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STATUTORY INSTRUMENTS

1978 NO. 783

PACIFIC ISLANDS

The Solomon Islands Independence Order 1978

<i>Made</i>	-	-	-	<i>31st May 1978</i>
<i>Laid before Parliament</i>	-			<i>8th June 1978</i>
<i>Coming into Operation</i>	-			<i>7th July 1978</i>

At the Court at Buckingham Palace, the 31st day of May 1978

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers in that behalf by the Foreign Jurisdiction Act 1890(a) or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follow:—

1.—(1) This Order may be cited as the Solomon Islands Independence Order 1978.

Citation and commencement

(2) This Order shall be published in the Gazette and shall come into operation on the appointed day:

Provided that sections 4(2) and 6 of this Order shall come into operation forthwith.

2.—(1) In this Order—

Interpretation

“the appointed day” means 7th July 1978;

“the Constitution” means the Constitution set out in the Schedule to this Order;

“the existing Constitution” means the Constitution set out in the Schedule to the British Solomon Islands Order 1974 (b) as amended by the British Solomon Islands (Amendment) Order 1975(c), the British Solomon Islands (Name of Territory) Order 1975(d), the Solomon Islands Courts Order 1975(e), the Solomon Islands (Amendment) Order 1975(f), the Solomon Islands (Amendment) Order 1976(g), and the Solomon Islands (Amendment) Order 1977(h);

“the existing laws” means any Acts of the Parliament of the United Kingdom, Orders of Her Majesty in Council,

(a) 1890 c. 37. (b) S.I. 1974/1262. (c) S.I. 1975/807. (d) S.I. 1975/808.  
(e) S.I. 1975/1511. (f) S.I. 1975/1832. (g) S.I. 1976/422. (h) S.I. 1977/590.

## Section 76

## SCHEDULE 3 TO THE CONSTITUTION

## APPLICATION OF LAWS

1. Subject to this Constitution and to any Act of Parliament, the Acts of the Parliament of the United Kingdom of general application and in force on 1st January 1961 shall have effect as part of the law of Solomon Islands, with such changes to names, titles, offices, persons and institutions, and as to such other formal and non-substantive matters, as may be necessary to facilitate their application to the circumstances of Solomon Islands from time to time.

2.—(1) Subject to this paragraph, the principles and rules of the common law and equity shall have effect as part of the law of Solomon Islands, save in so far as:—

- (a) they are inconsistent with this Constitution or any Act of Parliament;
- (b) they are inapplicable to or inappropriate in the circumstances of Solomon Islands from time to time; or
- (c) in their application to any particular matter, they are inconsistent with customary law applying in respect of that matter.

(2) The principles and rules of the common law and equity shall so have effect notwithstanding any revision of them by any Act of the Parliament of the United Kingdom which does not have effect as part of the law of Solomon Islands.

3.—(1) Subject to this paragraph, customary law shall have effect as part of the law of Solomon Islands.

(2) The preceding subparagraph shall not apply in respect of any customary law that is, and to the extent that it is, inconsistent with this Constitution or an Act of Parliament.

(3) An Act of Parliament may:—

- (a) provide for the proof and pleading of customary law for any purpose;
- (b) regulate the manner in which or the purposes for which customary law may be recognised; and
- (c) provide for the resolution of conflicts of customary law.

4.—(1) No court of Solomon Islands shall be bound by any decision of a foreign court given on or after 7th July 1978.

(2) Subject to the preceding provisions of this Schedule or any provision in that regard made by Parliament, the operation in Solomon Islands of the doctrine of judicial precedent shall be regulated by practice directions given by the Chief Justice.

5. The provisions of this Schedule are without prejudice to the provisions of section 5 of the Order to which the Constitution is scheduled.