

[Legal Notice No. 35]

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

**MALAITA PROVINCE PUBLIC NUISANCE BILL 2010**

**A BILL FOR**

**AN ORDINANCE FOR THE MAINTENANCE OF PUBLIC ORDER  
AND RELATED MATTERS**

ENACTED by the Malaita Provincial Assembly with the assent of the Minister

Citation and  
commence-  
ment

1. This Ordinance may be cited as the Malaita Province Public Nuisance Ordinance 2010 and comes into force on the date of publication in the *Gazette*.

Interpretation

2. In this Ordinance, unless the context otherwise requires –  
“Council” means the Auki Town Council established under the Malaita Province Auki Town Council Ordinance 1992;

“Executive” means the executive of the Malaita Provincial Government;

“Music” includes any classical music, instrumental, song or melody played live or from an audio player;

“Provincial Secretary” means the Provincial Secretary of Malaita Provincial Government

“Public Place” means any place in respect of which the public has access to as of right and shall include any vehicle either moving or stationed in any public place;

“township” includes a government sub-station.

Offence

3. (1) A person who –
- (a) defecates or urinates in any public place;
  - (b) blocks any public road from another person or vehicles;
  - (c) overturns any receptacle for refuse in any public place or placed in any public place, except for an employee, agent or contractor of the Council or the Executive in the lawful execution of his duty;

- (d) subject to subsection (2), plays or causes to be played any amplified music in any public place,

commits an offence and is liable upon conviction to a fine not exceeding 100 penalty unit.

(2) Subsection (1)(d) does not apply –

- (a) to any person who has obtained the prior written approval of the Provincial Secretary or the police to organize any public event, in respect of which amplified music of any sort is to be played or caused to be played;
- (b) to any religious worship in which amplified music is normally played.
- (c) An approval granted under subsection 2(a) shall be limited to the hours from 0700 to 2200 hours.

4. Any person may bring a complaint under this Ordinance to the Police and shall comply with the procedures laid down in section 76 of the Criminal Procedure Code (Cap. 7).

Complaint  
Procedure

Passed by the Malaita Provincial Assembly this 4th day of March 2010.

MATTHEW MAEFAI  
Clerk to Assembly

With the Assent of the Minister this twenty-seventh day of April, 2010.

MANASSEH MAELANGA  
Minister for Provincial Government

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