



CONSTITUTION (AMENDMENT AND VALIDATION) ACT 2023

(NO. 16 OF 2023)



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PASSED by the National Parliament this 18th day of December 2023.

(This printed impression has been carefully compared by me with the Bill passed by Parliament and found by me to be a true and correct copy of the Bill)

David Kusilifu
Clerk to National Parliament

ASSENTED to in His Majesty's name and on His Majesty's behalf this 22nd day of December 2023.

Sir David Vunagi
Governor-General

Date of Commencement: see section 2.

AN ACT TO ALTER AND VALIDATE THE CONSTITUTION TO PERFECT IT AND OTHER LEGISLATION FOR PUBLISHING AS A REPRINT, AND FOR RELATED PURPOSES.

ENACTED BY THE NATIONAL PARLIAMENT OF SOLOMON ISLANDS.

CONSTITUTION (AMENDMENT AND VALIDATION) ACT 2023

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CONSTITUTION (AMENDMENT AND VALIDATION) ACT 2023

PART 1 PRELIMINARY MATTERS

1 Short title

This Act may be cited as the *Constitution (Amendment and Validation) Act 2023*.

2 Commencement

This Act commences on the day appointed by the Minister by notice in the *Gazette*.

3 Interpretation

(1) In this Act, unless the context otherwise requires:

“***the commencement***” means the commencement of this Act.

(2) A note to a provision of this Act:

- (a) is set out at the foot of the provision to which it relates; and
- (b) is explanatory in nature; and
- (c) does not form part of the Act.

PART 2 ALTERATIONS

4 Section 59(3) of Constitution

(1) Section 59(3) of the Constitution does not apply to the following:

- (a) the *Constitution (Amendment) (Dual Citizenship) Act 2018* (No. 16 of 2018);
- (b) the *Amnesty Act 2000* (No. 8. of 2000);
- (c) the *Civil Aviation (Amendment) Act 2009* (No. 5 of 2009);

- (d) the *Customs and Excise (Amendment) Act 2002* (No. 1 of 2002);
- (e) the *Financial Institutions Act 1998* (No. 3 of 1998);
- (f) the *Financial Institutions (Amendment) Act 2013* (No. 6 of 2013);
- (g) the *Firearms and Ammunition (Amendment) Act 2000* (No. 2 of 2000);
- (h) the *Fisheries Management Act 2015* (No. 2 of 2015);
- (i) the *Forest Resources and Timber Utilisation (Amendment) Act 2000* (No. 6 of 2000);
- (j) the *Gaming and Lotteries (Amendment) Act 2004* (No. 9 of 2004);
- (k) the *Income Tax (Amendment) Act 2011* (No. 4 of 2011);
- (l) the *Land and Titles (Amendment) Act 2014* (No. 11 of 2014);
- (m) the *Maritime Safety Administration Act 2009* (No. 8 of 2009);
- (n) the *National Transport Fund Act 2009* (No. 3 of 2009);
- (o) the *Nursing Council (Amendment) Act 1997* (No. 6 of 1997);
- (p) the *Pharmacy Practitioners Act 1997* (No. 5 of 1997);
- (q) the *Political Parties Integrity Act 2014* (No. 9 of 2014);
- (s) the *Prescription of Ministers (Amendment) Act 2000* (No. 1 of 2000);
- (t) the *Provincial Government (Special Provisions) Act 2002* (No. 2 of 2002);
- (u) the *Pure Food Act 1996* (No. 4 of 1996);
- (v) the *Sales Tax (Amendment) Act 2014* (No. 10 of 2014);

- (w) the *Solomon Islands Postal Corporation Act 1996* (No. 2 of 1996);
 - (x) the *Solomon Islands Visitors Bureau Act 1996* (No. 1 of 1996);
 - (y) the *Valuers Act 2009* (No. 4 of 2009).
- (2) The alteration of the operation of section 59(3) of the Constitution by subsection (1) has the effect that each Act specified in that subsection is not required to be published in the *Gazette* in accordance with that provision to come into operation.
 - (3) All actions taken under an Act specified in subsection (1) until the commencement, and the consequences of those actions, are not and have never been invalid, unlawful or ineffectual by reason only of the ground of invalidity and unlawfulness arising from the requirement that it be published in the *Gazette* in accordance with section 59(3) of the Constitution.
 - (4) Matters and consequences arising from an Act specified in subsection (1) until the commencement must not be the subject of legal proceedings, whether commenced before or after the commencement, and the Government must not incur any accountability or liability, by reason only of the ground of invalidity and unlawfulness arising from the requirement that it be published in the *Gazette* in accordance with section 59(3) of the Constitution.

Note to section 4.

Section 20(1) of the Interpretation and General Provisions Act (Cap. 85) also requires that an Act be published in the Gazette. The Legislation (Amendment, Repeal and Validation) Act 2023 provides for publication in accordance with section 20(1) of the Acts specified in section 4(1) in the Gazette.

5 Section 120(5) of Constitution

Section 120(5) of the Constitution is amended by omitting “be” and substituting “by”.

6 Section 2 of Constitution (Amendment) (Electoral Reform) Act 2018

Section 2 of the *Constitution (Amendment) (Electoral Reform) Act 2018* (No. 5 of 2018) is amended by omitting “in subsection (1)”.

PART 3 VALIDATION

7 Constitution (Status of Magistrates) (Amendment) Act 2014

- (1) The *Constitution (Status of Magistrates) (Amendment) Act 2014* (Act No. 5 of 2014) (“**amendment Act**”) is taken to have commenced on 20 May 2014.
- (2) The amendment Act is declared:
 - (a) to have lawfully commenced on 20 May 2014; and
 - (b) to be and to always have been as valid, lawful and effectual as if it had commenced on 20 May 2014.

8 Constitution (Amendment) (Dual Citizenship) Act 2018

- (1) The *Constitution (Amendment) (Dual Citizenship) Act 2018* (Act No. 16 of 2018) (“**amendment Act**”) is taken:
 - (a) for section 20(1) of the *Interpretation and General Provisions Act* (Cap. 85), to have been published in the *Gazette* on 10 January 2019; and
 - (b) to have commenced on 10 January 2019.
- (2) The amendment Act is declared:
 - (a) to have been lawfully published and commenced on 10 January 2019; and
 - (c) to be and to always have been as valid, lawful and effectual as if it had been published in the *Gazette* and had commenced on 10 January 2019.

Note to section 8.

Section 4(1)(a) of this Act provides that of the Constitution (Amendment) (Dual Citizenship) Act 2018 is not required to comply with the requirement to be

published in the Gazette under section 59(3) of the Constitution and validates its coming into operation despite that non-compliance.

However, section 20(1) of the Interpretation and General Provisions Act (Cap. 85) requires that every Act made after that Act commenced must be published in the Gazette. The validation of the publication of the Constitution (Amendment) (Dual Citizenship) Act 2018 is to provide for compliance with that requirement.

9 Operation of Constitution

(1) In this section:

“date of publication” means date of publication in the *Gazette*:

- (a) under section 59(3) of the Constitution; or
 - (b) under section 20(1) of the *Interpretation and General Provisions Act* (Cap. 85).
- (2) All actions taken under the Constitution or any other law before the commencement, and the consequences of those actions, are not and have never been invalid, unlawful or ineffectual by reason only of the ground of invalidity and unlawfulness arising from:
- (a) the date of commencement of the *Constitution (Status of Magistrates) (Amendment) Act 2014* (Act No. 5 of 2014); or
 - (b) the date of publication or the date of commencement of the *Constitution (Amendment) (Dual Citizenship) Act 2018* (Act No. 16 of 2018).
- (3) Matters and consequences arising from the Constitution or any other law before the commencement must not be the subject of legal proceedings, whether commenced before or after the commencement, and the Government must not incur any accountability or liability, by reason only of the ground of invalidity and unlawfulness arising from:
- (a) the date of commencement of the *Constitution (Status of Magistrates) (Amendment) Act 2014* (Act No. 5 of 2014); or
 - (b) the date of publication or the date of commencement of the *Constitution (Amendment) (Dual Citizenship) Act 2018* (Act No. 16 of 2018).

