

SOLOMON ISLANDS
CONSTITUTION (AMENDMENT) ACT 2009
(NO. 9 of 2009)

***PASSED** by the National Parliament this seventh day of April 2009.*

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.

Taeasi Sanga (Mrs)
Clerk to National Parliament

***ASSENTED** to in Her Majesty's name and on Her Majesty's behalf this eighth day of May 2009.*

Sir Nathaniel Rahumaea Waena
Governor-General

Date of commencement: (see section 1)

AN ACT OF PARLIAMENT TO ALTER THE CONSTITUTION.

ENACTED by the National Parliament of Solomon Islands.

ARRANGEMENT OF SECTIONS

1. Short title and commencement
2. Section 77 amended
3. Section 78 amended
4. New Section 78A added
5. Section 79 amended
6. Section 80 amended
7. Section 85 amended
8. Section 87 amended
9. Transitional and saving

CONSTITUTION (AMENDMENT) ACT 2009

Short title and commencement

1. This Act may be cited as the Constitution (Amendment) Act 2009, and commences on a date appointed by the Minister, by notice in the *Gazette*.

Section 77 amended

2. Section 77 of the Constitution is amended in subsection (2) by inserting “, the Deputy Chief Justice” after “Chief Justice”.

Section 78 amended

3. Section 78 of the Constitution is amended in subsection (2) by inserting “Deputy Chief Justice and the” before “puisne judges”.

New section 78 A added

4. The Constitution is amended by adding the following new section -

“Functions of the Deputy Chief Justice”

“78A. - (1) Notwithstanding section 79, the Deputy Chief Justice shall perform the functions of the office of Chief Justice if -

(a) the office of Chief Justice is vacant; or

(b) for any reason (including illness or absence from Solomon Islands), the Chief Justice is unable to perform the functions of his office.

(2) The Chief Justice may, by order in the *Gazette*, delegate some of the functions of his office to the Deputy Chief Justice.”.

Section 79 amended

5. Section 79 of the Constitution is amended -

(a) in subsection (1) -

(i) by adding “or Deputy Chief Justice” after “Chief Justice” in line 1;

(ii) by deleting “or if the person holding that office is for any reason unable to perform the functions of his office”; and

(iii) by adding “or Deputy Chief Justice” after “Chief Justice” at the end of subsection (1);

(b) by adding the following subsection -

“(IA) If, for any reason (including illness or absence from Solomon Islands), the Chief Justice and the Deputy Chief Justice are unable to perform the

functions of the office of Chief Justice, such functions (including any functions delegated under section 78A(2)) shall be performed -

(a) by the next senior puisne judge in terms of appointment who is in office in Solomon Islands; or

(b) if the next senior puisne judge is unable for any reason (including illness or absence from Solomon Islands) to perform such functions, by a puisne judge or another person appointed pursuant to subsection (1) to act as Chief Justice.”;

(c) in subsection (2), by inserting “or Deputy Chief Justice” after “Chief Justice”.

Section 80 amended

6. Section 80 of the Constitution is amended -

(a) in subsection (1), by deleting “sixty” and substituting “seventy”;

(b) in subsection (2), by deleting “not a citizen of Solomon Islands and is over the age of sixty” and substituting “over the age of seventy”;

(c) by adding the following new subsection -

“(2A) Notwithstanding subsection (1), a judge of the High Court may voluntarily retire upon attaining the age of sixty years.”.

section 85 amended

7. Section 85 of the Constitution is amended in subsection (2)(b) by inserting “, Deputy Chief Justice” after “Chief Justice”.

Section 87 amended

8. Section 87 of the Constitution is amended -

(a) in subsection (1), by deleting “sixty” and substituting “seventy”;

(b) in subsection (2), by deleting ‘not a citizen of Solomon Islands and is over the age of sixty’ and substituting “over the age of seventy”;

(c) by adding the following new subsection -

“(2A) Notwithstanding subsection (1), a judge of the Court of Appeal may voluntarily retire upon attaining the age of sixty years.”.

Transitional and saving

9. At the commencement of this Act, all existing appointments made under section 78 or 86 of the Constitution shall be extended by virtue of this section until the holders of such appointments reach the age of seventy years.
