

# **LAWS OF SOLOMON ISLANDS**

[1996 EDITION]

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## **CHAPTER 118 PROVINCIAL GOVERNMENT**

### **AN ACT TO PROVIDE FOR PROVINCIAL GOVERNMENT IN SOLOMON ISLANDS**

*[Part 1, ss 47 (2) and 48 ..... 29th January 1982  
Parts II and III ..... 1st February 1982  
(First Appointed Day)\*  
Remaining Sections ..... on different days in respect of each province]*

7 of 1981  
5 of 1984  
5 of 1986  
3 of 1991  
4 of 1991  
9 of 1991  
2 of 1992  
8 of 1992  
16 of 1992  
3 of 1995  
6 of 1995

\* *Vide LN 7/1982*

## **PART I PRELIMINARY**

### **Short title and commencement**

- 1.—(1) This Act may be cited as the Provincial Government Act.
- (2) This Part and sections 47 (2) and 48 shall come into force on the day on which this Act is published in the Gazette.
- (3) Subject to section 28(5)—
  - (a) Parts II and III shall come into force throughout Solomon Islands on such day as the Minister may by order under this section appoint (in this Act referred to as "the first appointed day"); and
  - (b) the remaining provisions shall come into force in a province on such day as may be appointed under section 28(2) (in this Act referred to, in relation to a province, as "the second appointed day").

### **Interpretation**

2. Schedule 9 contains a glossary of terms; and in this Act unless the context otherwise requires any expression for which there is an entry in the first column of the Schedule—
  - (a) has the meaning given against it in the second column; or
  - (b) is to be construed in accordance with directions given against it in the second column.

## **PART II PROVINCIAL GOVERNMENT**

### **Establishment of Provinces**

## **Establishment of Provinces**

3.—(1) For the administration of provincial government on and after the first appointed day, Solomon Islands (excluding Honiara) shall be divided into areas to be known as provinces.

(2) The provinces shall be those named in column 1 of Schedule 1 and shall comprise the islands respectively mentioned in column 2.

(3) Subject to subsection (4), the area of each province shall extend seaward for three nautical miles from the low-water line of each island comprised in the province and, if the island is situated on an atoll or has a fringing reef—

(a) shall include any area contained within the atoll or between the island and the reef; and

(b) shall extend seaward for three nautical miles from the low-water line of the atoll or reef.

(4) The area of a province shall not extend beyond the boundary lines referred to in relation to that province in column 2 of the Schedule.

(5) The area of Guadalcanal Province shall not include such area of sea adjacent to Honiara as the Minister may by order specify, and an order under this subsection shall be subject to negative resolution.

(6) In this section "island" and "low-water line" have the meanings given in the Delimitation of Marine Waters Act.

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(7) Nothing in this section shall be construed as affecting traditional rights, privileges and usages in respect of land and fisheries in any parts of Solomon Islands.

## **Review of boundaries by Constituency Boundaries Commission**

*9 of 1991, s. 2*

4.—(1) Where it appears to the Minister that a review of the boundaries of a province or provinces is necessary, he shall require the Constituency Boundaries Commission (in this Part referred to as "the Boundaries Commission") to make a review of the boundaries concerned and the boundaries of any other provinces, which in his opinion may be affected.

(2) The Provincial Executives of two or more provinces may jointly make proposals to the Boundaries Commission on any matter about which the Commission has power to make recommendations on a review.

(3) Subject to subsection (4), the Boundaries Commission shall consider any proposals made to it under subsection (2) and review the boundaries of the provinces concerned and any other province which, in the opinion of the Commission, may be affected by the proposals.

(4) The Boundaries Commission is not required to conduct a review under subsection (3) if it is of the opinion that—

(a) the boundaries concerned have recently been reviewed or will be reviewed in the near future; and

(b) the proposals concerned do not require the immediate review of those boundaries.

(5) Where the Minister is of the opinion that serious differences have arisen—

(a) between the Provincial Executives of two or more provinces, or

(b) between an Area Council or similar body of a province and the Provincial Executive,

on any matter about which the Boundaries Commission has power to make recommendations on a review, and that the boundaries of the province or provinces concerned have not recently been reviewed, then the Minister may by order require the Boundaries Commission to review the boundaries concerned and the boundaries of any other province which, in his opinion, may be affected.

*9 of 1991, s. 2*

(6) An order under subsection (5) shall be subject to affirmative resolution.

### **Powers of Commission on a review**

5.—(1) On a review under section 4 of the boundaries of one or more provinces, the Boundaries Commission may make recommendations to the Minister for effecting changes appearing to the Commission desirable in the interests of effective and convenient provincial government.

(2) The Boundaries Commission may recommend that the changes be made by one or more of the following steps—

(a) altering the boundaries of any province;

(b) establishing a new province by combining two or more existing provinces, or parts of them, or by separating any area from an existing province or provinces;

(c) altering any electoral arrangements (as defined in section 8(5)).

(3) The Boundaries Commission may not on a review under section 4 recommend any change in the boundaries of Honiara.

### **Implementation of Commission's recommendations**

6. Where the Minister receives any recommendations under section 5, he may introduce a Bill in Parliament for the purpose of—

(a) giving effect to those recommendations; and

(b) making such other alterations in the law as may be necessary or expedient in consequence of the implementation of those recommendations.

### **Establishment of New Provincial Assemblies**

#### **Provincial Assemblies**

7.—(1) There shall be a Provincial Assembly in each province.

(2) Subject to subsections (3) and (4), the elected members of a Provincial Assembly shall be returned for the electoral wards for the time being specified in an order made under section 8, and each ward shall (subject to the provisions of the order) return one member.

(3) For the purposes of any election held in a province before an order is made for the province under section 8, the elected members shall be returned for the electoral wards which, on the first appointed day, are electoral wards for the purposes of the Local Government Act, and each ward shall return one member.

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(4) Part I of Schedule 2 shall have effect to determine the persons who shall be the initial elected members of a Provincial Assembly, and to make transitional modifications of the Local Government Act.

#### **Review of electoral arrangements**

8.—(1) As soon as practicable after the first appointed day the Boundaries Commission shall review the electoral arrangements for each province as a whole, and submit proposals for those arrangements to the Minister.

(2) Where the Boundaries Commission have conducted an initial review of the electoral arrangements for a province, they may from time to time conduct further reviews of those arrangements or any part of them, and submit proposals to the Minister accordingly.

(3) Where proposals are submitted to the Minister under this section he shall make an order giving effect to the proposals.

(4) An order under this section shall be subject to negative resolution.

(5) In this Part of this Act, "electoral arrangements" means, in relation to a province—

(a) the number of elected members of the Provincial Assembly;

(b) the number and boundaries of the electoral wards into which the province is divided for the purpose of the election of members of the Provincial Assembly;

(c) the number of members to be returned for any electoral ward; and

(d) the name of any electoral ward.

#### **Time of election and term of office of members**

9.—(1) Subject to subsection (3), the first ordinary election of members of a Provincial Assembly shall, unless an election is held sooner under section 10(4), be held on the fourth anniversary of the date of the last general election for the existing Provincial Assembly.

(2) Subject to subsection (3), an ordinary election of members of a Provincial Assembly shall be held on the fourth anniversary of the date of the previous election of members (whether it was an ordinary election or an election under section 10(4)).

(3) If the anniversary referred to in subsections (1) or (2) falls on an excluded day the election shall be held on the next subsequent day which is not an excluded day.

(4) In this section "excluded day" in relation to an election, means Saturday, Sunday and any day which is a public holiday for the purposes of the Public Holidays Act, unless it is a day appointed under section 6 of that Act for the purposes of the election.

*Cap. 151*

(5) The term of office of any elected member of a Provincial Assembly (whether elected at an ordinary election or otherwise) shall begin on the day on which he is elected and end with the dissolution of the Assembly.

### **Dissolution of Assembly**

10.—(1) A Provincial Assembly is dissolved by virtue of this section on the eve of any ordinary election of members.

(2) A Provincial Assembly shall be dissolved by direction of the Minister if—

(a) the Assembly resolves that it should be dissolved; and

(b) the resolution is supported by the votes of an absolute majority of the members of the Assembly.

(3) A direction dissolving an Assembly—

(a) shall not dissolve it earlier than three months after the second appointed day or on a Friday or Saturday but, subject to that,

(b) shall dissolve it not later than three months after the date of the resolution in pursuance of which the direction is given.

(4) A direction dissolving an Assembly shall require an election of members to be held on the day following the dissolution.

### **Provincial franchise**

11.—(1) Subject to the following provisions of this section, the persons entitled to vote at a Provincial Assembly election in any electoral ward are those who—

(a) are citizens of Solomon Islands;



- (b) have attained the age of eighteen years;
- (c) are ordinarily resident in the province; and
- (d) are not disqualified from voting at the election under this or any other Act.

(2) A person may not vote in any electoral ward unless registered in the register of Provincial Assembly electors to be used at the election.

(3) A person may not vote more than once at a Provincial Assembly election.

(4) A person is disqualified from voting at a Provincial Assembly election if he is not entitled to be registered as an elector for Parliament by virtue of section 55(3) of the Constitution (disqualification because of certain criminal convictions or insanity).

### **Conduct of elections**

12.—(1) The Minister may by regulations make provision—

- (a) as to the conduct of elections of members of Provincial Assemblies; and
- (b) as to the questioning of such an election and the consequences of irregularities;

and the regulations may make different provision for different provinces.

(2) Regulations under this section—

- (a) may apply (with such modifications or exceptions as may be specified in them) any provision of the National Parliament Electoral Provisions Act and may impose requirements for candidates in addition to those imposed by that Act; and

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- (b) may provide for the charging of any sum on the Provincial Fund of the province concerned.

(3) Regulations under this section shall be subject to negative resolution.

(4) Part II of Schedule 2 shall have effect in relation to a Provincial Assembly election held (whether under sections 9, 10 or 13 or paragraph 2 of the Schedule) before regulations are made for the province under this section.

### **By-elections**

13.—(1) Subject to subsection (3), where the seat of an elected member of a Provincial Assembly is vacant an election shall be held to fill the vacancy.

(2) The date of the election shall be fixed by the Minister, and shall not be later than three months after the vacancy has come to his notice.

(3) The election may not be held if the last date for holding it would fall within the three months preceding the next election to be held under sections 9 or 10.

### **Appointed members**

14.—(1) A Provincial Assembly may by resolution appoint persons to membership of the Assembly, and the terms and conditions of their membership shall be such as may be specified in the resolution.

(2) A person appointed under this section is referred to in this Act as an "appointed member".  
*5 of 1986, s. 2*

(3) An appointment as member of a Provincial Assembly shall come to an end with the dissolution of the Assembly.

### **Qualification for membership of an Assembly**

*5 of 1986, s. 3*

15. Subject to the provisions of section 16, a person shall be qualified for membership of a Provincial Assembly if the person—

- (a) is a citizen of Solomon Islands;
- (b) has attained the age of twenty-one years; and
- (c) is ordinarily resident in the province.

### **Disqualification from membership of an Assembly**

*5 of 1986, s. 4*

16.—(1) A person shall be disqualified from membership of a Provincial Assembly if the person—

- (a) is, by virtue of his own act, under any acknowledgment of allegiance, obedience or adherence to a foreign power or state;
- (b) is an undischarged bankrupt under Solomon Islands law;
- (c) is certified to be insane or otherwise adjudged to be of unsound mind under Solomon Islands law;
- (d) is under sentence of death imposed by a court in any part of the world, or is under a sentence of imprisonment (by whatever name called) for a term of, or exceeding, six months, other than a sentence in lieu of a fine, but including a suspended sentence, imposed by such a court or substituted by a competent authority for some other sentence imposed by such a court;
- (e) is disqualified from membership of Parliament or a Provincial Assembly or from registration as an elector or from voting at elections under Solomon Islands law relating to offences connected with elections;

- (f) is a member of the National Parliament;
- (g) holds, or is acting in, any public office or is a provincial government officer of any province;
- (h) is not a resident of the province;
- (i) is the Speaker of the Assembly; or
- (j) has not attended three Assembly Meetings within the lifetime of the Assembly without reasonable excuse in writing to the Speaker.

*6 of 1995, s. 2*

(2) For the purpose of subsection (1)(d)—

- (a) two or more terms of imprisonment that are required to be served consecutively shall be regarded as a single term of imprisonment for the aggregate period of those terms;
- (b) a person is not disqualified by virtue of that subsection unless the time of appealing against the sentence or conviction has expired without an appeal being made or the appeal has been disposed of or abandoned;
- (c) a person disqualified by virtue of that subsection due to a sentence imposed by a court outside Solomon Islands may petition the High Court for relief from such disqualification.

(3) In subsection 1(j), the word "attended" means the presence and participation in the proceedings of an Assembly meeting.

*6 of 1995, s. 2*

(4) A person who would otherwise be disqualified from membership of an Assembly on any of the grounds specified in subsection (1)(f) to (i), shall, if, such disqualification is to be disregarded within thirty days after the election or appointment have the ground of disqualification removed.

### **Effect of disqualification**

*5 of 1986, s. 5*

17.—(1) Where a member of a Provincial Assembly is disqualified under section 16, the Speaker shall by written notice declare the seat of the member as vacant, and his appointment shall thereupon cease.

(2) A member whose seat has been declared vacant may, within thirty days, petition the High Court for relief from the declaration, and the decision of the High Court on such petition shall be final.

(3) A seat declared vacant under subsection (1) shall remain vacant until the time of filing a petition for relief has expired without a petition being filed, or the petition has been disposed of, or abandoned.

(4) The validity of any proceedings of a Provincial Assembly shall not be affected by the disqualification of any person from membership of the Assembly.

### **Resignation**

18.—(1) Subject to subsection (2) a member of a Provincial Assembly may at any time resign by giving notice in writing to the Speaker.

(2) A member who resigns from a Provincial Assembly shall be disqualified from standing in a by-election held to fill the vacancy caused by his resignation.

### **Subsidiary powers of Assemblies**

19.—(1) Subject to the provisions of this Act, a Provincial Assembly may do anything (whether or not involving the acquisition or disposal of any property) which is calculated to facilitate or is conducive or incidental to the discharge of any of its functions.

(2) Any expenses incurred under this section shall be payable out of the Provincial Fund.

### **Transitional**

20. Part III of Schedule 2 (which contains transitional provisions) shall have effect.

### **The Provincial Executive**

*4 of 1991, s. 2*

*2 of 1992, s. 2*

21.—(1) Each Province shall have a Provincial Executive which shall consist of—

(a) a Premier elected in accordance with section 22(2);

(b) a Deputy Premier appointed in accordance with section 22(4); and

(c) such number of Provincial Ministers appointed by the Minister in accordance with the provisions of section 22(4), so however, that the total number, inclusive of the Premier and the Deputy Premier shall not exceed one-half of the total number of the elected members of the Assembly.

(2) References in this Act and any other enactment to a Provincial Executive, in relation to the exercise by the Executive of any functions, includes a reference to a Provincial Minister or Ministers of the Provincial Executive acting on behalf of the Executive as a whole.

(3) The Provincial Executive may appoint such officers and servants as may be required for the exercise of the functions of the Executive.

(4) After every ordinary election of members of a Provincial Assembly, and every election under section 10(4), a new Provincial Executive shall be formed.

(5) A new Provincial Executive shall be formed if—

(a) the Provincial Assembly passes a motion of no confidence in the Premier, so however, that a motion of no confidence shall not be moved until the expiry of a period of twelve months from the date of a Premier being elected to office and any notice of a motion of no confidence given thereafter shall not be entertained by the Speaker unless a period of twelve months has lapsed since the last motion of no confidence was determined; and

(b) where the motion is supported by an absolute majority of the members of the Assembly.

(6) The Deputy Premier appointed pursuant to subsection (4) shall preside at meetings of the Provincial Executive in the absence of the Premier or pending the election of a new Premier, or where the Premier has died, resigned, or has been disqualified.

### **Choice of Provincial Ministers**

*5 of 1986, s. 6*

*4 of 1991, s. 3*

22.—(1) The Provincial Ministers shall be chosen from among the elected members of the Provincial Assembly.

(2) The Premier shall be elected, by secret ballot, by an absolute majority of the elected members of the Provincial Assembly.

(3) The results of the election of the Premier shall be published in the Gazette.

(4) The Deputy Premier and the Provincial Ministers shall be appointed by the Minister acting in accordance with the advice of the Premier.

(5) Where a new Provincial Executive is being formed, the term of office of each Provincial Minister shall begin as soon as he is chosen.

### **Termination of term of office of Provincial Ministers**

*4 of 1991, s. 4*

23.—(1) On the election of a new Premier, the term of office of the Provincial Ministers of the existing Executive shall come to an end.

(2) A Provincial Minister may at any time resign.

(3) A Provincial Minister shall cease to hold office as a Provincial Minister if—

(a) he is disqualified for membership of the Provincial Assembly; or

(b) he resigns his seat,

but shall not cease to be a Provincial Minister by reason only of the dissolution of the Assembly.

(4) The Premier may remove from office any other Provincial Minister.

### **Speaker and Officers of Assembly**

#### **Speaker, Deputy Speaker and Clerk and other officers and servants**

*5 of 1986, s. 7*

24.—(1) Each Provincial Assembly shall elect—

(a) a Speaker to be presiding officer; and

(b) a Deputy Speaker to act in the absence of the Speaker or when the office of Speaker is vacant.

(2) The Speaker may, with the consent of the Assembly as to numbers, appoint a Clerk and such other persons as may be required to act as officers and servants of the Assembly.

(3) The pay and conditions of service of any person appointed under this section shall be such as the Assembly may from time to time determine.

(4) Any expenses incurred under this section shall be payable out of the Provincial Fund.

### **Conduct of Business**

#### **Standing Orders**

25.—(1) A Provincial Assembly shall make Standing Orders for regulating its procedure.

(2) The Standing Orders shall make provision for the matters referred to in Schedule 3 and shall do so in accordance with the requirements of that Schedule.

(3) The Minister may give directions for regulating the procedure of a Provincial Assembly pending the making of Standing Orders.

#### **Governing rules**

*5 of 1986, s. 8*

*4 of 1991, s. 5*

26.—(1) Each Provincial Assembly shall make rules (in this Act referred to as "Governing rules") governing the discharge by the Provincial Executive of the functions conferred on the Provincial Executive under this Act or any other law.

(2) Subject to the provisions of this Act, any other enactment and any rule of law, a Provincial Executive shall discharge its functions in accordance with the Governing rules.

(3) Governing rules under this section may require a Provincial Minister who is not disqualified for membership of the Provincial Assembly not to discharge any of his functions—

(a) while he stands charged with an offence if, on conviction, he would be liable to a term of imprisonment of six months or more; or

(b) if he is liable to be detained as a patient in a mental hospital under the Mental Treatment Act.

*Cap. 103*

(4) Governing rules shall provide that where the Provincial Executive makes any orders, rules or regulations (in this subsection referred to as "subsidiary legislation"), such subsidiary legislation—

(a) shall be laid before the Provincial Assembly;

(b) shall not come into force until approved by the Provincial Assembly or, as the case may be, shall be subject to annulment by the Provincial Assembly after having been made; and

(c) shall be published in accordance with the Governing rules.

(5) Governing rules under this section may make provision for matters other than those referred to in subsections (3) and (4).

### **Salaries and allowances of members of Assembly and Executive**

#### **Salaries and allowances**

*3 of 1995, s. 2*

27.—(1) Power to determine salaries and allowances of members of the Provincial Assemblies and Provincial Executives and to review such determinations annually shall vest in the Members of Parliament (Entitlements) Commission.

(2) Subject to subsection (3), no salary or allowance may be paid in right of membership of a Provincial Assembly or Provincial Executive unless payment is in accordance with the determination made by the Members of Parliament (Entitlements) Commission.

(3) In determining the salaries and allowances of the members of the Provincial Assemblies or the Provincial Executives and in a review of such determination, the Members of Parliament (Entitlements) Commission shall do so in consultation with the Minister.

(4) There may be paid to or in respect of the appointed members of a Provincial Assembly such travelling allowances or other allowances (including compensation for loss of remuneration time) as the Members of Parliament (Entitlements) Commission may determine.

(5) Different provisions may be made under this section for different cases or provinces.

(6) Payments by virtue of this section shall be made out of the Consolidated Fund.

(7) In this section "salary" includes any benefit payable in right of membership of a Provincial Assembly or Provincial Executive but does not include an "allowance".

## **PART III TRANSFER OF FUNCTIONS**

### **Devolution Orders**

#### **Devolution orders**

28.—(1) In respect of any province the Minister may, with the consent of the Provincial Executive, and after consultation with any other Minister having responsibility for a matter which is the subject of an order, make orders under this section (in this Act referred to as "devolution orders").

(2) The first devolution order in respect of each province shall—

(a) appoint a day for the commencement of Parts IV and V and sections 44, 45, 47(1) and 49 in the province; and

(b) provide for the dissolution of the existing Provincial Assembly.

(3) A devolution order in respect of a province may declare which of the matters included in Schedule 4 shall be within the legislative competence of the Provincial Assembly for the purposes of this Act.

(4) A devolution order may bring into force in respect of a province any of the provisions of Schedule 5 (statutory functions).

(5) The amendments specified in Part I of Schedule 8 shall have effect in a province on such day as may be appointed by devolution order; and different days may be appointed for different provisions.

(6) A devolution order shall be subject to affirmative resolution.

#### **Transfer of property**

29.—(1) A devolution order may provide that any property which—

(a) is held by or on behalf of the Government, and

(b) appears to the Minister to be property used or to be used solely or mainly for a Provincial Assembly or for or in connection with the exercise in a province of devolved functions,

shall be held by or on behalf of the Provincial Assembly or, as the case may be, the Premier of the province.

(2) To the extent that a devolution order so provides, it may—



(a) be made subject to any exceptions or reservations specified in or determined under the order; and

(b) contain such consequential, incidental or supplementary provisions (including provisions for the transfer of liabilities connected with the property concerned) as appear to the Minister to be necessary or expedient.

(3) Any property which is to be held by or on behalf of a Premier of a province shall be deemed to be held by or on behalf of the person for the time being holding that office.

(4) No stamp duty shall be payable on any instrument made by, to or with, a Provincial Assembly or the Premier of a province and no fee shall be payable in respect of the registration of any such instrument.

### **Devolution orders: additional provisions**

30. A devolution order in respect of a province may include provision—

(a) for any provision of the Local Government Act to cease to have effect in the province subject to such savings as may be specified in the order, and for the provisions so saved to have effect with such adaptations and modifications as may be required to bring them into conformity with the provisions of this Act;

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(b) for any function given to an existing Provincial Assembly to make by-laws to cease to have effect in the province, subject to such savings as may be specified in the order;

(c) relating to the transfer of any property, rights, obligations or liabilities of the existing Provincial Assembly;

(d) relating to the revenue and expenditure of the Provincial Executive for the period beginning with the second appointed day and ending with the beginning of the financial year next following, including provision modifying the operation of Part V;

(e) for treating anything done before the date on which the order comes into force by any authority in the exercise of functions which, on and after that date, become functions of some other authority as having from that date been duly done by that other authority;

(f) relating to the transfer of the employment of any person employed by an existing Provincial Assembly (in this subsection referred to as "the old employer") to the employment of the Provincial Assembly established by this Act or the Provincial Executive (in this paragraph referred to as "the new employer"), including provision for treating the period of employment with the old employer, and any period of employment with the new employer, as being, for the purposes of any enactment specified in the order, a continuous period of employment with the new employer, and otherwise for protecting the interests of persons whose employments are so transferred;

(g) making such other consequential or supplementary provisions (including the amendment of any enactment passed or made before the passing of this Act) as appear to the Minister necessary or expedient in consequence of this Act or any devolution order.

## **Agency Agreements**

### **Agency agreements**

31.—(1) Arrangements may be made between the Premier of a province and any public authority for any functions of one of them to be discharged by, or by officers of, the other, and for the provision by one of them for the other of administrative, professional or technical services.

(2) No such arrangements for the discharge of any functions shall affect the responsibility of the authority on whose behalf the functions are discharged.

(3) In this section "public authority" means—

- (a) any department of the Government;
- (b) any Provincial Executive;
- (c) any Area Council or similar body;
- (d) any body corporate established by an enactment; and
- (e) any company (within the meaning of the Companies Act) of which a public authority is a member.

*Cap. 175*

## **PART IV EXERCISE OF FUNCTIONS**

### **Legislation**

#### **Provincial Ordinances**

32.—(1) Subject to section 33, laws may be made for a province by Ordinance of the Provincial Assembly.

(2) An Ordinance shall be enacted by being passed by the Assembly and assented to by the Minister; but the Minister may not withhold his assent from any proposed Ordinance except in accordance with section 34.

(3) Subject to section 33 an Ordinance may amend or repeal any provision made by or under an enactment or by an imperial enactment.

(4) The validity of any proceedings leading to the enactment of an Ordinance shall not be called in question in any legal proceedings.

(5) Ordinances shall be judicially noticed.

(6) It is hereby declared that this Act does not affect the power of Parliament to make laws for any province.

(7) In the Interpretation and General Provisions Act, references to an Act in the following provisions, that is—

*Sch 9, Pt 11*  
*Cap. 85*

(a) sections 5 to 33, but excluding the definition of financial year in section 16(1);

(b) sections 39 to 60; and

(c) sections 63 to 68,

include a reference to an Ordinance of a Provincial Assembly.

(8) Sections 61(1) and 62 of the Interpretation and General Provisions Act (subsidiary legislation) do not apply to subsidiary legislation made by a Provincial Executive or under an Ordinance of a Provincial Assembly.

*Sch 9, Pt 11*

### **Extent of power to make laws**

33.—(1) A Provincial Assembly has power to make laws only if and to the extent that—

(a) they relate to matters within the legislative competence of the Assembly; or

(b) they are merely incidental to or consequential on other provisions, and those provisions relate to matters within the legislative competence of the Assembly.

(2) A Provincial Assembly has no power to make laws extending to any part of Solomon Islands other than the province.

(3) A Provincial Assembly has no power to make laws which would have the effect of amending any provision of this Act; but this subsection does not prevent the amendment by Ordinance of any enactment mentioned in Schedules 5 or 8.

(4) A Provincial Assembly has no power to make laws affecting the international obligations of Solomon Islands, including trade and commerce with countries outside Solomon Islands.

(5) A Provincial Assembly has no power to make laws imposing, altering or abolishing any tax, except where power to do so is expressly conferred on the Provincial Assembly by or under this Act.

### **Withholding assent from Ordinances**

34.—(1) Subsection (2) applies where the Minister is of the opinion that any provision of a proposed Ordinance of a Provincial Assembly—

(a) relates to matters within the legislative competence of the Assembly; but

(b) would, if the Ordinance were enacted, conflict with Government policy for Solomon Islands as a whole.

(2) Where subsection (1) applies the Minister shall—

(a) lay a copy of the proposed Ordinance before Parliament together with a statement of the policy with which in his opinion it conflicts, and

(b) move a motion in Parliament that the proposed Ordinance be disallowed,

and shall then withhold his assent if the motion is carried but otherwise shall give his assent.

(3) Where the Minister is of the opinion that a proposed Ordinance of a Provincial Assembly contains any provision as to which the Assembly has no power to make laws, he shall refer the question whether the provision is one as to which the Assembly has power to make laws to the High Court for decision; and he may do so if he is of the opinion that there is sufficient doubt about it to justify the reference.

(4) On a reference of any provision under subsection (3)—

(a) if the High Court decides that the Assembly has power to make laws as to that provision and any other provision involved in the reference, the Minister shall give his assent and the decision of the Court shall be binding in all legal proceedings; but

(b) if the High Court decides that the provision is not one as to which the Assembly has power to make laws, the Minister shall withhold his assent.

## **Executive Functions**

### **Extent of executive functions**

35.—(1) The Provincial Executive shall exercise as regards the province the functions which are functions of the Executive by virtue of any devolution order.

(2) Where a function of a Provincial Executive is included in Part II of Schedule 5, it shall continue to be exercisable by the person to whom it is given as well as by the Provincial Executive.

(3) The functions which, immediately before the second appointed day, are given to an existing Provincial Assembly, or the Clerk to the Assembly, by or under any enactment shall be exercisable by the Provincial Executive for the corresponding province established by this Act.

(4) Subsection (3) does not apply to any function given by or under the Local Government Act.

(5) Subject to the provisions of any enactment (wherever made or passed), a Provincial Executive—

(a) may provide services for the province in respect of any of the matters mentioned in Schedule 6; and

(b) may do anything (whether or not involving the acquisition or disposal of any property) which is calculated to facilitate or is conducive or incidental to the provision of such a service for the province.

(6) A Provincial Executive shall not, in the exercise of its functions—5 of 1986, s. 10

(a) establish or conduct any relations of a diplomatic nature with any foreign country;

(b) conduct or establish any relations of a business or economic nature with any foreign country without having first obtained the approval of the Minister, which may be given in consultation with the Cabinet; or

(c) seek to obtain, or accept, any financial assistance from funds outside Solomon Islands, except in accordance with the provisions of section 39 of the Central Bank of Solomon Islands Act.

*Cap. 49*

## **PART V FINANCE**

### **Establishment and Management of Funds**

#### **Provincial Fund**

36.—(1) For each province there shall be a Provincial Fund.

(2) A Provincial Assembly has no power to appropriate any sums forming part of the Provincial Fund except by Ordinance (in this Act referred to as an "Appropriation Ordinance"); and an Appropriation Ordinance may only appropriate sums—

(a) for the purposes of devolved functions; or

(b) for a purpose for which they are payable out of the Provincial Fund under this or any other Act.

(3) An Appropriation Ordinance may provisionally authorise the payment out of the Provincial Fund in advance of appropriation of sums not exceeding in the aggregate such amount as may be specified in the Ordinance.

(4) An Appropriation Ordinance shall not have effect at any time unless, at that time, there is in force in the province an Ordinance (in this Act referred to as a "Financial Management Ordinance") dealing with each of the matters mentioned in Schedule 7.

### **Power of Minister to limit, cancel or suspend**

*4 of 1991, s. 6*

37.—(1) Each province shall on passing an Appropriation Ordinance forward a copy of such Ordinance to the Minister.

(2) Notwithstanding the passing of the Appropriation Ordinance, the Minister may limit, suspend or cancel any expenditure, if in his opinion financial exigencies or the public interest so require.

(3) No action shall be taken by the Minister under subsection (2), unless he notifies the Provincial Executive and affords the Provincial Executive an opportunity to show cause why the expenditure should not be limited, suspended or cancelled.

### **Payments out of the Provincial Fund**

*50 of 1985 s. 11*

38.—(1) No payment shall be made out of a Provincial Fund except under the authority of a warrant given by the Premier or the member of the Provincial Executive responsible for Finance.

(2) The Premier or the member of the Provincial Executive responsible for Finance shall not give a warrant authorising the payment of any sum unless—

(a) the sum is part of the sums appropriated for any purpose by the Assembly; or

(b) payment of the sum has been provisionally authorised under section 36(3); or

(c) the sum has been charged on the Fund by or under any Act.

(3) A sum issued out of the Provincial Fund may not be applied for any purpose other than—

(a) the purpose for which it was appropriated or charged: or

(b) the purpose to which it is allocated in accordance with the Financial Management Ordinance, being a purpose falling within section 36(2).

### **Payments into the Provincial Fund**

39.—(1) Any sums forming part of the receipts of the Provincial Executive shall, so far as they are not disposed of or accounted for in accordance with any other enactment or an arrangement under section 31, be paid into the Provincial Fund.

(2) The Minister shall, in respect of each financial year, make payments into each Provincial Fund; and the amount of the payment into each Fund, and the timing and amount of any instalments by which the payment is to be made, shall be such as may be specified by the Minister by order

(3) An order under subsection (2) may make different provision for different provinces.

(4) An order under subsection (2) shall be subject to affirmative resolution; and when the draft of the order is laid before Parliament the Minister shall also lay a statement of the considerations taken into account in preparing the order.

## **Accounts and audit**

### **Estimates**

40.—(1) The Provincial Executive shall lay before the Assembly, before the commencement of each financial year, estimates of the revenue and expenditure of the province for that year.

(2) The estimates shall show the sources of revenue and the purpose and scope of each head of expenditure.

### **Payments into the Provincial Fund**

41.—(1) For each financial year, the Provincial Executive shall prepare the following accounts—

(a) accounts of sums paid and received by the Executive;

(b) an account of payments into and out of the Provincial Fund; and

(c) a balance sheet of the assets and liabilities of the Executive.

(2) The accounts shall be sent to the Auditor-General as soon as practicable after the end of the financial year to which they relate but, in any event, not later than nine months after the end of that year.

(3) The Auditor-General shall, after auditing the accounts pursuant to subsection (3) of section 108 of the Constitution (audit of public accounts) lay copies of them, together with his report under that subsection, before the Assembly.

(4) The Assembly shall publish—

(a) the accounts and reports received by it under subsection (3); and

(b) the reports of the Accounting Committee.

(5) The Provincial Executive shall pay in respect of any audit under section 108(3) of the Constitution such amount as the Auditor-General may direct; and any sum payable under this subsection—

(a) shall be paid in accordance with the direction; and

(b) shall be charged on the Provincial Fund.

## **Borrowing and lending**

## **Borrowing**

42.—(1) A Provincial Executive shall not borrow money except in accordance with this section.

(2) A Provincial Executive may borrow temporarily (either by way of overdraft or otherwise) from a Government lender or an authorised lender such sums as may appear to the Executive to be required—

(a) for the purpose of meeting a temporary excess of sums paid out of the Provincial Fund over sums paid into the Fund; or

(b) for the purpose of providing a working balance in the Fund.

(3) In addition to the purposes stated in subsection (2), a Provincial Executive may borrow for the purposes of devolved functions—5 of 1986 s. 12

(a) if the borrowing is in respect of recurrent expenditure, from a Government lender.

(b) in any other case, from a Government lender or an authorised lender.

(4) The aggregate outstanding in respect of the principal of sums borrowed by a Provincial Executive shall not exceed such sum as may from time to time be fixed for that Executive by order of the Minister.

(5) Unless an order of the Minister directs otherwise, sums required for the repayment of, or the payment of interest on, sums borrowed under this section shall be charged on the Provincial Fund.

*5 of 1986, s. 12*

(6) In this section—

"Government lender" means the Minister and any Government fund the purposes of which include the lending of money to Provincial Executives; and

"authorised lender" means any person authorised by the Minister for the purposes of this section.

## **Lending**

43.—(1) A Provincial Executive may lend money, or give a guarantee in respect of the repayment of any money, if, and only if, it does so for the purposes of devolved functions.

(2) The aggregate of—

(a) the amounts outstanding in respect of the principal of any sum lent by a Provincial Executive, and

(b) sums the repayment of which have been guaranteed by the Provincial Executive,



shall not exceed such sum as may from time to time be fixed for that Executive by order of the Minister.

## **PART VI GENERAL AND SUPPLEMENTARY**

### **Relations with Central Government**

#### **Notice of Bills**

44.—(1) Parliament shall by Standing Orders make provision for ensuring that a Bill for an Act the purposes of which include the amendment of any of the provisions of Parts II to IV of this Act (except Schedules 5 and 8 and the mention in Schedule 4 of any enactment) shall not be read a second time unless both the following requirements are satisfied, that—

(a) the long title shows that it is proposed to amend such a provision; and

(b) notice of the Bill has been given to the Speaker of Parliament within reasonable time.

*9 of 1991, s. 7*

(2) Parliament shall by standing orders make provision for ensuring that a Bill for an Act which includes any provision—

(a) relating to a matter that is within the legislative competence of a Provincial Assembly, or

(b) affecting the functions of a Provincial Executive,

shall not be read a second time unless the Speaker of Parliament is satisfied that adequate notice of the provision has been given to the Provincial Assembly or Provincial Executive.

#### **Provision of information**

45.—(1) Where it appears to the Minister that any information relating to the exercise of functions by any Minister is required for the exercise of functions by a Provincial Executive, he may request the Minister concerned to supply the information to the Executive and that Minister shall comply with the request.

(2) Where it appears to the Minister that any information relating to the exercise of functions by a Provincial Executive is required for the exercise of functions by any Minister, he may request the Executive to supply the information to the Minister concerned and the Executive shall comply with the request.

#### **Power to suspend Provincial Assembly**

*5 of 1986, s. 13*

46.—(1) Where the Minister is satisfied that any Provincial Government has—

(a) in the performance of any function acted in a manner prejudicial to the public interest or national interests of Solomon Islands; or

(b) made default or mismanaged any aspect of its financial affairs,

he may, after having given the Provincial Government reasonable notice of his intention to do, so, and having considered the representation, if any, of the Provincial Government thereon, in consultation and with the concurrence of the Cabinet, by order suspend the Provincial Government for such time as he may think fit from the performance of any such function or management to the extent of such breach, as may be specified in such order.

(2) For the purpose of determining default or mismanagement of the financial affairs as set out in paragraph (b) of subsection (1), the Minister may, authorise the Auditor-General to prepare and transmit to him a report relating to the financial affairs of the Provincial Government.

(3) Where an order has been made under subsection (1), the Minister may, for the purposes of discharging the functions of the Provincial Government suspended under that order, appoint any person or body as he may think fit.

(4) Where any person or body is appointed under subsection (3) to discharge the functions of any Provincial Government, the expenses incurred by such person or body in discharging those functions shall be a debt due from the Provincial Government to such person or body, as the case may be.

## **Miscellaneous**

### **Amendments of enactments**

47.—(1) The enactments mentioned in Part II of Schedule 8 shall have effect subject to the amendments there specified.

(2) The Minister may by order subject to affirmative resolution make such amendments in any enactment passed or made before the passing of this Act as appear to him necessary or expedient in consequence of this Act or any devolution order.

### **Subsidiary legislation**

48.—(1) This section (and not sections 61(1), 62 and 65(2) of the Interpretation and General Provisions Act) applies where, by any provision of this Act, power is conferred on the Minister to make any order or regulations (in this section referred to as "subsidiary legislation").

*Cap. 85*

(2) There is implied in the provision concerned a power exercisable in the same manner, and subject to the same conditions or limitations, to revoke, amend or re-enact any subsidiary legislation made in exercise of the power.

(3) If the subsidiary legislation is expressed to be subject to negative resolution—

- (a) a copy of the subsidiary legislation shall be laid before Parliament; and
- (b) the copy shall be laid before the subsidiary legislation comes into effect unless, in the opinion of the Minister, it is essential that the subsidiary legislation comes into effect before it can be laid; and
- (c) if, within the period of twenty days beginning with the day on which the copy is laid, Parliament resolves that the subsidiary legislation be annulled, the subsidiary legislation shall cease to have effect as from the date of the resolution, but without prejudice to the validity of anything previously done under it or to the making of new subsidiary legislation.

(4) In reckoning any period of twenty days for the purpose of subsection (3)(c), no account shall be taken of any time during which Parliament is prorogued or dissolved or is adjourned for more than four days.

(5) If the subsidiary legislation is expressed to be subject to affirmative resolution, the subsidiary legislation shall not come into operation until a draft of it has been laid before Parliament and approved by a resolution of Parliament.

(6) The subsidiary legislation shall be published in the Gazette.

### **No crown immunity**

49. The functions of a Provincial Assembly, Provincial Executive or Premier of a province are not to be regarded as performed on behalf of the Crown.

## **SCHEDULE**

*15 of 1986, s. 14  
3 of 1991, s. 2  
8 of 1992, s. 2*

## **PROVINCIAL BOUNDARIES**

(Section 3)

ProvinceArea Existing Authority

Western	The islands comprised in the area Western Provincial bounded by a line commencing at a Assembly point on the boundary between Solomon Islands and Papua New Guinea in Longitude 156° 13' 30" East thence by a line due south to Latitude 6° 45' 00" South thence in an easterly direction to the point Latitude 6° 45' 45" South Longitude 156° 18' 45" East thence in a southerly direction to the point Latitude 6° 57' 30" South Longitude
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156° 22' 00" East thence in the same direction to the point Latitude 7° 13' 15" South Longitude 156° 23' 45" East thence by a line in an easterly direction to the point Latitude 7° 13' 15" South Longitude 156° 23' 45" East thence by a line in an easterly direction to the point Latitude 7° 35' 30" South Longitude 157° 00' 00" East thence in the same general direction to the point Latitude 7° 43' 00" South Longitude 157° 30' 00" East thence by a line in the same general direction to the point Latitude 7° 55' 00" South Longitude 150° 55' 00" East thence by a line due south to a point in Latitude 8° 20' 00" South thence by a line bearing due East to a point in Longitude 159° East thence by a line bearing due south to a point in Latitude 9° 20' 00" south thence by a line bearing due West to a point in Longitude 155° 20' East thence by a line bearing due North to intercept the boundary between Solomon Islands and Papua New Guinea and thence along that boundary to the point of commencement.

- |             |   |
|-------------|---|
| Isabel      | The islands comprised in the area Santa Isabel bounded by a line commencing at a point Provincial Assembly in Latitude 7° South Longitude 160° 30' East thence by a line bearing due South to a point in Latitude 8° 45' South thence by a line bearing due West to a point in Longitude 159° East and thence along the common boundary with Western Province in a northerly direction to a point in Latitude 7° South and thence to the point of commencement. |
| Central     | The islands comprised in the area Central Islands bounded by longitude 159° East and Provincial Assembly 160° 30' East and latitudes 8° 45' South and 9° 13' South.   |
| Guadalcanal | Excluding Honiara, the islands Guadalcanal comprised in the area bounded by a line Provincial Assembly commencing at a point in Latitude 9° 13' South Longitude 160° 30' East and bearing due South to a point in Latitude  |

9° 20' South thence by a line bearing due East to a point in Longitude 161° East thence by a line bearing due South to a point in Latitude 10° 30' South thence along the common boundary with Central Province to a point in Longitude 159° East thence by a line bearing due North to a point in Latitude 9° 13' South and thence along the common boundary with Central Province to the point of commencement.

Malaita The islands comprised in the area Malaita bounded by a line commencing at a point Provincial Assembly on the boundary of Solomon Islands and Papua New Guinea in approximate Latitude 4° 52' South Longitude 160° East thence by a line bearing due East to a point in Longitude 163° East thence by a line bearing due South to a point in Latitude 9° South thence by a line bearing due West to a point in Longitude 161° 50' East thence by a line bearing due South to a point in Latitude 10° South thence by a line bearing due West to a point in Longitude 161° East thence in a northerly direction along the common boundary with Guadalcanal, Central, Isabel and Western Provinces to a point intersecting the boundary of Solomon Islands and Papua New Guinea thence generally North Easterly along that boundary to a point in approximate Longitude 159° East and thence generally along that boundary to the point of commencement.

Makira Ulawa The islands comprised in the area Makira Ulawa bounded by a line commencing at a point Provincial Assembly in Latitude 9° South Longitude 161° 50' East thence by a line bearing due East to a point in Longitude 164° East thence by a line bearing due South to a point in Latitude 12° 30' South thence by a line bearing due West to a point in Longitude 161° East and thence in a generally Northerly direction along the common boundary with Central, Guadalcanal and Malaita Provinces to the point of commencement.

Temotu	The islands comprised in the area Eastern Islands bounded by a line commencing at a point Provincial Assembly in Latitude 9° South Longitude 164° East thence by a line bearing due East to a point in Longitude 170° 20' East thence by a line bearing due South to a point in Latitude 12° 30' South thence by a line bearing due West to a point in Longitude 164° East and thence North along the common boundary with Makira Ulawa Province to the point of commencement.
Choiseul	The islands comprised in the area Choiseul bounded by a line commencing at a Provincial Assembly point on the boundary between Solomon Islands and Papua New Guinea in Longitude 156° 13' 30" East thence in an Easterly direction along that boundary to the intersection of that boundary Longitude 157° 55' East thence due South to Latitude 7° 55' South thence by a straight line in a Westerly direction to the point Latitude 7° 43' 00" South Longitude 157° 30' 00" East thence in the same general direction to the point Latitude 7° 13' 15" South Longitude 156° 23' 45" East thence to the point Latitude 6° 57' 30" South Longitude 156° 22' 00" East thence in a northerly direction to the point Latitude 6° 45' 45" South Latitude 156° 18' 45" East thence in a northerly direction to the point Latitude 6° 45' 00" South Longitude 156° 13' 30" East thence due north to the point of commencement.
Rennell and Bellona	The islands comprised in the area Rennell and Bellona bounded by longitude 159° East and Provincial Assembly 161° East and latitudes 10° 30' South and 13° 06' South.

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## SCHEDULE 2

Section 7(4), 12(4) and 20

## TEMPORARY ARRANGEMENTS

**PART I**  
**Initial Members of new Assemblies and**  
**modification of Local Government Act**

1. A person who on the first appointed day is—

- (a) a member of an existing Provincial Assembly for any electoral ward, and
- (b) is not disqualified for membership of the corresponding Provincial Assembly established by this Act (in this Part of this Schedule referred to as "the new Assembly"),

shall be the elected member of the new Assembly for that ward, and his term of office shall begin on the first appointed day.

2. If, on the first appointed day, a member of an existing Provincial Assembly for any ward is disqualified for membership of the new Assembly, an election shall be held to fill the vacancy in that ward.

3. Notwithstanding anything in section 13, the date of an election under paragraph 2 shall be fixed by the Minister, and it shall not be later than three months after the disqualification has come to his notice.

4. Where, before the second appointed day, a person is returned as an elected member of a new Assembly for any ward (whether under paragraph 2 or section 13) he shall, as from the day of his election and for all the purposes, take the seat in the existing Provincial Assembly of the member for that ward.

5. Where, before the second appointed day, a Provincial Executive has been formed in a province—

- (a) the Premier shall discharge also the functions of the President of the existing Provincial Assembly; and
- (b) a member of the Provincial Executive nominated by the Premier in that behalf shall discharge also the functions of the Vice-President of the existing Provincial Assembly; and
- (c) the Provincial Executive shall discharge also the functions of the Executive Committee of the existing Provincial Assembly.

6. On the first appointed day, Part III of the Local Government Act (composition of Assemblies and elections) shall cease to have effect in relation to existing Provincial Assemblies.

*Cap. 117*

**PART II**  
**Transitional arrangements for Provincial Assembly elections**

7. The regulations made under the Local Government Act specified in paragraph 8 shall (notwithstanding anything in paragraph 6) apply in relation to a Provincial Assembly election as if they had been made under section 12 of this Act.

8. Those regulations are—

(a) in the Local Government (Elections) Regulations, regulations 6(b) and (c), 7, 8 (including the Schedule), 9 to 44, 46 to 63, 64 (including the Local Government (Election Petition) Rules made under it), 65 and, so far as relating to those regulations, regulation 2; and

(b) the Local Government (Registration of Voters) Regulations.

9. Those regulations shall apply in relation to a Provincial Assembly election with such adaptations and modifications as may be required to bring the regulations into conformity with the provisions of this Act and, in particular—

(a) references to existing Provincial Assemblies and their areas shall be construed as references to the Provincial Assemblies and the provinces established under this Act;

(b) references to the general revenue of an existing Provincial Assembly shall be construed, on and after the second appointed day, as references to the Provincial Fund of the corresponding province established under this Act; and

(c) references to any provision of the Local Government Act shall be construed as references to the corresponding provision of this Act.

10. The Minister may by order make such amendments of those regulations as are necessary or expedient in consequence of the preceding provisions of this Schedule and, in addition, the order may—

(a) provide that the functions formerly conferred by the regulations on the High Commissioner shall be exercisable by the Minister;

(b) with the consent of the Provincial Executive, require candidates for election to deposit, in accordance with the provisions of the order, a sum of money of an amount specified in the order; and

(c) specify the latest time at which candidature for election may be withdrawn.

11. For the purposes of section 11(2) of this Act, the register of voters for the time being kept under the Local Government (Registration of Voters) Regulations in respect of a province shall be treated as the register of Provincial Assembly electors to be used at any Provincial Assembly election in the province.

### **PART III**

#### **Other Transitional Provisions**



12. Any expenses incurred by a Provincial Assembly or Provincial Executive before the second appointed day shall, notwithstanding anything in the Local Government Act or this Act, be paid out of the general fund of the existing Provincial Assembly.

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13.—(1) The first meeting of a Provincial Assembly shall be held on such day and at such time and place as may be determined by the existing Provincial Assembly.

(2) That day shall fall within the period of one month beginning with the first appointed day.

14. No salary or allowance shall be payable to any person in respect of his membership of a Provincial Assembly or Provincial Executive for any period expiring on or before the second appointed day; and in this paragraph "salary" has the same meaning as in section 27.

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## **SCHEDULE**

*315 of 1986, s. 15*

(Section 25)

### **MATTERS TO BE PROVIDED FOR IN STANDING ORDERS**

#### **Speaker and Deputy Speaker**

1.—(1) The manner of electing the Speaker, Deputy Speaker and for the appointment of any other person to preside in the absence of the Speaker or Deputy Speaker.

(2) Provision that the Deputy Speaker shall be a member of the Assembly.

#### **Meetings**

2.—(1) Summoning of meetings of the Assembly by the Speaker.

(2) Standing Orders made in pursuance of this paragraph shall provide—

*5 of 1995, s.3*

(a) for the Assembly to meet at least twice in any period of twelve months; and

(b) for the summoning of the next meeting within a period of one month from the date of defeat of an Appropriation Ordinance presented at a meeting.

(3) The period of twelve months in sub-paragraph 2(a) shall be construed to mean twelve months in a Provincial Financial year.

#### **Oaths**

3.—(1) Provision for ensuring that no member of the Assembly takes part in any of its proceedings or the proceedings of any of its committees until he has made an oath or affirmation of allegiance in the form set out in Schedule 1 to the Constitution.

(2) Provision for ensuring that no member of the Provincial Executive takes part in the proceedings of the Executive until the member has made an Oath or affirmation for the due execution of the office of Executive member in a form similar to the form set out in paragraph 3 of Schedule 1 to the Constitution.

### **Right to vote**

4. Provision that only elected members may vote at any meeting of the Assembly or its committees.

### **Quorum**

5. Quorum of the Assembly and of any of its committees.

### **Order**

6.—(1) Preservation of order in the proceedings of the Assembly and its committees.

(2) Standing orders made in pursuance of this paragraph may include provision for excluding a member from the proceedings.

### **Passing legislation**

7.—(1) Provision—

(a) for general debate of a proposed Ordinance with an opportunity for members to vote on its general principles;

(b) for the consideration of, and an opportunity for members to vote on, the details of a proposed Ordinance; and

(c) for final stage at which a proposed Ordinance can be passed or rejected but not amended.

(2) Provision for the procedure to be adopted where the Minister has withheld his assent from a proposed Ordinance.

### **Financial Control**

8.—(1) Ensuring that the Assembly does not proceed with any proposed Ordinance to appropriate any sum out of the Provincial Fund unless either—

(a) there has been laid before the Assembly the estimates of expenditure on which the proposed Ordinance is based; or

(b) the proposed Ordinance would have effect only in relation to the first four months of a financial year and would appropriate a sum sufficient only to maintain existing services.

(2) Ensuring that the Assembly does not pass such an Ordinance except in pursuance of a recommendation of the Provincial Executive.

9.—(1) The appointment of an Accounts Committee.

(2) Ensuring that the majority of members of the Committee are not members of the Provincial Executive.

(3) Provision requiring the Committee to examine and report to the Assembly on the accounts and reports laid before the Assembly by the Auditor-General.

### **Proceedings in public**

10. Provisions for proceedings of the Assembly and of any of its committees to be held in public, subject to any exceptions made by standing orders.

### **Members interests**

11.—(1) Ensuring that a member with an interest in any matter (whether it is a financial interest or some other kind of interest which is specified in the Standing Orders) discloses the interest before taking part in any proceedings dealing with that matter.

(2) Standing orders made in pursuance of this paragraph may include provision—

(a) for preventing or restricting participating of such members in such proceedings,  
and

(b) for excluding members contravening them from those proceedings.

### **Relations with Central Government**

12. The admission to meetings of the Assembly or its committees of any member of Parliament whose constituency includes any part of the province.

13. The establishment of a co-ordinating committee to include any such member of Parliament.

14. Securing that no draft Ordinance is debated in the Assembly unless the Speaker is satisfied that the draft has been brought to the attention of the Minister.

### **Resolution to dissolve or motion of no confidence**

15. Where a motion is to be moved under section 10(2) or 21(4), provision ensuring that adequate notice of the motion (not being less than one week) is given to members of the Assembly.

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## **SCHEDULE**

*45 of 1984, s. 36  
5 of 1986, s. 16  
4 of 1991, s. 7*

(Section 28(3))

### **LEGISLATIVE MATTERS**

#### **Trade and Industry**

1.—(1) Local licensing of professions, trades and businesses, Local marketing.

(2) The Weights and Measures Act is not included.

*Cap. 155*

#### **Cultural and Environmental Matters**

2. Local crafts. Historical remains. Protection of wild creatures.

#### **Transport**

3. Coastal and lagoon shipping. Provision, maintenance and improvement of harbours, roads and bridges.

#### **Finance**

4. Raising revenue by—

(a) head tax;

(b) property tax;

(c) fees for services performed or licences issued by or on behalf of the Provincial Executive (other than services performed or licences issued by them as agent of another); and

(d) such other means as may be approved for the purposes of this paragraph by the Minister by order.

#### **Agriculture and Fishing**

5. Animal husbandry. Management of agricultural land. Grants, loans and subsidies in respect of agricultural production. Protection, improvement and maintenance of fresh-water and reef fisheries.

#### **Land and Land Use**

6. Codification and amendment of existing customary law about land. Registration of customary rights in respect of land including customary fishing rights. Physical planning except within a local planning area (within the meaning of the Town and Country Planning Act or an area to which Part IV of that Act has been applied (development areas).

*Cap. 154*

### **Local Matters**

7. Fire services and fire protection. Waste disposal and cleansing services. Rest houses, eating houses and similar places. Public conveniences. Vagrancy. Public nuisances. Cemeteries. Parks and recreation grounds. Markets. Keeping of domestic animals. Building Standards.

### **Local Government**

8.—(1) The constitution, area and general powers and duties of Area Councils and similar bodies, their revenue and expenditure.

(2) The making of by-laws by such bodies, that is, laws—

(a) affecting only the area of responsibility of the body;

(b) not having effect until confirmed by the Provincial Executive; and

(c) not made for a purpose for which provision is made by, or is or may be made under, any other enactment.

(3) To determine by resolution of the Provincial Assembly the salaries and allowances to be paid in respect of area councillors.

### **Housing**

9. Housing. Regulation of rents.

### **Rivers and Water**

10. Control and use of river waters. Pollution of water. Provision of water supplies. (other than urban water supply in areas, prescribed by the Minister under the Solomon Islands Water Authority Act).

### **Liquor**

11. Liquor licensing.

### **Corporate or Statutory Bodies**

12. Establishment of corporate or statutory bodies for the providing of provincial services including economic activity.

NOTE References in this Schedule to any enactment include a reference to any order, rules or regulations made under it.

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## **SCHEDULE 5**

### **Section 28(4)**

## **STATUTORY FUNCTIONS**

### **PART I FUNCTIONS THAT MAY BE TRANSFERRED**

#### **Cultural and Environmental Matters**

The Cinematograph Act (Cap. 137)	The functions given to the Licensing Authority under that Act.
	The functions given to the Minister under section 14 (making rules) except paragraph (f) (Board of Censors).
The Wild Birds Protection Act (Cap. 45)	The functions given to the Minister under section 14 (Sanctuaries).

#### **Transport**

The Roads Act (Cap. 129)	The functions given to the Minister under sections 3, 5, 27 and 29(b) to (f) and (so far as relating to those paragraphs) (g) of that Act.
The Traffic Act (Cap. 131)	The functions given to the highway authority under section 69 and 70 of that Act (closure of roads and injury to bridges).
The Light Dues and Harbours Act (Cap. 159)	The functions given to the Chief Marine Officer under section 5 of that Act (obstructions in harbours).

#### **Agricultural and Fishing**

The Commodities Export Marketing Authority Act (Cap. 36)	The functions and powers conferred on the Authority under sections 11, 12, and 13 (relating to issue, renewal, revocation, and variation of the conditions of, a licence to carry on any prescribed activity in a commodity other than export, including power to receive applications for issue,
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renewal, revocation and variation of the conditions of such licence, or to make any variation in those conditions, or to register such licence, or to permit temporary carrying on a prescribed activity covered by a licence:

Provided that no function or power conferred under those sections shall be exercised except after consultation with the Authority. The function conferred on the Minister under section 32, to exempt a person or a class of persons from the provisions of section 11(1)(b):

Provided that no such function can be performed except after consultation with the Authority.

The Trespass and Branding Act (Cap. 88, 1969 Revised Edition)

The functions given to the Minister or the Under Secretary/Agriculture under that Act.

### **Land and Land Use**

The Land and Titles Act (Cap. 133)

The functions given to the Minister under Division 2 of Part V of that Act (compulsory acquisition of land) in relation to land required for the purposes of devolved functions.

### **Rivers and Water**

The River Waters Act (Cap. 135)

The functions given to the Minister under that Act.

### **Forestry**

The Forest Resources and Timber Utilisation Act (Cap. 40)

The functions given to the Minister under Part III of that Act (approved timber agreements affecting customary land).

The functions given to the Minister under Part IV (licensing of mills).

The functions given to the Minister under Part VII (control of forests to conserve water resources).

The functions given to the Minister

under section 44 (regulations) so far as relating to Parts III, IV and VII

### **Public Holidays**

The Public Holidays Act  
(Cap. 151)  
Act

The functions given to the Governor-General under section 6 of that (appointment of special public holidays).

### **Liquor**

The Liquor Act  
(Cap. 144)

The functions given to the Minister under section 17 of that Act (appointment of Liquor Licensing Board).

The functions given to the Minister under section 82 (closure of bars).

The functions given to the Minister under section 94 (power to alter fees and forms).

## **PART II CONCURRENT FUNCTIONS**

The functions included in Part I in respect of the following Acts—

### **The Roads Act**

The Traffic Act  
The Public Holidays Act

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## **SCHEDULE**

*65 of 1986, s. 17*

(Section 35(5))

## **PROVINCIAL SERVICES**

Trade and Industry

Employment. Co-operatives. Local trades and industries.

Cultural and Environmental Matters

Museums, libraries, local languages, arts and crafts, sports and other cultural and recreative activities. Historical remains. Conservation of the environment.



## Transport

Shipping and harbours. Road transport. Aerodromes.

## Agriculture and Fishing

Agriculture. Fishing.

## Health

Medical services. Public Health.

## Local Matters

Matters included in paragraph 7 of Schedule 4. Welfare and other social services.

## Housing

Housing

## Information

Newspapers and other information services. Statistics.

## Forestry

Forestry.

## Education

Kindergartens, primary schools, provincial secondary schools and community education.

## Electricity

Supply of electricity outside supply areas (within the meaning of the Electricity Act).

## Tourism

Tourism.

## Corporate or Statutory Bodies

Matters included in paragraph 12 of Schedule 4.

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## **SCHEDULE 7**

(Section 36(4))

## **MATTERS TO BE INCLUDED IN FINANCIAL MANAGEMENT ORDINANCE**

The form of the annual estimates.

The method of authorising and making issues from the Provincial Fund.

The management and reallocation of funds within the amounts appropriated.

The provision of funds in advance of appropriation.

The use of bank accounts and the investment of moneys forming part of the Provincial Fund.

The making of advances.

The acceptance of deposits.

The creation and control of special funds.

The appointment and responsibilities of staff charged with accounting tasks.

The making of rules and regulations relating to financial management and to the procurement, safekeeping, accounting for and disposal of stores.

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### **SCHEDULE 8**

(Sections 28(5) & 47(1))

#### **AMENDMENTS OF ENACTMENTS**

##### **PART I**

##### **AMENDMENTS TO BE BROUGHT INTO FORCE BY DEVOLUTION ORDER**

##### **Transport**

1. At the end of section 5 of the Ports Act (power to appoint ports) insert—

*Cap. 161*

"(3) No order may be made under this section without the consent of the Provincial Executive for the province in which the place concerned is situated."

2.—(1) In section 2 of the Roads Act, at the end of the definition of "Director" insert "and includes, in relation to any area of a province, any person to whom the Provincial Executive has assigned the functions conferred by this Act on the Director."

*Cap. 129*

(2) Section 4 of that Act (power to vest control of roads in local authority) is repealed.

(3) In section 5 of that Act (power to close roads, etc.), after "Government" insert "or, as the case may be, the Provincial Executive".

(4) In section 16(1) of that Act, leave out "at Honiara".

(5) In section 28(1) of that Act (no liability for condition of road), after "Government" insert "or a Provincial Executive" and for "either" substitute "any of them".

### **Agriculture and Fishing**

3. In section 2 of the Fisheries Act in the definition of "authorised officer", after "vessel" insert "any provincial government officer declared by the Provincial Executive to be an authorised officer for the purposes of this Act".

*Cap. 38*

### **Land and Land Use**

4. In section 13 of the Town and Country Planning Act (orders controlling development), in subsection (2), omit "either" and, in paragraph (b), for "or" substitute "and".

*Cap. 154*

5.—(1) In section 75 of the Land and Titles Act (effect of declaration that land is required for public purpose) after "Government" insert "or, in the case of a declaration by a Provincial Executive, for and on behalf of the Provincial Executive".

*Cap. 133*

(2) In section 78 of that Act (alteration of register) after "Government" in paragraphs (a) and (b) insert "or, as the case may be, the Provincial Executive".

(3) In section 82 of that Act (temporary occupation of land) for "benefit of the people of Solomon Islands" substitute "public benefit".

(4) At the end of Part V of that Act insert—

**"Expenses  
incurred by  
Commissioner  
on behalf of  
Provincial  
Executive**

85A. Any expenses incurred by the Commissioner under this Part in respect of land acquired, or occupied and used, for devolved functions (**within** the meaning of the Provincial Government Act) shall be charged on the Provincial Fund."

### **Rivers and Water**

6.—(1) In section 3 of the River Waters Act (appointment and powers of inspectors) for subsection (1) substitute—

"(1) A Provincial Executive may, in respect of their province, appoint any person to be an inspector for the purposes of this Act."

(2) In that Act, for "Government" (whether it appears) substitute "Provincial Executive" and, in section 17(5), for "Consolidated Fund" substitute "Provincial Fund".

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## **PART II\***

\* Omitted as the amendments and modifications set out in this Part have been embodied in the relevant enactments.

### **GENERAL AMENDMENTS**

#### **SCHEDULE 9** (Section 2)

#### **GLOSSARY**

<b>Expression</b>	<b>Meaning</b>
Accounts Committee	See paragraph 9 of Schedule 3.
Affirmative Resolution	See section 48(5).
Appointed Member	See section 14(3).
Appropriation Ordinance	See section 36(2).
Devolution order	See section 28.
Devolved function	In relation to a province means—  (a) a matter which is within the legislative competence of a Provincial Assembly; and  (b) a function which, by or under this or any other enactment, is a function of the Provincial Executive.
Existing Provincial Assembly	A Provincial Assembly established under the Local Government Act, except Honiara.
Financial Management Ordinance	See section 36(4).
Financial year	The twelve months ending with 31 March.
First appointed day	See section 1(3)(a).

Honiara	The area known as Honiara the boundaries of which are delineated on plan 1981 deposited in the office of the Surveyor General.
Legislative competence	See section 28(3).
Minister	When used anywhere in the Act means the Minister given the responsibility of administering that part of the Act in which the expression occurs.
Negative resolution	See section 48(3)
Ordinance	See section 32.
Ordinary election	An election held under section 9(1) or (2).
Premier	See section 21(1).
Province	See section 3.
Provincial Assembly	See section 7(1).
Provincial Executive	See section 21.
Provincial Fund	See section 36(1).
Provincial government officer	Has the same meaning as in the Constitution.
Public officer	Has the same meaning as in the constitution.
Second appointed day	See section 1(3)(b).
Speaker	See section 24(1).

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## **CHAPTER 118**

### **PROVINCIAL GOVERNMENT**

#### **Subsidiary Legislation**

#### **THE CENTRAL PROVINCE ELECTORAL ARRANGEMENTS ORDER**

*LN 77/1984*

(Section 8)

[24th August 1984]

## **Citation**

1. This Order may be cited as the Central Provincial Electoral Arrangements Order.

## **Electoral arrangements**

2. The electoral arrangements for the Central Provincial Assembly shall be as contained in the Schedule. One member shall be returned for each electoral ward named in the Schedule.

### **SCHEDULE**

Number and Name of Ward	Boundary of Wards
1. West Rennell	That part of Rennell Island West of a straight line drawn north to south along longitude 160° 20'E.
2. East Rennell	That part of Rennell Island east of a straight line drawn north to south along longitude 160° 20'E.
3. Bellona	The island of Bellona.
4. Banika	The island of Banika in the Russell Islands group.
5. Pavuvu	The island of Pavuvu in the Russell Islands group.
6. Lavukal	All of the islands in the Russell Islands group except for Banika and Pavuvu.
7. North Savo	<p>An area of Savo Island bounded as follows:</p> <p>Commencing at the mouth of the Mbonala River at Map reference 586, 700E and 8,989, 800N; thence northeasterly by a straight line to the peak at the highest point of the island at Map reference 589, 570E and 8,991, 359N; thence northeasterly by a straight line to a point on the coast at Map reference 590, 900E and 8,993, 700N; thence counter-clockwise along the coast to</p>

the point of commencement.

8. South Savo

All that part of Savo Island that is not included in Ward 7 above.

9. Sandfly/Buena Vista

All the islands north and west of a straight line commencing at Map reference 624, 000E and 9, 007, 000N and proceeding southwesterly to a point at Map reference 618, 000E and 9, 002, 000N.

10. West Gela

Anuha Island and an area of Big Gela west of a line commencing at a point on the northern coast at Map reference 635, 000E and 9, 004, 350N; thence southerly to the coast at Map reference 634, 550E and 8,997, 350N; thence southerly along the coast to Map reference 634, 000E and 8,993, 300N.

11. North Gela

An area of the islands of Big Gela and Small Gela bounded as follows:

Commencing on the northern coast of Big Gela at Map reference 635, 000E and 9, 004, 350N; thence southerly to Map reference 634, 550E and 8,997, 350N; thence southerly along the coast to Map reference 634, 700E and 8,994, 200N; thence southeasterly by a straight line to the mouth of the Tume River at Map reference 652, 200E and 8,987, 820N; thence along the northern coast of Small and Big Gela island to the point of commencement.

12. South Gela

An area of the islands of Big Gela and Small Gela and all its off lying islands to the south and east of a line commencing at the mouth of the Tume River at Map reference 652, 200E and 8,987, 820N; thence northwesterly by a straight line to the coast at Map reference 634, 700E and 8,994, 200N; thence southerly along the coast to map reference 634, 000E and

8,993, 300N.

13. Tulagi

The islands of Tulagi, Makambo, Mbangai, Kokomutambu, Soghonangola, Ghavutu, Ghaome and Tanambogho bounded as follows:

Commencing at a point at Map reference 624, 200E and 8,995, 540N; thence northeasterly to a point at Map reference 624, 770E and 8,996, 150N; thence southeasterly to a point at Map reference 631, 000E and 8,994, 000N; thence southerly to a point at Map reference 631, 000E and 8,991, 000N; thence westerly to a point at Map reference 626, 000E and 8,991, 000N; thence northwesterly to the point of commencement.

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**THE CHOISEUL PROVINCE (ELECTORAL ARRANGEMENTS) ORDER**

*LN 72/1993*

*LN 38/1995*

(Section 8)

*[12th December 1995]*

**Citation**

1. This Order may be cited as the Choiseul Province (Electoral Arrangements) Order.

**Electoral arrangements**

2. The electoral arrangements for the Choiseul Province shall be as contained in the Schedule. One member shall be returned for each electoral ward named in the Schedule.

**SCHEDULE**

**Number and Name of Ward Boundary of Wards**

- |             |  |
|-------------|--|
| 1. WAGINA   | All those islands east of the line produced due south from the point which co-ordinates are 350, 850E and 9,189, 600N.   |
| 2. KATUPIKA | The area enclosed in the east by the line produced due south from the point 350, 850E and 8,189, 600N; thence by a straight line westward to a point 344, 750E and 9,189, 550N; thence by a straight line to a point |



339, 850E and 9,190,700N at the mouth of GIBI RIVER; thence southwesterly by a straight line to a point 330, 360E and 9,186, 230N; thence north westerly by a straight line to a point 305, 220E and 9,195,500N thence by a straight line in a north-westerly direction to a point 298,700E and 9,199,770N thence by a straight line to a point 289,830E and 9,191, 400N on the mouth of TATAKA RIVER in the South. All coastal islands commencing from KAMBANA ISLAND in the west to MINDINI ISLAND in the east are included.

3. VASIDUKI      The area commencing from a point 289,830E and 9,191,400N on the mouth of TATAKA RIVER at the coast; thence by a straight line north easterly to a point 298,700E and 9,199,770; thence north westerly to a point 288,290E and 9,207, 250N; thence in the same direction to a point 286,900E and 9,300,900N at MOUNT VELA; thence to a point 279, 250E and 9,214,750N; thence south westerly to a point 264, 550E and 9,207,650N on the mouth of RIMATA RIVER; thence following the high water mark in a south easterly direction to the point of commencement. All coastal islands from TATAKA RIVER mouth to RIMATA RIVER mouth are included.
4. VIVIRU        The area commencing from a point 264,550E and 9,207, 650N on the mouth of RIMATA RIVER thence north easterly by a straight line to a point 279, 250E and 9,214,750N; thence north westerly by a straight line to a point 366,950E and 9,226,250N; thence south westerly by a straight line to a point 256,200E and 9,218,650N on the mouth of TEDEKE RIVER; thence following the high water mark in a south easterly direction to the point of commencement.
5. BABATANA     The area commencing at a point 256,200E and 9,215,650N on the mouth of TEDEKE RIVER; thence inland by a straight line to a point 366,950E and 9,226,250N; thence north westerly by a straight line to a point 254,360E and 9,237,900N; thence south westerly by a straight line to a point 245,000E and 9,230,850N on the mouth of KEORO RIVER; thence along the high water mark in a south westerly direction to the point of commencement.
6. TEPAZAKA    The area commencing from a point 245,000E and 9,230,850N on the mouth of KEORO RIVER; thence inland by a straight line to a point 954,360E and 9,237,900N; thence north westerly by a straight line to a point 245,450E and 9,244, 750N; thence by a straight line in the same direction to a point 237,740E and 9,250,900N; thence south westerly by a straight line to a point 229,760E and 9,248,700N on the mouth of VURAVURAGO STREAM; thence south easterly along the high water mark to the commencement point and including offshore islands.
7. BATAVA        The area commencing from a point 229,760E and 9,248,700N on the mouth of VURAVURAGO STREAM; thence inland by a straight line to a point 237,740E and 9,250,900N; thence by a straight line to a point 232,800E and 9,254,400N; thence by a straight line to a point 220,550E and 9,264,230N at MT. ARARA; thence by a straight line to

a point 220,250E and 9,271,440N on the coast at PACHUAVA POINT; thence south westerly along the high water mark to the commencement point including the offshore islands.

8. TAVULA      The area commencing from a point 220, 450E and 9,271,440N on the coast at PACHUAVA POINT; thence by a straight line to a point 220,550E and 9,264,230N at MT. ARARA; thence by a straight line to a point 232,800E and 9,254,400N still inland; thence by a straight line to a point 238,450E and 9,263, 250N on the mouth of BAGA RIVER; thence westward to the point of commencement and including the offshore islands.
9. POLO      The area commencing from a point 238,450E and 9,263,250N on the mouth of BAGA RIVER; thence by a straight line to a point 232,800E and 9,254,400N inland; thence south easterly in a straight line to a point 237,740E and 9,250,900N; thence by a straight line in a south easterly direction to a point 245,450E and 9,244,750N; thence by a straight line to a point 252,690E and 9,251,750N on the mouth of SANGASANGA RIVER. All the offshore islands between this point and the starting point are included.
10. BAGARA      The area commencing from a point 252,690E and 9,251,750N on the mouth of SANGASANGA RIVER; thence inland to a point 245,450E and 9,244,750N; thence south easterly by a straight line to a point 254,360E and 9,237,900N; thence by a straight line to the mouth of PORO RIVER at point 263,700E and 9,244,050N; thence north westerly along the high water mark to the point of commencement.
11. SUSUKA      The area commencing from a point 263,700E and 9,244,050N on the mouth of PORO RIVER; thence inland by a straight line to a point 254,360E and 9,237,900N; thence south easterly by a straight line to a point 366,950E and 9,226,250N; thence to the coast by a straight line to a point 280,400 and 9,237,280N on the mouth of KOLOVANA RIVER; thence north westerly along the high water mark to the point of commencement and including the offshore islands.
12. SENGGA      The area commencing from a point 280,400E and 9,237,280N on the mouth of KOLOVANA RIVER; thence inland by a straight line to a point 366,950E and 9,226,250N; thence south easterly by a straight line to a point 279,250E and 9,214,750N; thence to the coast by a straight line to a point 290,250E and 9,225,560N on the mouth of KONJO RIVER; thence north westerly along the high water mark to the point of commencement and including the offshore islands.
13. KEREPAĞARA      The area commencing from a point 290, 250E and 9,255,560N on the mouth of KONJO RIVER; thence inland by a straight line to a point 279,250E and 9,214,750N; thence south easterly by a straight line to a point 286,900E and 9,200,900N on MT. VELA; thence in the same direction to a point 288,290E and 9,207,250N; thence to the coast by a straight line to a point 294,250E and 9,212, 800N on the mouth of

VASELE RIVER; thence north westerly along the high water mark to the point of commencement.

14. KIRUGELA      The area enclosed by the straight lines commencing from point 294,250E and 9,212,800N on the mouth of VASELE RIVER to point 288,290E and 9,207,250N; thence southeasterly to point 298,700E and 9,199,770N; thence southeasterly to point 305,220E and 9,195,500N; thence southeasterly to point 330,360E and 9,186,230N; thence easterly to point 339,850E and 9,190,700N on the mouth of GIBI RIVER; thence in a easterly direction by a straight line to point 344,750E and 9,189,550N; thence eastward to the last point 350,850E and 9,189,600N. All the offshore islands between the starting point and the finishing point are included.

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## **THE LOCAL GOVERNMENT (ELECTIONS) REGULATIONS**

### **THE EASTERN ISLANDS COUNCIL (CONSTITUTION OF WARDS) ORDER\***

*LN 51/1974*

*LN 83/1977*

*LN 6/1986*

\*As no order under section 8 of the Provincial Government Act in respect of electoral arrangements has been made in relation to the Temotu Province, elections to the Temotu Provincial Assembly are based on the Eastern Islands Council (Constitution of Wards) Order made under regulation 3 of the Local Government (Elections Regulations)

(Regulation 3)

*[2nd September 1974]*

#### **Citation**

1. This Order may be cited as the Eastern Islands Council (Constitution of Wards) Order.

#### **Electoral wards**

2. The area of authority of the Eastern Islands Council is hereby divided into 17 wards, to be known by the numbers and names specified in the first column of the Schedule, each of which shall comprise the areas specified in relation thereto in the second column of the said Schedule.

*LN 83/1977*

### **SCHEDULE**

*LN 83/1977*

Number and Names of Ward

Area of Ward

- |                         |  |
|-------------------------|--|
| 1. Fenualoa             | The island of Fenualoa.  |
| 2. Polynesian Outliners | The islands of Matema, Nalogo, Nifiloli, Nukapu, Nupani, Pileni, Sand, Tinakula and their attendant islets.  |
| 3. Nipua/Nopali         | The island of Nipua and its attendant islets; thence easterly by a straight line from a point north-west of Lom-lom at map reference E 642370 and N 8864640; to a point at map reference E 6465590 and N 8865000; thence northerly by a straight line to a point at the coast at map reference E 646450 and N 8865750; thence along the coast to the point of commencement.                                    |
| 4. Lipe/Temoa           | An area bounded as follows:-<br><br>Commencing at a point on the north-coast of Lomlom at map reference E 646450 and N 8865750; thence south-easterly by a straight line to a point on the coast at map reference E 646800 and N 8863580 and including the Island of Gninbanga or Temoa.   |
| 5. Manuopo              | An area bounded as follows:—<br><br>Commencing at the north-west coast of Lomlom at map reference E 642370 and N 8864640; thence easterly by a straight line to a point at map reference E 646590 and N 8865000; thence south-easterly by a straight line to a point at map reference E 646800 and N 8863580; thence west ward along the coast to the point of commencement.                                   |
| 6. Nenumpo              | An area bounded as follows:-<br><br>The islands laying south of Lomlom including Gninbanga Nende, Ngananinumbuli, Ngatado and Pigeon.  |
| 7. Venga/Nemba          | An area bounded as follows:-<br><br>Commencing at a point on the coast at map reference E 582600 and N 8805370; thence north-easterly by a straight line to a point at map reference E 586320 and N 8808830; thence north-westerly by a straight line to a point at map reference E 584330 and N 8816260.  |
| 8. Luva Station         | An area bounded as follows:-<br><br>Commencing at a point at map reference E 585600 and N 8812100; thence north-easterly by a straight line to a point at map reference E 587800 and N 8813450; thence north-easterly to a point at map reference E 591550 and N 8818100; thence westerly by a straight line to a point at map reference E 590320 and N 8818370; thence south-westerly by a straight line to a |

point at map reference E 884330 and N 8816260; thence south-easterly to the point of commencement.

9. Graciosa Bay

An area bounded as follows:-

Commencing at a point on map reference E 585600 and N 8812100; thence north-easterly by a straight line to a point at map reference E 587800 and N 8813450; thence north-easterly by a straight line to a point at map reference E 591550 and N 8818100; thence south-easterly by a straight line to a point at map reference E 599300 and N 8816200; thence south-easterly by a straight line to a point on map reference E 593400 and N 8807900; thence westerly by a straight line to a point at map reference E 586320 and N 8808830; thence north-westerly to the point of commencement.

10. Nea/Noole

An area bounded as follows:-

Commencing at a point on the coast at map reference E 582600 and N 8805370; thence north-easterly by a straight line to a point at map reference E 586320 and N 880830; thence easterly by a straight line to a point at map reference E 593400 and N 8807900; thence south-easterly by a straight line to the mouth of NAMBALUE River at map reference E 595500 and N 8803160; thence westerly along the coast to the point of commencement.

11. North East Santa Cruz

An area bounded as follows:-

Commencing at a point on the coast at map reference E 591550 and N 8818100; thence south-easterly by a straight line to a point at map reference E 599300 and N 8816200; thence north-easterly by a straight line to a point at map reference E 625000 and N 8820130; thence along the coast back to the point of commencement.

12. Manggu/Lord Howe

An area bounded as follows:-

Commencing at the mouth of NAMBALUE River at map reference E 595500 and N 8803160; thence north-westerly by a straight line to a point at map reference E 593400 and N 8807900; thence north-easterly by a straight line to a point at map reference E 599300 and N 8816200; thence easterly by a straight line to a point at map reference E 625000 and N 8820130; thence along the coast to the point of commencement including the island of Temotu Noi and the other islets.

13. Duff Islands

The group of islands known as the Duff Islands.

14. Utupua

The island of Utupua and its adjoining islands and islets.

- |              |  |
|--------------|--|
| 15. Vanikoro | The island of Vanikoro and its adjoining islands and islets, including Te Anu. |
| 16. Tikopia  | The islands of Tikopia, Anuta and Fatutaka.LN 6/1986                           |
| 17. Neo      | Those parts of Temotu Neo Islands that lie to the North of Graciosa Bay        |

NOTE: In this schedule:-

"Coast" means the low-water mark;

"Map Reference" shall be construed by reference to the Lands and Surveys Maps of the Eastern Outer Islands constituting the Eastern Islands Council; scale 1: 50,000 with series X711 grid, deposited at the Office of Lands & Surveys, Honiara and at the Council Office in Santa Cruz.

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**THE GUADALCANAL PROVINCE (ELECTORAL ARRANGEMENTS) ORDER**  
*LN 71/1993*

(Section 8)

*[9th June 1992]*

**Citation**

1. This Order may be cited as the Guadalcanal Province (Electoral Arrangements) Order.

**Electoral arrangements**

2. The electoral arrangements for the Guadalcanal Province shall be as contained in the Schedule. One member shall be returned for each electoral ward named in the Schedule.

**SCHEDULE**

Number and Name of Ward	Boundary of Wards
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- |           |   |
|-----------|---|
| 1. Tandai | <p>An area bounded as follows:-</p> <p>Commencing at the mouth of UMASANI RIVER on the coast at map reference 590,800E and 8,968,530N; thence inland along that river to the confluence of the MONITOR CREEK and UMASANI RIVER at map reference 582,150E and 8,962,290N; thence southwesterly by a straight line to a point on the CONE PEAK at map reference 576,470E and 8,955,776N; thence southeasterly by a straight line to a point on the LUNGGA RIVER (also known as MBETIKAMA RIVER)</p> |
|-----------|---|

at map reference 588,400E and 8,944,100N; thence northeasterly by that river to its mouth at map reference 612,250E and 8,960,700N; thence southwesterly and northwesterly along the coast to the point of commencement, but excluding the area of land shown as Honiara in the Plan No. 1981 held in the office of the Commissioner of Lands.

## 2. SAGHALU

An area bounded as follows:-

Commencing at a point on the coast due north of NARO VILLAGE at map reference 566,800E and 8,978,140N; thence southeasterly by a straight line to the confluence of the MONITOR CREEK and UMASANI RIVER at map reference 582,150E and 8,962,290N; thence north easterly along the UMASANI RIVER to its mouth on the coast at map reference 590,800E and 8,968,530N; thence northerly and northwesterly along the coast to the point of commencement.

## 3. SAVULEI

An area bounded as follows:-

Commencing at a point on the coast due north of NARO VILLAGE at map reference 566,800E and 8,978,140N; thence southeasterly by a straight line to the confluence of MONITOR CREEK and UMASANI RIVER at map reference 582,150E and 8,962,290N; thence southwesterly by a straight line to a point on the CONE PEAK at map reference 576,470E and 8,955,776N; thence due westerly by a straight line to a point at the mouth of HOILAVA RIVER at map reference 566,550E and 8,954,950N; thence northerly along the coastline to the point of commencement.

## 4. TANGARARE

An area bounded as follows:

Commencing at the mouth of HOILAVA RIVER at map reference 566,550E and 8,954,950N; thence due east by or straight line to a point on the CONE PEAK at map reference 576,470E and 8,955,776N; thence south easterly by a straight line to a point on the LUNGGA RIVER (also known as the MBETIKAMA RIVER) at map reference 588,400E and 8,944,100N; thence southeasterly by a straight line to a point on VATUNJAE MOUNT at map reference 596,440E and 8,938,140N; thence a due southwesterly by a straight line to the MALAISU POINT at map reference 578,080E and 8,930,200N; thence due north westerly along the coast to the point of commencement.

## 5. WANDERER BAY

An area bounded as follows:

Commencing at the MALAISU POINT at map reference 578,080E and 8,930,200N; thence northeasterly by a straight

line to a point on MOUNT VATUNJAE at map reference 596,440E and 8,938,140N; thence southeasterly to a point on MOUNT TAMBUNANGGU at map reference 606,920E and 8,933,290N; thence due southwesterly to a point on a stream of ITINA RIVER at map reference 596,480E and 8,931,970N; thence southerly by that river to its mouth at map reference 592,500E and 8,917,750N; thence northwesterly along the coast to the point of commencement.

#### 6. DUIDUI

An area bounded as follows:

Commencing at the mouth of ITINA River at map reference 592,500E and 8,917,750N; thence northerly along that river to a point on a stream at map reference 596,480E and 8,931,970N; thence northeasterly by a straight line to a point on MOUNT TAMBUNANGGU at map reference 606,920E and 8,933,290N; thence southeasterly by a straight line to a point on MOUNT POPOMANESEU at map reference 616,300E and 8,928,000N; thence southwesterly to a point on MOUNT MAKARAKOMBURU at map reference 613,300E and 8,925,450N; thence southerly by a straight line to a point on the coast at map reference 614,350E and 8,914,800N thence westerly along the coast line to the point of commencement.

#### 7. VATUKULAU

An area bounded as follows:

Commencing at a point on the coast line at map reference 614,350E and 8,914,800N; thence northerly by a straight line to a point at map reference 613,300E and 8,925,450N; thence northeasterly by a straight line to a point on MOUNT POPOMANESEU at map reference 616,300E and 8,928,00; thence easterly by a straight line to a point at map reference 623,780E and 8,927,900N; thence southerly to a point on the confluence of KUMA and CHAUENA RIVERS at map reference 625,500E and 8,921,540; then along the KUMA RIVER to its mouth on the coast at map reference 626,700E and 8,915,310N; thence westerly along the coast to the point of commencement.

#### 8. TALISE

An area bounded as follows:

Commencing at the mouth of KUMA RIVER at map reference 626,700E and 8,915,310N; thence along the river to the confluence of KUMA and CHAUENA RIVERS at map reference 625,500E and 8,921,540N; thence northerly by a straight line to a point at map reference 623,280E and 8,927,900N; thence southeasterly by a straight line to a point at map reference 637,120E and 8,924,760N; thence southeasterly by a straight line to a point at map reference 644,150E and 8,918,750N; thence along the VURA RIVER to its mouth on



the coast at map reference 645,200E and 8,915,850N; thence due west along the coast to the point of commencement.

9. AVU AVU

An area bounded as follows:-

Commencing at the mouth of VURA RIVER at map reference 645,200E and 8,915,850N; thence northerly along that river to a point at map reference 644,150E and 8,918,750N; thence northwesterly to a point at map reference 637,120E and 8,924,760N; thence northeasterly by a straight line to a point at map reference 642,500E and 8,929,530N; thence southeasterly by a straight line to a point at map reference 657,900E and 8,923,000N; thence by a straight to a point at map reference 663,400E and 8,915,850N; thence south westerly 657,900E and 8,923,000N; thence by a straight line to a point at map reference by a straight line to point on the coastal extremity of LAUVI POINT at map reference 656,300E and 8,906,520N; thence due northwesterly along the coast line to the point of commencement.

10. MOLI

An area bounded as follows:

Commencing at a point on the coast of LAUVI POINT at map reference 656,300E and 8,906,520N; thence northeasterly by a straight line to a point at map reference 663,400E and 8,915,850N; thence southeasterly to a point on the ALUALU RIVER at map reference 669,400E and 8,909,000N; thence southeasterly to a point on the HANANGGA RIVER at map 676,000E and 8,903,800N; thence northeasterly by a straight line to a point at map reference 683,660E and 8,907,610N; thence due east to a point on the SAVA RIVER at map reference 690,940E and 8,907,300N; thence southerly by that river to its mouth at map reference 691,270E and 8,905,620N; thence westerly along the coast line to the point of commencement.

11. TETEKANJI

An area bounded as follows:

Commencing at a point on the SAVA RIVER at map reference 690,940E and 8,907,300N; thence due west to a point at map reference 683,660E and 8,907,610N; thence southwesterly to a point on the HANANGGA RIVER at map reference 676,000E and 8,903,800N; thence northwesterly to a point on the ALUALU RIVER at map reference 669,400E and 8,909,000N; thence northwesterly by a straight line to point at map reference 663,400E and 8,915,850N; thence northwesterly to a point at map reference 657,900E and 8,923,000N; thence southeasterly by a straight line to a point on MOUNT MANUCHUMA at map reference 671,750E and 8,920,800N; thence northeasterly by a straight line to a point on the KOLOCHIMIU RIVER at

map reference 676,520E and 8,926,800E; thence easterly to a point at map reference 681,490E and 8,925,750N; thence due east to a point at map reference 683,360E and 8,925,650N; thence southwesterly by a straight line to a point on the MOUNT NAVATU at map reference 681,550E and 8,921,250N; thence southeasterly to the point of commencement.

#### 12. BIRAO

An area bounded as follows:-

Commencing at the mouth of SAVA RIVER on the coast at map reference 691,270E and 8,905,620N; thence northerly along that river to a point at map reference 690,940E; and 8,907,300N; thence north westerly by a straight line to a point on MOUNT NAVATU at map reference 681,550E and 8,921,250N; thence northeasterly to a point at map reference 683,360E and 8,925,650N; thence easterly by a straight line to a point on the coast at map reference 691,050E and 8,924,250N; thence southeasterly, southerly and southwesterly along the coast to the point of commencement including all the islands off the coast.

#### 13. VALASI

Area bounded as follows:

Commencing at a point at map reference 657,900E and 8,923,000N; thence northeasterly by a straight line to a point at map reference 667,600E and 8,938,750N; thence northeasterly to a point on AVUSI RIVER at map reference 669,700E and 8,942,000N; thence southeasterly by a straight line to a point on a confluence of a river at map reference 681,490E and 8,925,750N; thence westerly to a point at map reference 676,520E and 8,926,800N; thence southwesterly to a point on MOUNT MANUCHUMA at map reference 671,750E and 8,920,800N; thence northwesterly to the point of commencement.

#### 14. KOLOKARAKO

An area bounded as follows:

Commencing at a point at map reference 657,900E and 8,923,000N; thence by a straight line to a point at map reference 642,500E and 8,929,530N; thence southwesterly to a point on a river confluence at map reference 637,120E and 8,924,760; thence northwesterly to a point at map reference 637,420E and 8,930,010N; thence northeasterly to a point at map reference 640,010E and 8,932,370N; thence northeasterly by a straight line to a point at map reference 653,650E and 8,943,740N; thence southeasterly by a straight line to a point on a river at map reference 667,600E and 8,938,750N; thence southwesterly to the point of commencement.

15. LONGGU

An area bounded as follows:

Commencing at a point on the coast west of SUULAVA VILLAGE at map reference 691,050E and 8,924,250N; thence westerly by a straight line to a point at map reference 683,360E and 8,925,650N; thence westerly by a straight line to a point at map reference 681,490E and 8,925,750N; thence northwesterly by a straight line to a point at map reference 669,700E and 8,942,000N; thence northeasterly to a point on the coast at map reference 671,460E and 8,945,010N; thence southerly and southeasterly to the point of commencement.

16. AOLA

An area bounded as follows:

Commencing at a point on the coastline at map reference 652,800E and 8,956,800N; thence southwesterly to a point on MBOKOKIMBO RIVER at map reference 651,000E and 8,952,610N; thence southeasterly to a point by a straight line at map reference 653,650E and 8,943,740N; thence southeasterly by a straight line to a point on KOLOTAHOMBUI RIVER at map reference 667,600E and 8,938,750N; thence northeasterly to a point on the AVUSI RIVER at map reference 669,700E and 8,942,000N; thence northeasterly by a straight line to a point on the mouth of SUSU RIVER at map reference 671,460E and 8,945,010N; thence westerly and northwesterly along the coast to the point of commencement.

17. PARIPAO

An area bounded as follows:

Commencing at a point on the MBOKOKIMBO RIVER at map reference 651,000E and 8,952,610N; thence south easterly by a straight line to a point at map reference 653,650E and 8,943,740N; thence southwesterly by a straight line to a point at map reference 640,010E and 8,932,370N; thence northwesterly by a straight line to a point at map reference 639,100E and 8,943,350N; thence northeasterly by a straight line to a point on the PAPARI RIVER at map reference 647,120E and 8,951,790N; thence easterly by a straight line to the point of commencement.

18. EAST TASIMBOKO

An area bounded as follows:

Commencing at a point on the coast at map reference 652,800E and 8,956,800N; thence southwesterly by a straight line to a point on the MBOKOKIMBO RIVER at map reference 651,000E and 8,952,610N; thence westerly by a straight line to a point at map reference 647,120E and 8,951,790N; thence southwesterly by a straight line to a point at map reference 639,100E and 8,943,350N; thence northwesterly to a point on the MBALISUNA RIVER at map reference 637,100E and

8,945,900N; thence along the same river to its mouth on the coast at map reference 638,500E and 8,959,700N; thence easterly and southeasterly along the coast to the point of commencement.

19. VULOLO

An area bounded as follows:-

Commencing at a point on the TINGHULU RIVER at map reference 626,780E and 8,950,060N; thence southeasterly by a straight line to a point on the MBALISUNA RIVER at map reference 637,100E and 8,945,900N; thence southeasterly to a point at map reference 639,100E and 8,943,350N; thence southeasterly by a straight line to a point at map reference 640,010E and 8,932,370N; thence southwesterly to a point at map reference 637,420E and 8,930,010N; thence southeasterly to a point on the confluence of a river at map reference 637,120E and 8,924,760N; thence northwesterly by a straight line to a point at map reference 623,280E and 8,927,900N; thence westerly by a straight line to a point on the MOUNT POPOMANESEU at map reference 616,300E and 8,928,000N; thence northeasterly by a straight line to a point on TINGHULU RIVER at map reference 619,600E and 8,934,800N; thence northeasterly along that river to the point of commencement.

20. MALANGOAn area bounded as follows:

Commencing at the mouth of TENARU RIVER at map reference 620,350E and 8,958,000N; thence southeasterly to a point on the junction of the main road and the KONGGA ROAD at map reference 620,070E and 8,957,010N; thence southerly along the KONGGA ROAD to a point at map reference 621,820E and 8,952,000N; thence southeasterly by a straight line to a point on the intersection of a road and TINGHULU RIVER at map reference 626,780E and 8,950,060N; thence southwesterly along the TINGHULU RIVER to a point at map reference 619,600E and 8,934,800N; thence southwesterly by a straight line to a point on MOUNT POPOMANESEU at map reference 616,300E and 8,928,000N; thence northwesterly by a straight line to a point on MOUNT TAMBUNANGGU at map reference 606,920E and 8,933,290N; thence northwesterly to a point on MOUNT VATUNJAE at map reference 696,440E and 8,938,140N; thence northwesterly by a straight line to a point on the LUNGGA RIVER (also known as MBETIKAMA RIVER) at map reference 588,400E and 8,944,100N; thence northeasterly along that river to its mouth at map reference 612,250E and 8,960,700N; thence southeasterly along the coast to the point of commencement.

## 21. GHAOBATA

An area bounded as follows:

Commencing at the mouth of MBALISUNA RIVER at map reference 638,500E and 8,959,700N; thence southwesterly and southeasterly along that river to a point on the same river at map reference 637,100E and 8,945,900N; thence northwesterly by a straight line to the intersection of a road and TINGHULU RIVER at map reference 626,780E and 8,950,060N; thence northwesterly by a straight line to a point on the KONGGA ROAD at map reference 621,820E and 8,952,000N; thence northwesterly along that road to a point on the junction of the KONGGA ROAD and the main road at map reference 620,070E and 8,957,010N; thence northwesterly by a straight line to the mouth of TENARU RIVER at map reference 620,350E and 8,958,000N; thence northeasterly and easterly to the point of commencement.

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## THE ISABEL PROVINCE ELECTORAL WARDS ORDER

*LN 103/1984*

(Section 8)

*[2nd November 1984]*

### Citation

1. This Order may be cited as the Isabel Province Electoral Wards Order.

### Electoral wards

2. The number, name and boundaries of the electoral wards into which the Province is divided for the purpose of the election of members of the Isabel Provincial Assembly shall be as specified in the Schedule hereunder.

### SCHEDULE

Number and Name of Electoral Ward	Boundary of Ward
1. Kia	That part of SANTA ISABEL island to the northwest of a line from a point at map reference 456,150E and 9,166,100N southeasterly to a point at 461,500E and 9,153,700N; thence southwesterly to a point at 453,875E and 9,145,950N, and all the off-lying islands westerly and northwesterly and including ARUANON ISLANDS.

2. BaoloAn area bounded as follows:

Commencing at a point 456,150E and 9,166,100N; thence southeasterly to a point at 461,500E and 9,153,700N; thence

southeasterly to a point at 506,250E and 9,121,450N; thence northeasterly to a point at 510,850E and 9,126,000N; thence northwesterly by the coast to the point of commencement and including all off-lying islands.

3. Kokota

An area bounded as follows:

Commencing at a point 510,850E and 9,126,00N; thence southwesterly to a point at 506,250E and 9,121,450N; thence southeasterly to a point at 518,125E and 9,113,075N; thence southeasterly to a point at 536,800E and 9,102,800N; thence northeasterly to a point at 546,450E and 9,114,400N; thence northwesterly by the coast to the point of commencement.

4. Hovukoilo

An area bounded as follows:

Commencing at a point 546,450E and 9,114,400N; thence southwesterly to a point at 536,800E and 9,102,800N; thence southeasterly to a point at 546,925E and 9,097,000N; thence northeasterly to a point at 557,940E and 9,098,255N; thence northeasterly by the POPORO RIVER to the coast at a point at 560,125E and 9,103,360N; thence northwesterly by the coast to the point of commencement and including Kiaba Island.

5. Buala

An area bounded as follows:

Commencing at the mouth of the POPORO RIVER at a point 560,125E and 9,103,360N; thence southwesterly by the that river to a point at 557,940E and 9,098,255N; thence easterly to a point at 570,125E and 9,097,175N; thence northwesterly by the coast to the point of commencement and including the islands of SULEI, FERA, KARUO, TASIA and JUAKAU.

6. Tirotonga

An area bounded as follows:

Commencing at a point on the coast at 570,125E and 9,097, 175N; thence westerly to a point at 557, 940E and 9,098,255N; thence southwesterly to a point at 546, 925E and 9,097, 000N; thence southeasterly by the GHONO-GHANO RIVER to its confluence with the KAPITO RIVER at point 560,450E and 9,085,820N; thence northeasterly to the point of commencement.

7. Koviloko.

An area bounded as follows:

Commencing at a point on the coast at 570, 125E and 9,097, 175N; thence southwesterly to a point on the JARIHANA RIVER at 564,200E and 9,090, 250N; thence south and east along that river to a point at 572,925E and 9,087, 940N; thence northeasterly to a point at 573,925E and 9,089,450N; thence by the BAGOVU RIVER northerly

to a point on the coast at 573, 110E and 9,093, 500N; thence northwesterly by the coast to the point of commencement.

8. Kmaga.

An area bounded as follows:

Commencing at a point on the coast at 573, 110E and 9,093, 500N; thence southerly by the BAGOVU RIVER to a point at 573, 925E and 9,089, 450N; thence southwesterly to a point at 567, 840E and 9,080, 300N; thence southerly along a tributary of the HUGRU RIVER; thence southerly along that river to the coast at a point 565, 750E and 9,075, 760N; thence easterly by the coast to the mouth of the HAIJUGA RIVER in TAKATA BAY at point 576, 740E and 9,071, 200N; thence northeasterly to a point at 578, 125E and 9,073, 200N; thence northeasterly to a point on the KUAKULA RIVER at 583, 400E and 9,084, 875N; thence northeasterly to a point at the mouth of that river at 583, 700E and 9,084, 650N; thence northwesterly by the coast to the point of commencement.

9. Kaloka.

An area bounded as follows:

Commencing at the mouth of the KUAKULA RIVER at point 583, 700E and 9,084, 650N; thence southwesterly to a point at 583, 400E and 9,084, 875N; thence southeasterly to a point on the coast at 592, 370E and 9,077, 200N; thence northeasterly and northwesterly by the coast to the point of commencement.

10. Tatamba.

An area bounded as follows:

Commencing at a point on the coast at 592, 370E and 9,077, 200N; thence northwesterly to a point at 583, 400E and 9,084, 875N; thence southwesterly to a point at 578, 125E and 9,073, 200N; thence southeasterly to a point at 582, 400E and 9,068, 800N; thence northeasterly to a point on the coast at 584, 950E and 9,068, 900N; thence northeasterly along the coast to the point of commencement and including the islands of TANABULI, TIRAHIA and MOLE.

11. Sigana.

An area bounded as follows:

Commencing at a point on the coast at 584, 950E and 9,070,900; thence southwesterly to a point at 582, 400E and 9,068, 800N; thence southeasterly by the watershed to a point on the coast at 598, 700E and 9,055, 100N; thence northwesterly by the coast to the point of commencement and including the islands of PILO, KILIO, SIGANA, MAHIGE, KOLARE, NALIGNAGA JAGHI and KAPIKA.

12. Japuana.

An area bounded as follows:

Commencing at a point on the coast at 598, 700E and 9,055, 100N; thence northwesterly by the watershed to a point at 582, 400E and 9,068, 800N; thence northwesterly to a point at 578, 125E and 9,037,

200N; thence southwesterly to a point on the coast at 576, 740E and 9,071, 200N; thence southwesterly by the coast to the point of commencement and including the island of SAN JORGE and all the offlying islets between the coasts of SANTA ISABEL and SAN JORGE.

13. Kolomola.

An area bounded as follows:

Commencing at a point on the coast at 565, 750E and 9,075, 760N; thence northeasterly along the HUGRU RIVER and its northwesterly tributary to a point at 567, 840E and 9,080, 300N; thence northeasterly to a point at 572, 925E and 9,087, 940N; thence westerly by the JARIHANA RIVER to a point at 564, 200E and 9,090, 250N; thence southwesterly to a point at 560, 450E and 9,085, 820N; thence southwesterly to a point at 556, 350E and 9,084, 150N; thence southeasterly to the point of commencement.

14. Kolotubi.

An area bounded as follows:

Commencing at a point on the coast at 565, 750E and 9,075, 760N; thence northwesterly to a point at 556, 350E and 9,084, 150N; thence southwesterly by the GHALAT'HA RIVER to a point on the coast at 554, 200E and 9,080, 160N; thence southeasterly and northeasterly by the coast to the point of commencement including the island of HULEO.

15. Susubona.

An area bounded as follows:

Commencing at the mouth of the GHALAT'HA RIVER on the coast at point 554, 200E and 9,080, 160N; thence northeasterly by that river to a point at 556, 350E and 9,084, 150N; thence northeasterly to the confluence of the KAPITO and CHONOGHANO RIVERS at point 560, 450E and 9,085, 820N; thence northwesterly by the GHONOGHANO RIVER to a point at 546, 925E and 9,097, 000N; thence northwesterly to a point at 518, 125E and 9,113, 075N; thence southerly to a point at 517, 000E and 9,108, 800N; thence southeasterly to a point on the coast at NUHA BAY at 519, 550E and 9,100, 250N; thence southeasterly by the coast to the point of commencement including all off-lying islands.

16. Samasodu.

An area bounded as follows:

Commencing at a point on the coast at 519, 500E and 9,100, 250N; thence northwesterly to a point at 517, 000E and 9,105, 800N; thence northerly to a point at 518, 125E and 9,113, 075N; thence northwesterly to a point at 461, 500E and 9,153, 700N; thence southwesterly to a point at 453, 875E and 9,145, 950N; thence southeasterly by the coast to the point of commencement including all the off-lying islands.



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## THE LOCAL GOVERNMENT (ELECTIONS) REGULATIONS

### THE MAKIRA ULAWA COUNCIL (CONSTITUTION OF WARDS) ORDER\*

LN 82/1976

\*As no order under section 8 of the Provincial Government Act in respect of electoral arrangements has been made in relation to the Makira Ulawa Province, elections to the Makira Ulawa Provincial Assembly are based on the Makira Ulawa Council (Constitution of Wards) Order made under regulation 3 of the Local Government (Elections Regulations)

(Regulation 3)

[24th September 1976]

#### Citation

1. This Order may be cited as the Makira Ulawa Council (Constitution of Wards) Order.

#### Electoral wards

2. The area of authority of the Makira Ulawa Council is hereby divided into 20 wards, to be known by the numbers and names specified in the first column of the Schedule, each of which shall comprise the areas specified in relation thereto in the second column of the said Schedule.

#### SCHEDULE

Number and Name of Ward    Area of Ward

- |                |   |
|----------------|---|
| 1. North Ulawa | That part of the island of Ulawa north of a straight line commencing from the mouth of the Hunihu'u River to the peak of the main mountain ridge of Ulawa, thence by another straight line southerly to the head water of the Dji'ei River and thence by that River to the sea. |
| 2. South Ulawa | That whole southern part of the island of Ulawa south of the Dji'ei River and Waioha River both Rivers being connected at their head-waters by a straight line along the main mountain ridge of Ulawa.  |
| 3. West Ulawa  | That part of the island of Ulawa not included in wards 1 and 2.   |
| 4. Ugi and Pio | The islands of Ugi and Pio.   |
| 5. Arosi South | <p>The islands of YAMUTA, EYO and MONOGAI and an area of the islands of SAN CRISTOBAL bounded as follows:-</p> <p>Commencing on the coast at a point at Latitude 10° 23' 00" South, Longitude 161° 29' 15" East; thence north-easterly by a straight line to</p>                |

a point at Latitude 10° 21' 15" South, Longitude 161° 31' 40" East; thence by a straight line north-north-easterly to a point at Latitude 10° 20' 10" South, Longitude 161° 32' 15" East; thence by a straight line west-north-westerly to a point at Latitude 10° 14' 15" South, Longitude 161° 19' 15" East; thence by a straight line due South to the HADA River; thence upstream by that river to a point at Latitude 10° 16' 45" South, Longitude 161° 19' 15" East; thence southwesterly by a straight line to a point on the WAITABWARONGO River at Latitude 10° 17' 50" South, Longitude 161° 18' 00" East; thence westerly by that river to its mouth; thence southerly and easterly by the coast to the point of commencement.

6. Arosi West

An area of the island of SAN CRISTOBAL bounded as follows:-

Commencing at the mouth of the WAITABWARONGO River; thence easterly by that river to a point at Latitude 10° 17' 50" South, Longitude 161° 18' 00" East; thence north-easterly by a straight line to a point on the HADA River at Latitude 10° 16' 45" South, Longitude 161° 19' 15" East; thence northerly and westerly by that river to a point at Latitude 10° 14' 45" South, Longitude 161° 19' 15" East; thence due North to Latitude 10° 14' 15" South; thence by a straight line north-north-easterly to the coast at the mouth of the HINIBORO River, at Latitude 10° 11' 00" South, Longitude 161° 20' 50" East; thence westerly and southerly by the coast to the point of commencement.

7. Arosi North

An area of the island of SAN CRISTOBAL bounded as follows:-

Commencing at the mouth of HINIBORO River; thence by a straight line south-south-westerly to a point at Latitude 10° 14' 15" South, Longitude 161° 19' 15" East; thence east-south-easterly by a straight line to a point on the WAIMARAI River at Latitude 10° 17' 10" South, Longitude 161° 25' 50" East; thence northerly by that river to a point at Latitude 10° 15' 00" South, Longitude 161° 27' 00" East; thence by a straight line due North to the mouth of the MANEHUKI stream at Latitude 10° 12' 45" South, Longitude 161° 26' 45" East; thence north-westerly by the coast to the point of commencement.

8. Arosi East

An area of the island of SAN CRISTOBAL bounded as follows:-

Commencing at the mouth of the MANEHUKI stream at Latitude 10° 12' 45" South, Longitude 161° 26' 45" East; thence due South by a straight line to a point on the WAIMARAI River at Latitude 10° 15' 00" South, Longitude 161° 27' 00" East; thence southerly by that river to a point at Latitude 10° 17' 10" South, Longitude 161° 25' 50" East; thence east-south-easterly by a straight line to a point at Latitude 10° 20' 10" South, Longitude 161° 32' 15"; thence by a straight line east-north-easterly to the WAITA River at Latitude 10° 18' 55" South, Longitude 161° 34' 55" East; thence north-easterly by that river to its mouth; thence north-westerly by the coast to the point of commencement.

9. Bauro West      An area of the island of SAN CRISTOBAL bounded as follows:-
- Commencing at the mouth of the WAITA River; thence south-westerly by that river to a point at Latitude 10° 18' 55" South, Longitude 161° 34' 55" East; thence south-westerly by a straight line to a point at Latitude 10° 20' 10" South, Longitude 161° 25' 50" East; thence by a straight line south-easterly to the confluence of the TOMI and WAIRAHA Rivers at Latitude 10° 33' 30" South, Longitude 161° 43' 00" East; thence east-south-easterly by a straight line to the MAGOHA River at Latitude 10° 36' 50" South, Longitude 161° 52' 40" East; thence northwards by the MAGOHA River to its mouth; thence north-westwards by the coast to the point of commencement, and including the islet of MAORAHA.
10. Bauro Central      The islands of THREE SISTERS, and an area of the island of SAN CRISTOBAL bounded as follows:-
- Commencing at the mouth of the MAGOHA River; thence southerly by that river to a point at Latitude 10° 36' 50" South, Longitude 161° 52' 40" East; thence by a straight line south-easterly to the RAWO River at Latitude 10° 38' 05" South, Longitude 161° 54' 10"; thence northerly by that river to its mouth, thence by the coast to the point of commencement.
11. Bauro East      An area of the island of SAN CRISTOBAL bounded as follows:-
- Commencing at the mouth of the RAWO River; thence southerly by that river to a point at Latitude 10° 38' 05" South, Longitude 161° 54' 10" East; thence easterly by a straight line to the confluence of the WARAHITO and WAIHINURI Rivers at Latitude 10° 37' 05" South, Longitude 160° 02' 00" East; thence northerly by the WARAHITO River to its mouth; thence north-westerly by the coast to the point of commencement.
12. Wainoni West      An area of the island of SAN CRISTOBAL bounded as follows:-
- Commencing at the mouth of the WARAHITO River; thence by that river southerly to its confluence with the WAIHINURI River at Latitude 10° 37' 05" South, Longitude 162° 02' 00" East; thence continuing southerly by the WAIHINURI River to a point at Latitude 10° 39' 00" South, Longitude 162° 02' 00" East; thence south-easterly by a straight line to a point on the ATOGAU River at Latitude 10° 41' 45" South, Longitude 162° 06' 40" East; thence by a straight line northerly to the coast at the mouth of the KAMARETO stream at Latitude 10° 28' 30" South, Longitude 162° 05' 25" East; thence northerly and westerly by the coast to the point of commencement.
13. Wainoni East      An area of the island of SAN CRISTOBAL bounded as follows:-

Commencing on the coast at the mouth of the KAMARETO stream at Latitude 10° 28' 30" South, Longitude 162° 05' 25" East; thence by a straight line southerly to a point on the ATOGAU River at Latitude 10° 41' 45" South, Longitude 162° 06' 40" East; thence by that river north-easterly to a point at Latitude 10° 38' 15" South, Longitude 160° 90' 30" East; thence by a straight line east-north-easterly to the coast at ASLUGU Point; thence northerly and westerly by the coast to the point of commencement.

14. Star Harbour North      An area of the island of SAN CRISTOBAL bounded as follows:-

Commencing on the coast at ASLUGO Point; thence by a straight line west-west-south-westerly to a point on the ATOGAU River at Latitude 10° 38' 15" South, Longitude 162° 09' 30" East; thence south-westerly by that river to a point at Latitude 10° 41' 45" South, Longitude 162° 06' 40" East; thence south-easterly by a straight line to the mouth of PAGHENI River; thence south-easterly by a straight line to the island of NA ONE; thence southerly by a straight line to CHOROWENI Point.

15. Santa Ana      The island of SANTA ANA

16. Santa Catalina      The island of SANTA CATALINA

17. Star Harbour South      An area of the island of SAN CRISTOBAL bounded as follows:

Commencing at GHOROWENI Point; thence by a straight line northerly to the island of NA ONE; thence north-westerly to the mouth of PAGHENI River; thence north-westerly by a straight line to a point on the ATOGAU River at Latitude 10° 41' 45" East; thence north-westerly by a straight line to a point on the WAIHINURI River at Latitude 10° 39' 00" South, Longitude 162° 02' 00" East; thence by a straight line due south to a point at Latitude 10° 45' 35" South, Longitude 162° 02' 15" East; thence by a straight line south-easterly to the BAGARAI River at Latitude 10° 47' 00" South, Longitude 162° 04' 30" East; thence southerly by that river to its mouth; thence easterly by the coast to the point of commencement, and including all off-lying islands and islets within one mile of the coast.

18. Rawo      An area of the island of SAN CRISTOBAL bounded as follows:-

Commencing at the mouth of the BAGARAI River; thence northerly and westerly by that river to a point at Latitude 10° 45' 35" South, Longitude 162° 02' 15" East; thence by a straight line due North to the WAIHINURI River at Latitude 10° 39' 00" South, Longitude 162° 02' 00" East; thence by that river northerly to its confluence with the WARAHITO River at Latitude 10° 37' 05" South, Longitude 162° 02' 00" East; thence westerly by a straight line to a point on the RAWO

River at Latitude 10° 38' 05" South, Longitude 161° 54' 10" East; thence by a straight line south-south-westerly to a point on the WAIHAGA River at Latitude 10° 43' 00" South, Longitude 161° 52' 00" East; thence south-easterly by that river to its mouth; thence easterly by the coast to the point of commencement and including all off-lying islets.

19. Weather Coast      An area of the island of SAN CRISTOBAL bounded as follows:-

Commencing at the mouth of the WAIHAGA River; thence by that river north-westerly to a point at Latitude 10° 43' 00" South, Longitude 161° 52' 00" East; thence by a straight line north-north-easterly to a point on the RAAO River at Latitude 10° 38' 05" South, Longitude 161° 54' 10" East; thence north-westerly by a straight line to the confluence of TOME and WAIRAHARA Rivers at Latitude 10° 33' 30" South, Longitude 161° 43' 00" East; thence south-south-westerly by a straight line to the mouth of the unnamed River west of ARITE Village; thence easterly by the coast to the point of commencement including all off-lying islets.

20. Haununu              An area of the island of SAN CRISTOBAL bounded as follows:-

Commencing at the mouth of the unnamed River west of ARITE Village; thence north-north-westerly to the confluence of the TOME and WAIRAHARA Rivers at Latitude 10° 33' 30" South, Longitude 161° 43' 00" East; thence north-north-westerly by a straight line to a point at Latitude 10° 20' 10" South, Longitude 161° 32' 15" East; thence south-south-westerly by a straight line to a point at Latitude 10° 21' 15" South, Longitude 161° 32' 40" East; thence by a straight line south-westerly to the coast at Latitude 10° 23' 00" South, Longitude 161° 29' 15" East; thence southerly by the coast to the point of commencement and including all off-lying islands and islets.

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## **THE MALAITA PROVINCE (ELECTORAL ARRANGEMENTS) ORDER**

*LN 70/1993*

(Section 8)

*[9th June 1992]*

### **Citation**

1. This Order may be cited as the Malaita Province (Electoral Arrangements) Order.

### **Electoral arrangements**

2. The electoral arrangements for the Malaita Province shall be as contained in the Schedule. One member shall be returned for each electoral ward named in the Schedule.

## **SCHEDULE**

Number and Name of Ward    Boundary of Wards

1. AUKI/LANGALANGA    An area bounded as follows:-

Commencing at a point on the coast at the north extremity of LILISIANA VILLAGE at map reference 685,250 and 9,031,000N; thence northeasterly by a straight line to a point at map reference 687,500E and 9,033,950N; thence due south to a point on the KWAIBALA RIVER at map reference 687,180E and 9,030,860N; thence southeasterly by a straight line to a point on the road crosses the LAULANA RIVER at map reference 690,180E and 9,025,630N; thence southwesterly to a point on the coast at map reference 689,750E and 9,024,980N; thence southerly by the coast to a point at map reference 689,750E and 9,024,700N; thence southerly along the coastline including coastal villages of NANAO, KIBELIFOLU, KALAWATA, TALAKALI, SU'U, TAVUILO, LORETO, LALANA, SUURABITA, BULOABU, RADESIFOLAEMAE, SITONI, KWAILAO, NAZARETH, GWA'IDALO, ABALOLO and AILAU to map reference 693,250E and 9,008,550N; thence northerly by a straight line to the point of commencement including all the islands off the coast.

2. AIMELA    An area bounded as follows:

Commencing at a point on the road crosses the LAULANA RIVER, north of RADEFASU VILLAGE at map reference 690,180E and 9,025,630N; thence east-north-easterly by a straight line to a point at map reference 700,200E and 9,027,850N; thence due north to a point at map reference 700,000E and 9,031,490N; thence west-north-westerly by a straight line to a point on the mouth of the FIU RIVER at map reference 685,700E and 9,037,300N; thence southerly along the coast to the starting point of WARD I at map reference 685,250E and 9,031,000N; thence northeasterly by a straight line to a point at map reference 687,500E and 9,033,950N; thence due south to a point on the KWAIBALA RIVER at map reference 687,180E and 9,030,860N; thence south easterly by a straight line to the point of commencement.

3. BUMA    An Area bounded as follows:

Commencing at the mouth of the FIU RIVER at map reference 685,700E and 9,037,300N; thence southeasterly by a straight line to a point at map reference 700,000E and 9,031,490N; thence by a straight line due north to a point at map reference 700,000E and 9,038,450N; thence north westerly by a straight line to a point on the coast at map reference 682,800E and 9,045,850N; thence southerly by the coast to the point of commencement.

4. FAUAMBU

An Area bounded as follows:

Commencing at a point on the coast at map reference 682,800E and 9,045,850N; thence southeasterly by a straight line to a point at map reference 700,000E and 9,038,450N; thence northeasterly by a straight line to a point on the AULUTA RIVER at map reference 707,800E and 9,040,120N; thence northwest by a straight line to a point on the KWARE RIVER at map reference 692,050E and 9,052,800N; thence by that river to its mouth at map reference 690,050E 9,050,000N; thence southerly by the coast to the point of commencement.

5. WEST BAEGU/FATALEKA

An Area bounded as follows:

Commencing at the mouth of the KWARE RIVER at map reference 690,050E and 9,050,000N; thence by that river to a point at map reference 692,050E and 9,052,800N; thence south-easterly to a point at map reference 701,380E and 9,045,300N; thence northerly by a straight line to a point at map reference 699,510E and 9,054,580N; thence northwesterly by a straight line to a point at map reference 694,590E and 9,061,540N; thence by a straight line due west to a point on the KWAINAFALA RIVER at map reference 690,950E and 9,061,470N; thence southwesterly by that river to its mouth at map reference 686,800E and 9,059,590N; thence southeasterly by the coast to the point of commencement.

6. MANDALUA/FOLOTANA

An Area bounded as follows:

Commencing at the mouth of KWAINAFALA RIVER at map reference 686,800E and 9,059,590N; thence northeasterly by that river to a point at map reference 690,950E and 9,061,470N; thence due east by a straight line to a point at map reference 694,590E and 9,061,540N; thence northerly by a straight line to a point at map reference 693,110E and 9,069,480N; thence due west by a straight line to a point at map reference 685,180E and 9,069,330N thence southwesterly by a straight line to a point on the AERO RIVER at map reference 682,750E and 9,065,850N; thence southwesterly by that river to its mouth at map reference 682,060E and 9,065,110N; thence southeasterly by the coast to the point of commencement.

7. FO'ONDO/GWAIAU

An Area bounded as follows:

Commencing at the mouth of the AERO RIVER at map reference 682,060E and 9,065,110N; thence northeasterly by that river to a point at map reference 682,750E and 9,065,850N; thence northeasterly by a straight line to a point at map reference 685,180E and 9,069,330N; thence due north by a straight line to a point 684,870E and 9,072,200N; thence northwesterly by a straight line to a point on the KALONIAWANE RIVER at map reference 682,750E and 9,075,240N; thence northwesterly by a straight line to a point at map reference 675,250E and 9,078,700N; thence due west by a straight line

to a point at map reference 672,660E and 9,078,620N; thence south-southeasterly by a straight line to a point at map reference 670,120E and 9,073,320N;

8. MALU'U

An Area bounded as follows:

Commencing at a point on the coast at map reference 673,450E and 9,073,180N; thence due east to a point at map reference 670,120E and 9,073,320N; thence north-northeasterly by a straight line to a point at map reference 672,660E and 9,078,620N; thence due east by a straight line to a point on the KALONIWANE RIVER at map reference 682,750E and 9,075,240N; thence due north to a point on the coast at map reference 682,550E and 9,076,480N; thence by the coast westerly and southerly to the point of commencement, including MBATHAKANA ISLAND.

9. MATAKWALO

An Area bounded as follows:

Commencing at a point on the coast at map reference 682,550E and 9,076,480N; thence due south to a point on the KALONIWANE RIVER at map reference 682,750E and 9,075,240N; thence south-easterly by a straight line to a point at map reference 684,870E and 9,072,200N; thence due south by a straight line to a point at map reference 685,180E and 9,069,330N; thence due east by a straight line to a point at map reference 693,110E and 9,069,480N; thence north-westerly by a straight line to a point on the coast at map reference 691,000E and 9,080,800N; thence by the coast westerly to the point of commencement.

10. TAKWA

An Area bounded as follows:

Commencing at a point on the coast at map reference 691,000E and 9,080,800N; thence southerly by a straight to a point at map reference 694,590E and 9,061,540N; thence due east by a straight line to a point on the SASAFA RIVER at map reference 697,800E and 9,061,600N; thence northeasterly by that river to its mouth at map reference 701,750E and 9,066,810N; thence northwesterly by a coast to the point of commencement.

11. EAST BAEGU

An Area bounded as follows:

Commencing at the mouth of the SASAFA RIVER at map reference 701,750E and 9,066,810N; thence southwesterly by that river to a point at map reference 697,800E and 9,061,600N; thence due west by a straight line to a point at map reference 694,590E and 9,061,540N; thence southeasterly by a straight at map reference 699,510E and 9,054,580N; thence easterly by a straight line to a point on the ATA'A RIVER at map reference 706,250E and 9,055,750N; thence by that river to its mouth at map reference 710,240E and 9,055,980N; thence easterly and northwesterly by the coast to the point of commencement;



but excluding the coastal villages of FOU'IR, WALA'ABU, LILIFIA and NGONGOREFU.

12. FOUEDA

An Area bounded as follows:

Commencing at a point on the coast of the SIO POINT at map reference 687,500E and 9,081,500N; thence northeasterly seaward by a straight line to a point at map reference 690,000E and 9,085,000N; thence due east by a straight line to a point at map reference 701,000E and 9,085,000N; thence southerly by a straight line to a point at map reference 703,500E and 9,071,000N; thence southwesterly by a straight line to the promontory on the southern side of FUNAFOU COVES at map reference 700,200E and 9,069,580N; thence by the coast to the point of commencement; and including NDAI ISLAND.

13. SULUFOU/KWARANDE

An Area bounded as follows:

Commencing at a promontory on the southern side of FUNAFOU COVE at a map reference 700,200E and 9,069,580N; thence east northeasterly seaward by a straight to a point at map reference 703,500E and 9,071,000N; thence southeasterly by a straight line to a point at map reference 713,650E and 9,057,650N; thence southwesterly by a straight to a point on the coast of the ASINAWANE POINT at map reference 711,480E and 9,056,300N; thence northwesterly by the coast to the point of commencement; and including the coastal villages of NGONGOREFOU and ATOA.

14. SOBUBONU/BURIANIASI

An Area bounded as follows:

Commencing at a point on the coast of the ASINAWANE POINT at map reference 711,480E and 9,056,300N; thence southwesterly by the coast to a point on the mouth of the ATA'A RIVER at map reference 710,240E and 9,055,980N; thence westerly by that river to a point at map reference 706,250E and 9,055,750N; thence westerly by a straight line to a point at map reference 699,510E and 9,054,580 thence southerly by a straight line to a point at map reference 701,380E and 9,045,300N; thence southeasterly by a straight line to a point on the AULUTA RIVER at map reference 709,750E and 9,038,799N; thence easterly by that river to its mouth at map reference 713,700E and 9,037,150N; thence northerly by the coast to the point of commencement.

15. NAFINUA

An Area bounded as follows:

Commencing at the mouth of the AULUTA RIVER at map reference 713,700E and 9,037,150N; thence by that river to a point at map reference 709,750E and 9,038,700N; thence northwesterly by a straight line to a point at map reference 707,800E and 9,040,120N; thence west-south-westerly by a straight line to a point 700,000E and 9,038,450N; at map reference 700,000E and 9,031,490N; thence east-

south-easterly by a straight line to a point at map reference 704,820E and 9,029,610N; thence southeasterly by a straight line to a point on the mouth of the A'ARAI RIVER at map reference 712,400E and 9,028,150N; thence northerly by the coast to the point of commencement including all off-lying islands.

16. FAUMAMANU/KWAI An Area bounded as follows:

Commencing at the mouth of the A'ARAI RIVER at map reference 712,400E and 9,028,150N; thence westerly by a straight line to a point at map reference 704,820E and 9,029,610N; thence west-north westerly by a straight line to a point at map reference 700,000E and 9,031,490N; thence due south to a point at map reference 700,200E and 9,027,850N; thence south-south-easterly by a straight line to a point at map reference 702,910E and 9,019,450N thence easterly by a straight line to a point at map reference 705,790E 9,019,910N; thence east-north-easterly by a straight line to a point on the KWAIMBAITA RIVER at map reference 712,900E and 9,023,300N; thence by that river to its mouth at map reference 714,270E and 9,023,770N; thence northerly by the coast to the point of commencement; including the islands of KWAI, LEILI and NGONGOSILE.

17. GULALOFO'U An Area bounded as follows:

Commencing at the mouth of the KWAIMBAITA RIVER at map reference 714,270E and 9,023,770N; thence by that river to a point at map reference 712,900E and 9,023,300N; thence west-south-westerly by a straight line to a point at map reference 705,790E and 9,019,910N; thence south-easterly by a straight line to a point at map reference 711,310E and 9,012,280N; thence north-easterly by a straight line to a point on the coast at map reference 723,350E and 9,020,540N; thence north-westerly by the coast to the point of commencement including all off-lying islands.

18. WANEAGU TA'AELENAI An Area bounded as follows:

SINA GULA'ALA'A Commencing at a point on the coast at map reference 723,350E and 9,020,540N; thence south-westerly by a straight line to a point at map reference 711,310E and 9,012,280N; thence south-easterly by a straight line to a point at map reference 719,650E and 8,999,120N; thence north-easterly by a straight line to a point on by straight line to a point on the mouth of the KWAILASI RIVER at a map reference 734,09 and 9,005,490N; thence north-westerly by the coast to the point of commencement.

19. AIAISI An Area bounded as follows:

Commencing at the mouth of the KWAILASI RIVER at map reference 734,090E and 9,005,490N; thence south-westerly by a straight line to a point at map reference 719,650E and 8,999,120N; thence south-

easterly by a straight line to a point at map reference 723,780E and 8,992,370N; thence south easterly by a straight line to a point at map reference 732,950E and 8,978,550N; thence east-north-easterly by a straight line to a point on the mouth of the WAITAHU RIVER at map reference 745,020E and 8,981,110N; thence northeasterly and westerly by the coast to the point of commencement; and including the island of AI'URA, ANUTA PAINA, and AIO.

20. ARE An Area bounded as follows:

Commencing at the mouth of the WAITAHU RIVER at map reference 745,020E and 8,981,110N; thence west-south-westerly by a straight line to a point at map reference 732,950E and 8,978,550N; thence south-easterly by a straight line to a point on the RATANIHATO RIVER at map reference 739,560E and 8,968,630N; thence easterly to a a straight line to a point on the coast of the MARA MASIKE PASSAGE at map reference 763,000N and 8,945,080N; thence easterly to a point on that passage at map reference 763,350E and 8,945,150N; thence northerly by that passage thence northwesterly through the small passage to the BUSHMANE INLET between main land and the islands of NU'USI and AURAU, to a point at map reference 759,750E and 8,955,300N; thence northerly by a straight line to a point at map reference 759,850E and 8,956,900N; thence north westerly by a straight line to a point at map reference 755,500E and 8,961,500N; thence due north by a straight line to a point at map reference 755,500E and 8,969,000N; thence west-north-westerly by a straight line to a point on the coast of the To'oa Point at map reference 749,100E and 8,972,200N; thence north-westerly by the coast to the point of commencement.

21. RAROISU'U An Area bounded as follows:

Commencing at a point on the west coast of SMALL MALAITA at the northern extremity of AHENAWAI VILLAGE at map reference 764,100E and 8,941,270N; thence north-easterly by a straight line across to a point on the East coast of SMALL MALAITA at map reference 774,100E and 8,949,520N; thence north-westerly by the coast to a point at map reference 756,770E and 8,964,050N; thence due west to a point at map reference 755,500E and 8,969,000N; thence due south by a straight line to a point at map reference 755,500E and 8,961,500N; southerly by a straight line to a point at map reference 759,850E and 8,956,900N; thence southerly by a straight to a point at map reference 759,750E and 8,955,300N; thence southerly by the BUSHMANS INLET through small passage between mainland and the islands of AURAU and NU'USI; thence by the MARAMASIKE PASSAGE to the point at map reference 763,600E and 8,941,280N thence northeasterly to the point of commencement, and including the island of PYRAMID.

22. ABA/ASIMEURI An Area bounded as follows:

Commencing at a point on the east Small Malaita (Maramasike) at map reference 774,100E and 8,949,520N; thence southwesterly by a straight line to a point at map reference 770,650E and 8,946,700N; thence southeasterly by a straight line to a point on the coast of the Nialahau Point at Map reference 782,100E and 8,925,000N; thence northeasterly and northwesterly by the coast to the point of commencement and including the islands of Walande, Mary and Fanalei and any other islands lying off-shore.

23. ASIMAE

An Area bounded as follows:

Commencing at a point on the west coast of SMALL MALAITA at the northern extremity of AHENAWAI VILLAGE at map reference 764,100 and 8,941,270N; thence north-easterly by a straight line to a point at map reference 770,650E and 8,946,700N; thence south-easterly by a straight line to a point on the coast of the NIALAHA'U POINT at map reference 782,100E and 8,925,000N; thence south-westerly and north-westerly by the coast to the point of commencement.

24. MAREHO

An Area bounded as follows:

Commencing at a point on the coast of MARAMASIKE PASSAGE at map reference 763,000E and 8,945,080N; thence north-westerly by a straight line to a point on the RATANIHATO RIVER at map reference 739,560E and 8,968,630N; thence south-westerly by that river to its mouth at map reference 735,800E and 8,966,150N; thence south-easterly by the coast and northerly through the Maramasike Passage to the point of commencement and including all the islands lying off that coast as far as the southern entrance to the Maramasike Passage.

25. TAI

An Area bounded as follows:

Commencing at the mouth of the RATANIHATO RIVER at map reference 735,800E and 8,966,150N; thence north-easterly by that river to a point at map reference 739,560N; thence north-westerly by a straight line to a point on the WAIRAHA RIVER at map reference 723,780E and 8,992,370N; thence south-westerly by a straight line to a point on the coast at map reference 714,170E and 8,983,820N; thence south-easterly by the coast to the point of commencement and including all the islands lying off that coast.

26. KWAREKWAREO

An Area bounded as follows:

Commencing at a point on the coast at map reference 714,170E and 8,983,820N; thence north-easterly by a straight line to a point on the WAIRAHA RIVER at map reference 723,780E and 8,992,370N; thence north-westerly by a straight line to a point at map reference 719,650E and 8,999,120N; thence west-south westerly by a straight line to

a on the KWAIFALA RIVER at map reference 706, 310E and 8, 996, 480N; thence south-westerly by that river to its mouth at map reference 702, 470E; and 8, 991, 600N; thence south-easterly by the coast to the point of commencement.

27. SIE SIE

An Area bounded as follows:

Commencing at the mouth of the KWAIFALA RIVER at map reference 702, 470E and 8, 991, 600N; thence north-easterly by that river to a point at map reference 706, 310E and 8,996, 480N; thence east-north-easterly by a straight line to a point at map reference 19, 650E and 8,999, 120N; thence north westerly by a straight line to a point at map reference 715, 220E and 9,006, 350N; thence north-westerly to a point at map reference 711, 310E and 9, 012, 280N; thence south-westerly by a straight line to a point on the coast at map reference 695, 580E and 9, 007, 700N; thence south-easterly by the coast to the point of commencement.

28. WANEAGU SULANA An Area bounded as follows:

SINA Commencing at a point on the coast at map reference 695, 580E and 9, 007, 700N; thence north-easterly by a straight line to a point at map reference 711, 310E and 9, 012, 280N; thence north-westerly by a straight line to a point at map reference 705, 790E and 9,019, 910N; thence by a straight line to a point on the mouth of the KWAIMANAFU RIVER at map reference 692, 250E and 9, 017, 800N; thence southerly by the coast to the point of commencement. All villages mentioned in ward 1 (one) are excluded from this ward (28).

29. KWAIMELA/

An Area bounded as follows:

RADEFASU (36/37) Commencing at the mouth of the KWAIMANAFU RIVER at map reference 692, 250E and 9, 017, 800N; thence east north-easterly by a straight line to a point at map reference 700, 200E and 9, 027, 850N; thence west-south-westerly by a straight line to a point on the road crosses the LAULANA RIVER at map reference 690, 180E and 9, 025, 630N; thence south-westerly to a point on the coast at map reference 689, 750E and 9, 024, 980N; thence southerly by the coast to the point of commencement but excluding the coastal village of KIBELIFOLU.

30. LUANIUA

That southern part of the Ontong Java Atoll known as Sarae, Sauupo, Haleulahi, Jacob, Kaine, Popolani, Kevai, Kasa, Kalaiu and Aipulano.

31. PELAU

That northern part of the Ontong Java Atoll known as Keapiki, Souma (West, East and Central), Kauakekoa, Keapi and Kemakahua.

32. SIKAIANA

The islands of Sikaiana, Tehaolei, Matulotu and Matuavi.

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**THE RENNEL AND BELLONA PROVINCE (ELECTORAL ARRANGEMENTS)  
ORDER**

*LN 16/1993*

(Section 8)

*[21st July 1993]*

**Citation**

1. This Order may be cited as the Rennel and Bellona Province (Electoral Arrangements) Order.

**Electoral arrangements**

2. The electoral arrangements for the Rennel and Bellona Provincial Assembly shall be as contained in the Schedule. One member shall be returned for each electoral ward named in the Schedule.

**SCHEDULE**

Number and Name of Ward Boundary of Wards

**RENNELL:**

1. East Te Nggano      An area bounded as follows:

Commencing at a point on the coast at map reference 160° 23' 40"E and 11° 44' 58"S; thence northeasterly by a straight line to a point on the coast at map reference 160° 26' 11"E and 11° 4' 37"S; thence southeasterly and westerly, southerly and westerly along the coastline to the point of commencement.

2. West Te Nggano      An Area bounded as follows:

Commencing at a point on the coast at map reference 160° 23' 40"E and 11° 44' 58"S; thence northwesterly along the coastline to a point at map reference 160° 18' 15"E and 11° 43' 06"S; thence northeasterly by a straight line to a point on the coast at map reference 160° 20' 34"E and 11° 39' 53"S; thence easterly along the coastline to a point at map reference 160° 26' 11"E and 11° 41' 37"S; thence southwesterly by a straight line to the point of commencement.

3. Lughu                      An area bounded as follows:

Commencing at a point on the coast at map reference 160° 18' 15"E and 11° 43' 06"S; thence northerly and westerly to a point on the coast at map reference 160° 11' 39"E and 11° 41' 03"S; thence northeasterly by a straight line to a point on the coast at map reference 160° 14' 39"E

and 11° 35' 52"S; thence southeasterly along the coast line to a point at map reference 160° 20' 30"E and 11° 39' 53"S; thence southerly by a straight line to the point of commencement.

4. Kanava

An area bounded as follows:

Commencing at a point on the coast at map reference 160° 11' 39"E and 11° 41' 03"S; thence northwesterly along the coastline to a point at map reference 160° 04' 51"E and 11° 37' 07"S; thence northeasterly by a straight line to a point on the coast at map reference 160° 08' 31"E and 11° 31' 50"S; thence southeasterly along the coastline to a point at map reference 160° 14' 39"E and 11° 35' 52"S; thence southerly by a straight line to the point of commencement.

5. Te Tan Gangoto

An area bounded as follows:

Commencing at a point on the coast at map reference 160° 04' 57"E and 11° 37' 07"S; thence northeasterly by a straight line to a point on the coast at map reference 160° 08' 31"E and 11° 31' 50"S; thence westerly along the coast to a point at map reference 160° 06' 45"E and 11° 00' 54"S; thence southerly by a straight line to a point at map reference 160° 05' 12"E and 11° 34' 12"S; thence southwesterly by a straight line to a point on the coast at map reference 160° 01' 58"E and 11° 36' 24"S; thence easterly along the coast to the point of commencement.

6. Mugi Henua

An area bounded as follows:

Commencing at a point on the coast at map reference 160° 01' 58"E and 11° 36' 24"S; thence northeasterly by a straight line to a point at map reference 160° 05' 12"E and 11° 34' 12"S; thence northerly by a straight line to a point on the coast at map reference 160° 06' 45"E and 11° 00' 54"S; thence westerly and southwesterly and southeasterly along the coastline to the point of commencement.

**BELLONA:**

7. Matangi

An area bounded as follows:

Commencing at a point on the coast at map reference 587, 840E and 8, 749, 160N; thence northerly by a straight line to a point at map reference 588, 080E and 8,749,990N; thence easterly to a point at map reference 588, 150E and 8,749,990N; thence northerly by a straight line to a point on the coast at map reference 588,380E and 8,750,830N; thence southeasterly and westerly along the coastline to the point of commencement.

8. East Ghongau

An area bounded as follows:

Commencing at a point on the coast at map reference 584, 760E and 8,750, 115N; thence northeasterly by a straight line to a point 585,715E and 8,752,165N; thence south-easterly along the coastline to a point at map reference 588,380E and 8,750,830N; thence southerly by a straight line to a point at map reference 588, 150E and 8,749,990N; thence westerly to a point at map reference 588,080E and 8,749,990N; thence at map reference 587, 840E and 8,749,160N; thence westerly along the coastline to the point of commencement.

9. West Ghongau      An area bounded as follows:

Commencing at a point on the coast at map reference 584, 760E and 8,750, 115N; thence northwesterly along the coastline to a point at map reference 582,950E and 8,751,280N; thence northeasterly by a straight line to a point at map reference 583,280E and 8,751,990N; thence easterly to a point at map reference 583,335E and 8,751,865N; thence north-easterly by a straight line to a point on the coast at map reference 583, 700E and 8,752,555N; thence southeasterly along the coastline to a point at map reference 585,715E and 8,752,165N; thence southerly by a straight line to the point of commencement.

10. Sa'aiho      An area bounded as follows:

Commencing at a point on the coast at map reference 582,950E and 8,751,280N; thence northeasterly by a straight line to a point at map reference 583,335E and 8,751,865N; thence northeasterly by a straight line to a point on the coast at map reference 583, 700E and 8,752,555N; thence northwesterly - westerly and southerly along the coastline to the point of commencement.

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## **THE WESTERN PROVINCE (CONSTITUTION OF WARDS) ORDER**

*LN 114/1991*

(Section 8)

*[6th September 1991]*

### **Citation**

1. This Order may be cited as the Western Province (Constitution of Wards) Order.

### **Electoral wards**

2. The area of authority of the Western Province is hereby divided into twenty-four wards to be known by the numbers and names set out in the Schedule hereto. The boundaries are delineated on Plan Number 2287 lodged in the office of the Surveyor-General, Honiara, copies of which may be inspected at the office of the Western Provincial Assembly, Gizo.



## **SCHEDULE**

Number	Names of Wards
1	Outer Shortlands
2	Inner Shortlands
3	Simbo
4	North Ranongga
5	Central Ranongga
6	South Ranongga
7	Vonunu
8	Mbilua
9	NDovele
10	Iringgila
11	Gizo
12	Kolombangara
13	Vona Vona
14	Kusaghe
15	Munda
16	Nusa Roviana
17	Roviana Lagoon
18	South Rendova
19	North Rendova
20	Kolombagea
21	Mbuin Tusu
22	Nono
23	Nggatokae
24	North Vangunu.

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## **THE PROVINCIAL ASSEMBLIES ELECTION REGULATIONS**

*LN 43/1987*

*LN 64/1993*

*LN 52/1994*

(Section 12)

*[15th May 1987]*

## **ARRANGEMENT OF REGULATIONS**

### **REGULATION**

### **PART I PRELIMINARY**

1. CITATION
2. INTERPRETATION
3. COLOUR OF BALLOT PAPERS

4. REGISTER OF PROVINCIAL ASSEMBLY ELECTORS
5. RIGHT TO VOTE
6. ELECTION EXPENSES
7. IMMUNITY AGAINST CLAIMS FOR BREACH OF DUTY
8. NON-COMPLIANCE WITH REGULATIONS

## **PART II ELECTIONS**

9. APPOINTMENT OF ELECTION DATE AND RETURNING OFFICER
10. ASSISTANT RETURNING OFFICER
11. NOMINATION OF CANDIDATES
12. NOMINATION FEE
13. VALIDITY OF NOMINATIONS
14. GROUNDS FOR INVALIDATING NOMINATIONS
15. LIST OF CANDIDATES
16. UNOPPOSED CANDIDATES
17. DEATH OF CANDIDATE
18. CONTESTED ELECTION
19. ARRANGEMENT FOR ELECTION
20. APPOINTMENT OF POLLING AGENTS
21. PRESIDING OFFICER TO CALL MEETING
22. DUTIES OF PRESIDING OFFICER REGARDING BALLOT BOXES
23. HOURS OF VOTING
24. MANNER OF VOTING
25. ADMISSION OF PERSONS TO POLLING STATIONS
26. PERSONATION
27. PROTESTED VOTES
28. TENDERED BALLOT PAPERS
29. CONDUCT AT POLLING STATIONS
30. DUTIES OF PRESIDING OFFICER AT CLOSE OF VOTING
31. COUNTING AGENTS
32. ELECTION EXPENSES INCURRED BY CANDIDATES
33. ARRANGEMENTS FOR COUNTING OF VOTES
34. ATTENDANCE AT COUNTING OF VOTES
35. COUNTING OF VOTES
36. NUMBER ON BALLOT PAPER TO BE CONCEALED
37. REJECTED BALLOT PAPERS AND OBJECTIONS
38. STATEMENT OF REJECTED BALLOT PAPERS
39. ASSISTANT RETURNING OFFICER'S DECISION FINAL
40. ASSISTANT RETURNING OFFICER'S DUTIES AT CONCLUSION OF COUNTING
41. DECLARATION OF RESULTS
42. EQUALITY OF NUMBER OF VOTES
43. NOTIFICATION AND PUBLICATION OF RESULTS
44. CUSTODY OF DOCUMENTS
45. POWERS OF POLLING ASSISTANTS
46. CANDIDATE HAS POWERS OF HIS AGENT
47. PROCEEDINGS NOT INVALID BY ABSENCE OF AGENT
48. REMUNERATION OF ELECTION OFFICERS

49. POWER TO DEFER PART OF ELECTION

**PART III  
ELECTION OFFENCES**

50. APPLICATION OF PROVISIONS OF NATIONAL PARLIAMENT ELECTORAL PROVISIONS ACT

**PART IV  
TRANSITIONAL**

51. LOCAL GOVERNMENT (ELECTION PETITION) RULES

SCHEDULE 1

SCHEDULE 2

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**THE PROVINCIAL ASSEMBLIES ELECTION REGULATIONS**

**PART I  
PRELIMINARY**

**Citation**

1. These Regulations may be cited as the Provincial Assemblies Election Regulations.

**Interpretation**

2. In these Regulations, the expressions—

"Court" means the Magistrate's Court;

"date of closure of nominations" means the day and time appointed under regulation 9 (1) (c);

"election" includes a by-election;

"election day" means the day appointed under regulation 9(1)(a);

"election officer" means a Returning Officer, Assistant Returning Officer or polling assistant;

"elector" means a registered Provincial Assembly elector;

"electoral procedure" means the procedure set out in regulations 11 to 16;

"police officer" includes any member of the Special Constabulary established under section 58 of the Police Act;

"registered Provincial Assembly elector" means any person registered as a voter under the Local Government (Registration of Voters) Regulations;

"voting compartment" means any room or other place where the ballot boxes are to be placed and to which the elector is to proceed in order to deposit his ballot paper into the ballot box belonging to the candidate of his choice.

### **Colour of ballot papers**

3. For the purposes of an election under these Regulations, ordinary ballot papers shall be of green colour and tendered ballot papers shall be of yellow colour.

### **Register of Provincial Assembly electors**

4. For the purposes of any election under these Regulations, any register of voters prepared under the Local Government (Registration of Voters) Regulations shall be the register of Provincial Assembly electors.

### **Right to vote**

5.—(1) No person shall be entitled to vote at an election unless he is a registered Provincial Assembly elector.

(2) No person shall be entitled to vote more than once at an election.

### **Election expenses**

6. Any expenses or costs properly incurred by any election officer in connection with the conduct of an election under these Regulations shall be charged on the Provincial Fund.

### **Immunity against claims for breach of duty**

7. No election officer shall be liable in any claim for damages in respect of the breach of any duty imposed upon him by these Regulations.

### **Non-compliance with Regulations**

8. No election shall be void by reason of non-compliance with these Regulations if it appears that the election was conducted in accordance with the principles of these Regulations and that the non-compliance did not affect the result of the election.

## **PART II ELECTIONS**

### **Appointment of election date and Returning Officer**

9.—(1) Whenever an election for a member of a Provincial Assembly becomes necessary, the Minister shall, by notice published in the Gazette,—

- (a) appoint a day for the holding of the election;
- (b) appoint a Returning Officer for the Province or part of the province in which the election is to be held; and
- (c) require that nomination of candidates for that election be delivered to the Returning Officer not later than four o'clock in the afternoon of such day as he shall appoint in the notice.

(2) Any day appointed pursuant to—

- (a) paragraph (1)(a) shall be a day not less than thirty-five days after the date of publication of the notice; and
- (b) paragraph (1)(c) shall be a day not less than twenty-eight days before the election day.

### **Assistant Returning Officer**

10. The Returning Officer may appoint any fit and proper person to be Assistant Returning Officer.

### **Nomination of candidates**

*LN 52/1994*

11.—(1) Subject to this regulation and regulation 12, any person who—

- (a) is qualified under sections 15 and 16 of the Act; and
- (b) wishes to stand as a candidate for election in an electoral ward,

may be nominated as a candidate for that electoral ward.

(2) The nomination shall—

- (a) be made in Form 1 in Schedule 1 and signed by at least three persons who are electors in the electoral ward for which the candidate wishes to stand; and

*Schedule 1*

- (b) be accompanied by a certificate in Form 2 in Schedule 4 and signed by the candidate.

*Schedule 1*

(3) No elector shall nominate more than one candidate and no candidate shall be nominated for more than one electoral ward.

(4) Any candidate may by notice in writing addressed to the Returning Officer withdraw his nominations, not later than four o'clock in the afternoon of the fourteenth day next before the election:

Provided that no such notice shall have effect so as to reduce the number of candidates in the respective ward below one.

### **Nomination fee**

*LN 64/1993*

12.—(1) No nomination of any candidate shall be valid unless the candidate or any person on his behalf has paid to the Returning Officer before the date of closure of nominations a fee of two hundred and fifty dollars either in cash or by a banker's draft issued by a bank licensed under section 16 of the Banking Act.

*Cap. 48*

(2) Subject to paragraph (3), the Returning Officer shall pay into the Provincial Fund any fee paid to him pursuant to paragraph (1).

(3) No fees paid pursuant to paragraph (1) shall be refundable unless the candidate in respect of whom the fee has been paid—

- (a) revokes his nomination before the date of closure of nomination; or
- (b) dies on or before the election day.

### **Validity of nominations**

13. When any nomination paper is delivered to the Returning Officer, the candidate named in that paper shall be deemed to stand nominated unless and until the Returning Officer—

- (a) holds that the nomination paper is invalid;
- (b) is satisfied that the candidate has died; or
- (c) receives a notice of revocation under regulation 11(4).

14.—(1) The Returning Officer shall not hold any nomination paper invalid pursuant to regulation 13 unless one or more of the following grounds exist—Grounds for invalidating nominations

- (a) the candidate is not qualified under section 15 or is disqualified for membership of the Provincial Assembly under section 16 of the Act;
- (b) the nomination is not in the form in Schedule 1 or that the form has not been properly completed as required under regulation 11;
- (c) one of the persons who nominated the candidate—
  - (i) was not an elector at the time that he made the nomination; or
  - (ii) had already nominated another candidate for that election;
- (d) the candidate already stands nominated for another electoral ward;

(e) no nomination fee has been paid under regulation 12; or

(f) the nomination paper has been delivered after the date of closure of nominations.

(2) A decision by the Returning Officer that the candidate has or has not been validly nominated shall be final and shall not be questioned in any proceeding whatsoever except on an election petition under these Regulations.

(3) Whenever the Returning Officer decides that a nomination paper in respect of any candidate is invalid, he shall—

(a) write the words "Invalid Nomination" and the reason for his decision at the back of the nomination paper and sign his name at the end thereof; and

(b) convey his decision as soon as possible to the candidate and the persons who have nominated the candidate.

(4) Any person, whose nomination as a candidate has been invalidated under sub-paragraphs (b) or (c) of paragraph (1), may be renominated in accordance with regulation 11:

Provided that such renomination shall not be made after the date of closure of nominations.

### **List of candidates**

15. The Returning Officer shall, not later than twenty-one days before the election day, publish in the electoral ward, in such manner as appears to him appropriate, a list of the full names, addresses and descriptions of—

(a) the candidates for each electoral ward; and

(b) the electors who nominated the candidates.

### **Unopposed candidate**

16. Where only one candidate has been nominated for an electoral ward, the Assistant Returning Officer for that electoral ward shall, on the election day—

(a) declare the candidate as the duly elected member in that electoral ward for the Provincial Assembly; and

(b) report the result of the election for that ward to the Returning Officer.

### **Death of candidate**

17.—(1) Where, after the date of closure of nomination but before the election day, a person who has been nominated as a candidate dies, the Returning Officer shall, upon being satisfied that the person has died—

(a) countermand the election for the electoral ward for which the deceased was a candidate; and

(b) report his action under sub-paragraph (a) to the Minister.

(2) Subject to paragraph (3), the Minister, upon receipt of a report under paragraph (1)(a), shall appoint another election day for the holding of election for the ward and the electoral procedure shall thereupon be commenced anew.

(3) The nomination of any candidate other than that of the deceased which, at the time of the countermand of the election, had been properly made under regulation 11 shall remain valid for the purposes of the election referred to in paragraph (2).

### **Contested election**

18. Where two or more candidates have been nominated for election in an electoral ward, the Returning Officer shall, not later than seven days before the election day, publish in the electoral ward, in such manner as he thinks appropriate, a notice specifying the following—

(a) the election day and the hour of the election day for the commencement of voting at each of the polling stations;

(b) the names, addresses and descriptions of—

(i) the candidates for election in the electoral ward; and

(ii) the persons who have nominated the candidates;

(c) the symbol and colour allotted to each of the candidates;

(d) the location of each of the polling stations appointed under regulations 19(a);

(e) the names of the electors who are to vote at each of the polling stations; and

(f) the polling station within the electoral ward where the votes will be counted after the closure of voting in that electoral ward.

### **Arrangement for election**

19. The Returning Officer shall—

(a) appoint such number of polling stations within the electoral ward as he considers necessary;

(b) allot the electors within the electoral ward to the polling stations in such number as appears to him convenient;

(c) appoint for each electoral ward such number of persons as he considers necessary to be polling assistants;



(d) appoint, from among the polling assistants, presiding officers who shall be in charge of the polling stations;

(e) provide each of the presiding officers with—

- (i) such number of ordinary and tendered ballot papers, having counterfoils with corresponding numbers, as may be necessary;
- (ii) a copy of the register of electors in the electoral ward and a copy of the list of electors allotted to vote at each of the polling stations in the electoral ward; and
- (iii) an instrument for marking the ballot papers with any official mark which he may require the presiding officer to use at the election;

(f) allot a symbol and colour to each of the candidates nominated for election in that ward;

(g) set up in each of the polling stations a voting compartment in which the electors can cast their votes while obscured from being observed by the public; and

(h) do any other act or thing that may be necessary for the proper conduct of the election in the electoral ward.

### **Appointment of polling agents**

20.—(1) Each candidate may, in respect of each polling station within his electoral ward, appoint, by notice in writing addressed to the Returning Officer, not more than two persons to be his polling agents for the purpose of detecting personation.

(2) The notice referred to in paragraph (1) shall—

(a) be made not later than four days before the election day; and

(b) specify—

- (i) the names and addresses of the polling agents; and
- (ii) the polling stations to which the polling agents have been assigned.

(3) Any candidate may—

(a) upon the death of any of his polling agents; or

(b) where any of his polling agents is unable to carry out the purpose for which he was appointed to carry out,

appoint another person to be his polling agent by giving notice in writing to the Returning Officer informing him of the name and address of that other person and the polling station to which he has been assigned.

### **Presiding officer to call meeting**

21. The presiding officer shall, at a convenient time on the election day but before commencement of voting—

- (a) hold a meeting for the voters allotted to vote at the polling station of which he is in charge;
- (b) explain at the meeting the procedure and method of voting;
- (c) declare at the meeting the symbol and colour allotted to each of the candidates for the electoral ward; and
- (d) explain at the meeting the colours of ordinary and tendered ballot papers.

### **Duties of presiding officer regarding ballot boxes**

22. The presiding officer shall—

- (a) mark conspicuously on the ballot box allotted to each candidate the name of the candidate and the symbol and colour awarded to the candidate;
- (b) show to the voters, at the meeting referred to in regulation 21(a), the ballot as marked pursuant to paragraph (a);
- (c) seal the ballot boxes in such manner as to prevent them being opened without breaking them; and
- (d) place the ballot boxes in the voting compartment.

### **Hours of voting**

23. Voting on the election day at all of the polling stations shall commence not earlier than 7 o'clock in the morning and close not later than 5 o'clock in the afternoon.

### **Manner of voting**

24. The voting on election day at any of the polling stations shall be conducted in the following manner—

- (a) each person claiming himself to be an elector is to proceed to the polling assistant and, if requested to do so, state his name to the polling assistant;
- (b) if the name of the person—
  - (i) does not appear on the register of Provincial Assembly electors, the polling assistant shall inform him that he is not entitled to vote and no ballot paper shall be provided to him;

- (ii) appears on the register of Provincial Assembly electors, the polling assistant shall, subject to paragraph (c), provide him with an ordinary ballot paper;

(c) before providing an elector with an ordinary ballot paper, the polling assistant shall—

- (i) ask the elector whether or not he has already voted for any of the candidates at any of the polling stations in his electoral ward;
- (ii) call out the number, name, address and description of the elector as contained in the copy of the register of Provincial Assembly electors;
- (iii) mark the front and reverse sides of the ordinary ballot paper with the official mark referred to in regulation 19(e)(iii);
- (iv) place a mark on the counterfoil against the number of the elector in the register of Provincial Assembly electors; and
- (v) place a mark against the number of the elector on the copy of the register of Provincial Assembly electors so as to indicate that the elector has been provided with an ordinary ballot paper, but without indicating the number of the ordinary ballot paper;

(d) the elector shall, immediately after being provided with an ordinary ballot paper, proceed to the voting compartment and deposit the ordinary ballot paper into the ballot box belonging to the candidate of his choice;

(e) if the elector, by reason of blindness or inability to read, is unable to ascertain the ballot box belonging to the candidate of his choice, the presiding officer shall accompany the elector into the voting compartment and direct the elector to the ballot box belonging to the candidate of the elector's choice;

(f) if the elector by reason of—

- (i) illness or other physical disability; or
- (ii) any customary rule prohibiting him from entering the polling station or voting compartment,

is unable to cast his vote, he may inform the presiding officer of the reason why he could not cast his vote and require the presiding officer to deposit, on his behalf, his ordinary ballot paper in the ballot box belonging to the candidate of his choice; and

(g) the elector shall, immediately after depositing his ordinary ballot paper in the ballot box, leave the voting compartment.

### **Admission of persons to polling stations**

25.—(1) No elector shall be permitted to vote at any polling station other than at the polling station at which he has been allotted pursuant to regulation 19(b).

(2) The presiding officer shall—

(a) regulate the admission of electors to the polling station; and

(b) exclude from the polling station any person who is not a police officer on duty, candidate, polling agent, polling assistant or other person who, in his opinion, has no justifiable reason to be admitted.

### **Personation**

26.—(1) If at the time a person applies for a ballot paper or after he has so applied but before he has left the polling station, a polling agent—

(a) alleges to the presiding officer that he has reasonable cause to believe that the person is not the elector whom he claims or has claimed himself to be; and

(b) undertakes to substantiate his allegation in court,

the presiding officer may instruct any police officer on duty at the polling station to arrest that person and to take him into custody.

(2) Any person arrested pursuant to paragraph (2) shall be dealt with in accordance with sections 23 and 24 of the Criminal Procedure Code.

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### **Protested votes**

27. Where the presiding officer is informed under regulation 26(1), he shall—

(a) if the person who has applied has not yet been given a ballot paper, refuse to give the person a ballot paper; or

(b) if the person has already been given a ballot paper and has already voted, write or cause to be written—

(i) in the copy of the register of Provincial Assembly electors against the name of the elector whom the person has claimed himself to be, the words "Protested against for personation", and

(ii) on the protested votes list, the name of the elector whom the applicant had claimed himself to be, the number of the ballot paper given to the person and the fact the vote has been protected against for personation.

(2) If the person who has claimed himself to be an elector admits to the presiding officer that he is not the elector that he has claimed himself to be, the presiding officer shall record the number of the ordinary ballot paper cast by that person and, upon the counting of votes, declare the ballot paper invalid.

(3) The presiding officer shall record the number of any ballot paper declared invalid under paragraph (2) on a list of invalidated votes.

### **Tendered ballot papers**

28.—(1) Where a person claiming himself to be an elector named in the register of Provincial Assembly electors proceeds to the polling assistant and applies for an ordinary ballot paper after another person has already voted in the name of such elector, the polling assistant shall satisfy himself as to—

(a) the identity of the person applying for the ballot paper; and

(b) whether the person has not yet voted for any of the candidates at any of the polling stations.

(2) The polling assistant shall provide a tendered ballot paper to the person applying if he is reasonably satisfied that such person—

(a) is the elector named in the register of the Provincial Assembly electors; and

(b) has not yet voted at any of the polling stations for any of the candidates.

(3) A tendered ballot paper shall not be deposited in any of the ballot boxes, but the person to whom the tendered ballot paper has been provided shall give the tendered ballot paper to the presiding officer who shall endorse on the tendered ballot paper the name of that person and his number as shown in the register of Provincial Assembly electors and that person shall then write the name of the candidate of his choice on the tendered ballot paper or call the presiding officer aside and inform him privately of the name of the candidate of his choice and the presiding officer shall record the person's name by writing the name of the candidate of the person's choice on the tendered ballot paper and in either case, the tendered ballot paper shall then be deposited in a separate packet and not counted by the Returning Officer, but the name of the person and his number as shown in the register of Provincial Assembly electors shall be entered on a list to be called the tendered votes list, and the list shall be admissible in any court proceedings arising out of the election.

### **Conduct at polling stations**

29.—(1) The presiding officer shall keep order at the polling station during voting hours.

(2) The presiding officer may instruct any police officer on duty at the polling station or any other person to remove any person who misconducts himself during voting hours at or within the vicinity of the polling station.

### **Duties of presiding officer at close of voting**

30.—(1) As soon as practicable after voting has been completed at the polling station, the presiding officer shall, in the presence of the polling agents, make up into separate packets, each sealed with his own seal—

- (a) each ballot box used at the polling station;
- (b) used and spoilt ballot papers;
- (c) used and unused tendered ballot papers;
- (d) the marked copies of the register of Provincial Assembly electors;
- (e) the counterfoils of the used ballot papers;
- (f) the tendered votes list;
- (g) the invalidated votes list; and
- (h) the protested votes list,

and shall deliver the packets to the Assistant Returning Officer for that ward.

(2) The presiding officer shall prepare a ballot papers account and deliver it, along with the packets made up under paragraph (1), to the Assistant Returning Officer.

(3) The ballot papers account shall contain the following information—

- (a) the total number of each of the ordinary and tendered ballot papers;
- (b) the number of unused tendered ballot papers;
- (c) the number of unused ordinary ballot papers; and
- (d) the number of spoilt ordinary ballot papers.

### **Counting agents**

31.—(1) Each candidate may by notice addressed to the Assistant Returning Officer, appoint one person to be his counting agent for the purpose of attending at the counting of votes.

(2) The notice of appointment of a counting agent shall—

- (a) be in writing;
- (b) state the name and address of the agent; and
- (c) be given to the Assistant Returning Officer not later than two clear days before the election day.

(3) The Assistant Returning Officer may refuse to admit any person purporting to be a counting agent to attend at the counting of votes if the appointment of that person was not in accordance with paragraph (2).

(4) If a counting agent dies or is incapable of acting as such, the candidate may appoint another agent in his place and shall give to the Assistant Returning Officer a notice thereof in accordance with paragraph (2).

(5) The requirements of sub-paragraphs (a) and (c) of paragraph (2) may be dispensed with if the Assistant Returning Officer is satisfied that it is not reasonably practicable for the candidate to comply with those requirements.

### **Election expenses**

32.—(1) Each candidate shall submit to the Returning Officer or Assistant Returning Officer within one month of the declaration of the results of the election a statement of account specifying all expenses incurred by him in his election campaign.

(2) Any candidate who fails to comply with paragraph (1) is guilty of an offence and liable to a fine of one hundred dollars or to imprisonment for three months or to both such fine and imprisonment.

(3) Any candidate who incurs more than one thousand dollars in his election campaign is guilty of an offence and liable to a fine of one hundred dollars or to imprisonment for three months or to both such fine and imprisonment.

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### **Arrangements for counting of votes**

33.—(1) As soon as practicable after the closure of voting in any electoral ward, the Assistant Returning Officer shall, in the presence of the counting agents—

(a) make such arrangements as appear to him necessary for the commencement of the counting of the votes cast in that electoral ward; and

(b) inform the counting agents of the time that the counting of the votes is to commence.

(2) Upon commencement of the counting of the votes, the Assistant Returning Officer shall, so far as is practicable, proceed continuously with the counting until all the votes cast in the electoral ward have been counted, except that the Assistant Returning Officer may allow reasonable breaks during the counting to allow for refreshments.

### **Attendance at counting of votes**

34. Except with the consent of the Returning Officer or Assistant Returning Officer, no person other than the Returning Officer, the Assistant Returning Officer, the candidates and their counting agents, shall attend at the counting of votes.

### **Counting of votes**

35. The Assistant Returning Officer shall, in the presence of the counting agents,—

(a) open each ballot box; and

(b) count and record the number of ballot papers in that ballot box.

### **Number on ballot paper to be concealed**

36. The Assistant Returning Officer shall, when counting and recording the number of ballot papers in each ballot box, ensure that the numbers printed on the ballot papers are not seen by any other persons attending at the counting of the votes.

### **Rejected ballot papers and objections**

37.—(1) The Assistant Returning Officer shall not count, and shall reject any ballot paper—

(a) which does not bear an official mark; or

(b) on which anything, other than the printed number, is written or marked by which the elector is likely to be identified.

(2) The Assistant Returning Officer shall endorse on the ballot paper to which paragraph (1) applies the word "Rejected" and, if the rejection is objected to by any counting agent attending at the counting of the votes, the words "Rejection Objected to".

### **Statement of rejected ballot papers**

38. The Assistant Returning Officer shall prepare a statement showing separately the number of ballot papers rejected under paragraphs (a) and (b) of regulation 37(1) and shall, if requested by any of the counting agents, provide that counting agent with a copy of the statement.

### **Assistant Returning Officer's decision final**

39. The decision of the Assistant Returning Officer as to any question in respect of the rejection or otherwise of any ballot paper is final and may be reviewed only on an election petition under these Regulations.

### **Assistant Returning Officer's duties at conclusion of counting**

40.—(1) Immediately after the conclusion of the counting of votes, the Assistant Returning Officer shall—

(a) seal up in separate packets the counted and rejected ballot papers;

(b) verify, in the presence of the counting agents, the ballot paper account prepared by the presiding officer under regulation 30 by comparing the account with—

(i) the number of ballot papers counted and recorded under regulation 35(b);

(ii) the number of rejected ballot papers shown in the statement prepared under regulation 38;



- (iii) the number of unused and spoilt ballot papers in his possession;
  - (iv) the tendered votes list; and
  - (v) the invalidated votes list;
- (c) seal the packets after comparing them in accordance with sub-paragraph (b);
  - (d) prepare a statement of the result of the verification under sub-paragraph (b); and
  - (e) provide a copy of the statement to any polling agent who requests a copy of the statement.

(2) In performing his duties under paragraph (1), the Assistant Returning Officer shall ensure that the—

- (a) sealed packet containing the tendered papers;
- (b) sealed packet containing the marked copy of the register of Provincial Assembly electors; and
- (c) sealed packet containing the counterfoils of used ballot papers,

are not opened or otherwise dealt with in a manner that is likely to expose the contents of the packets.

### **Declaration of result**

41.—(1) When the result of the election has been ascertained, the Assistant Returning Officer shall immediately declare to be elected the candidate for whom the majority of votes has been cast and the declaration shall be in the following terms:

"I declare ..... to be  
the elected Provincial Assembly member for the .....  
electoral ward."

(2) The number of votes cast for each candidate shall not be finalised by the Assistant Returning Officer when he makes a declaration under paragraph (1).

(3) The Assistant Returning Officer shall as soon as practicable after the declaration of the results—

- (a) report the result to the Returning Officer; and
- (b) deliver all documents referred to in regulation 40(1) to the Returning Officer.

### **Equality of number of votes**

42.—(1) Where, at the conclusion of the counting of votes cast in any electoral ward, the Assistant Returning Officer finds that the number of votes cast in favour of any two or more candidates are equal, he shall make a recount of the votes.

(2) If, at the conclusion of the recount, the Assistant Returning Officer finds that the number of votes are still equal, he shall report the fact of equality of votes to the Returning Officer who shall then report to the Minister.

(3) The Minister shall, after receipt of the report, order a fresh election to be held in the electoral ward.

### **Notification and publication of results**

43.—(1) As soon as practicable after receiving the report of the results under regulation 41(3) the Returning officer shall—

(a) inform—

(i) the successful candidate of his election as a Provincial Assembly member; and

(ii) the Minister of the results of the election; and

(b) publish a notice of the results at the Provincial Headquarters and in each of the electoral wards in which the election was held.

(2) The Minister shall, by notice, publish the results in the Gazette.

### **Custody of document**

44. The Returning Officer shall keep in safe custody all documents relating to the conduct of the election, but shall destroy all such documents after the expiration of six months from the date of declaration of the results unless directed otherwise by order of a court.

### **Powers of polling assistants**

45.—(1) Subject to paragraph (2), the presiding officer may authorise any polling assistant to do any act which the presiding officer is authorised to do by these Regulations.

(2) No presiding officer shall authorise any polling assistant to exercise the powers conferred by regulation 25(2)(b) or 26(1).

### **Candidate has powers of his agent**

46. A candidate may do any act which his agent is authorised by these regulations to do and may assist his agent in doing the act.

### **Proceedings not invalid by absence of agent**

47. Where, in these Regulations, an act is required to be done in the presence of agents of candidates, the absence of the agents when the act was done shall not be a reason for invalidating the act if the act has otherwise been properly done.

### **Remuneration of election officers**

48.—(1) All election officers shall receive such remunerations for their services in such amounts as the Minister, after consultation with the Provincial Executive, shall specify.

(2) The remunerations shall be paid out of the Provincial Fund.

### **Power to defer part of an election**

49.—(1) Notwithstanding anything to the contrary contained in these Regulations, the Minister may by notice defer an election or any part thereof in any electoral ward if he is satisfied that by reason of flood or storm or any other cause whatsoever, whether of the like nature or otherwise, it has not been or it will not be possible to hold that election or any part thereof in that electoral ward to comply with the provisions of these Regulations in regard to time.

(2) Where an election or part thereof is deferred pursuant to paragraph (1), the Minister shall, immediately after giving the notice, appoint a new date pursuant to regulation 9(1)(a) for the holding of the election or the part thereof.

(3) In exercising his powers under paragraphs (1) and (2), the Minister may give such directions as he considers necessary as to the deferment of the counting of votes pending receipt of the ballot boxes, papers and lists relating to any part of an election for which a new date is appointed and for the safe custody of all ballot boxes, papers and lists already received.

(4) In this regulation, the expression "part" in relation to an election includes any stage of an election and any act required to be done under any of the provisions of these Regulations.

## **PART III ELECTION OFFENCES**

### **Application of provisions of National Parliament Electoral Provisions Act**

50. Sections 65 to 83 and section 85(1), (2) and (3) of the National Parliament Electoral Provisions Act shall apply to and shall be deemed to form part of these Regulations subject to the modifications set out in Schedule 2 to these Regulations.

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## **PART IV TRANSITIONAL**

### **Local Government (Election Petition) Rules**

51. Until such time that rules are made as to the questioning of elections held under these Regulations, the Local Government (Election Petition) Rules shall apply to election petitions in respect of such elections and the said rules shall be construed with such modifications,

adaptations, qualifications and exceptions as may be necessary to bring them into conformity with these Regulations.

Form 1

## **SCHEDULE 1**

(reg. 11(2)(a))

### **PROVINCIAL ASSEMBLIES ELECTION REGULATIONS**

NOMINATION PAPER      No. .... of 19 ...

We, the undersigned, hereby nominate

Mr/Mrs/Miss ..... of .....  
to be a candidate for the ..... electoral ward,  
..... Province, in the election to be held on  
the ..... of ..... 19..... We are electors in  
the said ..... electoral ward, .....  
..... Province.

1

Full name: .....  
Address: .....  
Occupation: .....

I have been registered as an elector for the .....  
electoral ward, ..... Province.

Dated this ..... of .....19.....

Signature: .....

2

Full name: .....  
Address: .....  
Occupation: .....

I have been registered as an elector for the .....  
electoral ward, ..... Province.

Dated this ..... of .....19.....

Signature: .....

3

Full name: .....  
Address: .....  
Occupation: .....

I have been registered as an elector for the .....  
electoral ward, ..... Province.

Dated this ..... of .....19.....

Signature: .....

Form 2

**PROVINCIAL ASSEMBLIES ELECTION  
REGULATIONS**

(reg.11(2)(b))

No. .... of 19 .....

**CERTIFICATE BY CANDIDATE**

I, the undersigned, hereby certify that:

(a) I am the candidate referred to in Nomination Paper No of 19 .....

(b) I am willing to stand as a candidate for

..... electoral ward,

..... Province, in the

election to be held on the ..... of .....  
19 .....

(c) I am not disqualified for membership of the Provincial Assembly under sections  
15(1) or 16 of the Provincial Government Act.

Full name: .....  
Address: .....  
Occupation: .....

Dated this ..... of ..... 19 .....

Signature: .....

**SCHEDULE 2**

(reg. 50)

In sections 66 to 68, 70 to 72, 74, 76, 77, 80, 82 and 85, substitute the expression "these Regulations" for the expression "this Act".

In sections 67 and 69, substitute "one hundred dollars" for "two hundred dollars".

In sections 68(4), 73, 76 and 77, substitute—

(a) "fifty dollars" for "one hundred dollars; and

(b) "two months" for "three months".

In sections 67 and 69, substitute "three months" for "six months".

In sections 65(2), 70(c), 75, 77, 78, 81, 82 and 85, substitute "Provincial Assembly" for "National Parliament"

In sections 81(2) and 83(3), substitute "Minister" for "Governor-General"

In sections 81(1) and 85(1), substitute "legal adviser to the Province" for "Attorney General".

In section 66, substitute "regulation 24(a) and (c)(i) for "section 37(c)".

In the proviso to section 68(2) substitute the expression "any other reason specified in these Regulations" for the expression "other disability".

In section 75, substitute "four years" for "five years".

In section 77, substitute "regulation 9 or 49" for "section 23 or 64".

In section 81(1), substitute "regulations made under section 12(1)(b) of the Provincial Government Act" for "Rules made under section 84 of this Act".

In section 82(1) substitute "regulation 40(2)" for "section 56(2)(b)".

In section 85(1), and (2) and (3), substitute "Court" for "High Court".

In section 79 and 82 substitute "electoral ward" for "electoral constituency" or "constituency" wherever the words appear.

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## **DEVOLUTION ORDERS**

(Sections 28, 29 & 30)

The following Devolution Orders have been made—

Name of Province	Legal Notice No.
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Central Province

First Devolution Order        36/1984

(2nd Appointed Day — 29th June 1984)

Choiseul Province

First Devolution Order        132/1992

(2nd Appointed Day — 25th February 1993)

Guadalcanal Province

First Devolution Order        47/1984

(2nd Appointed Day — 1st August 1984)

Second Devolution Order    90/1985

Isabel Province

First Devolution Order        37/1984

(2nd Appointed Day — 2nd June 1984)

Makira Ulawa Province

First Devolution Order        25/1983

(2nd Appointed Day — 3rd August 1983)

Second Devolution Order    48/1984

Malaita Province

First Devolution Order        16/1984

(2nd Appointed Day — 15th August 1983)

Second Devolution Order    62/1984

Third Devolution Order       89/1985

Fourth Devolution Order    21/1987

Rennel and Bellona Province

First Devolution Order        27/95

(2nd Appointed Day — 20th July 1995)

Temotu Province

First Devolution Order      49/1984

(2nd Appointed Day — 8th June 1984)

Second Devolution Order      131/1992

Western Province

First Devolution Order      55/1984

(2nd Appointed Day — 7th December 1983)

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**THE PROVINCIAL GOVERNMENT (PROJECT GRANTS AND PAYMENTS)  
ORDER**

*LN 80/1989*

(Section 38(2))

*[8th September 1989]*

**Citation**

1. This Order may be cited as the Provincial Government (Project Grants and Payments) Order.

**Application**

2. This Order applies to all provinces.

**Interpretation**

3. In this Order the expressions—

"Account" means the Project Grants Account, opened and maintained under paragraph 4;

"project" means a development project proposed by a Provincial Executive and approved by the Government;

"technical officer" means an officer from the Government Department which has been assigned the responsibility for supervising the implementation of the project.



## **Project Grants Account**

4. A Provincial Executive shall open and maintain within the Provincial Fund an account to be called Project Grants Account.

## **Payment of project monies into the Account**

5.—(1) Subject to paragraphs 6 and 7, all monies made available by or through the Government, or a project within a province, shall be paid into the Account of the Province.

(2) No monies paid into an Account for a project under paragraph (1) shall be applied for, or in connection with, any purpose other than the project.

(3) Where monies are applied in contravention of paragraph (2), the amount of money so applied shall be deducted from any monies payable by the Government into the Provincial Fund of the Province (other than monies payable for the project).

(4) Any monies deducted under sub-paragraph (3) shall be dealt with in accordance with such directions as the Minister may give.

## **Rules regarding payment of monies into the Account**

6. The following rules shall apply in respect of making payments into an Account of a province of monies for a project—

(a) one-fourth of the total sum of the monies (being the total cost of the project) shall be paid into the Account as soon as the Minister is satisfied that the Provincial Executive has made or has caused to be made such arrangements as are, in the opinion of the Minister, sufficient to commence the implementation of the project;

(b) the second and subsequent instalment payments shall be payable into the Account on the recommendation of the technical officer, upon the production of a satisfactory assessment report on the progress of the implementation of the project; and

(c) any monies remaining after making payments under sub-paragraphs (a) and (b) (which monies should, in the opinion of the Minister have been paid into the Account within the financial year) shall,—

- (i) in the case of monies provided solely by the Government, be paid into the Account of the province not later than 31st December of that financial year; and
- (ii) in the case of monies provided by any financial agency or institution through the Government, be held by the Government for payment in accordance with sub-paragraph (b).

## **Power to withhold payment of monies into the Account**

7. Notwithstanding paragraphs 5 and 6, the Minister may withhold any payment intended to be made under those paragraphs, if he is satisfied that—

(a) the Provincial Executive is unable to, or has decided not to, implement or continue with the implementation of the project; or

(b) proceedings are pending in court in relation to the land on which the project, or part of the project, is being or is intended to be implemented.

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