

## **CHAPTER 76**

### **TRADE UNIONS**

#### **ARRANGEMENT OF SECTIONS**

##### **PART I**

##### **PRELIMINARY**

##### **SECTION**

1. SHORT TITLE
2. INTERPRETATION AND APPLICATION

##### **PART II**

##### **APPOINTMENT OF REGISTRAR**

3. APPOINTMENT OF REGISTRAR
4. APPOINTMENT OF ASSISTANT REGISTRARS AND OTHER OFFICERS
5. PROTECTION OF OFFICERS

##### **PART III**

##### **REGISTRATION**

6. REGISTRATION OF TRADE UNIONS
7. NECESSITY FOR REGISTRATION
8. APPLICATION FOR REGISTRATION
9. REGISTRATION
10. CERTIFICATE OF REGISTRATION
11. POWER OF REGISTRAR TO CALL FOR FURTHER PARTICULARS
12. POWER OF REGISTRAR TO REQUIRE ALTERATION OF NAME
13. REFUSAL OF REGISTRATION
14. CANCELLATION OR SUSPENSION OF REGISTRATION
15. APPEAL FROM DECISION OF REGISTRAR
16. CONSEQUENCES OF SUSPENSION OF REGISTRATION
17. EFFECT OF CANCELLATION OF REGISTRATION
18. APPOINTMENT OF LIQUIDATOR AND POWERS OF LIQUIDATOR AND REGISTRAR IN WINDING UP OF AFFAIRS OF A TRADE UNION
19. DISTRIBUTION OF FUNDS AND ASSETS OF TRADE UNIONS ON DISSOLUTION OF LIQUIDATOR
20. UNREGISTERED TRADE UNIONS PROHIBITED FROM CARRYING ON BUSINESS

##### **PART IV**

## RIGHTS AND LIABILITIES

- 21. UNREGISTERED TRADE UNIONS AND OFFICERS AND MEMBERS NOT TO ENJOY RIGHTS, IMMUNITIES OR PRIVILEGES
- 22. LIABILITY IN RELATION TO CRIMINAL PROSECUTIONS
- 23. TRADE UNION NOT UNLAWFUL
- 24. IMMUNITY FROM CIVIL SUIT IN CERTAIN CASES
- 25. LIABILITY IN TORT
- 26. LIABILITY IN CONTRACT
- 27. PROCEEDINGS BY AND AGAINST TRADE UNIONS

## PART V CONSTITUTION AND RULES

- 28. MEMBERSHIP OF MINORS
- 29. OFFICERS OF A TRADE UNION
- 30. VOTING MEMBERS OF TRADE UNION
- 31. CHANGE OF NAME
- 32. NOTICE OF CHANGE OF NAME
- 33. EFFECT OF CHANGE OF NAME
- 34. REGISTERED OFFICE AND POSTAL ADDRESS
- 35. RULES
- 36. COPIES OF CONSTITUTION AND RULES
- 37. NOTIFICATION OF OFFICERS, ETC
- 38. RIGHT OF INSPECTION OF REGISTRAR'S RECORDS
- 39. DELEGATION OF POWERS OF TRADE UNION
- 40. TRUSTEES
- 41. ALL PROPERTY VESTED IN TRUSTEES

## PART VI AMALGAMATION AND DISSOLUTION

- 42. CONSENT OF REGISTRAR REQUIRED TO AMALGAMATION OF TRADE UNIONS
- 43. APPLICATION FOR CONSENT TO AMALGAMATION
- 44. VOTE ON APPLICATION FOR CONSENT TO AMALGAMATION
- 45. GROUNDS FOR REFUSAL TO CONSENT TO AMALGAMATION AND PROCEDURE IN SUCH CASES
- 46. NOTICE IN WRITING TO BE GIVEN OF CONSENT TO AMALGAMATION, AND SAVING OF POWERS

OF REGISTRAR IN RELATION TO REGISTRATION OF TRADE UNION FORMED BY AMALGAMATION

- 47. PROCEDURE FOR AMALGAMATION, ETC
- 48. TRANSFER OF LIABILITIES, ETC., TO TRADE UNION FORMED BY AMALGAMATION
- 49. NOTIFICATION OF DISSOLUTION

PART VII

APPLICATION OF FUNDS

- 50. PROHIBITION OF PAYMENT OF FINES OR PENALTIES
- 51. INJUNCTION TO RESTRAIN MISUSE OF FUNDS
- 52. BOOKS TO BE KEPT
- 53. SAFEGUARDING OF UNION FUNDS AND PROPERTY
- 54. ANNUAL RETURNS
- 55. INSPECTION OF ACCOUNTS AND DOCUMENTS
- 56. OBSTRUCTING INSPECTION BY REGISTRAR
- 57. POWER TO CALL FOR DETAILED ACCOUNTS

PART VIII

PICKETING AND INTIMIDATION AND OTHER MATTERS  
RELATING TO DISPUTES

- 58. PEACEFUL PICKETING
- 59. CONSPIRACY IN TRADE DISPUTES
- 60. FREEDOM OF ASSOCIATION OF EMPLOYEES

PART IX

REGULATIONS

- 61. REGULATIONS

PART X

OFFENCES AND PENALTIES

- 62. PENALTY FOR MISUSE OF MONEY OR PROPERTY OF A TRADE UNION
- 63. PENALTY FOR FAILURE TO GIVE NOTICE OR PRODUCE DOCUMENT
- 64. LIMITATION OF PROSECUTIONS
- 65. JURISDICTION

**PART XI**  
**MISCELLANEOUS**

- 66. NOMINATION
- 67. SERVICE OF LEGAL PROCESS
- 68. NOTIFICATION OF CERTAIN MATTERS BY THE REGISTRAR
- 69. INAPPLICABILITY OF CERTAIN LAWS

**CHAPTER 76**  
**TRADE UNIONS**

AN ACT TO MAKE FURTHER AND BETTER PROVISION FOR THE REGISTRATION AND CONTROL  
OF TRADE UNIONS AND FOR MATTERS INCIDENTAL THERETO AND CONNECTED  
THEREWITH

4 of 1966  
2 of 1969  
LN 12 of 1973  
6 of 1976  
LN 46A of 1978  
2 of 1988

[1st January 1970]

**PART I**  
**PRELIMINARY**

1. This Act may be cited as the Trade Unions Act.

Short title

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

Interpretation and  
application

"disciplined force" means-

2 of 1988, s. 2

(a) any naval, military or airforce;

(b) the Fire Service;

(c) the Prisons Service;

(d) the Marine Division;

(e) the Police Force;

(f) the Special Constabulary; or

(g) any other constabulary or police force established by Parliament;

"employee" means any person who has entered into or works under contract with an employer, whether the contract be for manual labour, clerical work or otherwise, be expressed or implied, oral or in writing, and whether it be a contract of service or of apprenticeship or a contract personally to execute any work;

"employer" includes the Government of Solomon Islands;

LN 46A of 1978

"executive committee" means the body, by whatever name called, to which the management of the affairs of a trade union is entrusted by the members and includes any person for the time being carrying out the functions of president, secretary or treasurer thereof;

"lockout" means the closing of a place of employment or the suspension of work or the refusal by an employer to continue to employ any number of persons employed by him in consequence of a dispute, done with a view to compelling those persons, or to aid another employer in compelling persons employed by him, to accept terms or conditions of or affecting employment;

"officer" when used with reference to a trade union, includes any member of the executive committee thereof and any officer of a branch thereof, but does not include an auditor;

"register" means the register of trade unions maintained by the Registrar under section 6;

"registered office" means that office within Solomon Islands of a trade union which is registered under the provisions of section 34 as the head office of the trade union;

LN 46A of 1978

"registered postal address" means the address of a trade union registered under the provisions of section 34;

"registered trade union" means a trade union registered as a trade union under the provisions of this Act;

"Registrar" means the person for the time being appointed pursuant to the provisions of section 3 by name or by office to be or to act as Registrar of Trade Unions, and includes any person appointed pursuant to section 4 to be or to act as an Assistant Registrar of Trade Unions;

LN 46A of 1978

"strike" means a cessation of work by a body of persons employed in any trade, industry or calling, acting in combination, or a concerted refusal or a refusal under a common understanding of any number of persons who are, or who have been, so employed to continue to work or to accept employment;

"strike benefit" means any financial or other benefit given by a trade union to any member of the trade union in consideration of a strike or lockout;

"trade dispute" means any dispute or difference between employers and employees or between employees and employees, connected with the employment or non-employment or the terms of employment, or with the conditions of labour, of any person;

"trade union" means any combination, whether temporary or permanent, of more than six persons, the principal objects of which are, under its constitution and rules, the regulation of the relations between employees and employers, or between employers and employers, whether such combination would or would not, if this Act or any Act thereby repealed had not been enacted, have been deemed to have been an unlawful combination by reason of some one or more of its objects being in restraint of trade:

LN 12 of 1973

Provided that-

(a) nothing in this Act-

(i) shall affect-

(aa) any agreement between partners as to their own business;

(bb) except as provided in section 61, any agreement between an employer and his employee as to such employment; or

(cc) any agreement in consideration of the sale of the goodwill of a business or of instruction in any profession, trade or handicraft; or

(ii) shall preclude any trade union from providing benefits for its members;

(b) if in any trade or business there are not more than six employers then nothing in this definition shall be deemed to prevent such employers forming a trade union and any requirement in this Act requiring any application to be supported by more than six members shall be deemed not to apply to any such trade union or proposed trade union;

"welfare fund" means any funds of a trade union allocated or set apart for payment

to members or the dependants of members of the trade union of any assurance or benefit, other than strike benefit, or for the provision for such members or their dependants of educational, recreational or medical facilities.

(2) This Act does not apply to persons in a disciplined force of Solomon Islands, but otherwise it applies to employees of the Crown in the same manner as if the employees were employed by or under a private person. 2 of 1988, s. 2

(3) No employee employed by or under the Crown shall join a trade union which a person not so employed may join, and no trade union shall represent or accept as members both persons who are and persons who are not so employed: 6 of 1976, s. 2

Provided that nothing in this subsection shall apply to any employee employed by or under the Crown whose emoluments are not paid from the personal emoluments sub-head of any head in the annual estimates of expenditure of the Government.

## PART II

### APPOINTMENT OF REGISTRAR AND OTHER OFFICERS

3. There shall be appointed a person to be a Registrar of Trade Unions and such person shall be responsible for the due performance of the duties and functions assigned to him as Registrar under this Act. Appointment of Registrar  
*LN 46A of 1978*

4. There may be appointed one or more Assistant Registrars of Trade Unions and such other officers as may from time to time be required for the purposes of this Act. Appointment of Assistant Registrars and other officers  
*LN 46A of 1978*

5. No suit shall lie against any officer appointed under sections 3 or 4 for anything done or omitted to be done by him in good faith and without negligence and in the exercise or intended exercise of any power or in the performance or intended performance of any duty conferred or imposed by this Act. Protection of officers

## PART III

### REGISTRATION

6.-(1) The Registrar shall keep and maintain in such form as may be prescribed, a register of trade unions in which shall be contained the prescribed particulars relating to Registration of trade unions

to any such registered trade union and any alteration or change which may from time to time be effected in the name, rules and constitution, officers, executive committee or registered postal address thereof or in the situation of the registered office thereof, and all such other matters as may be required to be contained therein under this Act or any regulations made thereunder.

(2) A copy of any entry in the register certified under the hand of the Registrar shall, until the contrary be shown, be received in evidence as proof of the facts specified therein, as on the date of such certified copy.

**7.-(1)** Every trade union formed after the commencement of this Act shall apply to be registered as a trade union under the provisions of this Act within one month of the date of its formation.

Necessity for registration

(2) Every trade union in existence at the commencement of this Act and which is registered as a trade union shall apply to be registered as a trade union under the provisions of this Act within a period of three months reckoned from the date of commencement thereof.

(3) For the purposes of this section a trade union is deemed to be formed on the first date on which more than the six employees or employers, as the case may be, agree in writing to become or to form a trade union.

(4) The Registrar may, if he thinks fit, from time to time grant an extension of the period specified in subsections (1) and (2) respectively for any further period or periods not exceeding six months in aggregate.

(5) If any trade union shall fail to apply for registration in accordance with the provisions of this section, the trade union, every officer thereof, and every person acting as an officer thereof or purporting so to act, shall be guilty of an offence and each such person shall be liable to a fine of five hundred dollars, and in the case of a continuing offence to a fine of five dollars for each day during which the offence continues.

**8.-(1)** Every application for registration as a trade union shall be made to the Registrar in the prescribed form and shall be signed by at least seven members of the body applying for registration, any of whom may be officers thereof.

Application for registration

(2) Every such application shall be accompanied by four copies of the rules of the trade union or the proposed trade union duly authenticated by the president and the secretary and a statement of the following particulars namely:-

(a) the names, occupation and addresses of members making application;

(b) the name of the trade union or proposed trade union and the address of its registered office and its registered postal address, and

(c) the title, names, ages, occupations and addresses of the officers of the trade union or proposed trade union.

**9.** Subject to the provision of sections 11, 12 and 13, the Registrar shall register the trade union in the prescribed manner as a trade union.

Registration

**10.** The Registrar, on registering a trade union under section 9, shall issue to the trade union a certificate of registration in the prescribed form and that certificate, unless proved to have been cancelled or withdrawn, shall be conclusive evidence for all purposes that the trade union has been duly registered under this Act.

Certificate of registration

**11.** The Registrar may call for further information for the purpose of satisfying himself that any application made by a trade union or proposed trade union for registration complies with the provisions of this Act or that the trade union or proposed trade union is entitled to registration under this Act.

Power of Registrar to call for further particulars

**12.** If the name under which a trade union is proposed to be registered is identical with that by which any other existing trade union has been registered or, in the opinion of the Registrar, so nearly resembles such name as to be likely to deceive or mislead the public or the members of either trade union or is undesirable, the Registrar shall require the persons applying for registration to alter the name of the trade union stated in the application and shall refuse to register the trade union until such alteration has been made.

Power of Registrar to require alteration of name

**13.-(1)** The Registrar may, in his discretion, refuse to register any trade union if he is satisfied that-

Refusal of registration  
2 of 1969, s. 2

(a) the trade union has not complied with the provisions of this Act or of any regulations made thereunder; or

(b) any of the objects in the constitution or rules of the trade union is unlawful or conflicts with the provisions of this Act or of any regulations made thereunder; or

(c) the trade union is used for unlawful purposes; or

(d) the principle objects of the combination seeking registration are not in accordance with those set out in the definition of "trade union" contained in section 2; or

(e) the funds of the trade union are being applied in an unlawful manner or upon any unlawful object not authorised by this Act or any regulations made thereunder; or

(f) the accounts of the union are not being properly kept; or

(g) proper and satisfactory arrangements for the custody, distribution, investment of and payment from the funds of such trade union are not contained in its constitution; or

(h) any other trade union already registered is adequately representative of the whole or of a substantial proportion of the interests in respect of which the applicants seek registration:

Provided that the Registrar shall notify any registered trade union which appears to him to represent the same interests as the applicants, of the receipt of such application, and shall invite the registered trade union concerned to submit in writing within a period of twenty-one days any objections which any such trade union may wish to make against registration; or

(i) the trade union seeking registration is an organisation consisting of persons engaged in or working at more than one trade or calling and that its constitution does not contain suitable provision for the protection and promotion of their respective sectional interests.

(2) When the Registrar refuses to register a trade union, he shall notify the applicants in writing of the grounds of such refusal and the trade union shall be deemed to be dissolved, but such dissolution shall not take effect prior to the expiry of the period limited by section 15 (1) for the bringing of an appeal and then-

(a) if no appeal is brought under the said subsection within that period, the dissolution shall take effect at the commencement of the day following the day on which that period expired; and

(b) if an appeal is brought within that period, the dissolution shall not take effect prior to the determination of the appeal, but, if the appeal is dismissed, shall take effect within one month of the determination thereof.

(3) If any trade union the dissolution of which is required by subsection (2) be not dissolved within the time allowed, then the trade union and every officer thereof and any person acting or purporting to act as an officer thereof shall be guilty of an offence and shall be liable to a fine of five hundred dollars and in the case of a continuing offence to a fine of five dollars for each day during which the offence continues:

Provided that it shall be no offence for a person to act on behalf of such a trade union for the purpose of-

(a) any proceedings brought by or against any such trade union; or

(b) dissolving such trade union and disposing of its funds in accordance with its constitution and rules.

**14.-(1)** The registration and the certificate of registration of a registered trade union may be cancelled by the Registrar at the request of the trade union upon its dissolution, to be verified in such manner as the Registrar may require.

Cancellation or  
suspension of registration

(2) The registration and the certificate of registration of a registered trade union shall be cancelled or suspended by the Registrar if he is satisfied that-

(a) the registration was obtained by fraud or misrepresentation;

(b) any of the objects of the trade union has become unlawful;

(c) the objects for which a trade union is actually carried on are such that had they been declared as objects of the constitution and rules of the union at the time of application for registration the Registrar could properly have refused registration;

(d) the trade union has wilfully and after written notice from the Registrar contravened any provisions of this Act or any regulations made thereunder, or allowed any rule to continue in force which is inconsistent with any provision of this Act or any regulations made thereunder, or has rescinded any rule providing for any matter for which provision is required by section 35 to be made;

(e) the trade union has ceased to exist.

(3) The registration and certificate of registration of a registered trade union may be cancelled or suspended by the Registrar if he is satisfied that-

2 of 1969, s. 3

(a) the funds of the trade union have been or are being expended in an unlawful manner or on an unlawful object;

(b) the accounts of the trade union are not being kept in accordance with the provisions of this Act;

(c) registration was obtained by mistake;

(d) the trade union has been or is being used for any unlawful purpose or for any purpose inconsistent with its objects or rules;

(e) the officers or any of the officers of the trade union have persistently and wilfully failed to comply with the provisions of this Act:

Provided that where the registration is suspended under the provisions of this subsection the Registrar shall, before the expiration of four months from the date of such suspension, either restore the registration or cancel the registration and certificate.

(4) Except in a case falling within subsection (1), not less than two months' previous notice in writing specifying the grounds on which it is proposed to cancel its registration shall be given by the Registrar to a trade union before such registration is cancelled, and not less than one month's previous notice in writing specifying the grounds upon which it is proposed to suspend its registration shall be given by the Registrar to a trade union before such suspension.

(5) A trade union served with a notice under subsection (4) may, at any time within a period of two months in the case of a notice of cancellation and one month in the case of a notice of suspension, both periods to be reckoned from the date of such notice, show cause in writing against the proposal to cancel or suspend its registration, as the case may be; and if such cause is shown the Registrar may hold such inquiry as he may consider necessary in the circumstances.

(6) The notice to be served upon any trade union under the provisions of subsections (4) and (5) shall be served on any officer of such trade union but if it is impossible or impracticable to serve any such officer the Registrar shall publish such notice in such manner as he may consider appropriate to bring such notice to the attention of such trade union; and the period of two months or one month, as the case may be, specified in subsection (5) shall be reckoned from the date of such publication.

LN 46A of 1978

(7) The Registrar may, after the period of two months or one month, as the case may be, specified in subsections (5) and (6), cancel or suspend the registration of any trade union which has failed to show cause under subsection (5) or which, having so shown cause, has failed to satisfy him that its registration should not be cancelled or

suspended, as the case may be.

(8) An order made by the Registrar under this section cancelling or suspending the registration of any trade union shall be dated as of the date on which it was made and shall specify briefly the grounds for the cancellation or suspension of the registration and shall forthwith be served on the trade union affected thereby.

**15.-(1)** Any person aggrieved by the refusal of the Registrar to register a trade union, or by an order made by the Registrar under section 14, may within one month of the date of the refusal or order, as the case may be, appeal against such refusal or order to the Court and from such appeal the Court may order as it thinks proper, including any directions as to the costs of the appeal, and any such order shall be final and conclusive and shall not be subject to any appeal.

Appeal from decision of Registrar

(2) The Chief Justice may make rules of court governing such appeals, providing for the method of giving evidence, prescribing the fees to be paid, the procedure to be followed and the manner of notifying the Registrar of the appeal.

(3) The Registrar shall be entitled to be heard on any appeal.

**16.** If the registration of any trade union is suspended, then during the period of such suspension the trade union shall cease to enjoy any of the rights, immunities or privileges of a registered trade union but without prejudice to any liabilities incurred by the trade union which may be enforced against the trade union and its assets, nor shall its officers or members enjoy any of the rights or privileges accorded to the officers and members of a registered trade union.

Consequences of suspension of registration

**17.-(1)** Subject to the provisions of subsection (2), a trade union the registration of which has been cancelled under this Act shall in addition to any other disability-

Effect of cancellation of registration

(a) cease to enjoy any of the rights, immunities or privileges of a registered trade union but without prejudice to any liability incurred by the trade union which may be enforced against the trade union or its assets, whether such liability is incurred before, on or after the date of the cancellation of registration;

(b) forthwith be dissolved and no person shall, except for the purpose of defending proceedings against the trade union or of dissolving it and disposing of its funds in accordance with the rules thereof and the provisions of this Act, take any part in its management or organisation or act or purport to act on behalf of the trade union or as an officer thereof.

(2) Where the registration of a trade union is cancelled, the cancellation shall not

take effect for the purposes of subsection (1) prior to the expiry of the period limited by section 15 (1) for the bringing of an appeal and then-

(a) if no appeal is brought under the said subsection within that period, the cancellation shall take effect for those purposes at the commencement of the day following the day on which that period expired; and

(b) if an appeal is so brought within that period, the cancellation shall not take effect prior to the determination of the appeal, but, if the appeal is dismissed, shall take effect for those purposes, on the determination thereof.

(3) Any officer or person acting or purporting to act as an officer of a trade union who contravenes the provisions of subsection (1) (b) shall be guilty of an offence and shall be liable to a fine of five hundred dollars and in the case of a continuing offence to a fine of five dollars for each day during which the offence continues.

**18.-(1)** Where the registration of a trade union is cancelled the Registrar may, notwithstanding anything contained in the rules of such trade union, appoint one or more persons to be liquidators thereof.

Appointment of liquidator and powers of liquidator and Registrar in winding up of affairs of a trade union

(2) Where a liquidator is appointed under subsection (1), all of the property of whatsoever description (including books and documents) belonging to the trade union shall vest in the liquidator by his official name with effect from the date of his appointment, and the liquidator, after giving such indemnity, if any, as the Registrar may direct, may-

(a) bring or defend in his official name any action or other legal proceeding that relates to the property of the trade union or is necessary to bring or defend for the purpose of effectually winding up the affairs of the trade union and recovering its property;

(b) take possession of any books, documents or property of whatsoever description belonging to the trade union;

(c) sell the movable and immovable property and things in action of the trade union by public auction or private contract, with power to transfer the whole thereof to any person or company or, subject to any law in force in Solomon Islands, to sell the same in parcels;

LN 46A of 1978

(d) appoint a solicitor or agent to assist him in his duties;

(e) pay any creditors or classes of creditors of the trade union in full or in part;

(f) compromise any debts or liabilities of the trade union and any liabilities capable of resulting in debts and any claims, present or future, certain or contingent, ascertained or sounding only in damages, that subsist, or are supposed to subsist, between the trade union and any member thereof or any other debtor or person apprehending liability to the trade union and any questions in any way relating to or affecting the assets or winding up of the affairs of the trade union on such terms as may be agreed, and take any security for the discharge of any such debt, liability or claim and give complete discharge in respect thereof;

(g) make any compromise with creditors of the trade union or persons claiming to be creditors or having or alleging themselves to have any claim, present or future, certain or contingent, ascertained or sounding only in damages, against the trade union or whereby the trade union may be rendered liable, and

(h) prepare a scheme of distribution of the assets of the trade union available for distribution and, subject to the approval of the same by the Registrar, distribute the assets accordingly.

(3) The exercise by the liquidator of any of the powers conferred by this section shall be subject to the control of the Registrar, and any creditor or member of the trade union may apply to the Registrar with respect to any exercise or proposed exercise of any of those powers.

(4) Without prejudice to the generality of subsection (3), the Registrar may-

(a) rescind or vary any order made by a liquidator or substitute therefor a new order; LN 12 of 1973

(b) remove a liquidator from office;

(c) make an order upon the assets of the trade union for the remuneration of any liquidator;

(d) call for and inspect the books, documents or assets of the trade union;

(e) by order in writing limit or restrict the powers of a liquidator;

(f) at any time require accounts to be rendered to him by a liquidator;

(g) refer any subject of dispute between a liquidator and any third party to arbitration, subject to the consent in writing of such third party;

(h) summon such meetings of the members of the trade union as may appear to him convenient for the purpose of winding up the affairs of the the trade union.

Cap. 20

(5) A liquidator appointed under subsection (1) or the Registrar shall, in so far as such powers are necessary for the carrying out of the purposes of this section, have power to summon and enforce the attendance of parties and witnesses and to compel the production of documents by the same means and (so far as may be) in the same manner as is provided in the case of a Magistrate appointed under the Magistrate's Courts Act.

**19.** Where a liquidator has been appointed under section 18 for the purposes of the dissolution of a registered trade union the registration of which has been cancelled, then notwithstanding anything contained in the rules of the trade union-

Distribution of funds and assets of trade unions on dissolution by liquidator  
*LN 46A of 1978*

(a) all of the funds (including welfare funds, if any) and assets of whatsoever description belonging to the trade union shall be realised and converted into money and shall be applied first to the cost of the dissolution, then to the discharge of the liabilities of the trade union and then in such manner as may be provided by the rules of the trade union, or failing provision therefor, in such manner as the Registrar may direct;

(b) when the dissolution of the trade union has been completed and any creditor thereof has not claimed or received what is due to him under the scheme of distribution, notice of the completion of the dissolution shall be published in such manner as the Registrar may direct and all claims against the funds of the trade union shall be proscribed when two years shall have elapsed from the date of such publication;

(c) any surplus remaining after the application of the funds to the purposes specified in paragraph (a) of this section and the payment of any claims under paragraph (b) of this section shall be paid into the Consolidated Fund.

**20.-(1)** No trade union or any officer or member thereof shall perform any act in furtherance of the objects for which it has been formed unless application has been made by such trade union for registration in accordance with the provisions of section 8:

Unregistered trade unions prohibited from carrying on business

Provided that the provisions of this subsection shall not apply-

(a) to a person taking part in the management or organisation of the trade union or acting on behalf of or as an officer of the trade union for the purpose of-

(i) any proceedings brought by or against the trade union; or

(ii) dissolving the trade union and disposing of its funds in accordance with its constitution and rules; or

(b) to any trade union in existence at the commencement of this Act during the period of three months from the commencement of this Act and thereafter until registration has been effected or the Registrar has refused to register such union and any ensuing appeal has been determined;  
or

(c) to any officer or member of a trade union specified in paragraph (b) of this subsection during the period specified therein.

(2) If any trade union does not apply for registration then such trade union shall not enjoy any of the rights, immunities or privileges of a registered trade union but shall be subject to any liabilities incurred by such trade union which may be enforced against it and its assets, and it shall be dissolved as from the date required by any notice in writing from the Registrar requiring such dissolution.

(3) Any trade union, any officer or member thereof and any person acting as an officer thereof or purporting so to act, who contravenes the provisions of subsection (1) shall be liable to a fine of five hundred dollars and in the case of a continuing offence to a fine of five dollars for each day during which the offence continues.

## PART IV

### RIGHTS AND LIABILITIES

**21.** No trade union shall enjoy any of the rights, immunities or privileges of a registered trade union until it is registered as a trade union under this Act, nor shall its officers or members enjoy any of the rights or privileges accorded to the officers and members of a registered trade union.

Unregistered trade unions and officers and members not to enjoy rights, immunities or privileges

**22.** The purposes of any registered trade union shall not, by reason merely that they are in restraint of trade, be deemed to be unlawful so as to render any member of such trade union liable to criminal prosecution for conspiracy or otherwise.

Liability in relation to criminal prosecutions

**23.** The purposes of any registered trade union shall not, by reason merely that they are in restraint of trade, be unlawful so as to render void or voidable any agreement or trust.

Trade union not unlawful

**24.** No suit or other legal proceeding shall be maintainable in any civil court against any registered trade union or any officer or member thereof in respect of any act done in contemplation or in furtherance of a trade dispute on the ground only that such act induces some other person to break a contract of employment, or that it is in interference with the trade, business or employment of some other person or with the right of some other person to dispose of his capital or of his labour as he wills.

Immunity from civil suit in certain cases

**25.-(1)** A suit against a registered trade union or against any member or officer thereof on behalf of themselves and all other members of such a registered trade union in respect of any tortious act alleged to have been committed by or on behalf of such trade union shall not be entertained by any court.

Liability in tort

(2) Nothing in this section shall affect the liability of a trade union or any member or officer thereof to be sued in any court touching or concerning the property or rights of a trade union, except in respect of any tortious act committed by or on behalf of a registered trade union in contemplation or in furtherance of a trade dispute.

**26.-(1)** Every trade union shall be liable on any contract entered into by it or by an agent acting on its behalf:

Liability in contract

Provided that a trade union shall not be so liable on any contract which is void or unenforceable at law.

(2) Nothing in this Act shall enable any court to entertain any legal proceeding instituted with the object of directly enforcing or recovering damages for the breach of any of the following agreements, namely-

(a) any agreement between members of a trade union as such, concerning the conditions on which any members for the time being of such trade union shall or shall not sell their goods, transact business, employ or be employed;

(b) any agreement for the payment by any person of any subscription or penalty to a trade union;

(c) any agreement for the application of the funds of a trade union-

(i) to provide benefits to members, other than benefits under a contributory provident fund or pensions scheme;

(ii) to furnish contributions to any employer or employee, not a member of such trade union, in consideration of such employer or employee acting in

conformity with the rules or resolutions of such trade unions;

(d) any agreement made between one trade union and another; or

(e) any bond to secure the performance of any of the above-mentioned agreements,

but nothing in this section shall be deemed to constitute any of the above-mentioned agreements unlawful.

**27.-(1)** A registered trade union may sue and be sued and be prosecuted under its registered name.

Proceedings by and  
against trade unions

(2) A trade union which has not been registered under this Act, may sue and be sued and be prosecuted under the name by which it has been operating or is generally known.

(3) A trade union, the registration of which has been cancelled or suspended, may sue and be sued and prosecuted under the name by which it was registered.

(4) Execution for any money recovered from a trade union in civil proceedings may issue against any property belonging to a trade union other than any benevolent or provident fund of a registered trade union.

(5) Any fine ordered to be paid by a trade union may be recovered by distress and sale of any property belonging to such trade union in accordance with the provisions of the Penal Code:

Cap. 26

Provided that no distress shall be levied on any benevolent or provident fund kept by the union unless the court so orders.

## PART V

### CONSTITUTION AND RULES

**28.** A person under the age of twenty-one years may be a member of a registered trade union unless provision be made in the constitution and rules thereof to the contrary and may, subject to such constitution and rules, enjoy all the rights of a member, except as in this Act provided, and may, unless he is under the age of sixteen years, execute all instruments and give all acquittances necessary to be given or

Membership of minors

executed under the constitution and rules but shall not be a member of the executive committee or a trustee of a registered trade union, or, in the case of a person under the age of sixteen years, a voting member.

**29.-(1)** No person shall hold the post of secretary or treasurer of a registered trade union who, in the Registrar's opinion, has not acquired a sufficiently high standard of literacy so as to enable him to perform his duties effectively.

Officers of a trade union

(2) No person who has been convicted of any crime involving fraud, dishonesty or extortion shall be an officer of a registered trade union during the period of five years immediately following the date of such conviction or the date of termination of any sentence of imprisonment imposed as a result of such conviction, whichever is the later.

(3) All officers of every trade union shall be persons who have been for a period of not less than one year and still are engaged or occupied in an industry, trade or occupation with which the union is directly concerned, and no officer of any one trade union shall be an officer of any other trade union:

6 of 1976, s. 3

Provided that-

(a) the offices of president, vice-president, secretary and treasurer may be filled by a person not actually engaged or employed in an industry, trade or occupation with which the union is directly concerned; and

(b) no office such as is referred to in paragraph (a) shall be occupied at any time by more than one person.

**30.-(1)** No person shall be a voting member of a trade union unless he is normally employed and normally resident within Solomon Islands.

Voting members of trade union  
LN 46A of 1978

(2) No person shall be a voting member in more than one trade union.

**31.** Any registered trade union may, with the consent of not less than two-thirds of the total number of its members and subject to the provisions of section 32, change its name.

Change of name

**32.-(1)** Notice in writing containing such particulars as may be prescribed shall be given to the Registrar of every change of name signed by the secretary and by seven members of the registered trade union changing its name.

Notice of change of name

(2) If the proposed name is identical with that by which any other existing registered trade union has been registered or is undesirable or, in the opinion of the Registrar, so nearly resembles such name as to be likely to deceive the public or the members of either trade union, the Registrar shall refuse to register the change of name.

(3) Save as provided in subsection (2), the Registrar shall, if he is satisfied that the provisions of this Act in respect of change of name have been complied with, register the change of name in the prescribed manner, and the change of name shall have effect from the date of such registration.

(4) Any person aggrieved by the refusal of the Registrar to register a change of name of a registered trade union may appeal against such refusal in the manner provided by section 15, and the provisions of that section shall apply *mutatis mutandis* to any such appeal.

**33.** A change in the name of a registered trade union shall not affect any right or obligation of such trade union or render defective any legal proceeding by or against such trade union, and any legal proceeding which might have been continued or commenced by or against it under its former name may be continued or commenced by or against it under its new name.

Effect of change of name

**34.-(1)** Every trade union shall have a registered office and registered postal address to which all communications and notices may be addressed.

Registered office and postal address

(2) Notice of the situation of such registered office and registered postal address and of any change thereof or therein shall be given to the Registrar and shall be registered by him, and the trade union shall not be deemed to have complied with the provisions of this Act until such notice has been given.

(3) If any trade union-

(a) operates without having a registered office and registered postal address or without giving notice of the situation of its registered office as hereinbefore required;  
or

(b) operates at any place to which its registered office may have been removed, without having given notice of the change in the situation thereof to the Registrar;

(c) fails to give notice of any change of the situation of the registered office or in the registered postal address in accordance with the provisions of this section,

then such trade union and every officer thereof shall be guilty of an offence and shall be liable to a fine of one hundred dollars.

**35.-(1)** (a) The rules of every trade union shall provide for all the matters specified in the Schedule to this Act.

Rules  
Schedule

(b) It shall be lawful for the Minister from time to time, by order, to amend the Schedule to this Act.

LN 46A of 1978

(2) Four copies of every amendment or alteration of the rules of a trade union shall be sent to the Registrar within fourteen days of the making of such amendment or alteration and, subject to the provisions of subsection (3), shall be registered by the Registrar upon payment of the prescribed fee.

(3) No amendment or alteration of the rules of a trade union shall have effect until registered by the Registrar, and the Registrar shall refuse to register such amendment or alteration if he is satisfied that, by reason of such amendment or alteration-

(a) the principal objects of the trade union would no longer be in accordance with those set out in the definition of "trade union" contained in section 2; or

(b) any of the objects of the trade union would be unlawful or would conflict with the provisions of this Act or any regulations made thereunder; or

(c) the rules would cease to contain provision in respect of any of the matters specified in the Schedule to this Act.

Schedule

(4) Any person aggrieved by the refusal of the Registrar to register any amendment or alteration of the rules of a trade union may appeal against such refusal in the manner provided by section 15, and the provisions of that section shall apply *mutatis mutandis* to any such appeal.

(5) In any case in which proceedings may competently be instituted by a member of a trade union for the purpose of restraining the trade union or an officer thereof from acting in breach of the provisions of its rules, such proceedings may be instituted by the Registrar if he shall think it fit or expedient so to do.

**36.-(1)** A copy of the constitution and rules of a registered trade union shall be prominently displayed in the registered office of such trade union and in every branch office thereof.

Copies of constitution and rules

(2) A copy of the constitution and rules of a registered trade union shall be supplied by the secretary of such trade union to any person who becomes a member of such trade union within seven days of such person's joining such trade union, free of charge, and to any other member, or to any person entitled to become a member of such trade union, upon application and payment of such sum as may from time to time be prescribed.

**37.-(1)** A notice giving the names of all officers and their titles shall be prominently exhibited in the registered office of every trade union and in every branch office thereof.

Notification of officers, etc

(2) Notice of all changes of officers or of the title of any officers shall within fourteen days after such change be sent to the Registrar by the trade union together with the prescribed fee and the Registrar shall thereupon correct the register accordingly.

**38.** Subject to such conditions as may be prescribed, any member of the public may inspect the constitution and rules, and the list of officers of a trade union at the office of the Registrar on payment of such fee as may from time to time be prescribed.

Right of inspection of Registrar's records

**39.** The functions vested by the constitution or rules of a trade union in its officers or any committee appointed by it shall be exercised only by such officers or committee and shall not be delegated to any other person or body:

Delegation of powers of trade union

Provided that nothing in this section shall prohibit the engagement of counsel to represent any trade union in any matter.

**40.-(1)** The rules of a trade union shall provide for the appointment or the election of trustees and for the filling of any vacancy in the office of a trustee so that, as far as may be, there shall always be at least three trustees of the union.

Trustees

(2) Subject to the provisions of section 28, any officer or member of a trade union may be a trustee thereof.

(3) No person who has been convicted of any crime involving fraud or dishonesty shall be a trustee of a trade union during the period of five years immediately following the date of such conviction or the date of termination of any sentence of imprisonment imposed as a result of such conviction, whichever is the later.

**41.-(1)** All property, movable or immovable, of a registered trade union shall be vested in its trustees for the use and benefit of the trade union and its members and shall be under the control of the trustees.

All property vested in trustees

(2) Upon any change in the office of any trustee the property of a registered trade union shall vest in the trustees for the time being of the trade union for all the same estate and interests as the former trustee or trustees had therein and subject to the same trusts without any transfer, conveyance or assignment.

## PART VI

### AMALGAMATION AND DISSOLUTION

**42.** Save with the consent of the Registrar, no registered trade unions shall amalgamate as one trade union.

Consent of Registrar required to amalgamation of trade unions

**43.-(1)** Where two or more registered trade unions desire to amalgamate as one trade union, an application shall be made to the Registrar for his consent to the amalgamation.

Application for consent to amalgamation  
2 of 1969, s. 4

(2) Every application under subsection (1) shall be made in the prescribed form and shall be signed by the Secretary and one other officer of each trade union and shall be accompanied by four copies of the proposed rules of the trade union to be formed by the intended amalgamation.

**44.** No application under section 43 for the consent of the Registrar to the amalgamation of any registered trade unions shall be made unless in the case of each trade union desiring amalgamation-

Vote on application for consent to amalgamation

(a) a ballot is taken in the manner prescribed; and

(b) the votes of at least half of the members entitled to vote are cast and recorded; and

(c) of such votes cast and recorded, those in favour of the proposal exceed by one-fifth or more the votes against the proposal.

**45.** The Registrar may refuse to give his consent to an intended amalgamation of registered trade unions where-

Grounds for refusal to consent to amalgamation and procedure in such cases

(a) any of the provisions of this Act in respect of the making of the application for his consent have not been complied with;

(b) the proposed rules of the trade union to be formed by the amalgamation will not make adequate provision for each and all the matters specified in the Schedule to this Act;

Schedule

(c) any of the objects of such trade union will be unlawful;

(d) the name by which it is proposed that such trade union will be known is identical with that under which any other trade union, whether existing or not, is or has been registered or so nearly resembles such name as to be likely to deceive the public or the members of such trade union or of any other trade union.

(2) Where, under subsection (1), the Registrar refuses to give his consent to the amalgamation of any registered trade unions, he shall, in writing, notify each of the trade unions concerned of his refusal and shall specify therein the grounds for his refusal.

(3) Any person aggrieved by the refusal of the Registrar to give his consent to an intended amalgamation of registered trade unions may appeal against such refusal in the manner provided by section 15, and the provisions of that section shall apply *mutatis mutandis* to any such appeal.

**46.-(1)** Where the Registrar gives his consent to the amalgamation of any registered trade unions, he shall send to each of the trade unions concerned a notice in writing thereof and shall supply to each of the trade unions concerned such additional copies of such notice as may be necessary to enable the trade union to comply with section 47 (1).

Notice in writing to be given of consent to amalgamation and saving of powers of Registrar in relation to registration of trade union formed by amalgamation

(2) The giving by the Registrar of his consent to the amalgamation of any registered trade unions shall not prejudice or affect in any way the powers vested in him by this Act to refuse to register the trade union formed by such amalgamation or the exercise of any powers so vested in him in connection with the registration thereof.

**47.-(1)** No registered trade unions shall be amalgamated as one trade union unless the notice in writing of the consent of the Registrar to the amalgamation has been

Procedure for amalgamation, etc.

posted at the registered office of each of the trade unions party to the amalgamation and in every branch thereof for a period of not less than fourteen days.

(2) An amalgamation of registered trade unions may take place with or without any dissolution or division of the funds of the trade unions.

**48.**-(1) All deeds, bonds, agreements and instruments to which any registered trade union that is amalgamated with any other registered trade union was a party subsisting at the time of the amalgamation shall be of as full force and effect against or in favour of the trade union formed by the amalgamation as if the trade union so formed had been named therein and had been a party thereto.

Transfer of liabilities, etc.  
to trade union formed by  
amalgamation

(2) Where, in respect of any registered trade union that has amalgamated with any other registered trade union, any proceedings or cause of action was pending or existed at the time of the amalgamation, the same may be continued or enforced by or against the trade union formed by the amalgamation as it might have been continued or enforced by or against such registered trade union if the amalgamation had not taken place.

**49.** When a registered trade union is dissolved, notice in writing of the dissolution thereof, signed by the secretary of the trade union and seven persons who were voting members thereof at the date of the dissolution, shall, within fourteen days of the dissolution, be sent to the Registrar and shall be registered by him if he is satisfied that the dissolution has been effected in accordance with the rules of the trade union or, where a liquidator has been appointed under section 18, with the provisions of this Act; and the dissolution shall have effect from the date of such registration.

Notification of dissolution

## PART VII

### APPLICATION OF FUNDS

**50.** The funds of a trade union shall not be applied either directly or indirectly in payment of the whole or any part of any fine or penalty imposed upon any person by sentence or order of a court of justice, other than a fine or penalty imposed upon the trade union under this Act.

Prohibition of payment of  
fines or penalties

**51.** An injunction restraining any unauthorized or unlawful expenditure of the funds of a trade union may be granted on the application of five or more persons having a sufficient interest in the relief sought, or of the Registrar, or of the Attorney-General, and in granting any such injunction the court, in the case of the dissolution of any trade union upon the cancellation of its registration, may order that the funds of that trade union be paid into court for disposal in accordance with the rules of that trade union.

Injunction to restrain  
misuse of funds

**52.** The officers of every registered trade union shall cause to be kept such books of account as may be prescribed.

Books to be kept

**53.-(1)** Every treasurer of a trade union and every other officer thereof who is responsible for the accounts of the trade union or for the collection, disbursement, custody or control of the funds or moneys thereof shall, upon resigning or vacating his office, and at least once in every year, at such time as may be specified by the constitution and rules of the trade union and at any other times at which he may be required to do so by a resolution of the executive committee or a general meeting of the trade union or by the constitution and rules thereof or by the Registrar, render to the trade union and its members or the Registrar, as the case may be, a just and true account of all moneys received and paid by him during the period which has elapsed since the date of his assuming office or, if he has previously rendered an account, since the last date upon which he rendered such account, and of the balance remaining in his hands at the time of rendering such account and of all bonds, securities, or other property of the trade union entrusted to his custody or under his control.

Safeguarding of union funds and property

(2) The form of account may be prescribed.

(3) The trade union shall cause the account to be audited by some fit and proper person approved by the Registrar.

(4) After the account has been audited, the treasurer or the officer referred to in subsection (1) shall, if he is resigning or vacating his office or if required by them or the Registrar to do so, forthwith hand over to the trustees of the trade union such balance of money as appears to be due from him and all bonds, securities, effects, books, papers and property of the trade union in his hands or custody or otherwise under his control.

(5) Notwithstanding any other provisions of this section, any officer or member of a trade union shall, upon resigning or vacating his office or membership, or at such time as may be specified by the constitution and rules of the trade union, and at any other times at which he may be required to do so by a resolution of the executive committee or a general meeting of the trade union or by the Registrar, forthwith hand over to the trustees of the trade union all bonds, securities, effects, books, papers and property of the trade union in his hands or custody or otherwise under his control.

**54.-(1)** The secretary of every registered trade union shall furnish annually to the Registrar on or before the prescribed date in each year a general statement audited in the prescribed manner of all receipts and expenditure during the period of twelve

Annual returns

months ending on the thirty-first day of December of the preceding year and of the assets and liabilities of the trade union as at such thirty-first day of December. The statement shall be accompanied by a copy of the auditor's report and shall be prepared in such form and shall comprise such particulars as may be prescribed.

(2) Together with the general statement referred to in subsection (1) the secretary of each trade union shall furnish to the Registrar a list of officers of the trade union together with four copies of all alterations of the constitution and rules and of all new rules made by the trade union during the period of twelve months preceding the thirty-first day of December of the preceding year, and four copies of the constitution and rules of the trade union in force on that day.

(3) Every member of a trade union to which this section applies shall be entitled to receive free of charge a copy of the general statement referred to in subsection (1), and the secretary of each such trade union shall supply a copy of such statement to every member of his union at or before the annual general meeting and thereafter on application within one month of the receipt of such application.

(4) The secretary of any trade union to which this section applies who fails to comply with any of the requirements of this section shall be guilty of an offence and shall be liable to a fine of fifty dollars.

(5) Every person who wilfully and knowingly makes or orders or causes or procures to be made any false entry in or omission from any general statement, copy or list delivered to the Registrar under subsections (1) and (2) shall be guilty of an offence and shall be liable to imprisonment for three years.

**55.** The account books, receipt books and receipts for expenditure of a trade union and a list of the members thereof shall be open to inspection by any officer or member of the trade union at such times as may be provided for in the rules of the trade union, and by the Registrar, or any person authorised in that behalf in writing by the Registrar, at any reasonable time.

Inspection of accounts  
and documents

**56.** Any person who opposes, obstructs or impedes the Registrar or any person authorised by him under section 55 in the carrying out of an inspection under the provisions of that section shall be guilty of an offence and shall be liable to a fine of two hundred dollars or to imprisonment for six months or to both such fine and imprisonment.

Obstructing inspection by  
Registrar

**57.-(1)** In addition to any other provisions of this Act relating to the rendering of accounts, the Registrar may, at any time by notice in writing, require the treasurer, the executive committee or other proper officer or officers of a trade union to render within

Power to call for detailed  
accounts

twenty-eight days of the date of such notice detailed accounts, vouched in such manner as he may require of the funds of the trade union or any branch thereof in respect of any particular period and such accounts shall show in particular such information as the Registrar may require.

(2) Any officer of a trade union who fails to comply with a request made by the Registrar under the provisions of subsection (1) shall be guilty of an offence and shall be liable to a fine of two hundred dollars or to imprisonment for six months or to both such fine and imprisonment.

## PART VIII

### PICKETING AND INTIMIDATION AND OTHER MATTERS RELATING TO DISPUTES

**58.** Notwithstanding anything contained in this Act, it shall be lawful for one or more persons acting on their own behalf or on behalf of a registered trade union or of an individual employer or firm in contemplation or furtherance of a trade dispute to attend at or near a place where a person works or carries on business or happens to be, if they so attend merely for the purpose of peacefully obtaining or communicating information, or of peacefully persuading any person to work or abstain from working.

Peaceful picketing  
2 of 1969

**59.-(1)** An agreement or combination by two or more persons to do or procure to be done any act in contemplation or furtherance of a trade dispute shall not be punishable as a conspiracy if such act committed by one person would not be punishable as a crime.

Conspiracy in trade  
disputes  
LN 46A of 1978

(2) An act done in pursuance of an agreement or combination by two or more persons shall, if done in contemplation or furtherance of a trade dispute, not be actionable unless the act, if done without any such agreement or combination, would be actionable.

(3) Nothing in this section shall exempt from punishment any person guilty of a conspiracy for which a punishment is awarded by any other Act.

(4) Nothing in this section shall affect the law relating to riot, unlawful assembly, breach of the peace or sedition, or any offence against Her Majesty or the Government of Solomon Islands as by law established.

(5) A crime for the purposes of this section means an offence for the commission of which the offender is liable to be imprisoned either absolutely or at the discretion of the

court as an alternative for some other punishment.

**60.**-(1) No employer shall make it a condition of employment of any employee that such employee shall neither be nor become a member of any or a particular trade union or other organisation representing employees in any trade or industry, and any such condition in any contract of employment entered into before or after the commencement of this Act shall be void.

Freedom of association  
of employees

(2) Subject to the provisions of this Act nothing contained in any law shall prohibit any employee from being or becoming a member of any trade union or subject him to any penalty by reason of his membership of such trade union.

(3) Any employer who contravenes the provisions of subsection (1) and every person who; whether acting on his behalf or on behalf of a trade union or of an employer, and whether or not acting in contemplation or furtherance of a trade dispute, compels, persuades or induces, or attempts to compel, persuade or induce any employer to contravene the provisions of subsection (1) shall be guilty of an offence and shall be liable to a fine of two hundred dollars or to imprisonment for six months or to both such fine and such imprisonment.

## PART IX REGULATIONS

**61.**-(1) The Minister may make regulations for the purpose of carrying out or giving effect to the provisions of this Act.

Regulations

(2) In particular and without prejudice to the generality of the powers conferred by subsection (1), the Minister may make regulations for or in respect of all or any of the following matters-

(a) all matters stated or required in this Act to be prescribed;

(b) the books and registers to be kept for the purposes of this Act and the forms thereof;

(c) the manner in which trade unions and the constitution and rules of trade unions shall be registered;

(d) the manner in which, and the qualifications of persons by whom, the accounts of registered trade unions or of any class of such trade unions shall be audited;

(e) the conditions subject to which inspection of documents kept by the Registrar shall be allowed;

(f) the due disposal and safe custody of the funds and moneys of a trade union;

(g) the creation, administration, protection, control and disposal of the benevolent funds of registered trade unions and all matters connected therewith or incidental thereto;

(h) the fees to be charged for registration and inspection and any other service or matter prescribed or permitted by this Act;

(i) generally for all matters incidental to or connected with the matters or subjects specifically mentioned in this subsection.

(3) The Minister may by regulation declare that any regulations made under this section shall apply to a specific trade union only, or that any particular trade union or class of trade unions shall be exempted from the operation of such regulations.

## PART X OFFENCES AND PENALTIES

**62.-(1)** Where, on complaint made by a member of a trade union or the Registrar, it is shown to the satisfaction of a court that any person has in his possession or control any property of the trade union except in accordance with the constitution and rules of the trade union, or has unlawfully expended or withheld any money of the trade union, the court shall, if it considers the justice of the case so requires, order such person to deliver all such property to the trustees of the trade union and to pay to them the money so unlawfully expended or withheld.

Penalty for misuse of money or property of a trade union

(2) A complaint made under subsection (1) shall not be entertained, when the complainant is some person other than the Registrar, unless the court is satisfied that the complainant is or was, on the date of the complaint, a member of the trade union in respect of the property of which such complaint was made.

(3) Any person bound by an order made under subsection (1) who fails to comply with the terms thereof and the directions given therein within a time to be specified in such order shall be guilty of an offence and shall be liable to a fine of one hundred dollars and if the offence is a continuing offence to a fine of five dollars for each day during which such offence continues.

**63.** A trade union which fails to give any notice or to send or to produce any document which it is required by this Act or any regulations made thereunder to give, send or produce, and every officer or other person bound by the rules of the trade union to give, send or produce the same, or, if there is no such officer, then every member of the executive committee of the trade union, unless such officer, person or member shall prove that he was ignorant of, or that he attempted to prevent, the omission to give, send or produce the same, shall be guilty of an offence and shall be liable to a fine of one hundred dollars unless some other punishment is provided for such offence by this Act.

Penalty for failure to give notice or produce document

**64.** No prosecution shall be instituted under Part VIII of this Act except by, or at the instance, of or with the written consent of, the Director of Public Prosecutions.

Limitation of prosecutions  
*LN 46A of 1978*

**65.** Notwithstanding any provision to the contrary in any other Act, all offences and penalties under this Act may be prosecuted and recovered before a Magistrate's Court.

Jurisdiction

## PART XI MISCELLANEOUS

**66.**-(1) A member of a trade union not being under the age of sixteen years may, by writing under his hand, delivered at or sent to the principal office of the trade union, nominate a person, not being an officer or servant of the trade union (unless such officer or servant is the husband, wife, father, mother, child, brother, sister, nephew or niece of the nominator), to whom any moneys payable (not exceeding such amount as may from time to time be prescribed) on the death of such member shall be paid at his decease, and may from time to time revoke or vary such nomination by a writing under his hand similarly delivered or sent; and on receiving satisfactory proof of the death of a nominator the trade union shall pay to the nominee any benefits under its constitution and rules due to the deceased member.

Nomination

(2) Any instrument required to be made to carry out the provisions of subsection (1) shall be exempt from stamp duty.

**67.** Every summons, notice or other document required to be served on a trade union in any civil or criminal proceeding shall be deemed to be duly served if it is delivered at the registered office of the trade union or posted to its registered postal address by registered post, or if it is served personally on the president or the treasurer or the secretary or any officer of the trade union, provided that such service is otherwise in compliance with the requirements of any relevant law.

Service of legal process

**68.** The Registrar shall, by notice published in such manner as he may determine, notify the following matters within twenty-eight days of the occurrence thereof-

Notification of certain matters by the Registrar  
LN 46A of 1978

(a) that a trade union has applied for registration;

(b) that any trade union has been registered or that registration has been refused;

(c) that the registration of any registered trade union has been cancelled or suspended;

(d) that a change of name or amalgamation affecting any registered trade union has been registered;

(e) that any registered trade union has been dissolved.

**69.** The Companies Act and the Cooperative Societies Act shall not apply to any trade union and the registration of a trade union under either of those Acts shall be void and of no effect.

Inapplicability of certain laws  
Cap. 175  
Cap. 164

## SCHEDULE

(Section 35)

### MATTERS FOR WHICH PROVISION MUST BE MADE IN THE RULES OF EVERY TRADE UNION

1. The name of the trade union and the address of its registered office.
2. A list of the offices in the trade union and the functions of the holders of such offices.
- 3.-(a) The whole of the objects for which the trade union is to be established.  
  
(b) The purposes for which the funds of the trade union shall be applicable.  
  
(c) The rates of contribution and the conditions under which any member of the trade union may become entitled to any benefit assured thereby.  
  
(d) The fines or forfeitures which may be imposed on any member of the trade union.

4. Eligibility for membership of the trade union and to vote at meetings of the trade union.

5. If honorary members are to be permitted, the conditions under which a person may become an honorary member.

6. The keeping of a register of members of the trade union.

7. The cancellation of membership of the trade union in the event of a member's subscription falling into arrears of more than twelve months.

8. The maintenance of discipline within the trade union, including provision for appeal to the voting members at a general meeting of the trade union against any decision of the executive committee cancelling the membership of any member or dismissing any officer.

9. The appointment or election and removal of an executive committee and of trustees, secretaries, treasurers and other officers of the trade union.

10. The method of convening and conducting annual general meetings and extraordinary general meetings and the matters to be presented to the members of the trade union at such meetings, including in the case of annual general meetings the presentation of audited accounts.

11. The taking of decisions by voting members of the trade union by ballot on the following matters-

- (a) the election of officers of the trade union;
- (b) the alteration of the rules of the trade union;
- (c) all matters relating to strikes and lockouts;
- (d) dissolution of the trade union;
- (e) the amalgamation of the trade union with any other trade union;
- (f) the federation of the trade union with any other trade union or with a trade union federation;
- (g) imposition of levies.

12. The right of any member, who is not disqualified from voting, to a reasonable opportunity to vote.

13. The amount of subscription and fees payable by members and the disqualifications of a member from voting on any matter concerning the trade union and from receiving benefits if his subscription is more than a specified period in arrears.

14. A requirement that at any meeting of the union or branch thereof a quorum shall consist of at least one-fifth of the voting members of the union or branch as the case may be.

15. A requirement that at any meeting of the executive committee of the trade union or branch thereof a quorum shall consist of not less than one-third of the members of the executive committee where the total number of such executive committee consists of twenty-one persons or more, and of not less than one-half of the members of the executive committee where the total number of such executive committee consists of twenty persons or less, but that in any case the quorum shall not consist of fewer than five persons.

16.-(a) The custody and investment of the funds of the trade union.

(b) The keeping in a separate fund of all moneys received or paid by the trade union in respect of any contributory provident fund or pensions fund scheme.

(c) The designation of the officer or officers of the trade union responsible therefore.

(d) The annual or periodical audit of the accounts of the trade union.

17. The inspection of the books and names of members of the trade union by any person having an interest in the funds of the trade union.

18. The manner of the dissolution of the trade union, and the disposal of the funds thereof available at the time of such dissolution.

19. The manner of making, altering and rescinding rules.

## **CHAPTER 76**

### **TRADE UNIONS**

#### *Subsidiary Legislation*

#### **THE TRADE UNIONS (APPEALS) RULES**

LN 16/1978

#### *(Section 15 (2))*

[24th February 1978]

1. These Rules may be cited as the Trade Unions (Appeals) Rules.

Citation

2. Any appeal to the Court under sections 15(1), 32(4), 35(4) or 45(3) of the Act, as the case may be, against-

Time for appeal

(a) a refusal of the Registrar to register a trade union as a trade union under the Act; or

(b) an order by the Registrar cancelling or suspending the registration of any trade union; or

(c) a refusal of the Registrar to register a change of name, or any amendment or alteration of the rules, of a registered trade union; or

(d) a refusal of the Registrar to give his consent to an intended amalgamation of registered trade unions,

shall be filed within one month from the date of such refusal or order, as the case may be:

Provided that the Court may for good and sufficient cause grant any applicant leave to appeal out of time, and in such event shall specify the period within which the appeal shall be filed.

3.-(1) Every such appeal to the Court shall be preferred in the form of a notice of appeal signed by the applicant or his advocate, and shall be filed in triplicate in the Registry of the Court.

Form of appeal

(2) The notice of appeal shall be supported by one or more affidavits as to the facts only, and shall be accompanied by the original of the written notification of the refusal, or of the order, appealed from, or by a certified copy thereof.

(3) The notice of appeal shall set forth concisely and under distinct heads the grounds of objection to the refusal or order appealed from, without any argument or narrative, and such grounds shall be numbered consecutively.

4. When an appeal is filed the Court shall forthwith cause notice of the appeal to be served on the Registrar, who shall be the respondent in the appeal.

Court to notify Registrar of appeal

**5.-(1)** A copy of the notice of appeal and of the affidavit or affidavits in support shall be served on the respondent together with the notice referred to in rule 4.

Documents to be served  
on Registrar

(2) The respondent may, within ten days of such service, file affidavits in reply.

**6.-(1)** Notice of the day fixed for the hearing of the appeal shall be served on the respondent in the manner provided by the High Court (Civil Procedure) Rules 1964 for the service on the defendant of a writ of summons.

Notice of date of hearing

(2) The notice to the respondent referred to in paragraph (1) shall state that if he does not appear before the Court on the day fixed for the hearing the appeal may be heard *ex parte*.

**7.-(1)** The parties to an appeal shall not be entitled to adduce additional evidence, whether oral or documentary, at the hearing of the appeal:

The hearing

Provided that the Court may allow any such evidence to be adduced-

(a) if the respondent, in considering the application, has refused or neglected to take into account matters which ought to have been taken into account; or

(b) if the Court requires any such evidence to be adduced to enable it to pronounce judgment; or

(c) for any other substantial cause.

(2) Whenever the Court allows any additional evidence to be adduced before it, the Court shall record its reasons for so doing.

(3) The hearing of an appeal may, in the discretion of the Court, be held in chambers.

**8.** The Court may make such order as to the costs of an appeal as to the Court seems just.

Costs

**9.** Order 60 of the High Court (Civil Procedure) Rules 1964, in so far as it is not

Application of Order 60 of  
the High Court (Civil

inconsistent with the provisions of these Rules, shall apply to every such appeal.

Procedure) Rules 1964

**10.-(1)** On lodging an appeal under these Rules, there shall be paid a fee of twenty-five dollars.

Fees

(2) The scale of fees usually payable in the Court shall apply to all subsequent acts, applications or proceedings.

## THE TRADE UNIONS REGULATIONS

LN 101/1968  
LN 158/1986

*(Section 61)*

*[16th August 1968]*

**1.** These Regulations may be cited as the Trade Unions Regulations.

Citation

**2.** In these Regulations the expression "the Act" means the Trade Unions Act.

Interpretation

**3.-(1)** Every register, certificate, order, application and notice under the Act shall be kept, issued, made or given in the appropriate form set out in the First Schedule.

Form of register,  
certificates, orders,  
applications and notices  
First Schedule

(2) The number of copies to be submitted of any such application or notice, if more than one, shall be stated in the form of such application or notice set out in the First Schedule.

(3) Any authority or person having power to issue any certificate under the Act shall, on its being proved to his satisfaction that such certificate has been lost or destroyed and on payment of the prescribed fee issue a duplicate of the certificate to the person entitled thereto.

**4.** The particulars to be recorded in the register shall be those specified in Form A in the First Schedule.

Register of trade unions  
First Schedule, Form A

**5.-(1)** The manner of registering a trade union shall be by entering in the register the name of the trade union, the situation and postal address of its registered office, the titles and names of its officers, and the date of the registration.

Manner of registering a trade union and change of name

(2) The manner of registering a change of name of a trade union shall be by deleting the name under which such trade union has been registered in the register and by substituting therefor the new name of the trade union.

**6.-(1)** The constitution and rules and list of officers of a trade union shall be available for inspection by the public, during the hours in which the office of the Registrar is open to the public, upon payment of the prescribed fee.

Inspection of constitution, etc. and copies

(2) Copies or extracts of any document referred to in this regulation may be obtained by any person upon payment of the prescribed fees.

**7.-(1)** The general statement referred to in section 54 (1) of the Act shall be furnished to the Registrar on or before the thirtieth day of April in each year.

Annual return

(2) The said general statement shall be in the form and comprise the particulars specified in the Second Schedule, and shall be audited in the manner shown in the form of Auditor's Report contained in the said Schedule.

Second Schedule

**8.** A registered trade union, when proposing to amalgamate with one or more other trade unions in the manner provided by Part VI of the Act, shall take steps fully to inform, in a suitable manner, all members concerned as to-

Amalgamation of trade unions

(a) the reasons for the proposed amalgamation;

(b) the proposed conditions under which such amalgamation will take place;

(c) the time and place at which the ballot will be held; and

(d) the manner in which postal ballot papers may be obtained and used for voting by post.

**9.** A notice, giving the particulars specified in regulation 8, shall be posted in the registered office of the trade union and in every branch office thereof at least two weeks before the ballot is held and shall remain so posted until the ballot has been concluded.

Posting of notice under regulation 8

**10.** The procedure to be followed in taking the ballot shall be as follows:-

Procedure for ballot

(a) the ballot shall be conducted jointly by an officer of the trade union and a representative chosen by the members;

(b) the persons responsible for conducting the ballot shall be furnished with-

(i) a written record of the names of the members entitled to vote thereat;

(ii) an adequate supply of ballot papers in the form prescribed in the Third Schedule and not marked in any way whatsoever so as to identify the person voting; and

Third Schedule

(iii) a suitable ballot box fitted with lock and key;

(c) arrangements shall be made to enable each member concerned, at places adjacent to the ballot box, to obtain a ballot paper and to mark it, screened from observation, before depositing it in the box;

(d) the name of each member to whom a ballot paper is handed shall be marked off on the record of names of members concerned by the person handing out the ballot papers;

(e) the member shall, after marking the paper, fold it so as to cover the marking and deposit it in the ballot box;

(f) the ballot papers shall be examined, envelopes containing postal ballots shall be opened, and the votes shall be counted by the persons conducting the ballot, and certificates of the result of the ballot in the form prescribed in the Third Schedule shall be signed jointly by them. A signed copy of the certificate shall-

Third Schedule

(i) be displayed in the registered office of the trade union and in every branch office thereof for a period of not less than one week after the conclusion of the ballot;

(ii) be attached to the application for consent to amalgamation sent to the Registrar in pursuance of section 43 (1) of the Act, which said application shall be in Form M in the First Schedule.

First Schedule Form M

**11.-(1)** Any member entitled to vote who satisfies the persons responsible for conducting the ballot-

Postal ballot

(a) that he lives or works on an island other than the island on which the ballot is to be held; or

(b) that on account of ill-health or infirmity he is precluded from attending at the place where the ballot is to be held,

may apply in writing under his signature to the persons responsible for conducting the ballot for a postal ballot paper.

(2) If the persons responsible for conducting the ballot are satisfied that a member should be allowed to vote by post they shall send such member a ballot paper in the form set out in the Third Schedule but having a number marked on the back corresponding to the number in the register of members of the member to whom such ballot paper is sent.

Third Schedule

(3) No member to whom a postal ballot paper has been sent shall be entitled to another vote in terms of regulation 10.

(4) The member to whom any postal ballot paper has been sent shall, in order to record his vote, mark his paper in the space provided according to his choice and shall then post the ballot paper to the General Secretary of the Union marked on the envelope "Ballot Paper".

(5) The persons responsible for conducting the ballot shall keep all envelopes containing postal ballot papers in safe custody and unopened until votes are counted.

(6) At the count of the ballot, the persons responsible for conducting the ballot shall produce unopened all envelopes containing postal ballot papers received by them before the commencement of the count together with a list of the members to whom postal ballots have been sent, and such envelopes shall be opened in the presence of an officer of the trade union and a representative chosen by the members.

**12.** In the event of disagreement as regards the interpretation or application of the provisions relating to amalgamation or the procedure for taking a ballot in regulations 8, 9, 10 and 11, or in connection with any of the matters besides amalgamation specified in paragraph 11 of the Schedule to the Act, the matter shall be referred to the Registrar, who may, if he thinks fit, conduct the ballot himself or cause it to be conducted under his direction.

Reference to Registrar in the event of disagreement

**13.** Whenever a trade union shall change its rules, notice of such change in Form K in the First Schedule, signed by the Secretary authorised in that behalf by resolution passed at a general meeting of the trade union shall be sent to the Registrar within fourteen days of such change, and shall be accompanied by an extract from the minutes of the meeting relating to such change of rules, certified as a true copy by the chairman of the meeting.

Notice of change of rules  
First Schedule, Form K

**14.** The fees set out in the Fourth Schedule shall be payable to the Registrar in respect of the several matters specified therein, and shall be credited to and form part of the Consolidated Fund.

Fees Fourth Schedule

**15.-(1)** Every registered trade union shall keep a register of its members, in which shall be entered-

Register of members

(a) the serial number of each member;

(b) the name, address and occupation of each member;

(c) the date on which each member was admitted to membership;

(d) the payments made by each member in respect of entrance fee, subscriptions or any other payments provided for under the constitution and the dates of such payments; and

(e) the date on which any member ceases to be a member.

(2) If any registered trade union fails to keep a register of its members in accordance with the provisions of paragraph (1), the trade union and every officer or person acting or purporting to act as an officer thereof shall be guilty of an offence and liable to a fine of one hundred dollars.

FORM A

THE TRADE UNIONS ACT

(Section 9)

FORM OF REGISTER TO BE KEPT BY REGISTRAR

Registry No .....

Registered Name of Trade Union .....

Situation of Registered Office .....

Postal Address of Registered Office .....

Date of formation	Date of registration	Date of Alteration of Rules	Date of Cancellation of Registration	Period of Suspension	Date of Registration of Dissolution

Officers, Executive Committee and Trustees

Title	Full Name	Date of Appointment

FORM B

THE TRADE UNIONS ACT

(Section 8)

APPLICATION FOR THE REGISTRATION OF A TRADE UNION

TO: THE REGISTRAR OF TRADE UNIONS,  
HONIARA

1. We, the several persons whose names are subscribed below, hereby make application for the registration under the Trade Unions Act, of a trade union to be known as:-

2. (i) The situation of the registered office of the trade union is at: .....

(ii) The registered postal address of the trade union is:-

(iii).. The aforesaid trade union was formed on the.....day of  
19 .....

(iv) We enclose herewith:-

(a) Four copies of the rules of the trade union authenticated by the President and Secretary.

(b) Statement I showing the names, addresses and occupation of the members making this application.

(c) Statement II showing the titles, names, ages, addresses and occupation of the officers of the trade union.

3. We have been duly authorised by the trade union to make this application on its behalf, such authorisation consisting of \* .....

\*State whether the authority to make this application was given by a "resolution of a general meeting of the trade union" or, if not, in what other way it was given.

Dated this ..... day of ..... 19 .....

- |         |    |
|---------|----|
| 1. .... | 5. |
| 2. .... | 6. |
| 3. .... | 7. |

4. ....

8.

NOTE:-This application must be signed by at least seven members of the body applying for registration, except in the case of an application by not more than six employers, viz. proviso (b) to the definition of "trade union" in section 2 (1) of the Trade Unions Act.

### STATEMENT I

#### THE TRADE UNIONS ACT

(Section 8)

#### NAMES OF PERSONS MAKING APPLICATION FOR THE REGISTRATION OF A TRADE UNION

To: THE REGISTRAR OF TRADE UNIONS,  
HONIARA

	Name	Occupation	Address
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			

.....  
Secretary

### STATEMENT II

#### THE TRADE UNIONS ACT

(Section 8)

#### NAMES OF TRUSTEES AND OFFICERS OF THE TRADE UNION

To: THE REGISTRAR OF TRADE UNIONS,

HONIARA

Name of Trade Union .....

Title of Office held in the Trade Union	Name	Age	Address	Occupation
--	------	-----	---------	------------

NOTE-"Officer" includes any member of the Executive Committee and any officer of a branch, but does not include an auditor.

### FORM C

#### THE TRADE UNIONS ACT

*(Section 10)*

Registry No .....

#### CERTIFICATE OF REGISTRATION

It is hereby certified that the ..... has been registered  
under the Trade Unions Act

Dated this ..... day of ..... 19 .....

Registrar of Trade Unions

### FORM D

#### THE TRADE UNIONS ACT

*(Section 13)*

## NOTIFICATION OF REFUSAL OF REGISTRATION

It is hereby notified that registration of the ..... as a trade union under the Trade Unions Act is refused. The grounds of such refusal are as follows:-

Dated this ..... day of ..... 19 .....

Registrar of Trade Unions

NOTE.-Upon receipt of this notice, reference should be made to section 13 of the Trade Unions Act; subsection (2) of that section sets out the provisions which have effect upon the refusal of the Registrar to register a trade union.

## FORM E

### THE TRADE UNIONS ACT

(Section 14)

## NOTICE OF INTENTION TO CANCEL REGISTRATION OF A TRADE UNION.

To: .....

I hereby give you notice pursuant to section 14 of the Trade Unions Act, that on expiry of two months from the date of this notice I propose to cancel registration of the .....

as a trade union under the said Act unless, before the expiration of such period, cause is shown to my satisfaction why such registration should not be cancelled. The grounds on which I propose to cancel the registration are:-.....

Dated this ..... day of ..... 19 .....

Registrar of Trade Unions

## FORM F

### THE TRADE UNIONS ACT

(Section 14)

## ORDER OF CANCELLATION OF REGISTRATION

I

It is hereby ordered that registration of the ..... as a trade union under the Trade Unions Act, be and is this day cancelled. The grounds of such cancellation are as follows:-

Dated this ..... day of ..... 19 .....

.....  
Registrar of Trade Unions

**NOTE:-**Upon service of this order, reference should be made to section 17 of the Trade Unions Act, which sets out the provisions which have effect upon cancellation of registration of a trade union.

## FORM G

### THE TRADE UNIONS ACT

(Section 14)

#### NOTICE OF INTENTION TO SUSPEND REGISTRATION OF A TRADE UNION.

To: .....

I hereby give you notice pursuant to section 14 of the Trade Unions Act, that on expiry of one month from the date of this notice I propose to suspend registration of the.....  
as a trade union under the said Act unless, before the expiration of such period, cause is shown to my satisfaction why such registration should not be suspended. The grounds on which I propose to suspend registration are:-

Dated this ..... day of ..... 19 .....

Registrar of Trade Unions

FORM H

THE TRADE UNIONS ACT

(Section 14)

ORDER OF SUSPENSION OF REGISTRATION.

It is hereby ordered that registration of the .....as a trade union under the Trade Unions Act, be and is this day suspended. The grounds of such suspension are as follows:-

Dated this ..... day of ..... 19 .....

Registrar of Trade Unions

NOTE-Upon service of this order, reference should be made to sections 15 and 16 of the Trade Unions Act which set out the provisions which have effect upon suspension of registration of a trade union.

FORM I

THE TRADE UNIONS ACT

(Section 32)

NOTICE OF CHANGE OF NAME.

TO: THE REGISTRAR OF TRADE UNIONS,  
HONIARA

1. We, the several persons whose names are subscribed below being the secretary and seven members of the trade union registered under the name of the ..... hereby give you notice pursuant to section 32 of the Trade Unions Act, that it is proposed to change the name of the aforesaid trade union to the .....

2. The proposed change of name has the consent of not less than two-thirds of the total number of voting members of the trade union, such consent having been obtained by ballot taken in accordance with the

rules of the trade union on the ..... day of ..... 19 .....

Dated this ..... day of ..... 19 .....

(Signed) ..... Secretary

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.

} Members

**NOTE-**(a) A trade union may not change its name without the consent of at least two-thirds of the total number of its voting members, and such consent must be obtained by ballot conducted in accordance with the rules of the union.

(b) This notice must be signed by the secretary and by seven members of the trade union and must be accompanied by the prescribed registration fee.

(c) The change of name will not have effect until registered by the Registrar.

## FORM J

### THE TRADE UNIONS ACT

(Section 34)

#### NOTICE OF CHANGE OF SITUATION OF REGISTERED OFFICE OR OF POSTAL ADDRESS

TO: THE REGISTRAR OF TRADE UNIONS  
HONIARA

The\* ..... hereby  
gives you notice that-

†(a) the situation of the registered office of the aforesaid trade union has been changed from  
to .....

†(b) the postal address of the aforesaid trade union has been changed from  
to .....

Dated this ..... day of ..... 19 .....

(Signed) .....  
Secretary

\* Enter name of trade union

† Delete if inapplicable

NOTE- (a) It is an offence under section 34 of the Trade Unions Act, for any trade union-

- (i) to operate at any place to which its registered office may have been removed without having given notice of the change in the situation thereof to the Registrar; and
- (ii) to fail to give notice of any change of the situation of its registered office or in its registered postal address.

(b) This notice should be signed by the secretary of the trade union.

## FORM K

### THE TRADE UNIONS ACT

*(Section 35)*

### THE TRADE UNIONS REGULATIONS

*(Regulation 13)*

### NOTICE OF ALTERATION OF RULES

TO: THE REGISTRAR OF TRADE UNIONS,  
HONIARA

1. I, the undersigned, being the secretary of the trade union registered under the name of the hereby give you notice of alteration of the rules of the aforesaid trade union.

2. With this application are sent-

- (a) a copy of the registered rules of the union, marked to show where and in what way they are altered;
- (b) a copy, marked A, of the alteration(s), signed by me;
- (c) a copy of the relevant extract from the minutes of the meeting at which the alteration(s) was/were made, certified as true by the chairman of that meeting.

3. I have been duly authorised by the trade union to give this notice on its behalf, such authorisation consisting of a resolution passed at a general meeting of the trade union on the ..... day of 19 .....

Dated this ..... day of..... 19 .....

(Signed) .....  
Secretary

#### CERTIFICATE OF REGISTRY

(For Official Use.)

It is hereby certified that the foregoing alteration(s) of the rules of the..... has/have this day been registered pursuant to section 35 of the Trade Unions Act.

Dated this ..... day of..... 19 .....

(Signed) .....  
Registrar of Trade Unions

NOTE-(a) Four copies of this notice (with enclosures) must be sent to the Registrar within fourteen days of any alteration of rules or of the making of any new rule.

(b) This notice must be accompanied by the prescribed registration fee.

(c) Alterations in the rules of a trade union shall have effect from the date of registration thereof by the Registrar, unless some later date is specified in the rules.

FORM L

THE TRADE UNIONS ACT

(Section 37)

NOTICE OF CHANGE OF OFFICERS

TO: THE REGISTRAR OF TRADE UNIONS  
HONIARA

The \*..... hereby  
gives you notice that the names/titles of the officers† of the aforesaid trade union which are specified in the first/second column hereunder have been altered to those specified in the third column, with effect from the date specified in the sixth column. It is hereby declared that the persons named in the third column are persons who are eligible to be officers of this union in accordance with section 29 of the Trade Unions Act and were elected or appointed in accordance with rule..... of the rules and constitution of this union at a meeting of the said union held on..... day of ..... 19 ..... at .....  
..... A copy of the relevant extract from the minutes of the meeting(s) is/are attached herewith.

\* Enter name of trade union.

† "Officer" includes any member of the executive committee and any officer of a branch, but does not include an auditor.

Title of Officer	Name of previous holder	Name and title of new holder	Age of new holder	Occupation of new of new	Effective date of taking office
1	2	3	4	5	6

Dated this ..... day of ..... 19 .....

Secretary

- NOTE- (a) Notice of all changes of officers must be sent to the Registrar within fourteen days after such change.
- (b) This notice must be signed by the secretary of the trade union and must be accompanied by the prescribed registration fee.

FORM M

THE TRADE UNIONS ACT

(Section 43)

APPLICATION FOR CONSENT TO AMALGAMATION

TO: THE REGISTRAR OF TRADE UNIONS,  
HONIARA

1. We, the several persons whose names are subscribed below being the secretaries and officers of the trade unions registered under the names of-

(1) .....

(2) .....

(3) .....

hereby make application for your consent to the amalgamation of the aforesaid trade unions as one trade union under the name of

2. Each trade union which is a party to this amalgamation has taken a ballot among its voting members in the manner prescribed by the Trade Unions Regulations. Signed copies of the certificates of the results of the aforesaid ballots are attached hereto.

3. Four copies of the proposed rules of the trade union to be formed by the intended amalgamation are attached.

Dated this ..... day of ..... 19 .....

(Trade Union)..... (Trade Union).....(Trade Union)

Secretary..... Secretary..... Secretary

\*Officer..... \*Officer..... \*Officer

\*State title of officer

- NOTE-
- (a) The certificates referred to in paragraph 2 must be in the prescribed form-see Third Schedule to the Trade Unions Regulations. Under section 44 of the Trade Unions Act, the amalgamation cannot be proceeded with unless, in the case of each trade union, the votes of at least one-half of the members entitled to vote are cast and recorded at the ballot and, of the votes cast and recorded, those in favour of the proposal exceed by one-fifth or more the vote against the proposal.
  - (b) This notice must be signed by the secretary and one officer of each trade union which is party to the amalgamation.
  - (c) The amalgamation will not have effect until notice in writing of the consent of the Registrar to the amalgamation has been posted at the registered office of each trade union which is party to the amalgamation and in every branch office thereof for a period of not less than fourteen days.

THE TRADE UNIONS ACT

(Section 45)

NOTIFICATION OF REFUSAL OF CONSENT TO AMALGAMATION

IT is hereby notified that consent to the amalgamation of the trade unions registered under the names of:-

(1)

(2)

(3) is refused. The grounds  
of such refusal are as follows-

Dated this ..... day of ..... 19 .....

Registrar of Trade Unions

NOTE-Upon receipt of this notice reference should be made to section 45(3) of the Trade Unions Act.

FORM O

THE TRADE UNIONS ACT

(Section 46)

NOTIFICATION OF CONSENT TO AMALGAMATION

IT is hereby notified that consent to the amalgamation of the trade unions registered under the names of-

(1) .....

(2) .....

(3) .....  
is hereby given.

Dated this ..... day of ..... 19 .....

Registrar of Trade Unions

FORM P

THE TRADE UNIONS ACT

(Section 49)

NOTICE OF DISSOLUTION

To: THE REGISTRAR OF TRADE UNIONS,  
HONIARA.

NOTICE is hereby given that the\* .....  
was dissolved in pursuance of the rules thereof on the .....  
day of ..... 19 ....

Dated this ..... day of ..... 19 .....

Secretary

1. ....	} Members
2. ....	
3. ....	
4. ....	
5. ....	
6. ....	
7. ....	

\*Enter name of trade union

Name and address to which registered copy is to be returned .....

CERTIFICATE OF REGISTRY

(For Official Use.)

IT is hereby certified that the dissolution of the has this day been registered pursuant to section 49 of the Trade Unions Act.

Dated this ..... day of ..... 19 .....

Registrar of Trade Unions

- NOTE- (a) Four copies of this notice, signed by the secretary and by seven persons who were voting members of the trade union at the date of dissolution must be sent to the Registrar within fourteen days of the dissolution.
- (b) The dissolution of a trade union has effect from the date of its registration by the Registrar.

SECOND SCHEDULE

THE TRADE UNIONS ACT

(Section 54)

THE TRADE UNIONS REGULATIONS

(Regulation 7)

ANNUAL RETURN

ANNUAL return of the\* .....

for the year ended 31st December, 19

PARTICULARS OF THE TRADE UNION

1. Situation of registered office .....

2. Postal address .....

3. Has the trade union any branches? If so, state situation of, and number of members, in each branch

4. In what trade or calling are the members of the union chiefly employed?

5. Total number of voting members at 31st December, 19 .....

\*Enter name of trade union.

PARTICULARS OF THE OFFICERS, EXECUTIVE COMMITTEE AND TRUSTEES OF THE TRADE UNION AS AT  
31ST DECEMBER, 19 .....

Title of Officer	Name (in full)	Date of Address	Appointment
------------------	----------------	-----------------	-------------

It is hereby certified that none of the above-mentioned officers has been convicted of any crime involving fraud, dishonesty or extortion during the past five years.



## AUDITORS' REPORT

The undersigned, having had access to all the books and accounts of the trade union (including its branches), and having examined the foregoing Annual Return and verified the same with the accounts and vouchers relating thereto, now sign the same as found to be correct, duly vouched, and in accordance with law.

..... Signature of First Auditor	..... Signature of Second Auditor (if applicable)
Address .....	Address .....
Calling or Profession .....	Calling or Profession .....

Date of completion of audit ..... day of ..... 19 .....

Dated this ..... day of ..... 19 .....

(Signed) .....  
Secretary

TO: THE REGISTRAR OF TRADE UNIONS,  
HONIARA

NOTE.-(a) This return is required to be furnished to the Registrar by the Secretary of every registered trade union on or before the thirtieth day of April of the year immediately following that in respect of which the return is rendered.

(b) This return should be accompanied by-

- (i) four copies (marked A) of the rules of the trade union in force at the end of the year;
- (ii) four copies (marked B) of all alterations and amendments of rules and of all new rules, made during the year; and,
- (iii) a list (marked C) of all changes of officers made during that year.

## THIRD SCHEDULE

### THE TRADE UNIONS ACT

(Section 44)

### THE TRADE UNIONS REGULATIONS

(Regulations 10 and 11.)

(i) FORM OF BALLOT PAPER

Record your vote by X in column 2.

Do not sign your name.

Serial No. ....

Column 1

Column 2

For Amalgamation

Against Amalgamation

(ii) FORM OF CERTIFICATE OF RESULT OF BALLOT.

Name of trade union .....

Situation and postal address of registered office .....

We, the undersigned, representing respectively the officers and members concerned of the above-named trade union, hereby certify that on the ..... day of ..... 19 ..... a ballot was duly taken in compliance with the requirements of the above-mentioned Regulations on the question of the amalgamation of the said trade union with the registered trade union(s) named hereunder-

1. ....

2. ....

and that the result was-

Number of postal ballots issued

Number of postal ballots received

Number of papers in ballot box

Number voting in favour of the  
amalgamation

Number voting against the amalgamation

Number of spoilt papers

The total number of members entitled to  
vote was

Signed

1

2. ....

Dated this ..... day of ..... 19 .....

NOTE.-A signed copy of this certificate must be posted in the registered office of the trade union and in

every branch office thereof for a period of not less than one week. A further signed copy must be attached to the application for consent to amalgamation which is required to be sent to the Registrar under the provisions of section 43 (1) of the Trade Unions Act.

#### FOURTH SCHEDULE

LN 158/1986

#### THE TRADE UNIONS REGULATIONS

*(Regulation 13.)*

#### FEES

- |  |         |
|--|---------|
| 1. The following fees shall be payable to the Registrar:-  | \$      |
| (a) on registration of a trade union   | 100.00  |
| (b) on registration of new rules or alteration of rules  | 25.00   |
| (c) on registration of change of officers or of the titles of officers   | 5.00    |
| (d) on registration of change of name of a trade union   | 25.00   |
| (e) for every copy of a certificate of registration or for an authentication not otherwise provided for  | 5.00    |
| (f) for any inspection under regulation 6 (1) relating to any one trade union  | 5.00    |
| (g) for a copy of, or extract from, any document available for inspection under regulation 6(1), per page.   | 1-00    |
| (h) for certification of any document or extract provided for above  | 2.00    |
| 2. The sum payable to the secretary of a trade union under section 36 (2) of the Act for a copy of the constitution and rules of such trade union shall be | \$15.00 |

#### THE TRADE UNIONS (ACCOUNTS) REGULATIONS

LN 102/1968

(Section 61)

[16th August 1968]

1. These Regulations may be cited as the Trade Unions (Accounts) Regulations.

Citation

2. In these Regulations, "treasurer" includes any person for the time being acting as a treasurer.

Interpretation

3.-(1) Every person who collects or receives subscriptions, entrance fees, donations or other contributions for or on behalf of a trade union (such person being hereinafter referred to as a collector), shall issue to any person making payments to him, a receipt in Form 1 in the Schedule, such receipt being taken from a book of printed receipt forms, the forms being each in duplicate and numbered serially.

Receipts to be issued by  
collectors  
Form 1

(2) The collector shall, when issuing a receipt, ensure that the particulars entered on the receipt form are legibly duplicated by carbon copy on the printed duplicate thereof, and shall preserve in the book the printed duplicate of every receipt issued.

(3) The collector (other than a treasurer) shall hand over or remit to the treasurer of his trade union, or of his branch of the trade union, at intervals of not more than twenty-one days, all moneys which he has collected on behalf of the trade union, together with all receipt books in his possession relating to such moneys.

(4) Every collector shall issue receipts from receipt books issued to him in proper sequence in accordance with their serial numbering.

(5) No collector shall issue a receipt from a fresh receipt book unless all receipts from receipt books already in use by him are completed.

(6) Any person collecting money for a trade union who contravenes or fails to comply with any of the provisions of this regulation shall be guilty of an offence.

4.-(1) The treasurer of every union or of a branch of a trade union shall, when receiving money from a collector, issue to him a receipt in Form 2 in the Schedule, such receipt being taken from a book of printed receipt forms, the forms being each in duplicate and numbered serially.

Receipts to be issued to  
collectors by treasurers  
Form 2

(2) The treasurer of every trade union or of a branch of a trade union shall, when issuing a receipt, ensure that the particulars entered on the receipt form are legibly

duplicated by carbon copy on the printed duplicate thereof, and shall preserve in the book the printed duplicate of every receipt issued.

(3) No treasurer of a trade union or of a branch of a trade union shall issue a receipt from a fresh receipt book unless all receipts from receipt books already in use are completed.

(4) Every treasurer of a trade union or of a branch of a trade union shall issue receipts and receipt books in proper sequence in accordance with their serial numbering.

(5) Every treasurer of a trade union or of a branch of a trade union shall ensure that each collector accounts to such treasurer for all receipt books issued to such collector at the time when the collector accounts for the money collected by him.

(6) When the necessary information has been received from the collector's receipt book or books, as the case may be, the treasurer may return to the collector for further use such receipt book or books as have not been completed.

(7) Any treasurer of a trade union or of a branch of a trade union who contravenes or fails to comply with any of the provisions of this regulation shall be guilty of an offence.

**5.-(1)** The treasurer of every trade union shall be responsible for the issue of all receipt books, whether to treasurers of branches or to collectors, and the treasurer of a branch of a trade union shall be responsible for the issue to collectors of all receipt books which he receives from the treasurer of the trade union.

Record of receipt books  
to be kept

(2) The treasurer of every trade union or branch of a trade union shall keep a record of all receipt books which he issues, and shall record the name of the person to whom each book has been issued, the serial numbers of the receipts therein, the date when he issued it and the date when the duplicates of the receipts were returned to him, and when he has issued books or receipts to any person (other than the treasurer of a branch), he shall not issue any further books to such person until the duplicates of the first-mentioned books have been returned to him.

(3) Any treasurer of a trade union or a branch of a trade union who contravenes or fails to comply with any of the provisions of paragraph (2) shall be guilty of an offence.

**6.-(1)** No person shall make a payment out of trade union funds unless he shall have first made out a payment voucher in Form 3 in the Schedule and-

Payment vouchers to be  
made out  
Form 3

(a) obtained the signature thereto by the person empowered to authorise such a payment;

(b) signed it;

(c) obtained the signature of the payee (excepting when payment is made by direct bank deposit); and

(d) where the payment is for travelling expenses, recorded therein-

(i) the name of the person travelling;

(ii) the places from which and to which the person has travelled;

(iii) the mode of transport; and

(iv) the reason for the journey and the date thereof.

(2) Any person who contravenes or fails to comply with the provisions of this regulation shall be guilty of an offence.

**7.-(1)** The treasurer of every trade union shall keep a cash book as indicated in Form 4 in the Schedule and shall record therein all moneys received and all moneys paid by the trade union, including receipts from and payments to branches, in the appropriate columns according to the nature of the receipts and payments and according to whether the moneys are received or paid in cash or are received into or paid out of a bank account or other deposit or savings account of the trade union.

Cash book and branch  
analysis cash book to be  
kept by treasurer  
Form 4

(2) Every such treasurer shall also keep in respect of every branch of the trade union a branch analysis cash book as indicated in Form 5 in the Schedule and shall record therein an analysis of all moneys received and all moneys paid by every such branch, according to the copies of the cash book sheets received from branch treasurers under regulation 8, and the receipts and payments shall be entered in the appropriate columns as prescribed by paragraph (1).

Form 5

(3) Any treasurer of a trade union who contravenes or fails to comply with any of the provisions of this regulation shall be guilty of an offence.

Branch cash book  
Form 6

**8.-(1)** The treasurer of every branch of a trade union shall keep a cash book in Form

Branch cash book

Form 6

6 in Schedule with the pages thereof numbered serially and shall record therein all moneys received and all money paid by the branch, including receipts from and payments to the trade union headquarters, in the appropriate columns as prescribed by regulation 7 (1).

(2) The treasurer of every branch of a trade union shall balance such cash book at the end of every month and shall forward to the treasurer of the trade union within seven days after the end of the month a copy of every page of the cash book which relates to that month and particulars of the balances.

(3) Any treasurer of a branch of a trade union who contravenes or fails to comply with any of the provisions of this regulation shall be guilty of an offence.

Special funds

**9.-(1)** The treasurer of every trade union or branch of a trade union shall maintain in the trade union's accounts separate records of any contributions or donations which are collected or received for a specific purpose and, subject to any resolution of the members of the trade union authorising the use thereof for any other purpose, the treasurer shall not disburse any such contributions or donations other than for the specific purpose for which they were collected or donated.

(2) Any treasurer of a trade union or of a branch of a trade union who contravenes or fails to comply with the provisions of this regulation shall be guilty of an offence.

Preservation of documents

**10.-(1)** The treasurer of every trade union or of a branch of a trade union shall preserve all the books of account and documents which it keeps or makes under the provisions of these Regulations and all books of duplicate receipts and other supporting documents for a period of at least three years after the end of the trade union's financial year to which they relate and shall take all such precautions as are reasonably necessary for their safe custody.

(2) Any treasurer of a trade union or of a branch of a trade union who contravenes the provisions of this regulation shall be guilty of an offence.

Bank account to be kept

**11.-(1)** The treasurer of every trade union or of a branch of a trade union shall cause a bank account to be opened and maintained in the name of the trade union or branch thereof, as the case may be, and whenever he receives any money belonging to the trade union or branch thereof he shall within seven days of such receipt pay it into the bank account.

(2) The provisions of paragraph (1) shall not apply to the treasurer of a branch of a trade union who is permitted by the rules of the trade union to retain in cash a sum not exceeding twenty dollars.

(3) Any treasurer of a trade union or of a branch of a trade union who contravenes or fails to comply with the provisions of paragraph (1) shall be guilty of an offence.

**12.**-(1) The Registrar may, in his discretion and upon application being made to him in that behalf by any trade union, grant permission in writing to such trade union to keep its accounts and records in a form or according to a system other than that prescribed in the Schedule if he is of the opinion that the form or system adopted by such trade union is adequate and satisfactory in all the circumstances.

Registrar's power to exempt

(2) The Registrar may at any time cancel permission granted under paragraph (1) if he is of the opinion that the accounts and records of the trade union to which such permission was granted have not been adequately or satisfactorily kept.

**13.** Any person who is guilty of an offence against these Regulations shall be liable to a fine of fifty dollars or to imprisonment for two months or to both such fine and imprisonment.

Penalty

## SCHEDULE

### FORM 1

*(Regulation 3 (1))*

NAME OF TRADE UNION\*

### RECEIPT

\*Serial No:

Date:

Binding:-

Received from:

Membership No.

Amount (in words):

Collector's

\$ c

Receipt	Subscriptions	...	...	...	...	...
Book	Entrance Fees	...	...	...	...	...
	Donations	...	...	...	...	...
	Other	...	...	...	...	...
Total						...

Collector's Signature

\*To be inserted by printer







