

# REPRINT

## TRADE UNIONS ACT (CAP. 76)

**As in force at: 1 October 2009**

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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 FURTHER AND BETTER PROVISION FOR THE  
REGISTRATION AND CONTROL OF TRADE UNIONS AND FOR MATTERS  
INCIDENTAL THERETO AND CONNECTED THEREWITH**

## **TRADE UNIONS ACT (CAP. 76)**

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# TRADE UNIONS ACT (Cap. 76)

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## PART I PRELIMINARY

### 1 Short title

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

### 2 Interpretation and application

(1) In this Act, unless the context otherwise requires:

**“disciplined force”** means:

- (a) any naval, military or airforce;
- (b) the Fire Service;
- (c) the Prisons Service;
- (d) the Marine Division;
- (e) the Police Force;
- (f) the Special Constabulary; or
- (g) any other constabulary or police force established by Parliament;

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

**“employer”** includes the Government of Solomon Islands;

**“executive committee”** means the body, by whatever name called, to which the management of the affairs of a trade union is entrusted

by the members and includes any person for the time being carrying out the functions of president, secretary or treasurer thereof;

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

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

**“register”** means the register of trade unions maintained by the Registrar under section 6;

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

**“registered postal address”** means the address of a trade union registered under the provisions of section 34;

**“registered trade union”** means a trade union registered as a trade union under the provisions of this Act;

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

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

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

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

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

Provided that:

- (a) nothing in this Act:
  - (i) shall affect:
    - (aa) any agreement between partners as to their own business;
    - (bb) except as provided in section 61, any agreement between an employer and his employee as to such employment; or
    - (cc) any agreement in consideration of the sale of the goodwill of a business or of instruction in any profession, trade or handicraft; or
  - (ii) shall preclude any trade union from providing benefits for its members;
- (b) if in any trade or business there are not more than six employers then nothing in this definition shall be deemed to prevent such employers forming a trade union and any requirement in this Act requiring any application to be supported by more than six members shall be deemed not to apply to any such trade union or proposed trade union;

**“welfare fund”** means any funds of a trade union allocated or set

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

- (2) This Act does not apply to persons in a disciplined force of Solomon Islands, but otherwise it applies to employees of the Crown in the same manner as if the employees were employed by or under a private person.
- (3) No employee employed by or under the Crown shall join a trade union which a person not so employed may join, and no trade union shall represent or accept as members both persons who are and persons who are not so employed:

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

## **PART II                    APPOINTMENT OF REGISTRAR AND OTHER OFFICERS**

### **3                    Appointment of Registrar**

There shall be appointed a person to be a Registrar of Trade Unions and such person shall be responsible for the due performance of the duties and functions assigned to him as Registrar under this Act.

### **4                    Appointment of Assistant Registrars and other officers**

There may be appointed one or more Assistant Registrars of Trade Unions and such other officers as may from time to time be required for the purposes of this Act.

### **5                    Protection of officers**

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



## **PART III                    REGISTRATION**

### **6                    Registration of trade unions**

- (1) The Registrar shall keep and maintain in such form as may be prescribed, a register of trade unions in which shall be contained the prescribed particulars relating to any such registered trade union and any alteration or change which may from time to time be effected in the name, rules and constitution, officers, executive committee or registered postal address thereof or in the situation of the registered office thereof, and all such other matters as may be required to be contained therein under this Act or any regulations made thereunder.
- (2) A copy of any entry in the register certified under the hand of the Registrar shall, until the contrary be shown, be received in evidence as proof of the facts specified therein, as on the date of such certified copy.

### **7                    Necessity for registration**

- (1) Every trade union formed after the commencement of this Act shall apply to be registered as a trade union under the provisions of this Act within one month of the date of its formation.
- (2) Every trade union in existence at the commencement of this Act and which is registered as a trade union shall apply to be registered as a trade union under the provisions of this Act within a period of three months reckoned from the date of commencement thereof.
- (3) For the purposes of this section a trade union is deemed to be formed on the first date on which more than the six employees or employers, as the case may be, agree in writing to become or to form a trade union.
- (4) The Registrar may, if he thinks fit, from time to time grant an extension of the period specified in subsections (1) and (2) respectively for any further period or periods not exceeding six months in aggregate.
- (5) If any trade union shall fail to apply for registration in accordance with the provisions of this section, the trade union, every officer thereof, and every person acting as an officer thereof or purporting so to act,

shall be guilty of an offence and each such person shall be liable to a fine of five hundred penalty units, and in the case of a continuing offence to a fine of five penalty units for each day during which the offence continues.

## **8 Application for registration**

- (1) Every application for registration as a trade union shall be made to the Registrar in the prescribed form and shall be signed by at least seven members of the body applying for registration, any of whom may be officers thereof.
- (2) Every such application shall be accompanied by four copies of the rules of the trade union or the proposed trade union duly authenticated by the president and the secretary and a statement of the following particulars namely:
  - (a) the names, occupation and addresses of members making application;
  - (b) the name of the trade union or proposed trade union and the address of its registered office and its registered postal address, and
  - (c) the title, names, ages, occupations and addresses of the officers of the trade union or proposed trade union.

## **9 Registration**

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

## **10 Certificate of registration**

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

## **11 Power of Registrar to call for further particulars**

The Registrar may call for further information for the purpose of

satisfying himself that any application made by a trade union or proposed trade union for registration complies with the provisions of this Act or that the trade union or proposed trade union is entitled to registration under this Act.

## **12 Power of Registrar to require alteration of name**

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

## **13 Refusal of registration**

- (1) The Registrar may, in his discretion, refuse to register any trade union if he is satisfied that:
  - (a) the trade union has not complied with the provisions of this Act or of any regulations made thereunder; or
  - (b) any of the objects in the constitution or rules of the trade union is unlawful or conflicts with the provisions of this Act or of any regulations made thereunder; or
  - (c) the trade union is used for unlawful purposes; or
  - (d) the principle objects of the combination seeking registration are not in accordance with those set out in the definition of “trade union” contained in section 2; or
  - (e) the funds of the trade union are being applied in an unlawful manner or upon any unlawful object not authorised by this Act or any regulations made thereunder; or
  - (f) the accounts of the union are not being properly kept; or
  - (g) proper and satisfactory arrangements for the custody, distribution, investment of and payment from the funds of such

trade union are not contained in its constitution; or

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

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

- (i) the trade union seeking registration is an organisation consisting of persons engaged in or working at more than one trade or calling and that its constitution does not contain suitable provision for the protection and promotion of their respective sectional interests.
- (2) When the Registrar refuses to register a trade union, he shall notify the applicants in writing of the grounds of such refusal and the trade union shall be deemed to be dissolved, but such dissolution shall not take effect prior to the expiry of the period limited by section 15 (1) for the bringing of an appeal and then:
    - (a) if no appeal is brought under the said subsection within that period, the dissolution shall take effect at the commencement of the day following the day on which that period expired; and
    - (b) if an appeal is brought within that period, the dissolution shall not take effect prior to the determination of the appeal, but, if the appeal is dismissed, shall take effect within one month of the determination thereof.
  - (3) If any trade union the dissolution of which is required by subsection (2) be not dissolved within the time allowed, then the trade union and every officer thereof and any person acting or purporting to act as an officer thereof shall be guilty of an offence and shall be liable to a fine of five hundred penalty units and in the case of a continuing offence to a fine of five penalty units for each day during which the offence continues:

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

- (a) any proceedings brought by or against any such trade union; or
- (b) dissolving such trade union and disposing of its funds in accordance with its constitution and rules.

#### **14 Cancellation or suspension of registration**

- (1) The registration and the certificate of registration of a registered trade union may be cancelled by the Registrar at the request of the trade union upon its dissolution, to be verified in such manner as the Registrar may require.
- (2) The registration and the certificate of registration of a registered trade union shall be cancelled or suspended by the Registrar if he is satisfied that:
  - (a) the registration was obtained by fraud or misrepresentation;
  - (b) any of the objects of the trade union has become unlawful;
  - (c) the objects for which a trade union is actually carried on are such that had they been declared as objects of the constitution and rules of the union at the time of application for registration the Registrar could properly have refused registration;
  - (d) the trade union has wilfully and after written notice from the Registrar contravened any provisions of this Act or any regulations made thereunder, or allowed any rule to continue in force which is inconsistent with any provision of this Act or any regulations made thereunder, or has rescinded any rule providing for any matter for which provision is required by section 35 to be made;
  - (e) the trade union has ceased to exist.
- (3) The registration and certificate of registration of a registered trade union may be cancelled or suspended by the Registrar if he is satisfied that:
  - (a) the funds of the trade union have been or are being expended

in an unlawful manner or on an unlawful object;

- (b) the accounts of the trade union are not being kept in accordance with the provisions of this Act;
- (c) registration was obtained by mistake;
- (d) the trade union has been or is being used for any unlawful purpose or for any purpose inconsistent with its objects or rules;
- (e) the officers or any of the officers of the trade union have persistently and wilfully failed to comply with the provisions of this Act:

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

- (4) Except in a case falling within subsection (1), not less than two months' previous notice in writing specifying the grounds on which it is proposed to cancel its registration shall be given by the Registrar to a trade union before such registration is cancelled, and not less than one month's previous notice in writing specifying the grounds upon which it is proposed to suspend its registration shall be given by the Registrar to a trade union before such suspension.
- (5) A trade union served with a notice under subsection (4) may, at any time within a period of two months in the case of a notice of cancellation and one month in the case of a notice of suspension, both periods to be reckoned from the date of such notice, show cause in writing against the proposal to cancel or suspend its registration, as the case may be; and if such cause is shown the Registrar may hold such inquiry as he may consider necessary in the circumstances.
- (6) The notice to be served upon any trade union under the provisions of subsections (4) and (5) shall be served on any officer of such trade union but if it is impossible or impracticable to serve any such officer the Registrar shall publish such notice in such manner as he may consider appropriate to bring such notice to the attention of such

trade union; and the period of two months or one month, as the case may be, specified in subsection (5) shall be reckoned from the date of such publication.

- (7) The Registrar may, after the period of two months or one month, as the case may be, specified in subsections (5) and (6), cancel or suspend the registration of any trade union which has failed to show cause under subsection (5) or which, having so shown cause, has failed to satisfy him that its registration should not be cancelled or suspended, as the case may be.
- (8) An order made by the Registrar under this section cancelling or suspending the registration of any trade union shall be dated as of the date on which it was made and shall specify briefly the grounds for the cancellation or suspension of the registration and shall forthwith be served on the trade union affected thereby.

## **15 Appeal from decision of Registrar**

- (1) Any person aggrieved by the refusal of the Registrar to register a trade union, or by an order made by the Registrar under section 14, may within one month of the date of the refusal or order, as the case may be, appeal against such refusal or order to the Court and from such appeal the Court may order as it thinks proper, including any directions as to the costs of the appeal, and any such order shall be final and conclusive and shall not be subject to any appeal.
- (2) The Chief Justice may make rules of court governing such appeals, providing for the method of giving evidence, prescribing the fees to be paid, the procedure to be followed and the manner of notifying the Registrar of the appeal.
- (3) The Registrar shall be entitled to be heard on any appeal.

## **16 Consequences of suspension of registration**

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

the officers and members of a registered trade union.

## **17 Effect of cancellation of registration**

- (1) Subject to the provisions of subsection (2), a trade union the registration of which has been cancelled under this Act shall in addition to any other disability:
  - (a) cease to enjoy any of the rights, immunities or privileges of a registered trade union but without prejudice to any liability incurred by the trade union which may be enforced against the trade union or its assets, whether such liability is incurred before, on or after the date of the cancellation of registration;
  - (b) forthwith be dissolved and no person shall, except for the purpose of defending proceedings against the trade union or of dissolving it and disposing of its funds in accordance with the rules thereof and the provisions of this Act, take any part in its management or organisation or act or purport to act on behalf of the trade union or as an officer thereof.
- (2) Where the registration of a trade union is cancelled, the cancellation shall not take effect for the purposes of subsection (1) prior to the expiry of the period limited by section 15 (1) for the bringing of an appeal and then:
  - (a) if no appeal is brought under the said subsection within that period, the cancellation shall take effect for those purposes at the commencement of the day following the day on which that period expired; and
  - (b) if an appeal is so brought within that period, the cancellation shall not take effect prior to the determination of the appeal, but, if the appeal is dismissed, shall take effect for those purposes, on the determination thereof.
- (3) Any officer or person acting or purporting to act as an officer of a trade union who contravenes the provisions of subsection (1) (b) shall be guilty of an offence and shall be liable to a fine of five hundred penalty units and in the case of a continuing offence to a fine of five penalty units for each day during which the offence continues.



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

- (1) Where the registration of a trade union is cancelled the Registrar may, notwithstanding anything contained in the rules of such trade union, appoint one or more persons to be liquidators thereof.
- (2) Where a liquidator is appointed under subsection (1), all of the property of whatsoever description (including books and documents) belonging to the trade union shall vest in the liquidator by his official name with effect from the date of his appointment, and the liquidator, after giving such indemnity, if any, as the Registrar may direct, may:
  - (a) bring or defend in his official name any action or other legal proceeding that relates to the property of the trade union or is necessary to bring or defend for the purpose of effectually winding up the affairs of the trade union and recovering its property;
  - (b) take possession of any books, documents or property of whatsoever description belonging to the trade union;
  - (c) sell the movable and immovable property and things in action of the trade union by public auction or private contract, with power to transfer the whole thereof to any person or company or, subject to any law in force in Solomon Islands, to sell the same in parcels;
  - (d) appoint a solicitor or agent to assist him in his duties;
  - (e) pay any creditors or classes of creditors of the trade union in full or in part;
  - (f) compromise any debts or liabilities of the trade union and any liabilities capable of resulting in debts and any claims, present or future, certain or contingent, ascertained or sounding only in damages, that subsist, or are supposed to subsist, between the trade union and any member thereof or any other debtor or person apprehending liability to the trade union and any questions in any way relating to or affecting the assets or winding up of the affairs of the trade union on such terms as may be agreed, and take any security for the discharge of any

such debt, liability or claim and give complete discharge in respect thereof;

- (g) make any compromise with creditors of the trade union or persons claiming to be creditors or having or alleging themselves to have any claim, present or future, certain or contingent, ascertained or sounding only in damages, against the trade union or whereby the trade union may be rendered liable, and
  - (h) prepare a scheme of distribution of the assets of the trade union available for distribution and, subject to the approval of the same by the Registrar, distribute the assets accordingly.
- (3) The exercise by the liquidator of any of the powers conferred by this section shall be subject to the control of the Registrar, and any creditor or member of the trade union may apply to the Registrar with respect to any exercise or proposed exercise of any of those powers.
- (4) Without prejudice to the generality of subsection (3), the Registrar may:
- (a) rescind or vary any order made by a liquidator or substitute therefor a new order;
  - (b) remove a liquidator from office;
  - (c) make an order upon the assets of the trade union for the remuneration of any liquidator;
  - (d) call for and inspect the books, documents or assets of the trade union;
  - (e) by order in writing limit or restrict the powers of a liquidator;
  - (f) at any time require accounts to be rendered to him by a liquidator;
  - (g) refer any subject of dispute between a liquidator and any third party to arbitration, subject to the consent in writing of such third party;
  - (h) summon such meetings of the members of the trade union as

may appear to him convenient for the purpose of winding up the affairs of the the trade union.

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

## **19      Distribution of funds and assets of trade unions on dissolution by liquidator**

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

- (a) all of the funds (including welfare funds, if any) and assets of whatsoever description belonging to the trade union shall be realised and converted into money and shall be applied first to the cost of the dissolution, then to the discharge of the liabilities of the trade union and then in such manner as may be provided by the rules of the trade union, or failing provision therefor, in such manner as the Registrar may direct;
- (b) when the dissolution of the trade union has been completed and any creditor thereof has not claimed or received what is due to him under the scheme of distribution, notice of the completion of the dissolution shall be published in such manner as the Registrar may direct and all claims against the funds of the trade union shall be proscribed when two years shall have elapsed from the date of such publication;
- (c) any surplus remaining after the application of the funds to the purposes specified in paragraph (a) of this section and the payment of any claims under paragraph (b) of this section shall be paid into the Consolidated Fund.

**20            Unregistered trade unions prohibited from carrying on business**

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

Provided that the provisions of this subsection shall not apply:

- (a) to a person taking part in the management or organisation of the trade union or acting on behalf of or as an officer of the trade union for the purpose of:
- (i) any proceedings brought by or against the trade union; or
  - (ii) dissolving the trade union and disposing of its funds in accordance with its constitution and rules; or
- (b) to any trade union in existence at the commencement of this Act during the period of three months from the commencement of this Act and thereafter until registration has been effected or the Registrar has refused to register such union and any ensuing appeal has been determined; or
- (c) to any officer or member of a trade union specified in paragraph (b) of this subsection during the period specified therein.
- (2) If any trade union does not apply for registration then such trade union shall not enjoy any of the rights, immunities or privileges of a registered trade union but shall be subject to any liabilities incurred by such trade union which may be enforced against it and its assets, and it shall be dissolved as from the date required by any notice in writing from the Registrar requiring such dissolution.
- (3) Any trade union, any officer or member thereof and any person acting as an officer thereof or purporting so to act, who contravenes the provisions of subsection (1) shall be liable to a fine of five hundred penalty units and in the case of a continuing offence to a fine of five penalty units for each day during which the offence continues.

## **PART IV                    RIGHTS AND LIABILITIES**

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

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

### **22                    Liability in relation to criminal prosecutions**

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

### **23                    Trade union not unlawful**

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

### **24                    Immunity from civil suit in certain cases**

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

### **25                    Liability in tort**

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

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

## **26 Liability in contract**

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

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

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

- (a) any agreement between members of a trade union as such, concerning the conditions on which any members for the time being of such trade union shall or shall not sell their goods, transact business, employ or be employed;
- (b) any agreement for the payment by any person of any subscription or penalty to a trade union;
- (c) any agreement for the application of the funds of a trade union:
  - (i) to provide benefits to members, other than benefits under a contributory provident fund or pensions scheme;
  - (ii) to furnish contributions to any employer or employee, not a member of such trade union, in consideration of such employer or employee acting in conformity with the rules or resolutions of such trade unions;
- (d) any agreement made between one trade union and another; or
- (e) any bond to secure the performance of any of the above-mentioned agreements,

but nothing in this section shall be deemed to constitute any of the

above-mentioned agreements unlawful.

## **27 Proceedings by and against trade unions**

- (1) A registered trade union may sue and be sued and be prosecuted under its registered name.
- (2) A trade union which has not been registered under this Act, may sue and be sued and be prosecuted under the name by which it has been operating or is generally known.
- (3) A trade union, the registration of which has been cancelled or suspended, may sue and be sued and prosecuted under the name by which it was registered.
- (4) Execution for any money recovered from a trade union in civil proceedings may issue against any property belonging to a trade union other than any benevolent or provident fund of a registered trade union.
- (5) Any fine ordered to be paid by a trade union may be recovered by distress and sale of any property belonging to such trade union in accordance with the provisions of the Penal Code:

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

## **PART V CONSTITUTION AND RULES**

### **28 Membership of minors**

A person under the age of twenty-one years may be a member of a registered trade union unless provision be made in the constitution and rules thereof to the contrary and may, subject to such constitution and rules, enjoy all the rights of a member, except as in this Act provided, and may, unless he is under the age of sixteen years, execute all instruments and give all acquittances necessary to be given or executed under the constitution and rules but shall not be a member of the executive committee or a trustee of a registered trade union, or, in the case of a person under the age of sixteen years, a voting member.

## **29 Officers of a trade union**

- (1) No person shall hold the post of secretary or treasurer of a registered trade union who, in the Registrar's opinion, has not acquired a sufficiently high standard of literacy so as to enable him to perform his duties effectively.
- (2) No person who has been convicted of any crime involving fraud, dishonesty or extortion shall be an officer of a registered trade union during the period of five years immediately following the date of such conviction or the date of termination of any sentence of imprisonment imposed as a result of such conviction, whichever is the later.
- (3) All officers of every trade union shall be persons who have been for a period of not less than one year and still are engaged or occupied in an industry, trade or occupation with which the union is directly concerned, and no officer of any one trade union shall be an officer of any other trade union:

Provided that:

- (a) the offices of president, vice-president, secretary and treasurer may be filled by a person not actually engaged or employed in an industry, trade or occupation with which the union is directly concerned; and
- (b) no office such as is referred to in paragraph (a) shall be occupied at any time by more than one person.

## **30 Voting members of trade union**

- (1) No person shall be a voting member of a trade union unless he is normally employed and normally resident within Solomon Islands.
- (2) No person shall be a voting member in more than one trade union.

## **31 Change of name**

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



## **32 Notice of change of name**

- (1) Notice in writing containing such particulars as may be prescribed shall be given to the Registrar of every change of name signed by the secretary and by seven members of the registered trade union changing its name.
- (2) If the proposed name is identical with that by which any other existing registered trade union has been registered or is undesirable or, in the opinion of the Registrar, so nearly resembles such name as to be likely to deceive the public or the members of either trade union, the Registrar shall refuse to register the change of name.
- (3) Save as provided in subsection (2), the Registrar shall, if he is satisfied that the provisions of this Act in respect of change of name have been complied with, register the change of name in the prescribed manner, and the change of name shall have effect from the date of such registration.
- (4) Any person aggrieved by the refusal of the Registrar to register a change of name of a registered trade union may appeal against such refusal in the manner provided by section 15, and the provisions of that section shall apply *mutatis mutandis* to any such appeal.

## **33 Effect of change of name**

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

## **34 Registered office and postal address**

- (1) Every trade union shall have a registered office and registered postal address to which all communications and notices may be addressed.
- (2) Notice of the situation of such registered office and registered postal address and of any change thereof or therein shall be given to the Registrar and shall be registered by him, and the trade union shall not be deemed to have complied with the provisions of this Act until

such notice has been given.

(3) If any trade union:

- (a) operates without having a registered office and registered postal address or without giving notice of the situation of its registered office as hereinbefore required; or
- (b) operates at any place to which its registered office may have been removed, without having given notice of the change in the situation thereof to the Registrar;
- (c) fails to give notice of any change of the situation of the registered office or in the registered postal address in accordance with the provisions of this section,

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

## **35 Rules**

(1)

- (a) The rules of every trade union shall provide for all the matters specified in the Schedule to this Act.
- (b) It shall be lawful for the Minister from time to time, by order, to amend the Schedule to this Act.

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

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

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

- (b) any of the objects of the trade union would be unlawful or would conflict with the provisions of this Act or any regulations made thereunder; or
  - (c) the rules would cease to contain provision in respect of any of the matters specified in the Schedule to this Act.
- (4) Any person aggrieved by the refusal of the Registrar to register any amendment or alteration of the rules of a trade union may appeal against such refusal in the manner provided by section 15, and the provisions of that section shall apply *mutatis mutandis* to any such appeal.
- (5) In any case in which proceedings may competently be instituted by a member of a trade union for the purpose of restraining the trade union or an officer thereof from acting in breach of the provisions of its rules, such proceedings may be instituted by the Registrar if he shall think it fit or expedient so to do.

### **36 Copies of constitution and rules**

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

### **37 Notification of officers, etc.**

- (1) A notice giving the names of all officers and their titles shall be prominently exhibited in the registered office of every trade union and in every branch office thereof.
- (2) Notice of all changes of officers or of the title of any officers shall within fourteen days after such change be sent to the Registrar by the trade union together with the prescribed fee and the Registrar

shall thereupon correct the register accordingly.

**38 Right of inspection of Registrar's records**

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

**39 Delegation of powers of trade union**

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

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

**40 Trustees**

- (1) The rules of a trade union shall provide for the appointment or the election of trustees and for the filling of any vacancy in the office of a trustee so that, as far as may be, there shall always be at least three trustees of the union.
- (2) Subject to the provisions of section 28, any officer or member of a trade union may be a trustee thereof.
- (3) No person who has been convicted of any crime involving fraud or dishonesty shall be a trustee of a trade union during the period of five years immediately following the date of such conviction or the date of termination of any sentence of imprisonment imposed as a result of such conviction, whichever is the later.

**41 All property vested in trustees**

- (1) All property, movable or immovable, of a registered trade union shall be vested in its trustees for the use and benefit of the trade union and its members and shall be under the control of the trustees.
- (2) Upon any change in the office of any trustee the property of a registered trade union shall vest in the trustees for the time being of

the trade union for all the same estate and interests as the former trustee or trustees had therein and subject to the same trusts without any transfer, conveyance or assignment.

## **PART VI                    AMALGAMATION AND DISSOLUTION**

### **42                    Consent of Registrar required to amalgamation of trade unions**

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

### **43                    Application for consent to amalgamation**

- (1) Where two or more registered trade unions desire to amalgamate as one trade union, an application shall be made to the Registrar for his consent to the amalgamation.
- (2) Every application under subsection (1) shall be made in the prescribed form and shall be signed by the Secretary and one other officer of each trade union and shall be accompanied by four copies of the proposed rules of the trade union to be formed by the intended amalgamation.

### **44                    Vote on application for consent to amalgamation**

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

- (a) a ballot is taken in the manner prescribed; and
- (b) the votes of at least half of the members entitled to vote are cast and recorded; and
- (c) of such votes cast and recorded, those in favour of the proposal exceed by one-fifth or more the votes against the proposal.

### **45                    Grounds for refusal to consent to amalgamation and procedure in such cases**

The Registrar may refuse to give his consent to an intended amalgamation of registered trade unions where:

- (a) any of the provisions of this Act in respect of the making of the application for his consent have not been complied with;
  - (b) the proposed rules of the trade union to be formed by the amalgamation will not make adequate provision for each and all the matters specified in the Schedule to this Act;
  - (c) any of the objects of such trade union will be unlawful;
  - (d) the name by which it is proposed that such trade union will be known is identical with that under which any other trade union, whether existing or not, is or has been registered or so nearly resembles such name as to be likely to deceive the public or the members of such trade union or of any other trade union.
- (2) Where, under subsection (1), the Registrar refuses to give his consent to the amalgamation of any registered trade unions, he shall, in writing, notify each of the trade unions concerned of his refusal and shall specify therein the grounds for his refusal.
- (3) Any person aggrieved by the refusal of the Registrar to give his consent to an intended amalgamation of registered trade unions may appeal against such refusal in the manner provided by section 15, and the provisions of that section shall apply *mutatis mutandis* to any such appeal.

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

- (1) Where the Registrar gives his consent to the amalgamation of any registered trade unions, he shall send to each of the trade unions concerned a notice in writing thereof and shall supply to each of the trade unions concerned such additional copies of such notice as may be necessary to enable the trade union to comply with section 47 (1).
- (2) The giving by the Registrar of his consent to the amalgamation of any registered trade unions shall not prejudice or affect in any way the powers vested in him by this Act to refuse to register the trade union formed by such amalgamation or the exercise of any powers so vested in him in connection with the registration thereof.

**47 Procedure for amalgamation, etc.**

- (1) No registered trade unions shall be amalgamated as one trade union unless the notice in writing of the consent of the Registrar to the amalgamation has been posted at the registered office of each of the trade unions party to the amalgamation and in every branch thereof for a period of not less than fourteen days.
- (2) An amalgamation of registered trade unions may take place with or without any dissolution or division of the funds of the trade unions.

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

- (1) All deeds, bonds, agreements and instruments to which any registered trade union that is amalgamated with any other registered trade union was a party subsisting at the time of the amalgamation shall be of as full force and effect against or in favour of the trade union formed by the amalgamation as if the trade union so formed had been named therein and had been a party thereto.
- (2) Where, in respect of any registered trade union that has amalgamated with any other registered trade union, any proceedings or cause of action was pending or existed at the time of the amalgamation, the same may be continued or enforced by or against the trade union formed by the amalgamation as it might have been continued or enforced by or against such registered trade union if the amalgamation had not taken place.

**49 Notification of dissolution**

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

## **PART VII            APPLICATION OF FUNDS**

### **50            Prohibition of payment of fines or penalties**

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

### **51            Injunction to restrain misuse of funds**

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

### **52            Books to be kept**

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

### **53            Safeguarding of union funds and property**

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



such account and of all bonds, securities, or other property of the trade union entrusted to his custody or under his control.

- (2) The form of account may be prescribed.
- (3) The trade union shall cause the account to be audited by some fit and proper person approved by the Registrar.
- (4) After the account has been audited, the treasurer or the officer referred to in subsection (1) shall, if he is resigning or vacating his office or if required by them or the Registrar to do so, forthwith hand over to the trustees of the trade union such balance of money as appears to be due from him and all bonds, securities, effects, books, papers and property of the trade union in his hands or custody or otherwise under his control.
- (5) Notwithstanding any other provisions of this section, any officer or member of a trade union shall, upon resigning or vacating his office or membership, or at such time as may be specified by the constitution and rules of the trade union, and at any other times at which he may be required to do so by a resolution of the executive committee or a general meeting of the trade union or by the Registrar, forthwith hand over to the trustees of the trade union all bonds, securities, effects, books, papers and property of the trade union in his hands or custody or otherwise under his control.

## **54 Annual returns**

- (1) The secretary of every registered trade union shall furnish annually to the Registrar on or before the prescribed date in each year a general statement audited in the prescribed manner of all receipts and expenditure during the period of twelve months ending on the thirty-first day of December of the preceding year and of the assets and liabilities of the trade union as at such thirty-first day of December. The statement shall be accompanied by a copy of the auditor's report and shall be prepared in such form and shall comprise such particulars as may be prescribed.
- (2) Together with the general statement referred to in subsection (1) the secretary of each trade union shall furnish to the Registrar a list of officers of the trade union together with four copies of all alterations of the constitution and rules and of all new rules made by the trade

union during the period of twelve months preceding the thirty-first day of December of the preceding year, and four copies of the constitution and rules of the trade union in force on that day.

- (3) Every member of a trade union to which this section applies shall be entitled to receive free of charge a copy of the general statement referred to in subsection (1), and the secretary of each such trade union shall supply a copy of such statement to every member of his union at or before the annual general meeting and thereafter on application within one month of the receipt of such application.
- (4) The secretary of any trade union to which this section applies who fails to comply with any of the requirements of this section shall be guilty of an offence and shall be liable to a fine of fifty penalty units.
- (5) Every person who wilfully and knowingly makes or orders or causes or procures to be made any false entry in or omission from any general statement, copy or list delivered to the Registrar under subsections (1) and (2) shall be guilty of an offence and shall be liable to imprisonment for three years.

## **55      Inspection of accounts and documents**

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

## **56      Obstructing inspection by Registrar**

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

## **57      Power to call for detailed accounts**

- (1) In addition to any other provisions of this Act relating to the rendering of accounts, the Registrar may, at any time by notice in writing,

require the treasurer, the executive committee or other proper officer or officers of a trade union to render within twenty-eight days of the date of such notice detailed accounts, vouched in such manner as he may require of the funds of the trade union or any branch thereof in respect of any particular period and such accounts shall show in particular such information as the Registrar may require.

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

## **PART VIII            PICKETING AND INTIMIDATION AND OTHER MATTERS RELATING TO DISPUTES**

### **58            Peaceful picketing**

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

### **59            Conspiracy in trade disputes**

- (1) An agreement or combination by two or more persons to do or procure to be done any act in contemplation or furtherance of a trade dispute shall not be punishable as a conspiracy if such act committed by one person would not be punishable as a crime.
- (2) An act done in pursuance of an agreement or combination by two or more persons shall, if done in contemplation or furtherance of a trade dispute, not be actionable unless the act, if done without any such agreement or combination, would be actionable.
- (3) Nothing in this section shall exempt from punishment any person guilty of a conspiracy for which a punishment is awarded by any other Act.

- (4) Nothing in this section shall affect the law relating to riot, unlawful assembly, breach of the peace or sedition, or any offence against Her Majesty or the Government of Solomon Islands as by law established.
- (5) A crime for the purposes of this section means an offence for the commission of which the offender is liable to be imprisoned either absolutely or at the discretion of the court as an alternative for some other punishment.

## **60 Freedom of association of employees**

- (1) No employer shall make it a condition of employment of any employee that such employee shall neither be nor become a member of any or a particular trade union or other organisation representing employees in any trade or industry, and any such condition in any contract of employment entered into before or after the commencement of this Act shall be void.
- (2) Subject to the provisions of this Act nothing contained in any law shall prohibit any employee from being or becoming a member of any trade union or subject him to any penalty by reason of his membership of such trade union.
- (3) Any employer who contravenes the provisions of subsection (1) and every person who; whether acting on his behalf or on behalf of a trade union or of an employer, and whether or not acting in contemplation or furtherance of a trade dispute, compels, persuades or induces, or attempts to compel, persuade or induce any employer to contravene the provisions of subsection (1) shall be guilty of an offence and shall be liable to a fine of two hundred penalty units or to imprisonment for six months or to both such fine and such imprisonment.

## **PART IX REGULATIONS**

### **61 Regulations**

- (1) The Minister may make regulations for the purpose of carrying out or giving effect to the provisions of this Act.
- (2) In particular and without prejudice to the generality of the powers

conferred by subsection (1), the Minister may make regulations for or in respect of all or any of the following matters:

- (a) all matters stated or required in this Act to be prescribed;
  - (b) the books and registers to be kept for the purposes of this Act and the forms thereof;
  - (c) the manner in which trade unions and the constitution and rules of trade unions shall be registered;
  - (d) the manner in which, and the qualifications of persons by whom, the accounts of registered trade unions or of any class of such trade unions shall be audited;
  - (e) the conditions subject to which inspection of documents kept by the Registrar shall be allowed;
  - (f) the due disposal and safe custody of the funds and moneys of a trade union;
  - (g) the creation, administration, protection, control and disposal of the benevolent funds of registered trade unions and all matters connected therewith or incidental thereto;
  - (h) the fees to be charged for registration and inspection and any other service or matter prescribed or permitted by this Act;
  - (i) generally for all matters incidental to or connected with the matters or subjects specifically mentioned in this subsection.
- (3) The Minister may by regulation declare that any regulations made under this section shall apply to a specific trade union only, or that any particular trade union or class of trade unions shall be exempted from the operation of such regulations.

## **PART X                    OFFENCES AND PENALTIES**

### **62                    Penalty for misuse of money or property of a trade union**

- (1) Where, on complaint made by a member of a trade union or the Registrar, it is shown to the satisfaction of a court that any person has in his possession or control any property of the trade union

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except in accordance with the constitution and rules of the trade union, or has unlawfully expended or withheld any money of the trade union, the court shall, if it considers the justice of the case so requires, order such person to deliver all such property to the trustees of the trade union and to pay to them the money so unlawfully expended or withheld.

- (2) A complaint made under subsection (1) shall not be entertained, when the complainant is some person other than the Registrar, unless the court is satisfied that the complainant is or was, on the date of the complaint, a member of the trade union in respect of the property of which such complaint was made.
- (3) Any person bound by an order made under subsection (1) who fails to comply with the terms thereof and the directions given therein within a time to be specified in such order shall be guilty of an offence and shall be liable to a fine of one hundred penalty units and if the offence is a continuing offence to a fine of five penalty units for each day during which such offence continues.

### **63           Penalty for failure to give notice or produce document**

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

### **64           Limitation of prosecutions**

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

**65           Jurisdiction**

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

**PART XI           MISCELLANEOUS**

**66           Nomination**

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

**67           Service of legal process**

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

**68           Notification of certain matters by the Registrar**

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

- (a) that a trade union has applied for registration;
- (b) that any trade union has been registered or that registration has been refused;
- (c) that the registration of any registered trade union has been cancelled or suspended;
- (d) that a change of name or amalgamation affecting any registered trade union has been registered;
- (e) that any registered trade union has been dissolved.

**69 Inapplicability of certain laws**

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



## SCHEDULE

(Section 35)

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

1. The name of the trade union and the address of its registered office.
2. A list of the offices in the trade union and the functions of the holders of such offices.
3.
  - (a) The whole of the objects for which the trade union is to be established.
  - (b) The purposes for which the funds of the trade union shall be applicable.
  - (c) The rates of contribution and the conditions under which any member of the trade union may become entitled to any benefit assured thereby.
  - (d) The fines or forfeitures which may be imposed on any member of the trade union.
4. Eligibility for membership of the trade union and to vote at meetings of the trade union.
5. If honorary members are to be permitted, the conditions under which a person may become an honorary member.
6. The keeping of a register of members of the trade union.
7. The cancellation of membership of the trade union in the event of a member's subscription falling into arrears of more than twelve months.
8. The maintenance of discipline within the trade union, including provision for appeal to the voting members at a general meeting of the trade union against any decision of the executive

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committee cancelling the membership of any member or dismissing any officer.

9. The appointment or election and removal of an executive committee and of trustees, secretaries, treasurers and other officers of the trade union.
10. The method of convening and conducting annual general meetings and extraordinary general meetings and the matters to be presented to the members of the trade union at such meetings, including in the case of annual general meetings the presentation of audited accounts.
11. The taking of decisions by voting members of the trade union by ballot on the following matters:
  - (a) the election of officers of the trade union;
  - (b) the alteration of the rules of the trade union;
  - (c) all matters relating to strikes and lockouts;
  - (d) dissolution of the trade union;
  - (e) the amalgamation of the trade union with any other trade union;
  - (f) the federation of the trade union with any other trade union or with a trade union federation;
  - (g) imposition of levies.
12. The right of any member, who is not disqualified from voting, to a reasonable opportunity to vote.
13. The amount of subscription and fees payable by members and the disqualifications of a member from voting on any matter concerning the trade union and from receiving benefits if his subscription is more than a specified period in arrears.
14. A requirement that at any meeting of the union or branch thereof a quorum shall consist of at least one-fifth of the voting members of the union or branch as the case may be.

15. A requirement that at any meeting of the executive committee of the trade union or branch thereof a quorum shall consist of not less than one-third of the members of the executive committee where the total number of such executive committee consists of twenty-one persons or more, and of not less than one-half of the members of the executive committee where the total number of such executive committee consists of twenty persons or less, but that in any case the quorum shall not consist of fewer than five persons.
16.
  - (a) The custody and investment of the funds of the trade union.
  - (b) The keeping in a separate fund of all moneys received or paid by the trade union in respect of any contributory provident fund or pensions fund scheme.
  - (c) The designation of the officer or officers of the trade union responsible therefore.
  - (d) The annual or periodical audit of the accounts of the trade union.
17. The inspection of the books and names of members of the trade union by any person having an interest in the funds of the trade union.
18. The manner of the dissolution of the trade union, and the disposal of the funds thereof available at the time of such dissolution.
19. The manner of making, altering and rescinding rules.

## 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 76 of the Revised Edition of the Laws of Solomon Islands, together with amendments made to the Act from that date to 1 October 2009.

### 2

#### LIST OF LEGISLATION

##### ***Trade Unions Act (Cap. 76)***

<i>Constituent legislation:</i>	4 of 1966 (Commenced 1 January 1970)
	2 of 1969
	LN 12 of 1973
	6 of 1976
	LN 46A of 1978
	2 of 1998

##### ***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 7	amd by Act No. 14 of 2009
s 13	amd by Act No. 14 of 2009
s 17	amd by Act No. 14 of 2009
s 20	amd by Act No. 14 of 2009
s 34	amd by Act No. 14 of 2009
s 54	amd by Act No. 14 of 2009

s 56	amd by Act No. 14 of 2009
s 57	amd by Act No. 14 of 2009
s 60	amd by Act No. 14 of 2009
s 62	amd by Act No. 14 of 2009
s 63	amd by Act No. 14 of 2009