Commencement: 19 January 1987

CHAPTER 185

REVISION AND CONSOLIDATION OF THE LAWS

Act 25 of 1985

ARRANGEMENT OF SECTIONS

1. Interpretation
2. Appointment of Commissioner
3. Contents of the Revised Edition
4. Omission of laws
5. Validity of laws not affected by omission from Revised Edition
6. Powers of Commissioner
7. No power to make alterations of substance
8. Revised Edition not to operate as new law
9. Construction of references to Revised Edition
10. Rectification of errors
11. Bringing of the Revised Edition into operation
12. Copies to be signed and deposited
13. Printing and form of the Revised Edition

REVISION AND CONSOLIDATION OF THE LAWS

To provide for the revision and consolidation of the laws of the Republic of Vanuatu and for matters connected therewith.

1. Interpretation

In this Act, unless the context otherwise requires –

"the Commissioner" means the person appointed by the Minister under section 2;

"appointed day" means a day appointed by the Minister by order for the purposes of section 3;

"Minister" means the Minister responsible for matters relating to law and justice;

"Revised Edition" means the edition of the laws of Vanuatu prepared in accordance with the provisions of this Act;

“written law" means any law mentioned in section 3 and any part of any such law.

2. Appointment of Commissioner

The Minister may by Order appoint a person (in this Act referred to as "the Commissioner") to prepare a revised and consolidated edition of the Laws of the Republic of Vanuatu (in this Act referred to as "the Revised Edition").

3. Contents of the Revised Edition

(1) Subject to section 4, the Revised Edition shall contain –

(a) the Constitution of Vanuatu in operation on the appointed day;

(b) every Act and Joint Regulation in operation in Vanuatu on the appointed day, unless omitted under section 4;

(c) such subsidiary legislation in operation in Vanuatu on the appointed day as the Commissioner thinks fit to include therein;

(d) a chronological list of Acts, Joint Regulations, a table of contents and an index;

(e) a list of the Acts and Joint Regulations omitted under the authority of section 4.

(2) For the purposes of this section, "appointed day" means a date appointed by the Minister by Order to be a revision date for the revised laws.

4. Omission of laws

There shall be omitted from the Revised Edition –

(a) any Appropriation Act or Supplementary Appropriation Act;

(b) any law authorising the raising or guaranteeing of a specific loan;

(c) any applied British or French Law not adopted by Parliament expressly or by necessary implication;

(d) any law of a temporary nature which can in the opinion of the Commissioner be conveniently omitted.

5. Validity of laws not affected by omission from Revised Edition

No written law omitted from the Revised Edition, under the authority of this Act or otherwise, shall be deemed to be without force and validity by reason only of the fact that it is so omitted.

6. Powers of Commissioner

In the preparation of the Revised Edition the Commissioner shall have the following powers –

(a) to omit –

(i) all written laws or parts of written laws which have been repealed expressly or by necessary implication, or which have expired or have become spent or have had their effect;

(ii) all repealing provisions contained in written laws and also all tables or lists of repealed written laws whether contained in schedules or otherwise;

(iii) all words of enactment in any written law or provision of a written law;

(iv) all provisions prescribing the date when, or manner in which, any written law is to come into operation, where such omission can, in the opinion of the Commissioner, conveniently be made;

(v) all amending written laws or parts of written laws where the amendments effected by such written laws have been embodied by the Commissioner in the written laws to which they relate;

(b) to consolidate into one written law any two or more written laws in *pari materia*, making the alterations thereby rendered necessary in the consolidated written laws, and affixing such date thereto as may seem most convenient;

(c) to alter the order of the provisions in any written law and, in all cases where it is necessary to do so, to renumber the provisions of any written law;

(d) to alter the form or arrangement of any provision of any written law, either by combining it in whole or in part with another provision or by dividing it into two or more provisions or by transposing words;

(e) to divide any written law, whether consolidated or not, into parts or other divisions and to give such parts or divisions suitable headings;

(f) to transfer any provisions contained in any written law from that written law to any other written law to which it more properly belongs or to a separate written law, making such alterations as are thereby rendered necessary or expedient;

(g) to arrange the written laws, whether consolidated or not, in any group or sequence that may be convenient irrespective of the date of commencement;

(h) to shorten, simplify, clarify and otherwise alter the phraseology of any written law;

(i) to correct grammatical and typographical errors, or any clerical or printing errors in any written law, and for that purpose to make verbal additions, omissions or alterations not affecting the meaning of any written law;

(j) to add, delete, alter and substitute definitions of terms and expressions in any written law;

(k) to supply or alter marginal notes, head notes or headings;

(l) to correct cross-references;

(m) to make such formal alterations as to names, localities, offices, titles and otherwise as may be necessary to bring any written law into conformity with the circumstances of Vanuatu;

(n) to make such modifications and adaptations and to attach such qualifications and exceptions to any written law as may appear to be necessary or desirable to bring them into conformity with the Constitution;

(o) where any provision of a written law vests any function in a public servant, to substitute a provision vesting the function in any other public servant;

(p) to do all things relating to form and method which may be necessary for the perfecting of the Revised Edition;

(q) (i) where in any law to be included in the Revised Edition, the amount of the fine for any offence or of the fee for any service is expressed in any currency other than Vatu, the Commissioner with the approval of the Minister shall convert the amount so expressed into such amount in Vatu as he shall deem appropriate having regard only to –

(a) the rate of the depreciation of any such currency since the date of commencement of any such law, and

(b) the general level of fines for offences of similar gravity and fees for similar services expressed in Vatu and provided for in or under the Acts of Parliament in force on the appointed day;

(ii) where the amount of a fine or fee mentioned in paragraph (i) is expressed in more than one currency other than Vatu, the conversion shall be made on the basis of that currency which shall produce the greater or the greatest amount in Vatu.

7. No power to make alterations of substance

Nothing in this Act, except in section 6, shall be construed to confer power on the Commissioner to alter the substance of any written law.

8. Revised edition not to operate as new law

The Revised Edition shall not be held to operate as new law, but shall be construed and have effect as a consolidation and as declaratory of the written laws that have been revised and published therein.

9. Construction of references to Revised Edition

Where in any written law or other instrument or document reference is made to any written law the provisions of which have been by virtue of this Act embodied in the Revised Edition, such reference shall where necessary and practicable be deemed to extend and apply to the corresponding provisions in the Revised Edition.

10. Rectification of errors

(1) Where any error is made in the publication of the Revised Edition the Minister shall rectify the error by an Order (to be called a "Correction Order") making the required amendments.

(2) In this section an "error" means the publication of a written law in a form not authorised by this Act, or the omission from the Revised Edition of a written law which is required by this Act to be published therein.

11. Bringing of the Revised Edition into operation

(1) The Minister may by Order approve the Revised Edition and appoint a day on which it shall come into operation.

(2) The Revised Edition with effect from the day appointed under subsection (1), shall be, without any question in all courts of justice and for all purposes, the sole and only proper law of Vanuatu in respect of all written law contained therein.

12. Copies to be signed and deposited

(1) One copy of the Revised Edition or one copy of each volume thereof as the case may be shall be dated and signed by the Minister and shall be transmitted to the Chief Justice who shall deposit it among the records of the Supreme Court.

(2) Copies of the Revised Edition shall be distributed among such persons, officers, departments and institutions as the Minister shall direct.

(3) Such number of copies, and at such price as the Minister shall direct, shall be offered for sale to the general public.

13. Printing and form of the Revised Edition

The Revised Edition shall be printed and published in bound volumes or in such other form as the Minister shall direct.