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CHAPTER 174

MEMBERS OF PARLIAMENT (VACATION OF SEATS)

Act 33 of 1983
Act 20 of 1984

ARRANGEMENT OF SECTIONS

1. Disqualification of holders of certain offices
2. Vacation of seats of members
3. Vacation of seat on sentence
4. Vacation of seat where member resigns from party

MEMBERS OF PARLIAMENT (VACATION OF SEATS)

To make provisions for disqualifying the holders of specified offices for membership of Parliament and for the vacation of seats by members of Parliament in certain circumstances.

1. Disqualification of holders of certain offices

A person is disqualified for membership of Parliament who –

(a) holds office of President of the Republic;

(b) holds office of judge or magistrate;

(c) is a member of the police force;

(d) is a member of the National Council of Chiefs;

(e) is a public servant;

(f) is a member of the teaching service.

2. Vacation of seats of members

A member of Parliament shall vacate his seat therein –

(a) upon the dissolution of Parliament;

(b) if he becomes disqualified by section 1 for membership of Parliament;

(c) if he ceases to be a citizen of Vanuatu;

(d) if he is absent from three consecutive sittings of Parliament without having obtained from the Speaker, or in his absence, the Deputy Speaker the permission to be or to remain absent;

(e) if he is adjudged or declared an undischarged bankrupt by a competent court;

(f) if having been a candidate of a party and elected to Parliament he resigns from that party;

(g) if he resigns his seat therein by writing under his hand addressed to the Speaker or in his absence, to the Deputy Speaker.

3. Vacation of seat on sentence

(1) If a member of Parliament is convicted of an offence and is sentenced by a court to imprisonment for a term of not less than 2 years, he shall forthwith cease to perform his functions as a member of Parliament and his seat shall become vacant at the expiration of 30 days thereafter:

Provided that the Speaker, or in his absence, the Deputy Speaker, may at the request of the member from time to time extend that period for further periods of 30 days to enable the member to pursue any appeal in respect of his conviction, or sentence, so however that extensions of time exceeding in the aggregate 150 days shall not be granted without the approval of Parliament signified by resolution.

(2) If at any time before the member vacates his seat his conviction is set aside or a punishment other than imprisonment is substituted, his seat in Parliament shall not become vacant as provided by subsection (1), and he may again perform his functions as a member of Parliament.

(3) For the purpose of subsection (1) no account shall be taken of a sentence of imprisonment imposed as an alternative to or in default of the payment of, a fine.

4. Vacation of seat where member resigns from party

(1) Where circumstances such as referred to in section 2(f) arise, the leader in Parliament of the party as a candidate of which the member was elected, shall so inform the Speaker in writing of those circumstances, and the Speaker shall, at the sitting of Parliament next after he is so informed, make a declaration that the member has resigned from the party.

(2) Where within a period of 30 days of the declaration by the Speaker the member does not institute legal proceedings to challenge the allegation that he has resigned he shall vacate his seat at the end of the said period of 30 days.

(3) Where within 30 days of the declaration by the Speaker, the member institutes legal proceedings as aforesaid he shall not vacate his seat unless and until either the proceedings are withdrawn or the proceedings are finally determined by a decision upholding the resignation, the decision being one that is not open to appeal or in respect of which the time allowed for an appeal has expired without an appeal being filed.

(4) From the date of the declaration by the Speaker under subsection (1) the member shall cease to perform his functions as a member of Parliament and he shall resume the performance of such functions only if and when the legal proceedings referred to in subsection (3) are finally determined within the meaning of that subsection in favour of the member.

(5) Standing Orders of Parliament shall make provision for the identification and recognition of the leader in Parliament of every political party and for otherwise giving effect to this section.