

REPUBLIC OF VANUATU

THE REVISION AND CONSOLIDATION OF THE LAWS
ACT No. 25 OF 1985

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REPUBLIC OF VANUATU

THE REVISION AND CONSOLIDATION OF THE LAWS
ACT No. 25 OF 1985

AN ACT to provide for the revision and consolidation of the laws of Vanuatu and for matters connected therewith.

INTERPRETATION

1. In this Act, unless the context otherwise requires -

"the Commissioner" means the person appointed by the Minister under section 2;

"appointed day" means a day appointed by the Minister by order for the purposes of section 3;

"Minister" means the Minister responsible for matters relating to law and justice;

"Revised Edition" means the edition of the laws of Vanuatu prepared in accordance with the provisions of this Act;

"written law" means any law mentioned in section 3 and any part of any such law.

APPOINTMENT OF COMMISSIONER

2. The Minister may by order appoint a person (in this Act referred to as "the Commissioner") to prepare a revised and consolidated edition of the Laws of Vanuatu (in this Act referred to as "the Revised Edition").

CONTENTS OF THE REVISED EDITION

3. (1) Subject to section 4, The Revised Edition shall contain -

(a) the Constitution of Vanuatu in operation on the appointed day;

(b) every Act and Joint Regulation in operation in Vanuatu on the appointed day, unless omitted under section 4;

(c) such subsidiary legislation in operation in Vanuatu on the appointed day as the Commissioner thinks fit to include therein;

(d) a chronological list of Acts, Joint Regulations, a table of contents and an index;

(e) a list of the Acts and Joint Regulations omitted under the authority of section 4.

(2) For the purposes of this section, 'appointed day' means a date appointed by the Minister by order to be a revision date for the revised laws.

OMISSION OF LAWS

4. There shall be omitted from the Revised Edition -
- (a) any Appropriation Act or Supplementary Appropriation Act;
 - (b) any law authorising the raising or guaranteeing of a specific loan;
 - (c) any applied British or French Law not adopted by Parliament expressly or by necessary implication;
 - (d) any law of a temporary nature which can in the opinion of the Commissioner be conveniently omitted.

VALIDITY OF LAWS NOT AFFECTED BY OMISSION FROM REVISED EDITION

5. No written law omitted from the Revised Edition, under the authority of this Act or otherwise, shall be deemed to be without force and validity by reason only of the fact that it is so omitted.

POWERS OF COMMISSIONER

6. In the preparation of the Revised Edition the Commissioner shall have the following powers -

- (a) to omit -
 - (i) all written laws or parts of written laws which have been repealed expressly or by necessary implication, or which have expired or have become spent or have had their effect;
 - (ii) all repealing provisions contained in written laws and also all tables or lists of repealed written laws whether contained in schedules or otherwise;
 - (iii) all words of enactment in any written law or provision of a written law;
 - (iv) all provisions prescribing the date when, or manner in which, any written law is to come into operation, where such omission can, in the opinion of the Commissioner, conveniently be made;
 - (v) all amending written laws or parts of written laws where the amendments effected by such written laws have been embodied by the Commissioner in the written laws to which they relate;
- (b) to consolidate into one written law any two or more written laws in *pari materia*, making the alterations thereby rendered necessary in the consolidated written laws, and affixing such date thereto as may seem most convenient;
- (c) to alter the order of the provisions in any written law and, in all cases where it is necessary to do so, to renumber the provisions of any written law,
- (d) to alter the form or arrangement of any provision of any written law, either by combining it in whole or in part with another provision or by dividing it into two or more provisions or by transposing words;

- (e) to divide any written law, whether consolidated or not, into parts or other divisions and to give such parts or divisions suitable headings;
- (f) to transfer any provisions contained in any written law from that written law to any other written law to which it more properly belongs or to a separate written law, making such alterations as are thereby rendered necessary or expedient;
- (g) to arrange the written laws, whether consolidated or not, in any group or sequence that may be convenient irrespective of the date of commencement;
- (h) to shorten, simplify, clarify and otherwise alter the phraseology of any written law;
- (i) to correct grammatical and typographical errors, or any clerical or printing errors in any written law, and for that purpose to make verbal additions, omissions or alterations not affecting the meaning of any written law;
- (j) to add, delete, alter and substitute definitions of terms and expressions in any written law;
- (k) to supply or alter marginal notes, head notes or headings;
- (l) to correct cross-references;
- (m) to make such formal alterations as to names, localities, offices, titles and otherwise as may be necessary to bring any written law into conformity with the circumstances of Vanuatu;
- (n) to make such modifications and adaptations and to attach such qualifications and exceptions to any written law as may appear to be necessary or desirable to bring them into conformity with the Constitution;
- (o) where any provision of a written law vests any function in a public servant, to substitute a provision vesting the function in any other public servant;
- (p) to do all things relating to form and method which may be necessary for the perfecting of the Revised Edition;
- (q) (i) where in any law to be included in the Revised Edition, the amount of the fine for any offence or of the fee for any service is expressed in any currency other than Vatu, the Commissioner with the approval of the Minister shall convert the amount so expressed into such amount in Vatu as he shall deem appropriate having regard only to -

- (a) the rate of the depreciation of any such currency since the date of commencement of any such law, and
- (b) the general level of fines for offences of similar gravity and fees for similar services expressed in Vatu and provided for in or under the Acts of Parliament in force on the appointed day;

(ii) where the amount of a fine or fee mentioned in paragraph (i) is expressed in more than one currency other than Vatu, the conversion shall be made on the basis of that currency which shall produce the greater or the greatest amount in Vatu.

NO POWER TO MAKE ALTERATIONS OF SUBSTANCE

7. Nothing in this Act, except in section 6, shall be construed to confer power on the Commissioner to alter the substance of any written law.

REVISED EDITION NOT TO OPERATE AS NEW LAW

8. The Revised Edition shall not be held to operate as new law, but shall be construed and have effect as a consolidation and as declaratory of the written laws that have been revised and published therein.

CONSTRUCTION OF REFERENCES TO REVISED EDITION

9. Where in any written law or other instrument or document reference is made to any written law the provisions of which have been by virtue of this Act embodied in the Revised Edition, such reference shall where necessary and practicable be deemed to extend and apply to the corresponding provisions in the Revised Edition.

RECTIFICATION OF ERRORS

- 10. (1) Where any error is made in the publication of the Revised Edition the Minister shall rectify the error by an Order (to be called a "Correction Order") making the required amendments.
- (2) In this section an "error" means the publication of a written law in a form not authorised by this Act, or the omission from the Revised Edition of a written law which is required by this Act to be published therein.

BRINGING OF THE REVISED EDITION INTO OPERATION

- 11. (1) The Minister may by order approve the Revised Edition and appoint a day on which it shall come into operation.
- (2) The Revised Edition with effect from the day appointed under subsection (1), shall be, without any question in all courts of justice and for all purposes, the sole and only proper law of Vanuatu in respect of all written law contained therein.

COPIES TO BE SIGNED AND DEPOSITED

12. (1) One copy of the Revised Edition or one copy of each volume thereof as the case may be shall be dated and signed by the Minister and shall be transmitted to the Chief Justice who shall deposit it among the records of the Supreme Court.
- (2) Copies of the Revised Edition shall be distributed among such persons, officers, departments and institutions as the Minister shall direct.
- (3) Such number of copies, and at such price as the Minister shall direct, shall be offered for sale to the general public.

PRINTING AND FORM OF THE REVISED EDITION

13. The Revised Edition shall be printed and published in bound volumes or in such other form as the Minister shall direct.

COMMENCEMENT

14. This Act shall come into force on the date of publication in the Gazette.

REPUBLIC OF VANUATU

BILL FOR
THE REVISION AND CONSOLIDATION OF THE LAWS
ACT No. 25 OF 1985

Explanatory Note

This law provides for the appointment of a Commissioner by the Minister responsible for matters relating to law and justice. The function of the Commissioner is to prepare a revised and consolidated edition of the laws of Vanuatu (section 2).

The revised edition of the laws will include the Constitution and all the written laws of Vanuatu which are in force on the date of revision. A cut off point has to be appointed by the Minister for the revision, say 31 December 1985. (Section 3).

Section 4 authorizes the Commissioner to omit from the Revised Edition certain laws, which because of their nature, are temporary or recurrent. This would include such laws as the annual appropriation acts and acts authorising the raising of loans and guarantees. Applied British or French Laws will be omitted because they are indeterminate and are being gradually revoked and replaced by Vanuatu legislation (section 4).

It is important to note however that although certain laws may be omitted from the Revised laws this is not to mean that they cease to be in force. Section 5 provides that even though a law is omitted, it is not to be considered as invalid.

The powers of the Commissioner are set out in section 6. These are to omit: all laws which have been repealed, the repealing provisions, and amending laws which have been embodied into the written law. The Commissioner also has power to consolidate into one law two or more laws. He is empowered to make the necessary alterations which become necessary because of omissions or consolidations. He also has power to make such modifications and adaptations and to attach such qualifications and exceptions to a written law as necessary to bring them into conformity with the Constitution. And where fines and fees are expressed in currencies other than Vatu, the Commissioner with the approval of the Minister has power to convert such amounts into Vatu having regard to the depreciation of the currency and the general level of fines and fees provided in other Acts.

Section 7 expressly prohibits the Commissioner from altering the substance of any law when preparing the Revised Edition. And section 8 clearly says that the Revised Edition is not to operate as new law but as declaratory of the existing law.

Section 9 provides for the interpretation of references to the Revised Edition.

Section 10 empowers the Minister to rectify errors made in the Revised Edition.

Section 11 provides for the Minister to approve the Revised Edition and to appoint a day when it would come into force whereupon it becomes for all purposes the sole and proper law of Vanuatu in respect of the laws contained in it.

Section 12 provides for the one copy to be signed by the Minister and deposited in the Supreme Court.

Finally section 13 provides for the Revised Laws to be printed and published.

October, 1985

W H LINI
Prime Minister and Minister
for Justice.