

***SUPPLEMENT* to the Solomon Islands Gazette**

Friday 9th February, 1996

S.I. No. 7

[Legal Notice No. 13]

PROVINCIAL GOVERNMENT ACT 1981
(No. 7 of 1981)

THE MALAITA PROVINCE PRESERVATION OF CULTURE
ORDINANCE 1995

AN ORDINANCE TO
PROVIDE FOR THE PRESERVATION OF TRADITIONAL
ARTIFACTS AND CULTURALLY SIGNIFICANT LAND
AREAS IN MALAITA PROVINCE.

ENACTED BY THE MALAITA PROVINCIAL ASSEMBLY
THIS 30TH DAY OF NOVEMBER 1995.

This printed impression has been carefully compared by me with
the Ordinance passed by the Malaita Provincial Assembly and found
by me to be a true copy of the said Ordinance.

MATTHEW EDWARD MAEFAI
Clerk to the Malaita Provincial Assembly

Assented to by the Honourable Minister for Provincial Government
and Rural Development this 1st day of February 1996.

ALLAN QURUSU
Minister for Provincial Government & Rural Development

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PART I - PRELIMINARY

1. This Ordinance is called the Malaita Province Preservation of Culture Ordinance 1995 and shall come into force on approval by the Minister in accordance with Section 32 of the Provincial Government Act 1981 and publication in the Solomon Islands Gazette. Short title and commencement.
2. The purpose of this Ordinance is to provide for the preservation of traditional artifacts and culturally significant areas in Malaita Province. Objects of the Ordinance.
3. In this Ordinance, unless the context otherwise requires:
- “Act” means the Provincial Government Act 1981.
 - “Appointed Representatives” means the representatives of a Customary Owner, appointed in accordance with current customary practice.
 - “Appropriate Committee” means an established committee having customary respect and knowledge of traditional and customary usage of customary land, and includes a Community Leaders Committee, a Chiefs Committee and a Village Committee.
 - “Authorised Officer” means any police officer, culture officer, environment officer, tourism officer, area constable, village organiser, chief or any person appointed in writing by the Provincial Secretary to be an authorised officer for the purposes of this Ordinance.
 - “Customary land” has the meaning ascribed to it in the Land and Titles Act Cap. 93.
 - “Customary Owner” means the person or persons who is or are according to current customary usage regarded as the owner or owners of the land and who has or have authority to exercise primary rights over customary land.
 - “Developer” means any person who undertakes development activity.
 - “Executive” means the Malaita Provincial Executive.
 - “export” means the selling, supplying or transporting of any object from within Malaita Province, outside the Province whether to another part of Solomon Islands or overseas.
 - “Landowner” in relation to customary land means the Customary Owner or its appointed representatives and in relation to registered land means the registered Owner.
 - “National Museum” means the Solomon Islands National Museum. Interpretation.

“Order” means an order of the Executive declaring a place to be a Protected Place.

“Province” means Malaita Province.

“person” means any person and includes any public body, company, association or body of persons whether corporate or unincorporate.

“Protected Place” means a place associated with human activity in the past or present and of historical, cultural or archaeological significance, declared as a Protected Place in accordance with this Ordinance.

“Public Body” includes any Provincial Government, Area Council, Town Council, Government Department.

“Registered Owner” in relation to registered land means the person in whose name the land is registered.

“traditional artifact” includes any article or object made or existing for traditional or custom use including but not limited to personal and other adornments, household utensils, fish hooks, fishing or hunting equipment, shell money, weapons, tools, musical instruments, custom objects, skulls, bones, statuettes or figures fashioned from wood, clay, bone, coral or stone and does not include any article or object made for gift or sale or export as a souvenir or memento.

PART II - PROTECTION OF TRADITIONAL ARTIFACTS

Offences in relation to traditional artifacts.

- 4.1 Subject to subsections 4.2 and 4.3, any person who:
- (a) buys or sells or offers to buy or sell or in any way deals with a traditional artifact; or
 - (b) disturbs, damages, destroys, defaces, moves or removes or causes to be disturbed, damaged, destroyed, defaced, moved or removed any traditional artifact; or
 - (c) displays or offers for sale any object which they falsely purport to be a traditional artifact;
 - (d) does anything likely to result in the removal of a traditional artifact from Malaita Province;

shall be guilty of an offence.

- 4.2 Section 4.1 (a) and (c) shall not apply to:

- (a) a person with the right to sell or donate a traditional artifact who sells or donates that traditional artifact to the National Museum, any national cultural centre, any Provincial or local museum or cultural centre approved by the Executive;

- (b) a person who has written authority from the National Museum, any national cultural centre, any Provincial or local museum or cultural centre approved by the Executive to buy or acquire a traditional artifact to contribute to the collection of the authorising institution;
- (c) a Solomon Islander who buys or sells or otherwise deals with a traditional artifact in accordance with custom.

4.3 Section 4.1 (b) and (c) shall not apply to:

- (a) a person who has the written authority of the Executive and the Landowners if appropriate, to remove any traditional artifact for the purpose of preservation, protection or examination of that traditional artifact and who provides to the Executive written details of the origin of the artifact, the location from which it is to be removed, the date it is to be removed, its destination and the purpose of the removal;
- (b) a Solomon Islander who moves or removes a traditional artifact solely for custom use or purpose.

5. Any person convicted of an offence under this Part is liable to:

- (a) a penalty of up to \$1,000 and imprisonment for up to 1 year or to both a penalty and imprisonment; and
- (b) the confiscation of the traditional artifact by the Executive.

Penalties for offences under Part II.

PART III - PROTECTED PLACE ORDERS

6.1 The Executive may make Protected Place Orders ("Orders").

6.2 A Protected Place Order is an order providing for protection of a particular area of land associated with human activity in the past which is of historical, cultural or archaeological significance.

6.3 An Order may only be made if all the procedural requirements of this Ordinance have been satisfied, and:

- (a) The boundaries of the land are clearly defined; and
- (b) The Executive are satisfied that the request has been made by the Registered Owner or the Customary Owner or its Appointed Representatives; and
- (c) The contents of the proposed Order are not contrary to the national interest; and
- (d) The proposed Order is clear and unambiguous.

Protected Place Orders.

Request for
Order.

7.1 A request for an Order may be made at any time in relation to any defined area of land by the Landowner.

7.2 A request for an Order shall be made to the Provincial Secretary at Provincial Government Offices Auki Malaita Province in the form set out in Schedule 1 and shall be accompanied by the fee set from time to time by the Executive.

7.3 Upon receiving a request for an Order, the Provincial Secretary shall consider the request and:

- (a) if satisfied that it complies in all respects with the requirements of this Ordinance he shall approve it and within one month of receipt of the request, deliver it to the Secretary of the Area Council to whose area it relates;
- (b) if not satisfied that it complies with the requirements of this Ordinance he shall reject it and notify the applicants within 1 month of receipt of the request of the grounds for rejection.

7.4 Upon receipt of the request endorsed with the approval of the Provincial Secretary, the Area Council Secretary shall immediately arrange for a copy of the request to be displayed in a conspicuous place in each village within the area affected by the request. The Area Council Secretary will sign each of the copies to be displayed and mark it with the date on which it is put on display.

7.5 Within one calendar month of the date the request is first displayed in any village, any person may give written notice of objection that the applicants are not the Landowner.

7.6 The notice of objection under 7.5 must be served on the applicants and the Provincial Secretary.

7.7 The register shall be conclusive proof of the identity of the Registered Owner of registered land and any objection in respect of registered land shall be decided by the Provincial Secretary in accordance with the advice of the Registrar of Lands.

7.8 The objectors and the applicants shall be entitled to be heard by the Appropriate Committee where the land is Customary Land.

7.9 The Appropriate Committee, having heard the applicants and objectors, shall decide whether the applicants are the Customary Owner or its Appointed Representatives and shall record their decision and send a copy to the applicants, the objectors, the Area Council Secretary and the Provincial Secretary.

7.10 If the applicants think:

- (a) That the Appropriate Committee nominated by the objector is not qualified to decide who is the Customary Owner and/or its Appointed Representative: or
- (b) The the Appropriate Committee's decision is wrong, they may within 21 days after receipt of the decision, apply to the local court for a ruling on either or both of these questions.

7.11 If:

- (a) There is no objection within the time specified in 7.5; or
- (b) An objection has been made in respect of registered land and has been determined by the Provincial Secretary; or
- (c) The Appropriate Committee has decided that the applicants are the Customary Owners or their Appointed Representatives and no application has been made to the Local Court within the time specified in 7.10; or
- (d) The Local Court has decided on an application under 7.10 that the applicants are the Customary Owners or their Appointed Representatives,

the Provincial Secretary shall present the request for an Order to the next meeting of the Executive and the Executive may make the Order.

7.12 The Order shall be in the form set out in Schedule 2.

7.13 An Order shall not be evidence of ownership of land.

8.1 The Provincial Secretary shall arrange for publication in the Gazette of all Protected Place Orders made by the Executive and the Order shall come into effect on the date when it is made even if that is before the date of publication.

Publication and
and publicity
for Protected
Place Order.

8.2 The Provincial Secretary shall serve a copy of the Order on the Landowner, the Area Council Secretary and relevant authorised officers within 21 days of the Order being made by the Executive.

8.3 On receipt of an Order, the Area Council shall, as soon as practicable:

- (a) notify all Chiefs and Village Organisers in their area that the Order has been made; and
- (b) display a copy of the Order in a place where it can be seen by people likely to be affected by it; and
- (c) take measures to ensure that such people are aware of the Order.

8.4 On receipt of the Order, the Landowner shall mark the boundaries of the land affected and take measures to ensure that people likely to be affected by it are aware of and understand the Order.

8.5 The Provincial Secretary shall establish and maintain a register of Protected Place Orders which shall contain a copy of every Order and plan showing the area affected and which shall be open to the public on payment of a reasonable fee.

Variation or
revocation of
Protected
Place Orders.

9.1 An Order may be varied or revoked by an order of the Executive published in the Gazette in the following circumstances:

- (a) A request for the variation or revocation must be made by the Landowner;
- (b) The request for variation or revocation must be made in writing to the Provincial Secretary and must specify a date, not less than six months from the date of the request on which the variation or revocation is to take place;
- (c) The variation must not increase the area of land subject to the Order except in respect of land where ownership is not disputed;
- (d) The Landowner must certify that the purpose of the variation or revocation is so that the place can be used as a settlement for occupation by the landowner and his tribe line or clan.

9.2 If the Provincial Secretary is satisfied that the request complies with section 9.1 he shall present it to the next meeting of the Executive who may resolve to vary or revoke the Order with or without conditions.

9.3 If the Provincial Secretary is not satisfied that the request complies with section 9.1 he shall reject it and shall notify the applicants in writing of the grounds for rejection.

10. Places already protected under any law are deemed Protected Places declared under this Ordinance and shall be included in the register maintained under this Ordinance.

Previous
Protected
Places.

11.1 Any landowner who makes any false or misleading statement in a request under section 9 or who uses or permits the Protected Place or former Protected Place to be used for any purpose other than settlement or occupation by his people following a revocation or variation Order or who fails to comply with any of the terms and conditions imposed by the Executive under section 8 is guilty of an offence and liable to a penalty of up to \$1000 or a term of imprisonment for up to 1 year or to both a penalty and imprisonment and the Executive may cancel the variation or revocation Order and restore the Protected Place Order.

Offences
under Part
III.

11.2 Any landowner or any other person using a Protected Place for settlement or occupation without first obtaining a variation or revocation of the Protected Place Order is guilty of an offence and liable to a penalty of up to \$1000 or a term of imprisonment for up to 1 year or to both a penalty and imprisonment.

11.3 Any person who:

- (a) by any means undertakes or causes to be undertaken any activity whether inside or outside a Protected Place which disturbs, damages, defaces or destroys the Protected Place;
- (b) moves or removes, disturbs, defaces, damages, destroys or in any way interferes with or causes to be moved, removed, defaced, damaged or destroyed or interfered with any historical, cultural or archaeological remains in a Protected Place;
- (c) removes, moves, destroys, damages or defaces or causes to be removed, moved, destroyed, damaged or defaced any posts, pegs, markers or monuments marking a Protected Place,

is guilty of an offence and liable to a penalty of up to \$1000 and imprisonment for up to 1 year or both a penalty and imprisonment.

12. It is not an offence under this Part:

- (a) for Solomon Islanders exercising customary rights within the Protected Place to use the Protected Place for its custom purpose;

Defences.

- (b) for persons to use a Protected Place as a temporary shelter in times of emergency if this is not tambu under custom;
- (c) for the Landowner of a Protected Place or for authorised officers to carry out activities necessary to preserve the status quo of the Protected Place or to prevent damage to or deterioration or destruction of historical, cultural or archaeological objects or remains within the Protected Place;
- (d) for qualified persons with the prior written authorisation of the landowner and the Executive to carry out excavation of archaeological deposits or undertake survey work within any Protected Place.

PART IV - DEVELOPMENT ACTIVITIES

Development
activities
and
procedure.

13.1 Any person shall, before carrying out any development activities on any land:

- (a) consult the register of protected places;
- (b) at his own expense, carry out a survey of the land for the purpose of identifying, locating, marking and recording all places of historical, cultural or architectural significance. The survey shall be carried out with the written consent of the Landowner in consultation with the Landowner and under the supervision of an authorised officer;
- (c) at his own expense, prepare and submit a written report to the Executive. The report shall contain a map or maps clearly identifying the boundary of the site to be developed and all sites which are or appear to be of cultural, historical or archaeological significance and which are within the boundary or may be affected by the proposed development. If the Landowner or the authorised officer wish any place to be declared a Protected Place under Part III then the report shall contain a written request for such a Protected Place Order. The report and each map it contains shall be signed by the developer, the Authorised Officer and the Landowner or his Appointed Representative.

13.2 The Executive may:

- (a) make an Order declaring any place identified in the report as being of cultural, historical or archaeological significance a Protected Place, even if the report contains no request for such an Order;

- (b) require the developer prior to commencement of the development activity to arrange, at this own expense, for any area to be systematically excavated by a professional archeologist and details of the area and the findings of the excavation to be fully documented to the satisfaction of the authorised officer;
- (c) require the developer prior to commencement of development activity to arrange at his own expense for a report from an independent archaeologist for the purpose of advising the Executive in respect of the proposed development area;
- (d) authorise the developer to proceed with the development activity subject only to the provisions of any other law or policy and once this authorisation is given none of the sites identified in the report may be declared a Protected Place without the consent of the developer.

13.3 Any person undertaking development activities which have already commenced in the date this Ordinance comes into effect shall be given written notice signed by an authorised officer requiring that person to arrange the survey and submit the report under this section within four (4) months from the date of the notice of such longer period as the authorised officer agrees in writing.

13.4 Where any person has been convicted of an offence under this section the Executive may require the development activity to cease immediately until such time as the provisions of this section have been complied with.

13.5 This section does not prohibit any landowner from making private agreement with the developer and any other person for the protection of a place of historical, cultural or archaeological significance.

14.1 Any person who fails to comply with any of the provisions contained in this Part is guilty of an offence and liable on conviction to a penalty of up to \$1000 and imprisonment for up to 1 year.

Offences
under
Part IV.

PART V - TAMBU SITES

15. It is an offence to enter any tambu site except in accordance with the express permission of the Landowner or person with customary power to give such permission. Any one guilty of an offence under this section shall be liable to a penalty of up to \$1,000.

Offence to
enter tambu
sites.

PART VI - GENERAL

Confiscation
of
artifacts.

16. Where an offence has been committed under Part II the traditional artifact may be confiscated.

Inquiry by
authorised
officer.

17. It shall be lawful for any landowner, police officer or authorised officer:

- (a) to make enquiries at all reasonable times to ascertain whether any offence under this Ordinance is being or has been committed;
- (b) to seize any traditional artifact or historical, cultural or archaeological object or remains if he has reasonable grounds to believe that it is in the possession or control of a person in breach of this Ordinance and to retain it until such time as due enquiries have been completed PROVIDED HOWEVER that if there has been no breach of this Ordinance then it must be returned to the person from whom it was seized. No claim or action may be brought for damages or compensation relating to such seizure or retention.

No effect
on civil
liability.

18. This Ordinance does not affect any civil claims or any liability for damages under Civil law.

Assistance
for
landowners.

19. A Landowner may report any offence affecting his land or property under this Ordinance to the Province and the Province shall assist the landowner by:

- (a) investigating the report;
- (b) providing a copy of any written report of its investigations;
- (c) informing the landowner if it decides to prosecute the person alleged to have committed the offence;
- (d) informing the landowner of the date of any such prosecution;
- (e) informing the landowner of the result of any such prosecution;
- (f) providing any of the above information to the public solicitor at the request of the landowner.

SCHEDULE 1

PROTECTED PLACE ORDER REQUEST

AN APPLICATION affecting the land area in Malaita Province including/not including* the reefs/lagoons adjacent to the land. (**Delete as applicable.*)

1. The boundaries of the land are described as follows and as marked and outlined in red on the plan attached. (*Remember to attach a properly marked plan.*)

Description of boundaries:

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2. The grounds on which we request the Executive to make a Protected Place Order are as follows:

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.....
.....

3. We do/do not [*delete as applicable*] want the defence for persons indigenous to Solomon Islands provided in this Ordinance to apply to offences against this Order.

4. We acknowledge that we are aware that if this request is approved by the Executive and is not appealed against successfully, it will be gazetted in the Solomon Islands Gazette. It will then become part of the law of Malaita Province and there will be penalties for not obeying it. Once an Order is made then it cannot be changed unless the Executive agrees to repeal it.

5. We are all the Landowners or their Appointed Representatives.

6. We enclose the application fee.

We certify that we have discussed this request for a Protected Place Order with the communities which will be affected by it and that we substantially have their agreement to it.

SIGNED by the Customary Owner or the Registered Owner or their Appointed Representatives on behalf of the land owning group/tribe.

<u>Name</u>	<u>Signature</u>	<u>Title (if any)</u>
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.....
.....

For Official Use Only

I have considered this request for a Protected Place Order relating to land.

I am/am not *[delete as applicable]* satisfied that the request complies in all respects with the Malaita Province Preservation Of Culture Ordinance 1995 and I therefore approve/reject *[delete as applicable]* the request.

If the request is rejected the reasons are as follows:
.....
.....
.....

Signed by the Provincial Secretary.....

Dated..... day of 199.....

I, Secretary to the Area Council hereby certify that I have displayed this Protected Places Order Request approved by the Provincial Secretary in village on day of 199.....

SCHEDULE 2

FORM OF PROTECTED PLACE ORDER

THE (description of land) PROTECTED PLACE ORDER

Malaita Provincial Executive declare the land described in the appendix and shown edged red on the attached plan to be a Protected Place under the Malaita Province Preservation of Culture Ordinance 1995.

It is an offence to;

- use or permit the Protected Place or former Protected Place to be used for any purpose other than settlement or occupation by his people following a revocation or variation Order or to fail to comply with any of the terms and conditions imposed by the Executive;
- use a Protected Place for settlement or occupation without first obtaining a variation or revocation of the Protected Place Order;
- by any means undertake or cause to be undertaken any activity whether inside or outside a Protected Place which disposes, damages, defaces or destroys the Protected Place;
- move or remove, disturb, deface, damage destroy or in any way interfere with or cause to be moved, removed, defaced, damaged or destroyed or interfered with any historical, cultural or archaeological remains in a Protected Place;
- remove, move, destroy, damage or deface or cause to be removed, moved, destroyed, damaged or defaced any posts, pegs, markers or monuments marking a Protected Place.

There are limited defences for authorised people and Solomon Islanders.

[Legal Notice No. 14]

**THE MALAITA PROVINCE BUILDING STANDARDS
ORDINANCE 1995**

**AN ORDINANCE
TO ESTABLISH AND REGULATE BUILDING STANDARDS
IN MALAITA PROVINCE.**

ENACTED BY THE MALAITA PROVINCIAL ASSEMBLY.

ARRANGEMENT OF SECTIONS

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SCHEDULE 2 Building Permit

SCHEDULE 3 Prescribed Fees

SCHEDULE 4 Stop Notice

SCHEDULE 5 Forms 1 - 7

PART I - PRELIMINARY

Short title
and
commencement.

1. This Ordinance may be cited as the Malaita Province Building Standards Ordinance 1995 and it shall come into effect after assent by the Minister in accordance with Section 32 of the Provincial Government Act 1981 and publication in Solomon Islands Gazette.

Definitions.

2.1 In this Ordinance unless the context otherwise requires:

“Act” means the Town and Country Planning Act 1979;

“Authorised Officer” means the Building Inspector, Senior Works Officer, Senior Physical Planning Officer or Senior Health Inspector for the time being holding office in Malaita Province and any other officer in the Works, Physical Planning or Health Divisions of the Province duly appointed by Malaita Province Executive to carry out the duties of an Authorised Officer set out in this Ordinance;

“Board” means the Malaita Province Town and Country Planning Board;

“building line” means a line drawn upon a lot or parcel of land or fixed in relation to a street or any part thereof;

“cement concrete” means concrete composed of cement incorporated with clean gravel and suitable stone or sufficient quantity of clean sharp sand or grit in the proportion by measure of at least one part of cement to six parts of such other material;

“cement mortar” means mortar composed of cement and clean sharp sand or grit or other clean and suitable material mixed in the proportion by measure of not less than one part of cement to five parts of sand grit or other suitable material;

“concrete” means:

(a) cement concrete; or

(b) concrete composed of good hydraulic lime thoroughly incorporated with clean gravel and suitable stone or other clean and suitable material mixed with a sufficient quantity of clean sharp sand or grit in the proportion by measure of at least one part of lime to five parts of such other material;

“cross wall” means a wall used or constructed to be used in part of its height as an inner wall of a building for separation of one part from another part of the building where the building is designed to be in single occupation;

- “design certificate” means a certificate by a duly qualified engineer or architect certifying that the design of a building complies with this Ordinance;
- “earth works” includes excavation;
- “Executive” means Malaita Provincial Executive;
- “external wall” means an outer wall and does not include a party wall;
- “foundation” applied to a wall having footings means the solid ground or artificially formed supports on which the footing of a wall rests;
- “lot” means a lot of land forming part of a parcel of land as shown on a plan held by the Commissioner for Lands or the Registrar of Titles under the Land and Titles Act;
- “party wall” means:
- (a) a wall forming part of a building and designed to be used in any part of its length or height for the separation of adjoining buildings;
 - (b) a wall forming part of a building and standing in any part of its length to a greater extent than the projection of the footings on one side on ground of different owners;
- “Permit” means a Building Permit issued under section 6.
- “premises” means any building or buildings with the land on which the building or buildings are situated;
- “Province” means Malaita Province;
- “public body” means Malaita Province, Solomon Islands Government and any statutory authority or body;
- “public building” means any Church, hospital, place of entertainment, library, school, hotel, lodging or rest house, institute, sports hall, public place of assembly or any place to which the public are entitled or permitted to have access;
- “residential building” means a building designed to be used as a dwelling house, shop or office not being a public building or a warehouse;
- “Secretary” means the Secretary of the Malaita Province Town and Country Planning Board and includes any person who is from time to time authorised to receive applications for planning permission;
- “store” means a building designed for the storage of foodstuffs or any other material;

“street” includes any road, feeder road, bridge or path;

“Structural Certificate” means a certificate from a duly qualified engineer that a building is structurally adequate and in compliance with this Ordinance;

“Warehouse Building” includes a store, shop, factory, building for manufacturing, brewery or distillery;

2.2 This Ordinance shall be administered by the Physical Planning and Public Health and Works Divisions and the Town and Country Planning Board.

Application.

3. This Ordinance applies to all areas in Malaita Province to which part IV of the Act applies.

PART II - BUILDING PERMITS AND ADMINISTRATION

Requirement for Building Permit.

4.1 It is an offence to:

- (a) commence any earth works or other works to prepare a site for a building; or
- (b) commence construction of a building except in accordance with the terms conditions and limitations of a certificate under this Part.

4.2 Any person guilty of an offence under this section is liable to a fine up to five hundred dollars (\$500) and to imprisonment for a term up to six months and if the offence is a continuing one to a further fine up to twenty dollars (\$20) for every day or part of a day during which the offence continues.

4.3 Any person carrying on any of the activities specified in section 4.1 at the time this Ordinance comes into force may be served with a Stop Notice signed by an Authorised Officer to which the provisions of section 13 apply, if there are reasonable grounds to believe that the plans and the building do not comply with this Ordinance.

Application Procedure.

5.1 Any person intending to construct a building shall apply for a Permit to the Secretary on the form set out in Schedule 1.

5.2 The application shall be in duplicate and each copy shall be accompanied by the application fee specified in Schedule 3 and three copies of:

- (a) a plan and elevation of each floor and sections of each storey, floor and roof of the building and elevations drawn in a clear and intelligible manner to a scale of not less than 1:100. The plans shall show:
- (i) the position, form and dimensions of the foundations, walls, floors, roofs, rooms, chimneys and other parts of the building including any outside or separate kitchen house, garage or other outbuildings in sufficient detail to allow the Province to check whether the buildings comply with this Ordinance;
 - (ii) the form and dimensions of every toilet, water closet, earth closet, cess pool, septic tank or other sanitation to be constructed in connection with the building;
 - (iii) the level of the site of the building and the level of the lowest floor of the building and the level of any street adjoining the building in relation to one another and above some known point;
 - (iv) the truncation of any corner formed by the intersection of any street and the setting back or adaptation of the building to comply with this Ordinance.
- (b) a block plan of the building drawn in a clear and intelligible manner to a scale of not less than 1:120 and showing:
- (i) the size and position of the building in its relation to the boundaries of the lot to be built upon and in relation to adjoining premises;
 - (ii) the position and width of any street adjoining the building;
 - (iii) the size and position of any yard or open space belonging to the building and forming part of the premises;
 - (iv) the position of every toilet, waste closet, earth closet, septic tank, cesspool or other sanitation in connection with the building;
 - (v) the lines of drainage of the building and the size and depth and inclination of each drain and the means to be provided for the ventilation, inspection and cleansing of the drains;
 - (vi) the position and level of the outfall of the drains and the position of any sewer with which

the drainage is intended to be connected or where no sewer is provided, the means to be used for disposing of all liquid waste from the building.

- (c) such other plans, drawings, documents and information as the Province may require.

5.3 The Province may require the applicant to provide:

- (a) a design certificate;
- (b) a structural certificate;
- (c) a certificate from a fire officer that the building has adequate means of escape and firefighting equipment;
- (d) a written undertaking that the construction will be supervised by a qualified architect or engineer or other qualified person approved by the Province to make sure that the building complies with the plans and specifications.

5.4 Where the applicant intends to install any plant or machinery in a building the applicant shall provide sufficient information and plans to satisfy the Province that the foundations, supports, shafting and brackets are strong enough that the building will be safe and that proper guards and safety mechanisms will be installed for the protection of employees and operators.

5.5 All plans, drawings and documents forming part of an application shall be of good quality and shall be signed on every page by the applicant or his duly authorised agent and by the architect or draughtsman.

Processing
of
application.

6. The application and the accompanying plans drawings and documents shall be considered by two Authorised Officers who in their absolute discretion may:

- (a) refer the application to the Solomon Island Ministry of Transport, Works and Utilities or to any other suitably qualified person for advice or recommendations;
- (b) authorise the issue of a Permit in the form set out in Schedule 2 subject to such terms and conditions as they think fit and subject to the payment of the fee set out in Schedule 3. The Permit and one set of the plans drawings and specifications shall be signed by the two Authorised Officers and issued to the applicant. The other two sets of plans drawings and specifications remain attached to the application and become the property of the Province;

- (c) require the applicant to submit further or amended plans or specifications or other information or documents;
- (d) decline to authorise the issue of a Permit on any of the following grounds:
 - (i) that no planning permission has been granted under the Act and/or that the proposal would contravene a Local Planning Scheme under the Act;
 - (ii) that any environmental impact report or similar report required by any law or regulation has not been submitted;
 - (iii) the builder does not have a valid business licence for building construction;
 - (iv) that the building plans and specifications do not comply with this Ordinance;
 - (v) that the system of drainage of the building or lot is not satisfactory and cannot be made satisfactory;
 - (vi) that the sanitary arrangements or employees' accommodation is not satisfactory;
 - (vii) that the site upon which the proposed building is to be constructed is not suitable for that building;
 - (viii) that the site or plan of any of the proposed buildings or the type of building is not suitable having regard to any living room or toilet on any adjacent lot;
 - (ix) that the building plans and specifications do not adequately provide for the strength of the building or for the sanitary requirements;
 - (x) that the building is otherwise unsuitable or undesirable.

7. If the applicant is dissatisfied with the decision of the Authorised Officers under section 6 he may within twenty one (21) days from the date of notification of the decision ask in writing for the application to be referred to the Board. The decision of the Board is final and no claim for damages or compensation may be made against the Board or any individual member or against the Province in respect of a refusal by the Board to issue a Permit or against any terms conditions or limitations included in a Permit.

Appeal.

Amendment
subsequent to
Permit.

8. Following the issue of a Permit any modification or alteration to the plans and specifications that is proposed or necessary shall be submitted for approval in the same manner as the original application and no such modification or alteration may be made in the construction until it has been agreed and approved and the particulars have been endorsed on the original Permit and signed plans.

Minor
building
permit.

9.1 Any person wishing to carry out minor alterations or extension to an existing building where the cost will not exceed one thousand dollars (\$1000) shall apply for a Permit in accordance with section 5.

9.2 The Authorised Officers have the same powers as those set out in sections 5 and 6 when considering an application for a minor building Permit.

9.3 Once the issue of a Permit is authorised the applicant shall pay the fee set out in Schedule 3.

9.4 A minor building Permit is valid for six (6) months only and should the alteration not be completed during that time then the Permit automatically lapses and the alteration cannot proceed.

Temporary
building
Permit.

10.1 Any person wishing to erect a temporary building which will remain standing for less than twelve (12) months shall apply for a Permit in accordance with section 5 but need only provide such plans and specifications as are appropriate to a temporary building.

10.2 The Authorised Officers have the same powers as those set out in section 5 and 6 when considering such an application but in their absolute discretion they may waive such of the building standards and rules as they think fit.

10.3 Once the issue of a Permit is authorised the applicant shall pay the fee set out in Schedule 3.

10.4 A temporary building Permit shall specify the date upon which the building must be removed and the site reinstated.

Permit for
a traditional
building.

11.1 Any person wishing to erect a building to be constructed in traditional post and leaf style shall apply for a Permit in accordance with section 5 and shall attach a proper sketch plan of the proposed building.

11.2 The Authorised Officers may decline to issue a Permit or may authorise the issue of a Permit in which case it is subject to the provisions of Part IV or issued on such other terms and conditions as the Permit may specify.

11.3 Once the issue of a Permit is authorised the applicant shall pay the fee set out in Schedule 3.

12.1 Any person wishing to:

- (a) erect a fence;
- (b) erect a chimney shaft;
- (c) erect a boiler, hot water or steam installation;
- (d) fell, trim or lop any tree;
- (e) excavate any land

Fencing and other types of Permit.

shall apply for a Permit in accordance with section 5 but need only supply such plans and specifications as are appropriate.

12.2 The provisions of section 5 and 6 apply to such an application.

12.3 No Permit will be authorised under this section for a fence higher than 1.8m.

12.4 Once the issue of a Permit has been authorised the applicant shall pay the fee set out in Schedule 3.

13.1 Where it appears to an Authorised Officer on reasonable grounds that:

Stop Notice

- (a) any rule or building standard is not being complied with;
 - (b) any terms, conditions or limitations of a Permit are not being complied with;
 - (c) any law or regulation or Court Order is being contravened
- an Authorised Officer may serve a Stop Notice in the form set out in Schedule 4 on the Permit holder or the person supervising the construction or the building foreman or the owner of the lot.

13.2 A Stop Notice requires the building construction to cease immediately and not to continue without the written permission of an Authorised Officer or the Board. A Stop Notice suspends any relevant Permit.

13.3 When Stop Notice has been served because activities specified in section 4.1 are being carried out without a Permit then application for a Permit may be made within fourteen (14) days of the date of the Notice and the procedure set out in sections 5, 6 and 7 apply to that application. The Stop Notice remains in force until such time (if any) as a Permit is issued. If no application is made for a Permit or the application is refused then an Authorised Officer or the Board may by notice in writing require the person who carried out the activities or the owner of the lot to demolish any building and to reinstate the site.

13.4 When a Stop Notice has been served a recipient or any person authorised by him may meet with an Authorised Officer on site or elsewhere to discuss the matters giving rise to the Stop Notice in an effort to resolve them. An authorised Officer may in writing:

- (a) require a design or structural certificate to be submitted;
- (b) impose new terms and conditions and limitations on a Permit;
- (c) require remedial work or corrective measures to be undertaken within a specified time;
- (d) require demolition or removal of all or part of a building and reinstatement of the site.

13.5 An Authorised Officer may in writing lift the Stop Notice and suspension of the Permit upon being satisfied that the terms, conditions and limitations of the Permit and that this Ordinance including any requirements under this section will be complied with.

13.6 If a Permit holder is dissatisfied with a decision of an Authorised Officer under section 13.4 or wants to challenge the issue of a Stop Notice, he may within 14 days make a request in writing to the Secretary that the matter be referred to the Board.

13.7 The Board has the same powers as an Authorised Officer under section 13.4 and 13.5 and may in addition revoke the Building Permit.

13.8 No claim for compensation or damages may be made against the Province or the Board or any member in respect of the issue of a Stop Notice or any related action.

13.9 Any person who fails to comply with a Stop Notice or with any order under section 13.4 or 13.7 or who contravenes or fails to comply with any terms, conditions or limitations of a Permit is guilty of an offence and liable to a fine up to five hundred dollars (\$500) or to imprisonment for up to six (6) months or to both a fine and imprisonment and if the offence is a continuing one to a further fine of up to twenty dollars (\$20) for each day or part of a day during which the offence continues.

13.10 Without prejudice to any prosecution under this Part if any person fails to comply with any written order given under this section an Authorised Officer may carry out or arrange to be carried out any required demolition, removal, reinstatement or repair and the reasonable cost thereof is a civil debt owed to the Province.

14.1 A Permit requires the Permit holder to start building work within eighteen (18) months of the date of the Permit and if he fails to do so the Permit lapses unless it has been extended in writing by the Authorised Officer. A Permit holder must give notice to the Province of the commencement of work in the form set out in Schedule 5.

Terms and
conditions
of Permits.

14.2 If the Building construction for which a Permit has been issued is not completed within twenty-four (24) months of the date of the Permit and such period has not been extended in writing by an Authorised Officer, an Authorised Officer may at any time after the end of the twenty-four (24) months, give notice in writing to the Permit holder that unless the building is completed by the date specified in the notice the Permit will automatically lapse.

14.3 Where a Permit lapses any person may make a new application under this Part.

14.4 A Permit requires a Permit Holder to give written notice to the Senior Works Officer or Provincial Engineer on the forms set out in Schedule 5 that building construction is ready for inspection at each of the following stages of construction:

- (a) on completion of floorings, foundations or column bases as appropriate;
- (b) on completion of floor slabs or bearers or floor joists;
- (c) on completion of ring beams or plate height including all diagonal wall bracing;
- (d) on completion of roof trusses prior to internal cladding;

- (e) on completion of drain runs, septic tank, soakage pits and where appropriate, mains sewage connections prior to covering;
- (f) on full completion.

In each case the Permit holder shall allow a period of three full working days from receipt by an officer named in section 34.3 of the Notice to allow an inspection to be carried out before construction continues.

14.5 Notwithstanding section 14.4 an Authorised Officer may inspect a building at any reasonable time without notice.

14.6 A Permit entitles the holder to construct a building in accordance with the plans and drawings and specifications attached to the Permit and subject to the conditions and limitations in the Permit and subject to this Ordinance.

PART III - BUILDING STANDARDS AND RULES

Local
Planning
Scheme.

15.1 All buildings shall comply with the matters set out in any Local Planning Scheme made under the Act.

Building
line
restrictions.

16. No building other than a fence enclosing a lot or parcel may be erected within the area contained between a building line and the boundary.

16.2 Upon application for a Permit the Authorised Officer may alter the building line where the levels of depth of a lot or other exceptional conditions of a site or the nature of a building make it necessary or expedient to alter the building line in respect of any part of the building.

Area to
be covered
by buildings.

17.1 Public buildings, warehouses, hotels, resthouses, clubs and residential buildings not used, adapted or designed as residential buildings shall not cover more than eighty percent (80%) of the lot on which they are built.

17.2 Buildings used or adapted or designed to be used as dwelling houses shall not cover more than one half (50%) of the lot on which they are built.

17.3 The limits set out in sections 17.1 and 17.2 may be varied where the Authorised Officer is satisfied that an area larger than that set out in this section may be built over without prejudice to public health.

18. Every building to be constructed in which food or animal feed, or any other material or article which is likely to attract or harbour rats, mice or other vermin shall be designed and constructed to be as vermin proof as possible.

Protection against rats and vermin.

19. Every building constructed as a residential building shall be designed and constructed so that all rooms, verandas, balconies and any other part which the Authorised Officer may require are provided with a proper ceiling with adequate air space between it and the roof provided that the Authorised Officer may approve a verandah being roofed with an insulating material instead of having a ceiling.

Ceiling insulation.

20.1 No part of or fixture attached to a building is permitted to overhang or project onto the street unless it overhangs or projects from an upper storey and the Authorised Officer approves it in writing with or without conditions.

Restrictions on buildings next to a street.

20.2 No door, gate, bar or window or other part of a building is permitted to open outwards onto a street if it would obstruct the street or any person using the street.

20.3 No building in a street is permitted to be constructed so that any part of it projects above an imaginary line drawn towards it at a vertical angle of fifteen (15) degrees from the opposite side of the street.

20.4 No building is permitted to be constructed so as to have a frontage on an open drain without the prior written permission of the Authorised Officer.

21.1 A new building shall be positioned on the lot so as to be fitting to such adjacent or continuous buildings as the Authorised Officer may direct and any street or building line declared by the Authorised Officer.

Buildings to conform with their area.

21.2 New building shall not be of a design or class inferior to the general class and character of the area or street or neighbourhood.

21.3 A new building shall be constructed to a level suitable to the land upon which it is to be constructed having regard to the levels of any existing or proposed street or the levels of existing buildings.

21.4 If the facing material or decoration shown on a plan or in specifications for a new building or used in the course of construction of a new building is visually unfitting the Authorised Officer may require the permit holder to make it compatible with other facing material or decoration in use in the area.

Foundations.

22. Any new building shall be constructed so that every wall or pier of the building rests on solid undisturbed rock or on proper footings or if the thickness of the wall does not exceed 225mm (exclusive of any cavity in a wall constructed as hollow wall) on a good layer of cement, concrete of sufficient width and thickness laid on the ground or on some other sufficient substructure as a foundation.

Construction of footings to walls.

23. Where the walls or piers of a new building are to rest on footings:

- (a) the footings shall rest on solid undisturbed rock or on good concrete of sufficient width and thickness or on some other solid and sufficient substructure as a foundation;
- (b) the projection at the widest part of the footings of a wall on each side shall be at least equal to one half of the thickness of the wall at its base unless an adjoining wall or pier interferes in which case the projection may be omitted;
- (c) the diminution of the footings shall be regular offsets or in one offset at the top of the footings and the height from the bottom of the footings to the base of the wall shall be at least equal to two thirds of the thickness of the wall at its base;
- (d) the footings of a pier on every side shall be constructed in accordance with the rules and standards applicable to the footings comprising the pier.

Damp proof course.

24. Every wall including any pier forming part of a wall in any new building in which it is intended to employ persons in any manufacture, trade or business shall, if necessary, be constructed with an effective damp proof course of impervious slate or blue bricks laid to break joint and embedded in cement mortar or of other no less durable material impervious to moisture beneath the level of the lowest timbers and where there is a solid floor no higher

than the upper surface of the concrete or other similar solid material forming the structure of the floor and in any case at a height no less than 150mm above the surface of the ground adjoining the wall or peir.

25. Floors may be made of concrete, stone, wood or other material approved by the Authorised Officer provided that in the case of wooden floors on the ground floor of a building the Authorised Officer may require the concreting of the ground underneath and the rat proofing or mosquito proofing of any space between the floors and the ground.

Floors.

26.1 A party wall shall not have any openings except with the prior written consent of the Authorised Officer.

Party Walls.

26.2 A party wall in a new building shall not contain any wooden bressummer, beam, joist, purlin or plate or any bond timber and the roof of the building shall not be constructed so that any timber or woodwork extends on or across any party wall provided however that:

- (a) laths and tile or slate battens properly embedded in good cement mortar or lime mortar or in other equally incombustible material may extend on or across a party wall;
- (b) the end of any wooden bressummer beam, joist, purlin or plate or any bond timber may be placed in a party wall if it does not extend beyond the central line of the party wall and is either encased in brickwork or other solid material and every part which is placed in the party wall is properly encased in an iron beam box with a solid back.

27.1 Every wall shall be of sufficient strength and constructed in such a manner and of such material as the Authorised Officer may approve.

Walls.

27.2 Every wall built of concrete, concrete block, stone or other similar materials shall be properly bonded and solidly put together with mortar and all return walls and partition walls shall be properly bonded to the walls adjoining them. Where the top of the wall is exposed to weather it shall be properly protected to prevent access of damp or water to the wall.

27.3 All external and party walls built of the materials specified in section 29.2 shall be of not less than the following thickness:

Height (Metres)	Length (Metres)	Thickness at base (mm)
0-2.7	-	150
2.7-6.0	-	225
-	0-18	343
6-9	over 18	450
9-12	over 18	570

unless the Authorised Officer gives prior written approval for a lesser thickness in a case where a lesser thickness will be stable.

27.4 The thickness of a cross wall shall not be less than two thirds of that required for an external or party wall.

27.5 An internal partition wall built in brick which extends through one storey only if it carries no load may be built not less than 100mm in thickness in brick or dressed stone. Such a wall is not deemed to be a cross wall. This subsection does not apply to recesses in walls.

27.6 The length of a wall is deemed to be its length between cross walls or buttresses. For the purpose of this section a wall is not deemed a cross wall unless it be carried up to the top of the uppermost storey and unless in each storey the aggregate extent of the vertical faces or elevation of all the openings taken together does not exceed one half of the whole extent of the vertical wall in that storey unless that wall has been strengthened in accordance with section 29.7.

27.7 If any openings or recesses are left or made in a wall to an extent greater than one half of the superficial area of the wall of any storey or if any openings or recesses are left or made which extend into two or more storeys the wall shall be strengthened to the satisfaction of the Authorised Officer by sufficient pilasters, buttresses or counterfronts or otherwise. For the purpose of this subsection a recess includes any part of a wall which is of a thickness less than that prescribed for a wall of that description.

27.8 Where concrete blocks are used in the construction of the walls of a building the minimum allowable mix by volume of concrete used for their manufacture must be cement one part, sand four part, stone eight parts. Hollow blocks must not be used under a concentrated load but solid blocks or a solid pier must be substituted.

27.9 The thickness of walls of masonry other than ashlar must be one third greater the dimensions for brick walls described in section 27.3 but in no case less than 225mm.

27.10 The height of a storey other than a top storey must be measured from the level of the upper surface of the floor to the level of the upper surface of the floor next above it or in the case of one storeyed buildings or of the top storey of a building to the underside of the tie of the roof or other covering or storey or if there be no tie then to the level of half the vertical height of the rafter or other support of the roof.

27.11 Where a building is to be constructed of steel framework or reinforced concrete or an addition or alteration is to be made to such a building and where the dead loads and superimposed loads of, in or upon a building are transmitted to the foundations by a series of steel stanchions or reinforced concrete pillars, beams, arches or other suitable construction, details of type, sizes and specifications of structural steelwork must be approved by the Authorised Officer. All enclosing walls of concrete or other suitable materials between such pillars must be not less than 100mm thick provided always that such enclosing walls are designed and constructed to the satisfaction of the Authorised Officer to resist any loads and pressures they may have to carry.

28.1 The provisions of sections 27.2 to 27.11 inclusive do not apply to a building of one storey the walls of which are constructed of properly framed timber and covered externally with some impervious fire proof material and to a height of not less than 300mm above the surface of the ground adjoining such wall are:

- (a) constructed of:
 - (i) good cement concrete at least 150mm wide; or
 - (ii) good stone, brick or other hard and suitable material at least 150mm wide properly bonded and solidly put together; or

Timber
framed
buildings.

(b) carried upon:

- (i) sufficient piers constructed of good cement concrete 225mm wide or of good stone, brick or other hard and suitable material at least 225mm wide properly bonded and solidly put together; or
- (ii) metal or timber standards of sufficient strength.

Every such pier standard or wall must be covered with a sheet metal cap projecting at least 100mm beyond its face on every side.

28.2 The distance of any such part of such building from the boundary of any adjoining lot must be not less than 3m.

28.3 Any such building at and over a height of 300mm from the surface of the ground may have all or any of its external walls covered on the outside partly or wholly with combustible material if such building is at least 3m from any other building and from the boundary of any adjoining lot.

28.4 All corrugated iron and wood used in the construction of walls roofs or fences in connection with any building to which this section applies which has been previously used for the structure of other buildings must be in good and proper condition.

Steel and
iron used
in buildings.

29. All steel, iron or other material used in the construction of a building must in respect of strength and other qualities be approved by the Authorised Officer. The Authorised Officer may require that all such metals be surrounded and suitably protected against fire by other fireproof material at least 25mm thick.

Timber
in
buildings.

30. All timber and woodwork must be properly protected from the attack of white ants and when necessary, ant traps must be used if required by the Authorised Officer.

Beams
and
lintels.

31.1 Every beam must be of sufficient strength and have a sufficient bearing at each end arranged so that the load is properly transmitted to the supports.

31.2 Wooden lintels must have depth of at least 20mm for every 30mm of opening with a minimum of 75mm. In all spans of 1.2m or over relieving arches or concrete lintels must be inserted. This subsection does not apply to a wooden framed building.

32. Every bressummer of a new building must be borne by a sufficient template of stone with concrete, terracotta or vitrified stoneware of the full breadth of the bressummer and to have a bearing in the direction of its length of 100mm at least at each end. If and when necessary the bressummers must have such storey posts, iron columns, stanchions or pins of brick, stone or other equally suitable material on a solid foundation under the same as may be sufficient to carry the superstructure.

Bressummers.

33. The floors of any building used for the purposes set out in column 1 of this section must be constructed of sufficient strength and stability to carry safely in addition to the dead load of the floor itself and any other part of the structure of such building supported by such floor the corresponding superimposed load in column 2 of this section provided that a deduction of up to twenty percent (20%) of the specified loads may be approved if the Authorised Officer is satisfied as to the excellence of the design and of the material and workmanship to be employed in construction. This provision does not apply to floors subject to rhythmic vibration.

Floor load bearing capacity.

Column 1 For floors to be used wholly or partially for the purpose of:	Column 2 superimposed load kg/m ²
Residential	15
Human habitation	15
Private residential building	15
Common lodging house bedrooms	20
Hotel bedrooms	20
Hospital and clinic wards	20
Offices and similar	25
Workshops (light loads)	30
Classrooms	40
Places of public worship	40
Lecture rooms	40
Meeting halls	40
Public assembly (fixed seats)	40
Retail shops	40
Theatres	50
Garages	50
Dance halls	50
Factories (medium loads)	75
Warehouses	100

Every other floor must be constructed of sufficient strength and stability to the satisfaction of the Authorised Officer.

Chimneys.

34. In all cases where smoke or hot air is generated adequate provision must be made for conveying it to 300mm above the ridge of the building in which it is generated except that where a proposed chimney is less than six metres (6m) away from a higher existing building the chimney must be carried up to 300mm above the level of the ridge of that higher building.

Size of rooms.

35.1 Every room designed for human habitation must taken over its entire area be of a mean height of at least 2.4m from floor to ceiling or underside of roof and no part thereof other than a part not exceeding in total fifteen percent (15%) of the whole must be less than 2.4m in height from floor to ceiling or underside of roof.

35.2 The wall of any living room must not be less than 2.4m in height from floor to top of wall plate.

35.3 Every room designed for human habitation must have a clear superficial floor area of no less than 9m² except that a third or other additional bedroom in a dwelling house may be not less than 8m².

Windows.

36. Every habitable room, hall or enclosed area in a residential building must have at least one window opening directly into the open air. The total area of such window or if more than one of all the windows clear of the frames must be equal to at least one twelfth of the superficial floor area of such room, hall or other enclosed area with an increase in such window area if any window is placed under a verandah of 1.5% of floor area for each 300mm of width of verandah over 1.5m. At least one half of every window must be able to open so that the opening extends in every case to the top of the window.

Ventilation.

37.1 Every habitable room and every passage of a residential building must be properly and efficiently cross ventilated.

37.2 Every new public building must be efficiently cross ventilated by means of windows or fan lights or air bricks or tubes distributed around the building in such a manner as to secure effective changes of air and arranged so as to communicate directly with the external air provided that this subsection does not apply to air conditioned areas.

37.3 Every new warehouse building must be constructed with proper and efficient lighting with proper adequate and efficient means of cross ventilation.

38. Roof gutters shall be so designed and constructed that water does not lie in them.

Guttering.

39. The owner of any lot must make adequate provision to the satisfaction of the Authorised Officer for the satisfactory carriage and disposal of rain water, surface water, waste water or sewage from the lot or from any building thereon. The Authorised Officer may require an owner to connect into the main drainage system of an area and upon failure to do so the Province may make such connection and recover the cost of so doing from the owner.

Drainage of lot.

40.1 Every new building must be provided with sufficient toilets of the type and materials as the Authorised Officer approves situated so that they are conveniently accessible to all persons employed or accommodated in the building.

Provision of toilets and storage and disposal of refuse and waste.

40.2 Every toilet must be separated by a well lighted and ventilated passage from any kitchen, living room or workroom.

40.3 The owner of a lot must make adequate provision to the satisfaction of the Authorised Officer for on site storage of refuse or disposal of refuse or waste.

40.4 All septic tanks must be easily accessible and nothing may be built or planted over it to prevent easy access. Every septic tank must be situated not less than 3m from any building or boundary and must be of suitable and durable material and construction acceptable to the Authorised Officer.

41.1 Where an owner of a lot proposes to construct a building in close proximity to another building not owned by him ("the builder") and it is necessary for him to excavate or dig out the ground against the adjacent building the builder after consulting the adjacent owner must at his or her own cost shore up and underpin the wall to its full thickness and to the full depth of such excavation with proper and sufficient material in a workmanlike manner. The builder and his employees and subcontractors may enter on the adjacent premises at any reasonable time to carry out this work subject to payment of reasonable compensation for disturbance and for any damage or injury caused.

Adjoining buildings entry underpinning and shoring.

41.2 Should the builder need to remove any projection or part of an existing wall of the adjacent building (including but not limited to any footings, chimney breasts, chimney shafts or other projections beyond the vertical face of such existing wall of the adjacent building and the said projection or part of it is in fact an encroachment on the land of the builder the builder must give one weeks notice in writing to the owner of the adjacent building and may then remove the projection.

41.3 The builder must make good in a workmanlike manner any brick, stone or concrete work so cut away or open.

41.4 The builder must use reasonable care in cutting away and making good.

41.5 The cost of the work specified in sections 41.2, 41.3 and 41.4 must be paid by the owner of the adjacent building provided that if the owner of the adjacent building before the expiration of the one weeks notice under section 41.2 gives notice in writing to the builder that the wishes to carry out the cutting away or making good then he is entitled to do so at his own expense and may enter on the builders land for that purpose but if the work is not completed by the owner of the adjacent land within one month after the date of such notice the builder may proceed to do or complete it.

41.6 When uder this section one person claims to recover the cost of work or to recover compensation from another person the claimant must within 14 days after the completion of the work serve on the other person a detailed written account of the cost including the cost of all preliminary and incidental operations.

PART IV - TRADITIONAL BUILDING CONSTRUCTION

42. The following rules apply to buildings constructed in a traditional post and leaf and bush material style for areas designated under the local planning scheme:

- (a) the building must be at least 6m from the boundary of any adjoining lot or any street or any other building;
- (b) the floor area must be at least 32m² and no more than 1.5m above ground level.

PART V - MISCELLANEOUS

43.1 Where the Province considers that a building or part of a building had become unfit for use or occupation or is prejudicial to public health or safety or to the health or safety of any occupier or user, the Authorised Officer may by notice in writing served on the owner or occupier of the building or if there is no occupier and the owner cannot be found or is outside Solomon Islands by posting such notice on the building order the owner or occupier to either:

Demolition
or repair
orders.

- (a) within a specified time carry out such alterations, repairs or remedial work as the Authorised Officer consiers necessary; or
- (b) within a specified time to remove the building or part of it and reinstate the land.

43.2 Should a notice be issued in accordance with section 43.1 the Authorised Officer may also order that any person occupying or using the building immediately vacate and that occupation or use of the building is prohibited until such time as the notice under setion 43.1 has been complied with.

43.3 Any person on whom a notice has been served under section 43.1 may appeal to the Magistrates Court before the time specified in the notice expires for a summons calling on the Authorised Officer to show cause why the notice should not be cancelled or varied and on hearing the summons the Magistrates Court may confirm, vary or cancel the notice.

43.4 Any person who fails to comply with a notice under section 43.1 is guilty of an offence and liable to a fine of up to \$500.00 or to imprisonment for up to 6 months or both.

43.5 Without prejudice to any prosecution under section 43.4 where the owner or occupier fails to comply with the notice under section 43.1 the Board or an Authorised Officer may enter and carry out or arrange to have carried out the required work and the reasonable cost thereof is a civil debt due to the Province by the owner and occupier.

44.1 Where a body corporate is guilty of an offence under this Ordinance with the consent or connivance of or because of any act or ommission of any person who is or appears to be a director or officer or senior employee of that body corporate, then that person is guilty of the same offence.

Liability
of body
corporate.

Payment
of
Fees.

45. The Malaita Provincial Executive may at any time by resolution, alter the fees specified under Schedule 3.

Passed by the Malaita Provincial Assembly this thirtieth day of November 1995.

MATTHEW EDWARD MAEFAI
Clerk to Assembly

Assented to by the Minister this first day of February, 1996.

ALLAN QURUSU
Minister for Provincial Government & Rural Development

SCHEDULE 1

APPLICATION FOR A BUILDING PERMIT

TO: The Secretary,
Malaita Province Town and Country Planning Board
Auki
Malaita Province

PART I

1. Name and address of Applicant:
2. Registered Number of Applicant (if a company):
3. Type of Permit required (tick as appropriate):
 - New building
 - Major alterations to existing building
 - Alteration to building under construction (Permit No.)
 - Minor alterations to existing building
 - Temporary building
 - Traditional post and leaf building
 - Fencing
 - Erection of chimney
 - Installation of boiler etc.
4. Location by address and legal description of the lot, parcel, section and plan no. where the proposed building work is to be carried out ("the land"):
5. Name and address of owner of the land:
6. Type of building (tick as appropriate):
 - Residential building
 - Public building
 - Warehouse building
7. Name and address of architect or draftsman:
8. Name and address of building work supervisor:
9. Estimate of time for construction of building or work:
10. Estimate of cost of building work: \$
11. Has application for Planning permission been lodged? Yes/No
12. Has planning permission been granted? Yes/No
13. If yes, give planning permission number:

PART II

Proposed building design and construction details.

Either: Attach plans, drawings and specifications of the proposed building work and, if appropriate, copy of any building contract;

Or: Attach plans and drawings and supply the following details of the building construction:

External walls to be constructed of:

Internal walls to be constructed of:

Mortar in walls to be constructed of:

Damp course (if any) to be of:

Foundations to be of:

Mortar in foundations to be of:

Roof to be constructed of:

Water supply from:

Drainage to: (tick as appropriate) sewer/permeable cesspit/impørmeable cesspit/septic tank.

If septic tank, how will effluent how disposed of?

Material of drains:

Toilet accommodation:

Any other relevant construction details:

SCHEDULE 2

BUILDING PERMIT

Permit No.

Pursuant to the provisions of the Malaita Province Building Standards Ordinance 1995 and the prescribed fees having been paid, permission is hereby granted to (Name of applicant(:

to carry out the following building work:

at on Lot No. Parcel No. Plan No.

in accordance with the attached plans and specifications and in accordance with the Ordinance and the following special terms and conditions:

Signed for and on behalf of Malaita Provincial Government:

Authorised Officer

Authorised Officer

Date:

SCHEDULE 3

FEES

1. Application form: \$30.00
2. Administration fee: \$100.00
3. Permit for new building:
Residential: \$50.00
Commercial/Industrial: \$150.00
4. Permit for major alterations to existing building: \$1 per m³
5. Permit for alteration to building under construction:
\$1.00 per m³
6. Permit for temporary building: \$30.00
7. Permit for traditional post and leaf building: \$30.00
8. Land excavation:
Residential: \$60.00
Commercial/Industrial: \$100.00
9. Fence construction:
Residential: \$60.00
Commercial/Industrial: \$100.00
10. Tree felling, trimming or lopping: \$30.00
11. Building permit for chimney: \$30.00
12. Building permit for installation of boiler: \$30.00

SCHEDULE 4

STOP NOTICE

Date:

To: (Name and address of permit holder/land owner/person carrying on activity)

It appears that you are in breach of section of the Malaita Province Building Standards Ordinance 1995 by reason of the following activities:

at:

- (a) without a permit under the Ordinance; or
- (b) in contravention of the following terms and conditions and limitations of Permit No. :

TAKE NOTICE that:

1. You must immediately STOP the activity specified above until such time, of any, as you receive written notice from the Province that you may continue the work;
2. Within 14 days of the date of this notice you must apply for a Permit in accordance with the Ordinance or, if you dispute this notice, notify the Secretary to the Town and Country Planning Board that you require the matter to be referred to that Board under section 13 of the Ordinance.

[Legal Notice No. 15]

POST OFFICE ACT 1981
(No. 4 of 1971)

THE POST OFFICE (AMENDMENT) REGULATIONS 1996

IN exercise of the powers conferred by section 7(1) of the Post office Act, 1971, I, JOHN MUSUOTA, Minister of Posts and Communications, do hereby make the following Regulations -

1. These Regulations may be cited as the Post Office (Amendment) Regulations 1996, and shall be deemed to have come into operation on the 7th day of February 1996.
2. Item 3 (MISCELLANEOUS TARIFFS) to PART A of the First Schedule to the Post Office Regulations 1971* is hereby amended by deleting paragraphs (b), (c), (d), (e) and (f) thereof and substituting therefor the following new paragraphs -

“(b) Request for stoppage, withdrawal of post, or alteration of address (reg.90)	\$1.10¢
(c) Late Fee (reg.11)	\$1.10¢
(d) Fee for enquiry or request for information (reg.19)	\$1.10¢
(e) Registration fee for overseas registered articles only (reg.5)	\$1.10¢
(f) Compensation to a maximum of 60 francs (19.60 SDR) per item (reg.50)	
(g) Compulsory registration fee (reg.43)	\$1.10¢
(h) Certificate of posting (reg.5)	\$1.10¢
(i) Acknowledgement receipt of Registered Articles (AR) (reg. 42)	\$1.10
(j) Postage charge account 15% handling/ administrative fee of the total monthly transaction	\$3.20
(k) Aerogramme Forms	
Small size (unstamped)	\$0.40¢
Large size (unstamped)	\$0.90¢

(l) POSTPAC ENVELOPES

. Size 1 (133 X 190) Postpac	@ \$0.95c
. Size 2 (178 X 254) Postpac	@ \$1.15c
. Size 3 (203 X 280) Postpac	@ \$1.30c
. Size 4 (254 X 381) Postpac	@ \$1.60c
. Size 5 (324 X 450) Postpac	@ \$2.15c

(m) TAPE PRODUCTS

. TIP-R-12	Packaging Tape (Polypropylene)	@ \$0.95c
. TIP-R-CNT 101	Double coated tissue Tape	@ \$1.15c
. TIP-R-M20	Reinforcement Filament Tape	@ \$0.80c
. TIP-R-92	Retractable Handy Cutter	@ 1.35c
. TIP-66266	Loose Fill Foam	@ \$1.45c
. TIP-350	Security seal	@ \$0.95c
. TIP-L90103	Address Label	@ \$0.70c
. (a) BBL-3001	Cushionwap (350mm x 350mm)	@ \$1.20c
. (b) BBL-3001	Cushionwap (280mm x 350mm)	@ \$0.80c."

Dated at Honiara this eighth day of February, 1996.

JOHN MUSUOTA
Minister of Posts & Communications

*L.N. 48/71.

[Legal Notice No. 16]

PROVINCIAL GOVERNMENT ACT 1981
(No. 7 of 1981)

THE CHOISEUL PROVINCE BUSINESS LICENCE
(AMENDMENT) ORDINANCE 1995

AN ORDINANCE
TO AMEND THE CHOISEUL PROVINCE BUSINESS
LICENCE ORDINANCE 1993

1. This Ordinance shall be cited as the Choiseul Province Business Licence (Amendment) Ordinance 1995 and shall come into operation in accordance with section 32 of the Provincial Government Act 1981.

Short title
and com-
mencement.

2. Section 2 of the Choiseul Province Business Licence Ordinance 1993 is hereby amended in the following respects -

Amendment of
Section 2 of
Business
Licence
Ordinance 1993
Interpretation.

- (a) in subsection 2, by deleting -
 "Round Log Export"
 "Saw Milling 25hp or more"
 "Timber Exporting"
 "Timber Felling"
 "Timber Sales"

and substituting therefore the new interpretation paragraphs in its correct alphabetical sequence -

"Logging Sales" means logging operations which require Certification/Agreement/Procedures under the Laws of Solomon Islands, including the selling of milled or unmilled Timber and other "forest produce" as defined in the Forest and Timber Utilisation Act, or purchasing the same for re-sale.

"Timber Felling" means the felling of trees for sale but not including any business which requires an Agreement under the Laws of Solomon Islands the Forest and Timber Utilisation Act in Particular (Part IIA).

**THE CHOISEUL PROVINCE BUSINESS LICENCE
(AMENDMENT) ORDINANCE 1995**

**Passed by the Choiseul Provincial Assembly this fourteenth day of
November 1995.**

**The print impression has been carefully compared by me with the
Ordinance passed by the Choiseul Provincial Assembly and found
by me to be a true and correct copy of the said Ordinance.**

V. PITAKAKA
Clerk to the Choiseul Provincial Assembly

**Assented by the Honourable Minister for Provincial Government
this twenty-fourth day of January, 1996.**

ALLAN QURUSU
Minister for Provincial Government & Rural Development

[Legal Notice No. 17]

PROVINCIAL GOVERNMENT ACT 1981
(No. 7 of 1981)

THE CHOISEUL PROVINCE BUSINESS LICENCE
ORDINANCE 1993

THE CHOISEUL PROVINCE BUSINESS LICENCE
(AMENDMENT) REGULATIONS 1995

IN exercise of the powers conferred by Schedule 15 of the Choiseul Province Business Licence Ordinance 1993 the Choiseul Provincial Executive makes the following Regulations -

1. These Regulations are called the Choiseul Province Business Licence (Amendment) Regulations 1995 and shall come into force on approval by the Choiseul Provincial Assembly and on operation of the Choiseul Province Business Licence (Amendment) Ordinance 1995.
2. Schedule G of the Business Licence Regulations 1993 Choiseul Province is hereby amended by -
 - (a) The deletion of the Prescribed Business and corresponding Fee titled -

Amendment
to
Regulations.

Amendment
to
Schedule "G".

"Round Log Export"
"Saw Milling"
"Timber Exporting"
"Timber Felling"
"Timber Sales"

and substituting therefor the following new prescribed Business and corresponding Fee -

Logging Sales

(i) Foreign Company run Business	\$75,000.00
(ii) Joint Venture Business	\$50,000.00
(iii) Local Business	\$20,000.00
(includes the business of selling resources from all lands)	

Timber Felling

(i) Permanent Saw Mill	
Export business	\$5,000.00
Local business	\$1,500.00
(ii) Wokabout (Portable Saw Mill)	\$500.00
(iii) Chain Saw (frame)	\$250.00

(b) by deleting the Fee prescribed for "Fishing Commercial" and substituting therefore the new fee -

(i) Vessel with less than 1001 M/T Quota	\$800.00
(ii) Vessel with 1002-5000 M/t Quota	\$1,500.00
(iii) Vessel with 5001 and over M/t Quota	\$2,500.00

PROVINCIAL GOVERNMENT ACT 1981**THE CHOISEUL PROVINCE BUSINESS LICENCE
(AMENDMENT) ORDINANCE 1995****THE CHOISEUL PROVINCE BUSINESS LICENCE
(AMENDMENT) REGULATIONS 1995**

Made by the Choiseul Province Executive on this 20th day of September 1995 and approved by the Choiseul Provincial Assembly.

CLEMENT P. KENGAVA
Premier
Choiseul Province

[Legal Notice No. 18]

THE PROVINCIAL GOVERNMENT ACT 1981

(No. 7 of 1981)

**THE CHOISEUL PROVINCIAL RATING (AMENDMENT)
ORDINANCE 1995**

**AN ORDINANCE
TO AMEND THE CHOISEUL PROVINCIAL RATING
ORDINANCE 1993**

1. This Ordinance may be cited as the **Choiseul Provincial Rating Amendment Ordinance 1995** and shall come into effect following assent to by the Minister in accordance with Section 32 of the Provincial Government Act 1981 and publication in the Solomon Islands Gazette.
2. The word "Act" in Section 2.1 of the Choiseul Provincial Rating Ordinance 1993 shall be replaced by the words "Area Council".

Short title
and com-
mencement.

Amendment.

**THE CHOISEUL PROVINCIAL RATING (AMENDMENT)
ORDINANCE 1995**

Passed by the Choiseul Provincial Assembly this fifteenth day of November, 1995.

The print impression has been carefully compared by me with the Ordinance passed by the Choiseul Provincial Assembly and found by me to be a true and correct copy of the said Ordinance.

V. PITAKAKA

Clerk to the Choiseul Provincial Assembly

Assented by the Honourable Minister for Provincial Government this twenty-fourth day of January 1996.

ALLAN QURUSU

Minister for Provincial Government & Rural Development

[Legal Notice No. 19]

PROVINCIAL GOVERNMENT ACT 1981

(No. 7 of 1981)

**THE CHOISEUL PROVINCIAL ASSEMBLY SPEAKER'S
SALARIES AND ENTITLEMENT REGULATIONS 1995**

**THE CHOISEUL PROVINCIAL ASSEMBLY SPEAKER'S
SALARIES AND ENTITLEMENT (AMENDMENT)
REGULATIONS 1995**

IN exercise of the powers conferred in Section 24 of the Provincial Government Act 1981, the Choiseul Provincial Executive makes the following (Amendment) Regulations -

Amendment
to
Regulation.

1. These Regulations are called the Choiseul Provincial Assembly Speaker's Salaries and Entitlement (Amendment) Regulations 1995 and shall come into force on the approval by the Choiseul Provincial Assembly.
2. Choiseul Provincial Assembly Speaker's Salaries and Entitlement Regulations 1995, is hereby amended in the following aspects -
 - (a) by adding Section 8 to the regulations -

“8 Exgratia

- (1) The Speaker who has served for a period of 12 months will be entitled to an exgratia payment of \$4,000 at the end of life of Provincial Assembly on a pro rata basis.
- (2) Subject to (1) and (3) hereof, where the Speaker dies whilst in Office, his exgratia payment or any part thereof, shall be paid to the surviving spouse or the oldest child surviving of the union as the case may be on pro rata basis.
- (3) The Speaker who has served for less than twelve months, shall only be entitled to draw 1/6 of the full exgratia payment of the life the Assembly.

- (4) Any outstanding debts, owing to the Government or Assembly shall be deducted from the exgratia payment before payment is made to the Speaker or under (2) before, as applicable”.

**PROVNCIAL GOVERNMENT ACT 1981
(No. 7 of 1981)**

**THE CHOISEUL PROVINCIAL ASSEMBLY SPEAKER'S
SALARIES AND ENTITLEMENT (AMENDMENT)
REGULATIONS 1995**

Made by the Choiseul Provincial Executive on the thirteenth day of November 1995 and approved by the Choiseul Provincial Assembly.

CLEMENT P. KENGAVA
Premier
Choiseul Province

[Legal Notice No. 20]

**THE CHOISEUL PROVINCE RURAL DEVELOPMENT FUND
ORDINANCE 1995**

RURAL DEVELOPMENT FUND REGULATIONS 1995

Made by the Choiseul Provincial Executive on the first day of November 1995 and approved by the Choiseul Provincial Assembly.

CLEMENT P. KENGAVA
Premier

IN exercise of the powers contained in section 10.5 and 11.2 of the Choiseul Province Rural Development Fund Ordinance 1995 the Choiseul Provincial Executive make these regulations.

**PART I
PRELIMINARY**

1. These Regulations may be cited as the Choiseul Province Rural Development Fund Regulations 1995.
2. The purpose of these Regulations is to establish Project Selection Committees and the criteria for selection of business enterprises that will qualify for a loan.

**PART II
PROJECT SELECTION COMMITTEES**

3. There shall be a Project Selection Committee ("the Committee") for each Area Council area to screen project applications from people resident within that area.
4. The membership of each Committee shall consist of:
 - (a) The Area Council President, who shall be the Vice Chairman;
 - (b) Up to 2 Area Council members selected by the Area Council;
 - (c) One member of the Provincial Executive appointed by the Premier, who shall be the Chairman;
 - (d) One community representative selected by the Executive.

The Provincial Treasurer, the Business Advisor and the Area Council Secretary shall attend and advise each meeting of the Committee but shall not be members of the Committee and shall not be entitled to vote.

5. The functions of the Committee shall be:
 - (a) to receive, consider and determine applications for loans from the Fund;
 - (b) to authorise interest free periods on such loans;
 - (c) to authorise the payment of approved loans;
 - (d) to consider reports on the progress of small businesses in receipt of loans;
 - (e) to authorise penalties and recovery action on overdue payments and defaulted loans;
 - (f) to take or authorise any other action necessary for the operation of the Fund.

6. The procedure of the Committees shall be as follows:
 - (a) the Committees shall meet as often as necessary to carry out their functions;
 - (b) the Area Council Secretary shall be the Secretary to the Committee;
 - (c) the Secretary shall prepare in consultation with the Provincial Treasurer an agenda for each meeting and shall circulate it to members of the Committee at least 2 days before the meeting if possible and failing this the agenda shall be read at the start of the meeting;
 - (d) the quorum shall be the Chairman and 2 other Committee members;
 - (e) the Secretary shall take minutes of the decisions of the Committee and maintain them in a file made for that purpose;
 - (f) applications for loans shall be sent to the Treasurer who shall forward a copy to the relevant Area Council Secretary immediately and who shall notify the applicant of the date when the relevant Committee will meet to consider the application.

7. A loan must be for a small business in at least 1 of the following categories:
 - (a) agriculture/farming;
 - (b) fisheries;
 - (c) agro forestry/milling/reforestation;

- (d) production/manufacturing;
 - (e) transport services;
 - (f) tourism;
 - (g) any other business which provides a useful service or product for the people of Solomon Islands.
8. The Committee shall not approve any application for a loan unless it is in the form specified in the schedule and includes a feasibility study in accordance with section 11.4 of the Ordinance.
9. Subject to the requirements of this part the Committee has absolute discretion to recommend which applicants shall receive a loan.

**SCHEDULE
LOAN APPLICATION FORM**

- * Read this form before filling it in.
- * Ask for help if you do not understand this form.
- * Fill in all the sections of the application form.

**SECTION I
INFORMATION ABOUT YOU**

1. Are you an individual/community group/other organisation
2. Name of business.....
3. Address
4. Names and proposed jobs of everyone who will be involved in running the business:

Name:..... Job:.....

Name:..... Job:.....

Name:..... Job:.....

Please continue on another sheet if there is not enough space here for all the names.

5. Name and address of person to contact about this application:

Name:.....

Address:

SECTION II
INFORMATION ABOUT THE BUSINESS

6. What type of business is it (eg. agriculture, forestry, transport, fishing)?
7. Give a description of the business:.....
8. What technical, management and administration skills are available to run the business?
9. Explain the proposed marketing arrangements for the product or service:.....
.....
.....
10. Where do you want to sell the product/service and how far away is the proposed market?
.....
.....
11. What kind of transport will be used, if any and can the market be reached regularly?
.....
12. How many people will be temporarily or permanently employed in the business?
Temporary:.....
Permanent:.....
13. How much land, if any, will be needed for the business?.....
14. Who owns the land, including reef and land covered by water? Does anyone else have any interest in the land?.....
15. Is the land currently free from disputes, customary or otherwise? Do you anticipate any disputes in the future? Please give details:.....
.....
.....

**PART III
PLAN FOR STARTING THE BUSINESS**

List the main steps needed to start the business, the materials and money you will need at each stage and the total time needed for each stage (ie construction of buildings, clearing of land). Give the names and functions of people and organisations involved in each step.

Stage	Work	Materials	Estimate completion	Personal and their functions
Stage 1.....				
Stage 2.....				
Stage 3.....				
Stage 4.....				
Stage 5.....				

**PART IV
FINANCE AND CAPITAL**

16. What contributions in cash, labour, materials, tools etc has the business received from other sources and what contributions does it expect to receive?

.....

17. What amount is requested from the Fund? \$.....

List detailed cost estimates for how this money will be used (eg. buying tools and materials, labour etc).

Item	Amount in \$
.....
.....
.....
.....
.....
.....
.....
<u>Total</u>	<u>.....</u>

*Note, the maximum for any loan is \$5,000. Submit pro-forma invoice where applicable.

I/We declare that to the best of our knowledge the information contained in this application is correct.

..... Name Signature
..... Name Signature

Send this application together with your feasibility study to the Provincial Treasurer P O Box 34 Taro, Choiseul Bay, Choiseul Province. He will send a copy to the Area Council Secretary and notify you of the date the Project Selection Committee will meet to decide your application.