



# **LAWS OF FIJI**

CHAPTER 123

BANABAN SETTLEMENT



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**BANABAN SETTLEMENT**

*Acts No. 38 of 1970, 12 of 1973*

**AN ACT TO PROVIDE FOR THE SETTLEMENT AND GOVERNMENT OF  
THE BANABAN COMMUNITY ON RABI ISLAND AND FOR PURPOSES  
CONNECTED THEREWITH**

[8th October, 1970]

*Short title*

1. This Act may be cited as the Banaban Settlement Act.

*Interpretation*

2. In this Act unless the context otherwise requires:—

“Banaban community” means the former indigenous inhabitants of Ocean Island and such other persons as may now or hereafter be accepted as members of the Banaban community in accordance with Banaban custom; and includes any member of a race indigenous to Micronesia and Polynesia who is ordinarily resident on Rabi Island;

“Council” means the Council of Leaders established by this Act;

“Fund” means the Rabi Island Fund established by this Act;

“Minister” means the Minister responsible for the administration of this Act;

“Tribunal” means the Rabi Island Tribunal appointed under the provisions of this Act.

*Established of Council of Leaders*

3.—(1) There is hereby established for Rabi Island a body corporate, with permanent succession and a common seal, to be known as the Council of Leaders.

(2) The Council shall consist of eight members and shall meet at such times as the majority of its members may from time to time determine.

(3) Each of the four communities on Rabi Island, namely the Uma, Buakonikai, Tabwewa and Tabiang communities, shall elect two members to the Council which shall elect its own Chairman who shall have a casting as well as a deliberative vote.

(4) Each member of the Council shall hold office for a term of three years and shall be eligible for re-election at the end of any term of office.

(5) Six members of the Council shall form a quorum.

(6) Subject to the provisions of this Act the Council may determine its own procedure.

*Powers of Council*

4.—(1) The Council shall have power to hold land in accordance with the provisions of the Banaban Lands Act, to enter into such contracts as are necessary and incidental to the exercise of their powers under this or any other Act or which

are for the benefit of the Banaban community, and to sue and be sued in contract or otherwise in relation to the exercise of any power given by this Act.

(2) Service of any document on the Secretary to the Council shall be deemed to be service on the Council.

*Regulations*

5.—(1) The Council may, subject to the prior approval of the Minister, make regulations to provide for the peace, order and good government of the Banaban community.

(2) Without prejudice to the generality of subsection (1), regulations made pursuant thereto may provide for—

- (a) the imposition of a tax or cess upon any agricultural product;
- (b) the imposition of rates by the Council;
- (c) the powers, duties and functions of the Tribunal and the jurisdiction, powers and procedure of the Rabi Island Court and the fees which may be charged in connection with the practice and procedure of the Rabi Island Court;
- (d) Subject to the provisions of the Public Health Act, keeping the island clean and promoting public health; *(Cap. 111)*
- (e) the maintenance of peace, order and public safety;
- (f) the social and economic betterment of the Banaban community;
- (g) the performance of communal works and other communal activities;
- (h) the holding of elections and the procedure to be adopted in connection therewith;
- (i) the control of livestock;
- (j) the prevention or removal of public nuisances;
- (k) the care of children and aged persons;
- (l) the conservation of food supplies;
- (m) fishing and fishing rights;
- (n) the island hospitals, prisons and schools; and
- (o) the promotion of the general welfare of the Banaban community.

(3) Any person failing to comply with the provisions of any regulation made under this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one hundred dollars or a term of imprisonment not exceeding two months or to both such fine and imprisonment.

*Borrowing powers*

6.—(1) The Council may from time to time raise loans for such purposes in such amounts and on such terms and conditions as shall be approved by the Minister responsible for finance.

(2) Such loans shall be secured on the property and revenues of the Council including the royalties and other moneys accruing to the Banaban community in respect of minerals mined by the British Phosphate Commissioners on Ocean Island. *(Section inserted by 12 of 1973 s. 2.)*

*Rabi Island Fund*

7.—(1) There is hereby established a Fund to be known as the Rabi Island Fund.

(2) There shall be paid into the Fund—

- (a) all tax or cess payable to the Fund;
- (b) all fines imposed by the Rabi Island Court;

- (c) all fees payable in connection with the practice and procedure of the Rabi Island Court;
  - (d) all rates imposed by the Council;
  - (e) all moneys standing to the credit of the Banaban Trust Fund at the date of repeal of the Banaban Funds Ordinance;
  - (f) all royalties and other moneys accruing to the Banaban community in respect of minerals mined by the British Phosphate Commissioners on Ocean Island;
  - (g) all other sums from time to time contributed or donated to the Fund.
- (3) All moneys paid into the Fund under the provisions of paragraph (f) of subsection (2) shall be exempt from income tax.
- (4) The Fund shall be under the control of the Council and, subject to subsection 5, may be expended in accordance with regulations made under the provisions of this Act and shall be audited annually by a person appointed by the Minister.
- (5) Any moneys forming part of the Fund may from time to time be invested by the Council—
- (a) in any security or securities authorized under the provisions of any law relating to trustees for the time being in force; or
  - (b) in such other security or securities, and on such terms and conditions, as shall be approved by the Minister responsible for finance.
- (Inserted by 12 of 1973 s. 3.)*

*Rabi Court and Tribunal*

- 8.—(1) The Minister may with the prior approval of the Council appoint any fit and proper person to be the Rabi Island Tribunal who shall hold office for a term of three years and shall be eligible for reappointment at the end of any term of office.
- (2) There shall be on Rabi a Court to be called the Rabi Island Court which shall consist of the Tribunal and such other person or persons as the Minister may appoint and shall be held at such times and places as may be necessary.
- (3) An appeal shall lie from the Rabi Island Court to a resident magistrate upon the same terms and conditions and in the manner prescribed by the Criminal Procedure Code for appeals from magistrates' courts to the Supreme Court, except that whatever the punishment inflicted by the Rabi Island Court no leave to appeal shall be required. *(Cap. 21)*
- (4) The magistrates' court hearing such appeals shall have the same powers as the Supreme Court when hearing an appeal from a magistrates' court except the power of summary dismissal.
- (5) In applying the aforesaid provisions of the Criminal Procedure Code to an appeal brought under this section, references to the Chief Registrar shall be construed as references to the Clerk to the magistrate's court.
- (6) The decision of a magistrate's court in relation to appeals under this section shall be final and conclusive.

*Controlled by Office of the Prime Minister*



CHAPTER 123

BANABAN SETTLEMENT

SECTION 5—BANABAN COUNCIL REGULATIONS

*Regulations 15th Nov., 1951 [in force 18th Jan., 1952], 21st July, 1953, 31st Oct., 1956, 14th Jan., 1958, 7th July, 1959, 29th Oct., 1959, 30th Aug., 1960, 8th June, 1966, 27th May, 1977, 16th Jan., 1978, 6th April, 1978.*

*Made by the Governor in Council*

*Short title*

1. These Regulations may be cited as the Banaban Council Regulations.

*Composition and election of council*

2.—(1) The Council shall consist of eight members, elected as hereinafter provided, and the Island Scribe, appointed in accordance with the provisions of regulation 6. (*Amended by Regulations 31st October, 1956.*)

(2) A general election of the Council shall take place during January, 1957, and thereafter a general election shall take place during January of each succeeding third year:

Provided that the Council may, with the prior approval of the Minister, postpone the holding of a general election for a period not exceeding six months. (*Substituted by Regulations 21st July, 1953 and amended 16th January, 1978.*)

(3) The administrative officer in charge of Rabi Island shall in December of the year preceding the year in which a general election is to be held in accordance with the provisions of these Regulations, fix the date in the following January when such election shall take place and, subject to the provisions of these Regulations, the procedure at such election shall be in accordance with his directions.

(4) Any casual vacancy in the Council shall be filled by a by-election on a day fixed by the administrative officer in charge of Rabi Island and the procedure shall be similar to that at a general election.

(5) Elections of members to the Council shall be by secret ballot.

(6) Any member of the Banaban community, male or female, who is resident on Rabi Island and who is of or above the age of twenty-one years shall be qualified to vote at an election.

(7) Any qualified elector who is a member of one of the four communities specified in subsection (3) of section 3 of the Act may, if nominated by at least two qualified electors in his community and if he consents thereto, be a candidate for election as a member of the Council for that community.

*(Substituted by Regulations 6th April, 1978.)*

(8) Elected members of the Council shall, unless they resign or their office otherwise becomes vacant, hold office until the day next preceding the day upon which the next succeeding general election is held.

(9) Notwithstanding anything in these Regulations contained, no person holding the office of Tribunal shall be a member of the Council.

*(Amended by Regulations 27th May, 1977.)*

*Chairman of the Council, etc.*

3.—(1) The Chairman of the Council shall be elected from among the elected members by secret ballot and, unless he resigns or his office otherwise becomes vacant, shall hold office until the day next preceding the date of the next succeeding general election.

(2) The election of the Chairman shall be the first business of a newly elected Council.

(3) On any casual vacancy in the office of Chairman the Council shall elect a successor as soon as practicable.

(4) The Chairman or, in his absence or during any vacancy, a member elected from among those present, shall preside at meetings of the Council.

(5) Questions coming before the Council shall be decided by a majority open vote.

(6) A member shall not vote on any question in which he has a pecuniary interest. (*Regulation amended by Regulations 27th May, 1977.*)

*Meetings*

4.—(1) Meetings of the Council shall be held not less frequently than once a month.

(2) The first meeting of a newly elected Council shall be called by the Island Scribe.

(3) The Chairman may call a meeting at any time and shall call a meeting within seven days of being requested so to do by at least five members of the Council. (*Amended by Regulations 31st October, 1956.*)

(4) The Scribe shall notify members of the time and place of meetings of the Council. He shall keep the minutes of each meeting which shall record the names of those present, the subjects discussed, any decisions made and any other matters of importance.

(5) The first business of any meeting after the election, if any, of the Chairman or presiding member shall be the confirmation of the minutes.

(6) The Council may, with the approval of the Minister, make rules providing for the summoning of meetings, the regulation and conduct of meetings and proceedings, the conduct of debates, the maintenance of order, the suspension of members and all such matters as may be deemed necessary and proper to ensure the efficient functioning of the Council.

*Act not invalidated by vacancy*

5. No act or proceeding of the Council or of any person acting as a member of the Council shall be invalidated in consequence of there being a vacancy in the number of members of the Council at the time of such act or proceeding.

*Island Scribe*

6.—(1) The Island Scribe shall be appointed by the Minister and shall hold office during his pleasure.

(2) The Island Scribe shall carry out all duties laid upon him by these Regulations and shall be responsible for the carrying out of all necessary clerical work.



*Admission of public*

7. Members of the public shall not be admitted to meetings of the Council except at the express invitation of the Council.

*Reports*

8. The Council shall consider reports made to it by members of the Council relating to the peace, order and good government of the Banaban community.

*Appointment of officers*

9. The Council may appoint such officers and servants as may be required for the efficient discharge of its duties and responsibilities and for the proper conduct and administration of the affairs of the Banaban community.

*Powers of council*

10. The Council shall have power to do all or any of the following things:—
- (a) to erect, maintain and keep in repair such offices and buildings as may be required for Council purposes or for the communal purposes of the Banaban community;
  - (b) to do all things necessary for carrying out all the purposes for and in regard to which the Council is empowered to make Regulations and for carrying such regulations into effect;
  - (c) subject to the other provisions of these Regulations to incur all expenditure necessary for the carrying out of any purpose of the Act, or of these Regulations which the Council is authorised to carry out or for any purpose not specially provided for which the Minister may determine to be a purpose incidental to the exercise of its powers under the Act or these Regulations.

*Rabi Island Fund*

11.—(1) The moneys constituting the Rabi Island Fund shall be held in the following accounts:—

- (a) a general account which shall be credited with—
  - (i) all moneys received into the Fund other than moneys from copra cess;
  - (ii) the first \$8,400 received from copra cess in each year and if less than \$8,400 is received from copra cess in any year, the whole of the copra cess for that year,and debited with expenditure in respect of the general debts and liabilities of the Council and of expenses incident to the administration of Banaban affairs;
- (b) an account to be called the Rabi Island Reserve Account which shall be credited annually with all moneys in excess of \$8,400 received from copra cess until the account reaches the sum of \$8,400 and thereafter annually with such sums as shall be required to maintain it at that figure;
- (c) an account to be called the Rabi Island Capital Works Account which shall be credited annually with such portion of the moneys received from copra cess as is not required to be paid into the General Account and the Rabi Island Reserve Account;

(d) separate accounts, in respect of moneys received, or collected, or raised, or levied for, or allocated to, or held in trust for any particular purpose or benefit or any particular section of the Banaban community, which moneys shall be expended only for such particular purpose or benefit or for the benefit of such particular section of the Banaban community.

(2) No expenditure from the accounts referred to in this regulation shall be incurred without the approval of the Minister as provided for in Regulation 19. (Inserted by Regulations 14th January, 1958, and amended by Regulations 8th June, 1966.)

*Application of Fund*

12. Subject to the provisions of these Regulations, the Fund shall be applied to the payment of the Island Scribe, of the elected members of the Council and of such officers as may be appointed by the Council under these Regulations and to the payment of any expenditure which the Council is authorised to incur.

(Amended by Regulations 14th January, 1958.)

*Power to impose annual rate*

13. The Council shall have power by resolution, subject to the approval of the Minister, to impose an annual rate to be called the island rate on every adult male member of the Banaban community, who, on or before the 1st day of January of the year in respect of which the island rate is imposed, is between the ages of 18 and 60 and who is not excepted by Regulation 14. Every such resolution shall be published in Rabi Island and shall state the amount of the rate and the method and time of payment.

*Exemptions*

14.—(1) Any member of the Banaban community who—

(a) resides outside Fiji for a continuous period of six months or more in the year in respect of which the island rate is levied; or

(b) is undergoing treatment as a patient in any mental hospital or as a person suffering from leprosy in any hospital or institution,

shall be exempt from paying the island rate until such time as he returns to Fiji or is discharged from such hospital or institution as the case may be.

(2) If the Council recommends that a member of the Banaban community shall be exempted from paying the whole or part of the island rate, and the Minister responsible for finance approves such recommendation, the member shall be exempt from paying a part or the whole of such rate for such period as may be specified in the recommendation or during the life time of such member, as the case may be. (Substituted by Regulations 14th January, 1958.)

*Registration*

15.—(1) Every male member of the Banaban community shall within two months of the date of these Regulations or of his reaching the age of 17, whichever shall be the latter, register as a ratepayer at the office of the Island Scribe.

(2) Every such person who without lawful excuse fails to register in accordance with the provisions of this regulation shall be liable on conviction to a fine not exceeding four dollars or in default to imprisonment for any period not exceeding two weeks.

*Failure to pay rate: penalty*

16. Any member of the Banaban community who without just cause fails to pay to the Island Scribe the island rate before the 31st day of July of any year shall be liable on conviction to pay such rate and in addition to pay a fine not exceeding ten dollars and in default of payment of such rate or of such fine to imprisonment for any period not exceeding one month.

*Money to be paid into Fund*

17. The Island Scribe shall pay to the Fund all moneys received by him in payment of the island rate.

*Books*

18. The Council shall keep proper books of account in which shall be correctly entered all moneys received and expended.

*Statement of account*

19.—(1) The Chairman of the Council shall, before the 30th day of April in each year, submit to the Minister a statement of account, together with the certificate and report of the auditor appointed by the Minister in respect of the twelve months ended on the preceding 31st day of December.

(2) The Chairman of the Council shall, before the 21st day of September of each year, submit to the Minister a detailed estimate of the revenue and expenditure of the Council for the year commencing the 1st day of January next following. No expenditure may be incurred by the Council except in accordance with the estimate as approved by the Minister or with the special sanction of the Minister.

*Island Rate Register*

20. The Island Scribe shall keep a book to be known as the "Island Rate Register" in which he shall enter the names and ages of all persons registering as ratepayers in accordance with regulation 15.

## SECTION 5—BANABAN (COPRA) REGULATIONS

*Regulations 14th Jan., 1958, 3rd June, 1958, 27th May, 1977*

*Made by the Governor in Council*

*Short title*

1. These Regulations may be cited as the Banaban (Copra) Regulations.

*Interpretation*

2. In these Regulations, unless the context otherwise requires—  
"copra" means the kernel or meat of the coconut in its dried condition when it has been extracted from the shell;  
"green copra" means copra which is not dried so as to be fit for export;

“manager” means the person to whom a retail store licence is issued under the provisions of the Business Licensing Act in respect of a village store;

(Cap. 204)

“village store” means a store on the Island of Rabi owned by one or other of the following co-operative Societies:—

Tabwewa Village Co-operative Society Limited;  
Buakonikai Village Co-operative Society Limited;  
New Uma Village Co-operative Society Limited;  
Tabiang Village Co-operative Society Limited.

(Substituted by Regulations 3rd June, 1958.)

*Copra licences*

3.—(1) The Council may issue copra licences annually, covering the period 1st January to 31st December, to male or female members of the Banaban community between 14 and 60 years of age who are registered members of one or another of the four village communities on Rabi Island.

(2) The fee for a copra licence shall be fifty cents.

(3) The Council shall not refuse to issue a copra licence to any such member of the Banaban community as aforesaid who pays the requisite fee.

(Amended by Regulations 27th May, 1977.)

(4) It shall be unlawful on Rabi Island for any member of the Banaban community between 14 and 60 years of age unless he is in possession of a current licence, and for any other person whatsoever except a member of the Banaban community under the age of 14 years, to collect coconuts in copra making.

Any person contravening the provisions of this paragraph shall be liable on conviction to a fine not exceeding fifty dollars.

*Prohibition of making copra with immature nuts*

4. Any person who makes or assists in making copra from green or immature coconuts shall be liable on conviction to a fine not exceeding one hundred dollars and the Council may suspend the copra licence of any person so convicted for a period not exceeding six months.

*Village copra areas*

5.—(1) The Council may define village copra areas on Rabi Island and shall publish within Rabi Island details of the boundaries of such areas and any alterations thereof which may from time to time be made.

(2) It shall be unlawful for any member of the Banaban community to collect coconuts in a village copra area other than the area allotted to the Community in which he is registered, except with the permission in writing of an Island Councillor of that other community. (Amended by Regulation 27th May, 1977.)

Any person who contravenes the provisions of this paragraph shall be liable on conviction to a fine not exceeding fifty dollars.

*Prohibition of export of green copra*

6.—(1) No member of the Banaban community shall export green copra from Rabi Island to any place outside that island.

(2) Any member of the Banaban community contravening the provisions of this regulation shall be liable upon conviction to a fine not exceeding two hundred dollars, and shall also be liable to pay any cess which would have been payable had he sold to the manager of a village store an amount of copra equal in weight to the amount of green copra exported.

*Sale and export of copra*

7.—(1) No member of the Banaban community shall sell copra except to the manager of a village store at such a store.

(2) No member of the Banaban community shall export copra from Rabi Island to any place outside that island.

(3) Any member of the Banaban community contravening the provisions of this regulation shall be liable upon conviction to a fine not exceeding two hundred dollars, and shall also be liable to pay any cess which would have been payable had he sold the copra to the manager of a village store.

(4) Nothing in this regulation shall apply to the sale or export of copra by any of the co-operative societies specified in regulation 2 through the manager of a village store. (*Amended by Regulation 3rd June, 1958.*)

*Buying of copra*

8.—(1) All copra fit for export which is offered for sale to the manager of a village store shall be bought by him on behalf of the co-operative society owning the store at a price not less than the minimum fixed price for copra sold at that store. (*Amended by Regulations 3rd June, 1958.*)

(2) The minimum price of copra to be paid on any sale to the manager of a village store shall be fixed from time to time by the manager of such store subject to the approval of the Banaban Adviser.

(3) A statement in the Gilbertese language of the minimum price of copra for the time being in force at a village store shall be posted up and kept posted up in a conspicuous place in the store.

(4) If any manager of a village store fails to comply with any of the provisions of this regulation he shall be liable on conviction to a fine not exceeding one hundred dollars. (*Amended by Regulation 3rd June, 1958.*)

*Saving*

9. Nothing in the foregoing regulations shall be deemed to authorise or require the manager of a village store to buy copra in contravention of any of the provisions of the Coconut Industry Act. (Cap. 152)

## SECTION 5—BANABAN (RABI ISLAND COURT) REGULATIONS

*Regulations 14th January, 1958, 27th May, 1977**Made by the Governor in Council**Short title and interpretation*

1.—(1) These Regulations may be cited as the Banaban (Rabi Island Court) Regulations.

(2) In these Regulations, unless the context otherwise requires—

“child” means a person under fourteen years of age;

“Court” means the Rabi Island Court established by the Act;

“territorial waters” means that part of the sea adjacent to the coast of Rabi Island which is within three geographical miles measured from low-water mark of the seaward side of the reef fronting such coast, or when a reef is not present, from the low-water mark of the coast itself.

*Jurisdiction and powers*

2.—(1) The Court shall have jurisdiction—

(a) to try any offence created by a regulation made under the provisions of the Act;

(b) to make orders for the doing or abstaining from doing any act prescribed to be done or not to be done by any regulation made under the Act, where the regulation prescribes no punishment for doing or not doing the act or provides that a Court may make an order but does not prescribe that the order is to be enforced by a fine or imprisonment;

(c) to bind over persons to be of good behaviour;

(d) in any case in which the Court is empowered to order the payment of a fine only, to enforce the payment by imprisonment in the manner provided in these Regulations.

(2) The Court may in the cases where such sentences are authorised by law pass either of the following sentences or a combination thereof—

(a) imprisonment for a term not exceeding two months;

(b) fine not exceeding one hundred dollars.

(3) The whole of the jurisdiction of the Court may be exercised by the Tribunal.

(4) The jurisdiction of the Court shall only extend to—

(a) members of the Banaban community;

(b) Fijians, not being members of the Banaban community, during such time as they are on the Island of Rabi.

*(Regulation amended by Regulations 27th May, 1977.)*

*Power of Court to enforce order*

3. Where power is given to the Court by these or any other Regulations relating to Banaban affairs to require any person to do or abstain from doing any act or thing and no mode is prescribed for compelling the person to do so, the Court may in whatever manner seems fit order the person to do or abstain from doing the act or thing.

*Default of compliance with order of Court*

4.—(1) Unless otherwise provided in the regulation on which the order is based, a person disobeying for a period of seven days any order of a Court may, upon application being made to the Court and on proof of disobedience, be ordered to pay a fine not exceeding one dollar for every day during which he has disobeyed the order, or to be imprisoned until he consents to obey the order.

(2) No person shall for disobeying any such order as is mentioned in Regulation 3 or in paragraph (1), be liable to imprisonment for a period or periods amounting altogether to more than two months or to the payment of any sums exceeding in the aggregate fifty dollars.

*Open court*

5. The Court shall be an open court. All persons shall have the right to attend in so far as the accommodation of the Court building permits.

*Limit of jurisdiction*

6. The jurisdiction of the Court shall extend to the Island of Rabi and its territorial waters.

*Language*

7. The language of the Court shall be Gilbertese.

*No legal representation*

8. No barrister and solicitor may appear for any party before the Court.

*When Court may issue summons*

9. In all cases in which a complaint is made to the Court—

(a) that any person has committed or is suspected of having committed any offence within the jurisdiction of the Court;

(b) that any person has or has not done any act for doing or not doing which he is liable to have an order made against him by the Court;

(c) that any person has failed to comply with any such order,  
the Court may issue a summons directed to that person.

*How charge laid. Written charge*

10. The Court may require the complaint to be put in writing, in which event it shall be in the form of a charge as set out in Form 1 in the Schedule.

(Form 1)

*Written charge to be of one matter only at a time*

11. Every charge shall be for one offence only, but it shall be lawful for the prosecutor to lay one or more charges against the same person at the same time. The Court hearing the charges may, as it considers necessary in the interests of justice, deal with them either together or separately.

*Form of summons and service. Summons to Defendant*

12. Every summons shall be in Form 2 in the Schedule and shall be served by the person to whom the same may be delivered for service upon the person to whom it is directed by delivering it to him personally.

(Form 2)

*Proof of service of summons*

13. The person who serves the summons shall either make and file an affidavit of the service or attend before the Court at the time and place mentioned therein to depose, if necessary, to the service thereof.

*Non-appearance of party summoned. Warrant to apprehend defendant*

14. If the person served with a summons does not appear at the time and place mentioned in the summons, and it is made to appear to the Court on oath that the summons was duly served within a reasonable period before the time for his appearance as aforesaid, the Court, after taking such evidence on oath to substantiate the matter of the charge as it considers necessary, may issue its warrant in Form 3 in the Schedule to apprehend the person so summoned as aforesaid.

(Form 3)

*When warrant may issue in the first instance*

15. In all cases where a charge is made, the Court, if it thinks it expedient that a warrant be issued instead of a summons, shall cause the charge to be written and verified by oath of the person making the charge and may issue its warrant in Form 3 in the Schedule to apprehend the person charged. The Court may issue the warrant, notwithstanding that a summons in respect of the matter charged has been issued, at any time before the time of the appearance in that summons mentioned.

(Form 3)

*Proceedings on arrest. Warrant remanding defendant*

16.—(1) When a person has been apprehended under a warrant, he shall as soon as practicable be brought before the Court so issuing the warrant and thereupon, unless he shall be released on bail in pursuance of the following provisions of these Regulations, he shall by warrant in Form 4 in the Schedule be committed to prison, or some other place of safe custody, or to the custody of the officer apprehending him, and the Court may order him to be brought up at a certain time and place before it and shall give notice of the order to the person laying the charge; but no committal under this section shall exceed two weeks.

(Form 4)

(2) Upon the request of the person making the charge, if he is present when the person charged is so brought before the Court, the Court may proceed to hear the case forthwith if the person charged consents.

*Granting of bail. Bail Bond*

17.—(1) When any person accused of an offence is brought before the Court, the Court may thereupon, or at any subsequent time while he is in custody pending the determination of the proceedings, release him on bail upon his executing a bond in Form 5 in the Schedule, with or without a sufficient surety or sureties or accompanied by deposit of a sufficient sum of money or property in lieu of sureties, conditioned that such person shall attend at the time and place mentioned in the bond and shall continue to attend until otherwise directed by the Court.

(Form 5)

(2) If through mistake, fraud or otherwise, insufficient sureties have been accepted, or if they afterwards become insufficient or die or leave the jurisdiction of the Court or apply to the Court to be discharged, the Court may cause the person



charged to be brought before it and order him to find other sufficient sureties and may commit him into custody if he fails to do so.

(3) If at any time it appears to the Court that there is reason to believe that the person charged will not appear at the time and place ordered, or that there is any other sufficient reason for cancelling the bail bond, the Court may cancel the bail bond and commit the person charged into custody.

(4) If the person charged makes default in complying with the conditions of the bond, he and the surety or sureties shall be liable to forfeit the whole of such lesser part as the Court thinks fit of the sums mentioned in the bond, or the sum of money or the property deposited, and payment may be enforced in the same manner as a fine.

*Compelling attendance of witnesses. Summons to witness*

18.—(1) If it is made to appear to the Court that any person is likely to give or produce evidence which the Court thinks should be given or produced in any matter where a charge is made and that such person will not voluntarily appear for the purpose of being examined as a witness or of producing that evidence, the Court may issue its summons in Form 6 in the Schedule to such person requiring his attendance or the production of the aforesaid evidence which shall be sufficiently described in the summons. (Form 6)

*Warrant where witness has not obeyed summons*

(2) If a person so summoned does not attend, a warrant may be issued in Form 7 in the Schedule and on being brought before the Court such person, unless reasonable grounds be shown for non-attendance, may be fined a fine not exceeding twenty dollars. Such a fine for all the purposes of these Regulations shall be regarded as a fine upon conviction. (Form 7)

*Warrant to apprehend witness*

(3) If the Court is satisfied by evidence upon oath that the person aforesaid will not attend unless compelled to do so, the Court may issue a warrant in Form 8 in the Schedule instead of a summons. (Form 8)

*Warrant to commit witness*

(4) If a person attending as a witness, or so summoned or brought up on a warrant as aforesaid, refuses to be examined on oath or refuses to take the oath or, having taken the oath, refuses without just cause to answer any lawful question put to him, the Court may by warrant in Form 9 in the Schedule, commit that person to prison for any period not exceeding ten days unless he in the meantime consents to be examined upon oath and to answer the question. (Form 9)

*Charge to be laid within six months*

19. Every charge shall be made within six months from the time the offence was committed, unless the law relating to the particular case prescribes a longer period within which the charge may be made.

*When defendant does not appear*

20. If at the time and place of hearing mentioned in a summons the person charged does not appear and it is proved on oath that the summons was duly served

on him within a sufficient period before the time appointed for his appearance and if the Court does not think it expedient to issue a warrant for his apprehension, the Court may proceed to hear and determine the case without his appearance.

*When complainant does not appear*

21. If at the time and place appointed the person charged is before the Court and the person making the charge, having had due notice, does not appear, the Court may dismiss the charge or adjourn the hearing as may seem fit. In the event of the charge being dismissed under the provisions of this regulation the Court may make such order as to payment of compensation by the complainant to the defendant and his witnesses for loss of time as to the Court seems just. The compensation to be paid shall be limited to a sum or sums not exceeding one dollar per person for each day or part of a day of attendance.

*Appearance of both parties, trial and adjudication*

22.—(1) If both parties appear, the Court shall cause the substance of the charge to be stated to the person charged and ascertain his plea. The Court shall then hear the sworn evidence of the complainant and such other sworn evidence as he may adduce. The person charged shall have the right to cross-examine the complainant and any witness called by him. The Court shall then hear such evidence, which may be given on oath, as the person charged adduces in his defence. The complainant shall have the right to cross-examine the person charged, if he is on oath, and any witness called by him. The Court shall take full notes of the evidence given by or on behalf of both parties.

(2) The Court shall then consider the whole matter and shall record a conviction or dismiss the charge stating the reasons for such conviction or dismissal in writing.

(3) A person who has once been tried by a Court of competent jurisdiction for an offence and convicted or acquitted of such offence shall, while such conviction or acquittal has not been reversed or set aside, not be liable to be tried again on the same facts for the same offence.

*Warrant of commitment*

(4) If the Court finds the defendant guilty and imposes a sentence of imprisonment a warrant of commitment shall be drawn up in accordance with Form 10 in the Schedule, or as near thereto as circumstances permit, and shall be signed by the Tribunal. (*Amended by Regulation 27th May, 1977.*) (Form 10)

(5) The Court shall have full power and authority to administer the usual oath or affirmation to witnesses:

Provided that the Court may at any time, if it thinks it just and expedient (for reasons to be recorded in the proceedings), take without oath the evidence of any person declaring that the taking of any oath whatsoever is according to his religious belief unlawful, or who by reason of immature age or want of religious belief ought not, in the opinion of the Court, to be admitted to give evidence on oath, the fact of the evidence having been so taken being also recorded in the proceedings.

*Adjournment*

23.—(1) The Court may at any time adjourn, but in no instance shall the adjournment exceed a period of one month.

(2) Notice of adjournment given by the Court in the presence of both parties shall be deemed to be sufficient notice of such adjournment.

(3) If at the time and place appointed by the Court for any adjourned hearing either or both parties do not appear, the Court may then and there proceed with the further hearing of the case as if the party or parties were present.

*Payment of expenses or compensation out of fine*

24. Whenever a Court imposes a fine, or a sentence of which a fine forms part, the Court may, when passing judgment, order the whole or any part of the fine recovered to be applied—

- (a) in defraying expenses properly incurred in the prosecution;
- (b) in the payment to any person of compensation for any loss or injury caused by the offence.

*Punishment of children*

25. Where a child is found guilty of an offence he shall not be liable to be imprisoned but the Court may deal with the case by any of the following methods:—

- (a) dismiss the charge;
- (b) discharge the offender and commit him to the care of a relative or other fit person;
- (c) order the father or mother, next-of-kin or guardian to enter into a recognizance as provided in regulation 30 for the child's good behaviour;
- (d) order the father or the mother, next-of-kin or guardian to pay a fine, damages or costs.

*Where person already undergoing imprisonment*

26. Where the person is adjudged to be imprisoned and he is then undergoing imprisonment upon conviction for any other offence, the Court may direct and shall in that case enter on the warrant of commitment for the subsequent offence, that imprisonment therefore shall commence at the expiration of the period of imprisonment to which the prisoner was previously sentenced, or the Court may order the sentences to be concurrent.

*What warrant of commitment must contain*

27. No warrant of commitment shall be held void by reason of any statement or want of statement whatsoever therein, provided it is therein stated that the party has been convicted and there is a lawful conviction to sustain it.

*Provisions as to payment of fine*

28.—(1) Where the Court imposes a fine upon conviction it may do all or any of the following things:—

- (a) order imprisonment unless the sum be paid forthwith;
- (b) allow time for the payment of the said sum and order imprisonment in default of payment within such time;
- (c) direct payment of the said sum to be made by instalments and order imprisonment in default of payment of any instalment.

*Warrant of commitment*

(2) The form of warrant of commitment under the provisions of this regulation shall be in accordance with Form 11 in the Schedule. (Form 11)

*Scale of imprisonment in default of payment of fine*

29. The period of imprisonment inflicted by the Court under this or any other regulation, in respect of the non-payment of any sum of money adjudged to be paid or in respect of the default of payment of any instalment of that sum, shall be according to the following scale:—

- (a) when the amount of the sum or sums of money adjudged to be paid does not exceed twenty dollars the said period shall not exceed seven days;
- (b) when the amount of the sum or sums of money adjudged to be paid exceeds twenty dollars but does not exceed fifty dollars, the said period shall not exceed two weeks;
- (c) when the amount of the sum or sums of money adjudged to be paid exceeds fifty dollars but does not exceed one hundred dollars, the said period shall not exceed one month;
- (d) when the amount of the sum or sums of money adjudged to be paid exceeds one hundred dollars but does not exceed two hundred dollars, the said period shall not exceed two months.

*Recognizances. Order to enter into a recognizance. Recognizance*

30. Any person may summon another to show cause why he should not be bound over in recognizance to be of good behaviour towards the complainant, and the complainant and the person charged and witnesses may be called and examined before the Court. The Court may thereupon make an order in Form 12 in the Schedule adjudging the person charged to enter into a recognizance not exceeding twenty dollars in Form 13 in the Schedule during such period (not exceeding two years) as the Court may direct, with or without sureties in that behalf.

(Form 12) (Form 13)

*Punishment for not obeying order*

31. Where the person charged fails to comply with any such order as in regulation 30 mentioned, the Court may adjudge him to be imprisoned for any period not exceeding six weeks, unless he in the meantime consents to enter into the recognizance aforesaid.

*Enforcing recognizance*

32. Where such recognizance has been entered into before the Tribunal, the Court, upon proof that the condition thereof has not been observed, may adjudge the person bound thereby to pay the sum for which he is bound. The payment may be enforced in the same manner as a fine.

*Recognizance to come up for judgment*

33. When a person is convicted of any offence the Court may, instead of passing sentence, discharge the offender upon his entering into his own recognizance in Form 13 in the Schedule, with or without sureties, in such sum as the Court may think fit, and during such period (not exceeding two years) as the Court may direct, conditioned that he shall appear to receive judgment at some future sitting of the Court or when called upon. (Form 13)

*Fees of Court*

34.—(1) The following fees shall be charged and taken in proceedings before the Court:—

	c.
(a) Entering charge .....	20
(b) For every summons or warrant to apprehend .....	20
(c) For taking recognizance .....	20

(2) No fee shall be charged in respect of any case where the complainant is a person authorised in writing by the Council to enter and prosecute charges.

*How fines to be dealt with*

35. All fees, fines and other moneys received by the Court shall be accounted for and paid by the Tribunal to the Council for payment into the Rabi Island Fund.  
(Amended by Regulations 27th May, 1977.)

*Criminal Procedure Code not to apply*

36. The provisions of the Criminal Procedure Code shall not apply to proceedings before the Court. (Cap. 21)

SCHEDULE

FORM 1.  
(Regulation 10)

Criminal Case No.

WRITTEN CHARGE

In the Rabi Island Court.

(Name of person making charge) of (and address) states (on oath) that (name of person charged) (and address) on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at (place where offence alleged to have been committed) in the Island of Rabi (here state the charge, and the section and regulation under which the charge is laid).

(Signature of person making the charge).

\*Taken/Sworn before me the undersigned Tribunal this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_. Tribunal

\*Delete the word which does not apply.

FORM 2  
(Regulation 12)

Criminal Case No.

## SUMMONS TO DEFENDANT

In the Rabi Island Court.

To *(name of defendant)* of *(address)*.

You are hereby commanded to appear before this Court sitting at  
on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock in the  
noon there to answer the charge of *(name of person making charge)* of  
*(address)* that you on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at *(place*  
*where offence alleged to have taken place)* *(here state the charge, and the section and*  
*regulation under which the charge is laid)* and be dealt with according to law.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ .  
Tribunal

## AFFIDAVIT OF SERVICE

*(To be printed on back of Form 2)*

In the Rabi Island Court.

I, *(name and address of deponent)* make oath and say that I did on the  
\_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, serve a true copy of the within summons  
on the within named defendant by delivering the same to \_\_\_\_\_ at \_\_\_\_\_

*(Signature of deponent)*

Sworn before me at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_  
, 19\_\_\_\_ .  
Tribunal

FORM 3  
*(Regulations 14 and 15)*

Criminal Case No.

## WARRANT TO APPREHEND DEFENDANT

In the Rabi Island Court.

To

Bring *(name of defendant)* of *(address)* as soon as practicable before this Court  
to answer a charge laid against him by *(name of person making charge)* and  
substantiated by oath that he the said defendant at *(place where offence alleged to*  
*have been committed)* on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_,  
*(here state the charge, and the section and regulation under which the charge is laid)*.

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ .  
Tribunal

FORM 4  
(Regulation 16)

Criminal Case No.

WARRANT REMANDING DEFENDANT

Warrant No.

In the Rabi Island Court.

To \_\_\_\_\_, in charge of prisoners.

(Name of Defendant) of (address) has been brought before me under arrest to answer the following charge (here state the charge and the section and regulation under which the charge is laid). You the said \_\_\_\_\_ are therefore commanded to take the said defendant safely to a place of safe custody and there deliver him together with this warrant to the person in charge who is hereby directed to receive the said defendant and keep him safely there until the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, and then have him at (place where Court sits) at \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon before the Court there sitting.

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_  
\_\_\_\_\_ Tribunal

FORM 5  
(Regulation 17)

Criminal Case No.

BAIL BOND

In the Rabi Island Court.

On the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, (name of Defendant), of (address), as principal, (name of surety), of (address), as surety and (name of surety), of (address), as surety, severally acknowledged themselves to owe to Her Majesty the Queen the several sums following; that is to say: the said \_\_\_\_\_ the sum of \_\_\_\_\_, the said \_\_\_\_\_ the sum of \_\_\_\_\_, and the said \_\_\_\_\_ the sum of \_\_\_\_\_, to be paid by them if the said defendant shall fail in the condition hereunder written.

CONDITION

The condition is that if the said defendant shall personally appear on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon at the Rabi Island Court, to answer a charge(s) of \_\_\_\_\_ and shall continue to attend from day to day and at each adjournment of the said Court and not to depart therefrom without leave this bond shall be void.

Principal

Surety

Tribunal

Surety

The said defendant has deposited the following cash/property with the Court as security for the performance of this bond.

Tribunal

FORM 6  
(Regulation 18)

Criminal Case No.

## SUMMONS TO WITNESS

In the Rabi Island Court.

To *(name of witness)* of *(Address)*Whereas a charge has been made by *(name of person making charge)* of *(address)* that *(name of defendant)* of *(address)* *(here state the charge)*.And it appears to me that you are likely to give or produce material evidence on behalf of the *(a)* and will not voluntarily appear for that purpose.You are therefore commanded to appear before this Court sitting at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon to testify what you know in the matter and to bring with you and produce thereat *(b)*

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Tribunal

*(a)* Complainant or Defendant. *(b)* State documents to be produced.FORM 7  
(Regulation 18)

Criminal Case No.

## WARRANT WHERE A WITNESS HAS NOT OBEYED A SUMMONS

In the Rabi Island Court.

To

Whereas *(name and of witness)* of *(address)* has not appeared in obedience to a summons requiring his attendance on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at Rabi Island Court to give evidence on behalf of \_\_\_\_\_, of \_\_\_\_\_You the said \_\_\_\_\_ are hereby commanded to bring *(name of witness)* before me at \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, to be dealt with according to law.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Tribunal



FORM 8  
(Regulation 18)

Criminal Case No.

Warrant No.

WARRANT TO APPREHEND WITNESS

In the Rabi Island Court.

To

Whereas a charge has been made by (*name of person making charge*) of (*address*) that (*name of defendant*) of (*address*) (*here state the charge*).

And it appears to me by the oath of that (*name and address of witness*) will not attend to give or produce evidence on behalf of the (a) unless compelled to do so.

You the said are therefore commanded to bring the said (*name of witness*) before this Court sitting at on the day of , 19 , at o'clock in the noon to testify what he knows in the matter and to bring with him and produce thereat (b)

Given under my hand this day of , 19 .

Tribunal

(a) Complainant or Defendant. (b) State documents to be produced.

FORM 9  
(Regulation 18)

Criminal Case No.

Warrant No.

WARRANT TO COMMIT WITNESS

In the Rabi Island Court.

To , (*the person in charge of prisoners*).

Do you the said take (*name of person committed*) safely to a place of safe custody and there deliver him to (*person in charge*) together with this warrant.

And do you the person in charge of the said place of safe custody receive him and keep him for days unless he in the meantime consents to be examined and to answer in the matter of a charge by (*name of person making charge*) against (*name of defendant*).

Given under my hand this day of , 19 .

Tribunal

FORM 10.  
(Regulation 22)

Criminal Case No.

Warrant No.

WARRANT OF COMMITMENT WHEN PUNISHMENT IS BY  
IMPRISONMENT

In the Rabi Island Court.

To \_\_\_\_\_, *(the person in charge of prisoners)*.  
*(Here state name of person committed)* was on the  
 day of \_\_\_\_\_, 19\_\_\_\_, duly convicted before this Court for *(state offence  
 of which person has been convicted)*.

The Court adjudged him for his said offence to be imprisoned in a place of safe  
 custody at \_\_\_\_\_ for *(term of imprisonment)*.

You the said \_\_\_\_\_ are therefore commanded to take the said  
*(name of person committed)* safely to the said place of safe custody and there deliver  
 him to the person in charge who is hereby directed to imprison him for *(term of  
 imprisonment)*.

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.  
 Tribunal.

FORM 11.  
(Regulation 28)

Criminal Case No.

Warrant No.

## WARRANT OF COMMITMENT IN DEFAULT OF PAYMENT OF FINE

In the Rabi Island Court.

To \_\_\_\_\_, *(the person in charge of prisoners)*.  
*(Here state name of person fined)* was on the \_\_\_\_\_ day  
 of \_\_\_\_\_, 19\_\_\_\_, duly convicted before this Court for *(state offence of  
 which person has been convicted)* and ordered to pay the sum of \_\_\_\_\_ forth-  
 with (or on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_,) (or by instalments  
 of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, and  
 the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_), and in default of payment of  
 any instalment to be imprisoned for \_\_\_\_\_

*(Here state name of person fined)* has not paid the said sum (or the time  
 appointed for the payment of the said sum has expired) or *(name of person fined)*  
 has failed to pay the instalment of the said sum due on the \_\_\_\_\_ day  
 of \_\_\_\_\_, 19\_\_\_\_.

You the said \_\_\_\_\_ are therefore commanded  
 to take the said *(name of person fined)* safely to a place of safe custody and deliver  
 him to the person in charge who is hereby directed to imprison him for \_\_\_\_\_  
 unless the said sum  
 (or unless the said instalments of the said sum) shall be sooner paid.

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.  
 Tribunal.

FORM 12.  
(Regulation 30)

Criminal Case No.

ORDER TO ENTER INTO A RECOGNIZANCE

In the Rabi Island Court.

It is hereby adjudged that (*name of person bound*) do forthwith to the satisfaction of the Court enter into a recognizance in the sum of (with sureties in the sum of each) to be of good behaviour towards Her Majesty and all her people and especially towards (*name of person complaining*) for the period of next following.

And it is adjudged that if (*name of person bound*) fails to comply with this order he be imprisoned in a place of safe custody unless he sooner complies with this order.

Dated this                      day of                      , 19

Tribunal.

FORM 13.  
(Regulations 30 and 33)

Criminal Case No.

RECOGNIZANCE

In the Rabi Island Court.

(a) We the undersigned severally acknowledged to owe to our Sovereign Lady the Queen the several sums following, namely: (*name of principal personal bound*) of (*address*) as principal, the sum of (*amount of money*) and (*name of surety*) of (*address*) as surety the sum of (*amount of money*) the payment whereof shall be enforced in the same manner as a fine if the said (*principal person bound*) fail in the condition hereon endorsed.

(*Signature of Principal*).

(*Signature of Surety*).

Taken before me this                      day of                      , 19

Tribunal.

CONDITION

The condition of this recognizance is such that if (*name of principal person bound*) above-named shall—

(1) be of good behaviour towards Her Majesty and all Her subjects and especially towards (*name of person complaining*) for the period of                      months now ensuing; and

(b) (2) appear and receive sentence when called upon at any time during this period of                      years from the date hereof; then this recognizance shall be void, but otherwise shall remain in full force.

(a) The words in this part of the form should be suitably amended or deleted if the person bound enters into the recognizance without a surety.

(b) Delete this condition if it does not apply.

## SECTION 7—RABI ISLAND (ANIMALS) REGULATIONS

*Regulations 28th July, 1956, 27th Sept., 1957**Made by the Rabi Island Council and approved by the Governor**Short title*

1. These Regulations may be cited as the Rabi Island (Animals) Regulations.

*Pigs to be confined*

2.—(1) No person shall keep pigs on Rabi Island unless the pigs are confined within a place approved for that purpose by the Council and such place is fenced to the satisfaction of the Council.

(2) Any person contravening the provisions of paragraph (1), shall be guilty of an offence and liable to a fine not exceeding one dollar.

(3) The occupier of any cultivated land may kill any pigs found upon such land.

*Animals not to stray*

3. Any person who grazes or allows to wander in any village on Rabi Island any cattle, horses or goats shall be guilty of an offence and liable on conviction to a fine not exceeding twenty dollars.

*(Amended by Regulations 27th September, 1957.)**Riding communally owned horses*

4. Any person who, without the permission of the Council, rides a communally owned horse shall be guilty of an offence and liable to a fine not exceeding twenty dollars.

*(Amended by Regulations 27th September, 1957.)**Keeping dangerous dogs*

5.—(1) Any person who keeps a dangerous dog shall be guilty of an offence and liable to a fine not exceeding twenty dollars.

*(Amended by Regulations 27th September, 1957.)*

(2) Where any person is convicted on an offence against this regulation, the Court shall order the dog to be destroyed.

## SECTION 7—RABI ISLAND (CULTIVATION AND BURNING OF LAND) REGULATIONS

*Regulations 28th July, 1956, 7th Oct., 1957, 27th May, 1977**Made by the Rabi Island Council and approved by the Governor**Short title*

1. These Regulations may be cited as the Rabi Island (Cultivation and Burning of Land) Regulations.

*Landowners to grow food*

2.—(1) Every male landowner shall cultivate land to ensure his having at all times growing and properly cared for crops sufficient for the requirements and welfare of himself and those dependent upon him.

(2) The Rabi Island Council may order any landowner to plant crops and do work so as to comply with the provisions of paragraph (1).

(3) Any landowner who fails to comply with an order given to him by the Council under this regulation shall be guilty of an offence and liable to imprisonment for a period not exceeding two months or to a fine not exceeding twenty dollars. (*Amended by Regulations 7th October, 1957.*)

*Burning of land*

3.—(1) Any person desiring to burn grass, reeds or bush preparatory to planting on any land on Rabi Island shall clear a space around the land twelve feet in width and shall remove all cut vegetation therefrom to the inside of the area and shall give three days' notice of his intention to burn the land to the Council.

(2) Upon notice being given as aforesaid a person authorised by the Council in that behalf shall inspect the land and, if satisfied that the provisions of paragraph (1) have been complied with, shall authorise the burning.

(3) Any person who burns grass, reeds or bush preparatory to planting without being authorised so to do under the provisions of paragraph (2) shall be liable to imprisonment for a period not exceeding two months or to a fine not exceeding twenty dollars. (*Amended by Regulations 7th October, 1957.*)

SECTION 7—RABI ISLAND (BUILDINGS, VILLAGES AND  
SANITATION) REGULATIONS

*Regulations 5th Sept., 1956, 7th Oct., 1957, 12th April, 1961*

*Made by the Rabi Island Council and approved by the Governor*

*Short title*

1. These Regulations may be cited as the Rabi Island (Buildings, Villages and Sanitation) Regulations.

*Buildings not to be erected without permission*

2. Any person who builds or erects any house, bure, hut or copra drier on Rabi Island without first obtaining the permission of the Council shall be guilty of an offence and liable to a fine not exceeding twenty dollars.

(*Amended by Regulations 7th October, 1957.*)

*Water supplies not to be altered without permission*

3. Any person who without first obtaining the permission of the Council alters or interferes with any installation forming part of a public piped water supply on Rabi Island shall be guilty of an offence and shall be liable to a fine not exceeding twenty dollars. (*Inserted by Regulations 12th April, 1961.*)

*Electrical connexions not to be interfered with without permission*

4. Any person who without first obtaining the permission of the Council alters or interferes with any electrical installation forming part of a public electricity supply system on Rabi Island shall be guilty of an offence and shall be liable to a fine not exceeding twenty dollars.

(Inserted by Regulations 12th April, 1961.)

*Filling of site*

5. Any person who fills in the site of any house, bure, or hut on Rabi Island with refuse, filth or dung shall be guilty of an offence and liable to a fine not exceeding twenty dollars or to imprisonment for a period not exceeding two months. (Amended by Regulations 7th October, 1957.)

*Kitchen and floors*

6. Every dwelling-house on Rabi Island shall be provided with—  
(a) a kitchen separate from the main room or rooms of the dwelling-house;  
(b) a floor and floor coverings of a material satisfactory to the Council.

*Removal of refuse*

7. Refuse and rubbish shall be removed daily from each dwelling-house on Rabi Island and taken to an approved place.

*Cleanliness of buildings*

8. All houses, huts, bures and latrines on Rabi Island shall be kept clean and in adequate repair to the satisfaction of the Council.

*Fencing of wells, etc.*

9. All wells, open pits and receptacles on Rabi Island shall be adequately fenced and covered to the satisfaction of the Council.

*Offence*

10.—(1) Any householder who fails to comply with the provisions of any of regulations 7 to 10 inclusive, shall be guilty of an offence and liable on conviction to a fine not exceeding twenty dollars. (Amended by Regulations 7th October, 1957.)

(2) Any householder who fails to carry out an order made by the Council or any person authorized by it for the purpose of enforcing the provisions of any of regulations 7 to 10, inclusive, shall be guilty of an offence and liable to a fine of twenty dollars or to imprisonment for a period not exceeding two months.

(Amended by Regulations 7th October, 1957.)

*Sleeping on earth floors prohibited*

11. Any person who sleeps on the uncovered earth floor of any house, bure or hut on Rabi Island shall be guilty of an offence and liable to a fine of twenty dollars.

(Amended by Regulations 7th October, 1957.)

*Polluted water supplies not to be used*

12. Any person who draws water from a well, spring or any source of fresh water on Rabi Island which has been condemned by a resolution of the Council shall be guilty of an offence and liable to a fine of twenty dollars or to imprisonment for a period not exceeding two months.

(Amended by Regulations 7th October, 1957.)

*Safeguard of water supplies*

13. Any person who places any refuse, filth or excreta anywhere whereby a well, spring or any source of fresh water on Rabi Island may be contaminated shall be guilty of an offence and liable to a fine of twenty dollars or to imprisonment for a period not exceeding two months. (*Amended by Regulations 7th October, 1957.*)

*Refuse, etc., not to be placed in latrines*

14. Any person who throws or places dead animals, refuse, food or fish in a latrine on Rabi Island shall be guilty of an offence and liable to a fine not exceeding twenty dollars. (*Amended by Regulations 7th October, 1957.*)

*Latrines to be used*

15. Any person who defecates on Rabi Island within five hundred yards of any habitation or within fifty yards of any well, spring, stream or source of fresh water except in a latrine shall be guilty of an offence and liable to a fine not exceeding twenty dollars or to imprisonment for a period not exceeding two months.  
(*Amended by Regulations 7th October, 1957.*)

*Bathing, etc., near sources of water*

16. Any person who bathes, washes clothes or cleans food on Rabi Island within one hundred feet of a well, spring, stream or source of fresh water shall be guilty of an offence and liable to a fine not exceeding twenty dollars or to imprisonment for a period not exceeding two months.  
(*Amended by Regulations 7th October, 1957.*)

*Occupier to keep land clean*

17. Any occupier of land on Rabi Island who fails to keep his land or the area of beach opposite his land, or that part of a road which passes through his land, in a clean and tidy condition to the satisfaction of the Council shall be guilty of an offence and liable to a fine not exceeding twenty dollars.  
(*Amended by Regulations 7th October, 1957.*)

*Villages to be kept clear of vegetation*

18.—(1) All undergrowth, plants, trees and shrubs growing in or adjacent to a village on Rabi Island or growing at the side of any road passing through a village on Rabi Island shall be either cut or shall be kept cleared and tidy to the satisfaction of the Council.

(2) Any member of a village who fails to clear or cut plants, trees and shrubs growing in or adjacent to his village upon being ordered to do so by the Council or by any person authorised by it shall be guilty of an offence and liable to a fine not exceeding twenty dollars.

(*Amended by Regulations 7th October, 1957.*)

## SECTION 5—RABI ISLAND (INFECTIOUS DISEASES) REGULATIONS

*Regulations 5th Sept., 1956, 7th Oct., 1957*

*Made by the Rabi Island Council and approved by the Governor*

*Short title*

1. These Regulations may be cited as the Rabi Island (Infectious Diseases) Regulations.

*Interpretation*

2.—(1) In these Regulations, the expression “medical officer” means a person registered in the medical register kept under the provisions of the Medical and Dental Practitioners Act. *(Cap. 255)*

(2) For the purposes of these Regulations, “infectious disease” means any disease enumerated in the Schedule.

*Notification of diseases*

3. All infectious diseases shall be at once notified to the nearest medical officer, in the case of a sick child by the parent or guardian, and in the case of a sick adult by the householder in whose house the illness occurs. Where the householder himself is sick it shall be the duty of his wife or his next of kin living in the village to make the report.

*Isolation*

4. A medical officer shall have power to order the isolation or removal to hospital of persons suffering from any infectious disease, and no person so isolated or removed to hospital shall leave or be taken from the place where he has been isolated or leave the hospital or be taken therefrom unless so ordered by the medical officer.

*Contacts with infectious diseases*

5. Any person who has been in contact with a person suffering from any infectious disease, or who is known to have rendered himself liable in any way to infection by any infectious disease, shall, when so ordered by the medical officer, remain for any period in his village or in such other place as such officer may direct.

*Disinfection, etc.*

6. The medical officer may order the removal, disinfection or destruction of houses or anything therein that has been exposed to infection.

*Right of entry*

7. The medical officer may at any time enter and inspect any house in which he has reason to believe that there is a case of infectious disease.

*No infected child to attend school*

8. No person being the parent or having the care of a child who is or has been suffering from infectious disease shall permit the child to attend school, unless such child has been certified by a medical officer to be free from infection.



*Death from infectious disease in hospital*

9. When any person dies from any infectious disease in any hospital or place of isolation for the sick, the body shall not be removed from the hospital or place as aforesaid without the authority of the medical officer except for the purpose of immediate burial.

*Burial of bodies*

10. There shall be no delay in the burial of bodies after death from infectious disease. Any medical officer shall have power to order the immediate burial of bodies of persons who have died from infectious disease. Any person responsible for the burial of any such body who refuses or neglects to comply with any such order as aforesaid shall be guilty of a breach of these Regulations.

*Quarantine or isolation*

11. The medical officer may order any locality to be quarantined or isolated when in his opinion the spread of any infectious disease can thereby be checked, and any persons entering or leaving such locality against such order shall be guilty of a breach of these Regulations.

*Penalty*

12. Any person who knowingly commits a breach of any of the provisions of these Regulations shall be liable on conviction to a fine not exceeding twenty dollars and in default to imprisonment for any period not exceeding two months.  
(Amended by Regulation 7th October, 1957.)

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SCHEDULE

(Regulation 2)

INFECTIOUS DISEASES

*Class A.—Immediate Notification*

1. Cholera.
2. Plague.
3. Smallpox.
4. Typhus.
5. Yellow Fever.
6. Epidemic of any infectious disease.

*Class B.—Weekly Notification*

7. Acute Anterior Poliomyelitis (Infantile Paralysis).
8. Cerebro-spinal meningitis.
9. Chickenpox (varicella).
10. Dysentery—
  - (a) Amoebic.
  - (b) Bacillary.

11. Influenza.
12. Measles (Morbilli).
13. Measles (German).
14. Typhoid Fever—
  - (a) Enteric.
  - (b) Paratyphoid fevers.
15. Whooping Cough (Pertussis).
16. Anthrax.
17. Beriberi.
18. Dengue fever.
19. Diphtheria.
20. Encephalitis lethargica.
21. Erysipelas.
22. Infantile diarrhoea.
23. Infective hepatitis (malignant jaundice).
24. Leprosy.
25. Leptospirosis (Weil's disease).
26. Malaria.
27. Puerperal fever.
28. Scarlet fever.
29. Silicosis.
30. Tetanus.
31. Trachoma.
32. Tuberculosis—
  - (a) Pulmonary.
  - (b) Other than pulmonary.
33. Undulant fever.
34. Venereal diseases—
  - (a) Climatic bubo.
  - (b) Gonorrhoea.
  - (c) Ophthalmia neonatorum and gonorrhoeal ophthalmia.
  - (d) Soft chancre.
  - (e) Syphilis.
  - (f) Venereal granuloma.
  - (g) Venereal warts.

SECTION 5—RABI ISLAND (MISCELLANEOUS OFFENCES)  
REGULATIONS

*Regulations 7th Oct., 1957*

*Made by the Rabi Island Council  
and approved by the Governor*

*Short title*

1. These Regulations may be cited as the Rabi Island (Miscellaneous Offences) Regulations.

*Failure to report sickness of child*

2. Any parent or guardian who without reasonable cause fails to report promptly the sickness of his child to the nearest medical officer shall be guilty of an offence and liable to a fine not exceeding twenty dollars.

*Hospital visits*

3. Any person, not on the hospital staff, who visits any person in the Rabi Island hospital other than at times appointed by the medical officer in charge of such hospital shall be guilty of an offence and liable to a fine not exceeding ten dollars.

*Prohibited dancing*

4.—(1) Any person who takes part in a dance in darkness or on a Sunday or on Good Friday or Christmas Day shall be guilty of an offence and liable to a fine not exceeding ten dollars.

(2) Any person who performs the Kabungiro or the Kaeke shall be guilty of an offence and liable to a fine not exceeding twenty dollars or to imprisonment for a period not exceeding one month.

*Adultery*

5.—(1) Any man who upon the complaint of the husband is found guilty of adultery with the wife of that husband shall be liable on conviction to imprisonment for a term not exceeding two months or to a fine not exceeding twenty dollars or to both such imprisonment and fine.

(2) Any husband who on the complaint of his wife is found guilty of adultery shall be liable on conviction to imprisonment for a term not exceeding two months or to a fine not exceeding twenty dollars or to both such imprisonment and fine.

(3) Any wife who upon the complaint of her husband is found guilty of adultery shall on conviction be liable to imprisonment for a term not exceeding two months or to a fine not exceeding twenty dollars or to both such imprisonment and fine.

*Careless use of fire*

6.—(1) Any person who carelessly or improperly carries or uses any fire shall be liable on conviction to a fine not exceeding ten dollars.

(2) Any person who, by his negligence, causes a fire which endangers or damages property shall be liable on conviction to imprisonment for a term not exceeding two months or to a fine not exceeding twenty dollars.

(3) The court shall have power to order that the whole or any part of a fine shall be paid to the owners of any property destroyed.

*Neglect to send children to school*

7. Every child between the ages of five and fourteen years of age shall attend school and any parent or guardian who without just cause refuses or neglects to keep his child in regular attendance at school shall be liable on conviction to a fine not exceeding twenty dollars.

*Assault*

8. Any person who assaults or beats any other person shall be liable on conviction to imprisonment for any period not exceeding two months or to a fine not exceeding forty dollars or to both such imprisonment and fine.

*Theft*

9. Any person who commits theft of or in respect of any property not exceeding in the opinion of the Court the value of twenty dollars shall be liable on conviction to imprisonment for any period not exceeding two months or to a fine not exceeding fifty dollars or to both such imprisonment and fine.

*Theft of fruit and vegetables*

10. Any person who steals, destroys, roots up, or damages, with intent to steal, any plant, root, fruit or vegetable production, used for the food of man or beast, or for medicine, or for distilling, or for dyeing, or for or in the course of any manufacture, and growing in any garden, orchard, pleasure-ground, hot-house, green-house or conservatory, or in any land, open or enclosed, shall be liable on conviction to imprisonment for any period not exceeding two months or to a fine not exceeding fifty dollars or to both such imprisonment and fine.

*Receiver of stolen property*

11. Any person who receives property not exceeding in the opinion of the Court the value of twenty dollars well knowing the same to have been stolen shall be liable on conviction to imprisonment for any period not exceeding two months or to a fine not exceeding one hundred dollars or to both such imprisonment and fine.

*Abusive, indecent or threatening language*

12. Any person who makes use of any abusive, indecent or threatening language in any place to the annoyance of anyone or by reason whereof an assault may be committed or any person may fear that an assault may be committed, shall be liable on conviction to imprisonment for any period not exceeding one month or to a fine not exceeding twenty dollars.

(2) Any person who repeats any such language where the repetition is in the opinion of the Court likely to cause an assault to be committed or any person to fear that an assault may be committed shall be liable on conviction to imprisonment for any period not exceeding fourteen days or to a fine not exceeding ten dollars.

(3) Whosoever shall spread any evil and untrue report about any person, which may cause such person to suffer in reputation, shall be liable on conviction to imprisonment for any period not exceeding fourteen days or to a fine not exceeding ten dollars.

*Drunken and disorderly conduct*

13. Any person who is drunk and disorderly in any public place or who in any public place, behaves in a riotous or disorderly manner, and every person who in any other place whatsoever on Rabi Island assembles together with others and while so assembled behaves in a riotous or disorderly manner, shall be liable on conviction to imprisonment for any period not exceeding one month or to a fine not exceeding ten dollars.

*Beating drums, etc., and other noise*

14.—(1) Any person who, within any village, or within half a mile thereof, beats any drum, lali or tomtom or makes any avoidable noise so as to disturb the inhabitants thereof, shall be liable on conviction to imprisonment for any period not exceeding fourteen days or to a fine not exceeding ten dollars.

(2) The provisions of this regulation shall not apply in the case of a drum, lali or tomtom beaten—

- (a) for the purpose of indicating the time of day;
- (b) to summon a church congregation or school children;
- (c) for any other purpose approved by the Council.

*Escape*

15. Any person who being in lawful custody, escapes from such custody, shall be liable on conviction to imprisonment for any period not exceeding two months or to a fine not exceeding forty dollars.

SECTION 7 (5) (b)—RABI ISLAND REGULATIONS (APPLICATION)  
ORDER

*Order 29th Oct., 1957*

*Made by the Governor*

The Regulations contained in the first column of the Schedule shall be obeyed by Fijians who are not members of the Banaban community during such time as they are on Rabi Island, to the extent shown in the second column.

SCHEDULE

<i>Short title of Regulations</i>	<i>Extent of Application</i>
Rabi Island (Animals) Regulation .....	All.
Rabi Island (Buildings, Villages and Sanitation) Regulations .....	All.
Rabi Island (Cultivation and Burning of Land) Regulations .....	All.
Rabi Island (Infectious Diseases) Regulations .....	All.
Rabi Island (Miscellaneous Offences) Regulations .....	All.

*Controlled by Office of the Prime Minister*

