

WESTERN PROVINCE PUBLIC NUISANCE ORDINANCE 1991

[Consolidation: This is a consolidation of the principal Ordinance and amendments or intended amendments as at 1 October 1995. Errors in spelling or grammar or omissions of words in the Gazetted Ordinance have been corrected in this Consolidation. This is not an authorised version of the Ordinance.

The principal Ordinance came into effect on 28 June 1991 upon Gazetted under LN 66191.

The enactments consolidated are:

WP Public Nuisance Ordinance 1991

ARRANGEMENT OF SECTIONS

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1. Title and Commencement - This Ordinance may be cited as the Western Province Public Nuisance Ordinance 1990 and shall come into force three (3) months after the Ordinance is published in the Solomon Islands Gazette.

2. Interpretation - In this Ordinance, except where the context requires otherwise:

"licensed premises" means any premises or place in respect of which a Liquor Licence under the Liquor Act (Cap. 33) has been granted.

"liquor" means any wine, spirits, beer or any liquid containing alcohol ordinarily used or fit for use as a beverage

"premises" means any structure, building or part thereof together with the land on which the same is situated and any adjoining land used in connection therewith.

"public place" means any road, premises, beach or any open space to which the public are entitled or permitted to have access and includes the sea.

3. Prohibition of consumption of liquor in specified public places (1) Any person

found consuming liquor in any place listed in section 3(2) being places to which the public has access and not being licensed premises is guilty of an offence and is liable to a fine not exceeding three hundred dollars (\$300.00) or to imprisonment not exceeding three (3) months.

(2) The places where consumption of liquor is prohibited are:

- (a) Public wharves.
- (b) Government and Provincial office, commercial and industrial premises except with the prior consent of the Government or the Western Provincial Government.
- (c) Public roads.
- (d) Primary and secondary school premises except with the prior consent of the School Board or Committee and the Provincial Education Division and except residential premises of teachers.
- (e) Clinics and hospitals except with the prior consent of the Health and Medical Ministry or Division.
- (f) Public commercial areas including market places.
- (g) Residential areas except on premises with the prior permission of the owner and/or resident.
- (h) Public beaches adjacent to any of the places specified in paragraphs (a), (b), (c), (d) (e) and (f)

4. Prohibition on the consumption of liquor made in Western Province without approval - (1) The consumption of liquor fermented, brewed, distilled or otherwise made in Western Province without written approval granted pursuant to section 53 of the Liquor Act (Cap. 33) is prohibited.

(2) Any person found consuming liquor which has been fermented, brewed, distilled or otherwise made in Western Province whether by that person or by another person unless it is liquor which has been fermented, brewed, distilled or otherwise made it, accordance with a written approval granted pursuant to section 53 of the Liquor Act (Cap. 33) is guilty of an offence and liable to a fine not exceeding three hundred dollars (\$300.00) or to imprisonment not exceeding three (3) months.

(3) The onus of proving that the liquor has been made elsewhere than, in Western Province lies on the accused.

5. Powers of Police - (1) A Police Officer or an Area Constable may take a sample

or seize a liquid being consumed which he reasonably considers to be liquor which has been fermented, brewed, distilled or otherwise made in Western Province without written approval granted pursuant to section 53 of the Liquor Act (Cap. 33).

(2) Any liquid seized by a Police Officer or Area Constable must be forwarded promptly and by the quickest available means to a pharmacist employed by the Solomon Islands or Western Provincial Government for testing.

(3) In any proceeding under this Ordinance, a certificate signed by a pharmacist employed by the Solomon Islands or Western Provincial Government stating whether the liquid is liquor is admissible in evidence and in the absence of evidence to the contrary may be accepted by the court.

(4) Any person who obstructs or resists a Police Officer or Area Constable in the exercise of any power conferred upon him under this Ordinance is guilty of an offence and is liable to a fine not exceeding one hundred dollars (\$100.00) or to imprisonment not exceeding one (1) month.

6. Prohibition of littering - (1) No person is permitted to throw drop, deposit, or accumulate or cause to be thrown, dropped, deposited or accumulated any tin, bottle, box, plastic bag or container or any other rubbish, refuse or litter many public place except in a place assigned to or in a receptacle provided for the purpose of depositing or accumulating litter, rubbish or refuse.

(2) Any person over the age of twelve (12) years who throws, drops, deposits or accumulates or causes to be thrown, dropped, deposited or accumulated any tin, bottle, box, plastic bag or container or any other rubbish, refuse or litter in any public place which is not a place or receptacle assigned to or provided for the deposit or accumulation of litter, rubbish or refuse is guilty of an offence and is liable to a fine not exceeding one hundred dollars (\$100.00) or to imprisonment not exceeding one (1) month.

7. Repeal - The Western Province Prohibition of the Consumption of Liquor in Public Places Ordinance 1985 is hereby repealed.