

THE DEPORTATION (AMENDMENT) BILL 1929

(NAME OF BILL)

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FROM:

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TO:

Minister

(for signing Objects & Reasons, Notice of Presentation and covering letter to Clerk)

Wen 17/11

TO:

Minister of Finance

(for signing of letter to Clerk signifying Cabinet approval under s.60 of Constitution)

TO:

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(for certificate by Speaker)

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TO:

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TO:

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(for reference during 1st, 2nd and 3rd Readings)
(Date passed.....24/11/29 Act No. 9/29...)

TO:

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(for checking before Assent)

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TO:

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(for Assent)

Wen 10/12/29

TO:

Clerk to National Parliament
(for distribution:

- 1 copy Attorney General's Chambers
- 1 copy Ministry
- 1 copy Parliament Office
- 1 copy Registrar of the High Court



**THE DEPORTATION
(AMENDMENT) ACT 1999**

(No. 9 OF 1999)



**THE DEPORTATION
(AMENDMENT) ACT 1999
(No. 9 OF 1999)**

Passed by the National Parliament this twenty-fourth day of November 1999.

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.

*Elizabeth Andresen
Clerk to National Parliament*

*Assented to in Her Majesty's name and on Her Majesty's behalf
this tenth day of December 1999.*

*Rev. John Ini Lapli
Governor-General*

Date of commencement: see section 1.

AN ACT TO AMEND THE DEPORTATION ACT.

ENACTED by the National Parliament of Solomon Islands.

THE DEPORTATION (AMENDMENT) ACT 1999**ARRANGEMENT OF SECTIONS**

SECTION:

1. SHORT TITLE AND COMMENCEMENT.
2. REPEAL AND REPLACEMENT OF SECTIONS 5 AND 6 OF CHAPTER 58.
3. AMENDMENT OF SECTION 7.
4. AMENDMENT OF SECTION 11.

1. This Act may be cited as the Deportation (Amendment) Act, 1999, and shall come into operation on such date as the Minister may appoint by notice published in the Gazette.

Short title and commencement.

2. Sections 5 and 6 of the Deportation Act (hereinafter referred to as the "principal Act") are hereby repealed and the following new sections substituted therefor -

Repeal and replacement of sections 5 and 6 of Chapter 58.

"Service of deportation orders and applications for review thereof.

5. (1) Where a deportation order is made under the provisions of section 4, such order shall, within fifteen days of the making thereof, be served personally upon the person charged specifying the facts alleged against him with sufficient particulars as to give him reasonable information of the grounds upon which the order has been made against him.

(2) Where for any sufficient reason, a deportation order cannot be served personally upon the person charged, service of the order may be effected by sending it by registered post addressed to the person at his last known place of abode or work, if known or can reasonably be ascertained; and such order shall be deemed to have been served on the person at the time at which it would be delivered in the ordinary course of post.

(3) A person on whom a deportation order is served under the provisions of subsection (1) or subsection (2) may, within the period of seven days from the date of service of the order upon him, apply to the High Court for a review of the order, whose decision thereon shall be final. On such an application, the High Court may either cancel or affirm the order.

Detention in custody pending review

6. (1) Where a deportation order is in force against a person, the Minister may order that such person be detained in such manner as he may direct or, if the person is not to be detained, order that such person complies with such conditions as the Minister may impose on him.

(2) Where a person has pursuant to section 5(3) made application to the High Court for review of the order, the High Court may, where it thinks fit order that the person be released from detention subject to such conditions as it may impose or vary the conditions imposed by the Minister."

Amendment of section 7.

3. Section 7 of the principal Act is hereby amended by repealing subsections (1) and (2) thereof and substituting therefor the following new subsections -

" (1) Where an application has been made against a deportation order under subsection (3) of section 5 the operation of the order shall be suspended until the application is finally disposed of or abandoned.

(2) Where a person against whom a deportation order is in force -

(a) has either not made application for review of the order to the High Court within the time prescribed in subsection (3) of section 5; or

(b) has made application for review of the order to the High Court within the time prescribed in subsection (3) of section 5, but has failed to have the order set aside,

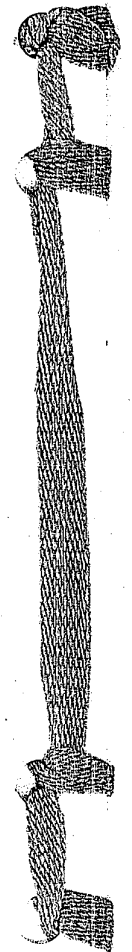
the Minister may, if such person is not detained by an order made under section 6, order that the person against whom the deportation order is in force be detained in such manner as may be directed by the Minister and be placed on a ship or aircraft about to leave Solomon Islands and shall be deemed to be in lawful custody whilst so detained and until the ship or aircraft leaves Solomon Islands".

Amendment of section 11.

4. Section 11 of the principal Act is hereby amended as follows -

(a) by deleting the semi-colon at the end of paragraph (c) and substituting therefor a full stop; and

(b) by deleting paragraph (d) thereof.



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