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NOTIFICATION OF PUBLICATION

REPRESENTATION OF THE PEOPLE ACT
(CAP: 146)[PART XVI]
- THE ELECTION PETITION RULES 1998

<u>CONTENTS</u>	<u>PAGE</u>
APPOINTMENT - PUBLIC SERVICE COMMISSION	1-3
<u>LEGAL NOTICES -</u>	
- BANKING ACT (CAP.63)	4-11
- INSURANCE ACT (CAP.82)	12-13
- INTERNATIONAL COMPANIES ACT	14-15
- PREVENTION OF FRAUD (INVESTMENT) ACT (CAP.70)	16-20
NOTICE OF REGISTRATION OF MINISTERS FOR CELEBRATING MARRIAGES	21
APPOINTMENT OF BOARD OF DIRECTORS OF THE NATIONAL BANK OF VANUATU	22-26

17 JUIN 1998

LEGAL NOTICE No. 1 OF 1998

THE REPRESENTATION OF THE PEOPLE ACT CAP 146 [PART XVI]

THE ELECTION PETITION RULES 1998

IN EXERCISE of the powers conferred by section 59(1) of the Representation of the People Act CAP 146 of 1982 (as amended), the Chief Justice hereby makes the following Rules :-

1. Citation

These Rules may be cited as the Election Petition Rules 1998.

2. Interpretation

In these Rules, unless the context otherwise requires-

“**Act**” means the Representation of the People Act CAP 146 ;

“**Court**” means the Supreme Court ;

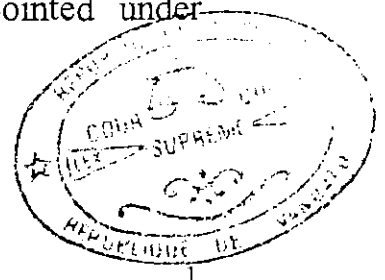
“**Electoral Officer**” means the Principal Electoral Officer and Officers of the Electoral Office, a registration officer, an assistant registration officer, a returning officer or a polling clerk;

“**Judge**” means any Judge or Acting Judge of the Court and includes the Chief Justice ;

“**Registrar**” means the Chief Registrar, Registrars and Assistant Registrars of the Court ;

“**Registration Officer**” means a registration officer appointed under section 6(1) of the Act and includes an assistant registration officer ;

“**Returning Officer**” means a returning officer appointed under section 30 of the Act.



3. Presentation of Petition

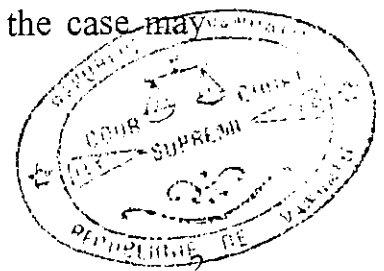
The presentation of an election petition shall be made by leaving it in quadruplicate at the office of the Registrar who shall, if required, give a receipt for such petition which may be in the following form :-

“Received on the day of 19...., at the Supreme Court at a petition touching the election of as a member for Constituency, purporting to be signed by (insert the names of petitioners).

.....
(signed) Registrar or other person
to whom the petition is delivered.”

4. Contents and form of election petitions

- (1) An election petition shall contain the following statements :-
 - (a) It shall state the right of the petitioner to petition ;
 - (b) It shall state the holding and result of the election and shall briefly state the facts and grounds relied on to sustain the prayer.
- (2) The petition shall be divided into paragraphs each of which, as nearly as may be, shall be confined to a district portion of the subject, and every paragraph shall be numbered consecutively. No costs shall be allowed for drawing or copying any petition not substantially in compliance with this rule unless otherwise ordered by the Court.
- (3) The petition shall conclude with a prayer, as for instance that some specified person should be declared duly returned or elected or that the vote shall be recounted or that the election should be declared void or that a return may be enforced (as the case may be) and shall be signed by all the petitioners.



(4) The form of the petition may be as in Forms 1, 2, or 3 in the Schedule with such alterations, additions or omissions as the facts and grounds upon which the petitioner relies may require.

5. Evidence not to be stated but particulars may be ordered

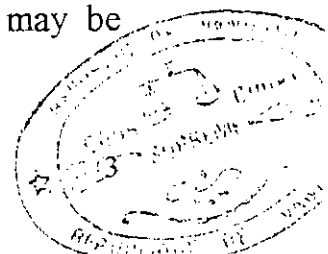
Evidence need not be stated in the petition but the Court may order particulars as may be necessary to prevent surprise and unnecessary expense and to ensure a fair and effectual trial in the same way as in ordinary proceedings in the Court, upon such terms as to costs and otherwise as may be ordered.

6. Lists of voters objected to where seat claimed by unsuccessful candidate

Where a petition claims the seat for an unsuccessful candidate alleging that he had a majority of lawful votes, the party complaining of and the party defending the election shall, seven (7) days before the day appointed for the trial, deliver to the Registrar, and also to the address, if any, given by the Petitioners and respondent, as the case may, a list of the votes intended to be objected to and of the heads of objection to each such vote, and the Registrar shall allow inspection and office copies of such lists to all parties concerned ; and no evidence shall be given against the validity of any vote nor upon any head of objection not specified in the list except by leave of the court upon such terms as to amendment of the list, postponement of the inquiry and payment of costs as may be ordered.

7. List of objections in recriminatory case

Where the respondent to a petition complaining of an undue election and claiming the seat for some other person intends to give evidence to prove that that person was not duly elected, the respondent shall, seven (7) days before the day appointed for the trial, deliver to the Registrar and also at the address, if any, given by the petitioner, a list of his objections to the election of that person on which he intends to rely, and the Registrar shall allow inspection and office copies of such lists to all parties concerned ; and no evidence shall be given by a respondent of any objection to the election not specified in the list except by leave of the Court upon such terms as to amendment of the list, postponement of the inquiry and payment of costs as may be ordered.



8. Petitioner's address to be furnished

With the petition petitioners shall leave at the office of the Registrar a writing signed by them or on their behalf giving an address within the jurisdiction of the Court at which notices addressed to them may be left; and if no such writing be left or address given, then notices of objection to the recognisances and all other notices and proceedings may be given by posting up the same at the office of the Registrar.

9. Agents of petitioner or respondent

An agent employed by the petitioner or respondent shall forthwith on appointment leave written notice at the office of the Registrar of his appointment to act as such agent, and service of all notices and proceedings upon such agents shall be sufficient for all purposes under these Rules.

10. Registrar to keep book of addresses

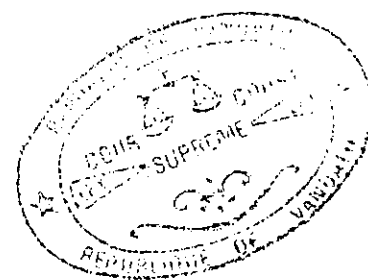
The Registrar shall keep a book at his office in which he shall enter all addresses given under rules 8 and 9, which book shall be open in inspection by any person during office hours.

11. Publication of petition

The Registrar shall upon the presentation of the petition forthwith send a copy of the petition to the Principal Electoral Officer or Returning Officer of the Constituency in which the member against whose election the petition is presented was elected, and the Principal Electoral Officer or Returning Officer shall forthwith publish the petition by posting it up in a conspicuous place in the Constituency.

12. Petitioner to give security for costs

The petitioner shall give security for costs to the satisfaction of the Registrar by deposit of an amount of 20,000 vatu and no petition shall be entertained until such security is given.



13. Time for giving notice

The time for serving the petition upon the respondent and for giving notice of the nature of the security shall be ten (10) days exclusive of the day of presentation.

14. Service or substituted service of petition

Every petition and notice of the nature of the security shall be served by the petitioner on the respondent. The service of a petition shall be personal on the respondent. The service of a petition shall be personal on the respondent unless on an application made to him not later than five (5) days after the petition is presented, on affidavit showing what has been done, a Judge shall be satisfied that all reasonable effort has been made to effect personal service and cause the matter to come to the knowledge of the respondent, in which case the Judge may order that what has been done shall be considered sufficient service, subject to such conditions as he may think reasonable, or he may make an order for substituted service in the manner authorised by the Rules of the Supreme Court.

15. Evasion of service

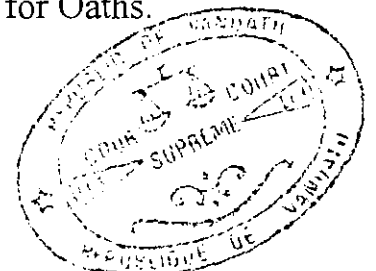
In case of evasion of service the posting up in the office of the Registrar of a notice of the petition having been presented, stating the petitioner, the prayer and the nature of the proposed security, shall be deemed equivalent to personal service, if so ordered by the Court.

16. Furnishing security by deposit of money

The deposit of money by way of security for payment of costs, charges and expenses payable by the petitioner shall be made by payment to the Registrar.

17. Recognisance as security for costs

The recognisance as security for costs may be acknowledged before a Judge, a Magistrate, the Registrar or a Commissioner for Oaths.



18. Contents and form of recognisance

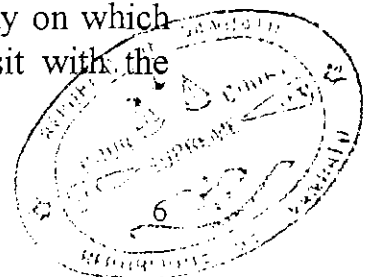
The recognisance shall contain the name and usual place of abode of each surety with such sufficient description as shall enable him to be found or ascertained and may be in the form set out in Form 4 in the Schedule.

19. Petitioner to deliver recognisance

Any recognisance shall be left at the Registrar's office by or on behalf of the petitioner.

20. Objections to recognisance

- (1) Objection to a recognisance may be made for any of the reasons set out in this rule, and notice of objection shall be given within seven (7) days from the date of service of the petition and of the nature of the security, exclusive of the day of service.
- (2) An objection to a recognisance must state the ground or grounds thereof as that the sureties, if any, and which of them are insufficient or that a surety is dead or that he cannot be found or that a person named in the recognisance has not duly acknowledged the same.
- (3) Any objection made to the security shall be heard and decided by the Registrar, subject to an appeal within five (5) days to a Judge upon summons taken out by either party to declare the security sufficient or insufficient. Such hearing and decision may be either upon affidavit or personal examination of witnesses, or both, as the Registrar or Judge may think fit.
- (4) If by order made upon such summons the security be declared sufficient, the petition shall be at issue.
- (5) If by order made upon such summons an objection be allowed and the security be declared insufficient, the Registrar or Judge, as the case may be, shall in such order state what sum of money he deems requisite to make security sufficient, and the petitioner may, within five (5) days of such order, exclusive of the day on which the order was made, remove the objection by deposit with the Registrar of that sum of money.



21. Affidavit of sufficiency of sureties

There shall be left with the Registrar an affidavit of the sufficiency of the surety or sureties, sworn by each surety before the Registrar, that he owns or possesses land or other property, above what will satisfy his debts, of the clear value of the sum for which he is bound by his recognisance, which affidavit may be in the form set out in Form 5 in the Schedule.

22. Election petition list

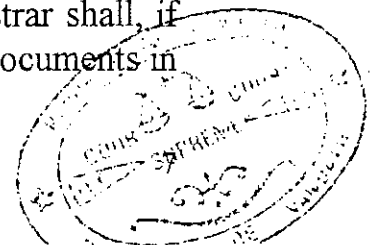
The Registrar shall make out the election petition list. In it he shall insert the names of the petitioners and the respondent and of their agents, if any, and the addresses to which notices may be sent. The list may be inspected at the office of the Registrar at any time during office hours and shall be put up for that purpose on the notice board of the Court.

23. Time and place of trial of petition

- (1) The time and place of trial of each election petition shall be fixed by the Judge and notice thereof shall be given in writing by the Registrar posting up a notice on the notice board of the Court and by sending one copy by post to the address given by the petitioner or his agent, if any, and another to the address given by the respondent or his agent, if any, ten (10) days before the day appointed for the trial.
- (2) The notice of trial may be in the form set out in Form 6 in the Schedule.

24. Delivery to Registrar of election documents

The notice of the time and place of the trial of each election petition shall be transmitted to the Principal Electoral Officer or Returning Officer or other person having custody of the documents relating to the election in respect of which the petition has been presented, and the Principal Electoral Officer or the Returning Officer or such other person shall, if so required by the Court, on or before the day fixed for the trial, deliver or cause to be delivered to the Registrar all documents in his custody relating to the election, for which the Registrar shall, if required, give a receipt. The Registrar shall keep the said documents in



safe custody until the trial is over and shall then return them to the Principal Electoral Officer or the Returning Officer or such other person.

25. Postponement of trial and amendment of petition

A Judge may from time to time, by order made upon the application of a party to the petition, postpone the beginning of the trial to such a day as he may name and may at any time before or during the trial, upon the application of the petitioner, allow the petition to be amended upon such terms and conditions as may be just. Such applications shall be made by motion on notice to the other party to the petition.

26. Attendance of Registrar, Assistant Registrar or any officer of court

The Registrar or Assistant Registrar or an officer of the Court shall attend the trial of the election petition and perform such functions and duties as may be prescribed to him by the Judge.

27. Attendance of Attorney General

The Attorney General or a person appointed by him shall attend the trial of every election petition.

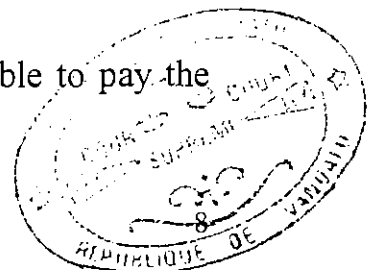
28. Interlocutory matters

All interlocutory questions and matters, except as to the sufficiency of the security, shall be heard and disposed of before a Judge, who shall have the same control over the proceedings as a Judge in the ordinary proceedings of the Supreme Court.

29. Withdrawal of election petition

(1) An election petition shall not be withdrawn without the leave of the Judge, and such leave may be given upon such terms as to costs and otherwise as the Judge may think fit.

(2) If a petition is withdrawn the petitioner shall be liable to pay the costs of the respondent.



- (3) Where there are more petitioners than one, application to withdraw the petition shall not be made except with the consent of all the petitioners.
- (4) Before leave for the withdrawal of a petition is granted there shall be produced affidavits, as required by this rule, by all the parties to the petition :

Provided that the Judge may, on cause shown, dispense with the affidavit of any particular person if it seems to the Judge on special grounds to be just to do so.

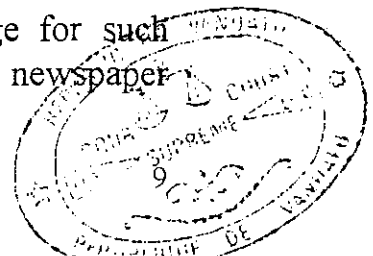
- (5) Each affidavit shall state that, to the best of the deponent's knowledge and belief, no agreement or terms of any kind whatsoever has or have been made, and no undertaking has been entered into in relation to the withdrawal of the petition ; but if any lawful agreement has been made with respect to the withdrawal of the petition, the affidavit shall set forth that agreement and shall make the foregoing statement subject to what appears from the affidavit.
- (6) The affidavits of the applicants shall further state the ground on which the petition is sought to be withdrawn.

30. Application to withdraw petition

An application for leave to withdraw a petition shall be filed at the office of the Registrar. It shall be in duplicate and signed by the petitioner or petitioners and it shall state the ground on which the application is supported. Such application may be in the form set out in Form 7 in the Schedule hereto.

31. Copy of application to be given to respondent

A copy of the notice of an application to withdraw his petition shall be given by the petitioner to the respondent and to the Principal Electoral Officer or the Electoral Officer of the Constituency in which the member against whose election the petition is presented was elected, and such Principal Electoral Officer or Electoral Officer shall forthwith publish the notice by posting it up in a conspicuous place in the Constituency, and in addition the petitioner shall arrange for such notice to be advertised at least on one occasion in a newspaper.



circulating in the Constituency. The costs of publication shall be paid by the petitioner. The notice may be in the form set out in Form 8 in the Schedule hereto.

32. Application to be substituted as petitioner on withdrawal

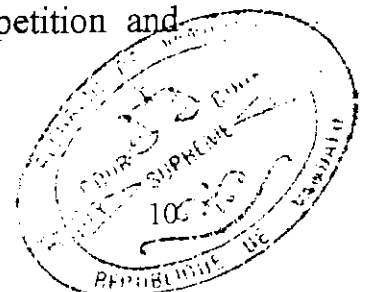
Any person who might have been a petitioner in respect of the election to which the petition relates may, within seven (7) days after the publication of the petitioner's notice of application for leave to withdraw his petition under the preceding rule, give notice in writing signed by him or on his behalf to the Registrar of his intention to apply at the hearing to be substituted for the petitioner, but the want of such notice shall not defeat such application if it is made at the hearing.

33. Time and place of hearing of application

The time and place of hearing of the application to withdraw shall be fixed by the Judge but shall not be less than fourteen (14) days after the notice of application to withdraw.

34. Substitution of another petitioner

- (1) On the hearing of the application for leave to withdraw, any person who might have been a petitioner in respect of the election to which the petition relates may apply to the Judge to be substituted as a petitioner, and the Judge may if he thinks fit substitute such person accordingly.
- (2) If the proposed withdrawal is in the opinion of the Judge induced by any corrupt bargain or consideration he may, by order, direct that the security given on behalf of the original petitioner shall remain as security for any costs that may be incurred by the substituted petitioner and that to the extent of the sum named in such security the original petitioner shall be liable to pay the costs of the substituted petitioner.
- (3) If the Judge does not so direct, then security to the same amount as would be required in the case of a new petition under rule 12, and subject to like conditions, shall be given on behalf of the substituted petitioner before he proceeds with his petition and within three (3) days after the order of substitution.



- (4) Subject as aforesaid, a substituted petitioner shall stand in the same position, as nearly as may be, and be subject to the same liabilities, as the original petitioner.

35. Abatement of petition by death

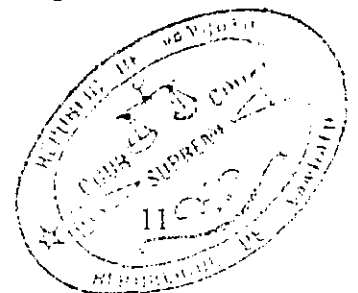
- (1) An election petition shall be abated by the death of a sole petitioner or of the survivor of several petitioners.
- (2) The abatement of a petition shall not affect the liability of the petitioner or of any other person to the payment of costs previously incurred.

36. Application to be substituted as petitioner on abatement

- (1) Notice of abatement of a petition, by death of the petitioner or surviving petitioner, shall be given by any person who might have been a petitioner in respect of the election to which the petition relates in the same manner as notice of an application to withdraw a petition under rules 30 and 31, and such person may, within fourteen (14) days of the publication of such notice, apply to be substituted for the deceased petitioner.
- (2) Notice under paragraph (1) may be in the form set out in Form 9 of the Schedule.
- (3) The Judge may, if he thinks fit, substitute as a petitioner any person applying to be so substituted under paragraph (1) subject to security in the same amount as would be required in the case of a new petition under rule 12, and subject to like conditions, being given on behalf, of the substituted petitioner.

37. Death, resignation or notice not to oppose of respondent

- (1) If before the trial of an election petition a respondent dies or vacates a seat in the Legislative Assembly, or gives notice in writing to the Registrar that he does not intend to oppose the petition, the petition shall not be abated but shall continue, whether or not any person applies to be admitted as a respondent as hereinafter provided.



- (2) The manner and time of the respondent's giving notice to the Registrar that he does not intend to oppose the petition shall be by leaving notice thereof in quadruplicate signed by the respondent at the office of the Registrar six (6) clear days before the day appointed for trial. Such notice may be in the form set out in Form 10 in the Schedule.
- (3) Upon such notice being left at the office of the Registrar, the Registrar shall forthwith send a copy thereof by post to the petitioner and to the Principal Electoral Officer or the Electoral Officer of the Constituency in which the respondent was elected who shall cause the same to be published by posting it up in a conspicuous place in the Constituency, and in addition the Registrar shall arrange for such notice to be advertised at least on one occasion in a newspaper circulating in the Constituency. The costs of publication shall be paid by the respondent.
- (4) Any person who might have been a petitioner in respect of the election to which the petition relates may, within fourteen days of publication of such notice, apply to the Judge to be admitted as a respondent to oppose the petition, and shall be admitted accordingly, except that the number of persons so admitted shall not exceed three (3).
- (5) A respondent who has given notice of his intention not to oppose a petition shall not be allowed to appear or act as a party against such petition in any proceedings thereon.

38. Countermanding notice of trial

After receiving the petitioner's application for leave to withdraw or notice of the respondent's intention not to oppose or of the abatement of the petition by death or of any of the other occurrences mentioned in rule 37(1), if such notice be received after notice of trial shall have been given and before the trial has begun, the Registrar shall forthwith countermand the notice of trial. The countermand shall be given in the same manner, as near as may be, as the notice of trial under rule 23.



39. Costs and fees

- (1) All cost of and incidental to the presentation of a petition and to the proceedings consequent thereon shall be defrayed by the parties to the petition in such manner and in such proportions as the Court may determine ; and in particular any costs which in the opinion of the Court have been caused by vexatious conduct, unfounded allegations or unfounded objections on the part either of the petitioner or of the respondent, and any needless expense incurred or caused on the part of the petitioner or respondent, may be ordered to be defrayed by the parties by whom it has been incurred or caused, whether or not they are on the whole successful.
- (2) Costs shall be taxed in the same manner as they are taxed in the Supreme Court and may be recovered in the same manner as costs in civil proceedings.
- (3) The Court may direct that the whole or any part of any moneys deposited by way of security under rule 12 may be applied in the payment of taxed costs.
- (4) There shall be paid in respect of all proceedings under these Rules the same court fee as are exigible in respect of civil proceedings in the Supreme Court in so far as the same are applicable.

40. Informality of proceedings not fatal

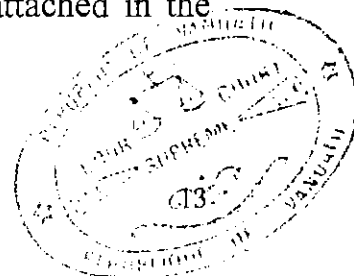
No proceedings under these Rules shall be defeated by any formal objection.

41. Court may enlarge time

The Court may for good cause enlarge any period of time prescribed by these Rules.

42. Schedule - Forms

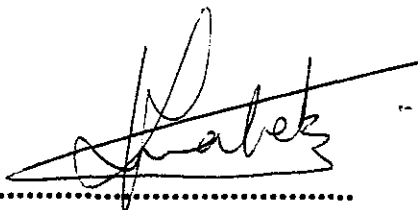
The Forms referred to under these Rules are hereby attached in the Schedule.



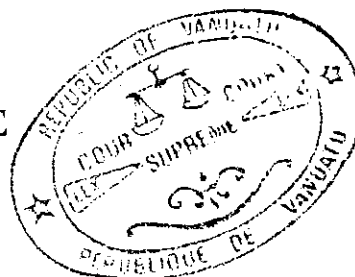
43. Commencement

These Rules shall come into force on the date of signature.

Made at Port-Vila, on this 7th day of May 1998



.....
**VINCENT LUNABEK, J.
ACTING CHIEF JUSTICE**



SCHEDULE

FORMS

FORM 1

PETITION

(claiming the seat and a scrutiny or recount)

IN THE SUPREME COURT OF THE REPUBLIC OF VANUATU

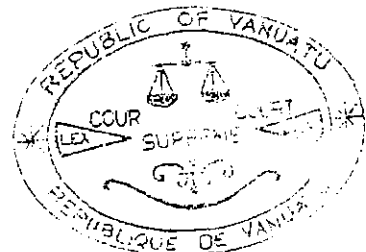
Held at

THE ELECTION PETITION RULES 1998 (Rule 4)

Election for the constituency held on the day of 19

The Petition of A. B. of whose name is subscribed.

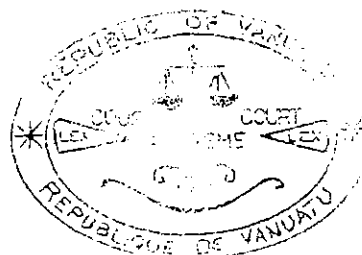
- 1- Your petitioner claims to have had the right to be returned at the above election.
- 2- And your petitioner states that the said election was held on the day of 19 , when C.D. and your petitioner were candidates and the Returning Officer/Presiding Officer has returned the said C. D. as being duly elected.
- 3- And your petitioner further says that one E. F., a registered voter of , applied for a ballot paper, and his application was refused by the presiding officer on the alleged ground that a vote had previously been given in his name and that the said E. F. thereupon recorded his vote in a tendered ballot paper, and that the said last mentioned vote is valid and ought now to be added to the poll of your petitioner.
- 4- And your petitioner further says that two marked ballot papers being votes in favor of the petitioner were erroneously rejected by the Returning Officer/presiding officer, and his rejection was objected to at the time, and are valid and ought now to be added to the poll of your petitioner.



- 5- And your petitioner further says that the Returning Officer/presiding officer erroneously received certain ballot papers as votes for the said C. D. which are void and ought now to be struck off the poll of the said C. D.
- 6- And your petitioner further says that R. H., J. K. etc. personated and voted as and for L. M., O. P. etc. whose names appeared on the register of voters for the said constituency and who did not themselves vote, and that the said votes are void and ought now to be struck off the poll.
- 7- And your petitioner further says that Q. R., S.T. etc. were bribed (or treated or unduly influenced) by U. V. on behalf of the said C. D. and voted at the said election in that (Give Particulars of acts alleged to constitute the corrupt practices).
- 8- And your petitioner further says that W. X., Y.Z. etc were retained or employed for reward by or on behalf of the said C. D. for the purposes as clerks and messengers and voted at the said election.
- 9- And your petitioner claims that on a scrutiny or recount there should be struck off from the number of votes appearing to have been given to the said C. D. one vote for every person who voted at the said election and is proved to have been bribed (or treated or unduly influenced) or to have been retained or employed for rewards as in the last two paragraphs mentioned.
- 10- And your petitioner further says that he had a majority of valid and lawful votes at the said election.

Wherefore your Petitioner prays that a scrutiny or recount may be allowed of the votes given and tendered at the said election, and that it may be determined that the said C. D. was not duly elected or returned and that his election was void, and that your petitioner was duly elected and ought to have been returned.

(signed) A. B.



PETITION
(alleging disqualification and claiming the seat)

IN THE SUPREME COURT OF THE REPUBLIC OF VANUATU

Held at

THE ELECTION PETITION RULES 1998
(Rule 4)

Election for the constituency held on the day of 19

The Petition of A. B. of whose name is subscribed.

- 1- Your Petitioner was a candidate at the above election.
- 2- And your petitioner states that the election was held on the day of 19 , when C. I. And your petitioner were candidates, and that the said C. D. polled votes, and your petitioner polled votes, and that the said C. D. has been in the usual manner declared to be duly elected.
- 3- And your petitioner says that the said C. D. was and is (here set out the disqualifications on which petitioner relies).
- 4- And your petitioner further says that the votes given for the said C. D. in the circumstance abovementioned were void and of no effect, and that your petitioner had a majority of lawful votes.

Wherefore your petitioner prays that it may be determined that the election of the said C. D. was void.

Signed A. B.

PETITION

(alleging corrupt and illegal practices, but not claiming the seat)

IN THE SUPREME COURT OF THE REPUBLIC OF VANUATU

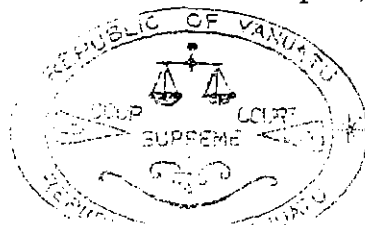
Held at

**THE ELECTION PETITION RULES 1998
(Rule 4)**

Election for the constituency held on the day of 19

The Petition of A. B. of whose name is subscribed.

- 1- Your Petitioner is a person who voted at the above election.
- 2- And your Petitioner states that the said election was held on the day of 19 , when C. D. and E. F. were candidates and the Returning Officer/Presiding Officer has returned the said C. D. as being duly elected.
- 3- And your petitioner further states that before, during and after the said election the said C. D. was himself and by his agent guilty of the corrupt practices of (aiding, abetting, counseling, or procuring the commission of the offence of personation or bribery or treating or undue influence or as the case may be) contrary to the provisions of the Representation of the People Act CAP 146, in that (Give particulars of the acts alleged to constitute corrupt practices-
e.g. the said C. D. aided, abetted, counseled or procured certain persons, namely E. F. and G. H., to personate and vote at the said election as and for certain other persons, namely I. J. and K. L. whose names appeared on the register of voters for the said constituency but who (were fictitious persons/ were dead/ did not themselves vote) and that the said votes so recorded are void and ought now to be struck off the poll).



RECOGNIZANCE

IN THE SUPREME COURT OF THE REPUBLIC OF VANUATU

Held at

THE ELECTION PETITION RULES 1998
(Rule 18)

Election for the constituency held on the day of 19

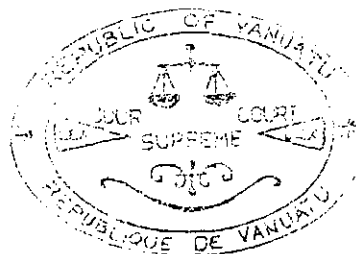
BE IT REMEMBERED that on the day of 19 before me
(Registrar of the Supreme Court/Magistrate/Commissioner for Oaths)
came (name of Petitioner) of the petitioner, and of
the sureties and obligants for the said Petitioner and
acknowledged themselves severally and jointly, their each of their executors,
administrators and assigns, to owe to the Republic of Vanuatu the sum of vatu
to be levied on their respective goods, chattels, lands and tenements
to the use of our said Republic.

The condition of this recognizance is that if the said petitioner (name) shall
well and truly pay all costs, charges and expenses in respect of the election
petition signed by him relating to the election for the
constituency held at on the day of 19,
which shall become payable by the said Petitioner under the Election Petition
Rules 1998 to any person or persons, then this recognizance shall be void,
otherwise it shall stand in full force.

Taken and acknowledged by

The above-named)
(name of Petitioner) and)
(name(s) of sureties)) (signature of sureties)
at)
on the day of 19)
before me)

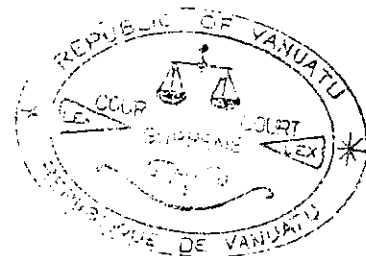
(Signed) (Registrar/ Magistrate/ Commissioner for Oaths)



- 4- And your Petitioner further states that such intimidation prevailed during the said election as would render the said election void in that (Give particulars of acts of intimidation alleged).
- 5- And your Petitioner further states that during the said election the said C. D. was guilty of illegal practices by inducing certain persons, namely M. N., O. P. and Q. R., to vote at the said election well knowing that such persons were prohibited from so voting by the law in force in that behalf.
- 6- By reason of the matters herein before set out, the said C. D. was and is incapacitated from serving in the Legislative Assembly, and the said election and return of the said C. D. were and are void.

Wherefore your Petitioner prays that it may be determined that the said C. D. was not duly elected or returned and that his election was void.

(Signed) A. B.



AFFIDAVIT OF SUFFIENCY OF SURETY

IN THE SUPREME COURT OF THE REPUBLIC OF VANUATU

Held at

**THE ELECTION PETITION RULES 1998
(Rule 28)**

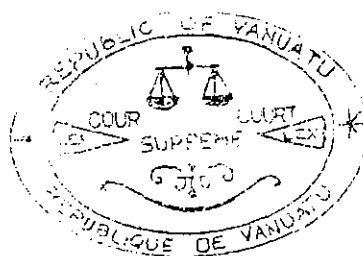
Election for the _____ constituency held on the _____ day of _____ 19__

I/We* _____ (name(s)) of _____ make
oath and say as follows that I am/we are* the proposed surety/sureties* in the
sum of _____ vatu on behalf _____ of _____
(name of Petitioner), and I, the said _____ of _____
(name of first surety) for myself make oath and say that I am, after
payment of all my just debts, well and truly worth in money, land and effects
the sum of _____ vatu and I, the said _____ (name of
second surety) for myself make oath and say that I am, after payment of all my
just debts, well and truly worth in money, land and effects the sum of _____
vatu.

*Delete as appropriate.

SWORN at _____)
This day of _____)
19__ before me _____) (Deponents' Signatures)
_____))
(Signed) _____)

A Commissioner for Oaths



NOTICE OF TRIAL OF PETITION

IN THE SUPREME COURT OF THE REPUBLIC OF VANUATU

**THE ELECTION PETITION RULES 1998
(Rule 23)**

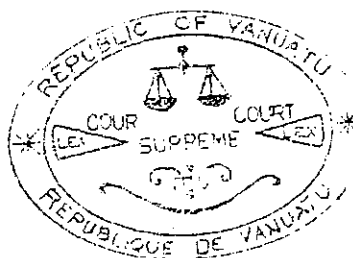
Election for the constituency held on the day of 19

The Petition of (name of Petitioner) of

TAKE NOTICE that the above Petitioner(s) will be tried at
on the day of 19 at o'clock in the noon and on
such other subsequent days as may be needful.

DATED this day of 19

(signed) (Registrar)



NOTICE OF APPLICATION TO WITHDRAW PETITION

IN THE SUPREME COURT OF THE REPUBLIC OF VANUATU

THE ELECTION PETITION RULES 1998
(Rule 30)

Election for the constituency held on the day of 19

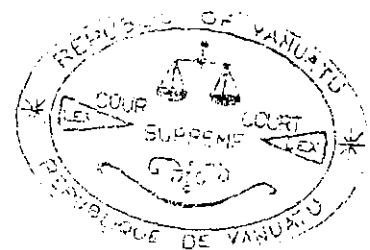
Petition of (state names of Petitioner(s)) presented on the
day of 19 .

The Petitioner(s) applies to withdraw his petition upon the following grounds (Here set out grounds)

And prays that a day may be appointed for hearing his application.

DATED this day of 19 .

(signed) (Petitioner)



**NOTICE TO RESPONDENT OF
APPLICATION TO WITHDRAW PETITION**

IN THE SUPREME COURT OF THE REPUBLIC OF VANUATU

**THE ELECTION PETITION RULES 1998
(Rule 31)**

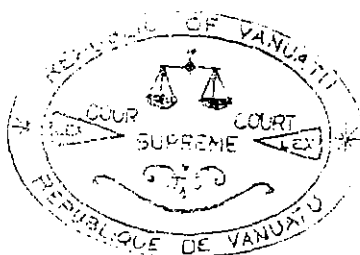
Election for the constituency held on the day of 19

The Petition of (name of Petitioner(s))

Notice is hereby given that the above Petitioner did on the day of
19 lodge at the office of the Registrar of the Supreme Court
application for leave to withdraw the petition of which application a copy is
attached hereto;

AND TAKE NOTICE that under the Election Petition Rules 1998,
any person who might have been a petitioner in respect of the said
election may, within 7 days after the date of publication of this notice, give
notice in writing to the Registrar of the Supreme Court of his intention on the
hearing of the application to be substituted as a Petitioner.

(signed) (Petitioner)



NOTICE OF ABATEMENT OF PETITION BY DEATH

IN THE SUPREME COURT OF THE REPUBLIC OF VANUATU

**THE ELECTION PETITION RULES 1998
(Rule 4)**

Election for the _____ constituency held on the _____ day of _____ 19

Petition of _____ (name of Petitioner(s))

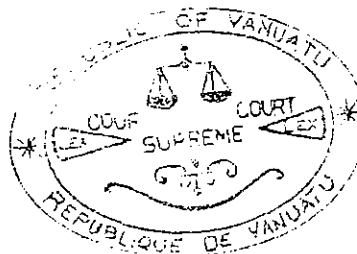
NOTICE is hereby given that _____ the sole/surviving*
Petitioner died on the _____ day of _____ 19 .

AND TAKE NOTICE that under the Election Petition Rules 1998 any person who might have been a Petitioner in respect of the above election may, within 14 days after the publication of this notice, apply to the Supreme Court to be substituted as a Petitioner.

DATED this _____ day of _____ 19 .

(Signed)

*Delete as appropriate



NOTICE OF NON-OPPOSITION PETITION
IN THE SUPREME COURT OF THE REPUBLIC OF VANUATU
THE ELECTION PETITION RULES 1998
(Rule 37)

Election for the constituency held on the day of 19
Petition of (name of Petitioner(s)).

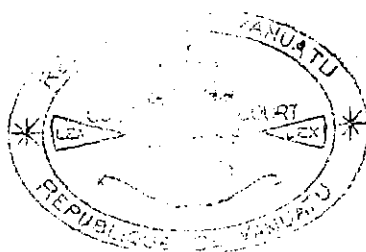
TAKE NOTICE that (name of Respondent), being the
Respondent to the above Petition

- (a)*died on the day of 19
- or (b)*vacated his seat in the Legislative Assembly on
the day of 19
- or (c)* hereby gives notice that he does not intend to
oppose the said Petition.

(*Delete as appropriate)

AND FURTHER TAKE NOTICE that under the Election Petition Rules 1998 any person who might have seen a Petitioner in respect of the above election may, within 14 days after publication of this notice, apply to the Supreme Court to be admitted as a respondent to oppose the Petition.

Dated this day of 19
(signed) (Respondent or his representative)





REPUBLIC OF VANUATU

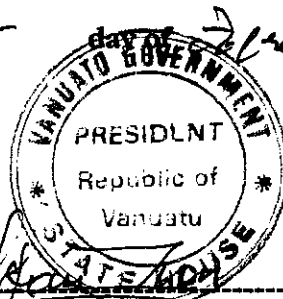
CONSTITUTIONAL INSTRUMENT

IN EXERCISE of the power conferred by Article 59(1) of the Constitution, I, **JEAN-MARIE LEYE LENELCAU MANATAWAI**, President of the Republic of Vanuatu, after consultation with the Prime Minister, hereby appoint :-

JEAN-PIERRE NIRUA

as a member of the Public Service Commission for a period of three (3) years with effect from 15th April, 1998.

MADE at Port Vila, the 15 day of April, 1998.



J.M. Leye Lenelcau Manatawai

JEAN-MARIE LEYE LENELCAU MANATAWAI
President of the Republic of Vanuatu.



REPUBLIC OF VANUATU

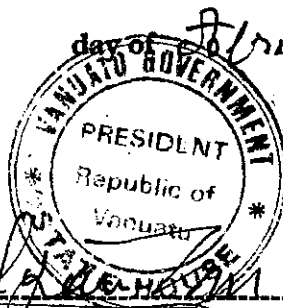
CONSTITUTIONAL INSTRUMENT

IN EXERCISE of the power conferred by Article 59(1) of the Constitution, I, **JEAN-MARIE LEYE LENELCAU MANATAWAI**, President of the Republic of Vanuatu, after consultation with the Prime Minister, hereby appoint :-

GEORGE PAKOA SONGI

as a member of the Public Service Commission for a period of three (3) years with effect from 15th April, 1998.

MADE at Port Vila, the 15 day of April, 1998.



JEAN-MARIE LEYE LENELCAU MANATAWAI
President of the Republic of Vanuatu.



REPUBLIC OF VANUATU

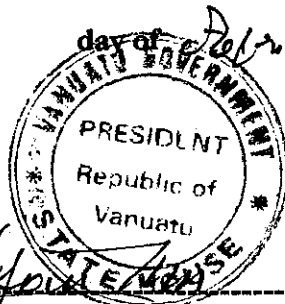
CONSTITUTIONAL INSTRUMENT

IN EXERCISE of the power conferred by Article 59(2) of the Constitution, **I, JEAN-MARIE LEYE LENELCAU MANATAWAI**, President of the Republic of Vanuatu, after consultation with the Prime Minister, hereby appoint :-

GEORGE PAKOA SONGI

as chairman of the Public Service Commission for a period of one (1) year with effect from 15th April, 1998.

MADE at Port Vila, the 15 day of *April*, 1998.



J. Leye

JEAN-MARIE LEYE LENELCAU MANATAWAI
President of the Republic of Vanuatu.



REPUBLIC OF VANUATU

THE BANKING ACT [CAP. 63]

IN EXERCISE of the powers conferred by section 4(4)(a) of the Banking Act [CAP. 63], I hereby order that the licence to carry on banking business as an exempted bank of

DHARMALA INTERNATIONAL BANK LIMITED

granted on the 27th February 1982 shall be and the same is hereby revoked.

Given under my hand and seal at Port Vila this thirteenth day of May 1998.



Sela Molisa
MINISTER OF FINANCE



Company No.: 3541

REPUBLIC OF VANUATU

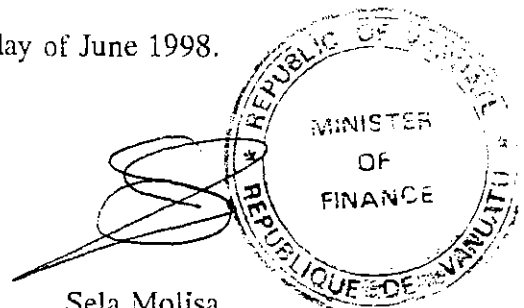
THE BANKING ACT [CAP.63]

NOTICE is hereby given pursuant to section 4(5) of the Banking Act [Cap.63] that the banking licence of

FIRST INTERNATIONAL BANK LIMITED

granted on the 30th day of May 1988 will on 22nd day of June 1998 by Order be revoked pursuant to section 4(4)(c)

Given under my hand and seal at Port Vila this first day of June 1998.



Sela Molisa
MINISTER OF FINANCE

NOTE Pursuant to section 4(5) of the said Act, the above-named company may submit a written statement of objections to the making of the said Order.



Company No.: 5226

REPUBLIC OF VANUATU


THE BANKING ACT [CAP.63]

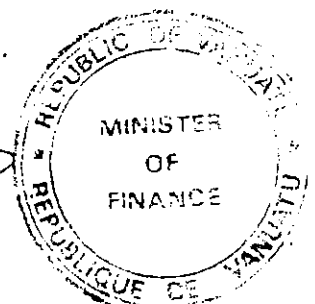
IN EXERCISE of the powers conferred upon me by section 4(4)(d) of the Banking Act [CAP.63], I hereby order that the licence to carry on banking business as an exempted bank of

BARNIM PACIFIC BANK LIMITED

granted on the eighth day of May 1995 shall be and the same is hereby revoked.

Given under my hand and seal at Port Vila this second day of June 1998.


Sela Molisa
MINISTER OF FINANCE





Company No.: 2268

REPUBLIC OF VANUATU

THE BANKING ACT [CAP.63]

NOTICE is hereby given pursuant to section 4(5) of the Banking Act [Cap.63] that the banking licence of

GSP INTERNATIONAL BANK LIMITED

granted on the 9th day of November 1981 will on 22nd day of June 1998 by Order be revoked pursuant to section 4(4)(c)

Given under my hand and seal at Port Vila this first day of June 1998.



Sela Molisa
MINISTER OF FINANCE

NOTE Pursuant to section 4(5) of the said Act, the above-named company may submit a written statement of objections to the making of the said Order.



Company No.: 4259

REPUBLIC OF VANUATU

THE BANKING ACT [CAP.63]

NOTICE is hereby given pursuant to section 4(5) of the Banking Act [Cap.63] that the banking licence of

EASTERN AND PACIFIC BANK LIMITED

granted on the 23rd day of November 1990 will on 22nd day of June 1998 by Order be revoked pursuant to section 4(4)(c)

Given under my hand and seal at Port Vila this first day of June 1998.


Sela Molisa
MINISTER OF FINANCE



NOTE Pursuant to section 4(5) of the said Act, the above-named company may submit a written statement of objections to the making of the said Order.



Company No.: 3730

REPUBLIC OF VANUATU

THE BANKING ACT [CAP.63]

NOTICE is hereby given pursuant to section 4(5) of the Banking Act [Cap.63] that the banking licence of

PACIFIC NATIONAL BANK LIMITED

granted on the 28th day of March 1989 will on 22nd day of June 1998 by Order be revoked pursuant to section 4(4)(c)

Given under my hand and seal at Port Vila this first day of June 1998.



Sela Molisa
MINISTER OF FINANCE

NOTE Pursuant to section 4(5) of the said Act, the above-named company may submit a written statement of objections to the making of the said Order.



Company No.: 5251

REPUBLIC OF VANUATU

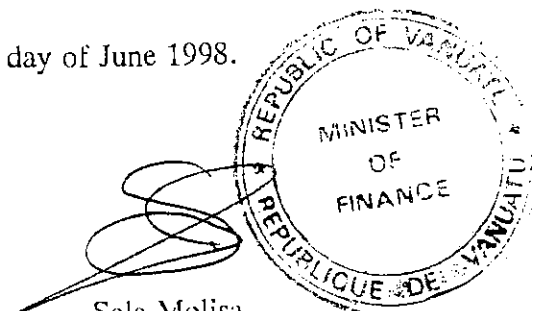
THE BANKING ACT [CAP.63]

NOTICE is hereby given pursuant to section 4(5) of the Banking Act [Cap.63] that the banking licence of

HAOMA PACIFIC BANK CORPORATION LIMITED

granted on the 18th day of July 1995 will on 22nd day of June 1998 by Order be revoked pursuant to section 4(4)(c)

Given under my hand and seal at Port Vila this first day of June 1998.



Sela Molisa
MINISTER OF FINANCE

NOTE Pursuant to section 4(5) of the said Act, the above-named company may submit a written statement of objections to the making of the said Order.



Company No.: 2615

REPUBLIC OF VANUATU

THE BANKING ACT [CAP.63]

NOTICE is hereby given pursuant to section 4(5) of the Banking Act [Cap.63] that the banking licence of

NATIONAL SECURITY BANK LIMITED

granted on the 9th day of March 1984 will on 22nd day of June 1998 by Order be revoked pursuant to section 4(4)(c)

Given under my hand and seal at Port Vila this first day of June 1998.



Sela Molisa
MINISTER OF FINANCE

NOTE Pursuant to section 4(5) of the said Act, the above-named company may submit a written statement of objections to the making of the said Order.



REPUBLIC OF VANUATU

THE INSURANCE ACT [CAP. 82]

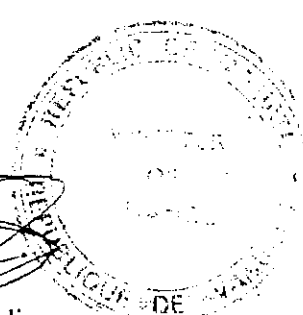
ORDER CANCELLING THE REGISTRATION OF INSURANCE AGENTS

IN EXERCISE of the powers conferred by Section 28 of the Insurance Act [CAP. 82], I hereby order that the Registration of

AUSTRALIAN FAMILY ASSURANCE AGENCIES

as insurance agents granted on 23rd day of June 1997 shall be and the same is hereby cancelled.

Dated at Port Vila this eighteenth day of May 1998.



Sela Molisa
MINISTER OF FINANCE



REPUBLIC OF VANUATU

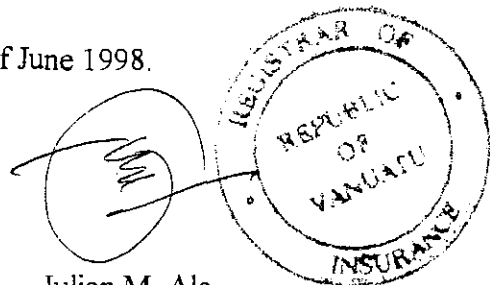
THE INSURANCE ACT [CAP. 82]

This is to certify that

SOUTHERN RE-INSURANCE COMPANY LIMITED

is this day registered as an exempted insurer under the provisions of Part V of the Insurance Act [CAP.82].

Given under my hand and seal at Port Vila this 3rd day of June 1998.



Julian M. Ala
REGISTRAR OF INSURANCE



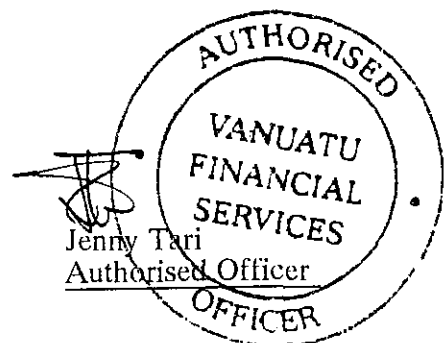
VANUATU FINANCIAL SERVICES COMMISSION

THE INTERNATIONAL COMPANIES ACT

TAKE NOTICE that PURSUANT TO Section 106 of the International Companies Act, the following companies have been struck off the Register of Companies at Vila, Vanuatu:

EMIRAE TRADING COMPANY LIMITED
AWARD FINANCE CORPORATION LIMITED
RAROA ENTERPRISES LIMITED
MATAWAI CORPORATION LIMITED
JUBILEE HOLDINGS LIMITED
OCEAN CREDIT LIMITED

Dated at Vila this sixth day of May 1998.





VANUATU FINANCIAL SERVICES COMMISSION

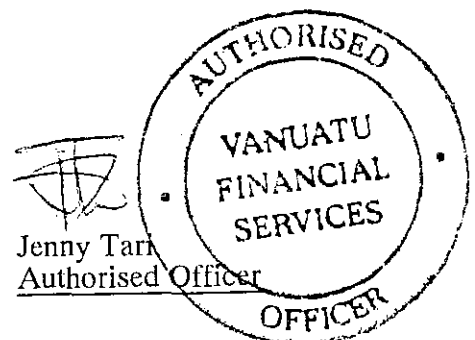
THE INTERNATIONAL COMPANIES ACT

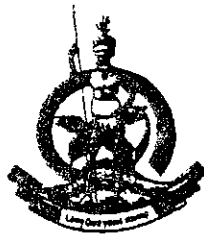
TAKE NOTICE that pursuant to Section 106 of the International Companies Act, unless cause is shown to the contrary, the name of

OPAL TRADERS LIMITED

will 90 days following the date of publication of this notice be struck off the Register of International Companies at Vila, Vanuatu

Given under the Official Seal of the Commission at Vila this twelfth day of May 1998.





REPUBLIC OF VANUATU

PREVENTION OF FRAUD (INVESTMENTS) ACT [CAP.70]

IN EXERCISE of the powers conferred on me by section 4, subsection (1)(b) of the Prevention of Fraud (Investments) Act [CAP.70], I hereby grant to

ROBERT FRANCIS AGIUS

a representative's licence and authorise him to deal in securities as a servant or agent of International Finance Trust Company Limited.

This licence shall be valid for the period of one year and shall expire on 6th May 1999.

Dated at Port Vila this sixth day of May 1998.


Sela Molisa
MINISTER OF FINANCE





Company No.2722

REPUBLIC OF VANUATU

PREVENTION OF FRAUD INVESTMENTS ACT [CAP.70]

IN EXERCISE of the powers conferred on me by section 4, subsection (1)(a) of the Prevention of Fraud (Investments) Act [CAP.70], I hereby grant to

INTERNATIONAL FINANCE TRUST COMPANY LIMITED

a principal's licence and authorise it to carry on the business of dealing in securities.

This licence shall be valid for the period of one year and shall expire on 6th May 1999.

Dated at Port Vila this sixth day of May 1998.

A circular official seal of the Republic of Vanuatu, with the text 'REPUBLIC OF VANUATU' and 'MINISTER OF FINANCE' visible. A signature is written over the seal.

Sela Molisa
MINISTER OF FINANCE



REPUBLIC OF VANUATU

PREVENTION OF FRAUD (INVESTMENTS) ACT [CAP.70]

IN EXERCISE of the powers conferred on me by section 4, subsection (1)(b) of the Prevention of Fraud (Investments) Act [CAP.70], I hereby grant to

PHILLIP WAYNE RUNDLE

a representative's licence and authorise him to deal in securities as a servant or agent of International Finance Trust Company Limited.

This licence shall be valid for the period of one year and shall expire on 6th May 1999.

Dated at Port Vila this sixth day of May 1998.


Sela Molisa
MINISTER OF FINANCE



REPUBLIC OF VANUATU

PREVENTION OF FRAUD (INVESTMENTS) ACT [CAP.70]

IN EXERCISE of the powers conferred on me by section 4, subsection (1)(b) of the Prevention of Fraud (Investments) Act [CAP.70], I hereby grant to

ANDREW NEIL

a representative's licence and authorise him to deal in securities as a servant or agent of International Finance Trust Company Limited.

This licence shall be valid for the period of one year and shall expire on 6th May 1999.

Dated at Port Vila this sixth day of May 1998.


Sela Molisa
MINISTER OF FINANCE

REPUBLIC OF VANUATU
MINISTER OF FINANCE
VANUATU



REPUBLIC OF VANUATU

PREVENTION OF FRAUD (INVESTMENTS) ACT [CAP.70]

IN EXERCISE of the powers conferred on me by section 4, subsection (1)(b) of the Prevention of Fraud (Investments) Act [CAP.70], I hereby grant to

GRAHAM GERALD LAUNDERS

a representative's licence and authorise him to deal in securities as a servant or agent of International Finance Trust Company Limited.

This licence shall be valid for the period of one year and shall expire on 6th May 1999.

Dated at Port Vila this sixth day of May 1998.


Sela Molisa
MINISTER OF FINANCE

REPUBLIC OF VANUATU
MINISTER OF FINANCE



REPUBLIC OF VANUATU

THE MARRIAGE ACT [CAP. 60]

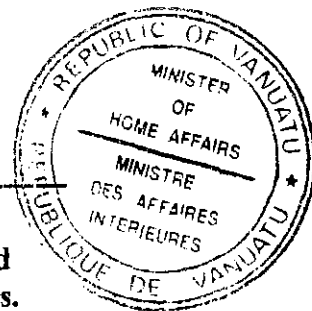
**PUBLIC NOTICE OF REGISTRATION OF
MINISTERS FOR CELEBRATING MARRIAGES**

IN EXERCISE of the powers conferred upon me by section 3(1) of the Marriage Act [CAP. 60] **IT IS HEREBY NOTIFIED** that the Minister of religion of the church^s of Christ as set out below has been registered to celebrate Marriages in accordance with the Marriage Act -

PASTOR WILLIE TUMTUM

MADE at Port Vila this 6th day of May, 1998.

FR. WALTR H. LINI
Deputy Prime Minister and
Minister for Internal Affairs.





REPUBLIC OF VANUATU

NATIONAL BANK OF VANUATU
ACT NO. 46 OF 1989

APPOINTMENT

IN EXERCISE of the powers conferred upon me by section 4(3) of the National Bank of Vanuatu Act No. 46 of 1989, I, **SELA MOLISA**, Minister of Finance and Economic Management, hereby appoint -

JULIAN ALA

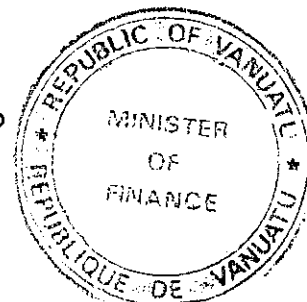
as a member and Chairman of the Board of Directors of the National Bank of Vanuatu for a term of 1 month and thereafter monthly until such time as the new board is appointed.

MADE at Port Vila this^{5th} day of^{June}....., 1998.



SELA MOLISA

Minister of Finance and Economic Management





REPUBLIC OF VANUATU

NATIONAL BANK OF VANUATU
ACT NO. 46 OF 1989

APPOINTMENT

IN EXCERCISE of the powers conferred upon me by section 4(3) of the National Bank of Vanuatu Act No. 46 of 1989, **I, SELA MOLISA**, Minister of Finance and Economic Management, hereby appoint -

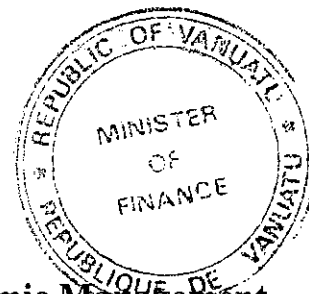
JEFFERY WILFRED

as a member of the Board of Directors of the National Bank of Vanuatu for a term of 1 month and thereafter monthly until such time as the new board is appointed.

MADE at Port Vila this^{5th} day of^{June}, 1998.


SELA MOLISA

Minister of Finance and Economic Management





REPUBLIC OF VANUATU

NATIONAL BANK OF VANUATU
ACT NO. 46 OF 1989

APPOINTMENT

IN EXCERCISE of the powers conferred upon me by section 4(3) of the National Bank of Vanuatu Act No. 46 of 1989, **I, SELA MOLISA**, Minister of Finance and Economic Management, hereby appoint -

JEAN SESE

as a member of the Board of Directors of the National Bank of Vanuatu for a term of 1 month and thereafter monthly until such time as the new board is appointed.

MADE at Port Vila this^{5th}..... day of^{June}....., 1998.

SELA MOLISA

Minister of Finance and Economic Management





REPUBLIC OF VANUATU

NATIONAL BANK OF VANUATU
ACT NO. 46 OF 1989

APPOINTMENT

IN EXERCISE of the powers conferred upon me by section 4(3) of the National Bank of Vanuatu Act No. 46 of 1989, **I, SELA MOLISA**, Minister of Finance and Economic Management, hereby appoint -

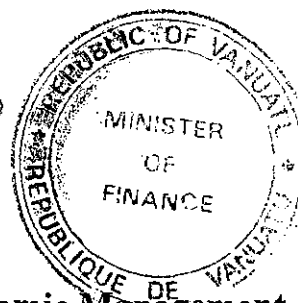
JACK KILU

as a member of the Board of Directors of the National Bank of Vanuatu for a term of 1 month and thereafter monthly until such time as the new board is appointed.

MADE at Port Vila this ^{5th} day of ^{June}, 1998.


SELA MOLISA

Minister of Finance and Economic Management





REPUBLIC OF VANUATU

NATIONAL BANK OF VANUATU
ACT NO. 46 OF 1989


APPOINTMENT

IN EXCERCISE of the powers conferred upon me by section 4(3) of the National Bank of Vanuatu Act No. 46 of 1989, **I, SELA MOLISA**, Minister of Finance and Economic Management, hereby appoint -

ROY MICKEY JOY

as a member of the Board of Directors of the National Bank of Vanuatu for a term of 1 month and thereafter monthly until such time as the new board is appointed.

MADE at Port Vila this^{5th} day of^{June}....., 1998.


SELA MOLISA

Minister of Finance and Economic Management