

REPUBLIC OF VANUATU

BILL FOR THE
STATUTE LAW (MISCELLANEOUS PROVISIONS)
ACT NO. OF 2025

Explanatory Note

This Bill provides for the amendments to the following Acts:

- (a) Control of Pharmacists Act [CAP 23];
- (b) Copyright and Related Rights Act No. 42 of 2000;
- (c) Criminal Procedure Code [CAP 136];
- (d) Decentralization Act [CAP 230];
- (e) Disaster Risk Management Act No. 23 of 2019;
- (f) Electoral Act No. 16 of 2023;
- (g) Fisheries Act No. 10 of 2014;
- (h) Immigration Act No. 17 of 2010;
- (i) Leaders (President, Prime Minister and Chairman of the National Council of Chiefs) Entitlements Act [CAP 259];
- (j) Marriage Act [CAP 60];
- (k) Referendum Act [CAP 297];
- (l) Right to Information Act No. 13 of 2016;
- (m) Vanuatu National Sports Commission Act No. 14 of 2014.

Item 1 amends the **Control of Pharmacists Act [CAP 23]**.

This amendment corrects the French text of the Act only to correspond to the English text of the Act.

Item 2 amends the **Copyright and Related Rights Act No. 42 of 2000**.

This amendment corrects the French text of the Act only to correspond to the English text of the Act.

Item 3 amends the **Criminal Procedure Code [CAP 136]**.

The amendments made under this Act are consequential amendments that have to be made for the new Evidence Act.

Item 4 amends the **Decentralization Act [CAP 230]**.

The provision does not read well. It is repealed and is substituted with a new provision so that it will read well.

Item 5 amends the **Disaster Risk Management Act No. 23 of 2019**.

This amendment corrects the French text of the Act only to correspond to the English text of the Act.

Item 6 amends the **Electoral Act No. 16 of 2023**.

This amendment requires the Electoral Commission to consider the general policy directions of the Government when performing its functions and exercising its powers under this Act or any other Act.

Item 7 amends the **Fisheries Act No. 10 of 2014**.

Under the Act, the Fisheries Management Advisory Council (“the Council”) has the primary function to provide recommendations to the Director of the Department of Fisheries (“the Director”) on policy matters relating to fisheries conservation and management. The issue is that the Director is the Chairperson of the Council.

The Bill removes the Director as the Chairperson. The Chairperson will be appointed by the Minister from amongst the members.

The Bill removes the powers of the Director to issue, suspend or cancel foreign fishing licences and to issue, suspend or cancel international authorisations to fish.

The Minister in dealing with complex multilateral agreements and treaties with other states and being involved in a wide range of consultations between the Government and other states, it would be proper for the Minister to have the powers to issue, suspend or cancel foreign fishing licences and to issue, suspend or cancel international authorisations to fish.

Item 8 amends the **Immigration Act No. 17 of 2010**.

This amendment corrects the French text of the Act only to correspond to the English text of the Act.

Item 9 amends the **Leaders (President, Prime Minister and Chairman of the National Council of Chiefs) Entitlements Act [CAP 259]**.

The amendment made under this Act is to include the Speaker of Parliament and Chief Justice as leaders who will be entitled to the relevant payments under this Act after the person ceases to hold office as the Speaker of Parliament or Chief Justice.

Item 10 amends the **Marriage Act [CAP 60]**.

The amendments made under this Act changes some terms used in the Act and makes proper referencing to the Civil Registry and Identity Management Act No. 28 of 2021.

Item 11 amends the **Referendum Act [CAP 297]**.

This amendment repeals section 6 of the Act which relates to when a referendum is binding on the government. This provision is not necessary as Article 86 of the Constitution already states when an amendment of the Constitution under that Article takes effect.

The amendment further repeals section 8 and substitutes it with a new section 8 to provide that the Minister after consulting the Electoral Commission may make Orders relating to the conduct of a national referendum.

Item 12 amends the **Right to Information Act No.13 of 2016**.

This amendment provides that all decisions of the Council of Ministers must be kept secret and cannot be disclosed to anyone. This amendment is necessary to protect the interests of the Government.

Item 13 amends the **Vanuatu National Sports Commission Act No. 14 of 2014**.

This amendment corrects the French text of the Act only to correspond to the English text of the Act.

Prime Minister



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Arrangement of Sections

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REPUBLIC OF VANUATU

BILL FOR THE STATUTE LAW (MISCELLANEOUS PROVISIONS) ACT NO. OF 2025

An Act to provide for the amendments to certain Acts.

Be it enacted by the President and Parliament as follows-

1 Amendment

The following Acts are amended as set out in the Schedule:

- (a) Control of Pharmacists Act [CAP 23];
- (b) Copyright and Related Rights Act No. 42 of 2000;
- (c) Criminal Procedure Code [CAP 136];
- (d) Decentralization Act [CAP 230];
- (e) Disaster Risk Management Act No. 23 of 2019;
- (f) Electoral Act No. 16 of 2023;
- (g) Fisheries Act No. 10 of 2014;
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- (i) Leaders (President, Prime Minister and Chairman of the National Council of Chiefs) Entitlements Act [CAP 259];
- (j) Marriage Act [CAP 60];
- (k) Referendum Act [CAP 297];
- (l) Right to Information Act No. 13 of 2016;
- (m) Vanuatu National Sports Commission Act No. 14 of 2014.

2 Repeal of the Act

- (1) This Act is repealed on the day following the day on which all provisions of this Act have commenced.
- (2) The repeal of this Act does not, because of the operation of section 11 of the Interpretation Act [CAP 132], affect any amendments made by this Act.

3 Commencement

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

SCHEDULE

MINOR AMENDMENTS

1 CONTROL OF PHARMACISTS ACT [CAP 23]

(Amendment to the French text of the Act only)

2 COPYRIGHT AND RELATED RIGHTS ACT NO. 42 OF 2000

(Amendment to the French text of the Act only)

3 CRIMINAL PROCEDURE CODE [CAP 136]

(a) Subsection 83(3)

Repeal the subsection.

(b) Section 84

Repeal the section, substitute

“84 Proof by formal admission

- (1) An admission by agreement of any fact under this Act or any other Act may be made before or during a trial.
- (2) If an admission under subsection (1) is not made in court, that admission must be made in writing and signed:

 - (a) in the case of an individual – by the person making the admission;
or
 - (b) in the case of a body corporate – by a director, manager, secretary, clerk, or some other similar officer of that body corporate.
- (3) An admission may be made on behalf of an individual or by his or her advocate.
- (4) If an admission is made by an individual at any stage before trial, his or her admission must be approved by his or her advocate before or during that trial.”

(c) Subsection 162(3)

Repeal the subsection.

(d) Subsection 162(7)

Repeal the subsection, substitute

- “(7) If a sworn statement, certificate, or report has been received at the preliminary enquiry:
- (a) the deponent or the certifying officer may be called to support or explain the contents of the document; and
 - (b) the accused person or his or her advocate may give written notice to the prosecutor that he or she intends to cross-examine that deponent or certifying officer.”

4 DECENTRALIZATION ACT [CAP 230]

Subsection 18AA(2)

Repeal the subsection, substitute

- “(2) Members of Provincial Government Councils who are elected or appointed, including any councillor who fills a vacancy, cease to be members of a Provincial Government Council at the end of that period.”

5 DISASTER RISK MANAGEMENT ACT NO. 23 OF 2019

(Amendment to the French text of the Act only)

6 ELECTORAL ACT NO. 16 OF 2023

At the end of section 12

Add

- “(3) The Commission must consider the general policy directions of the Government when performing its functions and exercising its powers under this Act or any other Act.”

7 FISHERIES ACT NO. 10 OF 2014

(a) Subsection 9(5)

Delete “Director”, substitute “Council”

(b) Subsection 9(6)

Repeal the subsection, substitute

“(6) The Minister is to appoint the Chairperson of the Council from amongst the members.”

(c) Subsection 9(7)

Repeal the subsection, substitute

“(7) The Chairperson is to preside at all meetings of the Council and in his or her absence, the members are to elect from amongst themselves, a member to preside at these meetings.”

(d) Sections 59, 65, 66, 67, 68 ,69 and 70

Delete “Director” (wherever occurring), substitute “Minister”

8 IMMIGRATION ACT NO. 17 OF 2010

(Amendment to the French text of the Act only)

9 LEADERS (PRESIDENT, PRIME MINISTER AND CHAIRMAN OF THE NATIONAL COUNCIL OF CHIEFS) ENTITLEMENTS ACT [CAP 259]

(a) Title of the Act

Repeal the title, substitute “LEADERS ENTITLEMENTS”

(b) Section 1 (Definition of “leader”)

After “Prime Minister”, insert “, Speaker of Parliament, Chief Justice”

(c) Subsections 2(1), 2A(1), 3(1), and 4A(1)

After “Prime Minister”, insert “, Speaker of Parliament, Chief Justice”

(d) Paragraph 4(1)(a)

After “Prime Minister”, insert “, Speaker of Parliament, Chief Justice”

10 MARRIAGE ACT [CAP 60]

(a) References to “minister” and “minister for celebrating marriages”

Delete all references to “minister” and “minister for celebrating marriages”, substitute “marriage celebrant”

(b) Section 1 (definition of “District Registrar”, “minister” and “Sub-Registrar”)

Repeal the definitions.

(c) Section 1

Insert in their correct alphabetical positions:

“**District Registrar** means a person appointed under section 2;

marriage celebrant means a person registered under section 3;

Sub-Registrar means a person appointed under section 2;

(d) Subsection 2(1)

Delete “responsible for home affairs”

(e) Subsection 2(3)

After “him”, insert “or her”

(f) Sections 2 and 3

After “he” (wherever occurring), insert “or she”

(g) Subsection 3(1)

Delete “responsible for religious affairs” (wherever occurring)

(h) Subsection 3(2)

(a) After “his”, insert “or her”

(b) Delete “responsible for religious affairs,”

(i) Section 7

Delete “prescribed in Form D in the Schedule to the Civil Status Act, Cap. 61”, substitute “in the prescribed form”

(j) Subsection 15(1)

Delete “Civil Status Act, Cap. 61”, substitute “Civil Registry and Identity Management Act No. 28 of 2021”

(k) Section 21

Delete “responsible for home affairs”

(l) Form A- Schedule 1

Delete “Minister for Celebrating Marriages”, substitute “Marriage Celebrant”

11 REFERENDUM ACT [CAP 297]

(a) Section 6

Repeal the section.

(b) Section 8

Repeal the section, substitute

“8 Conduct of a national referendum

The Minister may, after consultation with the Commission, make Orders, for the conduct of a national referendum.”

12 RIGHT TO INFORMATION ACT NO. 13 OF 2016

After section 40

Insert

“40A Council of Ministers decisions

(1) All decisions of the Council of Ministers are exempted from disclosure under this Act and must be kept secret.

(2) Section 51 does not apply to any decisions of the Council of Ministers.”

**13 VANUATU NATIONAL SPORTS COMMISSION ACT NO. 14 OF
2014**

(Amendment to the French text of the Act only)