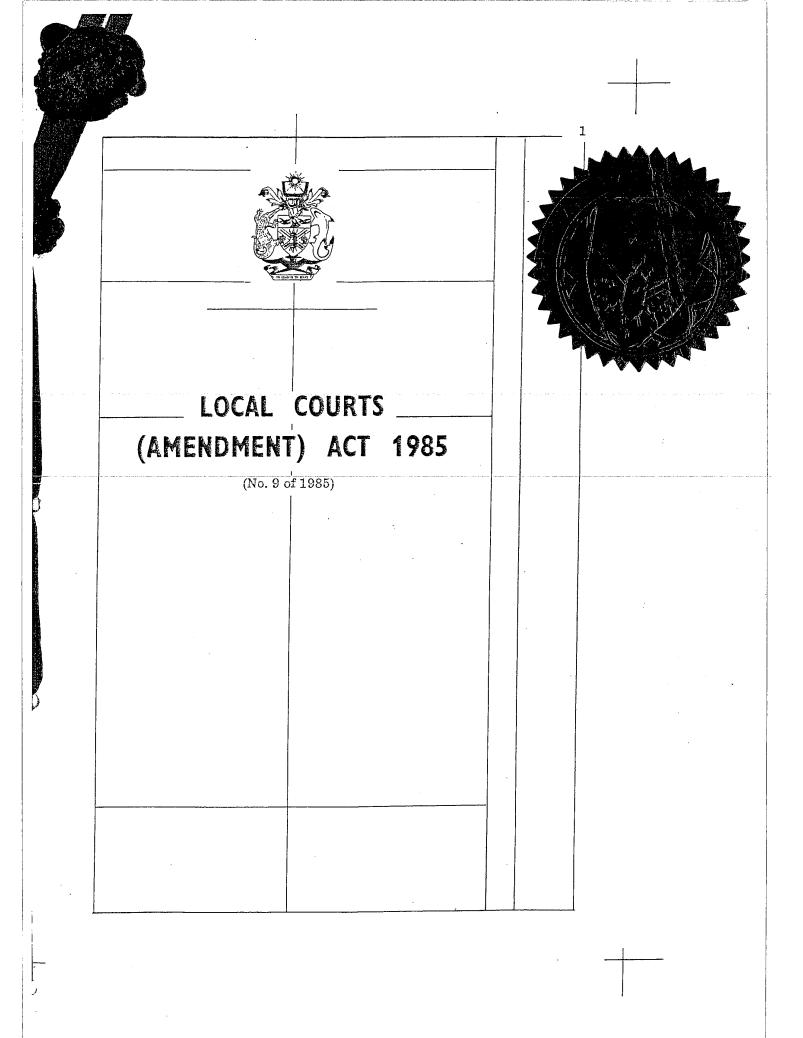
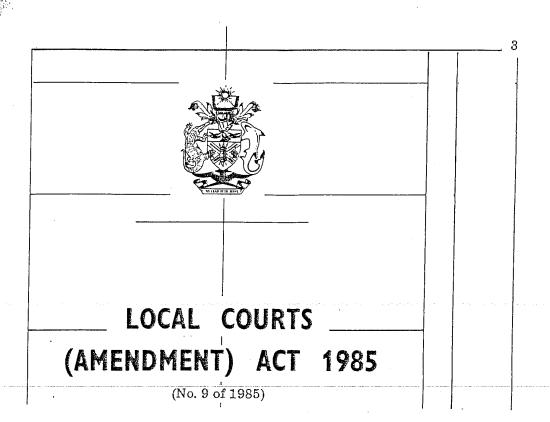
THE LOCAL COURTS (AMENDMENT) BILL 1985

(NAME OF BELY)

CONTENTS: Bill (1) Objects and Reasons Notice of Rresentation (1) (In the late of the second of the	
Covering Letter From Minister to Clerk to Parliament (Authorisation from Minister of Finance under \$.60 of Co tion)	onstitu-
FROM: Attorney General's Chambers PO: Minister Hand Attorney General's Chambers	
(for signing Objects & Reasons, Notice of Prese and covering letter to Clerk)	ntation :
TO: 1. Minister of Finance (for signing of letter to Clerk signifying Cabinet a under \$160 of Constitution)	σproval
TO: See Clerk to National Parliament. (for certificate by Speaker)	
TO: Attorney General's Chambers (for printing) TO: Clerk to National Parliaments	
(for reference during list, 2nd and 3rd Readings) (Date passed S. 9 S. Actino 9	
TO: Automey General's Chambers Sent of the second description of the	
TO: Governor-General (Ror Assent) TO: General (Ror Assent) TO: General (Roy Assent)	
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Passed by the National Parliament this thirteenth day of September 1985.

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.

Assented to in Her Majesty's name and on Her Majesty's behalf this tenth day of January 1986.

B. Devesi
Governor-General

Date of commencement: on the date of publication in the Gazette.

AN ACT to amend the local Courts Act to provide for customary land disputes to be heard and determined by chiefs before such disputes are referred to local courts and for other matters incidental thereto and connected therewith.

ENACTED by the National Parliament of Solomon Islands.

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I	
Short	1. This Act may be cited as the Local Courts (Amendment)
title.	Act 1985.
1	
Amendment	2. Section 8 of the Local Courts Act is amended by inserting
of section 8 Cap. 46.	immediately after section 8B the following sections -
8 Cap. 40.	"Interpre- 8C. (1) For the purposes of sections 8D,
	tation. 8E and 8F the expression -
	"chiefs" means chief or other traditional
	leaders residing within the locality of
	the land in dispute and who are recog-
	nised as such by both parties to the
1	dispute;
	"customary land" has the same meaning as
	that assigned to it under the Land and
1	Titles Act;
Cap. 93.	"customary land dispute" means a dispute in
	connection with the ownership of, or,
	- • •
	of any interest in, customary land or
	the nature or extent of such ownership;
	and
	"dispute" means customary land dispute.
	The station of OD (1) Notwith to die a conthing
	Limitations 8D. (1) Notwithstanding anything con-
	on local tained in this Act or in any other law, no local
	jurisdiction court shall have jurisdiction to hear and deter-
	to hear mine any customary land dispute unless it is
	disputes. satisfied that -
	(a) the parties to the dispute had re-
	ferred the dispute to the chiefs,
	(b) all traditional means of solving the
	dispute have been exhausted; and
	(c) no decision wholly acceptable to
	both parties has been made by the
	chiefs in connection with the
	dispute.
	(2) It shall be sufficient evidence that
	the requirements of paragraphs (a) and (c) of
	subsection (1) have been fulfilled if the party
	referring the dispute to the local court pro-
	duces to the local court a certificate, as
	prescribed in form 1 of the Schedule, con-
	taining the required particulars and signed
	by two or more of the chiefs to whom the
	dispute had been referred
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- (a) the extent to which the decision made by the chiefs is not acceptable; and
- (b) the reasons for not accepting the decision.

Powers of local court when hearing dispute. 8E. When hearing and determining any dispute it has jurisdiction to hear and determine, the local court may -

- (a) have regard to the decision made by the chiefs in connection with the dispute;
- (b) hear evidence from -
 - (i) any or all of the witnesses who gave evidence before the chiefs at the hearing of the dispute; or
 - (ii) any other witness called by the parties;
- (c) call one or more of the chiefs who took part in making the decision to give evidence on the customary law which -
 - (i) is applicable within the locality of the land in dispute; and
 - (ii) governs the issues in the dispute; and
- (d) substitute for the decision made by the chiefs such decision as may to it seem just; or
- (e) refer the dispute to the chiefs with such directions as it may consider necessary.

		SCHEDULE	1
	ı	"Schedule	
	Form J S.8C(2)		
		CUSTOMARY LAND DISPUTE (Unaccepted Settlement)	
	1	Name and address of chiefs involved in the decision	_
	2	Name and address of the Parties (a) Complainant:	
		(b) Defendant:	
_		·	
i	3	Name and address of witnesses: (a) For the complainant:	
		(b) For the Defendant:	
_	4	Description of the land relating to the dispute:	
		to the dispute:	
			:
	5	Description of the nature of the dispute:	
			,
	6	Summary of evidence on behalf of: (a) Complainant:	
		(b) Defendant:	

7 Sur	mmary of findings/o	decision by the chie	fs:	
8 Dat	se and place where c	lispute was heard:		
	:			
Dated at	this	day of	198	
Certified by chi	efs:		**************************************	
			·	-

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Form II S.8E(2)		
	CUSTOMARY LAND DISPUTE (Accepted Settlement)	İ
1	Name and address of chiefs involved in the decision:	
2	Name and address of the Parties: (a) Complainant:	
	(b) Defendant:	. Wasana
3	Name and address of the witnesses: (a) For the complainant:	
	(b) For the Defendant:	
4	Description of the land relating to the dispute:	
5	Description of the nature of the dispute:	
6	Summary of the evidence on behalf of the: (a) Complainant:	
	(b) Defendant:	

Summary of fin	idings/decision by c	hiefs:	
Date and place	where dispute was h	neard:	
(a) I, made by	the chiefs in conne	, Complainant, ac	cept the decision
al ramone — Louis evision .	Signed:		
	Witnessed l	by Chiefs:	•
and an extension of the second			
I, made by the ch take to abide by	niefs in connection y	, Defendant, acc with this dispute an	ept the decision d I hereby under
•	Signed:		
	_		
Dated at	this	day of	198
Daked at		-· ,	
	Certified b	y chiefs:	
	Declaration of a (a) I, made by undertake	Declaration of acceptance: (a) I, made by the chiefs in connection undertake to abide by it. Signed: Witnessed I, made by the chiefs in connection take to abide by it. Signed: Witnessed	(a) I, , Complainant, ac made by the chiefs in connection with this disputed: Signed: Witnessed by Chiefs: I, , Defendant, acc made by the chiefs in connection with this dispute an take to abide by it. Signed: Witnessed by Chiefs: Dated at this day of

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