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**MOLI WARD CHIEFS COUNCIL ORDINANCE 2010**

**AN ORDINANCE** TO ESTABLISH THE MOLI WARD CHIEFS COUNCIL AND TO PROVIDE FOR ITS POWERS TO DEAL WITH MATTERS WITHIN THE MOLI WARD IN ACCORDANCE WITH CUSTOMARY LAWS AND PRACTICES OF THE TRIBES OF MOLI WARD AND FOR RELATED MATTERS

**ENACTED** by the Guadalcanal Provincial Assembly pursuant to section 30 of the Provincial Government Act 1998

**PART 1 - PRELIMINARY**

Short title and commencement

1. This Ordinance shall be cited as the Moli Ward Customary Law Ordinance 2010 and commences on the date of publication in the *Gazette*.

Interpretation and application

2. (1) In this Ordinance, except where the context otherwise requires --

“alcohol” has the same meaning in the Liquor Act (Cap.144), and includes kwaso and any other home-made alcohol beverages, whether or not distilled;

“Board” means the Liquor Licensing Board under the Liquor Act (Cap. 144);

“chausangavulu” means ten string shell money of one fathom each string in length;

“chauvati” means the common four string shell money of one fathom each string in length;

“child” means a person under the age of 18 years;

“*chio*” means a sexual intercourse between two persons of the same tribe or marriage between a man and a woman of the same tribe;

“compensation” means the traditional or customary practice of payment or exchange in form of money, food, property or other items of traditional or customary value as a result of any dispute, disagreement, offence or breach of any customary law or practice;

“Council” means the Moli Ward Chiefs Council;

“fine” includes compensation or other penalty or sanction imposed under customary law or practices;

“licence” under sections 30 and 35 means a liquor licence granted under the Liquor Act (Cap.144)

“logging” means the unsustainable harvesting of trees by companies using heavy machines which causes destruction of water sources such as streams and rivers;

“modern methods of fishing” includes the use of fishing guns, nets, dynamites, hand grenades or any other explosive device, and the use of spear guns and wires;

“*moru*” means land areas first cultivated by a person or person’s tribe and left to regenerate prior to recultivation;

“penalty unit” means the unit of penalty set out under section 50A(1) of the Interpretation and General Provisions Act (Cap.85);

“people stranger” means any person of whom both parents are or either parent is not a resident or not from a tribe in Moli Ward;

“pollution, in relation to any sea area, includes

- (a) dumping of any form of harmful manufactured or industrial substance, such as oil, fuel or other hazardous substances which may have adverse effect to human life or marine life;

- (b) dumping of any vehicle, wrecked vessels or other similar objects;

“pollution” in relation to any water source includes

- (a) dumping of food or other kitchen waste, human waste or any other waste into any water source; and
- (b) washing of clothes, vehicles, animals or other things in any water sources.

“public place” has the meaning in the Interpretation and General Provisions

“sea area” means the area between the high water mark and the edge of the twelve nautical miles or the imaginary half-way line between Guadalcanal and another island from another province if such area is less than twelve nautical mile;

“separation” in relation to a marriage, means an order of a court to dissolve or end the marriage of a husband and wife, and has the same meaning as “divorce” given under the Islanders Divorce Act (Cap. 170);

“*vono*” means customary practice of blocking water source;

“water source” includes any fresh water source located in rivers, streams, lakes, and ponds.

- (2) This Ordinance applies only to any act, conduct, activity, thing or person (including visitors) within the areas of Moli Ward.

**PART 2 - ESTABLISHMENT AND POWERS OF THE MOLI WARD  
CHIEFS COUNCIL**

Establishment  
of the Council

3. (1) This section establishes the Council of Chiefs consisting of the following members

- (a) a member as the President of the Council;
- (b) a member as the Vice President of the Council;
- (c) a member as the Secretary of the Council; and
- (d) two other members, (one as the Paramount Chief of Bota Zone and the other the Paramount Chief of Veuru Zone).

(2) The members of the Council shall be elected by way of secret ballot at an annual general meeting of the tribes.

(3) There shall be three nominations for the post each member to be nominated by three persons eligible to vote at the annual general meeting.

(4) A nominee shall only nominate one person for membership to the Council, otherwise his latter nominee shall be invalid.

(5) The members hold office for two year and are entitled to be re-elected.

(6) The annual general meeting to elect members of the Council shall be held within 30 days before the expiry of the term of the members offices but to take office on the expiration of the terms of existing members.

(7) The Provincial Member for Moli Ward shall preside over an annual general meeting to elect members of the Council.



4. (1) The President has the power to call a sitting of the Council for the purposes of carrying out its functions and powers under this Ordinance. Procedures of the Council

(2) At a sitting of the Council

- (a) the President shall preside, and in his absence the Vice President shall preside;
- (b) the quorum is three members, comprising the President or the Vice President if the President is absent and 2 other members;
- (c) the President may invite any person to provide technical or expert advice to the Council;
- (d) a member shall disclose any interest on any matter before the Council who shall be excused from deliberation on such matter.

(3) The President has the power to make the final decision over any matter that comes before the Council, and in particular where the decision is not unanimous.

(4) The Council may regulate its own procedures, subject to the procedures set out in this Ordinance.

5. (1) The Council has the following powers ... Powers of the Council and other functions of the President

- (a) to hear, determine and resolve any breach of any provision of this Ordinance;
- (b) to hear and determine any land dispute;
- (c) to identify and declare any sea area as a marine protected area under section 12;
- (d) to exercise other powers conferred upon it under this Ordinance.

(2) The functions of the President are to administer this Ordinance.

(3) If the President is unable to perform his duties or functions under this Ordinance, the Vice-President shall perform such duties or functions in his absence.

Hearing fees 6. (1) A person who brings any new matter for determination of the Council shall, before the Council hears the matter, pay the hearing fee set out in the Schedule, which both parties may agree to pay.

(2) If only one party pays for the fee, that party may request the Council to make an order against the other party to pay costs to that party the hearing fee.

Allowance 7. A member of the Council is entitled to allowances set out in the Schedule, including a person invited under section 4(2)(c) unless that person receives an allowance from his employer.

### PART 3 - TRADITIONAL AUTHORITY

Recognition of chiefly titles 8. This Ordinance recognises the authority of any hereditary chiefly title as a feature of the traditions of the people of Moli Ward.

Zones of Moli Ward 9. (1) This section establishes in each of the two zones of Moli Ward the following house of chiefs –

(a) the Bota Moli House of Chiefs; and

(b) the Veuru Moli House of Chiefs.

(2) For the purposes of this Ordinance –

(a) zone 1 shall be Bota Zone; and

(b) zone 2 shall be Veuru Zone.

## PART 4 - MARINE AND FRESH WATER RESOURCES

10. (1) No person shall pollute the sea area so as to cause damage or injury or to adversely temper or interfere with any marine resource within the jurisdiction of Moli Ward. Protection of sea areas

(2) The Council has the power to identify and declare any sea within Moli Ward as a marine protected area.

(3) No person shall use any modern method of fishing is prohibited in any area protected under subsection (2) except that the Council may approve the use of modern method of fishing for the following purposes -

- (a) marriage ceremony;
- (b) religious ceremony; or
- (c) other occasions as may be approved by any four tribal chiefs of Moli Ward.

(4) Any person who breaches subsection (1) or (2) may be liable to pay one or more of the following penalties -

- (a) a fine of not more than 1,000 penalty units;
- (b) one pig;
- (c) one *chauvati* or one *chupu*

11. (1) No person shall Fresh water source

- (a) pollute;
- (b) uses the local *vono* method to block; or
- (c) discard, dispose or use any hazardous chemical or substance in.

any water source within the boundaries of Moli Ward.

- (2) A person who breaches subsection (1) is liable
- (a) for an individual, to the penalties specified
  - (b) for a body corporate, such appropriate penalty as the Council may determine based on an assessment carried out by a technical expert based on the written laws of Solomon Islands, which may include the penalties under section 10(4).
- (3) In this section, "technical expert" includes any officer from the Ministry of responsible for Environment.

Fresh water  
catchments  
areas

12. (1) No person shall --
- (a) pollute;
  - (b) tamper with or damage; or
  - (c) make any garden or carry out any other damaging activity in,
- any fresh water catchment or its surrounding area.
- (2) The Council shall declare and clearly mark out all catchments areas, on the advice of --
- (a) an officer from the Solomon Islands Water Authority;
  - (b) an officer from the Health Environment (Health or Environment) department; or
  - (c) a medical officer.
- (3) Any person who breaches subsection (1) is liable to the penalties set out under section 10(4).

**PART 5 - LANDOWNERSHIP AND MANAGEMENT AND  
OTHER RELATED ISSUES**

13. Subject to the definition of land given under the Land and Titles Act (Cap. 133) or any other written laws, in this Ordinance, "land" means any customary land in Moli Ward and includes any resources within the land but does not include alienated land owned by the Government, churches, any non-governmental organisation or any other similar bodies.

Interpretation  
of land

14. (1) This Ordinance recognizes and enforces the following traditional values of the people of Guadalcanal regarding ownership of land -

Land owner-  
ship

- (a) no individual shall have sole ownership of land;
- (b) a tribe may claim ownership of any land;
- (c) land is inherited through the female child according to the matrilineal tradition of the society;
- (d) a male person in the tribe has equal primary land right as a female person except for the right of male person to inherit land for his life time only;
- (e) a child affiliated to a tribe through his father has secondary rights to any land by that tribe;
- (f) a male person may become a custodian of the tribal land to which he is affiliated, and has the authority to look after the affairs of the land, including the right to talk about the tribal land in any proceeding pertaining to the ownership of that land;
- (g) a female person affiliated to a tribe shall be involved in any decision making pertaining to any land affiliated to that tribe;

- (h) any person who wishes to gain access to his *moru* which is owned by any given tribe must, prior to any further action, obtain permission from the chief of the tribe;
- (i) from the date of commencement of this Ordinance, no customary land shall be sold to any natural or corporate person;
- (j) land can only be leased to another for a period not more than twenty years. Lease agreements may be renewed after each term has expired;
- (k) any negotiation or agreement relating to any land owned by a tribe shall be made through the head of the members of the tribe concerned.

(2) Any person who breaches a provision of this section is liable to the penalties set out in section 10(4).

Sustainable  
harvesting of  
land resources

15. (1) A person shall not --
- (a) harvest of trees or other similar vegetation for the purposes of constructing a house or other such structures relating to the livelihood of the people of Moli except in a manner that is environmentally sustainable; or
  - (b) burning of trees, logs or other similar vegetation in a manner that substantially affects the forest or vegetation environment.

(2) Any person who breaches subsection (1) is liable to the penalties set out in section 10(4).

16. (1) No person shall hunt wild pigs in any tribal land except with the prior permission of four tribal chiefs affiliated to that land. Hunting in tribal land
- (2) Any person who breaches subsection (1) is liable to the penalties set out in section 10(4).
17. (1) A person who is not a citizen of Solomon Islands shall not undertake any development plan within Moli Ward unless the prior approval to undertake such development is granted by the Council. Investment by foreigners
- (2) The application for approval under subsection (1) must
- (a) be made to the Council; and
  - (b) include a business plan and other Government authorisation under the laws of Solomon Islands, including foreign investment approval.
- (3) Subsection (1) applies to any authorised member or representative of the tribe who facilitates the development plan of or is the agent of the non-citizen.
- (4) Any person who breaches subsection (1) is liable to a fine not exceeding 100,000 penalty units, subject to the right of the State to prosecute.
18. The Council shall encourage the planting of trees as part of a reforestation campaign for the regeneration of trees in Moli Ward, including any reasonable assistance to any person wishing to undertake reforestation programme. Reforestation
19. (1) A person who has any complaint about any land has the right to apply to the Council to determine the complaint. Land disputes
- (2) A party to any land matter shall appear in person before the Council without any legal representation, without affecting the right of the party to seek legal advice prior to appearing before the Council.
- (3) Subject to subsections (5) and (6), the President shall preside over the sitting of the Council when any land matter is heard and determined by the Council.

(4) The President may appoint a panel of three members of the Council to hear a land dispute.

(5) If the President or any other member of the Council is a party to the dispute or has any interest in the land matter, he must, as soon as practicable, declare a conflict of interest and shall not take part in the hearing and determination of the matter.

(6) If the President is disqualified under subsection (5), the Vice President shall preside.

(7) A person who disturbs or cause such disturbance any hearing of the Council commits an offence and is liable to a fine not exceeding 500 penalty units.

(8) In subsection (7), "disturbance" includes physical violence (including use of arms and other objects likely to cause harm or injuries), threatening words or gestures, abusive or offensive language or any other act that may cause or likely to cause fear to the members of the Council, parties, witnesses or other persons attending the hearing or matter before the Council.

(9) For the purpose of subsection (7), the Council may order the arrest of the person by the relevant authorities or removal of such person from the vicinity of the hearing.

Rules of  
procedure in  
land disputes

20. (1) At the hearing of a land matter, the Council shall follow the following procedures in the following order --

- (a) the complainant will first present his case by providing oral, documentary or other evidence to support his case, including witnesses;
- (b) the defendant will be given the right to ask any questions on any evidence given under paragraph (a);
- (c) the complainant will be given the right to ask question or make statement to clarify any matter raised by the defendant under paragraph (b):



(d) the defendant will then be given the same right under paragraphs (a) and (c), and the complainant under paragraph (b) on the evidence given by the defendant.

(2) Each party shall be afforded an opportunity to submit closing remarks in relation to the hearing.

21. (1) The following rules of evidence apply to hearing of any land matter --

Evidence in land disputes

(a) hearsay evidence is acceptable;

(b) fabricated evidence is not acceptable;

(c) when the parties have close their case, no new evidence is to be accepted unless the Council decides that there are good and exceptional reasons for accepting it.

(2) The Council may visit the land in dispute for the purpose of verifying the evidence given by party, such as the boundaries or other matters or objects necessary for the Council to make its decision on the matter.

22. A party that is not happy with the decision of the Council has the right to appeal the matter to the Local Court within 90 days from the date of the decision.

Right to appeal

23. (1) No person shall carry out any logging or logging-related activities in Moli Ward, including entering into any logging, lease or technology arrangement or agreement.

Ban on logging activities

(2) Any person who breaches subsection (1) is liable to the penalties under section 10(4).

24. (1) No person shall carry out any mining or mining-related activities in Moli Ward, including entering into any thing, prospecting, drilling technology arrangement or agreement, subject to subsection (2).

(2) Any extracting of minerals by the people of Moli Ward shall be conducted in a manner that is environmentally sustainable manner.

(3) Any person who breaches subsection (1) or (2) is liable to the penalties under section 10(4).

## PART 6 - ALCOHOL, HOMEBREWS, AND DRUGS

25. (1) Any person wishing to operate any liquor business in Moli Ward shall first apply to the Council for approval before making any application for a licence under the Liquor Act (Cap.144) ("licensee").

(2) The Council has the power to approve or reject any application made under subsection (1) to operate a liquor business.

(3) If the application is rejected, the Council shall inform the applicant, in writing, of its decision and the reasons for the decision.

(4) The validity and period of approval granted under this section depends on the validity and period of the liquor licence granted under the Liquor Act, and the licensee must first apply to the Council for renewal of the approval given under this section before he makes any application to renew his liquor licence.

(5) Any person who breaches subsection (1) is liable to a fine not exceeding 1,000 penalty units.

(6) This section shall apply to any person wishing to manufacture alcohol or other alcoholic beverages except the penalty for breaching this section is a fine not exceeding 5,000 penalty units.

(7) For the purpose of this section, a licensee shall also comply with the requirements and conditions under the Liquor Act and any relevant ordinance of the Guadalcanal Province Liquor Licence Board.

(8) If a licensee breaches subsection (5), the Council may cancel any approval given under this section and shall request the Board to cancel the liquor licence.

Buying or  
selling illegal  
alcohol

26. A person who buys or sells any alcohol knowing that such alcohol is manufactured or sold without a valid liquor licence contravenes this section and is liable to –

(a) to a fine not exceeding 500 penalty units; and

(b) one pig and one *chauvati*

27. (1) A person commits an offence if the person Disturbances  
under the  
influence of  
alcohol or  
drugs
- (a) disturb, cause to disturb or interfere with another person's right to enjoy peaceful living; or
  - (b) whilst under the influence of alcohol or other drugs, enters a private premises without the consent of the owner of the premises.
- (2) In this section –
- “disturb, cause to disturb or interfere with” another person includes –
- (a) any acts or conduct to provoke or intimidate another person;
  - (b) use of abusive language;
  - (c) assault or threatening to assault;
  - (d) damaging of a person's property or threatening to damage a person's property;
- (3) A person who breaches subsection is liable to the penalties set out in section 10(4).

28. A person who plants, manufactures, possesses, stores, Drugs  
supplies, transports, sells, takes or uses any drug or similar substance or  
plant (including the seeds of such plants) that is illegal under the law of  
Solomon Islands, including sale or supply to a child breaches this section  
and is liable to the penalties set out in section 10(4).

#### PART 7 - PUBLIC ORDER OFFENCES

29. (1) Any person shall, orally or in writing, report a Duty to report  
breach  
breach of a provision of this Ordinance to the President or a member of  
the Council as soon as possible immediately after witnessing a person  
committing the offence or having direct or indirect knowledge of the  
breach.

(2) If the report is given orally, the President or member shall record the report in writing or request the person to record it in writing and submit it to the Council.

(3) The Council shall not hear and determine any case that has not been brought to the Council after the expiry of 12 months from the date the report was received by the Council.

Using abusive language in a public place

30. (1) A person who uses abusive language in a public place commits a breach of this Ordinance and is liable to the penalties set out in section 10(4).

(2) In this section, "abusive language" includes verbal or written words, pictures, graffiti, or gestures that are rude, degrading or offensive.

Drunk and disorderly

31. (1) A person who is drunk in a public place to the extent of being incapable of controlling himself breaches this section and is liable to a fine not exceeding 500 penalty units.

(2) In this section --

"incapable" includes lying, sleeping, urinating, naked, shouting aggressively or other similar activity;

"naked" includes wearing underwear only but does not include a person who is partially clothed or half-naked;

"urate means urinating in the presence of the members of the public.

Prostitution

32. (1) A person who gains from the earnings (whether financial or otherwise) or is involved in the practice, procurement, advice, organisation or entertaining of any act of prostitution breaches this section and is liable to the penalties set out in section 10(4).

(2) In this section, the Council may use the elements set out in sections 153 and 155 of the Penal Code (Cap. 26) when dealing with any clarification with the term "prostitution" for any breach of this section.

**PART 8 - CUSTOM MARRIAGE, INTER-MARRIAGE, BRIDE  
PRICE AND RELATED MATTERS**

33. (1) For the purposes of this section, "marriage" means the union of a man and woman under customary law or practice. Customary marriage
- (2) The marriage between two persons of the same sex shall be prohibited and deemed to be void.
- (3) A person shall not be remarried if the person is still married to another person.
- (4) In this section, a marriage is terminated if a spouse has died or the marriage is terminated by a court.
- (5) A spouse to a marriage may apply for termination of marriage if the other spouse --
- (a) has left the matrimonial home for more than 2 years; or
  - (b) is living in a de-facto relationship with another person;
- (6) In this subsection (5)(b), living in a relationship for less than 12 months is not to be treated as a de-facto relationship.
34. (1) The Council has the power to temporarily separate a marriage, after having considered an application for a separation order by a spouse. Council may separate custom marriage
- (2) A party to a marriage may, in writing, apply to the Council for a separation order, including setting out the grounds for separation.
- (3) The Council may give directions as to how to proceed with hearing of the separation, including additional documents and the right of the other party to reply.
- (4) The Council may make orders in default of appearance by a party.
- (5) The Council does not have any power to make a separation order on any marriage solemnised under a written law, except for customs marriage.

- Bride price
35. (1) This sections shall regulate the traditional practice of giving and receiving bride pride during a marriage ceremony in Moli Ward.
- (2) Under this section, "bride price" includes money (whether traditional shell money or modern currency in cash or in any other form), other items such as food, calico or other valuables presented as gifts during the marriage ceremony.
- (3) The families of the parties to be wed must have discussed and agreed upon the bride price prior to the marriage ceremony.
- (4) The payment of bride price may vary as follows --
- (a) for a virgin bride, one *chausangavulu*, two *chauvati* and S1000.
  - (b) for a bride who, prior to marriage, has a child fathered by a person other than her groom; two *chauvati* and S500.
  - (c) for a bride who has been separated from an earlier marriage; one *chauvati* plus S300.
- (5) The custody of any child of the bride under subsection (4)(b) or (c) shall be determined by the parties prior to the marriage ceremony.
- (6) If the determination under subsection (6) allows for the child to remain in the custody of the mother, the bride shall pay the groom one *chauvati* to care for the child as his own.
- Elopement
36. (1) A male person who elopes (*vaigarai*) with a female person (or vice versa) breaches this section and is liable to the following penalties --
- (a) a fine of one *chausangavulu*;
  - (b) two pigs;
  - (c) three *chauvatis*

(3) Each party shall pay their respective relatives one pig and one *chauvati*.

(4) If the male person commits the breach, the person shall further compensate the father of the girl with 200 penalty units and one *chauvati*.

37. A person who forces another person to marry or forces a male person and a female person to enter into marriage breaches this section and is liable to --

(a) a fine not exceeding 500 penalty units; and

(b) one pig, one *chauvati* and one *chupu*.

38. (1) The following customs shall apply to arranged marriages --

(a) the marriage is to be arranged by parents or relatives of the bride and the groom;

(b) the parties shall exchange gifts as a security to the arrangement;

(c) where a pre-arranged marriage is made between the two parties the children are bound to abide by the agreement;

(d) the parties to a pre-arrange marriage agreement may agree to cancel the agreement.

(2) A party breaches this section is the party breaks the pre-arranged marriage agreement without the approval of the other party and shall pay one *chauvati* and one pig as compensation, and in addition the return of one *chauvati* and one pig given during the exchange of gifts.

39. A person who enters into a marriage arrangement or have sexual intercourse with person knowingly that they are both from the same tribe breaches this section and each of them is liable to

(a) a fine not exceeding 1000 penalty units; and

(b) one pig, one ten string shell money, and one *chupu*

- Adultery 40. (1) A person who commits adultery (*Kibogha*) breaches this section and both parties to the act of adultery are liable, to a fine of two pigs, two *chausangavulu*, and four *chauvatis*, to be divided by the Council to the spouse.
- (2) In this section, adultery” (*Kibogha*) means sexual intercourse by a married person with a person other than his or her spouse.
- Sex by unmarried person 41. An unmarried person who have sexual intercourse with another unmarried person breaches this section and both are liable to a fine not exceeding 200 penalty units and two pigs to be divided by the Council amongst the parents or close relatives of the two parties.
- Polygamy 42. (1) It is an offence for a person to practice polygamy.
- (2) In this section, “polygamy” means marriage of a male person to more than one wife or vice versa.
- (3) Any person who breaches this section is liable to --
- (a) a fine not exceeding 500 penalty units; and
- (b) one pig, one *chauvati* and one *chupu*.
- Organising unlawful marriages 43. (1) A person commits an offence if the person, knowingly, arranges, assists, procures, plans or organises one or more of the following unlawful marriages --
- (a) marriage of a child to another child or person;
- (b) marriage between persons of the same sex;
- (c) marriage of a person who is already married; or
- (d) any other marriage that is unlawful under this Ordinance or other relevant laws of Solomon Islands.
- (2) Any person who breaches subsection (2) is liable to, depending on the circumstances of the case --
- (a) a fine not exceeding 500 penalty units; and
- (b) one pig, one *chauvati* and one *chupu*.



44. (1) A parent or guardian of a person who interferes in the affairs of that person's marriage breaches this section except any advice to the person regarding a marital issue only when requested by that person or his or her spouse. Interfering with marriage by parents

- (2) Any person who breaches this section is liable to --
- (a) a fine not exceeding 500 penalty units;
  - (b) one pig, one *chauvati* and one *chupu*.

45. (1) A person from Moli Ward has the right to marry another person -- Intermarriage

- (a) from Guadalcanal Province as long as such marriage is not a *chio*; or
- (b) from other parts of Solomon Islands or from another country.

(2) Any child born out of intermarriage under section 55(2) has the right to live with his or her parent or parents in Moli Ward.

(3) A child whose mother is from another province may be adopted into any of the four tribes of Moli Ward namely, *Koinaghao Manukiki*, *Lasi* or *Garavu*.

(4) A child adopted into a tribe under subsection (2) must respect all the tribal chiefs, customs, values, norms and beliefs of that tribe.

(4) The adopting tribe must take the responsibility to care for the child-adopted under subsection (2), including the provision of resources such as land and other resources to support the livelihood of the child.

(5) The tribe reserves the right to withdraw its care and support to the child.

- (6) Any person who contravenes this section is liable to
- (a) a fine not exceeding 1000 penalty units; and
  - (b) one pig, one *chauvati*, and one *chupu*.

## PART 9 - CHILD MAINTENANCE

- Child born out  
of wedlock
46. (1) A female person who conceives a child out of wedlock breaches this section and both the woman and the father of the child are liable to
- (a) a fine not exceeding 1000 penalty units; and
  - (b) one pig, one *chauvati*, one *chupu*.
- (2) It is a defence under this section if the conception was a result of the offence of rape or other sexual offences.
- (3) The Council shall determine, based on evidence brought before it, whether or not consent was present.
- (4) The Council, in making their determination, will also consider any fact that alleges that the woman had lured the man into having sexual intercourse with her or vice versa.
- child mainte  
nance
47. (1) The Council has the power to order maintenance of a child.
- (2) In this section, "maintenance" means any form of support whether financial or otherwise.
- (3) If the child's father is unemployed, he must still give support by providing basic needs including food of any kind, clothing, soap, kerosene or any other form of support other than finance.
- (4) The unemployed father shall make reasonable effort according to his ability or skill to engage in any activity that generates income such as copra harvesting, processing or marketing, marketing of garden produce or fish, operating mini shops or any other lawful activity.
- (5) Maintenance by the father shall continue until the child reaches the age of 16 years.
48. (1) If the father is employed and has constant source of income the Council shall assist the mother to seek legal action against him.

(2) If the father is unemployed the financial support shall be in following options -

- (a) if the school fee is paid by the father, the rate of maintenance shall be S50 per month; or
- (b) if school fee is not paid by the father, the rate of maintenance shall be S100 per month.

(3) The monies shall be paid to the mother of the child.

(4) The mother receiving maintenance shall be responsible to handle and use the monies for the purpose of the welfare of the child only.

(5) The maintenance described under subsection (2) above shall not be a bar to other general support stated in subsection (3).

(6) If the child is being care for by the parent, grandparent or any other family member, the Council, may on application by such person, order the maintenance to be paid to such person.

49. The Council may require a person who has failed to comply with the maintenance orders or defaulted in payment of such maintenance may be liable to a fine of not exceeding 500 penalty units plus one pig, one *chauvati* and one *chupu*, without affecting his right to pay for the maintenance arrears.

Refresh to  
comply with  
maintenance  
order

#### PART 10 - GENERAL OFFENCES AGAINST INDIVIDUALS

50. (1) A person who damages the property of another person breaches this section and is liable to

Damaging of  
property

- (a) a fine not exceeding 5000 penalty units;  
and
- (b) one pig, one *chauvati* and one *chupu*.

(2) In this section -

“damage” means the physical destruction, whether partially or wholly of a property;

“property” means real or personal property.

Defamation of  
Character

51. (1) A person who defames another person publicly breaches this section and is liable to --

(a) a fine not exceeding 500 penalty units;  
and

(b) In this section, “defame” means to damage or tarnish a person’s character or image by spreading false and degrading information about that person.

(2) In this section, “defame” means to damage or tarnish a person’s character or image by spreading false and degrading information about that person.

(3) Any person who claims that he or she has been defamed must prove that such defamation was made publicly.

(4) Truth is a defence to a charge of defamation.

Tale bearing

52. (1) A person who tells any derogatory story about a person unless required by law breaches this section and is liable to a fine of not exceeding 500 penalty units, one pig, one *chauvati* and one *chupu*.

(2) In this section “telling any derogatory story, includes the passing or spreading of derogating information about a person to another person.

Impersonation

53. (1) A person who impersonates another person without that person’s knowledge and consent breaches this section and is liable to a fine of not exceeding 500 penalty units and one pig, one *chauvati* and one *chupu*.

(2) In this section “impersonate” means a person’s use of another person’s name, image or character in order to misrepresent that person for her or his own benefit.

54. (1) A person who interferes with, damages or totally destroys a *tabu* site of another person or a tribe without the knowledge and consent of that person or that tribe breaches this section and is liable to a fine on exceeding 1000 penalty units and one pig, one *chauvati* and one *chupu*. *Tabu sites*

(2) In this section, "tabu site" means a place, landmark or monument preserved by a person or a tribe since pre-Christian times which was formally used for heathen worship or practice, such a stone, tree, shrine and or any significant monument owned by a family, clan or tribe.

#### **PART 11 - MOVEMENT OF PERSONS**

55. (1) The Council has the power to control the movement of any person in or out from Moli Ward.

(2) In this section, "movement" means the right of a person to enter or leave Moli Ward.

(3) A stranger shall not enter Moli Ward except with the approval of the Council.

(4) Subsection (3) does not apply to the following

- (a) a person whose spouse is from Moli Ward;
- (b) a person who is employed in Moli Ward;
- (c) a person who is invited to travel in and out from the Moli Ward or under any arrangement approved by the Council.

(5) A stranger shall --

- (a) at all times show respect and care for the custom, tradition, culture, norms and beliefs of the people of Moli Ward.
- (b) comply with the customs, culture and tradition of the people of Moli Ward;
- (c) not apply or influence others with his or her foreign customs, or culture, and tradition in any circumstances; and

- (d) not influence or cause another person including his or her relative to live permanently in Moli Ward.

(5) Any person who breaches this section is liable to a fine not exceeding 10,000 penalty units; and one pig, one *chauvati* and one *chupu*, including a written directive from the Council to leave Moli Ward.

Tourists

56.

(1) A tourist

- (a) may enter Moli Ward on the consent of the Council; and
- (b) upon entering, shall, during the period of stay, remain under the supervision of guidance of a person from Moli Ward appointed by the Council.

(2) In this section, "tourist" means any person, whether or not from Solomon Islands, who is on a leisure trip, or holiday tour or who desires to visit as part of the recreational program whether organised privately or by a tourism body in Solomon Islands or another country.

(3) Any person who breaches this section is liable to a fine not exceeding 10,000 penalty units and one pig, one *chauvati* and one *chupu* depending on the circumstances of the case.

#### PART 12 - HEALTH AND HYGIENE

Health bylaws

57.

(1) The Council has the power to make bylaws to promote or maintain health and hygiene of each village in Moli Ward.

(2) A person who fails or neglects to maintain health and hygiene in or around his residential house breaches this section.

(3) In this section, maintaining health and hygiene includes the following

- (a) weeding or cutting tall grasses and shrubs that grow within 20 meters from the residential house;

- (b) keeping secure any farm animal in a proper fence;
- (c) keeping or controlling a domestic animal or pet from moving around loose in the village;
- (d) keeping or controlling a domestic animal or pet not to dispose their wastes in the village; and
- (d) doing any other act or practice relating to health and hygiene determined by the Council or prescribed under bylaws.

58. (1) This sections declares every third Wednesday of each calendar month as a "Health Day", in which the owners of a house shall exclusively clean their houses and surroundings. Health Day

(2) The owner who breaches this section is liable to the following fines –

- (a) 5 penalty units for not cleaning on the Health day;
- (b) 20 penalty units for not controlling the domestic animals properly; and
- (c) 50 penalty units for not putting the farm animals in their fence.

#### **PART 13 - CULTURAL NORMS AND VALUES**

59. (1) Each person in Moli Ward shall, where it is not inconsistent to the Constitution, be bound by and respect cultural norms, values, beliefs, and tradition as passed on or inherited from our forefathers. Respect for cultural norms

(2) A female person must not wear men's clothing in Moli Ward, except if such clothing is worn during the following occasions

- (a) sporting events;
- (b) as costumes for concerts;
- (c) as costume for other school or church programmes.

(3) A person who is from a tribe or is a resident in Moli Ward shall not introduce or attempt to introduce any cultural or traditional norms or values whether from another province or country to the people of Moli Ward.

(4) A person shall not divulge Moli cultural norms and values, traditions and beliefs shall not be divulged in any form.

(5) All parents in Moli Ward shall continue to teach, train or counsel their children on the customs and traditions of Moli Ward.

(6) A person who breaches this section is liable to –

- (a) for subsection (5), a fine not exceeding 50 penalty units;
- (b) for other subsections, a fine not exceeding 1,000 penalty units; or
- (c) one pig, one *chauvati* and one *chupu*.

Identity

60. (1) A person who alters, whether or not for commercial purposes, any traditional practice or heritage of Moli Ward without the consent of the Council.

(2) In this section, “traditional practice or heritage” includes song, chant, dance costume or clothing, ritual, ceremonial object or practice, folklore, painting, carving, art, weapon, architecture, traditional knowledge and any other authentic activity or object attributed to the customs and traditions of Moli Ward.

(3) A person breaches this section if the person, fraudulently, denies another person of his or her rightful claim or affiliation to any of the following four main tribes of Moli Ward –

- (a) *Last*;
- (b) *Manukiki*;
- (c) *Garavu*; or
- (d) *Koinahao*



(4) Every person from Moli Ward is encouraged to maintain the traditional practices or heritage of Moli Ward described under subsection (2).

(5) Woman shall use traditional carrying of foods known in the Moli Ward as *Luhuluhu* and the use of *Kato* or woven basket on the head.

#### PART 14 - DEMANDING OF COMPENSATION

61. (1) A person who demands any form of compensation without the approval of the Council breaches this section and is liable on conviction to --

Unlawful demanding of compensation

(a) a fine not exceeding 1000 penalty units; and

(b) one pig, one *chauvati* and one *chupu*.

(2) The form and quantum of compensation shall be determined by the Council taking into account the penalties set out in this Ordinance.

(3) Any part involved in any conflict shall take the matter to the Council for its determination and approval of compensation.

(4) The Council may make require a stranger who is living in Moli Ward to pay any compensation determined under this section but the stranger cannot apply for compensation or invoke any compensation practice from his province.

#### PART 15 - BUSINESS LICENCE

62. (1) A person who operates a business in Moli Ward without a business licence issued by the Guadalcanal Province Licence Board breaches this section and is liable to a fine, which shall be payable to the Council.

Application for business licence

(a) for first offence, not exceeding 200 penalty units; or

(b) for second or subsequent offence, not exceeding 5,000 penalty units.

(2) Any person may apply to the Guadalcanal Province Licence Board for a business licence.

#### PART 16 - RELIGIOUS ACTIVITIES AND SACRILEGE

Religious activities

63. (1) No person or religious group shall host or organise any religious activity in any place in Moli Ward except with the prior consultation and approval of the chief of the locality where the activity is proposed to be held.

(2) In this section, "religious activity" includes any spiritual gathering by organised or hosted by any religious group.

Disturbing religious activities

64. (1) Subject to section 67, a person who disturbs any religious activity or gathering that has been approved by a chief of the locality breaches this section.

(2) A person who breaches this section shall be brought before the Council where the Council, and in resolving such matter, the Council may determine the compensation to be made by the accused person to the aggrieved person or group.

Sacrilege

65. A person who, unlawfully, breaks into, tamper with, damages or removes any property from any building used or consecrated for religious gatherings or activities breaches this section and is liable to the penalties set out under section 66(1).

#### PART 17 - PRICE CONTROL ON LOCAL GOODS

Price of local goods

66. (1) A person breaches this section if the person sells local goods exceeding the following rates --

- |     |            |                    |
|-----|------------|--------------------|
| (a) | root crops | S2.00 a kilogram;  |
| (b) | vegetables | S10.00 a kilogram; |
| (c) | fish       | S5.00 a kilogram;  |
| (d) | pigs       | S20.00 a kilogram; |
| (e) | fruits     | S2.00 a kilogram;  |
| (f) | chicken    | S10.00 a kilogram; |

(2) The Council has the power to control prices of local goods sold in all markets in the Moli Ward.

(3) A person who desires to sell his garden produce at any marketplace in Moli Ward shall pay a fee of S1.00 a day to the Council.

(4) Any person who breaches this section is liable to --

(a) for first breach, a fine not exceeding 100 penalty units; or

(b) for second or subsequent breach, a fine not exceeding 2000 penalty units.

**PART 18 - WOMEN'S RIGHTS**

67. (1) The Council has the power to make regulations for the protection of the rights and freedom of each female person in Moli Ward. Women's rights

(2) The Council must ensure that it upholds any right or freedom enshrined in the Constitution of Solomon Islands regarding a female person.

(3) The Council must ensure that it upholds any principle or provision laid out in any international convention or treaty which Solomon Islands has ratified.

68. (1) A woman has -- Women's right to land

(a) equal right to ownership of customary land in Moli Ward.

(b) equal participation in any transaction dealing with customary land in Moli Ward to which she is affiliated, and may take part in the following activities --

(i) consultation or decision making regarding any customary land or any property or resources within such land; or

(ii) signing of any agreement or any other document regarding any customary land.

- Women's right  
to education
69. (1) Every female person in Moli Ward has the right to formal education.
- (2) A person breach this section if the person
- (a) prevents a female person from attending formal education;
- (b) discriminates another person based on gender or physical characteristics.
- (3) A person who breach subsection (2) is liable to a fine not exceeding 2000 penalty units.
- Women's right  
to employment
70. (1) Every female person in Moli Ward who is eighteen years or older has a right to equal employment opportunity.
- (2) A person who prevents a female person, who is entitled under the laws of Solomon Islands to employment, from obtaining employment breaches this section and is liable to a fine not exceeding 2000 penalty units.
- Women's  
political rights
71. Every female person in Moli Ward -
- (a) has a right to vote in any election, subject to the right to vote;
- (b) has equal opportunity to context any seat as a candidate in any election; or
- (c) has equal opportunity to voice her concern within her rights and freedoms.
- Women's gen-  
eral rights
72. (1) A wife has the right to travel with the husband who is travelling for medical reasons.
- (2) A husband must respect any decision made by his wife in any matrimonial issue.
- (3) A husband that contravenes this section is liable to a fine not exceeding 500 penalty units.

**PART 19 - OLD PEOPLES WELFARE**

73. (1) A person who abandons or fails to render support to one or both of her or his elderly parents or grandparents breaches this section. Care for old people

(2) The Council has the power to make bylaws for the care and protection of the rights of old people.

(3) All persons and religious organisations in Moli Ward have obligations to support or assist elderly persons or persons with disabilities.

(4) In this section, "elderly parent or grandparent" means a person who is 65 years or over.

**PART 20 - ELECTION OF COUNCIL**

74. (1) Each tribe in Moli Ward shall have a paramount chief and two other assisting chiefs who are persons of chiefly title. Paramount chiefs and village chiefs

(2) If the paramount chief is for any reason unable to perform his functions either of the assisting chief will perform the functions of the paramount chief.

(3) Each village in Moli Ward shall have a village chief and an assistant village chief both of who are of chiefly title.

(4) The assistant village chief may perform the functions of the village chief when the village chief is not present in the village or because of illness.

(5) In this section, "chiefly title" means title through hereditary and passed directly from a biological father to the son or to a next-of-kin in the same tribe.

## PART 21 - ELECTION OF POLITICAL LEADERS

75. (1) Every person in Moli Ward has a right to independently choose a political leader and to vote at any national election or Guadalcanal provincial election.

(2) A political leader has equal opportunity and privilege enjoyed by other provincial and national politicians.

(3) The Council has the power to endorse candidates for Parliament or Guadalcanal Provincial Assembly (referred to as "endorsed member").

(4) A person endorsed under subsection (1) shall be fit and proper person, including

- (a) assessing frequency of visit to people of Moli Ward;
- (b) evidence of fostering of social services;
- (c) co-operating and assisting with the development goals and objectives of the people of Moli Ward;
- (d) raising concerns in the Parliament;
- (e) supporting women's and children's rights;
- (f) supporting the weak and vulnerable minorities and supports other groups such as environmental groups or charitable organisations.

76. (1) A person in Moli Ward has the right call for the resignation of the endorsed member from Parliament or the Guadalcanal Provincial Assembly by way of petition to the Council signed by at least 80% of those who voted for him in Moli Ward.

(2) The Council may endorse the petition on one or more of the following grounds in relation to the endorsed member

- (a) for misconduct;
- (b) for involvement in corruption practices such as bribery or any other abuse of office of the Crown for his or her own benefit;
- (c) if convicted of a criminal offence;
- (d) if frequently seen drunk and disorderly

(3) The Council must not endorse the petition unless at least five warnings have been given to the endorsed member by the Council in relation to the grounds under subsection (2).

(4) When the petition is endorsed, the Council shall send it to the following

- (a) the Speaker of National Parliament or Provincial Assembly;
- (b) the Prime Minister, the Leader of Opposition or Premier of Guadalcanal Province (as the case may be);
- (c) the Minister for provincial government;
- (d) Chairman of the Caucus and the Cabinet.

#### PART 22 - SORCERY

77. (1) A person who practices sorcery in Moli Ward breaches this section and is liable to a fine not exceeding 1000 penalty units and one pigs, one *chausangavulu*, and one *chupu*.

Offence of  
sorcery

(2) In this section, "sorcery" means any ritual for which there is a general belief among any class of persons that harm may be caused to any person or in possession, without lawful excuse, any article commonly associated in any class of persons with harmful magic, and include heathen practices or black magic commonly known in Moli Ward as *piro*, *vele*, or *kibokibo* for which there is a general belief among any class of persons may cause harm.

(3) All evidences in sorcery matters shall be by way of eye witness, circumstantial or admissions.

(4) Hearsay evidence is inadmissible and cannot be accepted as evidence against a defendant.

#### PART 23 - MISCELLANEOUS

Reconciliation 78. (1) Reconciliation is not a bar to proceedings brought before the Council.

(2) Reconciliation shall be taken into consideration in mitigation on behalf of a defendant after conviction has been entered.

Consultation with and assistance of the Police 79. (1) If a matter brought before the Council is an offence under any other written law, the Council shall first consult the Police as to whether or not the matter should be handled by the Police in the courts.

(2) For the purpose of subsection (1), the Council and the Police shall take into account the nature of the offence, the aggravating factors, the quantum of damages, circumstances surrounding the commissioning of the offence, the nature of physical injuries in assault cases, elements of the offence and the rights under the Constitution.

(3) The Police shall assist the Council as and when requested by the Council, including –

(a) arrest of a person suspected of breaching a provision of or who fails to pay any fine imposed under this Ordinance;

(b) remand any person causing disturbance of the peace at Moli Ward.

Payment of fines 80. (1) All fines under this bylaw shall be collected by council members to be passed to the treasurer or paid directly to the treasurer as soon as practicable, through a receipt.

(2) A person who fails to pay any fine under this Ordinance may be referred to a magistrate by the Council for a default order of imprisonment pursuant to section 26 of the Penal Code.



81. For avoidance of doubt, a breach of this section is an offence. Breach is an offence

82. (1) Forms for the purposes of this Ordinance are set out in the Schedule. Forms and fees

(2) The Council may approve fees for the purposes of this Ordinance.

83. The Council shall review this Ordinance from time to time and propose any amendment with or without the assistance of other professional or technical persons. Review of Ordinance

SCHEDULE

(section 82)

FORMS

Form 1 - Charge Sheet

Count No .....

That Mr/Mrs/Ms ..... of ..... village in the Moli Ward on the ..... day of ....., 20 ..... did unlawfully commit ..... to Mr/Mrs/Ms ..... Contrary to section ..... of the Moli Customary Law Ordinance.

You Mr/Mrs/Ms ..... are hereby advised to appear before the Council in its sitting on the ..... day of ..... 20 ..... You are hereby summoned in the sum of S .....

Accused ..... Name ..... Signature .....

Date ..... / ..... /20.....

Chief Laying charge ..... Name ..... Signature .....

Date ..... / ..... /20.....

Form 2 - Approval for Liquor Licence Application Form (section 25)

I Mr/Mrs/Ms ..... of ..... village an adult having attained the age of ..... intend to apply for a liquor licence from the Guadalcanal Province Liquor Board. I was born on the ..... day of ..... in the year .....

I have/have not built a proper house where the operation will take place.  
Please allow for a Council member to visit the house in order to confirm that.

Applicant ..... Name  
..... Signature

COUNCIL USE ONLY

Dear Mr/Mrs/Ms ..... of  
..... village an adult of Moli Ward.

The Council hereby wish to inform you that your application for intention to apply for a liquor licence has been approved/not approved on the following reasons:

.....  
.....  
.....  
.....

Secretary/President ..... Name  
..... Signature

**Form 3 - Offence Report Form**

Dear President/Secretary of the Moli Ward Council of Chiefs,

I Mr/Mrs/Ms ..... of  
..... village wish to report to the Council that on the  
..... day of ..... the year 20 .....

a person by the name of  
Mr/Mrs/Ms ..... has been suspected of  
committing an offence against Mr/Mrs/Ms ..... at .....

..... village around ..... (time). The  
offence can be described as follows:

.....  
.....  
.....

I wish to request that the Council do an investigation and charge the suspect on the offence which was committed.

Person reporting the crime ..... Name

Signature .....

Date ...../...../20.....

Witness ..... Name

Signature .....

Date ...../...../20.....

COUNCIL USE ONLY

Certify receipt of report

Council Member ..... Name

Signature .....

Date ...../...../20.....

**Form 4 - Decision Form**

IN THE MATTER between Mr/Mrs/Ms .....of  
..... village the complainant and Mr/Mrs/Ms  
..... of ..... village the  
accused/respondent:

WHEREAS the Moli Ward Chiefs Council sitting/hearing on the following dates:

...../...../20.....

...../...../20.....

...../...../20.....

AND HAVING HEARD the evidence of the complainant and having heard the evidence of the accused/respondent and having assessed all the circumstances it is hereby ordered as follows:

The Mr/Mrs/Ms ..... of ..... village is hereby convicted on the following offence (s):

Count 1.....

Count 2.....

Count 3.....

THE sentence being as follows:

Count 1.....

Count 2.....

Count 3.....

Dated this ..... day of ..... 20.....

President/Chairman of the Council Name: .....

Signature .....

Witness/Signature Secretary .....

**Form 5 - Compensation Order Form**

IN THE MATTER between Mr/Mrs/Ms ..... of ..... village the complainant and Mr/Mrs/Ms ..... of ..... village the respondent:

WHEREAS the Moli Ward Chiefs Council sitting/hearing on the following dates:

- ...../...../20.....
- ...../...../20.....
- ...../...../20.....

AND HAVING HEARD the evidence of the complainant and having heard the evidence of the respondent and having assessed all the circumstances it is hereby ordered as follows:

The Mr/Mrs/Ms ..... of ..... village shall pay:

TO THE COMPLAINANT damages in the following terms:

- 1. ....
- 2. ....

TO THE COUNCIL being for fees as follows:

- 1. ....
- 2. ....

TO ..... damages in the following terms:

- 1. ....
- 2. ....

Made this ..... day of ..... 20 .....

..... Signature  
 Secretary/President/Chairman

**Form 6 - Council Members Allowance Claim Form (section 7)**

I Mr ..... being a member of the Moli Chiefs Council and holding the post of ..... and having sat at the council sitting on the following dates:

- 1. .... of ..... the year 20.....
- 2. .... of ..... the year 20.....
- 3. .... of ..... the year 20.....
- 4. .... of ..... the year 20.....
- 5. .... of ..... the year 20.....

do hereby make claims in the following amounts pursuant to section 7 (2) (i)/(ii)/(iii) of the Ordinance:

.....  
.....

Claimant Signature .....

Date .....

Verified by the President/Chairman/Secretary:

..... Name

..... Signature

..... Date

Approved by:

..... Name

..... Signature

..... Date

Paid by:

..... Name

..... Signature

..... Date

---

**PASSED** by the Guadalcanal Provincial Assembly this      day of      2010

*This printed impression has been carefully compared by me with the Ordinance passed by Guadalcanal Provincial Assembly and found by me to be a true and correct copy of the said Ordinance.*

*Clerk to the Guadalcanal Provincial Assembly*

*Assented to by the Minister responsible for Provincial Government  
this      day of      2010.*

*HON. BRADLEY TOVOSIA  
Minister for Provincial Government and Institutional Strengthening*

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Honiara, Solomon Islands  
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