

CHAPTER 122

ROTUMA

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*Ordinances Nos. 9 of 1927, 2 of 1945, 9 of 1955, 4 of 1958, 19 of 1962, 5 of 1964,
22 of 1964, 37 of 1966, 17 of 1968, 34 of 1970*

AN ACT TO MAKE SPECIAL PROVISION FOR THE GOVERNMENT OF
ROTUMA AND ROTUMANS

[1st September, 1927.]

PART I—PRELIMINARY

Short title

1. This Act may be cited as the Rotuma Act.

Interpretation

2. In this Act, unless the context otherwise requires—
“Chairman” means the Chairman of the Council;
“Council” means the Council of Rotuma established by this Act;
(Inserted by 4 of 1958, s. 2.)
“District Chief” means a chief of a Rotuman district elected in accordance with Rotuman custom; *(Inserted by 4 of 1958, s. 2.)*
“District Officer” means the District Officer for Rotuma;
“District Officer’s Court” means the District Officer’s Court Rotuma;
“former Council” means the Council established by the Rotuma (Council) Regulations, 1939; *(Inserted by 4 of 1958, s. 2.)*
“Fund” means the Rotuman Development Fund established under the provisions of this Act; *(Inserted by 4 of 1958, s. 2.)*
“former Fund” means the Fund created by the former Council out of moneys received by the former Council from a cess on copra;
(Inserted by 4 of 1958, s. 2.)
“Rotuma” means the island of Rotuma and its dependencies, that is to say all islands, rocks, reefs and fisheries lying between the twelfth degree and the fifteenth degree of south latitude and between the one hundred and seventy-fifth degree and the one hundred and eightieth degree of east longitude from the meridian of Greenwich;
“Rotuman” means any person of Rotuman or part-Rotuman descent. If any dispute arises as to whether a person is or is not Rotuman the Council shall decide, but any person aggrieved by the Council’s decision may appeal to the Minister whose decision shall be final;
(Inserted by 4 of 1958, s. 2.)
“Rotuman community” means the indogenous inhabitants of Rotuma and also any Fijian resident on Rotuma. *(Inserted by 37 of 1966, s. 31.)*

Application to Rotuma of Acts of Fiji

- 3.—(1) Except in so far as Rotuma has been expressly excluded from the provisions thereof, all Acts are hereby declared to apply to Rotuma.
(Substituted by 37 of 1966, s. 31.)

(2) In applying any provisions of any Act to Rotuma such Acts shall be construed as containing any variations in respect of Rotuma made necessary by this Act or any other Act specially applicable to Rotuma.

(3) All Acts when applied to Rotuma shall be construed to apply only so far as the circumstances of the island and its inhabitants permit and all Acts shall be construed in relation to Rotuma with such verbal alteration not affecting the substance as may be necessary to render the same applicable to the matter before the Court, and the District Officer and any other officer having or exercising functions of a like kind or analogous to the functions of any officer referred to in any such Act shall be deemed to be within the enactments thereof relating to such last mentioned officer.

District Officer

4. It shall be lawful for the Minister from time to time to appoint any fit and proper person to be District Officer for Rotuma. (*Amended by 2 of 1945, s. 75.*)

PART II—DISTRICT OFFICER'S COURT

District Officer's Court

5. There shall be established for Rotuma a Court of Justice to be styled the District Officer's Court which shall consist of and be holden by the District Officer.

Jurisdiction of District Officer

6. The District Officer shall, *ex officio*, be a magistrate within Rotuma and shall, save as hereinafter set forth, have the same jurisdiction in all civil and criminal suits and matters as a second class magistrate.

(*Substituted by 2 of 1945, s. 75.*)

Seal of Court

7. The District Officer's Court shall have a seal bearing an impression of the Royal Arms with the inscription "District Officer's Court Rotuma" and all process issuing out of the said Court shall be stamped or sealed therewith.

Officers of Court

8. There shall be attached to and belong to the district Officer's Court such officers as to the Minister shall from time to time appear to be necessary for the administration of justice and the due execution of the powers and authorities with which the District Officer is hereby vested, and such officers shall have all the powers vested in a police officer by the laws of Fiji.

Accounts of fees, etc., to be kept

9. An account of all fees, forfeitures and money penalties levied or paid under the provisions of this Act shall be kept by the District Officer and the District Officer shall at such times as the Minister may direct forward a transcript of such account to the Auditor-General and shall pay into the Treasury at such times and in such manner as the Minister may direct all moneys received by him on account of such fees, forfeitures and penalties.

Note of evidence to be taken in English

10. A note of all evidence given in the District Officer's Court shall be taken by the District Officer in English.

Procedure in indictable cases. Charges to be in writing in prescribed form.

11.—(1) In all cases where a charge or complaint is made before the District Officer that any person has committed or is suspected to have committed any indictable offence within Rotuma or that any person guilty or suspected to be guilty of having committed such offence outside Rotuma is in Rotuma, such charge or complaint shall be made in writing as nearly as possible in the form laid down in the Second Schedule to the Criminal Procedure Code and the District Officer shall thereafter cause the accused person to be summoned or arrested in the manner provided by the said Code. (*Amended by 2 of 1945, s. 75.*) (Cap. 21.)

District Officer to try. Evidence to be taken in writing and read to witnesses.

(2) Thereafter the District Officer shall, except where the charge is in respect of an offence punishable by death, proceed to try the charge and at the trial shall, in his own handwriting, take down the evidence given upon oath or affirmation of all witnesses, and the evidence of each witness shall be read over and, if necessary, translated to the witness in every case and thereafter signed by the witness and interpreter as being a full and correct statement of the evidence attested by the District Officer as having been taken before him on the date of the trial.

(*Amended by 19 of 1962, s. 2.*)

Trial to be as before judge up to conclusion of evidence and addresses

(3) In all other respects the District Officer shall conduct the trial, and the procedure shall be as nearly as possible the same, as if the trial were for an offence being tried on information before a judge sitting alone in the Supreme Court until the conclusion of the evidence and of the addresses, if any, of the accused and of the prosecutor.

District Officer to dispatch record to Chief Justice

(4) Thereupon the District Officer shall adjourn the case and as soon as may be dispatch his notes of evidence and all documents and exhibits in the case which may reasonably be dispatched to the Chief Justice together with his recommendation and any comment upon the evidence he may wish to make, and during such adjournment, pending the decision of the case as hereinafter provided, may order that the accused be kept in confinement or admitted to bail and shall inform the Chief Justice accordingly.

Chief Justice may remit for further evidence

(5) The Chief Justice shall then consider the case thus presented to him and if he considers it necessary may instruct the District Officer to take any further evidence and such evidence shall then be taken in the same manner as evidence in the case which was previously taken and transmitted to the Chief Justice.

Chief Justice to record verdict and sentence on record except in capital offences

(6) If no further evidence is required, or on receipt of the further evidence (if any), the Chief Justice, having considered the case, shall state in writing at the foot of the record of the proceedings the verdict, and, if the verdict is "guilty", the sentence which to him shall seem just and is permitted by law and, shall return the record to the District Officer together with a warrant of commitment.

(*Amended by 19 of 1962, s. 2.*)

District Officer to reassemble and read verdict in open Court

(7) On receipt of the record completed as above the District Officer shall reassemble the Court. The verdict and sentence recorded by the Chief Justice shall be read by the District Officer to the accused in open court and if necessary translated to the accused and the fact certified by the District Officer upon the record.

Warrant to be executed

(8) All steps shall thereupon be taken to execute the warrant.

(9) Where the charge is in respect of an offence punishable by death the District Officer shall hold a preliminary inquiry in accordance with the provisions of Part VII of the Criminal Procedure Code and all the provisions of the Criminal Procedure Code as to committal for trial and trial by the Supreme Court including all matters connected therewith and incidental thereto shall apply: (Cap. 21.)

Provided that if the Supreme Court for reasons to be recorded in the minutes of the Court considers it to be in the interests of justice that the trial before the Supreme Court should be by a judge without assessors it may direct that the trial should be by a judge alone.

(10) If the Court directs that the trial shall be by a judge alone, the provisions of Part IX of the Criminal Procedure Code shall apply with such modifications as may be necessary or convenient to adapt them to a trial by a judge alone.

(Cap. 21.)

PART III—THE COUNCIL OF ROTUMA

Constitution of Council of Rotuma

12.—(1) There is hereby established a Council called the Council of Rotuma which shall consist of—

- (a) the chiefs of the seven Rotuma districts;
- (b) one representative from each of the Rotuma districts elected in accordance with the provisions of this Act;
- (c) as advisory members without any voting powers, the District Officer, the most senior Medical Officer, and the most senior Agricultural Officer resident on Rotuma:

Provided however they shall cease to be such members upon a resolution duly passed by the Council in that behalf.

(2) The Chairman of the Council shall be elected by secret ballot by those members of the Council who possess voting power.

(3) All matters decided by the Council other than the election of its Chairman shall be decided by a majority of those present in open vote.

(4) The Chairman shall at all times have, in addition to his deliberative vote, a casting vote in the case of the deliberative votes being cast equally.

(5) The Council may make rules not inconsistent with this Act governing its own procedure.

(6) The Chairman and any nine other members of the Council shall constitute a quorum. (*Inserted by 34 of 1970, s. 3.*)

Meetings of Council

13.—(1) Meetings of the Council shall be held not less frequently than once in each quarter upon a date and at a place to be fixed by the Chairman.

(2) The Chairman shall direct the order of proceedings at all meetings of the Council in such manner as he may deem best fitting for the due despatch of business.

(3) Members of the public shall not be admitted to meetings of the Council except at the express invitation of the Council.

(4) The Chairman may call a meeting at any time and shall call a meeting within seven days of being requested to do so by at least eight members of the Council.

(Section Inserted by 4 of 1958, s. 4, and amended by 34 of 1970, s. 4.)

Minutes to be kept

*14. The minutes of every meeting of the Council shall be kept by the Chairman who shall forward a copy of such minutes to the Minister.

Duties of Council

*15. It shall be the duty of the Council—

- (a) to consider all such questions relating to the good government and well-being of the Rotuman community in the island as may be directed by the Minister or may seem to them to require their attention;
- (b) to administer the Rotuman Development Fund established by this Act, and to carry out all such functions as may be required by law or necessary or desirable in connexion with such Fund.

Regulations

*16.—(1) The Council may make Rotuma Regulations to be obeyed by all members of the Rotuman community in Rotuma relating to the peace, order and good government of the Rotuman community and, without prejudice to the generality of the foregoing, relating to—

- (a) the keeping clean of Rotuma and the promotion of public health;
- (b) the social and economic betterment of the Rotuman community;
- (c) the performance of communal work by members of the Rotuman community and other communal activities of the Rotuman community;
- (d) the control of livestock on Rotuma;
- (e) the prevention or removal of public nuisances on Rotuma;
- (f) the care of children and aged persons;
- (g) the conservation of food supplies on Rotuma.

(2) Such regulations may impose penalties for the breach thereof not exceeding imprisonment for a term of four months or a fine of one hundred dollars or both such imprisonment and fine.

Aiding or abetting an offence

*17. Any person who aids or abets any member of the Rotuman community in committing a breach of any regulation made by the Councillor on who procures or attempts to procure or counsels or advises any act involving the breach or neglect of any regulation shall be liable on conviction to a fine not exceeding forty dollars or to imprisonment for any term not exceeding four months.

* Inserted by 4 of 1958, s. 4.

Election of District Chiefs

*18.—(1) District Chiefs shall continue to be elected in accordance with Rotuman custom as heretofore.

(2) The Minister may in his discretion by notice in the Gazette remove from office any District Chief.

(3) Where the Minister has removed from office the chief of any Rotuman district, a new election in accordance with Rotuman custom of a chief for such district shall be held as soon as possible.

(4) A person removed from office by the Minister shall not be eligible for re-election as District Chief without the consent of the Minister.

Election of representative

19.—(1) A representative of the Council, in this section referred to as a representative, in respect of each of the seven districts shall be elected by secret ballot.

(2) Any Rotuman of the age of twenty-one or over shall be entitled to vote in the election of the representative for the district in which such Rotuman habitually resides.

(3) A representative shall automatically retire after three years in office but may offer himself for re-election.

(4) The elections of representatives shall take place in each district during October of every third year. (*Amended by 34 of 1970 s. 6.*)

(5) Any person entitled to vote at an election of a representative of a district may, if nominated by four persons similarly qualified in respect of such district, be a candidate at an election of a representative for such district. Nomination as a candidate must be made not more than 14 days and not less than 4 days prior to the date fixed for the election.

(6) In the event of the death or resignation of a representative of a district during his term of office, a by-election shall be held. A representative elected at a by-election shall hold office for the period remaining of the term of office of the representative whom he replaces:

Provided that where a representative dies or resigns within three months of the date on which he was due to retire, the District Officer may, with the permission of the Minister, direct that no by-election shall be held in which case the representative shall be deemed to have died or resigned on the date on which he would normally have retired.

(7) Subject to the provisions of subsection (4), the District Officer shall fix the date when an election or by-election shall take place and, subject to the provisions of this Act, the procedure at any election or by-election shall be in accordance with his directions, which may include any direction necessary to give effect to the provisions of this section.

(8) For the purpose of avoiding doubt it is hereby declared that the provisions of subsections (1), (2), (3) and (5) shall also apply to by-elections.

(*Section substituted by 17 of 1968 s. 2.*)

Approval and commencement of regulations

*20.—(1) Subject to the provisions of subsection (2), regulations made by the Council shall not have effect unless and until they have been approved by resolution of Parliament.

(2) If the Chairman is of opinion that, having regard to the time that must elapse before a meeting of Parliament will be held, it is in the public interest so to do, he may grant provisional approval to any such regulations.

(3) Upon any regulation receiving approval or provisional approval as aforesaid, it shall be published in the Gazette and, unless it be otherwise provided therein, shall take effect and come into operation on the date of such publication.

(4) Every regulation provisionally approved by the Chairman shall be laid on the table at the next subsequent meeting of Parliament, and if Parliament at such meeting resolves that the regulation shall be annulled, the regulation shall forthwith be void, but without prejudice to the validity of anything previously done thereunder.

PART IV—ROTUMAN DEVELOPMENT FUND

Establishment of Rotuman Development Fund

*21.—(1) There is hereby established a Fund known as the Rotuman Development Fund.

(2) The Fund shall consist of—

- (a) all moneys, investments, securities or other property comprising the former Fund at the commencement of this Act;
- (b) any cess paid to the Council in accordance with the provisions of this Act;
- (c) any income accruing to the Fund from placing on deposit, investing or otherwise dealing with the moneys in the Fund in any manner authorised by this Act.

Rights and obligations of former Council in former Fund to vest in the Council

*22. All rights liabilities and obligations in respect of the former Fund which immediately before the commencement of this Act were rights, liabilities and obligations of the former Council shall by virtue of this Act become rights, liabilities and obligations of the Council.

Validation of former Fund

*23. It is hereby declared that all moneys heretofore received by the former Council in respect of any cess levied on copra were properly and validly so received as if the said cess had been validly and lawfully imposed, and the former Council and every person from time to time being a member thereof are acquitted, discharged and indemnified against all and every person from all legal proceedings of any kind whatsoever in connection with the imposition or collection of such cess.

Objects of Fund

24. The object of the Fund shall be the promotion of the development, welfare and advancement of Rotumans. Subject to the payment of expenses properly incurred by the Council in the management and control of the Fund or in connexion with the imposition and recovery of any cess, the whole of the Fund shall be expended for purposes directed exclusively towards the aforesaid objects, and may be expended outside as well as inside Rotuma.

(Substituted by 22 of 1964, s. 2.)

*Inserted by 4 of 1958, s. 4.

Administration of Fund

25. Subject to such other directions as may be made by the Minister, the Fund shall be managed and controlled by the Council and the following provisions shall have effect with respect to such management and control:—

- (a) estimates of the revenue and expenditure of the Fund for the following year shall be submitted annually before the first day of October in the preceding year, to the Minister responsible for finance for approval, and no expenditure out of moneys in the Fund shall take place except in accordance with such approved estimates unless the special authority of such Minister shall first have been obtained;
- (b) the Council shall cause to be kept proper books of account relating to its management and control of the Fund and shall cause details of all moneys received and expended including administration expenses to be entered correctly in such books which books shall be kept separately from any other books of account kept by the Council;
- (c) any moneys in the Fund may be invested in such manner as the Council may, with the prior approval of the Minister responsible for finance, from time to time, either generally or in any particular case, determine;
- (d) such part of the moneys of the Fund as is not for the time being invested in pursuance of the provisions of paragraph (c) shall be paid into a bank or banks to be selected by the Council and every cheque or order for payment on such bank or banks shall be signed by such person or persons as shall be prescribed by the Minister by rules made under the provisions of this Act:

Provided that the Clerk of the Council shall be entitled to retain in cash a sum not exceeding such sum as may from time to time be prescribed, for the purpose of making payments from the Fund;

(Amended by 34 of 1970 s. 8.)

- (e) the Council shall not later than the 30th day of June in each year submit to the Minister a report on the operations of the Fund during the year ending on the 31st day of December immediately preceding.

(Substituted by 22 of 1964, s. 3.)

Imposition of cess

*26.—(1) The Council shall have power to impose a cess to be paid by all Rotuman producers upon primary produce produced by them in Rotuma:

Provided that no primary produce which is the property of a religious missionary organization shall be subject to the imposition of cess.

(2) The rate of such cess shall not exceed ten per cent of the purchase price payable to the producer for the sale of such produce. The Council shall have power to vary the rate of such cess from time to time, but any cess imposed under the provisions of this section shall remain in force until so varied.

(3) Any cess imposed under this section shall be paid to the Council or its agent by the producer of the produce to which it relates, without demand and within fourteen days of the sale of such produce. If not so paid the cess shall be recoverable in any manner provided by law for the recovery of civil debts.

*Inserted by 4 of 1958, s. 4.

- (4) For the purposes of this section primary produce means—
- (a) copra,
 - (b) cocoa beans,
 - (c) such other agricultural or marine produce as may be specified by the Minister by notice in the Gazette.

The Fund to be exempt from income tax

*27. The former Fund and the Fund shall be exempt from income tax, and the former Fund shall be deemed always to have been so exempt.

PART V—ROTUMA AGRICULTURAL AND INDUSTRIAL LOAN FUND

Rotuma Agricultural and Industrial Loan Fund

28.—(1) The Council may establish a fund which shall be called the Rotuma Agricultural and Industrial Loan Fund which shall be operated, controlled, invested and expended in accordance with the provisions of this Act.

(2) The total amount of moneys paid by the Council into the Rotuma Agricultural and Industrial Loan Fund from the Fund shall not exceed twenty thousand dollars. (*Amended by 34 of 1970 s. 9.*)

(3) The Council may loan moneys from the Rotuma Agricultural and Industrial Loan Fund to any Rotuman for such agricultural and industrial purposes, and upon and subject to such conditions, as the Council, with the prior agreement of the Minister responsible for finance, may from time to time determine.

(4) The manner of applying for such loans and all questions of procedure shall be decided by the Council.

(5) All loans made by the Council from the Rotuma Agricultural and Industrial Loan Fund shall be recoverable at the suit of the Council.

(*Section inserted by 22 of 1964, s. 4.*)

PART VI—GENERAL

Audit of accounts

29. The accounts of the Council including those of the Fund and of the Rotuma Agricultural and Industrial Loan Fund shall be audited from time to time as the Minister responsible for finance may direct by an auditor to be appointed or approved by the Minister responsible for finance and the audited accounts together with the auditor's report thereon shall be submitted to the Minister responsible for finance within three months of any such audit.

(*Inserted by 22 of 1964, s. 4.*)

Saving

30. The Rotuma Native Regulations lawfully made under the provisions of this Act prior to the establishment of the Council shall continue to have effect but may be amended or revoked by regulations made under the provisions of this Act.

(*Substituted by 37 of 1966, s. 31.*)

Controlled by Office of the Prime Minister

*Inserted by 4 of 1958, s. 4.

CHAPTER 122

ROTUMA

SECTION 16.—ROTUMA (BURIAL) REGULATIONS

Regulations 4th Sept., 1939 [in force 8th March, 1940], 28th May, 1964 [in force 13th Nov., 1964]

Made by the Rotuma Council and approved by the Legislative Council

Short title

1. These Regulations may be cited as the Rotuma (Burial) Regulations.

Cemeteries

2. The places in Rotuma where the dead may be buried (hereinafter referred to as cemeteries) shall be determined by and be under the control and supervision of the Council. (*Substituted by Regulations 28th May, 1964.*)

Cemetery boundaries

3. The boundaries of such cemeteries shall be marked in a suitable manner. (*Amended by Regulations 28th May, 1964.*)

Depth of graves

4. All graves shall be excavated to a depth of not less than four feet.

Finding of dead body

5. Any person who finds a dead body shall forthwith report the fact to the chief of the district who shall thereupon examine the body and report the result to the medical officer and the District Officer, and the District Officer shall give permission in writing for the body to be buried.

Building inside burial ground

6. The erection of any dwelling-house within the boundaries of a cemetery in use is hereby prohibited. (*Inserted by Regulations 28th May, 1964.*)

Re-opening of graves

7. No grave shall be re-opened for the purpose of burying an other body until the expiry of ten years from the date of the earlier burial. (*Inserted by Regulations 28th May, 1964.*)

Penalty

8. Any person contravening the provisions of these Regulations shall be liable to a fine not exceeding ten dollars and in default to imprisonment not exceeding two months.

SECTION 16.—ROTUMA (EMIGRATION) REGULATIONS

*Regulations 4th Sept., 1939 [in force 8th March, 1940]**Made by the Rotuma Council and approved by the Legislative Council**Short title*

1. These Regulations may be cited as the Rotuma (Emigration) Regulations.

Permission to emigrate

2. No Rotuman may leave Rotuma without the permission of the District Officer.

Provision to be made for family

3. No male adult responsible for the maintenance of his wife, children, or relatives may leave Rotuma without making adequate provision for the maintenance of the said wife, children, or relatives to the satisfaction of the District Officer.

Penalty

4. Any person contravening or attempting to contravene the provisions of these Regulations shall be liable to a fine not exceeding two dollars and in default to imprisonment for a period not exceeding fourteen days.

SECTION 16.—ROTUMA (DESTRUCTION OF TREES) REGULATIONS

*Regulations 4th Sept., 1939 [in force 8th March, 1940]**Made by the Rotuma Council and approved by the Legislative Council**Short title*

1. These Regulations may be cited as the Rotuma (Destruction of Trees) Regulations.

Destruction of trees near the beach

2. Any person who cuts down useful trees within 100 yards of the beach without the consent of the District Officer shall be liable to a fine not exceeding two dollars and in default to imprisonment for a period not exceeding two weeks.

"Useful trees" defined

3. For the purpose of these Regulations "useful trees" are defined as "hefau", "pinau", "toa", "niu", "ifi", and "ulu".

SECTION 16.—ROTUMA (GAMBLING) REGULATIONS

*Regulations 4th Sept., 1939 [in force 8th March, 1940]**Made by the Rotuma Council and approved by the Legislative Council**Short title*

1. These Regulations may be cited as the Rotuma (Gambling) Regulations.

Penalty for gambling

2. Any person who plays any game for money or for property or for anything representing money or property whether with cards or with any contrivance used for any such purpose shall be liable on conviction to a fine not exceeding two dollars or to imprisonment for a period not exceeding two weeks.

SECTION 16.—ROTUMA (CONTROL OF STOCK) REGULATIONS

Regulations 4th Sept., 1939 [in force 8th March, 1940], 8th Dec., 1960 [in force 21st April, 1961] and 28th May, 1964 [in force 13th Nov., 1964]

Made by the Rotuma Council and approved by the Legislative Council

Short title

1. These Regulations may be cited as the Rotuma (Control of Stock) Regulations.

Definition

2. For the purposes of these Regulations the term "pigs" shall not include young pigs of less than six months of age.

Pig at large may be killed

3. Any person who finds a pig at large may kill it and any person who kills a pig as above sanctioned shall, if he knows the owner, tell him to remove the carcass; if, however, he cannot ascertain who is the owner, he may eat the carcass.

Failure to inquire for owner

4. Any person who, having killed a pig as above sanctioned, eats the same without making reasonable inquiry as to the ownership of such pig shall, on complaint of the owner, pay to such owner the value of the pig or such compensation as the court may award.

Restriction on keeping of pigs

5. All pigs shall be kept within fences not less than four feet high. No enclosure for keeping pigs shall, with effect from the first day of January, 1965, be built within two hundred yards of any dwelling. Any person erecting a pig fence within two hundred yards of any dwelling may be ordered to remove the same by the District Officer and in addition shall be liable to any fine or penalty provided in these Regulations. It shall be the duty of any person owning pigs to ensure the cleanliness of the pens and good condition of the fences. Each pen shall have a suitable shed for shelter.

(Amended by Regulations 8th December, 1960, and 28th May, 1964.)

Compensation for damage and impounding of animals

6. Horses, goats and cattle found at large may be impounded and any person whose property has been injured by horses, goats, cattle or pigs may recover damage from the owner of the animal.

(Amended by Regulations 28th May, 1964.)

Penalty

7. Any person who contravenes or fails to comply with any provision of these Regulations shall on conviction be liable to a fine not exceeding two dollars and in default to imprisonment for any period not exceeding one month.

SECTION 16.—ROTUMA (PUBLIC HEALTH) REGULATIONS

Regulations 4th Sept., 1939 [in force 8th March, 1940], 8th Dec., 1960 [in force 21st April, 1961], 29th May, 1964 [in force 13th Nov., 1964], 2nd Sept., 1966

Made by the Rotuma Council and approved by the Legislative Council

Short title

1. These Regulations may be cited as the Rotuma (Public Health) Regulations.

PART I.—DWELLING-HOUSE

Houses to be above ground

2. The floor level of every dwelling-house shall be not less than one foot above the ground. (*Substituted by Regulations 28th May, 1964.*)

Flooring of houses

3. Every dwelling-house shall be provided with either a wooden floor or a concrete floor or a floor upon which coral or shingle has been laid. In the case of a coral or shingle covered floor, coconut leaves and mats shall be used as additional covering. (*Substituted by Regulations 28th May, 1964.*)

Refuse not to be used for filling

4. No refuse shall be used in filling in any house foundation.
(*Amended by Regulations 28th May, 1964.*)

Kitchen

5. Every dwelling shall be provided with kitchen accommodation which, if separate from the dwelling-house, shall not be less than twelve feet long and eight feet wide with walls not less than five feet high.
(*Amended by Regulations 8th December, 1960, and 28th May, 1964.*)

Land to be kept clean

6. It shall be the duty of the owners or occupiers of land within any village at all times to keep such land clean and free from weeds, rubbish and offensive matter.

Latrine

7. Every dwelling-house shall be provided with a latrine and no latrine shall be erected within thirty feet of any dwelling-house or road or in any other place to which the medical officer may object. No latrine may be constructed on a beach except with the express prior approval of the medical officer.
(*Amended by Regulations 28th May, 1964.*)

Specifications for latrine

8. Each latrine shall have a floor area of not less than twelve square feet being provided with a removable pan or being built over a pit over which a concrete slab or wooden seat adequately covered and fly-proofed shall be placed.

(Substituted by Regulations 28th May, 1964.)

Specifications for dwelling-house

9. Every dwelling-house shall have at least two doors and two windows and shall be not less than twenty-four feet long and fifteen feet wide with walls not less than five feet high. *(Substituted by Regulations 28th May, 1964.)*

Erection of dwelling-houses

10. No person shall erect a dwelling-house without the prior approval of the chief of the district in which it is proposed that the dwelling-house shall be erected and, before approval shall be given by such chief to the proposed erection, he shall consult with the medical officer.

(Substituted by Regulations 28th May, 1964.)

Penalty

11. Any person who fails to carry out any order so given to him or who fails to comply with any of the provisions of this Part shall be liable on conviction to a fine not exceeding four dollars and in default to imprisonment for any period not exceeding one month.

PART II—SANITATION

Food plantations

12. There shall be no food plantations within any village.

Bush and scrub

13. All bush and scrub shall be cleared for a distance of at least twenty yards, round every village.

Space round dwelling-house

14. There shall be a free and unobstructed space between the sides and backs of all dwelling-houses of not less than twenty feet.

Guttering

15. All houses roofed with material other than thatch shall be provided with guttering which shall be so constructed that water can flow freely into the down-pipes. Gutters and down-pipes shall be kept in good repair and free from obstruction.

Mosquito control

16. Every occupier of premises on which is situated any barrel, tank or cistern, or other receptacle for the collection or storage of water shall fit such receptacle with a sufficient cover or screen so as to prevent the ingress of mosquitoes and shall at all times maintain the said barrel, tank, cistern or other receptacle in a clean condition to the satisfaction of the District Officer or medical officer.

Surface drains

17. In every village such drains shall be provided for carrying off surface water from any part of such village as the District Officer or medical officer may think fit.

Penalty

18. Any person who fails to comply with any of the provisions of this Part shall be liable on conviction to a fine not exceeding four dollars and in default to imprisonment for any period not exceeding one month.

PART III—INFECTIOUS DISEASES*"Infectious disease" defined*

19. In this Part, "infectious disease" means cholera, plague, yellow fever, small-pox, diphtheria, typhoid fever, croup, puerperal fever, dysentery, pulmonary tuberculosis, measles, mumps, whooping-cough, venereal disease and any other disease which the Minister may see fit by order to declare temporarily or permanently to be an infectious disease within the meaning of this Part.

Notification of infectious disease

20. All infectious diseases shall be at once notified, in the case of a sick child by the parent or guardian and in the case of a sick adult by the householder in whose house the illness occurs or by any other adult inmate of the house, to the medical officer, who shall inform the District Officer.

Isolation of person suffering from infectious disease

21. The District Officer or medical officer shall have power to order the isolation or removal to hospital of persons suffering from any infectious disease and no person so isolated or removed to hospital shall leave or be taken from the place where he has been isolated or leave the hospital or be taken from it unless ordered to do so by the medical officer.

Isolation of person who has been in contact with infectious disease

22. Any person who has been in contact with a person suffering from any infectious disease or who is known to have rendered himself liable in any other way to infection by any infectious disease shall, if so ordered by the medical officer, remain in his town or in such place as the medical officer may direct for such period not exceeding fourteen days as the medical officer may direct.

Destruction of infected house or article

23. The District Officer or medical officer may order the removal, disinfection or destruction of houses or anything therein that has been exposed to infection.

Children with disease

24. No person, being the parent or having the care of a child who is or has been suffering from infectious disease, shall permit the child to attend school unless the child has been certified to be free from infection by the medical officer.

Body to be removed for burial only

25. If any person shall die from any infectious disease in any hospital or place of isolation for the sick, the body shall not be removed from the hospital or place of isolation aforesaid, except for the purpose of immediate burial, without the authority of the medical officer in charge.

Restriction on custom

26. When a person dies from an infectious disease, the custom of kissing or handling the body more than is absolutely necessary is prohibited.

Burial to be without delay

27. There shall be no delay in the burial of bodies after death from infectious disease. The District Officer or medical officer shall have power to order the immediate burial of bodies of persons who have died from infectious disease and to direct where such bodies shall be buried. Any person who, being responsible for the burial of any such body, refuses or neglects to comply with any such order as aforesaid shall be guilty of a breach of these Regulations.

Quarantine of area

28. The District Officer or medical officer may order any locality or district to be quarantined or isolated if in his opinion the spread of any infectious disease can thereby be checked and any persons entering or leaving such locality or district against the orders of the District Officer or the medical officer shall be guilty of a breach of these Regulations.

Penalty

29. Any person who knowingly commits a breach of any of the provisions of this Part shall be liable on conviction to a fine not exceeding forty dollars or in default of payment to imprisonment for any period not exceeding four months.

SECTION 16.—ROTUMA (MAINTENANCE) REGULATIONS

Regulations 4th Sept., 1939 [in force 8th March, 1940]

Made by the Rotuma Council and approved by the Legislative Council

Short title

1. These Regulations may be cited as the Rotuma (Maintenance) Regulations.

Penalty for failure to maintain family

2. Any person liable by any law or custom of Rotuma to provide for, protect or maintain his wife, child, family or any other person under his protection, guardianship, guidance or control, who neglects or refuses to do so, shall be liable for a first offence to a fine not exceeding ten dollars or to be imprisoned for any period not exceeding three months and for any subsequent offence to a fine not exceeding twenty dollars or to be imprisoned for any period not exceeding four months. The court shall have the power to order that the whole or any part of the fine shall be paid to the person who has maintained the wife, child, family, or other person.

Penalty for failure to maintain in accordance with custom

3. Any person upon whom by the law or custom of Rotuma the duty is cast to take care that provision, protection or maintenance is made or afforded, who neglects that duty, shall be liable upon conviction to a fine not exceeding four dollars and in default to imprisonment for a period not exceeding one month.

SECTION 16.—ROTUMA (TRESPASS) REGULATIONS

Regulations 4th Sept., 1939 [in force 8th March, 1940]

Made by the Rotuma Council and approved by the Legislative Council

Short title

1. These Regulations may be cited as the Rotuma (Trespass) Regulations.

Penalty for trespass

2. Every person shall on conviction before the District Officer in each of the following cases be liable to a fine not exceeding forty dollars and in default of payment to be imprisoned for any period not exceeding three months:—

- (a) if he shall contrary to the order of the Minister or District Officer enter into the occupation of any land the tenure of which is vested in any Rotuman "kainaga" unless he shall prove that he is a member of such "kainaga";
- (b) if he shall contrary to the order of the Minister or District Officer become a resident in any Rotuman village unless he shall prove that he is a member of a "kainaga" of such village;
- (c) if he is found in the occupation of any land the tenure of which is vested in any "kainaga" of which he is not a member of residing in a Rotuman village not being the town of a "kainaga" of which he is a member and being warned by the Minister or District Officer or some person authorised by the District Officer to depart therefrom he for the space of seven days neglects or refuses to do so.

Removal of effects of trespasser

3. Every person convicted of an offence against any of the paragraphs of regulation 2 in addition to any penalty he may thereby incur may on the warrant of the District Officer, which may be in the form in the Schedule, be removed (if need be by force) from any land or village to which the provisions of such regulation apply, and where any person is convicted of an offence against paragraph (c) of regulation 2 any building or portion thereof which any such person may have erected on any land or in any village to which the paragraph applies and which at the date of such conviction may be on such land or in such village shall be forfeited to Her Majesty and may be pulled down, destroyed or otherwise dealt with as the Minister may direct.

SCHEDULE

To all Police Officers.

Whereas it has been shown to me that the following persons, namely
are unlawfully upon the lands (*or*, in
the Rotuman village) called situated at

I do therefore command you to remove the said
from the said land (*or* village).

Date:

SECTION 16.—ROTUMA (COCONUT PLANTATION)
REGULATIONS

Regulations 4th Sept., 1939 [in force 8th March, 1940], 28th May, 1964 [in force 26th June, 1964]

Made by the Rotuma Council and approved by the Legislative Council

Short title

1. These Regulations may be cited as the Rotuma (Coconut Plantation) Regulations.

Weeding

2. During such periods as the Council shall annually, by resolution, order a general clearing of weeds and bush between the trees of coconut plantations is to be carried out and completed during the said periods by all owners of plantations and all those who have family claims on such plantations.

(Amended by Regulations 28th May, 1964.)

Extent of weeding

3. During such clearing periods all weeds and bush between the coconut trees shall be cut to ground level. *(Amended by Regulations 28th May, 1964.)*

Persons to assist in weeding

4. Every able-bodied man between the ages of sixteen and sixty years who is the owner of a coconut plantation or who has by family rights a claim on the said plantation shall assist in this general clearing.

Coconut husks to be burnt or buried

5. Unless the District Officer shall otherwise order, all coconut husks shall be burnt or buried. *(Inserted by Regulations 28th May, 1964.)*

Penalty

6. Every person who contravenes or fails to comply with any provision of these Regulations shall on complaint of the chief of his district be liable on conviction to a fine not exceeding four dollars and in default to imprisonment for any period not exceeding six weeks.

SECTION 16.—ROTUMA (PRIMARY SCHOOLS)
REGULATIONS

Regulations 4th Sept., 1939 [in force 8th March, 1940], 8th Dec., 1947, 19th Sept., 1950, 2nd Sept., 1966

Made by the Rotuma Council and approved by the Legislative Council

Short title

1. These Regulations may be cited as the Rotuma (Primary Schools) Regulations.

Conduct of schools

2. Schools shall be conducted in accordance with the provisions of any Act for the time being in force in Fiji relating to education in so far as such provisions are applicable to schools in Rotuma.

Ages for admission to and for leaving school

3. No child under the age of five years shall be admitted to any school. No pupil shall be allowed to remain at school after the end of the school year in which he reaches the age of sixteen years in schools for boys or for girls only, or the age of fifteen years in mixed schools, provided that the above age limits may be extended in individual cases with the approval of the District Officer.

Compulsory attendance

4.—(1) It shall be compulsory for every child between the ages of six and fourteen years to attend school regularly.

(2) It shall be the duty of the parent or guardian of every child to see that such child regularly attends school unless the District Officer is satisfied that—

(a) the child is under efficient instruction elsewhere; or

(b) the child is prevented from attending school by sickness or other unavoidable cause.

(3) A child's attendance at school shall not be deemed regular for the purposes of this regulation unless the number of the child's attendances at school during the calendar month attains seventy-five per cent of the total number of morning and afternoon meetings of the school.

(4) Every parent or guardian of every child who refuses or neglects to send such child regularly to school shall be liable on conviction on the information of the head teacher of the school or the chief of the district in which the said parent or guardian resides, to a fine not exceeding four dollars and in default of payment to imprisonment for a period not exceeding six weeks.

(Amended by Regulations 2nd September, 1966.)

Attendance register

5.—(1) In every school an attendance register shall be kept and in the keeping of these registers the instructions issued by the Permanent Secretary for Education shall be strictly followed.

(2) No child shall be removed from the attendance register of a school and entered in the attendance register of another school in Rotuma without the consent in writing of the District Officer being first obtained, and any parent or guardian

who removes a child from a school without having obtained the said consent in writing shall, on the information of the head teacher of the school, be liable to be brought before the District Officer's Court, and the said court may make an order for the return of the child to the school first attended. If after any such order for the return of any child as aforesaid, the parent or guardian shall continue to keep the child at another school, he shall be liable, on the information of the head teacher of the school first attended, on conviction to a fine not exceeding two dollars and in default of payment to imprisonment for a period not exceeding fourteen days.

(Amended by Regulations 2nd September, 1966.)

Fees

6.—(1) The parent or guardian of every child attending the assisted primary schools at Motusa, Paptea and Malhaha shall pay to the head teacher of the school which the child attends at such times as the Council of Rotuma may direct a fee of two dollars each half year in respect of each child attending school, and any parent or guardian who shall refuse or neglect to pay such fee on or before the date fixed for payment by the Council of Rotuma shall in addition to the payment of the fee be liable on conviction on the information of the head teacher of the school to a fine not exceeding two dollars and in default of payment to imprisonment for a period not exceeding one month:

Provided that when more than two children dependent on the same parent or guardian attend the same school the District Officer may, on the application of such parent or guardian, reduce the fee payable in respect of each child to one dollar fifty cents.

(Substituted by Regulations 8th December, 1947, and amended by Regulations 19th September, 1950.)

(2) All fees shall be paid by the head teachers to the District Officer who shall credit them to the Rotuma Schools Deposit Account and shall be used for the payment of assistant teachers and the maintenance and equipment of the said schools.

(3) It shall be lawful for the Council of Rotuma on the application of any parent or guardian to remit wholly or in part any fees payable under this regulation.

Controlled by Office of the Prime Minister.