

[Legal Notice No. 88]

THE SOLOMON ISLANDS INDEPENDENCE ORDER 1978
 THE CONSTITUTION (ADAPTION AND MODIFICATION OF
 EXISTING LAWS) (NO 2) ORDER 1978

IN exercise of the powers conferred by section 5 of the Solomon Islands Independence Order 1978, the Governor-General hereby makes the following Order:-

1. This Order may be cited as the Constitution (Adaption and Modification of Existing Laws) (No. 2) Order, 1978.
2. This Order shall be deemed to have come into operation immediately after the coming into operation of the Constitution (Adaption and Modification of Existing Laws) Order on 7th July 1978.
3. The Constitution (Adaption and Modification of Existing Laws) Amendment Order 1978 is hereby amended to the extent specified in the First Schedule.
4. The existing laws referred to in the first column of the Second Schedule are hereby amended to the extent specified in the second column of that Schedule.

Made by the Governor General at Honiara this eleventh day of December, 1978.

B. Devesi
 Governor General

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FIRST SCHEDULE

page 231 (reference to section 7 of Cap. 3)

transfer marginal note to left hand side of page opposite first line of new section 7.

page 233 (reference to section 126 (2) of Cap. 4)

insert the words "Substitute the words "Director of Public Prosecutions" in line 2 and "Commissioner of Police" in line 3 for the words "High Commissioner" where they appear in those lines.

page 233 (reference to section 126 of Cap. 4)

insert the words "Substitute " citizen or a person entitled under the provisions of sections 7 or 8 of the Immigration Act to enter and reside in Solomon Islands" for "British subject or British protected person" and substitute "Director of Public Prosecutions" for "High Commissioner".

page 233 (reference to section 207 (3) of Cap. 4)

insert the words "Substitute "to the Court of Appeal established by section 85 of the Constitution" for "in accordance with the provisions of section 19 of the Western Pacific (Courts) Order in Council, 1961."

page 233 (reference to section 311 (1) (d) of Cap. 4)

insert the word "Substitute "Governor General" for "High Commissioner".

page 236 (reference to section 2(2) of Cap. 7)

substitute the word "vessel" for the word "visited" and insert the word "vessel" immediately after the word "Government" where it appears in the second line.

page 236 (reference to sections 6 and 12 of Cap. 10)

delete the references to sections 6 and 12, and replace as follows -
In sections 6 and 12 substitute "Solomon Is-

lands" for "the Protectorate";

In section 6 substitute "Minister" for "High Commissioner" on the first and third occasion where those words appear, and substitute "Minister, after consultation with the Chief Justice" for "High Commissioner" on the second occasion where those words appear;
In section 12 substitute "Governor General" for "Minister".

page 237 (reference to section 9 of Cap. 13)

delete "20" and replace with "90".

page 238 (reference to section 4 of Cap. 16)

substitute "Minister" for "Prime Minister".

page 239 (Cap. 18)

transpose the marginal note to appear opposite reference to section 2 (third paragraph on page 239)

page 242 (reference to sections 3, 11, 13 and 14 of Cap. 30)

substitute "Minister" for "Prime Minister".

page 243 (reference to sections 6, 7, 8 and 9 of Cap. 34)

substitute "Permanent Secretary, Ministry of Youth and Cultural Affairs" for "Minister".

page 244 (reference to sections 2, 4, 9 etc of Cap. 43)

delete "12, 13"

add new paragraphs as follows

"In section 12 substitute "Registrar-General for "High Commissioner";
In section 13 substitute "Minister" for "High Commissioner" where those words first appear, and substitute "Registrar-General" for "High Commissioner" where those words last appear."

page 244 (reference to sections 2, 3, 4, 5, 8A, 11 and 20 of Cap. 46)

delete "3, 4, 5, 8A, 11".

page 245 (reference to sections 3, 15, 32 and 37 of Cap. 49)

delete "15, 32".

(reference to sections 3 and 8 of Cap. 49)

delete "8" and substitute "38".

Page 247 (reference to section 2 of Cap. 58)

substitute "officer" for "office";

(reference to sections 20, 84, 107, 132 and 178 of Cap. 58)

delete "84";

(reference to sections 85, 107 and 118 of Cap. 58)

delete "107".

Page 249 (reference to section 90 of Cap. 61).

substitute "appointed" for "appoint" in subsection(3).

(reference to sections 2, 20 etc of Cap. 66)

substitute "382" for "282".

Page 251 (reference to sections 2, 5, 7 etc of Cap. 72)

substitute "3" for "2".

Page 254 (reference to subsection (3) of section 8 of Cap. 81)

substitute "regraded" for "regated".

Page 257 (reference to sections 2, 6, 8, 12 and 13 of Cap. 92)

substitute "3" for "2".

(reference to sections 2, 3, 4 etc of Cap. 94)

delete "11, 13 and 16" and substitute "and 13".

Page 258 (reference to sections 1, 3, 4, etc of Cap. 97)

delete "1".

Page 259 (reference to sections 4, 5, 7 etc of Cap. 99)

delete "18".

Page 259 (reference to sections 5 and 6 of Cap. 100)

substitute "4 and 5" for "5 and 6".

Page 260 (reference to sections 2 and 6 of Cap. 114)

substitute "section 2" for "sections 2 and 6".

Page 263 (reference to sections 9, 13, and 15 etc of No 9 of 1970).

delete the existing paragraph and substitute therefor -

"In sections 9, 13, 15, 17, 19, 21, 22, and 24, substitute "Minister of Finance" for "Financial Secretary"."

Page 263 (reference to sections 3 and 36 of No 13 of 1970)

substitute "5" for "3".

Page 267 (reference to sections 9, 10, 11, 19, 24 and 41 of No 11 of 1971)

delete the existing paragraph and substitute therefor -

"In sections 9 and 10 substitute "Prime Minister" for "High Commissioner"; In sections 11, 19, 24 and 41 substitute "Minister" for "High Commissioner"."

Page 269 (reference to sections 59 and 60 of No 6 of 1972)

delete the existing paragraph and substitute therefor -

"In section 59 substitute "the Police and Prisons Service Commission in its" for "the High Commissioner in his" where those words first appear, and delete the words "subject to the directions of the High Commissioner acting in his discretion".

In section 60 delete the words "Subject to the provisions of this Ordinance and the directions of the High Commissioner acting in his discretion," and delete "19".

Page 270 (reference to section 16 of No 13 of 1972)

delete the whole paragraph.

page 270 (reference to sections 2, 4, 5 etc of No 19 of 1972)

delete "4".

SECOND SCHEDULE

The Penal Code (Cap. 5)

In section 163 (2) substitute "under customary law" for "by native custom" and substitute "Islanders" for "Natives";

In section 266 (b) substitute "the Government" for "Her Majesty" where the phrase appears for the second time.

The Crown Proceedings Act (Cap. 7).

In section 9 substitute "Governor-General" for "High Commissioner";

In section 10 substitute "Solomon Islands" for "the Protectorate".

The Town Planning Act (Cap. 15)

In section 4 substitute "Solomon Islands" for "the Protectorate".

The Electricity Act (Cap. 16)

In section 2 (in the definitions of "installation" and "public safety") substitute "Minister" for "High Commissioner";

In section 53 substitute "Director of Public Prosecutions" for "Attorney General";

In section 56 substitute "Minister" for "High Commissioner".

The Water Supply Act (Cap. 18)

In section 20 substitute "Minister" for "High Commissioner".

The Traffic Act (Cap. 19)

In section 2, in the definition of "High Court" substitute "established by section 77 of the Constitution" for "of the Western Pacific";

In section 28 (9) substitute "Solomon Islands" for "the Protectorate";

In sections 46 and 66 substitute "Commissioner of Police" for "Chief of Police".

The Sedition Act (Cap. 24)

In sections 7 and 11 substitute "Commissioner of Police" for "Chief of Police";

In section 11 (1) (a) delete the words "District Officer".

The Closed Districts Act (Cap. 25)

In section 14 delete the words "District Officer";

The Solomon Islands Tourist Act (Cap. 28)

In sections 17 and 37 substitute "Solomon Islands" for "the Protectorate";

In section 23 substitute "Minister of Finance" for "High Commissioner".

The Cinematograph Act (Cap. 30)

In section 2 (in the definition of "Licensing Authority") substitute "the Clerk to the Provincial Assembly of the Province" for "District Commissioner of the District";

In section 10 substitute "Minister" for "High Commissioner".

The Commissions of Inquiry Act (Cap. 31)

In section 12 substitute "Consolidated Fund" for "general revenue of the Protectorate".

The Gaming and Lotteries Act (Cap. 32)

In sections 8 and 9 substitute "Clerk to the Provincial Assembly of the Province" for "District Commissioner of the District".

The Liquor Act (Cap. 33)

In section 16(1) substitute "Province" for "District".

The National Parks Act (Cap. 34)

In section 7 substitute "Minister" for "High Commissioner".

The Registration of Aliens Act (Cap. 40)

In sections 3, 4, 7, 8 and Form A in the Schedule, substitute "Solomon Islands" for "the Protectorate";

In section 4(2) substitute "eighteen" for "sixteen".

The Local Courts Act (Cap. 46)

In sections 13 and 15 substitute "Solomon Islands" for "the Protectorate";

In section 22 substitute "the Magistrate's Court having jurisdiction in the area" for "a District Officer".

The Islanders Marriage Act (Cap. 47)

In section 2 (definition of "minister of religion") delete the words "under the Pacific Order in Council 1893 as amended by the Pacific Order in Council 1907 or".

The Islanders Divorce Act
(Cap. 48)

In section 3 substitute "Solomon Islands" for "the Protectorate";
In section 23 substitute "Minister" for "Governor";
In the First Schedule (prescribing Forms) substitute "Solomon Islands" for "the Western Pacific".

The Medical and Dental Practitioners Act (Cap. 49)

In section 10 substitute "Under-Secretary (Health) Ministry of Health and Medical Services" for "Director of Medical Services";
In sections 10 and 22 substitute "Solomon Islands" for "the Protectorate".

The Nurses and Midwives Act (Cap. 50)

In sections 3(2) (b) substitute "Chief Nursing Officer" for "Nursing Superintendent";
In section 3(2) (d) substitute "Senior Nursing Officer (Education)" for "Senior Sister Tutor".

The Public Hospitals and Dispensaries Act (Cap. 51)

In section 8 substitute "Minister" for "Chief Secretary".

The Pharmacy and Poisons Act (Cap. 52)

Delete proviso to section 34.
In section 42(5) substitute "Under Secretary (Health) Ministry of Health and Medical Services" for "Director of Medical Services";
In sections 43, 50 and 51 substitute "Solomon Islands" for "the Protectorate";
In section 45 substitute "Clerk to the Provincial Assembly of the Province" for "District Commissioner of the district";

In section 46 substitute "Clerk to the Provincial Assembly and" for "District Commissioner";
In section 54 substitute "Clerk to the Provincial Assembly of the Province" for "District Officer of the District".

The Dangerous Drugs Act (Cap. 53)

In sections 3 and 38 substitute "Minister" for "High Commissioner";
In sections 26 and 31 substitute "Permanent Secretary, Ministry of Health and Medical Services" for "Director of Medical Services";

The Quarantine Act (Cap. 55)

In sections 29, 34 and 39 substitute "Solomon Islands" for "the Protectorate".

In section 16 substitute "Solomon Islands" for "the Protectorate";
In section 53 substitute "Consolidated Fund" for "Protectorate Treasury".

The Customs and Excise Act (Cap. 58)

In sections 8, 21, 29, 52, 155, 238 and 263 substitute "Solomon Islands" for "the Protectorate";

In section 217 substitute "Consolidated Fund" for "general revenue of the Protectorate";
In section 218 substitute "Minister" for "High Commissioner";
In the List of Prohibited Imports (Schedule II) -
(a) in paragraph 4 substitute "Minister" for "High Commissioner"; and
(b) in paragraphs 6 and 11 substitute "Solomon Islands" for "the Protectorate";

In the List of Restricted Imports (Schedule II) -

- (a) in paragraphs 1 and 2 substitute "Minister" for "Financial Secretary";
- (b) in paragraph 4 substitute "Minister of Health and Medical Services" for "Director of Medical Services";
- (c) in paragraphs 5 and 9 substitute "Solomon Islands" for "the Protectorate";
- (d) in paragraph 7 substitute "Commissioner of Police" for "Chief of Police";
- (e) in paragraph 8 substitute "Minister" for "High Commissioner";
- (f) in paragraph 10 substitute "Under Secretary (Agriculture)" for "Director of Agriculture"; and
- (g) in paragraph 11 substitute "Under Secretary (Technical), Ministry of Works and Public Utilities" for "Director of Public Works";

In Schedule III -

- (a) in paragraphs 1 and 2 substitute "Solomon Islands" for "the Protectorate"; and
- (b) in paragraph 2 substitute "Minister" for "High Commissioner".

The Licence Act
(Cap. 60)

In section 16(1) (c) substitute "Minister, Commissioner of Police, or of any Clerk to a Provincial Assembly" for "High Commissioner, Chief of Police or of any District Commissioner".

The Income Tax Act (Cap. 61)

In sections 9 and 74 substitute "Solomon Islands" for "the Protectorate";
In section 11A substitute "Cabinet" for "Council of Ministers";
In section 21 substitute "Minister" for "High Commissioner";
In sections 92 and 93 substitute "Auditor-General" for "Principal Auditor";
In section 94 delete paragraph (b) of subsection (4);

In the First Schedule -

(a) In paragraph 1 substitute "Governor-General" for "High Commissioner";
(b) In paragraph 13 substitute "the Government" for "Her Majesty's Government in the United Kingdom"; and
(c) In paragraph 21 substitute "National Parliament" for "Legislative Assembly".

The Companies Act
(Cap. 64)

Substitute the following for section 4 -
(1) There may be appointed -
(a) a Chief Collector of Stamp Duties
(b) such other officers as may be necessary for the due administration of this Act.

(2) Any appointment under subsection (1) shall, if the person appointed is not a public officer, be made pursuant to the Constitution, but otherwise shall be made by the Minister;

In section 12 substitute "Solomon Islands" for "the Protectorate";

In paragraphs 4 and 7 of the Schedule, substitute "Chief Accountant" for "Accountant-General".

The Companies Act
(Cap. 66)

In sections 36, 101, 114, 192, 193, 324, 358 and 361 substitute "Solomon Islands" for "the Protectorate";

In sections 169 and 348 substitute "Minister" for "High Commissioner";

In sections 193 and 212 substitute "Director of Public Prosecutions" for "Attorney General";

In sections 236 and 381 substitute "Minister" for "Accountant-General";
In section 302 substitute "Minister of Finance" for "Accountant-General";
In sections 321 and 329 substitute "Chief Accountant" for "Accountant-General";
In the Eighth Schedule in paragraphs 6 and 23 substitute "Minister" for "High Commissioner";

The Registration of United Kingdom Patents Act
(Cap. 65)

In section 12 substitute "Solomon Islands" for "the Protectorate";
In section 14 substitute "Minister" for "High Commissioner";

The Registration of United Kingdom Trade Marks Act
(Cap. 69)

In section 3 substitute "Solomon Islands" for "the Protectorate";

The Labour Act
(Cap. 75)

In sections 9 and 79 substitute "Minister" for "High Commissioner";
In sections 28 and 77 substitute "Solomon Islands" for "the Protectorate";
In section 58 substitute "Clerk to the Provincial Assembly of the province" for "District Commissioner of the District".

The Workmen's Compensation Act
(Cap. 77)

In section 11(b) substitute "in the Gazette by" for "at the Public Office of";
In section 21 (b) substitute "Clerk to the Provincial Assembly of the province" for "Administrative Officer of the district" and "Clerk" for "Administrative Officer" where those words later appear.

The Copra Act
(Cap. 83)

In section 2 delete the definition of "District Commissioner";
In section 2 substitute "Solomon Islands" for "the Protectorate".

The Copra Board
(Cap. 84)

In sections 3 and 14 substitute "Minister of Finance" for "Financial Secretary";
In section 15 substitute "Solomon Islands" for "the Protectorate".

The Diseases of Animals Act (Cap. 85) In section 2 insert the following definition at the end of the section -

"Under Secretary" means the officer from time to time appointed as Under Secretary (Agriculture) in the Public Service".

The Trespass and Branding Act (Cap. 88)

In section 2 insert the following definition at the end of the section - "Under Secretary" means the officer from time to time appointed as Under Secretary (Agriculture) in the Public Service".

In section 11 substitute "Solomon Islands" for "the Protectorate";
In sections 10 and 14 substitute "province" for "district".

The Mining Act (Cap. 91)

In sections 4, 70 and 88 substitute "Solomon Islands" for "the Protectorate";
In sections 23, and 31 substitute "Clerk to the Provincial Assembly" for "District Commissioner, district officer";

In section 24(1)(a) in proviso (i) substitute "Clerk to the Provincial Assembly of the province" for "District Commissioner of the District" and "Clerk" for "District Commissioner";
In section 32 substitute "Clerk to the Provincial Assembly" for "District Commissioner";
In section 42 substitute "Commissioner of Lands" for "Commissioner of Lands and Surveys".

The Petroleum Production Act (Cap. 92)

In sections 4 and 9 substitute "Minister" for "High Commissioner";
In section 8 substitute "Chief Accountant" for "Accountant-General".

The Land and Titles Act (Cap. 93)

In section 2 -
(a) delete the words "and Survey" in the definition of "Commissioner";
(b) in the definition of "adjudication officer", "demarcation officer", "recording officer", "settlement officer" and "survey officer" substitute "pursuant to" for "under"; and
(c) delete definition of "District Commissioner";
In sections 2, 5, 10, 41, 92, 93, 94, 95, 215, 216, 217, 218 and 233 substitute "Surveyor-General" for "Crown Surveyor".

In sections 2, 4, 45, 81, 164, 191, 200, 202, 229, 231A substitute "Solomon Islands" for "the Protectorate";

In section 3 delete the words "by the High Commissioner in his discretion";

In sections 4, 70, 79, 81, 85, 122, 226, 226A, 227, 235 substitute "Minister" for "High Commissioner";

In sections 17, 38, 73, 212, 227 and 235 substitute "Clerk to the Provincial Assembly" for "District Commissioner";

In sections 30, 31, 48, 49, and 194 substitute "Minister" for "Chief Secretary";

Delete subsection (4) of section 30 and replace as follows -

"(4) Every order shall be published in such manner as the Minister may require";

In subsection (1) of section 70 add immediately after the word "effect" the words "and require the same to be published in such manner as he shall think fit";

In section 74 delete the words "by exhibition at the Public Office of the High Commissioner";
In section 190 substitute the following for subsection (6) -

"(6) Notwithstanding the provisions of section 21 of the Local Courts Ordinance, no Magistrate shall have power to review the determination of a Local Court made under the preceding subsections, but any person aggrieved by such determination may, within three months thereof, appeal to a Magistrate's Court having jurisdiction in the area in which the land concerned is situated".

In section 225 substitute "Director of Public Prosecutions" for "Attorney General";

In section 231A substitute "Chief Justice" for "High Commissioner";

In section 232 delete the words "or from the Court of Appeal in Fiji" where they appear.

The Land Surveys Act (Cap. 94)

In sections 6 and 10 substitute "Surveyor-General" for "Crown Surveyor";
In section 8 substitute "Solomon Islands" for "the Protectorate".

The River Waters Act (Cap. 96)

In section 17 substitute "Consolidated Fund" for "public revenues of the Protectorate".

The Aeroplanes and Air Navigation Aids Act (Cap. 97)

In section 2 substitute "Minister" for "High Commissioner";
In section 8 substitute "Commissioner of Lands" for "Commissioner of Lands and Surveys".

The Shipping Act (Cap. 98)

In section 19 substitute "Director of Public Prosecutions" for "Attorney General";
In section 23 substitute "Solomon Islands" for "the Protectorate".

The Ports Act (Cap. 99)

In section 18 substitute "Secretary for the Public Service" for "High Commissioner";
In section 22 substitute "Solomon Islands" for "the Protectorate";
In section 22 substitute "Minister of Finance" for "Financial Secretary";
In section 28 substitute "Clerk to the Provincial Assembly of the Province" for "District Commissioner of the District";
In section 64 substitute "in such manner as the Minister may specify" for "at the public office of the High Commissioner".

The Light Dues and Harbours Act (Cap. 100)

In section 7 substitute "Minister" for "High Commissioner".

The Firearms and Ammunition Act (Cap. 107)

In sections 19 and 33 substitute "Solomon Islands" for "the Protectorate";
In section 26 delete the words "district commissioner or district Officer";
In section 30 substitute "Prime Minister" for "High Commissioner".

The Winston Churchill Trust Act (Cap. 116)

In section 11 substitute "National Parliament" for "Legislative Assembly".

The Public Health Act (No. 2 of 1970)

In section 2, in the definitions of "health officer" and "sanitary officer" substitute "Permanent Secretary, Ministry of Health and Medical Services" for "Director";
In section 8 substitute "Minister" for "Financial Secretary";
In sections 51 and 89 substitute "Solomon Islands" for "the Protectorate".

The Continental Shelf Act (No. 4 of 1970)

In sections 6 and 7 substitute "Chief Marine Officer" for "Superintendent of Marine".

The Statistics Act (No. 6 of 1970)

In the First Schedule, item 40, substitute "Solomon Islands" for "the Protectorate".

The Housing Authority Act (No. 9 of 1970)

In section 24 substitute "Minister" for "Financial Secretary".

The Mental Treatment Act (No. 13 of 1970)

In sections 19 and 20 substitute "police officer" for "district commissioner, district officer, police officer or headman";
In section 45 substitute "Solomon Islands" for "the Protectorate".

The Registration of Business Names Act (No. 2 of 1971)

In section 16 substitute "Governor-General" for "High Commissioner".

The Post Office Act (No. 4 of 1971)

In sections 7, 11, 16 and 26 substitute "Solomon Islands" for "the Protectorate".

The Affiliation and Maintenance Act (No 8 of 1971)

In section 3 substitute "Solomon Islands" for "the Protectorate";
In section 8 substitute "Clerk to a Provincial Assembly" for "administrative officer in charge of a district";
In section 17A substitute "Magistrate" for "District Commissioner".

The Probation of Offenders Act (No 10 of 1971)

In sections 2 and 13 substitute "Minister" for "High Commissioner";
In section 8 substitute "Solomon Islands" for "the Protectorate";
In section 14 substitute "Minister" for "Financial Secretary".

The Police Act (No 6 of 1972)

In section 5 substitute "Solomon Islands" for "the Protectorate";
In section 66 substitute "Prime Minister" for "High Commissioner".

The Motor Vehicles (Third Party Insurance) Act (No 16 of 1972)

In section 6 substitute "Solomon Islands" for "the Protectorate".

The Consular Relations Act (No 19 of 1972)

In section 12 delete "(other than the United Kingdom)".

The Prisons Act (No. 2 of 1972) in section 2, the definitions of "Inspector of Prisons", "medical officer", "prison, minister", and "Superintendent of Prisons" substitute "pursuant to" for "under" (1972)

The Solomon Islands In section 2 delete definition of "Director National Provident Fund" and insert immediately before the definition of "Board" the following definition (1973)

"Auditor-General" means the person appointed as Auditor-General pursuant to section 108 of the Constitution;

In section 112 substitute "Auditor-General" for "Director of Audit" and insert immediately before the definition of "Minister" for "Governor after consultation with the Minister";

In section 20A substitute "Minister" for "Governor after consultation with the Minister";

In section 36 substitute "the Administrator of the Islands" for "District Commissioner";

In section 12 substitute "Minister for High Commissioner" for "Minister" (1971 to 8 04)

In section 22 in the definition of "authorised officer" substitute "pursuant to section 4" for "under section 39" of (1971 to 8 04)

The Solomon Islands In section 6 substitute "National Parliament Monetary Authority" for "Legislative Assembly" (1971 to 8 04)

Act (No. 4 of 1976) In section 2 substitute "Governor-General" for "Governor" (1971 to 01 04)

The Banking Act (No. 20 of 1976) In section 1 delete subsection (3).

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