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CHAPTER 115

LAW COMMISSION

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LAW COMMISSION

To establish a Commission to advise on law reform and legislation proposals.

1. Interpretation

In this Act, unless the context otherwise requires –

"Commission" means the Law Commission;

"Minister" means the Minister for the time being responsible for justice.

2. Establishment of Commission

A commission is hereby established to be known as the Law Commission.

3. Membership of Commission

(1) The Commission shall consist of a chairman and four other members.

(2) The members shall be appointed for a term of not more than 3 years by the Minister but shall be eligible for re-appointment.

(3) Not more than two members may be public officers and not less than one member shall be a person entitled to practise as a legal practitioner in Vanuatu.

4. Removal from office of members of Commission

Should the Minister be satisfied that a member of the Commission –

(a) has been absent from 2 consecutive meetings of the Commission without the consent of the chairman or without reasonable excuse;

(b) has been convicted of a crime involving moral turpitude; or

(c) is otherwise unable or unfit to discharge the functions of a member,

he may by notice published in the Gazette declare the office of the member vacant.

5. Secretary and services

(1) The Minister shall appoint a secretary to the Commission who may also be a public officer.

(2) The Government shall provide the Commission facilities for its meetings and secretarial services for minutes and reports.

6. Meetings

(1) The Commission shall meet not less than 6 times in each year.

(2) Not less than half of the members shall constitute a quorum of the Commission.

(3) Subject to the preceding subsections and any regulations made by the Minister, the Commission shall adopt and regulate its own procedures.

7. Functions of Commission

The functions of the Commission are to study and keep under review the laws of Vanuatu with a view to recommending reforms and in particular –

(a) the removal of anachronisms and anomalies;

(b) the reflection in the law of the distinctive concepts of custom, the common and civil law legal systems and the reconciliation where appropriate of differences in those concepts;

(c) the development of new approaches to and new concepts of the law in keeping with and responsive to the changing needs of Vanuatu Society, of groups within that society and of individual members of that society.

8. Powers

In carrying out its functions the Commission may –

(a) receive and consider any proposals for the reform of the law that may be made or referred to it by any body or person including the Minister;

(b) on its own initiative carry out such studies and research of a legal nature as it may consider necessary for carrying out its functions including research relating to other legal systems;

(c) make proposals to the Minister for reforms in the law.

9. Procedure concerning bills

(1) When a Government bill is published the Commission may submit comments and recommendations on the bill by notice in writing to the Speaker before any debate on the bill is commenced.

(2) When the Speaker receives a private member's bill he shall furnish the Commission with a copy so that it may, if it considers fit, give the Speaker notice of its comments and recommendations as provided in subsection (1) for Government bills.

(3) The Speaker shall provide each member of Parliament with a copy of any notice of the Commission received in accordance with subsection (1) or (2) as soon as practicable after he has received it.

10. Expenses of members

Members of the Commission shall be reimbursed expenses properly incurred in the exercise of their functions.

11. Annual reports

The Commission shall each year prepare a report to the Minister containing a summary of its activities under this Act in such form as it may decide or as the Minister may prescribe.

12. Regulations

(1) The Minister may for the better carrying out of the provisions of this Act by Order make regulations not inconsistent with this Act.

(2) Without derogating from the generality of subsection (1), regulations may provide for–

(a) the procedures of the Commission;

(b) the manner of reimbursement of expenses of members of the Commission;

(c) the form in which the annual report of the Commission shall be made.