

# REPRINT

## **CLOSED DISTRICTS ACT (CAP. 4)**

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

<b>STATUS:</b> <b>CURRENT</b>
-------------------------------

For details see Endnotes
--------------------------

**AN ACT TO PROVIDE FOR CLOSED DISTRICTS**

## **CLOSED DISTRICTS ACT (CAP. 4)**

### **Table of provisions**

1	Short title	1
2	Definitions	1
3	Power to declare closed districts	1
4	Seaward boundary of closed district	2
5	Exemptions from provisions of Act	2
6	Permits to enter closed district	2
7	Revocation of permit	3
8	Persons in closed district when so declared	3
9	Persons in closed district without permits	3
10	Landing of unauthorised persons in closed district in certain events	4
11	Offences by holder of permit	4
12	Responsibility of master of vessel	5
13	Recovery of expenses from holder of permit	5
14	Inspection of permit	5
15	Jurisdiction	6
16	Rules	6

# CLOSED DISTRICTS ACT (Cap. 4)

As in force at: 1 October 2009

## 1 Short title

This Act may be cited as the *Closed Districts Act*.

## 2 Definitions

In this Act and in any rules made under this Act unless the context otherwise requires:

**“closed district”** means any islands or island or part of an island or any area in Solomon Islands which may be defined and declared under the provisions of this Act to be a closed district;

**“holder of a permit”** means a person to whom a permit has been granted so long as such permit remains a valid permit;

**“permit”** means a permit granted by the Prime Minister under the provisions of this Act;

**“seaman”** includes every person other than the master employed or engaged in any capacity on board any ship;

**“unauthorised person”** means any person to whom the provisions of this Act apply who is not the holder of a valid permit;

**“unauthorised vessel”** means any vessel to which the provisions of this Act apply which does not hold a valid permit;

**“valid permit”** means a permit which has not been revoked and which was granted or renewed for a period which has not expired.

## 3 Power to declare closed districts

The Prime Minister may by Proclamation declare any islands or island or part of an island or any defined area in the Solomon Islands to be a closed district.

#### **4 Seaward boundary of closed district**

The seaward boundary of any closed district shall be deemed to be a line running parallel with the coast at a distance of three nautical miles to seaward of low water mark.

#### **5 Exemptions from provisions of Act**

The provisions of this Act shall not apply to:

- (a) a person or vessel in the service of the Crown or acting under the orders of the Prime Minister when entering or being in a closed district in the performance of a duty;
- (b) a person resident within the closed district;
- (c) a vessel used exclusively within the closed district.

#### **6 Permits to enter closed district**

- (1) The Prime Minister may grant and renew permits authorising persons or vessels to enter or remain within a closed district, and any such permit or renewal shall be for such period and subject to such conditions as may be prescribed in rules made under the provisions of section 16:

Provided that the Prime Minister may in any case prescribe such additional conditions as may be thought fit:

Provided further that until the period of validity of permits and the conditions to which they shall be subject have been prescribed in rules as aforesaid the Prime Minister shall fix the period of validity of each permit and shall prescribe the conditions to which each permit shall be subject.

- (2) Permits shall be in such form as may be prescribed in rules made under section 16:

Provided that until the form shall have been prescribed as aforesaid the Prime Minister may issue permits in such form, subject to the provisions of this Act, as he may deem fit.

- (3) The period for which, and the conditions subject to which, a permit is

granted or renewed shall be endorsed upon the permit.

- (4) The Prime Minister may require any person or the master or owner of any vessel to whom or to which a permit is issued to furnish security either in cash or by bond for the observance of the conditions under which the permit is granted or renewed.

## **7 Revocation of permit**

- (1) The Prime Minister may at any time revoke a permit and shall not be bound to give any reason for so doing.
- (2) Notice of revocation shall be given in writing to the holder of the permit or, in the case of a vessel, to the master or owner of the vessel and such notification shall be served personally or by registered post.
- (3) Such revocation shall take effect from the date of receipt of such notice by the person to whom it is given, or from such later date as the Prime Minister may by such notice prescribe, and as from such date the holder of such permit, or such vessel, as the case may be, shall be deemed to be an unauthorised person or unauthorised vessel.

## **8 Persons in closed district when so declared**

If any person or vessel to whom or to which the provisions of this Act apply is within a district at the date when it is declared to be a closed district, the Prime Minister may either issue to such person or vessel a permit to remain within the said closed district or may order:

- (a) such person to leave; or
- (b) the master of such vessel to remove the said vessel from the said closed district forthwith or within a specified period;

and if such person or the master of such vessel shall fail to comply with such order within the period specified therein such person or vessel, as the case may be, shall upon the expiry of such period be deemed to be an unauthorised person or vessel.

## **9 Persons in closed district without permits**

- (1) Any unauthorised person or the master or owner of any unauthorised

vessel who or which enters or is found within a closed district shall be guilty of an offence against this Act and in addition to any penalty for such offence shall be liable for the amount of any expenses which may be entailed upon the Government by any action taken in connection with such offence.

- (2) This section shall not apply to a person or vessel compelled by stress of weather or other uncontrollable circumstance to enter or remain in the closed district; but this exemption shall continue in force only for so long as such person or vessel is compelled by such circumstance to remain in the said closed district.

**10      Landing of unauthorised persons in closed district in certain events**

No unauthorised person from any vessel which may enter a closed district under a permit, or which has been compelled by stress of weather or other uncontrollable circumstance to enter a closed district, shall land in such closed district except for the purpose of obtaining necessary provisions, executing such repairs as may be necessary to render the said vessel seaworthy, or for such other urgent purpose as the Court may hold to be reasonable under the circumstances. No person landing as aforesaid shall remain on shore longer than may be necessary to attain the object for which he landed. And save for such purpose as aforesaid no person resident within the closed district shall be permitted to go on board or alongside such vessel. Any person acting in contravention of the provisions of this section shall be guilty of an offence against this Act.

**11      Offences by holder of permit**

Any person being:

- (a) the holder of a permit; or
- (b) the master or owner of any vessel which holds a permit; or
- (c) a seaman or a passenger in any vessel which holds a permit;

who commits a breach of, or fails to observe any of the conditions endorsed upon, the permit so held shall be guilty of an offence against this Act and in addition to any penalty for such offence shall

be liable to forfeit any security furnished.

**12      Responsibility of master of vessel**

The master of any vessel shall be held responsible under this Act for the movements of his vessel and for the acts and movements of all seamen and passengers in such vessel while in a closed district, and any master of a vessel who fails to prevent any seaman or passenger in such vessel committing an offence against this Act shall be guilty of an offence against this Act; but nothing in this section contained shall be construed as relieving any seaman or passenger as aforesaid of personal liability for any offence committed against this Act:

Provided that in any charge against the master of a vessel under this section it shall be a sufficient defence if the said master shall prove that no reasonable and lawful action that he could have taken would have prevented the offence being committed.

**13      Recovery of expenses from holder of permit**

The Prime Minister may recover from any holder of a permit, or from the master or owner of any vessel which holds a permit, any expenditure incurred by any person acting under the orders of the Prime Minister in rendering assistance to such holder of a permit, or to the master or owner, or any seaman or passenger in such vessel, or in consequence of any offence committed within the closed district by such holder of a permit, or the master or owner or any seaman or passenger in such vessel, and the Prime Minister shall be entitled to recover the amount of such expenditure out of any security furnished under subsection (4) of section 6 by such holder of a permit or by the master or owner of the vessel concerned.

**14      Inspection of permit**

Any Government Medical Officer or police officer of or above the rank of Inspector, or any person so authorised in writing by the Prime Minister may at any time demand from any person or the master of any vessel in a closed district the production of his permit for inspection, and any holder of a permit or the master of any vessel which holds a permit who shall refuse or neglect to produce the permit for such inspection shall be guilty of an offence against this

Act.

## **15 Jurisdiction**

All offences against this Act or any rules made thereunder shall be tried summarily, and any person convicted of an offence against such Act or rules shall be liable to pay a fine of two hundred penalty units and the costs of the prosecution, and in default of payment to imprisonment for six months.

## **16 Rules**

The Prime Minister may make rules for the better carrying into effect generally of the provisions of this Act and may in particular thereby prescribe:

- (a) the officers by whom and the manner in which the powers conferred by this Act shall be carried out;
- (b) the form and period of validity of permits;
- (c) the conditions under which permits shall be granted;
- (d) the security to be furnished by holders of permits;
- (e) the fees to be paid in respect of the grant or renewal of a permit.



## 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 4 of the Revised Edition of the Laws of Solomon Islands, together with amendments made to the Act since that date.

### 2

#### LIST OF LEGISLATION

##### ***Closed Districts Act (Cap. 4)***

<i>Constituent legislation:</i>	1 of 1937 (Commenced 15 February 1937)
	8 of 1965
	6 of 1967
	LN 46A of 1978
	LN 88 of 1978

##### ***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 15                      amd by Act No. 14 of 2009