

[Legal Notice No. 92]

PROVINCIAL GOVERNMENT ACT 1981  
(No. 7 of 1981)

THE GUADALCANAL PROVINCE (PROPERTY RATE)  
(AMENDMENT NO. 1) ORDINANCE 1994

AN  
ORDINANCE  
TO

REPEAL THE GUADALCANAL PROVINCE (PROPERTY  
RATE) (AMENDMENT) (NO. 2) ORDINANCE 1993.

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THE GUADALCANAL PROVINCE (PROPERTY RATE)  
(AMENDMENT NO. 1) ORDINANCE 1994

AN ORDINANCE TO REPEAL THE GUADALCANAL PROVINCE (PROPERTY RATE) (AMENDMENT) (NO. 2) ORDINANCE 1993 AND TO PROVIDE FOR THE APPOINTMENT OF A VALUER WITH POWERS AND FUNCTION TO SET UP A VALUATION ROLL WITH A RATE BOOK FOR ALL RATEABLE LAND TO PROVIDE FOR THE PAYMENT OF PROPERTY RATES AND TO ENFORCE THE NON-PAYMENT OF PROPERTY RATES.

Citation and  
commence-  
ment.

1. This Ordinance may be cited as the Guadalcanal Province (Property Rate) (Amendment No. 1) Ordinance 1994 and shall come into effect when assented to by the Minister of Provincial Government and Rural Development and published in the Solomon Islands Gazette.

Interpre-  
tation.

2. (a) In this Ordinance unless the context otherwise requires -
- “Act” means the Provincial Government Act 1981.
  - “Assembly” means the Provincial Assembly established in accordance with section 6 of the Act.
  - “Executive” means the Guadalcanal Provincial Executive established in accordance with sections 21 and 22 of the Act.
  - “Improvements” in relation to land means all the work done or materials used at any time or in or under or for the benefit of such land by the expenditure of labour or money or both by any owner, or occupier thereof or any predecessor in title in so far as the effect of such work done or materials used is to increase the value of the land and the benefit thereof is unexhausted at the time of calculation, but except in the case of land owned and occupied by the crown does not include work done or material used on or for the benefit of the land by the crown, except to the extent that the name has been paid for contributed to by the person who is the owner or occupier of the land at the time of valuation.
  - “Land” means registered land consisting of public land, perpetual estates fixed term estates, and shall include leases and subleases whether registered or not.

**“owner” in relation to -**

- (i) **Public land not subject to or unencumbered by any fixed term estate, lease, sublease or licence granted by the Commissioner of Lands for and on behalf of the Government means the Government or the Commissioner of Lands for and on behalf of the Government.**
- (ii) **Public land which is subject to or encumbered by a fixed term estate, lease, sublease or licence granted by the Commissioner of Lands for and on behalf of the government means the holder of the fixed term estate, the lease, sublease or the licence.**
- (iii) **Perpetual estates which is not subject to or unencumbered by a lease or sublease means the person or persons in whose name or names the perpetual estate is for the time being registered and shall include the class of persons set out under section 102(4)(a) - (1) of the Land and Titles Act.**
- (iv) **Perpetual estates which is subject to or encumbered by a lease or sublease means the holder of that lease or sublease whether such lease or sublease - registered or not.**

**“Province” or “Provincial” refers to Guadalcanal Province.**

**“Rateable Land” means land within the boundaries of Guadalcanal Province other than land exempted from rating by or under section 82(2) of the Local Government Act.**

**“Rate Book” means rate book kept in pursuance of section 6 of the Ordinance.**

**“Unimproved Value” in relation to land means the sum which a perpetual estate, fixed term estate, a lease and sublease therein in possession free of encumbrances might be expected to realize at the time of valuation if offered for sale on such reasonable terms and conditions a bona fide seller might be expected to impose and if no improvements had been made on, in or under the land.**

**“Valuation Roll” means a valuation roll prepared under section 5 of this Ordinance.**

**“Valuer” means a valuer appointed under section 4 of this Ordinance.**

- (b) **In this Ordinance except where the context otherwise requires the expressions “estate” “fixed term estate”, “joint ownership” “leases” “perpetual estate” “public**

land” and “registered” in relation to land, shall have the respective meanings ascribed to them in the Land and Titles Act.

Valuation.

3. (a) For the purpose of ascertaining and determining the unimproved value of rateable land within the boundaries of Guadalcanal Province the Valuer General shall upon request from the Province cause a valuation of all such land to be made at least once in every five years in accordance with this Ordinance.
- (b) The valuation undertaken under the preceding subsection shall not be invalid by reason of the fact, that any rateable land has been erroneously omitted from valuation.

Appointment  
of Valuer  
and  
Assistant  
Valuers.

4. (a) For the purpose of carrying out valuation pursuant to Section 3 hereof, the Surveyor General shall appoint a suitably qualified person to be the valuer in respect of any rateable land within the boundaries of the Province and the valuer shall exercise such powers and perform such duties as are conferred and imposed upon him by this Ordinance.
- (b) In addition to the appointment of a valuer, the Surveyor General may also appoint such number of assistant valuers to assist the valuer as he may deem fit and subject to the control and the directions of the valuer may exercise the powers and perform the duties of the valuer.

Preparation  
of  
Valuation.

5. The valuer shall prepare, sign and submit to Valuer General, the Commissioner of Lands a valuation roll, setting forth to the best of his knowledge and opinion in respect of all rateable land with the boundaries of the Province -

- (a) the approximate area and situation of the land valued;
- (b) the legal description thereof,
- (c) the interest, name and address of the owner or owners thereof, and
- (d) the unimproved value thereof.

Provided that the validity of the valuation roll shall not be affected by -

- (i) the inclusion of any additional information or of land other than rateable land,
- (ii) any omission or any inaccuracy in the information required by paragraphs (b) and (c).

6. (1) Upon receipt of the valuation roll, the Commissioner of Lands or the Surveyor General shall provide the Province with a copy of every valuation roll relating to land within its boundaries and of every addition thereto and alteration thereof made under section 13 of this Ordinance whereupon the Province shall cause every valuation in the valuation roll relating to rateable land in its boundaries and every such addition or alteration as aforesaid relating to rateable land in its boundaries to be entered in a rate-book kept for that purpose together with such particulars of the land as the Province may determine; and where any such valuation, addition or alteration so provided has been omitted from the rate-book, the Province may at any time cause it to be entered in the rate-book.

Valuation to entered in a rate roll book.

7. Every owner of rateable land within the boundaries of the Province shall pay the property rate in one lump sum not later than 30th of April every year on the unimproved value of rateable land based on the percentage set out in the schedule hereto. The unimproved value of rateable land is the unimproved value as shown in the rate book for the Province kept in accordance with section 6 of this Ordinance.

Owner must pay rate.

8. After the entering of the Valuation Roll into the Rate Book kept by the Province, the Province shall publish a notice on the 1st of March each year setting out the list of rateable land subject to property rate payment, the amount of property rate to pay and the particulars of where and how to pay the property rate. The notice shall be posted and displayed in public places at the Provincial Headquarter and in all Provincial Sub-Stations for the purpose of bringing it to the attention of persons who may be liable to pay the property rate.

Publication of Property Rate.

9. After the property rate had been published or displayed in accordance with section 8 of this Ordinance the Province shall serve a property rate demand on every owner of rateable land within the boundaries of the Province not later than the 31st of March each year. The property rate demand shall set out:-

Demand note to be served.

- (a) Legal description of the rateable land,
- (2) The zoning,
- (3) The total unimproved value,
- (d) The total amount of property rate payable, and
- (e) The consequences of non-payment or late payment.

Payment into  
Provincial  
Fund.

10. The property rate shall be paid into the Province and be kept in the Provincial Fund in the manner and in accordance with the Provincial Financial Management Ordinance and Regulations.

Alteration  
of Rate-  
Book.

11. The rate-book may be altered by the Province at any time for the purpose of -

- (a) correcting an error as to the area, ownership or occupation of land,
- (b) correcting any arithmetical error which the valuer in writing certifies he has made,
- (c) recording any change of ownership,
- (d) apportioning any unpaid rates in respect of land which has been subdivided and interests therein acquired by separate owners,
- (e) correcting any clerical error not affecting a valuation.
- (f) correcting any error as to the address of the owner or owners,
- (g) recording any change in the address of the owner, or owners,
- (h) correcting any error in the description including the situation of any land.

Notice of  
addition or  
alteration  
to be  
served on  
owner  
Rate-Book.

12. Notice of every addition to or alteration of the rate-book made by the Province hereof shall be served by the Province upon the owner or owners.

New  
Valuation.

13. The Surveyor General may at any time, either on his own initiative or at the request of the Province or the Commissioner of Lands cause a valuation to be made of rateable lands where -

- (a) such land has been erroneously omitted from the most recent valuation and has not been valued since,
- (b) such land was not rateable land at the date of the most recent general valuation,
- (c) such land is subdivided or consolidated with other rateable land,
- (d) in his opinion the unimproved value of the land has increased value of land or decreased since the recent valuation and may add or alter the valuation roll accordingly.

14. Any owner of rateable land who fails to pay his property rate, shall be guilty of an offence and liable to a fine of three hundred dollars or to imprisonment of three months or both such fine and imprisonment.

Offence.

15. If an owner fails to pay the property rate for the rateable land that he has, the Province may recover the unpaid rate as a civil debt together with legal costs incurred by the Province to enforce the payment.

16. Any unpaid property rates shall be charges against the rateable land and are registerable in accordance with Part XI of the Land and Titles Act.

Charge against the land.

17. The Executive may for reasons of poverty or disability of the owner of rateable land is unable to pay his property rate reduce or remit the amount of property rate payable, provided that the owner has submitted to the executive a written explanation that he is unable to pay the property rate due to poverty or disability together with such evidence as the executive may require from time to time.

Reduction of remittance of property rate.

18. (1) Every valuer shall, for the purpose of making any valuation as aforesaid, and upon production of his authority if so required, have power to enter at all reasonable hours during the day time into and upon any land and buildings within the boundaries of Guadalcanal Province and shall also have power at all reasonable hours in the day-time to inspect and make extracts from all registers or other records or any deeds or instruments belonging to or in the custody of possession of any public officer or any person, in which are contained particulars of any land, whether such person is or is not interested in such land -

Powers of a valuer.

Provided that except where the occupier thereof waives the requirement for such notice no dwelling house shall be entered unless the occupier thereof shall have been given twenty-four hours oral or written notice of the intention so to do.

(2) Any person who shall wilfully obstruct a valuer in the exercise of the powers conferred upon him by this Ordinance shall be guilty of an offence and liable to a fine of three hundred dollars or to imprisonment for three months or to both such fine and such imprisonment.

(3) It shall be lawful for any valuer to put to any person in occupation or charge of, or being the owner of any property which such valuer shall have been authorised under the provisions of this Ordinance to value, questions upon all such matters as may be necessary to enable him correctly to value such property, and to determine the names of the owner and occupier thereof, and such other information as he may require for the purpose of such valuation. And if after being informed by such valuer of his purpose in putting such questions, and his authority under this Ordinance to put the same, any such person in occupation or charge, or any such owner, shall refuse or wilfully omit to answer the same to the best of his knowledge and belief, or shall wilfully make any false or misleading answer or statement in reply to such questions, such person shall be guilty of an offence and liable to a fine of one hundred dollars or to imprisonment for three months or to both such fine and such imprisonment -

Payment  
by joint  
ownership.

19. Where a rateable land is held under joint ownership the joint owners shall be jointly and severally liable to pay the property rates due and payable thereon.

Notice to  
be of  
sale of  
rateable  
land.

20. Every owner of rateable land who sells or otherwise transfers the land or any part thereof shall give a notice in writing thereof, together with the name and address of the purchaser or transferee, to the Province, and until he gives such notice he shall remain liable for all rates payable in respect of such property. Such notice shall not release him from liability to pay any rates due at the time such notice is given.

Government  
to pay  
contribution  
in lieu  
of property  
rate  
payment.

21. The government or the Commissioner of Lands for and on behalf of the government shall not be liable to pay property rates but shall in lieu of payment of property rates make such contribution as approved by the executive to be appropriate having regard to all relevant circumstances including the services provided by the government within the Province particularly where the rateable land is situated and the amount the government would have had to pay by way of property rates had it been so liable.



22. (a) The Guadalcanal Province (Property Rate) Amendment (No. 2) Ordinance 1993 is hereby revoked.

Revocation  
and  
Saving.

(b) Notwithstanding subsection (a) hereof every notice, letters, payments, or demands, or other things made, prepared, given, done or served as the case may be under the Guadalcanal Province (Property Rate) (Amendment No. 2) Ordinance 1993 shall be deemed to have been made, prepared, given done or served under the corresponding provisions of this Ordinance.

23. The executive may make rules and regulations for the better carrying out of this Ordinance.

Regulations.

**SCHEDULE**

Rateable Land Zoned Agricultural - 7½ of the unimproved value of the land.

Rateable Land Zoned Commercial - 7½ of the unimproved value of the land.

Rateable Land Zoned Industrial - 10% of the unimproved value of the land.

Rateable Land Zoned Residential - 5% of the unimproved value of the land.

Passed by the Guadalcanal Provincial Assembly this twenty-eighth day of March, 1994.

**O.N. CHAMATETE**  
Clerk to the Provincial Assembly

Assented to by the Honourable Minister for Provincial Government and Rural Development dated this 26th day of July 1994.

**O. ZAPO**  
Minister of Provincial Government & Rural Development