

# REPRINT

## **PROVINCIAL GOVERNMENT (SPECIAL PROVISIONS) ACT 2002**

**As in force at: 3 May 2002**

<b>STATUS:</b>	<b>EXPIRED</b>
	This Act commenced on 12 April 2002 and as per section 4 continued in force for the period of one year.

**AN ACT TO PROVIDE FOR THE POSTPONEMENT OF ELECTION OF  
MEMBERS OF PROVINCIAL ASSEMBLIES**

# **PROVINCIAL GOVERNMENT (SPECIAL PROVISIONS) ACT 2002**

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# PROVINCIAL GOVERNMENT (SPECIAL PROVISIONS) ACT 2002

**As in force at: 3 May 2002**

WHEREAS by section 9(1) of the *Provincial Government Act, 1997*, an ordinary election of members of a Provincial Assembly shall be held on the fourth anniversary of the date of the previous election of members:

AND WHEREAS the conduct of elections in respect of Provincial Assemblies is regulated by the *Provincial Assemblies Election Regulations, 1987*, which *inter-alia* prescribes time limits in respect of various requirements that have to be fulfilled for the conduct of such elections:

AND WHEREAS due to the present financial crisis facing the country, the Solomon Islands Government is unable or is not in a position to make funds available for the conduct of the elections in the six provinces in which elections are due and the other three provinces in which elections will be due in the near future:

AND WHEREAS further, effective measures are being put in place to accelerate the introduction of a system of State Government to replace the present Provincial Government system:

AND WHEREAS it is deemed desirable and necessary that legislation be enacted by the National Parliament to enable in the national interest to postpone provincial assembly elections in all provinces for a period not exceeding one year from the date on which such order is made:

## **1 Short title**

This Act may be cited as the *Provincial Government (Special Provisions) Act 2002*.

## **2 Power to postpone election**

(1) Notwithstanding the provisions of Part II of the *Provincial*

*Government Act* and the *Provincial Assemblies Election Regulations 1987*, the Minister charged with responsibility for provincial government may, by order published in the *Gazette* postpone or suspend the conduct of any or all provincial elections due, for such period as may be specified in such order, so however that such period shall not exceed one year from the date of the order.

- (2) Where an order has been made under subsection (1), notwithstanding the dissolution of a Provincial Assembly, the Provincial Executive shall continue to hold office in terms of the order made under subsection (1) and perform such functions as may be specified in the order.
- (3) Where the Minister is satisfied that any Provincial Executive in respect of which an order under subsection (1) applies has:
  - (a) failed to perform any function in terms of the order;
  - (b) in the performance of any function acted in a manner prejudicial to the public or national interest; or
  - (c) made default or mismanaged any aspect of its financial affairs,he may, after giving the Provincial Executive reasonable notice of his intention to do so, and having considered the representation, if any of the Provincial Executive in consultation and with the concurrence of the Cabinet by Order suspend the Provincial Executive from the performance of its functions and appoint any person or body as he may think fit to discharge such functions.
- (4) Where the Minister on or before the expiration of the date specified in the order published under subsection (1) is of the opinion that an election can be held in one or more province, the electoral procedure prescribed under the *Provincial Assemblies Election Regulations 1987*, shall apply to such election.

### **3 Validation of certain acts**

For the removal of doubt it is hereby declared, that notwithstanding anything to the contrary, the non-compliance by the Minister of the provisions relating to the conduct of elections in accordance with the *Provincial Government Act* was done in good faith and to be valid

and effective.

#### **4           Duration of Act**

- (1) This Act shall continue in force for a period of one year from the date of its enactment and shall then expire.
- (2) Notwithstanding the expiry of the Act under subsection (1), any order made under section 2(1) shall continue in force for the period specified in such order.

## 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	

### 2

#### LIST OF LEGISLATION

##### ***Provincial Government (Special Provisions) Act 2002 (No. 2 of 2002)***

Assent date	3 May 2002
Gazetted	3 May 2002*
Commenced	3 May 2002*

*[\*Note: the date of publication in the Gazette and the Commencement date have been validated by s4 of the Constitution (Amendment and Validation) Act 2023 and s72 of the Legislation Amendment, Repeal and Validation Act 2023]*

### 3

#### LIST OF AMENDMENTS