STATUTORY INSTRUMENTS

1975 No. 1832

PACIFIC ISLANDS

The Solomon Islands (Amendment) Order 1975

Made - - - -	12*th November* 1975
Laid before Parliament	19*th November* 1975
Coming into Operation	
Sections 4, 19 *and* 21	*On a day to be appointed under section* 1 (3)
Remainder - -	*On a day to be appointed under section* 1 (2)

At the Court at Buckingham Palace, the 12th day of November 1975

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers in that behalf by the Foreign Jurisdiction Act 1890(**a**) or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Citation, construction, and commencement.

1.—(1) This Order may be cited as the Solomon Islands (Amendment) Order 1975 and shall be construed as one with the British Solomon Islands Order 1974(**b**) including the Constitution set out in the Schedule thereto as amended by the British Solomon Islands (Amendment) Order 1975(**c**), the British Solomon Islands (Name of Territory) Order 1975(**d**) and the Solomon Islands Courts Order 1975(**e**).

(2) This Order shall be published in the Gazette and, subject to the provisions of this section, shall come into operation on such day (in this Order referred to as "the appointed day") as the Governor, in his discretion, by proclamation published in like manner shall appoint, which day shall not be earlier than the day when this Order is so published nor earlier than 10th December 1975.

(3) The provisions of sections 4, 19 and 21 of this Order shall come into operation on such day (in this Order referred to as "the second appointed day") after the appointed day as the Governor, acting in his discretion, shall by notice in the Gazette appoint:

Provided that, until such later day as is prescribed by the Governor, acting in his discretion, by notice in the Gazette, the provisions of sections 68E(1), 68F(1) and 68O(2)(c) of the amended Constitution shall

(**a**) 1890 c. 37. (**b**) S.I. 1974/1262 (1974 II, p. 4785).
(**c**) S.I. 1975/807 (1975 II, p. 2888). (**d**) S.I. 1975/808 (1975 II, p. 2890).
(**e**) S.I. 1975/1511 (1975 III, p. 5041).

have effect as from the second appointed day as if there were substituted for the words "acting on the recommendation of the Police Service Commission" the words "acting after consultation with the Police Service Commission".

(4) As from the second appointed day—

(*a*) section 22(1) of the amended Constitution shall have effect as if paragraph (*e*) were deleted;

(*b*) section 27(*c*) of the amended Constitution shall have effect as if the words "the Deputy Governor and" were deleted;

(*c*) section 41(2)(*a*) of the amended Constitution shall have effect as if the words "the Deputy Governor and" were deleted;

(*d*) section 49 of the amended Constitution shall have effect as if subparagraph (ii) of paragraph (*a*) were deleted;

(*e*) the proviso to section 62(1) of the amended Constitution shall have effect as if the words "the Deputy Governor and" were deleted;

(*f*) section 68V(5) of the amended Constitution shall have effect as if the words "Chairman and other member of the Public Service Commission" were inserted immediately after the words "Auditor-General".

Interpretation.

2. In this Order—

"the amended Constitution" means the Constitution as amended by this Order;

"the Constitution" means the Constitution set out in the Schedule to the British Solomon Islands Order 1974 as amended by the British Solomon Islands (Amendment) Order 1975, the British Solomon Islands (Name of Territory) Order 1975 and the Solomon Islands Courts Order 1975.

Replacement of sections 22 & 23 of Constitution.

3. The following sections are substituted for sections 22 and 23 of the Constitution—

"Governor's special responsibilities.

22.—(1) The Governor, acting in his discretion, shall be responsible for the conduct (subject to the provisions of this Constitution and of any other law for the time being in force in the Solomon Islands) of any business of the Government, including the administration of any department of government, with respect to the following matters—

(*a*) defence;

(*b*) external affairs;

(*c*) internal security;

(*d*) the police; and

(*e*) the appointment (including the appointment on promotion or transfer, appointment on contract and appointment to act in an office) of any person to any public office, the suspension, termination of employment, dismissal, or retirement of any public officer or taking of disciplinary action in respect of such an officer, the application to any public officer of the terms or conditions of employment of the public service (including salary scales, allowances, leave,

passages or pensions) for which financial provision has been made, or the organisation of the public service to the extent that it does not involve new financial provision.

(2) The Governor, acting in his discretion, may by directions in writing delegate, with the prior approval of the Secretary of State, to the Chief Minister or any other Minister designated by him after consultation with the Chief Minister such responsibility with respect to any matter referred to in subsection (1) of this section as the Governor may think fit upon such conditions as he may think fit.

Exercise of Governor's functions.

23.—(1) In the exercise of his functions the Governor shall, subject to the provisions of this section, obtain and act in accordance with the advice of the Council of Ministers or of a Minister acting under the general authority of the Council of Ministers.

(2) Subsection (1) of this section shall not apply to the exercise by the Governor of—

(*a*) any function relating to any business of the Government for which he is responsible under section 22(1) of this Constitution ;

(*b*) any function conferred upon him by this Constitution which is expressed to be exercisable by him in his discretion, or in accordance with the recommendation or advice of, or after consultation with, any person or authority other than the Council of Ministers ; or

(*c*) any function conferred upon him by any other law which is expressed to be exercisable by him in his discretion or which he is otherwise authorised by such law to exercise without obtaining the advice of the Council of Ministers.

(3) Where the Governor is by this Constitution or any other law directed to exercise any function in accordance with the recommendation of any person or authority, then—

(*a*) before he acts in accordance therewith, he may, acting in his discretion, once refer that recommendation back for reconsideration by the person or authority concerned ; and

(*b*) if that person or authority, having reconsidered the original recommendation under the preceding paragraph, substitutes therefor a different recommendation, the provisions of this subsection shall apply to that different recommendation as they apply to the original recommendation.

(4) Where the Governor is by this Constitution or any other law directed to exercise any function after consultation with any person or authority other than the Council of Ministers he shall not be obliged to exercise that function in accordance with the advice of that person or authority.

(5) Where the Governor has obtained the advice of the Council of Ministers or a Minister on any matter in pursuance of subsection (1) of this section, he may act otherwise than in accordance with that advice if in his judgment it is necessary or expedient so to act in the interests of any of the matters referred to in section 22(1) of this Constitution.

(6) Where the Governor acts against the advice of the Council of Ministers in pursuance of subsection (5) of this section he shall at the first convenient opportunity report the matter to a Secretary of State with the reasons for his action.

(7) Where any function is vested by any law other than this Constitution in any person or authority other than the Governor (not being a court of law), the Governor may exercise that function in such circumstances and to such extent as he may consider necessary or expedient for the purposes of any of the matters referred to in section 22(1) of this Constitution.

(8) Where the Governor is by this Constitution or any other law directed to exercise any function in accordance with the recommendation or advice of, or after consultation with, any person or authority, the question whether he has so exercised that function shall not be inquired into in any court.".

Replacement of section 24 of Constitution.

4. The following section is substituted for section 24 of the Constitution—

"Governor's powers as respects offices.

24. Subject to the provisions of this Constitution and of any other law, the Governor, in Her Majesty's name and on Her Majesty's behalf, may—

(*a*) constitute offices for the Solomon Islands, and abolish such offices ; and

(*b*) make appointments to any such office so constituted and terminate any such appointment,

and any person appointed to an office constituted under this section shall hold office during Her Majesty's pleasure.".

Amendment of section 25 of Constitution.

5. Section 25 of the Constitution is amended—

(*a*) in subsection (1) by deleting the words and commas " , acting in his discretion," ;

(*b*) by inserting immediately after subsection (2) the following new subsection—

" (3) In exercise of the powers conferred upon him by subsection (1) of this section, the Governor shall act after consultation with the Committee established under section 25A of this Constitution.".

Insertion of new section in Constitution.

6. The following new section is inserted immediately after section 25 of the Constitution—

"Advisory Committee on the Prerogative of Mercy.

25A.—(1) There shall be for the Solomon Islands an Advisory Committee on the Prerogative of Mercy (in this section referred to as "the Committee") which shall consist of the following members:—

(*a*) three members of the Council of Ministers appointed by name by the Governor after consultation with the Chief Minister; and

(*b*) the Attorney-General.

(2) The members appointed by the Governor under subsection (1)(*a*) of this section shall be appointed by instrument under the public seal.

(3) The Committee shall not be summoned except by the authority of the Governor, acting in his discretion; and the Governor shall preside at all meetings of the Committee.

(4) No business shall be transacted at any meeting of the Committee unless there are at least three members present, of whom one shall be the Attorney-General.

(5) The office as a member of the Committee of any member appointed under subsection (1)(*a*) of this section shall become vacant—

(*a*) if he ceases to be a member of the Council of Ministers; or

(*b*) if the Governor, acting after consultation with the Chief Minister, revokes his appointment as a member of the Committee.

(6) Subject to subsection (4) of this section, the Committee shall not be disqualified for the transaction of business by reason of any vacancy in the membership of the Committee and the validity of the transaction of any business by the Committee shall not be affected by reason only of the fact that some person who was not entitled to do so took part in the proceedings.

(7) Subject to the provisions of this section, the Committee may regulate its own proceedings.".

Replacement of section 29 of Constitution.

7. The following section is substituted for section 29 of the Constitution—

"Appointment of Ministers.

29.—(1) Ministers other than the Chief Minister shall be appointed by the Governor, acting in accordance with the advice of the Chief Minister, by instrument under the public seal.

(2) There shall be a Deputy Chief Minister who shall be appointed as such by the Governor, acting in accordance with the advice of the Chief Minister, from among the Ministers appointed under subsection (1) of this section.".

Replacement of sections 33 & 34 of Constitution.

8. The following sections are substituted for sections 33 and 34 of the Constitution—

"Summoning of the Council of Ministers.

33. The Council of Ministers shall be summoned by the Chief Minister or, in the absence of the Chief Minister, by such other Minister as the Chief Minister shall appoint:

Provided that the Governor, in his discretion, may summon a special meeting of the Council whenever he shall think fit.

Presiding in the Council of Ministers.

34. The Chief Minister shall, so far as is practicable, attend and preside at all meetings of the Council of Ministers and in his absence such other Minister shall preside as the Chief Minister shall appoint or, if that Minister is absent or no such appointment is made, by such other Minister as may be elected by the members present:

Provided that whenever the Governor has summoned a special meeting of the Council under the provisions of section 33 of this Constitution he shall preside.".

Amendment of section 35 of Constitution.

9. Section 35 of the Constitution is amended by substituting for subsection (1) the following subsection—

"(1) No business except that of adjournment shall be transacted in the Council of Ministers if objection is taken by any member present that there are present less than a majority of the members for the time being of the Council.".

Replacement of sections 36 & 37 of Constitution.

10. The following sections are substituted for sections 36 and 37 of the Constitution—

" Agenda.

36. The Chief Minister shall decide what business shall be considered at any meeting of the Council of Ministers:

Provided that whenever the Governor has summoned a special meeting of the Council under the provisions of section 33 of this Constitution he shall decide what business shall be considered at such meeting.

Summoning of persons to attend the Council of Ministers.

37. The Chief Minister or the other Minister presiding or, in the case of a special meeting summoned by the Governor under the provisions of section 33 of this Constitution, the Governor, acting in his discretion, may summon any person to a meeting of the Council of Ministers, notwithstanding that that person is not a member of the Council, when in the opinion of the Chief Minister or, as the case may be, the other Minister presiding or the Governor, the business before the Council makes the presence of that person desirable:

Provided that a person shall not be under any obligation to answer any question put to him by any member of the Council, or by the Governor, at such meeting.".

Amendment of section 38 of Constitution.

11. Section 38 of the Constitution is amended by substituting for the proviso to subsection (1) the following—

" Provided that—

(*a*) except for the purpose of conducting business in the Legislative Assembly and subject to the provisions of section 22 of this

Constitution a Minister shall not be charged with responsibility for any matter specified in that section ; and

(*b*) a Minister shall not be charged with responsibility for the department of the Attorney-General or for the administration of justice.".

Insertion of new sections in Constitution.

12. The following new sections are inserted immediately after section 40 of the Constitution—

"Secretary to the Council of Ministers.

40A.—(1) There shall be a Secretary to the Council of Ministers whose office shall be that of a Permanent Secretary.

(2) The Secretary to the Council of Ministers shall have charge of the office of the Council and shall be responsible, in accordance with such instructions as may be given to him by the Chief Minister, for arranging the business for, and keeping the minutes of, the meetings of the Council and for conveying the decisions of the Council to the appropriate person or authority, and shall have such other functions as the Chief Minister may from time to time direct.

(3) The Secretary to the Council of Ministers shall—

(*a*) transmit to the Governor copies of all papers submitted for consideration by the Council at the same time as those papers are transmitted to its members ;

(*b*) inform the Governor of the summoning of any meeting of the Council and of the matters to be discussed at that meeting at the same time as its members are so informed ; and

(*c*) furnish the Governor, as soon as practicable after each meeting of the Council, with a copy of the record of the proceedings at that meeting showing the matters discussed and the conclusions reached at that meeting.

Attorney-General.

40B.—(1) There shall be an Attorney-General whose office shall be a public office and who shall be the principal legal adviser to the Government of the Solomon Islands.

(2) The Attorney-General shall have power in any case in which he considers it desirable to do so—

(*a*) to institute and undertake criminal proceedings against any person before any court (other than a court-martial) in respect of any offence alleged to have been committed by that person ;

(*b*) to take over and continue any such criminal proceedings that have been instituted or undertaken by any other person or authority ; and

(*c*) to discontinue at any stage before judgment is delivered any such criminal proceedings instituted or undertaken by himself or any other person or authority.

(3) The powers of the Attorney-General under subsection (2) of this section may be exercised by him in person or by officers subordinate to him acting in accordance with his general or specific instructions.

(4) The powers conferred on the Attorney-General by paragraphs (*b*) and (*c*) of subsection (2) of this section shall be vested in him to the exclusion of any other person or authority:

Provided that where any other person or authority has instituted criminal proceedings, nothing in this subsection shall prevent the withdrawal of those proceedings by or at the instance of that person or authority and with the leave of the court.

(5) In the exercise of the functions vested in him by subsection (2) of this section the Attorney-General shall not be subject to the direction and control of any other person or authority.

(6) For the purposes of this section, any appeal from any judgment in any criminal proceedings before any court, or any case stated or question of law reserved for the purpose of any such proceedings, to any other court or to Her Majesty in Council shall be deemed to be part of those proceedings:

Provided that the power conferred on the Attorney-General by paragraph (*c*) of subsection (2) of this section shall not be exercised in relation to any appeal by a person convicted in any criminal proceedings or to any case stated or question of law reserved at the instance of such a person.".

Amendment of section 50 of Constitution.

13. Section 50 of the Constitution is amended by substituting for subsection (2) the following subsections—

" (2) When a Bill is presented to the Governor for assent, he shall signify that he assents or that he withholds assent or that he reserves the Bill for the signification of Her Majesty's pleasure:

Provided that, unless he has been authorised by a Secretary of State to assent thereto, and subject to the provisions of subsection (3) of this section, the Governor shall reserve for the signification of Her Majesty's pleasure any Bill that appears to him, acting in his discretion—

(*a*) to be inconsistent with any obligation imposed on Her Majesty by any treaty, convention, agreement or arrangement relating to any country or international or similar organisation outside the Solomon Islands;

(*b*) to be likely to prejudice the Royal Prerogative; or

(*c*) to be in any way repugnant to or inconsistent with the provisions of this Constitution.

(3) The Governor, acting in his discretion, may refuse his assent to any Bill which appears to him to affect any matter for which he is responsible under section 22 of this Constitution.".

Amendment of section 52 of Constitution.

14. Section 52 of the Constitution is amended by substituting for subsection (1) the following subsection—

"(1) Any law to which the Governor has assented and which appears to Her Majesty to affect any matter for which the Governor is responsible under section 22 of this Constitution or the responsibility of Her Majesty's Government in the United Kingdom for defence and external affairs may be disallowed by Her Majesty through a Secretary of State.".

Replacement of section 53 of Constitution.

15. The following section is substituted for section 53 of the Constitution—

"Governor's reserved powers.

53.—(1) If the Governor considers that any Bill or motion that is before the Legislative Assembly or any committee thereof affects his responsibility for any of the matters referred to in section 22 of this Constitution, he may give notice thereof to the Assembly or committee concerned and no further proceedings shall then be taken upon the Bill or motion without his consent.

(2) The Governor may send by message to the Legislative Assembly a draft of any Bill or motion which, in pursuance of his responsibility for any of the matters referred to in section 22 of this Constitution, he considers should be introduced or proposed in the Assembly and may (whether in the same or a later message) request that the Bill or motion be so introduced or proposed not later than a date specified in such message.

(3) If a request made by the Governor under subsection (2) of this section is not complied with by the date specified, the Bill or motion to which it relates shall be deemed to have been introduced or proposed in the Legislative Assembly on that date.

(4) If the Legislative Assembly fails to pass the Bill or carry the motion within such time as the Governor considers reasonable and in such form as he considers expedient, he may, by writing under his hand, declare that it shall have effect as if, on the date of such declaration, it had been passed or carried by the Assembly either in the form in which it was introduced or proposed (or is deemed to have been introduced or proposed) or (as the declaration shall specify) with such amendments as the Governor thinks fit that have been moved or proposed in the Assembly or any committee thereof; and the Bill or motion shall be deemed thereupon to have been passed or carried in the form specified in the declaration and on the date thereof, and the provisions of this Constitution shall have effect accordingly.

(5) Any notice or consent given or message sent by the Governor under this section may be given or sent in such manner as the Governor thinks fit and, in the case of a notice or consent given or a message sent to the Assembly, may be given or sent either to the Speaker of the Assembly (whether or not he is presiding over the Assembly) or to

any other person who is presiding over the Assembly and, in the case of a notice or consent given to a committee of the Assembly, may be given either to the Speaker of the Assembly (whether or not he is presiding over that committee) or to any other person who is presiding over that committee.

(6) The powers conferred on the Governor by this section shall be exercised by him in his discretion.".

Amendment of section 62 of Constitution.

16. Section 62 of the Constitution is amended by inserting immediately after subsection (1) the following proviso—

" Provided that the Deputy Governor and the Attorney-General shall not be entitled to vote.".

Amendment of section 63 of Constitution.

17. Section 63 of the Constitution is amended by deleting the words and commas ", acting in his discretion,".

Revocation of section 65F of Constitution.

18. Section 65F of the Constitution is revoked.

Replacement of Chapter V of Constitution.

19. For Chapter V of the Constitution there is substituted the following new Chapter—

" CHAPTER V

THE PUBLIC SERVICE

The Public Service Commission

Composition of Public Service Commission.

66.—(1) There shall be a Public Service Commission for the Solomon Islands which shall consist of a Chairman and not less than two nor more than four other members appointed by the Governor, by instrument under the public seal, for such period, being not less than three nor more than six years, as may be specified in their respective instruments of appointment.

(2) A person shall be disqualified for appointment as a member of the Public Service Commission if he is a member of the Legislative Assembly or a public officer or an officer of any society or association which the Governor is satisfied is of a political nature.

(3) A person shall not, while he holds or is acting in the office of a member of the Public Service Commission or within a period of five years commencing with the date on which he last held or acted in that office, be eligible for appointment to or to act in any public office.

(4) The office of a member of the Public Service Commission shall become vacant—

(*a*) at the expiration of the period specified in the instrument by which he was appointed ;

(*b*) if he becomes a member of the Legislative Assembly ;

(*c*) if he becomes an officer of any society or association which the Governor is satisfied is of a political nature ;

or

(*d*) if he is removed from office in accordance with subsection (5) of this section.

(5) A member of the Public Service Commission shall be removed from office by the Governor, by instrument under the public seal, if the Governor is satisfied that he ought to be removed from office for inability to discharge the functions thereof (whether arising from infirmity of body or mind or any other cause) or for misbehaviour.

(6) Whenever the office of the Chairman of the Public Service Commission is vacant or the holder thereof is for any reason unable to perform the functions of his office, such one of the other members of the Public Service Commission as the Governor shall appoint may act in the office of the Chairman.

(7) If the office of a member of the Public Service Commission other than the Chairman is vacant or the holder thereof is acting as the Chairman or is for any reason unable to perform the functions of his office, the Governor may appoint a person who is qualified for appointment as a member of the Commission to act as such a member ; and any person so appointed may, subject to the provisions of subsection (4) of this section, continue to act until he is notified by the Governor that the circumstances giving rise to the appointment have ceased to exist.

(8) The powers conferred on the Governor by this section shall be exercised by him acting after consultation with the Chief Minister.

Appointments, etc. of public officers.

67.—(1) Subject to the provisions of this Constitution, power to make appointments to public offices, and to remove or exercise disciplinary control over persons holding or acting in such offices, is vested in the Governor, acting on the recommendation of the Public Service Commission.

(2) Before the Public Service Commission recommends to the Governor the appointment of a person to the office of a Permanent Secretary the Commission shall consult the Chief Minister.

(3) The Public Service Commission may have such other functions in relation to public offices and public officers as may be prescribed by any law made under section 48 of this Constitution or by regulations made by the Governor.

Delegation of Governor's powers.

68. The Governor, acting on the recommendation of the Public Service Commission, may by directions given by instrument under the public seal delegate, to such extent

and subject to such conditions as may be specified in those directions, the powers vested in him by section 67(1) of this Constitution (other than powers to make appointments to the offices referred to in section 67(2) and to remove or exercise disciplinary control over persons holding or acting in such offices) to such public officers as may be so specified.

The Judicial and Legal Service Commission

Composition of Judicial and Legal Service Commission.

68A.—(1) There shall be a Judicial and Legal Service Commission for the Solomon Islands.

(2) The members of the Commission shall be—

(*a*) the Chief Justice, who shall be Chairman of the Commission ;

(*b*) the Attorney-General ;

(*c*) the Chairman of the Public Service Commission ; and

(*d*) a person appointed by the Governor, acting after consultation with the Chief Justice, by instrument under the public seal.

(3) A person shall not be qualified to be appointed as a member of the Commission under subsection (2)(*d*) of this section unless he holds or is qualified to hold or has held office as a judge of a court having unlimited jurisdiction in civil and criminal matters in some part of the Commonwealth or in the Republic of Ireland, or a court having jurisdiction in appeals from any such court ; and a person shall be disqualified for appointment as such if he is a member of the Legislative Assembly or a public officer.

(4) The office of the member of the Commission appointed under subsection (2)(*d*) of this section shall become vacant—

(*a*) at the expiration of three years from the date of his appointment ;

(*b*) if he becomes a member of the Legislative Assembly or a public officer ; or

(*c*) if he is removed from office in accordance with subsection (5) of this section.

(5) The member of the Commission appointed as aforesaid shall be removed from office by the Governor by instrument under the public seal if the Governor, acting after consultation with the Chief Justice, is satisfied that he ought to be removed from office for inability to discharge the functions thereof (whether arising from infirmity of body or mind or any other cause) or for misbehaviour:

Provided that if such a person is a judge of the High Court, he shall not be so removed unless, in accordance with the provisions of section 65D of this Constitution, he is removed from his office as a judge and his suspension from performing the functions of his office as a judge under section 65D shall have the like effect in relation to him as a member of the Commission.

(6) If the office of the member of the Commission appointed under subsection (2)(*d*) of this section is vacant or the holder thereof is for any reason unable to perform the functions of his office, the Governor, acting after consultation with the Chief Justice, may appoint a person who is qualified for appointment as that member to act in the office of that member; and any person so appointed may, subject to the provisions of subsection (4) of this section, continue to act until he is notified by the Governor, acting as aforesaid, that the circumstances giving rise to the appointment have ceased to exist.

Appointments, etc. of judicial and legal officers.

68B.—(1) Power to make appointments to the offices to which this section applies and to remove and to exercise disciplinary control over persons holding or acting in such offices, is vested in the Governor, acting on the recommendation of the Judicial and Legal Service Commission.

(2) Subsection (1) of this section applies to all public offices for which a professional legal qualification is required, except that of Attorney-General.

The Police Service Commission

Composition of Police Service Commission.

68C.—(1) There shall be a Police Service Commission for the Solomon Islands.

(2) The members of the Commission shall be—

(*a*) the Chairman of the Public Service Commission, who shall be Chairman of the Commission;

(*b*) the Commissioner of Police; and

(*c*) a person appointed by the Governor, acting after consultation with the Chief Minister, from among the members of the Public Service Commission other than the Chairman thereof.

(3) If the office of the member of the Commission appointed under subsection (2)(*c*) of this section is vacant or the holder thereof is for any reason unable to perform the functions of his office, the Governor, acting after consultation with the Chief Minister, may appoint a person who is qualified for appointment as that member to act in the office of that member; and any person so appointed may continue to act until he is notified by the Governor, acting as aforesaid, that the circumstances giving rise to the appointment have ceased to exist.

Appointment of Commissioner of Police.

68D. Power to make appointments to the office of Commissioner of Police is vested in the Governor, acting after consultation with the Chief Minister.

Appointments of other officers in the Police Force.

68E.—(1) Save as provided in section 68D of this Constitution, power to make appointments to offices in the Police Force of or above the rank of Inspector is vested in the Governor, acting on the recommendation of the Police Service Commission.

(2) Power to make appointments to offices in the Police Force below the rank of Inspector is vested in the Commissioner of Police.

(3) There shall be in the Police Force such number of Police Promotion Boards, each consisting of officers in the Police Force above the rank of Inspector, as may be prescribed by regulations made under subsection (5) of this section.

(4) In the exercise of the powers to make appointments to offices in the Police Force vested in him, the Commissioner of Police may refer any question relating to the promotion of an officer in the Police Force to a rank below that of Inspector to a Police Promotion Board for their advice, but he shall not be obliged to act in accordance with the advice given him by any such Board.

(5) The Governor may by regulations make provision for all or any of the following matters—

(*a*) the number of Police Promotion Boards which shall be established for the Police Force ;

(*b*) the composition of any Police Promotion Board and the method of appointment and tenure of office of the members thereof ; and

(*c*) the manner in which a Police Promotion Board shall perform its functions.

(6) The power to make appointments under subsection (1) of this section shall not extend to postings or transfers within the Police Force of officers in that Force, and the power to make such postings and transfers is vested in the Commissioner of Police.

Removal and discipline of members of Police Force.

68F.—(1) Save as provided in section 68L of this Constitution and subsection (2) of this section, power to remove and to exercise disciplinary control over persons holding or acting in offices in the Police Force is vested in the Governor, acting on the recommendation of the Police Service Commission.

(2) The following powers are vested in the Commissioner of Police—

(*a*) in respect of officers of or above the rank of Assistant Superintendent, the power to administer reprimands ;

(*b*) in respect of Inspectors, the power to exercise disciplinary control other than removal or reduction in rank ; and

(*c*) in respect of officers below the rank of Inspector, the power to exercise disciplinary control including the power of removal.

(3) The Commissioner of Police may, by directions in writing, and subject to such conditions as he thinks fit, delegate to any officer of the Police Force of or above the rank of Inspector any of his powers under subsection (2)(*c*) of this section other than the power of removal, but an appeal from any award of punishment by such an officer shall lie to the Commissioner.

General

Proceedings of Commissions.

68G.—(1) No business shall be transacted at any meeting of a Commission to which this section applies unless a quorum of that Commission is present ; and for the purposes of this subsection—

(*a*) a quorum of the Public Service Commission shall consist of two members at any time when there are not more than three members of the Commission holding office by virtue of appointments made under section 66(1) of this Constitution and shall consist of three members at any other time ;

(*b*) a quorum of the Judicial and Legal Service Commission shall consist of three members, of whom one shall be the Chairman of the Commission ;

(*c*) a quorum of the Police Service Commission shall consist of two members, of whom one shall be the Chairman of the Commission.

(2) Any question proposed for decision at any meeting of a Commission to which this section applies shall be determined by a majority of the votes of the members present and voting, and if on any such question the votes are equally divided the member presiding shall have and exercise a casting vote.

(3) Subject to the provisions of subsection (1) of this section, a Commission to which this section applies may act notwithstanding a vacancy in its membership ; and no proceedings of such a Commission shall be invalidated by reason only that some person not entitled to do so has taken part in them.

(4) Subject to the provisions of this Constitution, the Governor, after consultation with the Chief Minister and a Commission to which this section applies, may by regulations provide for any of the following matters, that is to say:—

(*a*) the appointment, tenure of office and terms of service of staff to assist the Commission in the performance of its functions ;

(*b*) the protection and privileges of members of the Commission in respect of the performance of their functions and the privilege of communications to and from the Commission and its members in case of legal proceedings ;

(*c*) the definition and trial of offences connected with the functions of the Commission and the imposition of penalties for such offences:

Provided that no such penalty shall exceed a fine of two hundred and fifty dollars and imprisonment for a term of one year ;

(*d*) requiring persons to attend before the Commission to answer questions relating to any inquiry held by the Commission or to any business of the Commission ;

(*e*) conferring powers and imposing duties on any public officer or any authority of the Government of the Solomon Islands for the purpose of facilitating the performance by the Commission of its functions ;

(*f*) the organisation of the work of the Commission ;

(*g*) consultation by the Commission with other persons or authorities ; and

(*h*) the delegation to any member of the Commission of all or any of the functions of the Commission.

(5) Subject to the provisions of this Constitution, a Commission to which this section applies may regulate its own procedure.

(6) Unless it is otherwise provided or required by the context, references in this section to a Commission to which this section applies are references to the Public Service Commission, the Judicial and Legal Service Commission, or the Police Service Commission, as the case may be.

Protection of Commissions, etc. from legal proceedings.

68H. The question whether—

(*a*) a Commission established under this Chapter of this Constitution has validly performed any function vested in it by or under this Constitution ;

(*b*) any person or authority has validly performed any function delegated to or vested in such person or authority by or in pursuance of the provisions of section 68 or, as the case may be, section 68E or 68F of this Constitution ; or

(*c*) any member of such Commission or any other person has validly performed any other function in relation to the work of the Commission or in relation to any such function as is referred to in paragraph (*b*) of this section,

shall not be inquired into in any court.

Particular Offices

Personal staff of the Governor.

68I.—(1) Power to make appointments to the offices for the time being prescribed under subsection (2) of this section as being offices constituting the personal staff of the Governor, and to remove and to exercise disciplinary control over persons holding or acting in such offices, shall vest in the Governor, acting in his discretion.

(2) The offices that are to constitute the personal staff of the Governor for the purposes of this section shall be such offices in the public service as the Governor, with the prior approval of the Secretary of State, may by order prescribe.

The Attorney-General.

68J. Power to make appointments to the office of Attorney-General is vested in the Governor, acting after consultation with the Chief Minister.

The Auditor-General.

68K. Power to make appointments to the office of Auditor-General is vested in the Governor, acting after consultation with the Chief Minister.

Tenure of office of certain public officers.

68L.—(1) The provisions of this section shall apply in relation to persons holding the offices of Attorney-General, Auditor-General and Commissioner of Police.

(2) Subject to the provisions of this section, a person to whom this section applies shall vacate his office when he attains the age of fifty-five years:

Provided that the Governor, acting after consultation with the Chief Minister, may permit a person to whom this section applies who attains the age of fifty-five years to continue in office until he has attained such later age as may have been agreed between the Governor and that person.

(3) A person to whom this section applies may be removed from office only for inability to discharge the functions of his office (whether arising from infirmity of body or mind or any other cause) or for misbehaviour and shall not be so removed except in accordance with the provisions of subsection (4) of this section.

(4) A person to whom this section applies shall be removed from office by the Governor if the question of his removal from office has been referred to a tribunal appointed under subsection (5) of this section and the tribunal has recommended to the Governor that he ought to be removed from office for inability as aforesaid or for misbehaviour.

(5) If the Governor, acting in his discretion, considers that the question of removing a person to whom this section applies from office for inability as aforesaid or for misbehaviour ought to be investigated, or if the Chief Minister represents to the Governor that that question ought to be investigated, then—

(*a*) the Governor, acting in his discretion, shall appoint a tribunal, which shall consist of a Chairman who is a person who holds or has held office as a judge of a court having unlimited jurisdiction in civil and criminal matters in some part of the Commonwealth or a court having jurisdiction in appeals from such a court, and not less than two other members ; and

(*b*) that tribunal shall inquire into the matter and report on the facts thereof to the Governor and recommend to the Governor whether the person ought to be removed from office for inability as aforesaid or for misbehaviour.

(6) If the question of removing a person to whom this section applies has been referred to a tribunal under subsection (5) of this section, the Governor, acting in his discretion, may suspend the person from performing the functions of his office and any such suspension may at any

time be revoked by the Governor, acting in his discretion, and shall in any case cease to have effect if the tribunal recommends to the Governor that the person should not be removed.

(7) The provisions of this section shall not apply in relation to a person appointed to act in any office referred to in subsection (1) of this section during any period when that office is vacant or the holder thereof is unable to perform the functions of his office; and the appointment of such a person may be revoked by the Governor, acting in his discretion, at any time before the expiration of that period.

Pensions

Applicability of pensions law.

68M.—(1) Subject to the provisions of section 68O of this Constitution, the law applicable to the grant and payment to any officer, or to his widow, children, dependants or personal representatives, of any pension, gratuity or other like allowance (in this section and sections 68N and 68O of this Constitution referred to as an "award") in respect of the service of that officer in a public office shall be that in force on the relevant day or any later law not less favourable to the person concerned.

(2) For the purposes of this section the relevant day is—

(*a*) in relation to an award granted before the date on which this Chapter of this Constitution comes into operation, the day on which the award was granted;

(*b*) in relation to an award granted or to be granted on or after the date on which this Chapter of this Constitution comes into operation to or in respect of a person who was a public officer before that date, the day immediately before that date;

(*c*) in relation to an award granted or to be granted to or in respect of a person who first becomes a public officer on or after the date on which this Chapter of this Constitution comes into operation, the day on which he becomes a public officer.

(3) For the purposes of this section, in so far as the law applicable to an award depends on the option of the person to or in respect of whom it is granted or to be granted, the law for which he opts shall be taken to be more favourable to him than any other law for which he might have opted.

Pensions etc. charged on the Consolidated Fund.

68N. Awards granted under any law for the time being in force in the Solomon Islands are (except so far as they are a charge on some other fund and are duly paid out of that fund to the person to whom payment is due) hereby charged on and shall be paid out of the Consolidated Fund.

Grant and withholding of pensions, etc.

68O.—(1) The power to grant any award under any pensions law for the time being in force in the Solomon Islands (other than an award to which, under that law, the person to whom it is payable is entitled as of right) and, in accordance with any provisions in that behalf in any such law, to withhold, reduce in amount or suspend any award payable under any such law shall vest in the Governor.

(2) The power vested in the Governor by subsection (1) of this section shall be exercised by him—

(*a*) in the case of an award payable in respect of the services of any person who, having been a public officer, was, immediately before the date on which he ceased to hold public office, serving as—

(i) Deputy Governor ;

(ii) Chief Justice ;

(iii) Puisne Judge ;

(iv) Attorney-General ;

(v) Auditor-General ;

(vi) Commissioner of Police ; or

(vii) a member of the personal staff of the Governor,

in his discretion ;

(*b*) in the case of an award payable in respect of the services of any person who, having been a public officer, was, immediately before the date aforesaid, serving in any office to which section 68B of this Constitution applies at the date of the exercise of the power, on the recommendation of the Judicial and Legal Service Commission ;

(*c*) in the case of an award payable in respect of the services of any person who, having been a public officer, was, immediately before the date aforesaid, serving in any office in the Police Force other than the office of Commissioner of Police, on the recommendation of the Police Service Commission ; and

(*d*) in the case of an award payable in respect of the services of any other person, on the recommendation of the Public Service Commission.

(3) In this section, " pensions law " means any law relating to the grant to any person, or to the widow, children, dependants or personal representatives of that person, of an award in respect of the services of that person in a public office.".

Insertion of new Chapter in Constitution.

20. The following new Chapter is inserted immediately after Chapter V of the Constitution—

" CHAPTER VA

FINANCE

Consolidated Fund and Special Funds.

68P.—(1) There shall be in and for the Solomon Islands a Consolidated Fund into which, subject to the provisions of any law for the time being in force in the Solomon Islands, shall be paid all revenues of the Government of the Solomon Islands.

(2) The Governor may make financial provision for the establishment of Special Funds, which shall not form part of the Consolidated Fund.

(3) The receipts, earnings and accruals of Special Funds established under this section and the balance of such funds at the close of each financial year shall not be paid into the Consolidated Fund but shall be retained for the purposes of those funds.

Withdrawal of money from the Consolidated Fund.

68Q.—(1) No money shall be issued from the Consolidated Fund of the Solomon Islands except upon the authority of a warrant under the hand of the Minister of Finance:

Provided that where, in the opinion of the Governor, acting in his discretion, moneys are required to enable him to discharge his responsibilities for defence, internal security and the police, such moneys may be issued from the Consolidated Fund either—

(*a*) upon the authority of a warrant under the hand of the Minister of Finance ; or

(*b*) upon the authority of a warrant (hereinafter referred to as " a Governor's warrant ") under the hand of the Governor, acting in his discretion.

(2) No warrant shall be issued by the Minister of Finance for the purpose of meeting any expenditure unless—

(*a*) the expenditure has been authorised for the financial year during which the issue is to take place by an Appropriation Ordinance ; or

(*b*) the expenditure has been authorised in accordance with the provisions of section 68R(4), 68S or 68T of this Constitution ; or

(*c*) it is statutory expenditure.

Authorisation of expenditure.

68R.—(1) The Minister of Finance shall cause to be prepared and laid before the Legislative Assembly before or not later than sixty days after the commencement of each financial year estimates of the revenues and expenditure of the Government of the Solomon Islands for that year.

(2) The heads of expenditure contained in the estimates (other than statutory expenditure) shall be included in a bill to be known as an Appropriation Bill which shall be introduced into the Legislative Assembly to provide for the

issue from the Consolidated Fund of the sums necessary to supply those heads and the appropriation of those sums for the purposes specified therein.

(3) If in respect of any financial year it is found that the sum appropriated by the Appropriation Ordinance for any purpose is insufficient or that a need has arisen for expenditure for a purpose for which no sum has been appropriated by that law, a supplementary estimate showing the sums required shall be included in a Supplementary Appropriation Bill for appropriation.

(4) Where in respect of any financial year the Minister of Finance is satisfied that an urgent and unforeseen need has arisen to authorise for any purpose advances from the Consolidated Fund for expenditure in excess of the sum appropriated for that purpose by an Appropriation Ordinance, or for a purpose for which no sum has been so appropriated, he may, subject to the provisions of any law or regulations for the time being in force in that regard, authorise, with the prior approval of the Council of Ministers, such advances by warrant and shall include such amount in a Supplementary Appropriation Bill for appropriation at the meeting of the Legislative Assembly next following the date on which the warrant was issued.

(5) If at the close of account for any financial year it is found that any moneys have been expended on any head in excess of the sum appropriated for that head by an Appropriation Ordinance or for a purpose for which no money has been appropriated, the excess or the sum expended but not appropriated as the case may be shall be included in a statement of heads in excess which, together with the report of the Public Accounts Committee thereon, shall be presented to the Legislative Assembly.

(6) Statutory expenditure shall not be voted on by the Legislative Assembly but, without further authority of the Legislative Assembly, shall be paid out of the Consolidated Fund by warrant under the hand of the Minister of Finance.

Authorisation of expenditure in advance of appropriation.

68S. If the Appropriation Ordinance in respect of any financial year has not come into operation by the beginning of that financial year, the Legislative Assembly by resolution may empower the Minister of Finance to authorise the issue of moneys from the Consolidated Fund for the purpose of meeting expenditure necessary to carry on the public services at a level not exceeding the level of these services in the previous financial year, until the expiration of four months from the beginning of that financial year or the coming into operation of the Appropriation Ordinance, whichever is the earlier.

Delay in the Appropriation Ordinance owing to dissolution.

68T. Where at any time the Legislative Assembly has been dissolved before any provision or any sufficient provision is made under this Chapter of this Constitution for the carrying on of the government of the Solomon Islands, the Minister of Finance may issue a warrant for the pay-

ment out of the Consolidated Fund of such sums as he may consider necessary for the continuance of the public services until the expiry of a period of three months commencing with the date on which the Legislative Assembly first meets after that dissolution, but a statement of the sums so authorised shall, as soon as practicable, be laid before the Legislative Assembly and the aggregate sums shall be included, under the appropriate heads, in the next Appropriation Bill.

Public debt.

68U.—(1) There shall be charged on the Consolidated Fund all debt charges for which the Government is liable.

(2) For the purposes of this section debt charges include interest, sinking fund charges, the repayment or amortisation of debt, and all expenditure in connection with the raising of loans on the security of the revenue of the Government or the Consolidated Fund and the service and redemption of debt thereby created.

Remuneration of certain officers.

68V.—(1) There shall be paid to the holders of the offices to which this section applies such salary or other remuneration and such allowances as may be prescribed by or under a law made under section 48 of this Constitution.

(2) The remuneration and allowances payable to the holders of those offices are hereby charged on and shall be paid out of the Consolidated Fund.

(3) The remuneration prescribed in pursuance of this section in respect of the holder of any such office and his other terms of service (other than allowances that are not taken in account in computing, under any law in that behalf, any pension payable in respect of his service in that office) shall not be altered to his disadvantage after his appointment.

(4) Where a person's remuneration or other terms of service depend upon his option, the remuneration or terms for which he opts shall, for the purposes of subsection (3) of this section, be deemed to be more advantageous to him than any others for which he might have opted.

(5) This section applies to the offices of Deputy Governor, Chief Justice, Puisne Judge, Speaker, Attorney-General, Auditor-General and Commissioner of Police.

The Auditor-General.

68W.—(1) There shall be an Auditor-General whose office shall be a public office.

(2) The public accounts of the Solomon Islands and of all ministries, offices, courts and authorities of the Government shall be audited and reported on annually by the Auditor-General, and for that purpose the Auditor-General or any person authorised by him in that behalf shall at all times be entitled to access to all books, records, returns and other documents relating to such accounts.

(3) The Auditor-General shall submit his reports made under subsection (2) of this section to the Speaker who shall cause them to be laid before the Legislative Assembly; and he shall also send a copy of each report to the Governor and to the Minister of Finance.

(4) In the exercise of his functions under the provisions of this section, the Auditor-General shall not be subject to the direction or control of any other person or authority.

(5) Nothing in this section shall prevent the performance by the Auditor-General of—

(*a*) such other functions in relation to the accounts of the Government of the Solomon Islands and the accounts of other public authorities and other bodies administering public funds in the Solomon Islands as may be prescribed by or under any law for the time being in force in the Solomon Islands; or

(*b*) such other functions in relation to the supervision and control of expenditure from public funds in the Solomon Islands as may be so prescribed.

Legislation relating to public finance.

68X. Subject to the provisions of this Chapter of this Constitution, the Governor may make such regulations and in his discretion may give such directions as may appear to him to be necessary or expedient for the proper carrying out of the intent and purposes of this Chapter of this Constitution, and without prejudice to the generality of the foregoing the Governor may by regulation provide for any of the following matters—

(*a*) the management of the Consolidated Fund;

(*b*) the supervision, control and direction of the financial business and affairs of the Government of the Solomon Islands;

(*c*) the preparation of estimates;

(*d*) the opening and operation of banking accounts;

(*e*) the system of Government accounting;

(*f*) the financial control and supervision of self accounting units and statutory bodies performing public functions.

Interpretation.

68Y. In this Chapter of this Constitution—

"financial year" means the twelve months ending on the 31st December in any year or on such other date as may from time to time be prescribed by any law made under section 48 of this Constitution;

"statutory expenditure" means expenditure charged on the Consolidated Fund or on the general revenues and assets of the Solomon Islands by virtue of any of the provisions of this Constitution or by virtue of any provision of any other law for the time being in force in the Solomon Islands.".

Amendment of section 69 of Constitution.

21. Section 69 of the Constitution is amended—

(*a*) in subsection (1) by inserting immediately after the definition of " oath " the following new definition—

" " the Police Force " means the Solomon Islands Police Force ; " ;

(*b*) by substituting for subsections (4) and (5) the following subsections—

" (4) In this Constitution, references to public offices shall not be construed as including—

(*a*) references to the office of Speaker, Deputy Speaker or other elected member of the Legislative Assembly, Chief Minister, Deputy Chief Minister or other Minister ;

(*b*) references to the office of Chairman or other member of the Public Service Commission, the Judicial and Legal Service Commission, the Police Service Commission or the Advisory Committee on the Prerogative of Mercy ;

(*c*) except in Chapter IV and sections 68M and 68O of this Constitution, references to the office of Chief Justice or Puisne Judge ;

(*d*) except in sections 68M and 68O of this Constitution, references to the office of any member of the Governor's personal staff.

(5) For the purposes of this Constitution a person shall not be treated as holding, or acting in, a public office by reason only that he—

(*a*) is on leave of absence pending relinquishment of a public office, or is on leave of absence without salary from a public office ;

(*b*) is receiving a pension or other like allowance from the Crown ;

(*c*) is a special constable or a retired or reserve member of Her Majesty's forces ;

(*d*) is a member of a local government council established under any law for the time being in force in the Solomon Islands ; or

(*e*) is the holder of an office in the service or appointment of the Crown, or is performing any functions on behalf of the Crown, if the only payments he receives in respect of that office or those functions are by way of travelling or subsistence allowances or a refund of out-of-pocket expenses.

(5A) Where by this Constitution any person is directed, or power is conferred on any person or authority to appoint a person, to act in or otherwise to perform the functions of an office if the holder thereof is unable to perform the functions of that office, the validity of any performance of those functions by

the person so directed or of any appointment made in exercise of that power shall not be called in question in any court on the ground that the holder of the office is not unable to perform the functions of the office.

(5B) References in this Constitution to the power to remove a public officer from his office shall be construed as including references to any power conferred by any law to require or permit that officer to retire from the public service.

(5C) Any provision of this Constitution that vests in any person or authority power to remove any public officer from his office shall be without prejudice to the power of any person or authority to abolish any office or to any law providing for the compulsory retirement of public officers generally or any class of public officer on attaining an age specified therein.

(5D) If any circumstances arise that, under the provisions of this Constitution, require the Governor to remove a judge of the High Court or the Attorney-General or the Auditor-General or the Commissioner of Police from office for inability to discharge the functions of his office, the Governor, acting in his discretion, may carry out such removal either by dismissing that officer or by requiring him to retire.

(5E) Any power conferred by any law to permit any officer mentioned in subsection (5D) of this section to retire before the date on which, under the provisions of this Constitution, he is required to vacate his office shall vest in the Governor acting in his discretion.".

Insertion of new section in Constitution.

22. The following new section is inserted immediately after section 69 of the Constitution—

"Resignations.

70. Save as otherwise provided in sections 30(2), 45 and 56(6) of this Constitution, any person who is appointed to or to act in any office established by this Constitution may resign from that office by writing under his hand addressed to the person by whom he was appointed; and the resignation of any person from any such office (including any seat in the Legislative Assembly) by writing under his hand addressed in accordance with this Constitution to any other person shall take effect, and the office shall accordingly become vacant—

(*a*) at such time or on such date (if any) as may be specified in the writing; or

(*b*) when the writing is received by that other person,

whichever is the later:

Provided that the resignation may be withdrawn before it takes effect if the person to whom the resignation is addressed consents to its withdrawal.".

Adaptation of existing laws.

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

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

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

(3) In this section, "existing law" means any law that has effect as part of the law of the Solomon Islands immediately before the appointed day but does not include any Act of the Parliament of the United Kingdom.

Existing offices and appointments.

24.—(1) Any office constituted, or deemed to be constituted, for the Solomon Islands by the Governor under section 24 of the Constitution and subsisting immediately before the second appointed day shall, on and after that day, be deemed to be an office constituted by the Governor under section 24 of the amended Constitution.

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

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

Existing Ministers.

25. The persons who, immediately before the appointed day, were Ministers under section 29 of the Constitution shall be deemed to have been appointed on that day as Ministers in accordance with section 29(1) of the amended Constitution.

Remuneration of judges of the High Court.

26. Until such time as other provision is made in accordance with section 68V of the amended Constitution, any order made under section 65F of the Constitution and in force immediately before the appointed day shall have effect on and after that day as if it were a law made under section 48 of the Constitution.

N. E. Leigh

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order makes fresh constitutional provision for the Solomon Islands conferring internal self-government. It contains provisions with respect to the office of Governor, the Council of Ministers, the Public Service and finance. While the Governor is required, in general, to exercise his functions in accordance with the advice of the Council of Ministers, provision is made for him to be responsible for defence, external affairs, internal security, the police and, in the first instance, for the Public Service.

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