

# REPRINT

## NATIONAL ARCHIVES ACT (CAP. 147)

**As in force at: 24 July 2017**

**STATUS: HISTORICAL**

This version is that in force at the date stated above. It does not include amendments made since that date.

For list of amendments see Endnotes

**AN ACT TO MAKE PROVISIONS WITH RESPECT TO THE PRESERVATION OF OFFICIAL RECORDS AND FOR MATTERS CONNECTED THEREWITH AND INCIDENTAL THERETO.**

## **NATIONAL ARCHIVES ACT (CAP. 147)**

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# NATIONAL ARCHIVES ACT (Cap. 147)

As in force at: 24 July 2017

## 1 Short title and commencement

This Act may be cited as the *National Archives Act* and shall come into operation on a day to be appointed by the Minister by notice published in the *Gazette*.

## 2 Interpretation

In this Act, unless the context otherwise requires:

**“archives”** means all official records no longer in current use and adjudged by the Committee to be worthy of permanent preservation in the National Archives for reference and historical purposes;

**“Archivist”** means the Government Archivist appointed pursuant to section 4;

**“Committee”** means the Archives Advisory Committee established under section 3;

**“official records”** mean all papers, documents, records, registers, printed material, maps, plans, drawings, photographs, microfilm, cinematograph films and sound recordings of any kind whatever, officially received or produced by any public organisation in the course of its official duties;

**“public organisation”** means any ministry, department, commission, committee, board, corporation, agency, or other organisation of the Government of Solomon Islands or Provincial Government and includes a local government authority.

## 3 Establishment and functions of National Archives Advisory Committee

- (1) For the purposes of this Act there is hereby established a body to be known as the National Archives Advisory Committee.

- (2) The provisions of the Schedule shall have effect with respect to the constitution and operation of the Committee and otherwise in relation thereto.
- (3) The committee shall, with a view to the proper carrying out of the provisions and objects of this Act, advise the Minister on any matter within its knowledge or on which the Minister may seek its advice.

#### **4 Appointment of Government Archivist and functions of Archivist**

- (1) There shall be a Government Archivist for the purposes of this Act, who shall be a public officer.
- (2) The Archivist shall be responsible for:
  - (a) the custody, preservation, arrangement, repair and rehabilitation of the National Archives;
  - (b) the preparation and publication of inventories, indexes, catalogues and other finding-aides or guides facilitating the use of archives; and
  - (c) such duplication and reproduction of archives as may be necessary or appropriate.

#### **5 Examination of official records and transfer of such records to the National Archives**

- (1) Subject to subsection (2), the Archivist, or any officer of the National Archives authorised by him, has the power to examine any official records which are in the custody of any public organisation and to advise such organisation as to the care, custody and control thereof.
- (2) Nothing in this section shall authorise the Archivist or any officer referred to in subsection (1) to examine and official record relating to matters which by statute are forbidden to be communicated to him.
- (3) Official records in the custody of any public organisation shall be transferred periodically to the National Archives in accordance with regulations made under this Act.

## **6 Acquisition of private records by Archivist**

The Archivist may acquire by gift, purchase or loan all such original records, documents, books and other historical material, of any nature whatsoever, or copies or replicas thereof, as he may think necessary or desirable to secure for the National Archives.

## **7 Acquisition of official records by Archivist**

- (1) Every person responsible for the custody of official records of any description which are not in the National Archives shall make arrangements for the selection of those records which ought to be permanently preserved and for their safe-keeping.
- (2) Every person required to make arrangements pursuant to subsection (1) shall do so under the guidance of the Archivist or any officer of the National Archives authorised in that behalf by the Archivist and the Archivist shall be responsible for coordinating and supervising all action taken under this section.
- (3) Subject to subsection (4) official records selected for permanent preservation under this section shall be transferred not later than thirty years after their creation to the National Archives.
- (4) Official records may be retained in any public organisation after the period stated in subsection (3) if, in the opinion of the person responsible for them, they ought to be retained for any special reason.

## **8 Access to official records**

- (1) Official records in the National Archives shall not be available for public examination until they have been in existence for thirty years or such longer or shorter period, as the Committee with the approval of the Minister, may specify as respects any particular class of official records or any individual official record.
- (2) Notwithstanding subsection (1), where it appears to the person responsible for any official record which has been selected for permanent preservation that it contains information which was obtained under such conditions that the opening of such record to the public after the period prescribed under subsection (1), might

constitute a breach of good faith on the part of the Government or on the part of the person who obtained the information, the person responsible for such record shall inform the Archivist accordingly and such record shall not be available in the National Archives for public inspection even after the expiration of the said period except in such circumstances and subject to such conditions, if any, as the Archivist after consultation with that person, may approve.

- (3) Subject to the provisions of this section and of any other enactment which prohibits the disclosure of information obtained from the public, and subject to any regulations made under this Act, the Archivist shall arrange that reasonable facilities are made available to the public for inspecting and obtaining copies of official records in the National Archives.
- (4) Notwithstanding anything contained in this section, the Archivist may permit a person to inspect any record if he has obtained special authority in writing in that behalf, given by an officer of a public organisation being an officer accepted by the Archivist as qualified to give such authority.
- (5) Any person who fails to comply with any condition imposed pursuant to subsection (2) shall be guilty of an offence and on conviction be liable to a fine not exceeding one thousand penalty units or to imprisonment for a term not exceeding twelve months or to both' such fine and imprisonment.

## **9 Return of official records to public organisation**

Where the person in charge of any public organisation notifies the Archivist in writing that the official record which was transferred from that organisation to the National Archives is required for use in that organisation, the Archivist shall, if he has the custody or control of that official record, make available to that person, who shall return it to the Archivist as soon as it is no longer required by him for use.

## **10 Restriction on export of official records**

- (1) The exportation from Solomon Islands of any official record which relates to Solomon Islands and which has been certified by the Archivist to be of historical value is prohibited, except with the permission of the Minister given in accordance with subsection (2).

- (2) The Minister may after consultation with the Committee by memorandum in writing give permission for the export of an official record specified in the memorandum and may impose such conditions in relation thereto as the Minister thinks necessary or desirable.
- (3) Any person who contravenes the provisions of subsection (1) or fails to comply with any conditions imposed pursuant to subsection (2) shall be guilty of an offence and shall be liable to a fine not exceeding one thousand penalty units or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment.

## **11 Legal copies of official records and authenticated copies**

- (1) The legal validity of any official record shall not be affected its removal to or from the National Archives pursuant to any provision of this Act.
- (2) A copy or extract from an official record in the National Archives purporting to be examined and certified as true and authentic by the Archivist or by an officer of the National Archives authorised by the Archivist in that behalf shall be admissible as evidence in any proceedings without further or other proof thereof if the original record would have been admissible as evidence in those proceedings.

## **12 Rules and regulations**

The Minister may make rules regulations generally for the better carrying out of the objects and purposes of this Act and, without prejudice to the generality of the foregoing, make rules and regulations providing for:

- (a) the admission of the public to the National Archives and the inspection by the public of the Archives;
- (b) the transfer of any official records from the custody or control of any public organisation to the National Archives;
- (c) the examination, disposal or destruction of any official records which are not of sufficient value of justify their permanent preservation in the National Archives or elsewhere; and

- (d) the fees which may be charged in respect of services provided to the public by the National Archives.

### **13 Transitional**

Official records presently classified as archives and permanently preserved as such shall be deemed to be in the custody and control of the National Archives.

## **SCHEDULE**

(Section 3)

### **1. Constitution of Committee**

The Archives Advisory Committee shall consist of the following members:

- (a) the Permanent Secretary of the Ministry of Home Affairs or the Ministry for the time being responsible for the National Archives, to be the Chairman;
- (b) the Permanent Secretary of the Ministry of Education and Training;
- (c) the Director of the National Museum;
- (d) the Archivist, who shall be the Secretary; and
- (e) three other members who shall be appointed by the Minister.

### **2. Tenure of office of appointed members**

- (1) The appointment of the appointed members shall be for a period not exceeding two years.
- (2) The appointed members of the Committee shall be eligible for reappointment.
- (3) Notwithstanding anything to the contrary, the Minister may at any time revoke the appointment of any appointed member of the Committee.

### 3. Resignations

Any appointed member of the Committee may at any time resign his office by instrument in writing addressed to the Minister, and such resignation shall be effective from the date of receipt by the Minister of such instrument.

### 4. Publication of membership

The names of all the appointed members of the Committee as first constituted and every change in the appointed membership thereof shall be published in the *Gazette*.

### 5. Procedure and meetings

- (1) The Committee shall meet at such time as may be necessary or expedient for the transaction of business, and such meetings shall be held at such places and times and on such days as the Committee shall determine, so, however, that the Committee shall meet not less than twice a year.
- (2) The Chairman may at any time call a special meeting of the Committee and shall call a special meeting to be held within seven days of a written request for that purpose addressed to him by any two members of the Committee.
- (3) The Chairman shall preside at all meetings of the Committee at which he is present and in the case of the absence or inability to act, at any meeting, of the Chairman, the remaining members of the Committee present at the meeting and constituting a quorum shall elect one of their members to preside at that meeting, and when so presiding the Chairman or the person elected as aforesaid, as the case may be, shall have a casting vote in addition to an original vote in any case in which the voting is equal.
- (4) The quorum of the Committee shall be four or such greater number as may be fixed by the Committee.
- (5) Subject to the provisions of this Schedule the Committee may regulate its own proceedings.

- (6) The validity of any proceedings of the Committee shall not be affected by any vacancy amongst the members thereof or by any defect in the appointment of a member thereof.

#### 6. Remuneration of members

There may be paid to the Chairman and other members of the Committee and to members of any sub-committee appointed under paragraph 8 such remuneration (whether by way of honorarium, salary or fees) and such allowances as the Minister may determine.

#### 7. Protection of members of Committee

No action, suit, prosecution or other proceedings shall be brought or instituted personally against any member of the Committee in respect of any act done *bona fide* in pursuance of the execution or intended execution of this Act.

#### 8. Appointment of sub-committees

- (1) The Committee may appoint sub-committees for any such general or special purposes with which the Committee may be concerned as in the opinion of the Committee would be better regulated and managed by means of a sub-committee.
- (2) The number of members of a sub-committee appointed under sub-paragraph (1), their functions and terms of appointment, the quorum of the sub-committee and the area, if any, within which the sub-committee is to exercise authority, shall be determined by the Committee.
- (3) A sub-committee appointed pursuant to this paragraph may include persons who are not members of the Committee.
- (4) The provisions of paragraph 7 shall apply to a member of a sub-committee who is not a member of the Committee in like manner as they apply to a member of the Committee.
- (5) The validity of the proceedings of a sub-committee appointed pursuant to this paragraph shall not be affected by any vacancy amongst the members thereof or by any defect in the appointment of a member thereof.

9. Delegation of powers

- (1) Subject to the provisions of this Act the Committee may, delegate to any member of a sub-committee of the Committee or to any of the officers or servants of the National Archives the power and authority to carry out such of its functions as the Committee may determine.
- (2) Every delegation under this paragraph is revocable by the Committee and no delegation shall prevent the exercise by the Committee of any function delegated.

## ENDNOTES

### 1

#### KEY

amd = amended	Pt = Part
Ch = Chapter	rem = remainder
Div = Division	renum = renumbered
exp = expires/expired	rep = repealed
GN = Gazette Notice	Sch = Schedule
hdg = heading	Sdiv = Subdivision
ins = inserted	SIG = Solomon Islands Gazette
lt = long title	st = short title
LN = Legal Notice	sub = substituted
nc = not commenced	

#### NOTE

This Reprint comprises the Act and amendments as in force on 1 March 1996 and published as Chapter 147 of the Revised Edition of the Laws of Solomon Islands, together with amendments made to the Act from that date to 24 July 2017.

### 2

#### LIST OF LEGISLATION

***National Archives Act (Cap. 147)***

<i>Constituent legislation:</i>	5 of 1994 ( <i>Not in Operation on 1 March 1996</i> )
<i>Commenced</i>	24 July 2017

***Penalties Miscellaneous Amendments Act 2009 (No. 14 of 2009)***

Assent date	29 July 2009
Gazetted	1 October 2009
Commenced	1 October 2009

### 3

#### LIST OF AMENDMENTS

s 8	amd by Act No. 14 of 2009
s 10	amd by Act No. 14 of 2009