

SUPPLEMENT to the Solomon Islands Gazette

19th March 2007

S.I. No. 23

[Legal Notice 118]

THE PROVINCIAL GOVERNMENT ACT 1997
(No. 7 of 1977)

AND
MAKIRA ULAWA PROVINCE
FINANCIAL MANAGEMENT ORDINANCE 1983

THE MAKIRA ULAWA PROVINCE
SPECIAL FUND FOR WARD DEVELOPMENT AUTHORITIES
ORDINANCE 2006

AN ORDINANCE to create a Special Fund for the revenue and expenditure associated with the Ward Development Authorities established under the Makira Ulawa Province Ward Development Authorities Ordinance 2006.

ENACTED BY the Provincial Assembly of Makira Ulawa Province.

Arrangement of sections

Section:

1. Title and Commencement
2. Interpretation
3. Purpose
4. Creation of Special Fund
5. Sources of revenue
6. Permitted expenditure
7. Accounting Officer

THE PROVINCIAL GOVERNMENT ACT 1997
(No. 7 of 1977)

AND
MAKIRA ULAWA PROVINCE
FINANCIAL MANAGEMENT ORDINANCE 1983

THE MAKIRA ULAWA PROVINCE
SPECIAL FUND FOR WARD DEVELOPMENT AUTHORITIES
ORDINANCE 2006

Under the powers conferred by Section 30 of the Provincial Government Act 1997 and section 29 of the Makira Province Financial Management Ordinance 1983, the Makira Ulawa Provincial Assembly makes the following Ordinance -

1. Title and Commencement

This Ordinance shall be cited as the Makira Ulawa Province Special Fund For Ward Development Authorities Ordinance 2006 and shall come into operation upon assent by the Minister of Provincial Government in accordance with Section 32 of the Provincial Government Act 1997 and publication in the Solomon Islands Gazette.

2. Interpretation

In this Ordinance, except where the context otherwise requires, words have the following meanings:

- “Executive” means Makira Ulawa Provincial Executive;
- “Entitlements of Ward Development Authorities” means the entitlements from the Provincial Fund the Ward Development Authorities are entitled to receive under the Ward Development Authorities Ordinance;
- “Financial Management Ordinance” means the Makira Province Financial Management Ordinance 1983 or its successors;
- “Special Fund” means the Special Fund created under this Ordinance;
- “Ward Development Authority” means a Ward Development Authority established under the Ward Development Authorities Ordinance;
- “Ward Development Authorities Ordinance” means the Makira Ulawa Province Ward Development Authorities Ordinance 2006 or its successors.

3. Purpose

The purpose of this Ordinance is to provide for the safekeeping of the entitlements of Ward Development Authorities who do not elect to have their entitlements paid directly into their own bank account or whose entitlements are withheld in accordance with the Ward Development Authorities Ordinance.

4. Creation of Special Fund

- 1) There shall be established a Special Fund called the Makira Ulawa Province Ward Development Authorities Special Fund.
- 2) The Special Fund shall have a head for each Ward in Makira Ulawa Province.
- 3) The revenue of the Special Fund shall be held in a separate bank account kept solely for the purposes of the Special Fund, which may be a cheque account, and any bank fees or other charges payable on the account shall be paid:

5. Sources of revenue

- 1) All entitlements of Ward Development Authorities shall be paid into the Special Fund, except for the entitlements of any Ward Development Authority:
 - a) That has elected to have its entitlements paid directly into its bank account in accordance with the Ward Development Authorities Ordinance; and
 - b) Whose entitlements are not being withheld under the Ward Development Authorities Ordinance.
- 2) The bank account for the Special Fund may accrue bank interest.
- 3) No other revenue may be paid into the Special Fund.

6. Permitted expenditure

- 1) Except for any entitlements that are being withheld under the Ward Development authorities Ordinance, payments may be made from the Special Fund to Ward Development Authorities:
 - a) On written request from a Ward Development Authority signed by two (2) of its notified signatories and identifying the person to whom the funds may be released;
 - b) Without the Ward Development Authority providing any reason for the request;

- c) Up to the maximum amount held in the Special Fund under the head for the Ward Development Authority making the request.
- 2) When there has been no properly constituted Ward Development Authority for a Ward for six(6) months or more the Executive may, in accordance with the Ward Development Authorities Ordinance, Order that all entitlements held in the Special Fund for that Ward be divided equally between all properly constituted Ward Development Authorities in the Province.
- 3) No advances or other payments may be made from the Special Fund to any Ward Development Authority, or any other person or organisation, for any reason.

7. Accounting Officer

- 1) In accordance with the Financial Management Ordinance, the Provincial Principal Accountant is appointed as the Accounting Officer for the Special Fund.
- 2) At the end of each financial year for Ward Development Authorities (31st of December) the Accounting Officer shall forward to each Ward Development Authority a statement of the balance and all transactions on the Special Fund under the head for the particular Ward.

PASSED BY THE MAKIRA ULAWA PROVINCIAL ASSEMBLY

THIS 2ND DAY OF JUNE 2006

This printed impression has been carefully compared by me against the Ordinance passed by the Makira Ulawa Provincial Assembly and is found by me to be a true and correct copy of the said Ordinance.

George Kuata

Clerk to the Makira Ulawa Provincial Assembly

ASSENTED TO BY THE MINISTER FOR PROVINCIAL GOVERNMENT

THIS 12TH DAY OF DECEMBER 2006

Hon. Japhet Waipora

Minister for Provincial Government & Constituency Development

[Legal Notice 119]

**THE PROVINCIAL GOVERNMENT ACT 1997
(No. 7 of 1997)**

**THE MAKIRA ULAWA PROVINCE PENALTIES FOR OFFENCES
ORDINANCE 2006**

AN ORDINANCE to provide for the penalties applicable for a breach of any Provincial Ordinance.

ENACTED BY the Provincial Assembly of Makira Ulawa Province.

Arrangement of sections

Section:

1. Title and Commencement
2. Interpretation
3. Purpose
4. Infringement Offences
5. Continuing infringement offences
6. Infringement notice
7. Payment of infringement fees
8. Right to appeal or have matters considered
9. Village Peace Council may revoke an infringement notice
10. Provincial Government may revoke an infringement notice
11. Discretion to compensate victims or substitute a customary alternative
12. Reporting the outcome of infringement notice process
13. Executive may make Orders and Regulations

Schedule One - Schedule of Penalties

Schedule Two - Format for Infringement Notice

Schedule Three - Format for Infringement Record

**THE PROVINCIAL GOVERNMENT ACT 1997
(NO. 7 OF 1997)**

**THE MAKIRA ULAWA PROVINCE PENALTIES FOR OFFENCES
ORDINANCE 2006**

Under the powers conferred by Section 30 of the Provincial Government Act 1997, the Makira Ulawa Provincial Assembly makes the following Ordinance -

1. Title and Commencement

This Ordinance shall be cited as the Makira Ulawa Province Penalties For Offences Ordinance 2006 and shall come into operation upon assent by the Minister of Provincial Government in accordance with Section 32 of the Provincial Government Act 1997 and publication in the Solomon Islands Gazette.

2. Interpretation

1) In this Ordinance, except where the context otherwise requires, words have the following meanings -

“Assembly” means Makira Ulawa Provincial Assembly;

“Infringement offence” means an offence defined in **Section 4** of this Ordinance;

“Infringement fee” in relation to an infringement offence means the amount prescribed in any Ordinance or by any Executive Order as the fee for any infringement offence;

“Police” means Royal Solomon Islands Police;

“Province” means Makira Ulawa Province;

“Provincial Government” means the Makira Ulawa Provincial Government;

“Ordinance” means any Ordinance enacted by Makira Ulawa Provincial Assembly;

“Village Peace Council” means a Village Peace Council established under the Village Peace Councils Ordinance;

“Village Peace Councils Ordinance” means the Makira Ulawa Village Peace Councils Ordinance 2006 or its successors.

2) In this Ordinance “ authorised Officer” means:

a) Any officer of the Police

b) Any officer of the Provincial Government authorised to enforce this Ordinance;

c) Any member of a Village Peace Council, to the extent they are authorised under the Village Peace Councils Ordinance to serve infringement notices and collect infringement fees.

3. Purpose

The purposes of this Ordinance are:

- a) To provide for infringement offences in Makira Ulawa Province Ordinances, as an option for addressing offending in the first instance;
- b) To provide for a standard range of penalties that may be applied to breaches of any Provincial Ordinance including:
 - (i) The penalties payable to the Province for an infringement offence; and
 - (ii) The penalties that may be imposed by a Court on conviction for any breach of any Ordinance.
- c) To provide for the enforcement of various infringement offences to be delegated to Village Peace Councils, and for Village Peace Councils to substitute a customary penalty for infringement fees with the consent of the offender.

4. Infringement Offences

- 1) Any Ordinance of the Assembly may identify all or any breaches of its provisions as an infringement offence:
 - a) Within any of the categories set out in Schedule One, and
 - b) Which is subject to the penalties set out in Schedule One for that category of offence.
- 2) Any person who is alleged to have committed an infringement offence may either be:
 - a) Served with an infringement notice under **section 6**; or
 - b) Proceeded against in Court, in which case the alleged offender shall also be advised of the amount of the infringement fee payable to the Provincial Government and be deemed to have been served with an infringement notice.
- 3) Prosecution of an infringement offence may be commenced by an officer of the Police or any officer of the Provincial Government authorised to enforce this Ordinance.
- 4) If the person who is alleged to have committed the offence is not convicted by the court the infringement notice shall be deemed to have been revoked by the Makira Ulawa Provincial Government.
- 5) A person convicted of an infringement offence:
 - a) May be sentenced to a fine and or imprisonment as set out for that offence in Schedule One;
 - b) In default of payment of any fine imposed by the Court, the court may further award the following terms of imprisonment:
 - (i) For infringement offences in categories one to thirteen, imprisonment of up to one month;
 - (ii) For infringement offences in categories fourteen to twenty-two, up to the maximum sentence of imprisonment for the particular category of offence.

6) Notwithstanding any conviction and sentence imposed by the court, the person charged remains liable to pay to the Makira Ulawa Provincial Government the infringement fee for that offence set out in Schedule One, regardless of whether the matter was commenced by infringement notice or commenced by proceeding directly to court, and:

- a) The infringement fee may be enforced by the process
- b) Where a person has been convicted and served a term of imprisonment in default of payment of any fine, the Provincial Government may, at its discretion, revoke the infringement notice.

5. Continuing infringement offences

Any person who commits, or is suspected of committing, a continuing offence may be served a fresh infringement notice for every day the infringement offence is alleged to continue after the first infringement notice is served, and on conviction:

- a) Shall be liable to pay the infringement fee for each infringement offence for which the person is convicted;
- b) May be sentenced to a fine of up to the maximum allowable for each infringement offence for which the person is convicted;
- c) May be sentenced to a period of imprisonment for each infringement offence for which the person is convicted however the aggregate of the prison sentences may not exceed the maximum term of imprisonment that may be ordered for one offence of that category.

6. Infringement notice

- 1) An infringement notice may be served on a person if an authorised officer:
 - a) Observes a person committing an infringement offence; or
 - b) Has reasonable cause to believe that an infringement offence is being or has been committed by that person.
- 2) An infringement notice may be served:
 - a) By an authorised officer (not necessarily the person who prepared the notice) personally delivering it (or a copy of it) to the person alleged to have committed the infringement offence; or
 - b) By post addressed to that person's last known place of residence or business.
- 3) An authorised officer serving an infringement notice must retain a copy of the notice.

- 4) An infringement notice must contain the following particulars (a sample form is set out in Schedule Two for guidance):
- a) Details of the alleged infringement offence sufficient to fairly inform a person of the time, place and the nature of the alleged offence;
 - b) The amount of the infringement fee specified for that offence;
 - c) The time within which the infringement fee specified for that offence;
 - d) The address of the place at which the infringement fee must be paid;
 - e) A statement that the person served with the notice has a right to request a hearing within 30 days of being served with the notice;
 - f) A statement of what will happen if after 30 days the person served with the notice has not paid the infringement fee and has not requested a hearing;
 - g) Any other particulars that are prescribed by or under this Ordinance.

7. Payment of infringement fees

- 1) Infringement fees for infringement notices served by a Village Peace Council in accordance with the Village Peace Councils Ordinance:
 - a) Shall be payable to the Provincial Government if the person served is convicted in court; and
 - b) In all other cases must be paid to the Village Peace Council.
- 2) All other infringement fees must be paid to the Provincial Government.
- 3) No court proceedings will be taken in respect of the infringement if the infringement fee is paid, in accordance with the details on the infringement notice, within 30 day after the date of service.
- 4) No person or court may vary the amount of any infringement fee.

8. Right to appeal or have matters considered

- 1) Any person served with an infringement notice by the Police or the Provincial Government must write to the Provincial Government within 30 days of being served the notice if the person wishes to:
 - a) Raise any matter concerning the circumstances of the alleged offence for consideration by the Provincial Government;
 - b) Deny liability for the offence and request a court hearing.
- 2) Any person served with an infringement notice by a Village Peace Council and who wishes to deny liability or to raise any matter concerning the circumstances of the alleged offence for consideration by the Village Peace Council:

- a) May request the Village Peace Council to consider the case or to consider substituting the infringement fee with an alternative customary penalty; and
- b) Must make the request of the village Peace Council within 7 days of being served the notice; and
- c) Must write to the Provincial Government within 30 days of the notice being served, and include a copy of the notice, if:
 - (i) The Village Peace Council does not revoke the infringement notice; and
 - (ii) The person served wishes to deny liability for the offence and request a court hearing, or wishes to request the Provincial Government to consider the matter.

9. Village Peace Council may revoke an infringement notice

A Village Peace Council may revoke an infringement notice served by that Village Peace Council where it is proven to the satisfaction of the Village Peace Council:

- a) That the person served with the infringement notice did not commit the offence alleged;
- b) Any other circumstance that in the opinion of the Village Peace Council it would be unconscionable or manifestly unfair to hold the person responsible for the offence.

10. Provincial Government may revoke an infringement notice

The Provincial Government may revoke an infringement notice where it is proven to the satisfaction of the Provincial Government:

- a) That the person served with the infringement notice did not commit the offence alleged;
- b) That the person served with the infringement notice was unable to comply with the relevant Ordinance due to a failure of the Provincial Government;
- c) Any other circumstance that in the opinion of the Provincial Government it would be unconscionable or manifestly unfair to hold the person responsible for the offence.

11. Discretion to compensate victims or substitute a customary alternative

- 1) Nothing in this Ordinance affects the rights of victims of offences to seek a civil remedy for any harm suffered by them as a result of the offence, however:

- a) The Village Peace Council who served the infringement notice or the Provincial Government may determine that part of all of an infringement fee be paid to the victim(s) of the offence, and if so they shall pay the victim once the infringement fee has been paid by the offender.
- 2) A Village Peace Council who serves an infringement notice may, with the consent of the person served the infringement notice, substitute a customary penalty for the payment of the infringement fee and such customary penalty:
 - a) May include actions, ceremonies, and payments of not more than the amount of the infringement fee, aimed at bringing about reconciliation with the victims(s) and/or the community;
 - b) Must not breach the Solomon Islands Constitution or any other law of Solomon Islands;
 - c) Must be complied with by the offender within the 28 day period in the infringement notice, or such other timeframe stipulated by the Village Peace Council, and if not complied with in that time then the person may be prosecuted in the same manner as if he or she had failed to pay the infringement fee.

12. Reporting the outcome of infringement notice process

- 1) Any Police Officer who issues an infringement notice must provide a copy of the notice to the Provincial Government.
- 2) Every Village Peace Council must maintain a record of the infringement process as outlined in the form set out in Schedule Three, and if the alleged infringement offence is not resolved the Village Peace Council must forward a copy of the infringement notice and completed record to the Provincial Government for considering prosecution.
- 3) The Provincial Government must maintain a record of the infringement process as outlined in the form set out in Schedule Three.

13. Executive may make Orders and Regulations

Makira Ulawa Provincial Executive may make Orders and Regulations for all or any of the following purposes:

- a) Providing for further particulars in infringement notices;
- b) Regulating procedures under this Ordinance;
- c) Providing guidelines to assist the Provincial Government or Village Peace Councils in exercising their discretion under **sections 9, 10 or 11** of this Ordinance.

PASSED BY THE MAKIRA ULAWA PROVINCIAL ASSEMBLY

THIS 8TH DAY OF JUNE 2005

This printed impression has been carefully compared by me against the Ordinance passed by the Makira Ulawa Provincial Assembly and is found by me to be true and correct copy of the said Ordinance.

George Kuata
Clerk to the Makira Ulawa Provincial Assembly

ASSENTED TO BY THE MINISTER FOR PROVINCIAL GOVERNMENT

THIS TWELFTH DAY OF DECEMBER 2006

Honourable Japhet Waipora (MP)
Minister for Provincial Government & Constituency Development

SCHEDULE ONE
(Section 4)

Category of offence:	Infringement fee:	On conviction, the infringement fee and maximum fine and/or imprisonment of up to:	
		FINE	IMPRISONMENT
One	\$ 10.00	\$ 10.00	--
Two	\$ 20.00	\$ 15.00	--
Three	\$ 30.00	\$ 20.00	--
Four	\$ 40.00	\$ 25.00	--
Five	\$ 50.00	\$ 35.00	--
Six	\$ 75.00	\$ 50.00	--
Seven	\$ 100.00	\$ 75.00	--
Eight	\$ 125.00	\$ 100.00	--
Nine	\$ 150.00	\$ 125.00	--
Ten	\$ 200.00	\$ 150.00	--
Eleven	\$ 250.00	\$ 200.00	-
Twelve	\$ 300.00	\$ 250.00	--
Thirteen	\$ 400.00	\$ 300.00	--
Fourteen	\$ 500.00	\$ 400.00	30 days
Fifteen	\$ 750.00	\$ 500.00	40 days
Sixteen	\$ 1,000.00	\$ 750.00	50 days
Seventeen	\$ 1,500.00	\$ 1,000.00	60 days
Eighteen	\$ 2,000.00	\$ 1,500.00	90 days
Nineteen	\$ 3,000.00	\$ 2,000.00	120 days
Twenty	\$ 5,000.00	\$ 3,000.00	6 months
Twenty-one	\$ 10,000.00	\$ 7,000.00	9 months
Twenty-two	\$30,000.00	\$20,000.00	18 months

SCHEDULE TWO
(Section 5)

MAKIRA ULAWA PROVINCE

INFRINGEMENT NOTICE

CHARGE: Section(s) of Makira Ulawa Province
.....
(name and year of Ordinance)

STATEMENT OF OFFENCE: (quote the part of the law breached)
.....
.....

PENALTY: Category offence, infringement fee \$

PENALTY TO BE PAID BY: to
(date) (either: MUPG or name of Village Peace Council)

Particulars of the offence: That
(name of accused)

of at
(address of accused) (place of alleged offence)

in Makira Ulawa Province, on/between did (state facts of offence,
and names any witnesses) (date)

.....
.....
.....
.....
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.....
.....
.....

Authorised Officer laying complaint:
(Signature) (date)

Authorised Officer serving notice:
(Signature) (date)

Notes for person served with Infringement Notice:

- (1) You have the right to request a court hearing, and must make your request within 30 days of being served with the Notice.
- (2) You should write to the Provincial Government within 30 days of being served te Notice if you wish to:
 - (a) Raise any matter concerning the circumstances of the allege offence for consideration by the Provincial Government; or
 - (b) Deny liability for the offence and request a court hearing.
- (3) If you were served the Notice by a Village Peace Council and you wish to deny liability or to raise any matter concerning the circumstances of the alleged offence for consideration by the Village Peace Council:
 - (a) You have the right to request the Village Peace Council to consider your case; and
 - (b) You must make your request to th Village Peace Council within 7 days of being served the notice; and
 - (c) If the Village Peace Council does not revoke the Infringement Notice, and you still wish to deny liability for the offence or request the Provincial government to consider the matter, you must write to the Provincial Government within 30 days of the Notice being served.
- (4) If after 30 days you have not paid the infringement fee and have not requested a court hearing, you may by proceeded against in court and if you are convicted of the offence:
 - (a) You will be required to pay the infringement fee; and
 - (b) You may also be sentenced to pay a fine; and
 - (c) For offences of Category Eight and higher, you may also be sentenced to a period of imprisonment.

SCHEDULE THREE
(Section 12)
MAKIRA ULAWA PROVINCE
INFRINGEMENT RECORD

1. Person charged and address:
2. Infringement Notice served on by
(date) (RSIP, MUPG, or name of Village Peace Council)

3. If served by a Village Peace Council did the person request the Village Peace Council to consider the matter? Yes/No.

If yes, what was the outcome of the Village Peace Council considering the matter?

Infringement revoked? Yes / No Reason for decision:

Customary penalty substituted? Yes / No If yes, what was the customary penalty?.....

Did the person agree to the customary penalty? Yes /No

If yes, did the person carry out all or some of the customary penalty? Yes / No

If yes, which parts of the penalty did the person carry out
and which parts have not been carried out?.....

Amount and date(s) of any payments of the infringement fee:

Attach a copy of the Infringement Notice and any letter or notes provided by the person served

Authorised Officer completing report for Village Peace Council
(Signature) (date)

4. Did the person request the Provincial Government to consider the matter? Yes /No

If yes, what was the outcome of the Provincial Government considering the matter?

Infringement revoked? Yes /No Reason for decision:

Date the person was notified of decision: By post / Served personally

Amount and date(s) of any payments of the infringement fee:

Has the person requested a court hearing? Yes / No

Attach a copy of the Infringement Notice and any letter or notes provided by the person served

Authorised Officer completing report for MUPG or RSIP
(Signature) (date)

[Legal Notice 120]

**THE PROVINCIAL GOVERNMENT ACT 1997
(NO. 7 OF 1997)**

**THE MAKIRA ULAWA PROVINCE
DOG CONTROL ORDINANCE 2006**

**AN ORDINANCE to provide for the control and licensing of dogs
ENACTED BY the Provincial Assembly of Makira Ulawa Province.**

Arrangement of sections

Section:

PART I - PRELIMINARY

1. Title and Commencement
2. Interpretation

PART II - DOG CONTROL

3. Dog licence
4. Duty to control dogs
5. Dog Register
6. Delegation of authority to Ward Development Authorities

PART III - SUBSIDIARY LEGISLATION

7. Executive may make Orders and Regulations

**PART IV - OFFENCES, VICTIMS RIGHTS,
AND POWERS OF OFFICERS**

8. General Offences
9. Victims rights preserved
10. Disposal of dogs
11. Power of Officers and Offence to Obstruct Officers
12. Village Peace Councils authorised to carry out the functions of this Part

PART V - MISCELLANEOUS

13. Revocation of existing law

**THE PROVINCIAL GOVERNMENT ACT 1997
(NO. 7 OF 1997)**

THE MAKIRA ULAWA PROVINCE DOG CONTROL ORDINANCE 2006

PART I - PRELIMINARY

Under the powers conferred by Section 30 of the Provincial Government Act 1997, the Makira Ulawa Provincial Assembly makes the following Ordinance -

1. Title and Commencement

This Ordinance shall be cited as the Makira Ulawa Province Dog Control Ordinance 2006 and shall come into operation upon assent by the Minister of Provincial Government in accordance with Section 32 of the Provincial Government Act 1997 and publication in the Solomon Islands Gazette.

2. Interpretation

In this Ordinance, except where the context otherwise requires, words have the following meanings -

“infringement offence” means an offence for which the penalties and procedures are prescribed under the Penalties For Offences Ordinance, and reference to a “category” of infringement offence means the categories set out in the Schedule to that Ordinance;

the “owner” in relation to any dog means the keeper of that dog, and includes the occupier of any premises in which the dog is ordinarily kept or permitted to live or remain, any person in whose care the dog may temporarily be, or any person who harbours the dog, and “owns” or “owned” have a similar meaning;

“Penalties For Offences Ordinance” means the Makira Ulawa Province Penalties For Offences Ordinance 2006 or its successors;

“Police” means Royal Solomon Islands Police;

“Provincial Government” means Makira Ulawa Provincial Government, and includes any person authorised to carry out the specific function on behalf of the Provincial Government;

“protected species” includes any wildlife, fish, plant, or other species that is protected by any national or provincial laws;

“public place” means any public place as defined in or under the Makira Province Public Nuisance Ordinance 1986 or its successors;

“Village Peace Council” means a Village Peace Council established under the Makira Ulawa Province Peace Councils Ordinance 2006 or its successors;

“Village Peace Warden” means a Village Peace Warden appointed to a Village Peace Council;

“Ward Development Authority” means a Ward Development Authority established under the Makira Ulawa Province Ward Development Authorities Ordinance 2006 or its successors.

PART II - DOG CONTROL

3. Dog licence

- (1) Any person who owns or keeps any dog over the age of six (6) months, within the authority of Makira Ulawa Provincial Assembly, must:
 - a) Apply to the Provincial Government for a licence in his own name in respect of that dog;
 - b) Provide the Provincial Government with the information required to maintain the register specified in **section 5**;
 - c) Comply with the duties of dog owners specified in **section 4**.
- (2) The Provincial Government may issue a licence to any owner if it is satisfied that the owner:
 - a) Has provided the required information; and
 - b) Intends to comply with the duties of dog owners; and
 - c) Has paid the appropriate fee prescribed under this Ordinance.
- (3) Any person who lawfully acquires a licensed dog may apply to have the licence transferred into his name and, if that owner fulfils all the requirements under this Ordinance of a person who owns or keeps a dog and pays the prescribed fee, the Provincial Government may transfer the licence.
- (4) The Provincial Government may issue a duplicate of any existing valid licence of any owner who applies and pays the appropriate prescribed fee.
- (5) Every licence issued under this Ordinance shall remain valid until the 31st of March and shall then cease to be valid.
- (6) Where any person acquires a dog on or after 1 October in any year, the licence free for that dog for that year shall be half the annual licence fee.
- (7) If any owner, or member of the owner’s household, habitually contravenes this Ordinance the Provincial Government may revoke the licence of the owner (which includes the revocation of any duplicate licence) or decline to issue a licence to the owner or any member of his household.
- (8) Where any breach of this section is alleged, all dogs shall be presumed to be over the age of six (6) months unless the owner can prove the contrary.

3. Duty to control dogs

Any person who owns or keeps a dog within the authority of Makira Ulwa Provincial Assembly must exercise care and control over the dog so that the dog does not:

- a) Stray or cause any damage or nuisance, including fouling or scavenging for food, in any public place or on any land where the person does not have permission of the land owner to take the dog;
- b) attack or threaten any person or domestic animal in any public place or on any land where the person does not have permission of the land owner to take the dog;
- c) Attack, threaten, or damage any protected species;
- d) Attack or threaten any person who lawfully enters the place where the dog is;
- e) Become so unhealthy or dangerous as to pose a risk to the dog, to any domestic animal or protected species, or to any person;
- f) Behave in any other way as to be considered a nuisance, a threat, or a danger by the Police or Provincial Government.

5. Dog Register

- (1) The Provincial Government must maintain a register of:
 - a) All licences issued under this Ordinance;
 - b) All transfers of licence;
 - c) The names and addresses of all owners;
 - d) The description of the dogs the owners have obtained licences for;
 - e) Any contraventions of this Ordinance by the owner or members of the owner's household.
- (2) The Provincial Government may publicise the register to assist in dog control.

6. Delegation of authority to Ward Development Authorities

Ward Development Authorities may apply to the Executive for approval to carry out the licensing functions of the Provincial Government under this Part of this Ordinance, and

- a) If the Executive is satisfied that the Ward Development Authority is competent to carry out those functions it may by Order delegate those functions to the Ward Development Authority;
- b) Any Ward Development Authority delegated the authority to carry out the functions under this Part must comply with all the obligations of the Provincial Government under this Part of this Ordinance.

PART III - SUBSIDIARY LEGISLATION

7. Executive may make Orders and Regulations

- (1) Makira Ulawa Provincial Executive may make Orders and Regulations for all or any of the following purposes:
 - a) Prescribing the scale of fees that must be paid for any licence, and such scale of fees must provide for:
 - (i) The fees to be paid in the Provincial station;
 - (ii) The fees to be paid in any sub-station;
 - (iii) The fees to be paid in any area outside of the Provincial station or sub-stations;
 - (iv) The fees to be paid for a transfer of licence or issuing a duplicate licence.
 - b) Prescribing the maximum number of dogs that may be owned by any owner or household in the Provincial station, in substations, and in any areas outside of the Provincial station and substation.
 - c) Delegating to Village Peace Councils or Ward Development Authorities any appropriate functions under this Ordinance.
 - d) Any other matter consistent with this Ordinance that may be necessary or expedient for effectively carrying out this Ordinance.
- (2) In making Subsidiary Legislation under this Ordinance the Executive must take into account the objectives of this Ordinance to control nuisances caused by dogs.

PART IV - OFFENCES, VICTIMS RIGHTS AND POWERS OF OFFICERS

8. General Offences

- (1) A person commits a **category two** infringement offence who:
 - a) Owns or keeps any dog in breach of any of the requirements of or under this Ordinance;
 - b) Provides any false or misleading information in relation to any application for any dog licence.
- (2) In addition to the penalties provided for in this section, for any second or subsequent offence the Provincial Government may dispose of any dog to any of the offending relates where:
 - a) In accordance with the Penalties For Offences Ordinance th 30 day period for appeals has expired and the person served the infringement notice has not requested the Provincial Government to consider any matter in relation to the infringement and has not requested a court hearing; or
 - b) The person served with the infringement notice has been convicted by a court for the infringement offence.

9. Victims rights preserved

Nothing in this Ordinance prejudices the rights of any person who suffers any harm or damage (whether to themselves or to their animals or property), as a result of an owner breaching any of the requirements of this Ordinance, to seek civil compensation in an appropriate forum.

10. Disposal of dogs

- (1) The Police and / or Provincial Government may dispose of any dog:
 - a) Believed on reasonable grounds not to be owned by any person in the area;
 - b) For which it cannot, after reasonable enquiry in the area within which the dog is discovered, identify the owner;
 - c) Where the health or conduct of the dog is so serious as to warrant immediate disposal for the safety of the public or any domestic animal or protected species;
 - d) Subject to the requirements of **section 7(2)**, where the owner has committed a second or subsequent offence under this Ordinance and at least one of the offences was in relation to that dog.
- (2) The Police and/or Provincial Government may dispose of any such dog by any reasonable means including:
 - a) Destroying the dog by any reasonable means, including administering poison to the dog;
 - b) Gift or sale of the dog for any purpose, as long as the dog is not considered to pose any risk, threat or danger under this Ordinance.

11. Power of Officers and Offence to Obstruct Officers

- (1) Any police officer or authorised officer of the Provincial Government may, at any reasonable time:
 - a) Request the production of any dog licence for inspection;
 - b) Make enquiries to ascertain whether any breach of this Ordinance is being or has been committed;
 - c) Remove any dog suspected of not being cared for or controlled in the manner required in **section 4**, and where appropriate place it temporarily in alternative care;
 - d) Dispose of any dog in accordance with **section 10**.
- (2) Any person who:
 - a) Obstructs or impedes any person authorised under this section, acting in due exercise of his powers;
 - b) Refuses to produce a licence upon reasonable request;
 - c) Produces a licence (or duplicate licence), knowing the licence to have been revoked and intending to mislead the person authorised under this section;
 - d) Falsely produces a licence belonging to another owner and/or relating to another dog, intending to mislead the person authorised under this section;
 is guilty of a **category five** infringement offence.

12. Village Peace Councils authorised to carry out the functions of this Part

- (1) Village Peace Wardens are authorised to carry out the functions under section 11 and the provisions of section 11 shall apply to Village Peace Wardens as if they were officers of the Provincial Government.
- (2) Village Peace Councils are delegate the authority to carry out the other functions of the Provincial Government under this Part of this Ordinance and have jurisdiction in relation to any infringement offence.

PART V - MISCELLANEOUS

11. Revocation of existing law

The Makira Province Dog Licence Ordinance 1984 is repealed.

**PASSED BY THE MAKIRA ULAWA PROVINCIAL ASSEMBLY
THIS 7TH DAY OF JUNE 2006**

This printed impression has been carefully compared by me against the Ordinance passed by the Makira Ulawa Provincial Assembly and is found by me to be true and correct copy of the said Ordinance.

George Kuata
Clerk to the Makira Ulawa Provincial Assembly

**ASSENTED TO BY THE MINISTER FOR PROVINCIAL GOVERN-
MENT
THIS 12TH DAY OF DECEMBER 2006**

Honourable Japhet Waipora (MP)
Minister for Provincial Government & Constituency Development

[Legal Notice 121]

**THE PROVINCIAL GOVERNMENT ACT 1997
(NO. 7 OF 1997)**

**THE MAKIRA ULAWA PROVINCE BUSINESS LICENCE ORDINANCE
2006**

**AN ORDINANCE to revise the laws relating to the licensing of professions,
trades and businesses operating within Makira Ulawa Province and to repeal
the Makira Ulawa Province Business Licence Ordinance 2001**

ENACTED BY the Provincial Assembly of Makira Ulawa Province.

Arrangement of sections**Section:****PART I - PRELIMINARY**

1. Title and Commencement
2. Interpretation
3. Purpose

PART II - AUTHORITY TO MAKE DECISIONS

4. Provincial Investments Committee
5. Matters that must be referred to the Executive

PART III - LICENCING OF BUSINESSES

6. Activities and Businesses to be licensed
7. Eligibility for grant of licence
8. Application for licence
9. Issue of licence
10. Conditions of licence
11. Limited effect of licence
12. Transfer of Licence
13. Duplicate licences
14. Fees
15. Discount of fees for compliance etc

PART IV - WARD BUSINESS LICENCES

16. Application of this Part
17. Business licence for individual Wards
18. Licence for Specified Area of a Ward
19. Ward licencing procedure
20. Special conditions applying to Ward business licences
21. Monitoring by Ward Council of Chiefs
22. Applications for renewal of Ward business licence

PART V - ENFORCEMENT AND OFFENCES

23. Operating a business without valid licence an offence
24. Contravention of conditions of licence an offence
25. Continuing offences
26. Offence to provide false or misleading information in relation to any application
27. Power of Officers and Offence to obstruct Officers
28. Suspension or cancellation of licence

PART VI - MISCELLANEOUS

29. Executive may make Orders
30. Repeal and savings

Schedule

**THE PROVINCIAL GOVERNMENT ACT 1997
(NO. 7 OF 1997)**

THE MAKIRA ULAWA PROVINCE BUSINESS LICENCE ORDINANCE 2006

Under the powers conferred by Section 30 of the Provincial Government Act 1997, the Makira Ulawa Provincial Assembly makes the following Ordinance -

PART I - PRELIMINARY

1. Title and Commencement

This Ordinance shall be cited as the Makira Ulawa Province Business Licence Ordinance 2006 and shall come into operation upon assent by the Minister of Provincial Government in accordance with Section 32 of the Provincial Government Act 1997 and publication in the Solomon Islands Gazette.

2. Interpretation

In this Ordinance, except where the context otherwise requires, words have the following meanings -

- “Assembly” means Makira Ulawa Provincial Assembly;
- “Executive” means Makira Ulawa Provincial Executive;
- “Foreign investor” has the meaning provided in the Investment Act 2005 or its successors;
- “Great Council of Chiefs” means the Great Council of Chiefs established under the Makira Ulawa Province Councils of Chiefs Ordinance 2006.
- “Infringement offence” means an offence identified as an infringement offence in accordance with the Penalties For Offences Ordinance, and the penalties and procedure provided in that Ordinance shall apply to the offence;
- “Officer of the Province” means the Provincial Secretary and any person for whom the Provincial Secretary is the Responsible Officer, and includes any direct employee, public officer, or volunteer appointed to the Makira Ulawa Provincial Government office or any Provincial Division;
- “Penalties For Offences Ordinance” means the Makira Ulawa Penalties For Offences Ordinance 2006 or its successors;
- “Police” means Royal Solomon Islands Police;
- “Policies of the Province” means those policies approved by the Executive, from time to time governing functions, services and development within Makira Ulawa Province;
- “Province” means Makira Ulawa Province;
- “Provincial Investments Committee” means the Provincial Investments Committee established under **section 4** of this Ordinance;
- “Provincial Minister” for any portfolio or Division means the Provincial Minister appointed to that portfolio or, in his or her absence, the Minister for the time being supervising the office of that Minister;

“Standard fee” means the rate of fee payable for any licence before any discount as provided in this Ordinance is applied;

“Ward” means a Ward in the Province as provided under the Provincial Government Act 1997 or its successors;

“Ward business licence” means a business licence which is limited to a Ward only as provided for under **Part IV** of this Ordinance;

“Ward Council of Chiefs” means a Ward Council of Chiefs established under the Makira Ulawa Province Councils of Chiefs Ordinance 2006.

“Ward Development Authority” means a Ward Development Authority established under the Makira Ulawa Ward Development Authorities Ordinance 2006 or its successors.;

- (2) In this Ordinance “business” includes any activity or service operated or undertaken by any person or entity for payment of any kind, including any person or entity acting as an agent for another or as a Sub-contractor, but does not include:
- (a) Any activity or service undertaken by an employee in the course of his duties;
 - (b) Any activity which is established and conducted wholly for one or more of the following purposes:
 - (i) charitable;
 - (ii) participation in or support of athletics, sports or games or culture activities;
 - (iii) other purposes which are not for private gain or commercially undertaken and in which all proceeds above actual costs are applied for the said purposes;
- (3) In this Ordinance, categories of businesses and their definitions shall be as listed and defined in the Schedule to this Ordinance.

3. Purpose

The purpose of this Ordinance is to revise and improve the laws relating to the licensing of professions, trades and businesses operating within Makira Ulawa Province by providing for:

- (a) The Provincial Investments committee and its role;
- (b) The procedure to be followed for applications for business licenses and applications for renewal of business licences;
- (c) Categories of business licences and a standardised range of fees;
- (d) Ward Business Licences for businesses involved in the harvesting of natural resources or trading in commodities, and options for the community to participate in the licencing process via Ward Councils of Chiefs;
- (e) Incentives for compliance with the Ordinance and any specific licence conditions;
- (f) Infringement offences for contraventions of the Ordinance or specific licence conditions;

- (g) Suspension and cancellation of licences where business entities fail to rectify contravention of the Ordinance or specify licence conditions.

PART II - AUTHORITY TO MAKE DECISIONS

4. Provincial Investments Committee

- (1) There shall be a Provincial Investments Committee which shall consist of:
 - (a) The Provincial Minister for Trade and Commerce;
 - (b) Every officer of the Province appointed to:
 - (i) the Commerce or Investments Division;
 - (ii) the collection of Revenue;
 - (iii) Economic development
 - (c) The Provincial Minister for whichever Division the application primarily relates to, and an officer from that Division;
 - (d) Any other person by invitation of committee;
- (2) All decisions to approve any application for a licence and to impose any conditions, or to suspend or cancel any licence, and all decisions related to such licencing activities under this Ordinance, shall be made by the Provincial Investments Committee except in the case of the categories of business listed in **section 5** which must be referred to the Executive.
- (3) When the Provincial Investment Committee refers any application or other matter to the Executive for its decision, the Provincial Investments Committee shall also forward to the Executive a report about the application or other matter along with its recommendations and reasons for those recommendations.
- (4) All decisions and recommendations of the Provincial Investments Committee shall be made by a majority of the Committee.

5. Matters that must be referred to the Executive

- (1) Every application for a licence, and every decision regarding the suspension or cancellation of such licence or other matter relevant to such licence or other matter relevant to such licence, for the following categories of licence shall be referred to the Executive for its decision:
 - (a) Any Ward Business Licence as provided for under **Part IV** of this Ordinance;
 - (b) Any licence for carrying on a shipping or air transport service;
 - (c) Any licence for any foreign investor;
 - (d) Any licence for a Ward Development Authority;
 - (e) Any licence for any business involved in or proposing to enter into a joint venture with a Ward Development Authority;
 - (f) Any application or other matter where the Provincial Investments Committee considers it appropriate to refer the matter to the Executive for its approval;
 - (g) Any other category of licence and related matters determined by Order of the Executive as being of such significance to the economy or development of the Province as to require the approval of the Executive.

- (2) When the Executive makes its decision in relation to the application or other matter, the decision shall be reported to the Provincial Investments Committee for implementation.

PART III - LICENCING OF BUSINESSES

6. Activities and Businesses to be licensed

- (1) Any person or other entity who, within the authority of the Assembly, intends to carry on any activity or business listed in the Schedule to this Ordinance must first obtain a valid licence.
- (2) Every party to a joint venture, whether the party is an individual person or another type of entity, must obtain a licence for the type of business activity that is to be undertaken by the joint venture and:
- (a) Each party shall comply with the conditions of the licence issued to that party;
 - (b) Each party shall pay the licence fee applicable to that party.

7. Eligibility for grant of licence

- (1) No person or entity shall be granted a business licence and no business licence shall be renewed, unless the business complies with:
- (a) All laws and policies of Makira Ulawa Province, including this Ordinance;
 - (b) All laws of Solomon Islands;
 - (c) All conditions attached to any proposed licence
- (2) No licence (whether new or a renewal of existing or previously held licence) shall be issued to carry out shipping or air transport services in the Province unless the Ship(s) or aircraft intended to be used by the business hold a current safety certificate that is not due to expire for at least six (6) months after the date of issue of the licence.

8. Application for licence

- (1) All applications for any business licence must be made to the Provincial Investments Committee regardless of whether:

- (a) The application is for a licence for the first time or is for the renewal of an existing or previously held licence;
 - (b) The application is for a licence which requires the approval of the Executive;
 - (c) The Executive has or may delegate to Ward Development Authorities or other agents the authority to collect the fees for that category of business licence.
- (2) All applicants must provide the information requested by the Provincial Investments Committee to enable it or, as the case may be, the Executive to determine that the business to be operated complies with:
- (a) This Ordinance;
 - (b) The laws and policies of the Province and the laws of Solomon Islands; and
 - (c) Any conditions proposed by the Provincial Investment Committee or the Executive; and any other information reasonably requested to assist them in deciding whether the business is an appropriate activity to be carried out in the Province and the applicant is a suitable investor.
- (3) The Provincial Investments Committee must screen all applications and, where any such applications comply with this Ordinance, may approve such applications except for all applications for any business licence which must first be referred to the Executive for approval.

9. Issue of licence

- (1) Once an application has been approved by the Provincial Investments Committee or, as the case may be, by the Executive, and the applicant has paid the appropriate fee the Provincial Investments Committee shall either issue the licence or instruct that the appropriate licence be issued, with or without conditions.
- (2) Half year licences shall be issued during the period commencing the 1st day of October in any year to the 31st day of March the following year, and the fee for any such licence shall be half of the standard fee for the particular licence.
- (3) Every such licence shall:
 - (a) Specify the premises in which the business shall be carried on and the name of the licensee, and if the licence is for shipping or air transport services it shall specify the name or identity of the ship(s) or aircraft to be used by the licensee;
 - (b) Be subject to any conditions endorsed on the licence;
 - (c) Be valid until the 31st day of March following its issue and shall then expire.

10. Conditions of licence

- (1) It shall be a condition of every licence issued that the business continues to comply with all the laws, policies, and conditions referred to in **section 7(1)**.

- (2) In particular, all businesses must comply with all laws relating to the safety of customers or the public including:
- (a) It shall be a condition of every licence for carrying out shipping or air transport services in the Province that the ship or aircraft at all times holds a current safety certificate as issued by the relevant department of Solomon Islands Government and meets all safety requirements set by the law of Solomon Islands in relation to the activity;
 - (b) It shall be a condition of every licence for dealing in petroleum or petroleum products that the business at all times complies with all the requirements of the Petroleum Act [CAP 81] or its successors in relation to the storage of petroleum or any other relevant safety requirements specified by law;
 - (c) It shall be a condition of every licence for in any way preparing food for public consumption, whether it involves cooked or processed foods or raw fish, meat, or poultry, that the business at all times complies with all laws applying to preparation of food for public consumption including relevant environmental health laws.
- (3) The Provincial Investments Committee or, as the case may be, the Executive, may impose any other conditions which in their opinion are reasonably required in the interests of the Province.

11. Limited effect of licence

- (1) No licence issued under this Ordinance shall convey or be construed to convey any right which the Assembly does not have, and in particular no such licence shall convey nor be construed to convey any right or authority to:
- a) Enter any private land, or enter any area of the sea or foreshore to which there are customary rights recognised by the law of Solomon Islands; or
 - b) Take any action with respect to anything without the authority of the owner of that land or thing or of the person holding the customary rights.
- (2) No licence issued under this Ordinance, in respect of any business, shall authorise the carrying on of any other business and in particular a store licence shall not authorise the carrying on of the business of a store on any premises other than the one specified in the licence nor shall it authorise the hawking of goods.

12. Transfer of Licence

- (1) No Ward Business Licence to which **Part IV** of this Ordinance applies may be transferred to another person or entity or be approved or endorsed for a transfer of premises.
- (2) No licence issued to a Ward Development Authority may be transferred to another person or entity.

- (3) Except for those licences prohibited by **subsections (1) and (2)** of this section, any person may apply to the Provincial Investments Committee for approval to transfer the licence to any other person or to carry out the business activity upon different premises than those identified in the licence and:
- (a) Where the application is to transfer the licence to another person, the intended transferee must provide all such information as would be required for a new application for a business licence;
 - (b) Where the application is to transfer of premises, the applicant must provide the Provincial Investments Committee with such information as may be required by the Committee to enable it to determine that the business and the transfer of location complies with this Ordinance.
- (4) The Provincial Investments Committee must screen all such applications and:
- (a) Where any such application relates to any business in the category of which applications for licences must be referred to the Executive for approval in accordance with **section 5**, shall forward the application for transfer to the Executive along with a report and recommendations about the application;
 - (b) In all other cases, if the application complies with this Ordinance the Provincial Investments Committee may approve the application.
- (5) Once an application has been approved by the Provincial Investments Committee or, as the case may be, the Executive, and the applicant has paid the appropriate fee the Provincial Investments Committee shall either itself endorse the transfer on the licence or instruct such endorsement, and such transfer:
- (a) Shall be subject to all the conditions of the original licence;
 - (b) May also be subject to any further conditions considered appropriate by the Provincial Investments Committee or the Executive as the case may be.

13. Duplicate licences

Any holder of a licence issued under this Ordinance whose licence has been lost or destroyed may, on payment of the prescribed fee, obtain a duplicate licence.

14. Fees

The standard fees for any business licence, duplicate licence, or transfer of licence shall be as determined from time to time by Order of the Executive.

15. Discount of fees for compliance etc

- (1) Every business that applies for the renewal of a business licence, and pays the licence fee, before the expiry of their current business licence (being 31st of March in any year) shall be entitled to a discount of ten per cent (10%) of the standard fee set for that category of business.
- (2) Every business that applies for the renewal of business licence shall be entitled to a discount of ten per cent (10%) of the standard fee set for that category of business if the Provincial Investment Committee or, as the case may be, the Executive is satisfied that:
 - (a) The business has complied with all the conditions of the business licence issued in the previous year; and
 - (b) Both the business and any operators or employees of the business have during the previous year complied with all the laws of Solomon Islands and all the laws and policies of the Province, including any laws or policies designed for the protection of the environment.
- (3) Every Ward Development Authority that has been granted a business licence under this Ordinance and in compliance with the Ward Development Authorities Ordinance shall be entitled to a ten per cent (10%) discount on the standard licence fee for any business they undertake.
- (4) For the avoidance of doubt it is declared that:
 - (a) The discounts are cumulative and therefore any business may qualify for a discount of up to twenty per cent (20%) and any Ward Development Authority may qualify for a discount of up to thirty per cent (30%);
 - (b) Any business that qualifies for one or more discount and has paid more than the discounted fee shall, unless the business has any outstanding debt to the Province for any other reason, be refunded the excess.

PART IV - WARD BUSINESS LICENCES**16. Application of this Part**

This Part of this Ordinance applies to every application for a business licence coming within the following categories:

- (a) Any application made for any kind of business undertaking that in any way deals in the harvesting of natural resources;
- (b) Any application that in any way deals with the harvesting or purchasing of commodities as defined under the Commodities Export Marketing Authority Act [CAP 36] or its successors.

17. Business licence for individual Wards

- (1) Any application made under this Ordinance for a business licence in relation to any of the matters provided in **section 16** will be considered and granted in relation to a specified Ward only.

- (2) If an applicant wishes to carry on business activities in more than one Ward, a separate application must be made in relation to each Ward and the licencing procedure provided in this Part of this Ordinance must be followed in relation to each application.

18. Licence for Specified Area of a Ward

- (1) A Ward Business Licence may be granted for an entire Ward or it may be limited to a specified area or areas within the Ward.
- (2) If the holder of a Ward Business Licence which is limited to specified areas wishes to extend the area of business activity into other areas within the Ward;
- (a) An application for Extension of Specified Ward Area must be made; and
- (b) The licencing procedure provided in this Part of this Ordinance must be followed in relation to the application for extension.
- (3) No fee will be charged for an Extension of Specified Ward Area.

19. Ward licencing procedure

- (1) When any application is made under this Ordinance for a business licence in relation to any of the matters provided in **section 16** or an extension of business area as provided in **section 18** the application must be screened by the Provincial Investments Committee, as provided in **section 8**, and if the Committee accepts the application the procedure set out in this section applies.
- (2) The Provincial Investments Committee must:
- (a) Conduct an appropriate orientation program for the applicant is familiar with:
- (i) Provincial laws and policies;
- (ii) The appropriate authorities and persons to consult with in relation to any activities in the Ward, including Ward Council of Chiefs and landowners;
- (b) Forward a copy of the application, along with any comments and recommendations of the Committee (which should include information about any other current or proposed activities of the applicant in any other Ward), to the Ward Council of Chiefs for the affected Ward;
- (c) Conduct an appropriate awareness program for the Ward Council of Chiefs and interested community members, to assist the community to understand the impacts of such development.
- (3) The Ward Council of Chiefs:
- (a) May consult with or obtain advice from any person or organisation about the application and the likely impacts of such development;
- (b) Must consult with their communities about the application;
- (c) May report back to the Provincial Investments Committee with its recommendations which may include:

- (i) The views of the Ward about whether or not it would be appropriate to grant a Ward Licence to the applicant, and the reasons why;
 - (ii) Suggestions for suitable conditions of a Ward Licence for the applicant, and the reasons why those conditions are considered appropriate.
- (4) If necessary or appropriate the Provincial Investments Committee may consult with the Ward Council of Chiefs about its recommendations, and the Ward Council of Chiefs may make further recommendations as a result of those consultations;
- (5) In making recommendations to the Executive under **section 4**, the Provincial Investments Committee must include:
- (a) A report about the orientation program conducted;
 - (b) A report about the awareness program conducted;
 - (c) A copy of the recommendations of the Ward Council of Chiefs, or an explanation of why none are available,
 - (d) The recommendations of the Provincial Investments Committee;
 - (e) An explanation of any reasons for declining to endorse any of the recommendations of the Ward Council of Chiefs:
- (6) In considering the application for renewal of licence the Executive must be guided by the recommendations of the Ward Council of Chiefs unless there are good reasons to decline to follow any such recommendation;
- (7) The Executive must provide to the affected Ward Council of Chiefs and the Great Council of Chiefs:
- (a) A Copy of its decision about the application,
 - (b) A Copy of any licence granted, along with any terms and conditions imposed;
 - (c) The reasons for declining to follow any recommendation of the Ward Council of Chiefs.
- (8) As a courtesy to any Member of the Provincial Assembly who is not a Member of the Executive, the Executive shall also provide to such Member of the Assembly for the affected Ward a copy of the documents provided to the Councils of Chiefs under **subsection (7)** of this section.

20. Special conditions applying to Ward business licences

It shall be a condition of every Ward business licence that the licence holder shall comply with all terms and conditions of any written agreement between the licence holder and the resource owner

21. Monitoring by Ward Council of Chiefs

The Ward Council of Chiefs may monitor the business activities of any business licenced under this Part of the Ordinance, and report to the Provincial Investments Committee any suspected contraventions of the conditions of the licence, this Ordinance or other laws, or any other concerns the Ward Council of Chiefs have about the activities of the licensee (or its employees, agents, or other associates) in the Ward.

22. Applications for renewal of Ward business licence

- (1) When any application is made for renewal of a business licence to which this Part of this Ordinance applies the Provincial Investments Committee must:
 - (a) Request a report from the affected Ward Council of Chiefs about the applicant's conduct of business in the Ward including compliance with the terms and conditions of the licence, general impacts on the community, and recommendations in relation to the application for renewal of the licence;
 - (b) Consult with the Police about whether there have been any substantiated complaints about the conduct of the applicant (including its employees, agents, or any associates) in the Ward or elsewhere in the Province;
 - (c) Consult with the Provincial Secretary about whether there have been any substantiated complaints about the conduct of the applicant (including its employees, agents, or any associates) in the Ward or elsewhere in the Province;
 - (d) If there are any reported concerns, consult with the Ward Council of Chiefs, the persons reporting the concerns, and with the applicant to determine whether the matters can be resolved or rectified;
 - (e) Report to the Executive with recommendations about whether to grant the licence and any appropriate conditions; and the report must include:
 - (i) A copy of the report of the Ward Council of Chiefs, or an explanation of why none is available;
 - (ii) A copy of the report from the Police or Provincial Secretary where they have raised any concerns;
 - (iii) A report about any consultations undertaken under this section;
 - (iv) The recommendations of the Provincial Investments Committee;
 - (v) An explanation of any reasons for declining to endorse any of the recommendations of the Ward Council of Chiefs.

- (2) In considering the application for renewal of licence the Executive must be guided by the recommendations of the Ward Council of Chiefs unless there are good reasons to decline to follow any such recommendation;
- (3) The Executive must provide to the affected Ward Council of Chiefs and the Great Council of Chiefs;
 - (i) A copy of its decision about the application for renewal,
 - (ii) A copy of any renewal licence granted, along with any terms and conditions imposed;
 - (iii) The reasons for declining to follow any recommendation of the Ward Council of Chiefs.
- (4) As a courtesy to any Member of the Provincial Assembly who is not a Member of the Executive, the Executive shall also provide to such Member of the Assembly for the affected Ward a copy of the documents provided to the Councils of Chiefs under **subsection(3)** of this section.

PART V - ENFORCEMENT AND OFFENCES

23. Operating a business without valid licence an offence

Every person or other entity who operates a business in the Province without holding a valid licence for that business commits an infringement offence as provided for in the Penalties For Offences Ordinance:

- (a) Of category twenty-two in the case of a business to which Ward business licences apply;
- (b) Of category twenty in the case of a business involved in air transport, shipping, or the tourist industry;
- (c) Of category fourteen in the case of any other business.

24. Contravention of conditions of licence an offence

Every person or other entity who has been issued a licence for a business and who contravenes any of the requirements of this Ordinance or any of the specific conditions of the licence commits an infringement offence as provided for in the Penalties For Offences Ordinance:

- (a) Of category twenty in the case of a business to which Ward business licences apply;
- (b) Of category sixteen in the case of a business involved in air transport, shipping, or the tourist industry;
- (c) Of category nine in the case of any other business.

25. Continuing offences

Operating a business without a valid business licence, and operating a business in contravention of this Ordinance or the conditions of a business licence, are both "continuing offences" for the purposes of the Penalties For Offences Ordinance and a fresh offence is committed for every day that the offence continues or occurs.

26. Offence to provide false or misleading information in relation to any application.

Any person who provides any false or misleading information in relation to any application for any licence commits an infringement offence as provided for in the Penalties For Offences Ordinance:

- (a) Of category twenty in the case of a business to which Ward business licences apply;
- (b) Of category sixteen in the case of a business involved in air transport, shipping, or the tourist industry;
- (c) Of category nine in the case of any other business.

27. Power of Officers and Offences to obstruct Officers

- (1) Any police officer, or officer of the Province authorised by the Executive in writing to enforce this Ordinance, may at any reasonable time:

- (a) Require any person carrying out or assisting in any activity or business subject to this Ordinance to produce a business licence for inspection;
- (b) Make enquiries to ascertain whether any contravention of this Ordinance is being or has been committed.

- (2) Any person who:

- (a) Obstructs or impedes any person authorised under this section, acting in due exercise of his powers;
- (b) Refuses to produce a licence upon reasonable request;
- (c) Produces a licence (or duplicate licence), knowing the licence to have been cancelled or suspended and intending to mislead the person authorised under this section;

is guilty of a category fourteen infringement offence as provide for in the Penalties For Offences Ordinance.

- (3) Although the Executive may authorise Ward Development Authorities or other agents of collect the fees for business licences which have

been

approved under this Ordinance, for the avoidance of doubt it is declared that no person who is not a police officer or an officer of the Province shall be authorised to enforce this Ordinance.

28. Suspension or cancellation of licence

- (1) When after appropriate enquiry and warning to a business of the risk of suspension of its licence the Provincial Investments Committee or, as the case may be, the Executive is satisfied that the business has contravened this Ordinance or any condition of any licence issued to the business it may suspend the licence until such time as it is satisfied that the business:

- (a) Complies with this Ordinance and licence conditions; and
 - (b) Intends to continue to comply with this Ordinance and conditions of the licence.
- (2) When a licence is suspended the Provincial Investments Committee or, as the case may be, the Executive may impose conditions which must be complied with before the suspension is lifted and upon lifting the suspension further conditions may be endorsed on the licence.
- (3) When a licence is suspended the Provincial Investments Committee must notify the business in writing:
- (a) Of the suspension, the reason for the suspension, and any conditions imposed;
 - (b) That the suspension shall not be lifted until the Provincial Investments Committee or, as the case may be, the Executive is satisfied that the business complies with this Ordinance and any conditions of the licence (imposed either on issue of the licence or on suspension) and intends to continue to so comply;
 - (c) That if within 30 days of the date of the notice the business does not comply as required in **paragraph (b)** of this subsection and does not show good cause as to why the licence should not be cancelled the Provincial Investments Committee or, as the case may be, the Executive may cancel the licence and if the licence is cancelled then all fees for that licence shall be forfeited.
- (4) If after the expiry of 30 days from the issue of the notice required under **subsection (3)** of this section the Provincial Investments Committee or, as the case may be the Executive is not satisfied that the business has complied as required under **subsection (3)(b)** of this section or that there is good cause as to why the licence should not be cancelled, the Provincial Investments Committee or, as the case may be, the Executive may cancel the licence and all fees for that licence shall then be forfeited.
- (5) Any such suspension or cancellation shall be in addition to any penalty for any infringement offence.
- (6) Before cancelling a Ward business licence the Provincial Investments Committee shall consult with the Ward Council of Chiefs for the Ward for which the licence was issued and provide the Executive with a report similar to that required in relation to an application for renewal of a Ward Business Licence, and in making its decision the Executive shall be bound by the provisions of **section 22(2) - 22(4)** of this Ordinance in the same manner as if it was considering an application for renewal of Ward Business Licence.

- (7) Any person or other entity who is aggrieved by the suspension or cancellation of its licence may within 30 days of the date on which the notice of suspension or cancellation was issued appeal in writing to the Executive whose decision shall be final.

PART VI - MISCELLANEOUS

29. Executive may make Orders

The Executive may make Orders for all or any of the following matters:

- (a) Determining the level of standard fees to be paid for any business licence or category of business licence, in accordance with **section 4**;
- (b) Any category of business licence for which decision making must be referred to the Executive, in accordance with **section 5**.

30. Repeal and savings

- (1) The Makira Ulawa Business Licence Ordinance 2001 and any Subsidiary legislation or Schedules made under it are hereby repealed.
- (2) Notwithstanding such repeal, from and after the date of coming into operation of this Ordinance:
 - (a) Every act done under and in compliance with the repealed Ordinance shall remain valid as if the Ordinance had not been repealed; and
 - (b) Any licence granted under the authority of the repealed Ordinance shall continue to be valid for the financial year in which it was issued and the provisions of this Ordinance shall apply to such licence as if it was issued under this Ordinance.

PASSED BY THE MAKIRA ULAWA PROVINCIAL ASSEMBLY

THIS 23RD DAY OF MAY 2006

This printed impression has been carefully compared by me against the Ordinance passed by the Makira Ulawa Provincial Assembly and is found by me to be a true and correct copy of the said Ordinance,

George Kuata
Clerk to the Makira Ulawa Provincial Assembly

**ASSENTED TO BY THE MINISTER FOR PROVINCIAL GOVERN-
MENT**

THIS TWELFTH DAY OF DECEMBER 2006

Hon. Japhet Waipora (MP)
Minister for Provincial Government & Constituency Development

[Legal Notice 122]

PRICE CONTROL ACT

(Cap. 64)

**THE PRICE CONTROL (APPLICATION TO GOODS AND
RESTRICTION RESTRICTION OF PRICES)
(AMENDMENT) (NO. 2) ORDER 2007**

IN exercise of the powers conferred by sections 4 and 6 of the Price Control Act, and after consultations with the Prices Advisory Committee, I, PETER SHANEL AGOVAKA, Minister of Commerce, Employment and Industries, do hereby make the following Order -

1. This order may be cited as the Price Control (Application to Goods and Restriction of Prices) (Amendment) (No. 2) Order 2007 and shall come into operation on 1 March 2007.
2. Schedule 3 to the Price Control (Application to Goods and Restriction of Prices) Order 1987* is hereby amended by deleting serial No. 13 thereof and substituting therefor the following -

"13 PETROLEUM PRODUCTS

	WHOLESALE (Maximum price in cents per litre)	RETAIL (maximum price in cents per litre)
(a) Petroleum Motor Spirit		
	- (PMS) 477.96	589.7
(b) Distillate	- (ADO) 495.20	495.20
(c) Kerosene	- (KERO) 509.27	(maximum percentage mark - up)
		- cost into store plus 15% for sales of packaged product
		- cost into store plus 20% for break - bulk sales."

Dated at Honiara this eighth day of March 2007

PETER SHANEL AGOVAKA

Minister of Commerce, Employment and Industries

*L.N. No. 47/87 p.104

[Legal Notice 123]

SOLOMON ISLANDS INDEPENDENCE ORDER 1978

(L.N. NO. 43 of 1978)

APPOINTMENT OF COMMISSIONER OF POLICE

IN exercise of the powers conferred by sections 43(2) of the Constitution, and acting in accordance with the advice of the Prime Minister. I, SIR NATHANIEL RAHUMAEA, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Knight of Saint John, Cross of the Order of Solomon Islands, Governor General and Commander-In-Chief of Solomon Islands, do hereby appoint -

WALTER KOLA

to be Acting Commissioner of Police for a period of six months effective from 1st March 2007, or until a substantive holder is appointed.

Dated at Honiara this ninth day of March 2007

SIR NATHANIEL RAHUMAEA WAENA

Governor General

Honiara, Solomon Islands
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Solomon Islands Government

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