REPUBLIC OF VANUATU

ISLAND COURTS ACT NO. 10 OF 1983

(AS AMENDED)

ORDER REVOKING OLD WARRANT AND SETTING NEW WARRANT ESTABLISHING THE TONGOA AND SHEPHERD ISLAND COURT

Order No. 124 of 2020

I, **Vincent LUNABEK**, Chief Justice of the Republic of Vanuatu, under and by virtue of the powers conferred upon me by Section 4 of the Island Courts Act No. 10 of 1983 (as amended), **HEREBY ORDER AS FOLLOWS:**

1. REVOKE THE WARRANT ESTABLISHING THE TONGOA ISLAND COURT DATED 14th MARCH 1994; AND

2. ESTABLISH THE TONGOA AND SHEPHERD ISLAND COURT TO EXERCISE THE JURISDICTION CONFERRED ON IT BY THE ISLAND COURTS OR BY ANY OTHER ACT BUT SUBJECT TO THE FOLLOWING LIMITATIONS:

Territorial Jurisdictions

The territorial Jurisdiction of the Tongoa and Shepherd Island Court shall extend to the boundaries of Tongoa and Shepherd Islands.

Limitation on Criminal jurisdiction

The criminal Jurisdiction of the Tongoa and Shepherd Island Court shall extend to the boundaries of Tongoa and Shepherd Islands.

The following offences, with the power to refuse jurisdiction when in the opinion of the Island court Clerk, the circumstances of the

REPUBLIC OF VANUATU COUR COURT LEX SUPREME LEX REPUBLIQUE DE VANUATU

particular offence are so serious that it should be tried by the Magistrates Court:

a) <u>In the Penal Code Act, CAP 135;</u>

s. 69 : unlawful assembly;

s. 71 : forcible entry;

s. 72: forcible detainer;

s. 82 : offences relating to judicial proceedings, but limited to such occasions where the offences concern the Island Court itself;

s. 87 : obstructing Court Officers, but limited to when the accused has not previously been convicted of a similar offence;

s. 88 : insult to religion, limited to when the accused has not previously been convicted of a similar offence;

s. 89 : disturbing religious assemblies, limited to when the accused has not previously been convicted of a similar offence;

s. 93 : indecent matter, limited to when the accused has not previously been convicted of a similar offence;

s. 94 : indecent act in public, limited to when the accused has not previously been convicted of a similar offence;

s. 100 : gross indecency, limited to when the accused has not previously been convicted of a similar offence;

s. 107 (a) : indecent assault;

s. 107 (b) : intentional assault, limited to when the accused has not previously been convicted of a similar offence;

s. 108 (a) : unintentional harm;

s. 114 : criminal nuisance, limited to when the accused has not previously been convicted of a similar offence;

s. 121 : abusive or threatening language;



s. 125 (a) : theft, where the value of the alleged stolen object does not exceed vatu 24,000;

s. 126 (b) : unlawful use of property, where the value of the property does not exceed vatu 24,000;

s. 131 : receiving stolen property, where the value of such property does not exceed vatu 24,000;

s. 133 : malicious damage, where the value of the object (or objects) does not exceed vatu 24,000;

s. 136 : maltreatment of animals, birds or fish;

s. 144 : criminal trespass, limited to when the accused has not previously been convicted of a similar offence;

s. 148 : idle and disorderly;

s. 149 : unlawful carriage of weapons by night;

s. 151 : witchcraft, limited to when the accused has not previously been convicted of a similar offence.

b) Offence against the following Acts or Joint Regulations or sections thereof:

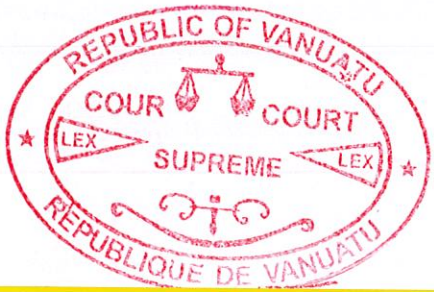
All sections of Road Traffic (control) Act, CAP 29, with the exception of sections 12, 13, 16, 51, 52, and 55, with regard to section 41(1) and the Island Court shall have jurisdiction limited to when the accused has not previously convicted of a similar offence;

The Cattle Trespass Regulation No. 3 of 1994, CAP 15;

Joint Maintenance of Family Regulation No. 5 of 1966, CAP 42

Joint Maintenance of Children Regulation No. 13 of 1966, CAO 46;

Joint Punishment of Trespass Regulation No. 27 of 1966, CAP 47;



Joint Taxis Regulation No. 36 of 1966, CAP 49 except for sections 2 and 20;

Liquor licensing Act CAP 52

Dangerous Drugs Act CAP 12 – Category 1- growing of a small number of cannabis plant for personal use without any sale to another party or being intended- where punishment is by fine or other non- custodial measures.

c) **Offence against local Regional Laws, where the sentence is limited to a fine of vatu 24,000 of 6 months imprisonment or both**.

Limitation on Civil Jurisdiction

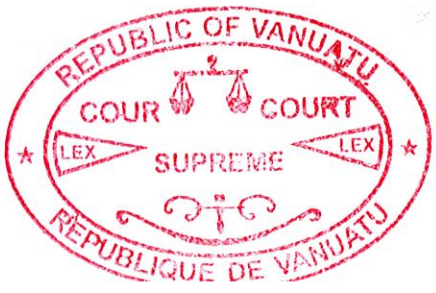
The Civil Jurisdiction of the Tongoa and Shepherd Island Court shall extend to the following matters:

a) All pending disputes before the Island Court concerning the customary ownership of land irrespective of the value of the land;

b) Claims in tort and contract where the value of the claim does not exceed vatu, 50,000;

c) Civil Claim brought under the regional laws where the value of the claim does not exceed vatu, 50,000;

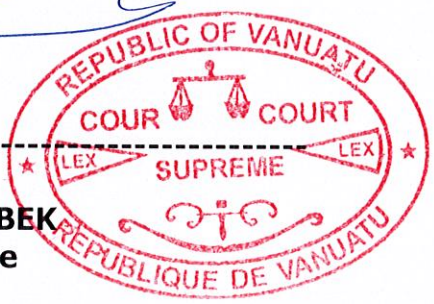
d) Claims relating to customary matters pursuant to section 10 of the Island Courts Act.



COMMENCEMENT DATE:

This instrument is deemed to commence on the 04th March 1994.

GIVEN UNDER MY HANDS AND SEAL ON THIS 2ND DAY OF July 2020.



Vincent LUNABEK
Chief Justice