

**THE PROVINCIAL GOVERNMENT ACT 1997  
(NO. 7 OF 1997)**

**THE MAKIRA ULAWA PROVINCE VILLAGE PEACE COUNCILS  
ORDINANCE 2006**

**AN ORDINANCE to support Chiefs to maintain peace in their villages and tribal lands in Makira Ulawa Province by establishing Village Peace Councils and delegating certain peace-keeping and law enforcement authority to them.**

**ENACTED BY the Provincial Assembly of Makira Ulawa Province.**

**Arrangement of sections**

**Section:**

**PART I - PRELIMINARY**

- 1. Title and Commencement**
- 2. Interpretation**
- 3. Purpose**

**PART II - CONSTITUTION OF VILLAGE PEACE COUNCILS**

- 4. Establishment and certification of Village Peace Councils**
- 5. Associates of Village Peace Councils**
- 6. Village Peace Warden**
- 7. Revocation of certification of Village Peace Council or removal of members**
- 8. Appointment of further members, Associates, or Wardens**

**PART III - JURISDICTION and OBLIGATIONS**

- 9. Jurisdiction**
- 10. Substituting a customary alternative for infringement fee**
- 11. Limitation of jurisdiction**
- 12. Customary land disputes excluded**
- 13. Reporting of criminal matters**
- 14. Reconciliations in criminal or civil matters**

**PART IV - MATTERS INVOLVING OTHER VILLAGE PEACE COUNCILS**

- 15. Village Peace Councils to co-operate**
- 16. Disputes between villages**
- 17. Village Peace Councils may amalgamate or form co-operatives**

**PART V - FINANCES**

- 18. Finances of Village Peace Council
- 19. Prohibition on lending, borrowing or seeking other funding

**PART VI - MISCELLANEOUS**

- 20. Executive may make Orders

Schedules

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**THE PROVINCIAL GOVERNMENT ACT 1997  
(NO. 7 OF 1997)**

**THE MAKIRA ULAWA PROVINCE VILLAGE PEACE COUNCILS ORDINANCE 2006**

Under the powers conferred by Section 30 of the Provincial Government Act 1997, the Makira Ulawa Provincial Assembly makes the following Ordinance -

**PART 1 - PRELIMINARY****1. Title and Commencement**

This Ordinance shall be cited as the Makira Ulawa Province Village Peace Councils Ordinance 2006 and shall come into operation upon assent by the Minister of Provincial Government in accordance with Section 32 of the Provincial Government Act 1997 and publication in the Solomon Islands Gazette.

**2. Interpretation**

In this Ordinance, except where the context otherwise requires, words have the following meanings -

- “Executive” means Makira Ulawa Province Executive;
- “infringement offence” means an offence identified in any Provincial Ordinance as an infringement offence in accordance with the Penalties For Offences Ordinance;
- “Penalties For Offences Ordinance” means the Makira Ulawa Penalties For Offences Ordinance 2006 or its successors;
- “Police” means Royal Solomon Islands Police;
- “Province” means Makira Ulawa Province;
- “Provincial Government” means Makira Ulawa Provincial Government;
- “Village Peace Council” means a Village Peace Council established and certified in accordance with this Ordinance.

**3. Purpose**

The purpose of this Ordinance is to:

- (a) Support Chiefs to resolve conflicts, and maintain and promote peace, in their villages and tribal lands in Makira Ulawa Province by establishing Village Peace Councils and delegating certain peace-keeping and law enforcement authority to the Village Peace Councils;
- (b) Provide for a system where authority is or may be delegated to Chiefs and other members of Village Peace Councils to issue infringement notices and collect the infringement, fees for identified infringement offences, in their villages and their tribal lands; and
- (c) Provide for the appointment of Village Peace Wardens to assist the Village Peace Councils with peace-keeping and law enforcement activities, including providing reports to various law enforcement agencies, and
- (d) Authorise Village Peace Councils to utilise infringement fees and other law enforcement income for peace-keeping and law enforcement activities in their respective areas.

**PART II - CONSTITUTION OF VILLAGE PEACE COUNCILS****4. Establishment and certification of Village Peace Councils**

- (1) Any Village in the Province may apply to the Ward Council of Chiefs for its Ward to be certified to carry out the peace-keeping and law enforcement activities provided for in this Ordinance, and:
  - (a) The Village must provide the details of:
    - (i) The identity of the Chiefs who have been selected to be members of the Village Peace Council;
    - (ii) The identity of the representatives who have been selected to be the Women and Youth Associates of the Village Peace Council;
    - (iii) The identity of the person or persons selected to be the Village Peace Wardens, and a summary of their skills that in the opinion of the Village make them suitable to be Village Peace Wardens;
    - (iv) The method upon which the proposed members, Associates, and Wardens were chosen and the method by which replacements will be chosen;
    - (v) An indication that the Village community accepts the nominations and the method by which the nominees were chosen;
    - (vi) The tribal lands the Village Peace Council applies to have jurisdiction over, and an indication of whether any of those lands are currently under dispute.

- (b) A form is set out in Schedule One as a guide to the information that must be provided by the Village when requesting certification.
- (c) If it is satisfied that the Village has identified the matters required in this section and has the capacity to adequately carry out the peace-keeping and law enforcement activities, the Ward Council of Chiefs may recommend to the Premier to certify that Village Peace Council in accordance with this Ordinance.
- (d) If the Premier:
  - (i) Accepts the recommendation of the Ward Council of Chiefs, the Premier may issue a certificate in the form in **Schedule Two**;
  - (ii) Is uncertain whether to act on the recommendation of the Ward Council of Chiefs, the Premier shall refer the matter to the Executive for the Executive to determine whether or not the Premier should issue a certificate in the form in **Schedule Two** and any limits that should be placed on the jurisdiction of the Village Peace Council, and the decision of the Executive shall be final.
- (e) When the Premier certifies any Village Peace Council, whether on the advice of a Ward Council of Chiefs or the decision of the Executive, the certification shall be deemed to be evidence of an Agency Agreement as provided in section 29 of the Provincial Government Act 1997 or its successors.
- (2) When considering an application the Ward Council of Chiefs, Premier, or Executive, may take into account any information they have about any of the tribal lands being in dispute, and may withhold approval to any area of land that is known to be in dispute and which has not been heard and determined by the relevant Chiefs in the customary manner.

#### 5. **Associates of Village Peace Council**

Every Village Peace Council must appoint at least one women's representative and one youth representative as Associates of the Village Peace Council, and those Associates:

- (a) May be nominated by the women and youth of the Village respectively;
- (b) May hold office for a term of two years, after which their appointment will lapse;
- (c) May be appointed to hold office for a further term or terms;
- (d) May attend all meetings or sittings of the Village Peace Council, and participate in all debates and activities;
- (e) Will act as advisors to the Village Peace Council, in relation to matters as they impact

- (g) Must consult with women and youth within the Village in relation to the business of the Village Peace Council;
- (h) May be removed from office by the Village Peace Council on recommendation from the women (for women Associates) or youth (for youth Associates) of the Village.

**6. Village Peace Warden**

- (1) Every Village Peace Council shall appoint at least one Village Peace Warden to assist the Village Peace Council to enforce law and keep the peace.
- (2) The Village Peace Warden must be a suitable person to carry out the functions of the Warden, and have such characteristics and skills as:
  - (a) Good formal education, so he or she can assist the Chiefs to understand the laws and can carry out the clerical tasks associated with issuing infringement notices;
  - (b) Courage to address breaches of the peace and to intervene when necessary;
  - (c) Willingness to assist the Village Peace council to collect outstanding infringement fees and supervise customary penalties;
  - (d) Ability to minimise disputes;
  - (e) Physically fit for travelling
- (3) The functions to Village Peace Wardens include:
  - (a) Administration of the Village Peace Council;
  - (b) Advising the Village Peace Council about relevant laws of the Province;
  - (c) Receiving reports from the village community about suspect infringement offenses and other offenses;
  - (d) Issuing infringement notices and collecting infringement fees;
  - (e) Supervising and reporting on the implementation of any customary penalty substituted for an infringement fee;
  - (f) Completing the reporting process for infringement offences as provided under the Penalties For Offences Ordinance;
  - (g) Reporting criminal matters to the Police;
  - (h) Completing the annual report to the Executive regarding the infringement offences addressed by the Village Peace Council (a form for reporting is set out in **Schedule Three**)
- (4) The Village Peace Council shall provide the Village Peace Warden with a notice of appointment in the form set out in Schedule Four and shall display a copy of the notice in a prominent place in the Village.
- (5) The Village Peace Council may, at its own cost, provide the Village Peace Warden with an identification card or other means of identification.

- (6) When attending meetings or sittings of the Village Peace Council, the Village Peace Warden shall have the same status as an Associate.

**7. Revocation of certification of Village Peace Councils, or removal of members**

- (1) The Ward Council of Chiefs may;
- (a) Revoke the appointment of any Chief or other member of a Village Peace Council within its Ward, or any Village Peace Warden within its Ward, for any reason.
  - (b) Revoke the appointment of any associate to a Village Peace Council within its Ward, upon the recommendation of the women of the village (for Women's associate) or the youth of the village (for Youth's associate).
- (2) When a Ward Council of Chiefs revokes the appointment of any person, it must notify the person in writing and provide a copy of the notice to the Executive.
- (3) The Executive may, by Executive Order issued in the format in **Schedule Five**, revoke the certification of:
- (a) Any Village Peace Council in the Province;
  - (b) Any particular Chief or other member or associate of a Village Peace Council;
  - (c) Any Village Peace Warden.
- (4) The Executive may only exercise the authority to revoke certification after considering a report from:
- (a) The Provincial Police Commander, or any Police Officer for the time being supervising the Office of the Provincial Police Commander; and
  - (b) The Principal Magistrate, or any Magistrate for the time being supervising the Magistrate's Court in the Province; and
  - (c) The senior Legal Advisor or Officer to the Provincial Government.
- (5) Where the Executive revokes certification it shall provide a copy of the Order to the Village Peace Council concerned, the Ward Council of Chiefs for Ward, and the Police.

**8. Appointment of further members, Associates, or Wardens**

- (1) Certified Village Peace Councils may appoint replacement or further persons to a Village Peace Council, using the method of selecting nominees identified by the Village Peace Council in its application for certification.
- (2) Any such appointments must be notified to the Ward Council of Chiefs for the Ward.
- (3) No person whose appointment has been revoked, whether by the Ward Council of Chiefs or by Order of the Executive, may

be reappointed to a Village Peace Council unless the appointment is approved by resolution of the Executive.

### **PART III - JURISDICTION and OBLIGATIONS**

#### **9. Jurisdiction**

- (1) Village Peace Councils may issue notices for infringement offences and collect the infringement fees for any infringement offence where the authority to do so is delegated in or under any Provincial Ordinance.
- (2) Notwithstanding anything to the contrary in any other Ordinance of the Province:
  - (a) Village Peace Councils shall not have Jurisdiction to address any offending that occurs, or is alleged to have occurred, outside the tribal lands of the village;
  - (b) Village Peace Councils shall not have jurisdiction to address any infringement or other offence for which a term of imprisonment may be imposed upon conviction;
  - (c) Village Peace Councils shall not have jurisdiction in any matter where the person alleged to have committed the offence is not indigenous to Solomon Islands;
  - (d) For the avoidance of doubt it is declared that a Village Peace Council is not a court and:
    - (i) Has no jurisdiction to conduct hearings or to finally determine any matter coming before it;
    - (ii) Has no jurisdiction to hear or determine any criminal matter.

#### **10. Substituting a customary alternative for infringement fee**

When a Village Peace Council substitutes a customary penalty for an infringement fee, in accordance with the provisions of the Penalties For Offences Ordinance, that customary penalty is not required to be of equal value to the infringement fee.

#### **11. Limitation of jurisdiction**

- (1) Where the Executive is satisfied that an area of land is in dispute and the matter has not been heard and determined by the relevant Chiefs in the customary manner the Executive may, by Order set out in the format in Schedule Six, prohibit a Village Peace Council from exercising any jurisdiction over offences occurring or alleged to have occurred within that land. Such Order shall be in addition to any land excluded in the certification of the Village Peace Council.
- (2) Where the Executive is satisfied that a Village Peace Council is failing to appropriately exercise jurisdiction in relation to any authority delegated to Village Peace Councils

- (3) Where the Executive prohibits a Village Peace Council from exercising any jurisdiction or authority it shall provide a copy of the Order to the Village Peace Council concerned, the Ward Council of Chiefs for the Ward, and the Police
- 12. Customary land disputes excluded**  
The process for resolving customary land disputes is regulated under Solomon
- 13. Reporting of criminal matters**  
A Village Peace Council must promptly report to the Police any crime that has occurred in its tribal lands or that it suspects has been committed in its tribal lands.
- 14. Reconciliations in criminal or civil matters**  
Nothing in this Ordinance shall prevent a Village Peace Council from participating in reconciliations of civil or criminal matters in accordance with the Magistrates Courts Act [CAP 20] or its successors.

**PART IV - MATTERS INVOLVING OTHER VILLAGE PEACE COUNCILS**

- 15. Village Peace Councils to co-operate**  
Where an infringement or other offence appears to have been committed within the tribal lands of a Village Peace Council, and the alleged offender is governed by another Village Peace Council:
- (a) In the case of an alleged criminal offence, report the matter to the Police;
  - (b) In Village Peace Council of the alleged offender will co-operate with that Village Peace Council in attempting to reconcile the matter.
- 16. Disputes between villages**  
Where an infringement or other offence appears to have been committed within the tribal lands of a village Peace Council, and the alleged offender is governed by another Village Peace Council:
- (a) In the case of an alleged criminal offence, report the matter to the Provincial Government;
  - (b) The Village Peace Council of the alleged offender will co-operate with that Village Peace Council in attempting to reconcile the matter.
  - (c) In the case of a civil dispute, inform the parties that the matter can not be resolved by the Village Peace Councils and that the parties may apply to the Magistrates Court to have the matter heard.
- 17. Village Peace Councils may amalgamate or form co-operatives**
- (1) Any two or more villages, or established Village Peace Councils, may amalgamate by agreement for the better maintenance of peace within their respective tribal lands, and in such circumstances:



- (a) The amalgamated Village Peace Council shall for all the purposes of this Ordinance be treated as one Village Peace Council;
- (b) The members of the amalgamated Village Peace Council shall jointly have jurisdiction over all the tribal lands of the Villages included in the amalgamation;
- (c) The infringement fee (or customary alternative) for any offence shall be payable to the amalgamated Village Peace Council decides to apply its funds.
- (2) Any two or more Village Peace Council may form co-operatives by agreement, where they consider that for the better maintenance of peace within their respective tribal lands it is preferable that the Village Peace Council involved each determine matters affecting the other village and tribal lands and in such circumstances;
  - (a) The Village Peace Councils shall for all the purposes of this Ordinance remain separate Village Peace Councils;
  - (b) The Village Peace Councils will swap jurisdiction to determine the matters;
  - (c) The infringement fee (or customary alternative) for any offence shall remain payable to the Village Peace Council whose tribal lands the particular offence occurred on.
- (3) Any Village Peace Councils who amalgamate or form co-operatives must, in writing, advise the Ward Council of Chiefs for their Ward and the Executive.

#### **PART V - FINANCES**

##### **18. Finances of Village Peace Council**

- (1) A Village Peace Council shall not charge any fee or payment for determining or reconciling any matter under this Ordinance.
- (2) Village Peace Councils may, in accordance with the Penalties For Offences Ordinance, Collect the infringement fees for any infringement notice it has properly issued and may retain those fees for funding and supporting their peace keeping activities.
- (3) Village Peace Councils may also use any goods or services provided by way of customary penalty (where the offender has consented to a customary alternative to the infringement fee) for funding and supporting their peace keeping activities.
- (4) Village Peace Councils have absolute discretion in relation to utilising the proceeds of the infringements they enforce, however they are required to appropriately support their Village Peace Wardens which may include:

- (a) Providing administrative resources for the Village Peace Warden to carry out his or her role; for example paper or photocopied forms, biros and so on;
- (b) Transportation;
- (c) Providing goods or services to make up for the Village Peace Warden's absences from tending his or her garden or private business affairs.

**19. Prohibition on lending, borrowing or seeking other funding**

- (1) No Village Peace Councils, may lend funds or provide any type of credit to any of its members or associates, or to any other person or organisation.
- (2) No Village Peace Council may borrow funds from any source, or seek to obtain any goods or services on credit.
- (3) No Village Peace Council may seek or solicit funding from any source other than those provided in this Ordinance or the Makira Ulawa Province Ward Development Authorities Ordinance 2006, unless the application for funding or other financial assistance is:
  - (a) Authorised by Order of the Executive;
  - (b) For one-off projects designed to help achieve the purposes of this Ordinance;
  - (c) Not for funding the ongoing peace-keeping and law enforcement functions of the Village Peace Council.

**PART VI - MISCELLANEOUS**

**20. Executive may make Orders**

The Executive may make Orders for all or any of the following objects:

- (a) Revoking the certification of any Village Peace Council, Chief or other member or associate, or Village Peace Warden, in accordance with **section 7**;
- (b) Limiting the jurisdiction of any Village Peace Council in accordance with **section 11**.

**PASSED BY THE MAKIRA ULAWA PROVINCIAL ASSEMBLY**

**THIS 31ST DAY OF MARCH 2006**

This printed impression has been carefully compared by me against the Ordinance passed by the Makira Ulawa Provincial Assembly and is found by me to be true and correct copy of the said Ordinance.

**Clerk to the Makira Ulawa Provincial Assembly**

**ASSENTED TO BY THE MINISTER FOR PROVINCIAL GOVERNMENT**

**THIS TWENTY NINTH DAY OF MAY 2006**

**Minister for Provincial Government**

188  
**SCHEDULE ONE**  
**(Section 4)**

**MAKIRA ULAWA PROVINCE VILLAGE PEACE COUNCIL ORDINANCE 2006**

**Application to ..... Ward Council of Chiefs, of Ward ....., for  
recommendation to the Premier for certification as Village Peace Council**

Village: .....Ward: .....

Tribal lands of the Village: .....

Identify any of the tribal lands that are currently disputed: .....

Chiefs nominated to be members of the Village Peace Council .....

.....

Nominated Associates: Women: ..... Youth: .....

Nominated Village Peace Warden(s): .....

What skills does he / she / they have that will make them a good Village Peace Warden?

.....

.....

How were the people nominated chosen, and how will any replacements be chosen?

.....

.....

Does the Village community accept these nominations and the method used to choose them?

.....

Village Chief: .....  
(name) (signature) (date)

Village Chief: .....  
(name) (signature) (date)

The ..... Ward Council of Chiefs has considered this application and recommends to the Premier of Makira Ulawa Province that the application be:

- (c) Approved without amendment, or
- (d) Approved with the following amendments: ..... or
- (e) Declined

For the following reasons: .....

For Council of Chiefs: .....  
(name) (signature) (date)

189  
SCHEDULE TWO  
(Section 4)

MAKIRA ULAWA PROVINCE VILLAGE PEACE COUNCILS ORDINANCE  
2006

CERTIFICATION OF ..... VILLAGE  
PEACE COUNCIL

(Village Peace Councils Certificate No ..... of 20 .....)

Under the powers conferred by Section 4 of the Makira Ulawa Province Village Peace Councils Ordinance 2006, the Premier of Makira Ulawa Province certifies the following -

- 1 **Certification to carry out peace keeping regime**  
..... Village Peace Council, of ..... Ward  
is hereby certified to carry out the peace keeping regime provided in the Makira Ulawa Province Village Peace Councils Ordinance 2006 or its successors.
  
2. **Jurisdiction of Village Peace Council**
  - (a) The Village Peace Council specified in this Certificate has jurisdiction over the Village and all tribal lands the Chiefs of the Village exercise primary customary rights over except for the following land known as:  
.....  
.....
  - (b) If at any time it is determined by law that the Chiefs do not have primary rights over any land, the Village Peace Council will cease to have jurisdiction over that land.
  
- 3 **Revocation of Certification**

Makira Ulawa Provincial Executive reserves the right to make Orders;

  - (a) Revoking the certification of the Village Peace Council or any of its Chiefs, associates, or Wardens;
  - (b) Limiting the jurisdiction of any Village Peace Council, in relation to either the area of land it exercises jurisdiction over or the range of peace keeping activities it may carry out and receive funds for.

**4 Revocation by Ward Council of Chiefs**

The Ward Council of Chiefs for ..... Ward retains the right to revoke the appointment of any Chief, Associate, or Warden of the Village Peace Council.

**Certified on (date) ..... by ....., Premier of Makira Ulawa Province (or Minister supervising the office of the Premier)**

**Witnessed by....., Provincial Minister for .....**

**Witnessed by ....., Provincial Secretary, Makira Ulawa Province**



**SCHEDULE FOUR  
(Section 6)**

**MAKIRA ULAWA PROVINCE VILLAGE PEACE COUNCILS ORDINANCE 2006**

**Appointment of Village Peace Warden**

..... Village Peace Council, of ..... Ward

**in Makira Ulawa Province appoints ..... to be Village Peace Warden with authority to assist the Village Peace Council to keep the peace and enforce laws in the tribal lands of the Village Peace Council.**

Village Chief: .....  
(name) (signature) (date)

Village Chief: .....  
(name) (signature) (date)

**A copy of this notice shall be provided to the Village Peace Warden and a copy shall be displayed in a prominent place in the Village.**

**SCHEDULE FIVE**  
**(Section 7 and 20)**

**MAKIRA ULAWA PROVINCE VILLAGE PEACE COUNCILS ORDINANCE 2006**

..... **VILLAGE PEACE COUNCILS**  
**(REVOCATION OF CERTIFICATION) ORDER** .....

(Village Peace Councils Order No ..... of .....)

Under the powers conferred by **Sections 7 and 20** of the Makira Ulawa Province Village Peace Councils Ordinance 2006, the Makira Ulawa Provincial Executive issues the following Order -

**1 Revocation of authority of Village Peace Council or members, associates, or Wardens**

*[delete options not relevant]*

- (a) All authority delegated to ..... Village Peace Council of ..... Ward, under the Makira Ulawa Province Peace Ordinance 2006 or its successors, is hereby revoked.
- (b) All authority delegated to:
  - (i) Chief ....., of ..... Village Peace Council;
  - (ii) ....., Women's Associate for ..... Village Peace Council;
  - (iii) ....., Youth's Associate for ..... Village Peace Council;
  - (iv) ....., Village Peace Warden for ..... Village Peace Council;

of ..... Ward, under the Makira Ulawa Province Councils Ordinance 2006 or its successors, is hereby revoked and that person is no longer a member/Associate /Warden of the Village Peace Council.

**2 Display of Order**

The Village Peace Council named in this Order must display this Order in a prominent place in the Village for at least six months from the date of the Order.

*[Insert the details for verification of enactment and display of Orders of the Executive, as required by the Makira Ulawa Province Executive Governing Rules]*



194  
SCHEDULE SIX  
(Section 11 and 20)

MAKIRA ULAWA PROVINCE VILLAGE PEACE COUNCILS ORDINANCE 2006

..... VILLAGE PEACE COUNCILS (LIMITATION  
OF JURISDICTION OF VILLAGE PEACE COUNCIL) ORDER .....

(Village Peace Councils Order No ..... of .....) )

Under the powers conferred by Sections 11 and 20 of the Makira Ulawa Province Village Peace Councils Ordinance 2006, the Makira Ulawa Provincial Executive issues the following Order -

**1 Limitation of jurisdiction of Village Peace Council**

*[delete options not relevant]*

(a) The ..... Village Peace Council of ..... Ward is prohibited from exercising any of the authority delegated under the Makira Ulawa Province Village Peace Councils Ordinance 2006 or its successors, and/or the Makira Ulawa Province ..... Ordinance ..... in relation to the following area of land:

.....  
.....

(b) The ....., Village Peace Council of ..... Ward is prohibited from exercising the following authority delegated under the Makira Ulawa Province Village Peace Councils Ordinance 2006, and/or the Makira Ulawa Province ..... Ordinance ..... :

.....  
.....

**2 Display of Order**

The Village Peace Council named in this Order must display this Order in a prominent place in the Village for at least six months from the date of the Order.

*[Insert the details for verification of enactment and display of Orders of the Executive, as required by the Makira Ulawa Province Executive Governing Rules]*