that no such Government guarantee shall be given to any Member who or whose spouse owns a private house in Honiara.

27. On acceptance of the application by the Minister of Finance and after completion of an agreement between the Member and the Government the Permanent Secretary, Ministry of Finance, shall issue a recommendation to such bank as the Member may require recommending that the said bank may make the loan. It shall then be the responsibility of the Member to make all further arrangements with the bank and meet all such conditions as the bank may require.

Loan agreement

28. When a Member dies or vacates his seat in Parliament, the amount outstanding on an advance or guaranteed loan may be recovered from any pay, terminal grants, pensions or *ex gratia* payments for which the Member or his legal personal representative are eligible and any additional sum due shall be recoverable from any collateral or security held by the Member or his estate.

Abnormal repayment

29. In the event that any Member should decline to hand over any balance remaining to be paid to Government, the Clerk shall take immediate action to obtain a Court Order for the possession of such chattel and inform the Accountant General, Treasury and Auditor-General of such action.

Government duties

## PART V

## ACCOMMODATION

30. The Prime Minister shall occupy (without payment of rent or tax on the private benefit thereof) the official residence of the Prime Minister and shall be provided with two drivers and such domestic staff as the Secretary to the Public Service may consider reasonable together with full furnishings and equipment for the house and the upkeep of such houses shall be a charge on public funds.

Prime Minister

31. (1) Ministers and the Leader of the Opposition will be provided, if they so request, with a rent-free Government house of Class II or III.

Ministers and leader of the Opposition  
LN 56/1993

(2) Any Minister or the Leader of the Opposition who occupies his own private house shall be entitled to a rental supplement of a Class II Government house.

(3) A Minister or the Leader of the Opposition who occupies a Government house shall be entitled to employ one domestic servant and a gardener to work in such house at such rate of pay as the Permanent Secretary to the Public Service may approve and the pay of such domestic employees shall be paid out of public funds. Where he does not occupy a Government house he shall not be entitled to the gardener.

(4) The Deputy Prime Minister, Ministers and the Leader of the Opposition shall be entitled to free supply of water, gas and electricity. The expenses thereof shall be a charge on public funds.

(5) Ministers and the Leader of the Opposition shall be entitled to have a telephone installed and maintained in the houses which they occupy at the expense of public funds:

Provided that the cost of any telephone calls which are not for public purposes must be met by the Minister and the Leader of the Opposition, as the case may be.

**31A.** During Parliament sittings the Deputy Speaker shall be provided with reasonable accommodation outside the Parliament Rest House to maintain the independence and dignity of the office of Deputy Speaker.

**32** (1) Free accommodation of reasonable and respectable standard shall be provided for all Members and their spouses and unmarried children of under 18 years at the Parliament Resthouse in Honiara for the duration of their term as Members of Parliament.

(2) In the event of the Parliament Hostel being full, the Clerk will arrange and pay for accommodation in a Hotel and where a Member cannot be accommodated in the Parliament Hostel or a rest house during official duties and finds his own house, such a member shall receive a daily payment equivalent to a Class II rental supplementation. This shall not apply to a Member entitled to rental supplementation under regulation 31 (2). This shall not be paid if there is accommodation available in the Parliament Hostel or a rest house.

(3) Honiara Members may, if they so wish, be provided with a Government House in Honiara. The allocation of houses will be made by the Secretary to the Prime Minister. Such a Member who is allocated a Government House shall be charged an appropriate rental. An appropriate taxable housing allowance

Accommodation  
for Deputy  
Speaker during  
Parliament  
sittings  
LN 30/1995

Accommodation  
of Members  
LN 36/1990

shall be payable to such a Member who does not live in a Government house. The appropriate rental or housing allowance shall be determined by the Secretary to the Prime Minister in accordance with Regulations in force in respect of the Public Service.

**33.** While touring on Government business a Minister, the Leader of the Opposition or a Member of Parliament may either be accommodated at a hotel or rest house and his accommodation and all reasonable meals expenses will be paid for and a touring allowance of \$30.00 per day will be payable in addition.

Members  
accommodation  
etc. on tour  
LN 30/1995

**34.** All accounts for accommodation and meals will be sent to the Clerk for payment.

Accounting for  
accommodation

**35.** Accommodation outside Honiara will be provided free of charge on the same terms and conditions as for touring on duty for Members travelling to or from meetings of Parliament or of Special Select or Standing Committees.

Accommodation  
while travelling  
to or from  
meetings

**36.** Accommodation will be provided only for unavoidable stop-overs where transport is not immediately available to complete the journey.

Accommodation  
during stop-overs

**37.** In all cases the Provincial Secretary of the Province concerned will certify on the account that the charges were incurred because of unavoidable delays in transport.

Authority to  
certify other  
costs

## PART VI

### TRAVEL

**38.** Two official cars will be provided for the Prime Minister's use, with drivers and all running costs will be met from public funds.

Prime Minister

**39.** (1) The Prime Minister, each Minister and the Leader of the Opposition will be provided with free transport for himself, his wife and children as follows—

Ministers, Leader  
of Opposition  
and Deputy  
Speaker  
LN 30/1995

(a) from his place of domicile or the central point of his constituency to Honiara, on first appointment;

(b) six return trips in each calendar year between Honiara and any place designated by him within his constituency or his wife's place of domicile, or any other place in Solomon Islands;



(c) from Honiara to his place of domicile or the central point in his constituency, on relinquishing his appointment;

(2) For the discharge of their official duties Ministers and the Leader of the Opposition shall be provided with a car except on special circumstances where Ministers and the Leader of the Opposition's needs for transport so justify a more suitable vehicle other than a car will be provided. Such need shall be considered on its own merit by the Secretary to Prime Minister.

(3) Drivers whose appointments shall be made by the Permanent Secretary for the Public Service upon the recommendations of the Ministers and the Leader of the Opposition shall be provided.

(4) In every sitting of Parliament the Deputy Speaker shall be provided with a car or a similar vehicle.

(5) Vehicles provided under paragraph (2), being restricted to official use, shall be placed under the control of the Ministry for which the particular Minister is primarily responsible, and in the case of the Leader of the Opposition under the control of his Office.

(6) Vehicles provided to Ministers and the Leader of the Opposition for the discharge of their official duties shall be restricted and shall only be driven by the driver designated under paragraph (3).

40. Free transport will be provided for all other Members of Parliament from their place of domicile or the central point in their constituency to Honiara and return on all sittings of Parliament and the meetings of Special Select or Standing Committees. Free transport shall similarly be provided for their wives and children twice during any one calendar year. A Member for a constituency in Honiara should not be precluded of travelling under this Regulation.

41. During a period of Parliament session, a Member may be granted leave of absence on compassionate grounds on application following recommendation by the Speaker to the Clerk. Reasonable travel costs of the Member and his family, within Solomon Islands, shall be paid.

42. All Members including the Prime Minister, the Deputy Prime Minister, Ministers and the Leader of the Opposition are

Ordinary  
Members

Compassionate  
leave

Travel for  
constituency  
purposes

personally responsible for the payment of fares when travelling on constituency business.

43. Free passage by air or sea for the Prime Minister, Ministers and Leader of the Opposition is restricted to official duty only. Subject to the prior approval of the Prime Minister, Ministers and the Leader to the Opposition may charter aircraft or ship where no scheduled services are reasonably available. For journeys for constituency purposes Regulation 42 will apply.

Prime Minister,  
Ministers and  
Leader of  
Opposition on  
duty

44. (1) The Secretary to the Prime Minister must be advised of any duty tours by Ministers before they are undertaken, or the full cost of the tour will be the responsibility of the Minister concerned.

Travel  
arrangement for  
touring on duty

(2) Duty tours by Special Select or Standing Committees will be organised by the Permanent Secretary of the Ministry concerned and paid for from the vote of the Ministry. If the terms of reference of a Committee do not relate to any particular Ministry, the expenses of the Committee will be met from the Office of the Prime Minister.

(3) Chartering of boats or aircrafts will not be permitted without the prior approval of the Permanent Secretary of the Ministry concerned or the Secretary to the Prime Minister who will satisfy himself that no regular scheduled transport is available to the area concerned. Where scheduled services are available, tours would be organised to fit in with these services.

45. (1) The Clerk will arrange all travel to Honiara. The Clerk will advise the Provincial Secretary of the Province concerned of all travel arrangements within a Province.

Travel  
arrangement to  
and from  
meetings

(2) Members will not be permitted to charter boats or aircraft.

46. (1) When a Member or a member of his family fails without good reason to take up bookings on an aircraft he will be required to refund to the Government the whole of the fare not used.

Refund of fares

(2) Any Member who charters a ship or aircraft without the requisite approval set out in these Regulations will be personally responsible for the payment of the cost of the charter.

47. All visits by Ministers or the Leader of the Opposition or Members overseas must be recommended by the Prime Minister

Overseas visits

who may authorise that any such person may be accompanied by his wife and may authorise expenditure for that purpose.

Travel costs

**48.** (1) All overseas visits will be arranged by the Clerk when Members only are involved. When a Government Officer is travelling with a Member or Members he will be responsible for all travel arrangements and for the control of funds concerned with the visit.

(2) Ministers and Members of Parliament are entitled to travel first class.

LN 36/1990

(3) Where a Member is required as part of his duty to go on an overseas trip funded by an International Organisation which provides for an economy class air ticket, the Government shall meet the extra costs required in converting the ticket from economy to first class.

LN 36/1990

(4) All Members are afforded VIP status and are entitled access to the VIP Lounge and other facilities at Henderson Airport when departing overseas and arriving from overseas.

Subsistence allowance

**49.** A Member who is required to travel overseas on duty is eligible to receive a subsistence allowance as specified in Appendix A.

Charges  
LN 36/1990  
LN 34/1992

**50.** (1) Subsistence allowance is intended to cover, for a complete period of twenty-four hours, three meals a day, plus service charges, taxes, and incidental expenses at the place of accommodation, including official communication charges. Other incidental expenses such as taxis or airport taxes must be claimed separately.

(2) Subsistence allowance is payable for complete period of twenty-four hours only; provided that broken periods of twenty-four hours which include a night, or from midnight to 6.00 am may be claimed at full rate.

(3) Where a Member is a guest of a host Government, Administration, Agency or Organisation and is not required to meet his accommodation and meal charges, he may claim one-fifth of the subsistence allowance applicable to him.

Standard rates

**51.** Where a Member necessarily incurs expenses which are substantially higher than the standard rate of subsistence allowance prescribed, the Prime Minister may at his discretion—

(a) approve a special rate if the circumstances are known in advance; or

(b) authorise reimbursement on the basis of actual expenditure provided that the complete evidence of payments made is submitted with the claim and such payments are concerned with only accommodation, communication, meals and travel.

**52.** (1) Where a Member attends an international conference where there are a significant number of Governments represented the Prime Minister may authorise that he be accommodated in a higher standard than the standard rate would allow.

Conference rate

(2) In such circumstances the Prime Minister will authorise a conference rate equal to the full hotel charge for accommodation, breakfast, service and taxes plus half the standard rate of subsistence allowance prescribed.

(3) In these circumstances no further allowance for incidental expenses or hospitality will be paid.

**53.** (1) Where the Prime Minister considers that the Government may be under an obligation to provide or return hospitality at an overseas conference, he may authorise an allocation of funds to a Member for this purpose.

Hospitality overseas

(2) Expenditure will be confined to a specific amount for an organised function of a number of identified persons and may not be incurred on casual drinks or meals with chance friends or local acquaintances which are for the Member's personal account.

LN 36/1990

(3) A Member may incur reasonable expenditure when attending an overseas conference or meeting in cases where he needs to lobby for support or have some informal discussions in an informal setting with other delegates.

LN 36/1990

(4) The expenditure in paragraphs (1), (2) and (3) must be justified by the production of receipted bills and any cash balance should be refunded.

LN 36/1990

**54.** Where the itinerary of a visit is changed which results in a reduction of the number of days of the journey, an appropriate refund of any allowances advanced will be made on the Member's return to Solomon Islands.

Refunds

Allowances in transit

55. (1) Where it is necessary to spend a period in transit and meals and accommodation are included with passage costs, no allowance is payable.

(2) Where the period in transit includes an overnight stop and meals and accommodation are provided at the expense of the carrier an allowance of one-fifth of the standard rate for the place of stop-over will be payable to cover the incidental expenses.

(3) Where a Member is detained overnight in transit and the charges for accommodation and meals are not provided at the expense of the carrier, he will be eligible to claim subsistence allowance at the rate applicable to the place in which he is detained.

Overseas travel grant

56. Any Member who travels overseas on Parliamentary business may, on the first occasion he travels on such business, be paid the non-accountable overseas travel grant specified in Appendix A.

#### PART VII

##### MEDICAL TREATMENT

Eligibility  
LN 36/1990

57. Save as elsewhere provided all Members and their spouses and unmarried children under 18 years are eligible to receive medical attention free of charge at the Central Hospital including the use of the Private Ward.

Chief Consultant

58. If the Chief Consultant of the Ministry of Health and Medical Services confirms that a Member requires spectacles, dentures or any surgical appliance and that they are essential, they will be provided at the expense of the Member, provided that if the cost exceeds one quarter of one month's basic salary of the Member, his contribution shall be limited to that proportion of his salary.

Medical attention and treatment for Members on duty overseas

59. A Member on duty outside Solomon Islands shall be eligible for all essential medical and hospital treatment, including surgical treatment and accommodation charges at Government expense, provided that in any such case, such expenses cannot normally be met by a national health service of the country in which he is on duty without causing undesirable delay in securing examination or treatment.

Medical treatment outside Solomon Islands

60. Save in exceptional circumstances with the approval of the Prime Minister following consultation with the Chief Consultant of the Ministry of Health and Medical Services, a Member is not

eligible to receive treatment at Government expense outside the country.

61. When a Member is sent out of the country for medical examination or treatment under regulation 60 he shall be eligible for—

Other charges outside Solomon Islands

(a) passages by air at Government expense at first class rate;

(b) essential examination and treatment at Government expense as arranged whenever possible by the Ministry of Health and Medical Services in advance, including operation charges and the fees of doctors, anaesthetists or specialists.

62. Where charges for accommodation are incurred, the Ministry of Health and Medical Services will meet such charges which will subsequently be recovered from the Member. The Member will thereafter be required to reimburse the charges. If necessary, an advance of salary may be authorised under Part IV of these Regulations by such amounts and over such period as the Minister of Finance may decide. When the Minister of Finance is of the opinion that recovery of such costs, either wholly or in part would result in hardship, he shall, with the concurrence of the Prime Minister, decide what proportion of the costs should be borne by the Member.

Recoverable charges

63. The Chief Consultant, Ministry of Health and Medical Services shall decide whether examination and treatment provided under this Part is essential and his decision shall be final.

Authority for treatment is final

64. Unless referred by or with the approval of the Chief Consultant of the Ministry of Health and Medical Services, a Member or his wife or child who is medically examined by or receives medical treatment from a medical practitioner in private practice shall not be eligible to claim reimbursement of any expenses. No benefit conferred by this Part shall be available to a Member or his family whilst they remain under the professional care of a private practitioner.

Treatment by private practitioners

#### PART VIII

##### CONSTITUENCY DEVELOPMENT FUND RULES OF MANAGEMENT

65. (1) The administration and management of the Constituency Development Fund shall be in accordance with the provisions of the following paragraphs.

Administration and management of the Constituency

Development  
Fund  
LN 30/1995

(2) The Constituency Development Fund shall not be a Special Fund within the meaning of section 100(2) of the Constitution.

(3) The total of the Constituency Development Fund allocation for any constituency shall not exceed \$200,000 in any financial year or such other amount within the limits of funds allocated by Parliament.

(4) For the purpose of this regulation a Member of Parliament of a constituency shall be an imprest holder under the Government Financial Instructions and where the Member sees fit, he shall appoint a committee to assist him in vetting and assessing community project proposals.

(5) An application for assistance shall be in the form as set out in Appendix D.

(6) A Member may allocate funds, out of his Constituency Development Fund account, for—

- (a) individual or group income-generating projects;
- (b) community projects

(7) Proposals for community projects shall be given priority over proposals for individual projects.

(8) Allocations from the Constituency Development Fund shall be by way of grants.

(9) An amount of \$50,000 or a quarter of the Constituency Development Fund allocation approved by Parliament shall be paid quarterly at the beginning of each quarter.

(10) A Member is responsible to account for and to retire the amount not expended at the end of each quarter.

(11) The payment of a Constituency Development Fund allocation for the next quarter shall be subject to retirement of the preceding quarter under the normal requirements of the Government Financial Instructions.

(12) Under no circumstances shall the Constituency Development Fund allocation for a quarter be paid in advance before the amount for that quarter is due.

(13) Every Member shall keep records as required under the Government Financial Instructions with regard to special imprests.

(14) The Constituency Development Fund shall be subject

to audit by the Auditor-General under the provisions of the Public Finance and Audit Act and the Constitution.

## PART IX

### MISCELLANEOUS

66. Members required to tour outside Honiara as members of Standing Select or Special Committees appointed under Order 68 of Standing Orders of the National Parliament shall receive touring allowance in accordance with Regulations 33 hereof. All costs associated with attendance at the said committees shall be met from the Parliament Head of the estimates.

Standing and  
Special Select  
Committees

Members of such committees during sittings shall be paid a sitting allowance at the rates as appear in Appendix A of these Regulations.

67. The Leader of the Opposition is entitled to be provided with office facilities and three to four staff who need not be public servants.

Leader of the  
Opposition  
Ministers with  
extra portfolios

68. (1) The Prime Minister or any Minister who is to care-take or supervise responsibilities for another portfolio for fourteen or more consecutive days shall be entitled to a taxable allowance at the rate of \$300.00 per month.

(2) Any Minister acting in the office of the Prime Minister under Section 38(1) of the Constitution shall be entitled to a taxable allowance at the rate of \$600.00 per month.

69. Members will receive free headed paper and envelopes. Payments for postage, telegrams and service messages shall be the responsibility of Members.

Free services

## APPENDIX A

## 1. BASIC SALARY

(a) The following taxable salaries will be paid—

Prime Minister	\$50,720 per annum
Deputy Prime Minister	\$38,322 per annum
Ministers and Leader of the Opposition	\$36,886 per annum
The Leader of the Independent Members	\$33,014 per annum
Deputy Speaker	\$29,142 per annum
Members	\$28,924 per annum

These salaries to take effect on 1st April, 1995.

## 2. APPOINTMENT GRANT (Reg. 15)

Members	\$1,000
---------	---------

Prime Minister, Deputy Prime Minister, Minister and Leader of the Opposition shall in addition receive

\$600

## 3. OVERSEAS TRAVEL GRANT (REG. 56)

—Summer Clothing	\$700
Winter Clothing	\$1,500

4. CONSTITUENCY ALLOWANCE (REG. 9(2))  
(Tax Free)

## ZONES

Zone 1	\$5,000
--------	---------

TEMOTU PELE  
TEMOTU NENDE  
MALAITA OUTER ISLANDS

Zone 2	\$4,800
--------	---------

EAST ARE ARE  
WEST ARE ARE  
SMALL MALAITA  
WEST MAKIRA  
CENTRAL MAKIRAEAST MAKIRA  
SOUTH CHOISEUL  
NORTH WEST CHOISEUL  
EAST CHOISEUL  
ULAWA & UGI  
SHORTLANDS  
RENNELL & BELLONA

Zone 3	\$4,600
--------	---------

NORTH VELLA LA VELLA  
SOUTH VELLA LA VELLA  
RANONGA & SIMBO  
NORTH NEW GEORGIA  
SOUTH NEW GEORGIA, RENDOVA  
& TETEPARI  
MAROVO  
HOGRANO/KIA/HAVULEI  
MARINGE/KOKOTA  
GAO/BUGOTU  
EAST KWAIO  
WEST KWAIO  
NGELLA  
SAVO & RUSSELLS  
SOUTH GUADALCANAL

Zone 4	\$4,400
--------	---------

GIZO & KOLOMBANGARA  
WEST NEW GEORGIA & VONAVONA  
NORTH WEST MALAITA  
LAU/MBAELELEA  
FATALEKA  
CENTRAL KWARA'AE  
WEST KWARA'AE  
AOKE/LANGALANGA  
NORTH WEST GUADALCANAL  
WEST GUADALCANAL  
EAST GUADALCANAL  
EAST CENTRAL GUADALCANAL  
NORTH EAST GUADALCANAL  
CENTRAL GUADALCANAL  
NORTH GUADALCANAL  
BAEGU ASIFOLAE

Zone 5	\$3,200
--------	---------

WEST HONIARA  
EAST HONIARA

## 5. SUBSISTENCE ALLOWANCE (OVERSEAS) (Reg. 49)

—to include lunch, dinner and incidental expenses.

Prime Minister	US\$250.00
Deputy Prime Minister	US\$170
Minister/Leader of Opposition	US\$150
Members	US\$130

6. **TERMINAL GRANT (TAX FREE)**  
All Members (including Prime Minister, Ministers and the Leader of the Opposition—  
\$10,000
7. **RENTAL SUPPLEMENTARY (TAXABLE) (Reg. 31(2))**  
The amount prescribed at the times as the taxable value of the house occupied or to which the Member is entitled.
8. **MEMBERS OF PARLIAMENTARY STANDING SELECT COMMITTEES AND SPECIAL SELECT COMMITTEES (Reg. 65)**
  - (a) Standing Select Committees to be paid an hourly rate of \$8.00
  - (b) Special Select Committees to be paid a daily rate of \$50.00.

## Appendix B

**Micro-Projects and Charities Allowance (see Reg. 9(3))**

## APPLICATION FORM

- (1) Name of Proposer .....
- (2) Name of Proposal .....
- (3) Location .....
- (4) Cost of Proposal .....
- (5) Nature of the Project .....
- (6) Signature .....
- (7) Witness .....
- (8) Date .....

## REMARKS

OFFICIAL USE:

[illegible]

## Appendix C

TT84/1

## APPLICATION FOR LOAN GUARANTEE

(Member of Parliament Only)

To: Accountant General  
Honiara

Applicant's Name ..... (Block Capitals)

Address .....

Date .....

I wish to apply for a guarantee for a loan of \$ .....  
for ..... months from the .....  
..... Bank to purchase a .....

(2) (a) I have obtained the approval of the Bank for this loan and they have completed the certificate below.

(b) I attach a proforma invoice on suppliers agreement giving full details of items to be purchased.

(c) I attach a work Certificate of Valuation and Inspection (for second-hand purchases only).

(d) I attach a receipted cover note or insurance policy of comprehensive insurance cover for the whole period of the loan in the joint name of myself and the Accountant General.

(e) I attach herewith an authority in the standard form requesting you to pay my salary into the Bank granting the loan. I understand that this is irrevocable for the period of the loan.

3. I understand that interest and bank charges will be added to the amount of advance requested and the total sum will not exceed the amount specified — Reg. 26.

4. I understand that if I dispose of the item, I will immediately repay the loan in full and inform the Accountant General that I have done so.

Signed: .....

Certificate by .....

..... Bank

I certify that subject to the issue of Government Guarantee, I have agreed to make a loan of \$ ..... to Mr .....  
for a period of ..... months for the purpose described above.

BANK STAMP

Signed .....

For: .....

..... Bank

## Appendix D

## CONSTITUENCY DEVELOPMENT FUND

## Application for Funding

1. Name of Community: .....

2. Name of Project: .....

3. Location: —

(a) Ward: .....

(b) Zone: .....

(c) Village: .....

(d) Address: .....

4. Information on Project (Description): .....

5. Supervisors:

Name: ..... Position: ..... Sign: .....

Name: ..... Position: ..... Sign: .....

6. Amount Requested:

7. Community Contribution:

8. Recommendation By Local Leader (Chiefs, Priests/Pastors, Area Council Member, Provincial Member):  
.....  
.....  
.....

9. Endorsed/Not Endorsed, By Constituency Development Committee:

Signed By Chairman (CDF): ..... Date: .....



10. Approved/Not Approved By MP for .....  
Constituency:

Sign: ..... Date: ..... 1995,

Comments: .....

.....

.....

#### NOTES:

- (a) No cash payment to be made.
- (b) Attach proforma invoices with submission.
- (c) No refund of receipts or invoices.
- (d) Supervisors must be directly concern and involve with the project.
- (e) Each project must be in a separate form and must be original and not photocopies.
- (f) (i) Non-generating income projects like schools and churches attract no administrative fee.
- (ii) Income generating approved projects will attract an administrative fee of 5% to be paid before the project is released.

#### THE POLICE PROMOTION BOARDS REGULATIONS (Section 120(5))

LN 7/1979

[6th April, 1979]

1. These Regulations may be cited as the Police Promotion Boards Regulations.

Citation

2. There shall be not more than five nor less than one Police Promotion Boards which shall each consist of not less than four nor more than seven Police Officers of or above the rank of Inspector, all of whom shall be appointed to be members of a Board by the Commissioner of Police (hereafter referred to as "the Commissioner") before the first day of November of each year.

Composition of Board

3. In addition to the members appointed under regulation 2 there shall be a Chairman of each Police Promotion Board who shall be the Deputy Commissioner of Police or the officer acting in that post.

Chairman

4. Every member of a Police Promotion Board shall hold office for the term of not less than one year unless otherwise directed by the Commissioner.

Term of office of members of Boards

5. A Police Promotion Board shall meet on such dates and at such places as the Commissioner may direct but at least once in each year.

Meetings

6. No business except that of adjournment shall be transacted at any meeting of a Police Promotion Board unless there be present a quorum of four members including the Chairman of that Board.

Quorum

7. The Commissioner may ask a Police Promotion Board for its advice on all matters relating to the promotion of officers in the Police Force to any rank below that of Inspector and specify a District/Division to which such Police Promotion Board shall confine its advice.

Request for advice of Board

8. A Police Promotion Board having received a request for advice under regulation 7 shall advise the Commissioner in respect of the promotion of an officer to a rank below that of Inspector and the Chairman of the Board shall certify in writing

Advice to the Commissioner

that all officers eligible for such promotion have been considered by such Police Promotion Board.

Matters to be considered in giving advice

9. A Police Promotion Board in giving advice to the Commissioner shall consider the merit, experience and qualifications of every officer eligible for such promotion.

Voting

10. A Police Promotion Board shall determine its advice by a majority of votes of the members present and voting, and, if on any matter the votes are equally divided, the Chairman of the Board shall have and exercise a casting vote.

Submission of advice

11. The Chairman of a Police Promotion Board shall submit the advice of the Board together with the certification required by regulation 8 to the Commissioner within seven days of every meeting of such Board.

Records and proceedings to be confidential

12. All records and proceedings of a Police Promotion Board shall be treated as confidential and shall not be communicated or divulged by any member of a Police Promotion Board to any person other than the Commissioner who shall receive a report of the proceedings of every meeting direct from the Chairman of a Police Promotion Board.

THE PUBLIC SERVICE COMMISSION REGULATIONS  
(Section 137(1))

LN 12/1979  
LN 157/1990

[1st May 1979]

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THE PUBLIC SERVICE COMMISSION REGULATIONS  
(Section 137(1))

LN 12/1979  
LN 157/1990

[1st May 1979]

## PART I

## GENERAL PROVISIONS

- |  |   |
|--|---|
| 1. These Regulations may be cited as the Public Service Commission Regulations.  | Citation                                    |
| 2. In these Regulations the words used, unless the context otherwise requires, have the meanings given to them in the Constitution or Schedule 1 to these Regulations.   | Interpretation                              |
| 3. The secretarial and other administrative services required by the Commission shall be provided by the office of the Secretary for the Public Service, who will nominate an officer acceptable to the Commission for this purpose.   | Secretarial and administrative services     |
| 4. At meetings of the Commission the Chairman and two other members shall constitute a quorum, subject to the provisions of section 137(2) of the Constitution.  | Quorum at meetings                          |
| 5. The Commission shall meet at such intervals as are necessary in the opinion of the Chairman, after consultation with the Secretary for the Public Service, to deal quickly with the Commission's business.  | Frequency of meetings                       |
| 6. A record shall be kept of the members present and of business transacted at every meeting of the Commission, and of the decisions reached. Any member who is present at the meeting when a decision is made shall be entitled to disagree with it and to have his reasons for doing so set out in the record of that meeting.                                       | Record of meetings and decisions            |
| 7. Neither the Chairman nor any other member, nor any other person shall disclose to anyone, otherwise than to a public officer in the proper exercise of his duties, the proceedings or decisions of the Commission, nor the contents of any document, communication or information which has come to his notice in the course of his duties under these Regulations. | Non-disclosure of proceedings and documents |
| 8. Any public officer who, otherwise than in the course of his duty, directly or indirectly by himself or by any other person in   | Improper influence                          |

any way whatsoever influences or attempts to influence any decision of the Commission or the Chairman or any other member shall be guilty of misconduct.

9. It is the duty of all public officers to provide such information and documents as the Commission may require in the exercise of its functions, and to attend to give evidence when requested. Failure to do so, or wilfully to give false or misleading information, is an act of misconduct.

10. Staff Reports on public officers shall be made available to the Commission by the Secretary for the Public Service. The Commission may call for additional reports on public officers, if they consider this necessary in any particular case.

11. All submissions to the Commission shall be made by or through the Secretary for the Public Service who will be responsible for the regularity. The administrative procedures for the submission of cases to the Commission under the various provisions of these Regulations shall be decided by the Secretary for the Public Service after consultation with the Commission.

12. Where the Commission delegates powers to public officers it shall do so in writing after consultation with the Secretary for the Public Service. In delegating its powers the Commission shall take into account the administrative needs of the Public Service to conduct its affairs promptly, and the need to avoid excessive submissions to the Commission on minor matters.

13. Delegation shall be exercised in accordance with the relevant provisions of these Regulations and any other conditions the Commission may impose, as well as the appropriate administrative procedures in force. The powers shall not be sub-delegated without the written approval of the Commission who may withdraw delegated powers from any particular officer if they are misused.

14. A public officer in respect of whom a decision has been taken by the Commission, or by an officer exercising delegated powers, under the provisions of these Regulations may appeal to the Commission if he is aggrieved by that decision.

15. Any appeal must be made within 14 days after the date on which the decision has been communicated to the officer, or in

Duty to provide information and give evidence

Staff Reports to be made available

Procedure for submissions

Delegation of powers

Exercise of powers

Appeals

Time limit on appeals

special circumstances such period not exceeding three months as the Commission may allow.

16. An appeal must be made in writing, and state the grounds on which it is being made and be supported by any relevant information or evidence which may not have been available when the original decision was taken. At any interview in connection with his appeal an officer may be accompanied by a friend or an official representative of his trade union.

## PART II

### APPOINTMENTS TO THE PUBLIC SERVICE

17. The Secretary for the Public Service shall decide on the minimum qualification, including any examinations or tests, for entry to any cadre, group or class within the public service.

18. The Commission, or any officer to whom they have delegated appropriate powers, shall decide on and make all appointments to the Public Service.

19. Unless the Commission otherwise agrees, all appointments to the Public Service will be publicly advertised, by the Secretary for the Public Service or officer delegated to make appointments.

20. No person shall be appointed to any office unless he has the appropriate minimum entry qualifications, except that if there are no suitable qualified candidates the Commission may, with the concurrence of the Secretary for the Public Service, appoint a person with less than the minimum qualifications on non-permanent terms.

21. Non-nationals shall only be appointed where the Commission is satisfied that no qualified national is available, and then only on a non-permanent basis for such time as may in the view of the Commission be necessary to obtain a qualified Solomon Islands officer.

22. Subject to the provisions of regulations 20 and 21, selection of officers for appointment shall be made on merit.

23. To help in the selection of candidates for permanent appointment (and for promotion and for scholarships and

Form of appeal

Qualifications for entry

Authority to appoint

Appointments to be advertised

Exception to minimum qualifications

Appointment of non-nationals

Selection on merit

Appointment of selection panels

courses, under regulations 34 and 43) selection panels will normally be appointed, to interview candidates and to make recommendations to the Commission.

Composition of panels

24. A selection panel shall consist of a Chairman and two or more members approved by the Commission. They shall all be public officers. The Chairman will normally be from the Public Service Office and hold a substantive appointment not less than Level 6 or two levels above the level to which the appointment is being made, whichever is the higher. The members, at least one of whom shall have relevant professional, technical or specialist qualifications, shall hold a substantive appointment not less than Level 5 or one grade above the level of appointment, whichever is the higher.

Reference back by Commission

25. All recommendations shall be made by or through the Secretary for the Public Service. If any recommendation is not accepted by the Commission, any alternative appointment shall only be made after consultation with the Secretary for the Public Service, who shall seek the views of the panel or recommending officer before submitting his opinion to the Commission.

Letters of appointment

26. Letters of appointment will be issued by the Secretary for the Public Service or by any officer exercising delegated powers as appropriate.

Probationary period for permanent appointments  
LN 157/1990

27. Permanent appointments will be subject to a probationary period of one year. In special circumstances the Commission may, however, on the recommendation of the supervising officer, extend this period.

Confirmation extension or termination of appointments  
LN 157/1990

28. The confirmation, extension or termination of a probationary appointment will be decided by the Commission based on the officer's general conduct and reports submitted on his performance of duties.

Reports during probation  
LN 157/1990

29. Reports on officers on probation will be made twice in one year. The final report must be submitted to the Commission not later than two months before the end of the probation period.

Renewal, extension or termination of appointment

30. The renewal, extension or continuation of a non-permanent appointment beyond the term of the appointment, or six months where no term has been specified, shall be subject to the approval of the Commission.

### PART III

#### PROMOTIONS

31. The selection of public officers for substantive promotion shall be competitive, the assessment of candidates being based on qualifications and merit, taking into account staff reports (for officers L3 and above), and the recommendations of senior officers and any selection panel appointed by the Commission.

Selection to be competitive

32. If two or more candidates are judged equal on grounds of qualifications and merit, preference will be given to the most senior.

Seniority

33. The field of candidates for consideration for substantive promotion shall be determined by the Secretary for the Public Service and may be restricted to officers of certain grade levels, and with more than a specified seniority.

Field for consideration for promotion

34. Where there is more than one qualified candidate to be considered for substantive promotion to L3 and above, a selection panel will normally be appointed to make recommendations to the Commission, in accordance with the procedure in regulations 23 to 25. Staff reports and all other relevant information concerning the candidates will be made available to the panel by the Secretary for the Public Service.

Appointment of selection panels

35. All substantive promotions to Level 5 and above shall be subject to six months trial, extendable, exceptionally up to two years at the discretion of the Commission. If after due warning an officer on trial does not reach the required standard he will, subject to the concurrence of the Commission, be demoted.

Period of trial  
LN 157/1990

### PART IV

#### ACTING APPOINTMENTS

36. Acting appointments will only be made—

When permitted

(a) pending a substantive promotion or appointment to a vacant office; or

(b) where the substantive holder of an office is absent other than on the duties of his office; or

(c) where the post is of a temporary nature,

and normally only where the officer is to perform the full duties of the office in which he is to act.

Selection for  
acting  
appointments

37. Appointments to act in any office shall be made by the Commission, or by any officer exercising delegated powers, who will appoint the most senior officer within the Ministry, Division or office concerned who in their judgment is qualified and suitable to fill the office.

Limitation on  
acting  
appointment

38. No acting appointment shall extend beyond six months without the express approval of the Commission, which shall be withheld unless it is satisfied that the office cannot or should not be filled substantively.

#### PART V

##### TRANSFERS

Transfer at same  
grade level

39. Transfer from one cadre, group, or class to another at the same grade level shall be approved by the Commission on the recommendation of the Secretary for the Public Service if the officer is qualified and such a move would be in the public interest. On transfer an officer will not carry over any seniority held in his former cadre, group or class.

Transfers  
involving  
promotion

40. Where a transfer would involve promotion, the case will be considered under the procedure for substantive promotion in Part III of these Regulations, except that the officer's seniority will not be taken into account.

Reserved right to  
apply for  
advertised  
appointments

41. Nothing in regulations 39 and 40 shall preclude a public officer from applying and being considered for an appointment advertised under Part II of these Regulations, in a different cadre, group or class.

#### PART VI

##### SCHOLARSHIPS AND COURSES

Role of  
Commission

42. The Commission shall consider all proposals to send public officers on scholarships or any course of training which would lead to qualifications for promotion.

Selection of  
candidates

43. In considering such proposals the Commission will ensure that candidates are selected on merit, having regard to the claims of other eligible officers. Wherever practicable the Commission will appoint a panel in accordance with the procedure set out in regulations 23 to 25, to make recommendations for its consideration.

#### PART VII

##### DISCIPLINE

Definition of  
misconduct

44. Misconduct for the purpose of these Regulations includes acts of misconduct specified in Chapter VIII of the Constitution, or acts contrary to any rules or regulations applying to public officers, or other acts of indiscipline including wilful neglect of duty.

Minor  
misconduct

45. Minor acts of misconduct where a warning by the officer's supervisor is adequate to rectify the misconduct, such as lateness, idleness, or indiscipline, are excluded from the provisions of these Regulations. Where the misconduct persists, a written warning must be given to the officer and a copy sent to the Commission through the Secretary for the Public Service, or to the appropriate officer to whom disciplinary powers have been delegated. Continued misconduct after a written warning shall be dealt with under these Regulations.

Responsibility  
for reporting  
misconduct

46. It is the responsibility of public officers to report at once suspected acts of misconduct by the staff for whom they have supervisory responsibility, other than minor acts as defined in regulation 45, and to deal with disciplinary cases promptly. Failure to do so shall in itself be treated as an act of misconduct.

Procedure of  
reporting

47. Misconduct or suspected misconduct shall be reported through senior officers to the head of department, or to any officer not below Level 9 nominated by the head of department to deal with disciplinary matters, who shall institute any necessary inquiries and submit a report to the Commission through the Secretary for the Public Service or, if appropriate, to an officer exercising delegated disciplinary powers.

Contents of  
report

48. The report shall give—

- (a) the facts of the case;
- (b) whether or not it is considered that there has been misconduct;
- (c) the terms of the disciplinary charge, if there has been misconduct; and
- (d) all relevant documents.

49. On receipt of this report the Secretary for the Public Service or officer exercising delegated powers may make such

Action by SPS or  
officer exercising  
delegated powers



further inquiries as may be thought necessary, and if he considers there has been misconduct he will inform the officer concerned in writing of the charge.

Right of accused  
to respond to  
charge

**50.** The officer shall be given not less than seven days to respond to the charge, and if he so requests he may do so at an interview at which he may be accompanied by a friend or an official representative of his trade union. A report of any such interview shall be placed on record, and a copy sent to the officer accused of misconduct.

Board of Inquiry  
in serious cases

**51.** The Commission may, in serious cases of misconduct or where it is not satisfied that all the facts of the case have been established, appoint a Board of Inquiry to carry out an investigation. The Board shall consist of not more than three officers, all of whom shall be public officers senior to the accused officer, but none shall be from the department in which that officer works, nor be a relative, or have any personal or other connection with him.

Procedure of  
Board of Inquiry

**52.** The Board shall take evidence from all parties concerned, including the officer accused of misconduct who may, if he is interviewed, be accompanied by a friend or an official representative of his trade union. The accused officer shall also be given the opportunity to be present and to put questions on his own behalf where witnesses are interviewed by the Board, and shall be allowed to see or have copies of any documents relied on for the purpose of the enquiry.

Submission of  
report

**53.** The Board shall submit a report to the Commission, through the Secretary for the Public Service, which shall set out the facts established, and recommend any changes in the terms or scope of the charges against the accused officer. If the Commission accepts any change in the charges, the officer concerned shall be informed in writing by the Secretary for the Public Service.

Reporting  
criminal offences

**54.** Where it appears that a public officer has in the course of his duties committed a criminal offence, the police and the Secretary for the Public Service, shall be informed immediately.

Officers charged  
with criminal  
offences

**55.** If a public officer has been or is to be charged with any criminal offence, no decision on any question of misconduct shall be taken pending the conclusions of the legal proceedings and any consequent appeal. Nothing in this regulation shall

however preclude any investigation within the public service, nor the right to suspend an officer as provided for in regulation 66.

**56.** Following the conclusion of criminal proceedings, disciplinary action should be completed.

Completion of  
disciplinary  
action

**57.** A public officer acquitted of a criminal charge shall not be dismissed or otherwise punished for misconduct in respect of the offence alleged in that charge, but this shall not prevent his being dismissed or otherwise punished if the facts show that the officer has otherwise committed an act of misconduct under the provisions of these Regulations.

Officers  
acquitted of  
criminal charges

**58.** Where an officer has been convicted and sentenced to imprisonment, his pay will stop from the date on which he has been sentenced. This is a management action and is unrelated to disciplinary proceedings under these Regulations.

Officers sent to  
prison

**59.** In considering the punishment of an officer convicted of a criminal offence the Commission, or officer exercising delegated powers, shall take into account the extent to which the offence for which he has been convicted affects the performance of his duties and responsibilities as a public officer, and also the penalties imposed on him for his criminal offence.

Punishment of  
officers guilty of  
crime

**60.** Where the Commission or officer exercising delegated powers is satisfied that any act of misconduct warrants punishment, the following may be imposed, according to the circumstances:-

Punishments for  
misconduct

- (a) reprimand;
- (b) severe reprimand;
- (c) reduction in salary or wages;
- (d) demotion by one or more grade levels;
- (e) dismissal.

**61.** Reductions in salary or wages under regulation 60(c) shall normally be by an amount equal to one or more increments for a specified period, the officer's incremental progression remaining unchanged.

Reduction in  
salary or wages

**62.** An officer should only be dismissed when the Commission, or officer exercising delegated powers, is fully satisfied

Dismissal and  
probation

that the nature of his misconduct together with any other evidence regarding his previous behaviour makes him unfit to continue in office. If in any particular case the Commission or officer exercising delegated powers is in doubt, a probationary period of up to two years may be imposed, with or without a lesser punishment, which shall expire without further action if the officer is of good behaviour.

Unsatisfactory  
conduct during  
probation

63. If during any probationary period imposed under regulation 62 an officer's conduct is unsatisfactory, the facts shall be reported at once to the Commission or officer exercising delegated powers, who shall decide whether the officer should in consequence be dismissed.

Right of  
Commission to  
require  
institution of  
disciplinary  
enquiries

64. Nothing in these Regulations shall preclude the Commission from requiring that disciplinary inquiries should be instituted if they have grounds for believing that a public officer may be guilty of misconduct.

Authority to  
suspend from  
duties

65. Any officer may be suspended from all or part of his duties pending the conclusion of disciplinary proceedings, if this is in the interests of the public service. The authority to suspend an officer is vested in the Secretary for the Public Service, or any officer to whom he may delegate that authority.

Procedure for  
suspension

66. An officer will not be suspended when, as an alternative, it would be possible or appropriate to move him to other work. An officer who is suspended will be informed in writing by the Secretary for the Public Service, or officer exercising delegated powers, of the reasons for his suspension. The officer will continue to receive the salary or wages of his substantive grade level, and must remain at his duty station unless he has the written permission of the Secretary for the Public Service or officer exercising delegated powers to leave it.

#### PART VIII

##### INEFFICIENCY

Scope

67. The provisions in this Part do not apply to officers on probation or trial, which are dealt with in regulations 27 to 29 of Part II and regulation 35 of Part III.

Responsibility of  
senior officers

68. Where an officer's performance of his duties is unsatisfactory, and not up to the standard of his grade, the responsibility

rests in the first place with his senior officers to try to establish the cause by discussion with the officer. The officer must in particular be told of his short-comings so that he can have the opportunity to remedy them. In appropriate cases the officer should be given training or a change of work to establish whether his performance can be improved.

69. If within a reasonable time these measures fail to improve the officer's performance to an acceptable standard, a report shall be made to the Commission, through or by the Secretary for the Public Service, or to any officer exercising delegated powers, recommending appropriate action, which may be one of the following:

Action in the  
event of  
continuing  
inefficiency

- (a) demotion to a level suited to his abilities;
- (b) dismissal with due notice;
- (c) retirement in the public interest.

70. If the Secretary for the Public Service, or officer exercising delegated powers, is satisfied that any of the measures provided in paragraphs (a) to (c) of regulation 69 should be taken he must so inform the officer in writing stating the reasons, and allow the officer 14 days to make representations.

Consideration by  
SPS or delegated  
officer

71. After considering any representations the officer may make, the case shall be submitted to the Commission or dealt with under delegated powers as appropriate, and thereafter the officer will be informed of the decision.

Conclusion of  
case

72. Nothing in this Part shall preclude the Commission or any officer exercising delegated powers from deferring action recommended under regulation 69 pending a further period of trial not exceeding six months, subject to the officer being informed accordingly.

Deferment of  
action pending  
period of trial

#### PART IX

##### PREMATURE RETIREMENT AND TERMINATION OF EMPLOYMENT

73. This Part deals with premature retirement and termination of employment of permanent officers, not otherwise provided for in these Regulations, namely:

Scope

- (a) Retirement after reaching the minimum prescribed retirement age, other than voluntary retirement.
- (b) Premature retirement in the public interest.

(c) Premature retirement to facilitate improvements in Government organisation.

(d) Termination of employment because of redundancy.

(e) Premature retirement on medical grounds.

Redundancy  
through abolition  
of posts

74. Where termination of employment under regulation 73(d) is being considered as a consequence of the reduction or abolition of posts, and there will be one or more posts remaining, officers shall be selected for termination of employment in the following order:

(a) Volunteers.

(b) Officers over the minimum prescribed retirement age; the oldest first.

(c) Other officers in order of juniority; the most junior first.

Retirement on  
medical grounds

75. An officer shall only be retired on medical grounds if a medical officer, appointed by the Commission on the recommendation of the Permanent Secretary, Ministry of Health and Medical Services, certifies that the officer is unlikely, because of his health, to give future satisfactory service. The medical officer appointed shall not be a relative or have any personal or other connections with the officer whose retirement is being considered.

Procedure

76. Any recommendation for the retirement or termination of employment of an officer in accordance with regulation 73 shall be made to or by the Secretary for the Public Service who, if he is satisfied that such action should be taken, shall advise the officer concerned stating the reasons for the proposed action. Thirty days shall be allowed for the officer to make any representations and thereafter the case shall be submitted to the Commission for decision, together with any representations the officer may have made.

#### PART X

#### MISCELLANEOUS

Saving under  
agreement of  
service

77. Nothing in these Regulations shall restrict the right of the Solomon Islands Government to terminate a public officer's employment or to take any other action in accordance with his agreement of service.

78. The action to be taken on any matter within the competence of the Commission not provided for in these Regulations shall be decided by the Commission after consultation with the Secretary for the Public Service.

Cases not  
provided for in  
Regulations

#### SCHEDULE

In these Regulations, unless the context otherwise requires—

"acting appointment" means a temporary appointment to act in an office at a higher grade level;

"Chairman" means the Chairman of the Public Service Commission;

"Commission" means the Public Service Commission;

"Commissioner" means a member of the Public Service Commission;

"Constitution" means the Constitution set out in the Schedule to the Solomon Islands Independence Order 1978;

"demotion" means the reduction in grade level of a public officer.

"department" means a Ministry or other Government office;

"head of department" means the senior public officer of a Ministry or other Government office;

"Member" means a Member of the Public Service Commission;

"misconduct" includes acts of misconduct specified in Chapter VIII of the Constitution, or acts contrary to any rules or regulations applying to public officers, or other acts of indiscipline including wilful neglect of duty;

"non-permanent appointment" means recruitment to the Public Service on any terms other than permanent;

"permanent appointment" means recruitment to the Public Service on permanent terms;

"posting" means the re-assignment of a public officer from one post or office to another;

"probation" means the period during which an officer's suitability for confirmation of permanent appointment is being assessed;

"Secretary for the Public Service" means the Permanent Secretary in charge of the Public Service Office and staff of that Office to whom the relevant duties have been assigned;

"substantive promotion" means the permanent advancement of a public officer to a higher grade level in the public service;

"transfer" means the movement of a public officer from one cadre, group or class to another within the public service;

"trial" means the period during which an officer's suitability for confirmation of substantive promotion is being assessed.

THE JUDICIAL AND LEGAL SERVICE COMMISSION REGULATIONS  
(Section 137 (1))

LN 36/1982

[19th May 1982]

1. These Regulations may be cited as the Judicial and Legal Service Commission Regulations

Citation

2. In these Regulations, unless the context otherwise requires—

Interpretation

“Commission” means the Judicial and Legal Service Commission for Solomon Islands established in accordance with section 117 of the Constitution;

“Commission post” means an office to which section 118 of the Constitution applies or in relation to which power to appoint is vested in the Commission;

“member” means any member of the Commission and includes the Chairman;

“officer” means a person holding a Commission post and office shall be construed accordingly;

“Responsible Officer” in relation to a Commission post shall be the officer specified in regulation 9.

OFFICERS AND MEETINGS OF THE COMMISSION

3. There shall be a Secretary to the Commission who shall be a public officer assigned to that duty by the Secretary for the Public Service. Meetings of the Commission shall be held at such times and places as the Secretary shall specify on the direction of the Chairman.

Secretary to the Commission and meetings

4. (1) Subject to paragraphs (2) and (3), where it is so agreed by a majority of members of the Commission that any business of the Commission may be despatched by circulation of papers, the Secretary shall circulate papers to all the members of the Commission who may signify their decision in writing addressed to the Secretary.

Decision by circulation of papers

(2) If a member requests in writing addressed to the Secretary, a meeting to discuss any business so circulated, the decision of the Commission shall not be reached until such a meeting has been held.

(3) A decision may be reached as a result of circulation of papers notwithstanding that a member does not respond if a majority of the members concur in the decision.

Quorum

5. A quorum for a meeting of the Commission shall be a majority of the members unless one or more members signifies in writing that he is prepared for a meeting to take place in his absence and to concur in the decisions thereof generally or to concur in a specified decision in which case the quorum shall be two members at the meeting or in respect of the specified decision as the case may be.

Persons presiding at meetings

6. The Chairman shall preside at a meeting of the Commission or, if the Chairman is absent from Solomon Islands or otherwise unable to attend a meeting or to take part in any decision, the Chairman of the Public Service Commission or in his absence such other person as the meeting shall decide shall preside as Chairman of the meeting and shall, in relation to the calling of the meeting and giving, if necessary, a casting vote, perform the functions of the Chairman.

Matters concerning members

7. For the avoidance of doubt it is hereby declared that no member shall take part in the discussion or decision on any matter concerning him personally although, if invited to do so by the other members, such member may remain in the meeting during such discussion.

Minutes and action on minutes

8. The Secretary shall record the minutes of the meeting including, when a request is so made, the dissent of any member and the reasons for such dissent and shall forward the decisions of the Commission to the Secretary for the Public Service for the necessary action.

#### SUBMISSIONS TO THE COMMISSION

Submissions by Responsible Officers

9.— (1) Where any matter, other than a disciplinary proceeding or a matter concerning a member of the Commission, is before the Commission, the Commission shall invite a submission from the Responsible Officer.

(2) The Responsible Officer shall be:—

(a) in the case of judicial posts (including quasi-judicial posts), the Registrar of the High Court;

(b) in the case of posts in the Attorney-General's Chambers, the Solicitor-General;

(c) in the case of posts in the Public Solicitor's Office, the Public Solicitor;

(d) in the case of posts in the Office of the Director of Public Prosecutions, the Director of Public Prosecutions;

(e) in the case of other Commission posts, the Solicitor-General.

(3) All submissions made under this regulation shall before consideration by the Commission be passed to the Secretary for the Public Service for his comments if any.

(4) Where any matter relating to a member of the Commission is before the Commission the member concerned may, should he wish to do so, make the submission for the purposes of paragraph (1) himself which submission shall be processed in accordance with paragraph (3) or may invite the Secretary for the Public Service to make the submission.

#### DISCIPLINARY PROCEEDINGS

10. Where any complaint is made to the Commission against any holder of any Commission post the Commission shall—

Complaints made to the Commission

(a) require that the complaint be reduced to writing and forwarded to the Secretary;

(b) invite the Secretary for the Public Service to comment upon the complaint unless the complaint is made by him; and

(c) consider the complaint to decide if a prima facie case appears from the complaint for the exercise by the Commission of its power to remove or exercise disciplinary control.

11. If a prima facie case appears to exist or if an officer is charged with an offence against the criminal law the Commission may suspend the officer from duty either with or without pay or on such part of his pay as the Commission shall prescribe.

Suspension of officer

12.— (1) if the Commission decides that a prima facie case appears from the complaint, the Secretary shall serve upon the officer against whom the complaint is made the written complaint and a notice requiring the officer within fourteen days of the date of service of the complaint on him to inform the Commission whether he accepts the substance of the complaint and where service is by post the officer shall, unless the contrary is proved, be deemed to have been served at the time at which the notice would be delivered in the ordinary course of post.

Action upon complaint

(2) If the officer states that he accepts the substance of the complaint or fails to answer in accordance with the requirement

made in the notice served under paragraph (1) the Commission shall proceed to consider the complaint and determine whether or not to exercise its powers.

Oral hearing

**13. Where—**

- (a) the substance of the complaint is denied; or
  - (b) the officer requests an opportunity to be heard; or
  - (c) the Commission so decides,
- the Commission shall hold an oral hearing.

Procedure at oral hearing

**14. At an oral hearing—**

- (a) the complainant and the officer shall be entitled to be heard and to call evidence;
- (b) evidence may be given on oath and the complainant and the officer may cross-examine any witness who gives evidence;
- (c) the complainant and the officer may be represented by a barrister or solicitor or, in the case of the officer, by a representative from a professional association or trade union.

Action on proved or admitted complaint

**15.—(1) If the Commission finds the complaint proved or the complaint is admitted the Commission may—**

- (a) take no action on the complaint;
- (b) where the officer holds an appointment on probation, direct that the appointment be not confirmed or terminated forthwith;
- (c) reprimand the officer;
- (d) severely reprimand the officer;
- (e) order that the officer pay a fine not exceeding two weeks' salary to be deducted from his salary;
- (f) suspend the officer from duty without salary or on such part of the salary as the Commission shall prescribe for a period not exceeding six months;
- (g) order reduction in rank or reduction in salary;
- (h) order suspension or deferment of increment;
- (i) remove the officer from his appointment; or
- (j) dismiss the officer from the Public Service.

(2) Notwithstanding paragraph (1), should the Commission so decide, it may recommend to the Governor-General that the

officer be required to retire in the public interest or in the case of a contract officer, that he should be given notice to terminate the contract.

**PREMATURE RETIREMENT ON MEDICAL GROUNDS**

**16.—(1)** Where the Secretary for the Public Service is of the opinion that an officer is unlikely, because of his health, to continue to perform satisfactorily the functions of his office the Secretary for the Public Service may require the officer to undergo a medical examination by a medical officer appointed by him.

Medical Examination

(2) If the officer fails to attend the medical examination the Commission may suspend the officer on full pay or without pay or with such part of his pay as the Commission shall determine until he undergoes such medical examination.

**17.—(1)** If after receipt of the medical report the Secretary for the Public Service is of the opinion that there is a case for the Commission to consider to order premature retirement on medical grounds he shall submit the matter to the Commission.

Consideration of submission

(2) The Commission after giving the officer an opportunity to make representations shall consider the submission and representations and shall decide whether or not the officer should be required to retire on medical grounds.

**MISCELLANEOUS**

**18.—(1)** No person who is not a member of the Commission shall influence or attempt to influence the Commission or any member in favour of or against any course of action to be taken by the Commission other than by a submission duly made through the responsible officer under these Regulations or at an oral hearing.

Attempts to influence the Commission

(2) Where it is established to the satisfaction of the Commission that an applicant for any Commission post or a candidate for any promotion to such a post has attempted to influence the Commission or a member of the Commission or has been party to such an attempt, the Commission shall refuse to consider that person as an applicant or a candidate and his name shall be withdrawn from the Commission deliberations.

THE TEACHING SERVICE COMMISSION REGULATIONS  
(Section 137(1))

LN 4/1988

[29th January 1988]

1. These Regulations may be cited as the Teaching Service Commission Regulations. Citation
  
2. In these Regulations, unless the context otherwise requires—  
 “Commission” means the Teaching Service Commission for Solomon Islands established in accordance with section 116A of the Constitution;  
 “Education Authority” means an Education Authority approved under section 9 of the Education Act; Interpretation  
 “member” means any member of the Commission and includes the Chairman; Cap. 69  
 “MET” means the Ministry responsible for Education and Training;  
 “Responsible Officer” in relation to a teacher shall be the officer specified in regulation 12;  
 “teacher” means a person holding an office to which section 116B of the Constitution applies, that is to say, teachers in primary schools, secondary schools and institutes of tertiary education.
  
3. There shall be a Secretary to the Commission who shall be a public officer assigned to that duty by the Secretary for the Public Service. Secretary to the Commission
  
4. The Commission shall meet every three months and at such other intervals as are considered necessary by the Chairman to deal quickly with the Commission’s business. The date, time and place of every such meeting shall be specified by the Chairman and the Secretary shall notify the members at least 3 days in advance. Meetings of Commission
  
5. (1) Subject to paragraphs (2) and (3), where it is so agreed by a majority of members of the Commission that any business of the Commission may be despatched by circulation of papers, the Secretary shall circulate papers to all the members of the Commission who may signify their decision in writing addressed to the Secretary. Decision by circulation of papers  
 (2) If a member requests in writing addressed to the Secretary, a meeting to discuss any business so circulated, the decision of the Commission shall not be reached until such a meeting has been held.



(3) A decision may be reached as a result of circulation of papers notwithstanding that a member does not respond if a majority of the members concur in the decision.

Quorum

6. A quorum for a meeting of the Commission shall be a majority of the members unless one or more members signifies in writing that he is prepared for a meeting to take place in his absence and to concur in the decision thereof generally or to concur in a specified decision in which case the quorum shall be two members at the meeting or in respect of the specified decision as the case may be.

Chairman/  
Deputy PSC

7. (1) The Chairman shall preside at meetings of the Commission and, for the avoidance of doubt, "Chairman" includes the acting or deputy Chairman of the Public Service Commission if the substantive appointee is absent from Solomon Islands.

(2) If the Chairman is unable to attend a meeting or take part in any decision then, provided a quorum is present one of the members may preside as a temporary chairman in relation to the calling of the meeting and giving, if necessary, a casting vote.

Member to be  
unbiased

8. For the avoidance of doubt it is hereby declared that no member shall take part in the discussion or decision on any matter concerning him personally or a member of his family. However, if invited to do so by the other members, such member may remain in the meeting during such discussion.

Minutes of  
meetings

9. The Secretary shall record the minutes of the meeting including, when a request is so made, the dissent of any member and the reasons for such dissent and shall forthwith forward the decisions of the Commission to the relevant Education Authority for the necessary action and communication to the teacher or teachers concerned.

Appointment of  
teachers

10. Except where power has been delegated under section 116B(2) of the Constitution—

(a) every Education Authority shall notify the Commission of all appointments and promotions of teachers which it proposes to make, together with—

(i) evidence of the teacher's qualifications and experience; and

(ii) a confidential report or other personal reference, and

(iii) any other information the Commission may require;

(b) the Commission shall consider each such proposed appointment and promotion and shall within 3 months either make the appointment and promotion or reject it giving reasons;

(c) when considering such appointments and promotions, the Commission shall follow the provisions and guidelines of the current Teacher's Scheme of Service and all other policy papers approved by Parliament from time to time.

11. (1) A teacher may submit to the Secretary of the Commission a written complaint (including a complaint involving a function of the Commission delegated in accordance with section 116B(2) of the Constitution) relating to the terms, conditions or other matters relating to his employment if he believes he has been unfairly treated and can show to the satisfaction of the Secretary that he has first taken up the matter with his Responsible Officer and the Education Authority and allowed a reasonable time for such complaint to be dealt with.

Complaints by  
teachers

(2) The Secretary of the Commission shall first refer the teacher's complaint to the teacher's Responsible Officer for his written submission. He shall then investigate the teacher's case and where possible settle the matter. If having investigated the complaint the Secretary considers the matter to be too serious or sensitive for him to take a decision, or where either party to the complaint is not satisfied with the outcome then the Secretary shall refer the matter to the Commission for its consideration and decision. The Secretary shall communicate the Commission's decision and the reasons for it to the parties involved in the complaint.

12. The Responsible Officer shall be—

Responsible  
Officers

(a) in the case of a teacher at a provincial primary or secondary school, the Principal Education Officer of the Province (or Honiara Town Council, as appropriate);

(b) in the case of a teacher in an Educational Institution directly under the control of MET, the Chief Education Officer (MET);

(c) in the case of other schools, a representative of the Board of Governors.

Where any matter is before the Commission which relates to a member of the Commission the member concerned may, should he wish to do so, make the submission for the purposes of regulation 11(2) himself or may invite the Secretary to the Commission to make the submission.

Complaints made  
to the  
Commission

13. Where any complaint is made to the Commission against any teacher the Secretary to the Commission shall—

(a) require that the complaint be reduced to writing and forwarded to the Secretary; and

(b) invite the Education Authority to make a full written report about the complaint and to submit the teacher's written or oral explanation and the Authority's recommendation to the Commission; and

(c) consider the complaint and decide if there appears to be a prima facie case for the exercise by the Commission of its power to remove or exercise disciplinary control.

Suspension of  
officer

14. (1) If the Secretary to the Commission decides that there is a prima facie case, or if the teacher is charged with a criminal offence the Secretary to the Commission may suspend the teacher from duty either with or without pay or such part of his pay as the Commission shall prescribe.

(2) If the teacher has already been suspended by his Education Authority, the Commission may confirm such suspension or revoke it and may order that any withheld pay be given to the teacher, if appropriate.

Action upon  
complaint

15. (1) If the Secretary to the Commission decides that there is a prima facie case he shall serve upon the teacher against whom the complaint is made, the written complaint and notice requiring the teacher within thirty days of the date of service of the complaint on him to—

(a) inform the Commission whether he accepts the substance of the complaint or not; and

(b) invite the teacher to put his side of the case to the Commission in writing.

(2) Where service is by post the teacher shall, unless the contrary is proved, be deemed to have been served at the time at which the notice would be delivered in the ordinary course of post.

(3) If the teacher states that he accepts the substance of the complaint or fails to answer in accordance with the requirement made in the notice served under paragraph (1) the Commission shall proceed to consider the complaint and determine whether or not to exercise its powers.

Oral hearing

16. Where—

(a) the substance of the complaint is denied; or

(b) the teacher request an opportunity to be heard; or

(c) the Commission so decides,

the Commission shall hold an oral hearing.

17. At an oral hearing—

(a) the complainant and the teacher shall be entitled to be heard and to call witnesses and produce other evidence;

(b) in serious cases the complainant and the teacher may be represented by an officer from a professional association or trade union.

Procedure at oral  
hearing

18. (1) If the Commission finds the complaint proved or the complaint is admitted the Commission may—

Action on proved  
or admitted  
complaint

(a) take no action on the complaint;

(b) where the teacher holds an appointment on probation, direct that the appointment be not confirmed or terminated forthwith;

(c) reprimand the teacher;

(d) severely reprimand the teacher;

(e) order that the teacher pay a fine not exceeding two weeks' salary to be deducted from his salary;

(f) suspend the teacher from duty without salary or on such part of the salary as the Commission shall prescribe for a period not exceeding six months;

(g) order reduction in rank or reduction in salary;

(h) order suspension or deferment of increment;

(i) remove the teacher from his appointment; or

(j) dismiss the teacher from the Teaching Service:

Provided that a teacher who is convicted of a criminal offence and sentenced to imprisonment shall be dismissed from the Teaching Service with effect from the date of conviction and his teacher's registration withdrawn from that date.

(2) Notwithstanding paragraph (1), should the Commission so decide, it may recommend to the Permanent Secretary of MET that the teacher be made to retire in the public interest, or in the case of a contract teacher, that he should be given notice to terminate the contract.

(3) The Secretary to the Commission shall communicate the Commission's decision and the reasons for it, to the teacher, the Education Authority and any other party to the proceedings.

Appeal for  
reconsideration  
by the  
Commission

19. (1) A teacher who is aggrieved by the decision of the Commission on his case and can produce new evidence or has some other substantial reason may appeal to the Commission for it to reconsider the decision.

(2) Such appeal shall be made within three months of communication of the Commission's original decision.

Medical  
examination

20. (1) Where the Principal Education Officer or Responsible Officer is of the opinion that a teacher is unlikely, because of his health, to continue to perform satisfactorily the functions of his post the Responsible Officer may require the teacher to undergo a medical examination by a medical officer agreed by the officer and the teacher.

(2) If the teacher fails to attend the medical examination the Commission may suspend the teacher on full pay or without pay or with such part of his pay as the Commission shall determine until he undergoes such medical examination.

Consideration of  
submission

21. (1) If after receipt of the medical report the Principal Education Officer or Responsible Officer is of opinion that there is a case for premature retirement on medical grounds he shall submit the matter to the Commission for its consideration.

(2) The Commission, after giving the teacher an opportunity to make representations shall consider the submission and representations and shall decide whether or not the teacher should be made to retire on medical grounds.

Attempts to  
influence the  
Commission

22. (1) No person who is not a member of the Commission shall influence or attempt to influence the Commission or any member in favour of or against any course of action to be taken by the Commission other than by a submission duly made through the Responsible Officer under these Regulations or at an oral hearing.

(2) Where it is established to the satisfaction of the Commission that an applicant for any Teaching Service post or a candidate for any promotion to such a post has attempted to influence the Commission or a member of the Commission or has been party to such an attempt, the Commission shall refuse to consider that person as an applicant or candidate and his name shall be withdrawn from the Commission deliberations.

THE POLICE AND PRISONS SERVICE COMMISSION REGULATIONS  
(Section 137(1))

LN 121/1994

[18th November 1994]

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## THE POLICE AND PRISONS SERVICE COMMISSION REGULATIONS

## PART I

## GENERAL PROVISIONS

1. These Regulations may be cited as the Police and Prisons Service Commission Regulations. Citation
2. In these Regulations, unless the context otherwise requires— Interpretation
  - “appointment” means—
    - (a) the conferment of an office of emolument upon an Inspector or above rank in the Force and an Assistant Prison Officer or above rank in the Prisons Service and includes an acting appointment in such office;
    - (b) the grant of permanent and fixed terms of service to a person recruited and serving a contract on non-pensionable terms of service;
    - (c) the engagement in office of, or above, the rank of Inspector or Assistant Prison Officer on contract terms of service or for a further period of service on the conclusion of his previous period of engagement on contract or fixed terms in the same or another rank;
  - “Chairman” means the Chairman of the Commission as provided for under section 119(2)(a) of the Constitution or any person appointed to act temporarily as Chairman;
  - “Commission” means the Police and Prisons Service Commission established by section 119(1) of the Constitution;
  - “Commissioner” means the Commissioner of Police or any person acting in that office;
  - “Force” means the Royal Solomon Islands Police Force;
  - “gazetted officer” means a police or prison officer of or above the rank of Assistant Superintendent of Police or Assistant Prison Officer;
  - “General Orders” means the General Orders for the public service of Solomon Islands as from time to time issued and amended;
  - “member” means a Member of the Commission and includes the Chairman provided for under section 119(2) (a), (b) and (c) of the Constitution;
  - “office of emolument” in relation to the Force and Prisons

Service means any pensionable or non-pensionable post which is shown in the Estimates;  
 "officer" means a police officer of or above the rank of Inspector of the Force or an Assistant Prison Officer in the Prisons Service;  
 "police officer" means any member of the Force;  
 "prison officer" means any member of the Prisons Service;  
 "Prisons Service" means the Solomon Islands Prisons Service;  
 "promotion" means the conferment upon an officer in the Force or an Assistant Prison officer in the Prisons Service of an office to which is attached a higher salary or higher salary scale than that attached to the office he last held substantively;  
 "Secretary" means the Secretary to the Commission;  
 and  
 "Superintendent" means the Superintendent of Prisons.

3. (1) There shall be a Secretary to the Commission whose functions shall be limited to matters of the Commission.

(2) No person shall be appointed to, or carry out the functions of, Secretary to the Commission under this regulation unless he is a public officer.

4. A record shall be kept of the members of the Commission present and of the business transacted at every meeting of the Commission.

5. All decisions of the Commission shall be by a majority of votes of the members present and voting, and if on any question the votes are equally divided the Chairman shall have and exercise a casting vote.

6. Any report, statement or other communication or record of any meeting, inquiry or proceedings which the Commission may make in exercise of its functions or any member may make in performance of his duties, shall be privileged in that its production may not be compelled in any legal proceedings unless the Chairman certifies that such production is not against the public interest.

7. The Commission may require any police or prison officer of any rank to attend and give evidence concerning any matter which it is empowered to consider in exercise of its functions

Appointment of  
Secretary

Record of  
meetings

Voting

Proceedings of  
Commission  
privileged

Power to require  
attendance of  
witnesses

under these Regulations, and may require the production of any official documents relating to any such matter.

8. Any officer who otherwise than in the course of his duty directly or indirectly by himself or by any other person in any manner whatsoever influences or attempts to influence any decision of the Commission or the Chairman or any other member shall be liable to disciplinary proceedings.

Attempting to  
influence  
Commission

9. Any person who in connection with any application by any person for employment or promotion in the Force and Prisons Service, or with any matter upon which it is the duty of the Commission to make recommendations or to make any decision, wilfully gives to the Commission or to the Chairman or to any other member thereof, or to any person or body of persons appointed by the Commission to assist it in the exercise of its functions or the discharge of its duties, any information which he knows to be misleading by reason of the omission of material particular, shall be guilty of an offence.

Giving false  
information to  
Commission

10. Neither the Chairman nor any other member shall publish or disclose to any person, otherwise than in the exercise of his functions under these Regulations, the contents of any document, communication or information whatsoever which has come to his notice in the course of his duties under these Regulations in respect of any matter referred to the Commission or dealt with by any police or prison officer holding a delegated authority, and any person who knowingly acts in contravention of this regulation shall be guilty of misbehaviour under section 126 of the Constitution.

Divulging  
official  
information

## PART II

### APPOINTMENTS, CONFIRMATIONS, PROMOTIONS, DETERMINATIONS AND RETIREMENTS

11. Except in the case of any matters relating to the Commissioner, the Commission shall decide on the following matters relating to officers in the Force with regard and in the Prisons Service—

- (a) appointments and promotions;
- (b) confirmation of probationary and trial appointments and the extension and termination of such appointments;
- (c) renewals of contracts and agreements;
- (d) retirement on or after reaching such minimum retiring

General function  
of Commission  
with regard to  
appointments,  
confirmations,  
promotions,  
renewals and  
terminations

age as may be prescribed from time to time by or under any law and be applicable to them;

- (e) retirement or abolition of office;
- (f) retirement to facilitate improvement in the organisation of the Force or the Prisons Service;
- (g) retirement in the public interest; and
- (h) retirement on medical grounds.

Procedure to be followed

12. In any matter referred to the Commission in accordance with regulation 11 of these Regulations the Commissioner or Superintendent and the Secretary (Cabinet and Public Service) shall follow the appropriate procedure prescribed in Parts II, III, IV and IX of the Public Service Commission Regulations 1979 and shall be guided by the provisions of General Orders, Police and Prisons Acts and the Police and Prisons Regulations as the circumstances shall admit.

### PART III

#### DISCIPLINE

Functions of the Commission in disciplinary matters including dismissal

13. (1) The Commission shall decide on the disciplinary control, including the removal or other punishment, of officers in the Force and gazetted officers in the Prisons Service subject to sections 121(2) and 124(2) of the Constitution.

(2) The Commission shall determine any petitions by members of the Force and the Prisons Service against decisions made by the Commissioner or the Superintendent in disciplinary matters.

(3) If in any case which comes to the attention of the Commission it is of the opinion that disciplinary proceedings should be instituted against an officer in the Force or an officer in the Prisons Service the Commission may decide that such proceedings should be initiated:

Provided that before giving such a decision in a case in which it appears that an offence against any law may have been committed, the Secretary shall refer the case to the Director of Public Prosecutions who shall inform the Secretary whether a prosecution should be instituted. If the Director of Public Prosecutions advises that a prosecution should be instituted, the Commission shall, after the conclusion of such prosecution, decide to initiate disciplinary proceedings.

14. In any matter referred to the Commission in accordance with regulation 13 the Commissioner, the Superintendent and the Secretary (Cabinet and Public Service) shall follow the procedure prescribed in regulations 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 62, 63, 64, 65 and 66 in Part VII of the Public Service Commission Regulations as the circumstances shall admit.

Procedure to be followed

15. Except in any matter relating to the Commissioner the Commission may impose any of the following punishments upon a gazetted officer or Inspector in the Force or a gazetted officer in the Prisons Service as a result of disciplinary proceedings:-

Punishments

- (a) reprimand;
- (b) severe reprimand;
- (c) reduction in salary;
- (d) demotion by one or more grade levels;
- (e) stoppage, suspension or deferment of increment; and
- (f) dismissal.

### PART IV

#### MISCELLANEOUS

16. In the event of any circumstances arising in relation to the exercise of the powers of the Commission in regard to offices to which these Regulations apply and for which no appropriate procedure is laid down in these Regulations the matter shall be decided by the Commission after consultation with the Commissioner or Superintendent of Prisons.

Provision where not otherwise made