



# **THE CONSTITUTION (AMENDMENT) BILL 2005**





**THE CONSTITUTION  
(AMENDMENT) BILL 2005**

**A  
BILL  
Entitled**

**AN ACT** TO AMEND CERTAIN PROVISIONS OF THE  
CONSTITUTION RELATING TO THE APPOINTMENT AND TENURE OF  
OFFICE OF THE JUDGES OF THE HIGH COURT AND COURT OF APPEAL.

**ENACTED** by the National Parliament of Solomon Islands.

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**ARRANGEMENT OF CLAUSES**

CLAUSES

1. SHORT TITLE
2. AMENDMENT OF SECTION 78 OF THE CONSTITUTION
3. AMENDMENT OF SECTION 80
4. AMENDMENT OF SECTION 87

1. This Act may be cited as the Constitution (Amendment) Act 2005. Short title

2. ~~Subsection (3) of section 78 of the Constitution is hereby amended by deleting from paragraph (a) the words "in the Commonwealth" and substituting therefor the words "in the Commonwealth, including Solomon Islands".~~ Amendment of section 78 of the Constitution

3. Section (80) of the Constitution is hereby amended in the following respects - Amendment of section 80

(a) by deleting from subsection (1), the words "sixty years" and substituting therefor the words "sixty five years"; and

(b) by deleting from subsection (2) the words "the age of sixty years" and substituting therefor the words "the age of sixty five years or a Judge of the High Court of Solomon Islands who has attained the age of sixty five years."

4. Section 87 of the Constitution is hereby amended in the following respects - Amendment of section 87

(a) by deleting from subsection (1) the words "sixty years" and substituting therefor the words "sixty five years"; and

(b) by deleting from subsection (2) the words "who is not a citizen of Solomon Islands and is over the age of sixty years" and substituting therefor the words "over the age of sixty five years".

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### Objects and Reasons

Section 78 of the Constitution prescribes the qualifications for the appointment of Judges to the High Court. One such requirement being that such person holds or has held high judicial office in any Commonwealth Country or any country outside the Commonwealth. The words "Commonwealth Country" by interpretation would include Solomon Islands. However, there appears to be some doubt as to whether the words in its present context would include Solomon Islands. Hence the amendment to subsection (3) of section 78.

Clause 3 seeks to amend section 80, which deals with the tenure of office of Judges of the High Court. The provisions at present permit the appointment of non-Solomon Islanders over the age of sixty as Judges for a term of years. This amendment seeks to enable Solomon Islands Judges and non-Solomon Islands Judges who have attained the age of 65 years to be appointed for a term of years.

Clause 4 seeks to make similar provisions in respect of tenure of office of Judges of the Court of Appeal.



PRIME MINISTER



