

REPRINT

PRESERVATION OF PUBLIC SECURITY ACT (CAP. 27)

As in force at: 1 March 1996

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AN ACT TO MAKE PROVISION FOR THE PRESERVATION OF PUBLIC SECURITY

PRESERVATION OF PUBLIC SECURITY ACT (CAP. 27)

Table of provisions

| | | |
|---|-------------------------------------------------------|---|
| 1 | Short title | 1 |
| 2 | Interpretation | 1 |
| 3 | Public security regulations | 1 |
| 4 | Special public security regulations | 2 |
| 5 | Incidental and supplementary provision in regulations | 3 |
| 6 | Application and effect of regulations | 4 |
| 7 | Proof of documents | 4 |

PRESERVATION OF PUBLIC SECURITY ACT (Cap. 27)

As in force at: 1 March 1996

1 Short title

This Act may be cited as the *Preservation of Public Security Act*.

2 Interpretation

In this Act, “**public security**” includes the securing of the safety of persons and property, the maintenance of supplies and services essential to the life of the community, the prevention and suppression of violence, intimidation, disorder and crime, the prevention and suppression of mutiny, rebellion and concerted defiance of and disobedience to the law and lawful authority, and the maintenance of the administration of justice.

3 Public security regulations

- (1) If at any time the Governor-General is satisfied that it is necessary for the preservation of public security so to do, he may by notice declare that the provisions of subsections (3) and (4) shall come into operation and thereupon those provisions shall come into operation accordingly; and they shall continue in operation until the Governor-General by further notice directs that they shall cease to have effect, whereupon they shall cease to have effect except as respects things previously done or omitted to be done.
- (2) A notice under subsection (1) may, if the Governor-General thinks fit, be made so as to apply only to such part of Solomon Islands as may be specified in the notice, in which case regulations made under subsection (3) shall, except as otherwise expressly provided in such regulations, have effect only in that part of Solomon Islands so specified.
- (3) Subject to the provisions of subsection (4), the Governor-General may for the preservation of public security, by regulation:
 - (a) make provision for the prohibition of the publication and

dissemination of matter prejudicial to public security, and, to the extent necessary for that purpose, for the regulation and control of the production, publishing, sale, supply, distribution and possession of publications;

- (b) make provision for the prohibition, restriction and control of assemblies;
 - (c) make provision for the prohibition, restriction and control of the residence, movement and transport of persons, the possession, acquisition, use and transport of movable property, and the entry to, egress from, occupation and use of immovable property;
 - (d) make provision for the regulation and control of food and liquor supplies, medical supplies, clothing supplies, fuel and lubricant supplies, chemical supplies, supplies of arms, ammunition and explosives, hospital, health, medical and nursing services, conservancy and sanitation services, water and electricity services, fire services, posts and telecommunications services, wireless and broadcasting services, road transport services, marine, port, dock and harbour services, airport, air and meteorological services, and the production, manufacture, importation, exportation and bulk, wholesale and retail distribution of such supplies and distribution and performance of such services;
 - (e) make provision for, and authorise the doing of, such other things as appear to him to be required by the exigencies of the situation in Solomon Islands.
- (4) Regulations made under this section shall not make provision for any of the matters set out in section 4(3).
 - (5) The coming into operation of section 4(3) shall not cause the provisions of subsections (3) and (4) of this section to cease to have effect.

4 Special public security regulations

- (1) If at any time the Governor-General is satisfied that the situation in Solomon Islands is so grave that the exercise of the powers

conferred by section 3 is inadequate to ensure the preservation of public security, he may by notice declare that a public emergency which threatens the life of the community exists and that the provisions of subsection (3) shall come into operation, and thereupon those provisions shall come into operation accordingly; and they shall continue in operation until the Governor-General by a further notice directs that they shall cease to have effect, whereupon they shall cease to have effect except as respects things previously done or omitted to be done.

- (2) A notice under subsection (1) may, if the Governor-General thinks fit, be made so as to apply only to such part of Solomon Islands as may be specified in the notice, in which case regulations made under subsection (3) shall, except as otherwise expressly provided in such regulations, have effect only in that part of Solomon Islands so specified.
- (3) The Governor-General may, for the preservation of public security, make regulations to provide, so far as appears to him to be required by the exigencies of the situation in Solomon Islands, for:
 - (a) the detention of persons;
 - (b) requiring persons to do work and render services.

5 Incidental and supplementary provision in regulations

Regulations made under section 3 or section 4 may:

- (a) make provision for the payment of compensation and remuneration to persons affected by the regulations;
- (b) make provision for the apprehension and trial of persons offending against the regulations, and, notwithstanding the provisions of section 66(1)(b) of the *Interpretation and General Provisions Act*, for such penalties as the Governor-General may think fit for offences thereunder;
- (c) make provision for suspending the operation of or for amending any written law other than an imperial enactment;
- (d) make provision for empowering such authorities and persons

as may be specified in the regulations to make orders and rules for any of the purposes for which such regulations may be made;

- (e) make provision for the delegation and transfer of powers and duties conferred and imposed by or under the regulations;
- (f) contain such other incidental and supplementary provisions as appear to the Governor-General to be necessary or desirable for the purposes of such regulations:

Provided that nothing in the foregoing provisions of this section or in the provisions of section 3 or section 4 shall authorise the making of any regulations providing for the trial of persons by military courts.

6 Application and effect of regulations

- (1) Any regulations made under this Act may be made to apply to Solomon Islands as a whole or to any part thereof, and to any person or class of persons or to the public generally, notwithstanding that the notice under section 3 or section 4, as the case may be, pursuant to which the regulations are made, has been applied to only a specified part of Solomon Islands.
- (2) Any regulation made under this Act, and any order or rule made under such regulation, shall have effect notwithstanding anything inconsistent therewith contained in any written law other than an imperial enactment, and to the extent of any such inconsistency any such written law as aforesaid shall have no effect so long as such regulation, order or rule shall remain in force.

7 Proof of documents

Every document purporting to be a regulation, order, rule, licence, permit, certificate, direction, authority or other document made, granted or issued by the Governor-General or any other authority or person in pursuance of this Act or any regulation made under this Act or any order or rule made under any such regulation, and purporting to be signed by or on behalf of the Governor-General or such other authority or person, shall be received in evidence, and shall, until the contrary is proved, be deemed to have been made, granted or issued by the Governor-General or that authority or person.

ENDNOTES

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KEY

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| 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 27 of the Revised Edition of the Laws of Solomon Islands.

2

LIST OF LEGISLATION

Preservation of Public Security Act (Cap. 27)

Constituent legislation: 3 of 1967 (Commenced 25 July 1967)
LN 46A of 1978

3

LIST OF AMENDMENTS