

[Legal Notice 59]

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

**THE MALAITA PROVINCE (SIKAIANA ATOLL) CONTROL OF PIGS
ORDINANCE 2005**

AN ORDINANCE

TO CONTROL AND REGULATE THE KEEPING OF DOMESTIC PIGS ON THE
FOUR ISLANDS OF SIKAIANA ATOLL IN MALAITA PROVINCE

Enacted by the Malaita Provincial Assembly

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| 1. | This Ordinance may be cited as the Malaita Province (Sikaiana Atoll) Control of Pigs Ordinance 2005. | Short Title |
| 2. | This Ordinance shall come into force after assent by the Minister in accordance with section 30(2) of the Provincial Government Act 1997 and subsequent publication in the Solomon Islands Gazette. | |
| 3. | In this Ordinance:
"Pigs" means any domestic pig not less than four months old.
"Province" means Malaita Province.
"Owner" means, in relation to any pig, the occupier of any premises on which, or around which, it is ordinarily kept or permitted to live and includes any person into whose care the pig may temporarily be placed or who may care for it.
"Village Committee" means a committee of not less than six members elected annually by a show of hands of the members of the community whose main task is to control and regulate the keeping of domestic pigs of Sikaiana Atolls in Malaita Province. | Definitions |
| 4. | Any owner who wilfully or negligently allows any pig to roam uncontrolled anywhere in the four islands of Sikaiana Atoll and in the case of a house or a village within twenty yards of such house (be it a dwelling or non-dwelling house) or village shall be guilty of an offence and shall be liable to a fine not exceeding one hundred dollars or in default to a term of imprisonment not exceeding four weeks and shall be liable for a continuing offence to a further penalty of twenty dollars for each day on which the | Pigs not allowed to roam and criminal penalties |

offence is continued after Written Notice of the offence has been served on the offender or in default of payment to a term of imprisonment not exceeding eight weeks.

5. Any owner who willfully or negligently allows any pig to roam uncontrolled anywhere in the four islands of Sikaiana Atoll or on the case of a house or a village within twenty yards of such house (be it a dwelling or non-dwelling house) or village upon notice (written or verbal) being given to him of such transgression by a member of the Village Committee, cause such transgression to be rectified within a period not exceeding twenty four hours from time such notice was given and in default thereof shall pay to the Village Committee a penalty of two dollars per day for each day the transgression continues thereafter PROVIDED THAT payment of such a penalty shall not prejudice any criminal proceedings under Section 4 of this Ordinance.

Pigs not Allowed to Roam and Civil penalties
6. Any owner who keeps a pig within or under any dwelling house or within twenty yards of any dwelling house in the four islands of Sikaiana Atoll shall be guilty of an offence and shall be liable to a fine not exceeding one hundred dollars or in default to a term of imprisonment not exceeding four weeks and shall be liable for a continuing offence to a further penalty of twenty dollars for each day on which the offence is continued after written notice of the offence has been served on the offender or in default of payment to a term of imprisonment not exceeding eight weeks PROVIDED THAT an owner shall not be guilty of an offence under this Section if it can be shown that the pig is permanently housed in a structure used only for the keeping of pigs and not used for human habitation and which is situated over salt water.

Pigs not to be Kept near or Under Dwellings and Defence for such transgression
7. The owner of any pig which causes damage to garden crops or other property in the four Islands of Sikaiana Atoll shall be guilty of an offence and shall be liable to a fine not exceeding one hundred or in default of payment to a term of imprisonment not exceeding four weeks PROVIDED THAT such a conviction shall be without prejudice to the right of the owner or owners of such garden crops or other property to take civil

Damages of garden by pigs An offence

proceedings for compensation in respect of the loss and damage suffered.

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| 8. | All monies paid as civil penalties under section 5 of this Ordinance shall be under the custody and control of the Village Committee who shall use such funds for purposes approved by the majority of the people residing on Sikaiana Atoll at any given time. | Use of civil penalties |
| 9.. | It shall be lawful for any police officer, medical officer, an area constable, any member of the Village Committee or any other officer or person so authorized by the Executive of the Province to make enquiries at any reasonable time in order to ascertain whether any breach of this Ordinance is being or has been committed. | Enquiry |
| 10. | Any person who obstruct or impedes any police officer, medical officer, area constable, any member of the Village Committee or authorized officer or person acting in the due exercise of their powers under this Ordinance shall be guilty of an offence and liable to a fine not exceeding two hundred dollars or in default of payment to term of imprisonment not exceeding eight weeks or to both such a fine and imprisonment. | Obstruction |
| 11. | In every proceeding arising out of or under this Ordinance every pigs shall be presumed to be over the age of four months and the burden of proof to the contrary shall rest upon the Defendant. | Evidence |
| 12. | The Malaita Province Control of Pigs, Ordinance 1995 shall cease to apply to the four Islands of Sikaiana Atoll upon the Malaita Province (Sikaiana Atoll) control of Pigs Ordinance 2005 coming into force in accordance with section 2 of this Ordinance. | |

Passed by the Malaita Provincial Assembly this eighth day of June, 2006

MATTHEW MAEFAI
Clerk to Assembly

Assented to by the Minister this twenty first day of July, 2006

HON. JAPHET WAIPORA
Minister of Provincial Government and Constituency Development