



IN THE CENTRAL MAGISTRATES COURT
IN THE SOLOMON ISLANDS
CRIMINAL JURISDICTION

Criminal Case No. 231 of 2020

BETWEEN: HONIARA CITY COUNCIL

v

AND: EDISON IROMOTO

Before: Emily Z Vagibule

Prosecution: Ambrose Motui

Defence: Appear in person

Date of hearing: 9th of February 2020

Date of sentence: 9th of February 2020

SENTENCE

1. Mr Iromoto, you have entered a guilty plea for the count of failure to comply with business license conditions.
2. The maximum penalty for such offending, is \$5000.00¹.
3. From the facts before me, I see that you are a bus owner, and a business licensee. The bus you owned was said to have breached a business license condition when it operated on a short bus route. From the facts, I was also able to get the registration number of your bus, that is, MC-3303.
4. The approved bus routes that the Honiara City Council had identified are:
 - White River to Central market and vice versa;
 - Central Market to King George or Lungga;
 - Central market to Naha;
 - And Central market to Naha Kola.
5. Facts shows that on the 20th of February 2020, your bus only went from the Central Market bus stop to the Kukum SDA bus stop.
6. The issue of short bus routes has been in existence for over 10 years now. One cannot say that their time abroad has caused them not to

¹Section 8(1) (a) of the Honiara City Council (Regulation of Business License) Ordinance 2011.

know about this. When I gave you the opportunity to say a few words on your behalf, you then stated that you have been away for the past four and a half years. It was due to your absence from the country that you were not aware of this byelaw. I find this hard to believe, since I myself have been out of the country from 2011 to 2016. Regardless of this, I have always been aware of this since my high school days. If I am well versed with this issue, then I expect you being a Solomon Islander to also share the same view with me.

7. As stipulated under section 8 (1) (a) of the Honiara City Council (Regulation of Business License) Ordinance 2011, persons found to have breached any business license condition is liable to a fine of \$5000.00².
8. I must say, the issue of short bus routes has an effect on almost 90 percent of all those living in Honiara. It has affected students, public servants and the public as a whole. Bus drivers have come to take advantage of the demand placed by the public for transportation. As a result people are being victimized and responsible authorities have done less to address it.
9. It seems that most buses nowadays are only concerned about gaining more money at the end of the day, than providing safer and better services for the people of Honiara.
10. It only requires common sense to acknowledge the existence of this Ordinance. Further to that, you yourself should have been well informed of the conditions involved before proceeding as a business licensee.
11. I hope this experience will act as a lesson where you can learn from to take your responsibilities as a business licensee very seriously.
12. I also acknowledge that the offending at hand is one that does not fully capture the level of culpability of persons involved.
13. I acknowledge the explanations you gave earlier and hope that this is the first and the last time for you to appear in court for the offending at hand. Note the importance of telling your employees that every time they run on short bus routes, you will be the one who will take the blame and not them.
14. This morning I will consider the following:
 - Your early guilty plea;
 - Remorse;
 - First time offender;
 - Waiving your right to be represented by a lawyer; and
 - Personal circumstances.
15. Further to that, I will also consider the fact that you have breached a condition that you no doubt should be aware of.

²Above, n1.

16. A message of personal deterrence needs to be send specifically to you. From this, I hope the general public might be able to learn a thing or two.
17. In terms of sentence, the only sentence identified by the Ordinance at breach is that of a fine. However, the court still has the discretion to impose any sentence which it deems appropriate, taking into consideration the circumstances involved.
18. In their sentencing submissions, Prosecutions has suggested that the appropriate sentence to impose is one of a fine. This is purposely to send out a message of deterrence to you on a personal level. In terms of personal deterrence, whatever fine I will impose should allow you as a business licensee to be cautious about how your business is ran and the expenses you will incur should you encounter this again in the near future.
19. Having considered the entirety of this matter, I will now consider a sentence of fine. With this, the calculation taken in this regards is as follows:
 Max: 5000 penalty units (\$)

 Starting point of- \$4500 minus \$2500 [mitigation factors]
 =\$2000 plus \$2000 [aggravating factors]
 =\$4000.00
20. With the above calculation now, I now order as follows:

ORDER

- (i) That Mr Edison Iromoto is sentenced to a fine of \$4000.00 which is due by the 11th of February 2020;
- (ii) In default of payment, 6 months' imprisonment; and
- (iii) Right of appeal applies.

Dated this 9th day of February 2020.

