

SUPPLEMENT to the Solomon Islands Gazette
Wednesday, 22rd September 1999 S.I. No. 36

(Legal Notice No. 98)

THE CUSTOMS AND EXCISE ACT
(Cap. 121)

THE CUSTOMS AND EXCISE (DUTIES)
(AMENDMENT) (NO. 14) ORDER 1999.

IN exercise of the powers conferred by section 7 of the Customs and Excise Act, I Alpha Kimata, Minister of Finance, do hereby make the following Order:-

1. This Order may be cited as the Customs and Excise (duties) (Amendment) (No.14) Order 1999 and shall come into force on the date of publication in the gazette.
2. That part of the First Schedule to the Customs and Excise Act entitled "IMPORT CLASSIFICATION AND TARIFF" is hereby amended by deleting the duty rate of 40% which appears in respect of tariff item No. 0407.0010 and substituting therefor 5%.

Dated at Honiara this eighteenth day of August 1999.

ALPHA KIMATA
Minister of Finance

(Legal Notice No. 99)

THE SOLOMON ISLANDS INDEPENDENCE

ORDER 1978

(I.N. No. 43 of 1978)

**APPOINTMENT OF MEMBER TO THE COMMITTEE
ON THE PREROGATIVE OF MERCY**

IN exercise of the powers conferred by section 45(2)(a) of the Constitution, and acting in my own deliberate judgement, I, REV. JOHN INI LAPLI, Governor-General of Solomon Islands do hereby appoint -

DR GEORGE MALEFOASI

to be a member of the Committee on the Prerogative of Mercy for a period of two years with effect from the date hereof in place of

DR GEORGE MANIMU

whose appointment* is hereby revoked.

Dated at Honiara this twenty-ninth day of July 1999.

REV. JOHN INI LAPLI
Governor-General

*L.N. 26/98, p. 54.

(Legal Notice No. 100)

PROVINCIAL GOVERNMENT ACT 1981
THE CHOISEUL PROVINCE PRESERVATION OF
CULTURE ORDINANCE 1997

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

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PART I
PRELIMINARY

1. Citation and Commencement - This Ordinance may be cited as the Choiseul Province Preservation of Culture Ordinance 1997 and shall come into force when it has been approved by the Minister in accordance with Section 32 of the Provincial Government Act 1981 and published in the Solomon Islands Gazette.

2. Objects of Ordinance - The purpose of this Ordinance is to provide for the preservation of traditional artifacts and culturally significant areas in Choiseul Province.

3. Interpretation - In this Ordinance unless the context requires otherwise:

“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 Chief 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 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 undertakens a Development Activity as defined in this Ordinance.

“Development Activity” means any undertaking or operation or works which modifies, disturbs or alters in a substantial way any land in the Choiseul Province, including, but not limited to excavation activities, building activities, roading activities, engineering activities, logging activities, blasting activities, mining activities or agricultural activities.

“Executive” means the Choiseul Provincial Executive established under Section 22 of the Act.

“Export” means the selling, supplying or transporting of any object from within Choiseul Province, outside the Province whether to another part of Solomon Islands or overseas.

“Land” means and includes land, reefs and lagoons in Choiseul Province.

“Landowners” in relation to customary land means the Customary Owner or Owners or their authorised representatives and in relation to registered land it means the registered owner.

“National Museum” means the Solomon Islands National Museum in Honiara.

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

“Person” means any person, persons, company, public body as herein defined, association, co-operative and any other body of persons.

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

"Province" means Choiseul Province.

"Public Body" includes any Provincial Government, Area Council, Town Council, Department of the Government and any undertaking by or of the Government.

"Traditional Artifact" means 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, weapons, tools, musical instruments, custom money, ritual objects, skulls, bones, statuettes or figures fashioned from wood, clay, bone, coral or stone.

"Traditional artifact" does not include any article or object made for gift or sale or export as souvenirs, curios or mementos.

PART II PROTECTION OF TRADITIONAL ARTIFACTS

4. Offences relating to traditional artifacts -

(1) Subject to subsections (2) and (3) of this section, 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 artifacts; or

(c) displays or offers for sale any object which they falsely purport to be a traditional artifact; or

(d) does anything likely to result in the removal of a traditional artifact from Choiseul Province; shall be guilty of an offence.

(2) Section 4(1)(a) and (c) shall not apply to:

(a) a person with a right to donate a traditional artifact who 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.

(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. Penalties - Any person convicted of an offence under this Part is liable to:

(a) Where the person committing the offence is an individual, to a fine of up to \$1,000 and imprisonment for up to one year or to both a fine and imprisonment;

(b) Where the person committing the offence is a company, to a fine of up to \$5,000 and the officers of the body corporate will also be liable under section 15 of this Ordinance to imprisonment for a term of up to one year.

(c) in addition to the penalties set out in subsections (a) and (b) of this section the court:

(i) shall order the confiscation of the traditional artifact and its return to the place and or persons from whence it came or

if such cannot be readily established, to the Executive for safe keeping on behalf of the people of the Province.

- (ii) may order that any business licence held by the offender, authorising the carrying out of any business activity within the Province, be suspended and that the offender be disqualified from obtaining a new licence for up to 5 years.

PART III PROTECTED PLACES

6. Declaration of Protected Places -

(1) The Executive may by Order declare any place associated with human activity in the past which is of historical cultural or archeological significance situated in Choiseul Province to be a Protected Place.

(2) 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.

7. Request for Order -

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

(2) A request for an Order shall be made to the Provincial Secretary at Provincial Government Offices, Taro, Choiseul Province in the form set out in Schedule I and shall be accompanied by the fee set from time to time by the Executive.

(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 one month of receipt of the request of the grounds of rejection.

(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.

(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 Landowners.

(6) The notice of objection under subsection (5) of this section must be served on the applicants and the Provincial Secretary.

(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 Register of Lands.

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

(9) The Appropriate Committee, having heard the applicants and objectors, shall decide whether the applicants are the Customary Owners 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.

(10) If the applicants are of the opinion:

(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) That 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.

(11) If:

(a) There is no objection within the time specified in subsection (5) of this section; 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 subsection (10) of this section; or

(d) The Local Court has decided on an application under subsection (10) of this section 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.

(12) The Order shall be in the form set out in Schedule 2.

(13) An Order shall not be evidence of ownership of land.

8. Publication and Publicity -

(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.

(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.

(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.

(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.

(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.

9. Variation or Revocation of Protected Places Order -

(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.

(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.

(3) If the Provincial Secretary is not satisfied that the request complies with section 9(1) he shall reject it and notify the applicants in writing of the grounds for rejection.

10. Previous Protected Places.

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.

11. Offences under Part III -

(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 fine of up to \$1,000 or a term of imprisonment for up to one year or to both such fine and imprisonment and the Executive may cancel the variation or revocation Order and restore the Protected Place Order.

(2) Any land 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 \$1,000 or a term of imprisonment for up to one year or to both a penalty and imprisonment.

(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.

(4) (a) Where a person committing an offence under section 11(3) is an individual, that person shall be liable on conviction to a fine of up to \$1,000 and imprisonment for up to one year or to both such fine and imprisonment; and

(b) Any person being an individual convicted of an offence under section 11(3) shall be liable to pay such sum not exceeding \$5,000 as the court deems just to the Executive for payment to the landowners of the Protected Place by way of restitution for the damage caused.

(5) (a) Where the person committing an offence under section 11(3) is a company that person shall be liable on conviction to a fine of up to \$5,000 and the officers of the body corporate will also be liable under section 15 of this Ordinance to imprisonment for a term of up to one year; and

(b) Any person, being a company, so convicted shall be liable to pay such sum not exceeding \$10,000 as the Court deems just to the Executive for payment to the Landowners of the Protected Place by way of restitution for the damage caused.

12 Defences It is not an offence under this section:

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

(b) for individuals to use a Protected Place as temporary shelters in time of emergency if this is not tambu under custom;

(c) for the landowner(s) 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 archeological objects or remains within the Protected Place;

(d) for individuals with suitable professional qualifications and with the prior written authorisation of the landowner(s) and the Executive to carry out excavation or archeological deposits or undertake survey work within any Protected Place.

PART IV - DEVELOPMENT ACTIVITIES

13. Development Activities and Procedures -

(1) Any person who wishes to undertake any development activity on any land must prior to the commencement of that activity:

(a) consult the register of protected places;

(b) arrange at the expense of the developer for the area where it is proposed such development activity shall take place to be surveyed for the purpose of identifying, locating, marking and recording all places of historical, cultural or archeological significance. Such survey must be carried out with the written consent of the landowner(s) and under the supervision of an Authorised Officer;

(c) arrange at the expense of the developer for a report of the said survey to be submitted 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(s) or his Appointed Representative.

- (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 landowner(s) or an Authorised Officer have not so requested;
 - (b) require the developer prior to commencement of the development activity at the developer's expense to arrange for an area to be systematically excavated by a professional archeologist and details of the area and the findings of the excavations to be fully documented to the satisfaction of an authorised Officer;
 - (c) require the developer prior to commencement of the development activity to arrange for an independent report from a professional archeologist 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 enactment or law or policy governing the development activity and in this case none of the sites identified in the report may hereafter be declared as a Protected Place without the consent of the developer.

(3) Any person undertaking development activities which have already commenced on the date this Ordinance comes into force must be given written notice signed by an Authorised Officer requiring that person to arrange the survey and submit the report pursuant to subsections (1)(b) and (c) of this Section within four months from the date of the notice or such longer period of time as the Authorised Officer agrees in writing.

(4) Any person who fails to conduct the survey as required under subsection (1)(a) of this Section and/or fails to submit the report as required under subsection (1)(b) of this Section or who returns a report that that person knows to be false or inaccurate or who fails to include a site or sites of historical, cultural or archeological significance of which that person is aware is guilty of an offence.

(5) Any person convicted of an offence under this Section is liable to:

(1) (a) Where the person is an individual, to a fine not exceeding \$5,000.00 or imprisonment of up to two years or both such fine and imprisonment; AND

(b) payment of such sum not exceeding \$10,000.00 as the court deems just to the Executive for payment to the affected landowner(s) by way of restitution for any damage caused.

(2) (a) Where the person is a company, to a fine not exceeding \$10,000 and the officers of the body corporate will also be liable under section 15 to imprisonment for a term of up to two year; AND

(b) payment of such sum not exceeding \$20,000 as the court shall deem just to the Executive for payment to the landowner(s) by way of restitution for any damage caused.

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

(7) This Section does not prohibit any landowner(s) from making a private arrangement between the landowner(s) and the developer and any other person for the protection of a place of historical, cultural or archeological significance.

PART V - TAMBU SITES

14. Offence to enter Tambu Sites

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.

(a) Any individual person guilty of an offence under this section shall be liable to a fine of up to \$1,000.

(b) Where an offence under this section is committed by a director, manager, secretary, or other employee or by a representative of a company whilst engaged in carrying out the business of that company, he or she shall be liable to a fine of up to \$2,000.

PART VI
MISCELLANEOUS

15. Offences by individuals of body corporate etc.

Where a body corporate, association or co-operative commits an offence under this Ordinance with the consent or connivance of or because of neglect by an individual, the individual is guilty of the same offence and liable to the same penalties as the body corporate, association or co-operative if at the time of the offence.

(a) the individual is or was a director, manager, secretary or other senior officer of the body corporate, association or co-operative; OR

(b) the individual is or was purporting to or holding out that that individual is such an officer; or

(c) the individual is or was a member of a body corporate association or co-operative which is managed by its members.

16. Powers of landowners police officers and Authorised Officers -

(1) 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 of historical, cultural or archeological object or remains if the landowner, police officer or Authorised Officer has reasonable grounds for belief that such traditional artifact or historical, cultural or archeological object or remains is in possession of a person in breach of this Ordinance and to retain such traditional artifact or historical, cultural or archeological object or remains until such time as due enquiries have been completed PROVIDED HOWEVER that if there has been no breach of this Ordinance then such traditional artifact or historical, cultural or archeological object or remains must be returned to the person from whom it was seized. No claim or action can be made or brought for damages or compensation relating to such seizure and retention.

(2) Any person who obstructs or impedes any landowner, police officer or Authorised Officer acting in due exercise of that person's power under this Ordinance is guilty of an offence.

(3) Any person convicted of an offence under this Section is liable to a fine not exceeding \$1,000.00 or to imprisonment for up to three months or to both such fine and imprisonment.

17. Confiscating -

Where any person is convicted of an offence under this Ordinance and any traditional artifact or historical, cultural or archeological object or remains has been seized or confiscated then upon such conviction the thing so seized or confiscated becomes the property of the Choiseul Provincial Executive and upon the expiration of the time for taking an appeal from the conviction, the Executive shall in its absolute discretion either return the thing seized or confiscated to its original owner(s) or

donate it to the National Museum, any national cultural centre, any Provincial or local museum or cultural centre approved by the Executive.

18. No bar to Civil Claims -

This Ordinance does not bar any civil claims or relieve any person from liability for damages for any person(s) or property injured or damaged unless otherwise provided.

**SCHEDULE 1
PROTECTED PLACE ORDER REQUEST**

AN APPLICATION affecting the land area in Choiseul 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 it is not appealed against successfully, it will be gazetted in the Solomon Islands Gazette.

It will then become part of the law of Choiseul 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.

Name	Signature	Title (if any)
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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 Choiseul Province Preservation of Cultural Ordinance 1997 and I therefore approve/reject [delete as applicable] the request.

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

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(s) on day of 199

**SCHEDULE 2
FORM OF PROTECTED PLACE ORDER**

THE (description of land) PROTECTED PLACE ORDER

Choiseul Provincial Executive declare the land described in the appendix and shown outlined in red on the attached plan to be a Protected Place under the Choiseul Province Preservation of Culture Ordinance 1997.

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 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 Protected Place Order;
- by any means undertake or cause to be undertaken any activity whether inside or outside a Protected Place which disturbs, 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, disturbed, defaced, damaged or destroyed or interfered with any historical, cultural or archaeological objects remains in a Protected Place;
- remove, move, destroy, damage or deface or cause to be 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.

PASSED BY THE CHOISEUL PROVINCIAL ASSEMBLY THIS
TWENTY-NINTH DAY OF OCTOBER 1997.

M. Saru Jopa

.....
(Clerk to the Assembly)

ASSENTED TO BY THE MINISTER THIS TWENTY-THIRD
DAY OF JULY 1999.

J. Waipora

.....
(Minister of Provincial Government)

THE PROVINCIAL GOVERNMENT ACT 1981

CHOISEUL PROVINCE INVESTMENT AUTHORITY
(AMENDMENT) ORDINANCE 1997

AN ORDINANCE TO AMEND THE CHOISEUL PROVINCE
INVESTMENT AUTHORITY ORDINANCE 1995

1. This Ordinance may be cited as the Choiseul Province Investment Authority (Amendment) Ordinance 1997, and shall come into effect after assent has been granted by the Minister in accordance with Section 32 of the Provincial Government Act 1981 and on the expiry of the term of such members of the Authority in post as the date of assent.
2. The Choiseul Province Investment Authority Ordinance 1995 is amended in the following manner.
3. Paragraph 1 of Schedule II is deleted in its entirety and replaced by the following new paragraph.

“ 1(1) The Authority shall consist of the following members:

- (a) The Premier and
- (b) five (5) other members, all of whom shall have experience in either commerce, industry, agriculture, finance or administration;
- (c) four (4) ex-officio members, who shall be:

- (i) the Provincial Secretary or other public officer or provincial government officer nominated by him;
- (ii) the General Manager appointed pursuant to paragraph 5 of this Schedule;
- (iii) two other persons to act as advisers to the Authority on such terms and conditions as the Authority may determine.

(2) The Authority may invite any person to attend a meeting for the purpose of giving advice to the meeting and such invited adviser is entitled to be paid all his or her expenses incurred in attending the meeting together with such remuneration (if any) as the Authority may determine.

(3) The Premier and the five other members shall be voting members.

(4) The Premier in an Executive meeting must nominate in writing no less than eight persons to be considered by the Executive as members of the Authority."

4. Paragraph 2.1 of Schedule II is amended by deleting the word "three (3)" where it occurs therein and substituting the word "two (2)", and by deleting the full stop "." at the end thereof and adding the words "up to a maximum term of office of 4 years".

5. Paragraph 3.1 of Schedule II is deleted and replaced by the following new paragraph 3.1:-

"3.1 The members shall be entitled to such remuneration in respect of their service to the Authority as may be determined by the Executive PROVIDED HOWEVER that in fixing the remuneration of the members the Executive must first consult with the General Manager, or where the office of General Manager is vacant any Financial Controller appointed to the Authority, and must take into account the financial position of the Authority and the need for the Authority to have the financial ability to carry out its functions.

(b) The level of remuneration fixed by the Executive in accordance with paragraph 3.1 (a) shall be reviewed at the end of each financial year and may be increased or decreased or be allowed to remain unchanged as the financial position of the Authority may permit.

6. Paragraph 7.1 of Schedule II is deleted and replaced by the following new paragraph 7.1.

“7.1 (a) The Premier is the Chairman of the Authority.

(b) The Authority shall appoint from amongst its members a Deputy Chairman of the Authority.”

PASSED BY THE CHOISEUL PROVINCIAL ASSEMBLY THIS TWENTY-NINTH DAY OF OCTOBER 1997.

M. Saru Jopa

.....
(Clerk to the Provincial Assembly)

ASSENTED TO BY THE MINISTER THIS TWENTY-THIRD DAY OF JULY 1999.

J. Waipora

.....
(Minister of Provincial Government)

PROVINCIAL GOVERNMENT ACT 1981

CHOISEUL PROVINCE RESOURCE MANAGEMENT
ORDINANCE 1997

AN ORDINANCE TO PROVIDE FOR THE CHOISEUL PROVINCIAL EXECUTIVE TO MANAGE THE NATURAL RESOURCES OF THE PROVINCE IN A MANNER CONSISTENT WITH NATIONAL POLICY AND LEGISLATION, AND TO PROVIDE FOR THE INDIGENOUS PEOPLE OF CHOISEUL PROVINCE TO CONTRIBUTE TO THE ENACTMENT OF LEGISLATION TO PROVIDE FOR EFFECTIVE MANAGEMENT OF NATURAL RESOURCES ON CUSTOMARY LAND.

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19. Harvesting methods for marine resources.
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SCHEDULE 3 Form A Request for Customary
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Management Order

PART I
PRELIMINARY

1. Short title Commencement - This Ordinance is called the Choiseul Province Resource Management Ordinance 1997 and shall come into force upon approval of the Minister in accordance with Section 32 of the Provincial government Act 1981 and publication in the Solomon Island Gazette.

2. Objects of the Ordinance - Under the direction of the Choiseul Province Executive and with the assistance of Authorised Officers the Choiseul Province Resource Management Ordinance 1997 seeks to -

- (a) Protect animal and plant species which are rare;
- (b) Prevent animal and plant species from becoming threatened, endangered, extirpated, or extinct within their natural range within Choiseul Province;
- (c) Maintain the natural biodiversity characteristic of the land and water environments of Choiseul Province;
- (d) Ensure the sustainable use of the renewable resources of Choiseul Province for the long term well-being of its inhabitants;
- (e) Assist in Resource Management Planning on Customary Land by the implementation of Resource Management Orders.

3. Effect of Ordinance on other laws -

(1) In the interests of clarity it is hereby declared that this Ordinance shall in no way to derogate from any Acts but seeks to act in a complementary manner especially where other laws seek to protect species or resources.

(2) Compliance with the requirements of this Ordinance shall not absolve a person from compliance with any Act of Parliament.

4. Interpretation -

In this Ordinance, unless the context otherwise requires:

“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, a Council of Chiefs, and a Village Committee.

“Area Council” means an Area Council established under the Choiseul Province Area Council Ordinance 1992;

“Authorised Officer” means any Police Officer, any Fisheries Officer, Environment Officer, Forestry Officer, any Area Constable, Village Organisers, Chief or any other person

appointed in writing by the Executive to be an Authorised Officer for the purposes of this Ordinance.

“Coastal waters” means all that area of sea which comprises part of Choiseul Province by virtue of Section 3 of the Provincial Government Act 1981.

“Customary land” means any land (not being registered land, other than land registered as customary land) used or occupied by a person or community in accordance with current customary usage and shall for the purposes of Part III of this Ordinance include areas of reef waters or lagoon waters where according to current customary usage a person’s or community’s use or occupation of land extends to and includes use and occupation of such reef or lagoon waters.

“Customary land holding group” means a tribe, clan, line, community or group of such persons owning or customarily recognised as entitled to own or exercise primary rights over customary land.

“Endangered” means in relation to any plant or animal species, imminent danger of extinction from any cause whatsoever, including the cause that population levels have been critically reduced and or habitat has been critically reduced or damaged.

“Executive” means the Choiseul Province Executive.

“Export” means the selling, supplying or transporting of marine resources, forest resources or wildlife resources originating from within Choiseul Province, outside of Choiseul Province whether to another part of Solomon Islands or overseas.

“Extinct” means in relation to a plant or animal species, not definitely located within a period of 10 years up to the date of any enquiry.

“Extirpated” means in relation to any plant or animal species, eliminated from a part or parts of its previously known range. This may refer to loss of a species from specific islands within the Choiseul Province.

“Fish” means any cold blooded animal living wholly in water breathing through gills with fins for swimming.

“Forest resources” means any tree, flora or fauna, alive or dead,

which is of a species indigenous to Solomon Islands and is or was growing in the Choiseul Province.

“Marine resources” means any fish and any other animal plant or thing living in or found in salt water including but not limited to the following species or categories of species; beche-de-mer, clam, crab, crayfish, crocodile, green snail, pearl oyster shell, prawn, seaweed, trochus and turtle.

“Qualified requesters” means all of the persons, or the persons representing all of the persons who according to the customary law and traditions of the area to be affected by a Resource Order are the persons entitled to make rules which are binding on the people indigenous to the area, and people coming to the area with respect to the natural resources of the area, which would be affected by the Resource Order.

“Rare” means any plant or animal species with small populations either because of local occurrence within restricted geographic areas or habitats or they are thinly scattered over a more extensive range within Choiseul Province.

“Resource Order” means a Customary Land Resource Order made by the Executive pursuant to Section 12 of this Ordinance.

“Sustainable use” means using, developing or protecting renewable natural and physical resources so that their ability to yield long term benefits is not endangered.

“Take” means in relation to forest resources to cut, kill, sell, purchase or export; and in relation to marine resources to fish, catch, kill capture, sell, purchase or export; and in relation to wildlife resources to kill, hunt, capture, sell, purchase or export.

“Threatened” in relation to any plant or animal species means having a declining population due to over-exploitation or destruction of their habitat; such species being likely to become endangered in the near future if the factors responsible for the decline continue to operate.

“Wildlife resources” means all indigenous birds, insects including butterflies, reptiles, amphibians, and mammals whether dead or alive.

“Vulnerable” means threatened.

5. Plans and Policies for Resources on customary land -

(1) Every customary land owning group may make its own policy statements and plans regarding the use of resources within its land or area.

(2) Policy statements and plans prepared by customary land owning groups shall be referred to the appropriate Area Council for endorsement pursuant to Schedule II of the Choiseul Province Area Council Ordinance 1992 or any Ordinance passed in amendment or substitution therefor.

PART II
PROHIBITION ON TAKING AND PROTECTION OF
SPECIFIED RESOURCES

6. Prohibited species or categories of resources -

(1) No person may take any of the prohibited species, or categories of marine resources listed in Schedule I Part A.

(2) No person may take any of the prohibited species or categories of wildlife resources listed in Schedule I Part B.

(3) No person may take any of the prohibited species or categories of forest resources listed in Schedule I Part C.

7. Limitation of taking species -

(1) No person may take any of the species or categories of resources listed in Schedule 2 Part A of a size other than that prescribed in Schedule 2 Part A for such species or category.

(2) No person may take any of the species or categories of resources listed in Schedule 2 Part B in quantities in excess of the quantity prescribed in Schedule 2 Part B for such species or category during any period of time prescribed in Schedule 2 Part B as a prohibited month(s) for such species or category.

(3) No person may take any other species or categories of resources listed in Schedule 2 Part C in during any month in any year which is specified in Schedule 2 Part C relation to such species or category as a prohibited month or year.

8. Offences -

Any person who breaches, or permits a breach of this Part of this Ordinance is guilty of an offence.

(a) Where the person committing the offence is an individual, that person shall be liable on conviction to a fine of \$1,000 or to imprisonment for three months, or to both such fine and imprisonment.

(b) Where the person committing the offence is a company, that person shall be liable on conviction to a fine of \$5000 and the officers of the body corporate will also be liable under section 21 to imprisonment for a term of six months.

(c) In addition to the penalties set out in subsections (a) and (b), the court may order that -

(i) Any property used in the commission of an offence and any proceeds from the offence be forfeit to the Crown; and

(ii) Any business licence held by the offender, authorising the carrying out of any business activity within the Province, be suspended and that offender be disqualified from obtaining a new licence for up to 5 years.

9. Amendment to Schedules -

The Executive may by Order published in the Solomon Islands Gazette add to, delete from or amend the contents of Schedules 1 and 2 of this Ordinance.

10. Exemptions -

The following persons are exempted from compliance with the provisions of this Part of this Ordinance subject to compliance with the conditions set out in this section in relation to such persons;

(a) Any person who has first obtained a valid research permit under the Research Act or any Act or Ordinance passed in amendment or substitution thereof or who has otherwise obtained the written consent of the Executive and the Solomon Islands Government to carry out scientific survey or other scientific works, and if appropriate has obtained an export permit, and or a Choiseul Province business licence.

(b) Any person carrying on the business of farming or ranching any prohibited or protected marine resources or wildlife resources with the prior written consent and approval of the Executive and the Ministry

of Natural Resources and the resource is being used in that farm or ranch and if appropriate such person has a permit for export and or a Choiseul Province business licence.

(b) Any person carrying on the business of farming or ranching any prohibited or protected marine resources or wildlife resources with the prior written consent and approval of the Executive and the Ministry of Natural Resources and the resource is being used in that farm or ranch and if appropriate such person has a permit for export and/or a Choiseul Province business licence.

(c) An Authorised Officer of the Ministry of Agriculture and Fisheries, Ministry of Forestry, Environment and Conservation or of the Choiseul Provincial Government where such officer is using the prohibited or protected species for research, monitoring or survey studies.

11. Defence for Solomon Islands citizens -

It shall be a defence to a person charged with an offence under this Part of this Ordinance that if , on a balance of probabilities;

(a) The person is a Solomon Islands citizen indigenous to or permanently residing in Choiseul Province; and

(b) The person took the prohibited or protected resource (being an edible resource) for the sole purpose of consumption by himself his family or other persons where no monetary reward was received or intended to be received in return for providing the resource or for the effort expended or cost incurred in taking it provided that this Section shall not provide a defence to any person who purchases or exports a resource which is prohibited or protected by this Part of this Ordinance; or

(c) The person took the prohibited or protected resource for use by himself or another or other Solomon Islands citizens indigenous or residing permanently in Choiseul Province to use in or process to be used in building, personal adornment or for a customary use or purpose, or to be used in the making of souvenirs to be sold on the Solomon Islands domestic market or to be exported provided that this section shall not provide a defence to any person who sells a prohibited or protected resource to a person not a Solomon Islands

citizen, or who exports a prohibited or protected resource which has not been processed into a souvenir.

PART III
CUSTOMARY LAND RESOURCE MANAGEMENT ORDERS

12. Resource Orders -

- (1) The Executive may make Resource Orders by Order published in the Solomon Island Gazette.
- (2) A Resource Order is an Order applying to a particular area of customary land and providing for prohibition and or protection of marine resources, forest resources and/or wildlife resources existing on that land.
- (3) A Resource Order may only be made if all of the procedural requirements of this Ordinance have been satisfied, and
 - (a) The proposed Resource Order relates to customary land; and
 - (b) The boundaries of the customary land are clearly defined; and
 - (c) The Resource Order has been requested by and the Executive is satisfied that the request has been made after agreement between all qualified requesters; and
 - (d) The contents of the proposed Resource Order are not contrary to the National interest; and
 - (e) The proposed Resource Order is clear and unambiguous.

13. Request for Resource Order -

- (1) A request for a Resource Order may be made at any time in relation to any defined area of customary land by qualified requesters; such persons hereinafter called "the Applicants".
- (2) A request for a Resource Order shall be made in Form A in Schedule 3 of this Ordinance.
- (3) Upon receiving a request for a Resource Order the Executive shall consider the request and if satisfied that it complies in all respects with the requirements of this Ordinance shall, within one month of receipt of the request, endorse its approval on the request and deliver the request to the Secretary of the Area Council to whose area the request relates.

- (4) Upon receipt of the request endorsed with the approval of the Executive the Area Council Secretary shall forthwith cause 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 shall at the time of displaying the request sign it and affix to it the date of the first complete day that it will be displayed.
- (5) Within one calendar month of the first complete day that the request is displayed, any person may give written notice of objection to an Appropriate Committee that the Applicants are not all the qualified requesters.
- (6) A copy of the notice of objection under Subsection 13(5) shall be delivered by the Objectors to the Provincial Secretary on behalf of the Executive no later than one day after the day that the notice of objection is filed in the Appropriate Committee.
- (7) A copy of the notice of objection shall be served on the Applicants, and such persons shall be Respondents for the purpose of the objection and entitled to appear and be heard in the Appropriate Committee.
- (8) Upon hearing an objection brought to it pursuant to Subsection 13(5) the Appropriate Committee shall make and record determinations as to whether or not the Applicants are all the qualified requesters.
- (9) Following the hearing of the objection, the Secretary of the Appropriate Committee shall deliver a copy of the determination to the Area Council and the Provincial Secretary on behalf of the Executive.
- (10) If the Applicants are not satisfied:
 - (a) That the Committee nominated by the Objector is qualified to make the determination sought; or
 - (b) that the determination of the Committee is correct, the Applicant may within 21 days after the date of the determination apply to the Local Court for a ruling under Subsection 13(5) of this Ordinance.
- (11) The Executive may by resolution make and cause to be gazetted a Resource Order in terms of the request provided that the time for lodging an objection to the Appropriate Committee has expired and no objection has been lodged, or if an objection has been lodged the determination of Appropriate Committee has been made and delivered and the determination was to the

effect that the Applicants are all of the qualified requesters, and no application to a Local Court under Subsection 13(10) of this Ordinance has been made.

(12) A Resource Order shall be in the form set out in Form B of Schedule 3 of this Ordinance and shall not differ substantially from the request endorsed by the Executive.

(13) (a) A Resource Order may make the defence contained in Section 11 of this Ordinance available for breaches of the Resource Order; and all Resource Orders shall state whether or not the defence contained in section 11 is available under the Resource Order.

(b) Where the defence contained in Section 11 is made available Section 11 shall be read as if the words "this Resource Order" appeared where the words "this Ordinance" appears in the section.

14. Variation or Revocation of Resources Orders -

(1) Any Resource Order may be varied by subsequent Order of the Executive, published in the Solomon Islands Gazette, in the following circumstances:

(a) The request for the variation or revocation must be made by the same persons or substantially the same persons as were the qualified requesters in the request for the Resource Order. The Executive may reject any request where it is satisfied that there is not reasonable identity between the qualified requesters and the applicants for variation or revocation.

(b) The request for variation or revocation must be made in writing and must specify a date on which the variation is to take place, being a date not less than 6 months from the date of the request.

(2) Should the Executive resolve to vary or revoke a Resource Order it may impose such reasonable terms and conditions upon the future use, occupation or management of the land or its resources as may be requested by the applicants.

15. Offences -

(1) It shall be an offence under this section to breach any of the provisions of a Resource Order.

(2) (a) Where the person committing the offence is an

individual, that person shall be liable upon conviction to a fine of \$1,000.00 or to imprisonment for a term of three months or to both such fine and imprisonment.

(b) Any person being an individual convicted of an offence under this section shall be liable to pay such sum not exceeding \$5,000.00 as the Court deems just to the Executive for payment to the customary land owners by way of restitution for the resource damage caused.

(3) (a) Where the person committing the offence is a company that person shall be liable on conviction to a fine of \$5,000 and the officers of the body corporate will also be liable under section 21 to imprisonment for a term of six months.

(b) Any person, being a company, convicted of an offence under this section shall be liable to pay such sum not exceeding \$10,000 as the court deems just to the Executive for payment to the customary landowners by way of restitution for the resource damage caused.

(4) On receipt of payment under paragraph (b) of this subsection the Executive shall forthwith pay the restitution to the signatories to the Resource Order request or their administrators or assigns.

(5) The provisions made in this section shall not be deemed to deprive any person of civil rights and remedies otherwise available in relation to wrongful interference with resources on customary land.

PART IV
PROHIBITION OF ACTIVITIES HAVING ADVERSE
ENVIRONMENTAL EFFECTS

16. Prohibition on taking live coral -

(1) Subject to Subsection (2) of this section no person shall take, cut, collect, blast using any explosive, harvest or remove any live coral from or in coastal waters.

(2) Subsection (1) of this section shall not apply to:

(a) A person indigenous to the Solomon Islands who takes, cuts, collects, harvests or removes live coral for the sole purpose of producing by traditional means lime for consumption with betel nuts.

(b) A person indigenous to the Solomon Islands who takes, cuts, collects, harvests or removes live coral to use for traditional purposes.

(c) Any person who has first obtained a valid research permit under the Research Act or any Act or Ordinance passed in amendment or substitution therefor or who has otherwise obtained the written consent of the Executive and the Solomon Islands Government to carry out scientific survey or other scientific work related to corals.

(d) Any person who holds written authority from the Executive and Solomon Islands Government to clear a passage way or blast a channel through coral reef or otherwise remove coral for the purpose of a development or accessway approved by the Executive.

17. Offence to use anchor -

It shall be an offence for the Captain of any ship or boat or other vessel to cause or allow his ship, boat or other vessel to be anchored within or near any coral reef where there is a mooring, bouy, wharf or other method of securing the ship, boat or vessel within a radius of 500 yards from the place where the ship is anchored.

18. Logging -

(1) Subject to any right, privilege or licence granted pursuant to National laws, all logging and sawmilling activities within the Choiseul Province must adhere to the Choiseul Province Forest Management Policy.

(2) The Choiseul Province Forest Management Policy shall be that Policy notified and published by the Choiseul Province from time to time.

19. Harvesting methods for marine resources -

(1) No person may use scuba gear or any other underwater breathing apparatus when harvesting any marine resource.

(2) Any person may make use of traditional methods of harvesting or gathering marine resources, provided that poisonous plants may only be used for harvesting marine resources for special occasions such as feasts. Poisonous plants may not be used as a harvesting technique for regular local consumption or harvesting for monetary reward.

(3) No person shall use dynamite when harvesting fish or other marine resources.

20. Offences -

Any person or company in breach of any of the provisions of this Part of this Ordinance is guilty of an offence.

(1) (a) Where the person committing the offence is an individual that person shall be liable on conviction to a fine of \$1,000 or imprisonment for a term of three months or to both such fine and imprisonment.

(b) Where the person committing the offence is a company, that person shall be liable on conviction to a fine of \$5,000 and the officers of the body corporate will also be liable under section 21 to imprisonment for a term of six months.

(2) In addition to the penalties set out in subsection (1) the court may order that -

(a) Any property used in the commission of an offence and any proceeds from the offence be forfeit to the Crown; and

(b) Any business licence held by the offender, authorising the carrying out of any business activity within the Province, be suspended and that the offender be disqualified from obtaining a new licence for up to five years.

21. Liability of Company Officers.

For the purposes of Parts II, III and IV of this Ordinance, where a company commits an offence under this Ordinance, every director and every person concerned in the management of the company, will be guilty of the same offence if it is proved -

(a) That the act that constituted the offence took place with his or her authority, permission, or consent; or

(b) That he or she knew or could reasonably be expected to have known that the offence was to be or was being committed and failed to take reasonable steps to prevent or stop it.

SCHEDULE I
PROHIBITED SPECIES OR CATEGORY OF RESOURCE
Section 6

PART A (Subsection 6(1))
Prohibited Marine Resource

Any live marine resource not farmed or propagated subject to permit for commercial purposes.

Tridacna gigas, giant clam
Tridacna derasa, smooth giant clam
Tridacna squamosa, fluted giant clam
Tridacna maxima, rugose giant clam
Tridacna crucea, boring clam
Hippopus hippopus, horse's hoof clam
Charonia triponis, pacific trident

Part B (Subsection 6(2))
Prohibited Wildlife Resources

Any live marine resource not farmed or propagated subject to permit for commercial purposes.

Solomys ponceleti, giant rat
Solomys sapientis, giant rat
Hromys rex, giant rat
Pteralopex atrata, monkey-faced flying fox
Pteralopex anceps, monkey-faced flying fox
Dobsonia, all species, naked-back bats
Macroglossus minimus, dagger-toothed flower bat
Melonycteris, fruit bat
Nyctimene, all species, tube-nosed bat
Pteralopex, all species, fruit bat
Pteropus, all species fruit bat

Part C (Subsection 6(3))
Prohibited Forest Resource

Any live forest resource
Saline swamp forest (Mangroves)
Freshwater swamp forest (Terminalia spp. and Metroxilon spp.)

SCHEDULE 2
PROTECTED SPECIES

Section 7

Part A (Subsection 7(1))

<u>Protected species or category of Marine/Wildlife/Forest Resource</u>	<u>Prescribed Min/max/size</u>
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<u>Holothuria scabia</u> , sandfish	8cm dry (min)
<u>Holothuria nobilis</u> , black teatfish	11cm dry (min)
<u>Holothuria fuscopunctata</u> , elephant trunkfish	12cm dry (min)
<u>Thelenota ananas</u> , prickly redfish	11cm dry (min)
<u>Actinopyga miliaris</u> , blackfish	11cm dry (min)
<u>Actinopyga echinitis</u> , deepwater redfish	5 cm dry (min)

Part B (Subsection 7(2))

<u>Prescribed species or category of Marine/Wildlife/Forest Resource</u>	<u>Quantity Prescribed Time</u>
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Nil

Part C (Subsection 7(3))

<u>Prescribed species or category of Marine/Wildlife/Forest Resource</u>	<u>Prescribed Periods Prohibited</u>
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<u>Turbo marmoratus</u> , green snail	10 years, 1994 - 2003 (inclusive)
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SCHEDULE 3

CUSTOMARY LAND RESOURCE ORDER REQUEST

AN APPLICATION affecting the land area, on the island of Choiseul Province, (* and including the reefs lagoons adjacent to the land specified.)

* delete if inapplicable.

1. The boundaries of the land are described as follows and as marked and outlined in red on the plan attached.

2. The Customary Land Resource Management Orders which we request the Executive to make part of the laws of the Choiseul Province are as follows:

[Note: The following are examples only. You should clearly state here what marine resource, forest resource or wildlife resource prohibitions and protections you require. You may need to use a different form of wording from what is used here as an example.]

(a) No person is permitted within the area affected by this Order to take any of the prohibited species or categories of marine resource/*forest resource/*wildlife resource listed here.

* delete if inapplicable.

(list species or categories)

(b) Within the area affected by the order no person is permitted to take any indigenous forest resource for the purpose of round log exporting.

(c) Within the area affected by the Order no person is permitted to take for the purpose of exporting any of the following species or category of forest resources. (Name the prohibited species of forest resource.)

(d) Within the area affected by the Order no person is permitted to take for the purpose of exporting any of the following species of wildlife. (Name the prohibited species of wildlife.)

3. We do not (delete one) wish for the defence for persons indigenous to the Solomon Islands provided by Section 11 to apply to offences against this Order.

4. We the undersigned acknowledge that we are aware that if the 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 laws of the Choiseul Province. There will be penalties for not obeying it. Once an Order is made then it can not be changed unless the Executive agrees to repeal it.

5. We the undersigned are all the qualified requesters.

We certify that we have discussed this Resources Order Request with the communities which will be affected by it, and that we substantially have their agreement to it.

SIGNED by and on behalf of the land owning group tribe.

Names	Signatures	Titles if any
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The following is for official use only.

We the Choiseul Provincial Executive have on the day of 199 considered this Resource Order Request relating to the land.

1. We are satisfied that the request complies in all respects with the Choiseul Province Resource Management Ordinance 1997 and hereby ENDORSE the request under the hand of the Premier, Choiseul Province.

.....
Premier	Signature	Seal

2. We are NOT satisfied that the request complies in all respects with the Choiseul Province Resource Management Ordinance 1997. The reasons we believe it does not comply are as follows.

We therefor REJECT the request under the hand of the Premier, Choiseul Province.

.....
Premier	Signature	Seal

I, Secretary to the Area Council hereby certify that I have displayed this Resource Order Request, endorsed by the Executive, in Village, and first complete day it will be displayed is the day of 199

.....
Secretary

.....
Area Council

PASSED BY THE CHOISEUL PROVINCIAL ASSEMBLY THIS
TWENTY-EIGHTH DAY OF OCTOBER 1997.

M. Saru Jopa

.....
Clerk to the Provincial Assembly

ASSENTED TO BY THE MINISTER THIS TWENTY-THIRD
DAY OF JULY 1999.

J. Waipora

.....
Minister of Provincial Government

PROVINCIAL GOVERNMENT ACT 1987

THE CHOISEUL PROVINCE BUILDING STANDARD
ORDINANCE 1998

AN
ORDINANCE
TO ESTABLISH AND REGULATE BUILDING
STANDARD IN CHOISEUL PROVINCE

Made by the Choiseul Provincial Assembly.

THE CHOISEUL PROVINCE
BUILDING STANDARDS ORDINANCE 1998

Passed by the Choiseul Provincial Assembly this eighteenth day
of March 1998

This 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 copy of the said Ordinance.

M. Saru Jopa
Clerk to Choiseul Provincial Assembly

Assented to by the Honourable Minister for Provincial
Government this sixteenth day of July 1999.

J. Waipora
Minister for Provincial Government

THE CHOISEUL PROVINCE BUILDING STANDARDS
ORDINANCE 1998

AN ORDINANCE TO ESTABLISH AND REGULATE BUILD-
ING STANDARDS IN CHOISEUL PROVINCE

PASSED BY THE CHOISEUL PROVINCIAL ASSEMBLY.

ARRANGEMENT OF SECTIONS

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1. Short title and commencement.
2. Definitions.
3. Application.

PART II - BUILDING PERMITS AND ADMINISTRATION

4. Building Permit required
 5. Application procedure
 6. Processing of application
-

7. Appeal
8. Amendment
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10. Temporary Building Permit
11. Building Permit for traditional post and leaf building
12. Fencing and other types of permit
13. Stop notices
14. Terms and conditions of Building Permits.

PART III - BUILDING STANDARDS AND RULE

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16. Building line restrictions.
17. Area to be covered by buildings.
18. Vermin proof requirements.
19. Ceiling insulaton.
20. Restrictions on buildings abutting a street.
21. Conformity with area.
22. Foundations.
23. Construction of footings to walls.
24. Damp proof course.
25. Floors.
26. Party walls.
27. Walls.
28. Timber framed buildings.
29. Steel and iron used in buildings.
30. Timber used in buildings.
31. Beams and lintels.
32. Bressumers.
33. Floor load bearing capacity
34. Chimneys.
35. Size of rooms.
36. Windows.
37. Ventilation.
38. Guttering.
39. Drainage of lot.
40. Provision of toilets.
41. Adjoining properties - entry for underpinning and shoring.

PART IV - TRADITIONAL BUILDING CONSTRUCTION

42. Standards and rules for traditions buildings.

PART V - MISCELLANEOUS

- 43. Demolition of repair orders.
- 44. Liability of body corporate.
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- SCHEDULE 1 Application for a Building Permit
- SCHEDULE 2 Building Permit
- SCHEDULE 3 Prescribed Fees
- SCHEDULE 4 Stop Notice
- SCHEDULE 5 Forms 1 - 7

PART I - PRELIMINARY

1. This Ordinance may be cited as the Choiseul Province Building Standards Ordinance 1998 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. Short title and commencement

2.1 In this Ordinance unless the context otherwise requires: Definitions

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

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

“Board” means the Choiseul 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 material mixed with 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 Choiseul Province 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 or the Premier for and on behalf of Choiseul Province 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 Choiseul Province.

“public body” means Choiseul 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 Choiseul 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 Choiseul 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 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, 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, cesspool septic tank or other sanitation to be constructed in connection with the building.
 - (iii) the level of the sites 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 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 provided:

- (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.
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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.

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

Processing
of applica-
tion

- (a) refer the application to the Solomon Island Ministry of Transport Works and Utilities or to any other suitable 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 is not a registered building constructor and 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 suitable for that building;
- (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.

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. Amendment subsequent to 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. Minor building Permit
- 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 (6) months only and should the alteration not be completed during that time then the Permit automatically lapses and the alteration cannot proceed.
- 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. Temporary Building Permit
- 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 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.
- 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. Permit for a traditional building
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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 in Schedule 3.

Fencing and
other types
of Permit

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;

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.

Stop Notice

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

- (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 shall 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 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 of up to five hundred dollars (\$500) or to imprisonment for up to six (6) months or to both such 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.

Terms and
Conditions
of Permits

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.

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, the 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 complete 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 - BUILDINGS STANDARDS AND RULES

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

Local
Planning
Scheme

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.

Building
line restric-
tions

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.

Protection against rats and vermin

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

Ceiling insulation

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 veranda being roofed with an insulating material instead of having a ceiling.

Restrictions on building next to a street

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.

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 A 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 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.

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 sub-structure as a foundation.

Foundations

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

Construction of footings to walls

- (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 sub-structure 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 pair 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 150m above the surface of the ground adjoining the wall or pier.
- Floors. 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.
- Party walls 26.1 A party wall shall not have any openings except with the prior written consent of the Authorised Officer.
- 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.

Short title
and com-
mencement

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.

Definitions

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 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 than the dimensions for brick walls described in section 27.3 but in no case less than 225m.

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:

Timber
framed
buildings

- (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
- (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 a 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. 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. |
| Bres-summers | 32. Every bressumer 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 bresssummers 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. |
| Floor load bearing capacity | 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.

Column 1	Column 2
For floors to be used wholly or partially for the purpose of:	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 workshop	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.

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. Chimneys

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. Size of rooms

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 9m 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.

Guttering

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

Drainage of lot

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 any 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.

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 adjacent buildings 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 under 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

Standards
and rules
for tradi-
tional build-
ings

42. The following rules apply to buildings constructed in a traditional post 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 other building;
- (b) th floor area must be at least 32m2 and no more than 1.5m above ground level.

PART V - MISCELLANEOUS

Demolition
or repair
orders

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 of the building order to the owner or occupier to either:

- (a) within a specified time carry out such alterations, repairs or remedial work as the Authorised Officer considers 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 it and that occupation or use of the building is prohibited until such time as the notice under section 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 such fine and imprisonment.

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 omission 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

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

SCHEDULE 1

APPLICATION FOR A BUILDING PERMIT

TO: The Secretary,
Choiseul Province Town and Country Planning Board
Taro
Choiseul 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 or 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 buildings 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/impermeable cesspit/septic tank.
 If septic tank, how will effluent flow be disposed of?
 Material of drains:
 Toilet accommodation:
 Any other relevant construction details:

SCHEDULE 2
 BUILDING PERMIT

Permit No.

Pursuant to the provisions of the Choiseul Province Building Standards Ordinance 1998 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:

Authorised Officer

Authorised Officer

Date:

SCHEDULE 3

FEES

- | | | |
|--------------------------------------|-----|---|
| | 1. | Application form: \$30.00 |
| | 2. | Administration fee" \$100.00 |
| Short title
and com-
mencement | 3. | Permit for new building:
Residential: \$50.00
Commercial/Industrial: \$150.00 |
| | 4. | Permit for major alterations to existing building \$1
per m. |
| Definitions | 5. | Permit for alteration to building under construction:
\$1.00 permit. |
| | 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 Choiseul Province Building Standards Ordinance 1998 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, if 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.
3. If you fail to comply with this notice you are guilty of an offence and liable to a fine and/or imprisonment.

Signed:

Authorised Officer

SCHEDULE 5

Form 1

Notice of Commencement of Work (Section 14 Choiseul Provincial Building Standards Ordinance 1998).

To: Senior Works Officer, Choiseul

Work in respect of Permit No. for:
 at: on lot: parcel no.:
 plan no.: will start on (date):

Signed by:

Owner/permit holder/builder
 (delete as appropriate)

FORM 2

Stage completion notice (Section 14 Choiseul Province Building Standards Ordinance 1998).

To: Senior Works Officer, Choiseul.

The following work has now been completed and is ready for inspection in accordance with the Ordinance and Permit no.:

- (a) floorings/foundations/columnbases (delete as appropriate)
- (b) floor slabs/bearers/floors joists;
- (c) ring beams/plate height including all diagonal wall bracing;
- (d) roof trusses prior to internal cladding;
- (e) drain runs, septic tank, soakage pits and where appropriate, mains sewage connections prior to covering;
- (f) full completion.
(Tick as appropriate)

Notice: Following inspection of completed building a certificate of occupation will be used only if the building is approved.

THE PROVINCIAL GOVERNMENT ACT 1981

CHOISEUL PROVINCE BUSINESS LICENCE (AMENDMENT)
ORDINANCE 1997

AN ORDINANCE TO AMEND THE CHOISEUL PROVINCE
BUSINESS LICENCE ORDINANCE 1993.

1. This Ordinance may be cited as the Choiseul Province Business Licence (Amendment) Ordinance 1997 and shall come into effect when assented to by the Minister of Provincial Government in accordance with section 32 of the Provincial Government Act 1981 and upon publication in the Solomon Island Gazette.

2. After section 9 there shall be inserted the following new section 9A:

“9A. Where the holder of a business licence issued under section 5 of this Ordinance fails to pay the prescribed fee for renewal thereof by 31st March but continues to operate the business prescribed in that licence, he shall be liable to pay interest on the outstanding fee at the rate of eight (8) per centum per annum above the National Bank of Solomon Islands base lending rate until payment is received Provided That this section shall not apply where proceedings are commenced under section 13 of this Ordinance.”

PASSED BY THE CHOISEUL PROVINCIAL ASSEMBLY THIS
TWENTY-EIGHTH DAY OF OCTOBER 1997.

M Saru Jopa
Clerk to the Provincial Assembly

ASSENTED TO BY THE MINISTER OR PROVINCIAL
GOVERNMENT THIS SIXTEENTH DAY OF JULY 1999.

J. Waipora
(Minister of Provincial Government)

THE PROVINCIAL GOVERNMENT ACT 1981
CHOISEUL PROVINCE PUBLIC NUISANCE
ORDINANCE 1997

AN ORDINANCE TO CONTROL THE PUBLIC CONSUMPTION OF ALCOHOL; DRUNK AND DISORDERLY PERSONS AND THE DISPOSAL OF RUBBISH.

ARRANGEMENT OF SECTIONS

1. Title and Commencement.
2. Interpretation.
3. Prohibition of consumption of liquor in specified public places.
4. Public Behavior.
5. Deposit of Rubbish.

1. Title and Commencement - This Ordinance may be cited as the Choiseul Province Public Nuisance Ordinance 1997 and shall come into force three (3) months after the Ordinance is published in the Solomon Islands Gazette.

2. Interpretation - In this Ordinance, except where the context requires otherwise:

“Act” means the Provincial Government Act 1981.

“licensed premises” means any premises or place in respect of which a Liquor Licence under the Liquor Act (Cap. 33) has been granted.

“Liquor” means any wine, spirits, beer or any liquid containing alcohol ordinarily used or fit for use as a beverage.

“premises” means any structure, building or part thereof together with the land on which the same is situated and any adjoining land used in connection therewith.

“public place” means any road, premises, beaches or any open space to which the public are entitled or permitted to have access and includes the sea.

3. Prohibition of consumption of liquor in specified public places- (1) Any person found consuming liquor in any place listed in section 3(3) being places to which the public has access and not being licensed premises is guilty of an offence and is liable to a fine not exceeding five hundred dollars (\$500.00) or to imprisonment not exceeding three (3) months, or to both such fine and imprisonment.

(2) For the purposes of this Ordinance, any person within five (5) feet of an opened vessel containing liquor shall be presumed to have consumed liquor.

(3) The places where consumption of liquor is prohibited are:

- (a) Public wharves.
- (b) Government and Provincial offices, commercial and industrial premises except with the prior consent of the Government or the Choiseul Provincial Government.
- (c) Public roads.
- (d) Primary and secondary school premises except with the prior consent of the School Board or Committee and the Provincial Education Division and except residential premises of teachers.
- (e) Clinics and hospitals except with the prior consent of the Health and Medical Ministry or Division.
- (f) Public commercial areas including market places.
- (g) Residential areas except on premises with the prior permission of the owner and/or resident.
- (h) Public beaches, except those on Customary Land.

(4) The Executive of Choiseul Province may suspend the operation of this section of the Ordinance for specified occasions on specified days.

4. Public Behaviour - (1) No person shall appear in a public place drunk so as to be incapable of taking care of himself.

(2) No person shall, after being warned to stop, behave in a disorderly manner to the reasonable annoyance or disturbance of the public.

(3) Any person who violates the provisions of this section shall be guilty of an offence and liable to a fine not exceeding three (300) hundred dollars.

5. Deposit of Rubbish - (1) No person is permitted to throw drop, deposit, or accumulate or cause to be thrown, dropped, deposited or accumulated any tin, bottle, box, plastic bag or container or any other rubbish, refuse or litter in any public place except in a place assigned to or in a receptacle provided for the purpose of depositing or accumulating litter, rubbish or refuse.

(2) Any person over the age of twelve (12) years who throws, drops, deposits or accumulates or causes to be thrown, dropped, deposited or accumulated any tin, bottle, box, plastic bag or container or any other rubbish, refuse or litter in any public place which is not a place or receptacle assigned to or provided for the deposit or accumulation of litter, rubbish or refuse is guilty of an offence and is liable to a fine not exceeding one hundred dollars (100.00) or to imprisonment not exceeding one (1) month.

Passed by the Choseul Provincial Assembly this thirtieth day of October 1997.

M. Saru Jopa
Clerk to the Provincial Assembly

Assented to by the Honourable Minister of Provincial Government this sixteenth day of July 1999.

J. Waipora
Minister for Provincial Government

PROVINCIAL GOVERNMENT ACT 1981
CHOISEUL PROVINCE BAKERY AND KITCHEN
ORDINANCE 1997

AN ORDINANCE TO REGULATE BAKERY AND
KITCHEN PREMISES AND THEIR OPERATION
FOR HEALTH PURPOSES

PART I
PRELIMINARY

1. Title and Commencement.
2. Interpretation.

PART II
BAKERY AND KITCHEN PREMISES IN TOWNSHIPS

3. Building standards and requirements.
4. Exemptions.
5. Health Certificate.

PART III
BAKERY AND KITCHEN PREMISES IN RURAL AREAS

6. Building standards and requirements.
7. Exemptions.
8. Health Certificate.

PART IV
RULES OF HYGIENE

9. Rules relating to persons working in bakeries and
kitchens.
10. Rules relating to premises and operating procedures.

PART V
ENFORCEMENT AND OFFENCES

11. Powers of Health Officers.
 12. Enforcement Notices and Orders of Closure.
 13. Offences.
-

PART VI
MISCELLANEOUS

14. Temporary bakeries and kitchens
15. Offences by officers of body corporates etc.
16. Regulations.
17. Transitional.

SCHEDULE A
Health Certificate

SCHEDULE B
Enforcement Notice

SCHEDULE C
Order of Closure

PART I - PRELIMINARY

1. **Title and Commencement** - This Ordinance shall be cited as the Choiseul Province Bakery and Kitchen Ordinance 1997 and shall come into effect upon receiving the approval of the Minister in accordance with Section 32 of the Provincial Government Act 1981 and upon publication in the Solomon Islands Gazette.

2. **Interpretation** - In this Ordinance except where the context requires otherwise:

“Assembly” means the Choiseul Provincial Assembly established in accordance with Section 7 of the Provincial Government Act 1981.

“Bakery” means any premises or part of premises in which any of the processes of or incidental to baking, cooking or making bakery products or their ingredients.

“Bakery products” means any products made, baked or cooked using flour as an ingredient including but not limited to bread, donuts, ring cakes, roti, biscuits, rolls, buns, scones, pastry, tarts, cakes, pies and confectionary.

“Business Licence Ordinance” means the Choiseul Province Business Licence Ordinance 1993 and any Ordinance passed in amendment or substitution thereof.

“Executive” means the Choiseul Provincial Executive established in accordance with Sections 21 and 22 of the Provincial Government Act 1981.

“Health Inspector” means any Health Inspector appointed in accordance with the Public Health Act or the Environmental Health Act or any Act passed in amendment or substitution thereof.

“Health Officer” includes any medical officer, doctor, registered nurse, nurse aid, Health Inspector and any other person the Executive appoints or authorises to administer and enforce this Ordinance.

“Kitchen” means any premises or part of premises in which any food is stored or prepared or cooked for sale as cooked food.

“Person” means any person, persons, company, public body, association, co-operative and any other body of persons.

“Premises” means any building or part of a building together with the land on which the same is situated and any adjoining land used in connection therewith.

“Rural areas” means any part of Choiseul Province outside of any township within Choiseul Province.

“Sale” means and includes sale, barter, offer or attempt to sell or receive for sale or receive for sale or have in possession for sale or expose for sale or cause or suffer or allow to be sold, offered or exposed for sale.

“Township” means any area of land designated as town land by order of the Commissioner of Lands pursuant to section 125(4) of the Land and Titles Act.

PART II BAKERIES AND KITCHENS IN TOWNSHIPS

3. **Building standards and requirements** - Subject to Section 4, Bakery and Kitchen premises in townships must comply with the following standards and requirements:

- (a) A Bakery or Kitchen must be either a separate building or part of a building which is separate from any living or sleeping accommodation.
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- (b) A Bakery or Kitchen must only be used as a Bakery or Kitchen and for no other purpose.
 - (c) A Bakery or Kitchen must be constructed of permanent materials.
 - (d) The walls of a Bakery or Kitchen from floor to ceiling must not be less than 8 feet.
 - (e) The floor of a Bakery or Kitchen must be cement, concrete, granolithic or other similar non absorbent material or other material if adequately covered by a smooth non absorbant material.
 - (f) The walls and ceilings of a Bakery or Kitchen must be painted in a light colour.
 - (g) The Bakery or Kitchen must be adequately lighted and ventilated.
 - (h) The windows of a Bakery or Kitchen must be fitted with fly proof screens.
 - (i) The doors of a Bakery or Kitchen must be self closing spring doors.
 - (j) A Bakery or Kitchen must be effectively proofed against animals, rodents, cockroaches and all vermin.
 - (k) No door or window of a Bakery or Kitchen is to open directly on to any toilet or latrine or waste disposal area or rubbish dump.
 - (l) An opening to an oven furnace in a Bakery or Kitchen must be 6 feet from the nearest door or window. A furnace must be situated outside of the Bakery or Kitchen.
 - (m) An oven in a Bakery or Kitchen must be constructed of brick, metal, reinforced concrete block or other materials approved by a Health Officer.
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- (n) The working surfaces and table tops in a Bakery or Kitchen must have smooth surfaces.
- (o) A Bakery or Kitchen must have a good supply of water and a sink.
- (p) A Bakery or Kitchen must have a refuse bin with a tight fitting lid.
- (q) A notice prohibiting smoking, chewing of betel nut, chewing of tobacco and chewing of gum must be displayed in a Bakery or Kitchen.
- (r) A Bakery or Kitchen must provide safe and appropriate storage for all ingredients, bakery products and cooked food.
- (s) A Bakery or Kitchen must have safe durable equipment and utensils in a good state of repair.
- (t) All soil and waste water fittings must be connected to a drainage system approved by a Health Officer.
- (u) Bakery or Kitchen premises including but not limited to floors, walls ceilings, windows, fly screens, doors, yards, buildings, toilets or latrines and wash places must be maintained in a good state of repair.

4. **Exemptions** - (1) A Health Inspector may in his or her absolute discretion exempt the owner or operator of a Bakery or Kitchen in a township from one or more of the buildings standards and requirements listed in Section 3 if the Health Inspector is satisfied that such an exemption will not, or is not likely to, give rise to a health or safety risk.

(2) An exemption granted by a Health Inspector may be subsequently revoked by a Health Inspector if he or she in his or her absolute discretion considers that the exemption is resulting in a risk to health or safety.

(3) No compensation or damages are payable to an owner or operator of a Bakery or Kitchen in respect of the revocation of an exemption.

5. **Health Certificate** - (1) The owner or operator of a Bakery or Kitchen in a township must obtain in each year a Health Certificate certifying that the Bakery or Kitchen premises are in compliance with Section 3 and that the Rules of Hygiene set out in Part V of this Ordinance are being followed.

(2) A Health Certificate must be in the form annexed hereto as Schedule A and must be conspicuously displayed in the Bakery or Kitchen.

(3) A valid Health Certificate must be in force when an owner or operator of a Bakery or Kitchen applies for a business licence or renewal of a business licence in accordance with the Business Licence Ordinance.

PART III
BAKERIES AND KITCHENS IN RURAL AREAS

6. **Building standards and requirements** - Subject to Section 7, all Bakery and Kitchen premises in rural areas must comply with the following building standards and requirements.

- (a) A Bakery or kitchen must be either a separate building or part of a building which is separate from any living or sleeping accommodation.
- (b) A Bakery or Kitchen must only be used as a Bakery or Kitchen and for no other purpose.
- (c) A Bakery or Kitchen must be at least 50 yards from any toilet or pit latrine or drain or waste disposal area or refuse dump.
- (d) A Bakery or Kitchen must have a safe and durable equipment and utensils in a good state of repair.
- (e) A Bakery or Kitchen may be constructed either of permanent materials or local materials including but not limited to leaf.

If a Bakery or Kitchen is constructed of permanent materials the provisions of Section 3 (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (p), (r), and (u) apply to such Bakery or Kitchen provided that a Health Officer may exempt an

owner or operator of a Bakery or Kitchen from compliance with one or more of the provisions if the Health Officer is satisfied that the exemption will not, or is not likely to, give rise to a health or safety risk.

If a Bakery or Kitchen is constructed of local materials including but not limited to leaf then the following provisions apply:

- (i) The floor of the Bakery or Kitchen may be either of cement, concrete, granolithic or other similar non absorbent material or wooden or well compacted earth or clay covered by a layer of gravel at least 5 inches in depth.
- (ii) The Bakery or Kitchen must have a sufficient ventilation.
- (iii) The oven, cooker or fire must be sited well away from the walls of the Bakery or Kitchen.
- (iv) A Bakery or Kitchen must have a door or barrier to prevent any animals or fowl from entering the Bakery or Kitchen.
- (v) A Bakery or Kitchen must have a table or work bench with a smooth surface.
- (vi) A Bakery or Kitchen must provide safe and appropriate storage for all ingredients, bakery products and cooked food included but not limited to an insect proof food safe.

7. **Exemptions** - (1) A Health Inspector may in his or her absolute discretion exempt the owner or operator of a Bakery or Kitchen in a rural area from one or more of the building standards and requirements listed in Section 6 if the Health Inspector is satisfied that such an exemption will not, or is not likely to, give rise to a health or safety risk.

(2) An exemption granted by a Health Inspector may be subsequently revoked by a Health Inspector if he or she in his or her absolute discretion considers that the exemption is resulting in a risk to health or safety.

(3) No compensation or damages are payable to an owner or operator of a Bakery or Kitchen in respect of the revocation of an exemption.

8. **Health Certificate** - (1) The owner or operator of a Bakery or Kitchen in a rural area must obtain each year a Health Certificate certifying that the Bakery or Kitchen premises are in compliance with Section 6 and that the Rules of Hygiene set out in Part V of this Ordinance are being followed.

(2) A Health Certificate must be in the form annexed hereto at Schedule A and must be conspicuously displayed in the Bakery or Kitchen.

(3) A valid Health Certificate must be in force when an owner or operator of a Bakery or Kitchen applies for a business licence or renewal of a business licence in accordance with the Business Licence Ordinance.

PART IV RULES OF HYGIENE

9. **Personal Hygiene** - The following rules of hygiene apply to all persons working in Bakeries or Kitchens:

- (a) All persons must always wash their hands and arms with soap and water prior to handling any ingredients or commencing any food preparation or serving any food.
 - (b) All persons must always wash their hands with soap and water after visiting a water closet, pit, latrine, over sea latrine, bush urinal or other similar convenience before resuming work in the Bakery or Kitchen.
 - (c) No person having any skin disease is permitted to work in a Bakery or Kitchen.
 - (d) No person suffering from venereal disease or any other contagious or infectious disease is permitted to work in a Bakery or Kitchen.
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- (e) No person with infected cuts or sores on his or her hands is permitted to work in a Bakery or Kitchen.
- (f) No person suffering from a nose cold or an allergy causing sneezing or suffering from a cough is permitted to work in a Bakery or Kitchen.
- (g) All persons must keep their fingernails trimmed and cleaned.
- (h) No person is permitted to chew betel nut, chew tobacco, or chew chewing gum in a Bakery or Kitchen.
- (i) No person is permitted to discharge any nasal fluid, mucus or spit in any Bakery or Kitchen.
- (j) No person is permitted to sit or lie upon any table or working surface where food is prepared or stored or from where food is served.
- (k) All persons must wear clean clothes in the Bakery or Kitchen.
- (l) All persons with long or full hair must tie or pin back the hair away from the face, neck and shoulders.
- (m) No child under the age of twelve (12) years is permitted to take any part in the preparation or cooking of food in a Bakery or Kitchen.

10. **Premises hygiene and work hygiene** - The following rules of hygiene apply in respect of Bakery and Kitchen premises in addition to the requirements of Sections 3 and 6 in respect of the storage and preparation of food.

- (a) All equipment, utensils and working surfaces must be washed in hot and clean water before and after every use.
 - (b) The Bakery or Kitchen must be kept free from all insects, animals, rodents and vermin.
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- (c) No food must be kept uncovered. All food and ingredients must be stored safely and hygienically at all times, and such storage must be at least two (2) feet above the floor of the Bakery or Kitchen.
- (d) All flour must be sifted or strained before it is used.
- (e) The floor of the Bakery or Kitchen must be swept and cleaned each day at the conclusion of food preparation and cooking.
- (f) The Bakery or Kitchen premises including but not limited to all floors, walls, ceilings, windows or louvres, screens, doors, yards, buildings, toilets or latrines and wash places must be kept in a state of thorough cleanliness at all times.
- (g) All towels, drying up cloths and all other material used in the Bakery or Kitchen must be thoroughly washed in hot soapy water every day.
- (h) The Bakery or Kitchen premises must be kept clean and tidy and free from long grass, empty tins, cans, bottles or refuse of any kind.
- (i) An owner or operator of a Bakery or Kitchen must provide or arrange access to sanitary facilities close to the Bakery or Kitchen and soap and water and towels for persons working in the Bakery or Kitchen.

The following rules of hygiene apply to Bakeries or Kitchens in rural areas which are constructed of local materials including but not limited to leaf:

- (j) No rubbish, refuse, waste or waste products are permitted to be kept in the Bakery or Kitchen at any time.
 - (k) Rubbish, refuse and waste products must be removed immediately to the area designated or used for waste disposal or as a refuse dump in the area.
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- (l) Waste water must be discharged at a place designated or used for such purpose in the area.

PART V
ENFORCEMENT AND OFFENCES

11. **Powers of Health Officers** - a Health Officer may at all reasonable times, with or without notice:

- (a) Enter and inspect any Bakery or Kitchen premises.
- (b) View the preparation and cooking of food.
- (c) Inspect anything in the Bakery or Kitchen premises.
- (d) Take samples of any ingredients or food in the course of preparation, bakery products or cooked food found in the Bakery or Kitchen provided always that the Health Officer must make reasonable payment for such samples if such payment is demanded.
- (e) Make such enquiries as the Health Officer considers necessary to ascertain whether the provisions of this Ordinance are being observed.

12. **Enforcement Notices and Orders of Closure** - (1) If Bakery or Kitchen premises are not in compliance with Parts II and III (as applicable) of this Ordinance or the Rules of Hygiene set out in Part IV of this Ordinance are not being observed a Health Officer may, subject to Section 12(3) hereof.

- (a) Issue and deliver an Enforcement Notice in the form attached hereto at Schedule B to the owner or operator of the Bakery or Kitchen or
- (b) Cancel the Health Certificate (if one has been issued) and issue and deliver an Order of Closure of the Bakery or Kitchen in the form attached hereto at Schedule C to the owner or operator of the Bakery or Kitchen.

(2) An Enforcement Notice or Order of Closure shall be deemed to be sufficiently delivered if it is affixed to a front wall or front door of the Bakery or Kitchen.

(3) If three (3) Enforcement Notices have been issued in respect of a Bakery or Kitchen during any period of 12 months, no further Enforcement Notices will be issued but any further breach of this Ordinance will result in the issue of an Order of Closure.

(4) Subject to Section 12(3), a Health Officer may only follow the procedure set out in Section 12(1)(b) when the breach, or breaches of this Ordinance are sufficiently serious to create imminent danger to the public health, safety and welfare.

(5) If an owner or operator of a Bakery or Kitchen fails to remedy the breaches specified in the Enforcement Notice within the time specified in the Enforcement Notice a Health Officer must then cancel any Health Certificate and issue and deliver an Order of Closure of the Bakery or Kitchen to the owner or operator of the Bakery or Kitchen.

(6) An owner or operator of a Bakery or kitchen may appeal an Order of Closure by giving written notice of such appeal to the Executive within 14 days of the date of the Order. The appeal must be considered by the Executive whose decision is final. Pending the appeal the Bakery or Kitchen must remain closed.

(7) No compensation or damages are payable to the owner or operator of a Bakery or Kitchen in respect of an Order of Closure issued by a Health Officer or in respect of cancellation of an Order of Closure following an appeal to the Executive or in respect of the cancellation of a Health Certificate.

(8) The issue of an Order of Closure entitles the Executive to cancel the business licence issued pursuant to the Business Licence Ordinance in respect of that Bakery or Kitchen business or in respect of a business in which the Bakery or Kitchen is an integral part.

13. **Offences** - (1) Any person working in a Bakery or Kitchen who, knowing that he or she is suffering from a venereal or other contagious or infectious disease or having reasonable cause to believe he or she is so suffering, fails to report this knowledge or belief to the owner or operator of the Bakery or Kitchen and to a Health Officer and/or continues to work in the Bakery or Kitchen is guilty of an offence and is liable to a fine of up to \$500.00 and in default of payment to imprisonment for 2 months.

- (2) Any owner or operator of a Bakery or Kitchen who, knowing that a person working in the Bakery or Kitchen is suffering from a venereal or other contagious or infectious disease or having reasonable cause to believe that the person is so suffering, fails to report that knowledge or belief to a Health Officer and/or who fails to order that person to immediately leave the Bakery or Kitchen until such time as that person is no longer so suffering is guilty of an offence and liable to a fine of up to \$500.00 and in default of payment to imprisonment for 2 months.
- (3) Any person who continues to operate a Bakery or Kitchen after an Order of Closure has been made and such Order remains in force is guilty of an offence and liable to a fine of up to \$1,000.00 and in default of payment to imprisonment for 2 months.
- (4) Any person who operates a Bakery or Kitchen without first obtaining a Health Certificate is guilty of an offence and liable to a fine of up to \$1,000.00 and in default of payment to imprisonment for 2 months.
- (5) Any person who brings any animal into a Bakery or Kitchen is guilty of an offence and liable to a fine of up to \$100.00 and in default of payment to imprisonment for 1 month.
- (6) Any owner or operator of a Bakery or Kitchen in which an animal is found is guilty of an offence and liable to a fine of up to \$200.00 and in default of payment to imprisonment for 2 months.
- (7) Any person who smokes or chews betel nut or chews tobacco or chews gum in a Bakery or Kitchen is guilty of an offence and liable to a fine of up to \$1,000.00 and in default of payment to imprisonment of 1 month

PART VI
MISCELLANEOUS

14. **Temporary Bakeries and Kitchens** - A building or part of a building constructed or operated as a Bakery or Kitchen on a temporary basis only for a period which does not exceed 30 days for the purpose of catering for a Provincial or community event or a Church related event or a fundraising or charitable
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event need not comply with the provisions of Parts II and III of this Ordinance but a Health Officer must be satisfied that the operation of the temporary Bakery or Kitchen does not create any risk to the public health, safety and welfare. The rules of hygiene set out in Sections 9 and 10 of this Ordinance apply to a temporary Bakery or Kitchen.

15. **Offences by officers of body corporate etc.** Where a company, body corporate, association or co-operative commits an offence under this Ordinance with the consent or connivance of or because of neglect by an individual, the individual is guilty of the same offence and liable to the same penalties as the company, body corporate, association or co-operative if at the time of the offence;

- (a) the individual is or was a director, manager, secretary or other senior officer of the company, body corporate, association or co-operative, or
- (b) the individual is or was purporting to or holding out that the individual is such an officer, or
- (c) the individual is or was a member of a company or body corporate association or co-operative which is managed by its members.

16. **Regulations** - The Executive may make regulations for the better carrying out of the objectives and provisions of this Ordinance.

17. **Transitional** - (1) A Health Officer may serve an Enforcement Notice upon an owner or operator of a Bakery or Kitchen in existence at the time this Ordinance comes into force specifying what changes are required to bring the Bakery or Kitchen into compliance with Part II and/or Part III of this Ordinance but no Order of Closure pursuant to Section 12(5) may issue during the period of 3 months from the date this Ordinance comes into force.

SCHEDULE A
CHOISEUL PROVINCE BAKERY AND KITCHEN
ORDINANCE 1997 HEALTH CERTIFICATE

No.

The Bakery or Kitchen premises described in the Schedule below are hereby certified to comply with the provisions of the Choiseul Province Bakery and Kitchen Ordinance 1997.

This Health Certificate expires on the day of unless earlier cancelled.

Date:.....

Signed:.....
Health Inspector

Schedule

(Description and address or premises with reference to a plan if appropriate).

SCHEDULE B
CHOISEUL PROVINCE BAKERY AND KITCHEN
ORDINANCE 1997

ENFORCEMENT NOTICE

No.

To:

(Name and address of owner or operator of Bakery or Kitchen)

Notice is hereby given pursuant to Section 12 of the Choiseul Province Bakery and Kitchen Ordinance 1997 that the Bakery or Kitchen premises described in the Schedule below do not comply with the provisions of that Ordinance in the following respects:

Notice is hereby given pursuant to Section 12 of the Choiseul Province Bakery and Kitchen Ordinance 1997 that the following Rules of Hygiene are not being observed.

Schedule

(Description and address of premises with reference to a plan if appropriate)

You are hereby required to remedy the above listed breaches of the Choiseul Province Bakery and Kitchen Ordinance 1997 within days of the date of this Notice.

Failure to remedy the breaches within the time specified will have the following consequences:

1. An Order of Closure will be issued.
2. The Health Certificate in respect of the premises (if one has been issued) will be cancelled.
3. The Choiseul Province Business Licence relating to the business of which the Bakery or Kitchen forms part will be cancelled.

Dated:.....

Signed:.....
Health Officer

SCHEDULE C

CHOISEUL PROVINCE BAKERY AND KITCHEN
ORDINANCE 1997

ORDER OF CLOSURE

No.

Pursuant to Section 12 of the Choiseul Province Bakery and Kitchen Ordinance 1997 I Health Officer at hereby order that the Bakery or Kitchen premises described in the Schedule below be closed as from the date of this order.

An appeal against this Order of Closure may be made in accordance with Section 12(6) of the Ordinance by the owner or operator of the Bakery or Kitchen giving written Notice of Appeal and specifying the grounds for the appeal to the Choiseul Provincial Executive within 14 days of the date of this order.

Dated:.....

Signed:.....
Health Officer

Schedule

(Description and address of premises with reference to a plan if appropriate)

PASSED BY THE CHOISEUL PROVINCIAL ASSEMBLY THIS TWENTY-EIGHTH DAY OF OCTOBER 1997.

M. Saru Jopa
(Clerk to the Assembly)

ASSENTED TO BY THE MINISTER THIS SIXTEENTH DAY OF JULY 1999 .

J. Waipora
(Minister of Provincial Government)

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