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REPUBLIC OF KIRIBATI

CONSTITUTION OF KIRIBATI AND LOCAL GOVERNMENT ACT 1984
(Section 121 of Constitution and Section 3 of the Local Government Act)

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WARRANT ESTABLISHING THE KIRITIMATI ISLAND COUNCIL

WHEREAS by virtue of section 121 of the Constitution of Kiribati is provided that "There shall be a Kiritimati Island Council whose powers and duties shall be prescribed by or under law," and

WHEREAS by virtue of section 3 of the Local Government Act 1984 (No. 2 of 1984) (as amended) it is provided that the Minister acting in accordance with the advice of the Cabinet and after consultation with such persons who are and over 18 years of age and resident within the area of authority of such Council as are to be established, may establish by warrant under his hand such Councils as he may deem necessary or expedient for the purpose of local government.

NOW THEREFORE in exercise of the powers conferred by section 3 of the Local Government Act 1984 (No. 2 of 1984) (as amended) the Minister, acting in accordance with the advice of the Cabinet and after consultation with the people of Kiritimati who are and over 18 years of age and residing in Kiritimati at the time when such consultation took place, by Warrant under his hand direct as follows –

Kiritimati Island Council established

1. There shall be deemed to have been established with effect from the 14th day of April, 2004 a Council to be known as the Kiritimati Island Council.

Common Seal or Stamp

2. The Common Seal of the said Council shall be the following device –
 - (i) A frigate bird in flight above a symbolic representation of the sun rising from the ocean, the whole surrounded by a circle bearing the words, that is to say: "The Common Seal of the Kiritimati Island Council".
 - (ii) Until such time as a seal as prescribed in sub-paragraph (i) of this paragraph is available, a stamp of the same description may be used as the common seal.

Area of Authority

3. The area of authority of the council shall be the Kiritimati resettled areas, which the Government had proclaimed as the Resettlement areas, that is to say, the part of Kiritimati which include all lease lands in the village of London, Tabakea I, Tabakea II; the village of Banana; the Main Camp (Captain Cook) village and the village of Poland, which boundaries are identified by the following coordinates:

Village	Latitude	Longitude
London	157.28'49"(W)	1.59'33"(N)
	157.29'30"(W)	1.59'33"(N)
	157.28'19"(W)	1.59'25"(N)
	157.28'18"(W)	1.58'49"(N)
	157.28'42"(W)	1.58'53"(N)
Tabwakea	157.29'35"(W)	2.01'11"(N)
	157.29'23"(W)	2.01'24"(N)
	157.29'02"(W)	2.01'09"(N)
	157.28'47"(W)	1.59'40"(N)
	157.28'51"(W)	1.59'42"(N)
Banana	157.21'57"(W)	1.58'48"(N)
	157.22'03"(W)	1.47'57"(N)
	157.22'36"(W)	1.59'13"(N)
	157.22'52"(W)	1.58'43"(N)
	157.22'37"(W)	1.58'31"(N)
Main Camp (Capt Cook Hotel)	157.24'16"(W)	2.00'49"(N)
	157.24'28"(W)	2.00'46"(N)
	157.23'40"(W)	1.59'53"(N)
	157.22'57"(W)	1.59'29"(N)
	157.22'51"(W)	1.59'55"(N)
Poland	157.33'15"(W)	1.52'10"(N)
	157.32'52"(W)	1.51'56"(N)
	157.33'10"(W)	1.51'38"(N)
	157.33'23"(W)	1.51'53"(N)

Membership

4. (i) The Council shall consist of 8 elected members and one nominated member.
- (ii) Of the 8 members elected at the first election two designated by the Council, whether by resolution or ballot, shall retire from office

a year after the date of the election, and two others, likewise designated, shall retire two years after the date of election.

Powers, duties and functions

5. (i) The Council shall exercise all those powers, duties and functions conferred upon it by the Local Government Act 1984 (as amended) or any other law for the time being in force.
- (ii) The Council may exercise all or any of the functions set out in the following paragraphs of the First Schedule to the Local Government Act 1984 (as amended).

1. Agriculture, Livestock and Fisheries-

- (i) to establish, maintain and control pounds, seize and impound any stray animal, and provide for the payment of compensation for damage done by such animal;
- (ii) to provide for the control destruction and licensing of dogs;

2. Buildings and Town or Village Planning -

- (a) to provide for building lines and the layout of buildings;
- (b) to prescribe the conditions to be satisfied by a site for any building or for any class of building;
- (c) to prohibit the construction of any new building unless and until the approval of the council has been obtained.
- (d) to provide for the demolition of dangerous buildings and for the recovery of any expenses incurred in connection therewith;
- (e) to build, equip and maintain social or sporting centres, public libraries and museums, communal feeding centres, restaurants, rest houses, or buildings designed and used for public or educational purposes;
- (f) to build, equip, maintain and let shops;
- (g) to prohibit or regulate the making of babai-pits or other excavations;
- (h) to control and regulate the setting of advertisements and hoardings or other structures designed for the display of advertisements;
- (i) to establish, erect and maintain public monuments and to make collections of money thereof;
- (j) to restrict the use of barbed wire and the use of broken glass or the like on fences and walls;
- (k) to name streets and public places;
- (l) to lay out and adorn any public place by any architectural scheme or ornamentation, including the erection of statues, fountains or other structures.

3. Education –

- (a) to grant sums of money towards the establishment, equipment or maintenance of any primary school or any other class of school which may be approved by the Minister;
- (b) to grant sums of money towards the establishment or maintenance of any public library or museum or to any association existing for the promotion of arts and crafts, or recreation and sport, or educational purposes generally.

4. Forestry and trees –

- (a) to plant and tend trees in, and remove trees from any public place.

5. Land –

- (a) to prevent and control erosion of land by the sea or other cause;
- (b) to provide for the fencing of land and for the maintenance and repair of such fencing;
- © to engage in and promote the reclamation of land from the sea;

6. Relief of famine and drought –

- (a) to regulate the areas and methods of planting and types of crops in areas which are liable to drought or famine.

7. Markets –

- (a) to build, equip, open, close and maintain markets, to prohibit the erection of stalls in places other than markets, and to prevent the sale and purchase of goods or stock near established markets;
- (b) to regulate and control markets, including the fixing of and collection of stalls, rents and tolls;
- © to fix the days and hours during each day on which a market may be held and to prevent the sale and purchase of goods in markets on any day or any hour except those fixed.

8. Public Health –

- (a) to exterminate and prevent the spread of mosquitoes, rats, bugs and other vermin;
- (b) to establish, maintain and control public wells, springs, bathing places, wash houses and swimming pools;

- (c) to regulate the production or preparation for sale and sale of foodstuffs, and to provide for the inspection of such foodstuffs and the places or premises used for their production, preparation or sale;
- (d) to establish, maintain and control cemeteries or burial grounds;
- (e) to provide for the cleaning and clearing of any public place/open space.

9. Public order, peace and safety –

- (a) to prohibit any act or conduct which is likely to cause a riot or any disturbance or any breach of the peace;
- (b) to prevent, abate and control fires;
- (c) to prohibit, control and restrict the storage of inflammable or offensive materials in any specified area;
- (d) to control the movement of beggars and vagrants in public places;
- (e) to prohibit, restrict, control or license hawking;
- (f) to control the movement of children and other young persons in public places during the hours of darkness.

10. Communications and public utilities –

- (a) to make, alter, divert and maintain roads, streets, parking areas, paths, culverts, causeways, bridges, drains and watercourses;
- (b) to establish, acquire and maintain transport services by land or water, including ferries;
- (c) to license bicycles;
- (d) to regulate or prohibit the planting, cutting or destruction of any trees or vegetation growing along any street, road, path or in any public place;
- (e) to provide that the owner or occupier, or several such persons jointly, or any land or tenements, maintain, clear and keep free from vegetation and rubbish such land or tenements or the road, streets, paths or public places adjoining such land or tenements;
- (f) to prevent damage or obstruction to any roads, streets, paths, or open spaces maintained.

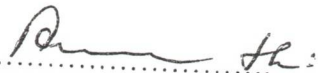
11. Trade and industry

- (a) to provide for the control, regulation, inspection, supervision and licensing of all places of entertainment and recreation, lodging and eating houses, and any premises in which any profession, trade or business is carried on;
- (b) to provide for the control, regulation, supervision and licensing of any other occupation.
- (c) to prescribe the conditions under which any offensive trade or industry may be carried on.

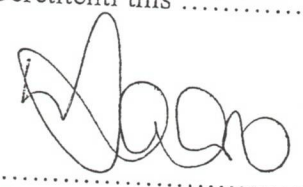
12. Miscellaneous –

- (a) to establish, maintain and provide information and publicity services;
- (b) to promote and regulate the development of an arts and crafts industry;
- (c) to protect, preserve, prohibit or control the removal from any place of any antique artifact;
- (d) to enter any contract with any other council or with any other body or person to secure or further the carrying on of any work or undertaking which the council is authorized to carry on;
- (e) to fix tariffs or charges for services rendered in connection with the achievements of any of the council's purposes;
- (f) to perform any other function, whether similar to those enumerated in this Schedule or not, which may be specifically conferred upon the council by the Minister.

Dated this 14th day of April 2004


Minister of Internal & Social Affairs

Published by exhibition at the Public Office of the Beretitenti this 14th day of April 2004.


Secretary to Cabinet