

THE OMBUDSMAN (FURTHER PROVISIONS) RETROSPECTIVE

(NAME OF BILL)

OPERATION AND VALIDATION BILL 1983

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Objects and Reasons
Notice of Presentation
Covering letter from Minister to Clerk to Parliament
(Authorisation from Minister of Finance under s.60 of Constitu-
tion)

✓ FROM: Attorney General's Chambers 15/11/83

✓ TO: Minister
(for signing Objects & Reasons, Notice of Presentation 15/11/83
and covering letter to Clerk)

~~TO: Minister of Finance
(for signing of letter to Clerk signifying Cabinet approval
under s.60 of Constitution)~~

TO: Clerk to National Parliament 15/11/83
(for certificate by Speaker)

TO: Attorney General's Chambers
(for printing)

TO: Clerk to National Parliament
(for reference during 1st, 2nd and 3rd Readings)
(Date passed: 17.11.83 Act No. 1)

✓ TO: Attorney General's Chambers 17/12/83
(for checking before Assent)

TO: Governor General *B. G. ...* 17/12/83
(for Assent)

TO: Clerk to National Parliament
(for distribution: 1 copy Attorney General's Chambers
1 copy Ministry
1 copy Parliament Office
1 copy Registrar of the Court)



**THE OMBUDSMAN
(FURTHER PROVISIONS)
RETROSPECTIVE
OPERATION AND VALIDATION
ACT 1983**

NO 7 OF 1983



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(FURTHER PROVISIONS)
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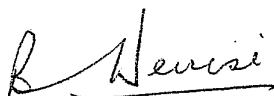
Passed by the National Parliament this seventeenth day of November 1983.

This printed impression has been carefully compared by me with the Bill passed by Parliament and found by me to be a true and correct copy of the said Bill.


M Tuhaika

Clerk to the National Parliament

Assented to in Her Majesty's name and on Her Majesty's behalf this ~~sixth~~ ^{seventh} day of December 1983.



B Devesi
Governor-General

Date of commencement: see section 1.

AN ACT to amend the Ombudsman (Further Provisions) Act 1980, with a view to providing for its retrospective operation, validation of actions taken thereunder, and for matters connected therewith or incidental thereto.

ENACTED by the National Parliament of Solomon Islands.

*The Ombudsman (Further Provisions) Retrospective
Operation and Validation Act 1983*

ARRANGEMENT OF SECTIONS

SECTION

1. Short title and commencement.
2. Interpretation.
3. Amendment of section 1, Act No. 1 of 1980.
4. Repeal of the commencement Order.
5. Validation of actions.
6. Criminal immunity.

SCHEDULE

Format for: Gazette Notices, Legal Supplements, Acts of Parliament.

Operation and Validation Act 1983

1. This Act may be cited as the Ombudsman (Further Provisions) Retrospective Operation and Validation Act 1983, and shall come into operation on the date of its publication in the Gazette.

Short title and commencement.

2. In this Act, unless the context otherwise requires -
"action" means an action specified in the Schedule, taken under the Ombudsman (Further Provisions) Act 1980 (hereinafter called the principal Act), and includes all things done under or in pursuance of such action;
"commencement order" means the order made by the Prime Minister on 18 May 1983, and published in the Gazette dated 3 June 1983, appointing 18 May 1983 as the date of the commencement of the principal Act;
"commencement provisions" means the following provision of section 1 of the principal Act -
"and shall come into operation on such date as the Prime Minister may, by order, appoint".

Interpretation.

3. The principal Act is hereby amended, in section 1, by substituting, for the commencement provision, the following provision, as from 25 April 1980 -
"and shall come into operation on the date of its publication in the Gazette",
and accordingly the principal Act shall be deemed to have come into operation on 25 April 1980.

Amendment of section 1, Act No. 1 of 1980.

4. (1) The commencement Order is hereby repealed.
(2) The provisions of section 23(1) of the Interpretation and General Provisions Act 1978 shall apply to the effect of the repeal of the commencement order as they apply to the effect of the repeal of an Act.

Repeal of the commencement Order

5. Notwithstanding the enactment of the commencement provision and the publication and repeal of the commencement order -

Validation of actions.

(a) all such actions as have been taken or continued in operation, whether before or after the date of the commencement order or the date of its publication in the Gazette, shall be deemed to have been taken or continued in operation as validly and effectively as if they were taken or continued in operation under the principal Act as amended by this Act;

Validation of actions.

*The Ombudsman (Further Provisions) Retrospective
Operation and Validation Act 1983*

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- (b) the validity or continued operation of no such action shall be called in question, nor shall be deemed ever to have been questionable by or before any court or any public officer, or other person to whom section 97 of the Constitution applies, merely on the ground that the principal Act was not brought into operation on the date of the action, or without validating that action or its continued operation, by law, as the case may be;
- (c) no court shall entertain any legal proceeding -
 - (a) questioning the validity or continued operation of any such action; or
 - (b) claiming any compensation for loss, if any, founded on any such action or continued operation,merely on the ground mentioned in paragraph (b).

Criminal
immunity.

6. Nothing contained in this Act shall render, or shall be deemed to have rendered, any person guilty of an offence under the principal Act, as it stood before the publication of the commencement order in the Gazette, which act or omission did not constitute an offence because the principal Act, but for the provisions of this Act, was not brought into operation on the date of the act or omission.

SCHEDULE

The following actions under the various provisions of the principal Act are actions for the purposes of this Act -

<i>Reference to sections</i>	<i>Descriptions of action</i>
3(1) and (2)	Vacation of office and resignation of membership.
4	Taking and subscribing the prescribed oaths of office by the Ombudsman or by the members of his staff.
5	Complaints or invitation made to the Ombudsman for investigation into an action in any case or such investigation considered desirable by him, on his own motion.
7, 9, 10, 11, 12, 14 and 21	Investigations conducted by the Ombudsman subject to, and in accordance with the provisions of these sections.
16	Recording of opinion and making of recommendation by the Ombudsman, sending of their copies, and making of request by him for taking of steps to give effect to his recommendations, notification to the complainant of the result of his investigation.
18	Sums paid by the Ombudsman in respect of expenses, or by way of allowance or compensation.
19	All administrative expenses and allowances up to an amount sanctioned by Parliament, and paid out of the Consolidated Fund.

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