



**PROVINCIAL GOVERNMENT  
(AMENDMENT) (NO. 2)  
ACT 1991**

(NO. 4 of 1991)



# PROVINCIAL GOVERNMENT (AMENDMENT) (NO. 2) ACT 1991

(NO. 4 OF 1991)

*Passed by the National Parliament this twenty-eighth day of June 1991.*

*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 said Bill.*

*J.M. Tuhaika  
Clerk to the National Parliament.*

*Assented to in Her Majesty's name and on Her Majesty's behalf this eleventh day of July 1991.*

*G.G.D. Lepping  
Governor-General*

*Date of commencement: see section 1.*

AN ACT to amend the Provincial Government Act 1981 including certain provisions of Parts II and IV.

ENACTED by the National Parliament of Solomon Islands.

PROVINCIAL GOVERNMENT (AMENDMENT) (NO. 2)  
ACT 1991

ARRANGEMENT OF SECTIONS

Section:

1. Short title and commencement.
2. Amendment of section 21 of Act No. 7 of 1981.
3. Amendment of section 22.
4. Amendment of section 23.
5. Amendment of section 26.
6. Insertion of new section 36A.
7. Amendment of Schedule 4.

1. This Act may be cited as the Provincial Government (Amendment) (No. 2) Act 1991, and shall come into force on such date as the Minister may appoint, by notice published in the Gazette.

Short title  
and commencement.

2. Section 21 of the Provincial Government Act (hereinafter referred to as the "principal Act") is hereby amended in the following respects -

Amendment of  
section  
21 of Act  
No. 7 of  
1981.

(a) by deleting subsection (1) and substituting therefor the following new subsection -

" (1) Each Province shall have a Provincial Executive which shall consist of -

(a) a Premier elected in accordance with section 22(2);

(b) a Deputy Premier appointed in accordance with section 22(4);

(c) such number of Provincial Ministers not exceeding one half of the total number of members of the Assembly appointed by the Minister in accordance with section 22(4);

(b) by deleting from subsection (2) the words "member or members" and substituting therefor the words "Provincial Minister or Ministers"; and

(c) by inserting immediately after subsection (5) the following new subsection as subsection 6 thereof -

" (6) The Deputy Premier appointed pursuant to subsection (4) shall preside at meetings of the Provincial Executive in the absence of the Premier or pending the election of a new Premier, or where the Premier has died, resigned, or has been disqualified."

Section 22 of the principal Act is hereby amended in the following respects -

Amendment  
of section  
22.

(a) by deleting the marginal note and substituting therefor the following new marginal note "Choice of Provincial Ministers";

(b) by deleting from subsection (1) the words "members of a Provincial Executive" and substituting therefor the words "Provincial Ministers";

(c) by deleting subsection (4) and substituting therefor the following new subsection -

" (4) The Deputy Premier and the Provincial Ministers shall be appointed by the Minister acting in accordance with the advice of the Premier."; and

- (d) by deleting from subsection (5) the word "member" and substituting therefor the words "Provincial Minister".

Amendment  
of section  
23.

4. Section 23 of the principal Act is hereby amended in the following respects -

- (a) by deleting the marginal note and substituting therefor the following new marginal note -  
"Termination of term of office of Provincial Ministers.";
- (b) in subsection (1) by deleting the word "members" and substituting therefor the words "Provincial Ministers";
- (c) in subsection (2) by deleting the words "member of a Provincial Executive" and substituting therefor the words "Provincial Minister"; and
- (d) by deleting subsection (3) and substituting therefor the following new subsection -  
" (3) A Provincial Minister shall cease to hold office as a Provincial Minister if -  
(a) he is disqualified for membership of the Provincial Assembly; or  
(b) he resigns his seat,  
but shall not cease to be a Provincial Minister by reason only of the dissolution of the Assembly."; and
- (e) by deleting subsection (4) and substituting therefor the following new subsection -  
" (4) The Premier may remove from office any other Provincial Minister."

Amendment  
of section  
26.

5. Section 26 of the principal Act is hereby amended in the following respects -

- (a) by deleting from subsection (3) the words "member of the Provincial Executive" and substituting therefor the words "Provincial Minister"; and
- (b) by deleting subsections (4) and (5).

Insertion  
of new  
section 36A.

6. The principal Act is hereby amended by inserting therein next after section 36 the following new section as section 36A -

- "Power of Minister to cancel or suspend.
- 36A.(1) Each province shall on passing an Appropriation Ordinance forward a copy of such Ordinance to the Minister.
- (2) Notwithstanding the passing of the Appropriation Ordinance, the Minister may limit, suspend or cancel any expenditure, if in his opinion financial exigencies or the public interest so require.

(3) No action shall be taken by the Minister under subsection (2), unless he notifies the Provincial Executive and affords the Provincial Executive an opportunity to show cause why the expenditure should not be limited, suspended or cancelled.”.

Schedule 4 to the principal Act is hereby amended by adding the end of paragraph 8 the following new subparagraph as paragraph (3) thereof -

Amendment  
of Schedule  
4.

“ (3) To determine by resolution of the Provincial Assembly the salaries and allowances to be paid in respect of area councillors.”.

