

CHAPTER 61

PASSPORTS

ARRANGEMENT OF SECTIONS

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CHAPTER 61

PASSPORTS

AN ACT TO MAKE PROVISION FOR THE ISSUE OF PASSPORTS, FOR THE PRODUCTION OF PASSPORTS BY PERSONS LEAVING OR ENTERING SOLOMON ISLANDS AND FOR MATTERS CONNECTED THEREWITH AND INCIDENTAL THERETO.

15 of 1978
3 of 1985
2 of 1986
1 of 1995

[7th July 1978]

1. This Act may be cited as the Passports Act.

Short title

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

Interpretation

"appropriate form" means a form approved by the Minister for use in any particular case pursuant to the provisions of this Act;

"emergency certificate" means a valid travel document issued pursuant to section 10 to a foreign national for the purpose of leaving Solomon Islands;

2 of 1986, s. 2

"immigration officer" means an immigration officer appointed under the provisions of any Act relating to immigration;

"master" includes the pilot of an aircraft;

"overseas representative" means a diplomatic or consular representative of Solomon Islands in any country and includes any person having authority to act as such on behalf of the Government of Solomon Islands;

"passport" means a current valid travel document which is issued by or on behalf of the Government of any country, containing a photograph and a personal description of the holder which purport to establish the identity and nationality or citizenship of the holder, or which gives a right of re-entry to that country;

"Passport Officer" means the person appointed by the Minister to exercise the powers conferred under this Act and includes any other person designated by the person so appointed;

"vessel" includes an aircraft;

"visa" means an entry or note on a passport, certificate, or other official travel document which is evidence of a person's eligibility for entry into Solomon Islands for the period specified therein.

1 of 1995, s. 2

3.-(1) From and after 18th October 1985, passports issued to citizens of Solomon Islands shall be classified as-

Classification of
passports
3 of 1985 s. 2

(a) diplomatic passports;

(b) official passports; or

(c) ordinary passports.

(2) The holder of an ordinary passport may, by virtue of the office he holds be eligible to possess one of the passports referred to in paragraphs (a) or (b) of subsection (1).

(3) For the purpose of obtaining a diplomatic or official passport, a person referred to in subsection (2) may make application to the passport officer in the appropriate form with the recommendation of the Minister responsible for Foreign Affairs.

(4) The Minister may by regulation prescribe the persons entitled to diplomatic or official passports; the conditions of issue, use, renewal and replacement of such passports.

4.-(1) The Passport Officer shall, upon application made to him in the appropriate form, issue to any citizen of Solomon Islands who satisfies such conditions as may be prescribed, a passport in an approved form.

Issue and cancellation of
passports
1 of 1995, s. 2

(2) Any passport issued under the last preceding subsection may be withdrawn or cancelled by the Passport Officer upon an order of the Minister, in any of the circumstances referred to in paragraphs (a), (b), (c), (e) or (g) of section 14(3) of the Constitution and thereupon any such passport shall become void.

5. The Passport Officer shall, upon application made to him in the appropriate form, renew and endorse passports.

Power to renew and
endorse passports

6. Where a passport has been withdrawn or cancelled under the provisions of section 4, the Passport Officer may require the holder of such passport, by notice in writing served upon him personally, to deliver the passport within such reasonable time as may be specified in the notice and if he fails to do so without reasonable cause he shall be guilty of an offence.

Failure to deliver
passport an offence

7. Any person who, for the purpose of obtaining a passport, or a renewal or endorsement in respect thereto, makes any representation or statement which he knows to be false or calculated to mislead in a material particular, or recklessly makes any statement which is false or calculated to mislead in a material particular, shall be guilty of an offence.

Obtaining passport by
false statement

8.-(1) It shall be lawful for the Passport Officer, any immigration officer or police officer to take and retain possession of any passport in any case where he has good reason to believe that the passport is in the wrongful possession of any person, or that the passport or a renewal or endorsement in respect thereto has been obtained by means of any false or misleading representation or of any statement that is false or calculated to mislead in a material particular.

Power to take possession of passport

(2) Any person having in his possession or under his control any such passport shall, on demand, forthwith deliver such passport to the Passport Officer, immigration or police officer.

(3) Any person who fails without reasonable excuse so to deliver any such passport upon demand shall be guilty of an offence.

9.-(1) Whenever it is not reasonably practicable to issue a passport, the Passport Officer may issue a certificate of identity or other travel document which shall be in the appropriate form.

Power to issue certificates of identity or other travel documents

(2) The provisions of this Act relating to passports shall, subject to such modifications and adaptations as may be necessary, apply to certificates of identity or travel documents issued under the provisions of the last preceding subsection.

10.-(1) Where the Passport Officer is reasonably satisfied that the passport of a foreign national is lost, misplaced, damaged or stolen in Solomon Islands, or that the circumstances so require, he may where reasonably practicable, issue to such foreign national an emergency certificate for the purpose of leaving Solomon Islands.

Emergency certificates
2 of 1986, s. 3

(2) Notwithstanding the provisions of section 12, an emergency certificate issued pursuant to subsection (1), shall for the purposes of this Act be construed as a valid travel document issued by the Government of Solomon Islands to enable such foreign national to leave Solomon Islands.

11.-(1) The Minister may, from time to time, authorise any overseas representative to exercise in that country all or any of the powers and functions of the Passport Officer under this Act and in every such case the provisions of this Act shall, so far as they are applicable and with such adaptations and modifications as may be necessary, apply accordingly.

Issue of passports by overseas representatives

(2) In the exercise of any such powers or functions every overseas representative shall act in accordance with such directions, general or special, not inconsistent with the provisions of this Act, as may from time to time be given by the Minister.

(3) Any authority or directions under this section may be given to a specified person or to persons of a specified class, or may be given to the holder or holders for the time being of a specified office or appointment or class of offices or appointments.

12.-(1) Subject to the provisions of subsection (3), no person shall leave or enter Solomon Islands unless he is in possession of a valid passport issued by or on behalf of the Government of a country of which he is a national or citizen to the satisfaction of the Passport Officer or an immigration officer.

Prohibition against leaving or entering Solomon Islands without passports

(2) Every person leaving or entering Solomon Islands shall, on demand by the Passport Officer or any immigration officer, produce his passport.

(3) The Minister may exempt, either conditionally or unconditionally, or upon or subject to such conditions as he may think fit to impose, any person or specified class of persons from compliance with the provisions of subsection (1).

13.-(1) Any person who is required to produce his passport under the provisions of the last preceding section shall, if so required, and subject to such directions as may be given by the Minister deliver his passport to the Passport Officer or immigration officer before leaving the vessel in which he enters Solomon Islands or at any time while he is in Solomon Islands.

Power to order passports to be delivered

(2) Any passport delivered to the Passport Officer or immigration officer under the provisions of the last preceding subsection shall, subject to such directions as may be given by the Minister, be returned to the person who delivered it on such person leaving Solomon Islands.

(3) Any person who fails without reasonable cause to deliver his passport as and when required in accordance with the provisions of this section shall be guilty of an offence.

14.-(1) No person other than a national or citizen of any country specified in an order made under the provisions of the next succeeding subsection shall enter Solomon Islands unless he is in possession of a valid and current visa.

Visas

(2) The Minister may by order published in the Gazette specify countries, the nationals or citizens of which shall be exempted from obtaining a visa before entering Solomon Islands.

(3) A stateless person or a national or citizen of any country not exempted under the provisions of the last preceding subsection shall not be allowed to enter Solomon Islands unless he has previously obtained a visa from the Passport Officer, an overseas representative or such other person as may be authorised by the Minister to issue visas on behalf of the Government of Solomon Islands.

(4) Nothing in this section shall be construed as exempting any person entering Solomon Islands from compliance with any law relating to immigration in force at the time he enters Solomon Islands.

15.-(1) Any person, other than the Passport Officer or any person acting under the authority of the Minister, who knowingly makes any alteration, addition, deletion or erasure to or in any passport or emergency certificate issued under the provisions of this Act shall be guilty of an offence.

Alteration, etc., of
passport
2 of 1986, s. 4

(2) A passport shall be invalid if any page has been removed therefrom or if any unauthorised alteration, addition, deletion or erasure has been made thereto or therein.

16.-(1) Every person who is guilty of an offence against this Act, or contravenes the provisions of this Act or any regulation made thereunder shall be liable on conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

Offences, penalties, etc.

(2) Any person who incites or aids and abets any other person to commit or harbours any person whom he knows or has reasonable grounds for believing to have committed an offence against this Act shall be liable, on conviction, to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

(3) Where any person is tried for an offence against this Act, the offence shall be deemed to have been committed either at the place where the offence has actually been committed or at any place in which the offender may be found.

(4) Every person who contravenes the requirements of sections 12(1) or (2) shall in addition to the penalties prescribed under this section be liable to be deported by order of the Minister and it shall be lawful for the Minister to order that any such person be detained either in prison or elsewhere for such period as may be necessary for the purpose of making arrangements for his deportation.

(5) Any person who is ordered to be deported under the provisions of subsection (4) may be placed on board a suitable vessel by a police officer and may be lawfully detained on board so long as the vessel is within the territorial waters of Solomon

Islands.

17. The master, owners and agents of any vessel from which any person lands in Solomon Islands contrary to the provisions of this Act shall be jointly and severally liable for all expenses incurred by the Government in detaining and maintaining such person pending deportation and such expenses shall be recoverable as a debt due to the Crown from the master, owners and agents of such vessel.

Masters and owners of vessels liable for expenses

18. The master of a vessel may use all necessary and proper means, including force, to prevent any person landing in Solomon Islands contrary to the provisions of this Act.

Master may prevent landing

19.-(1) When a deportation order is made by the Minister under the provisions of section 16 the master of the vessel in which the person is brought to Solomon Islands or the master of any vessel belonging to the same owners shall, if required in writing by the Minister, receive such person on board his vessel and afford him free of charge a passage to the port at which such person embarked.

Expense of deportation a penalty

(2) If the master of a vessel fails to comply with the provisions of this section he shall be liable on summary conviction to a fine of one thousand dollars.

20.-(1) The Minister may make regulations for carrying the provisions of this Act into effect.

Regulations

(2) In particular and without prejudice to the generality of the foregoing power such regulations may be made-

(a) prescribing the conditions to be satisfied for the issue of passports;

(b) regulating the issue, renewal or endorsement of passports;

(c) prescribing the procedure for replacing passports and the action to be taken in relation to lost or damaged passports;

(d) regulating the issue of visas;

(e) the imposition and recovery of fees in relation to the issue, renewal or endorsement of passports and grant of visas; and

(f) exempting any class of persons or nationals or citizens of any country from payment of fees.

CHAPTER 61

PASSPORTS

Subsidiary Legislation

THE PASSPORTS (DIPLOMATIC AND OFFICIAL) REGULATIONS

LN 87/1985
LN 25/1987
LN 24/1993

(Section 3)

[20th September, 1985]

1. These Regulations may be cited as the Passports (Diplomatic and Official) Regulations.

Citation

2. The following category of persons who are citizens of Solomon Islands shall be eligible for diplomatic passports-

Diplomatic passports
LN 25/1989

(a) the Governor-General;

(b) Ministers of Government;

(c) the Speaker of the National Parliament;

(d) the Chief Justice;

(e) the Leader of the Opposition in the National Parliament;

(f) the Permanent Secretary of the Ministry of Foreign Affairs;

(g) Solomon Islands Ambassadors, High Commissioners and Roving Envoys; Solomon Islands Career diplomatic and consular officers serving abroad or travelling abroad on diplomatic duty; and their wives and unmarried children under eighteen years of age, if travelling with or proceeding to join such officials

abroad; and

(h) the wives and unmarried children under 18 years of persons mentioned in paragraphs (a) to (e), when travelling with or accompanying their families abroad.

3. The following category of persons who are citizens of Solomon Islands, shall be eligible for official passports-

Official passports
LN 25/1987
LN 24/1993

(a) Members of the National Parliament;

(b) constitutionally appointed officers and Commissioners as set out in the Schedule to these Regulations;

(c) Permanent Secretaries (including the Special Secretary to the Prime Minister);

(d) Provincial Secretaries; and

(e) any public service officer or other person accompanying diplomatic missions or travelling abroad on official business (other than training courses or workshop) on behalf of the Government of Solomon Islands.

4. An application for the issue of a diplomatic or official passport shall be in the appropriate form and be accompanied by-

Issue of passport

(a) the applicant's ordinary passport, if in possession of one;

(b) the recommendation of the Ministry of Foreign Affairs; and

(c) two copies of a recent photograph to the satisfaction of the Passport Officer, one photograph of which shall be certified on the reverse by the Ministry of Foreign Affairs.

5. Passports issued pursuant to these Regulations shall be valid for a period of five years from the date of issue and may be renewed on the recommendation of the Ministry of Foreign Affairs.

Validity and renewal

6. Diplomatic or official passports shall not be used except-

Diplomatic and official
passports to be used only
for official travel

(a) for travel abroad on behalf of the Government of Solomon Islands; or

(b) for the purposes and in the manner prescribed by these Regulations.

7. On the receipt of a diplomatic or official passport, the recipient shall surrender his ordinary passport to the Passport Officer who shall keep such passport in his safe custody.

Surrender of ordinary passport

8. On completion of the diplomatic or official mission abroad, the diplomatic or official passport may be surrendered to the Passport Officer, who shall then return to the holder of such passport, his ordinary passport that was surrendered at the time of the issue of the diplomatic or official passport.

Surrender of diplomatic and official passports

9. Diplomatic and official passports that are in custody of the Passport Officer shall be issued to the holders of such passports on request for official travel purposes.

Custody of diplomatic or official passport

10. Any person who uses a diplomatic or official passport other than in the manner prescribed under these Regulations shall be guilty of an offence and be liable to the penalties prescribed under the Act.

Penalty

11.-(1) Any person whose diplomatic or official passport is lost or stolen shall forthwith report any such loss or theft to the police and the Passport Officer.

Loss or theft

(2) Application for the replacement of a lost, stolen or damaged diplomatic or official passport shall be made to the Passport Officer in the same manner as an application for the issue of the original was made.

SCHEDULE

Regulation (3)(b)
LN 25/1987

The following persons are included in regulation 3-

(i) The Secretary to the Cabinet (Chapter V, section 41 of the Constitution).

- (ii) The Attorney-General (Chapter V, section 42 of the Constitution).
- (iii) The Commissioner of Police (Chapter V, section 43 of the Constitution).
- (iv) Chairman, Constituency Boundaries Commission (Chapter VI, section 53 of the Constitution).
- (v) Chairman, Electoral Commission (Chapter VI, section 57 of the Constitution).
- (vi) Director of Public Prosecutions (Chapter VII, section 91 of the Constitution).
- (vii) Public Solicitor (Chapter IX, section 92 of the Constitution).
- (viii) The Ombudsman (Chapter IX, section 96 of the Constitution).
- (ix) The Auditor-General (Chapter X, section 108 of the Constitution).
- (x) Chairman, Public Service Commission (Chapter XIII, section 115 of the Constitution).
- (xi) Chairman, Judicial and Legal Service Commission (Chapter XIII, section 117 of the Constitution).
- (xii) Chairman, Police and Prisons Service Commission (Chapter XIII, section 119 of the Constitution).

THE PASSPORTS REGULATIONS

LN 48/1978
LN 60/1980
LN 49/1982
LN 139/1990
LN 118/1991
LN 72/1995

(Section 20)

[4th July 1978]

1. These Regulations may be cited as the Passports Regulations

Citation

2.-(1) Each application for a passport shall be made to the Passport Officer in the appropriate form witnessed by an approved person, and shall be accompanied by-

Applications for
passports

(a) sufficient proof of the applicant's citizenship;

(b) sufficient proof of the applicant's age, and in the case of a woman, marital status;

(c) two copies of a recent photograph of each applicant to the satisfaction of the Passport Officer, one copy of which shall be certified on the reverse by the approved person witnessing the application; and

(d) the prescribed fee.

(2) For the purposes of these Regulations, an approved person shall be a member of Parliament, a medical or legal practitioner, a Judicial Officer, Minister of Religion, Bank Officer, Civil Servant (level 5 or above), Police Officer of the rank of Inspector or above or other person of similar standing to whom the applicant is personally known.

3.-(1) Passports shall be issued at the office of the Passport Officer during office hours.

Place of issue

(2) Passports may be obtained through the post provided that the appropriate fee in the form of a money order or crossed cheque made payable to the Chief Accountant is forwarded with the application.

(3) Applications should, if possible, reach the office of the Passport Officer not less than fourteen days before the passport is required.

4.-(1) The wife of a citizen of Solomon Islands who has not herself acquired Solomon Islands citizenship shall not be included in her husband's passport.

Wives

(2) The particulars of the wife of the holder of a passport shall not, except in special circumstances be added to the passport after it has been issued.

(3) The name of the holder once it is written in the passport shall not be amended and in the event of a change of name a new passport must be applied for.

(4) A passport including particulars of the holder's wife is not available for the wife's use when travelling alone.

5.-(1) Children under the age of 16 years may, on application made to the Passport

Children under 16 years

Officer in the appropriate form, be included in either of their parent's passports: of age

Provided that such inclusion shall not of itself confer any right to Solomon Islands citizenship.

(2) Each application for a passport made by a person under the age of 16 years shall contain a declaration made by the parent or guardian of such person giving consent to the issue of such passport.

(3) Children who have reached the age of 16 years require separate passports.

6.-(1) Passports shall be issued to citizens of Solomon Islands applying therefor if all the conditions prescribed for the issue of such passports have been met. Issue of passports

(2) An applicant who is already in possession of a United Kingdom passport or a British Colonial or Protectorate passport shall first surrender his old passport for cancellation before being provided with a new one.

7. Passports are only available for travel to the countries named therein but may be endorsed for additional countries. The possession of a passport so endorsed shall not exempt the holder from compliance with any immigration regulations in force in the countries which he intends to visit, or from the necessity of obtaining a visa when required. Endorsement for travel to additional countries

8.-(1) Passports shall be valid for five years from the date of issue and may be renewed from the date of expiration for a period not exceeding five years, provided that in no case shall the validity of any passport be extended beyond ten years from the date of issue. On the expiration of that period, or if at any time there is no further space available for endorsements or visas for countries to which the holder intends to travel, a new passport shall be taken out. Renewal of passports

(2) Additional sheets shall not be attached to a passport.

(3) All persons applying for a renewal of their passports shall complete an application in the appropriate form.

9. A passport cannot be issued on behalf of a person already abroad. Any person already abroad requiring the issue of a passport must apply to the nearest issuing Persons already abroad

authority.

10.-(1) The Passport Officer may issue an emergency certificate to any person if all the conditions prescribed for the issue of such certificate have been met but no such emergency passport shall be issued for a period exceeding six months.

Emergency passports

(2) An emergency certificate shall not in any circumstances be renewed.

11. The Passport Officer may issue seamen who are Solomon Islands citizens with a Certificate of Identity for the purpose of ILO Convention No. 108.

Seamen's certificates

12.-(1) On application made to him in writing, completed in the prescribed form, the Passport Officer may endorse a passport.

Endorsement and proof

(2) Documentary proof of the matter intended to be endorsed on the passport shall be produced to the Passport Officer at the time the application is made:

Provided that the Passport Officer may in his discretion call for such further proof as he may consider necessary.

13.-(1) Any person whose passport has been lost or stolen shall make every effort to obtain recovery thereof and shall forthwith report any such loss or theft to the police.

Replacement of
passports

(2) The Passport Officer shall not replace a lost or stolen passport until he is satisfied that the owner of such passport has taken every reasonable step to recover it.

(3) Application for the replacement of a lost, stolen or damaged passport shall be made to the Passport Officer in the same manner as application is required to be made for the issue of a new passport.

14. The following fees shall be charged by the Passport Officer under these Regulations:

Fees
LN 72/1995

On application for issue of a passport under section 4.	\$100.00
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On application for renewal of passport under	\$80.00
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section 5.

On application for endorsement of passport after issue under section 5.	\$40.00
On application for issue of a seaman's certificate under section 9.	\$45.00
On application for issue of certificate of identity or other travel document under section 9.	\$40.00
On application for issue of an emergency certificate under section 10.	\$50.00
Replacement of a damaged passport.	\$200.00
Replacement of a lost passport.	\$150.00
Payment for one passport size photograph.	\$10.00
Statutory Declaration of change of name, marriage or lost travel document, place and date of birth.	\$10.00