

CHAPTER 15

LAW REFORM COMMISSION

AN ACT TO ESTABLISH A LAW REFORM COMMISSION IN SOLOMON ISLANDS

4 of 1994

[18th February 1994]

1. This Act may be cited as the Law Reform Commission Act.

Short title

2. In this Act, unless the context otherwise requires-

Interpretation

"Commission" means the Law Reform Commission appointed under section 3;

"Commissioners" means the Commissioners appointed under section 3; and

"Minister" means the Minister for the time being charged with responsibility for Justice.

3. (1) There is hereby established a Commission to be known as the Law Reform Commission.

Establishment of the Commission

(2) The Commission shall consist of-

(a) a Chairman appointed by the Judicial and Legal Service Commission on the recommendation of the Minister; and

(b) four other Commissioners who shall be appointed on a part-time basis by the Minister.

(3) In appointing the four Commissioners referred to in paragraph (2)(b) of this section the Minister shall appoint persons who appear to him to have knowledge and interest in the following-

(a) social welfare and religious affairs;

(b) criminal administration; or

(c) sociology, anthropology or Solomon Islands culture.

(4) The Chairman shall be a person qualified to practise as a barrister or solicitor in any country in the Commonwealth and has been so qualified for not less than five years.

4. (1) The Chairman shall hold office for a period of five years.

Term of office of
Chairman and the other
Commissioners

(2) The Commissioners excluding the Chairman shall be appointed for a period of four years.

(3) The Commissioners including the Chairman shall be eligible for re-appointment.

(4) The Chairman and Commissioners shall be paid such salaries and allowances as specified in the instruments of appointment.

5. (1) The functions of the Commission are, in accordance with references to the Commission made by the Minister, whether at the suggestion of the Commission or otherwise-

Functions of the
Commission

(a) to review laws with a view to the systematic development and reform of the law, including-

(i) the modernisation of the law by bringing it into accord with current conditions;

(ii) the elimination of defects in the law;

(iii) the simplification of the law; and

(iv) the adoption of new and more effective methods for the administration of the law and the dispensation of justice;

(b) to make recommendations in relation to the making of laws to which this Act applies;

(c) to make recommendations in relation to-

(i) the consolidation of laws; and

(ii) the repeal of laws that are obsolete or unnecessary;

(d) to make recommendations in relation to the restatement, codification, amendment or reform of traditional or customary laws; and

(e) to make recommendations in relation to the development of new approaches to and new concepts of the law in keeping with the changing needs of Solomon Islands society and of individual members of that society.

(2) The Minister may-

(a) modify the terms of any references; and

(b) give directions to the Commission as to the order in which it is to deal with references.

(3) The Commission may for the purpose of this section hold and conduct such inquiries as it thinks fit.

(4) For the purposes of any inquiry under this section the members of the Commission shall have all the powers, authorities, protections and immunities conferred on a commissioner under the Commissions of Inquiry Act.

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6. Subject to this Act, the Commission has power-

Powers of the
Commission

(a) to consult with-

(i) any Government department;

(ii) any Government institution, authority, organisation, instrumentality or body;

(iii) any other institution, organisation or body that, in the opinion of the Commission, would be affected by any proposed change in the law; and

(iv) any member of the public;

(b) with the approval of the Minister, to provide advice and information to any Government department and any other Government institution, authority, organisation, instrumentality or body concerned with proposals for the reform or amendment of any branch of the law;

(c) to receive and consider any proposal for the reform of the law which may be referred to it;

(d) to hold seminars and conferences on legal issues;

(e) to undertake research and study programmes in order to provide itself with material upon which to base its recommendations on law reform matters, particularly in the field of customary law;

(f) to use any information, advice or assistance available to it from any source whether within or outside the Government;

(g) to obtain information on the laws and legal systems of other countries as a means of providing ideas for the reform and development of the law of Solomon Islands; and

(h) to do all things necessary or convenient to be done for or in connection with the performance of its functions.

7. (1) There shall be a Secretary to the Commission who shall be the Executive Officer appointed by the Public Service Commission.

Appointment of Secretary

(2) The terms and conditions of appointment and service of the Secretary shall be as specified in the instrument of appointment.

8. (1) Subject to subsection (2), any staff (other than the Secretary) required for the purposes of this Act shall be officers or employees of the Public Service.

Other staff

(2) Nothing in subsection (1) prevents any person from being employed on contract or otherwise, under any other law to perform functions in relation to the Commission.

9. The expenses of the Commission, including the remuneration and allowances of Commissioners, and all other expenses incurred in the working and administration of this Act, shall be defrayed out of moneys provided by Parliament for the purpose.

Expenses of the Commission

10. (1) The Commission shall prepare and submit to the Minister an annual report

Annual report

of its operations during the year.

(2) The report submitted pursuant to subsection (1) shall be laid before Parliament by the Minister.

11. The Minister may in consultation with the Commission make such regulations as may be necessary for the purpose of giving effect to the principles and provisions of this Act and particularly in respect of the procedure for the submission of proposals for review and reform.

Regulations

CHAPTER 15

LAW REFORM COMMISSION

Subsidiary Legislation

THE LAW REFORM COMMISSION REGULATIONS

LN 47/1995

(Section 11)

[26th May 1995]

1. These Regulations may be cited as the Law Reform Commission Regulations.

Citation

2. (1) The Commission shall meet from time to time at such places and times as the Chairman directs.

Proceedings of the
Commission

(2) The quorum for a meeting shall be three Commissioners.

(3) In the absence of the Chairman from a meeting the Commissioners present may choose one of themselves to preside.

(4) The Commission may regulate and conduct the proceedings at its meetings as it thinks fit and shall keep minutes of those proceedings

(5) The Chairman shall preside at all meetings at which he is present and, in the event of the votes being equal, shall have a casting as well as deliberative vote.

3. Subject to the provisions of the Act, the Commission may delegate to any of the Commissioners any of its powers, authorities, duties and functions. Delegation

4. (1) The Commission may from time to time make to the Minister an interim report on its work under any reference. Reports

(2) The Commission shall at the completion of its work under any reference make a final report to the Minister on its work under the reference.

(3) A report signed by the Chairman shall be a report of the Commission for the purposes of the Act.

5. (1) Subject to paragraphs (2) and (3), where it is so agreed by a majority of members of the Commission that any business of the Commission be despatched by circulation of papers, the Secretary shall circulate papers to all the members of the Commission who may signing their decision in writing addressed to the Secretary. Decision by circulation of papers

(2) If a member requests, in writing addressed to the Secretary, a meeting to discuss any business so circulated the decision of the Commission shall not be reached until such a meeting has been held.

(3) A decision may be reached as a result of circulation of papers notwithstanding that a member does not respond if a majority of the members concur in the decision.

6. The Commission may institute and conduct legal research through its officers for the purposes of carrying out its functions. Legal Research by Commission

7. The Commission may appoint individuals or committees, of persons who may or may not be members of the Commission and may refer any matter to such individuals or committees for consideration and report to the Commission. Individuals and Committees

8. When the Commission is of the opinion with respect to any matter under reference under section 5 of the Act that it would be desirable to ascertain the views of any person, body or the public, the Commission may-

Inquiries

(a) receive representations and submissions from any person, body or the public; or

(b) hold a public hearing for the purpose of receiving representations and submissions.

9. The Commission may prescribe the terms and conditions under which representations or submissions may be received or a public hearing held and may prescribe the procedure at any public hearing.

Submissions and public hearings

10. Nothing in regulations 7, 8 or 9 shall prevent the Commission from seeking or ascertaining the views of any person or body on any matter through direct communication.

Views may be sought through communication