

THE CONSTITUTION OF SOLOMON ISLANDS

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Subsidiary Legislation

THE STANDING ORDERS OF THE NATIONAL PARLIAMENT OF SOLOMON ISLANDS

(*Section 62*)

[22nd October 1982]

ARRANGEMENT OF STANDING ORDERS

STANDING ORDER

PART A-INTERPRETATION

1. INTERPRETATION

PART B- MEMBERS AND OFFICERS OF PARLIAMENT.

2. OATH OR AFFIRMATION OF ALLEGIANCE.
3. LANGUAGE.
4. PRESIDING IN PARLIAMENT AND IN COMMITTEE OF THE WHOLE HOUSE
5. ELECTION OF THE SPEAKER
6. DUTIES OF THE CLERK

PART C- SESSIONS, MEETINGS, SITTINGS AND ADJOURNMENTS OF PARLIAMENT

7. COMMENCEMENT OF SESSIONS AND MEETINGS
8. CONCLUSION OF SESSIONS AND MEETINGS
9. DAYS OF SITTING

- 10. HOURS OF SITTING
- 11. MOTIONS FOR THE ADJOURNMENT OF PARLIAMENT
- 12. QUORUM

PART D-ARRANGEMENT OF BUSINESS

- 13. ORDER OF BUSINESS AT SITTING
- 14. THE ORDER PAPER
- 15. ARRANGEMENT OF MOTIONS AND BILLS

PART E-PETITIONS AND PAPERS

- 16. PRESENTATION OF PETITIONS
- 17. PRESENTATION OF PAPERS
- 18. DEBATE UPON PAPERS PRESENTED

PART F-QUESTIONS TO THE GOVERNMENT

- 19. NATURE OF QUESTIONS
- 20. QUESTION DAYS
- 21. NOTICE OF QUESTIONS
- 22. CONTENT OF QUESTIONS
- 23. ASKING AND ANSWERING OF QUESTIONS

PART G-STATEMENTS AND RAISING OF MATTERS OF PRIVILEGE

- 24. STATEMENTS BY MINISTERS
- 25. MATTERS OF PRIVILEGE

PART H-MOTIONS

- 26. NOTICE OF MOTIONS AND AMENDMENTS
- 27. MANNER OF GIVING NOTICE OF MOTIONS AND AMENDMENTS
- 28. MOTIONS AND AMENDMENTS REQUIRING RECOMMENDATION
- 29. MANNER OF DEBATING MOTIONS
- 30. MANNER OF DEBATING AMENDMENTS TO MOTIONS
- 31. WITHDRAWAL OF MOTIONS AND AMENDMENTS

PART I-RULES OF DEBATE

- 32. TIME AND MANNER OF SPEAKING
- 33. OCCASIONS WHEN A MEMBER MAY SPEAK MORE THAN ONCE
- 34. INTERRUPTIONS
- 35. ADJOURNMENT OF DEBATE OR OF PROCEEDINGS OF COMMITTEE
- 36. CONTENT OF SPEECHES
- 37. BEHAVIOUR OF MEMBERS NOT SPEAKING

PART J-RULES OF ORDER

- 38. DECISION OF SPEAKER FINAL
- 39. ORDER IN PARLIAMENT AND COMMITTEE

PART K-VOTING

- 40. DECISION ON QUESTIONS
- 41. COLLECTION OF VOICES
- 42. DIVISIONS

PART L-PROCEDURE ON BILLS

- 43. FORM OF BILLS

- 44. NOTICE OF PRESENTATION OF BILLS
- 45. EXAMINATION OF BILLS BY THE SPEAKER
- 46. PRESENTATION AND PUBLICATION OF BILLS
- 47. FIRST READING OF BILLS
- 48. SECOND READING OF BILLS.
- 49. COMMITTAL OF BILLS.
- 50. FUNCTIONS OF COMMITTEES ON BILLS.
- 51. AMENDMENTS TO BILLS.
- 52. PROCEDURE IN COMMITTEE OF THE WHOLE HOUSE ON A BILL.
- 53. PROCEDURE ON REPORTING OF BILL FROM COMMITTEE OF THE WHOLE HOUSE.
- 54. PROCEEDINGS ON RECOMMITTAL OF BILL REPORTED FROM COMMITTEE OF THE WHOLE HOUSE.
- 55. PROCEDURE IN SELECT COMMITTEE ON A BILL.
- 56. PROCEDURE ON REPORTING OF BILL FROM SELECT COMMITTEE.
- 57. PROCEEDINGS ON RECOMMITTAL OF BILL REPORTED FROM SELECT COMMITTEE.
- 58. THIRD READING OF BILLS.
- 59. WITHDRAWAL OF BILLS.
- 60. PRESENTATION OF BILLS FOR ASSENT BY THE GOVERNOR-GENERAL.

PART M-FINANCIAL PROCEDURE

- 61. PRESENTATION AND SECOND READING OF APPROPRIATION BILL.
- 62. THE COMMITTEE OF SUPPLY
- 63. ALLOTMENT OF TIME IN COMMITTEE OF SUPPLY
- 64. PROCEDURE IN COMMITTEE OF SUPPLY
- 65. AMENDMENTS TO HEADS IN COMMITTEE OF SUPPLY
- 66. THIRD READING OF APPROPRIATION BILL
- 67. SUPPLEMENTARY APPROPRIATION BILLS

PART N-SELECT AND SPECIAL COMMITTEES

- 68. APPOINTMENT, NOMINATION AND FUNCTIONS OF SELECT COMMITTEES

- 69. PUBLIC ACCOUNTS COMMITTEE
- 70. PARLIAMENTARY HOUSE COMMITTEE
- 71. BILLS AND LEGISLATION COMMITTEE
- 71A. CONSTITUTION REVIEW COMMITTEE
- 71B. FOREIGN RELATIONS COMMITTEE
- 72. PROCEDURE ON SELECT COMMITTEES
- 73. SPECIAL COMMITTEES
- 74. PREMATURE PUBLICATION OF EVIDENCE
- 75. ATTENDANCE AT COMMITTEES

PART O-MISCELLANEOUS MATTERS

- 76. ELECTION OF GOVERNOR-GENERAL
- 77. EMPLOYMENT OF MEMBERS IN PROFESSIONAL CAPACITY
- 78. DECLARATION AND DISCLOURE OF PERSONAL INTEREST
- 79. ADMISSION OF PRESS AND PUBLIC
- 80. WITHDRAWAL OF STRANGERS
- 81. SUSPENSION OF STANDING ORDERS
- 82. PROCEDURE IN CASE OF DOUBT

PART A

INTERPRETATION

1. INTERPRETATION

(1) In these Orders, unless the context otherwise requires-

"Clerk" means the Clerk of the Parliament and includes any assistant to the Clerk acting as such on the authority of the Speaker;

"the Constitution" means the Constitution of Solomon Islands set out in the Schedule to the Solomon Islands Independence Order 1978;

"mace" means the mace of Parliament;

"Member" means a Member of Parliament elected in accordance with section 47 of the Constitution;

"Minister" means a member of the Cabinet;

"Parliament" means the National Parliament of Solomon Islands;

"Speaker" means any person presiding in Parliament in accordance with section 65 of the Constitution;

(2) In these Orders, unless the context otherwise requires, reference to printing shall include all mechanical, electrical and photographic methods of reproducing words in visible form.

(3) Subject to the provisions of paragraph (1) of this order, expressions used in these Orders shall, unless the context otherwise requires, have the same meanings as in the Constitution.

PART B

MEMBERS AND OFFICERS OF PARLIAMENT

2. OATH OR AFFIRMATION OF ALLEGIANCE

(1) No Member shall be permitted to take part in the proceedings of Parliament (other than proceedings necessary for the purposes of this order and section 63 of the Constitution) until he has made the oath or affirmation of allegiance prescribed by that section.

(2) On the first day of the first session of a new Parliament the Clerk shall administer the oath or affirmation of allegiance to each Member by calling before him in alphabetical order the Members elected to serve in that Parliament.

(3) The Clerk shall administer the oath or affirmation of allegiance prescribed by section 63 of the Constitution to any Member who has during the course of a session been elected to serve in Parliament at the first sitting at which such Member attends.

3. LANGUAGE

(1) Subject to paragraph (2) of this order, the proceedings and debates of Parliament shall be in the English language or in pidgin.

(2) Every petition, bill, motion, paper, written question, report, declaration of interest and notice, and every amendment thereof, shall be in the English language.

4. PRESIDING IN PARLIAMENT AND IN COMMITTEE OF WHOLE HOUSE

(1) Any question as to who shall preside at sittings of Parliament and sittings of a Committee of the whole House shall be determined in accordance with section 65 of the Constitution.

(2) The person presiding shall be known and addressed as the Speaker.

(3) Whenever Parliament resolves itself into a Committee of the whole House, the Speaker shall leave his chair and seat himself at the Clerk's table as chairman of the Committee; and when Parliament resumes he shall return to his chair.

(4) The person presiding in Parliament or acting as chairman of a Committee of the whole House shall while so presiding or acting enjoy all the powers conferred by these Orders on the Speaker.

(5) During sittings of Parliament the mace shall be on the Clerk's table and during sittings of a Committee of the whole House it shall be under the Clerk's table.

5. ELECTION OF SPEAKER

(1) The Speaker shall be elected at the first sitting of Parliament after a general election or after the office of Speaker has become vacant, in accordance with the provisions of this order.

(2) Every citizen of Solomon Islands over the age of twenty-one and who is otherwise qualified for election as a Member shall be eligible for election as Speaker.

(3) Nomination papers shall be issued to Members by the Clerk not less than two clear days before the first sitting of the new Parliament and shall be returned to him not later than 4.00 p.m. on the day immediately preceding the date fixed for the first sitting of the new Parliament:

Provided that where the office of Speaker has become vacant during the course of Parliament a date shall be fixed for the election by the Clerk and this paragraph shall be read accordingly.

(4) A list setting out all the candidates who have been nominated shall be made available to each Member before the commencement of voting.

(5) The election shall be by secret ballot and each Member shall have only one vote at the first and each subsequent ballot, if any, and shall be held in accordance with paragraphs (6) to (12) of this order.

(6) If any candidate should at any ballot receive an absolute majority of votes he shall be declared to be elected as Speaker.

(7) If no candidate should receive an absolute majority of votes at the first ballot a further ballot shall be held wherein

(a) the candidate who received fewest votes at the first ballot shall thereby be eliminated; or

(b) if there is a tie between two or more candidates for the fewest number of votes received at the first ballot the Clerk shall decide by lot which one of such candidates shall be eliminated.

(8) If in a second ballot no candidate should receive an absolute majority of the votes of the Members, subject to paragraph (10) of this order, further ballots shall be held until one candidate receives an absolute majority of votes.

(9) The procedure specified in paragraphs (6) and (7) of this order relating to the first and second ballots shall apply in relation to subsequent ballots.

(10) If, after one or more ballots, all candidates save two have been eliminated, not more than three further ballots shall be held to decide the election between these two candidates.

(11) If the three further ballots referred to in the preceding paragraph do not result in either of the two candidates receiving an absolute majority of votes then the Clerk shall re-commence the procedure *de novo*.

(12) Upon the decision of the Members being known in accordance with the voting procedure the Clerk will forthwith announce the name of the person elected as Speaker.

6. DUTIES OF THE CLERK

(1) The Clerk shall be responsible for keeping the minutes of proceedings of Parliament and of committees of the whole House. The minutes of proceedings shall record the Members attending, all decisions taken and details of every division held.

(2) The Clerk shall submit the minutes of proceedings of each sitting to the Speaker for his signature and shall then distribute copies to Members before the commencement of the next sitting.

(3) The Clerk shall be responsible for preparing from day to day an Order Book showing all future business of which notice has been given. The Order Book shall be open to the inspection of Members at all reasonable hours.

(4) The Clerk shall be responsible for preparing for each sitting-

(a) an Order Paper showing the business for that sitting; and

(b) a Notice Paper recording all notices entered in the Order Book on the previous day if Parliament then sat, or in the case of the first sitting after an adjournment over one or more days, all notices entered in the Order Book since Parliament last sat.

(5) The Clerk shall be responsible for the custody of the votes, records, bills and other documents laid before Parliament which shall be open to inspection by Members and other persons under arrangements approved by the Speaker.

(6) The Clerk, acting under the directions of the Speaker, shall be responsible for the production of an official report of all speeches made in Parliament and in committees of the whole House.

(7) The Clerk shall be responsible for providing every Select Committee of Parliament with a clerk.

(8) The Clerk shall perform further duties laid upon him in these Orders and all other duties in the service of Parliament ordered by Parliament or directed by the Speaker.

PART C

SESSIONS, MEETINGS, SITTINGS AND ADJOURNMENTS OF PARLIAMENT

7. COMMENCEMENT OF SESSIONS AND MEETINGS

(1) Each session of Parliament shall be held at such place and on such days and shall begin at such time as the Governor-General may appoint in accordance with section 72 of the Constitution.

(2) Written notice of every meeting of Parliament shall be given to Members by the Clerk at least thirteen clear days before the day of the meeting except in the case of the first meeting following the constitution or the re-constitution of Parliament or in a case of emergency where the Governor-General, acting on the advice of the Prime Minister, may dispense with such notice in which event the longest possible notice shall be given.

(3) The Governor-General may, after consultation with the Prime Minister, at any time after he has determined the day and time upon which a meeting is to begin, change the day or time so determined to a later day or time, or in cases of emergency to an earlier day or time.

(4) At the first sitting of any meeting the Governor-General, on the invitation of the Prime Minister, may deliver a speech to Parliament.

(5) Immediately after the Governor-General has delivered such a speech, the sitting may be suspended for such period or Parliament may be adjourned until such day as the Speaker may determine.

(6) At the resumption of the sitting, or on the day to which Parliament is adjourned under paragraph (5) of this order, a motion may be moved without notice for an address of thanks to the Governor-General for his speech.

(7) A motion under paragraph (6) of this order shall be moved in the following form-

That an address be presented to His Excellency the Governor-General as follows-

"We, the National Parliament of Solomon Islands here assembled, beg leave to offer thanks for the speech which has been addressed by you to Parliament".

(8) Amendments may be moved to the motion described in paragraph (7) of this order only by way of adding words at the end of the motion.

8. CONCLUSION OF SESSIONS AND MEETINGS

(1) A session shall be concluded when Parliament is prorogued by the Governor-General in accordance with section 73(1) of the Constitution.

(2) A meeting shall be concluded by the adjournment of Parliament for the conclusion of the meeting.

(3) A motion to determine the day for the conclusion of a session or meeting shall only be moved by a Minister and in the following terms-

"That at the adjournment of Parliament on (here the date for conclusion of the meeting shall be entered) the present meeting shall be concluded and Parliament shall then stand adjourned *sine die*."

(4) No amendment to the motion described in the foregoing paragraph shall be in order save only an amendment to substitute another date for the date mentioned in the motion and any debate on the motion shall be confined to the substance of the motion.

9. DAYS OF SITTING

(1) During the course of a meeting, unless it has been previously decided otherwise on a motion moved by a Minister, Parliament shall sit on Mondays, Tuesdays, Wednesdays, Thursdays and Fridays, other than public holidays.

(2) A motion moved under paragraph (1) of this order may provide that-

(a) Parliament shall sit on any Saturday, Sunday or public holiday named in the motion;

(b) Parliament shall not sit on any day or days named in the motion.

(3) Whenever Parliament is adjourned, it shall stand adjourned to the next sitting day as determined by paragraphs (1) and (2) of this order, unless adjourned under the provisions of order 8.

10. HOURS OF SITTING

(1) Every sitting other than the first sitting of a meeting shall begin at 9.30 a.m.

(2) At 4.30 p.m. the proceedings on any business under consideration shall be interrupted, any motion which has been moved in pursuance of order 35 shall lapse and if Parliament is in committee the Speaker shall return to his chair:

Provided that if the Speaker is of opinion that the proceedings on which Parliament is engaged could be concluded by a short deferment of the moment of interruption, he may in his discretion defer interrupting the business.

(3) If a division is in progress at 4.30 p.m. the business shall not be interrupted until after the declaration of the result of the division.

(4) Save as provided in paragraph (4) of order 11, no further business shall be entered upon after the interruption of business under paragraph (2) of this order.

(5) The Speaker may at any time suspend a sitting or adjourn Parliament and if he shall adjourn Parliament, Parliament shall stand adjourned in accordance with order 9.

(6) A motion moved with the consent of the Speaker to suspend this order in

accordance with order 81, and passed shall permit the continuation of the business of the House until adjourned by the Speaker under the foregoing paragraph of this order or, where such motion so states, shall permit the commencement of a specified sitting before 9.30 a.m.

11. MOTIONS FOR THE ADJOURNMENT OF PARLIAMENT

(1) When for any sufficient reason it is not desired to formulate a motion in express terms for the purpose of debating a matter or matters, a motion that Parliament do now adjourn may be moved for the purpose of such debate.

(2) Such a motion shall not require notice but shall not be moved except between two items of business and then only by a Minister.

(3) If such a motion shall be agreed to, Parliament shall stand adjourned in accordance with order 9.

(4) After the interruption of business under paragraph (2) of order 10 or at the conclusion of all the business on the Order Paper, whichever is the earlier, a Minister may move that Parliament do now adjourn.

(5) On a motion moved under paragraph (4) of this order a Member who is not a Minister and who has obtained the right to do so, may raise any public matter for which the Government is responsible with a view to eliciting a reply from a Minister.

(6) A Member who wishes to raise a matter under the provisions of paragraph (5) of this order shall give notice of the matter in writing to the Speaker not less than one clear day before the sitting at which he wishes to do so:

Provided that the Speaker may in his discretion dispense with such notice.

(7) If at the expiration of twenty minutes from the moving of the motion under paragraph (4) of this order a Minister has not yet been called upon to reply, the Speaker shall direct the Member then speaking to resume his seat and shall call upon a Minister to reply.

(8) If at the expiration of thirty minutes from the moving of the motion under paragraph (4) of this order such motion has not been agreed to, the Speaker shall adjourn Parliament without putting any question.

12. QUORUM

(1) Any question as to the quorum of Parliament and of a committee of the whole House shall be determined in accordance with section 67 of the Constitution as supplemented by this order.

(2) For the purpose of section 67 of the Constitution, the interval after which the Speaker may ascertain the number of Members present shall be fifteen minutes (during which the Speaker may leave the chair) and if the Speaker adjourns Parliament is pursuance of section 67, he shall do so without the question being put and Parliament shall then stand adjourned to the next sitting day in accordance with order 9.

(3) If objections are taken under section 67 of the Constitution in committee of the whole House, paragraph (2) of this order shall apply, save that if the Speaker is satisfied that a quorum is not then present he shall leave the chair of the committee and Parliament shall be resumed prior to being adjourned in accordance with paragraph (2) of this order.

PART D

ARRANGEMENT OF BUSINESS

13. ORDER OF BUSINESS AT SITTING

(1) The business of each sitting other than the first sitting of a meeting shall be transacted in the following order-

(a) Prayers

(b) Administration of oaths or affirmations

(c) Reading by the Speaker of messages and announcements

(d) Presentation of petitions

(e) Presentation of papers and of reports of Select Committees by laying them on the Table

(f) Asking and answering of questions put to the Government

(g) Statements by Ministers

(h) Statements on business by or on behalf of the Prime Minister or Chairman of the Business Committee

(i) Personal explanations

(j) Obituary and other ceremonial speeches

(k) Raising of matters of privilege

(l) Proceedings on motions and bills.

(2) The items of business mentioned in sub-paragraphs (b), (c), (d), (e), (g), (h), (i), (j) and (k) of paragraph (l) of this order shall not require notice; but with the exception of sub-paragraphs (b) and (c) they shall not be entered upon save with the previous leave of the Speaker.

14. THE ORDER PAPER

(1) All items of business of which notice has been given shall be placed on the Order Paper in the order required by order 13.

(2) Oral questions to the Government shall be placed on the Order Paper in accordance with the provisions of paragraph (1) of order 23.

(3) Proceedings on motions and on Bills shall be placed on the Order Paper in accordance with the provisions of order 15.

15. ARRANGEMENT OF MOTIONS AND BILLS

(1) Subject to the provisions of these Orders, the motions and Bills to be considered by Parliament on any day shall be determined as laid down in this order.

(2) The Prime Minister shall determine the motions or Bills to be considered on any day except Friday or any other day allocated by him and the order in which they shall be set down upon the Order Paper.

(3) On Fridays or any other day allocated under the provisions of paragraph (2) of this order the Business Committee shall determine the motions proposed to be made by and the Bills in charge of Members who are not Ministers to be considered and the order in which these shall be set down upon the Order Paper:

Provided that-

(a) the number of motions to be moved on any one day be limited to not more than twelve.

(b) when the number of motions of which notice has been given exceeds twelve in number the Business Committee may decide which motions should be deferred to a subsequent day in the same meeting, what priority should be given to such deferred motions for later debate, or that time should not be allocated for debate on any motion during a particular meeting in which case the said motion shall lapse unless further notice is given by the Member concerned to the Clerk that he wishes to move the motion at a subsequent meeting;

(c) if in the opinion of the Business Committee there are insufficient such motions or Bills to occupy the time of Parliament on any Friday, the Business Committee may direct that there be set down to follow such motions or Bills upon the Order Paper such other motions or Bills as the Prime Minister may request.

(4) At the beginning of each meeting and on Friday of each week, statements shall be made by or on behalf of the Prime Minister and the Chairman of the Business Committee informing Parliament, so far as is practicable, of the motions and Bills arranged to be considered on each day of the following week.

(5) The Prime Minister may on any day make a further statement informing Parliament of any changes in, or additions to, the arrangement of motions and Bills already announced in accordance with paragraph (4) of this order.

PART E

PETITIONS AND PAPERS

16. PRESENTATION OF PETITIONS

(1) A petition may be presented to Parliament only by a Member.

(2) A Member who wishes to present a petition to Parliament shall inform the Speaker not later than the day before the sitting at which he wishes to present it. When so informing the Speaker he shall certify in writing to the Speaker that the petition is respectful and in his opinion deserving of presentation.

(3) Except on the recommendation of the Cabinet the Speaker shall not permit a petition to be received, if in his opinion the petition requests that provision be made for any of the purposes set out in section 60 of the Constitution.

(4) The signification of the Cabinet's recommendation shall be recorded in the minutes of proceedings.

(5) No speech shall be made by a Member when presenting a petition other than a brief statement of the number and description of the petitioners and the substance of the petition.

(6) If immediately after the petition has been presented a Member rises in his place and requests that the petition be referred to a Special Select Committee, the Speaker shall call upon those Members who support the request to rise in their places. If the total number, including the Member who first rose, who have then risen is not less than half the Members the petition shall stand referred to a Special Select Committee.

17. PRESENTATION OF PAPERS

(1) In this order "paper" means any account, paper, return, order, statement or other document which is ordinarily laid upon the Table at the time appointed by order 13.

(2) A paper may be presented to Parliament only by either-

(a) a Minister;

(b) any other Member authorised so to do by the House; or

(c) any other person authorised or required by law so to do.

(3) Whenever a Minister or other Member or person authorised or required by law so to do wishes to present a paper he shall send a copy of it to the Clerk who shall lay it on the Table at the opening of the next sitting and shall record its presentation in the minutes of proceedings of that sitting.

18. DEBATE UPON PAPERS PRESENTED

(1) At any time after the recording of the presentation of a paper as mentioned in sub-paragraphs (a) and (b) of paragraph (2) of order 17 the Minister or other Member who presented the paper or, in the case of a paper presented as mentioned in subparagraph (c) of that paragraph, any Member may give notice of a motion that Parliament resolve itself into a committee of the whole House to consider the paper. Debate upon such motion shall be confined to the general principles set forth in the paper.

(2) If a motion under paragraph (1) of this order be agreed to, Parliament shall resolve itself into committee. Debate in committee may extend over all the details contained in the paper, which shall be discussed paragraph by paragraph unless otherwise decided by the Speaker having regard to the convenience of the committee. No question shall be put on, nor any amendment proposed to, any part of the paper and at the conclusion of the debate no question shall be put save that the Minister or other Member who moved the motion do report to Parliament that the committee has considered the paper.

(3) As soon as the Minister or other Member who moved the motion has reported that the committee has considered the paper, a motion may be made forthwith, or on a later day after notice, that Parliament agrees to the proposals contained in the paper.

(4) Any Member may, if the Minister or other Member who presented the paper has not given notice of a motion in accordance with paragraph (1) of this order, ask a question or move a motion relating thereto in accordance with these Orders.

PART F

QUESTIONS TO THE GOVERNMENT

19. NATURE OF QUESTIONS

Any Member who is not a Minister may address a question to the Government relating to a public matter for which the Government is responsible, either seeking information on such matter or asking for official action with regard to it.

20. QUESTION DAYS

(1) Questions may be asked on any sitting day other than at the first sitting of a meeting and on Fridays.

(2) On any question day not more than twelve questions may be asked and so far as practicable Members shall be afforded equal opportunity of asking questions.

(3) Notwithstanding paragraph (2) of this order a question which the Speaker has permitted to be asked in accordance with paragraph (4) of order 21 may be asked on any sitting day.

21. NOTICE OF QUESTIONS

(1) A question shall not be asked without notice except as provided in paragraph (4) of this order.

(2) A Member shall give notice of a question by delivering to the office of the Clerk a copy thereof signed by him.

(3) A Member may not ask more than two questions of which notice has been given on any one question day.

(4) If a Member asks the permission of the Speaker to ask a question without notice on the ground that it is of an urgent character and relates to a matter of public importance or to the arrangement of business, the Speaker may permit the question to be asked without notice, if he is satisfied that it is of that nature and that sufficient private notice of the question has been or is to be given by the Member concerned to the Government to enable the question to be answered.

(5) Notice of a question may specify that the answer thereto may be given in writing.

22. CONTENT OF QUESTIONS

(1) A question shall conform to the following rules-

(a) A question shall not include the names of persons or any statement other than those necessary to make the question intelligible.

(b) A question shall not contain a statement which the Member who asks the question is not prepared to substantiate.

(c) A question shall not contain arguments, inferences, expressions of opinion, imputations, epithets or tendentious, ironical or offensive expressions.

(d) A question shall not refer to debates or answers to questions in the current meeting.

(e) A question shall not refer to proceedings in a Select Committee before that Committee has made its report to Parliament.

(f) A question shall not seek information about a matter which is of its nature secret.

(g) A question shall not reflect on the decision of a court of law or be so framed as to be likely to prejudice a case pending in a court of law.

(h) A question shall not be asked for the purpose of obtaining an expression of opinion, the solution of an abstract legal question, or the answer to a hypothetical proposition.

(i) A question shall not be asked whether statements in the press or of private individuals or private concerns are accurate.

(j) A question shall not be asked about the character or conduct of any person mentioned in paragraphs (7) and (8) of order 36 and a question shall not be asked about the character or conduct of any other person except in his official or public capacity.

(k) A question shall not be asked seeking information which can be found in accessible documents or ordinary works of reference.

(l) A question which has already been set down or has been fully answered shall not be asked again during the same meeting.

(2) If the Speaker is of the opinion that a question of which a Member has given notice to the Clerk, or which a Member has sought to ask without notice, infringes any of the provisions of order 19 or of this order he may direct-

(a) that it be placed on the Order Paper with such alterations as he may direct; or

(b) in the case of a question which a Member has sought to ask without notice, that it may be so asked with such alterations as he may direct; or

(c) that the Member concerned be informed that the question is out of order.

23. ASKING AND ANSWERING OF QUESTIONS

(1) Every question in respect of which a Member has given due notice under the provisions of order 21 and which complies with the provisions of order 19 and order 22 shall be put on the Order Paper for a question day not being earlier than four clear days during which the House sits after the question has appeared on the Notice Paper.

(2) The questions to be asked on each question day shall, subject to the provisions of paragraph (2) of order 20, be placed on the Order Paper by the Clerk in the order in which they appear on the Notice Paper, and in the order indicated by the Member:

Provided that questions which specify that the answer may be given in writing shall be placed after questions which do not so specify.

(3) Subject to paragraph (4) of this order when each question is reached on the Order Paper the Speaker shall call on the Member in whose name the question stands. The Member called shall then rise in his place and ask the question by reference to its number on the Order Paper and the Minister who is to answer it shall give his reply.

(4) When any question specifies that the answer may be given in writing it shall be sufficient reply for the Minister to state that the question has been so answered

prior to the commencement of proceedings on the day of sitting at which the question is reached and thereupon the answer in writing shall be deemed to be read into the minutes of proceedings.

(5) After the Minister has given an answer to a question any Member may put supplementary questions to him for the purpose of elucidating his answer but the Speaker shall refuse to allow a supplementary question to be answered, if in his opinion it introduces matter which is not related to the original question or answer or which infringes any of the provisions of order 19 or order 22.

(6) A Member shall not address Parliament on a question and a question shall not be made a pretext for a debate.

(7) If a Member is not present to ask his question when his name is called, the question shall be postponed until the next question day.

PART G

STATEMENTS AND RAISING OF MATTERS OF PRIVILEGE

24. STATEMENTS BY MINISTERS

(1) A Minister who wishes to make a statement on some public matter for which the Government is responsible shall inform the Speaker of his wish before the beginning of the sitting at which he wishes to make the statement.

(2) No debate may arise on such statement but the Speaker may in his discretion allow short questions to be put to the Minister making the statement for the purpose of elucidating it.

25. MATTERS OF PRIVILEGE

(1) A Member who wishes to raise a matter which he believes affects the privileges of Parliament may, not later than the day before the sitting at which he wishes to raise the matter, inform the Speaker of his wish, stating the facts to which he wishes to draw attention.

(2) When a Member is called by the Speaker to raise a matter of privilege he

shall briefly state the facts to which he wishes to draw the attention of Parliament and the grounds on which he believes that those facts affect the privilege of Parliament.

(3) The Speaker shall then state whether in his opinion the matter may or may not affect the privilege of Parliament.

(4) If the opinion of the Speaker is that the matter raised may affect the privilege of Parliament a Member may without notice move a motion based on that matter of privilege and the motion shall be debated forthwith and in priority to any business arranged in accordance with the provisions of order 15.

PART H

MOTIONS

26. NOTICE OF MOTIONS AND AMENDMENTS

(1) Except as otherwise provided in these Orders or with the prior permission of the Speaker on grounds of public urgency no Member shall move a motion in Parliament unless such motion has appeared in the Notice Paper three clear days before the day on which it is to be considered by Parliament or a committee thereof.

(2) Except as otherwise provided in these Orders no amendment shall be moved to a motion unless either-

(a) notice of the amendment has been given not later than one clear day before the day on which the motion concerned is to be considered by Parliament; or

(b) the Speaker gives leave to dispense with notice of the amendment.

(3) A Member may not, on any day upon which the Business Committee have determined that motions may be moved under paragraph (3) of order 15, move more than two motions in respect of which he shall have given notice or have received the prior permission of the Speaker under paragraph (1) of this order.

27. MANNER OF GIVING NOTICE OF MOTIONS AND AMENDMENTS

(1) Notice of a motion or an amendment shall be given by the delivery of a copy of the proposed motion or amendment in writing signed by the Member to the Clerk who shall thereupon submit a copy to the Speaker.

(2) Subject to paragraph (3) of this order the Speaker may direct that the motion or amendment be printed in the terms in which it was submitted to him or subject to such correction of spelling, punctuation and grammatical errors as he may specify.

(3) If the Speaker is of the opinion that the proposed motion or amendment-

(a) is one which infringes, or the debate on which is likely to infringe, any of the provisions of these Orders; or

(b) is contrary to the Constitution; or

(c) is too long; or

(d) embraces more than one substantive motion or amendment; or

(e) is framed in terms which are inconsistent with the dignity of Parliament; or

(f) contains or implies allegations which in the Speaker's opinion cannot be substantiated by the Member; or

(g) contains matter which is inconsistent with paragraphs (2), (3), (4), (5), (7) or (8) of order 36; or

(h) anticipates a matter already appointed for consideration in Parliament; or

(i) is ambiguous or cannot or may not be understood,

he may direct either that the motion or amendment be returned to the Member as inadmissible or that it be printed with such alterations as may be agreed with the Member.

28. MOTIONS AND AMENDMENTS REQUIRING RECOMMENDATION

(1) In the case of a motion or amendment to a motion, the effect of which, in the opinion of the Speaker, is that provision should be made for any of the purposes set out in section 60 of the Constitution (that is to say, that such motion if carried, would require the introduction of a bill to make provision for imposing or increasing any tax, for imposing or increasing any charge on the Consolidated Fund or other funds of Solomon Islands, including aid funds which have been or might be made available to Solomon Islands or for altering any such charge otherwise than by reducing it, or for compounding or reducing any debt due to Solomon Islands), the Speaker shall first transmit the motion or amendment to the Cabinet with a request that a Minister signify whether or not he will give a recommendation for the purposes of section 60 of the Constitution, and unless the Minister so signifies, the motion or amendment shall neither be printed nor included in any Notice or Order Paper.

(2) Except upon the recommendation of the Cabinet signified by a Minister and recorded in the minutes of the proceedings, Parliament shall not proceed upon such a motion or amendment as is referred to in the preceding paragraph.

29. MANNER OF DEBATING MOTIONS

(1) A Member called upon by the Speaker to move a motion shall rise in his place and, after making such remarks as he may wish to make, shall move the motion, stating its terms.

(2) When a motion has been moved, the Speaker shall propose the question thereon to Parliament or the committee in the same terms as the motion; debate may then take place on that question.

(3) Amendments of which notice has been given or dispensed with in accordance with paragraphs (2)(a) or (2)(b) of order 26 may be moved to a motion at any time after the question has been proposed on that motion by the Speaker; and after all the amendments have been disposed of the Speaker shall again propose the question on the motion or shall propose the question on the motion as amended, as the case may require, and a further debate may take place.

(4) When no more Members wish to speak, the Speaker shall put the question on the motion or on the motion as amended to Parliament or to the committee for its decision.

30. MANNER OF DEBATING AMENDMENTS TO MOTIONS

(1) A Member called upon by the Speaker to move an amendment to a motion shall rise in his place and after making such remarks as he may wish to make shall move the amendment stating its terms.

(2) An amendment to a motion shall take one of the following forms-

(a) leaving out one or more of the words of the motion;

(b) inserting or adding one or more words in the motion or at the end of the motion;

(c) leaving out one or more words of the motion and inserting or adding one or more words instead.

(3) When an amendment has been moved, the Speaker shall thereupon propose the question on the amendment to Parliament or the committee and a debate may then take place on that question.

(4) (a) On an amendment to leave out any of the words of a motion the question proposed by the Speaker shall be that the words proposed to be left out, be left out.

(b) On an amendment to insert words in or to add words at the end of a motion, the question proposed by the Speaker shall be that those words be inserted or added.

(c) On an amendment to leave out words and insert or add other words instead, the Speaker shall propose one question only on the amendment.

(d) When two or more amendments are moved to the same motion the Speaker shall call on the movers in the order in which their amendments relate to the text of the motion, or in case of doubt, in such order as he may determine.

(e) Once the Speaker has proposed a question to leave out words of a motion, no amendment to leave out part only of those words may be proposed unless the earlier amendment is first withdrawn.

31. WITHDRAWAL OF MOTIONS AND AMENDMENTS

(1) A motion or an amendment may be withdrawn at the request of the mover by leave of Parliament or the committee before the question is fully put thereon if there is

no dissenting voice. A motion or amendment which has been so withdrawn may be proposed again if, in the case of a motion, notice required by these Orders is given.

(2) A notice of motion or an amendment may be withdrawn from the Notice Paper at any time before it is moved, if the Member in whose name the motion or amendment stands gives instructions to that effect to the Clerk.

PART I

RULES OF DEBATE

32. TIME AND MANNER OF SPEAKING

(1) A Member shall speak standing and shall address his observations to the Speaker.

(2) When the Speaker rises, during proceedings in Parliament or in committee of the whole House, every other Member shall be seated.

(3) If two or more Members rise at the same time to speak the Speaker shall select a Member and call on him to speak.

(4) When a Member has finished speaking he shall resume his seat and any other Member wishing to speak shall then rise.

(5) A Member shall whenever possible avoid referring to another Member by name.

33. OCCASIONS WHEN A MEMBER MAY SPEAK MORE THAN ONCE

(1) Save with the leave of the Speaker a Member may not speak more than once on a question except-

(a) in committee; or

(b) in explanation as provided in paragraph (2) of this order; or

(c) in the case of the mover of a motion, in reply in accordance with paragraph (3) of this order.

(2) A Member who has spoken on a question may again be heard if the Speaker so permits, to explain some material part of his speech which has been misquoted or misunderstood but when speaking he shall not introduce any new matter.

(3) In Parliament the mover of a motion may reply after all the other Members present have had an opportunity of speaking and before the question is put.

(4) A Member who has spoken on a question may speak again on an amendment proposed to that question and on a motion that the debate be now adjourned, moved during the debate on that question.

(5) No Member may speak on a question after it has been fully put by the Speaker to Parliament or a committee for decision.

34. INTERRUPTIONS

(1) A Member shall not interrupt another Member except-

(a) by rising to call attention to a point of order whereupon the Member speaking shall resume his seat and the Member interrupting shall concisely state the point which he wishes to bring to notice and submit it to the Speaker for decision;
or

(b) to elucidate some matter raised by that Member in the course of his speech, if the Member speaking is willing to give way and resume his seat and the Member wishing to interrupt is called by the Speaker.

(2) The debate on a question may be interrupted-

(a) by a matter of privilege suddenly arising;

(b) by the Speaker intervening to restrain words of heat between Members;

(c) by questions of order;

(d) by a message from the Governor-General;

(e) by a Member presenting himself to take the oath of allegiance;

(f) by a motion that strangers withdraw;

(g) by objection being taken under section 67 of the Constitution that there is not a quorum present;

(h) by the making, by leave of the Speaker, of a ministerial statement.

35. ADJOURNMENT OF DEBATE OR OF PROCEEDINGS OF A COMMITTEE

(1) A Member who has risen to speak on a question proposed by the Speaker may without notice move that the debate on that question be now adjourned. Thereupon the Speaker shall propose the question on that motion.

(2) When a motion that the debate be now adjourned has been carried the debate on the question then before Parliament shall stand adjourned and Parliament shall proceed to the next item of business.

(3) When a motion that the debate be now adjourned has been negatived, the debate on the question then before Parliament shall be continued and no further motion that the debate be now adjourned shall be moved during that debate except by a Minister.

(4) When Parliament is in committee a Member may without notice move that further proceedings of the committee be now adjourned. Thereupon the Speaker shall propose the question on that motion. If the motion is carried the Speaker shall leave the chair of the committee and Parliament shall resume but if the motion is negatived the committee shall continue its proceedings.

(5) It shall not be in order to move an amendment to a motion under the provisions of this order.

36. CONTENT OF SPEECHES

(1) A Member shall restrict his observations to the subject under discussion and shall not introduce matters irrelevant to that subject and without prejudice to the generality of the foregoing shall not introduce into his speech personal references which have no direct relevance to the subject under discussion.

(2) Reference shall not be made to a case pending in a court of law in such a way as, in the opinion of the Speaker, might prejudice that case.

(3) It shall be out of order to attempt to reconsider a specific question on which Parliament has taken a decision during the current or preceding two meetings of that Parliament except on a substantive motion to rescind that decision moved with the permission of the Speaker.

(4) It shall be out of order to use offensive and insulting language.

(5) A Member shall not impute improper motive to another Member or make unbecoming references to his private affairs.

(6) The name of Her Majesty or of the Governor-General shall not be used disrespectfully or to influence Parliament.

(7) The conduct of Her Majesty and members of the Royal Family shall not be called in question.

(8) The conduct of the Governor-General, Ministers and Members and Judges or other persons performing judicial functions shall not be raised.

37. BEHAVIOUR OF MEMBERS NOT SPEAKING

During a sitting-

(a) all Members shall enter or leave Parliament with decorum;

(b) no Member shall cross the floor of Parliament unnecessarily;

(c) Members shall not read newspapers, books, letters, or other documents except such matters therein as may be directly connected with the business of Parliament; and

(d) while a Member is speaking all other Members shall be silent and shall not make unseemly interruptions.

PART J

RULES OF ORDER

38. DECISION OF SPEAKER FINAL

The Speaker shall be responsible for the observance of the rules of order in Parliament and in committee. His decision on a point of order shall be final.

39. ORDER IN PARLIAMENT AND COMMITTEE

(1) The Speaker, after having called the attention of Parliament or the committee to the conduct of a Member who persists in irrelevance or tedious repetition of his own or other Member's arguments in the debate, may direct him to discontinue his speech and if the Member does not immediately comply his conduct shall be deemed grossly disorderly.

(2) The Speaker, in any case where he considers that a Member has deliberately made a remark or statement defamatory of another Member or which contains a personal reference to any person which has no direct relevance to the subject under discussion, may require him to withdraw that remark or statement, and order that such remark or statement be not included in any record of the meeting. If the Member refuses to withdraw his remark or statement, his conduct shall be deemed to be grossly disorderly.

(3) Where any Member has conducted himself in a manner which is grossly disorderly the Speaker may, after giving the Member an opportunity to be heard, either-

(a) reprimand the Member; or

(b) order that a sum not exceeding one hundred dollars be deducted from any salary or allowance which may be due or become due to the Member by virtue of his Membership and paid into the Consolidated Fund; or

(c) suspend the Member for a period not exceeding fourteen sitting days; or

(d) impose two or more of the foregoing penalties.

(4) Any Member may raise the matter of the grossly disorderly behaviour of another Member as though it were a matter of privilege under order 25 and, if it is the opinion of the Speaker that the conduct complained of is capable of being found to be grossly disorderly the Speaker shall express the opinion for the purposes of order 25(4) that the matter raised may affect the privilege of Parliament.

(5) On a motion moved under order 25(4) for the purposes of this order it may be moved that the Member suffer any one or more of the penalties set out in paragraph (2) of this order and if passed such motion shall take effect immediately.

(6) Where any Member is suspended, he shall withdraw immediately from the House and shall not return until his period of suspension has expired and the Sergeant-at-Arms shall act on behalf of the House to ensure compliance with this order.

PART K

VOTING

40. DECISION ON QUESTIONS

All questions proposed for decision in Parliament or the committee shall be determined in accordance with section 71 of the Constitution.

41. COLLECTION OF VOICES

(1) When the debate upon a question is concluded the Speaker shall put the question to Parliament or the committee and, if it shall not have been heard, shall again put it to Parliament or to the committee.

(2) Every Member present in the House when the question is put is required to vote and in case he shall not have heard the question put, the Speaker shall again put the question.

(3) Having put the question the Speaker shall call upon those Members in favour to say "Aye" and immediately thereafter call upon those Members who are against the question to say "No".

(4) As soon as the Speaker has collected the voices of the Ayes and of the Noes, the question being then fully put no other Member may speak on it.

(5) The Speaker may, according to his judgment of the number of voices on either side, then state that he thinks the Ayes have it or that he thinks the Noes have it, as the case may be; and if no Member challenges his statement as provided in the next succeeding paragraph he shall declare the question to have been decided.

(6) If a Member challenges the statement of the Speaker that he thinks the Ayes or the Noes have it by claiming a division, then the Speaker shall order Parliament or the committee, as the case may be, to proceed to a division and the division shall be held forthwith in the manner prescribed in order 42.

(7) Notwithstanding paragraph (4) of this order the Speaker may if in his opinion the division is unnecessarily claimed, take the vote of Parliament or the committee by calling upon the Members who support or who challenge his decision successively to rise in their places and he shall thereupon, as he sees fit, either declare the determination of Parliament or the committee or order a division.

42. DIVISIONS

(1) When a division has been ordered a bell shall be rung for two minutes unless all Members be sooner present. On the conclusion of that time the votes shall be taken by the Clerk who shall ask each Member seated in the House by the time the bell has ceased to ring separately how he wished to vote. A Member shall upon his name being called give his vote by saying "Aye" or "No" or by expressly stating that he abstains from voting.

(2) As soon as the Clerk has taken the votes the Speaker shall state the numbers voting for the Ayes and for the Noes respectively and shall also state the number of abstentions and then declare the result of the division.

(3) No Member shall be entitled to speak while a division is being taken except to a point of order which, if raised, shall immediately be dealt with by the Speaker without debate.

(4) If a Member states that he voted in error or that his vote has been counted wrongly, he may claim to have his vote altered if his statement is made before the Speaker has declared the result of the division.

PART L

PROCEDURE ON BILLS

43. FORM OF BILLS

(1) A Bill submitted for presentation shall conform with the requirements of this order.

(2) The Bill shall be given a short title corresponding to the title by which it is to be cited if it becomes law.

(3) The Bill shall be given a long title setting out the purposes of the Bill in general terms:

Provided that a Bill to amend those provisions of the Provincial Government Act 1981 referred to in section 43(1) of that Act shall in the long title show that it is intended to amend such provisions.

(4) The clauses of the Bill shall be preceded by the enacting formula prescribed by law.

(5) The Bill shall be divided into clauses numbered consecutively and having a descriptive note in the margin or at the head of each clause:

Provided that matters of detail dependent upon the provisions of the Bill may be annexed to the Bill in the form of a schedule or schedules.

(6) An explanatory memorandum stating the contents and objects of the Bill in non-technical language shall be attached to the Bill.

(7) In the case of a Bill involving the expenditure of public money, the explanatory memorandum shall set out briefly the financial effect of the Bill and contain estimates, where possible, of the amount of money involved.

(8) In the case of any Bill amending an existing Act by reference to part only of individual sections of that Act, the Speaker may require that the Bill include as an annexure the whole of those sections of the existing Act indicating clearly the amendments that are proposed to be made by the Bill.

44. NOTICE OF PRESENTATION OF BILLS

(1) Subject to paragraph (2) of this order and section 61(4) of the Constitution a Member may at any time give notice of his intention to present a Bill; such notice shall be accompanied by a copy of the Bill and memorandum required by order 43 for submission to the Speaker.

(2) A Member who is not a Minister shall, not less than twelve clear days before the first reading of the Bill, give notice of his intention to present a Bill.

(3) In the case of a Bill having any effect such as is described in paragraph (1) of order 28, the notice shall be accompanied by a certificate signed by a Minister stating that Cabinet's recommendation shall be signified to the Bill on second reading.

(4) In the case of a Bill which includes any provision-

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

(b) affecting the functions of a Provincial Executive,

the notice shall be accompanied either by a certificate signed by the Speaker of each Provincial Assembly or a member of each Provincial Executive affected by the Bill stating the date on which a copy of the Bill was received by the Provincial Assembly or Provincial Executive as the case may be or by such other evidence that a copy of the Bill has been sent to the Provincial Assembly or Provincial Executive as the Speaker may in his discretion deem satisfactory.

(5) A Member submitting such a Bill for presentation shall be known throughout the subsequent proceedings on the Bill as the Member in charge of the Bill.

45. EXAMINATION OF BILLS BY THE SPEAKER

(1) The Speaker shall examine every Bill submitted for presentation and shall satisfy himself that it complies with the requirements of orders 43 and 44.

(2) If the Speaker is not satisfied that the Bill complies with the requirements as aforesaid, he shall instruct the Clerk so to inform the Member in charge of the Bill and no further proceedings shall be taken in respect of the Bill.

46. PRESENTATION AND PUBLICATION OF BILLS

(1) If the Speaker is satisfied that the Bill complies with the requirements of orders 43 and 44 he shall endorse the Bill to that effect; the Bill shall then be deemed to have been presented to Parliament.

(2) As soon as may be after presentation of a Bill the Clerk shall cause the text of the Bill as contained in the copy submitted to the Speaker and the explanatory memorandum required by order 43 to be published in such manner as the Speaker may direct and copies of the text of the Bill and memorandum as so published shall be sent to every Member.

47. FIRST READING OF BILLS

(1) The short title of every Bill presented in accordance with order 46 shall be placed upon the Order Paper for first reading on the next sitting day after it shall have been published.

(2) No debate shall be allowed upon the first reading of a Bill and the Bill shall be deemed to have been read the first time upon the Clerk reading the short title.

(3) When a Bill has been read the first time Parliament shall be deemed to have ordered the Bill to be set down for second reading in accordance with the provisions of order 15 and the order of Parliament shall be so recorded in the minutes of proceedings and notice of motion for second reading shall not be required to be given by the Member in charge of the Bill.

48. SECOND READING OF BILLS

(1) In the case of a Bill having any effect such as is described in paragraph (1) of order 28 the Speaker shall call for the signification of the recommendation of the Cabinet by a Minister before Parliament enters upon consideration of the second reading of the Bill and the motion that the Bill be now read a second time shall not be moved unless such recommendation has been signified.

(2) The signification of the Cabinet's recommendation shall be recorded in the minutes of proceedings.

(3) A Bill to amend those provisions of the Provincial Government Act referred to in section 43(1) of that Act shall not be read a second time until 28 days have elapsed since the first reading.

(4) A Bill including the provisions referred to in paragraph (4) of order 44 shall not be read a second time until the Speaker is satisfied that adequate notice of such provisions has been given to each Provincial Assembly or Provincial Executive concerned.

(5) Parliament shall proceed to the second reading of a Bill on a motion that the Bill be now read a second time and on this motion a debate may arise confined to the general merits and principles of the Bill.

(6) No amendment may be proposed to the question that the Bill is now read a second time.

(7) When a motion for the second reading of a Bill has been negatived no further proceedings shall be taken on that Bill.

49. COMMITTAL OF BILLS

(1) When a Bill has been read a second time it shall stand committed to a committee of the whole House unless-

(a) Parliament, on a motion which may be moved without notice by any Member immediately after the Bill has been read a second time, commits the Bill to a Select Committee; or

(b) the Speaker is of the opinion that the Bill would specially benefit or otherwise specially affect some particular person or association or corporate body, in which case he shall direct that the Bill be committed to a Select Committee.

(2) Proceedings on a Bill in committee of the whole House shall be begun upon a day appointed in accordance with the provisions of order 15 and notice of the committal shall not be required to be given by the Member in charge of the Bill.

(3) Proceedings upon a Bill in Select Committee shall be begun upon a day appointed in accordance with paragraph (2) of order 72.

50. FUNCTIONS OF COMMITTEES ON BILLS

(1) Any committee to which a Bill is committed shall not discuss the principles of the Bill but only its details.

(2) Any such committee shall have power to make such amendments therein as they shall think fit, provided that the amendments, including new clauses and new schedules, are relevant to the subject-matter of the Bill and are otherwise in conformity with these Orders; but if any amendment shall not be within the title of the Bill the committee shall amend the title accordingly and report the same specially to Parliament.

51. AMENDMENTS TO BILLS

(1) The provisions of this order shall apply to amendments proposed to be moved to Bills in committee of the whole House in a Select Committee and on re-committal.

(2) Notice of amendments proposed to be moved to a Bill shall be given not later than one clear day before that on which the Bill is to be considered in committee and except with the leave of the Speaker no amendment of which notice has not been so given may be moved to a Bill.

(3) The provisions of order 27 shall apply to notices of amendments to Bills.

(4) The following additional provisions shall apply to amendments relating to Bills-

(a) an amendment must be relevant to the subject-matter of the Bill and to the subject-matter of the clause to which it relates;

(b) an amendment must not be inconsistent with any clause already agreed to or with any previous decision of the committee upon the Bill;

(c) an amendment must not be such as to make the clause which it proposes to amend unintelligible or ungrammatical;

(d) an amendment which is in the opinion of the Speaker or in the case of a Select Committee the Chairman, frivolous or meaningless may not be moved.

(5) If an amendment refers to, or is not intelligible without a subsequent amendment or schedule, notice of the subsequent amendment or schedule must be given before the first amendment is moved so as to make the series of amendments intelligible as a whole.

(6) Except upon the recommendation of the Cabinet signified by a Minister and recorded in the minutes of proceedings, the committee shall not proceed upon any amendment to which the provisions of order 28 apply.

(7) The Speaker or in the case of a Select Committee, the Chairman may at any time during the discussion of a proposed amendment withdraw it from the consideration of the committee if, in his opinion the discussion shall have shown that the amendment violates the provisions of this order.

52. PROCEDURE IN COMMITTEE OF THE WHOLE HOUSE ON A BILL

(1) The Speaker in committee of the whole House shall call the number of each clause in succession. If no amendment is proposed thereto, or when all proposed amendments have been disposed of, he shall propose the question "That the clause (or the clause as amended) stand part of the Bill" and when all Members who wish to speak thereon have spoken, he shall put the question to the committee for its decision.

(2) Notwithstanding the provisions of paragraph (1) of this order, the Speaker may, if no member objects or has given notice of any amendment to any clause affected, call the numbers of more than one clause or group of clauses, in which case he shall propose the question "That the clauses (or group of clauses) stand part of the Bill".

(3) In order to save time and repetition or arguments, the Speaker may allow a

single discussion to cover a series of interdependent amendments.

(4) The provisions of order 30 shall apply to the discussion of amendments to Bills with the substitution of the word "clause". for the word "motion".

(5) Consideration of a clause may be postponed, unless a decision has already been taken upon an amendment thereto. Postponed clauses shall be called again after the remaining clauses of the Bill have been considered.

(6) A clause may be replaced or a new clause inserted at the proper and logical stage during the course of consideration of the clauses of the Bill.

(7) The Speaker shall call on the Member in whose name the clause stands and upon such Member moving "That clause. . . be replaced by the following clause" or "That the following clause be inserted immediately after clause". The Speaker shall propose the question thereon and debate may then take place on that question and any amendments to the clause may be proposed. Thereafter the final question shall be proposed and if this is agreed to the Bill shall be amended accordingly without any further question, and any renumbering or other minor consequential amendment may be carried out by the Clerk.

(8) Schedules shall be disposed of and a schedule may be replaced or a new schedule inserted in the same way as clauses.

(9) When every clause and schedule and proposed new clause or schedule has been dealt with, the preamble, if there is one, shall be considered and the question put "That this be the preamble to the Bill". No amendment to the preamble shall be considered which is not made necessary by a previous amendment to the Bill.

(10) If any amendment to the title of the Bill is made necessary by amendment to the Bill, it shall be made at the conclusion of the proceedings detailed above but no question shall be put that the title (as amended) stand part of the Bill; nor shall any question be put upon the enacting formula.

(11) An amendment, proposed new clause or proposed new schedule, upon which a question has been proposed, may be withdrawn at the request of the mover by leave of the committee before the question has been fully put on it, if no Member objects.

(12) When all the proceedings upon the Bill have been concluded in committee the Speaker shall return to his chair and the Member in charge of the Bill shall report the bill to Parliament with or without amendment as the case may be.

53. PROCEDURE ON REPORTING OF BILL FROM COMMITTEE OF THE WHOLE HOUSE

(1) When a Bill has been reported from a committee of the whole House, Parliament shall be deemed to have ordered the Bill to be set down for third reading in accordance with the provisions of order 15 and the order of Parliament shall be so recorded in the minutes of proceedings and notice of motion for third reading shall not be required to be given by the Member in charge of the Bill.

(2) If any Member desires to propose further amendments to a Bill as reported from a committee of the whole House, he shall give notice of such further amendments and may, not later than the day before that on which the Bill is set down for third reading upon the Order Paper, give notice of a motion that the Bill be recommitted, either as a whole or in respect only of some specified clause or clauses or schedule or schedules or some proposed new clause or new schedule. Such a motion shall be placed on the Order Paper immediately before the motion for the third reading of the Bill.

(3) When a motion for recommitment has been moved no amendments may be proposed to it except amendments to widen the scope of the proposed recommitment.

(4) When a motion for recommitment is agreed to, the Bill shall stand recommitted as required by the motion and Parliament shall immediately resolve itself into a committee of the whole House to consider it.

(5) When a motion for recommitment is negatived Parliament shall forthwith proceed to the third reading of the Bill.

54. PROCEEDINGS ON RECOMMITMENT OF BILL REPORTED FROM COMMITTEE OF THE WHOLE HOUSE

(1) When the whole of a Bill has been recommitted the committee shall go through the Bill as provided in order 52.

(2) When a Bill has been recommitted in respect only of some specified clause or clauses or schedule or schedules of the Bill, or some proposed new clause or new schedule, the committee shall consider only the matter or matters in respect of which the Bill has been so recommitted and shall proceed on every such clause or schedule in the manner provided in order 52 and if necessary may thereafter consider amendment of the long or short title of the Bill:

Provided that if the Speaker considers it necessary or desirable he may require the whole Bill to be recommitted as in paragraph (1) of this order.

(3) When all proceedings in committee of the whole House on a recommitted Bill have been completed the Speaker shall return to his chair and the Member in charge of the Bill shall report the Bill as amended (or as not amended) on recommitment to Parliament.

(4) When the Bill has been so reported after recommitment Parliament shall forthwith proceed to the third reading of the Bill unless the Member in charge states that he wishes the third reading to be postponed and in the latter event the provisions of paragraph (1) of order 53 shall apply but no further motion to recommit the Bill shall be allowed.

55. PROCEDURE IN SELECT COMMITTEE ON A BILL

(1) A Select Committee considering a Bill shall conform with the provisions of order 72 but before reporting the Bill to Parliament it shall go through the Bill in the same manner as a committee of the whole House as prescribed in order 52.

(2) When a Bill has been amended in a Select Committee, the whole text of the Bill as amended shall, if practicable, be printed as part of the report of the Select Committee but if this is not practicable the text of every clause or schedule amended, and of every new clause or new schedule added, shall be so printed.

(3) When all the proceedings upon the Bill have been concluded in a Select Committee and the committee has agreed to its report, the Chairman shall, at the next sitting of Parliament, report the Bill, with or without amendment as the case may be, to Parliament and shall lay a copy of the report of the committee upon the Table.

56. PROCEDURE ON REPORTING OF BILL FROM SELECT COMMITTEE

(1) When a Bill has been reported from a Select Committee Parliament may consider the Bill as reported on a motion that the report of the Select Committee on the Bill be adopted.

(2) If that motion is carried without amendment Parliament shall be deemed to have ordered the Bill to be set down for third reading in accordance with the provisions

of order 15 and the order of Parliament shall be so recorded in the minutes of proceedings, and notice of third reading shall not be required to be given by the Member in charge of the Bill.

(3) On a motion to adopt the report of a Select Committee on a Bill moved under paragraph (1) of this order, a Member may propose an amendment to add at the end of the motion the words "subject to the recommittal of the Bill (either wholly or in respect only of some particular part or parts of the Bill or of some proposed new clause or new schedule) to a committee of the whole House".

(4) If the motion is carried as amended in accordance with paragraph (3) of this order, the Bill shall stand recommitted as required by the motion and Parliament shall immediately resolve itself into a committee of the whole House to consider it.

57. PROCEEDINGS ON RECOMMITTAL OF BILL REPORTED FROM SELECT COMMITTEE

(1) When a Bill reported from a Select Committee has been recommitted, the proceedings on recommitment shall be subject to the provisions of order 54.

58. THIRD READING OF BILLS

(1) Parliament shall proceed to the third reading of a Bill on a motion that the Bill be read the third time and do pass. Debate on that motion shall be confined to the contents of the Bill and no amendment may be moved to the motion.

(2) Amendments for the correction of errors or oversights may, with the Speaker's permission, be made to the Bill before the question for the third reading of the Bill is put by the Speaker, but no amendments of a material character shall be proposed.

(3) When a motion for the third reading of a Bill has been carried the Clerk shall read the short title of the Bill and shall write at the end of the Bill the words "Passed by the National Parliament of Solomon Islands this day" giving the date.

(4) When a motion for the third reading of a Bill has been negatived no further proceedings shall be taken on that Bill.

59. WITHDRAWAL OF BILLS

The Member in charge of a Bill may, at the beginning of the proceedings on a Bill at a sitting, announce that he withdraws the Bill. And such Bill shall thereupon stand withdrawn and no further proceedings shall be taken on it.

60. PRESENTATION OF BILLS FOR ASSENT BY THE GOVERNOR-GENERAL

A copy of every Bill passed by Parliament, certified as a true copy by the Clerk, shall be submitted by the Clerk to the Governor-General for his assent.

PART M

FINANCIAL PROCEDURE

61. PRESENTATION AND SECOND READING OF APPROPRIATION BILL

(1) Any Appropriation Bill for the purposes of section 102 of the Constitution presented to Parliament shall be accompanied by the estimates of revenue and expenditure referred to in subsection (1) of that section.

(2) After the motion for the second reading of an Appropriation Bill has been proposed the debate thereon shall be adjourned and shall be resumed not earlier than the day following, after which three further days shall be allotted for the second reading of the Bill. The debate upon second reading when resumed, shall be confined to the financial and economic state of Solomon Islands and the general principles of Government policy and administration as indicated by the Bill and estimates. Unless the debate is concluded earlier, the Speaker shall at 4.30 p.m. on the last day allocated for the second reading put any question necessary to bring the proceedings thereon to a conclusion.

(3) For the purposes of this order and order 63 an allotted day shall be any day on which the consideration of the Appropriation Bill whether by Parliament or in the Committee of Supply, stands as the only motion or Bill set down by the Prime Minister upon the Order Paper in accordance with the provisions of order 15.

62. THE COMMITTEE OF SUPPLY

(1) There shall be a Committee of the whole House to be called the Committee

of Supply. Subject to the provisions of order 79 the deliberations of the Committee of Supply shall be in public.

(2) The estimates shall upon presentation to Parliament stand referred to the Committee of Supply and the Appropriation Bill upon being read a second time shall stand committed to that committee.

63. ALLOTMENT OF TIME IN COMMITTEE OF SUPPLY

(1) A maximum of four days shall be allotted for discussion of the Appropriation Bill in Committee of Supply.

(2) This period may be extended if the question on the second reading of the Bill was carried on a day earlier than the last day allotted for the debate on second reading as the day or days thus saved may be added to the days allotted under this paragraph.

(3) The Speaker may name the hour upon any day allotted under paragraph (1) of this order as being the time at which proceedings upon any head in the schedules to the Bill, on any schedule of, or on the clauses of the Bill shall be concluded. If in the case of any head or schedule or of the clauses the hour so named is reached before the business concerned is disposed of the Speaker shall thereupon put any question necessary to dispose of that business.

(4) If in the case of any head or schedule the proceedings thereon are concluded before the hour named in accordance with paragraph (3) of this order, the Committee of Supply may forth-with proceed to the next business.

64. PROCEDURE IN COMMITTEE OF SUPPLY

(1) On the consideration of the Appropriation Bill in Committee of Supply the clauses of the Bill shall stand postponed until after consideration of the schedule or schedules.

(2) On consideration of the schedules each head shall be considered with the appropriate estimate and any reference in these Orders to a subhead or an item means a subhead or an item in the estimates for the head then under discussion.

(3) On the consideration of a schedule, the Speaker shall call the title of each head in turn and shall propose the question "That the sum of \$ for head stand part of the schedule" and unless an amendment is proposed under the provisions

of the next succeeding order, a debate may take place on that question. Any such debate shall be confined to the policy of the service for which the money is to be provided and shall not deal with the details of any item or subhead but may refer to the details of revenue or funds for which that service is responsible.

(4) When all the heads in a schedule have been disposed of the Speaker shall put forthwith, without amendment or debate, the question "That the schedule (as amended) stand part of the Bill".

(5) When every schedule has been disposed of the Speaker shall call successively each clause of the Bill and shall forthwith propose the question "That the clause stand part of the Bill" and, unless a consequential amendment is moved, that question shall be disposed of without amendment or debate.

(6) No amendment may be moved to any clause except any amendment consequential on an alteration in the total sum appropriated by any schedule. Any such consequential amendment shall be moved by a Minister only and may be moved without notice and the question thereon shall be put forthwith without amendment or debate. When the question on the last of any such amendments to a clause has been decided the Speaker shall forthwith put the question "That the clause as amended stand part of the Bill" and that question shall then be decided without amendment or debate.

(7) When the question upon every clause of the Bill has been decided, the Speaker shall return to his chair and the Member in charge of the Bill shall report the Bill to Parliament with or without amendment as the case may be.

65. AMENDMENTS TO HEADS IN COMMITTEE OF SUPPLY

(1) Notwithstanding the provisions of paragraph (2) of order 51 no amendment shall be moved in the Committee of Supply under this order until one clear day after that on which it was published in the Notice Paper.

(2) Except upon the recommendation of the Cabinet to be signified by a Minister and recorded in the minutes of proceedings, the committee shall not proceed upon any amendment which in the opinion of the Speaker increases the sum allotted to any head whether in respect of any item or subhead or of the head itself; every such amendment shall take the form of a motion "That head be increased by \$ (in respect of subhead item)".

(3) An amendment to increase a head whether in respect of any item or subhead or of the head itself shall take precedence over an amendment to reduce the head in the same respect and if it is carried no amendment to reduce the head in that respect shall be called.

(4) Except upon the recommendation of the Cabinet to be signified by a Minister and recorded in the minutes of proceedings, the committee shall not proceed upon any amendment which in the opinion of the Speaker has any effect such as is mentioned in paragraph (1) of order 28.

(5) Subject to the provisions of paragraph (4) of this order, an amendment to any head to reduce the sum allotted thereto in respect of any item therein may be moved by any Member, and shall take the form of a motion "That head be reduced by \$ _____ in respect of (or by omitting) subhead _____ item _____'.

(6) An amendment to reduce a head in respect of any subhead or by omitting a subhead shall only be in order if the subhead is not itemised.

(7) An amendment to reduce a head without reference to a subhead therein shall only be in order if the head is not divided in subheads.

(8) An amendment to omit a head shall not be in order and shall not be placed on the Order Paper.

(9) In the case of each head, amendments in respect of items or subheads in that head shall be placed upon the Order Paper and considered in the order in which the items or subheads to which they refer stand in the head in the estimates.

(10) When notice has been given of two or more amendments to reduce the same item, subhead or head, they shall be placed upon the Order Paper and considered in the order of the magnitude of the reductions proposed, the amendment proposing the largest reduction being placed first in each case.

(11) Debate on every amendment shall be confined to the item, subhead or head to which the amendment refers and after an amendment to an item or subhead has been disposed of, no amendment or debate on a previous item or subhead of that head shall be permitted.

(12) When all amendments standing on the Order Paper in respect of any

particular head have been disposed of the Speaker shall again propose the question "That the sum of \$ for head stand part of the schedule", or shall propose the amended question "That the (increased) (reduced) sum of \$ for head stand part of the schedule", as the case may require. The debate on any such question shall be subject to the same limitations as apply to a debate arising under paragraph (3) of order 62.

66. THIRD READING OF APPROPRIATION BILL

The motion for third reading of the Appropriation Bill shall be decided without amendment or debate.

67. SUPPLEMENTARY APPROPRIATION BILLS

If from time to time, whether in the course of a particular financial year or after its close, a Supplementary Appropriation Bill for the purposes of section 102 of the Constitution is presented, the Bill, after the motion for the second reading has been proposed, shall stand committed to the Committee of Supply and the provisions of orders 64, 65 and 66 shall apply in the same manner as to an Appropriation Bill.

PART N

SELECT AND SPECIAL COMMITTEES

68. APPOINTMENT, NOMINATION AND FUNCTIONS OF SELECT COMMITTEES

(1) Parliament may appoint, under Standing Orders or by an Order specially made, one or more Select Committees to consider matters or Bills which Parliament may refer to the committee.

(2) A Select Committee appointed under Standing Orders shall be termed a "Standing Select Committee".

(3) A Select Committee appointed under an Order specially made shall be termed a "Special Select Committee".

(4) The Speaker shall decide the size of every Select Committee and shall nominate the chairman and members thereof.

(5) A Standing Select Committee may from time to time report to Parliament concerning the matters referred to it and shall not be dissolved save in accordance with paragraph (7) of this order.

(6) A Special Select Committee shall, as soon as it has completed considering the matter or Bill referred to it, report to Parliament thereon and the committee shall thereupon be dissolved. If the committee is of the opinion that it will not be able to complete consideration of the matter or Bill before the day appointed for the dissolution of Parliament in accordance with section 73 of the Constitution it shall so report to Parliament.

(7) Upon the dissolution of Parliament every Select and Special Committee of Parliament shall be dissolved.

69. PUBLIC ACCOUNTS COMMITTEE

LN 23/1995

(1) There shall be a Standing Select Committee designated the Public Accounts Committee whose functions shall be-

(a) to examine the accounts prescribed by section 38 of the Public Finance and Audit Act, together with the report of the Auditor-General thereon, and to report the results of such examination to Parliament;

(b) to establish the causes of any excesses over authorised expenditure and to make recommendations to Parliament on any appropriate measures to cater for such excesses of expenditure;

(c) to examine such other accounts laid before Parliament as the Committee may think fit, together with any auditor's report thereon and to report the results of such examination to Parliament;

(d) to summon any public officer to give information on any explanation, or to produce any records or documents which the Committee may require in the performance of its duties;

(e) to consider in detail the Draft Estimates prepared by the Government in support of the Annual Appropriation Bill;

(f) to summon and examine the Accounting Officers and Technical staff of Ministries and Departments and require the production of background information and explanation in relation to draft estimates;

(g) to report to Parliament in such a way that the report may inform Members prior to the Parliamentary debate thereon of the background to the Draft Estimates and draw attention to those matters which the Committee feels should be the subject for such Parliamentary debate; and

(h) to make such recommendations as the Committee sees fit and subsequently receive comments and reports on such recommendations from the Government.

(2) The Auditor-General or his nominee shall be the Secretary to the Committee and shall make available to the Committee the services of his staff and other facilities of his office.

70. PARLIAMENTARY HOUSE COMMITTEE

LN 23/1995

(1) There shall be a Standing Select Committee designated the Parliamentary House Committee whose functions shall be-

(a) to consider and advise appropriate authorities on such matters that are connected with Members' terms and conditions of service;

(b) to oversee and supervise matters connected with the management and administration of the facilities and property of Parliament which are not provided for in any other specific rules or regulations;

(c) to consider, decide on and advise Parliament on all matters that are connected with Parliamentary business for its meetings and sittings;

(d) to examine and make recommendations on any matters which are connected with the provisions of sections 62 and 69 of the Constitution;

(e) to make rules and guidelines governing the Members' use of Parliament facilities;

(f) to report regularly to Parliament of any action taken pursuant to these Orders.

71. BILLS AND LEGISLATION COMMITTEE

LN 23/1995

There shall be a Standing Select Committee designated the Bills and Legislation Committee whose functions, in addition to the provisions of orders 50 and 55, shall be to-

(a) examine such matters as may be referred to it by Parliament or the Government;

(b) review all draft legislation prepared for introduction into Parliament;

(c) examine all subsidiary legislation made under any Act so as to ensure compliance with the Acts under which they are made;

(d) monitor all motions adopted by Parliament which require legislative action;

(e) review current or proposed legislative measures to the extent it deems necessary;

(f) examine such other matters in relation to legislation that, in the opinion of the Committee, require examination; and

(g) make a written report to each meeting of Parliament containing the observations and recommendations arising from the Committee's deliberations.

71A. CONSTITUTION REVIEW COMMITTEE

LN 23/1995

There shall be a Standing Select Committee designated the Constitution Review Committee whose functions shall be-

(a) to review the Constitution regularly and advise the Government on any changes as the Committee may deem necessary;

(b) to examine any proposed changes to the Constitution and request submissions of views thereon from individuals or groups;

(c) to deal with and advise on any matters relating to the use, abuse or misuse of constitutional powers, rights or responsibilities;

(d) to report to Parliament in accordance with order 72(11).

71B. FOREIGN RELATIONS COMMITTEE

LN 23/1995

There shall be a Standing Select Committee designated the Foreign Relations Committee whose functions shall be to examine and make its observations and recommendations on-

(a) the establishment of new diplomatic and consular relations and the severing of existing ties;

(b) the accession to and signing and ratification of international treaties and conventions;

(c) the appointment of Ambassadors and High Commissioners or other principal representatives of Solomon Islands in any other country or accredited to any international organisations;

(d) the application of the Geneva Convention relating to diplomatic immunities and privileges;

(e) the receiving of foreign assistance and the administration and management thereof;

(f) the regulations, terms and conditions of service of employees of regional bodies of which Solomon Islands is a member;

(g) the Government's conduct of its foreign policy.

72. PROCEDURE OF SELECT COMMITTEES

(1) The deliberations of a Select Committee shall be confined to the matter or matters referred or assigned to it by Parliament or by or under these Orders and in the case of a Select Committee on a Bill its deliberations shall be confined to the Bill committed to it and relevant amendments.

(2) A Select Committee shall sit at the times determined by the Chairman and may continue to sit although Parliament may be adjourned. The sittings of all Select Committees shall be held in private unless the Committee otherwise orders.

(3) The quorum of a Select Committee shall be one-third of the members excluding the Chairman, a fraction of the whole number being discarded.

(4) If the Chairman is unable to be present at a sitting the Committee shall elect a member of the Committee to act as Chairman in his place for the period during which he is absent.

(5) The clerk to the Committee appointed under paragraph (7) of Order 6 shall attend meetings of the Committee and shall keep the minutes of proceedings of the Committee.

(6) Divisions in a Select Committee shall be taken by the clerk to the Committee who shall ask each member of the Committee separately how he wishes to vote and record the votes accordingly.

(7) Neither the Chairman nor any other member acting in his place shall vote, unless the votes of other members are equally divided in which case he shall give a casting vote.

(8) (a) A member of a Select Committee may bring a report for its consideration. When all the reports have been brought up the Chairman shall propose the reports in order until one is accepted as a basis for discussion, beginning with his own report and proceeding with the remainder in the order in which they were brought up. The question to be proposed by the Chairman on a report shall be "That the Chairman's (or Mr 's) report be read a second time paragraph by paragraph". When this question has been agreed to, it shall not be proposed on further reports but portions thereof may be offered as amendments to the report under consideration, if they are relevant to it.

(b) The Committee shall then go through the report paragraph by paragraph and the provisions of order 52 shall apply as if the report were a Bill and the paragraphs were the clauses of the Bill.

(c) When consideration of the report paragraph by paragraph is concluded and when all proposed new paragraphs have been considered the Chairman shall put the question that this report be the report of the Committee to Parliament.

(9) A Select Committee may make a special report relating to the powers, functions and proceedings of the Committee on matters which it thinks fit to bring to the notice of Parliament.

(10) The minutes of proceedings of the Committee shall record all proceedings on consideration of a report or Bill in the Committee and on every amendment proposed to the report or Bill, with a note of divisions, if divisions were taken in the Committee, showing the names of members voting in the divisions or declining to vote.

(11) A report or special report, with the minutes of proceedings of a Select Committee and the minutes of evidence, if evidence was taken, shall be laid on the Table by the chairman of the committee in accordance with order 17:

Provided that, if a committee has concluded its report at a time when Parliament is not meeting, that report shall be deemed for all purposes to have been laid upon the Table if it is delivered to the office of the Clerk by the Chairman of the Committee; and the Clerk shall record in the minutes of proceedings of the day on which Parliament next sits the date upon which the report was so delivered.

73. SPECIAL COMMITTEES

(1) Parliament may, on the motion of any Member, appoint under this order or by an order specially made, a Special Committee to consider a matter of public importance upon which Parliament wishes the Government to initiate a Bill or take other legislative or administrative action.

(2) Such Special Committee shall comprise both members and persons who are not Members but who have special knowledge of, or expertise related to, the matter to be considered by the committee.

(3) The members to serve on the committee shall be appointed by the Speaker; those persons to serve on the committee who are not Members shall be appointed by the Speaker upon the nomination of the Minister to whom the committee is required to report.

(4) The motion moving the appointment of a Special Committee shall specify a Minister to whom the committee shall deliver its report. The Minister shall appoint a

secretary to the committee.

(5) A Special Committee, before proceeding to any other business shall elect a Chairman who shall be one of the Members appointed to the committee and who shall hold office during the life of the committee. In the absence of the Chairman the committee shall elect any one of its members to temporarily act as Chairman.

(6) When a Special Committee has considered its proceedings it shall present a report to the Minister specified in accordance with paragraph (4) of this order. As soon as Parliament meets after receiving the report of the committee, the Minister shall lay the same on the Table together with his proposals as to the action which he proposes to take thereon.

(7) Subject to the provisions of this order, proceedings of a Special Committee shall be in accordance with order 72.

74. PREMATURE PUBLICATION OF EVIDENCE

The evidence taken before any Select or Special Committee and documents presented to or a report prepared by such committee shall not be published by a member thereof or by any other person before such time as the committee shall have presented its report to Parliament or the Minister has tabled the report as the case may be.

75. ATTENDANCE AT COMMITTEES

(1) Members of Parliament nominated in accordance with order 68(4) to serve on a Select Committee or Special Committee shall be entitled to remuneration or allowances for so attending only in accordance with the provisions of the Parliamentary Financial Rules from time to time in force.

(2) The Speaker, who for this purpose may consult with the Chairman of the Committee concerned, may, if any member fails without good reason to attend the meetings of any committee to which he has been appointed, reprimand that member in respect of his failure to attend.

(3) If, after receiving two such reprimands, the member again fails without good reason to attend the meetings of the committee, the Speaker may, after giving the member an opportunity to be heard, order the Clerk to deduct from any salary or allowances of the member which may be due to the member by virtue of his membership a sum of money, not exceeding ten dollars in respect of each meeting

which the member has failed to attend and to pay such moneys into the Consolidated Fund.

PART O

MISCELLANEOUS MATTERS

76. ELECTION OF GOVERNOR-GENERAL

If Parliament shall consider that it be necessary to hold an election before making an address to the Head of State in accordance with section 27 of the Constitution, such election shall be carried out in the manner prescribed by order 5, save only that nomination papers shall be issued to Members not less than three clear days before the date fixed for the election.

77. EMPLOYMENT OF MEMBERS IN PROFESSIONAL CAPACITY

No Member shall appear before Parliament or a committee thereof as a legal practitioner acting for or on behalf of any person or otherwise in a capacity for which he is to receive a fee or award.

78. DECLARATION AND DISCLOSURE OF PERSONAL INTEREST

(1) Every Member shall, not later than the day before he makes his oath of allegiance pursuant to section 63 of the Constitution, submit to the Speaker a written declaration of all shares and interests he may have in any company or business undertaking that has any contract with the Government and of any office of director or manager he may hold in any company or business undertaking (whether or not it has a contract with the Government) and thereafter, upon his acquisition of any such share or interest or appointment to such office, he shall make such a declaration before the next sitting of Parliament he attends following upon the acquisition of that share or interest or appointment to that office.

(2) The Speaker shall maintain a record of all declarations made under paragraph (1) of this order and shall not disclose any of the contents of the same except upon a motion to that effect passed by Parliament, a request made pursuant to any Act of Parliament, or where he considers it fit and proper to do so.

(3) A Member shall not move any motion or amendment relating to a matter in

which he has a direct personal pecuniary interest or speak or vote on any such matter, whether in Parliament or in any committee, without disclosing the nature of that interest.

(4) A motion to disallow a Member's vote on the ground of non-disclosure of his personal pecuniary interest may be moved without notice by any Member immediately upon the statement of the numbers voting in a division by the Speaker, but not otherwise.

(5) The Speaker shall have discretion whether or not to propose the question upon such a motion; and in exercising such discretion he shall have regard to the nature of the question upon which the vote was taken and to the consideration whether the interest therein of the Member whose vote is challenged is direct and pecuniary and not an interest in common with the rest of the inhabitants of Solomon Islands or whether his vote was given on a matter of state policy.

(6) If the question for the disallowance of a Member's vote is proposed, the Member concerned may be heard in his place but he shall then withdraw from Parliament or committee for the duration of the debate and any vote on the question.

(7) If a motion for the disallowance of a Member's vote is carried the Speaker shall direct the Clerk to alter the numbers voting in the original division accordingly.

79. ADMISSION OF PRESS AND PUBLIC

Subject to such Rules as may be made from time to time by the Speaker, members of the public and of the press shall be admitted as spectators of sittings of Parliament. The Sergeant-at-Arms shall ensure that any such Rules are complied with.

80. WITHDRAWAL OF STRANGERS

(1) A Member may without notice at any time during a sitting of Parliament or a committee rise and move that strangers do withdraw, specifying whether the withdrawal is to be for the remainder of that day's sitting or during the consideration of certain business. The Speaker shall forthwith put the question on such motion and Parliament or the committee shall dispose of it before proceeding further with the business which was before it when the motion was moved.

(2) The Speaker may at any time order strangers to withdraw and the doors of the House to be closed.

(3) When an order has been made by Parliament or committee, or by the Speaker for the withdrawal of strangers, members of the public and of the press shall forthwith withdraw from the House and the Clerk and the Sergeant-at-Arms shall ensure that the order is complied with.

81. SUSPENSION OF STANDING ORDERS

A motion which has the object or effect of suspending a Standing Order shall not be moved except after notice or with the consent of the Speaker.

82. PROCEDURE IN CASE OF DOUBT

Where any matter arises which is not provided for in these Orders or the resolution of any other matter causes doubt, the usage and practice of the Commons House of Parliament of Great Britain and Northern Ireland shall be followed as far as it is not inconsistent with the Orders or with the practice of Parliament but no restriction which the House of Commons has introduced by standing order shall extend to Parliament or its Members until Parliament has provided by standing order for a similar restriction.

THE MEMBERS OF PARLIAMENT (ENTITLEMENTS) COMMISSION REGULATIONS

(Section 69B(2))

LN 29/1988
LN 36/1990
LN 66/1990
LN 34/1992
LN 56/1993
LN 30/1995

[1st April 1988]

ARRANGEMENT OF REGULATIONS

REGULATION

PART I GENERAL

1. SHORT TITLE
2. DATE OF COMMENCEMENT
3. AMENDMENTS TO REGULATIONS

- 4. DEFINITIONS
- 5. ACCOUNTING BOOKS AND RECORDS
- 6. FORMS

PART II

PAYMENTS

- 7. SALARY AND ALLOWANCES
- 8. SALARY AUTHORITY
- 9. METHOD OF PAYMENT
- 10. LEVELS OF PAYMENT
- 10A. APPOINTMENT OF A MEMBER FOR SPECIAL DUTIES IN PRIME MINISTER'S OFFICE
- 10B. RELOCATION ALLOWANCE
- 11. TERMINAL GRANT
- 11A. NATIONAL PROVIDENT FUND SCHEME
- 11B. PENSION SCHEME
- 12. DEATH OR INJURY
- 13. DEBT
- 14. HOSPITALITY ALLOWANCE
- 15. APPOINTMENT GRANT

PART III

TRAVELLING IMPRESTS

- 16. USE OF IMPRESTS
- 17. THE RESPONSIBILITY OF THE CLERK
- 18. IMPREST WARRANT
- 19. RETIREMENT OF IMPREST
- 20. CHARGES IMPREST
- 21. TRAVELLING IMPREST

PART IV

ADVANCES AND LOANS

- 22. APPLICATION
- 23. ADVANCES OF SALARY
- 24. REPAYMENT
- 25. GUARANTEE OF LOANS
- 26. LIMITS OF GUARANTEE
- 27. LOAN AGREEMENT
- 28. ABNORMAL REPAYMENT
- 29. GOVERNMENT DUES

PART V

ACCOMODATION

- 30. PRIME MINISTER
- 31. MINISTERS AND THE LEADER OF THE OPPOSITION
- 31A. ACCOMODATION FOR DEPUTY SPEAKER DURING PARLIAMENT SITTINGS
- 32. ACCOMMODATION OF MEMBERS
- 33. MEMBERS' ACCOMMODATION ETC. ON TOUR
- 34. ACCOUNTING FOR ACCOMMODATION
- 35. ACCOMMODATION WHILE TRAVELLING TO OR FROM MEETINGS
- 36. ACCOMMODATION DURING STOP-OVERS
- 37. AUTHORITY TO CERTIFY OTHER COSTS

PART VI

TRAVEL

- 38. PRIME MINISTER
- 39. MINISTERS, LEADER OF OPPOSITION AND THE DEPUTY SPEAKER
- 40. ORDINARY MEMBERS
- 41. COMPASSIONATE LEAVE
- 42. TRAVEL FOR CONSTITUENCY PURPOSES

- 43. PRIME MINISTER, MINISTERS AND LEADER OF THE OPPOSITION ON DUTY
- 44. TRAVEL ARRANGEMENT FOR TOURING ON DUTY
- 45. TRAVEL ARRANGEMENT TO AND FROM MEETINGS
- 46. REFUND OF FARES
- 47. OVERSEAS VISITS
- 48. TRAVEL COSTS
- 49. SUBSISTENCE ALLOWANCE
- 50. CHARGES
- 51. STANDARD RATES
- 52. CONFERENCE RATE
- 53. HOSPITALITY OVERSEAS
- 54. REFUNDS
- 55. ALLOWANCES IN TRANSIT
- 56. OVERSEAS TRAVEL GRANT

PART VII

MEDICAL TREATMENT

- 57. ELIGIBILITY
- 58. CHIEF CONSULTANT
- 59. MEDICAL ATTENTION AND TREATMENT FOR MEMBERS ON DUTY OVERSEAS
- 60. MEDICAL TREATMENT OUTSIDE SOLOMON ISLANDS
- 61. OTHER CHARGES OUTSIDE SOLOMON ISLANDS
- 62. RECOVERABLE CHARGES
- 63. AUTHORITY FOR TREATMENT IS FINAL
- 64. TREATMENT BY PRIVATE PRACTITIONER

PART VIII

CONSTITUENCY DEVELOPMENT FUND RULES OF MANAGEMENT

- 65. ADMINISTRATION AND MANAGEMENT OF THE CONSTITUENCY DEVELOPMENT FUND

PART IX

MISCELLANEOUS

- 66. STANDING AND SPECIAL SELECT COMMITTEES
- 67. LEADER OF THE OPPOSITION
- 68. MINISTERS WITH EXTRA PORTFOLIOS
- 69. FREE SERVICES

PART I

GENERAL

SHORT TITLE

Short title

1.- (1) These Regulations may be cited as the Members of Parliament (Entitlements) Commission Regulations.

(2) In any case where a duty is imposed on any public officer the obligations laid on such officer shall be read subject to General Orders, Financial Instructions and any other administration instructions binding upon him.

2. These Regulations shall be deemed to have come into force on 1st April, 1988 except where otherwise provided in these Regulations and thereupon all previous Financial Rules shall be revoked.

Date of commencement

3. These Regulations shall only be amended in accordance with the provisions of the Constitution

Amendments to Regulations

4. The various terms used throughout these Regulations are defined as follows:-

Definitions

"child" includes any child for whom the Member has legal responsibility or has

assumed social responsibility for medical treatment and education;

"Clerk" means the Clerk to Parliament;

"Leader of Official Opposition and of Independent Members" means the leaders for whose appointment provision is made in section 66(1) and (2) respectively of the Constitution;

"Member" means any Member of Parliament and in its general use the Prime Minister, the Deputy Prime Minister, Ministers and Leader of the Official Opposition and the Independent groups;

"Minister" means any Member of Parliament appointed to the office under the Constitution;

"on duty" means when travelling to and from and participating in a meeting of Parliament or of a Special Select or Standing Committee or on occasions at which a Member is representing the Government of Solomon Islands;

"Prime Minister" means any Member of Parliament elected and appointed to that office under the Constitution;

"Speaker" means any person elected and appointed to the office of Speaker under the Constitution.

5. The Clerk shall maintain such accounting books and records for payments of salaries and allowances as an Accounting Officer of Government is required to keep under Government Financial Instructions.

Accounting books and records

6. Any forms required specifically for the operation of these Regulations shall be designed, amended or deleted from use by the Clerk in consultation with the Ministry of Finance.

Forms

PART II

PAYMENTS

SALARY AND ALLOWANCES

Salary and allowances

7.- (1) The salary and allowances of a Member shall become payable when the Speaker confirms that the Member is duly elected and shall have effect from the day on which the Returning Officer declares the result of the election.

(2) The salary and allowances of a Member shall cease to be payable upon the dissolution of Parliament or upon his vacating seat, whichever shall be earlier:

Provided that a Minister shall be entitled to claim his salary from the date of dissolution until the day prior to the formation of a new Government.

8.- (1) The Clerk shall prepare salary authority forms in duplicate for submission to the Treasury. The reasons for the application shall be stated and where applicable, any relevant authority quoted. The receipt of the authority shall be acknowledged by returning the duplicate to the Clerk bearing the Member's file number.

Salary authority

(2) Salary authorities shall show details of basic salary, allowances of all types and deductions for income tax, rent or other purposes.

(3) Salary authorities shall be submitted-

(a) on first election;

(b) when changes are made in monthly payments of salary, allowances or deductions or the method of payment;

(c) to stop payment.

9.- (1) Salaries may be paid in one of three ways-

Method of payment

(a) direct to a bank account on the request of a Member submitted on the appropriate form of authority;

(b) by cash or cheque to the Member direct;

(c) to a third party, provided that the Member has given a signed authority in writing authorising a specifically named person to collect the payment. Such authority shall clearly state how long it shall remain in force.

(2) Constituency allowance is for the purpose of a Member touring his constituency at least twice a year and is not to be paid as part of basic salary but to be drawn in two equal instalments not being less than four months apart. The rate is as specified in Appendix A.

(3) (a) Subject to the condition laid down in paragraph (b), Members shall be entitled to draw an allowance for the purpose of encouraging micro-projects and charities established within their constituencies.

(b) (i) the maximum amount claimable by any one Member in any calendar year shall be ten thousand dollars.

LN 36/1990
LN 30/1995

(ii) Members shall obtain the prior approval in writing of the Minister responsible for the Province in which the micro-project or charity is established, or in the case of Honiara members, the Minister responsible for Honiara before committing funds to the support of any micro-project or charity.

(iii) Payment of micro-project and charities allowance shall only be made in reimbursement of expenditure actually incurred by a Member. Alternatively payment is to be made to a Member in anticipation of the actual expenditure upon the signature by not less than one of the following community leaders-a Minister of religion, an Area Constable or the Traditional Leader of the community where the project will be of benefit.

(iv) Claims shall not be reimbursed unless submitted in the form set out in Appendix B and fully supported by relevant receipts.

10. The levels of salaries and allowances for the Prime Minister, Deputy Prime Minister, Ministers, Leader of the Opposition and Independent Members, Deputy Speaker and Members are set out in Appendix A.

Levels of payment

10A. (1) The Prime Minister in consultation with the Secretary to the Cabinet may appoint a Member of Parliament for special duties in the Prime Minister's Office provided that it is not a public service established post.

Appointment of a
Member for special
duties in Prime Minister's
Office
LN 30/1995

(2) Such an appointment shall be based on the Member's qualification and suitability for the job.

(3) The Prime Minister and the Secretary to the Cabinet shall decide on the terms and conditions of the appointment. The remuneration for the services performed shall be the responsibility of the authority which benefits from the services rendered.

10B. (1) A Minister whose appointment is revoked for reasons other than misconduct in office, as defined in the Leadership Code (Further Provisions) Act or the Constitution, shall be entitled to a relocation allowance equivalent to one month of a Minister's net salary. A Minister who resigns shall not be entitled to such an allowance.

Relocation allowance
LN 34/1992
LN 30/1995

(2) A Minister who qualifies for such an allowance shall be allowed not less than fifteen days to vacate Government accommodation.

11. (1) A person who has been a Member for a period of at least six months shall be entitled to a tax-free terminal grant as specified in Appendix A, at the end of the life of Parliament. Such terminal grant shall only be payable at the end of the life of Parliament.

Terminal grant
LN 36/1990

(2) The terminal grant or a proportion thereof of a deceased Member shall be payable to the widow or widower or legal representative of the Member.

(3) A Member who has served for less than six months shall only be entitled to one-sixth of the full terminal grant for every full month of service.

(4) Any debt outstanding and owing to the Government shall be deducted from the terminal grant before any payment is made to a Member.

11A. (1) A Member shall become a contributor to the National Provident Fund from the date he is duly declared elected by the Returning Officer and confirmed by the Speaker, provided the Minister of Finance and Economic Planning has made a declaration under section 2 of the National Provident Fund Act making Members

National Provident Fund
Scheme
LN 36/1990

employees of the Government for the purposes of that Act:

Provided that no such declaration shall be made in respect of the Prime Minister.

(2) A Member who is already entitled to a life pension under regulations 11B(1) or 11B(2) as at 1st April 1990 shall not be a contributor to the National Provident Fund under paragraph (1) of this regulation.

11B. (1) A Member who had served in Parliament for an aggregate period of twelve years shall be entitled to a life pension of 35% of the current annual basic salary of a Member.

Pension Scheme
LN 36/1990
LN 34/1992
LN 30/1995

(2) A Member who had served in Parliament for an aggregate period of more than twelve years shall be entitled to a life pension of 40% of the current annual basic salary of a Member.

(3) A Member who had held the office of Prime Minister for-

(a) an aggregate period of twelve months shall be entitled to a life pension of 35%;

(b) an aggregate period of more than twelve months shall be entitled to a life pension of 50%,

of the current annual basic salary of the Prime Minister.

(4) The pensions payable under paragraphs (1), (2) and (3) shall be frozen if a recipient re-enters Parliament or is serving as a Minister or Prime Minister following the dissolution of Parliament pending a National Election. When he ceases to be a Member such pension shall resume.

(5) In calculating the number of years for pension entitlements under these Regulations, only parliamentary service commencing from 1976 and thereafter shall be taken into account.

(6) In the circumstances that a Member who has served for twelve or more years has been elected as Prime Minister and qualifies also for pensions under paragraph (3) he shall be eligible for only one pension of his choice.

(7) The Commission may review these pension rates.

12. (1) Where a Member dies whilst being a Member of Parliament, an *ex gratia* amount of \$10,000 shall be paid to the widow or widower or to the legal personal representative of the deceased Member.

Death or injury
LN 30/1995

(2) Where a Member sustains bodily injuries (not resulting in death) from an accident arising out of and in the course of his official duties, the Member shall be entitled to compensation for such bodily injuries in accordance with the Workmen's Compensation Act.

13. The Clerk shall ascertain that all debts to Government are settled by obtaining a Certificate to that effect from all Ministries.

Debt

14. (1) The Prime Minister shall receive an annual hospitality allowance of an amount voted by Parliament.

Hospitality allowance

(2) Ministers and the Leader of the Opposition will obtain funds for official hospitality from a vote provided for the purpose and controlled by the Prime Minister.

15. A Member elected to Parliament shall receive an appointment grant at the rate prescribed in Appendix A and any Minister or the Leader of the Opposition appointed for the first time shall receive a further grant at the rate prescribed in Appendix A. No appointment grant shall be paid twice to a Member of Parliament, Minister or the Leader of the Opposition within the life of a Parliament.

Appointment grant

PART III

TRAVELLING IMPRESTS

16. (1) An imprest is a sum of money issued to a Member to make payments directly for a specific expenditure vote for which vouchers cannot be presented conveniently to a sub-accountant in the usual way.

Use of imprests

(2) An imprest may be granted to a Member when touring if the actual expenses and allowances to which the Member will be entitled are unknown. The Member will be issued with a touring advance equal to the amount of the entitlements.

(3) Imprests are the personal responsibility of the Member in whose name they are issued. Imprest holders are not relieved of their responsibility until the imprest has been retired in full and found to be correct.

17. The Clerk will be responsible for calculating the amount of any such imprest and for ensuring that the necessary documents are provided to retire the imprest correctly.

The responsibility of the Clerk

18. An imprest warrant shall be prepared on the appropriate form and shall be-

Imprest warrant
LN 36/1990

(a) authorised by the Secretary to Prime Minister in respect of an imprest issued to a Minister;

(b) authorised by the Clerk in respect of an imprest issued to other Members including the Leader of the Opposition.

19. A Member issued with an imprest shall submit not more than three days after returning to Honiara all reasonably available bills, receipts and other documentation required to support the expenditure incurred under the imprest together with any cash balance to the respective Authority under regulation 18.

Retirement of imprest
LN 36/1990

20. The following items may be charged to a travelling imprest-

Charges imprest
LN 36/1990

(a) hotel bills for business class accommodation and food and standard service charge percentage on such items, including official communication charges, laundry and dry cleaning;

(b) travel expenses such as airport charges, transport to and from airports or other duty journeys;

(c) the cost of a chauffeur-driven hire car for Ministers when representing Solomon Islands at conferences where the host country does not provide transport; provided that such transport shall be used only on duty or for travelling to and from official functions connected with the visit;

(d) any hospitality allowances approved under regulation 53;

(e) any non-accountable allowance approved under regulation 56.

21 Alcoholic beverages, soft drinks and cigarettes shall not be charged to a travelling imprest, except alcoholic beverages and soft drink charges incurred under regulation 53(3).

Travelling imprest
LN 36/1990

PART IV

ADVANCES AND LOANS

22. The Minister of Finance may authorise the issue of guarantees of loans to Members in the circumstances described in the following regulations. Applications for such loans shall be made to the Clerk in the first instance, and in the case of Ministers should bear the recommendation of the Prime Minister.

Application

23. An advance of salary and allowances not exceeding one months's gross pay may be made by the Clerk in consultation with the Treasury-

Advances of salary

(a) in case of serious illness or unforeseen domestic calamity or other circumstances which the Member could not have foreseen and for which he could not have made prior provision; or

(b) when the Member will be travelling at the time payment is due and will require funds to use during his travel period in which case the sum advanced shall be in the net amount payable after standard deduction for tax, rent, advances, or other purposes have been made.

24. (1) An advance of salary made in the circumstances described in paragraph (a) of regulation 23 shall be repaid over a period not exceeding three months starting with the month immediately following that in which the advance is made. Repayment

(2) An advance of salary made in the circumstances described in paragraph (b) of regulation 23 shall be payable from the salary due for the month in which the advance is made.

25. If funds are available, the Permanent Secretary, Ministry of Finance may issue a guarantee to a bank in support of a Member's application for a bank loan. The Member shall make the necessary arrangements with the bank and complete an application in Form TY84/1 set out in Appendix C. Each application for a loan shall be supported by a *pro-forma* invoice, receipted insurance cover note and works valuation certificate in case of a second-hand item, where necessary. Guarantee of loans

26. (1) The principal of the sum guaranteed by the Government shall not exceed \$10,000 or half the Member's gross annual salary and allowances whichever is the less. The period of the guarantee shall not exceed the prescribed life of the current Parliament and full repayment must be made either before the dissolution of Parliament or, if the Member shall cease to hold office, on demand. Limits of guarantee

(2) Where the official duties of the Prime Minister, a Minister, the Leader of the Opposition or a Honiara Member obliges him to live in Honiara he is entitled to be given a Government guarantee, not exceeding \$80,000.00 to purchase his own house in Honiara. As a condition of the guarantee the Government shall have the first charge over the house and such guarantee shall not expire on the dissolution of Parliament but shall remain in force while the Government continues to hold the first charge: LN 36/1990

Provided that no such Government guarantee shall be given to any Member who or whose spouse owns a private house in Honiara.

27. On acceptance of the application by the Minister of Finance and after completion of an agreement between the Member and the Government the Permanent Secretary, Ministry of Finance, shall issue a recommendation to such bank as the Member may require recommending that the said bank may make the loan. It shall then be the responsibility of the Member to make all further arrangements with the bank and meet all such conditions as the bank may require. Loan agreement

28. When a Member dies or vacates his seat in Parliament, the amount outstanding on an advance or guaranteed loan may be recovered from any pay, terminal grants, pensions or *ex gratia* payments for which the Member or his legal personal representative are eligible and any additional sum due shall be recoverable from any collateral or security held by the Member or his estate.

Abnormal repayment

29. In the event that any Member should decline to hand over any balance remaining to be paid to Government, the Clerk shall take immediate action to obtain a Court Order for the possession of such chattel and inform the Accountant General, Treasury and Auditor-General of such action.

Government duties

PART V

ACCOMMODATION

30. The Prime Minister shall occupy (without payment of rent or tax on the private benefit thereof) the official residence of the Prime Minister and shall be provided with two drivers and such domestic staff as the Secretary to the Public Service may consider reasonable together with full furnishings and equipment for the house and the upkeep of such houses shall be a charge on public funds.

Prime Minister

31. (1) Ministers and the Leader of the Opposition will be provided, if they so request, with a rent-free Government house of Class II or III.

Ministers and leader of
the Opposition
LN 56/1993

(2) Any Minister or the Leader of the Opposition who occupies his own private house shall be entitled to a rental supplement of a Class II Government house.

(3) A Minister or the Leader of the Opposition who occupies a Government house shall be entitled to employ one domestic servant and a gardener to work in such house at such rate of pay as the Permanent Secretary to the Public Service may approve and the pay of such domestic employees shall be paid out of public funds. Where he does not occupy a Government house he shall not be entitled to the gardener.

(4) The Deputy Prime Minister, Ministers and the Leader of the Opposition shall be entitled to free supply of water, gas and electricity. The expenses thereof shall be a charge on public funds.

(5) Ministers and the Leader of the Opposition shall be entitled to have a

telephone installed and maintained in the houses which they occupy at the expense of public funds:

Provided that the cost of any telephone calls which are not for public purposes must be met by the Minister and the Leader of the Opposition, as the case may be.

31A. During Parliament sittings the Deputy Speaker shall be provided with reasonable accommodation outside the Parliament Rest House to maintain the independence and dignity of the office of Deputy Speaker.

Accommodation for
Deputy Speaker during
Parliament sittings
LN 30/1995

32 (1) Free accommodation of reasonable and respectable standard shall be provided for all Members and their spouses and unmarried children of under 18 years at the Parliament Resthouse in Honiara for the duration of their term as Members of Parliament.

Accommodation of
Members
LN 36/1990

(2) In the event of the Parliament Hostel being full, the Clerk will arrange and pay for accommodation in a Hotel and where a Member cannot be accommodated in the Parliament Hostel or a rest house during official duties and finds his own house, such a member shall receive a daily payment equivalent to a Class II rental supplementation. This shall not apply to a Member entitled to rental supplementation under regulation 31 (2). This shall not be paid if there is accommodation available in the Parliament Hostel or a rest house.

(3) Honiara Members may, if they so wish, be provided with a Government House in Honiara. The allocation of houses will be made by the Secretary to the Prime Minister. Such a Member who is allocated a Government House shall be charged an appropriate rental. An appropriate taxable housing allowance shall be payable to such a Member who does not live in a Government house. The appropriate rental or housing allowance shall be determined by the Secretary to the Prime Minister in accordance with Regulations in force in respect of the Public Service.

33. While touring on Government business a Minister, the Leader of the Opposition or a Member of Parliament may either be accommodated at a hotel or rest house and his accommodation and all reasonable meals expenses will be paid for and a touring allowance of \$30.00 per day will be payable in addition.

Members
accommodation etc. on
tour
LN 30/1995

34. All accounts for accommodation and meals will be sent to the Clerk for payment.

Accounting for
accommodation

- 35.** Accommodation outside Honiara will be provided free of charge on the same terms and conditions as for touring on duty for Members travelling to or from meetings of Parliament or of Special Select or Standing Committees. Accommodation while travelling to or from meetings
- 36.** Accommodation will be provided only for unavoidable stop-overs where transport is not immediately available to complete the journey. Accommodation during stop-overs
- 37.** In all cases the Provincial Secretary of the Province concerned will certify on the account that the charges were incurred because of unavoidable delays in transport. Authority to certify other costs

PART VI

TRAVEL

- 38.** Two official cars will be provided for the Prime Minister's use, with drivers and all running costs will be met from public funds. Prime Minister
- 39.** (1) The Prime Minister, each Minister and the Leader of the Opposition will be provided with free transport for himself, his wife and children as follows- Ministers, Leader of Opposition and Deputy Speaker
LN 30/1995
- (a) from his place of domicile or the central point of his constituency to Honiara, on first appointment;
- (b) six return trips in each calendar year between Honiara and any place designated by him within his constituency or his wife's place of domicile, or any other place in Solomon Islands;
- (c) from Honiara to his place of domicile or the central point in his constituency, on relinquishing his appointment;
- (2) For the discharge of their official duties Ministers and the Leader of the Opposition shall be provided with a car except on special circumstances where Ministers and the Leader of the Opposition's needs for transport so justify a more

suitable vehicle other than a car will be provided. Such need shall be considered on its own merit by the Secretary to Prime Minister.

(3) Drivers whose appointments shall be made by the Permanent Secretary for the Public Service upon the recommendations of the Ministers and the Leader of the Opposition shall be provided.

(4) In every sitting of Parliament the Deputy Speaker shall be provided with a car or a similar vehicle.

(5) Vehicles provided under paragraph (2), being restricted to official use, shall be placed under the control of the Ministry for which the particular Minister is primarily responsible, and in the case of the Leader of the Opposition under the control of his Office.

(6) Vehicles provided to Ministers and the Leader of the Opposition for the discharge of their official duties shall be restricted and shall only be driven by the driver designated under paragraph (3).

40. Free transport will be provided for all other Members of Parliament from their place of domicile or the central point in their constituency to Honiara and return on all sittings of Parliament and the meetings of Special Select or Standing Committees. Free transport shall similarly be provided for their wives and children twice during any one calendar year. A Member for a constituency in Honiara should not be precluded of travelling under this Regulation.

Ordinary Members

41. During a period of Parliament session, a Member may be granted leave of absence on compassionate grounds on application following recommendation by the Speaker to the Clerk. Reasonable travel costs of the Member and his family, within Solomon Islands, shall be paid.

Compassionate leave

42. All Members including the Prime Minister, the Deputy Prime Minister, Ministers and the Leader of the Opposition are personally responsible for the payment of fares when travelling on constituency business.

Travel for constituency purposes

43. Free passage by air or sea for the Prime Minister, Ministers and Leader of the Opposition is restricted to official duty only. Subject to the prior approval of the Prime Minister, Ministers and the Leader to the Opposition may charter aircraft or ship where

Prime Minister, Minister and Leader of Opposition on duty

no scheduled services are reasonably available. For journeys for constituency purposes Regulation 42 will apply.

44. (1) The Secretary to the Prime Minister must be advised of any duty tours by Ministers before they are undertaken, or the full cost of the tour will be the responsibility of the Minister concerned.

Travel arrangement for touring on duty

(2) Duty tours by Special Select or Standing Committees will be organised by the Permanent Secretary of the Ministry concerned and paid for from the vote of the Ministry. If the terms of reference of a Committee do not relate to any particular Ministry, the expenses of the Committee will be met from the Office of the Prime Minister.

(3) Chartering of boats or aircrafts will not be permitted without the prior approval of the Permanent Secretary of the Ministry concerned or the Secretary to the Prime Minister who will satisfy himself that no regular scheduled transport is available to the area concerned. Where scheduled services are available, tours would be organised to fit in with these services.

45. (1) The Clerk will arrange all travel to Honiara. The Clerk will advise the Provincial Secretary of the Province concerned of all travel arrangements within a Province.

Travel arrangement to and from meetings

(2) Members will not be permitted to charter boats or aircraft.

46. (1) When a Member or a member of his family fails without good reason to take up bookings on an aircraft he will be required to refund to the Government the whole of the fare not used.

Refund of fares

(2) Any Member who charters a ship or aircraft without the requisite approval set out in these Regulations will be personally responsible for the payment of the cost of the charter.

47. All visits by Ministers or the Leader of the Opposition or Members overseas must be recommended by the Prime Minister who may authorise that any such person may be accompanied by his wife and may authorise expenditure for that purpose.

Overseas visits

48. (1) All overseas visits will be arranged by the Clerk when Members only are

Travel costs

involved. When a Government Officer is travelling with a Member or Members he will be responsible for all travel arrangements and for the control of funds concerned with the visit.

(2) Ministers and Members of Parliament are entitled to travel first class.

(3) Where a Member is required as part of his duty to go on an overseas trip funded by an International Organisation which provides for an economy class air ticket, the Government shall meet the extra costs required in converting the ticket from economy to first class. LN 36/1990

(4) All Members are afforded VIP status and are entitled access to the VIP Lounge and other facilities at Henderson Airport when departing overseas and arriving from overseas. LN 36/1990

49. A Member who is required to travel overseas on duty is eligible to receive a subsistence allowance as specified in Appendix A. Subsistence allowance

50. (1) Subsistence allowance is intended to cover, for a complete period of twenty-four hours, three meals a day, plus service charges, taxes, and incidental expenses at the place of accommodation, including official communication charges. Other incidental expenses such as taxis or airport taxes must be claimed separately. Charges
LN 30/1990
LN 34/1992

(2) Subsistence allowance is payable for complete period of twenty-four hours only; provided that broken periods of twenty-four hours which include a night, or from midnight to 6.00 am may be claimed at full rate.

(3) Where a Member is a guest of a host Government, Administration, Agency or Organisation and is not required to meet his accommodation and meal charges, he may claim one-fifth of the subsistence allowance applicable to him.

51. Where a Member necessarily incurs expenses which are substantially higher than the standard rate of subsistence allowance prescribed, the Prime Minister may at his discretion- Standard rates

(a) approve a special rate if the circumstances are known in advance; or

(b) authorise reimbursement on the basis of actual expenditure provided that the complete evidence of payments made is submitted with the claim and such payments are concerned with only accommodation, communication, meals and travel.

52. (1) Where a Member attends an international conference where there are a significant number of Governments represented the Prime Minister may authorise that he be accommodated in a higher standard than the standard rate would allow.

Conference rate

(2) In such circumstances the Prime Minister will authorise a conference rate equal to the full hotel charge for accommodation, breakfast, service and taxes plus half the standard rate of subsistence allowance prescribed.

(3) In these circumstances no further allowance for incidental expenses or hospitality will be paid.

53. (1) Where the Prime Minister considers that the Government may be under an obligation to provide or return hospitality at an overseas conference, he may authorise an allocation of funds to a Member for this purpose.

Hospitality overseas

(2) Expenditure will be confined to a specific amount for an organised function of a number of identified persons and may not be incurred on casual drinks or meals with chance friends or local acquaintances which are for the Member's personal account.

LN 36/1990

(3) A Member may incur reasonable expenditure when attending an overseas conference or meeting in cases where he needs to lobby for support or have some informal discussions in an informal setting with other delegates.

LN 36/1990

(4) The expenditure in paragraphs (1), (2) and (3) must be justified by the production of receipted bills and any cash balance should be refunded.

LN 36/1990

54. Where the itinerary of a visit is changed which results in a reduction of the number of days of the journey, an appropriate refund of any allowances advanced will be made on the Member's return to Solomon Islands.

Refunds

55. (1) Where it is necessary to spend a period in transit and meals and accommodation are included with passage costs, no allowance is payable. Allowances in transit

(2) Where the period in transit includes an overnight stop and meals and accommodation are provided at the expense of the carrier an allowance of one-fifth of the standard rate for the place of stop-over will be payable to cover the incidental expenses.

(3) Where a Member is detained overnight in transit and the charges for accommodation and meals are not provided at the expense of the carrier, he will be eligible to claim subsistence allowance at the rate applicable to the place in which he is detained.

56. Any Member who travels overseas on Parliamentary business may, on the first occasion he travels on such business, be paid the non-accountable overseas travel grant specified in Appendix A. Overseas travel grant

PART VII

MEDICAL TREATMENT

57. Save as elsewhere provided all Members and their spouses and unmarried children under 18 years are eligible to receive medical attention free of charge at the Central Hospital including the use of the Private Ward. Eligibility
LN 36/1990

58. If the Chief Consultant of the Ministry of Health and Medical Services confirms that a Member requires spectacles, dentures or any surgical appliance and that they are essential, they will be provided at the expense of the Member, provided that if the cost exceeds one quarter of one month's basic salary of the Member, his contribution shall be limited to that proportion of his salary. Chief Consultant

59. A Member on duty outside Solomon Islands shall be eligible for all essential medical and hospital treatment, including surgical treatment and accommodation charges at Government expense, provided that in any such case, such expenses cannot normally be met by a national health service of the country in which he is on duty without causing undesirable delay in securing examination or treatment. Medical attention and treatment for Members on duty overseas

- 60.** Save in exceptional circumstances with the approval of the Prime Minister following consultation with the Chief Consultant of the Ministry of Health and Medical Services, a Member is not eligible to receive treatment at Government expense outside the country. Medical treatment outside Solomon Islands
- 61.** When a Member is sent out of the country for medical examination or treatment under regulation 60 he shall be eligible for- Other charges outside Solomon Islands
- (a) passages by air at Government expense at first class rate;
- (b) essential examination and treatment at Government expense as arranged whenever possible by the Ministry of Health and Medical Services in advance, including operation charges and the fees of doctors, anaesthetists or specialists.
- 62.** Where charges for accommodation are incurred, the Ministry of Health and Medical Services will meet such charges which will subsequently be recovered from the Member. The Member will thereafter be required to reimburse the charges. If necessary, an advance of salary may be authorised under Part IV of these Regulations by such amounts and over such period as the Minister of Finance may decide. When the Minister of Finance is of the opinion that recovery of such costs, either wholly or in part would result in hardship, he shall, with the concurrence of the Prime Minister, decide what proportion of the costs should be borne by the Member. Recoverable charges
- 63.** The Chief Consultant, Ministry of Health and Medical Services shall decide whether examination and treatment provided under this Part is essential and his decision shall be final. Authority for treatment is final
- 64.** Unless referred by or with the approval of the Chief Consultant of the Ministry of Health and Medical Services, a Member or his wife or child who is medically examined by or receives medical treatment from a medical practitioner in private practice shall not be eligible to claim reimbursement of any expenses. No benefit conferred by this Part shall be available to a Member or his family whilst they remain under the professional care of a private practitioner. Treatment by private practitioners

PART VIII

CONSTITUENCY DEVELOPMENT FUND
RULES OF MANAGEMENT

Administration and
management of the
Constituency
Development Fund
LN 30/1995

65. (1) The administration and management of the Constituency Development Fund shall be in accordance with the provisions of the following paragraphs.

(2) The Constituency Development Fund shall not be a Special Fund within the meaning of section 100(2) of the Constitution.

(3) The total of the Constituency Development Fund allocation for any constituency shall not exceed \$200,000 in any financial year or such other amount within the limits of funds allocated by Parliament.

(4) For the purpose of this regulation a Member of Parliament of a constituency shall be an imprest holder under the Government Financial Instructions and where the Member sees fit, he shall appoint a committee to assist him in vetting and assessing community project proposals.

(5) An application for assistance shall be in the form as set out in Appendix D.

(6) A Member may allocate funds, out of his Constituency Development Fund account, for-

(a) individual or group income-generating projects;

(b) community projects

(7) Proposals for community projects shall be given priority over proposals for individual projects.

(8) Allocations from the Constituency Development Fund shall be by way of grants.

(9) An amount of \$50,000 or a quarter of the Constituency Development Fund allocation approved by Parliament shall be paid quarterly at the beginning of each quarter.

(10) A Member is responsible to account for and to retire the amount not expended at the end of each quarter.

(11) The payment of a Constituency Development Fund allocation for the next quarter shall be subject to retirement of the preceding quarter under the normal requirements of the Government Financial Instructions.

(12) Under no circumstances shall the Constituency Development Fund allocation for a quarter be paid in advance before the amount for that quarter is due.

(13) Every Member shall keep records as required under the Government Financial Instructions with regard to special imprests.

(14) The Constituency Development Fund shall be subject to audit by the Auditor-General under the provisions of the Public Finance and Audit Act and the Constitution.

PART IX

MISCELLANEOUS

66. Members required to tour outside Honiara as members of Standing Select or Special Committees appointed under Order 68 of Standing Orders of the National Parliament shall receive touring allowance in accordance with Regulations 33 hereof. All costs associated with attendance at the said committees shall be met from the Parliament Head of the estimates.

Standing and Special
Select Committees

Members of such committees during sittings shall be paid a sitting allowance at the rates as appear in Appendix A of these Regulations.

67. The Leader of the Opposition is entitled to be provided with office facilities and three to four staff who need not be public servants.

Leader of the Opposition

68. (1) The Prime Minister or any Minister who is to care-take or supervise responsibilities for another portfolio for fourteen or more consecutive days shall be entitled to a taxable allowance at the rate of \$300.00 per month.

Ministers with extra portfolios

(2) Any Minister acting in the office of the Prime Minister under Section 38(1) of the Constitution shall be entitled to a taxable allowance at the rate of \$600.00 per month.

69. Members will receive free headed paper and envelopes. Payments for postage, telegrams and service messages shall be the responsibility of Members.

Free services

APPENDIX A

1. BASIC SALARY

(a) The following taxable salaries will be paid-

Prime Minister	\$50,720 per annum
Deputy Prime Minister	\$38,322 per annum
Ministers and Leader of the Opposition	\$36,886 per annum
The Leader of the Independent Members	\$33,014 per annum
Deputy Speaker	\$29,142 per annum
Members	\$28,924 per annum

These salaries to take effect on 1st April, 1995.

2. APPOINTMENT GRANT (Reg. 15)

Members \$1,000

Prime Minister, Deputy Prime Minister, Minister
and Leader of the Opposition shall in addition
receive \$600

3. OVERSEAS TRAVEL GRANT (REG. 56)

-Summer Clothing \$700

Winter Clothing \$1,500

4. CONSTITUENCY ALLOWANCE (REG. 9(2))

(Tax Free)

ZONES

Zone 1 \$5,000

TEMOTU PELE

TEMOTU NENDE

MALAITA OUTER ISLANDS

Zone 2 \$4,800

EAST ARE ARE

WEST ARE ARE

SMALL MALAITA

WEST MAKIRA

CENTRAL MAKIRA

EAST MAKIRA

SOUTH CHOISEUL

NORTH WEST CHOISEUL

EAST CHOISEUL

ULAWA & UGI

SHORTLANDS

RENNELL & BELLONA

Zone 3 \$4,600

NORTH VELLA LA VELLA

SOUTH VELLA LA VELLA

RANONGA & SIMBO

NORTH NEW GEORGIA

SOUTH NEW GEORGIA, RENDOVA

& TETEPARI

MAROVO

HOGRANO/KIA/HAVULEI

MARINGE/KOKOTA

GAO/BUGOTU

EAST KWAIO

WEST KWAIO

NGELLA

SAVO & RUSSELLS

SOUTH GUADALCANAL

Zone 4 \$4,400

GIZO & KOLOMBANGARA

WEST NEW GEORGIA & VONAVONA

NORTH WEST MALAITA

LAU/MBAELELEA

FATALEKA

CENTRAL KWARA'AE

WEST KWARA'AE

AOKE/LANGALANGA

NORTH WEST GUADALCANAL

WEST GUADALCANAL

EAST GUADALCANAL

EAST CENTRAL GUADALCANAL

NORTH EAST GUADALCANAL

CENTRAL GUADALCANAL

NORTH GUADALCANAL

BAEGU ASIFOLAE

Zone 5 \$3,200

WEST HONIARA

EAST HONIARA

5. SUBSISTENCE ALLOWANCE (OVERSEAS) (Reg. 49)

-to include lunch, dinner and incidental expenses.

Prime Minister US250.00

Deputy Prime Minister US\$170

Minister/Leader of Opposition US\$150

Members US\$130

6. TERMINAL GRANT (TAX FREE)

All Members (including Prime Minister, Ministers and the Leader of the Opposition- \$10,000

7. RENTAL SUPPLEMENTARY (TAXABLE) (Reg. 31(2))

The amount prescribed at the times as the taxable value of the house occupied or to which the Member is entitled.

8. MEMBERS OF PARLIAMENTARY STANDING SELECT COMMITTEES AND SPECIAL SELECT COMMITTEES (Reg. 65)

(a) Standing Select Committees to be paid an hourly rate of \$8.00

(b) Special Select Committees to be paid a daily rate of \$50.00.

Appendix B

Micro-Projects and Charities Allowance (see Reg. 9(3))

APPLICATION FORM

- (1) Name of Proposer
- (2) Name of Proposal

- (3) Location
- (4) Cost of Proposal
- (5) Nature of the Project
- (6) Signature
- (7) Witness
- (8) Date

REMARKS

OFFICIAL USE:

DATE AMOUNT BALANCE

Appendix C
TT84/1

APPLICATION FOR LOAN GUARANTEE

(Member of Parliament Only)

To: Accountant General
Honiara

Applicant's Name (Block Capitals)

Address

Date

I wish to apply for a guarantee for a loan of \$

for months from the

..... Bank to purchase a

(2) (a) I have obtained the approval of the Bank for this loan and they have completed the certificate below.

(b) I attach a proforma invoice on suppliers agreement giving full details of items to be purchased.

(c) I attach a work Certificate of Valuation and Inspection (for second-hand purchases only).

(d) I attach a receipted cover note or insurance policy of comprehensive insurance cover for the whole period of the loan in the joint name of myself and the Accountant General.

(e) I attach herewith an authority in the standard form requesting you to pay my salary into the Bank granting the loan. I understand that this is irrevocable for the period of the loan.

3. I understand that interest and bank charges will be added to the amount of advance requested and the total sum will not exceed the amount specified - Reg. 26.

4. I understand that if I dispose of the item, I will immediately repay the loan in full and inform the Accountant General that I have done so.

Signed:

Certificate by

Bank

I certify that subject to the issue of Government Guarantee,
I have agreed to make a loan of \$ to Mr
for a period of months for the
purpose described above.

BANK STAMP Signed

For:.....

Bank

Appendix D

CONSTITUENCY DEVELOPMENT FUND

Application for Funding

1. Name of Community:
2. Name of Project:
3. Location:-
 - (a) Ward:
 - (b) Zone:
 - (c) Village:
 - (d) Address:
4. Information on Project (Description):

5. Supervisors:

Name: Position: Sign:

Name: Position: Sign:

6. Amount Requested:

7. Community Contribution:

8. Recommendation By Local Leader (Chiefs, Priests/Pastors, Area Council Member, Provincial Member):

9. Endorsed/Not Endorsed, By Constituency Development Committee:

Signed By Chairman (CDF):Date:..

10. Approved/Not Approved By MP for

Constituency:

Sign: Date:..... 1995.

Comments:

NOTES:

- (a) No cash payment to be made.
- (b) Attach proforma invoices with submission.
- (c) No refund of receipts or invoices.
- (d) Supervisors must be directly concern and involve with the project.
- (e) Each project must be in a separate form and must be original and not photocopies.
- (f) (i) Non-generating income projects like schools and churches attract no administrative fee.

(ii) Income generating approved projects will attract an administrative fee of 5% to be paid before the project is released.

(Section 120(5))

[6th April, 1979] LN 7/1979

1. These Regulations may be cited as the Police Promotion Boards Regulations. Citation
2. There shall be not more than five nor less than one Police Promotion Boards which shall each consist of not less than four nor more than seven Police Officers of or above the rank of Inspector, all of whom shall be appointed to be members of a Board by the Commissioner of Police (hereafter referred to as "the Commissioner") before the first day of November of each year. Composition of Board
3. In addition to the members appointed under regulation 2 there shall be a Chairman of each Police Promotion Board who shall be the Deputy Commissioner of Police or the officer acting in that post. Chairman
4. Every member of a Police Promotion Board shall hold office for the term of not less than one year unless otherwise directed by the Commissioner. Term of office of members of Boards
5. A Police Promotion Board shall meet on such dates and at such places as the Commissioner may direct but at least once in each year. Meetings
6. No business except that of adjournment shall be transacted at any meeting of a Police Promotion Board unless there be present a quorum of four members including the Chairman of that Board. Quorum
7. The Commissioner may ask a Police Promotion Board for its advice on all matters relating to the promotion of officers in the Police Force to any rank below that of Inspector and specify a District/Division to which such Police Promotion Board shall confine its advice. Request for advice of Board
8. A Police Promotion Board having received a request for advice under regulation Advice to the

7 shall advise the Commissioner in respect of the promotion of an officer to a rank below that of Inspector and the Chairman of the Board shall certify in writing that all officers eligible for such promotion have been considered by such Police Promotion Board.

Commissioner

9. A Police Promotion Board in giving advice to the Commissioner shall consider the merit, experience and qualifications of every officer eligible for such promotion.

Matters to be considered
in giving advice

10. A Police Promotion Board shall determine its advice by a majority of votes of the members present and voting, and, if on any matter the votes are equally divided, the Chairman of the Board shall have and exercise a casting vote.

Voting

11. The Chairman of a Police Promotion Board shall submit the advice of the Board together with the certification required by regulation 8 to the Commissioner within seven days of every meeting of such Board.

Submission of advice

12. All records and proceedings of a Police Promotion Board shall be treated as confidential and shall not be communicated or divulged by any member of a Police Promotion Board to any person other than the Commissioner who shall receive a report of the proceedings of every meeting direct from the Chairman of a Police Promotion Board.

Records and proceedings
to be confidential

THE PUBLIC SERVICE COMMISSION REGULATIONS

LN 12/1979
LN 157/1990

(Section 137(1))

[1st May 1979]

ARRANGEMENT OF REGULATIONS

REGULATION

PART I

GENERAL PROVISIONS

1. CITATION
2. INTERPRETATION
3. SECRETARIAL AND ADMINISTRATIVE SERVICES
4. QUORUM OF MEETINGS
5. FREQUENCY OF MEETINGS
6. RECORD OF MEETINGS AND DECISIONS
7. NON-DISCLOSURE OF PROCEEDINGS AND DOCUMENTS
8. IMPROPER INFLUENCE
9. DUTY TO PROVIDE INFORMATION AND GIVE EVIDENCE
10. STAFF REPORTS TO BE MADE AVAILABLE
11. PROCEDURE FOR SUBMISSIONS
12. DELEGATION OF POWERS
13. EXERCISE OF POWERS
14. APPEALS
15. TIME LIMIT ON APPEALS
16. FORM OF APPEAL

PART II

APPOINTMENTS TO THE PUBLIC SERVICE

17. QUALIFICATIONS FOR ENTRY
18. AUTHORITY TO APPOINT
19. APPOINTMENTS TO BE ADVERTISED
20. EXCEPTIONS TO MINIMUM QUALIFICATIONS
21. APPOINTMENT OF NON-NATIONALS
22. SELECTION ON MERIT
23. APPOINTMENT OF SELECTION PANELS
24. COMPOSITION OF PANELS
25. REFERENCE BACK BY COMMISSION
26. LETTERS OF APPOINTMENT
27. PROBATIONARY PERIOD FOR PERMANENT APPOINTMENT
28. CONFIRMATION, EXTENSION OR TERMINATION OF APPOINTMENTS
29. REPORTS DURING PROBATION

30. RENEWAL, EXTENSION OR CONTINUATION OF APPOINTMENTS

PART III

PROMOTIONS

31. SELECTION TO BE COMPETITIVE
32. SENIORITY
33. FIELD FOR CONSIDERATION FOR PROMOTION
34. APPOINTMENT OF SELECTION PANELS
35. PERIOD OF TRIAL

PART IV

ACTING APPOINTMENTS

36. WHEN PERMITTED
37. SELECTION FOR ACTING APPOINTMENTS
38. LIMITATIONS ON ACTING APPOINTMENTS

PART V

TRANSFERS

39. TRANSFER AT SAME GRADE LEVEL
40. TRANSFER INVOLVING PROMOTION
41. RESERVED RIGHT TO APPLY FOR ADVERTISED APPOINTMENTS

PART VI

SCHOLARSHIPS AND COURSES

42. ROLE OF COMMISSION

43. SELECTION OF CANDIDATES

PART VII

DISCIPLINE

- 44. DEFINITION OF MISCONDUCT
- 45. MINOR MISCONDUCT
- 46. RESPONSIBILITY FOR REPORTING MISCONDUCT
- 47. PROCEDURE FOR REPORTING
- 48. CONTENTS OF REPORT
- 49. ACTION BY SECRETARY, PUBLIC SERVICE OR OFFICER EXERCISING DELEGATED POWERS
- 50. RIGHT OF ACCUSED TO RESPOND TO CHARGE

- 51. BOARD OF INQUIRY IN SERIOUS CASES
- 52. PROCEDURE OF BOARD OF INQUIRY
- 53. SUBMISSION OF REPORT
- 54. REPORTING CRIMINAL OFFENCES
- 55. OFFICERS CHARGED WITH CRIMINAL OFFENCES
- 56. COMPLETION OF DISCIPLINARY ACTION
- 57. OFFICERS ACQUITTED OF CRIMINAL CHARGES
- 58. OFFICERS SENT TO PRISON

- 59. PUNISHMENT OF OFFICERS GUILTY OF CRIME
- 60. PUNISHMENTS FOR MISCONDUCT
- 61. REDUCTION IN SALARY OR WAGES
- 62. DISMISSAL AND PROBATION
- 63. UNSATISFACTORY CONDUCT DURING PROBATION
- 64. RIGHT OF COMMISSION TO REQUIRE INSTITUTION OF DISCIPLINARY ENQUIRIES
- 65. AUTHORITY TO SUSPEND FROM DUTIES
- 66. PROCEDURE FOR SUSPENSION

PART VIII

INEFFICIENCY

- 67. SCOPE
- 68. RESPONSIBILITY OF SENIOR OFFICERS
- 69. ACTION IN THE EVENT OF CONTINUING INEFFICIENCY
- 70. CONSIDERATION BY COMMISSION OR DELEGATED OFFICER
- 71. CONCLUSION OF CASE
- 72. DEFERMENT OF ACTION PENDING PERIOD OF TRIAL

PART IX

PREMATURE RETIREMENT AND TERMINATION OF EMPLOYMENT

- 73. SCOPE
- 74. REDUNDANCY THROUGH ABOLITION OF POSTS
- 75. RETIREMENT ON MEDICAL GROUNDS
- 76. PROCEDURE

PART X

MISCELLANEOUS

- 77. SAVING UNDER AGREEMENT OF SERVICE
- 78. CASES NOT PROVIDED FOR IN REGULATIONS
- SCHEDULE

THE PUBLIC SERVICE COMMISSION REGULATIONS

LN 12/1979
LN 157/1990

(Section 137(1))

[1st May 1979]

PART I

LN 12/1979
LN 157/1990

GENERAL PROVISIONS

1. These Regulations may be cited as the Public Service Commission Regulations. Citation
2. In these Regulations the words used, unless the context otherwise requires, have the meanings given to them in the Constitution or Schedule 1 to these Regulations. Interpretation
3. The secretarial and other administrative services required by the Commission shall be provided by the office of the Secretary for the Public Service, who will nominate an officer acceptable to the Commission for this purpose. Secretarial and administrative services
4. At meetings of the Commission the Chairman and two other members shall constitute a quorum, subject to the provisions of section 137(2) of the Constitution. Quorum at meetings
5. The Commission shall meet at such intervals as are necessary in the opinion of the Chairman, after consultation with the Secretary for the Public Service, to deal quickly with the Commission's business. Frequency of meetings
6. A record shall be kept of the members present and of business transacted at every meeting of the Commission, and of the decisions reached. Any member who is present at the meeting when a decision is made shall be entitled to disagree with it and to have his reasons for doing so set out in the record of that meeting. Record of meetings and decisions
7. Neither the Chairman nor any other member, nor any other person shall disclose to anyone, otherwise than to a public officer in the proper exercise of his duties, the proceedings or decisions of the Commission, nor the contents of any document, communication or information which has come to his notice in the course of his duties under these Regulations. Non-disclosure of proceedings and documents
8. Any public officer who, otherwise than in the course of his duty, directly or indirectly by himself or by any other person in any way whatsoever influences or attempts to influence any decision of the Commission or the Chairman or any other member shall be guilty of misconduct. Improper Influence
9. It is the duty of all public officers to provide such information and documents as the Commission may require in the exercise of its functions, and to attend to give evidence when requested. Failure to do so, or wilfully to give false or misleading evidence. Duty to provide information and give evidence

information, is an act of misconduct.

10. Staff Reports on public officers shall be made available to the Commission by the Secretary for the Public Service. The Commission may call for additional reports on public officers, if they consider this necessary in any particular case.

Staff Reports to be made available

11. All submissions to the Commission shall be made by or through the Secretary for the Public Service who will be responsible for the regularity. The administrative procedures for the submission of cases to the Commission under the various provisions of these Regulations shall be decided by the Secretary for the Public Service after consultation with the Commission.

Procedure for submissions

12. Where the Commission delegates powers to public officers it shall do so in writing after consultation with the Secretary for the Public Service. In delegating its powers the Commission shall take into account the administrative needs of the Public Service to conduct its affairs promptly, and the need to avoid excessive submissions to the Commission on minor matters.

Delegation of powers

13. Delegation shall be exercised in accordance with the relevant provisions of these Regulations and any other conditions the Commission may impose, as well as the appropriate administrative procedures in force. The powers shall not be sub-delegated without the written approval of the Commission who may withdraw delegated powers from any particular officer if they are misused.

Exercise of powers

14. A public officer in respect of whom a decision has been taken by the Commission, or by an officer exercising delegated powers, under the provisions of these Regulations may appeal to the Commission if he is aggrieved by that decision.

Appeals

15. Any appeal must be made within 14 days after the date on which the decision has been communicated to the officer, or in special circumstances such period not exceeding three months as the Commission may allow.

Time limit on appeals

16. An appeal must be made in writing, and state the grounds on which it is being made and be supported by any relevant information or evidence which may not have been available when the original decision was taken. At any interview in connection with his appeal an officer may be accompanied by a friend or an official representative

Form of appeal

of his trade union.

PART II

APPOINTMENTS TO THE PUBLIC SERVICE

- | | |
|--|-------------------------------------|
| 17. The Secretary for the Public Service shall decide on the minimum qualification, including any examinations or tests, for entry to any cadre, group or class within the public service. | Qualifications for entry |
| 18. The Commission, or any officer to whom they have delegated appropriate powers, shall decide on and make all appointments to the Public Service. | Authority to appoint |
| 19. Unless the Commission otherwise agrees, all appointments to the Public Service will be publicly advertised, by the Secretary for the Public Service or officer delegated to make appointments. | Appointments to be advertised |
| 20. No person shall be appointed to any office unless he has the appropriate minimum entry qualifications, except that if there are no suitable qualified candidates the Commission may, with the concurrence of the Secretary for the Public Service, appoint a person with less than the minimum qualifications on non-permanent terms. | Exception to minimum qualifications |
| 21. Non-nationals shall only be appointed where the Commission is satisfied that no qualified national is available, and then only on a non-permanent basis for such time as may in the view of the Commission be necessary to obtain a qualified Solomon Islands officer. | Appointment of non-nationals |
| 22. Subject to the provisions of regulations 20 and 21, selection of officers for appointment shall be made on merit. | Selection on merit |
| 23. To help in the selection of candidates for permanent appointment (and for promotion and for scholarships and courses, under regulations 34 and 43) selection panels will normally be appointed, to interview candidates and to make recommendations to the Commission. | Appointment of selection panels |

- 24.** A selection panel shall consist of a Chairman and two or more members approved by the Commission. They shall all be public officers. The Chairman will normally be from the Public Service Office and hold a substantive appointment not less than Level 6 or two levels above the level to which the appointment is being made, whichever is the higher. The members, at least one of whom shall have relevant professional, technical or specialist qualifications, shall hold a substantive appointment not less than Level 5 or one grade above the level of appointment, whichever is the higher.
- Composition of panels
- 25.** All recommendations shall be made by or through the Secretary for the Public Service. If any recommendation is not accepted by the Commission, any alternative appointment shall only be made after consultation with the Secretary for the Public Service, who shall seek the views of the panel or recommending officer before submitting his opinion to the Commission.
- Reference back by Commission
- 26.** Letters of appointment will be issued by the Secretary for the Public Service or by any officer exercising delegated powers as appropriate.
- Letters of appointment
- 27.** Permanent appointments will be subject to a probationary period of one year. In special circumstances the Commission may, however, on the recommendation of the supervising officer, extend this period.
- Probationary period for permanent appointments
LN 157/1990
- 28.** The confirmation, extension or termination of a probationary appointment will be decided by the Commission based on the officer's general conduct and reports submitted on his performance of duties.
- Confirmation extension or termination of appointments
LN 157/1990
- 29.** Reports on officers on probation will be made twice in one year. The final report must be submitted to the Commission not later than two months before the end of the probation period.
- Reports during probation
LN 157/1990
- 30.** The renewal, extension or continuation of a non-permanent appointment beyond the term of the appointment, or six months where no term has been specified, shall be subject to the approval of the Commission.
- Renewal extension or termination of appointment

PART III

PROMOTIONS

- 31.** The selection of public officers for substantive promotion shall be competitive, the assessment of candidates being based on qualifications and merit, taking into account staff reports (for officers L3 and above), and the recommendations of senior officers and any selection panel appointed by the Commission. Selection to be Competitive
- 32.** If two or more candidates are judged equal on grounds of qualifications and merit, preference will be given to the most senior. Seniority
- 33.** The field of candidates for consideration for substantive promotion shall be determined by the Secretary for the Public Service and may be restricted to officers of certain grade levels, and with more than a specified seniority. Field for consideration for promotion
- 34.** Where there is more than one qualified candidate to be considered for substantive promotion to L3 and above, a selection panel will normally be appointed to make recommendations to the Commission, in accordance with the procedure in regulations 23 to 25. Staff reports and all other relevant information concerning the candidates will be made available to the panel by the Secretary for the Public Service. Appointment of selection panels
- 35.** All substantive promotions to Level 5 and above shall be subject to six months trial, extendable, exceptionally up to two years at the discretion of the Commission. If after due warning an officer on trial does not reach the required standard he will, subject to the concurrence of the Commission, be demoted. Period of trial
LN 157/1990

PART IV

ACTING APPOINTMENTS

- 36.** Acting appointments will only be made- When permitted
- (a) pending a substantive promotion or appointment to a vacant office; or
- (b) where the substantive holder of an office is absent other than on the duties of his office; or

(c) where the post is of a temporary nature,

and normally only where the officer is to perform the full duties of the office in which he is to act.

37. Appointments to act in any office shall be made by the Commission, or by any officer exercising delegated powers, who will appoint the most senior officer within the Ministry, Division or office concerned who in their judgment is qualified and suitable to fill the office.

Selection for acting appointments

38. No acting appointment shall extend beyond six months without the express approval of the Commission, which shall be withheld unless it is satisfied that the office cannot or should not be filled substantively.

Limitation on acting appointment

PART V

TRANSFERS

39. Transfer from one cadre, group, or class to another at the same grade level shall be approved by the Commission on the recommendation of the Secretary for the Public Service if the officer is qualified and such a move would be in the public interest. On transfer an officer will not carry over any seniority held in his former cadre, group or class.

Transfer at same grade level

40. Where a transfer would involve promotion, the case will be considered under the procedure for substantive promotion in Part III of these Regulations, except that the officer's seniority will not be taken into account.

Transfers involving promotion

41. Nothing in regulations 39 and 40 shall preclude a public officer from applying and being considered for an appointment advertised under Part II of these Regulations, in a different cadre, group or class.

Reserved right to apply for advertised appointments

PART VI

SCHOLARSHIPS AND COURSES

- 42.** The Commission shall consider all proposals to send public officers on scholarships or any course of training which would lead to qualifications for promotion. Role of Commission
- 43.** In considering such proposals the Commission will ensure that candidates are selected on merit, having regard to the claims of other eligible officers. Wherever practicable the Commission will appoint a panel in accordance with the procedure set out in regulations 23 to 25, to make recommendations for its consideration. Selection of candidates

PART VII

DISCIPLINE

- 44.** Misconduct for the purpose of these Regulations includes acts of misconduct specified in Chapter VIII of the Constitution, or acts contrary to any rules or regulations applying to public officers, or other acts of indiscipline including wilful neglect of duty. Definition of misconduct
- 45.** Minor acts of misconduct where a warning by the officer's supervisor is adequate to rectify the misconduct, such as lateness, idleness, or indiscipline, are excluded from the provisions of these Regulations. Where the misconduct persists, a written warning must be given to the officer and a copy sent to the Commission through the Secretary for the Public Service, or to the appropriate officer to whom disciplinary powers have been delegated. Continued misconduct after a written warning shall be dealt with under these Regulations. Minor misconduct
- 46.** It is the responsibility of public officers to report at once suspected acts of misconduct by the staff for whom they have supervisory responsibility, other than minor acts as defined in regulation 45, and to deal with disciplinary cases promptly. Failure to do so shall in itself be treated as an act of misconduct. Responsibility for reporting misconduct
- 47.** Misconduct or suspected misconduct shall be reported through senior officers to the head of department, or to any officer not below Level 9 nominated by the head of department to deal with disciplinary matters, who shall institute any necessary inquiries and submit a report to the Commission through the Secretary for the Public Service or, if appropriate, to an officer exercising delegated disciplinary powers. Procedure of reporting

48. The report shall give-

Contents of report

(a) the facts of the case;

(b) whether or not it is considered that there has been misconduct;

(c) the terms of the disciplinary charge, if there has been misconduct; and

(d) all relevant documents.

49. On receipt of this report the Secretary for the Public Service or officer exercising delegated powers may make such further inquiries as may be thought necessary, and if he considers there has been misconduct he will inform the officer concerned in writing of the charge.

Action by SPS or officer exercising delegated powers

50. The officer shall be given not less than seven days to respond to the charge, and if he so requests he may do so at an interview at which he may be accompanied by a friend or an official representative of his trade union. A report of any such interview shall be placed on record, and a copy sent to the officer accused of misconduct.

Right of accused to respond to charge

51. The Commission may, in serious cases of misconduct or where it is not satisfied that all the facts of the case have been established, appoint a Board of Inquiry to carry out an investigation. The Board shall consist of not more than three officers, all of whom shall be public officers senior to the accused officer, but none shall be from the department in which that officer works, nor be a relative, or have any personal or other connection with him.

Board of Inquiry in serious cases

52. The Board shall take evidence from all parties concerned, including the officer accused of misconduct who may, if he is interviewed, be accompanied by a friend or an official representative of his trade union. The accused officer shall also be given the opportunity to be present and to put questions on his own behalf where witnesses are interviewed by the Board, and shall be allowed to see or have copies of any documents relied on for the purpose of the enquiry.

Procedure of Board of Inquiry

- 53.** The Board shall submit a report to the Commission, through the Secretary for the Public Service, which shall set out the facts established, and recommend any changes in the terms or scope of the charges against the accused officer. If the Commission accepts any change in the charges, the officer concerned shall be informed in writing by the Secretary for the Public Service. Submission of report
- 54.** Where it appears that a public officer has in the course of his duties committed a criminal offence, the police and the Secretary for the Public Service, shall be informed immediately. Reporting criminal offences
- 55.** If a public officer has been or is to be charged with any criminal offence, no decision on any question of misconduct shall be taken pending the conclusions of the legal proceedings and any consequent appeal. Nothing in this regulation shall however preclude any investigation within the public service, nor the right to suspend an officer as provided for in regulation 66. Officers charged with criminal offences
- 56.** Following the conclusion of criminal proceedings, disciplinary action should be completed. Completion of disciplinary action
- 57.** A public officer acquitted of a criminal charge shall not be dismissed or otherwise punished for misconduct in respect of the offence alleged in that charge, but this shall not prevent his being dismissed or otherwise punished if the facts show that the officer has otherwise committed an act of misconduct under the provisions of these Regulations. Officers acquitted of criminal charges
- 58.** Where an officer has been convicted and sentenced to imprisonment, his pay will stop from the date on which he has been sentenced. This is a management action and is unrelated to disciplinary proceedings under these Regulations. Officers sent to prison
- 59.** In considering the punishment of an officer convicted of a criminal offence the Commission, or officer exercising delegated powers, shall take into account the extent to which the offence for which he has been convicted affects the performance of his duties and responsibilities as a public officer, and also the penalties imposed on him for his criminal offence. Punishment of officers guilty of crime

60. Where the Commission or officer exercising delegated powers is satisfied that any act of misconduct warrants punishment, the following may be imposed, according to the circumstances:-

Punishments for misconduct

(a) reprimand;

(b) severe reprimand;

(c) reduction in salary or wages;

(d) demotion by one or more grade levels;

(e) dismissal.

61. Reductions in salary or wages under regulation 60(c) shall normally be by an amount equal to one or more increments for a specified period, the officer's incremental progression remaining unchanged.

Reduction in salary or wages

62. An officer should only be dismissed when the Commission, or officer exercising delegated powers, is fully satisfied that the nature of his misconduct together with any other evidence regarding his previous behaviour makes him unfit to continue in office. If in any particular case the Commission or officer exercising delegated powers is in doubt, a probationary period of up to two years may be imposed, with or without a lesser punishment, which shall expire without further action if the officer is of good behaviour.

Dismissal and probation

63. If during any probationary period imposed under regulation 62 an officer's conduct is unsatisfactory, the facts shall be reported at once to the Commission or officer exercising delegated powers, who shall decide whether the officer should in consequence be dismissed.

Unsatisfactory conduct during probation

64. Nothing in these Regulations shall preclude the Commission from requiring that disciplinary inquiries should be instituted if they have grounds for believing that a public officer may be guilty of misconduct.

Right of Commission to require institution of disciplinary enquiries

65. Any officer may be suspended from all or part of his duties pending the

Authority to suspend from duties

conclusion of disciplinary proceedings, if this is in the interests of the public service. The authority to suspend an officer is vested in the Secretary for the Public Service, or any officer to whom he may delegate that authority.

66. An officer will not be suspended when, as an alternative, it would be possible or appropriate to move him to other work. An officer who is suspended will be informed in writing by the Secretary for the Public Service, or officer exercising delegated powers, of the reasons for his suspension. The officer will continue to receive the salary or wages of his substantive grade level, and must remain at his duty station unless he has the written permission of the Secretary for the Public Service or officer exercising delegated powers to leave it.

Procedure for suspension

PART VIII

INEFFICIENCY

67. The provisions in this Part do not apply to officers on probation or trial, which are dealt with in regulations 27 to 29 of Part II and regulation 35 of Part III.

Scope

68. Where an officer's performance of his duties is unsatisfactory, and not up to the standard of his grade, the responsibility rests in the first place with his senior officers to try to establish the cause by discussion with the officer. The officer must in particular be told of his short-comings so that he can have the opportunity to remedy them. In appropriate cases the officer should be given training or a change of work to establish whether his performance can be improved.

Responsibility of senior officers

69. If within a reasonable time these measures fail to improve the officer's performance to an acceptable standard, a report shall be made to the Commission, through or by the Secretary for the Public Service, or to any officer exercising delegated powers, recommending appropriate action, which may be one of the following:

Action in the event of continuing inefficiency

(a) demotion to a level suited to his abilities;

(b) dismissal with due notice;

(c) retirement in the public interest.

- 70.** If the Secretary for the Public Service, or officer exercising delegated powers, is satisfied that any of the measures provided in paragraphs (a) to (c) of regulation 69 should be taken he must so inform the officer in writing stating the reasons, and allow the officer 14 days to make representations. Consideration by SPS or delegated officer
- 71.** After considering any representations the officer may make, the case shall be submitted to the Commission or dealt with under delegated powers as appropriate, and thereafter the officer will be informed of the decision. Conclusion of case
- 72.** Nothing in this Part shall preclude the Commission or any officer exercising delegated powers from deferring action recommended under regulation 69 pending a further period of trial not exceeding six months, subject to the officer being informed accordingly. Deferment of action pending period of trial

PART IX

PREMATURE RETIREMENT AND TERMINATION OF EMPLOYMENT

- 73.** This Part deals with premature retirement and termination of employment of permanent officers, not otherwise provided for in these Regulations, namely: Scope
- (a) Retirement after reaching the minimum prescribed retirement age, other than voluntary retirement.
 - (b) Premature retirement in the public interest.
 - (c) Premature retirement to facilitate improvements in Government organisation.
 - (d) Termination of employment because of redundancy.
 - (e) Premature retirement on medical grounds.
- 74.** Where termination of employment under regulation 73(d) is being considered as Redundancy through abolition of posts

a consequence of the reduction or abolition of posts, and there will be one or more posts remaining, officers shall be selected for termination of employment in the following order:

(a) Volunteers.

(b) Officers over the minimum prescribed retirement age; the oldest first.

(c) Other officers in order of juniority; the most junior first.

75. An officer shall only be retired on medical grounds if a medical officer, appointed by the Commission on the recommendation of the Permanent Secretary, Ministry of Health and Medical Services, certifies that the officer is unlikely, because of his health, to give future satisfactory service. The medical officer appointed shall not be a relative or have any personal or other connections with the officer whose retirement is being considered.

Retirement on medical grounds

76. Any recommendation for the retirement or termination of employment of an officer in accordance with regulation 73 shall be made to or by the Secretary for the Public Service who, if he is satisfied that such action should be taken, shall advise the officer concerned stating the reasons for the proposed action. Thirty days shall be allowed for the officer to make any representations and thereafter the case shall be submitted to the Commission for decision, together with any representations the officer may have made.

Procedure

PART X

MISCELLANEOUS

77. Nothing in these Regulations shall restrict the right of the Solomon Islands Government to terminate a public officer's employment or to take any other action in accordance with his agreement of service.

Saving under agreement of service

78. The action to be taken on any matter within the competence of the Commission not provided for in these Regulations shall be decided by the Commission after consultation with the Secretary for the Public Service.

Cases not provided for in Regulations

SCHEDULE

In these Regulations, unless the context otherwise requires-

"acting appointment" means a temporary appointment to act in an office at a higher grade level;

"Chairman" means the Chairman of the Public Service Commission;

"Commission" means the Public Service Commission;

"Commissioner" means a member of the Public Service Commission;

"Constitution" means the Constitution set out in the Schedule to the Solomon Islands Independence Order 1978;

"demotion" means the reduction in grade level of a public officer.

"department" means a Ministry or other Government office;

"head of department" means the senior public officer of a Ministry or other Government office;

"Member" means a Member of the Public Service Commission;

"misconduct" includes acts of misconduct specified in Chapter VIII of the Constitution, or acts contrary to any rules or regulations applying to public officers, or other acts of indiscipline including wilful neglect of duty;

"non-permanent appointment" means recruitment to the Public Service on any terms other than permanent;

"permanent appointment" means recruitment to the Public Service on permanent terms;

"posting" means the re-assignment of a public officer from one post or office to another;

"probation" means the period during which an officer's suitability for confirmation of permanent appointment is being assessed;

"Secretary for the Public Service" means the Permanent Secretary in charge of the Public Service Office and staff of that Office to whom the relevant duties have been assigned;

"substantive promotion" means the permanent advancement of a public officer to a higher grade level in the public service;

"transfer" means the movement of a public officer from one cadre, group or class to another within the public service;

"trial" means the period during which an officer's suitability for confirmation of substantive promotion is being assessed.

THE JUDICIAL AND LEGAL SERVICE COMMISSION REGULATIONS

LN 36/1982

(Section 137 (1))

[19th May 1982]

1. These Regulations may be cited as the Judicial and Legal Service Commission Regulations Citation

2. In these Regulations, unless the context otherwise requires- Interpretation

"Commission" means the Judicial and Legal Service Commission for Solomon Islands established in accordance with section 117 of the Constitution;

"Commission post" means an office to which section 118 of the Constitution applies or in relation to which power to appoint is vested in the Commission;

"member" means any member of the Commission and includes the Chairman;

"officer" means a person holding a Commission post and office shall be construed accordingly;

"Responsible Officer" in relation to a Commission post shall be the officer specified in regulation 9.

OFFICERS AND MEETINGS OF THE COMMISSION

3. There shall be a Secretary to the Commission who shall be a public officer assigned to that duty by the Secretary for the Public Service. Meetings of the Commission shall be held at such times and places as the Secretary shall specify on the direction of the Chairman.

Secretary to the
Commission and
meetings

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

Decision by circulation of
papers

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

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

5. A quorum for a meeting of the Commission shall be a majority of the members unless one or more members signifies in writing that he is prepared for a meeting to take place in his absence and to concur in the decisions thereof generally or to concur in a specified decision in which case the quorum shall be two members at the meeting or in respect of the specified decision as the case may be.

Quorum

6. The Chairman shall preside at a meeting of the Commission or, if the Chairman is absent from Solomon Islands or otherwise unable to attend a meeting or to take part in any decision, the Chairman of the Public Service Commission or in his absence such other person as the meeting shall decide shall preside as Chairman of the meeting and shall, in relation to the calling of the meeting and giving, if necessary, a casting vote, perform the functions of the Chairman.

Persons presiding at
meetings

7. For the avoidance of doubt it is hereby declared that no member shall take part

Matters concerning
members

in the discussion or decision on any matter concerning him personally although, if invited to do so by the other members, such member may remain in the meeting during such discussion.

8. The Secretary shall record the minutes of the meeting including, when a request is so made, the dissent of any member and the reasons for such dissent and shall forward the decisions of the Commission to the Secretary for the Public Service for the necessary action.

Minutes and action on minutes

SUBMISSIONS TO THE COMMISSION

9.- (1) Where any matter, other than a disciplinary proceeding or a matter concerning a member of the Commission, is before the Commission, the Commission shall invite a submission from the Responsible Officer.

Submissions by Responsible Officers

(2) The Responsible Officer shall be:-

(a) in the case of judicial posts (including quasi-judicial posts), the Registrar of the High Court;

(b) in the case of posts in the Attorney-General's Chambers, the Solicitor-General;

(c) in the case of posts in the Public Solicitor's Office, the Public Solicitor;

(d) in the case of posts in the Office of the Director of Public Prosecutions, the Director of Public Prosecutions;

(e) in the case of other Commission posts, the Solicitor-General.

(3) All submissions made under this regulation shall before consideration by the Commission be passed to the Secretary for the Public Service for his comments if any.

(4) Where any matter relating to a member of the Commission is before the Commission the member concerned may, should he wish to do so, make the submission for the purposes of paragraph (1) himself which submission shall be

processed in accordance with paragraph (3) or may invite the Secretary for the Public Service to make the submission.

DISCIPLINARY PROCEEDINGS

10. Where any complaint is made to the Commission against any holder of any Commission post the Commission shall-

Complaints made to the Commission

(a) require that the complaint be reduced to writing and forwarded to the Secretary;

(b) invite the Secretary for the Public Service to comment upon the complaint unless the complaint is made by him; and

(c) consider the complaint to decide if a prima facie case appears from the complaint for the exercise by the Commission of its power to remove or exercise disciplinary control.

11. If a prima facie case appears to exist or if an officer is charged with an offence against the criminal law the Commission may suspend the officer from duty either with or without pay or on such part of his pay as the Commission shall prescribe.

Suspension of officer

12.- (1) if the Commission decides that a prima facie case appears from the complaint, the Secretary shall serve upon the officer against whom the complaint is made the written complaint and a notice requiring the officer within fourteen days of the date of service of the complaint on him to inform the Commission whether he accepts the substance of the complaint and where service is by post the officer shall, unless the contrary is proved, be deemed to have been served at the time at which the notice would be delivered in the ordinary course of post.

Action upon complaint

(2) If the officer states that he accepts the substance of the complaint or fails to answer in accordance with the requirement made in the notice served under paragraph (1) the Commission shall proceed to consider the complaint and determine whether or not to exercise its powers.

13. Where-

Oral hearing

(a) the substance of the complaint is denied; or

(b) the officer requests an opportunity to be heard; or

(c) the Commission so decides,

the Commission shall hold an oral hearing.

14. At an oral hearing-

Procedure at oral hearing

(a) the complainant and the officer shall be entitled to be heard and to call evidence;

(b) evidence may be given on oath and the complainant and the officer may cross-examine any witness who gives evidence;

(c) the complainant and the officer may be represented by a barrister or solicitor or, in the case of the officer, by a representative from a professional association or trade union.

15.-(1) If the Commission finds the complaint proved or the complaint is admitted the Commission may-

Action on proved or admitted complaint

(a) take no action on the complaint;

(b) where the officer holds an appointment on probation, direct that the appointment be not confirmed or terminated forthwith;

(c) reprimand the officer;

(d) severely reprimand the officer;

(e) order that the officer pay a fine not exceeding two weeks' salary to be

deducted from his salary;

(f) suspend the officer from duty without salary or on such part of the salary as the Commission shall prescribe for a period not exceeding six months;

(g) order reduction in rank or reduction in salary;

(h) order suspension or deferment of increment;

(i) remove the officer from his appointment; or

(j) dismiss the officer from the Public Service.

(2) Notwithstanding paragraph (1), should the Commission so decide, it may recommend to the Governor-General that the officer be required to retire in the public interest or in the case of a contract officer, that he should be given notice to terminate the contract.

PREMATURE RETIREMENT ON MEDICAL GROUNDS

16.-(1) Where the Secretary for the Public Service is of the opinion that an officer is unlikely, because of his health, to continue to perform satisfactorily the functions of his office the Secretary for the Public Service may require the officer to undergo a medical examination by a medical officer appointed by him.

Medical Examination

(2) If the officer fails to attend the medical examination the Commission may suspend the officer on full pay or without pay or with such part of his pay as the Commission shall determine until he undergoes such medical examination.

17.-(1) If after receipt of the medical report the Secretary for the Public Service is of the opinion that there is a case for the Commission to consider to order premature retirement on medical grounds he shall submit the matter to the Commission.

Consideration of
submission

(2) The Commission after giving the officer an opportunity to make representations shall consider the submission and representations and shall decide

whether or not the officer should be required to retire on medical grounds.

MISCELLANEOUS

18.-(1) No person who is not a member of the Commission shall influence or attempt to influence the Commission or any member in favour of or against any course of action to be taken by the Commission other than by a submission duly made through the responsible officer under these Regulations or at an oral hearing.

Attempts to influence the Commission

(2) Where it is established to the satisfaction of the Commission that an applicant for any Commission post or a candidate for any promotion to such a post has attempted to influence the Commission or a member of the Commission or has been party to such an attempt, the Commission shall refuse to consider that person as an applicant or a candidate and his name shall be withdrawn from the Commission deliberations.

THE TEACHING SERVICE COMMISSION REGULATIONS

LN 4/1988

(Section 137(1))

[29th January 1988]

1. These Regulations may be cited as the Teaching Service Commission Regulations.

Citation

2. In these Regulations, unless the context otherwise requires-

Interpretation

"Commission" means the Teaching Service Commission for Solomon Islands established in accordance with section 116A of the Constitution;

"Education Authority" means an Education Authority approved under section 9 of the Education Act;

Cap. 69

"member" means any member of the Commission and includes the Chairman;

"MET" means the Ministry responsible for Education and Training;

"Responsible Officer" in relation to a teacher shall be the officer specified in regulation 12;

"teacher" means a person holding an office to which section 116B of the Constitution applies, that is to say, teachers in primary schools, secondary schools and institutes of tertiary education.

3. There shall be a Secretary to the Commission who shall be a public officer assigned to that duty by the Secretary for the Public Service.

Secretary to the Commission

4. The Commission shall meet every three months and at such other intervals as are considered necessary by the Chairman to deal quickly with the Commission's business. The date, time and place of every such meeting shall be specified by the Chairman and the Secretary shall notify the members at least 3 days in advance.

Meetings of Commission

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

Decision by circulation of papers

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

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

6. A quorum for a meeting of the Commission shall be a majority of the members unless one or more members signifies in writing that he is prepared for a meeting to take place in his absence and to concur in the decision thereof generally or to concur in a specified decision in which case the quorum shall be two members at the meeting or in respect of the specified decision as the case may be.

Quorum

7. (1) The Chairman shall preside at meetings of the Commission and, for the avoidance of doubt, "Chairman" includes the acting or deputy Chairman of the Public Service Commission if the substantive appointee is absent from Solomon Islands.

Chairman/Deputy PSC

(2) If the Chairman is unable to attend a meeting or take part in any decision then, provided a quorum is present one of the members may preside as a temporary chairman in relation to the calling of the meeting and giving, if necessary, a casting vote.

8. For the avoidance of doubt it is hereby declared that no member shall take part in the discussion or decision on any matter concerning him personally or a member of his family. However, if invited to do so by the other members, such member may remain in the meeting during such discussion.

Member to be unbiased

9. The Secretary shall record the minutes of the meeting including, when a request is so made, the dissent of any member and the reasons for such dissent and shall forthwith forward the decisions of the Commission to the relevant Education Authority for the necessary action and communication to the teacher or teachers concerned.

Minutes of meetings

10. Except where power has been delegated under section 116B(2) of the Constitution-

Appointment of teachers

(a) every Education Authority shall notify the Commission of all appointments and promotions of teachers which it proposes to make, together with-

(i) evidence of the teacher's qualifications and experience; and

(ii) a confidential report or other personal reference, and

(iii) any other information the Commission may require;

(b) the Commission shall consider each such proposed appointment and promotion and shall within 3 months either make the appointment and promotion or reject it giving reasons;

(c) when considering such appointments and promotions, the Commission shall follow the provisions and guidelines of the current Teacher's Scheme of Service and all other policy papers approved by Parliament from time to time.

Complaints by teachers

11. (1) A teacher may submit to the Secretary of the Commission a written complaint (including a complaint involving a function of the Commission delegated in accordance with section 116B(2) of the Constitution) relating to the terms, conditions or other matters relating to his employment if he believes he has been unfairly treated and can show to the satisfaction of the Secretary that he has first taken up the matter with his Responsible Officer and the Education Authority and allowed a reasonable time for such complaint to be dealt with.

(2) The Secretary of the Commission shall first refer the teacher's complaint to the teacher's Responsible Officer for his written submission. He shall then investigate the teacher's case and where possible settle the matter. If having investigated the complaint the Secretary considers the matter to be too serious or sensitive for him to take a decision, or where either party to the complaint is not satisfied with the outcome then the Secretary shall refer the matter to the Commission for its consideration and decision. The Secretary shall communicate the Commission's decision and the reasons for it to the parties involved in the complaint.

Responsible Officers

12. The Responsible Officer shall be-

(a) in the case of a teacher at a provincial primary or secondary school, the Principal Education Officer of the Province (or Honiara Town Council, as appropriate);

(b) in the case of a teacher in an Educational Institution directly under the control of MET, the Chief Education Officer (MET);

(c) in the case of other schools, a representative of the Board of Governors.

Where any matter is before the Commission which relates to a member of the Commission the member concerned may, should he wish to do so, make the submission for the purposes of regulation 11(2) himself or may invite the Secretary to the Commission to make the submission.

Complaints made to the Commission

13. Where any complaint is made to the Commission against any teacher the Secretary to the Commission shall-

(a) require that the complaint be reduced to writing and forwarded to the Secretary; and

(b) invite the Education Authority to make a full written report about the complaint and to submit the teacher's written or oral explanation and the Authority's recommendation to the Commission; and

(c) consider the complaint and decide if there appears to be a prima facie case for the exercise by the Commission of its power to remove or exercise disciplinary control.

14. (1) If the Secretary to the Commission decides that there is a prima facie case, or if the teacher is charged with a criminal offence the Secretary to the Commission may suspend the teacher from duty either with or without pay or such part of his pay as the Commission shall prescribe.

Suspension of Officer

(2) If the teacher has already been suspended by his Education Authority, the Commission may confirm such suspension or revoke it and may order that any withheld pay be given to the teacher, if appropriate.

15. (1) If the Secretary to the Commission decides that there is a prima facie case he shall serve upon the teacher against whom the complaint is made, the written complaint and notice requiring the teacher within thirty days of the date of service of the complaint on him to-

Action upon complaint

(a) inform the Commission whether he accepts the substance of the complaint or not; and

(b) invite the teacher to put his side of the case to the Commission in writing.

(2) Where service is by post the teacher shall, unless the contrary is proved, be deemed to have been served at the time at which the notice would be delivered in the ordinary course of post.

(3) If the teacher states that he accepts the substance of the complaint or fails to answer in accordance with the requirement made in the notice served under paragraph (1) the Commission shall proceed to consider the complaint and determine whether or not to exercise its powers.

16. Where-

Oral hearing

- (a) the substance of the complaint is denied; or
- (b) the teacher request an opportunity to be heard; or
- (c) the Commission so decides,

the Commission shall hold an oral hearing.

17. At an oral hearing-

Procedure at oral hearing

- (a) the complainant and the teacher shall be entitled to be heard and to call witnesses and produce other evidence;
- (b) in serious cases the complainant and the teacher may be represented by an officer from a professional association or trade union.

18. (1) If the Commission finds the complaint proved or the complaint is admitted the Commission may-

Action on proved or admitted complaint

- (a) take no action on the complaint;
- (b) where the teacher holds an appointment on probation, direct that the appointment be not confirmed or terminated forthwith;
- (c) reprimand the teacher;
- (d) severely reprimand the teacher;
- (e) order that the teacher pay a fine not exceeding two weeks' salary to be deducted from his salary;

(f) suspend the teacher from duty without salary or on such part of the salary as the Commission shall prescribe for a period not exceeding six months;

(g) order reduction in rank or reduction in salary;

(h) order suspension or deferment of increment;

(i) remove the teacher from his appointment; or

(j) dismiss the teacher from the Teaching Service:

Provided that a teacher who is convicted of a criminal offence and sentenced to imprisonment shall be dismissed from the Teaching Service with effect from the date of conviction and his teacher's registration withdrawn from that date.

(2) Notwithstanding paragraph (1), should the Commission so decide, it may recommend to the Permanent Secretary of MET that the teacher be made to retire in the public interest, or in the case of a contract teacher, that he should be given notice to terminate the contract.

(3) The Secretary to the Commission shall communicate the Commission's decision and the reasons for it, to the teacher, the Education Authority and any other party to the proceedings.

19. (1) A teacher who is aggrieved by the decision of the Commission on his case and can produce new evidence or has some other substantial reason may appeal to the Commission for it to reconsider the decision.

Appeal for
reconsideration by the
Commission

(2) Such appeal shall be made within three months of communication of the Commission's original decision.

20. (1) Where the Principal Education Officer or Responsible Officer is of the opinion that a teacher is unlikely, because of his health, to continue to perform satisfactorily

Medical Examination

the functions of his post the Responsible Officer may require the teacher to undergo a medical examination by a medical officer agreed by the officer and the teacher.

(2) If the teacher fails to attend the medical examination the Commission may suspend the teacher on full pay or without pay or with such part of his pay as the Commission shall determine until he undergoes such medical examination.

21. (1) If after receipt of the medical report the Principal Education Officer or Responsible Officer is of opinion that there is a case for premature retirement on medical grounds he shall submit the matter to the Commission for its consideration.

Consideration of
submission

(2) The Commission, after giving the teacher an opportunity to make representations shall consider the submission and representations and shall decide whether or not the teacher should be made to retire on medical grounds.

22. (1) No person who is not a member of the Commission shall influence or attempt to influence the Commission or any member in favour of or against any course of action to be taken by the Commission other than by a submission duly made through the Responsible Officer under these Regulations or at an oral hearing.

Attempts to influence the
Commission

(2) Where it is established to the satisfaction of the Commission that an applicant for any Teaching Service post or a candidate for any promotion to such a post has attempted to influence the Commission or a member of the Commission or has been party to such an attempt, the Commission shall refuse to consider that person as an applicant or candidate and his name shall be withdrawn from the Commission deliberations.

THE POLICE AND PRISONS SERVICE COMMISSION REGULATIONS

LN 121/1994

(Section 137(1))

[18th November 1994]

ARRANGEMENT OF REGULATIONS

REGULATION

PART I

GENERAL PROVISIONS

1. CITATION
2. INTERPRETATION
3. APPOINTMENT OF SECRETARY
4. RECORD OF MEETINGS
5. VOTING
6. PROCEEDINGS OF COMMISSION PRIVILEGED
7. POWER TO REQUIRE ATTENDANCE OF WITNESSES
8. ATTEMPTING TO INFLUENCE COMMISSION
9. GIVING FALSE INFORMATION TO THE COMMISSION
10. DIVULGING OFFICIAL INFORMATION

PART II

APPOINTMENTS, CONFIRMATION, PROMOTIONS, RENEWALS AND TERMINATION

11. GENERAL FUNCTIONS OF COMMISSION WITH REGARD TO APPOINTMENTS, CONFIRMATION, PROMOTIONS, DETERMINATIONS AND RETIREMENTS
12. PROCEDURE TO BE FOLLOWED

PART III

DISCIPLINE

13. FUNCTIONS OF THE COMMISSION IN DISCIPLINARY MATTERS INCLUDING DISMISSAL
14. PROCEDURE TO BE FOLLOWED
15. PUNISHMENTS

PART IV

MISCELLANEOUS

16. PROVISION WHERE NOT OTHERWISE MADE

THE POLICE AND PRISONS SERVICE COMMISSION REGULATIONS

PART I

GENERAL PROVISIONS

1. These Regulations may be cited as the Police and Prisons Service Commission Regulations. Citation

2. In these Regulations, unless the context otherwise requires- Interpretation

"appointment" means-

- (a) the conferment of an office of emolument upon an Inspector or above rank in the Force and an Assistant Prison Officer or above rank in the Prisons Service and includes an acting appointment in such office;
- (b) the grant of permanent and fixed terms of service to a person recruited and serving a contract on non-pensionable terms of service;
- (c) the engagement in office of, or above, the rank of Inspector or Assistant Prison Officer on contract terms of service or for a further period of service on the conclusion of his previous period of engagement on contract or fixed terms in the same or another rank;

"Chairman" means the Chairman of the Commission as provided for under section 119(2)(a) of the Constitution or any person appointed to act temporarily as Chairman;

"Commission" means the Police and Prisons Service Commission established by section 119(1) of the Constitution;

"Commissioner" means the Commissioner of Police or any person acting in that

office;

"Force" means the Royal Solomon Islands Police Force;

"gazetted officer" means a police or prison officer of or above the rank of Assistant Superintendent of Police or Assistant Prison Officer;

"General Orders" means the General Orders for the public service of Solomon Islands as from time to time issued and amended;

"member" means a Member of the Commission and includes the Chairman provided for under section 119(2) (a), (b) and (c) of the Constitution;

"office of emolument" in relation to the Force and Prisons Service means any pensionable or non-pensionable post which is shown in the Estimates;

"officer" means a police officer of or above the rank of Inspector of the Force or an Assistant Prison Officer in the Prisons Service;

"police officer" means any member of the Force;

"prison officer" means any member of the Prisons Service;

"Prisons Service" means the Solomon Islands Prisons Service;

"promotion" means the conferment upon an officer in the Force or an Assistant Prison officer in the Prisons Service of an office to which is attached a higher salary or higher salary scale than that attached to the office he last held substantively;

"Secretary" means the Secretary to the Commission; and

"Superintendent" means the Superintendent of Prisons.

3. (1) There shall be a Secretary to the Commission whose functions shall be limited to matters of the Commission.

Appointment of Secretary

(2) No person shall be appointed to, or carry out the functions of, Secretary to the Commission under this regulation unless he is a public officer.

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|---|---|
| <p>4. A record shall be kept of the members of the Commission present and of the business transacted at every meeting of the Commission.</p> | <p>Record of meetings</p> |
| <p>5. All decisions of the Commission shall be by a majority of votes of the members present and voting, and if on any question the votes are equally divided the Chairman shall have and exercise a casting vote.</p> | <p>Voting</p> |
| <p>6. Any report, statement or other communication or record of any meeting, inquiry or proceedings which the Commission may make in exercise of its functions or any member may make in performance of his duties, shall be privileged in that its production may not be compelled in any legal proceedings unless the Chairman certifies that such production is not against the public interest.</p> | <p>Proceedings of Commission privileged</p> |
| <p>7. The Commission may require any police or prison officer of any rank to attend and give evidence concerning any matter which it is empowered to consider in exercise of its functions under these Regulations, and may require the production of any official documents relating to any such matter.</p> | <p>Power to require attendance of witnesses</p> |
| <p>8. Any officer who otherwise than in the course of his duty directly or indirectly by himself or by any other person in any manner whatsoever influences or attempts to influence any decision of the Commission or the Chairman or any other member shall be liable to disciplinary proceedings.</p> | <p>Attempting to influence Commission</p> |
| <p>9. Any person who in connection with any application by any person for employment or promotion in the Force and Prisons Service, or with any matter upon which it is the duty of the Commission to make recommendations or to make any decision, wilfully gives to the Commission or to the Chairman or to any other member thereof, or to any person or body of persons appointed by the Commission to assist it in the exercise of its functions or the discharge of its duties, any information which he knows to be misleading by reason of the omission of material particular, shall be guilty of an offence.</p> | <p>Giving false information to Commission</p> |
| <p>10. Neither the Chairman nor any other member shall publish or disclose to any</p> | <p>Divulging official</p> |

person, otherwise than in the exercise of his functions under these Regulations, the contents of any document, communication or information whatsoever which has come to his notice in the course of his duties under these Regulations in respect of any matter referred to the Commission or dealt with by any police or prison officer holding a delegated authority, and any person who knowingly acts in contravention of this regulation shall be guilty of misbehaviour under section 126 of the Constitution.

information

PART II

APPOINTMENTS, CONFIRMATIONS, PROMOTIONS, DETERMINATIONS AND RETIREMENTS

11. Except in the case of any matters relating to the Commissioner, the Commission shall decide on the following matters relating to officers in the Force with regard and in the Prisons Service-

General function of Commission with regard to appointments, confirmations, promotions, renewals and terminations

- (a) appointments and promotions;
- (b) confirmation of probationary and trial appointments and the extension and termination of such appointments;
- (c) renewals of contracts and agreements;
- (d) retirement on or after reaching such minimum retiring age as may be prescribed from time to time by or under any law and be applicable to them;
- (e) retirement or abolition of office;
- (f) retirement to facilitate improvement in the organisation of the Force or the Prisons Service;
- (g) retirement in the public interest; and
- (h) retirement on medical grounds.

12. In any matter referred to the Commission in accordance with regulation 11 of these Regulations the Commissioner or Superintendent and the Secretary (Cabinet and

Procedure to be followed

Public Service) shall follow the appropriate procedure prescribed in Parts II, III, IV and IX of the Public Service Commission Regulations 1979 and shall be guided by the provisions of General Orders, Police and Prisons Acts and the Police and Prisons Regulations as the circumstances shall admit.

PART III

DISCIPLINE

13. (1) The Commission shall decide on the disciplinary control, including the removal or other punishment, of officers in the Force and gazetted officers in the Prisons Service subject to sections 121(2) and 124(2) of the Constitution.

Functions of the Commission in disciplinary matters including dismissal

(2) The Commission shall determine any petitions by members of the Force and the Prisons Service against decisions made by the Commissioner or the Superintendent in disciplinary matters.

(3) If in any case which comes to the attention of the Commission it is of the opinion that disciplinary proceedings should be instituted against an officer in the Force or an officer in the Prisons Service the Commission may decide that such proceedings should be initiated:

Provided that before giving such a decision in a case in which it appears that an offence against any law may have been committed, the Secretary shall refer the case to the Director of Public Prosecutions who shall inform the Secretary whether a prosecution should be instituted. If the Director of Public Prosecutions advises that a prosecution should be instituted, the Commission shall, after the conclusion of such prosecution, decide to initiate disciplinary proceedings.

14. In any matter referred to the Commission in accordance with regulation 13 the Commissioner, the Superintendent and the Secretary (Cabinet and Public Service) shall follow the procedure prescribed in regulations 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 62, 63, 64, 65 and 66 in Part VII of the Public Service Commission Regulations as the circumstances shall admit.

Procedure to be followed

15. Except in any matter relating to the Commissioner the Commission may impose any of the following punishments upon a gazetted officer or Inspector in the Force or a

Punishments

gazetted officer in the Prisons Service as a result of disciplinary proceedings:-

- (a) reprimand;
- (b) severe reprimand;
- (c) reduction in salary;
- (d) demotion by one or more grade levels;
- (e) stoppage, suspension or deferment of increment; and
- (f) dismissal.

PART IV

MISCELLANEOUS

16. In the event of any circumstances arising in relation to the exercise of the powers of the Commission in regard to offices to which these Regulations apply and for which no appropriate procedure is laid down in these Regulations the matter shall be decided by the Commission after consultation with the Commissioner or Superintendent of Prisons.

Provision where not
otherwise made