
CHAPTER 117**LOCAL GOVERNMENT****ARRANGEMENT OF SECTIONS**

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SCHEDULE—FUNCTIONS OF COUNCILS

CHAPTER 117

LOCAL GOVERNMENT

AN ACT TO MAKE PROVISION FOR LOCAL GOVERNMENT AND FOR PURPOSES CONNECTED THEREWITH.

[1st January 1964]

16 of 1963
16 of 1968
3 of 1969
11 of 1970
12 of 1970
7 of 1971
8 of 1974
11 of 1974
2 of 1975
7 of 1977
5 of 1978
28 of 1978
15 of 1982
10 of 1988
8 of 1989

PART I

PRELIMINARY

1. This Act may be cited as the Local Government Act.

Short title

2. In this Act, unless the context otherwise requires—

Interpretation

“basic rate” means the rate defined and imposed under paragraph (a) of subsection (1) of section 77;

16 of 1968, s. 2
11 of 1974, s. 3

“cognisable offence” shall have the same meaning as in section 2 of the Criminal Procedure Act;

Cap. 7

“committee” means a committee appointed under the provisions of section 32 and shall include a committee appointed under section 33 and any sub-committee;

“Council” means a local government council established under section 3;

“court” means any court of competent jurisdiction over the causes and parties before it;

“elected member” means a member of a Council elected in accordance with the provisions of section 6;

“financial year” means the twelve months ending the 31st December, or such other date as may be prescribed, in any year;

“nominated member” means a member of a Council appointed in accordance with the provisions of the proviso to section 6;

“person resident” means, in relation to the area of authority of a Council, a person ordinarily residing in such area:

Provided that such a person shall not be held to have ceased to be so resident by reason only of a period of absence of less than one year;

“President” shall include Vice-President.

PART II

ESTABLISHMENT OF LOCAL GOVERNMENT COUNCILS

Establishment of
Councils
16 of 1968, s. 3
7 of 1971, s. 2

3.—(1) The Minister may by warrant under his hand establish such Councils as he may deem necessary or expedient for the purposes of local government:

Provided that the Minister may at any time by order amend, vary or cancel any such warrant, after having (unless precluded from so doing by the urgency of the matter) given to a Council reasonable notice of his intention so to do and having considered the representations, if any, of the Council thereon.

(2) (a) Where, under subsection (1), the Minister cancels a warrant establishing a Council, he may direct that such Council shall be wound up.

(b) On any direction being made under paragraph (a) with respect to a Council, such Council shall, until dissolved, continue in existence for the purpose only of winding up, and to that end shall, without undue delay, take such steps as may be necessary to wind up its affairs, and in particular shall do such acts as may be required by any direction given by the Minister under paragraph (c).

(c) In order to facilitate any such winding up, the Minister may by notice give such directions as he may deem necessary or desirable, and particularly, but without prejudice to the generality of the foregoing, to ensure—

(i) that all or any property, movable and immovable, vested in or belonging to such Council or to which the Council is entitled and all or any assets and claims to which the Council is entitled, shall be transferred to and vested in such other person or body as exists or may be established for the area for which such Council was established;

(ii) that all or any appointments made, powers conferred and notifications served or published by the Council shall be deemed respectively to have been made, conferred, served or published by such other person or body as aforesaid;

(iii) that all or any works and undertakings authorised to be executed, all rights, liabilities, contracts, and engagements of the Council existing, and all actions, suits and legal proceedings pending by or against the Council, shall be transferred to, vested in, and be enforced, carried on and prosecuted by or against such other person or body as aforesaid;

(iv) that all rates, fees, charges and debts of whatsoever description due or payable to or recoverable by the Council shall be payable to or recoverable by such other person or body as aforesaid;

(v) that all or any licences, registrations and permits issued, made or granted by the Council shall continue in force for the period, if any, specified in such licences, registrations or permits, unless the same are sooner suspended or cancelled by such other person or body as aforesaid;

(vi) that all or any by-laws made by the Council shall be deemed to be the by-laws of such other person or body as aforesaid, and shall continue in full force and effect within the area to which they apply until amended or cancelled by such other person or body.

(d) On the Minister being satisfied that the winding up of a Council is completed, he shall by notice declare it to be dissolved with effect from such date as shall be specified in such notice.

4.—(1) A warrant establishing a Council shall—

(a) specify the name of the Council and the date it shall be established;

(b) prescribe the device of the seal of the Council;

(c) define the limits of the area of the authority of the Council;

(d) provide for the number of members; and

(e) specify the functions of the Council.

(2) A warrant establishing a Council may—

(a) provide for the use of a rubber stamp in lieu of a seal until such time as a seal can be procured;

(b) generally make such other provision not inconsistent with this Act as the Minister may deem necessary or expedient for the establishment and conduct of the Council and the proper performance of its functions.

5. Every Council established under the provisions of this Act shall be a body corporate having perpetual succession and a common seal and shall be capable in law of suing and being sued and of acquiring, holding and disposing of movable and immovable property.

Contents of
warrant

Incorporation of
Councils

PART III

COMPOSITION OF COUNCILS AND ELECTIONS

Members to be
elected
16 of 1968, s. 4
11 of 1974, s. 3

6. Subject to the provisions of this Act, all members of a Council shall be elected by registered voters whose names appear on the register of voters for that Council in accordance with regulations made under section 18:

Provided that in the case of a Town Council the Minister may in his discretion appoint such number of persons, not exceeding one-quarter of the number of the elected members of the Council, to be nominated members of the Council. Such nominated members shall be persons who in the opinion of the Minister are specially qualified by reason of their knowledge or experience to participate in the proceedings of the Council.

Qualifications of
voters
2 of 1975, s. 2
15 of 1982, s. 2

7. Subject to the provisions of section 8 every person who—

- (a) is a citizen of Solomon Islands;
- (b) has attained the age of eighteen years; and
- (c) is a person resident within the Council area,

shall be entitled to be registered as a voter for the area of such Council and, when so registered, to vote at the election of a member of such Council.

Disqualifications
of voters
12 of 1970, s. 2

8.—(1) Notwithstanding the provisions of section 7 no person shall be registered as a voter or, being registered, shall be entitled to vote for the election of a member of a Council who—

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

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

(c) is disqualified from registering as a voter or voting under any law for the time being in force in Solomon Islands relating to offences connected with elections.

(2) For the purposes of paragraph (a) of subsection (1) two or more terms of imprisonment that are required to be served

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

(3) A voter shall not be entitled to have his name retained on the register of voters for any Council area if for a continuous period of twelve months he has ceased to reside within the area of authority of such Council or if he becomes disqualified for voting under the provisions of subsection (1).

9. Subject to the provisions of section 10, a person shall be qualified for election as a member of a Council if he is entitled to be registered as a voter and has attained the age of twenty-one years.

Qualifications
for members of
Councils
2 of 1975, s. 3

10.—(1) A person shall be disqualified for election as a member of a Council who—

(a) is in the employment of the Government in a capacity other than that of a worker employed on daily rates, and has not received the written authority of a Permanent Secretary to stand for election; or

(b) unless authorised in writing by the Minister to stand for election, holds or is acting in any office in the gift or disposal of the Council; or

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

(d) has within five years before the date of the election been surcharged under section 69 to an amount exceeding two hundred dollars; or

(e) is subject to any of the disqualifications specified in paragraphs (a) and (b) of subsection (1) of section 8; or

(f) is disqualified for membership of a Council by any law for the time being in force in Solomon Islands relating to offences connected with elections.

(2) For the purposes of this section and of section 12—

(a) a person employed by a committee; and

(b) a person employed by two or more Councils under the provisions of section 96,

shall be deemed to be a person holding or acting in or appointed to hold or act in an office or place of profit in the gift or disposal of the Council concerned or of each of such Councils, as the case may be.

Disqualification
for members of
Councils
16 of 1968, s. 5
and Sched
8 of 1974, Sched
11 of 1974, s. 3

Term of office of
members of
Councils
16 of 1968, s. 6
11 of 1974, s. 3
10 of 1988, s. 2

11.—(1) The term of office of the elected members of a Council shall be four years from the date of election unless otherwise provided in this Act or in the warrant establishing the Council; and such warrant may in particular provide for the retirement annually of one-third of the elected members of the Council:

Provided that if in the course of a general election of elected members or of elections of one-third of the elected members, any particular election has had to be held anew or any part thereof has had to be deferred, the term of office of the elected member elected at the new or deferred election shall commence as if he had been elected at the general election or elections for one-third of the elected members, and no new election had been held nor deferment occurred, as the case may be.

(2) Any person retiring under the provisions of subsection (1) may, if qualified, seek re-election for a further term of office.

(3) No person shall be elected to be a member of a Council without his consent.

(4) Nominated members of the Council shall hold their seats in the Council during the Minister's pleasure.

12.—(1) Every member of a Council shall, without prejudice to his re-election or re-appointment in accordance with the provisions of this Act, cease to be a member of the Council at the expiration of his term of office under section 11, or previously thereto if his seat become vacant under the provisions of this Act.

(2) The seat of an elected member of a Council shall become vacant—

(a) if by writing addressed to the President of the Council he resigns his seat; or

(b) if, without having obtained leave from the Council, he is absent from three consecutive meetings of the Council, unless such absence was due to some reason approved by the Council; and the Clerk to the Council shall, at the next meeting of the Council after such absence by a member, report the same to the Council and the Council shall thereupon declare the seat of such member to be vacant and the date from which such vacancy shall be deemed to have occurred;

(c) if, not having the authority in writing of a Permanent Secretary to retain his seat, he is appointed to or to act in

Tenure of office
of members of
Councils
16 of 1968, s. 7
and Sched

any office in the service of the Government in a capacity other than that of a worker employed on daily rates; or

(d) if, not having the authority in writing of the Minister to retain his seat, he is appointed to or to act in any office or place of profit in the gift or disposal of the Council; or

(e) if he is convicted, in Solomon Islands or any part of the Commonwealth, of any offence and is sentenced to a term of imprisonment without the option of a fine or, irrespective of sentence, if he is convicted of any offence involving dishonesty in relation to the funds or other property of the Council; or

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

(g) if any circumstances arise that if he were not an elected member of the Council, would cause him to be disqualified for election as such by virtue of paragraphs (c), (d) or (f) of section 10.

(3) The seat of a nominated member shall become vacant—

(a) if by writing addressed to the Minister he resigns his seat; or

(b) at such time (if any) as may be specified in the instrument by which he was appointed; or

(c) if his appointment to be a nominated member is terminated; or

(d) if he accepts nomination as a candidate for election to the Council.

(4) Any person whose seat in a Council has become vacant may, if qualified, again be elected as a member or appointed as a nominated member of a Council from time to time.

13. Subject to the provisions of this Act all questions which may arise as to the right of any person to be or remain a member of a Council shall be referred to and determined by a Magistrate's Court, and on appeal therefrom within the prescribed period, by the High Court whose decision shall be final.

Decision on
questions as to
membership
11 of 1974, s. 3

14.—(1) Where a vacancy has occurred among the elected members of a Council, a new member to fill such vacancy shall be elected in the same manner as the person whose place he is to take was elected.

Filling of
vacancies
16 of 1968, s. 8

(2) A person elected under this section to fill a vacancy shall hold office until the date upon which the person in whose place he is elected would ordinarily have retired and he shall then retire.

Presidents of
Councils
16 of 1968, s. 9
10 of 1988, s. 3

15.—(1) Every Council shall have an elected President and an elected Vice-President.

(2) The President and the Vice-President of a Council shall be elected by the Council by secret ballot from among the elected members of the Council and shall be eligible for re-election. No candidate for the office of President or Vice-President shall pre-empt the election to the office for which he is a candidate.

(3) No person shall be elected President or Vice-President without his consent to be so elected.

(4) A President or Vice-President of a Council, at any time during his term of office, may resign or may be removed by resolution of three-fourths of the elected members present and voting at a meeting of the Council.

(5) Whenever a vacancy occurs in the office of President or Vice-President, an election to fill the vacancy shall be held at the next meeting of the Council after the date on which the vacancy occurs. A person elected to fill such vacancy shall hold office until the date upon which the person in whose place he is elected would ordinarily have retired and he shall then retire but shall be eligible for re-election. In the temporary absence of both the President and Vice-President the Council may elect one of its elected members to act as President during such temporary absence.

(6) The term of office of a President or Vice-President shall be for four years from the date of his election:

Provided that, unless he resigns or is disqualified, such person shall be deemed to continue in office until his successor is elected under subsection (2).

16.—(1) Any person appointed by the Minister to be a returning officer for a Council election shall inform the Minister of—

(a) the name of every person elected to be a member of such Council;

(b) the term of office of such person; and

(c) the ward for which such person was elected,

and shall cause such information to be published at the Council's

Notification of
names of
members
16 of 1968,
Sched
11 of 1974, s. 3

headquarters and in some prominent place in each electoral ward.

(2) The Clerk to the Council shall inform the Minister of the name and term of office of each person elected to be President or Vice-President of the Council and shall cause such information to be published at the Council's headquarters and in some prominent place in each electoral ward.

17. Where, on presentation of an election petition in accordance with regulations made under section 18, it is shown to the satisfaction of the High Court that an election offence has been committed in connection with an election held under this Act, the High Court may declare such election void.

Void elections

18. Subject to the provisions of this Act and of the warrant establishing a Council, the Minister may make regulations for the election of members of a Council including, without prejudice to the generality of the foregoing power, the following matters, that is to say—

Regulation of
elections

(a) the registration of voters and the revision of registers of voters;

(b) the ascertainment of the qualifications of voters and of candidates for elections;

(c) the division of the Council area into electoral wards and the number of members to represent each ward;

(d) the method of nominating candidates;

(e) the holding of elections and the method of voting;

(f) election petitions;

(g) the definition and trial of offences relating to elections and the imposition of penalties therefor, including disqualification for membership of a Council, or for registration as a voter, or for voting at elections, of any person convicted of any such offence.

PART IV

MEETINGS AND PROCEEDINGS OF COUNCILS

19. A Council shall meet at such times and at such places as the President thereof shall determine:

Number of
meetings

Provided that if a Council fails to meet at least twice in any one year it may be taken as just cause for suspension of the Council under section 47.

Convening of
meetings

20.—(1) The President of a Council may call a meeting at any time either on his own motion or upon requisition of one-third of the members of the Council.

(2) If the President of a Council refuses to call a meeting of the Council after a written requisition to do so signed by one-third of the members of the Council has been presented to him or if, without so refusing, such President does not, within two days after such requisition has been presented to him, call a meeting to take place within three weeks of the date of the requisition, the persons presenting the requisition may forthwith, on such refusal or on the expiration of two days, as the case may be, call a meeting of the Council.

16 of 1968, s. 10

(3) In the case of any Council other than a Town Council, the period of notice to be given of a meeting of the Council and the manner in which such notice shall be given shall be determined by the Council, but in any event the period of such notice shall be not less than three clear days and a notice specifying the date, the time and the place appointed for the meeting shall be published at the office of the Council.

16 of 1968, s. 10

(4) In the case of a Town Council—

(a) three clear days at least before a meeting of the Council, notice of the date, the time and place of the intended meeting shall be published at the office of the Council and, in the case of a meeting called by the members of a Council under subsection (2), such notice shall specify the business proposed to be transacted at the meeting;

(b) the Clerk to the Council shall give at least three clear days' notice in writing to each of the members of the Council specifying the date, the time and place appointed for the meeting and the business proposed to be transacted at the meeting:

Provided that the accidental omission to serve such notice on any member shall not affect the validity of any meeting;

(c) except as provided by the standing orders of the Council, no business shall be transacted at a meeting of the Council other than that specified in the notice relating thereto.

(5) Notwithstanding any other provision of this section, the President of a Council may call an emergency meeting of the Council at any time:

Provided that a copy of any resolution passed at such meeting shall be sent to all members of the Council within three days thereof.

21.—(1) The President, if present and subject to the provisions of section 15 (2), shall preside at meetings of the Council.

Presiding at
meetings
16 of 1968, s. 11

(2) If the President is absent from a meeting of the Council the Vice-President if present, and subject to the provisions of section 15 (2), or, in his absence, such elected member as the elected members of the Council present shall choose, shall preside.

22. No business shall be transacted at a meeting of a Council unless at least one-half of the whole number of the members of the Council are present thereat.

Quorum

23.—(1) Every meeting of a Council shall, within the limits of available accommodation, be open to the public unless the Council resolves to exclude the public from a meeting (whether during the whole or part of the proceedings) whenever publicity would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons stated in the resolution and arising from the nature of that business or of the proceedings; and where such a resolution is passed this Act shall not require the meeting to be open to the public during proceedings to which the resolution applies.

Admission of
public to
meetings
16 of 1968, s. 12

(2) The proceedings of any committee of a Council, including a committee of the whole Council, or a joint committee shall not be open to the public unless the Council or Councils appointing the committee or joint committee, as the case may be, resolve to admit the public.

24.—(1) Subject to the provisions of this Act and of the warrant establishing a Council, all acts of a Council and all questions coming or arising before a Council shall be done and decided by a majority of the elected members present and voting thereon at a meeting of the Council.

Decision on
questions
16 of 1968, s. 13

(2) The President of a Council or other person presiding shall have an original vote and, in the event of an equality of votes, shall have and exercise a second or casting vote.

(3) At the request of at least one-third of the elected members present at a meeting of a Council the President or other person

presiding shall order that the voting on any question before the Council shall be conducted by secret ballot.

(4) A nominated member shall have no vote but may, in the event of the Council of which he is a member acting against his advice, require that there shall be recorded in the minutes any advice or opinion he may give upon the question at issue and his reasons.

Breaches of
order at meetings
16 of 1968, s. 14
3 of 1969, s. 2

25.—(1) At any meeting of a Council, if a member of the Council shows disregard for the authority of the President or other person presiding or abuses the standing orders of the Council by persistently and wilfully obstructing the business of the Council or otherwise, the President or other person presiding shall direct the attention of the meeting to the incident mentioning by name the person concerned and may suspend such person from the exercise of his functions as a member of the Council for the remainder of the meeting.

(2) In the case of grave disorder arising in any meeting of a Council, the President or other person presiding may, if he thinks it necessary so to do, adjourn the meeting without question put or suspend any meeting for a time to be specified by him.

(3) The person presiding at any meeting of a committee may, if he thinks it necessary so to do, exercise the like powers as are conferred upon a President in relation to a Council by subsections (1) and (2).

Minutes

26.—(1) Minutes of the proceedings of every meeting of a Council or of a committee shall be regularly entered in books kept for that purpose and shall be read and confirmed or amended, as the case may require, and signed by the person presiding at the same or next ensuing meeting of the Council or committee, as the case may be, and any minute purporting to be so signed shall be received in evidence without further proof.

(2) The names of members of a Council or of a committee present at a meeting of the Council or committee, as the case may be, shall be recorded in the minutes.

(3) Until the contrary be proved, a meeting of a Council or of a committee, in respect of the proceedings whereof a minute has been made and signed as provided in subsection (1), shall be deemed to have been duly convened and held, and all members present at the meeting shall be deemed to have been qualified and, where the proceedings are proceedings of a committee, the

committee shall be deemed to have been duly constituted and to have had power to deal with the matter referred to in the minutes.

27. The minutes of the proceedings of a Council shall at all reasonable times be open to inspection and any person may obtain a copy thereof or an extract therefrom upon payment of such fee as may be specified by the Council.

Minutes to be
open to
inspection

28. The proceedings of a Council or committee shall not be invalidated by reason of any vacancy among its members or the want of qualification of any member.

Vacancy, etc. not
to invalidate
proceedings

29.—(1) Subject to the provisions of this Act, a Council may, with the prior approval of the Minister, make standing orders for the regulation of its proceedings and business and may, subject to such approval, amend, vary or revoke such orders.

Standing orders
16 of 1968,
Sched
11 of 1974, s. 3
8 of 1989, s. 2

(2) Such standing orders may provide for the payment of transport and attendance allowances (which may be by way of monthly allowances or salaries) to members of the Council.

(3) Subject to the approval of the Minister the standing orders referred to in subsection (2), may also provide for terminal allowances or grants to be paid to a member at the end of his term of office calculated on a pro-rata basis, taking into consideration each member's period of service.

30.—(1) If a member of a Council or of any committee has any pecuniary interest, direct or indirect, in any contract or proposed contract or other matter and is present at a meeting of the Council or the committee at which the contract or other matter is the subject of consideration, he shall at the meeting, as soon as practicable after the commencement thereof, disclose the fact, which shall be recorded in the minutes of the meeting, and such member shall not take part in the consideration or discussion of, or vote on any question with respect to, the contract or other matter and, if the President so directs, he shall withdraw from the meeting during such consideration or discussion:

Disability of
Council
members for
voting on
account of
interest in
contracts, etc
16 of 1968, s. 15
11 of 1974, s. 3

Provided that this section shall not apply to an interest in a contract or other matter which a member may have as a ratepayer or inhabitant of the area, or to any interest in any matter relating to the terms on which the right to participate in any service, including the supply of goods, is offered to the public.

(2) For the purposes of this section a member shall (subject as hereafter in this subsection provided) be treated as having

indirectly a pecuniary interest in a contract or other matter, if—

(a) he or any nominee of his is a member of a company or other body with which the contract is made or is proposed to be made or which has a direct pecuniary interest in the other matter under consideration; or

(b) he is a partner, or is in the employment, of a person with whom the contract is made or is proposed to be made or who has a direct pecuniary interest in the other matter under consideration:

Provided that—

(i) this subsection shall not apply to membership of, or employment under, any public body;

(ii) a member of a company or other body shall not, by reason only of his membership, be treated as being so interested if he has no beneficial interest in any shares or stock of that company or other body;

(iii) a member shall not be treated as having a pecuniary interest in any contract or other matter by reason only of an interest—

(a) of that member; or

(b) of any company, body or person connected with him,

which is so remote or insignificant that it cannot reasonably be regarded as likely to influence a member in the consideration or discussion of, or in voting on, any question with respect to that contract or matter.

(3) In the case of married persons living together the interest of one spouse shall, if known to the other, be deemed for the purposes of this section to be also an interest of that other spouse.

(4) A general notice given in writing by a member to the Clerk to the Council to the effect that he or his spouse is a member or in the employment of a specified company or other body, or that he or his spouse is a partner or in the employment of a specified person or that he or his spouse is the tenant of any premises owned by the Council, shall, unless and until the notice is withdrawn, be deemed to be a sufficient disclosure of his interest in any contract, proposed contract or other matter relating to that company or other body or to that person or to those premises which may be the subject of consideration after the date of the notice.

(5) The Clerk shall record in a book to be kept for the purpose particulars of any disclosure made under subsection (1), and of any notice given under subsection (4), and the book shall be open at all reasonable hours to the inspection of any member of the Council.

(6) If any person fails to comply with the provisions of subsection (1), he shall for each offence be liable to a fine of four hundred dollars; unless he proves that he did not know that a contract, proposed contract, or other matter in which he had a pecuniary interest was the subject of consideration at the meeting.

(7) Any person convicted of an offence against this section shall *ipso facto* become disqualified from continuing to be a member and shall account to the Council for any profit which may accrue to him out of such contract or matter.

(8) Any member disqualified under the provisions of subsection (7) shall not be capable, for a period of three years, of being elected or appointed a member of any Council.

(9) A prosecution for an offence under this section shall not be instituted except by or on behalf of the Director of Public Prosecutions.

(10) The Minister may, subject to such considerations as he may think fit to impose, remove any disability imposed by this section in any case in which the number of members of the Council so disabled at any one time would be so great a proportion of the whole as to impede the transaction of business, or in any other case in which it appears to the Minister that it is in the interests of the inhabitants of the area of authority of the Council that the disability should be removed. The power to remove any disability shall include power to remove, either indefinitely or for any period, any such disability which would otherwise attach to any member by reason of such pecuniary interests, and in respect of such matters, as may be specified by the Minister.

(11) Nothing in this section shall preclude any person from taking part in the consideration or discussion of, or voting on, any question whether an application should be made to the Minister for the exercise of the powers conferred by the preceding subsection.

31.—(1) The President of a Council or other person presiding may invite any person to attend and to speak upon any matter at any meeting of a Council, but no such person shall vote upon any matter.

(2) A public officer authorised by the Minister so to do, may, to the extent so authorised, attend any meeting or meetings of a Council or committee and may take part in the proceedings thereat and, if he so requests, his advice on any matter shall be recorded in the minutes of the meeting, but he shall not vote upon any matter.

Appointment of Executive Committee and other committees
16 of 1968, s. 16
11 of 1974, s. 3

32.—(1) Every Council shall appoint an Executive Committee and may appoint such other committees as it may deem fit for any general or special purpose which, in the opinion of the Council, would be better regulated or managed by means of a committee and may delegate to a committee so appointed, with or without restrictions or conditions as it thinks fit, any power or function exercisable by the Council, either with respect to the whole or any part of the area of authority of the Council, except the power of making by-laws, approving annual estimates, levying a rate or borrowing or lending money.

(2) A Council may concur with any one or more other Councils in appointing a joint committee of such Councils for any purpose in which they are jointly interested and may delegate to such committee, with or without restrictions or conditions as they think fit, any power or function of the Councils relating to the purpose for which the joint committee is formed except the power of making by-laws, approving annual estimates, levying a rate or borrowing or lending money.

(3) The chairman and the number of members of a committee appointed under this section, their terms of reference, their term of office and the area within which the committee is to exercise its authority shall be specified by the Council or Councils, as the case may be, appointing the committee.

(4) A committee appointed under this section may include persons who are not Council members, or may be authorised by the Council or Councils, as the case may be, appointing the committee to co-opt additional members not being Council members:

Provided that a majority of the members of every such committee shall be Council members.

(5) No person shall be appointed to be or be co-opted as a member of a committee appointed under this section except with his own consent.

(6) A committee appointed under this section may invite any person, including a Council member who is not a member of the

committee, to attend meetings and take part in the deliberations of the committee, but no such person shall vote upon any matter at any such meeting.

33.—(1) Subject to the provisions of this Act and with the prior approval of the Minister, a Council may appoint such town, village, or area committees within the area of its authority as it may deem necessary or expedient and may delegate to a committee so appointed, with or without restrictions or conditions as it thinks fit, any power or function exercisable by the Council with respect to the area of authority of the town, village or area committee, except the power of making by-laws, approving annual estimates, levying a rate or borrowing or lending money.

Special area committees
16 of 1968,
Sched
11 of 1974, s. 3

(2) The chairman and the number of members of a town, village or area committee appointed under subsection (1), their term of office and method of selection, and the area within which the committee is to exercise its authority shall be specified by the Council.

34.—(1) Subject to the provisions of this Act, a Council appointing a committee (including any town, village or area committee) and Councils which concur in appointing a joint committee may make, amend, vary and revoke standing orders respecting the quorum, proceedings or place of meeting of the committee or joint committee. Subject to any such standing orders, the quorum, proceedings and place of meeting shall be such as the committee or joint committee may determine.

Standing orders for committees

(2) Without prejudice to the generality of the powers conferred by subsection (1), standing orders made under this section shall provide—

(a) that all acts of a committee or joint committee shall be done and decided by a majority of members present and voting thereon at a meeting of such committee or joint committee; and

(b) that the chairman or other person presiding at a meeting of a committee or joint committee shall, in the event of an equality of votes, have and exercise a second or casting vote.

(3) Standing orders made under this section shall not be inconsistent with the standing orders of the Council concerned made under section 29.

Committees to report

35. Every committee or joint committee appointed under the provisions of this Part shall report its proceedings to the Council or Councils appointing such committee.

PART V

FUNCTIONS OF COUNCILS

Duty to discharge functions
16 of 1968, s. 17

36.—(1) It shall be the duty of every Council established under this Act to discharge the functions conferred by this or any other Act and generally to promote the health, welfare and convenience of the inhabitants of the area of its authority and to maintain order and good government in such area; and for these purposes a Council may, within the limits of the functions so conferred, either by its own officers or by duly appointed agents do all such things as are necessary or desirable for the discharge of such functions.

(2) Any function conferred upon a Council shall be exercisable over all persons within the area of its authority save as is otherwise expressly provided in this Act or in any regulations or by-laws made thereunder or in the warrant establishing the Council.

Prevention of crime
16 of 1968, s. 18

37. It shall be the duty of every Council to prevent the commission of any offence within the area of its authority by any person.

Records of births and deaths
16 of 1968,
Sched
11 of 1974, s. 3
Cap. 169

38. A Council shall maintain, in such form as may be approved by the Minister, records of the births and deaths of all persons not subject to the provisions of the Births, Marriages and Deaths Registration Act occurring within the area of authority of the Council.

Power to accept gifts

39. A Council may accept, hold and administer any gift of property for any public purpose or for the benefit of the inhabitants of the area of its authority or any part thereof and may execute any works (including works of maintenance and improvement) incidental to or consequential on the exercise of the powers conferred by this section.

Fees

40.—(1) A Council may charge fees for any service or facility provided by the Council or for any licence or permit issued by such Council under the provisions of this Act or of any regulations or by-laws made thereunder.

(2) A Council may for good cause authorise the remission in whole or in part of any fees or other charges imposed under the provisions of this Act or any regulations or bye-laws made thereunder.

41.—(1) A Council may enter into any contract necessary for the discharge of any of its functions under this or any other Act:

Power to contract
16 of 1968, s. 19
11 of 1978, s. 3

Provided that a Council shall not enter into any contract to the value of five thousand dollars or upwards without the prior approval of the Minister.

(2) Subject to the provisions of subsection (3) —

(a) A Council shall, except in those cases provided for in subsections (3) and (6), before entering into any contract for the execution of any work or the supply of any goods to the value of two thousand dollars or more, by publication on the public notice board at the office of the Council and in such other manner as it considers adequate for bringing it to the attention of persons likely to tender therefor, give not less than fourteen days' notice of such proposed contract and the purposes and other relevant particulars thereof and shall, by such notice, invite any person willing to undertake the same to submit a tender therefor to the Council;

(b) a Council shall not consider any tender nor enter into any contract to which this subsection applies until full and similar particulars of the proposed contract have been supplied to every person applying to the Council therefor within fourteen days after the publication of the notice in accordance with the provisions of paragraph (a) nor until the expiration of the said period of fourteen days, and shall on such expiration consider all tenders which have then been submitted to it.

(3) The Minister may exempt any Council from compliance with the requirements of subsection (2) in the case of any particular work or goods or class of work or goods.

(4) The Council, or a committee thereof duly authorised to accept tenders, may accept the tender which, having regard to all the circumstances, appears to it to be the most advantageous, and may take security for the due and faithful performance of every contract, or it may decline to accept any tender:

Provided that all tenders received shall be recorded in the minutes of the Council or committee, as the case may be.

(5) In cases of emergency, or where the delay from inviting tenders in accordance with the provisions of subsection (2) would cause loss to the Council, the Council may enter into a particular contract without inviting tenders.

(6) Nothing in this section shall apply to any contract for the purchase by a Council of produce or other perishable goods bought in a public market, or to any purchase entered into by a Council as the result of bidding at a public auction.

(7) A Council may enter into contracts with the Government for the purpose of any work or service for which the Government is responsible within or adjacent to the area of authority of the Council.

Insurance
16 of 1968, s. 20
11 of 1974, s. 3

42. A Council may insure all or any of its property against risks of any type and may insure itself, its members, officers, servants or agents against any liability whatsoever; and where the Minister in writing so requires, shall insure its property, itself or such persons against all or any such risks or liability as may be specified by the Minister.

Provision of
buildings by
Councils
16 of 1969, s. 21

43.—(1) A Council may —

(a) build, acquire, provide or hire and furnish buildings within the area of its authority to be used for the purpose of transacting the business of the Council and for public meetings and assemblies; or

(b) combine with any other Council for the purpose of building, acquiring, providing or hiring and furnishing any such buildings; or

(c) contribute towards the expenses incurred by any other Council in building, acquiring, providing or hiring and furnishing any building within the area of the authority of such Council suitable for use for any of the aforesaid purposes.

(2) A Council may build, provide or hire and maintain quarters or houses for any officer or employee of the Council.

Acquisition of
and dealings in
land
16 of 1968, s. 22

44.—(1) A Council may, for the purpose of any of its functions under this or any other Act, by agreement acquire, whether by way of purchase, lease, gift or exchange, any land situate within or without the area of its authority, whether such land is immediately required or not.

(2) Where any land is required by a Council for the purpose

of any of its functions and by reason of disputes or doubts as to the ownership of the land required or inability of the parties to agree the terms or for any other cause the acquisition of the land is being hindered, the Minister may, on the application of the Council concerned and on being satisfied that the purpose for which the land is required is of public benefit or importance, declare the land to be required for a public purpose under the provisions of section 71 of the Land and Titles Act, and direct the transfer of such land to the Council, and, subject to any directions by the Minister to the contrary, the Council shall pay all expenses incurred and compensation paid in respect of the acquisition of such land.

Cap. 133

(3) Any land acquired under subsection (1) may, until it is required for the purpose for which it was acquired, be held and used for the purpose of any of the functions of the Council.

(4) Any land belonging to a Council and not required for the purpose for which it was acquired may be appropriated for any other purpose, except that in the case of land compulsorily acquired under subsection (2) the consent of the Minister shall be required.

(5) A Council may sell, let or otherwise dispose of any land which it may possess and which is not required for the purpose for which it was acquired or is being used:

Provided that —

(i) in the case of land compulsorily acquired under subsection (2) the consent of the Minister shall be required; and

(ii) nothing in this subsection shall authorise the disposal of land by a Council, whether by sale, lease or otherwise in breach of any trust, covenant or agreement binding upon the Council.

(6) Subject to the provisions of the Town and Country Planning Act and the Land and Titles Act, a Council may lay out building plots upon or otherwise subdivide any land which it may possess for the purpose of housing schemes or for the purpose of factory, residential, religious, industrial, business or workshop sites and may sell, let or otherwise dispose of any such plots or subdivisions of land and the buildings thereon.

Cap. 154
Cap. 133

45.—(1) A warrant establishing a Council may provide that, subject to such limitations and conditions as may be specified therein, a Council either shall perform or may perform all or any or any part of the functions listed in the Schedule.

Functions
16 of 1968, s. 23
11 of 1974, s. 3

Schedule

(2) The Minister may, after having given reasonable notice of his intention to do so and having considered such representations, if any, as may be made, by order amend the Schedule.

(3) Nothing in this section shall be deemed to confer on any Council authority to perform any act which would constitute a contravention of the terms of any Act.

Powers of public officers
16 of 1968,
Sched
11 of 1974, s. 3

46. The Minister may by notice direct that specified public officers, or categories of officers, shall be deemed to be officers of any Council for the purposes of giving effect to and enforcing any by-laws made by such Council.

Power to enforce functions of Councils
16 of 1968, s. 24
11 of 1974, s. 3

47.—(1) If the Minister is satisfied that any Council has made default in the performance of any function conferred or imposed upon it by or under this Act or any other Act for the time being in force, he may, after having given the Council reasonable notice of his intention to do so and having considered the representations, if any, of the Council thereon, make an order declaring the Council to be in default and may, by the same or any other order —

(a) for the purpose of removing the default direct the Council to perform such of its functions in such manner and within such time or times as may be specified in the order; or

(b) transfer to such person or body as he may deem fit such of the functions of the Council in default as may be specified in the order.

(2) If a Council in respect of which an order has been made under paragraph (a) of subsection (1) fails to comply with any requirement thereof within the time limited thereby for compliance with that requirement, the Minister may make an order under paragraph (b) of that subsection.

(3) Where an order has been made under paragraph (b) of subsection (1), the Minister may, if he considers the default made by the Council of such a nature as to so warrant, by the same or any other order, dissolve the Council or suspend the Council for such time as he may think fit from the performance of such of its functions as may be specified in such order.

Expenses in respect of transferred functions

48. Where any functions of a Council are transferred to any person or body under the provisions of paragraph (b) of subsection (1) of section 47, the expenses incurred by such person

or body in discharging those functions shall be a debt due from the Council in default to such person or body, as the case may be.

49. In the event of any sudden disaster or emergency endangering the life or property of any persons within the area of authority of a Council, the Clerk to the Council may, after consultation with the President if practicable, and having regard to any approved plan for such emergency, make such decisions and take such steps as may be reasonably necessary to deal with the situation, without prior reference to the Council:

Powers in emergency
16 of 1968,
Sched
11 of 1974, s. 3

Provided that the Clerk shall as soon as practicable report any such decisions and steps to the President and the Executive Committee of the Council.

PART VI

BY-LAWS

50.—(1) A Council may from time to time make and having made, amend, vary or cancel by-laws, having the force of law in the area of authority of the Council, for the carrying into effect and for the purposes of any function conferred upon it by virtue of this or any other Act and may in such by-laws specify a fine not exceeding one hundred dollars or, in default of payment, imprisonment not exceeding three months for any breach of any such by-laws and, in the case of a continuing offence, a further penalty not exceeding five dollars for each day on which the offence is continued after written notice of the offence has been served on the offender.

By-laws
16 of 1968, s. 25
11 of 1974, s. 3

(2) Such by-laws may further provide that, in addition to any penalty specified in subsection (1), any expense incurred by the Council in consequence of any breach of the by-laws or in the execution of any work directed by any by-law to be executed by any person and not executed by such person shall be paid by the person committing such breach or failing to execute such work and shall be recoverable as a civil debt.

(3) By-laws may make provision for the payment of such fees or charges as shall to the Council seem fit:

Provided that, if a Council shall make by-laws relating to the licensing of any occupation, trade, business or industry within the area of its authority, no person shall be required to take out a licence or to pay any licence fee for a licence entitling him to follow or exercise such occupation, trade, business or industry if such occupation, trade, business or industry is also required to be

licensed under the provisions of any Act for the time being in force.

(4) Any by-law made by a Council under the provisions of this section shall be read and construed subject to the provisions of this Act and of any other law for the time being in force in Solomon Islands:

Provided that, where a by-law makes provision for any matter for which provision is made in any other Act for the time being in force, such by-law shall not be deemed to be invalid unless there be any conflict between the provisions of such by-law and such Act, in which event the provisions of the Act shall prevail.

(5) Any by-law made under the provisions of this Act may require acts or things to be performed or done to the satisfaction of a specified person and may empower a specified person to issue orders to any other person requiring acts or things to be performed or done, imposing conditions and prescribing periods and dates upon, within or before which such acts or things shall be performed or done or such conditions shall be fulfilled.

(6) Any by-law made under the provisions of this Act may confer upon a Council and any of its officers and employees specified in such by-law such powers of inspection and inquiry and such power to execute any work as may be reasonably necessary for the proper carrying out or enforcement of such by-law.

(7) Any by-law may specify that it shall apply to the whole or any part of the area of authority of the Council or to all or any class of persons in such area and, failing such specification, a by-law shall be deemed to apply to all parts of the area of the authority of the Council and to all persons therein.

51.—(1) By-laws shall be made under the common seal of the Council and shall be signed by the President after formal resolution of the Council, the date of which shall be recorded in the by-law.

(2) A by-law made or amended under the provisions of this Act shall not have effect unless and until approved by the Minister, who may in approving the by-law determine the date on which it shall come into operation and also amend it provided that no such amendment shall be inconsistent with the principles or objects of the by-law. The Minister may also refuse to approve any by-law and in so doing may advise the Council to amend the by-law or to cancel or make a by-law, and if the Council refuses

Method of
making by-laws
16 of 1968, s. 26
and Sched
11 of 1974, s. 3

or neglects to do so, the matter may be dealt with under subsection (7).

(3) At least fourteen days before application for approval of any by-law intended to be made by a Council under the provisions of subsection (1) is made, notice of intention to apply for such approval shall be posted on a public notice board at the office of the Council.

(4) For at least fourteen days before application for approval of any by-law is made a copy of such by-law shall be deposited at the office of the Council and shall at all reasonable hours be open to public inspection without payment, and the Council shall, on application by any person and on payment of such sum as the Council may determine, furnish to such person a copy of such by-law.

(5) Any objection to the proposed by-law shall be in writing and shall be lodged with the Clerk to the Council within twelve days of the date of posting of notice under subsection (3).

(6) Every by-law submitted to the Minister for approval shall be accompanied by —

(a) a copy of the resolution of the Council that the by-law be made;

(b) a certificate by the Clerk to the Council that the provisions of subsections (3) and (4) have been complied with; and

(c) copies of any objection to the by-law lodged in accordance with subsection (5), or, if no such objection has been lodged, a certificate by the Clerk to the Council to that effect.

(7) If a Council, having been advised by the Minister, whether under subsection (2) or otherwise to make, amend or cancel a by-law, refuses or neglects to do so then and in such case the Minister, after he has considered the observations (if any) of the Council, may make, amend or cancel a by-law and every by-law so made or amended shall have the same force and validity as it if had been made by the Council.

52.—(1) A copy of every by-law when approved by the Minister shall be deposited at the office of the Council by which the by-law was made and shall at all reasonable times be open to public inspection without payment; and a copy thereof shall, on application, be furnished to any person on payment of such sum as the Council may determine.

Publication
16 of 1968,
Sched
11 of 1974, s. 3

(2) Every by-law made and approved under the provisions of this Act shall be published by exhibiting a copy thereof on a public notice board at the office of the Council by which the by-law was made and shall come into operation on the date of such publication, or on such later date as may be specified. The Council may give such other notice as it thinks requisite for bringing it to the attention of the persons affected thereby.

Evidence of by-laws
16 of 1968,
Sched
11 of 1974, s. 3

53. A copy of a by-law purporting to be made by a Council, upon which is endorsed a certificate purporting to be signed by the President or such other officer of the Council authorised in that behalf, stating —

(a) that the by-law was made and published by the Council in the prescribed manner;

(b) that the copy is a true copy of the by-law; and

(c) that on a specified date the by-law was duly approved by the Minister and came into operation on a specified date,

shall be admitted in evidence in any court without further proof, and such certificate shall be evidence of the facts stated therein without further proof and without proof of the handwriting or official position of the person purporting to sign the certificate.

PART VII

FINANCIAL PROVISIONS AND AUDIT

Establishment of Council funds
16 of 1968,
Sched
11 of 1974, s. 3

54.—(1) Every Council shall set up a general fund into which shall be paid all revenue and other moneys accruing to the Council and from which shall be paid all expenditure properly and lawfully incurred by such Council.

(2) Notwithstanding anything contained in this section, a Council may with the approval of the Minister establish a special fund for any specific purpose.

Revenues of Councils
11 of 1974, s. 3
28 of 1978, s. 2

55.—(1) The revenues or other funds of a Council are hereby declared to be as follows —

(a) all sums of money vested in a Council by virtue of the provisions of paragraph (c) of section 127;

(b) revenue accruing to a Council from the following sources —

(i) moneys derived from any rate imposed by the Council by virtue of the provisions of this Act;

- (ii) moneys derived from licences, permits, dues, charges or fees specified by any by-law made by a Council;
- (iii) moneys payable to a Council under the provisions of any other Act;
- (iv) receipts derived from any public utility concern or any service or undertaking belonging to or maintained by a Council either in whole or in part;
- (v) rents derived from the letting or leasing of any building or land belonging to a Council;
- (vi) grants-in-aid out of the Consolidated Fund or other public revenue;
- (vii) any particular public revenue which may lawfully be assigned to a Council;
- (viii) any sums of money which may lawfully be assigned to a Council by any public corporation;
- (ix) interest on the invested funds of a Council;
- (x) moneys which may accrue from loans received under the provisions of section 57; and
- (xi) moneys granted to a Council by way of gift for any public purpose or for the welfare of all or any of the inhabitants of the area of authority of the Council

(2) Any other moneys lawfully derived by a Council from any other source whatsoever not hereinbefore specifically mentioned shall be and form part of the revenue and funds of such Council.

56. Subject to the provisions of this Act, a Council may incur all expenditure necessary for and incidental to the carrying out of any functions conferred upon it under this or any other Act or by the warrant establishing such Council.

Expenditure

57.—(1) A Council may from time to time, in accordance with a resolution of the Council in that behalf, raise loans within Solomon Islands of such amounts, from such sources, in such manner, for such purposes and upon such conditions as the Minister may approve.

Power to borrow money
16 of 1968, s. 27
and Sched
11 of 1974, s. 3

(2) All such loans, whether raised before or after the commencement of this Act, shall be charged indifferently on all the revenues of the Council and all securities therefor shall rank equally without any priority:

Provided that —

(a) nothing in this subsection shall apply to any money borrowed by way of temporary loan or overdraft without security; or

(b) affect any priority existing at, or any right to priority conferred by a security created before, the commencement of this Act.

(3) Where any interest or any payment of capital on any loan is due and remains unpaid for three months after a demand therefor has been served on the Council in writing by the person entitled thereto, the Minister may —

(a) order the sum due, whether in respect of capital or of interest, to be paid by the Council from the general fund or any other funds of the Council to the person entitled to receive the sum due; or

(b) order the sale of any property of the Council, including land, and the payment of the whole or any part of the proceeds of the sale of such property in satisfaction or partial satisfaction of the sum due; or

(c) order that a rate necessary to produce the sum due shall be levied upon and collected from the ratepayers of the area of authority of the Council, either immediately or at such date as the Minister shall order; and for the purpose of raising such sum the Minister shall in addition have the same power as the Council concerned of making and levying a rate.

(4) The power of the Minister under paragraph (c) of subsection (3) of making and levying a rate may be exercised at any time.

58. It shall be lawful for a Council with the prior approval of the Minister to borrow from a bank by way of temporary loan or overdraft any sum which it may temporarily require.

59. A Council may from time to time, in accordance with a resolution of the Council in that behalf, lend money within Solomon Islands, of such amounts, to such persons, in such manner, for such purposes and upon such conditions as the Minister may approve.

60. A Council may invest all or any portion of the moneys of the Council in such investments as may from time to time be approved by the Minister:

Overdrafts
16 of 1968, s. 28
11 of 1974, s. 3

Power to lend
money
16 of 1968 Sched
11 of 1974, s. 3

Investment of
funds
16 of 1968,
Sched

Provided that no such approval shall be required should a Council wish to place any portion of its moneys on fixed deposit account with the bank holding the general fund of the Council.

11 of 1974, s. 3

61. A Council may make advances and operate deposit and suspense accounts within such limits and upon such conditions as shall be approved in writing by the Minister, and such approval may be given either generally or with respect to any particular Council or with respect to the Councils in any particular area.

Deposit and
advance accounts
16 of 1968,
Sched
11 of 1974, s. 3

62. Every Council shall keep proper accounts and other records in relation thereto and immediately after the end of each financial year shall cause its accounts for that year to be brought to a balance and a balance sheet to be prepared with respect thereto, together with a statement or abstract of such accounts.

Accounts to be
kept

63. The Minister shall issue written instructions (to be called Financial Instructions), not inconsistent with the provisions of this Act, to regulate and control the issuing of receipts, the making of payments and the operation of bank accounts by Councils, and generally for the better control and management of the financial business of Councils; and such instructions may be issued either generally or with respect to any particular Council or with respect to the Councils in any particular area and shall be observed and obeyed by the Council or Councils with respect to which such instructions have been issued.

Financial
Instructions
16 of 1968, s. 29
11 of 1974, s. 3

64.—(1) Every Council shall, not later than 30th September each year or such other date as the Minister may in writing prescribe generally or in relation to that Council, pass detailed estimates of revenue and expenditure of the Council for the next financial year.

Estimates of
Councils
16 of 1968,
Sched
11 of 1974, s. 3

(2) Such estimates shall be passed by formal resolution at a meeting of the Council specially convened for the purpose and shall be submitted to the Minister for approval as soon as possible thereafter.

(3) The Minister may either approve or disapprove such estimates as a whole or disapprove, amend or reserve any item or items contained therein and shall notify the Council accordingly;

Provided that, if such notification is not received by the Council before the commencement of the financial year for

which such estimate is prepared, the Council may incur expenditure on recurrent heads of expenditure in accordance with the approved estimates for the previous year.

(4) Where it appears to a Council in any financial year that expenditure for any specified purpose is desirable and no or insufficient provision therefor has been made in the estimates for such year, a Council may submit an application for supplementary expenditure to the Minister for approval. The Minister may either approve or disapprove such application as a whole or disapprove, amend or reserve any item or items contained therein and shall notify the Council accordingly.

(5) No Council shall collect revenue or incur expenditure which has not been approved in accordance with the provisions of this Act except with the sanction of the Minister; and any Council member, officer or servant who has applied or connived at or concurred in the collection or application of moneys for purposes which have not been lawfully approved shall be liable to be surcharged and to account for such moneys.

(6) The annual estimates and all supplementary estimates shall be submitted in such form and manner and shall contain such information as may be specified in Financial Instructions issued under the provisions of section 63.

65. A joint committee appointed under the provisions of subsection (2) of section 32 may, with the approval of and subject to any conditions imposed by the Councils appointing the committee, operate a fund in accordance with the provisions of this Part of this Act and to such extent such committee shall be deemed to be a Council to which, subject to the provisions of subsection (2) of section 32, the provisions of this Part shall apply.

66. The Minister may authorise any person to have access to the records of any Council; and any person so authorised shall at all reasonable times have access to and be entitled to inspect all books, accounts and records of the Council and may advise the Council thereon and submit reports to the Minister in connection therewith.

67.—(1) The accounts kept by a Council under section 62, together with all books, vouchers and papers relating thereto and the annual statement or abstract thereof shall be laid before an auditor to be appointed by the Minister.

Joint funds
16 of 1968, s. 30

Access to
records of
Councils
12 of 1974, s. 3

Audit of
accounts
16 of 1968, s. 31
16 of 1968 Sched
11 of 1974, s. 3

(2) At least fourteen days before the laying by a Council of its accounts before an auditor as required by subsection (1), notice of intention so to do shall be posted on a public notice board at the office of the Council.

(3) The auditor shall make a full and complete audit of the accounts of the Council using due care, skill and diligence and —

(a) shall certify whether or not in his opinion —

- (i) the accounts of the Council are in order;
- (ii) the accounts present a true and correct view of the financial position and affairs of the Council;
- (iii) due provision has been made for the repayment of all moneys borrowed by the Council;
- (iv) the value of the assets of the Council have been fairly stated;
- (v) due diligence and care have been shown in the collection and banking of income;
- (vi) the expenditure incurred has been duly authorised, vouched and supervised;
- (vii) proper account has been kept of plant, stores and materials;
- (viii) any of the money or other property of the Council has been misappropriated or improperly or irregularly dealt with;
- (ix) all his requirements and recommendations have been complied with and carried out; and

(b) shall report as to any other matters which in his opinion call for special notice or which are prescribed.

(4) A copy of the auditors' report shall be sent to the Council, and together with a copy of the statement or abstract of accounts of the Council, to the Minister and the Minister responsible for finance.

(5) Every Council shall permit the auditor to check any cash, investments or other assets in its possession and to have access at all times to all its accounts and all books, vouchers and papers relating thereto.

68. The Minister may fix the amount to be charged in respect of any audit carried out under this Act and may require the Council concerned to pay such amount together with any expenses incurred by an auditor in the performance of his duties under this Act.

Cost of audit
16 of 1968,
Sched
11 of 1974, s. 3

Powers and
duties of auditor
16 of 1968,
Sched
16 of 1974, s. 3

69.— (1) An auditor appointed by the Minister at every audit held by him may —

(a) disallow any item of expenditure which is contrary to law;

(b) surcharge the amount of any expenditure disallowed upon the person responsible for incurring or authorising the expenditure;

(c) surcharge any sum which has not been duly brought into account upon the person by whom that sum ought to have been brought into account;

(d) surcharge the amount of any loss or deficiency upon any person by whose negligence or misconduct the loss or deficiency has been incurred:

Provided that no item of expenditure incurred by a Council shall be disallowed by the auditor if it has been sanctioned by the Minister.

(2) It shall be the duty of any such auditor —

(a) to certify the amount due from any person upon whom he has made a surcharge; and

(b) to certify at the conclusion of the audit his allowance of the accounts, subject to any disallowances or surcharges which he may have made.

16 of 1968, s. 32

(3) Any person registered as a voter for the area of a Council to the accounts of which the audit relates may be present or may be represented at the audit and may make any objection to the accounts before the auditor.

16 of 1968, s. 32

(4) The auditor shall, on the application of any person who is aggrieved by his decision on any matter with respect to which that person has made an objection, or of any person aggrieved by a disallowance or surcharge made by the auditor, state in writing the reasons for his decision.

Special relief for
officers and
servants

70. Notwithstanding any of the provisions of section 69, no liability to surcharge shall be incurred by an officer or servant of the Council who can prove to the satisfaction of the auditor that he acted in pursuance of and in accordance with the terms of a resolution of the Council or a committee duly appointed by the Council or on instructions of any officer of the Council to whom he is subordinate.

Auditor may take
evidence

71.— (1) For the purposes of any examination under the provisions of this Part the auditor may take evidence and examine

witnesses upon oath or affirmation (which oath or affirmation the auditor is hereby empowered to administer) and may, by summons under his hand, require all such persons as he may think fit to appear personally before him at a time and place to be stated in such summons and to produce all such books and papers, including the minutes of the proceedings of the Council or of any committee thereof, as he may consider necessary for such examination:

Provided that no person shall be bound to incriminate himself and every witness shall in respect of any evidence given by him before the auditor be entitled to the same privileges to which he would have been entitled if giving evidence before a court.

(2) Any person who, when so required, without reasonable excuse —

(a) neglects or refuses to comply with the terms of such summons; or

(b) having appeared, refuses to be examined on oath or affirmation or to take such oath or affirmation; or

(c) having taken such oath or affirmation, refuses to answer such questions as are put to him,

shall be guilty of an offence and shall be liable on conviction by a court, for every such neglect or refusal, to a fine of one hundred dollars, or in default of payment, to imprisonment for three months.

72. Every sum certified by the auditor to be due from any person shall be paid by that person to the Council concerned within sixty days after it has been so certified or, if an appeal with respect to that sum has been made, within thirty days after the appeal is finally disposed of or abandoned or fails by reason of the non-prosecution thereof.

Payment of sums
certified to be
due

73.— (1) Any sum which is certified by the auditor to be due and has become payable shall, on complaint made by the Council or action taken by or under the direction of the Minister, be recoverable by the Council as a civil debt.

Recovery of
sums certified to
be due
11 of 1974, s. 3

(2) In any proceedings for the recovery of such a sum a certificate signed by the auditor shall be conclusive evidence of the facts certified and a certificate signed by the President of the Council concerned or other officer whose duty it is to keep the accounts that the sum certified to be due has not been paid to him shall be conclusive evidence of non-payment, unless it is proved

that the sum certified to be due has been paid since the date of the certificate.

(3) Unless the contrary is proved, a certificate purporting to be signed by the auditor or the President of the Council or other officer whose duty it is to keep the accounts shall be deemed to have been signed by the case such auditor, President or other officer, as the case may be.

Appeals against
decisions of
auditor

74.—(1) Any person who is aggrieved by a decision of the auditor on any matter with respect to which he made an objection at the audit and any person aggrieved by a disallowance or surcharge made by the auditor may appeal to a Magistrate's Court, unless such decision, disallowance or surcharge relates to an amount exceeding one thousand dollars, in which case an appeal shall be to the High Court:

Provided that no appeal shall be allowed unless, within sixty days of the date of decision or the certificate of disallowance or surcharge of the auditor, as the case may be, the appellant serves upon the auditor a notice of appeal and files such appeal in the Magistrate's Court or the High Court, as the case may be, in conformity with any rules of court relating thereto.

(2) A Magistrate's Court or the High Court on such appeal shall have power to confirm, vary or quash the decision of the auditor and to remit the case to the auditor with such directions as it thinks fit for giving effect to the decision on appeal; and, if the decision of the auditor is quashed or is varied so as to reduce the amount of surcharge to two hundred dollars or less, the appellant shall not be subject to the disqualification by reason of the surcharge imposed by section 10 or section 12.

Publication of
statement of
accounts and
auditor's report

75. Every Council shall, within six months of the receipt of the auditor's report, at its own offices publish —

(a) the annual balance sheet and statement or abstract of accounts prepared under section 62; and

(b) any report on such accounts and statement or abstract signed by the auditor under section 67.

PART VIII

RATES

Rating authority

76. For the purposes of this Act every Council shall be the rating authority for the area of its authority and, subject to the provisions of section 57 or except as may be otherwise

specifically provided in this or any other Act, no authority other than the Council shall have power to make or levy any rate in the area of authority of such Council, notwithstanding any customary law to the contrary.

77.—(1) Subject to the approval of the Minister and to the provisions of any regulations made under section 79, a Council may make and levy annually general rates based on any one or more of the following systems, that is to say —

Types of rate
16 of 1968, s. 33
and Sched
11 of 1974, s. 3

(a) a rate, which may be referred to as the basic rate, at a uniform or graduated amount *per capita* on all persons of or above the age of eighteen years being persons resident within the area of its authority;

(b) a rate on immovable property situated within the area of its authority or any part of such area;

(c) a rate assessed on the possessions or any category of possessions of persons within the area of its authority or any part of such area.

(2) In addition to making and levying a general rate under subsection (1) a Council may, subject to the approval of the Minister and to the provisions of any regulations made under section 79, make and levy a rate, which may be referred to as a special rate —

(a) at a uniform or graduated amount *per capita* on any person or class of person resident within the area of its authority or any part of such area; or

(b) on immovable property situated within such area or any part of such area,

in order to provide for some specific purpose within such area or any part of such area.

78. Unless a formal resolution to refrain from so doing shall have been passed by the Council and approved by the Minister, every Council shall make and levy one or more of the rates specified in subsection (1) of section 77 as will be sufficient to provide for such part of the total estimated expenditure to be incurred by the Council during the period in respect of which the rate is made as is to be met out of moneys raised by rates, together with such additional amount as is, in the opinion of the Council, required to cover expenditure previously incurred or to meet contingencies or to defray any expenditure which may fall to be defrayed before the date on which the money to be received in respect of the next subsequent rate will become available.

Duty to make
rates
16 of 1968,
Sched
11 of 1974, s. 3

Rating
regulations
3 of 1969, s. 5

79. Subject to the provisions of section 80, the Minister may make regulations providing generally for the making and levying of rates by any Council on persons resident or temporarily resident in or immovable property situated within the area of authority of such Council and, without prejudice to the generality of the foregoing, providing in particular for —

(a) the basis and incidence of any rate to be levied under section 77;

(b) the notice to be given by a Council of its intention to make and levy a rate;

(c) the procedure for the appointment of assessment committees appointed under section 91 and the procedure, powers and duties of such committees;

(d) the method of assessment of property or possessions for the purposes of any rate to be levied under this Act;

(e) the hearing of appeals against any such assessment;

(f) the preparation of rating rolls and the rendering of returns by or the registration of persons liable to pay any rate;

(g) the dates and places for the payment of any rate;

(h) to whom payment shall be made;

(i) the exemption of any category of persons from liability to pay the whole or any part of any rate;

(j) the imposition of pecuniary penalties for non-payment or late payment of any rate.

Basic rate
16 of 1968, s. 34
11 of 1974, s. 3
5 of 1978, s. 2

80.— (1) Notwithstanding the provisions of any regulations made under section 79, the provisions of this section shall apply to the making, levying and payment of a basic rate imposed under paragraph (a) of subsection (1) of section 77.

(2) (a) Any person of or above the age of eighteen years shall —

(i) on the first day of January in every year become liable to pay the basic rate (if any) imposed by the Council in its area of authority of which he is a person resident on such first day of January; and

(ii) if at any time during any year he becomes temporarily resident in the area of authority of any other Council which has imposed a basic

rate for that year, forthwith be liable also to pay such basic rate:

Provided that no person shall be liable to pay a basic rate if he is generally or specifically exempted from payment thereof.

(b) Any person who, having become liable to pay any basic rate before the thirtieth day of June in any year, fails to pay such rate before that day, shall in addition become liable to pay to any Council receiving or seeking to recover from him the basic rate due to it from him for that year in pursuance of paragraph (a), a penalty of two dollars or twenty-five *per centum* of the rate received or sought to be recovered, whichever is the greater.

(3) For the purposes of this Part a person shall be deemed not to be temporarily resident in the area of authority of any Council if he has become temporarily resident in that area primarily or partly for the purpose of avoiding liability for payment of a higher rate imposed by any other Council, and if any question should arise as to whether any person became temporarily resident in any area for such purpose, until the contrary is proved, the onus whereof shall lie upon such person, it shall be presumed that he became so resident for that purpose.

(4) Notwithstanding the other provisions of this section, a person visiting Solomon Islands for a period of less than six months shall not be liable to pay a basic rate.

81.— (1) (a) Subject to the provisions of any regulations made by the Minister under section 79, it shall be the duty of every person liable to pay any rate to a Council to pay the amount of such rate to a rate collector or other person duly appointed or authorised by the Council concerned to collect and receive the same at such time and at such place as may from time to time be specified by the Council.

(b) If no person has been appointed or authorised to collect and receive rates, the payment of rates shall be made to the Clerk to the Council.

(c) If no time nor place for payment shall have been specified, the time shall be deemed to be on or before the thirtieth day of April in every year and the place shall be deemed to be the usual place of office of the Clerk to the Council.

(2) For the purposes of any proceedings for the recovery of any rate imposed under the provisions of this Act, if any question

Payment of rates
11 of 1974, s. 3
7 of 1977, s. 2

arises as to whether or not a person is under a specified age, or resides in the area of authority of any particular Council, or has paid a rate for any year or has or has not any income of any particular amount, the burden of proving that he is under such age, or does not so reside, or has paid a rate for that year or has no such income shall lie upon the person alleging the same.

(3) (a) A Council may by formal resolution require any employer operating in its area of authority to deduct from the wages or salaries of its employees the basic rate levied by the Council for the current year under paragraph (a) of subsection (1) of section 77 and remit the same to the Council by such instalments as the Council shall resolve prior to thirty-first day of December in each year and any employer which shall refuse or fail to deduct such basic rate as aforesaid shall render an employer liable to a fine of five dollars per day for such refusal or failure as aforesaid;

(b) An employer shall not be under any obligation to a Council once any employee ceases to be employed by him;

(c) The Council may call upon any employer to provide a list of the names and addresses of its employees as shown in the employer's records and failure to provide such information within twenty-eight days of the request being made shall render an employer liable to a fine of five dollars per day for such failure as aforesaid.

(d) The expression "employer" for the purposes of this section shall include a company defined by the Companies Act, any Council and, notwithstanding the provisions of section 126, the Crown.

82.—(1) Notwithstanding any other provision of this Act, if any person, who would otherwise be liable for payment of a basic rate to any Council for any year, produces to the Clerk to such Council or to a rate collector appointed by such Council a valid receipt issued by or on behalf of any other Council in evidence of the payment by him of a basic rate levied by such other Council for that year, being a basic rate which he was liable to pay under the provisions of this Act, he shall be deemed not to be liable for payment of the basic rate for such year levied by such first-mentioned Council nor to any penalty under section 80(2)(b) in respect of that year if the receipt records payment of the basic rate before the thirtieth day of April in that year.

(2) The following immovable property shall be exempt from assessment and rating under this Act—

(a) lands and buildings appropriated exclusively for the purpose of public worship;

(b) cemeteries and burial grounds;

(c) charitable and educational institutions; and

(d) any other immovable property specifically or generally exempted by the Minister by notice.

(3) A Council may reduce or remit payment of any rate on account of the poverty of any person liable to the payment thereof or for any other good reason.

(4) Subject to the provisions of any regulations made under section 79 a Council may exempt women from the liability to pay any rate.

83.—(1) If any person fails to pay any rate for which he is liable on or before the date on which it is payable, the Council concerned may recover the same as a civil debt together with such costs and such penalty as may be prescribed under the provisions of this Act or any regulations made thereunder:

Provided that no demand shall be made for any rate or penalty nor shall any proceedings for the recovery thereof be commenced more than three years after the date on which such rate became due and payable.

(2) Any proceedings against a person subject to the jurisdiction of a Local Court under the provisions of the Local Courts Act brought by a Council for the recovery of any rate or penalty under the provisions of subsection (1) may be brought in a Local Court.

84. In any proceedings to recover a rate levied under the provisions of this Act the rate books and other records of the Council concerned and all certified copies of entries made therein purporting to be signed by the President of or Clerk to the Council shall, upon production thereof, be prima facie evidence of such rate and of the matters stated therein without further evidence that the requirements of this Act have been complied with:

Provided that it shall be competent for any person proceeded against to offer evidence to prove the contrary.

85.—(1) Any person who, without lawful justification or excuse, the proof of which shall lie on the person charged, refuses or neglects to pay any rate payable by him under the provisions of this Act shall be guilty of an offence and shall be

Claim for amount of rate
16 of 1968, s. 36
16 of 1968, s. 36

Cap. 19

Evidence of rate

Penalty for refusal to pay rates and wilful misrepresentation

Cap. 175

Exemptions from and remissions of rates
16 of 1968, s. 35
and Sched
11 of 1974, s. 3

16 of 1968, s. 37
11 of 1970,
Sched

liable to a fine of one hundred dollars or to imprisonment for three months or to both such fine and imprisonment.

(2) Any person who wilfully misrepresents in any way his rateable capacity shall be guilty of an offence and shall be liable to a fine of one hundred dollars or to imprisonment for three months or to both such fine and imprisonment.

(3) The conviction of any person of an offence under the provisions of subsection (1) shall not affect, bar, prejudice or limit the power to bring any civil proceedings for the recovery of any rate under the provisions of section 83; and a person so convicted shall remain liable for the payment of such rate notwithstanding that he has paid any fine or served any sentence imposed upon such conviction; nor shall such conviction affect, bar, prejudice or limit the power to lay a further charge under subsection (1) for a separate offence of refusal or neglect to pay such rate subsequent to the date of such conviction.

Penalty for
inciting a person
to refuse to pay
rates

86. Any person who, without lawful justification or excuse, the proof of which shall lie on the person charged, incites any person to refuse to pay any rate payable by him under the provisions of this Act or who incites or assists any person to misrepresent in any way his or any other person's rateable capacity shall be guilty of an offence and shall be liable to a fine of two hundred dollars or to imprisonment for six months or to both such fine and imprisonment.

Penalty for
unauthorised
collection of
rates

87. Any person who —

(a) not being authorised under this Act or by the Council concerned so to do, collects or attempts to collect any rate imposed under this Act; or

(b) collects or attempts to collect any rate other than a rate prescribed in this Act or authorised by any other Act, shall be guilty of an offence and shall be liable to a fine of two hundred dollars or to imprisonment for six months or to both such fine and imprisonment.

Duty to give
information

88.—(1) Any person who may be required so to do shall give all such information as may reasonably be required of him by any Council, rate collector or assessment committee for the purpose of obtaining information for the assessment or collection of a rate.

(2) Any person having been required to give information under subsection (1) who wilfully misleads or attempts to mis-

lead any Council, rate collector or assessment committee or their agents on any matter connected with the collection of a rate shall be guilty of an offence and shall be liable to a fine of two hundred dollars or to imprisonment for six months or to both such fine and imprisonment.

(3) Any person having been required to give information under subsection (1) who refuses or wilfully neglects to give such information shall be guilty of an offence and shall be liable to a fine of one hundred dollars or, in default of payment, to imprisonment for three months.

89.—(1) A Council may in writing appoint any suitable person to be a rate collector in respect of any specified area within the Council's area of authority.

Rate collectors
16 of 1968, s. 38

(2) It shall be the duty of every rate collector —

(a) to furnish orally or in writing to the Council concerned a nominal roll of all rateable persons or immovable property, as the case may be, in the area for which he has been appointed;

(b) to collect and receive from each person liable for the payment of rates in the area to which he has been appointed the rates payable by each such person;

(c) to pay all amounts so collected to the Council concerned; and

(d) to report to the Council concerned the name of any person who has failed to pay the amount due from him for rates.

90. Any rate collector who —

(a) fails to deposit with the Council concerned any sum of money collected by him as rates; or

(b) knowingly demands from any person an amount in excess of the duly assessed rates; or

(c) knowingly or recklessly renders false returns, whether orally or in writing, of the number of ratepayers or the amounts of rates collected or received by him; or

(d) wilfully fails to carry out any duty imposed upon him as a rate collector by subsection (2) of section 89,

shall be guilty of an offence and shall be liable to a fine of two hundred dollars or to imprisonment for six months or to both such fine and imprisonment.

Offences by rate
collectors

Assessment committees

91. A Council may appoint such assessment committee or committees as it thinks fit for the purpose of assessing the liability of any person or persons for payment of any rate levied or to be levied under the provisions of this Act.

Legal proceedings

92. Proceedings for the recovery of any rate or penalty under the provisions of this Part may, without prejudice to the right of any other person or authority to institute criminal proceedings, be taken by the President of the Council responsible for the collection of the rate or by any other person duly appointed by him in that behalf.

Contribution in lieu of rates by Government
3 of 1969, s. 6

93. Regulations made under section 79 may provide for the payment by the Government of a contribution in lieu of rates levied upon immovable property and where such regulations so provide, it shall be lawful for the Minister to authorise the payment of such contribution out of the Consolidated Fund.

PART IX

OFFICERS AND STAFF

Power to engage staff
16 of 1968, s. 39

94.—(1) Subject to the provisions of any instructions issued under section 102, a Council shall appoint a Clerk and treasurer to the Council and may appoint such other officers and employ such other persons as it shall think necessary for the efficient discharge of the functions of the Council and may, subject as aforesaid, dismiss any person so appointed or employed.

(2) A Council may, subject to the provisions of any such instructions as aforesaid, pay to any person so appointed or employed such reasonable remuneration as it may determine.

Powers and duties of Council messengers
16 of 1968, s. 40
8 of 1974, Sched

95.—(1) Subject to the provisions of any instructions issued under section 102, a Council may appoint such Council messengers as it shall think necessary.

(2) It shall be the duty of every Council messenger, in addition to any other duties which may be assigned to him by the Council appointing him, on the order of a Local Court or a Magistrate's Court, to arrest and bring before such Local Court or Magistrate's Court any person within the area of authority of such Council who is charged with an offence.

(3) A Council messenger may, without an order from a Local Court or a Magistrate's Court and without warrant, arrest —

(a) any person whom he suspects upon reasonable grounds of having committed a cognisable offence;

(b) any person whom he finds in any place during the night and whom he suspects upon reasonable grounds to be about to commit a cognisable offence;

(c) any person who commits any offence in his presence;

(d) any person who obstructs a police officer or Council messenger while in the execution of his duty or who has escaped or attempts to escape from lawful custody;

(e) any person in whose possession anything is found which may reasonably be suspected to be stolen property or who may reasonably be suspected of having committed an offence with reference to such thing;

(f) any person for whom he has reasonable cause to believe a warrant of arrest has been issued.

(4) A Council messenger making an arrest without a warrant shall, without unnecessary delay, take the person arrested before a police officer, a Local Court or a Magistrate.

96.—(1) A Council may agree with any one or more Councils on the joint employment of any staff or the appointment of an officer.

(2) Where the Minister deems it expedient so to do, he may require any two or more Councils to concur in the joint employment of any staff or the appointment of any officer and, if any such Council fails to employ or appoint any person when required to do so under this subsection, the Minister may exercise, on behalf of such Council, the powers of employment and appointment conferred on a Council by this Act.

97.—(1) If it comes to the knowledge of an officer or servant of a Council, that a contract in which he has any pecuniary interest, whether direct or indirect (not being a contract to which he is himself a party), has been or is proposed to be, entered into by the Council or any committee thereof, he shall, as soon as practicable, give notice in writing to the Council of the fact that he is interested therein.

(2) For the purposes of this section an officer or servant of a Council shall (subject as hereinafter in this subsection provided) be treated as having indirectly a pecuniary interest in a contract or other matter, if —

Joint appointments
16 of 1968, s. 41
and Sched
11 of 1974, s. 3

Disclosure by officers of interest in Contracts
16 of 1968, s. 42

(a) he or any nominee of his is a member of a company or other body with which the contract is made or is proposed to be made or which has a direct pecuniary interest in the other matter under consideration; or

(b) he is a partner, or is in the employment, of a person with whom the contract is made or is proposed to be made or who has a direct pecuniary interest in the other matter under consideration:

Provided that —

(i) this subsection shall not apply to membership of, or employment under, any public body;

(ii) a member of a company or other body shall not, by reason only of his membership, be treated as being so interested if he has no beneficial interest in any shares or stock of that company or other body;

(iii) an officer or servant of a Council shall not be treated as having a pecuniary interest in any contract by reason only of any interest —

(a) of that officer or servant; or

(b) of any company, body or person connected with him as mentioned in this subsection,

which is so remote or insignificant that it cannot reasonably be regarded as likely to influence an officer or servant in discharging his duties.

(3) In the case of married persons living together the interest of one spouse shall, if known to the other, be deemed for the purposes of this section to be also an interest of that other spouse.

(4) An officer or servant of a Council shall not, under colour of his office or employment, exact or accept any fee or reward whatsoever other than his proper remuneration.

(5) If any person fails to comply with the provisions of subsection (1) or contravenes any of the provisions of subsection (4) he shall for each offence be liable to a fine of four hundred dollars.

98.—(1) The Minister may require a Council to appoint to any office in its service which may be vacant, a public officer posted or seconded to the Council for that purpose, on such terms and conditions as the Minister may direct.

Appointment of
seconded public
officers
11 of 1974, s. 2

(2) The Minister may transfer or replace any public officer posted or seconded to the service or a Council, having first given notice to the Council of his intention to do so and considered any representations by the Council.

99. A Council may, in the case of any officer or person, other than a public officer appointed under the provisions of section 98, in its employment, whether under this or any other Act and whether appointed or employed jointly with another Council or not, or, in the case of a person not in its employment but who is likely to be entrusted with the custody or control of money or property belonging to the Council, either require him to give or itself take such security for the faithful execution of his office and for his duly accounting for all money or property which may be entrusted to him as the Council thinks sufficient.

Security may be
demanded of
officers

100.—(1) Every officer employed by a Council, whether under this or any other Act, shall, at such times during the continuance of his office or within three months after his ceasing to hold it and in such manner as the Council directs, make out and deliver to the Council, or as it directs, a true account in writing of all money and property committed to his charge and of his receipts and payments, with vouchers and other documents and records supporting the entries therein, and a list of persons from whom or to whom money is due in connection with his office, showing the amount due from or to each.

Accountability of
officers

(2) Every such officer shall pay all money due from him to the Council, or otherwise as such Council may direct.

(3) If any such officer —

(a) refuses or wilfully neglects to make any payment which he is required by this section to make; or

(b) after three days' notice in writing signed by the President of the Council or by three members thereof and given or left at his usual or last known place of residence, refuses or wilfully neglects to make out or deliver to the Council, or as it directs, any account or list which he is required by this section to make out and deliver, or any voucher or other document or record relating thereto, or to give satisfaction respecting it to the Council, or as it directs,

a Magistrate's Court may, on complaint, order him to make such payment or delivery or to give such satisfaction.

(4) Any person who fails to comply with any such order shall be guilty of an offence and shall be liable to a fine of one hundred dollars or to imprisonment for three months or to both such fine and imprisonment.

(5) Nothing in this section shall affect any remedy by action against any such officer or his surety, except that the officer shall not be both sued by action and proceeded against under the provisions of this section for the same cause.

Powers of
interdiction
16 of 1968, s. 43

101. Subject to any instructions issued under section 102, the President of a Council may interdict any officer or servant of the Council from the duties and emoluments of his office or employment for incapacity, neglect or misconduct, pending the decision of the Council as to his removal and, in the event of removal, such officer or servant shall be deemed to have been removed from officer or employment as from the date of such interdiction.

Staff Instructions
16 of 1968,
Sched
11 of 1974, s. 3

102. Subject to the provisions of this Act, the Minister may issue written instructions providing generally for the employment, numbers, control and conditions of service of officers and employees of Councils, including public officers posted or seconded to councils, and such instructions shall be binding on all Councils to whom they are directed. Without prejudice to the generality of the foregoing, such instructions may provide for —

(a) establishing a body to advise the Minister on local Government staff matters, and prescribing the powers and duties of such body;

(b) maintaining discipline, including with-holding or deferring of increments, or reduction in rank or salary, or deductions from salary in respect of damage to or loss of property of the Council by misconduct or breach of duty;

(c) regulating appointments, grades, remuneration, promotion, termination of appointments, dismissals and leave;

(d) regulating the rates, conditions and payment of allowances and gratuities granted under section 103, the grant of advances and the terms and conditions of service generally;

(e) such other matters relating to departmental procedure and the duties and responsibilities of officers and employees as the Minister considers can best be regulated by such instructions.

103. Subject to the approval of the Minister, a Council may grant gratuities and allowances to officers and persons who have been employed by the Council or to the legal personal representatives, estates or dependants of such officers and persons.

Gratuities and
allowances
16 of 1968,
Sched
11 of 1974, s. 3

104. No gratuity or other allowance granted in pursuance of the provisions of this Part shall be assignable or transferable, or liable to be attached or sequestered, or levied upon, for or in respect of any debt or claim whatsoever:

Attachment of
gratuities or
allowances

Provided that the provisions of this section shall not affect the right of the Council or the Government to recover from any sums due or payable to or in respect of any officer or employee any amount owing to the Council or the Government by such officer or employee.

105. No matter or thing done and no contract entered into by a Council and no matter or thing done by any member, officer or employee of a Council or other person whomsoever acting under the direction of a Council shall, if the matter or thing was done or the contract was entered into bona fide for the purposes of this Act, subject any member, officer or employee of the Council or any person acting under the direction of the Council personally to any action, liability, claim or demand whatsoever.

Protection of
Council
members,
officers and
employees

PART X

LEGAL PROVISIONS

106.— (1) No suit shall be commenced against a Council until one month at least after written notice of intention to commence the same has been served upon the Council by the intending plaintiff or his agent.

Notice of suit to
be given by
plaintiff

(2) Such notice shall state the cause of action, the name and address of the intending plaintiff and the relief which he claims.

107. When any suit is commenced against any Council for any act done in pursuance or execution of an Act or of any public duties or authority, or in respect of any alleged neglect or default in the execution of any such Act, duty or authority, such suit shall not lie or be instituted unless it is commenced within twelve months next after the act, neglect or default complained of or, in the case of a continuance of damage or injury, within twelve months next after the ceasing thereof.

Limitations of
suits against
Councils

Appearance of Council in legal proceedings

108. In any prosecution by or on behalf of a Council and in any civil cause or matter in which a Council is a party the Council may be represented by any member, officer or employee duly authorised in that behalf by the Council.

Mode of service on Council

109. The notice referred to in section 106 and any summons, notice or other document authorised to be served on a Council in connection with any suit by or against such Council shall be served by delivering the same to or by sending it by registered post addressed to the President at the principal office of the Council:

Provided that the court may with regard to any particular suit or document order service on the Council to be effected otherwise and in that case service shall be effected in accordance with the terms of such order.

Description of property

110. Wherever in any criminal process or proceeding it is necessary to refer to the ownership or description of property belonging to or under the management of a Council, such property may be described as the property of the Council.

Name of Council, etc. need not be proved

111. In any proceedings instituted by or against a Council it shall not be necessary to prove the corporate name of the Council or the constitution and limits of its area.

Onus of proof in certain cases
16 of 1968, s. 44

112. Where in any proceedings under this Act any person is summoned or otherwise dealt with as the occupier of any premises and such person shall allege that he is not the occupier, the proof of such allegation shall be upon such person.

Powers of entry

113. Subject to the provisions of this or any other Act, any member, officer or servant of a Council duly authorised in writing for the purpose by the Council may, at all reasonable times and, if required, upon production of his authority, enter into or upon any land, buildings or premises within the area in which such Council is established for the purpose of carrying out any inspection, inquiry or the execution of works under the provisions of this Act or of any regulation, by-law or order made under the provisions of this Act.

Publication of notices

114. Save as in this Act is otherwise expressly provided, the publication of any notice or other document required by this Act to be published shall be deemed to be duly made if it is fixed, for a reasonable time, in some conspicuous place on or near the

outer door of the office of the Council during office hours and also in some other conspicuous place or situation within the area of the authority of the Council.

115.— (1) Subject to the provisions of this section, any notice, order or other document required or authorised by this or any other Act to be served by or on behalf of a Council or by an officer of the Council on any person shall be deemed to be duly served —

Service of notice by the Council

(a) where the person to be served is a company, if the document is addressed to the secretary of the company at its registered office or at its principal office or place of business and is either —

- (i) sent by registered post; or
- (ii) delivered at the registered office or at the principal office or place of business of the company;

(b) where the person to be served is a partnership, if the document is addressed to the partnership at its principal place of business, identifying it by the name and style under which its business is carried on, and is either —

- (i) sent by registered post; or
- (ii) delivered at that office;

(c) where the person to be served is a public body, a local authority, or a corporation, society or other body, if the document is addressed to the clerk, president, secretary, treasurer or other principal officer of that body, authority, corporation or society at its principal office and is either —

- (i) sent by registered post; or
- (ii) delivered at that office;

(d) in any other case, if the document is addressed to the person to be served and is either sent to him by registered post or delivered at his usual residence or place of business.

(2) Any document which is required or authorised to be served on the owner or occupier of any premises may be addressed to "the owner" or "the occupier", as the case may be, of those premises (naming them) without further name or description, and shall be deemed to be duly served —

(a) if the document so addressed is sent or delivered in accordance with paragraph (d) of subsection (1); or

(b) if the document so addressed or a copy thereof so addressed is affixed to some conspicuous part of the premises.

(3) Where a document is served on a partnership in accordance with the provisions of this section, the document shall be deemed to be served on each partner.

(4) For the purpose of enabling any document to be served on the owner of any premises, the Council may by notice in writing require the occupier of the premises to state the name and address of the owner thereof; and if the occupier refuses or wilfully neglects to do so or wilfully mis-states the name and address of the owner he shall, unless in the case of a refusal he shows cause to the satisfaction of the court for his refusal, be guilty of an offence and shall be liable in respect of each offence to a fine of twenty dollars or, in default of payment, to imprisonment for six weeks.

(5) In this section the word "document" means any notice, order or other document which is required or authorised to be served as specified in subsection (1).

116.—(1) Every notice, order or other document requiring authentication by a Council shall be deemed to be sufficiently authenticated if signed by the clerk to the Council or by any member or other officer of a Council duly authorised in that behalf by the President or by the Council.

(2) Any contract or instrument which, if entered, into or executed by a person not being a body corporate, would not require to be under seal may be entered into or executed on behalf of a Council by any person generally or specifically authorised by such Council for that purpose.

(3) Any document purporting to be a document duly executed or issued under the seal of a Council or on behalf of a Council shall, unless the contrary is proved, be deemed to be a document so executed or issued, as the case may be.

PART XI

MISCELLANEOUS

117.—(1) The Minister may by order confer on a public officer in any area in which there is no Council, either because no Council has been established under this Act, or for any other reason, power to perform all or any of the functions listed in the

Authentication
and execution of
documents

Powers of a
public officer
16 of 1968, s. 45
11 of 1974, s. 3

Schedule and to give any necessary orders for the purpose of carrying into effect any such function. Any person failing to comply with any order of a public officer made in exercise of the power conferred upon him by this section shall be liable to a fine of twenty dollars or, in default of payment, to imprisonment for six weeks and, in the case of a continuing offence, a further penalty not exceeding two dollars for each day on which the offence is continued after written notice of the offence has been served on the offender.

(2) Notwithstanding the other provisions of this Act, where the warrant establishing a Council is cancelled under the provisions of section 3, the moneys in the general fund of such Council shall thereupon vest in the Minister and may be expended by him for any purpose which could have been approved by such Council had its warrant not been cancelled.

118. A Council may exercise any powers and may perform any duties, for the time being vested in or imposed upon any public officer, which the Minister may by order declare to be exercisable by such Council; and such Council may thereupon authorise any officer or servant in its employ to exercise such powers.

119.—(1) Where for the purposes of the registration of voters under Part III or the imposition or collection of rates under Part VIII any question shall arise as to the age of any person the apparent age of such person shall be determined in so far as the registration of voters is concerned, by the officer appointed to compile or revise the register of voters concerned and, in so far as the imposition or collection of rates is concerned, by the rate collector concerned.

(2) Any question as to the age of any person arising in the application of any regulations, by-laws or orders made under the provisions of this Act shall be determined by such person as may be authorised in that behalf by such regulations, by-laws or orders.

(3) Any person who is aggrieved by a determination made under subsections (1) or (2) may appeal to the a Magistrate's Court having jurisdiction in the district in which the Council concerned is situated whose decision shall be final.

120. Any person who —

(a) wilfully obstructs any member, officer or servant of a Council in the execution of his duty as such; or

Schedule

Transfer of
powers of public
officers to
Councils
11 of 1974, s. 3

Determination of
age
11 of 1974, s. 3

Obstruction of
officers, etc
11 of 1974, s. 3

(b) being the occupier of any premises, prevents the owner of such premises from complying with any requirements of a Council,

shall be guilty of an offence and shall be liable to a fine of one hundred dollars or to imprisonment for three months or to both such fine and imprisonment.

Penalty for unqualified person sitting or voting

121.—(1) Any person who —

(a) having been elected as a member of a Council but not having been, at the time when he was elected, qualified to be so elected, sits or votes in the Council; or

(b) sits or votes in a Council after his seat therein has become vacant or he has become disqualified from sitting or voting therein,

knowing, or having reasonable grounds for knowing, that he was so disqualified or that his seat had become vacant, as the case may be, shall be liable to a penalty not exceeding two dollars for every day upon which he so sits or votes.

(2) Such penalty shall be recoverable by action at the suit of the Council concerned.

Supply of information
11 of 1974, s. 3

122. It shall be the duty of every Council to furnish the Minister with such information as he may require in relation to the provisions of this Act.

General penalty

123.—(1) Any person who is convicted of an offence under the provisions of this Act for which no other penalty is expressly provided shall be liable to a fine of twenty dollars or, in default of payment, to imprisonment for six weeks, and, in the case of a continuing offence, a further penalty not exceeding two dollars for each day on which the offence is continued after written notice of the offence has been served on the offender.

(2) In addition to any penalty imposed under subsection (1) any expense incurred by a Council in consequence of the commission of an offence under this Act shall be paid by the person committing such offence and shall be recoverable as a civil debt by the Council.

Minister's powers to make regulations

124. Notwithstanding the other provisions of this Act, the Minister may make regulations for the better carrying into effect of the provisions of this Act.

125.—(1) The Minister may by order declare that any or any part of the provisions of this Act shall not apply to any or to any part of the area of authority of any Council established under section 3.

Minister's power not to apply and to suspend or restrict the operations of any provisions of Act

(2) The Minister may, on being satisfied that it is necessary to do so, by order, suspend or restrict the operation of any or any part of the provisions of this Act in respect of any or any part of the area of authority of any Council established under section 3 for such period as may be specified in such order.

126. Save as is otherwise expressly provided, nothing in this Act shall affect prejudicially any estate, right, privilege or exemption of the Crown.

Crown rights

SCHEDULE
(Section 45)

11 of 1974, s. 3

FUNCTIONS OF COUNCILS

1. Planning, control and promotion of development:
 - (a) to make, finance and implement plans for the provision of social, administrative and economic services;
 - (b) to organise and promote the devolution of responsibility for services and development to committees and community organisations.
2. Custom, tradition and social change:
 - (a) to define and regulate such customs as are not contrary to law and which the Council considers should be so recognised;
 - (b) to devise and implement ways of according respect and positions of influence to traditional leaders;
 - (c) to plan and implement schemes for the preservation and development of traditional skills and knowledge, and to foster these among young person and others.
3. Employment:
 - (a) to provide employment guidance and placement services;
 - (b) to provide advisory and conciliation services to employers and employees.
4. Land:
 - (a) to manage, develop and deal in land held by the Council;
 - (b) to manage such areas of land owned by the Government as the Government may direct, on behalf of the Government and subject to such conditions as the Government may impose;
 - (c) to make, revise and implement plans to promote and control the design, construction, alteration and removal of buildings;
 - (d) to provide for the demolition of dangerous buildings and for the recovery of any expenses incurred in connection therewith.

5. Agriculture:
 - (a) to provide extension services for the promotion of agriculture and livestock husbandry for cash and subsistence;
 - (b) to promote the control of plant and animal diseases;
 - (c) to promote land conservation.
6. Fisheries:
 - (a) to provide extension services for the improvement of fish production and marketing;
 - (b) to protect and conserve local fisheries.
7. Forestry:
 - (a) to provide extension services to promote local timber production;
 - (b) to conserve forest for protection of the environment, water catchment, firewood and building materials;
 - (c) to undertake timber production and processing alone or in association with others.
8. Manufacturing:
 - (a) to promote development of manufacturing particularly by Islanders processing local materials.
9. Tourism:
 - (a) to provide facilities and services for tourists;
 - (b) to promote the orderly and controlled development of tourism.
10. Trade and marketing:
 - (a) to provide storage and transport services;
 - (b) to license trades, businesses and other occupations;
 - (c) to provide and regulate market facilities;
 - (d) to generally plan and promote the development of trade and marketing alone and in collaboration with other Councils and the Government.
11. Roads and road transport:
 - (a) to plan, construct, maintain and control roads, bridges and associated facilities and works;
 - (b) to license and control motor and other vehicles, traffic and services;
 - (c) to promote and operate freight and passenger services;
 - (d) to promote road safety;
12. Ports and wharves:
 - (a) to plan, construct, operate and maintain wharves, port and harbour facilities.
13. Shipping:
 - (a) to operate shipping and ferry services;
 - (b) to license the operation of coastal and lagoon services;
 - (c) to provide and maintain navigational aids.

14. Air Transport:
 - (a) to construct and maintain licensed aerodromes;
 - (b) to provide services and act as agents at licensed aerodromes.
15. Posts and telecommunications:
 - (a) to operate postal, wireless and telegraphic agencies.
16. Water supplies:
 - (a) to encourage and assist the provision of clean water supplies in rural areas;
 - (b) to plan, construct and maintain water supplies in urban areas;
 - (c) to establish, maintain and control public wells, springs, drinking fountains and bathing places and pools.
17. Electricity supplies:
 - (a) to plan, construct and maintain electricity supplies in rural areas.
18. Waste disposal and cleansing:
 - (a) to operate waste disposal and cleansing services in urban areas;
 - (b) to plan, construct and maintain waste disposal facilities;
 - (c) to promote suitable waste disposal and cleansing arrangements for rural areas.
19. Construction and engineering:
 - (a) to plan, construct and maintain such buildings and other works as may be required for the discharge of the functions of the Council;
 - (b) to execute works for the Government as an agent;
 - (c) to contract for the execution of works;
 - (d) to employ such staff, operate such equipment, and purchase and stock such materials as may be necessary for the proper and economic execution of these functions.
20. Housing:
 - (a) to plan, construct and maintain houses for Council staff;
 - (b) to encourage and promote the construction of houses and home ownership;
 - (c) to promote the production and supply of materials and technical assistance for the building of houses;
 - (d) to act as agent for the British Solomon Islands Housing Authority.
21. Education:
 - (a) to provide education services, boards, committees, schools and institutions in accordance with the Education Act, and also scholarships and bursaries.
22. Health:
 - (a) to safeguard and promote public health, including the prevention of and the dealing with any outbreak or the prevalence of any disease;
 - (b) to provide health and medical services;
 - (c) to operate clinics, aid posts, dressing stations and health centres;

- (d) to operate hospitals and referral centres;
 - (e) to establish, maintain and control cemeteries or burial grounds.
23. Cultural affairs:
- (a) to promote cultural activities;
 - (b) to provide reference and lending libraries;
 - (c) to provide museums and public monuments, and identify and preserve antique artifacts and sites of historical and cultural interest;
 - (d) to promote the orderly pursuit of sociological and other research.
24. Social development:
- (a) to promote and assist the development of women's clubs and the fuller involvement of women in social development;
 - (b) to provide welfare, probation and prison after-care services;
 - (c) to promote and co-ordinate the development of sports and other voluntary organisations;
 - (d) to provide and maintain community centres, sports and recreational facilities;
 - (e) to provide relief and assistance to children, young persons, the aged, destitute and infirm.
25. Information:
- (a) to provide information services.
26. Administration and legal:
- (a) to provide management, accounting and executive services for the proper, orderly, economic and accountable discharge of the functions of the Council;
 - (b) to promote the fuller understanding and participation of the public in the operation of local and central government;
 - (c) to provide services for the registration of births, marriages and deaths.
27. Miscellaneous:
- (a) to promote conservation of the environment including flora and fauna;
 - (b) to perform any function delegated to it in pursuance of any Act;
 - (c) to provide, after consultation with the members of a community or their direct representatives, for the performance by the members of such community, without payment, of minor communal services of a kind which are in the direct interest of such community as being intended directly to improve the social conditions of such community;
 - (d) to prohibit cruelty to animals and any specified acts of cruelty to animals;
 - (e) to prohibit, restrict or regulate the hunting, capture, killing or sale of animals, reptiles, birds or fish or any specified kind of animal, reptile, bird or fish;

- (f) to build, equip, maintain and operate communal feeding centres, restaurants and rest houses;
- (g) to prohibit, regulate or restrict the carrying or possession of weapons;
- (h) to prevent, abate and control fires;
- (i) to prohibit, control and restrict the storage of inflammable or offensive materials in any specified area;
- (j) to prevent and remove public nuisances;
- (k) to control the movement of beggars and vagrants in public places;
- (l) to regulate and control public collections in public places;
- (m) to provide or arrange for lighting in streets and other public places;
- (n) to allocate names to roads, streets and other public places, erect signs and directions, and allocate numbers to houses and other premises;
- (o) to establish, erect and maintain public lavatories, closets and urinals in any public place.

CHAPTER 117

LOCAL GOVERNMENT

*Subsidiary Legislation*LN 55/1993
LN 97/1993WARRANT ESTABLISHING THE HONIARA TOWN COUNCIL
(Section 3)

[4th August 1992]

1. This Warrant may be cited as the Honiara Town Council Warrant.
2. There shall be established a Council to be known as the Honiara Town Council (hereinafter called the "Council") which shall continue in force unless the Warrant is sooner cancelled.
3. The common seal of Council shall bear the words ("Honiara Town Council") and until a seal can be procured a rubber stamp bearing those words may be used.
4. The area of authority of the Council shall be that area of land shown as Honiara in the Plan No. 1981 held in the Office of the Commissioner of Lands.
5. There shall be not more than twelve members of the Council.
6. The Council shall exercise all the powers, duties and functions conferred upon a Provincial Assembly and a Town Council by the Local Government Act and any other law for the time being in force.
7. The Council may perform all or any of the functions set out in the Schedule to the Local Government Act.

THE LOCAL GOVERNMENT (ELECTIONS) REGULATIONS
(Section 18)LN 76/1963
LN 64/1964
LN 134/1967

[1st January 1964]

PART I

PRELIMINARY

1. These Regulations may be cited as the Local Government (Elections) Regulations. Citation
2. In these Regulations unless the context otherwise requires — Interpretation
 - "agent" means a polling agent or a counting agent appointed under the provisions of these Regulations;
 - "Assistant Returning Officer" means an Assistant Returning Officer appointed under the provisions of regulation 7;
 - "Council" means a local government council established under the provisions of section 3 of the Act;
 - "election" means an election of a member under the provisions of these Regulations;
 - "member" means an elected member of a Council;
 - "register of voters" means a register of voters prepared for the purposes of the Act in accordance with the Local Government (Registration of Voters) Regulations;
 - "Returning Officer" means a Returning Officer appointed under the provisions of regulation 6 (b);
 - "voter" means a person registered as a voter under the Local Government (Registration of Voters) Regulations, and entitled to vote under the Act and all Regulations made thereunder;
 - "ward" means an electoral ward constituted under regulation 3.

PART II

ELECTORAL WARDS

3. For the purposes of these Regulations, the Minister shall, by order, divide the area of authority of a Council established under section 3 of the Act into such number of electoral wards as the Council has elected members, and assign such names thereto as he may think fit:

Division of
Council areas
into wards

Provided that the Minister shall take into account such views on the boundaries of wards as either the Council or the people of any particular locality in the Council area may express.

Number of members to represent each ward

4. Each ward shall be represented by one member.

Publication of details of wards

5. Within twenty-eight days of the issue of any such order the Council shall in each ward within its jurisdiction make known in such manner and by such method as may be appropriate in accordance with local custom the area comprising such ward.

PART III

ELECTIONS

Minister to appoint date for election

6. Whenever an election for a member of a Council becomes necessary the Minister shall by notice —

(a) appoint a convenient day or days for the holding of such election:

Provided that such day or the first of such days shall be not less than thirty-five days after the date of the publication of the notice as aforesaid;

(b) appoint a Returning Officer for the Council area in respect of which the election is to be held; and

(c) require that nominations in respect of persons submitting themselves for election to the Council be delivered to the Returning Officer for such Council area not later than four o'clock in the afternoon of such day (being not later than twenty-eight days before the date appointed for the election) as shall be specified.

Appointment of Assistant Returning Officers

7. The Returning Officer shall, in respect of each ward within the Council area to which he is appointed under the provisions of regulation 6 (b), appoint a fit and proper person to be an Assistant Returning Officer.

Nomination of candidates

8.—(1) Every person submitting himself for election, hereinafter referred to as a candidate, shall be nominated in writing by three voters in the ward for which he is a candidate, and no candidate may be nominated for more than one ward.

Schedule

(2) The writing shall be subscribed by the candidate, and by the persons nominating him, in the form set forth in the Schedule

to these Regulations and the nomination form shall contain the following particulars —

(a) the name, address and description of the candidate;

(b) the names, addresses and descriptions of the nominators of the candidate; and

(c) a certificate by the candidate that he is willing and qualified to stand for election.

(3) The Returning Officer shall provide nomination papers and shall at the request of any voter, the candidate and all his nominators being present, complete any such nomination paper on such voter's behalf.

(4) No voter shall nominate more than one candidate, and where any voter purports to nominate more than one candidate, only his subscription of the first nomination paper delivered in accordance with the provisions of this regulation and so subscribed shall, subject to the provisions of these Regulations, be valid and his subscription on every other nomination paper shall be null and void.

(5) Each candidate, or one of the persons nominating him, shall deliver his nomination paper subscribed as hereinbefore provided to the Returning Officer not later than the time specified under regulation 6 (c).

9.—(1) When any nomination paper is delivered to the Returning Officer the candidate should be deemed to stand nominated unless and until the Returning Officer decides that the nomination paper is invalid or proof is given to the satisfaction of the Returning Officer of the death of the candidate or if the candidate withdraws in accordance with regulation 11.

(2) The Returning Officer shall not be entitled to hold the nomination paper invalid except on one or more of the following grounds —

(a) that it is not in the form in the Schedule to these Regulations; or that such form has not been properly completed; or

(b) that the paper is not signed as required by law; or

(c) that less than three of the nominators of the candidate are persons whose names appear on the register of voters in respect of the appropriate ward; or

(d) that the candidate already stands nominated for another ward.

Validity of nominations
LN 134/1967

(3) The Returning Officer's decision that the candidate has been validly nominated shall be final and shall not be questioned in any legal proceedings except on an election petition.

(4) Whenever the Returning Officer decides that a candidate has not been validly nominated he shall endorse and sign on the nomination paper his decision and the reasons therefor and such decision shall not be subject to review except on an election petition.

(5) In any case where the Returning Officer holds a nomination paper to be invalid under these Regulations he shall as soon as practicable communicate his decision to the candidate or any of his nominators.

(6) A candidate whose first nomination paper is or may be invalid shall be permitted to submit a second nomination paper within the time allowed for delivery of nomination papers under regulation 6 (c).

List of
candidates to be
published

10. The Returning Officer, not later than twenty-one days before the date fixed for the election, shall cause to be published within each ward, in such manner as he may deem appropriate, a list containing the full names, addresses and descriptions of the candidates for that ward and of the persons by whom they were nominated.

Withdrawal of
candidature

11. Any candidate may withdraw his candidature by notice in writing signed and delivered by him to the Returning Officer not later than four o'clock in the afternoon of the fourteenth day next before the day of election:

Provided that—

- (i) such notices of withdrawal shall take effect in the order in which they are delivered; and
- (ii) no such notice shall have effect so as to reduce the number of candidates in any ward below one.

Unopposed
candidates

12. Where there is only one candidate in any ward, the Assistant Returning Officer for that ward shall, on the day appointed for the election, declare such candidate to have been elected to the Council and shall report the result of the election to the Returning Officer.

13.—(1) Where, after the expiration of the time allowed for the delivery of nomination papers by regulation 8 (5), and before the commencement of the voting, a candidate dies, the Returning Officer shall, upon being satisfied of the fact of death, countermand the election in respect of the ward for which the deceased was a candidate, and report his action to the Minister.

Death of
candidates

(2) Upon receipt of a report under the preceding paragraph, the Minister shall appoint some other convenient day or days for the election and the electoral procedure shall be commenced *de novo*:

Provided that no new nomination shall be required in respect of a candidate who, at the time of the countermand of the election, had been properly nominated in accordance with the provisions of regulation 8.

14. In the case of a contested election, the Returning Officer shall on or before the seventh day before the day of the election give notice thereof in such manner as he may think fit, specifying—

Notice of
election
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(a) the day and the hours fixed under regulation 19 for the voting generally, or in respect of particular polling stations or wards;

(b) the full name, address and description of each candidate, and the symbol allotted to him under regulation 15 (g);

(c) the names, addresses and descriptions of the persons who nominated each candidate; and

(d) the situation of each polling station and a statement of the persons entitled to vote thereat.

15. The Returning Officer shall—

(a) provide a sufficient number of polling stations in each ward and, in accordance with the terms of any notice given under the provisions of regulation 14, allot the voters within the ward to the polling stations in such manner as seems to him most convenient;

(b) appoint, in respect of each ward, such persons as he may think fit to assist at the voting in the election, and such persons shall be known as polling assistants;

(c) appoint from amongst such polling assistants a person to be in charge of each polling station to be known as the presiding officer;

Arrangements
for elections
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(d) furnish each polling station with a compartment in which the voters can, screened from observation, record their votes;

(e) provide each presiding officer with such number of ballot papers having counterfoils with corresponding numbers as in the opinion of the Returning Officer may be necessary;

(f) provide each polling station with instruments of making an official mark on the ballot papers, and with copies of the register of voters for the ward, or such part thereof as contains the names of the voters allotted to vote at the polling station;

(g) allot a symbol and colour to each candidate nominated in accordance with the provisions of these Regulations; and

(h) do such other acts and things as may be necessary for conducting the election in the manner provided in these Regulations.

Polling agents

16.—(1) Each candidate may, in respect of each polling station within the ward for which he is a candidate, appoint two persons, hereinafter referred to as polling agents, to attend at that polling station for the purpose of detecting personation.

(2) Notice in writing of the appointments, stating the names and addresses of the polling agents, together with the polling stations to which they have been assigned, shall be given by the candidate to the Returning Officer not later than four days before the day fixed for the election.

(3) If any polling agent dies or becomes incapable of acting as such, the candidate may appoint another polling agent in his place, and shall forthwith give to the Returning Officer notice in writing of the name and address of the polling agent so appointed.

Voters to meet for election

17. The presiding officer shall, at some convenient time on the day appointed for the holding of the election, summon a meeting of all voters at the polling station to which such voters, in accordance with the provisions of regulation 15 (a), have been allotted and shall—

(a) explain to such meeting, in English or the vernacular or both, the method of voting, in accordance with the provisions of these Regulations, to be followed; and

(b) declare in English or the vernacular or both, the symbols and colours allotted to each candidate under the provisions of regulation 15 (g).

18.—(1) The presiding officer shall then cause to be placed in the polling station ballot boxes equivalent in number to the persons nominated for election. Each such ballot box shall be clearly marked with the candidate's name and with the symbol and colour allotted in accordance with regulation 15 (g), and shall be shown to the meeting of voters to be so marked before being placed in the polling station and before any voting commences. When in use for voting the ballot boxes shall be screened from observation by all persons other than the voter casting his vote and shall be so constructed that the ballot papers can be put therein by the voter but cannot by him be withdrawn.

Symbols and colours to be marked on ballot boxes

(2) Immediately before the commencement of the voting, the presiding officer at the polling station shall show the ballot boxes empty to the meeting of voters so that they may see that they are empty and shall then close and seal the boxes in such manner as to prevent them being opened without breaking the seal.

19. The hours of voting shall be fixed by the Returning Officer generally or in respect of particular wards or polling stations, and shall be not less than eight consecutive hours between seven o'clock in the forenoon and five o'clock in the afternoon.

Hours of voting

20. The voting at an election shall be conducted in the following manner—

Method of voting

(a) every voter desiring to record his vote shall present himself to a polling assistant at the polling station at which he is entitled to vote, and the polling assistant, after satisfying himself that the name of such voter appears on the copy of the register of voters, or part thereof provided for that polling station and that he has not already voted, shall deliver to him a ballot paper;

(b) immediately before the polling assistant delivers a ballot paper to a voter—

(i) the ballot paper shall be marked on both sides with an official mark;

(ii) the number, name, address and description of the voter as stated in the copy of the register of voters, or part thereof, shall be called out;

- (iii) the number of the voter in the register of voters shall be marked on the counterfoil; and
- (iv) a mark shall be placed against the number of the voter in the copy of the register of voters, or part thereof, to denote that a ballot paper has been received, but without showing the number of the ballot paper which has been received;

(c) a polling assistant may, and if required by a candidate or a polling agent shall, put to any person applying for a ballot paper at the time of his application, but not afterwards, the following questions or either of them —

- (i) are you the person whose name is on the register of voters as follows (reading the copy of the entry in the register)?
- (ii) have you already voted at the present election at this or any other polling station?

(d) a voter on receiving a ballot paper, shall go immediately into the screened compartment in the polling station, and shall there secretly record his vote by placing his ballot paper in the ballot box of his choice;

(e) a voter shall not vote for more candidates than one or record more than one vote in favour of any candidate nor place on the ballot paper any writing or mark by which he may be identified;

(f) a voter who has accidentally dealt with his ballot paper in such a manner that it cannot be conveniently used as a valid ballot paper may, on delivering such ballot paper to the presiding officer and after satisfying the presiding officer that the ballot paper has been spoiled by accident, obtain another ballot paper in the place of the paper so delivered up, and the spoiled ballot paper shall be immediately cancelled;

(g) if a voter, by reason of blindness or other physical disability, is unable to cast his vote, he shall call the presiding officer aside and tell him, no other person being present or within hearing, the name of the candidate for whom he wishes to vote and the presiding officer shall record the voter's vote by placing the voter's ballot paper in the ballot box of the candidate for whom the voter wishes to vote.

21.—(1) No person shall be permitted to vote at any polling station other than the one allotted to him under the provisions of regulation 15 (a).

Admission of
persons to
polling station

(2) The presiding officer shall regulate the admission of voters to the polling station, and shall exclude all other persons except candidates, polling agents, polling assistants, police officers on duty, and any other person who in his opinion has lawful reason to be admitted.

22.—(1) If at the time a person applies for a ballot paper, or after he has so applied and before he has left the polling station, a polling agent declares to the presiding officer that he has reasonable cause to believe that the applicant has committed the offence of personation and undertakes to substantiate the charge in a court of law, the presiding officer may order a police officer to arrest such person, and the order of the presiding officer shall be sufficient authority for the police officer so to do.

Personation
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(2) A person in respect of whom a polling agent makes a declaration in accordance with the provisions of paragraph (1) of this regulation shall not, by reason thereof, be prevented from voting, but the presiding officer shall cause the words "protested against for personation" to be placed against his name in the marked copy of the register of voters or portion thereof and shall record the fact on a list to be called the protested votes list:

Provided that where a person in respect of whom such declaration is made, admits to the presiding officer that he is not the person he held himself out to be, he shall not be permitted to vote if he has not already done so, and if he has already voted the presiding officer shall make a note of the number of the ballot paper delivered to him, and, upon the count being taken, such ballot paper shall be invalid and the presiding officer shall record the fact and the number of the ballot paper on a list to be called the invalidated votes list, and such list shall be admissible in any legal proceedings arising out of the election.

(3) A person arrested under the provisions of this regulation shall be dealt with in accordance with the provisions of the Criminal Procedure Code relating to the arrest and taking into custody of persons, without a warrant.

Cap. 7

23. If a person representing himself to be a voter named in the register of voters applies for a ballot paper after another person has voted as such voter, the applicant shall, upon giving satisfactory answers to the questions set out in regulation 20 (c), be entitled to receive a ballot paper in the same manner as any other voter but such ballot paper, hereinafter called a tendered ballot paper, shall be of a colour different from the ordinary ballot

Tendered ballot
papers

papers, and instead of being put into the ballot box, shall be given to the presiding officer and endorsed by him with the name of the voter and his number in the register of voters, and set aside in a separate packet, and shall not be counted by the Assistant Returning Officer as hereinafter provided; and the name of the voter and his number on the register of voters shall be entered on a list to be called the tendered votes list, and this list shall be admissible in any legal proceedings arising out of the election.

Conduct in
polling stations

24.—(1) The presiding officer shall keep order at the polling station.

(2) If any person misconducts himself in a polling station, or fails to obey any lawful order of the presiding officer, he may, by order of the presiding officer, be removed from the polling station by any police officer, or by any other person authorised by the presiding officer in that behalf; and the person so removed shall not, without the permission of the presiding officer, again enter the polling station during the day of the election:

Provided that the provisions of this regulation shall not be exercised so as to prevent any voter who is otherwise entitled to vote at any polling station from having an opportunity of so voting.

(3) Any offence against these Regulations which is committed within a polling station shall be deemed to be a cognisable offence within the meaning and for all the purposes of the Criminal Procedure Code.

Cap. 7

Presiding
Officer's duties
at close of voting
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25.—(1) As soon as practicable after the termination of the voting the presiding officer shall, in the presence of the polling agents, make up into separate packets, each sealed with his own seal —

- (a) each ballot box in use at his polling station, unopened and sealed so as to prevent the introduction of additional ballot papers;
- (b) unused and spoilt ballot papers, placed together;
- (c) tendered ballot papers;
- (d) the marked copies of the register of voters;
- (e) the counterfoils of the used ballot papers;
- (f) the tendered votes list;
- (g) the protested votes list; and
- (h) the invalidated votes list,

and shall deliver the packets to the Assistant Returning Officer for the appropriate ward.

(2) The packets shall be accompanied by a statement to be called the ballot papers account, prepared by the presiding officer, showing the number of ballot papers entrusted to him and accounting for them under the following heads —

- (a) the number of spoilt ballot papers;
- (b) number of unused ballot papers; and
- (c) number of tendered ballot papers.

26.—(1) Each candidate may appoint one person, hereinafter referred to as a counting agent, to attend at the counting of votes.

Counting agents

(2) Notice in writing of the appointment, stating the name and address of the counting agent, shall be given by the candidate to the Returning Officer not later than two days before the day of the election and the Assistant Returning Officer may refuse to admit to the place where the votes are counted any person purporting to be a counting agent in respect of whom such notice has not been given.

(3) If a counting agent dies or becomes incapable of acting as such, the candidate may appoint another counting agent in his place, and shall immediately give to the Returning Officer notice in writing of the name and address of the counting agent so appointed.

27. The Assistant Returning Officer shall make arrangements for counting the votes in the presence of the counting agents as soon as practicable after termination of the voting and shall, so far as is practicable, proceed continuously with the counting, allowing only reasonable time for refreshment, until it is complete.

Counting of
votes

28. Except with the consent of the Assistant Returning Officer, no person other than the Returning Officer, the Assistant Returning Officer, his assistants, the candidates and their counting agents may be present at the counting of votes.

Persons who
may be present

29. The Assistant Returning Officer shall, in the presence of the counting agents, open each ballot box and, taking out the ballot papers, shall count and record the number thereof cast in favour of each candidate.

Method of
counting votes

Handling of
ballot papers
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30. The Assistant Returning Officer, while counting and recording the number of ballot papers, shall keep the ballot papers with their faces downwards and take all precautions for preventing any person from seeing the numbers printed on the fronts of the papers.

Votes not to be
counted

31. Any ballot paper —

(a) which does not bear an official mark; or

(b) on which anything is written or marked by which a voter can be identified other than the printed number, shall not be counted.

Endorsement by
Assistant
Returning
Officer

32.—(1) The Assistant Returning Officer shall endorse the word “rejected” on any ballot paper which, under the provisions of regulation 31, is not to be counted.

(2) The Assistant Returning Officer shall in either case add to the endorsement the words “rejection objected to” if an objection to his decision is made by any counting agent.

Rejected ballot
papers

33. The Assistant Returning Officer shall prepare a statement showing the number of ballot papers rejected under the following heads —

(a) want of official mark;

(b) writing or mark by which the voter could be identified,

and shall on request allow any counting agent to copy the statement.

Assistant
Returning
Officer's
decision final

34. The decision of the Assistant Returning Officer as to any question arising in respect of any ballot paper shall be final, and shall be subject to review only on an election petition questioning the election.

Assistant
Returning
Officer's duties
at conclusion of
counting

35. Upon the conclusion of the counting of the votes the Assistant Returning Officer shall seal up in separate packets the counted and rejected ballot papers. He shall not open the sealed packet of tendered ballot papers or the sealed packet containing the marked copy of the register of voters or the sealed packet containing the counterfoils of used ballot papers but shall proceed, in the presence of the counting agents, to verify the ballot paper account given by each presiding officer by comparing it with the number of ballot papers recorded in accordance with

regulation 29, the unused and spoilt papers in his possession and the tendered votes list, and shall seal each packet after examination. The Assistant Returning Officer shall prepare a statement as to the result of the verification and shall on request allow any counting agent to copy such statement.

36. When the result of the election has been ascertained, the Assistant Returning Officer shall —

(a) forthwith declare to be elected the candidate for whom the majority of votes has been cast;

(b) report the result of the election to the Returning Officer;

(c) deliver all documents specified in regulation 35 to the Returning Officer.

Declaration of
result

37. Where an equality of votes is found to exist between any candidates so that an addition of a vote would entitle any of them to be declared elected, the Assistant Returning Officer shall make a recount of the votes cast. If there is again an equality of votes, as ascertained by such recount, the Assistant Returning Officer shall report the fact to the Returning Officer. The Returning Officer shall transmit such report to the Minister who shall order that another election shall be held for that ward on such day as he shall determine.

Equality of votes

38. Upon the receipt of the results of the elections in respect of all the wards within the Council area, in which elections are being held, and after taking such steps as seem to him proper to verify such results, the Returning Officer shall —

Notification to
successful
candidates and
publication of
results

(a) send notification of election in writing to the successful candidates;

(b) inform the Minister of —

(i) the name of every person elected to be a member of such Council;

(ii) the term of office of such person; and

(iii) the ward for which such person was elected; and

(c) cause such information to be published at the Council's headquarters and in some prominent place in each ward.

39.—(1) The Returning Officer shall ensure the safe custody of all documents relating to the conduct of the election.

Custody of
documents

(2) The Returning Officer shall cause all such documents to be destroyed after the expiration of six months from the date of the election unless otherwise directed by an order of the Court arising from proceedings relating to the election.

Powers of
polling assistants

40. A polling assistant may be authorised by the presiding officer to do any act which the presiding officer is required or authorised to do at a polling station by these Regulations, except that he may not order the arrest of any person, or the exclusion of removal of any person from the polling station.

Candidate has
power of his
agent

41. A candidate may do any act or thing which his agent would have been authorised or required to do, and may assist his agent in the doing of any such act or thing.

Non-attendance
of agents not to
invalidate
proceedings

42. Where in these Regulations any act or thing is required or authorised to be done in the presence of the agents of the candidates, the non-attendance of any agent or agents at the time and place appointed for the purpose shall not, if any act or thing is otherwise properly done, invalidate the act or thing done.

Remuneration of
Returning
Officers,
Assistant
Returning
Officers and
polling assistants

43. The Returning Officer, Assistant Returning Officers and the polling assistants shall receive such reasonable remuneration for their services as the Minister shall see fit to authorise.

Expenses of the
election

44.—(1) All expenses properly incurred by the Returning Officer in the conduct of the election, the remuneration of the officers specified in regulation 43 and, except where the proceedings result from the act or omission of the Returning Officer done otherwise than in the bona fide performance of his duty under these Regulations, any expenses incurred by the Returning Officer in any legal proceedings arising in connection with an election held under the provisions of these Regulations, shall be a charge upon the general revenue of the Council in respect of which the election is held.

(2) Upon the determination of any legal proceedings arising in connection with an election under the provisions of these Regulations, the Court shall, if a Returning Officer is a party thereto, certify whether or not such proceedings result from an act or omission of the Returning Officer done otherwise than in the bona fide performance of his duty under these Regulations.

PART IV

SPECIAL PROVISION TO PREVENT THE FRUSTRATION OF ELECTIONS.

45.—(1) Notwithstanding anything to the contrary contained in these Regulations, where the Minister in his discretion is satisfied that by reason of flood or storm or any other cause whatsoever, whether of the like nature or otherwise, it has not been or will not be possible to carry out any part of any election or to comply in relation thereto with any of the provisions of these Regulations relating to time, throughout the ward or in relation to any polling station, he may in his discretion, within fourteen days of the date originally appointed for that part, by notice, appoint or direct the Returning Officer to appoint a new date for such part and for any subsequent part of the election as may be necessary.

Power to defer
part of an
election

(2) Every date appointed under the preceding paragraph of this regulation shall be deemed to have been appointed under the appropriate provisions of Part III of these Regulations, and shall afford all persons not less notice than is provided for in those provisions.

(3) In exercising his powers under paragraph (1) of this regulation, the Minister may in his discretion give such directions as he may consider necessary as to the deferment or suspension of the counting of votes pending receipt of the ballot boxes, papers and lists relating to any part of any election for which a new date is appointed, and for the safe custody of all ballot boxes, papers and lists already received.

(4) In paragraph (1) of this regulation "part" in relation to an election includes any stage of an election and any act, matter or thing required to be done by any of the provisions of these Regulations.

PART V

ELECTION OFFENCES

46.—(1) No election shall be valid if any corrupt or illegal practice is committed in connection therewith by the candidate elected or his agent.

Corrupt practice

(2) Where on an election petition it is shown that corrupt or illegal practices or illegal payments, employments or hirings committed in reference to the election for the purpose of promoting or procuring the election of any person thereat have so

extensively prevailed that they may be reasonably supposed to have affected the result, his election, if he has been elected, shall be void and he shall be incapable of being elected to fill the vacancy for which the election was held.

Penalty for false answer

47. Every person who makes a false answer to either of the questions prescribed in regulation 20 (c), knowing it to be false or not believing it to be true, shall be guilty of an offence and shall be liable on conviction to a fine of fifty dollars or to imprisonment for three months or to both such fine and such imprisonment.

Offences in respect of nomination papers, etc

48.—(1) Every person who—

(a) forges or fraudulently defaces or fraudulently destroys any nomination paper, or delivers, to any person or authority to whom nomination papers are required by these Regulations to be delivered, any nomination paper knowing the same to be forged; or

(b) forges or counterfeits or fraudulently defaces or fraudulently destroys any ballot paper or the official mark on any ballot paper; or

(c) without due authority, supplies any ballot paper to any person; or

(d) fraudulently takes out of any polling station, place of voting or place of election any ballot paper; or

(e) without due authority, destroys, takes, opens or otherwise interferes with any ballot box or packet of ballot papers then in use for the purposes of the election,

shall be guilty of an offence, and shall be liable to a fine of fifty dollars or to imprisonment for three months or to both such fine and such imprisonment.

(2) In any prosecution for an offence in relation to the nomination papers, ballot boxes, ballot papers, counterfoils, marking instruments and other things in use at an election, the property in such papers, boxes, instruments and things may be stated to be in the Returning Officer at such election.

Infringement of secrecy

49.—(1) Every Returning Officer, Assistant Returning Officer, polling assistant, and agent shall maintain and aid in maintaining the secrecy of the voting in an election and shall not communicate, except for some purpose authorised by law, before the election is closed to any person any information as to the name or number on a register of voters of any voter who has or

has not applied for a ballot paper or voted, or as to the official mark.

(2) No such Officer, polling assistant or agent, and no person whosever shall interfere with or attempt to interfere with a voter when casting his vote, or otherwise attempts to obtain information as to the candidate for whom any voter is about to vote or has voted, or communicate at any time to any person information obtained during any election as to the candidate for whom any voter is about to vote, or has voted, or as to the number on the ballot paper given to any voter:

Provided always that the provisions of this paragraph of this regulation shall not prohibit, limit or qualify any procedure prescribed under these Regulations for recording the vote of any voter who is unable to read or incapacitated by blindness or other physical causes from casting his vote himself.

(3) Every such Officer, polling assistant, candidate, or agent in attendance at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting, and shall not communicate any information obtained at such counting as to the candidate for whom any vote is given by any particular ballot paper.

(4) Every person who acts in contravention of the provisions of this regulation shall be liable to a fine of fifty dollars or to imprisonment for three months or to both such fine and such imprisonment:

50. Every person who is guilty of bribery, treating or undue influence shall be guilty of a corrupt practice and liable to a fine of fifty dollars or to imprisonment for three months or to both such fine and such imprisonment.

Penalty for bribery, treating, etc

51. The following persons shall be deemed to be guilty of bribery within the meaning of these Regulations—

Persons to be deemed guilty of bribery

(1) Every person who directly or indirectly, by himself or by any other person on his behalf, gives, lends, or agrees to give or lend, or offers, promises, or promises to procure or to endeavour to procure, any money or valuable consideration to or for any voter or to or for any person on behalf of any voter, or to or for any other person, in order to induce any voter to vote or refrain from voting, or corruptly does any such act as aforesaid on account of such voter having voted or refrained from voting at any election;

(2) every person who directly or indirectly, by himself or by any other person on his behalf, gives or procures, or agrees to give or procure or to endeavour to procure, any office, place or employment to or for any voter, or to or for any person on behalf of any voter, or to or for any other person, in order to induce such voter to vote or refrain from voting, or corruptly does any such act as aforesaid on account of any voter having voted or refrained from voting at any election;

(3) every person who directly or indirectly, by himself or by any other person on his behalf, makes any such gift, loan, offer, promise, procurement or agreement as aforesaid to or for any person, in order to induce such person to procure, or to endeavour to procure, the return of any person as a member of a Council or the vote of any voter at any election;

(4) every person who, upon or in consequence of any such gift, loan, offer, promise, procurement or agreement, procures or engages, promises or endeavours to procure the return of any person as a member of a Council or the vote of any voter at any election;

(5) every person who advances or pays, or causes to be paid, any money to or for the use of any other person, with the intent that such money, or any part thereof, shall be expended in bribery at any election, or who knowingly pays or causes to be paid, any money to any person, in discharge or repayment of any money wholly or in part expended in bribery at any election;

(6) every voter, who, before or during any election, directly or indirectly, by himself or by any other person on his behalf, receives, agrees to receive, or contracts for any money, gift, loan, or valuable consideration, office, place or employment, for himself or for any other person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting at any election; and

(7) every person who, after any election, directly or indirectly, by himself or by any other person on his behalf, receives any money or valuable consideration on account of any person having voted or refrained from voting, or having, induced any other person to vote or refrain from voting at any election:

Provided always that the provisions of this regulation shall not extend or be construed to extend to any money paid or agreed

to be paid for or on account of any legal expenses bona fide incurred at or concerning any election.

52. The following persons shall be deemed to be guilty of treating within the meaning of these Regulations —

Persons to be deemed guilty of treating

(1) every person who corruptly, by himself or by any other person, either before, during or after an election, directly or indirectly gives, or provides, or pays, or promises to give, provide or pay, wholly or in part, the expense of giving or providing any food, drink, entertainment or provision to or for any person, for the purpose of corruptly influencing that person, or any other person, to vote or refrain from voting at such election, or on account of that person or any other person having voted or refrained from voting at such election; and

(2) every voter who corruptly accepts or takes any such food, drink, entertainment, or provision.

53. Every person who directly or indirectly, by himself or by any other person on his behalf, makes use of, or threatens to make use of, any force, violence, or restraint, or inflicts or threatens to inflict by himself or by any other person, any injury, damage, harm or loss, upon or against any person, in order to induce or compel such person to vote or refrain from voting, or on account of such person having voted or refrained from voting at any election, or who, by abduction, duress, or any fraudulent contrivance, impedes or prevents the free use of the vote by any voter or thereby compels, induces or prevails upon any voter either to give or refrain from giving his vote at any election shall be guilty of undue influence within the meaning of these Regulations.

Persons to be deemed guilty of undue influence

54. Every person who is guilty of personation or of aiding, abetting, counselling or procuring the commission of the offence of personation, shall be guilty of a corrupt practice and liable to a fine of fifty dollars or to imprisonment for three months or to both such fine and such imprisonment.

Penalty for personation

55. Every person who at any election applies for a ballot paper in the name of another person or tenders a vote in the name of another person whether that name is the name of a person living or dead or of a fictitious person, or who, having voted once at any election, applies for a ballot paper or tenders a vote at the same election, in his own name, which he is not entitled to tender

Persons to be deemed guilty of personation

under the provisions of these Regulations, shall be guilty of personation within the meaning of these Regulations.

Incapacity entailed by conviction for corrupt practice

56. Every person who is convicted of a corrupt practice shall (in addition to any other punishment) be incapable, during a period of five years from the date of his conviction —

(a) of being registered as a voter or of voting at any election; and

(b) of being elected as a member of a Council, or, if elected before his conviction, of retaining his seat as such member.

Penalty for persons guilty of certain illegal practices

57. Every person who —

(a) votes, or induces, or procures any other person to vote, at any election, knowing that he or such other person is prohibited by any provision of these Regulations or of the Act or any other Act from voting at such election; or

(b) before or during an election knowingly publishes any false statement of the withdrawal of a candidate at such election for the purposes of promoting or procuring the election of another candidate,

shall be guilty of an illegal practice and shall be liable to a fine of fifty dollars or to imprisonment for two months or to both such fine and such imprisonment, and shall be incapable, during a period of three years from the date of his conviction, of voting at any election.

Interference with lawful public meeting to be an illegal practice

58. Any person who at a lawful public meeting, held in connection with the election of any person to a Council, between the date of publication of a notice issued under the provisions of regulation 6 appointing a day for the holding of an election under these Regulations and the date at which the result of the election is published, acts or incites others to act in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting was called together shall be guilty of an illegal practice and shall be liable to a fine of forty dollars or to imprisonment for two months or to both such fine and such imprisonment and shall be incapable, during a period of three years from the date of his conviction, of voting at any election.

Display of emblems in vicinity of place of voting prohibited

59.—(1) No person other than a candidate shall within any building where voting for the election of a member of a Council is in progress, or on any public way within a distance of fifty yards of any entrance to such building, wear or display any card, symbol, favour or other emblem indicating support for a par-

ticular candidate or political party and no person shall within two hundred yards of any such building make any public address indicating support for a particular candidate or political party.

(2) Any person acting in contravention of this regulation shall be guilty of an offence and shall be liable to a fine of twenty dollars.

(3) For the purpose of this regulation “public way” includes any highway, market place, square, street, bridge or other way which is lawfully used by the public.

60. Nothing in these Regulations shall be construed or deemed in any way to prejudice, derogate from or affect any of the provisions of the Penal Code as to the offences relating to public offices or officers.

Saving for offences under

Cap. 26

PART VI

ELECTION PETITIONS AND CIVIL PROCEEDINGS

61.—(1) All questions which may arise from any election as to the right of any person to be or remain an elected member shall be referred to and determined by the High Court on a petition presented by the Attorney-General or by a voter, in accordance with the procedure prescribed by regulations 62 and 63 for the trial of an election petition, and the decision of the High Court on any such petition shall be final.

Questions as to elected councillors to be determined by High Court

(2) Where the question to be decided concerns the right of any person to remain a member, the Court shall certify its decision in writing to the Minister; and where the Court has decided that any person is not entitled to remain a member, such person shall thereupon cease to be a member.

62. A petition complaining of an undue return or undue election of a member, hereinafter called an election petition, may within one month from the date of the publication, in pursuance of regulation 38 (c), of the result of the election, be presented to the High Court in its civil jurisdiction by any one or more of the following persons, that is to say —

Presentation of election petition

(a) some person who voted or had a right to vote at the election to which the petition relates; or

(b) some person who claims to have had a right to be returned or elected at such election; or

(c) some person who alleges himself to have been a candidate at such election.

Hearing of election petition LN 64/1964

63.—(1) Every election petition shall be heard by the High Court, in open court.

(2) During such hearing the Court may order—

(a) the inspection and production of any rejected ballot papers; or

(b) the opening of any sealed packet of counterfoils of used ballot papers; or

(c) the inspection of any counted ballot papers; or

(d) the inspection and production of tendered ballot papers and the tendered votes list:

Provided that in making and carrying into effect the order, care shall be taken that the way in which the vote of any particular voter has been given shall not be disclosed until it has been proved that his vote was given and the vote has been declared by the Court to be invalid.

(3) At the conclusion of the hearing, the Court shall determine whether the member whose return or election is complained of, or any other and what person, was duly returned or elected, or whether the election was void, and shall certify such determination to the Minister; and, upon such certificate being given, such determination shall be final and shall not be questioned in, nor shall any appeal lie therefrom to, any Court; and the election shall be confirmed, or a new election shall be held, as the case may require, in accordance with such certificate:

Provided that where the Court finds that any candidate who has been declared to be elected was not qualified or was disqualified at the time of his election, the Court shall determine the election to be void.

Procedure at hearing of election petition

64. Subject to the provisions of these Regulations, the Chief Justice may from time to time make rules for regulating the practice and procedure to be observed in relation to election petitions, and subject to such rules, the procedure at the hearing of an election petition shall, as near as circumstances will admit, be the same, and the Court shall have the same powers, jurisdiction, and authority, as if it were hearing a civil action; and witnesses may be subpoenaed and sworn in the same manner, as near as circumstances will admit, as in the hearing of a civil action in the High Court, and shall be subject to the same penalties for perjury.

PART VII

MISCELLANEOUS

65. No election shall be invalid by reason of non-compliance with these Regulations (or any Regulations amending or replacing these Regulations), if it appears that the election was conducted in accordance with the principles laid down in any such Regulations, or that such non-compliance did not affect the result of the election.

Non-compliance with Regulations

SCHEDULE

NOMINATION PAPER

(Regulation 8)

Ward for which candidate seeks election

Date of election

1. I, the undersigned, am the candidate to whom this nomination paper refers, and I hereby state that I am willing to stand for election to the Council as a member for the ward.

2. I also hereby state that I am qualified, and not disqualified, for election to the Council in accordance with the Local Government Act, and all Regulations made thereunder.

Name

Address.....

Description

Date

Signature

We, the undersigned, are the nominators* of the above candidate, and are voters of the ward for which this candidate seeks election.

1

Name.....

Address

Description.....

Date.....

Signature

*A minimum of three nominators are required by law.

2

Name.....
 Address.....
 Description.....
 Date.....
 Signature.....

3

Name.....
 Address.....
 Description.....
 Date.....
 Signature.....

4

Name.....
 Address.....
 Description.....
 Date.....
 Signature.....

5

Name.....
 Address.....
 Description.....
 Date.....
 Signature.....

THE LOCAL GOVERNMENT (ELECTIONS) REGULATIONS

THE EASTERN ISLANDS COUNCIL (CONSTITUTION OF WARDS)
 ORDER
 (Regulation 3)

LN 51/1974
 LN 83/1977

[1st August 1974]

1. This Order may be cited as the Eastern Islands Council (Constitution of Wards) Order.

2. The area of authority of the Eastern Islands Council is hereby divided into Seventeen wards, to be known by the names specified in the first column of the Schedule, numbers and each of which shall comprise the area specified in relation thereto in the second column of the said Schedule.

SCHEDULE

<i>Number and Name of Ward</i>	<i>Area of Ward</i>
1. Fenualoa	The island of Fenualoa.
2. Polynesian Outliners	The islands of Matema, Nalogo, Nifiloli, Nukapu, Nupani, Pileni, Sand, Tinakula and their attendant islets.
3. Nipua/Nopali	The island of Nipua and its attendant islets; thence easterly by a straight line from a point north-west of Lom-lom at map reference E 642370 and N 8864640; to a point at map reference E 6465590 and N 8865000; thence northerly by a straight line to a point at the coast at map reference E 646450 and N 8865750; thence along the coast to the point of commencement.
4. Lipe/Temoa	An area bounded as follows:— Commencing at a point on the north-coast of Lomlom at map reference E 646450 and N 8865750; thence south-easterly by a straight line to a point on the coast at map reference E 646800 and N 8863580 and including the Island of Gninbanga or Temoa.
5. Manuopo	An area bounded as follows:— Commencing at the north-west coast of Lomlom at map reference E 642370 and N 8864640; thence easterly by a straight line to a point at map reference E 646590 and N 8865000; thence south-easterly by a straight line to a point at map

<i>Number and Name of Ward</i>	<i>Area of Ward</i>
	reference E 646800 and N 8863580; thence west ward along the coast to the point of commencement.
6. Nenumpo	An area bounded as follows:— The islands laying south of Lomlom including Gninbanga Nende, Ngananinumbuli, Ngatado and Pigeon.
7. Venga/Nemba	An area bounded as follows:— Commencing at a point on the coast at map reference E 582600 and N 8805370; thence north-easterly by a straight line to a point at map reference E 586320 and N 8808830; thence north-westerly by a straight line to a point at map reference E 584330 and N 8816260.
8. Luva Station	An area bounded as follows:— Commencing at a point at map reference E 585600 and N 8812100; thence north-easterly by a straight line to a point at map reference E 587800 and N 8813450; thence north-easterly to a point at map reference E 591550 and N 8818100; thence westerly by a straight line to a point at map reference E 590320 and N 8818370; thence south-westerly by a straight line to a point at map reference E 884330 and N 8816260; thence south-easterly to the point of commencement.
9. Graciosa Bay	An area bounded as follows:— Commencing at a point on map reference E 585600 and N 8812100; thence north-easterly by a straight line to a point at map reference E 587800 and N 8813450; thence north-easterly by a straight line to a point at map reference E 591550 and N 8818100; thence south-easterly by a straight line to a point at map reference E 599300 and N 8816200; thence south-easterly by a straight line to a point on map reference E 593400 and N 8807900; thence westerly by a straight line to a point at map reference E 586320 and N 8808830; thence north-westerly to the point of commencement.
10. Nea/Noole	An area bounded as follows:— Commencing at a point on the coast at map reference E 582600 and N 8805370; thence north-easterly by a straight line to a point at map reference E 586320 and N 880830; thence easterly by a straight line to a point at map reference E 593400 and N 8807900; thence south-easterly by a straight line to the mouth of NAMBALUE River at map reference E 595500

<i>Number and Name of Ward</i>	<i>Area of Ward</i>
	and N 8803160; thence westerly along the coast to the point of commencement.
11. North East Santa Cruz	An area bounded as follows:— Commencing at a point on the coast at map reference E 591550 and N 8818100; thence south-easterly by a straight line to a point at map reference E 599300 and N 8816200; thence north-easterly by a straight line to a point at map reference E 625000 and N 8820130; thence along the coast back to the point of commencement.
12. Manggu/Lord Howe	An area bounded as follows:— Commencing at the mouth of NAMBALUE River at map reference E 595500 and N 8803160; thence north-westerly by a straight line to a point at map reference E 593400 and N 8807900; thence north-easterly by a straight line to a point at map reference E 599300 and N 8816200; thence easterly by a straight line to a point at map reference E 625000 and N 8820130; thence along the coast to the point of commencement including the island of Temotu Noi and the other islets.
13. Duff Islands	The group of islands known as the Duff Islands.
14. Utupua	The island of Utupua and its adjoining islands and islets.
15. Vanikoro	The island of Vanikoro and its adjoining islands and islets, including Te Anu.
16. Tikopia	The island of Tikopia and its adjoining islands and islets.
17. Neo	Those parts of Temotu Neo Islands that lie to the North of Graciosa Bay

NOTE: In this Schedule—

“Coast” means the low-water mark

“Map Reference” shall be construed by reference to the Lands and Surveys Maps of the Eastern Outer Islands constituting the Eastern Islands Council; scale 1 : 50,000 with series X711 grid, deposited at the Office of Lands & Surveys, Honiara and at the Council Office in Santa Cruz.

THE LOCAL GOVERNMENT (ELECTIONS) REGULATIONS

LN 54/1993

THE HONIARA TOWN COUNCIL (CONSTITUTION OF WARDS)
ORDER
(Regulation 3)

[4th August 1992]

1. This Order may be cited as the Honiara Town Council (Constitution of Wards) Order.

2. The area of authority of the Honiara Town Council is hereby divided into twelve wards, to be known by the numbers and names set out in the Schedule hereto, the boundaries of which are delineated on plan number 1635A deposited in the office of the Commissioner of Lands, Honiara, a copy of which may be inspected at the office of the Honiara Town Council.

SCHEDULE

Numbers	and	Names of Wards
1		Nggosi
2		Mbumburu
3		Rove-Lenggakiki
4		Cruz
5		Vavaea
6		Vuhokesa
7		Mataniko
8		Kolaa
9		Kukum
10		Naha
11		Vura
12		Panatina

THE LOCAL GOVERNMENT (ELECTIONS) REGULATIONS

THE MAKIRA ULAWA COUNCIL (CONSTITUTION OF WARDS)
ORDER
(Regulation 3)

LN 82/1976

[24th September 1976]

1. This Order may be cited as the Makira Ulawa Council (Constitution of Wards) Order.

2. The area of authority of the Makira Ulawa Council is hereby divided into twenty wards, to be known by the numbers and names specified in the first column of the Schedule, each of which shall comprise the area specified in relation thereto in the second column of the said Schedule.

SCHEDULE

Number and Name of Ward	Area of Ward
1. North Ulawa	That part of the island of Ulawa north of a straight line commencing from the mouth of the Hunihu'u River to the peak of the main mountain ridge of Ulawa, thence by another straight line southerly to the head water of the Dji'ei River and thence by that River to the sea.
2. South Ulawa	That whole southern part of the island of Ulawa south of the Dji'ei River and Waioha River both Rivers being connected at their head-waters by a straight line along the main mountain ridge of Ulawa.
3. West Ulawa	That part of the island of Ulawa not included in wards 1 and 2.
4. Ugi and Pio	The islands of Ugi and Pio.
5. Arosi South	The islands of YAMUTA, EYO and MONOGAI and an area of the islands of SAN CRISTOBAL bounded as follows:— Commencing on the coast at a point at Latitude 10° 23' 00" South, Longitude 161° 29' 15" East; thence north-easterly by a straight line to a point at Latitude 10° 21' 15" South, Longitude 161° 31' 40" East; thence by a straight line north-north-easterly to a point at Latitude 10° 20' 10" South, Longitude 161° 32' 15" East; thence by a straight line west-north-westerly to a point at Latitude 10° 14' 15"

- | <i>Number and Name of Ward</i> | <i>Area of Ward</i> |
|--------------------------------|--|
| | South, Longitude 161° 19' 15" East; thence by a straight line due South to the HADA River; thence upstream by that river to a point at Latitude 10° 16' 45" South, Longitude 161° 19' 15" East; thence south-westerly by a straight line to a point on the WAITAB-WARONGO River at Latitude 10° 17' 50" South, Longitude 161° 18' 00" East; thence westerly by that river to its mouth; thence southerly and easterly by the coast to the point of commencement. |
| 6. Arosi West | An area of the island of SAN CRISTOBAL bounded as follows:—
Commencing at the mouth of the WAITAB-WARONGO River; thence easterly by that river to a point at Latitude 10° 17' 50" South, Longitude 161° 18' 00" East; thence north-easterly by a straight line to a point on the HADA River at Latitude 10° 16' 45" South, Longitude 161° 19' 15" East; thence northerly and westerly by that river to a point at Latitude 10° 14' 45" South, Longitude 161° 19' 15" East; thence due North to Latitude 10° 14' 15" South; thence by a straight line north-north-easterly to the coast at the mouth of the HINIBORO River, at Latitude 10° 11' 00" South, Longitude 161° 20' 50" East; thence westerly and southerly by the coast to the point of commencement. |
| 7. Arosi North | An area of the island of SAN CRISTOBAL bounded as follows:—
Commencing at the mouth of HINIBORO River; thence by a straight line south-south-westerly to a point at Latitude 10° 14' 15" South, Longitude 161° 19' 15" East; thence east-south-easterly by a straight line to a point on the WAIMARAI River at Latitude 10° 17' 10" South, Longitude 161° 27' 00" East; thence northerly by that river to a point at Latitude 10° 27' 00" East; thence by a straight line due North to the mouth of the MANEHUKI stream at Latitude 10° 12' 45" South, Longitude 161° 26' 45" East; thence north-westerly by the coast to the point of commencement. |
| 8. Arosi East | An area of the island of SAN CRISTOBAL bounded as follows:—
Commencing at the mouth of the MANEHUKI stream at Latitude 10° 12' 45" South, Longitude 161° 26' 45" East; thence due South by a straight line to a point on the WAIMARAI River |

- | <i>Number and Name of Ward</i> | <i>Area of Ward</i> |
|--------------------------------|--|
| | at Latitude 10° 15' 00" South, Longitude 161° 27' 00" East; thence southerly by that river to a point at Latitude 10° 17' 10" South, Longitude 161° 25' 50" East; thence east-south-easterly by a straight line to a point at Latitude 10° 20' 10" South, Longitude 161° 32' 15"; thence by a straight line east-north-easterly to the WAITA River at Latitude 10° 18' 55" South, Longitude 161° 34' 55" East; thence north-easterly by that river to its mouth; thence north-westerly by the coast to the point of commencement. |
| 9. Bauro West | An area of the island of SAN CRISTOBAL bounded as follows:—
Commencing at the mouth of the WAITA River; thence south-westerly by that river to a point at Latitude 10° 18' 55" South, Longitude 161° 34' 55" East; thence south-westerly by a straight line to a point at Latitude 10° 20' 10" South, Longitude 161° 25' 50" East; thence by a straight line south-easterly to the confluence of the TOMI and WAIRAHA Rivers at Latitude 10° 33' 30" South, Longitude 161° 43' 00" East; thence east-south-easterly by a straight line to the MAGOHA River at Latitude 10° 36' 50" South, Longitude 161° 52' 40" East; thence northwards by the MAGOHA River to its mouth; thence north-west wards by the coast to the point of commencement, and including the islet of MAORAHA. |
| 10. Bauro Central | The islands of THREE SISTERS, and an area of the island of SAN CRISTOBAL bounded as follows:—
Commencing at the mouth of the MAGOHA River; thence southerly by that river to a point at Latitude 10° 36' 50" South, Longitude 161° 52' 40" East; thence by a straight line south-easterly to the RAWO River at Latitude 10° 38' 05" South, Longitude 161° 54' 10"; thence northerly by that river to its mouth, thence by the coast to the point of commencement. |
| 11. Bauro East | An area of the island of SAN CRISTOBAL bounded as follows:—
Commencing at the mouth of the RAWO River; thence southerly by that river to a point at Latitude 10° 38' 05" South, Longitude 161° 54' 10" East; thence easterly by a straight line to the confluence of the WARAHITO and |

*Number and Name of Ward**Area of Ward*

- WAIHINURI Rivers at Latitude $10^{\circ} 37' 05''$ South, Longitude $160^{\circ} 02' 00''$ East; thence northerly by the WARAHITO River to its mouth; thence north-westerly by the coast to the point of commencement.
12. Wainoni West
An area of the island of SAN CRISTOBAL bounded as follows:—
Commencing at the mouth of the WARAHITO River; thence by that river southerly to its confluence with the WAIHINURI River at Latitude $10^{\circ} 37' 05''$ South, Longitude $162^{\circ} 02' 00''$ East; thence continuing southerly by the WAIHINURI River to a point at Latitude $10^{\circ} 39' 00''$ South, Longitude $162^{\circ} 02' 00''$ East; thence south-easterly by a straight line to a point on the ATOGAU River at Latitude $10^{\circ} 41' 45''$ South, Longitude $162^{\circ} 06' 40''$ East; thence by a straight line northerly to the coast at the mouth of the KAMARETO stream at Latitude $10^{\circ} 28' 30''$ South, Longitude $162^{\circ} 05' 25''$ East; thence northerly and westerly by the coast to the point of commencement.
13. Wainoni East
An area of the island of SAN CRISTOBAL bounded as follows:—
Commencing on the coast at the mouth of the KAMARETO stream at Latitude $10^{\circ} 28' 30''$ South, Longitude $162^{\circ} 05' 25''$ East; thence by a straight line southerly to a point on the ATOGAU River at Latitude $10^{\circ} 41' 45''$ South, Longitude $162^{\circ} 06' 40''$ East; thence by that river north-easterly to a point at Latitude $10^{\circ} 38' 15''$ South, Longitude $160^{\circ} 90' 30''$ East; thence by a straight line east-north-easterly to the coast at ASLUGU Point; thence northerly and westerly by the coast to the point of commencement.
14. Star Harbour North
An area of the island of SAN CRISTOBAL bounded as follows:—
Commencing on the coast at ASLUGO Point; thence by a straight line west-west-south-westerly to a point on the ATOGAU River at Latitude $10^{\circ} 38' 15''$ South, Longitude $162^{\circ} 09' 30''$ East; thence south-westerly by that river to a point at Latitude $10^{\circ} 41' 45''$ South, Longitude $162^{\circ} 06' 40''$ East; thence south-easterly by a straight line to the mouth of PAGHENI River; thence south-easterly by a straight line to the island of NA ONE; thence southerly by a straight line to CHOROWENI Point.

*Number and Name of Ward**Area of Ward*

15. Santa Ana
The island of SANTA ANA
16. Santa Catalina
The island of SANTA CATALINA
17. Star Harbour South
An area of the island of SAN CRISTOBAL bounded as follows:—
Commencing at GHOROWENI Point; thence by a straight line northerly to the island of NA ONE; thence north-westerly to the mouth of PAGHENI River; thence north-westerly by a straight line to a point on the ATOGAU River at Latitude $10^{\circ} 41' 45''$ East; thence north-westerly by a straight line to a point on the WAIHINURI River at Latitude $10^{\circ} 39' 00''$ South, Longitude $162^{\circ} 02' 00''$ East; thence by a straight line due south to a point at Latitude $10^{\circ} 45' 35''$ South, Longitude $162^{\circ} 02' 15''$ East; thence by a straight line south-easterly to the BAGARAI River at Latitude $10^{\circ} 47' 00''$ South, Longitude $162^{\circ} 04' 30''$ East; thence southerly by that river to its mouth; thence easterly by the coast to the point of commencement, and including all off-lying islands and islets within one mile of the coast.
18. Rawo
An area of the island of SAN CRISTOBAL bounded as follows:—
Commencing at the mouth of the BAGARAI River; thence northerly and westerly by that river to a point at Latitude $10^{\circ} 45' 35''$ South, Longitude $162^{\circ} 02' 15''$ East; thence by a straight line due North to the WAIHINURI River at Latitude $10^{\circ} 39' 00''$ South, Longitude $162^{\circ} 02' 00''$ East; thence by that river northerly to its confluence with the WARAHITO River at Latitude $10^{\circ} 37' 05''$ South, Longitude $162^{\circ} 02' 00''$ East; thence westerly by a straight line to a point on the RAWO River at Latitude $10^{\circ} 38' 05''$ South, Longitude $161^{\circ} 54' 10''$ East; thence by a straight line south-south-westerly to a point on the WAIHAGA River at Latitude $10^{\circ} 43' 00''$ South, Longitude $161^{\circ} 52' 00''$ East; thence south-easterly by that river to its mouth; thence easterly by the coast to the point of commencement and including all off-lying islets.
19. Weather Coast
An area of the island of SAN CRISTOBAL bounded as follows:—
Commencing at the mouth of the WAIHAGA River; thence by that river north-westerly to a point at Latitude $10^{\circ} 43' 00''$ South, Longitude $161^{\circ} 52' 00''$ East; thence by a straight line

Number and Name of Ward

Area of Ward

20. Haununu

north-north-easterly to a point on the RAAO River at Latitude 10° 38' 05" South, Longitude 161° 54' 10" East; thence north-westerly by a straight line to the confluence of TOME and WAIRAHA Rivers at Latitude 10° 33' 30" South, Longitude 161° 43' 00" East; thence south-south-westerly by a straight line to the mouth of the unnamed River west of ARITE Village; thence easterly by the coast to the point of commencement including all off-lying islets.

An area of the island of SAN CRISTOBAL bounded as follows:—

Commencing at the mouth of the unnamed River west of ARITE Village; thence north-north-westerly to the confluence of the TOME and WAIRAHA Rivers at Latitude 10° 33' 30" South, Longitude 161° 43' 00" East; thence north-north-westerly by a straight line to a point at Latitude 10° 20' 10" South, Longitude 161° 32' 15" East; thence south-south-westerly by a straight line to a point at Latitude 10° 21' 15" South, Longitude 161° 32' 40" East; thence by a straight line south-westerly to the coast at Latitude 10° 23' 00" South, Longitude 161° 29' 15" East; thence southerly by the coast to the point of commencement and including all off-lying islands and islets.

THE LOCAL GOVERNMENT (ELECTIONS) REGULATIONS

THE LOCAL GOVERNMENT (ELECTION PETITION) RULES
(Regulation 64)

LN 68/1964

[6th May 1964]

1. These Rules may be cited as the Local Government (Election Petition) Rules.

Title

2. In these Rules, unless the context otherwise requires —

Interpretation

- “Court” means the High Court;
- “Election list” means the list of petitions against the return or election of a candidate to be kept by the Registrar;
- “Registrar” means the Registrar of the Court;
- “Regulation” means the Local Government (Elections) Regulations;
- “Returning Officer” means a Returning Officer appointed under the provisions of regulation 6 (b) of the Regulations.

3. The presentation of an election petition shall be made by leaving it at the office of the Registrar and such Registrar shall (if required) give a receipt which may be in the following form —

Presentation of petition

Received on the _____ day of _____ at the High Court at _____ a petition touching the election of A.B., a member for _____, purporting to be signed by (insert the names of petitioner).

C.D.,

Registrar.

With the petition shall also be left a copy thereof for the Registrar to send to the Returning Officer of the Council area in which the member against whose election the petition is presented was elected.

4. An election petition shall contain the following statements —

Contents of petition

- (1) It shall state the right of the petitioner to petition within regulation 62 of the Regulations.

(2) It shall state the holding and result of the election and shall briefly state the facts and grounds relied on to sustain the prayer.

Form of petition

5. The petition shall be divided into paragraphs, each of which, as nearly as may be, shall be confined to a distinct portion of the subject and every paragraph shall be numbered consecutively and no costs shall be allowed of drawing or copying any petition not substantially in compliance with this rule unless otherwise ordered by the Court.

Requirements as to prayer and signature of petition

6. The petition shall conclude with a prayer, as for instance that some specified person should be declared duly returned or elected or that the vote shall be recounted or that the election should be declared void or that a return may be enforced (as the case may be) and shall be signed by all the petitioners.

Alternative forms

7. The form of the petition may be as in Forms VI, VII or VIII in the Schedule hereto with such alterations, additions or omissions as the facts and grounds upon which the petitioner relies may require.

Particulars may be ordered

8. Evidence need not be stated in the petition, but the Court may order such particulars as may be necessary to prevent surprise and unnecessary expense and to ensure a fair effectual trial in the same way as in ordinary proceedings in the Court and upon such terms as to costs and otherwise as may be ordered.

Objections to votes to be specified

9. When a petitioner claims the seat for an unsuccessful candidate, alleging that he had a majority of lawful votes, the party complaining of or defending the election or return shall, six days before the day appointed for trial, deliver to the Registrar and also at the address, if any, given by the petitioners and respondent, as the case may be, a list of the votes intended to be objected to and of the heads of objection to each such vote and the Registrar shall allow inspection and office copies of such lists to all parties concerned; and no evidence shall be given against the validity of any vote nor upon any head of objection not specified in the list except by leave of the Court, upon such terms as to amendment of the list, postponement of the inquiry and payment of costs as may be ordered.

Objections to election to be specified

10. When the respondent in a petition, complaining of an undue return and claiming the seat for some person, intends to give evidence to prove that the election of such person was undue, such respondent shall, six days before the day appointed

for trial, deliver to the Registrar and also at the address, if any, given by the petitioner, a list of the objections to the election upon which he intends to rely and the Registrar shall allow inspection and office copies of such lists to all parties concerned; and no evidence shall be given by a respondent of any objection to the election not specified in the list except by leave of the Court, upon such terms as to amendment of the list, postponement of the inquiry and payment of costs as may be ordered.

11. With the petition petitioners shall leave at the office of the Registrar a writing, signed by them or on their behalf, giving an address within three miles from the Court at which notices addressed to them may be left; and if no such writing be left or address given, then notices of objection to the recognisances and all other notices and proceedings may be given by posting up the same at the Registrar's office.

Petitioner's address to be furnished

12. The Registrar shall keep a book or books at his office in which he shall enter all addresses given under the preceding rule, which book shall be open to inspection by any person during office hours.

Registrar to keep address book

13. The Registrar shall upon the presentation of the petition forthwith send a copy of the petition to the respondent's address, if any, and to the Returning Officer of the Council area in which the member against whose election the petition was presented was elected and the Returning Officer shall forthwith publish the petition by posting it up in a conspicuous place in the Council area and in addition shall arrange for it to be advertised at least on one occasion by the Solomon Islands Broadcasting Service. The cost of publication of this and any other matter required to be published shall be paid by the petitioner or person moving in the matter and shall form part of the general costs of the petition.

Publication of petition

14. The petitioner shall give security for costs to the satisfaction of the Registrar either by deposit or otherwise and no petition shall be entertained until such security is given.

Petitioner to give security for costs

15. The time for serving the petition upon the respondent and for giving notice of the nature of the security shall be ten days exclusive of the day of presentation.

Time for giving notice

16. Every petition and notice of the nature of the security shall be served by the petitioner on the respondent. The service of a petition shall be personal on the respondent unless on an

Service or substituted service of petition

application made to him not later than five days after the petition is presented on affidavit showing what has been done, a Judge shall be satisfied that all reasonable effort has been made to effect personal service and cause the matter to come to the knowledge of the respondent, in which case the Judge may order that what has been done shall be considered sufficient service, subject to such conditions as he may think reasonable, or he may make an order for substituted service in the manner authorised by the Rules of the High Court.

Evasion of service

17. In case of evasion of service the posting up in the office of the Registrar of a notice of the petition having been presented, stating the petitioner, the prayer and the nature of the proposed security, shall be deemed equivalent to personal service, if so ordered by the Court.

Furnishing security by deposit of money

18. The deposit of money by way of security for payment of costs, charges and expenses payable by the petitioner shall be made by payment to the Registrar.

Recognisance as security for costs

19. The recognisances as security for costs may be acknowledged before a Judge, a Magistrate, the Registrar or a Commissioner for Oaths.

Contents and form of recognisance

20. The recognisance shall contain the name and usual place of abode of each surety with such sufficient description as shall enable him to be found or ascertained and may be in the form set out in Form IX in the Schedule hereto.

Petitioner to deliver recognisance

21. Any recognisance shall be left at the Registrar's office by or on behalf of the petitioner.

Objections to recognisance within five days

22. Objection to a recognisance may be made for any of the reasons set out in rule 23 and notice of objection shall be given within five days from the date of service of the petition and of the nature of the security, exclusive of the day of service.

Grounds of objection to recognisance

23. An objection to the recognisance must state the ground or grounds thereof, as that the sureties, if any, and which of them, are insufficient or that a surety is dead or that he cannot be found or that a person named in the recognisance has not duly acknowledged the same.

Decision of objection subject to appeal

24. Any objection made to the security shall be heard and decided by the Registrar, subject to appeal within five days to a

Judge, upon summons taken out by either party to declare the security sufficient or insufficient.

25. Such hearing and decision may be either upon affidavit or personal examination of witnesses, or both, as the Registrar or Judge may think fit.

Form of evidence on objection

26. If by order made upon such summons the security be declared sufficient, the petition shall be at issue.

Rejection of objection to security

27. If by order made upon such summons an objection be allowed and the security be declared insufficient, the Registrar or Judge shall in such order state what amount he deems requisite to make the security sufficient and the further prescribed time to remove the objection by deposit shall be within five days from the date of the order, not including the day of the date, and such deposit shall be made in the manner already prescribed.

Allowance of objection

28. There shall be left with Registrar an affidavit of the sufficiency of the surety or sureties, sworn by each surety before the Registrar, that he owns or possesses land or other property, above what will satisfy his debts, of the clear value of the sum for which he is bound by his recognisance, which affidavit may be in the form set out in Form X in the Schedule hereto.

Affidavit of sufficiency of sureties

29. An order for payment of costs shall have the same force as an order made by a Judge in a civil action and may be enforced in like manner as an order for costs is enforceable under the Rules of the High Court.

Enforcement of order for costs

30. The Registrar shall make out the election list. In it he shall insert the name of the petitioners and respondent and the addresses to which notices may be sent, if any. The list may be inspected at the Registrar's office at any time during office hours and shall be put up for that purpose upon the notice board of the Court.

Election list

31. The time and place of the trial of each election petition shall be fixed by the Judge and notice thereof shall be given in writing by the Registrar posting up a notice on the notice board of the Court and by sending one copy by post to the address given by the petitioner and another to the address given by the respondent, if any, ten days before the day appointed for the trial.

Time and place of trial of petition

Form of notice of trial	32. The notice of trial may be in the form set out in Form I in the Schedule hereto.
Postponement of trial and amendment of petition	33. A Judge may from time to time, by order made upon the application of a party to the petition, postpone the beginning of the trial to such a day as he may name and may at any time before or during the trial, upon the application of the petitioner, allow the petition to be amended upon such terms and conditions as may be just. Such applications shall be made by motion on notice to the other party to the petition.
Registrar to attend trial	34. The Registrar shall attend at the trial of the election petition and shall perform such functions and duties as may be prescribed to him by the Judge.
Witness summons	35. The order of a Judge to compel the attendance of a person as a witness may be in the form set out in Form II in the Schedule hereto.
Warrant of commitment for contempt	36. In the event of its being necessary to commit any person for contempt, the warrant may be in the form set out in Form III in the Schedule hereto.
Execution of warrant	37. Such warrant may be made out and directed to the Sheriff and to all police officers in any place where the person adjudged guilty of contempt may be found and such warrant shall be sufficient without further particularity and shall and may be executed by the persons to whom it is directed or any or either of them.
Interlocutory matters	38. All interlocutory questions and matters, except as to the sufficiency of the security, shall be heard and disposed of before a Judge, who shall have the same control over the proceedings as a Judge in the ordinary proceedings of the High Court.
Application to withdraw petition	39. Notice of an application for leave to withdraw a petition shall be in writing and signed by the petitioner. It shall state the ground on which the application is intended to be supported and may be in the form set out in Form IV in the Schedule hereto.
Delivery of notice of application	40. The notice of application for leave to withdraw shall be left at the Registrar's office.
Notification to respondent and	41. A copy of such notice of the intention of the petitioner to apply for leave to withdraw his petition shall be given by the

petitioner to the respondent and to the Returning Officer of the Council area in which the member against whose election the petition is presented was elected, who shall make it public in the Council area to which it relates by publishing it in a conspicuous place in the Council area and in addition shall arrange for it to be advertised at least on one occasion by the Solomon Islands Broadcasting Service. The costs of publication shall be paid by the petitioner. The notice may be in the form set out in Form V in the Schedule hereto.

publication of notice

42. The time and place for hearing the application shall be fixed by the Judge but shall not be less than fourteen days after the notice of the intention to apply has been given to the Registrar as hereinbefore provided.

Time and place of hearing application

43. Notice of abatement of a petition, by death of petitioner or surviving petitioner, may be given by any person who might have been a petitioner in respect of the election to which the petition relates in the same manner as notice of an application to withdraw a petition and such person may within fourteen days apply to be substituted for the deceased petitioner.

Abatement of petition by death and substitution of petitioner

44. A respondent may give notice that he does not intend to oppose the petition presented against him.

Respondent's notice of non-opposition

45. The manner and time of the respondent's giving notice to the Court that he does not intend to oppose the petition shall be by leaving notice thereof in writing at the office of the Registrar signed by the respondent six clear days before the day appointed for trial.

Manner and time of giving notice

46. Upon such notice being left at the Registrar's office the Registrar shall forthwith send a copy thereof by post to the petitioner and to the Returning Officer of the Council area in which the member against whose election the petition is presented was elected, who shall cause the same to be published by posting it up in a conspicuous place in the Council area and in addition shall arrange for it to be advertised at least on one occasion by the Solomon Islands Broadcasting Service. The costs of publication shall be paid by the respondent.

Publication of notice of non-opposition

47. An agent employed for the petitioner or respondent shall forthwith leave written notice at the office of the Registrar of his appointment to act as such agent and service of notices and proceedings upon such agents shall be sufficient for all purposes.

Agents of petitioner or respondent

Informality of proceedings not fatal

48. No proceedings under Part V of the Regulations or under these Rules shall be defeated by any formal objection.

Delivery to Registrar of election documents

49. The notice of the time and place of trial of each election petition shall be transmitted to the Returning Officer or other person having custody of the documents relating to the election in respect of which the petition has been presented and the Returning Officer or such other person shall if so required by the Court, on or before the day fixed for the trial, deliver or cause to be delivered to the Registrar all documents in his custody relating to the election, for which the Registrar shall, if required, give a receipt. The Registrar shall keep the said documents in safe custody until the trial is over and then return them to the Returning Officer or other such person.

Countermanding notice of trial

50. After receiving notice of the petitioner's intention to apply for leave to withdraw or of the respondent's intention not to oppose or of the abatement of the petition by death, if such notice be received after notice of trial shall have been given and before the trial has commenced, the Registrar shall forthwith countermand the notice of trial. The countermand shall be given in the same manner as near as may be, as the notice of trial.

Court may enlarge time

51. The Court may for good cause enlarge any period of time prescribed by these Rules.

SCHEDULE

FORMS

FORM I

NOTICE OF PETITION

IN THE HIGH COURT OF SOLOMON ISLANDS

The Local Government (Election Petition) Rules
(Rule 32)

Election petition of _____ of _____
(name of petitioner) (address)

Take notice that the above petition (or petitions) will be tried at
on the _____ day of _____ 19____, at _____ o'clock in
the _____ noon and on such other subsequent days as may be needful.

Dated the _____ day off _____ 19____.

(Signed) A.B.
Registrar.

FORM II

SUMMONS TO WITNESS

IN THE HIGH COURT OF SOLOMON ISLANDS

The Local Government (Election Petition) Rules.
(Rule 35)

To: A.B. (describe the person)

You are hereby required to attend before the above Court at
(place) _____ on the _____ day of _____ at the
hour of _____ (or forthwith, as the case may be), to be examined as
witness in the matter of said petition, and to attend the said Court until your
examination shall have been completed.

As witness my hand, this _____ day of _____ 19____.

.....
Judge.

FORM III

WARRANT OF COMMITMENT FOR CONTEMPT

IN THE HIGH COURT OF SOLOMON ISLANDS

The Local Government (Election Petition) Rules. (Rule 36)

To the Sheriff, all Police Officers within Solomon Islands and to the Officer in Charge of the prison at

Whereas of was on the day of 19, duly adjudged to be guilty of a contempt pursuant to the Local Government Act and Regulations made thereunder.

And whereas for such his offence the Court does therefore sentence the said to be imprisoned in Her Majesty's Prison at and there to be kept for (or, to pay a fine of or in default of payment be imprisoned in Her Majesty's Prison at and there to be kept for, and whereas the said hath made default).

These are therefore to command you the said Sheriff or Police Officers to take the said and convey him to the prison at and delivery him to the officer in charge thereof who is hereby directed to imprison the said and there to keep him for from this day.

Dated the day of 19 Judge.

FORM IV

NOTICE OF APPLICATION FOR WITHDRAWAL

IN THE HIGH COURT OF SOLOMON ISLANDS

The Local Government (Election Petition) Rules. (Rule 39)

The Council, petition of (state petitioners) presented on the day of. The petitioner proposes to apply to withdraw his petition upon the following ground (here state the ground) and prays that a day may be appointed for hearing his application.

Dated this day of 19 (Signed) (Petitioner).

FORM V

NOTICE TO RESPONDENT OF APPLICATION FOR WITHDRAWAL

IN THE HIGH COURT OF SOLOMON ISLANDS

The Local Government (Election Petition) Rules. (Rule 41)

In the election petition for in which (state electoral ward and Council) petitioner and respondent.

Notice is hereby given, that the above petitioner has on the day of lodged at the Registrar's office Notice of an application to withdraw the petition of which Notice the following is a copy - (set it out).

(Signed) (Petitioner).

FORM VI

PETITION

(claiming the seat and a scrutiny or recount) IN THE HIGH COURT OF SOLOMON ISLANDS

Holden at.....

The Local Government (Election Petition) Rules. (Rule 7)

Election for the Council holden on the day of 19.....

The Petition of A.B. of whose name is subscribed.

- 1. Your petitioner claims to have had a right to be returned at the above election.
2. And your petitioner states that the said election was holden on the day of 19, when C.D. and your petitioner were candidates and the Returning Officer has returned the said C.D. as being duly elected.
3. And your petitioner further says that one E.F., a registered voter of, applied for a ballot paper, and his application was refused by the presiding officer on the alleged ground that a vote had previously been given in his name, and that the said E.F., thereupon recorded his vote in a tendered ballot paper, and that the said last mentioned vote is valid and ought now to be added to the poll of your petitioner.

4. And your petitioner further says that two marked ballot papers being votes in favour of the petitioner were erroneously rejected by the Returning Officer/presiding officer, and his rejection was objected to at the time, and are valid and ought now to be added to the poll of your petitioner.
5. And your petitioner further says that the Returning Officer/ presiding officer erroneously received certain ballot papers as votes for the said C.D. which are void and ought now to be struck off the poll of the said C.D.
6. And your petitioner further says that certain persons personated and voted as and for certain other persons whose names appeared on the register of voters for and who did not themselves vote, and that the said votes are void and ought now to be struck off the poll.
7. And your petitioner further says that certain persons were bribed (or treated or unduly influenced) by persons on behalf of the said C.D. and voted at the said election.
8. And your petitioner further says that certain persons were retained or employed for reward by or on behalf of the said C.D. for the purposes of such election as clerks and messengers and voted at the said election.
9. And your petitioner claims that on a scrutiny or recount there should be struck off from the number of votes appearing to have been given to the said C.D. one vote for every person who voted at the said election and is proved to have been bribed (or treated or unduly influenced) or to have been retained or employed for reward as in the last two paragraphs mentioned.
10. And your petitioner further says that he had a majority of valid and lawful votes at the said election.

Wherefore your petitioner prays that a scrutiny or recount may be allowed of the votes given and tendered at the said election, and that it may be determined that the said C.D. was not duly elected or returned and that his election was void, and that your petitioner was duly elected and ought to have been returned.

(Signed) A.B.

FORM VII

Petition
(alleging disqualification and claiming the seat)
IN THE HIGH COURT OF SOLOMON ISLANDS

Holden at.....

The Local Government (Election Petition) Rules.
(Rule 7)

Election for the Council holden on the day of 19.....

The petition of A.B. of whose name is subscribed.

1. Your petitioner was a candidate at the above election.
2. And your petitioner states that the election was holden on the day of, 19, when C.D. and your petitioner were the candidates, and that the said C.D. polled votes, and your petitioner polled votes, and that the said C.D. has been in the usual manner declared to be duly elected.
3. And your petitioner says that the said C.D. was and is (here set out the disqualifications on which petitioner relies).
4. And your petitioner further says that the votes given for the said C.D. under the circumstances abovementioned were void and of no effect, and that your petitioner had a majority of lawful votes.

Wherefore your petitioner prays that it may be determined that the election of the said C.D. was void.

(Signed) A.B.

FORM VIII

PETITION
(alleging corrupt and illegal practices, but not claiming the seat)
IN THE HIGH COURT OF SOLOMON ISLANDS

Holden at.....

The Local Government (Election Petition) Rules.
(Rule 7)

Election for the Council holden on the day of 19.....

The petition of A.B. of whose name is subscribed.

1. Your petitioner is a person who voted at the above election.

2. And your petitioner states that the said election was holden on the day of _____, 19____, when C.D. and E.F. were candidates and that the Returning Officer has returned the said C.D. as being duly elected.
3. And your petitioner further says that before, during, and after the said election the said C.D. was by himself and by his agent guilty of the corrupt practices of bribery, treating, undue influence, and of aiding, abetting, counselling and procuring the offence of personation.
4. And your petitioner further says that such general intimidation prevailed during the said election as would render the said election void.
5. And your petitioner further says that during the said election the said C.D. was guilty of illegal practices by inducing and procuring certain persons to vote at the said election knowing that such persons were prohibited from so voting by the law in force in that behalf.
6. By reason of the matters hereinbefore set out, the said C.D. was and is incapacitated from serving in the said _____ Council and the said election and return of the said C.D. were and are void.

Wherefore your petitioner prays that it may be determined that the said C.D. was not duly elected or returned, and that his election was void.

(Signed) A.B.

FORM IX

RECOGNISANCE

IN THE HIGH COURT OF SOLOMON ISLANDS

The Local Government (Election Petition) Rules.
(Rule 20)

(Title)

BE IT REMEMBERED that on the _____ day of _____ in the year of OUR LORD 19____, before me _____ the Registrar of the High Court, [a Magistrate or a Commissioner for Oaths] came _____ of _____

(name of petitioner) and _____ (address) petitioner herein, _____ all of _____, the sureties and obligants herein for the said petitioner and acknowledged themselves severally and jointly, their and each of their executors, administrators and assigns to owe the Registrar of the High Court the sum of _____ dollars to be levied on their respective goods, chattels, land and tenements to the use of the said Registrar and his successors in office.

The condition of this recognisance is that if the said petitioner shall well and truly pay all costs, charges and

expenses in respect of the election petition signed by him relating to the election holden at _____ on the _____ day of _____, 19____, for the election of a member or members for the _____ Council which shall become payable by the said _____ under the Local Government (Election Petition) Rules, to any person or persons, then this recognisance to be void, otherwise to stand in full force.

SIGNED AND DELIVERED BY _____

in the presence of _____ before me

FORM X

JUSTIFICATION OF SURETIES

IN THE HIGH COURT OF SOLOMON ISLANDS

The Local Government (Election Petition) Rules.
(Rule 28)

(Title)

We _____ of _____ of _____ severally make oath and say that we are the proposed sureties in the penal sum of _____ dollars on behalf of _____ and I, the said _____ for myself make oath and say that I am, after payment of all my just debts well and truly worth in money and effects the sum of _____ dollars, and I, the said _____ for myself make oath and say that I am, after payment of all my just debts well and truly worth in money and effects the sum of _____ dollars.

Sworn by the Deponents

and _____

this _____ at _____ day of _____ 19____

Before me _____

LN 75/1963
LN 58/1966
LN 127/1967
LN 124/1968
5 of 1980
LN 41/1982
LN 7/1985

THE LOCAL GOVERNMENT (REGISTRATION OF VOTERS)
REGULATIONS
(Section 18)

[1st January 1964]

Citation

1. These Regulations may be cited as the Local Government (Registration of Voters) Regulations.

Interpretation

2. In these Regulations, unless the context otherwise requires—

“Assistant Registration Officer” means an Assistant Registration Officer appointed under the provisions of regulation 4(1) of these Regulations;

“Council” means a local government council established under the provisions of the Act;

“register of voters” means a register of voters prepared in accordance with these Regulations;

“Registration Officer” means any person appointed as such under the provisions of regulation 3 (1) of these Regulations;

“Revising Officer” means any person appointed as such under the provisions of regulation 3 (2) of these Regulations;

“ward” means an electoral ward constituted in accordance with regulation 3 of the Local Government (Elections) Regulations.

Appointment of
Registration
Officers and
Revising
Officers

3.—(1) For the registration of voters, there shall be a Registration Officer for each Council area, who shall be appointed by the Minister by notice.

(2) For the revision of lists of voters, there shall be a Revising Officer for each Council area, who shall be appointed by the Minister by notice.

Appointment of
Assistant
Registration
Officers

4.—(1) A Registration Officer may appoint fit and proper persons to be Assistant Registration Officers for one or more wards to assist him in the preparation of the register of voters in accordance with these Regulations.

(2) Subject to the authority, direction and control of the Registration Officer, an Assistant Registration Officer shall have all the powers and may perform any of the duties of a Registration Officer.

5.—(1) Registration Officers, Assistant Registration Officers and Revising Officers shall receive such remuneration for their services as the Minister may authorise.

Remuneration of
officers and
expenses of
preparing
registers

(2) All expenses properly incurred in the preparation of registers of voters, including the remuneration of the officers provided for in paragraph (1) of this regulation, shall be a charge upon the general revenue of the appropriate Council.

6. Where there is not in existence in any Council area a register of voters in that area, the Registration Officer for that area shall forthwith, and thereafter, notwithstanding that there is in existence such a register, at intervals of five years or such other period as the Minister may by notice appoint, cause to be prepared a new register of voters in the manner prescribed in regulations 7 to 13 of these Regulations.

Preparation of
registers
LN 58/1966
LN 124/1968

7. Every Registration Officer shall publish in each ward in the area for which he has been appointed, in such manner as he may deem appropriate, a notice in Form A in the Schedule to these Regulations requiring, within sixty days of the publication of such notice, all persons who desire and claim to be entitled to be registered as voters in the ward concerned to deliver to the Registration Officer or an Assistant Registration Officer for that ward, a notice, in Form B in the said Schedule, of his claim to be so registered.

Notice inviting
claims of voters
LN 127/1967
Form A

Form B

8.—(1) Within the period of sixty days mentioned in regulation 7 of these Regulations, every person who desires, and is entitled, to be registered as a voter in any ward shall deliver or cause to be delivered to the Registration Officer, or an Assistant Registration Officer for that ward, a notice in Form B in the Schedule to these Regulations of his claim to be registered as a voter and shall produce such evidence as may be necessary to establish his claim to be so registered.

Notice of claim
to vote
LN 127/1967

Form B

(2) The Registration Officer or an Assistant Registration Officer shall examine the qualifications in respect of which such claim is made and shall receive such evidence as may be necessary to prove to his satisfaction that the claimant possesses the qualifications in respect of which he claims to be a voter.

(3) In any case where the Registration Officer or Assistant Registration Officer, as the case may be, is satisfied that the claimant possesses the necessary qualifications, he shall register

the claimant in the manner hereinafter provided, otherwise he shall disallow the claim.

List of voters
LN 58/1966
5 of 1980, s. 85

9.—(1) The Registration Officer shall, within the space of fourteen days from the last day upon which any notice of claim as provided in regulation 8 (1) of these Regulations is allowed to be made, make out, or cause to be made out, a list for each ward in alphabetical order in relation to each village area therein in Form C in the Schedule to these Regulations of all persons who in his opinion are entitled to be registered as voters in that ward and shall cause a copy of such list dated and signed by him or an Assistant Registration Officer to be published in such manner as he may deem fit in the ward to which it relates.

Form C

5 of 1980, s. 85

(2) The Registration Officer shall mark against the name of any person who is not entitled to be registered as an elector for the National Parliament under section 55 of the Constitution the letters "NPE" (which mean Non Parliamentary Elector).

5 of 1980, s. 85

(3) The placing of a mark or failure to place a mark against a name in accordance with paragraph (2) of this regulation shall for the purposes of claims and objections be regarded as the omission or striking out of a name or the retention of a name.

Procedure as to
omissions and
objections

10.—(1) Every person whose name has been omitted from any such list of voters in any ward and who claims to have his name inserted therein shall within ten days after the publication of such list give notice in writing to the Registration Officer or an Assistant Registration Officer for that ward in Form D in the Schedule to these Regulations.

Form D

(2) Every person whose name appears in any such list may object to any other person whose name also appears therein as not being entitled to have his name retained therein by giving notice in writing, in Form E in the said Schedule, to the Registration Officer or an Assistant Registration Officer for the ward concerned, and to the person objected to, within ten days after publication of the list.

Form E

(3) If any notice as aforesaid is received, the Registration Officer or an Assistant Registration Officer shall, within seven days of the expiration of the aforesaid period of ten days, prepare and publish, or cause to be prepared and published, in each ward a list of all the claims and objections relating to the list of voters in that ward, and the names of the persons who have made the same.

11.—(1) The Registration Officer shall, within seven days of the expiration of the period of ten days prescribed in regulation 10 of these Regulations, cause all the lists of voters for the Council area for which he has been appointed to be handed over to the Revising Officer for that area, together with any notice of claims and objections received in respect of the said lists.

Public inquiry
and revision of
lists

(2) Where a Revising Officer has handed to him any notices of claim or objection with the lists of voters, he shall upon giving such notice as is prescribed by the proviso to regulation 12.(5) of these Regulations, proceed, within ten days of the receipt of the notice and lists aforesaid, to hold a public inquiry into all the claims and objections of which notice has been received, and to revise the said lists in accordance with the provisions of these Regulations.

12.—(1) The Revising Officer, upon consideration of the claims and objections, and any evidence made available thereon, shall —

Inquiry and
revision
procedure

(a) insert in the appropriate list of voters the name of every person who is proved to his satisfaction to be entitled to have his name inserted therein;

(b) strike out of any list of voters the name of every person who, upon the application of the objector, is proved to his satisfaction not to be entitled to have his name retained therein.

(2) If an objector does not appear either in person or by counsel, the objection shall be overruled and the name of the person objected to shall be retained on the list of voters, unless such person agrees to his name being struck out, or it is otherwise proved that the person objected to is dead.

(3) A Revising Officer may, at or in respect of any inquiry under these Regulations —

(a) summons any person to appear at the inquiry;

(b) require any person at the inquiry to give such information as he may consider necessary for the due discharge of his duties; and

(c) take evidence on oath, and is for that purpose hereby authorised to administer oaths.

(4) Every Revising Officer shall, in accordance with the provisions of these Regulations, determine all claims in respect of and objection to the lists of voters in his area, and shall write his initials against every name struck out of a list and against any

mistake or omission corrected, and shall sign his name to every page of each list when the same is finally settled.

(5) The Revising Officer may, subject to the provisions of regulations 11 (2) and 13 (1) of these Regulations, hold the public inquiry at such places within the Council area for which he has been appointed, and at such times, as he thinks fit, and may likewise adjourn the inquiry from place to place and time to time:

Provided that the Revising Officer shall, in such manner as he may consider appropriate, give not less than six days notice of the places and times at which the inquiry is to be held.

(6) If the Revising Officer is of the opinion that the objection or claim of any person is without foundation or is frivolous, he may order such person to pay such sum as appears to him to represent the actual costs of the inquiry (including the costs of witnesses) attributable to the objection or claim, and such order shall be deemed to be an order of a Magistrate's Court and may be executed on the application of a Registration Officer or an Assistant Registration Officer in any manner authorised by law for the execution of orders, judgments or decrees of competent courts in Solomon Islands.

13.—(1) The lists of voters shall be finally settled and signed by the Revising Officer and then delivered by him to the Registration Officer within seven days of—

(a) the commencement of the public inquiry, where notices of claims or objections have been received;

(b) the date of the receipt by the Revising Officer of the lists of voters, where no notices of claims or objections have been received.

(2) The Registration Officer shall thereupon cause the names on each list to be fairly and truly recorded in a book to be provided by him for that purpose, ward by ward, in alphabetical order in relation to each village area with every name therein numbered, beginning to number from the first name and continuing in a regular series to the last name, and shall cause such recording to be completed within ten days after the delivery to him of such revised lists by the Revising Officer.

14.—(1) The book or books in which the revised lists for the several wards are copied shall be the register of voters for that Council area and shall, subject to any deletions or additions

Settlement of
lists of voters

LN 58/1966

Register of
voters, and
annual revision
LN 58/1966

made under paragraphs (2) and (3) of this regulation, remain in force until the next register of voters has been completed and shall be prima facie evidence for the purpose of determining whether or not a person is entitled to vote at an election in any ward:

LN 127/1967
LN 124/1968

Provided that nothing in this regulation shall entitle any person to vote at any election if he is not qualified or is disqualified from so voting by the law in force in Solomon Islands.

(2) Every Registration Officer, between the first day of January and the first day of May in each of the four successive years immediately following the year during which the register of voters in his area was completed, shall —

(a) in the manner prescribed by regulation 7 of these Regulations, invite any person whose name is not on the register and who desires and claims that he is entitled to be registered as a voter to give notice of his claim; and

(b) if he is satisfied that any person has died, become disqualified or is not qualified, strike off from the register of voters the name of that person.

(3) Where the Registration Officer is satisfied that any person claiming under paragraph (2) (a) of this regulation is eligible to have his name entered on the register of voters he shall enter the name of such person on the register.

(4) The Registration Officer shall publish annually, in such manner as may seem appropriate to him, a list showing the names so entered or struck off the register of voters and any corrections made in relation to the village area of any voter.

15. No person shall be registered as a voter in more than one ward, whether in the same Council area or otherwise.

Only single
registration
permitted

16. Notwithstanding that any provision of these Regulations requires any act or thing to be done within a specified time, the Minister may, by order, enlarge or reduce such time subject to such terms and conditions as he shall specify.

Power to enlarge
or reduce time
LN 7/1985

17.—(1) Any person registered as a voter may at any time in writing notify the Registration Officer that his village area has been incorrectly recorded.

Corrections
relating to
village areas

(2) Any Revising Officer in the course of an enquiry and revision under regulation 12, and any Registration Officer in the

LN 58/1966

course of an annual revision under regulation 14, may make such correction or alteration as he deems fit, in relation to the village area of any person registered as a voter.

SCHEDULE

FORM A
(Regulation 7)

NOTICE TO ELECTORS

All persons who desire and are entitled to be registered as voters for the election of a member of the Council (other than those of such persons whose names appear on the existing register of voters for the Council area)* are hereby required to deliver or cause to be delivered their claim in writing for that purpose on or before the day of 19 to the Registration Officer† or to the Assistant Registration Officer.†

The necessary forms of claim may be obtained at the Registration Officer's office, or from the Assistant Registration Officer, at

Dated this day of , 19

Registration Officer.

*Delete where a new register is being prepared.

†Strike out whichever does not apply.

FORM B
(Regulations 7 and 8)

LN 41/1982

APPLICATION TO BE REGISTERED AS A VOTER

I, (full name) of (address) claim to be entitled to be registered as a voter for the election of a member of the Provincial Assembly/Council+ for the ward.

AND I DECLARE THAT

1. I am a citizen of Solomon Islands.
2. I am aged 18 or more.
3. I live at in the ward of the Province/Council area+ and in the 12 months immediately before the date of this application I have lived at the following places*
.....
.....
.....
.....
4. I am not, nor have I applied to be, registered as a voter in any other ward of the Province/Council area+ or in any other Province/Council area+.
5. I am not disqualified for registration as a voter under the Local Government Act.

Dated this day of 19

In the presence of:

(Signature or mark of witness)

(Signature or mark)

*If you have lived at more than one place in the last 12 months, give details with dates.

+Delete whichever is not applicable.

LN 58/1966

FORM C
(Regulation 9)

LIST OF VOTERS

.....Council Ward.....

.....Village Area

No.	Full Name	Address
.....Village Area		
No.	Full Name	Address

.....Village Area

No.	Full Name	Address
.....Village Area		
No.	Full Name	Address

Dated this day of , 19 .

Registration Officer or
Assistant Registration Officer.

FORM D
(Regulation 10)

NOTICE OF OMISSION FROM LIST OF VOTERS

To: THE REGISTRATION OFFICER OR ASSISTANT REGISTRATION OFFICER

I , of , hereby give you notice that I object to the omission of my name from the List of Voters for the ward of Council area and that I claim to have my name inserted in the said List as a Voter on the following grounds:—

Dated this day of , 19 .

.....
(Signature or mark)

In the presence of.....
(Signature or mark of witness)

FORM E
(Regulation 10)

NOTICE OF OBJECTION TO RETENTION OF NAME IN LIST OF VOTERS

1. Notice to Registration Officer.

To: THE REGISTRATION OFFICER OR ASSISTANT REGISTRATION OFFICER

I , of , being a person whose name appears in the List of Voters for the ward Council area, hereby give you notice that I object to the name of being retained in the said List on the grounds that

Dated this day of , 19 .

.....
(Signature or mark of witness)

In the presence of.....
(Signature or mark of witness)

2. Notice to person object to.

To: , of , being a person whose name appears in the List of Voters for the ward Council area, hereby give you notice that I object to your name being retained in the List of Voters for the said ward of Council area on the grounds that and that you will be required to prove your qualification at the time of revising the said List.

Dated this day of , 19 .

.....
(Signature or mark of witness)

In the presence of.....
(Signature or mark of witness)

LN 80/1964

THE LOCAL GOVERNMENT (BASIC RATE) REGULATIONS
(Section 79)

[11th June 1964.]

Citation

1. These Regulations may be cited as the Local Government (Basic Rate) Regulations.

Interpretation

2. In these Regulations, unless the context otherwise requires —

“basic rate” means the rate defined and imposed under paragraph (a) of subsection (1) of section 77 of the Act;

“rate collector” means a person appointed under the provisions of section 89 of the Act.

Notification of basic rate

3.—(1) Each Council shall on the first day of December in each year or as soon as possible thereafter give notice of—

(a) the amount or amounts of the basic rate imposed by the Council in respect of persons resident within the area of its authority which shall be due and payable on the first day of January next succeeding;

(b) the liability of every person of or above the age of eighteen years resident in the area of authority of the Council on the first day of January next succeeding to pay the basic rate unless generally or specifically exempted;

(c) the name of every person, if any, appointed to be a rate collector and the area for which each such rate collector has been authorised to collect the basic rate;

(d) the times and places specified for payment of the basic rate; and

(e) the categories of persons, if any, who are exempted from the payment of the basic rate.

(2) For the avoidance of doubt it is hereby declared that nothing in this regulation, nor any failure to comply therewith, shall in any way affect or derogate from the provisions of section 81 (1) of the Act.

Exemption Certificates

4.—(1) Subject to the directions of the assessment committee, if any, a rate collector may issue an exemption certificate to any person he is satisfied is exempted from liability to pay the basic rate.

(2) An exemption certificate may at any time be cancelled by the rate collector or assessment committee giving written notice of cancellation to the holder thereof.

(3) Every certificate of exemption, other than such a certificate issued on account of the old age of the holder, shall, unless sooner cancelled, be valid only for the year of issue and shall then expire; a certificate issued on account of the old age of the holder shall remain valid until cancelled.

5.—(1) Subject to the directions of the Council, a rate collector may issue a remission certificate to any person certifying that such person has had his payment of the basic rate remitted.

Remission certificates

(2) A remission certificate may be cancelled at any time by the Council or a rate collector.

6. A Council, assessment committee, or court in which it is sought to recover any penalty for failure to pay the basic rate before a specified time or date, may for good cause remit the whole or any part of any penalty as aforesaid due from any person who has disputed the assessment of the basic rate to which the penalty relates.

Power to exempt from penalty where assessment disputed

7.—(1) Forthwith upon the payment to him of any sum for and on account of a basic rate, every rate collector shall issue to the person making such payment a receipt which shall be signed by the rate collector issuing the same and shall show the date of the payment to which it refers, the name of the person on whose account such payment is made and the year in which the liability for such payment arose.

Receipts

(2) Any rate collector who shall wilfully fail or neglect to issue a receipt in accordance with paragraph (1) of this regulation shall be guilty of an offence and liable to a fine of ten dollars or to imprisonment for six weeks or both such fine and imprisonment.

LN 23/1971
LN 113/1976THE LOCAL GOVERNMENT (EXEMPTION FROM BASIC RATE)
(HONIARA) REGULATIONS
(Section 79)

[14th May 1971]

Citation

1. These Regulations may be cited as the Local Government (Exemption from Basic Rate) (Honiara) Regulations.

Interpretation

2. In these Regulations, except where the context otherwise requires —

“basic rate” means the basic rate imposed in any year by the Honiara Town Council under section 77(1)(a) of the Local Government Act;

“total income” means income derived from or received in Solomon Islands from any source whatsoever and whether wholly in money or partly in money and partly in goods, accommodation or services in lieu of money.

Exemption of persons paying property rate

3. Any person liable to pay a property rate made and levied under regulation 21 of the Local Government (Rating of Land) Regulations shall —

(a) where such property rate is less than ten dollars, be exempt from the payment of the basic rate to the extent of such property rate;

(b) where such property rate is ten dollars or more, be exempt from the payment of the whole of the basic rate:

Provided that where, as a result of an appeal to the Valuation Court established under the said Regulations or to the High Court, as the case may be, an alteration is made in the rate book which affects the amount of such property rate, the basic rate paid or payable by such person shall be adjusted accordingly, and any amount in excess of that payable as a result of such adjustment shall if paid be refunded to such person and any deficiency in the amount payable as a result of such adjustment shall become due and payable as arrears but shall incur no penalty in the year in which such basic rate is payable if such adjustment was made after the 30th April.

Exemption of students
LN 113/1976

4. All bona fide full-time students shall be exempt from payment of the basic rate.

THE LOCAL GOVERNMENT (SPECIAL RATE) REGULATIONS
(Section 79)

LN 5/1968

[29th January 1968]

Citation

1. These Regulations may be cited as the Local Government (Special Rate) Regulations.

Interpretation

2. In these Regulations, unless the context otherwise requires —

“special rate” means a special rate imposed under section 77 (2) of the Act;

“rate collector” means a person appointed under section 89 of the Act.

Notification of special rate

3.—(1) A Council shall, not less than thirty days before the special rate shall become due, give notice of —

(a) the specific purpose for which the special rate has been levied;

(b) the amount of the special rate;

(c) the times and places specified for payment of the special rate;

(d) the persons or classes of persons liable to pay the special rate;

(e) the categories of persons, if any, who are exempted from payment of the special rate; and

(f) the name of every person, if any, appointed to be a rate collector and the area for which such rate collector has been authorised to collect the special rate.

(2) For the avoidance of doubt it is hereby declared that nothing in this regulation, nor any failure to comply therewith, shall in any way affect or derogate from the provisions of section 81 (1) of the Act.

Exemption certificates

4.—(1) Subject to the directions of the assessment committee, if any, a rate collector may issue an exemption certificate to any person he is satisfied is exempted from liability to pay a special rate.

(2) An exemption certificate may at any time be cancelled by the rate collector or assessment committee giving written notice of cancellation to the holder thereof.

(3) Every certificate of exemption, other than such a certificate issued on account of the old age of the holder, shall, unless sooner cancelled, be valid for the year of issue and shall then expire; a certificate issued on account of the old age of the holder shall remain valid until cancelled.

Remission certificates

5.—(1) Subject to the directions of the Council, a rate collector may issue a remission certificate to any person certifying that such person has had his payment of a special rate remitted.

(2) A remission certificate may be cancelled at any time by the Council or a rate collector.

Power to exempt from penalty where assessment disputed

6. A Council, assessment committee, or court in which it is sought to recover any penalty for failure to pay a special rate before a specified time or date, may for good cause remit the whole or any part of any penalty as aforesaid due from any person who has disputed the assessment of the special rate to which the penalty relates.

Receipts

7.—(1) Forthwith upon the payment to him of any sum for and on account of a special rate, every rate collector shall issue to the person making such payment a receipt which shall be signed by the rate collector issuing the same and shall show the date of the payment to which it refers and the name of the person on whose account such payment is made.

(2) Any rate collector who shall wilfully fail or neglect to issue a receipt in accordance with paragraph (1) shall be guilty of an offence and liable to a fine of ten dollars or to imprisonment for six weeks or to both such fine and imprisonment.

THE LOCAL GOVERNMENT (RATING OF LAND) REGULATIONS

ARRANGEMENT OF REGULATIONS

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THE LOCAL GOVERNMENT (RATING OF LAND) REGULATIONS
(Section 79)

LN 52/1969
LN 78/1969
LN 5/1980

[20th June 1969]

PART I

PRELIMINARY

1. These Regulations may be cited as the Local Government (Rating of Land) Regulations, and shall apply to the area of authority of the Honiara Town Council, and of every area of authority of a Provincial Assembly or Town Council to which the Minister may by order apply these Regulations.

Citation and
application
LN 5/1980

2. In these Regulations, except where the context otherwise requires —

Interpretation
LN 5/1980

“council” means the Honiara Town Council, and the Town Council or the Provincial Assembly to whose area of authority or any area therein these Regulations apply;
“council area” means the area of the authority of the council concerned;

“improvements” in relation to land means all work done or materials used at any time on, in or under or for the benefit of such land by the expenditure of labour or money or both by any owner or occupier thereof or any predecessor in title in so far as the effect of such work done or material used is to increase the value of the land and the benefit thereof is unexhausted at the time of valuation but, except in the case of land owned and occupied by the Crown, does not include work done or material used on or for the benefit of the land by the Crown, except to the extent that the same has been paid for or contributed to by the person who is the owner or occupier of the land at the time of valuation:

LN 78/1969

Provided that —

(a) the reclamation of land from the sea shall only be deemed to be an improvement either of the land reclaimed or of any other land to the extent of fifty *per centum* of such improvement; and

(b) work done or material used at any time on, in or under or for the benefit of any land by the expenditure of labour or money or both by any owner or occupier thereof or any predecessor in title (whether required by any written law or not) by the provision

of roads or drains or the carrying out of any reclamation, levelling, cutting, or filling or other work to make such land suitable or more suitable for building purposes, shall be deemed not to be improvements after the happening of any of the following events —

- (i) the commencement of the maintenance of the road or drain by the Government or the council;
 - (ii) the selling or letting of the land;
 - (c) the subdivision and consolidation of land shall be deemed not to be improvements;
- “owner” in relation to —
- (a) public land unencumbered by any fixed term estate, lease or licence granted by or on behalf of the Government, means the Government;
 - (b) public land encumbered by a fixed term estate, lease or licence granted by or on behalf of the Government, means the holder of that estate, lease or licence;
 - (c) unregistered land in which the Government holds a freehold interest in land unencumbered by any leasehold interest in land or lease or licence granted by or on behalf of the Government, means the Government;
 - (d) unregistered land in which the Government holds a freehold interest in land encumbered by a leasehold interest in land or a lease or licence granted by or on behalf of the Government, means the holder of that leasehold interest, lease or licence;
 - (e) registered land other than public land, means the holder of the perpetual estate therein;
 - (f) unregistered land in respect of which any person other than the Government, is or would be entitled to be registered as the holder of a perpetual estate therein, means such person;
- “rateable land” means land in a council area, other than land exempted from rating by or under section 82 (2) of the Act;
- “rate-book” means a rate-book kept in pursuance of regulation 9 (1);
- “unimproved value” in relation to land, means the sum which a perpetual estate therein in possession free of encumbrances might be expected to realise at the time

of valuation if offered for sale on such reasonable terms and conditions as a bona fide seller might be expected to impose, and if no improvements had been made on, in or under the land;

“valuation roll” means a valuation roll prepared under regulation 6;

“valuer” means a valuer appointed under regulation 4 (1) or an assistant valuer appointed under regulation 4 (2).

(2) In these Regulations, except where the context otherwise requires, the expressions “estate”, “fixed term estate”, “freehold interest in land”, “leasehold interest in land”, “perpetual estate”, “public land”, and “registered” and “unregistered” in relation to land, shall have the respective meanings ascribed to them in the Land and Titles Act.

Cap. 133

PART II

VALUATION

3.—(1) For the purpose of ascertaining and determining the unimproved value of rateable land in a council area, the Commissioner of Lands shall cause a valuation, hereinafter called a general valuation, of all such land to be made at least once in every five years in accordance with these Regulations.

Quinquennial valuation

(2) A general valuation under the preceding paragraph shall not be invalid by reason of the fact that any rateable land has been erroneously omitted from valuation.

4.—(1) The Minister in his discretion shall appoint a suitably qualified person to be the valuer in respect of any council area, and the valuer shall exercise such powers and perform such duties as are conferred and imposed upon him by these Regulations.

Appointment of valuer and assistant valuers
LN 5/1980

(2) The Minister in his discretion may appoint such number of assistant valuers to assist the valuer as he may deem fit and subject to the control and directions of the valuer, an assistant valuer may exercise the powers and perform the duties of the valuer.

5. Every valuer shall, before entering on the duties of his office, make and subscribe before a Magistrate or Justice of the Peace, a declaration in the terms set out in the Schedule to these Regulations, and every such declaration shall be lodged with and preserved by the Minister.

Declaration by valuer

Schedule

Preparation of
valuation roll
LN 5/1980

6. The valuer shall prepare, sign and submit to the Commissioner of Lands a valuation roll, setting forth to the best of his knowledge and opinion in respect of all rateable land within the council area—

- (a) the approximate area and situation of the land valued;
- (b) the legal description thereof;
- (c) the interest, name and address of the owner thereof; and
- (d) the unimproved value thereof:

Provided that the validity of the valuation roll shall not be affected by—

- (i) the inclusion of any additional information or of land other than rateable land;
- (ii) any omission or any inaccuracy in the information required by paragraphs (b) and (c).

Powers of valuer

7.—(1) Every valuer shall, for the purpose of making any valuation as aforesaid, and upon production of his authority if so required, have power to enter at all reasonable hours during the day-time into and upon any land and buildings within the council area and shall also have power at all reasonable hours in the day-time to inspect and make extracts from all registers or other records or any deeds or instruments belonging to or in the custody or possession of any public officer or any person, in which are contained particulars of any land, whether such person is or is not interested in such land:

Provided that, except where the occupier thereof waives the requirement for such notice, no dwelling-house shall be entered unless the occupier thereof shall have been given twenty-four hours oral or written notice of the intention so to do.

(2) Any person who shall wilfully obstruct a valuer in the exercise of the powers conferred upon him by this regulation shall be guilty of an offence and liable to a fine of one hundred dollars or to imprisonment for three months or to both such fine and such imprisonment.

(3) It shall be lawful for any valuer to put to any person in occupation or charge of, or being the owner of any property which such valuer shall have been authorised under the provisions of these Regulations to value, questions upon all such matters as may be necessary to enable him correctly to value

such property, and to determine the names of the owner and occupier thereof, and such other information as he may require for the purpose of such valuation. And if after being informed by such valuer of his purpose in putting such questions, and of his authority under these Regulations to put the same, any such person in occupation or charge, or any such owner, shall refuse or wilfully omit to answer the same to the best of his knowledge and belief, or shall wilfully make any false or misleading answer or statement in reply to such questions, such person shall be guilty of an offence and liable to a fine of one hundred dollars or to imprisonment for three months or to both such fine and such imprisonment:

Provided that no person convicted of an offence under this paragraph shall thereby become exempt from liability to answer any such questions put by the valuer.

8. Any valuer who wilfully makes or returns a valuation not impartial or not true according to the best of his judgment or not according to the provisions of these Regulations shall be guilty of an offence and liable to a fine of one hundred dollars or to imprisonment for three months or to both such fine and such imprisonment.

Penalty for
wilfully making
incorrect
valuation

9.—(1) The Commissioner of Lands shall provide a council with a copy of every valuation roll relating to land within its area and of every addition thereto and alteration thereof made under regulation 11, whereupon the council shall cause every valuation in the valuation roll relating to rateable land in its area, and every such addition or alteration as aforesaid relating to rateable land in its area, to be entered in a rate-book kept for that purpose together with such particulars of the land as the council may determine; and where any such valuation, addition or alteration so provided has been omitted from the rate-book, the council may at any time cause it to be entered in the rate-book.

Valuation and
assessment to be
entered in rate-
book

(2) Subject to regulations 11, 12, 17 and 18 a valuation when entered in the rate-book shall be the rateable value of the land upon which all rates made by the council shall be assessed, and shall remain in force until the land is again valued under the provisions of these Regulations; and all rates so assessed shall be entered in the rate-book.

(3) The rate-book shall be open to the inspection of the public at all reasonable times and the owner or occupier of rateable land

or his agent may take copies of the entries relating to such land without fee.

Notice of general valuation

10. Upon entering in the rate-book all the valuations in the valuation roll relating to rateable land, the council shall publish in such manner as appears to it to be adequate or most effective for the purpose of bringing it to the attention of all persons who may be required to pay the rate, notice —

- (i) that a general valuation has been made and entered in the rate-book;
- (ii) of the place and times at which the rate-book may be inspected and copies of entries taken; and
- (iii) that appeals may be brought against the valuation of any rateable land within two months of the date of such publication.

New valuations
LN 78/1969
LN 5/1980

11.—(1) The Commissioner of Lands may at any time, either on his own initiative or at the request of a council or of any person cause a valuation to be made of rateable land where —

- (a) such land has been erroneously omitted from the most recent general valuation and has not been valued since;
- (b) such land was not rateable land at the date of the most recent general valuation;
- (c) such land is subdivided or consolidated with other rateable land;
- (d) in his opinion the unimproved value of the land has increased since the most recent general valuation —
 - (i) by reason of the construction of new roads or the introduction of new services by the Government or the council which, since the time of such valuation, have raised the unimproved value of land in the locality; or
 - (ii) by virtue of the provisions of paragraph (b) of the proviso to the definition of “improvements” in regulation 2; or

(e) in his opinion the unimproved value of the land has decreased or increased since the most recent general valuation by reason, of the inclusion of such land in a local Planning Scheme under the Town and Country Planning Act,

and may add to or alter the valuation roll accordingly:

Provided that any valuation made between general valuations shall be made on the basis of values subsisting on the date of the last preceding general valuation.

(2) The Commissioner of Lands may at any time alter the valuation roll for any of the purposes specified in regulation 12, or to reflect any amendment of the rate-book made or ordered to be made by a Valuation Court or the High Court.

12. The rate-book may be altered by the council at any time for the purpose of —

Alteration of rate-book

- (a) correcting an error as to the area, ownership or occupation of land;
- (b) correcting any arithmetical error which the valuer in writing certifies he has made;
- (c) recording any change of ownership;
- (d) apportioning any unpaid rates in respect of land which has been subdivided and interests therein acquired by separate owners;
- (e) correcting any clerical error not affecting any valuation;
- (f) correcting any error as to the address of the owner;
- (g) recording any change in the address of the owner;
- (h) correcting any error in the description (including the situation, but not the area) of any land; and
- (i) correcting the description of the situation of any land in consequence of the naming or renaming of a street or from any similar cause.

13. Notice of every addition to or alteration of the rate-book made by the council consequent upon the exercise by the Commissioner of Lands of his power under regulation 11 (1) or for any of the purposes specified in paragraphs (a), (b), (c) or (d) of regulation 12 and of the right of appeal against the addition or alteration within the time prescribed by these Regulations shall be served by the council upon the owner.

Notice of new valuations and alterations

14. Whenever the name of any owner liable to be rated under these Regulations is not known to the council it shall be sufficient to rate such owner in the rate-book by the designation of “the owner” without stating the name.

Where owner is not known

Appeal against
valuation, etc

15.—(1) A council or any person aggrieved by the inclusion or omission of any rateable land from the rate-book or the value ascribed to any rateable land in the rate-book or by any statement made or omitted to be made therein with respect to any rateable land, may within two months of the date of publication of the notice under regulation 10 appeal to the Valuation Court.

(2) A council or any person aggrieved by an addition to or alteration of the rate-book consequent upon the exercise by the Commissioner of Lands of his power under regulation 11 (1) or for any of the purposes specified in paragraphs (a), (b), (c) or (d) of regulation 12, may within two months of the date of service of the notice under regulation 13, appeal to the Valuation Court.

(3) Every appeal under this regulation shall be made by lodging with the council within the aforesaid period of two months, three copies of a written memorandum of appeal specifying —

- (a) the valuation, entry or omission appealed against;
- (b) the grounds upon which the appeal is made; and
- (c) the applicant's address for service.

(4) A Valuation Court may for good and sufficient reason grant leave to appeal out of time and an application for such leave may be made by lodging a memorandum of appeal as aforesaid together with three copies of a written application for such leave setting out the grounds upon which the application is made.

(5) The council shall upon any memorandum of appeal or application for leave to appeal out of time being lodged under this regulation, forthwith transmit one copy thereof to the Valuation Court and one copy to the Commissioner of Lands.

16.—(1) For the purpose of determining appeals under regulation 15 there is hereby established in each council area a Valuation Court.

(2) The Minister in his discretion shall appoint the members of each Valuation Court which shall consist of a Magistrate who shall be chairman, and two other members who may or may not be members of the council, and may appoint an alternate chairman and alternate members.

17.—(1) The procedure of a Valuation Court shall be such as the Court may determine, and every such Court shall, unless the Court otherwise orders on the application of any party to the

Establishment
and membership
of Valuation
Court
LN 5/1980

Procedure and
powers of
Valuation Court

matter then proceeding and upon being satisfied that the interests of any such party would be prejudicially affected, sit in public.

(2) At every sitting of a Valuation Court it shall be lawful for the Court to call and examine any witnesses on oath or affirmation and call for the production of all such papers or documents as it may deem necessary.

(3) A Valuation Court shall cause a note to be taken of any evidence given before it, and shall keep a note of its proceedings and a record of its determination upon every appeal.

(4) No member of a Valuation Court shall sit on the hearing of any matter in which he is directly interested or concerned as being liable to pay the rates in question or any part thereof.

(5) On the consideration of an appeal the council, the owner of the rateable land which is the subject of the appeal, the Commissioner of Lands, and the valuer may appear and be heard, either in person or by counsel, solicitor or accredited representative and may examine any person before the Court and may call witnesses.

(6) After hearing the persons specified in paragraph (5), or such of them as desire to be heard, the Valuation Court shall determine the appeal by confirming the rate-book, or amending the rate-book by way of reduction, increase, addition or deletion, as it may deem just.

(7) Where the Valuation Court considers any appeal frivolous or vexatious it may assess and award costs against the appellant and such costs shall be deemed to be and shall be recoverable as a civil debt due from the appellant to the person to whom they are ordered to be paid.

(8) Where the Valuation Court has reason to believe that any appeal is likely to be frivolous or vexatious it may require the appellant to furnish such security for costs in such manner as it may deem fit.

18.—(1) Any person, including a council, who is aggrieved by the determination of a Valuation Court and desires to question it on the grounds that it is erroneous in point of law, may, within two weeks of the date of the determination, appeal to the High Court.

(2) The High Court may, if satisfied that the determination is erroneous in point of law, make such order as it considers just.

Appeal to the
High Court

(3) The order or decision of the High Court shall be final and conclusive and shall not be questioned in any proceedings whatsoever.

Rate may be levied pending appeal

19. An appeal shall not preclude the recovery of any rate pending determination thereof, but when alteration in the rate-book is made by the Valuation Court or the High Court which affects the amount of any rate levied, any excess paid shall be repaid or allowed and any deficiency shall be paid and may be recovered as if it were arrears.

Remuneration, expenses, etc LN 5/1980

20.—(1) Members of a Valuation Court shall not be entitled to any remuneration beyond the actual expenses incurred in the discharge of their duties, except where the Minister in his discretion otherwise directs.

(2) The cost of valuation and preparation of the valuation roll and the expenses incidental thereto and the cost and expenses of the Valuation Court, shall be apportioned by the Minister in his discretion between the Government and the council concerned.

PART III

RATING

General property rate

21. A council may from time to time as it thinks fit, and subject to the approval of the Minister, make and levy a general property rate not exceeding in any one year ten *per centum* of the unimproved value of all rateable land within the council area assessed in accordance with these Regulations.

Special rates LN 5/1980

22.—(1) A council may, subject to the approval of the Minister, make and levy special property rates for the purpose of undertaking any works or services which may be lawfully undertaken by the council, or for the payment of interest and sinking fund on any loan raised by the council for such purpose:

Provided that —

(a) such special rates shall not in the aggregate exceed five *per centum* of the unimproved value of all rateable land within the council area;

(b) so much of the revenue derived from any work or services financed by means of such a loan as may be available after providing for the costs and expenses of such works and services shall be devoted to the payment of the interest and sinking fund on the loan, and a special rate

shall be levied only for meeting the difference in any year between the amount so available and the total amount required for meeting the charges for interest and sinking fund.

(2) Moneys raised by a special rate shall be paid into a special account which shall bear a name indicating the purpose for which the rate is levied.

(3) Such moneys shall not be used for any other purpose than that for which the rate is levied.

23.—(1) Every rate made by a council under these Regulations shall, unless otherwise prescribed in the notice required to be given under this regulation, be made for the period of one year commencing on the first day of January next succeeding the date on which the rate is approved by resolution of the council.

(2) As soon as may be after the making of a rate the council shall —

(a) exhibit at the offices of the council a notice stating the particulars of the rate and the period in respect of which it is made; and

(b) publish the notice in such manner as appears to the council to be adequate or most effective for the purpose of bringing it to the attention of persons who may be liable to pay the rate.

24.—(1) Every rate made and levied by a council under these Regulations shall be assessed at a uniform amount *per centum* on the unimproved value of all rateable land within the council area.

(2) For the purpose of this regulation the unimproved value of rateable land shall, subject to regulations 11, 12, 17 and 18 be the unimproved value thereof shown in the rate-book on the first day of the period for which the rate is made, or where such value is first entered in the rate-book after such day, the value so entered.

25. After a rate has been made and published in pursuance of regulation 23 it shall be the duty of the council to serve upon every owner of rateable land a demand note setting out —

(a) a description of the land upon which the rate is assessed;

(b) the unimproved value thereof;

(c) the period in respect of which the rate is made; and

Publication of rate

Rates to be assessed on unimproved value of rateable land

Demand note to be served upon ratepayer

(d) the total amount payable, the amount of each quarterly instalment and the time of payment of each such instalment, the earliest such time being not less than thirty days after the service of the demand note.

Payment of rate and penalty for default

26. The amount due for any period in respect of a rate made by a council shall be payable to it not later than the times specified in the demand note, by the person so liable and where such person fails to pay any instalment on or before the time specified in the demand note, a penalty of five *per centum* shall accrue thereon and shall be deemed to be part of the amount of the rate and such amount shall be a debit due to the council and shall bear interest at the rate of ten *per centum* per annum from the date on which the instalment was payable.

Recovery of rates from tenants or occupiers

27.—(1) If, after the time fixed for the payment of any instalment as aforesaid, any person fails to pay the instalment due by him a council may serve upon any person liable to pay rent in respect of any rateable land or any part thereof to the person from whom the arrears are due, a notice of the amount of such arrears which may include penalty and interest as aforesaid, and requiring all future payments of rent (whether the same have already accrued due or not) by the person paying the rent, to be paid direct to the council until such amount and interest have been duly paid, and such notice shall operate to transfer to the council the right to recover, receive and give a discharge for such rent.

(2) In this regulation, "rent" includes payments made by a lodger.

Power to waive rate, costs, etc

28. Notwithstanding anything to the contrary contained in these Regulations, but without prejudice to section 82 (3) of the Act, it shall be lawful for a council to waive the whole of any part of any amount due in respect of a rate, penalty, interest and any costs incurred for the purpose of recovering any such amount, if it appears to the council that such amount is irrecoverable or that it should be written off on the grounds of the poverty of the person liable therefor.

Rates to be a charge on rateable land

29. Any rate due in respect of any rateable land together with any penalty and interest thereon shall be a charge against such land.

PART IV

MISCELLANEOUS

30. Where any land becomes rateable land during a period for which a rate has been made —

Where land becomes rateable

(a) it shall only be liable to such proportion of the rate as the number of complete months in that portion of the said period during which it is rateable, bears to the number of complete months in the whole of the said period; and

(b) regulation 25 shall apply *mutatis mutandis* but so however that the amount due shall be paid in one instalment except where the number of complete quarters then unexpired exceeds one, in which case the amount due shall be paid in such number of instalments as equals the number of unexpired complete quarters.

31. Without prejudice to regulation 32, the owner for the time being of any land shall be liable for payment of rates due and payable in respect of that land, and joint owners of land shall be jointly and severally liable for the rates due and payable thereon.

Owner liable for rates

32.—(1) Every owner of rateable land who sells or otherwise transfers the land or any part thereof shall give a notice in writing thereof, together with the name and address of the purchaser or transferee, to the council in whose area the property is situate; and until he gives such notice he shall remain liable for all rates payable in respect of such property.

Notice to be given of sale of rateable land

(2) Such notice shall not release him from liability to pay any rates due at the time such notice is given.

33. Notwithstanding anything to the contrary contained in these Regulations, the Government shall not be liable to pay any general rate or special rate under these Regulations but shall in lieu of a general rate only, make such contribution as appears to the Minister to be appropriate having regard to all relevant circumstances including the services provided by the Government in the council area and the amount the Government would have had to pay by way of rates had it been so liable.

Government to pay contribution in lieu of rates

34. A council may depute the clerk to the council or any other senior officer of the council to exercise any of its powers or discharge any of its functions under these Regulations, other than the power to make and levy general and special rates under

Clerk or senior officer may be deputed to discharge

council's
functions

regulations 21 and 22, and where it is necessary to give effect to the exercise by a council of the power under this regulation, references to the council shall be construed as references to the clerk or other senior officer as the case may require.

SCHEDULE

DECLARATION
(Regulation 5)

I, _____ do solemnly and sincerely declare that I will to the best of my skill and knowledge, and without fear, favour or prejudice, truly and impartially perform my duties under the Local Government (Rating of Land) Regulations and appraise and value all such property as I shall be required to value for the purposes of those Regulations and that I shall conscientiously value the same at and for the full and fair value thereof. And I make this solemn declaration conscientiously intending to fulfil the same.

Declared at _____ this _____ day of 19 _____, before me.

Magistrate or Justice of the Peace.

THE LOCAL GOVERNMENT (RATING OF LAND) REGULATIONS

THE RATING OF LAND (AUKI) ORDER
(Regulation 1)

LN 6/1980

[31st December 1979]

1. This Order may be cited as the Rating of Land (Auki) Order.

2. The Local Government (Rating of Land) Regulations are applied to that area of land within the area of authority of Malaita Provincial Assembly designated as town land for the purposes of the Land and Titles Act by the Town Land (Auki) Order.

THE LOCAL GOVERNMENT (RATING OF LAND) REGULATIONS

THE RATING OF LAND (GIZO) ORDER
(Regulation 1)

LN 65/1980

[1st December 1980]

1. This Order may be cited as the Rating of Land (Gizo) Order

2. The Local Government (Rating of Land) Regulations are applied to that area of land within the area of authority of Western Provincial Assembly designated as town land for the purposes of the Land and Titles Act by the Town Land (Gizo) Order

THE LOCAL GOVERNMENT (RATING OF LAND) REGULATIONS

LN 40/1981

THE RATING OF LAND (TULAGI) ORDER
(Regulation 1)

[1st February 1981]

1. This Order may be cited as the Rating of Land (Tulagi) Order.

2. The Local Government (Rating of Land) Regulations are applied to that area of land within the area of authority of Central Islands Provincial Assembly the boundaries of which are delineated and edged in red on Plan No. 2222 deposited in the Mapping and Survey Division of the Ministry of Agriculture and Lands, Honiara.

LN 67/1969

NOTICE EXEMPTING CERTAIN PROPERTY FROM ASSESSMENT AND RATING
(Section 82 (2))

[22nd August 1969]

Each of the following immovable properties in Honiara is exempted from assessment and rating —

1. All hospitals and clinics and their grounds and appurtenances.

2. Government House and its grounds and appurtenances.

3. Public land (within the meaning of the Land and Titles Act) which is not subject to any fixed term estate, lease or licence, or occupation approved by the Government.

4. All land being the property of the Honiara Town Council.

5. Land owned or occupied by or in trust for any society or association of persons, whether incorporated or not, which is used primarily and regularly for games or sports and not used for the private pecuniary profit of any individual or individuals.

THE LOCAL GOVERNMENT (BREACH OF COUNCIL RESOLUTIONS)
(PENALTY) REGULATIONS
(Section 124)

LN 135/1965

[4th August 1965]

1. These Regulations may be cited as the Local Government (Breach of Council Resolutions) (Penalty) Regulations.

2. Any person who refuses, neglects or fails to comply with any resolution which remains effective and in force by virtue of paragraph (g) of section 127 of the Act shall be guilty of an offence and liable to a fine of ten dollars or imprisonment for six weeks or to both such fine and such imprisonment.

LEGISLATION OF THE HONIARA TOWN COUNCIL
(Section 127 (g))

(Legislation made under the provisions of the Town Councils Act (No. 18 of 1957) and continued in force under section 127 (g) of the Local Government Act)

(1) CEMETERIES BY-LAWS

26/151/1960
LN 47/1994

[1st February 1960]

1. These By-laws may be cited as the Honiara Town Council Cemeteries By-laws.

Title

2. In these By-laws, unless the context otherwise requires —

Definitions

“allotment” means a plot of ground in a cemetery allotted to any person for the purpose of a grave;

“caretaker” means the caretaker of the cemetery appointed by the Council;

“cemetery” means any land designated by the Council for the burial of human remains under the provisions of these By-laws;

“memorial work” means any tombstone, railing, fence, monument, memorial tablet or other work designed or intended for erection upon a grave or allotment.

3. The Council may from time to time, with the consent of the Minister, designate any land which is vested in the Council as a cemetery.

Land set aside
for cemetery

Conditions governing burials in cemetery

4.—(1) No human remains shall be buried within the area of the Council elsewhere than in a cemetery save with the written permission of the Executive Officer.

(2) The Council may order any cemetery to be closed for burials and after such closure no further burials may take place in any such cemetery save with the permission of the Council.

(3) Notice shall be given to the caretaker of a cemetery at least three hours before the time at which it is intended that a burial shall take place therein.

Graves

5.—(1) No grave shall be less than five feet in depth and no human remains shall be buried nearer the surface of the ground than four feet.

(2) If it is intended that any one grave shall contain more than one corpse, such grave shall, before the first burial therein, be made of extra depth to the satisfaction of the Executive Officer.

Fees for burial, etc LN 47/1994

6.—(1) Burial and cremation fees shall be payable to the Council for burials in a cemetery or cremations in accordance with such fees as the Council shall from time to time prescribe by resolution.

(2) The fees payable for the opening and closing of a grave for which burial fees have already been paid, or situate upon an allotment which has been duly granted, shall be the same as the fees for burials.

Burial of poor persons

7. The Council may, in its discretion, upon the application of any person, and shall, on production of an order for that purpose signed by the Minister, allow the bodies of poor persons or others to be buried in the cemetery free of charge in such place and manner as it may think fit.

Portion of cemetery to be reserved for particular purpose

8. The Council may reserve separate portions of a cemetery for the burial of persons of different religions and, in addition, may appropriate any portion for any particular purpose. Any such portion so reserved for a religious denomination shall, with respect to religious ceremonies connected with burial, be under the direction of such denomination, subject to the control of the Council and the provisions of any by-laws.

Allotments of ground for purpose of burial LN 47/1994

9.—(1) The Council shall make allotments of ground in a cemetery to applicants for the same. Such allotments shall be subject to these By-laws.

(2) Each allotment shall measure ten feet by seven feet, and each half allotment shall measure five feet by seven feet. The fee to be charged for such allotment and for such half-allotment shall be as prescribed by the council from time to time by resolution.

10. The Council shall keep —

Plan and register to be kept

(a) a plan of the cemetery on which the various graves and allotments shall be marked and numbered;

(b) a register wherein shall be entered the names of all persons buried within the cemetery together with the dates of burial and the number of the grave in which each person has been buried.

Memorial work

11.—(1) No person shall construct, erect or place on any grave or allotment any memorial work unless a written description and drawing of such work shall first have been submitted to and approved by the Executive Officer, who may impose such conditions as he thinks fit.

(2) If any person constructs, erects or places on any grave or allotment any memorial work save with the approval of the Council, or in contravention of any conditions imposed by the Council, or in contravention of these By-laws, the Council may cause such work to be taken down and removed and may recover the expenses incurred in so doing as a civil debt due from such person.

(3) Memorial works shall remain the property of the persons who erect them but the Council may in its discretion undertake such work as may be considered necessary for the upkeep and maintenance in good condition of such memorial works.

Damage to graves and memorial works

12. No person shall in any way damage or desecrate any grave, allotment, tomb or memorial work.

Opening of graves Cap. 9

13. Except as prescribed by section 3 of the Death and Fire Inquiries Act no person shall open or cause to be opened any grave save with the written permission of the Executive Officer.

Entry to cemetery

14.—(1) A cemetery shall be open to the public at such times as the Council may determine.

(2) Visitors to a cemetery shall enter and leave by the entrances and exits provided for that purpose by the Council and, while in the cemetery, shall, as far as possible, keep to the paths.

(3) Visitors shall not damage, pluck or remove any flower, shrub or trees in a cemetery.

(4) No hearse or other vehicle shall be allowed within a cemetery without the permission of the caretaker.

(5) No person being the owner or in charge of a dog shall cause or allow the same to enter a cemetery.

15. Any person who fails to conform to the provisions of these By-laws shall be guilty of an offence and shall be liable on conviction to a fine of twenty dollars.

GN 202/1995

CEMETERIES BY-LAWS
(By-laws 6(1) & 9(2))

The following fees shall be charged —

Burial Fee	\$25	15 years and under	
	\$50	16 years and over	
Allotments	(1)	10' by 7'	\$250 per year
	(2)	5' by 7'	\$200 per year
Cremation	\$2,000		

(2) BUILDING BY-LAWS

27/152/1960
Am by
LN 59/1962
LN 90/1966
LN 32/1980
LN 41/1984
LN 42/1984
LN 48/1994
LN 130/1995

[1st February 1960]

1. These By-laws may be cited as the Honiara Town Council Building By-laws.

Title

2. In these By-laws, unless the context otherwise requires —

Definitions
LN 41/1984

“building” includes any structure of whatsoever material constructed and without prejudice to the generality of the foregoing includes swimming pools of a permanent nature and water storage tanks;

“building line” means a line drawn across a plot beyond which no building or permanent structure, except a boundary wall of approved design, or a fence or the like enclosing the plot, may be erected or set up within the area contained between such line and the regular line of the street on which the plot has frontage;

“building of the warehouse class” includes a warehouse, store, shop, factory, manufactory, and brewery or distillery;

“cement” means Portland cement complying in all respects with the British standard specification from time to time in operation;

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

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

“concrete” means —

(1) cement concrete; or

(2) concrete composed of good hydraulic lime thoroughly incorporated with clean gravel and suitable stone or other clean and suitable material, mixed

- with a sufficient quantity of sharp sand or grit in the proportion by measure of at least one part of lime to five parts of such other material;
- “Council” means the Honiara Town Council;
- “cross wall” means a wall used or constructed to be used in part of its height as an inner wall of a building for separation of one part from another part of the building, that building being wholly in, or being constructed or adapted to be wholly in, one occupation;
- “design certificate” means a certificate by a Chartered Engineer that the design of a particular building complies with one or more of the building codes of practice which have been approved by the Permanent Secretary of the Government Ministry responsible for Works;
- “domestic building” means a building used or constructed or adapted to be used in whole or in part for human habitation or a shop or office or any combination thereof, or any other building not being a public building or a building of the warehouse class;
- “dwelling-house” means a building or any part or portion of a building, used or constructed or adapted or designed to be used for human habitation as a separate tenancy or by one family only, whether detached, semi-detached or built continuously in groups or terraces, or a tenancy or flat or a building separated by party walls or by floors from adjoining buildings, together with such outbuildings as are reasonably required to be used or enjoyed therewith;
- “Executive Officer” means the Executive Officer of the Council;
- “external wall” means an outer wall or vertical enclosure of a building, not being a party wall, even though adjoining a wall of another building;
- “foundation”, applied to a wall having footings, means the solid ground or artificially formed supports on which the footing of a wall rests;
- “lime mortar” means mortar composed of good lime of suitable quality and clean sharp sand or grit or other clean and suitable material, mixed in the proportion by measure of not less than one part of lime to three parts of grit or other suitable material;
- “new” in relation to any structure means erected after these By-laws come into operation;
- “official” means an official of the Council;

- “party wall” means —
- (a) a wall forming part of a building, and used or constructed to be used in any part of its length or height for the separation of adjoining buildings; or
 - (b) a wall forming part of a building and standing in any part of its length, to a greater extent than the projection of the footings on one side, on ground of different owners;
- “plot” means a piece of land shown as a plot on the general plan of the Town area filed in the office of the Commissioner of Lands;
- “premises” means a plot and any buildings thereon;
- “public building” means any building used, or constructed, or adapted to be used as a church, hospital, place of entertainment, library, lecture room, hotel, lodging-house, institute, public place of assembly or any building to which the public have access either without any condition or upon condition of making any payment;
- “public place” includes any public way or building, and any place or conveyance to which for the time being the public are entitled or permitted to have access, either without any condition or upon condition of making any payment;
- “store” means a building which, according to the original application and plans therefor, is designed for the storage of foodstuffs or any other material;
- “street” includes any bridge, road, avenue, lane, sanitary lane, footway, causeway and pavement;
- “structural certificate” means a certificate by a Chartered Engineer that a particular building is structurally adequate and in compliance with these By-laws;
- “to erect a building” means —
- (a) to erect a new building;
 - (b) to erect, re-erect, add to, alter or convert a building, or to cover an open space between walls and buildings;
- “Town area” means the area of authority of the Honiara Town Council;
- “width”, applied to a street, means the whole extent of space reserved to be used or laid out so as to admit of being used as a public way;
- “workmanlike”, “substantial”, and “making good” mean fulfilling, in the opinion of the Council, the purpose intended.

Adjoining
buildings—entry
—underpinning
and shoring

3.— (1) For the purpose of this by-law, the expression “building owner” means an owner who proposes to erect or is erecting a building, the plans and specifications of which have been approved by the Council.

(2) Where a building owner proposes to erect a building in close proximity to any other building (such other building being the property of another owner) and it is necessary for him to excavate or dig out the ground against the wall of such other building, the building owner shall at his own cost shore up and underpin such wall to its full thickness and to the full depth of such excavation with proper and sufficient material in a workmanlike substantial manner. For the purpose of this sub-by-law, a building owner, his servants, agents or workmen may, at reasonable hours, enter on the premises of the owner of such other building. In any such case, the building owner shall pay compensation for any disturbance of business or for any damage or injury caused by such entry.

(3) If, for the purpose of erecting a wall in close proximity to the existing wall of any other building as aforesaid, it be necessary to cut away any projection or part of such existing wall (such as footings, chimney breasts, chimney shafts or other projections beyond the vertical face of such existing wall), such projection or part being, in fact, an encroachment on the land of the building owner, the building owner may so cut away at the expiration of at least one week's written notice, which he shall give to the owner of such other building.

The parts from which any such brick, stone or concrete work is so cut away shall be again made good in a workmanlike substantial manner; and the building owner shall use reasonable care in such cutting away and making good; but all such work shall be done at the cost of the owner of such other building:

Provided that, if the owner of such other building shall before the expiration of such notice, give to the building owner notice in writing that he desires to carry out such work or cutting away and making good, he shall be entitled to do so at his own cost, and may enter on the land of the building owner for that purpose; but, if such work be not completed by him within one month after such expiration, the building owner may proceed to do or complete the same as hereinbefore provided.

(4) Where, under this by-law, one person claims to recover the cost of work or to recover compensation from another person, the claimant shall, within fourteen days after completion of the

work, serve upon such other person a written account of the cost (including the cost of all preliminary and incidental operations). Such account shall give detailed particulars of the class of work done, quantities and cost at current rates, and shall allow reductions for the value at current prices of such materials, the property of such other person, as have been won by excavation or by pulling down or cutting into any wall or projection.

4.— (1) No person shall erect or commence any earthworks or other works to prepare the site for any building until —

(a) application has been made to the Council on Form 1 in the First Schedule hereto, to be obtained from the Council;

(b) the drawings and other documents specified in the following by-laws have been submitted to the Council;

(c) a written permit, to be called a “building permit”, has been obtained from the Council to erect the building, together with a signed copy of the plan approved by the Council, as hereinafter provided. Such permit shall be on Form 2 in the First Schedule hereto and shall be signed by the Council or its authorised agent and shall entitle the holder to erect the building in accordance with such approved plan and subject to all conditions imposed by these By-laws. Any subsequent modification or alteration that it is proposed or necessary to make in such approved plan shall be submitted to the Council for approval in the same manner as the original plan, and no such modification or alteration shall be made in the construction of the building until it has been approved by the Council and the particulars thereof endorsed on the original building permit and signed plan.

(2) For and with every plan deposited at the office of the Executive Officer in accordance with the provisions of this Part there shall be paid a fee as prescribed from time to time by the Council by resolution:

Provided always that the Council may, in its discretion, waive any fees payable under this paragraph.

5.— (1) Every person who intends to erect a building shall, except where otherwise provided, send or deliver to the Council two copies of a plan of each floor and sections of each storey, floor and roof of the building and elevations drawn in a clear and intelligible manner, to a scale of not less than one inch to every

Application prior
to erection of
building
LN 41/1984

First Schedule

Fees
LN 90/1966
LN 130/1995

Plans and what
they should show

eight feet. He shall show upon the plans, sections and elevations the following particulars —

(a) the position, form and dimensions of the foundations, walls, floors, roofs, rooms, chimneys, and the several parts of the building including outside kitchen, servants' quarters, stables, garages, or other outbuildings of a similar type, in such detail and to such an extent as may be necessary to show that the buildings comply with any of the by-laws which apply to them;

(b) the form and dimensions of any water closet, earth closet, privy or cesspool to be constructed in connection with the building;

(c) the level of the site of the building and the level of the lowest floor of the building and the level of any street adjoining the curtilage of the building in relation to one another and above some known datum;

(d) any plans, drawings, documents or information that the Council may require;

(e) the truncation of any corner formed by the intersection of any street and the setting back or adaptation of the proposed building to conform with the requirements of these By-laws.

(2) A person sending or delivering plans to the Council under the provisions of paragraph (1) of this by-law shall also send or deliver to the Council copies of a block plan of the building drawn in a clear and intelligible manner to a scale not less than one inch to every fifty feet and showing —

(a) the size and position of the building in its relation to the boundaries of the plot to be built upon and, so far as may be necessary to show compliance with any of the by-laws which apply to the building, of the appurtenances of the properties immediately adjoining the building;

(b) the position and width of any street, adjoining the curtilage of the building, so far as may be necessary to show compliance with any of the by-laws which apply to the building;

(c) the size and position of any yard or open space belonging to the building;

(d) the position of any water closet, earth closet or privy, and of any cesspool and well in connection with the building;

(e) the lines of drainage of the building and the size,

depth and inclination of each drain and the means to be provided for the ventilation, inspection and cleansing of the drain;

(f) the position and level of the outfall of the drains and the position of any sewer with which the drainage is intended to be connected or, where no sewer is provided, the means to be adopted for the disposal of all liquid waste in the building.

(3) The Council may in its discretion in any particular case —

LN 41/1984

(a) require a structural or design certificate to be submitted;

(b) require a certificate from the Fire Officer that the building has adequate means of escape and fire-fighting equipment;

(c) dispense with the need to submit plans; or

(d) vary or alter the conditions under which plans may be acceptable.

6. Every person who intends to erect any machinery shall satisfy the Council that the foundations, supports, shafting and brackets are of sufficient strength to ensure the safety of the building in which such machinery is to be erected, and that proper guards are provided for the protection of employees and shall submit plans and a description thereof to the satisfaction of the Council.

Plans, etc., for erection of machinery

7.— (1) The Council may disapprove of plans or applications to erect a building or machinery on any of the following grounds —

Grounds on which plans may be disapproved

(a) that they show a contravention of these by-laws or of any regulations for the time being in force in the Town area;

(b) that the system of drainage of the proposed building or of the plot or sub-plot upon which the building is to stand is not, in the opinion of the Council, satisfactory;

(c) that latrine accommodation and, where considered necessary by the Council, servants' accommodation are not adequately provided for;

(d) that the site upon which it is proposed to build is, in the opinion of the Council, unfit for human habitation;

(e) that they do not adequately provide for the strength

and stability of the building, nor for the sanitary requirements thereof;

(f) that the site or plan of any of the proposed buildings, outbuildings or rooms is not suitable having regard to any living room or lavatory on any adjacent plot;

(g) that the site of any of the proposed buildings on the plans is such that the erection of such buildings would contravene any town planning scheme for the Town area;

(h) that the plan is not accompanied by an undertaking in writing by the person submitting such plan that the building operations will be supervised by a qualified architect or other competent person so as to ensure that the building complies with the plan.

(2) In any case where the Council is of the opinion that any building, though the plan thereof is not open to disapproval on any of the grounds specified in this by-law, is nevertheless unsuitable or undesirable aesthetically or is to be put to an undesirable use, the Council may withhold approval of such plan subject always to an appeal to the Minister, whose decision shall be final.

(3) All plans and drawings shall be furnished in duplicate and shall be of a quality approved by the Council. Both sets shall be signed on every sheet by the person intending to erect the building, or his agents, and the architect or draughtsman. On the plans being approved, one set shall be returned to the applicant and the other retained by the Council and becomes its property.

8.—(1) Notwithstanding any other provisions in these By-laws contained, a person may effect minor alterations to a building provided the cost of the minor alteration does not exceed one hundred dollars, and he obtains a permit in writing, hereinafter called a minor building permit, to do so from the Executive Officer.

(2) Any application for a minor building permit shall be accompanied by a sketch plan showing the alteration proposed.

(3) The person to whom the Executive Officer has granted a minor building permit shall commence the alterations in respect of which such was granted within six calendar months of the date of such minor building permit. Should he fail to do so, the said minor building permit shall be deemed to have lapsed as if the same had not been given.

Special circumstances in which Council may withhold approval of plans

Quality and signature of plans

Minor alterations

9.—(1) The building line, when fixed by the Council, in relation to any street or part thereof, shall be marked on a plan, or clearly described in a resolution of the Council; and such plan or resolution shall be open for inspection by the public free of charge during the office hours of the Council.

Building line

(2) Alteration may be made by the Council where the levels or depth of the allotment or other exceptional conditions of a site or the nature of a building make it necessary or expedient to alter the building line in respect of any part of the building or buildings.

10.—(1) Public buildings, buildings of the warehouse class and domestic buildings not used, adapted or designed as dwelling-houses, shall not be so erected that more than eighty *per centum* of such plot on which each building stands or is to stand shall be built over.

Area to be covered by buildings

(2) Buildings used or adapted or designed to be used as dwelling-houses shall not be so erected that more than one-half of the plot on which such buildings stand or are to stand shall be built over. In the case of dwelling-houses appearing, in the opinion of the Council, to be erected, adapted or designed to be used entirely as hotels, lodging-houses or clubs, paragraph (1) only of this by-law shall apply.

(3) Not more than two employees shall be provided with quarters on any business plot, and not more than three servants shall be so provided with quarters on any residential plot, except with the written consent of the Council.

(4) Provided that the limits set out in paragraph (1) and paragraph (2) of this by-law may be varied in any particular instance where the Council is satisfied that an area larger than that set out in this by-law may be built over without prejudice to the public health.

11. The person to whom the Council has granted a permit to erect any building shall commence the same within six calendar months of the date of such permit; should he fail to do so, the said permit shall be deemed to have lapsed as if the same had not been given.

Period for commencement of erection

12. If the work for which a permit has been granted has not been completed within twelve months of the granting of such permit, the Council may at any time after the expiry of the said period of twelve months give notice in writing to the person

Period for completion of erection
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concerned therein that, unless the building is completed by a date to be specified in such notice, the permit given shall be deemed to have lapsed:

Provided that nothing in this by-law shall prevent any person affected thereunder from making a fresh application for a permit as prescribed by these By-laws.

13.—(1) The Council or its authorised officials shall have power to inspect any building in course of erection or completion and, if any portion or detail thereof shall be found not to comply with any of these By-laws, by written notice, require the person erecting the building to make, within a time to be specified in such notice, such alteration as may be necessary to comply with these By-laws, and any failure to comply with such notice shall be deemed a breach of this by-law.

(2) Any person erecting a building shall give notice to the Council, on the Forms in the Second Schedule hereto on completion of each of the following stages of construction —

- (i) footings, foundations or column bases as appropriate,
- (ii) floor slab or bearers and floor joists,
- (iii) ring beams or plate height including all diagonal wall bracing,
- (iv) roof trusses prior to any internal cladding,
- (v) drain runs, septic tank, soakage pits and where appropriate, mains sewerage connections prior to covering,
- (vi) full completion.

In each case the application shall allow a period of two full working days from receipt by the Council of such notice to allow an inspection to be carried out before work continues.

(3) If any person erects or begins to erect any building or commences any earth works or other works to prepare the site for any building without having obtained the permit required by these By-laws or, in the erection of any building, contravenes any of the provisions of these By-laws, or, having obtained such permit, constructs the building in part or in whole according to a plan which has not been approved by the Council, or fails to comply with any notice served upon him in pursuance of paragraph hereof, the Council may, in addition to any other proceedings that may be taken for a breach of these By-laws, require, by written notice, such person to demolish and remove such building or any part thereof or to make such alteration in such building as it may

Inspection of
buildings
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prescribe within a time to be specified in the said notice. Further, in the same or another notice, the Council may notify such person that, if such requirement is not complied with the Council may act in accordance with the terms of such notice any may recover all costs and expenses incurred by it in that behalf from the person who has failed to comply with such requirement.

14.—(1) The applicant or his authorised agent shall give notice in writing to the Council when the building is completed, and no person shall occupy or suffer to be occupied any new building until such building has been certified by the Council or its authorised agent to be, in its opinion, in every respect fit for occupation, or, in the case of a domestic building or dwelling-house, fit for human habitation.

(2) The Council shall cause an inspection of the building to be made within two full working days from the date of receipt of notice of completion.

15. Every person who erects a new building which includes a shop or store used or intended to be used for business purposes and for containing or storing grain, forage or other foodstuffs, hides, material or articles likely to attract or harbour rats or mice shall erect such shop or store so as to be as rat-proof as possible and to the satisfaction of the Council.

16. Every person who shall erect a new dwelling-house shall cause all rooms, verandahs, balconies, or any other part of such building as the Council may direct, to be provided with a proper ceiling with an adequate air space between it and the roof to the satisfaction of the Council:

Provided that in the case of verandahs roofed with asbestos or other insulating material approved by the Council, the ceiling may be dispensed with at the discretion of the Council.

17. When any building or part thereof has, in the opinion of the Council, become ruinous or dilapidated, or unfit for use or occupation, or is, from neglect or otherwise, in a condition prejudicial to the public health or safety, the Council may, by notice to be served upon the owner, or, if the owner cannot be found or is not in Solomon Islands, upon the occupier (if any) or, if there is no occupier and the owner cannot be found or is not in Solomon Islands, by affixing such notice upon the premises, require such owner or occupier to make, within a reasonable time to be specified in the notice, such alterations or repairs as

Permit required
before
occupation of
new buildings

Stores and shops
to be rendered
rat-proof

Dwelling-houses
to be provided
with ceilings

Ruinous
building;
alteration or
demolition

the Council may consider necessary, and, until such alterations or repairs are carried out, may prohibit the use of such building or part thereof for any specified purpose, and, if in the opinion of the Council, such building or part thereof ought to be demolished or removed, the Council may give notice accordingly in the manner aforesaid. The failure of the owner or occupier to carry out any such order shall be deemed a breach of this by-law, and, in addition to any other proceedings that may be taken, the Council or its authorised agent may enter upon the premises and make such alterations or repairs or demolish or remove the building or any part thereof, as the case may be, and may recover the cost thereof from the owner or occupier:

Provided that any person upon whom such notice requiring demolition, removal, repairs or alterations is served may, prior to the expiration of the time specified, apply to the High Court for a summons calling upon the Council to show cause why the said notice should not be rescinded or varied, and, upon the hearing of the said summons, the High Court may confirm, rescind or vary the said notice.

18.—(1) No hoarding or fences shall be erected in any street or on any land except with the written permission of the Council, and then only under such conditions as to erection or removal thereof as it shall allow.

(2) No part of, or fixture attached to, any building abutting on a street shall overhang or project into such street:

Provided that the Council may permit, on such terms as in each case it may think fit, the owner or occupier of any building abutting on a street to erect or put up a hanging sign, balcony, verandah, sunshade or other structure projecting from any upper storey over any street or portion thereof.

(3) No boundary wall or fence higher than six feet above ground shall be erected so that it blocks off any means of ventilation or fresh air to an adjoining building or plot.

19. The Council may at any time, by written notice, require the owner of any premises on the ground floor of which any door, gate, bar, window or other structure opens towards or upon a street or upon any land required for the improvement of a street, in such manner as, in the opinion of the Council, to obstruct the safe or convenient passage of the public along such street, to have the said door, gate, bar, window or other structure altered so as not to open outwards.

Hoardings, fences and projecting structures

Doors and windows opening outwards

20. No new building shall be erected on any site which has been filled up by or has been used as a place for the deposit of excremental matter or the carcasses of dead animals or other filthy or offensive matter, until such matter shall have been properly removed or otherwise dealt with to the satisfaction of the Council who may require the whole of any site to be covered with a layer of concrete or other impermeable material. Where, on the site of a building, there is any made-up ground or other unsuitable soil, the walls of such building shall rest upon a layer of concrete of sufficient dimensions to support it, and, when considered necessary by the Council, the whole site of the building shall be covered with concrete.

Building on offensive site

21. No building which abuts on a street shall be built so that any portion of it projects above an imaginary line drawn towards it at a vertical angle of 45 degrees from the opposite side of such street.

Height of building

22.—(1) Every person who erects a new building shall erect the same only in such position on the site of the plot as to be in general conformity with such adjacent or contiguous buildings as the Council may direct and any street or building line laid down or to be laid down by the Government or the Council. He shall also erect such new building to a design or plan not inferior to the general class and character of such buildings as the Council may direct in the same neighbourhood within which such new building is proposed to be erected; and, further, he shall erect such new building to a level suitable to the land upon which such new building is proposed to be erected, having regard to the levels of any existing or proposed street or road and the levels of existing buildings.

Conformity with adjacent buildings and with building line

(2) If the facing material or decoration shown on the drawings or used in any building in course of erection is, in the opinion of the Council, of such quality or design as to appear aesthetically unsuitable, the Council shall have power, subject to an appeal to the Minister, to require the owner to amend, alter or substitute such facing material or decoration in such manner as will be compatible with other facing material or decoration in general use in the Town area.

Design and decoration to conform

23. No person shall erect a building intended, adapted or designed to be used wholly or partially for human habitation so that any portion thereof which constitutes a dwelling-house shall be without unimpeded access to the street.

Dwellings to have separate and unimpeded access to street

Basements and cellars

24.— (1) No new dwelling-house shall contain any basement or cellar or any room or part of a room below ground floor without the sanction of the Council, which may be granted subject to such conditions as the Council may think fit.

(2) For the purpose of this by-law, basement means a storey or portion of a storey, partly below ground level, the ceiling of which is not less than five feet above the adjoining ground (irrespective of any excavation made to comply with these By-laws), and "cellar" means a storey or portion of a storey, below ground level, the ceiling of which is less than five feet above the adjoining ground.

Foundations

25. Every person who erects a new building shall construct every wall or pier of the building so as to rest upon solid undisturbed rock or upon proper footings or, if the thickness of the wall does not exceed nine inches (exclusive of any cavity in a wall constructed as a hollow wall), upon a layer of good cement concrete of sufficient width and thickness laid on the ground or upon a sufficient bressummer, or upon some other solid and sufficient substructure as a foundation.

Construction of footings to walls

26. Every person who erects a new building and so constructs any wall or pier as to rest upon footings shall —

(a) cause such footings to rest upon solid undisturbed rock or upon good concrete of sufficient width and thickness, or upon some other solid and sufficient substructure, as a foundation;

(b) cause the projection at the widest part of the footings of a wall, on each side thereof, to be at least equal to one-half of the thickness of the wall at its base, unless an adjoining wall or pier interferes, in which case the projection may be omitted;

(c) cause the diminution of the footings to be in regular offsets, or in one offset at the top of the footings, and the height from the bottom of the footings to the base of the wall to be at least equal to two-thirds of the thickness of the wall at its base;

(d) cause the footings of a pier on every side thereof to be constructed in accordance with the by-laws application to the footings of the wall comprising the pier.

Damp-proof course in walls

27. Every person who erects a new public building or a new domestic building, or a new building of the warehouse class in

which it is intended to employ any persons in any manufacture, trade or business, shall cause every wall (including any pier forming part of a wall) of the building to have an effective damp-proof course of sheet lead, asphalt or vitrified stoneware, or a double course of impervious slats or blue bricks laid to break joint and bedded in cement mortar, or of other not less durable material impervious to moisture, beneath the level of the lowest timbers, and, where there is a solid floor, not higher than the upper surface of the concrete or other similar solid material forming the structure of the floor, and, in any case, at a height of not less than six inches above the surface of the ground adjoining the wall or pier.

28. Floors may be made of concrete, stone, good sound burnt brick, wood or other material approved by the Council:

Floors

Provided that, in the case of wooden floors on the ground floor of a building, the Council may require the concreting of the ground underneath and the rat-proofing or mosquito-proofing underneath and the rat-proofing or mosquito-proofing of any space between the floors and the ground.

29.— (1) A party wall shall not have any openings in such part thereof as shall be within the roof nor, except with the written consent of the Council, in any other part.

Party walls not to have any openings therein

(2) A person who erects a new building shall not place in any party wall of the building any wooden bressummer, beam, joist, purlin or plate or any bond timber, and shall not construct the roof of the building so that any timber or woodwork extends upon or across any party wall thereof:

Inflammable materials

Provided always —

(a) that laths and tile or slate battens properly embedded in good cement, in good cement mortar or in good lime mortar, or in other equally incombustible material, may extend upon or across a party wall;

(b) that the end of any wooden bressummer, beam, joist, purlin or plate or any bond timber may be placed in a party wall, if it does not extend beyond the central line of the party wall and is either encased in brickwork or other solid and incombustible material not less than four inches in thickness, or has every part which is placed in the party wall properly encased in an iron beam box with a solid back.

Strength and materials of walls

30. Every wall shall be of sufficient strength and shall be constructed in such a manner and of such materials as the Council may approve.

Protection of walls from weather

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

Thickness of walls

32.— (1) All external and party walls which are built of good sound hard bricks, or of blocks of hard incombustible material, laid in cement or lime mortar, shall generally be of not less than the following thicknesses —

<i>Exceeds in height</i> (Feet)	<i>Does not exceed in height</i> (Feet)	<i>Exceeds in length</i> (Feet)	<i>Does not exceed in length</i> (Feet)	<i>Thickness at base</i> (Inches)
...	9	6
9	20	9
...	...	(...)	60	13½
20	30	(60)	...	18
...	...	(...)	60	18
30	40	(60)	...	22½

Cross walls

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

Partition walls

(3) An internal partition wall built in brick which extends through one storey only, if it carries no load, may be built not less than four-and-a-half inches in thickness in brick or dressed stone. Such a wall shall not be deemed to be a cross wall. This paragraph does not apply to recesses in walls.

Definition of cross walls

(4) The length of a wall shall be deemed to be its length between cross walls or buttresses. For the purpose of this by-law, a wall shall not be deemed a cross wall unless it be carried up to the top of the topmost storey, and unless in each storey the aggregate extent of the vertical faces or elevation of all openings therein taken together shall not exceed one-half of the whole extent of the vertical face of the wall in such storey, except such wall be sufficiently strengthened as provided in paragraph (5) of this by-law.

Openings in cross walls

(5) If any openings or recesses are left or made in a wall to an extent greater than one-half of the superficial area of the wall

of any storey, or if any openings or recesses are left or made which extend into two or more storeys, the wall shall be strengthened to the satisfaction of the Council by sufficient pilasters, buttresses or counterfronts or otherwise. For the purpose of this paragraph, a recess includes any part of a wall which is of less than the thickness prescribed for a wall of that description.

(6) Where concrete blocks are used in the construction of the walls of a building, they shall conform with the following standards —

Concrete blocks

(a) the minimum allowable mix by volume of concrete used for their manufacture shall be: cement one part; sand four parts; stone eight parts;

(b) hollow blocks shall not be used under a concentrated load, but solid blocks or a solid pier be substituted.

(7) The thickness of walls of masonry other than ashlar shall be one-third greater than the dimensions given above for brick walls, but in no case shall be less than nine inches thick.

Stone walls

(8) The height of a storey other than a top storey shall be measured from the level of the upper surface of the floor to the level of the upper surface of the floor next above it, or, in the case of one-storeyed buildings or of the top storey of a building, to the underside of the tie of the roof or other covering, or, storey of a building, to the underside of the tie of the roof or other covering, or, if there be no tie, then up to the level of half the vertical height of the rafters or other support of the roof.

Height of walls

(9) In the case of the erection of buildings of steel framework or reinforced concrete or the making of any addition or alteration to such buildings, and where the dead loads and superimposed loads of, in or upon a building are transmitted to the foundations by a series of steel stanchions or reinforced concrete pillars, beams, arches or other suitable construction, details of type, sizes and specifications of structural steelwork, including size and disposition of reinforcing steelwork, walls of concrete or other suitable material between such pillars may be of any thickness not less than four inches:

Steel frame and reinforced concrete buildings

Provided that such enclosing walls are designed and constructed, to the satisfaction of the Council, to resist any loads and pressures they may have to carry.

(10) The Council may, with the approval of the Minister, accept thicknesses of walls other than those stated in paragraph

(1), if in its opinion such other thicknesses will provide reasonable stability.

Metal work to be approved and protected if required

33. All steel, iron or other metal work used in the construction of a building shall, in respect of strength and other qualities, be approved by the Council. Where required by the Council, all such metals shall be surrounded and suitably protected against fire by cement or other fire-proofing material at least one inch thick.

Preserving of woodwork

34. All timber and woodwork shall be properly protected from the attack of white ants and when necessary ant traps shall be used, if required by the Council.

Strength of beams

35.—(1) Every beam shall be of sufficient strength and shall have a sufficient bearing at each end arranged so that the load is properly transmitted to the supports.

(2) Wooden lintels shall have a depth of at least three-quarters of an inch for every foot of span of opening with a minimum of three inches. In all spans of four feet or over, relieving arches or concrete lintels shall be inserted:

Provided that this paragraph shall not apply in the case of a wooden-framed building.

Bressummers

36.—(1) Every person who erects a new building shall cause every bressummer to be borne by a sufficient template of stone, iron, concrete, terracotta or vitrified stoneware of the full breadth of the bressummer, and to have a bearing in the direction of its length of four inches at least at each end.

(2) He shall also, if necessary, cause the bressummers to have such storey posts, iron columns, stanchions, or pins of brick, stone, or other equally suitable material on a solid foundation under the same, as may be sufficient to carry the superstructure.

Loads on floors

37. Every person who erects a new building for any of the purposes enumerated in the first columns of the table appended to this by-law shall make the structure of every floor of such building of sufficient strength and stability to carry safely, in addition to the dead load of the floor itself and any other part of the structure of such building supported by such floor, the corresponding superimposed load in the second column of the said table:

Provided that a deduction up to 20 per centum of the specified loads may be sanctioned if the Council is satisfied as to the

excellence of the design and of the material and workmanship to be employed in construction. This proviso does not apply to floors subject to rhythmic vibration.

COLUMN 1 <i>For floors intended to be used wholly or partially for the purpose of—</i>	COLUMN 2 <i>Superimposed Load pounds per square foot</i>
Domestic purpose... ..	30
Human habitation... ..	
Private dwelling-house... ..	
Common lodging-house bedrooms... ..	40
Hotel bedrooms	
Hospital and other wards	
Offices... ..	50
Other similar purposes	
Workshops (light loads)... ..	60
Classrooms..... ..	
Places of public worship... ..	80
Lecture rooms... ..	
Meeting halls... ..	
Public assembly (fixed seats)... ..	
Retail shops... ..	100
Theatres... ..	
Garages... ..	
Dance-halls	150
Factories (medium loads)	
Warehouses	200

Every other floor shall be constructed of sufficient strength and stability to the satisfaction of the Council.

38.—(1) In all cases where smoke or hot air is generated, adequate provisions shall be made for conveying such to one foot above the ridge of the building in which the smoke or hot air is generated, except in the case of the proposed chimney or shaft being less than twenty feet away from an existing building of a greater height. In such case, the chimney must be carried up to one foot above the level of the ridge of such existing building.

Chimneys

(2) In the event of the owner of an existing building, referred to in paragraph (1) proposing to increase the height of such building, the onus of the said paragraph will fall on such owner.

Chimney shafts

39. No chimney shaft, boiler, hot water or steam installation shall be erected without the written consent of the Council and such details shall be supplied as the Council may require.

Frontage on sanitary lane or passage

40. No new building shall, without the written permission of the Council, be erected so as to have a frontage upon any place which in the opinion of the Council is a sanitary lane or open drain.

Size of rooms

41.—(1) Every room designed for human habitation shall, taken over its entire area, be of a mean average height of at least seven feet six inches from floor to ceiling or underside of roof and no part thereof (other than a part not exceeding in all 15 per centum of the whole in extent) shall be less than seven feet six inches in height from floor to ceiling or underside of roof.

(2) The wall of any living or sleeping room shall not be less than seven feet six inches in height from floor to top of wall plate.

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(3) Every room designed for human habitation shall have a clear superficial floor area of not less than one hundred square feet, save that the third and other additional bedrooms in each dwelling-house may be not less than ninety square feet.

Area and situation of windows in domestic buildings and dwellings

42.—(1) Every person who erects a domestic building shall construct in every habitable room, hall or enclosed area of such building one window, at the least, opening directly into the open air. Such person shall cause the total area of such window or, if there be more than one, of the several windows, clear of the frames, to have an area equal to at least one-twelfth of the superficial floor area of such room, hall or other enclosed area, with an increase in such window area, if any window be placed under a verandah, of 1½ per centum of floor area for each foot of width of verandah over five feet. Such person shall construct every such window so that one-half, at the least, may be opened, and so that the opening may extend in every case to the top of the window.

Ventilation openings

(2) Every person who erects a domestic building shall cause every habitable room and every passage of such building to be properly and efficiently crossventilated.

Ventilation of public buildings

43.—(1) Every person who erects a new public building shall cause such building, to the satisfaction of the Council, to be efficiently cross-ventilated by means of windows or fan-lights or

air bricks or tubes distributed around the buildings in such positions and in such manner as to secure effective changes of air, and arranged so as to communicate directly with the external air:

Provided that where air conditioning has been installed the space or spaces thus air conditioned shall be exempt from this by-law.

(2) Every person who erects a new building of the warehouse class shall cause such building to be provided with proper and efficient lighting by means of glazed windows, and with proper, adequate and efficient means of cross-ventilation, to the satisfaction of the Council.

Ventilation and lighting of buildings of the warehouse class

44. The construction or fixing of roof gutters to any new building erected after the coming into force of these By-laws shall be permitted:

Gutters

Provided that the Council may impose such conditions upon such construction or fixing as it may deem desirable to prevent mosquito breeding.

45. The owner of any plot shall make adequate provision, to the satisfaction of the Council, for the satisfactory carriage and disposal of all rain-water surface water, waste water or sewage from the plot or from any building thereon, and for this purpose the Council may require such owner to make such connection with the main drainage system of the Town area as it may think fit, or may itself make such connection and recover the cost thereof from such owner.

Drainage of plot and buildings

46.—(1) Every new building shall be provided with sufficient closets or latrines in accordance with the requirements of the Council, so situated as to be conveniently accessible to all persons employed or accommodated therein. Every closet or latrine erected shall be of the type and materials approved by the Council.

Provisions of water closets or latrines

(2) Every water closet or latrine provided for a building shall be so placed as to permit of its thorough ventilation and lighting and shall be separated by a well-lighted and ventilated passage from any kitchen, living-room or workroom.

47. The owner of any plot shall make adequate provision, to the satisfaction of the Council, for on-site storage of refuse.

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Exemptions

48. The following buildings shall be exempt from the operation of by-laws 25 to 28, 29 (2) to 32 and 41 to 43 inclusive —

(a) any building erected and used or designed according to the original application and plans therefor to be used exclusively as a conservatory or plant house;

(b) any building, being a detached building, erected and used or constructed or designed according to the original application and plans therefore to be used exclusively for a poultry house, garden tool house, cycle shed, motor garage, summer house or aviary.

49. — (1) Any building hereinafter described shall be exempt from the operation of by-laws 31 and 32, that is to say: any building of one storey, the walls of which are constructed of properly framed timber framing and covered externally with some impervious fire-proof material, and, to a height of not less than twelve inches above the surface of the ground adjoining such wall, are —

(a) constructed of —

(i) good cement concrete at least six inches wide; or

(ii) good stone, bricks or other hard and suitable material at least six inches wide and properly bonded and solidly put together; or

(b) carried upon —

(i) sufficient piers constructed of good cement concrete nine inches wide or of good stone, bricks or other hard and suitable material at least nine inches wide, properly bonded and solidly put together; or

(ii) metal or timber standards of sufficient strength.

Every such pier, standard, or wall shall be covered with a sheet metal cap projecting three inches at least beyond the face of such pier, standard, or wall on every side.

(2) The distance of any part of such building from the boundary of any adjoining plot or sub-plot shall not be less than five feet.

(3) Any such building at and over a height of twelve inches from the surface of the ground may have all or any of its external walls covered on the outside partly or wholly with combustible material, if such building is at least twelve feet from any other

Special provisions and exemptions for timber frame structures

building and from the boundary of any adjoining plot or sub-plot.

(4) All corrugated iron and wood used in the construction of walls, roofs, or fences in connection with any building to which this by-law applies which have been previously used for the structure of other works shall be in good, proper and slightly condition.

50. The provisions of by-laws 16, 25 to 27, 29 (2), 31 to 33, and 36 to 37 inclusive shall not apply to buildings constructed in native traditional style wholly of native materials or to buildings constructed in any area approved by the Council as a special housing estate to which this by-law applies:

Special provisions and exemptions for native-style buildings

Provided that the distance of any part of such building from the boundary of any adjoining plot or sub-plot or from any other building shall be not less than twelve feet.

LN 59/1962

51. Notwithstanding anything contained in the foregoing by-laws it shall be lawful for the Council to grant permits for any specified period not exceeding twelve months for temporary buildings on such obligations both as to removal thereof and otherwise and generally upon such terms as may be prescribed, and the foregoing by-laws shall not apply to any building erected under such a permit unless by express stipulations.

Council may grant permits for temporary buildings

52. Any person who contravenes any provision of these By-laws shall, on conviction, be liable to a fine not exceeding one hundred dollars or imprisonment for a period not exceeding two months or both such fine and imprisonment.

Penalties
LN 32/1980

FIRST SCHEDULE

FORM 1

(By-Law 4)

APPLICATION TO ERECT A BUILDING

For Office Use Only

Plan submitted.....
Reg. No. of Plan.....
Date of Registration.....

To the Honiara Town Council,

I beg to submit herewith plans, sections and elevations for a (state whether new building, alteration, addition or sanitary reconstruction) to be used as (State whether a domestic building or for what purpose the building will be used) to be erected by me on Plot No., such plot having frontage to

I also submit the following proposed means of construction and other particulars:

- External Walls to be built of.....
- Internal Walls to be built of.....
- Mortar in Walls to be composed of.....
- Damp Course to be of.....
- Foundations to be of.....
- Mortar in Foundations to be composed of.....
- Roof to be constructed of.....
- Water Supply from.....
- Drainage to sewer/permeable cesspit/impermeable cesspit/septic tank (Erase words which do not apply). In the case of septic tanks, state how effluent will be disposed of.....
- Material of Drain Pipes.....
- Closet accommodation (State type).....
 - Indoor.....
 - Outdoor.....
- Estimate of Cost of Building.....
- Name of Architect or Draughtsman.....
- Address of above.....
- Name of Builder (if known).....
- Signature of Owner or Agent.....
- Address of Owner or Agent.....

Note.— Extra particulars as may be required by the Council are to be furnished in regard to public buildings, high buildings, fireproof structures and buildings in which machinery is used.

For particulars of plans and drawings required, see Honiara Town Council Building By-laws.

FORM 2

(By-law 4)

BUILDING PERMIT

THE HONIARA TOWN COUNCIL BUILDING BY-LAWS

Permission is hereby given to (1) to erect a building as a (2) on (3) in accordance with the Plans No attached hereto, and with all conditions imposed by the above By-laws.

Date.....
.....
Executive Officer

- (1) Name and description of applicant.
- (2) Short description of building; e.g. dwelling-house, shop and dwelling-house, factory, etc. (Modify to suit circumstances.)
- (3) Description of situation.

LN 41/1984

SECOND SCHEDULE

(By-law 13 (2))

FORM 1

Footings/Foundations/Column Bases (delete as necessary) have been completed in accordance with the Honiara Town Council Building By-laws and are now ready for inspection.

Applicant: Date:

H.T.C. Inspectorate: Date:

FORM 2

Footings/Foundations/Column Bases (delete as necessary) have been completed in accordance with the Honiara Town Council Building By-Laws and are now ready for inspection.

Applicant: Date:

H.T.C. Inspectorate: Date:

FORM 3

Ring beam/plate height and wall bracing (delete as necessary) have been completed in accordance with the Honiara Town Council Building By-laws and are now ready for inspection.

Applicant: Date:

H.T.C. Inspectorate: Date:

FORM 4

Roof trusses prior to internal cladding have been completed in accordance with the Honiara Town Council Building By-laws and are now ready for inspection.

Applicant: Date:

H.T.C. Inspectorate: Date:

FORM 5

All drain runs, septic tank, soakaways and mains sewerage connection (delete as necessary) have been completed in accordance with the Honiara Town Council Building By-laws and are now ready for inspection.

Applicant: Date:

H.T.C. Inspectorate: Date:

FROM 6

FULL COMPLETION

Has been reached in accordance with the Honiara Town Council Building By-laws and a final inspection is now requested.

Applicant: Date:

H.T.C. Inspectorate: Date:

BUILDING PERMIT FEE

LN 131/1995

(By-law 4 (2))

The building permit fee shall be 0.3% of the estimated value of the works on completion as agreed by the Council, subject to a minimum fee of \$10.00.

28/160/1960

PARKS AND RECREATION GROUNDS BY-LAWS

[1st February 1960]

Title

1. These By-laws may be cited as the Honiara Town Council Parks and Recreation Grounds By-laws.

Land to be used for public parks, etc

2.— (1) When the Council designates any land in the area of the Council and vested in the Council to be a public park, garden, recreation ground or open space, any such land so designated shall thereafter be used only for the purpose specified by such resolution:

Provided that the Council may by resolution determine that the use of any such land shall cease to be restricted to any such purpose whether temporarily or otherwise.

(2) When a Council intends to designate any land for use for any purpose under the provisions of this by-law, or to resolve that any land shall cease to be used for any such purpose, the Council shall give not less than one month's notice of such intention, by notice posted at the offices of the Council, and in a conspicuous place upon or near the land concerned, and the Council may direct that such other steps as it considers necessary shall be taken to give due publicity to the proposal.

Closing of parks, etc

3. The Council may, by notice posted at or near the entrance gates thereof indicate the hours during which any park, garden, recreation ground or any enclosed space therein is closed to the public, and may for any special purpose, by notices posted as aforesaid, close any such park, garden, recreation ground or enclosed space, or any part thereof, or any building therein, to the public, for such time as may from time to time be considered necessary or expedient.

Power to grant exclusive use of and to reserve portions of parks, etc

4. The Council may from time to time grant the exclusive use of any park, garden, recreation ground or open space, or any portion thereof, for the purpose of any sports, games or public meetings to any person, club or association, during such hours and for such period and under such conditions as the Council may deem fit. The Council may, further, from time to time reserve portions of any park, garden, recreation ground or open space for any specific purposes to or in any such park, garden, recreation ground or open space, for the regulation of traffic therein, and any person who interferes with or in any way hampers or attempts to hamper such exclusive use or neglects or

refuses to obey any such order shall be guilty of an offence under these By-laws and shall be liable on conviction to a fine of ten dollars.

5. Any person who contravenes any of the provisions of these By-laws may be required by an employee or officer of the Council or any member of the Police Force to leave any park, garden, recreation ground or open space concerned and if such person refuses to leave when so required he may be removed therefrom by a member of the Police Force and shall be guilty of an offence under these By-laws.

Power to exclude or remove offenders from parks, etc

6. In any public park, garden, recreation ground or open space designated as such by resolution under by-law 2, no person, unless he is a duly authorised official or a servant of the Council acting in the execution of his duty, shall —

Offences

(1) remove or injure any fountain, statue, monument, bust, post, chain, railing, fence, seat, barrier, gate, lamp post, post, notice-board, plate, watch box, house, building, shed, urinal, water closet, flag or other matter or thing, or disfigure the same by pasting or affixing thereto in any manner any bill, placard or notice, or by cutting writing, stamping, printing, drawing or marking thereon;

(2) cut, remove, dig up, fell, burn, pluck, break, climb up or upon or do damage or injury to timber, or to any tree, shrub, brushwood, fencing post, pole, fern, turf, grass, fruit, flower or plant;

(3) take, dig, cut, break, damage or remove any gravel, sand, sod, clay, turf, mould, soil, water or other substance;

(4) light any fire or burn or do any act which might cause any timber, wood, brushwood, plant, paper, rubbish or other substance to be burnt;

(5) go or attempt to go into any enclosed space, plantation or garden, or any temporary enclosure, or walk on any flower bed, or on any grass plot on which walking may be prohibited;

(6) commit or attempt to commit any encroachment;

(7) erect or place any post, rail, fence, pole, peg, spike, tent, booth, screen, stand, swing or other building erection or obstruction of any kind whatsoever, without the consent of the Council in writing under the hand of the Executive Officer;

(8) deposit or leave, except in any receptacle provided therefor, any refuse, rubbish, paper, dead animal or other matter or thing;

(9) turn out any animal to grass or feed, or allow or suffer any animal to stray or remain, except with the consent of the Council in writing:

Provided, however, that dogs may be allowed to remain, if under leash and if effectually restrained from causing annoyance or danger to any person or damage to any thing;

(10) ride, drive, draw or propel any horse, cycle or vehicle, other than a wheeled chair drawn or propelled by hand, or a perambulator drawn or propelled by hand, and used solely for the conveyance of an invalid or child, except in such places and at such times as may be defined by the by-laws of the Council, or by notices affixed or set up at or near the several entrances to any such park, garden, recreation ground or open space;

(11) drive any motor car or other vehicle at a greater speed than ten miles per hour;

(12) draw, drive, propel or place upon or over any part of a flower bed or lawn any wheeled vehicle or machine whatsoever;

(13) shake, beat, brush or clean any carpet, mat or other thing, or dry or bleach linen, clothes or other article;

(14) bath or wash any dog or animal or allow any dog or other animal in his charge to be in any pond, fountain or ornamental water;

(15) wash any clothes or other things in any pond, fountain or ornamental water or otherwise pollute any water therein;

(16) catch or snare any bird or lay or place any net, snare or trap for the taking of birds, or take birds' eggs or nests, or shoot or chase or attempt to shoot any bird or animal, or throw any stone or stick or other missile with intent to injure or catch any bird or animal, or in any way interfere with any fish, waterfowl or any animal;

(17) fire any firearm, discharge any firework, catapult or sling, throw any stone, stick or other missile, use any squirt, syringe or other instrument or do anything which may endanger or be a nuisance, obstruction or annoyance to the public;

(18) brawl, fight, use profane, indecent or improper

language, be intoxicated, bet, gamble, lie on any seat, behave in an indecent or offensive manner or commit any nuisance;

(19) sell or offer or expose for sale or hire any thing, or distribute any pamphlet, book, handbill or other printed or written matter, or deposit goods for any purpose except with the consent of the Council in writing under the hand of the Executive Officer;

(20) use or attempt to intrude upon or use any water closet, urinal or other place of convenience provided for the opposite sex;

(21) play or make preparation to play cricket, football or any other game, except in the places and at the times set apart for such games;

(22) play or make sounds on any musical instrument, except with the permission of the Council in writing under the hand of the Executive Officer;

(23) preach, deliver any public address or lecture, or hold or take part in any religious service, public discussion or public meeting whether in any building, structure or erection, or elsewhere except with the permission of the Council in writing under the hand of the Executive Officer;

(24) assault, resist or aid or incite any person to assault or resist any servant of the Council or other person in the execution of his duty or the lawful exercise of any authority under these By-laws or otherwise;

(25) refuse to leave any such park, garden, recreation ground or other place at or after the time of closing the gates, when requested to do so by any member or servant of the Council or member of the Police Force, or unlawfully remain therein after the gates are closed, or climb on or over the gates, fences or railings, or enter or leave otherwise than through one of the authorised means of ingress or egress;

(26) take into or have in any such park, garden, recreation ground or any enclosed space therein where notices prohibiting the admission of dogs are exhibited any dog, whether under control or otherwise;

(27) take into or have in any such park, garden, recreation ground or any enclosed space therein where notices prohibiting the admission of dogs except under control are exhibited any dog not led by a chain or other sufficient fastening;

(28) smoke in any place or building in which, by notice affixed at or near the entrance to such place or building, smoking is prohibited;

(29) obstruct, disturb, interrupt or annoy any person in the proper use of any such park, garden, recreation ground or open space.

7. Any person who commits any offence under the provisions of these By-laws for which no other penalty is provided, or who refuses to comply with a requirement made under by-law 5 to leave any park, garden, recreation ground or open space shall be liable on conviction to a fine of twenty dollars.

THE HONIARA (ICE AND AERATED WATER FACTORIES) BY-LAWS

LN 110/1965

[23rd June 1965]

1. These By-laws may be cited as the Honiara (Ice and Aerated Water Factories) By-laws.

Title

2. In these By-laws, unless the context otherwise requires —

Interpretation

“aerated water” means every kind of effervescent liquid prepared for human consumption and sold in bottles, syphons, casks, or other vessels, and shall include non-effervescent syrups, cordials and other soft drink beverages;

“authorised person” means a person authorised by the Council, in writing, for the purposes of these By-laws;

“building” shall mean and include any structure or part thereof of whatever kind;

“Council” means the Honiara Town Council;

“Health Inspector” means any Government Health Inspector or Assistant Health Inspector and any Health Inspector or Assistant Health Inspector employed by or acting in that capacity for the Council;

“ice” means water solidified by freezing and intended for sale to the public;

“latrine” means and includes any privy, urinal or water-closet;

“manufactory premises” means any premises in which aerated water or ice is manufactured or prepared for sale or use, and shall include premises in which sugar, syrups, essences, colouring matters and any other ingredients are stored in connection with or incidental to such manufacture, or in which ice is stored for the purpose of wholesale or retail trade;

“Medical Officer” means any Government Medical Officer, and any Medical Officer employed by or acting in that capacity for the Council;

“occupier” means the person by whom or on whose behalf any manufactory premises are used for carrying on trade, business, or industry, and shall include any person in actual occupation of such premises without regard to the title under which he occupies;

“owner” includes any person, other than the Government, receiving the rents or profits of any manufactory

premises from any tenant or occupier thereof or who would receive such rents or profits if such premises were let whether on his own account or as agent for any person, other than the Government, entitled thereto or interested therein, and shall include any lessee holding land from the Government for a term exceeding one year and any superintendent, overseer or manager of such lessee residing on the holding; "premises" means any building together with the land on which the same is situated and any adjoining land used in connection therewith.

Powers of
Medical Officers
and others
Entry and
inspection

3.—(1) The Medical Officer, the Health Inspector and any authorised person, may at all reasonable times—

- (a) enter and inspect any manufactory premises;
- (b) inspect anything in or upon such premises;
- (c) upon making reasonable payment therefor, if demanded, take samples of aerated water or ice or any essences, syrup, concentrates, colouring matter or any other ingredients found in or upon such premises;
- (d) make such enquiries as may seem necessary, for the purpose of ascertaining whether the provisions of these By-laws are being observed.

Medical
examination

(2) The Medical Officer may medically examine, or cause to be medically examined, at a convenient place and time, any person residing, employed or engaged in or upon any manufactory premises, for the purpose of ascertaining whether such person is suffering from any venereal or other contagious or infectious disease.

Seizure of
aerated water or
ice unfit for
consumption

(3) The Medical Officer and Health Inspector may—

- (a) authorise any alternative process of cleansing and sterilisation in lieu of that prescribed in by-law (5) (1) (ac) of these By-laws; and
- (b) at any time seize, remove and destroy or otherwise dispose of any aerated water or ice unfit for human consumption which is offered or exposed for sale, or which is found in or upon any manufactory premises.

(4) Any person who wilfully hinders, obstructs, resists or gives any false or misleading information to the Medical Officer, the Health Inspector or any authorised person acting in the due exercise of his powers under these By-laws, shall be guilty of an

offence and liable to a fine of twenty dollars and, in default of payment, to imprisonment for six weeks.

4.—(1) Every owner of manufactory premises shall comply with the following provisions to the satisfaction of the Medical Officer or Health Inspector—

Duties of owner

(a) the manufactory premises shall be constructed of brick, cement blocks, reinforced concrete, or other suitable materials approved by the Council;

Construction of
premises

(b) the walls shall be lined with white tiles or cement plaster brought to a smooth surface or other smooth, impervious surface of such material as may be approved by the Council;

(c) the floor throughout shall be of cement, concrete, tiles, granolithic, or other similar material impervious to water and laid with a smooth even surface suitably graded and drained;

(d) the height of the walls from the floor to ceiling shall be not less than ten feet;

(e) an efficient dustproof ceiling shall be provided to all those parts of the manufactory premises in which the process of bottle filling is carried out, or in which syrups, essences and other ingredients are prepared, mixed, or stored, or in which ice is manufactured;

(f) all rooms shall be properly and effectively lighted and ventilated in all parts;

(g) no door, ventilator or window opening into the manufactory premises shall be so placed as to be less than thirty feet from any latrine, other than a water closet, and no portion of such premises shall communicate directly by door or window or otherwise with a room used by any person to sleep in;

(h) all soil and waste water fittings shall be connected to an efficient drainage system;

(i) the manufactory premises shall be effectively proofed against the ingress of rodents;

(j) all parts of the premises shall be maintained in a state of good repair at all times;

(k) the premises shall be provided with facilities capable of maintaining a constant and sufficient supply of pure water free from risk of contamination;

Facilities to be
provided

(l) suitable and sufficient latrine accommodation shall be provided for the use of all persons of both sexes employed in or about the premises. There shall also be provided in or near the latrine sufficient wash-basins each supplied with facilities for running water;

(m) adequate sinks or troughs of a suitable pattern and of sufficient size, with facilities for hot and cold running water, shall be provided within the manufactory premises for the purpose of cleansing utensils and other implements.

(2) Any owner who contravenes or fails to comply with any of the provisions of this by-law shall be guilty of an offence and liable to a fine of ten dollars and, in default of payment, to imprisonment for three weeks.

5.—(1) Every occupier of manufactory premises shall be responsible for ensuring compliance with the following provisions to the satisfaction of the Medical Officer or Health Inspector and any contravention thereof or failure to comply therewith by any employee shall be deemed to be a contravention or failure by the occupier—

(a) no person suffering from any form of venereal or other contagious or infectious disease shall be employed or permitted to be in or upon any manufactory premises;

(b) every person residing, employed or engaged in or upon manufactory premises shall be informed that he is required forthwith to report to the occupier and to the Medical Officer or Health Inspector if he should at any time suffer from any venereal or other contagious or infectious disease, or have reasonable cause to believe that he has contracted such a disease;

(c) the occupier shall, upon request, facilitate the carrying out by the Medical Officer of medical examination of persons residing in, or employed or engaged in, upon or about any manufactory premises, and shall comply with such orders as may be reasonably given by the Medical Officer for that purpose;

(d) the occurrence of any venereal or other contagious or infectious disease in any person employed in or about any manufactory premises shall be forthwith reported to the Medical Officer or Health Inspector;

(e) the occupier shall, in relation to his manufactory premises, provide every reasonable facility within his power to assist the Medical Officer, Health Inspector or

Duties of occupier

Persons suffering from infectious disease

other authorised person in the exercise of their powers and the performance of their duties under these By-laws;

(f) a dressing room shall be provided in which the employees may change their clothes and in which their working overalls and headgear may be kept in a clean and sanitary condition. The room shall be of adequate size in relation to the number of employees engaged on the premises, and shall be provided with sufficient wall hooks and shelves for depositing clothes, and a wash-basin and shower-bath each supplied with running water for the employees to wash themselves;

(g) adequate storage accommodation shall be provided for all ingredients used in the manufacture of aerated waters;

(h) the premises shall be provided with a constant and sufficient supply of pure water free from risk of contamination;

(i) the manufactory premises generally, including the floors, walls, ceilings, windows, doors, yards, buildings, latrines, cloakrooms, and wash places, shall at all times be maintained in a state of thorough cleanliness;

(j) all vessels, tanks, basins, vats, troughs and other equipment in, upon and about the manufactory premises shall be maintained at all times in a thoroughly clean and wholesome condition, and shall be thoroughly cleansed with hot water, soap or other detergent and afterwards immediately rinsed in clean plain water, at the end of each day's working;

(k) all persons employed on the manufactory premises shall be clean in person and clothing and dressed in clean caps and overalls made of washable material while so employed;

(l) there shall be maintained in the wash place a sufficient supply of soap, nail brushes and clean towels for the use of the employees;

(m) all persons employed in the manufacture of aerated water or ice shall, while so employed, wash their hands thoroughly with soap and water before engaging in such work, and on each occasion after using or entering the latrine;

(n) all syrup strainers and other filtering equipment shall be washed daily in clean water and protected from dust and other contamination when not in use;

Provision of dressing room

Provision of storage accommodation

Pure water supply

Cleanliness of premises, equipment and employees

Provision of
refuse bins

Ventilation of
premises

Prevention of
contamination

(o) the manufactory premises shall be maintained free of infestation by rodents, cockroaches, or other insects, and all rooms shall be kept free from accumulations of material likely to harbour rodents;

(p) there shall be provided on the premises a sufficient number of covered refuse bins of a suitable type to the satisfaction of the Medical Officer or Health Inspector;

(q) the manufactory premises shall at all times be effectively ventilated;

(r) all reasonable precautions shall be taken to prevent the contamination of any ice or aerated waters manufactured or stored on the premises;

(s) no person shall allow any aerated water or ice, or any water or other ingredients in the process of being manufactured into aerated water or ice, to come into contact with copper or lead or any other metal likely to contaminate the product;

(t) the storage, preparation and mixing of syrups, essences, colouring matters and other ingredients used in the manufacture of aerated water shall be carried out in a room or apartment effectively screened against flies;

(u) all tanks, churns and other vessels containing syrups, mixtures of syrups, essences and other ingredients shall be adequately protected against flies and dust;

(v) there shall be provided a suitable bench or trolley for the reception and movement of ice blocks constructed to the satisfaction of the Medical Officer or Health Inspector;

(w) suitable metal tongs shall be provided for lifting and moving ice blocks;

(x) no animals or birds shall be kept or allowed in or upon any part of the manufactory premises;

(y) adequate supplies of running hot and cold water shall be provided and maintained during working hours in respect of all sinks in the manufactory premises;

(z) no person engaged in the manufacture of aerated water or ice shall keep or use in connection with such manufacture any filter which is not of a type approved by the Medical Officer or Health Inspector; and every filter so kept or used shall be periodically cleansed in strict accordance with the directions of the Medical Officer or Health Inspector;

Provision of hot
and cold water

Use of filters

Cleansing and
sterilising of
bottles

(aa) suitable apparatus shall be provided and maintained for the purpose of cleansing and sterilising all bottles and other receptacles used to contain aerated water;

(ab) all bottles and other receptacles used to contain aerated water for sale for human consumption shall be of a type approved by the Medical Officer, or Health Inspector, and only bottles made of transparent, unclouded and unspotted hard silica glass (of any colour or tint) shall be used;

(ac) all bottles and other receptacles used to contain aerated water for sale for human consumption shall, each time before being filled, be first thoroughly cleansed in water containing a suitable detergent and then effectively sterilised in the following manner—

- (i) each bottle shall be soaked for at least ten minutes in a clean solution of caustic soda, washing soda, or other suitable detergent of effective strength approved by the Medical Officer or Health Inspector, and every part of the interior of each bottle shall then be brushed with an efficient brush;
- (ii) each bottle shall then be rinsed in clean water;
- (iii) each bottle shall then be completely immersed in a clean solution containing sodium hypochlorite or such other sterilising agent as may be approved by the Medical Officer or Health Inspector and for such period of time as may be necessary to effect complete sterilisation;
- (iv) each bottle shall then be inverted and allowed to drain;
- (v) all directions given by the Medical Officer or Health Inspector relating or incidental to any of the foregoing processes including the use and strength of the sterilising agent shall be strictly observed:

Provided that any other system of cleansing and sterilising authorised by the Medical Officer or Health Inspector may be substituted for the above;

(ad) all cleansing and sterilising solutions shall be made up afresh at the commencement of each day's work;

(ae) bottles or other receptacles which have been cleansed and sterilised shall on the same day be filled with

aerated water and sealed, otherwise they shall again be cleansed and sterilised;

(af) separate racks, clear of the ground, shall be provided and maintained for the drainage and storage of clean bottles or other receptacles;

(ag) separate racks, clear of the ground, shall be provided and maintained for the storage of dirty or unwashed bottles or other receptacles;

(ah) the process of bottle washing and sterilising shall be carried out in a different room from that in which the filling process is carried out, or in a well defined part of the same room to the satisfaction of the Medical Officer or Health Inspector;

(ai) bottles or other receptacles which are chipped, cracked or otherwise damaged shall not be used to contain aerated water for sale for human consumption;

(aj) bottles or other receptacles which are so scratched or scored as to prevent them from being thoroughly cleansed shall not be used to contain aerated water for sale for human consumption;

(ak) no person shall expectorate or discharge any nasal fluid or mucus in or upon any part of the premises;

(al) no person shall smoke or handle tobacco whilst engaged in the manufacture of aerated water or ice;

(am) the occupier or his authorised agent or manager, shall at all times, when the premises are open for the purpose of manufacture or trade, be personally present on the premises.

(2) Any occupier or any other person who contravenes or fails to comply with any of the provisions of this by-law shall be guilty of an offence and liable to a fine of ten dollars and, in default of payment, to imprisonment for three weeks.

6.—(1) Any notice or document purporting to have been made or issued by the Council in connection with these By-laws shall be deemed to have been made with the authority of and to have been issued by the Council if signed by the Executive Officer, Medical Officer or Health Inspector.

(2) All notices and other documents served under these By-laws may be served by delivering the same to or at the residence or place of business of the person to whom they are addressed and where addressed to the owner or occupier of premises, by

Spitting and smoking prohibited

Occupier to be present during working hours

Serving of notices

delivering the same or a true copy thereof to some person on the premises, or if there be no person on the premises who can be so served, by fixing the same on some conspicuous part of the premises; such notice or other documents may also be served by post by a prepaid registered letter, and if served by post shall be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of post and in proving such service it shall be sufficient to prove that the notice or other document was properly addressed and put in the post.

(3) Any notice required to be given to the owner or occupier of any premises may be addressed to him by the description of "owner" or "occupier" of the premises (naming them) in respect of which the notice is given without further name or description.

7. Any person residing, employed or engaged in or upon manufactory premises who knowing that he is suffering from venereal or other contagious or infectious disease, or having reasonable cause to believe that he is so suffering, fails forthwith to report the same to the occupier of the manufactory premises and to the Medical Officer or the Health Inspector, shall be guilty of an offence and liable to a fine of ten dollars and, in default of payment, to imprisonment for six weeks.

Failure to report disease

8. Any occupier of manufactory premises in or upon which is found any ingredient, aerated water or ice unfit for human consumption, in circumstances giving rise to a reasonable presumption that such ingredients are to be used in the manufacture of aerated water, or that such aerated water or ice is intended or is likely to be used for human consumption shall be guilty of an offence and liable to a fine of ten dollars and, in default of payment, to imprisonment for six weeks.

Possession of aerated water and ice unfit for consumption

LN 58/1965
LN 39/1984
LN 128/1995

THE HONIARA (MARKETS) BY-LAWS

[22nd February 1965]

Title

1. These By-laws may be cited as the Honiara (Markets) By-laws.

Interpretation

2. In these By-laws, unless the context otherwise requires —
“Council” means the Honiara Town Council;
“foodstuffs” includes livestock for human consumption;
“public market” means any public market within the Honiara Town boundaries.

3. Public markets shall only be established with the authority of the Council and where the Council directs, and every public market shall be controlled by the Council which may appoint a Market Master and such other officers as it may consider necessary for that purpose.

4.—(1) Any person who sells or exposes for sale in a public market any goods without having first paid the appropriate market fee, shall be guilty of an offence and liable to a fine of ten dollars or in default of payment of such fine, to imprisonment for three weeks.

(2) The market fee shall be payable at the Council Office or to the Market Master or one of his assistants.

(3) The fee shall be as prescribed from time to time by the Council by resolution.

5.—(1) The Authority may from time to time, by resolution, prescribe maximum prices for any goods sold at public markets.

(2) Where the Authority has prescribed prices under paragraph (1) it shall cause a notice of those prices to be displayed at all public markets.

(3) No person shall sell any goods at a public market at a price above the price displayed in accordance with paragraph (2)

6. Public markets should be open on such days and at such times as the Council shall appoint, and notices of the days and times of opening and closing shall be displayed at the entrances to public markets.

Hours of opening
and closing

7.—(1) The Market Master may, either personally or by means of his staff or assistants —

Powers of
Market Master

(a) expel from a public market any person who contravenes or fails to comply with any of the provisions of these By-laws, or who fails to comply with any reasonable direction or instruction given or issued by the Market Master;

(b) prohibit and bar the entry of any person, animal or thing whose presence in the market would contravene the provisions of these By-laws;

(c) require any person who, within a public market, has, without authority, made any alteration to a slab or introduced any fitting, fixture or any impediment or structure whatsoever to restore the slab 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 Master 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 therein in contravention of these By-laws, at the expense of the person who so brought or retained such thing;

(e) give and issue such reasonable directions and instructions as to him may appear to be necessary or desirable for the good order, cleanliness, and proper functioning of the market and the due observance of these By-laws;

(f) seize and take possession of any foodstuffs he may reasonably suspect to be unfit for human consumption, and shall forthwith report such seizure to the nearest Medical Officer or Health Inspector and dispose of the foodstuffs in accordance with the instructions of the Medical Officer or Health Inspector, as the case may be.

(2) For the purpose of sub-paragraph (f) of the preceding paragraph, “Medical Officer” and “Health Inspector” have the respective meanings assigned to those expressions in the Honiara (Ice and Aerated Water Factories) By-laws, and upon receipt of a report under the said sub-paragraph (f), the Medical Officer or the Health Inspector may order the destruction or other disposal of the foodstuffs seized.

8.—(1) Any person who contravenes or fails to comply with any of the provisions of paragraph (2) shall be guilty of an

offence and liable to a fine of twenty dollars, or in default of payment of such fine, to imprisonment for six weeks.

(2) (a) No unauthorised person shall enter or remain in a public market place during the hours that it is closed.

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

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

(d) No person shall obstruct, resist or hinder the Market Master or any officer or employee of the Council in the performance of his duties or the due exercise of his powers under these By-laws, and no person shall enter a public market while drunk, or cause any disturbance, or curse or swear or use any gross, indecent or filthy language or be guilty of any misconduct therein.

(e) Animals brought into a public market shall be fettered, tethered, or confined in a crate or basket.

(f) No person suffering from any venereal or other 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 slab shall keep it in a clean and orderly condition and shall dispose of all refuse, garbage, offal and waste material, liquid or solid, from his slab into the receptacles, channels, or drains 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 wilfully damage, efface, foul or misuse any part of such market or of the public conveniences therein or connected therewith.

(i) No article or produce shall be exhibited for sale on pathways or over the 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 Master.

(l) No person shall defecate, urinate, expectorate or discharge any nasal fluid or mucus in or within the precincts 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 which is obnoxious, unwholesome, or dangerous.

(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 Master in this regard.

(p) Every person using or being within the precincts of a public market shall obey all reasonable directions given by the Market Master.

(q) No person shall sell, or offer, or expose for sale in a public market any article other than of the following types —

- (i) fresh vegetables;
- (ii) fresh fruit;
- (iii) pulses, grains, and cereals grown in Solomon Islands;
- (iv) fish and shell fish;
- (v) livestock for human consumption;
- (vi) fresh eggs;
- (vii) locally made basketware, mats, earthenware, woodwork or other locally made product;
- (viii) such other goods as may from time to time be authorised by resolution of the Council.

LN 129/1995

RESOLUTION PRESCRIBING MARKET FEES

(By-law 4 (3))

[1st December 1995]

The fee for the use for one day of part thereof of any of Honiara Town Council markets for selling or exposing for sale goods shall be two dollars (\$2.00).

LN 109/1965

THE HONIARA (BAKERIES) BY-LAWS

[23rd June 1965]

Title

1. These By-laws may be cited as the Honiara (Bakeries) By-laws.

Interpretation

2. In these By-laws, unless the context otherwise requires —
- “authorised person” means a person authorised by the Council, in writing, for the purposes of these By-laws;
- “bakery” means any premises on which is carried on any of the processes of or incidental to baking or the manufacture of bakery products for consumption by persons other than those residing on the premises, and shall include any premises used for the storage of bakery products in connection with or incidental to such baking or manufacture;
- “bakery product” includes bread, biscuits, rolls, tarts, cakes, pies, confectionery, pastry or sweetmeats, and the ingredients thereof;
- “building” shall mean and include any structure or part thereof of whatever kind;
- “Council” means the Honiara Town Council;
- “Health Inspector” means any Government Health Inspector or Assistant Health Inspector, and any Health Inspector or Assistant Health Inspector employed by, or acting in that capacity for the Council;
- “latrine” means any privy, urinal or water closet;
- “Medical Officer” means any Government Medical Officer, and any Medical Officer employed by, or acting in that capacity for the Council;

“occupier” means the person by whom or on whose behalf any premises are used for carrying on trade, business or industry, and shall include any person in actual occupation of land or premises without regard to the title under which he occupies;

“owner” includes any person, other than the Government, receiving the rents or profits of any lands or premises from any tenant or occupier thereof or who would receive such rents or profits if such land or premises were let whether on his own account or as agent for any person, other than the Government, entitled thereto or interested therein, and also includes any lessee holding land from the Government for a term exceeding one year, and any superintendent, overseer, or manager of such lessee residing on the holding;

“premises” mean any building together with the land on which the same is situated and any adjoining land used in connection therewith.

3.—(1) The Medical Officer, the Health Inspector and any authorised person, may at all reasonable times —

- (a) enter and inspect any bakery premises;
- (b) inspect anything in or upon a bakery;
- (c) upon making reasonable payment therefor, if demanded, take samples of bakery products or any ingredients intended or likely to be used in the manufacture thereof found in or upon a bakery;
- (d) make such enquiries as may seem necessary, for the purpose of ascertaining whether the provisions of these By-laws are being observed.

(2) The Medical Officer may medically examine, or cause to be medically examined, at a convenient place and time, any person residing, employed or engaged in or upon any premises used as a bakery, for the purpose of ascertaining whether such person is suffering from any venereal or other contagious or infectious disease.

(3) Any person who wilfully hinders, obstructs, resists or gives any false or misleading information to the Medical Officer, the Health Inspector or any authorised person acting in the due exercise of his powers under these By-laws, shall be guilty of an offence and liable to a fine of twenty dollars and, in default of payment, to imprisonment for six weeks.

Powers of
Medical Officers
and others

Medical
examination

Duties of owner

4.—(1) The owner of every bakery shall comply with the following provisions to the satisfaction of the Medical Officer or Health Inspector—

Construction of premises

- (a) no portion of the bakery shall be underground;
- (b) the bakery shall be constructed of brick, cement blocks, reinforced concrete, or other materials approved by the Council, and if constructed of corrugated iron it shall be lined with brick or other materials approved by the Council;
- (c) the walls shall be lined with white tiles or cement plaster brought to a smooth surface, or other smooth impervious surface of such material as may be approved by the Council;
- (d) the floor throughout shall be of cement, concrete, granolithic or other similar non-absorbent material and the surface shall be maintained at all times in a state of good repair;
- (e) the height of the walls from the floor to ceiling shall not be less than twelve feet;
- (f) an efficient dustproof ceiling shall be provided to all those parts of the bakery in which any bakery product is manufactured or in which ingredients are prepared, mixed or stored or in which clean baking tins, trays or other receptacles are stored before use;
- (g) the bakery shall be properly and effectively lighted and ventilated in all parts;
- (h) the doors, ventilators and windows, other than fixed glazed windows, shall be provided with effective fly screens of wire or other approved mesh, and the said screens shall be maintained in a state of good repair at all times;
- (i) no door, ventilator or window opening into a bakery shall be so placed as to be less than thirty feet from any latrine, other than a water closet, and no portion of the bakery shall communicate directly by door or window or otherwise with a room used by any person to sleep in;
- (j) the opening to the oven furnace shall be situated outside the bakery, and at least six feet from the nearest part of any door or window of the bakery, except in the case of an electric or oil fired oven;
- (k) all soil and waste water fittings shall be connected to an efficient drainage system;

(l) the bakery shall be effectively proofed against the ingress of rodents;

(m) all parts of the premises shall be maintained in a state of good repair at all times;

(n) the bakery shall be provided with facilities capable of maintaining a constant and sufficient supply of pure water free from risk of contamination;

(o) suitable and sufficient latrine accommodation shall be provided for the use of all persons of both sexes employed in or about the bakery. There shall also be provided in or near the latrines sufficient wash-basins each supplied with facilities for running water;

(p) adequate sinks of a suitable pattern and of sufficient size supplied with facilities for hot and cold running water shall be provided within the bakery for the purpose of cleansing utensils and other implements.

(2) Any owner who contravenes or fails to comply with any of the provisions of this by-law shall be guilty of an offence and liable to a fine of ten dollars and, in default of payment, to imprisonment for three weeks.

5.—(1) Every occupier of a bakery shall be responsible for ensuring compliance with the following provisions to the satisfaction of the Medical Officer or Health Inspector and any contravention thereof or failure to comply therewith by any employee shall be deemed to be a contravention or failure by the occupier—

(a) no person suffering from any form of venereal or other contagious or infectious disease shall be employed or permitted to be in or on the bakery;

(b) every person residing, employed or engaged in or upon the bakery shall be informed that he is required forthwith to report to the occupier and to the Medical Officer or Health Inspector if he should at any time suffer from any venereal or other contagious or infectious disease, or have reasonable cause to believe that he has contracted such a disease;

(c) the occupier shall, upon request, facilitate the carrying out by the Medical Officer of medical examinations of persons residing in, or employed or engaged in, upon or about the bakery, and shall comply with such orders as may be reasonably given by the Medical Officer for that purpose;

Facilities to be provided

Duties of occupier

Persons suffering from infectious disease

(d) the occurrence of any venereal or other contagious or infectious disease in any person employed in or about the bakery shall be forthwith reported to the Medical Officer or Health Inspector;

(e) the occupier shall, in relation to the bakery, provide every reasonable facility within his power to assist the Medical Officer, Health Inspector or other authorised person in the exercise of their powers and the performance of their duties under these By-laws;

(f) a dressing room shall be provided in which the employees may change their clothes and in which their working overalls and headgear may be kept in a clean and sanitary condition. The room shall be of adequate size in relation to the number of employees engaged in the bakery, and shall be provided with sufficient wall hooks and shelves for depositing clothes, and a wash-basin and shower-bath each supplied with running water for the employees to wash themselves;

(g) adequate storage accommodation shall be provided for all ingredients used in the manufacture of bakery products;

(h) the bakery shall be provided with a constant and sufficient supply of pure water free from risk of contamination;

(i) the bakery, generally, including the floors, walls, ceilings, windows, doors, yards, buildings, latrines, cloak-rooms and wash places, shall at all times be maintained in a state of thorough cleanliness;

(j) the bakery shall be maintained free of infestation by rodents, cockroaches, weevils, or other insects, and all rooms shall be kept free from accumulation of material likely to harbour rodents;

(k) the ceiling and inside walls of the bakery other than tiled surfaces, shall be painted with three coats of oil paint or varnish, or limewashed. Where oil paint or varnish is used it shall be renewed at least once in every four years, and thoroughly washed with hot water and soap or other detergent at least once in every six months or as frequently as may be necessary to keep the walls in a clean and wholesome condition. Where limewash is used it shall be renewed at least once in every six months.

(l) all vessels, utensils, mechanical mixers, troughs, tables and other equipment used in the bakery shall be

Provision of
dressing rooms

Provision of
storage
accommodation

Pure water
supply

Cleanliness of
premises,
equipment and
employees

maintained at all times in a thoroughly clean and wholesome condition, and shall be thoroughly cleansed with hot water, soap or other detergent and afterwards immediately rinsed with clean plain water, at the end of each day's working;

(m) all vans, carts, trolleys or other vehicles and all sacks, baskets, bins or other receptacles used in the preparation, conveyance or storage of flour, bread, pastry, confectionery or any other article of food shall be kept in a clean and wholesome state;

(n) all persons employed in the bakery in the manufacture of any bakery products shall be clean in person and clothing, and dressed in clean white caps and overalls, made of washable material, while so employed;

(o) there shall be maintained in the wash place a sufficient supply of soap, nail brushes and clean towels for the use of the employees;

(p) all persons employed or working in the bakery shall, while so employed or working, wash their hands thoroughly with soap and water before engaging in such work and on each occasion after using or entering the latrine;

(q) the bakery shall at all times be effectively ventilated;

(r) adequate supplies of running hot and cold water shall be provided and maintained during working hours in respect of all sinks in the premises;

(s) the occupier shall take all reasonable precautions to prevent the contamination of bakery products and ingredients thereof in process of manufacture or storage;

(t) there shall be provided suitable and efficient means for protecting all bakery products by glazed or fly screened show cases or cabinets from contamination by dust, dirt or flies while exposed for sale, or by means of closed cases or vehicles when in the course of conveyance;

(u) no person, animal, bird or noxious, dirty or offensive article liable to contaminate bakery products or ingredients thereof, shall be carried in any vehicle in which bakery products are being conveyed;

(v) all sacks of flour, sugar or other ingredients shall be stored at least twelve inches (12") above floor level and the contents protected from dust and dirt;

Ventilation of
bakery
Provision of hot
and cold water

Prevention of
contamination

(w) no bakery products or any open tin or other container holding such products shall be placed upon the ground or floor or otherwise exposed to contamination from dust or dirt;

(x) no person shall sit or lie upon any table, bench or upon any other place on which food is prepared, handled or kept;

(y) no person shall use the bakery for any purpose other than that connected with the preparation and manufacture of bakery products;

(z) no animals or birds shall be kept or allowed in or upon any part of the bakery;

(aa) there shall be provided in or about the bakery a sufficient number of covered refuse bins of a suitable type;

(ab) no person shall expectorate or discharge any nasal fluid or mucus in or upon any part of the bakery; nor shall any person smoke or handle tobacco anywhere within the bakery except in the cloakroom, lavatory or outside the bakery buildings;

(ac) the occupier, or his authorised agent or manager shall at all times, when the bakery is open for the purposes of manufacture or trade, be personally present at the bakery.

(2) Any occupier or any other person who contravenes or fails to comply with any of the provisions of this by-law shall be guilty of an offence and liable to a fine of ten dollars and, in default of payment, to imprisonment for three weeks.

6.—(1) Any notice or document purporting to have been made or issued by the Council in connection with these By-laws shall be deemed to have been made with the authority of and to have been issued by the Council if signed by the Executive Officer, Medical Officer, or Health Inspector.

(2) All notices and other documents served under these By-laws may be served by delivering the same to or at the residence or place of business of the person to whom they are addressed and where addressed to the owner or occupier of premises, by delivering the same or a true copy thereof to some person on the premises, or if there be no person on the premises who can be so served, by fixing the same on some conspicuous part of the premises; such notice or other documents may also be served by post by a prepaid registered letter, and if served by post shall be

Provision of refuse bins

Spitting or smoking prohibited

Occupier to be present during working hours

Serving of notices

deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of post and in proving such service it shall be sufficient to prove that the notice or other document was properly addressed and put in the post.

(3) Any notice required to be given to the owner or occupier of any premises may be addressed to him by the description of "owner", or "occupier" of the premises (naming them) in respect of which the notice is given without further name or description.

7. Any person residing, employed or engaged in or upon a bakery who knowing that he is suffering from venereal or other contagious or infectious disease, or having reasonable cause to believe that he is so suffering, fails forthwith to report the same to the occupier of the bakery and to the Medical Officer or the Health Inspector, shall be guilty of an offence and liable to a fine of twenty dollars and, in default of payment, to imprisonment for six weeks.

Failure to report disease

LN 59/1965
LN 144/1967
LN 14/1978
LN 45/1984
LN 51/1994
LN 111/1995

THE HONIARA (HAWKERS) BY-LAWS

[22nd February 1965]

Title

1. These By-laws may be cited as the Honiara (Hawkers) By-laws.

Interpretation

2. In these By-laws, unless the context otherwise requires --
"Council" means the Honiara Town Council;
"to hawk" means to carry for sale, barter, or exchange, any goods, and includes the act of selling or exposing for sale any of the aforesaid articles by any person at any place, in which he does not usually reside or carry on business, but shall not include the seeking of orders for subsequent delivery from persons who are dealers therein and who buy to sell again;
"goods" includes wares, merchandise, foodstuffs, refreshments and drinks;
"public market" means a public market as defined in the Honiara (Market) By-laws.

LN 14/1978

Hawkers to be licensed

3.—(1) No person shall, within the limits of the Honiara Town boundaries hawk any goods whatsoever, unless he shall have taken out and is in lawful possession of an unexpired hawker's licence in his own name issued by the Council:

LN 14/1978

Provided that a person who sells goods only within the precincts of a public market shall not be required to take out a hawker's licence

(2) Any person who contravenes the provisions of this by-law shall be guilty of an offence and liable to a fine of ten dollars and, in default of payment, to imprisonment for three weeks.

Applications for and issue of licences
LN 111/1995

4.—(1) Application for a hawker's licence shall be made to the Executive Officer who, upon payment of the appropriate fee as prescribed from time to time by the Council by resolution may, subject to the provisions of by-law 5 of these By-laws, issue a hawker's licence to the applicant:

LN 144/1967

Provided that in the event of an application being refused by the Executive Officer, the applicant may appeal to the Council against such refusal and shall be given the opportunity to appear before and address the Council in support of his appeal.

(2) Every hawker's licence shall be valid from the date of issue to the 31st December of the year of issue.

(3) Only half-year licences shall be issued during the period commencing 1st July and ending on the 31st December in any year.

5. The Council may, at any time, by resolution restrict the number of hawker's licences which may be taken out under the provisions of these By-laws, for such period as shall be specified in such resolution.

Power to restrict number of licences

6. A hawker's licence shall not entitle the licensee to sell goods in or upon any premises or buildings occupied either permanently or temporarily by him.

No hawking from buildings

7.—(1) It shall be lawful for any police officer or officer of the Council at all reasonable times to demand the production of any hawker's licence for inspection and to make any enquiries that he thinks fit to ascertain whether any breach of these By-laws has been committed.

Powers of Police and Council officers

(2) If any person obstructs, resists or hinders any police officer or any officer of the Council acting in the due exercise of any of his powers under these By-laws, or makes any false statement to any police officer or any officer of the Council so acting, or refuses or fails without lawful excuse to produce any licence which he is duly required to produce, he shall be guilty of an offence and liable to a fine of twenty dollars or in default of payment to imprisonment for six weeks.

HAWKERS' LICENCE FEES

GN 200/1995

(By-law 4(1))

Hawker	— Full year	\$130
	Half year	\$70

LN 108/1965
LN 2/1979
LN 31/1980
LN 43/1984
LN 50/1994
LN 112/1995

THE HONIARA (DOGS) BY-LAWS

[22nd June 1965.]

Citation

1. These By-laws may be cited as the Honiara (Dogs) By-laws.

Interpretation

2. In these By-laws, except where the context otherwise requires —

“the Council” means the Honiara Town Council and shall include such officers or servants thereof as it may depute to perform any of its functions under these By-laws;

“disc” means a disc issued under by-law 4 of these By-laws;

“dog” means a dog, whether male or female, not less than six months old;

“owner” in relation to a dog means the keeper of that dog and includes the occupier of any premises in which it is ordinarily kept or permitted to live or remain, and includes any person in whose care the dog may temporarily be, whether loose or confined, or who may harbour it; and “ownership” shall be construed accordingly.

Offence to keep dogs not licensed or without discs

3.—(1) No person shall keep any dog within the limits of authority of the Council unless —

(a) he shall have taken out and is in lawful possession of an unexpired licence in his own name in respect of that dog; and

(b) there is at all times affixed to the dog by means of a collar a valid disc relating to that licence.

LN 31/1980

(2) Any person who contravenes the provisions of this by-law shall be guilty of an offence and liable to a fine of thirty dollars or, in default of payment, to imprisonment for three weeks.

Applications for and issue of licences and discs
LN 112/1995

4.—(1) Upon application therefore, submission of the information required to be entered in the register maintained under by-law 5 of these By-laws, and upon payment of the appropriate fees as prescribed from time to time by the Council by resolution the Council shall issue a licence and disc or duplicates thereof, or shall transfer a licence to a new owner.

(2) Every licence and disc issued under these By-laws shall remain valid until the 31st day of December in the year of issue, and shall then cease to be valid.

5. The Council shall maintain a register of all licences issued under these By-laws and of the transfer of such licences.

Register of licences

6.—(1) Any police officer or officer of the Council may seize and impound any dog found without a disc or wandering at large in circumstances in which it constitutes a nuisance or danger to the public or to any person.

Power to impound dogs

(2) Any dog so impounded shall forthwith be taken to and detained in the Council pound.

7. Where the owner of any dog so impounded is known, notice of such impounding shall forthwith be given to him.

Notice of impounding given to owner

8. No dog which has been impounded shall be released to the owner unless there is affixed to it by means of a collar a valid disc, and all outstanding pound fees prescribed in the Schedule hereto have been paid.

Release of impounded dogs

Schedule

9. Where any dog that has been impounded under these By-laws is not claimed and released within one day of having been so impounded, the Council may cause it to be destroyed or sold; and if sold the proceeds after deduction of any licence and pound fees outstanding, and any other expenses incurred in connection with such sale, shall be held for one month and if not claimed by the owner within that period, shall be paid into and form part of the Council's funds.

Sale or destruction of unclaimed dogs
LN 31/1980

10. Any person who without lawful authority or lawful excuse releases or injures or attempts to release or injure any dog detained in the Council pounds shall be guilty of an offence and liable to a fine of twenty dollars or to imprisonment for six weeks, or to both such fine and such imprisonment.

Offence to release impounded dogs without authority

11. It shall be the duty of the owner of every dog to ensure that such dog does not on any street, public road, public pathway, or in any public place attack any person or domestic animal; and if any dog shall in any street, public road, public footpath or in any public place, attack any person or domestic animal the owner of that dog shall be guilty of an offence and liable to a fine of ten

Duty of owner to prevent attacks

dollars, or in default of payment, to imprisonment for three weeks.

Control of bitches

12. Any person, who being the owner of a bitch in season, fails to keep it under proper control, or fails to restrain it from running loose in any place to which the public resort or have access, shall be guilty of an offence and liable to a fine of ten dollars, or in default of payment, to imprisonment for three weeks.

Powers of police and Council officers

13. It shall be lawful for any police officer or officer of the Council at all reasonable times to demand the production of any dog licence for inspection and to make enquiries to ascertain whether any breach of these By-laws has been committed.

Obstruction of police and Council officers

14. Any person who obstructs or impedes any police officer or officer of the Council acting in the due exercise of his powers under these By-laws, or who makes any false statement to any such officer while acting as aforesaid, or who refuses or fails without lawful excuse to produce any licence which he is duly required to produce, shall be guilty of an offence against these By-laws and liable to a fine of twenty dollars or to imprisonment for six weeks, or to both such fine and such imprisonment.

Evidence

15. In any proceedings arising out of or under these By-laws, every dog shall be presumed to be over the age of six months and the onus of proving the contrary shall be on him who so alleges.

GN 201/1995

DOG FEES

(By-law 4(1))

Original Dog Licence and Disc (Male and Female) Per year or Part thereof	\$30
Transfer of Licence	.50
Pound Fee per Dog per Day or Part thereof	\$3.00
Duplicate Licence	\$1.00
Duplicate Disc	\$1.00
Destruction of Dog	\$2.00

THE HONIARA (REFUSE DISPOSAL) BY-LAWS

LN 35/1969
LN 2/1981
LN 44/1984
LN 49/1994

[1st January 1967]

1. These By-laws may be cited as the Honiara (Refuse Disposal) By-laws.

Citation

2. In these By-laws, unless the context otherwise requires —
- “authorised person” means a person authorised by the Council in writing for the purposes of these By-laws;
 - “Council” means the Honiara Town Council;
 - “Executive Officer” means the Executive Officer of the Council;
 - “Health Inspector” means any Government Inspector or Assistant Health Inspector, and any Health Inspector or Assistant Health Inspector employed by, or acting in that capacity for the Council;
 - “house refuse” means and includes garbage, tins, bottles, ashes, rubbish, sweepings from dwelling-houses, offices and shops, and all other forms of non-liquid refuse or such other matter as may from time to time be described as house refuse by the Health Inspector, but does not include trade refuse;
 - “Medical Officer” means any Government Medical Officer, or any Medical Officer employed by, or acting in that capacity for the Council;
 - “occupier” means any person who uses, inhabits, or is in possession of any premises, and shall include any person in actual occupation of land or premises without regard to the title under which he occupies;
 - “owner” includes any person receiving the rents or profits of any land or premises from any tenant or occupier thereof or who would receive such rents or profits if such land or premises were let whether on his own account or as agent for any person entitled thereto or interested therein, and also includes any lessee holding land from the Government for a term exceeding one year, and any superintendent, overseer or manager of such lessee residing on the holding;
 - “premises” means any building together with the land on which same is situated and any adjoining land used in connection therewith;
 - “private place” means any place which is not a public place;

Interpretation

"public place" includes any highway, street, road, bridge, square, court, alley, lane, footway, parade, thoroughfare, foreshore, passage, or open space to which the public are entitled or permitted to have access whether on payment or otherwise;

"refuse receptacle" means a portable watertight container not exceeding three and one half cubic feet in capacity made from galvanised pressed steel or other suitable material approved by the Council, and fitted with an effective watertight and flyproof cover;

"rubble" means and includes all waste bricks, sand, earth, cement, stone, rock, pipes, and similar material;

"Town" means the area of authority of the Honiara Town Council;

"trade refuse" means and includes refuse and waste products from shops, gardens, markets, clubs, warehouses, hotels, restaurants, bars, factories, workshops and other business and trade premises, and includes builders' waste;

"cleansing staff" means and includes all persons employed by the Council to collect, sort over and dispose of refuse.

3.—(1) Every owner shall provide and maintain in good condition to the satisfaction of the Council at least one receptacle for the reception of refuse or such sufficient number of receptacles as may, in the opinion of the Health Inspector, be necessary for the reception of refuse from such premises.

(2) No person shall use a receptacle for the purpose of storing any refuse for collection by the Council unless that receptacle is of a design, standard, and specification approved by the Council provided that, refuse receptacles already in use at the date of coming into effect of these By-laws may continue to be so used for a period not exceeding twelve months from such date.

(3) Every owner shall ensure that the refuse receptacles provided for the use of the occupants of such premises are maintained in a sound and serviceable condition and shall replace as soon as possible receptacles which have become defective or unserviceable.

4.—(1) Every occupier to whom a receptacle has been provided shall take all reasonable steps to ensure that it is not misused, and that the receptacle is used for no other purpose than that for which it is provided.

Provision of
refuse
receptacles

Care of refuse
receptacles

(2) Every occupier shall be responsible for informing the Executive Officer or Health Inspector should any receptacle be stolen or damaged in such a way as to render it unserviceable. If in the opinion of the Council such loss or damage is wilful or caused by negligence of the occupier or any member of his family or servants, the Council may serve notice upon the occupier to replace the receptacle forthwith.

(3) No person shall deposit or permit to be deposited in any receptacle any unextinguished ashes or other material likely to cause fire, and under no circumstances shall fires be lit in any receptacle.

(4) Every occupier shall cause all refuse receptacles and covers thereof upon his premises to be maintained in a reasonably clean condition, and shall take such steps as may be necessary to prevent flies from breeding in any refuse receptacles on his premises.

(5) No person shall deposit or cause to be deposited in any refuse receptacle any organic waste matter likely to foul the internal surface of the bin, unless it is first wrapped in a suitable material, or any liquid matter.

(6) Every occupier shall cause each refuse receptacle upon the premises to be properly covered at all times save when refuse is being deposited therein or removed therefrom.

5.—(1) Every occupier shall cause all house refuse from his premises to be placed within the refuse receptacles provided in accordance with these By-laws and not elsewhere.

(2) No person shall permit any accumulation or deposit of refuse, rubble, or other waste matter to remain in or upon his premises save as provided in these By-laws. The Executive Officer or Health Inspector may serve notice upon any occupier requiring him to remove any accumulation or deposit of refuse or waste matter in or upon his premises within such period as may seem fitting to the Executive Officer or Health Inspector.

6. The appropriate fee prescribed in the First Schedule to these By-laws shall be paid quarterly in advance, on the first day of each quarter, by the occupier of the premises for the removal and disposal of house refuse:

Provided that where any premises are occupied by more tenants than one the owner shall be deemed to be the occupier for the purposes of this by-law.

Use of
receptacles

Charges to be
made
First Schedule

Removal of trade refuse

Second Schedule

7. The Executive Officer may at the request of the owner or occupier of any premises within the Town undertake, upon payment of the appropriate fee prescribed in the Second Schedule to these By-laws, to—

(a) remove and dispose of any trade refuse from such premises;

(b) dispose of any trade refuse which an owner or occupier may deliver to a place appointed by the Executive Officer.

Removal by contract

8. It shall be lawful for any owner or occupier of any premises to enter into a written agreement with the Council to remove house or trade refuse from any premises on payment of an annual fee instead of in accordance with the Schedules to these By-laws, and any such agreement shall expire on 31st December, each year.

Disposal by private means

9. Notwithstanding any of the provisions contained in these By-laws, the owner or occupier of any premises may dispose of house or trade refuse within the boundaries of the plot he occupies provided that he possesses the necessary facilities to dispose of the refuse in a hygienic manner and without nuisance, and provided that he first makes application in writing to the Council and thereafter receives a certificate from the Council entitling him to do so.

Refuse to be disposed of within the Town area

10. All refuse produced within the Town, except with the written permission of the Director of Medical Services, shall be deposited or disposed of within the boundaries of the Town.

Placing of refuse receptacles

11. Every occupier shall keep refuse receptacles off road reserves, except on days of collection as notified to the householder by notice, when the receptacles shall be placed beside the access road to the premises, used by the Council cleansing staff vehicles.

Deposit of dirt and refuse

12. Except as provided in these By-laws, no person shall deposit or allow to accumulate or keep upon any premises any dirt, filth, refuse, rubbish, rubble, or any offensive matter or matter likely to become offensive.

Unlawful disturbance of refuse

13. No person, other than the cleansing staff or other persons authorised from time to time by the Council to do so shall sort

over or disturb the contents of any refuse receptacle or refuse which has been deposited at a Council refuse tip.

14.—(1) The Executive Officer may, at the request of the owner of any dead animal or the occupier of any premises on which such animal may be, undertake to remove and dispose of the carcase of such animal upon payment of the appropriate fee prescribed in the Second Schedule to these By-laws.

Disposal of dead animals

Second Schedule

(2) The Executive Officer or Health Inspector may cause to be removed and destroyed the carcase of any animal found within the Town, and where the owner of such animal can be ascertained, may recover from such owner the appropriate fee prescribed in the Second Schedule to these By-laws.

15.—(1) Any notice or document purporting to have been made or issued by the Council in connection with these By-laws shall be deemed to have been made with the authority of and to have been issued by the Council if signed by the Executive Officer, Medical Officer or Health Inspector.

Serving of notices

(2) All notices and other documents served under these By-laws may be served as follows—

- (i) by personal delivery to the addressee at his residence or place of business or elsewhere;
- (ii) if there be no person on the premises who can be so served by affixing the notice or document to some conspicuous part of the premises;
- (iii) by registered letter, provided a receipt therefor is granted to the postal authorities by the addressee on delivery.

16. If any person fails to comply with the requirements of any notice, order, or other document served under these By-laws, the Executive Officer may cause the work or act required by such document to be done, and may recover from the person in default as a civil debt the expenses thereby incurred.

Council may do work in default

17. Any owner, occupier, or any other person who contravenes or fails to comply with any of these By-Laws shall be guilty of an offence and liable to a fine of one hundred dollars and in default of payment to imprisonment for three months, and in the case of a continuing offence, a further penalty not exceeding five dollars for each day on which the offence is continued

Penalties
LN 2/1981

after written notice of the offence has been served on the offender.

Fees
LN 49/1994

18. The Council may, by resolution, from time to time prescribe new fees or add to or amend the particulars and fees specified in the First and Second Schedules.

FIRST SCHEDULE

FEES PAYABLE FOR THE REMOVAL AND DISPOSAL OF HOUSE REFUSE

(By-law 6)

Removal of refuse from each refuse receptacle per quarter: \$1.25.

LN 44/1984

SECOND SCHEDULE

FEES PAYABLE FOR THE REMOVAL AND DISPOSAL OF TRADE REFUSE AND DEAD ANIMALS

(By-laws 7 and 14)

- | | |
|--|--|
| 1. Removal of trade refuse from each refuse receptacle | \$0.70 |
| 2. Removal of loose trade refuse | \$2.00 per cubic metre or part thereof |
| 3. Disposal of trade refuse or any other waste material delivered by or on behalf of any owner or occupier at a place appointed by the Council | No charge |
| 4. Removal and disposal of dead animals:- | |
| Dogs, cats and other small animals | \$1.00 each |
| Cattle and other animals | \$5.00 each |
| Pigs and goats | \$1.75 each |

THE HONIARA TOWN COUNCIL (PREVENTION OF SALE OF TRADITIONAL ARTIFACTS) BY-LAWS

LN 40/1984

[1st January, 1982]

1. These By-laws may be cited as the Honiara Town Council (Prevention of Sale of Traditional Artifacts) By-laws.

Citation

2. In these By-laws —

Interpretation

“Council” means the Honiara Town Council;

“traditional artifacts” includes any article traditionally or customarily used or intended for use as personal or other adornment, as a household utensil, as money, as fishing or hunting equipment, as a weapon, tool or musical instrument and any statuette or figure fashioned from wood, clay or stone and any ritual object, skull or bones but does not include any article made for sale as a curio.

3. Any person other than —

Offence to or sell or attempt to buy or sell

(a) a person acting on behalf of a museum approved by resolution of the Council and named in and in possession of a letter of authority signed by the Clerk to the Council; or

(b) a Solomon Islander acting in accordance with custom,

who buys or sells or offers to buy or sell any traditional artifact shall be guilty of an offence and on conviction shall be liable to a fine of one hundred dollars and in default of payment of the fine to imprisonment for three months.

4. It shall be lawful for any police officer or officer of the Council, or member of the staff of the Solomon Island Museum at all reasonable times to make inquiries to ascertain whether any breach of these By-laws is being or has been committed.

Power to police, etc

5. Any person who obstructs or impedes any police officer or officer of the Council or member of the staff of the Solomon Islands Museum acting in the exercise of his powers under these By-laws, shall be guilty of an offence and liable to a fine not exceeding one hundred dollars or to imprisonment for a term not exceeding three months, or to both such fine and imprisonment.

Offence to obstruct police

LN 42/1990
LN 154/1994
LN 10/1996

THE HONIARA (LICENSING OF BUSINESSES) BY-LAWS

[20th March 1990]

Citation

1. These By-laws may be cited as the Honiara (Licensing of Businesses) By-laws.

Interpretation

2. In these By-laws, except where the context otherwise requires—

“appropriate fee”, in relation to a licence for a designated business means the fee from time to time specified for the licence for that business by the Council by resolution and different fees may be specified for different areas;

“bakery” means the business of baking or manufacturing bread, biscuits, rolls, tarts, cakes, pies, confectionery, pastry or other products for consumption by persons not residing on the premises in which such baking or manufacturing is carried on;

“Council” means the Honiara Town Council;

“designated business” means business as a tailor, bakery or store or of any category (other than a category required to be licensed under any Act) which is for the time being designed for the purposes of these By-laws by the Council by resolution;

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

“store” means any business in which merchandise, goods or commodities are stocked and sold or offered for sale otherwise than by hawking;

“tailor” means any person who carries on the business of making to order, altering or repairing clothes for sale or profit.

Designated
business

3.—(1) Any person who, within the limits of the Honiara Town boundaries, carries on a designated business, save under and in accordance with the terms and conditions of a valid licence for that business issued under these By-laws, shall be guilty of an offence and liable to a fine of twenty dollars, or in default of payment, to imprisonment for six weeks; and the amount of the fee for any licence due shall be recoverable as a civil debt.

(2) No proceedings under this by-law shall be commenced

against any person who, having held a licence which expired on the 31st December, shall have obtained a fresh licence not later than the 31st day of the next succeeding month.

4.—(1) Upon application therefor and payment of the appropriate fee prescribed in the Schedule to these By-laws, the Executive officer, Treasurer or other authorised clerk or servant of Council may issue a licence for a designated business.

Applications for
and issue of
licences

(2) Every such licence shall specify the premises in which the business shall be carried on and the name of the licensee.

(3) Every such licence shall be valid until the 31st day of December in the year of issue and shall thereupon expire.

(4) Only half-year licences shall be issued during the period commencing 1st July and ending on the 31st day of December in any year.

5.—(1) A store licence shall not authorise the carrying on of the business of a store on any premises other than those specified in the licence, nor the hawking of any goods.

Store licence not
to authorise
hawking

(2) A tailor's licence shall not authorise the stocking, sale or offering for sale of ready-made clothes.

6.—(1) A police officer or an authorised person in uniform or on production of his authority, may require any person carrying on or assisting in the carrying on of a designated business to produce his licence.

Power of police
or authorised
person

(2) Any person who without reasonable excuse fails to produce his licence upon being required so to do by a police officer or an authorised person in pursuance of paragraph (1) of this by-law, shall be guilty of an offence and liable to a fine of ten dollars, or in default of payment, to imprisonment for three weeks.

(3) In this by-law, “authorised person” means a person authorised by the Council in writing for the purposes of this by-law.

7. A licence may, upon payment of the appropriate fee prescribed in the Schedule to these By-laws, be endorsed by the Executive Officer, Treasurer or other authorised clerk or servant of the Council so as to transfer the licence to any other person or to permit the business in respect of which the licence was issued to be conducted upon other premises.

Licence may be
transferred

Limited effect of
licence

8. No licence issued under these By-laws in respect of any business shall authorise the carrying on of any other business:

Provided that a store licence shall for the purpose of these By-laws be deemed to authorise the carrying on of business as a tailor and the business of a bakery in addition to the business of a store.

Other by-laws
not derogated
from

9. The provisions of these By-laws shall be in addition to and not in derogation of the provisions of any other by-laws.

SCHEDULE

(By-law 7)

BUSINESS	PARTICULARS	FEES \$
A. ACCOMMODATION		
Hotels		
Motels		5000.00
Rest House		2500.00
		500.00
B. CATERING SERVICES		
Cafe	Per Shop	800.00
Restaurants	Per Shop	1000.00
Snack Bars	Per Shop	800.00
Propriety Clubs	Per Shop	4000.00
C. CONTRACTORS		
Building Contractors—Joint Venture/Foreign owned		5000.00
Building Contractors—Locally owned		500.00
General Electrical Contractors		1000.00
General Engineering Contractors		3000.00
Plumbing		500.00
D. INDUSTRIES		
Brewery		12000.00
Cassettes/Video Hire Services	Per Shop	800.00
Dairy Products		500.00
Estate Property Development Companies		2500.00
Estate Property Development Agents		1000.00
Export—Joint Venture/Foreign owned		3000.00
Export—Locally owned		400.00
Garage and Workshops	Per Shop	1000.00
Ice Block Manufacturing	Per Factory	600.00
Joinery and Furniture Sales	Per Joinery	1000.00
Lumber Sales	Per Yard	2000.00
Manufacturer—Joint Venture— Foreign owned	Per Factory	2000.00

BUSINESS	PARTICULARS	FEES \$
Manufacturers—Locally owned	Per Factory	1000.00
Millers and Food Processors— Joint Venture/Foreign owned	Per Factory	2000.00
Millers and Food Processors— Local owned	Per Factory	1000.00
Photo Services	Per Shop	800.00
Printing	Per Press	3000.00
Sign Writing Companies		600.00
Soft Drinks Manufacturers	Per Factory	3000.00
Security Services		500.00
Tyre Repairs	Per Workshop	500.00
Secretarial and Typing Services	Per Centre	500.00
News Paper Companies		600.00
Dive Operators		800.00
Pest Control		500.00

E. MERCHANDISE AND GENERAL TRADING SERVICES

Artifacts and Handicraft Sales	Per Shop	500.00
Bakeries	Per Shop	800.00
Bookshop and Stationery	Per Shop	1000.00
Butchery	Per Shop	1000.00
Clothing Wholesale Store	Per Shop	1000.00
Clothing Retail Store	Per Shop	500.00
Clothing Wholesale (seconded)	Per Shop	800.00
Clothing Retail (seconded)	Per Storage	400.00
Fish Sales (Eskies)	Per Eskie/per day	10.00
Fish Storage Sales	Per Storage	500.00
General Retail Store	Per Shop	800.00
General Wholesale Store	Per Shop	2000.00
Hair Dressing Barber and Beauty Shop	Per Shop	500.00
Hardware Stores	Per Shop	1000.00
Home Retail Store	Per Home	400.00
Jewelry and Precious Metal Shop	Per Shop	2000.00
Lock-up Shops	Per Shop	400.00
Occasional Licence Excluding Liquor	Per day	50.00
Religious Workshops	Per Shop	100.00
Shoe Sales and Repair	Per Shop	500.00
Super Market Retail	Per Shop	1500.00
Tailor Commercial—Joint Venture/ Foreign Owned	Per Shop	800.00
Tailor Commercial—Joint Venture/ Foreign Owned	Per Shop	400.00
Spare Parts Wholesale and Retail	Per Shop	1000.00
Electrical Equipment Supplies and Repair	Per Shop	1500.00
Gas Equipment Supplies and Repair	Per Shop	1500.00

BUSINESS	PARTICULARS	FEEES \$
Stationary	Per Shop	800.00
Outboard Motor Sales	Per Shop	1000.00
Computer Sales, Repairs and Training		800.00
Gold Dealers		500.00
F. PROFESSIONAL SERVICES		
Accountants and Business Consultants		500.00
Architectural Service—Joint Venture/Foreign owned		5000.00
Architectural Services—Locally owned		500.00
Lawyers		500.00
Medical Practitioners		500.00
General Surveyors—Joint Venture/Foreign owned		5000.00
General Surveyors—Locally owned		500.00
G. TRANSPORT SERVICES		
Bus Services		500.00
Canoe/Boat Sales		500.00
Hire Truck Services		500.00
Shipping Services—Capacity up to 100 ton		800.00
Shipping Services—Capacity 101 ton and over		1600.00
Taxi Services		200.00
Vehicle Rentals		500.00
Vehicle Sales		2000.00
Vehicle Sales (Reconditioned)		1600.00
Tour Operators		800.00
H. UTILITIES		
Fuels Sales	Per Station	1600.00
Gas Supplies and Storage	Per Station	3000.00
Oil Companies	Per Station	5000.00
I. TRANSFER FEE		
		100.00

THE HONIARA LITTER (PUBLIC AND PRIVATE NUISANCES)
BY-LAWS

LN 98/1994

[12th August 1994]

1. These By-laws maybe cited as the Honiara Litter (Public and Private Nuisanoes) By-laws.

Citation

2. These By-laws shall apply within the Honiara Town Boundary.

Application of By-laws

3. In these By-laws unless the context otherwise requires —
“authorised person” means a person authorised by the Council in writing for the purpose of these By-laws and includes a police officer;

Definitions

“Council” means the Honiara Town Council or any authority who for the time being is charged with the responsibility for Honiara Town;

“common parts of a building” includes lodges, yards, courtyards, compounds, garages, car parks, lanes, passage-ways, corridors, staircases, landings, lifts, escalators and lift shafts;

“land” means any land, whether built on or not and includes the area surrounding any private dwelling-house, commercial and industrial premises whether open or enclosed and whether maintained or not under statutory authority;

“litter” includes spit and betel-nut spit, buildings, household, shop, garden and trade refuse or waste, containers and packaging of any description whether manufactured in whole or in part of wood, glass, metal, paper or plastic, derelict vehicles, household, shop and factory furniture, appliances and machinery or any part thereof, timber, wood, glass iron, concrete, sand, earth, gravel, stone and clay or any other matter or thing that when left, deposited, dropped or thrown on to a public place or land causes, contributes to or tends to lead to the defacement or defilement of any public place or land;

“public place” includes any highway, street, road, bridge, square, court, alley, lane, footway, parade, through-fare, foreshore, range, market, playground, wharf, public reserve or open space to which the public are entitled or permitted to have access to whether on payment or otherwise;

“vehicle” means any mechanically propelled vehicle.

Dumping of litter
in public place

4.—(1) No person shall throw, sweep, drop, deposit or otherwise cause or permit to be thrown, swept, dropped or desposited or otherwise place other than in a receptacle provided for that purpose any litter or any other substance likely to constitute a nuisance on or in —

- (a) any public place;
- (b) the common parts of any building;
- (c) any water course, river, stream, channel ditch or reservoir sea shore or the open sea;
- (d) any property of the Council or the Government except with the consent of an authorised person.

(2) If any litter or any other substance likely to constitute a nuisance is thrown, swept, dropped or otherwise desposited from the window, balcony, verandah or roof top of any premises or part thereof in contravention of paragraph (1), the occupier of such premises or part thereof shall be guilty of an offence unless he proves that the contravention was committed by a person who is not a member of his family nor employed by him.

(3) A person driving a vehicle on a road shall not drop, permit or allow litter to fall or otherwise be dropped from the vehicle on to the road or land adjoining the road.

(4) If a contravention of paragraphs (2) or (3) is committed, it shall be no defence for the occupier in the case of a contravention of paragraph (2), or for the driver in the case of a contravention of paragraph (3), to prove that the contravention was committed without his consent or knowledge.

5.—(1) If any litter or any other substance likely to constitute a nuisance is found in a street or public place, within seven metres of any premises which has direct access to and which fronts, adjoins or abuts such street or public place, an authorised person may by notice in writing served on the occupier of such premises require him to remove therefrom the litter or other substance within such time as may be specified in the notice.

(2) If any litter or any other substance likely to constitute a nuisance is found in any common part of a building, an authorised person may by notice in writing served on the person responsible for the management or cleaning of the building or if there is no such person or such person cannot be found or ascertained, the owner or occupier of the building, require him to

Occupier of
premises
required to keep
surroundings
clean

remove therefrom the litter or substance within such time as may be specified in the notice.

(3) No person shall permit any land owned or occupied by him or over which he has control to become overgrown with long grass and shall keep the land free from all litter. An authorised person may by notice in writing served on the owner or occupier of such land require him to remove therefrom any litter or cut overgrown grass within such time as may be specified in the notice.

(4) A notice under paragraphs (1), (2) or (3) may also require the person on whom it is served to clean the premises, land area or common part of a building specified therein to the satisfaction of the authorised person serving the notice within such period as may be prescribed in the notice.

(5) If a notice served in accordance with paragraphs (1), (2) or (3) of this by-laws is not complied with within the period specified therein, the litter or substance likely to cause a nuisance to which the notice refers shall become the property of the Council and may be cut, removed and destroyed or otherwise disposed of by the Council who may cause the premises, land, area or common part of a building in which it was found to be cleaned and may recover from the person in default as a civil debt the expenses thereby incurred.

6. Any person conveying any litter in or through any public place shall —

- (a) convey the same in containers suitably covered so as to prevent access of flies to the contents and the spilling therefrom of any of the contents;
- (b) take all necessary precautions to prevent the same from falling on to any public place; and
- (c) if any of the same has so fallen, forthwith clean the place on which it falls.

7. An authorised person may make enquiries at all reasonable times concerning the contravention of these By-laws, including requiring a statement of name and address.

8. Any person who contravenes or fails to comply with these By-laws is guilty of an offence and liable to an “on the spot” fine of \$20.00 to be paid to the Council within 14 days from the date of the offence, and in the case of non-compliance with a notice served in accordance with paragraphs 1, 2 or 3 of by-law

5, of payment of any expenses incurred by the Council. The amount of the fine shall be recoverable as a civil debt.

9. Where a person denies contravening the provisions of these By-laws such person may be charged under these By-laws and upon conviction be liable to a fine not exceeding \$100.00, plus in the case of a continuing offence \$5.00 per day, together with in the case of non-compliance of a notice served in accordance with paragraphs 1, 2 or 3 of by-law 5, payment of the whole or part of any such expenses incurred by the council and in default of payment, to imprisonment for 3 months.
