Commencement: 25 June 1984

CHAPTER 177

PUBLIC SOLICITOR

Act 24 of 1984

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PUBLIC SOLICITOR

To provide for the establishment of the office of the Public Solicitor.

PART 1 – PRELIMINARY

1. Interpretation

In this Act, unless the context otherwise requires –

"Legal Practitioner" shall have the same meaning as in the Legal Practitioners Act [Cap. 119];

"Minister" means the Minister responsible for justice.

PART 2 – OFFICE OF THE PUBLIC SOLICITOR

2. Establishment of office

(1) There shall be a Public Solicitor of the Republic of Vanuatu, whose office shall be a public office.

(2) A person shall not be qualified to hold or act in the office of Public Solicitor unless he is a legal practitioner.

(3) The Public Solicitor shall be appointed in accordance with the provisions of Article 56 of the Constitution.

(4) The Public Solicitor may be assisted by Legal Officers, who shall be appointed by the Judicial Service Commission.

3. Vacation of office

1) The Public Solicitor may resign from office at anytime by giving notice in writing to the President of his intention to do so.

(2) The President on the advice of the Judicial Service Commission shall remove the Public Solicitor from office if the Public Solicitor –

(a) except by reason of temporary illness, becomes incapable of performing the duties of his office;

(b) is guilty of misconduct in the performance of the functions of his office; or

(c) has been sentenced by a court to imprisonment.

4. Acting Public Solicitor

(1) In the event of a vacancy occurring in the office of the Public Solicitor, or of the illness or absence of the person occupying that office, the President on the advice of the Judicial Service Commission may appoint a person who is eligible for appointment to that office to act as Public Solicitor and may at anytime revoke the appointment.

(2) Subject to the provisions of this Act a person appointed under subsection (1) shall hold office until –

(a) his appointment is revoked; or

(b) a person is appointed Public Solicitor in accordance with Article 56 of the Constitution,

whichever first happens.

PART 3 – FUNCTIONS OF PUBLIC SOLICITOR

5. Functions of the Public Solicitor

(1) The function of the Public Solicitor is to provide legal assistance –

(a) to needy persons; or

(b) to any person when so directed by the Supreme Court.

(2) For the purposes of this section the term "needy person" is to be interpreted in relation to each particular case and, without limiting the generality of this expression, account shall be taken of the means of the person to meet the probable cost of obtaining alternative legal assistance, the availability of such assistance and the hardship which might result to the person if compelled to obtain legal assistance other than by the Public Solicitor.

(3) Any person aggrieved by a refusal of the Public Solicitor to provide legal assistance may apply to the Supreme Court for a direction.

PART 4 – MISCELLANEOUS

6. Not to engage in private practise

Any person occupying or acting in the office of Public Solicitor shall not be entitled to undertake any private practise.

7. Charge for services

The Public Solicitor may levy a reasonable charge for services provided by his office to any person whom he considers is able to make a contribution towards the cost of such services.

8. Minister's power to make regulations

(1) The Minister on the advice of the Judicial Service Commission may make regulations generally for the better carrying out of the objects of this Act and for the internal organisation of the office of the Public Solicitor.

(2) Without derogating from the generality of subsection (1), the Minister after consultation with the Minister responsible for finance may make regulations providing for charges and contribution payable in respect of services provided by the Public Solicitor.