

LAW REFORM COMMISSION BILL 1994

(NAME OF BILL)

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✓ TO: Clerk to National Parliament (for certificate by Speaker) 20/1/94

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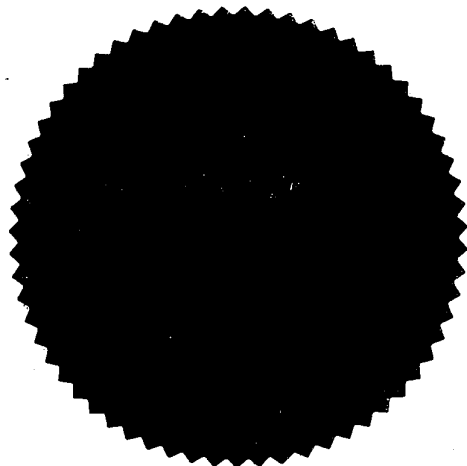
✓ TO: Clerk to National Parliament (for reference during 1st, 2nd and 3rd Readings) (Date passed 25/1/94 Act No 4/94) 23/1/94

✓ TO: Attorney General's Chambers (for checking before Assent) 23/1/94

✓ TO: Governor-General (for Assent) 4/2/94

TO: Clerk to National Parliament (for distribution)

1 copy Attorney General's Chambers
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THE LAW REFORM COMMISSION ACT 1994

(NO. 4 OF 1994)



THE LAW REFORM COMMISSION ACT 1994

(NO. 4 OF 1994)

Passed by the National Parliament this twenty-fifth day of January 1994.

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.

A handwritten signature in cursive script, appearing to read 'Andresen'.

*Elizabeth Andresen
Deputy Clerk to National Parliament*

Assented to in Her Majesty's name and on Her Majesty's behalf this fourth day of February 1994.

A handwritten signature in cursive script, appearing to read 'Lepping'.

*G.G.D. Lepping
Governor-General*

Date of commencement: see section 1.

AN ACT To Establish a Law Reform Commission in Solomon Islands.

ENACTED by the National Parliament of Solomon Islands.

THE LAW REFORM COMMISSION ACT 1994

ARRANGEMENT OF SECTIONS

Section:

1. Short title and commencement.
2. Interpretation.
3. Establishment of the Commission.
4. Term of office of Chairman and the Commissioners.
5. Functions of the Commission.
6. Powers of the Commission.
7. Appointment of Secretary.
8. Other staff.
9. Expenses of the Commission.
10. Annual report.
11. Regulations.

1. This Act may be cited as the Law Reform Commission Act, 1994, and shall come into force on such date as the Minister may appoint, by notice published in the Gazette.

Short title,
and commence-
ment.

2. In this Act, unless the context otherwise requires -
 "Commission" means the Law Reform Commission appointed under section 3;
 "Commissioners" mean the Commissioners appointed under section 3; and
 "Minister" means the Minister for the time being charged with responsibility for Justice.

Interpre-
tation.

3. (1) There is hereby established a Commission to be known as the Law Reform Commission.

Establish-
ment of the
Commission.

(2) The Commission shall consist of -

(a) a Chairman appointed by the Judicial and Legal Service Commission on the recommendation of the Minister; and

(b) four other Commissioners who shall be appointed on a part-time basis by the Minister.

(3) In appointing the four Commissioners referred to in paragraph (2)(b) of this section the Minister shall appoint persons who appear to him to have knowledge and interest in the following -

(a) social welfare and religious affairs;

(b) criminal administration; or

(c) sociology, anthropology or Solomon Islands culture.

(4) The Chairman shall be a person qualified to practise as a barrister or solicitor in any country in the Commonwealth and has been so qualified for not less than five years.

4. (1) The Chairman shall hold office for a period of five years.

(2) The Commissioners excluding the Chairman shall be appointed for a period of four years.

(3) The Commissioners including the Chairman shall be eligible for re-appointment.

(4) The Chairman and Commissioners shall be paid such salaries and allowances as specified in the instruments of appointment.

Term of
office of
Chairman and
the other
Commissioners.

5. (1) The functions of the Commission are, in accordance with references to the Commission made by the Minister, whether at the suggestion of the Commission or otherwise -

Functions of
the
Commission.

(a) to review laws with a view to the systematic development and reform of the law, including -

- (i) the modernisation of the law by bringing it into accord with current conditions;
 - (ii) the elimination of defects in the law;
 - (iii) the simplification of the law; and
 - (iv) the adoption of new and more effective methods for the administration of the law and the dispensation of justice;
- (b) to make recommendations in relation to the making of laws to which this Act applies;
 - (c) to make recommendations in relation to -
 - (i) the consolidation of laws; and
 - (ii) the repeal of laws that are obsolete or unnecessary;
 - (d) to make recommendations in relation to the restatement, codification, amendment or reform of traditional or customary laws; and
 - (e) to make recommendations in relation to the development of new approaches to and new concepts of the law in keeping with the changing needs of Solomon Islands society and of individual members of that society.
- (2) The Minister may -
 - (a) modify the terms of any references; and
 - (b) give directions to the Commission as to the order in which it is to deal with references.
 - (3) The Commission may for the purpose of this section hold and conduct such inquiries as it thinks fit.
 - (4) For the purposes of any inquiry under this section the members of the Commission shall have all the powers, authorities, protections and immunities conferred on a commissioner under the Commissions of Inquiry Act.

Cap. 31.

Powers of
the
Commission.

- 6. Subject to this Act, the Commission has power -
 - (a) to consult with -
 - (i) any Government department;
 - (ii) any Government institution, authority, organisation, instrumentality or body;
 - (iii) any other institution, organisation or body that, in the opinion of the Commission, would be affected by any proposed change in the law; and
 - (iv) any member of the public;
 - (b) with the approval of the Minister, to provide advice and information to any Government department and any other Government institution, authority, organisation, instrumentality or body concerned with proposals for the reform or amendment of any branch of the law;

- (c) to receive and consider any proposal for the reform of the law which may be referred to it;
- (d) to hold seminars and conferences on legal issues;
- (e) to undertake research and study programmes in order to provide itself with material upon which to base its recommendations on law reform matters, particularly in the field of customary law;
- (f) to use any information, advice or assistance available to it from any source whether within or outside the Government;
- (g) to obtain information on the laws and legal systems of other countries as a means of providing ideas for the reform and development of the law of Solomon Islands; and
- (h) to do all things necessary or convenient to be done for or in connection with the performance of its functions.

7. (1) There shall be a Secretary to the Commission who shall be the Executive Officer appointed by the Public Service Commission.

Appointment of Secretary.

(2) The terms and conditions of appointment and service of the Secretary shall be as specified in the instrument of appointment.

8. (1) Subject to subsection (2), any staff (other than the Secretary) required for the purposes of this Act shall be officers or employees of the Public Service.

Other staff.

(2) Nothing in subsection (1) prevents any person from being employed on contract or otherwise, under any other law to perform functions in relation to the Commission.

9. The expenses of the Commission, including the remuneration and allowances of Commissioners, and all other expenses incurred in the working and administration of this Act, shall be defrayed out of moneys provided by Parliament for the purpose.

Expenses of the Commission.

10. (1) The Commission shall prepare and submit to the Minister an annual report of its operations during the year.

Annual report.

(2) The report submitted pursuant to subsection (1) shall be laid before Parliament by the Minister.

11. The Minister may in consultation with the Commission make such regulations as may be necessary for the purpose of giving effect to the principles and provisions of this Act and particularly in respect of the procedure for the submission of proposals for review and reform.

Regulations.

