

SUPPLEMENT to the British Solomon Islands Protectorate Gazette

Monday, 19th August 1974

B.S.I.P. No. 14

[Legal Notice No. 41]

STATUTORY INSTRUMENTS

1974 No. 1262

Rm 4133/75 p. 40

PACIFIC ISLANDS *Coming into operation 27 August***The British Solomon Islands Order 1974** *except s. 1, 2, 9 and 66, 67, Schedule W/40/74 p. 13*

<i>Made</i>	25th July, 1974
<i>Laid before Parliament</i>	31st July, 1974
<i>Coming into Operation</i>	
<i>Sections 1, 2 and 9 of the Order</i>	21st August, 1974
<i>Sections 66, 67 and 68 of the Schedule</i>	On a day to be appointed under section 4(2)
<i>Remainder of the Order and the Schedule</i>	On a day to be appointed under section 1(2)

At the Court at Buckingham Palace, the 25th day of July 1974.

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers in that behalf by the Foreign Jurisdiction Act 1890(a), sections 88, 737 and 738 of the Merchant Shipping Act 1894(b), section 8 of the Geneva Conventions Act 1957(c), section 11 of the Merchant Shipping (Liability of Shipowners and Others) Act 1958(d), sections 17 and 20 of the Fugitive Offenders Act 1967(e) or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1.—(1) This Order may be cited as the British Solomon Islands Order 1974. Citation and commencement.

(2) This Order shall be published in the Gazette and shall come into operation on such day (in this Order referred to as "the appointed day") as the Governor, in his discretion, by proclamation published in like manner shall appoint, which day shall not be earlier than the day when this Order is so published nor earlier than 21st August 1974:

(a) 1890 c. 37.
(d) 1958 c. 62.

(b) 1894 c. 60.
(e) 1967 c. 68.

(c) 1957 c. 52.

Provided that this section and sections 2 and 9 of this Order shall come into operation on 21st August 1974.

Interpretation.

2.—(1) In this Order—

“the existing Orders” means the British Solomon Islands Order 1970(f) as amended by the British Solomon Islands (Amendment) Order 1972(g);

“the Constitution” means the Constitution set out in the Schedule to this Order;

“the Governing Council” means the Governing Council established by the British Solomon Islands Order 1970;

“the High Commissioner” means Her Majesty’s High Commissioner for the Western Pacific.

(2) References in this Order to “the Governor” shall be construed, in relation to any period before the appointed day, as references to the person holding the office of High Commissioner or to any person who is for the time being authorised to perform the functions of that office.

(3) Unless the context otherwise requires, expressions used in sections 1 to 13 (inclusive) of this Order have the same meaning as in the Constitution and the provisions of section 69 of the Constitution shall apply for the purposes of interpreting those sections as they apply for interpreting the Constitution.

Revocations.

3. The existing Orders are revoked with effect from the appointed day.

Establishment of Constitution.

4.—(1) Subject to the provisions of this section, the Constitution shall come into effect in the British Solomon Islands Protectorate on the appointed day.

(2) The provisions of sections 66, 67 and 68 of the Constitution (which relate to the Public Service Commission) shall come into effect on such day after the appointed day as the Governor, acting in his discretion, shall by notice in the Gazette appoint.

Adaptation of existing laws.

5.—(1) Subject to the following provisions of this section, the existing laws shall, as from the appointed day, be construed with such adaptations and modifications as may be necessary to bring them into conformity with the provisions of the Constitution.

(2)(a) The Governor, acting in his discretion may, by order published in the Gazette, at any time within twelve months after the appointed day, provide that any existing law shall be read and construed with such adaptations and modifications as may appear to him to be necessary or expedient for bringing that law into conformity with the provisions of the Constitution or otherwise for giving effect or enabling effect to be given to those provisions; and any existing law shall have effect accordingly from such date as may be specified in the order.

(b) An order made under this subsection may be amended or revoked in relation to any law affected thereby by the authority competent to amend or revoke that law.

(f) S.I. 1970/482 (1970 I, p. 1607).

(g) S.I. 1972/959 (1972 II, p. 2982).

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(3) In any existing law any reference to the High Commissioner shall in its application to the Protectorate be construed as a reference to the Governor, and any reference to the Chief Secretary shall be construed as a reference to the Deputy Governor:

Provided that the provisions of this subsection shall not apply to references to the High Commissioner in the Western Pacific (Courts) Order in Council 1961(a), as amended (b).

(4) Without prejudice to the generality of the preceding subsection, the Emergency Powers Order in Council 1939(c), as amended (d), shall be amended by deleting paragraph (b) of section 2(1).

6.—(1) Any office constituted, or deemed to be constituted for the Protectorate by the High Commissioner under section 6 of the British Solomon Islands Order 1970 and subsisting immediately before the appointed day shall, on and after that day, be deemed to be an office constituted by the Governor under section 24 of the Constitution. Existing offices and officers.

(2) Any person who, immediately before the appointed day, holds or is acting in any such office or any public office otherwise constituted, shall, on and after that day, continue to hold or to act in his office as if he had been appointed to it in accordance with the provisions of the Constitution.

(3) Any person to whom the last foregoing subsection applies who, before the appointed day, has made any oath required to be made by him before assuming the functions of his office shall not, by reason only of that subsection, be required to make a like oath.

7. Notwithstanding the revocation by this Order of the British Solomon Islands Order 1970— Governing Council and Governor's interim power to make laws.

(a) the Governing Council shall, until such time as the Council of Ministers has been constituted under section 27 of the Constitution, continue on and after the appointed day to exist as if the provisions of Part III of that Order were still in force and shall perform its functions and be consulted by the Governor in accordance with the provisions of that Order and of any Instructions given under Her Majesty's Sign Manual and Signet; and

(b) subject to the provisions of this Order, the Governor may make laws for the peace, order and good government of the Protectorate during the period beginning with the appointed day and ending when the Legislative Assembly first sits.

8. Any electoral regulations made and subsisting immediately before the appointed day shall have effect on and after that day as if they were a law made under the Constitution, but may thereafter be amended or revoked by regulations made by the Governor or by a law made under the Constitution. Electoral regulations.

(a) S.I. 1961/1506 (1961 II, p. 3066).

(b) S.I. 1966/1183, 1967/586, 1970/1435, 1971/715 (1966 III, p. 3071; 1967 I, p. 1791; 1970 III, p. 4684, 1971 II, p. 1933).

(c) See S.I. 1952 I, p. 621.

(d) The relevant amending instruments are S.I. 1956/731; 1963/88 (1956 I, p. 512; 1963 I, p. 105).

Regulations for election of Chief Minister.

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9.—(1) Subject to the provisions of this section, the High Commissioner may, at any time before the appointed day, make regulations for giving effect to the provisions of section 28(1) of the Constitution and such regulations may be expressed to come into effect at any time after they are made.

(2) No regulations may be made under this section unless they have been approved in draft by the affirmative vote of two-thirds of all the elected members of the Governing Council.

(3) No election may be held in accordance with regulations made under this section until the appointed day.

(4) Any regulations made under this section shall be deemed to have been made under section 28(1) of the Constitution.

First elected members of the Legislative Assembly.

10. Any person who, immediately before the appointed day, is an elected member of the Governing Council shall be deemed to have been elected as a member of the Legislative Assembly established by the Constitution.

Rules of procedure of Legislative Assembly.

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11. The Governor may, at any time before the Legislative Assembly first sits, make any rules and orders which the Assembly is empowered to make under section 54 of the Constitution and any rules and orders so made shall be deemed to have been made by the Assembly under that section.

Fundamental rights and freedom.

12. Until the expiration of a period of twelve months commencing with the appointed day, nothing contained in any law made before the appointed day shall be held to be inconsistent with any of the provisions of sections 9, 10, 11, 12 or 13 of the Constitution, and until the expiration of that period nothing done under the authority of any such law shall be held to be done in contravention of those sections.

Power reserved to Her Majesty.

13. Nothing in this Order shall affect the power of Her Majesty in Council to make laws from time to time for the peace, order and good government of the Protectorate.

N.E. Leigh

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**THE CONSTITUTION OF THE BRITISH SOLOMON
ISLANDS PROTECTORATE**

ARRANGEMENT OF SECTIONS

CHAPTER I

PROTECTION OF FUNDAMENTAL RIGHTS AND FREEDOMS
OF THE INDIVIDUAL*Section*

1. Fundamental rights and freedoms of the individual.
2. Protection of right to life.
3. Protection of right to personal liberty.
4. Protection from slavery and forced labour.
5. Protection from inhuman treatment.
6. Protection from deprivation of property.
7. Protection for privacy of home and other property.
8. Provisions to secure protection of law.
9. Protection of freedom of conscience.
10. Protection of freedom of expression.
11. Protection of freedom of assembly and association.
12. Protection of freedom of movement.
13. Protection from discrimination on the grounds of race, etc.
14. Provision for periods of public emergency.
15. Enforcement of protective provisions.
16. Interpretation and savings.

CHAPTER II

THE GOVERNOR

17. The Governor, his functions and emoluments.
18. Publication of commission and making of oaths.
19. Office of Deputy Governor.
20. Succession to Government.
21. Discharge of Governor's functions by Deputy Governor.
22. Governor to consult the Council of Ministers.
23. Governor may act against advice of the Council of Ministers.
24. Governor's powers as respects offices.
25. Prerogative of mercy.
26. Public seal.