

REPUBLIC OF VANUATU

BILL FOR THE INTERNATIONAL COMPANIES (AMENDMENT) ACT NO. OF 2018

Explanatory Note

This Bill amends the International Companies Act CAP [222].

The proposed amendments deal with up to date audited accounting records and financial statements which the Commissioner may require from a company and introduces a penalty notice system which will empower the Commissioner to issue penalty notices on international companies to deal with all suspected breaches in a fast and efficient manner. This will improve and facilitate Vanuatu Financial Services Commission ongoing robust monitoring and supervision of International Companies in Vanuatu.

Minister of Finance and Economic Management



REPUBLIC OF VANUATU

**BILL FOR THE
INTERNATIONAL COMPANIES (AMENDMENT)
ACT NO. OF 2018**

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BILL FOR THE INTERNATIONAL COMPANIES (AMENDMENT) ACT NO. OF 2018

An Act to amend the International Companies Act [CAP 222].

Be it enacted by the President and Parliament as follows-

1 Amendment

The International Companies Act [CAP 222] is amended as set out in the Schedule.

2 Commencement

This Act commences on the day on which it is published in the Gazette.

SCHEDULE

AMENDMENTS OF INTERNATIONAL COMPANIES ACT [CAP 222]

1 After section 128B

Insert

“128C Commission may require up to date audited accounting records and financial statements

The Commission may, by notice in writing to a company, require that company to provide the Commission with up to date audited accounting records and financial statements of the company within the period set out in the notice.

128D Penalty Notice

- (1) The Commissioner may serve a penalty notice on a person if it appears to the Commissioner that the person has committed an offence under any provision of this Act.
- (2) A penalty notice may be served personally or by post.
- (3) The Minister may by Order prescribe penalties which a person is required to pay under this section, which must not exceed:
 - (a) VT 200,000 for an individual; or
 - (b) VT 1 million for a body corporate;within 30 days after the date on which the notice was served.
- (4) If the amount of penalty referred to in subsection (3) is paid, that person is not liable to any further proceedings for the alleged offence.
- (5) Payment made under this section is not to be regarded as an admission of liability for the purpose of, nor in any way affect or prejudice, any proceeding arising out of the same occurrence.
- (6) The Commissioner may publish a penalty notice issued to a person in such manner as the Commissioner determines.

- (7) If a penalty notice has been served on a person, a prosecution in respect of the alleged offence may only be commenced if the penalty remains unpaid 30 days after the penalty was due, and the Court may take account of any unpaid penalty when imposing a penalty in respect of the offence.
- (8) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.”