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S.I. No.31

[Legal Notice No. 59]

PROVINCIAL GOVERNMENT ACT 1997**THE TEMOTU PROVINCE MARKETS ORDINANCE 2008****AN ORDINANCE TO PROVIDE FOR THE BETTER REGULATION
AND CONTROL OF MARKETS IN TEMOTU PROVINCE**

- Short title 1. This Ordinance may be cited as the Temotu Province Markets Ordinance 2008 and shall come into force when assented to by the Minister of Provincial Government.
- Interpretation 2. In this Ordinance, unless the context otherwise requires –
- “authorised officer” means a Market Officer, medical officer, health inspector, police officer, or other officer authorised by the Executive or Lata Town Committee in writing to implement and enforce this Ordinance.
- “controlling authority” means, for Lata Township, the Lata Town Committee, and for all other places means the Executive.
- “Executive” means the Temotu Provincial Executive;
- “foodstuffs” includes livestock for human consumption;
- “Lata Town Committee” means the Committee established by the Lata Town Committee Ordinance 2006
- “Provincial Government” means the Temotu Provincial Government;
- “Provincial Secretary” means the Provincial Secretary of Temotu Province, and includes any person temporarily acting in that position or any Provincial or public officer to whom the Provincial Secretary has delegated any or all of his functions or powers under this Ordinance”;
- “public market” means any public place within Temotu Province where fresh produce, cooked foods and/or or other goods, as further described at section 7(2)(q) are offered for sale to the general public.

Public Markets

3. (1) Public markets may only be established:
- a. In Lata Township, with the approval of and in places where the Lata Town Committee directs;
 - b. elsewhere in Temotu Province, with the approval of and in places where the Provincial Secretary directs.
- (2) Every public market shall, depending on the location, be controlled by the Provincial Secretary or by the Lata Town Committee in consultation with the Provincial Secretary.
- (3) For any public market, the Provincial Secretary may appoint a Market Officer and such other officers as the Provincial Secretary may consider necessary for the market's effective operation and control.
- (4) Any person who runs or who purports to run a public market at any place other than a place approved under this section commits an offence and is liable on conviction to a fine of up to \$400 or imprisonment for up to six months.
- (5) Any person who sells or exposes for sale any goods in a public market, other than a public market established under section 3, commits an offence and is liable on conviction to a fine of up to \$40 or in default of payment of such fine, to imprisonment for three weeks.

Market fees

4. (1) Any person who sells or exposes for sale in a public market any goods without having first paid the appropriate market fee for that market or type of goods, and displayed the receipt issued on payment, commits an offence and is liable on conviction to a fine of up to \$40 or in default of payment of such fine, to imprisonment for three weeks.
- (2) The market fee shall be payable at, and the required market receipt may be obtained from the Provincial Treasury, a Provincial substation office, or to a Market Office or authorised Market assistant.
- (3) Fees shall be as prescribed from time to time by Executive Order. The Executive may prescribe different fees for different markets and/or different classes of goods, and may prescribe different fees for offering time periods, including daily, weekly, monthly or annual fees.

(4) Where the Executive prescribes, and a person pays, a fee for a time period longer than one week, the Market officer or Provincial Treasury officer issuing the corresponding receipt shall ensure that the receipt is in a reasonably durable form, capable of being retained and produced as necessary for the application time period.

Hours of
opening and
closing

5. Public markets may open on such days and at such times as the relevant controlling authority shall appoint, and notices of the days and times of operating and closing shall be displayed at the entrances to public markets or displayed on the nearest public notice board.

wers of
Market
Officers

6. (1) A Market Officer, either personally or by directing a Market Assistant or police officer officer to assist, may:

(a) expel from a public market any person who contravenes or fails to comply with any of the provisions of this Ordinance, or who fails to comply with any reasonable direction or instruction given or issued by the Market Officer;

(b) prohibit and bar the entry of any person, animal or thing whose presence in the market would contravene the provisions of this Ordinance;

(c) require any person who, within a public market, has, without authority, made any alteration to a market stand or introduced any fitting, fixture or any impediment or structure whatsoever to restore the stand to its original position or nature or to remove the fitting, fixture, impediment or structure; and where such person fails to comply with the requirement within a reasonable time, the Market Officer may, at the expense of the person in default, himself carry out, or cause to be carried out, the work required;

(d) remove anything from the market which has been brought or is retained there in contravention of this Ordinance, at the expense of the person who so brought or retained such thing;

(e) give and issue such reasonable directions and instructions as may appear to the Market Officer to be necessary or desirable for the good order, cleanliness, and proper functioning of the market and the due observance of this Ordinance;

(f) size and take possession of any foodstuffs, whether cooked or uncooked, that the Market Officer reasonably suspects to be unfit for human consumption, and shall forthwith report such seizure to the nearest Medical Officer or Health Inspector; and the Market Officer shall dispose of the foodstuffs in accordance with the instructions of the Medical Officer or Health Inspector, as the case may be;

(g) issue a notice of offence to any person whom the Market Officer is satisfied has committed an offence under this Ordinance.

(2) For the purpose of sub-paragraph (f) a Medical Officer or Health Inspector may, on receipt of any report and any foodstuffs from the Market Officer under paragraph (f), order the destruction or other disposal of the foodstuffs seized if he or she is reasonably satisfied that the foodstuffs are or are likely to be unfit for human consumption.

Specific offences

7. (1) Any person who contravenes or fails to comply with any of the provisions of sub-section (2) commits an offence and is liable on conviction to a fine of up to \$80, or in default of payment of such fine, to imprisonment for six weeks.

(2) (a) No person shall enter a remain in a public market place during the hours that it is closed without the authority or approval of the relevant controlling authority.

(b) No person shall make any alteration to a market stand or any other fixture in a public market, or introduce any new fixture, fitting, or impediment of any kind without the authority of the controlling authority, and any such things introduced without authority shall be removed by the innovator or at his or her expense.

(c) No person may bring into any public market, for sale or otherwise, any dog, firearm or other weapon, bicycle, or intoxicating liquor.

(d) No person shall obstruct, resist or hinder the Market Officer or any officer or agent of the controlling authority in the performance of his or her duties or the due exercise of his or her powers under this Ordinance, and no person shall enter a public market while drunk, or cause any disturbance, or curse or wear or use any gross, indecent or filthy language or be guilty of any misconduct or disorder in the marketplace.

- (e) Animals brought into a public market for sale shall be fettered, tethered, or confined in a crate or basket and shall not be slaughtered at a public market;
 - (f) No person suffering from any contagious or infectious disease, or having recently been exposed to infection by such a disease shall be employed or engaged in or about any public market.
 - (g) Every person occupying a market stand shall keep it in a clean and orderly condition and shall dispose of all refuse, garbage and waste material, liquid or solid, from the stand into the receptacles provided for this purpose.
 - (h) No person shall deposit or throw on the floor of a public market, any refuse, fruit, skin or vegetable matter, and no person shall willfully damage, efface, foul or misuse any part of such market or of any public conveniences connected with the public market.
 - (i) No article or produce shall be exhibited for sale on pathways or over a drain or in any doorway in any public market and no board, box, basket, sack or other such thing shall be left in, upon or across such pathway, drain or doorway.
 - (j) Fish shall not be put out to dry within the precincts of a public market.
 - (k) No person shall light a fire or cook within a public market, except in places authorised by the Market Officer.
 - (l) No person shall defecate, urinate, spit (whether betel nut or not), or discharge any nasal fluid or mucus in or within the area of a public market.
 - (m) No dirty or verminous person shall enter or remain in a public market.
 - (n) No person shall bring into or keep in a public market anything that is obnoxious, unwholesome, or dangerous.
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- (o) Persons using a public market for the purpose of selling shall keep their produce or other goods offered for sale and expose them for sale in as hygienic a manner as is practicable, and shall obey all reasonable directions of the Market Officer regarding hygiene. As a minimum:
 - (i) goods offered for sale shall be displayed and kept in baskets, bowls or other receptacle, or on leaf placed on the ground, or on the benches or tables provided;
 - (ii) any cooked food must be placed on benches or tables and kept in a covered container; and
 - (iii) any fresh meat, poultry or fish must be kept in an ice chest or other suitable insulated container.
- (p) Every person who is within the precincts of a public market shall obey all reasonable directions given by a Market Officer or other authorised officer.
- (q) No person shall sell, offer or expose for sale in a public market any article except:
 - (i) fresh fruit, vegetables, roots and nuts;
 - (ii) pulses, grains, and cereals grown in Solomon Islands;
 - (iii) livestock for human consumption;
 - (iv) fresh eggs;
 - (v) properly stored fresh meat, poultry, fish or shell fish;
 - (vi) properly stored cooked food;
 - (vii) locally made basketware, mats, earthenware, woodwork or other locally made products;
 - (viii) locally produced tobacco;
 - (viiii) such other goods as may from time to time be authorised by the controlling authority.

regulations

8. (1) Where:

- (a) any person has been issued by a Market Officer, police officer or other authorised officer with a notice of offence giving details of an alleged offence against section 3(5), section 4 or section 7 and stating a penalty (such penalty being not more than 75% of the maximum fine for that offence); and

- (b) the owner pays the prescribed penalty at the Provincial Treasury or a sub-station office within 21 days of the date of the notice;
- (c) where the offence is against section 4, pays within the same 21 day period the market fee for the day of the offending specified in the notice and obtains the corresponding receipt, and
- (d) where the alleged offence is continuing, offers satisfactory proof to a Market Officer or other authorised officer that the circumstances giving rise to the offence have been rectified;

no prosecution under this Ordinance may be proceeded with or any conviction entered in respect of the alleged offence.

- (2) For the purposes of sub-section (1), production to an authorised officer or a Court Clerk of the relevant Treasury receipt, together with any market fee receipt and/or written confirmation from an authorised officer that a continuing offence has been rectified, shall be sufficient proof that the owner is entitled to avoid prosecution or conviction for the offence alleged in any notice of offence.
- (3) Any fine or penalty collected under this Ordinance, regardless of whether it is collected under this section or as a result of a prosecution and conviction, shall be paid into the Temotu Province Provincial Fund.

9. (1) The Executive may by Order make Regulations for the better ^{Regulations} implementation of this Ordinance, including but not limited to:

- (a) prescribing or amending any fees or charges (other than penalties) relating to anything required to be done under or according to the Ordinance;
- (b) describing the places where any public markets is or may be established;
- (c) limiting, banning or imposing conditions on the sale of any goods or class of goods in any public market, whether or not such goods or class would otherwise fall within a class of goods permitted to be sold in a public market;

- (d) prescribing the form of any application form, market receipt, notice of offence, warrant of authority or other document or thing issued in connection with the operation of the Ordinance;
- (e) prescribing any standard relating to the whole soundness or fitness of goods capable of being sold in a public market;
- (f) further prescribing the types of and/or standards for any storage containers or equipment used for displaying goods for sale in a public market;
- (g) such other rules as are necessary or reasonably likely to promote effective public hygiene with respect to public markets or to ensure good order amongst persons within public markets.

Repeal

10. The Temotu Province Market Ordinance 1993 is hereby repealed.

Passed by Temotu Provincial Assembly this nineteenth day of June, 2008.

Clerk to the Assembly
Assented to this 11th day of July, 2008

Hon. David Day Pacha
Minister for Provincial Government

[Legal Notice No. 60]

THE PROVINCIAL GOVERNMENT ACT 1997

THE TEMOTU PROVINCE LIVESTOCK ORDINANCE 2008

AN ORDINANCE TO PROVIDE FOR THE CONTROL OF PIGS AND OTHER LIVESTOCK WITHIN TEMOTU PROVINCE GENERALLY, AND MORE PARTICULARLY WITHIN LATA TOWNSHIP

Short title

1. This Ordinance shall be cited as the Temotu Province Livestock Ordinance 2008 and shall come into operation when the Minister of Provincial Government gives his assent to it in accordance with section 30 of the Provincial Government Act 1997.

2. In this Ordinance:

“authorised officer” means a police officer, or officer authorised by the Executive or Lata Town Committee in writing to implement and enforce this Ordinance;

“Executive” means Temotu Provincial Executive;

“livestock” means pigs, goats, horses, cows, bulls, sheep, asses, mules and other animals usually kept as livestock but does not include poultry;

“owner” means the owner of any livestock or the occupier of any premises in which livestock is ordinarily kept and includes any person temporarily in control of any livestock.

2A The Lata Town Committee shall administer this Ordinance and enforce its provisions within the precincts of Lata Township as defined in section 2 of the Temotu Province Lata Town Committee Ordinance 2006. Administration within Lata Township

3 (1) Any owner who negligently allows livestock to roam uncontrolled within a village or township or within twenty metres of any house commits an offence and is liable, on conviction, to a fine not exceeding \$1000.

(2) The owner of any livestock that has damaged property belonging to another person commits an offence and is liable, on conviction, to a fine not exceeding \$100.

(3) Any owner who keeps livestock inside or under any house or, except in accordance with a valid licence issued under section 4, within twenty (20) metres of any house, commits an offence and is liable on conviction to a fine not exceeding \$100, plus \$5 for each day on which the offence is continued after notice of the offence has been served on the owner.

(4) Any owner who keeps any livestock within Lata Township without a current and valid licence issued in accordance with section 4 commits an offence and is liable on conviction to a fine of \$100, plus \$5 for each day on which the offence is continued after notice of the offence has been served on the owner.

- (5) Any owner holding a licence to keep livestock who fails to comply with any condition of the licence commits an offence and is liable on conviction to a fine of \$100, plus \$5 for each day on which the offence is continued after notice of the offence has been served on the owner.
- (6) Where:
- (a) an owner has been issued by an authorised officer with a notice of offence giving details of the alleged offence against this section and stating a penalty (such penalty being not more than 75% of the maximum fine for that offence); and
 - (b) the owner pays the prescribed penalty at the Provincial Treasury within 21 days of the date of the notice;
 - (c) where applicable, obtains within the same 21 day period a licence required by section 4, and
 - (d) where the alleged offence is continuing, offers satisfactory proof to an authorised officer that the circumstances giving rise to the offence have been rectified;
- no prosecution under this Ordinance may be proceeded with or any conviction entered in respect of the alleged offence.
- (7) For the purposes of sub-section (6), production to an authorised officer or a Court Clerk of the relevant Treasury receipt, together with any required licence and/or confirmation from an authorised officer that a continuing offence has been rectified, shall be sufficient proof that the owner is entitled to avoid prosecution or conviction for the offence alleged in any notice of offence.
- (8) Any fine or penalty collected under this Ordinance, regardless of whether it is collected under this section or as a result of a prosecution and conviction, shall be paid into the Temotu Province Provincial Fund.

4 (1) Any owner wishing to keep any livestock within Lata Township must first apply for a Livestock Licence by completing the prescribed Form 1 in the First Schedule and lodging it, together with the prescribed application fee, at the Provincial Treasury.

- (2) The application fee required under sub-section 4(1) shall be \$15.00, and may be amended by a Regulation made under section 7.
- (3) Within 14 days of receipt by the Provincial Treasury of an application, an authorised officer will inspect the location described in the application to determine whether:
 - (a) the location and facilities proposed to be used are reasonably suitable for the keeping of the specified livestock within a built-up or urban area and are able to be maintained in a sanitary condition;
 - (b) adequate provision exists to prevent the livestock wandering or otherwise causing a nuisance (including but not limited to the production of any offensive smell or accumulation of offensive waste material or unreasonable noise) to neighbouring properties;
 - (c) if it is proposed to keep the livestock within 20 metres (but in any case not less than 10 metres) from any occupied house, the facilities provided are sufficiently substantial and of such a standard as to reasonably remove any health risk and abate any possible nuisance.
- (4) Where the authorised officer is satisfied as to the requirements specified in subsection (2) the officer shall:
 - (a) Issue, for a period not exceeding 12 months, a licence in Form 2 of the First Schedule, including the standard conditions indicated in the Form and any special conditions, which shall be specified on the issued licence; and
 - (b) Inspect the location and facilities again within 30 days of the issue of the licence, after not more than 6 months, and/or on receiving any complaint, to ensure compliance with the licence's conditions.

- (5) An owner who is dissatisfied with the decision of an authorised officer not to issue a licence, to revoke a licence, or to issue a licence with any special conditions, may apply in writing to the Provincial Secretary to have the authorised officer's decision reviewed. The Provincial Secretary will consider each application fairly and impartially but is otherwise responsible for determining his own procedure for dealing with an application. The decision of the Provincial Secretary on an application shall be final.
- (6) An owner may be required by an authorised officer to produce a valid licence or be issued with a notice of offence under section 3(4).
- (7) Where an authorised officer is satisfied on inspection that a licensee is failing to comply with the requirements or conditions of a licence the officer may:
 - (a) Give the licensee 14 days' notice to rectify any breach of licence conditions and/or remove any nuisance;
 - (b) if the licensee fails to comply, revoke the licence;
 - (c) Provide written notice to the licensee of the revocation, stating the grounds for revocation and requiring the licensee to remove all livestock within 7 days; and/or
 - (d) Issue a notice of offence.

General duty of
authorised
officer

5. (1) It shall be the duty of an authorised officer to make reasonable enquiries to establish whether any breach of this Ordinance is being or has been committed.

- (2) Any person who obstructs or impedes any authorised officer acting in due exercise of their powers under this Ordinance commits an offence and is liable, on conviction, to a fine not exceeding \$100.

6. (1) An authorised officer may capture and take possession of any livestock found to be wandering within Lata Township and may:

- (a) if the owner can be ascertained, return the livestock to him or her and issue a notice of offence;
- (b) keep custody of the livestock for up to 7 days to allow its owner to be ascertained or come forward, pay any offence notice and/or the costs of custody and claim the livestock;
- (c) destroy or dispose of any unclaimed livestock; and/or
- (d) where the officer is satisfied that immediate destruction of wandering livestock is reasonably necessary to ensure public safety or to abate an ongoing nuisance, destroy the wandering livestock without keeping custody of it or attempting first to identify the livestock's owner.

7. (1) The Executive may by Order make Regulations for the better implementation of this Ordinance, including but not limited to: Regulations

- (a) prescribing any fees or charges relating to any licence, or any act done under or according to the Ordinance;
- (b) prescribing any standard conditions which may be required for any licence;
- (c) determining the maximum number of any type or types of livestock that may be kept within or near a village or township;
- (d) banning the keeping of any particular type of livestock in any area or place, or type of area or place;
- (e) extending the requirement for a Livestock Licence to any other specified area or place within Temotu Province; or
- (f) the form of any application form, licence, notice of offence or other documents issued in connection with the operation of the Ordinance, including the review or amendment of any form included in the First Schedule;

8. The Temotu Province Livestock Ordinance 1995 is repealed. Repeal

**FIRST SCHEDULE
PRESCRIBED FORMS**

FORM 1

APPLICATION TO KEEP LIVESTOCK WITHIN LATA TOWNSHIP

1. Name of Applicant:
2. Address for notices;
3. Proposed place where proposing to keep livestock:
4. **Type(s) of livestock proposed to be kept:**
 - i.
 - ii.
5. **Maximum number of each proposed type:**
 - i.
 - ii.
6. **Proposed arrangements to ensure livestock:**
 - i. Does not wander onto other properties;
 - ii. Is kept in clean and sanitary conditions;
 - iii. Does not cause a nuisance to other residents or the public
7. **Signature of Applicant:**

FORM 2

LICENCE TO KEEP LIVESTOCK FROM: _____ [date] to _____ [date]

1 _____ [name of owner] is hereby authorised to keep livestock of the described type(s) and number at:

2. _____

 _____ [address]

3. **Type(s) of livestock approved to be kept:**

i.

ii.

4. **Maximum number of each type:**

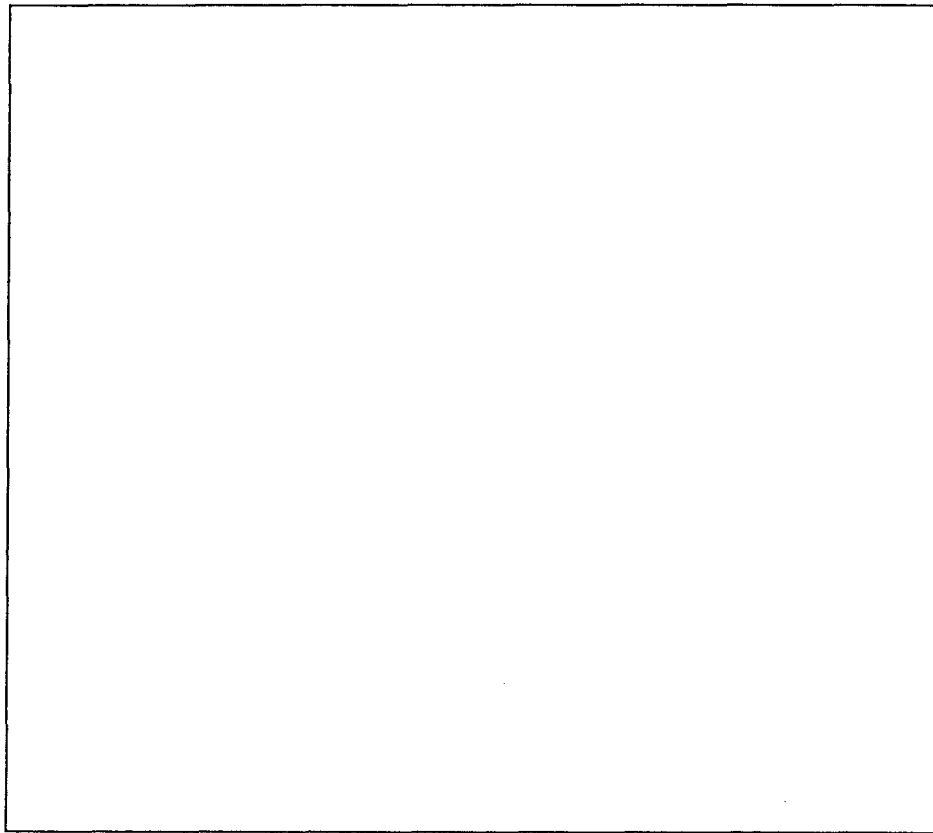
i.

ii.

5. **Standard conditions of licence:**

- (a) Livestock must be kept secure within the livestock area designated on the attached sketch plan and must be prevented from wandering/roaming onto neighbouring properties by use of appropriate fences and/or tethers;
- (b) Livestock must be kept no less than ____ metres from any occupied dwelling house;
- (c) Owner is responsible for ensuring that livestock is kept in a clean, healthy and sanitary condition so as not to create a health risk to the livestock, the occupiers of the property and/or any neighbouring properties;

- (d) Owner must keep the livestock area clean and free from any build-up of animal wastes, excess livestock feed or other waste material;
 - (e) Owner must prevent any wastes or other livestock materials from spilling from the livestock area onto neighbouring properties or public areas;
 - (f) Owner must take all reasonable preventative steps to prevent nuisances being caused by the livestock, including but not limited to offensive or unpleasant smells or unreasonable noise.
6. Special conditions of licence:
- (a)
 - (b)
7. Sketch Plan of livestock area:



8. Signature of authorised officer: _____

9. Date:

Passed by the Temotu Provincial Assembly this 19th day of June, 2008.

Clerk to the Assembly
Assented to this 23rd day of July 2008

Hon. David Day Pacha
Minister of Provincial Government and Institutional Strengthening

[Legal Notice No. 61]

PROVINCIAL GOVERNMENT ACT 1997

THE TEMOTU PROVINCE DOG CONTROL ORDINANCE 2008

**AN ORDINANCE TO PROVIDE FOR THE BETTER CONTROL
AND LICENSING OF DOGS**

PRELIMINARY

1. This Ordinance shall be cited as the Temotu Province Dog Control Ordinance 2008 and shall come into operation when assented by the Minister of Provincial Government in accordance with section 30 of the Provincial Government Act 1997. Short title and commencement

2. In this Ordinance: Interpretation

“authorised officer” means a police officer, or officer authorised by the Executive or Lata Town Committee in writing to implement and enforce this Ordinance;

“bitch” means a female dog at least six months old;

“Executive” means the Temotu Province Executive;

“Lata Town Committee” means the Committee established by the Lata Town Committee Ordinance 2006;

“owner” means the owner or keeper of a dog and includes the occupier of any premises at which a dog is ordinarily kept or permitted to remain and any person who may be temporarily in charge of a dog;

5. (1) It shall be the duty of every owner of an unspayed bitch in season to keep it under proper control and restrain it from running loose.

- (2) Any person who contravenes subsection 5(1) commits an offence and is liable on conviction to a fine not exceeding \$100.

Offence notices

5A (1) Where:

- (a) an owner has been issued by an authorised officer with a notice of offence giving details of an alleged offence against section 4, section 5 or section 7 and stating a penalty (such penalty being not more than 75% of the maximum fine for that offence); and
- (b) the owner pays the prescribed penalty at the Provincial Treasury within 21 days of the date of the notice;
- (c) where applicable, obtains within the same 21 day period a licence and/or licence disc required by section 7, and
- (d) where the alleged offence is continuing, offers satisfactory proof to an authorised officer that the circumstances giving rise to the offence have been rectified;

no prosecution under this Ordinance may be proceeded with or any conviction entered in respect of the alleged offence.

- (2) For the purposes of sub-section (1), production to an authorised officer or a Court Clerk of the relevant Treasury receipt, together with any required licence or licence disc and/or written confirmation from an authorised officer that a continuing offence has been rectified, shall be sufficient proof that the owner is entitled to avoid prosecution or conviction for the offence alleged in any notice of offence.
- (3) Any fine or penalty collected under this Ordinance, regardless or whether it is collected under this section or as a result of a prosecution and conviction, shall be paid into the Temotu Province Provincial Fund.

**PART TWO
LICENSING OF DOGS**

6. This Part shall apply to Lata Township as defined in section 2 of the Temotu Province Lata Town Committee Ordinance 2006 and to any other locality designated in a Regulation or Order made by the Executive under this Ordinance. Application of
this Part

7. (1) No owner shall keep any dog not less than six (6) months old, within Lata Township, unless

- (a) the owner shall have been issued and is in possession of a licence in his own name in respect of that dog, and
 - (b) the owner ensures that the dog carries the approved licence tag or disc issued with the licence on its collar.
- (2) Any person who contravenes subsection 7(1) commits an offence and is liable on conviction to a fine of \$100.

8. (1) Application for a licence shall be made to the Province on the form set out at Schedule One. Upon payment of the appropriate fee as prescribed in Schedule two the authorised officer of the Province shall issue a licence in the name of the owner in respect of that dog in the form set out at Schedule Three and provide to the owner an approved, unique licence disc.

- (2) The owner must fix the licence disc to a suitable, durable collar and ensure that the collar and disc are worn by the dog at all times.
- (3) Any licence issued under this Ordinance may be made subject to such standard conditions of licence as may be provided for in any Regulation, whether the condition is for the more effective control, restriction or exclusion of dogs in or from any area, for the protection or promotion of human or animal health or welfare, limiting the total number of dogs that may be kept by an owner in any place or for any other purpose reasonably necessary to promote the effective control of dogs or any adverse effects that may be caused by dogs, within Temotu Province.

- (4) Every licence and licence disc issued under this Ordinance shall remain valid until the 31st March following the date of issue and shall then cease to be valid.
- (5) Upon application and payment of the appropriate fee as prescribed in Schedule Two, an authorised officer of the Province may issue a duplicate licence or licence disc or endorse the transfer of a licence to another.

Dog licence
register

9. The Province shall maintain a register of all licences and licence discs issued under this Ordinance, all transfer of licences or discs and the names and addresses and description of licensed dogs.

Unlicensed dog

- 10.** A police officer or other authorised officer may:
- a. impound for up to three days any dog found not to be carrying a current and valid licence disc;
 - b. during the period of impoundment, take such steps as are reasonably available to the officer to determine who if anyone is the owner of an impounded dog;
 - c. if the owner of an impounded dog is identified or comes forward, issue the owner with a notice of offence against section 7 and require the owner to pay any penalty specified in the notice (such penalty not exceeding 75% of the maximum fine specified in sub-section 7(2)), together with any outstanding licence fees and the costs of impoundment, before allowing the owner to reclaim the dog; and
 - d. if no owner comes forward within three days, destroy the impounded dog or sell or give the impounded dog to an intending owner who undertakes in writing to obtain a licence and licence disc under section 8, within 7 days.

resumption
of age

11. In proceedings arising out of or under this Part, any dogs shall be presumed to be over six (6) months old and the burden of the contrary shall be on the party that so alleges.

**PART THREE
DUTIES AND POWERS OF AUTHORISED OFFICERS**

12. (1) It shall be the duty of an authorised officer to make reasonable enquiries to establish whether any breach of this Ordinance is being or has been committed. General duty and powers of authorised officers

- (2) An authorised officer, in the performance of his or her duties may:
- a. catch, inspect and/or impound any dog;
 - b. on production of suitable evidence of identity and appointment as a authorised officer, enter a property within Lata Township at any reasonable time within daylight hours (or outside daylight hours if the officer reasonably suspects that a dog is causing a continuing nuisance) to investigate, prevent or abate any offence or alleged offence against this Ordinance;
 - c. demand the production of any dog licence issued under Part Two of this Ordinance and/or any dog with its licence disc, for inspection;
 - d. advertise by any reasonably convenient means that any dog has been impound, the date from which it may be destroyed or sold and the place where an owner or intending owner may reclaim or offer to buy the dog

(3) Any person who obstructs or impedes any authorised officer acting in due exercise of their duties or powers under this Ordinance commits an offence and is liable on conviction to a fine of up to \$400.

13. The Lata Town Committee shall administer this Ordinance and enforce its provision within the precincts of Lata Township. Administration within Lata Township

**PART FOUR
REGULATIONS**

14. (1) The Executive may be Order make Regulations for the better implementation of this Ordinance, including but no limited to: Regulations

- (a) prescribing or amending any fees or charges (other than penalties) relating to any licence, or any act done under or according to the Ordinance;

- (b) prescribing any standard conditions which may be required for any licence;
- (c) determining the maximum number of dogs that may be kept by an owner on any property within or near a village or township;
- (d) banning or restricting the keeping of any particular type of dog in any area or place, or type of area or place;
- (e) designing any place of impoundment and/or regulating its operation;
- (f) extending the requirement for dog licensing to any specified area or place within Temotu Province;
- (g) imposing any animal health or welfare requirements; or
- (h) the form of any application form, licence, licence disc notice of offence, warrant of authority or other document or thing issued in connection with the operation of the Ordinance, including the replacement or amendment of any form included in the Schedules to the Ordinance.

**PART FIV
REVOCATIONS**

repeal

15. The Temotu Province Dog Control Ordinance 1995, is repealed.

SCHEDULE ONE
Application for Dog Licence for Lata Township

Name of Applicant _____

Address of Applicant: _____

Name/Description of Dog: _____

Male or Female Dog: M/F

If male has the dog been neutered? Yes/No

If female has the dog been spayed? Yes/No

Signed:

Date:

SCHEDULE TWO
DOG LICENCE FEES

Dog Licence and Disc	\$25
Transfer of Licence	\$10
Duplicate Licence or Disc	\$10

**SCHEDULE THREE
DOG LICENCE, LATA TOWNSHIP**

Licence Number:

Name of Owner

Address of Owner

Name and Description of Dog:

Male or Female, neutered or spayed M/F Neut/spayed

Standard Conditions

- (a) Maximum number of dogs over 6 months old that may be kept by owner within the township is three (3).
- (b) Owner to maintain dog in generally clean and healthy state, free of vermin.
- (c) If an unspayed bitch, dog is to be prevented from running loose when in season.
- (d) Owner remains responsible at all times for the dog, including for any damage to property or nuisance caused by the dog, and generally for ensuring compliance with Temotu Province Dog Control Ordinance 2008.

Date of issue:

Signed:

Date:

This Licence expires on the 31st March following the date of issue.

Passed by Temotu Provincial Assembly this nineteenth day of June, 2008.

CLERK TO THE ASSEMBLY
Assented to this 11th day of July, 2008.

HON. DAVID DAY PACHA
Minister for Provincial Government and Institutional Strengthening

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