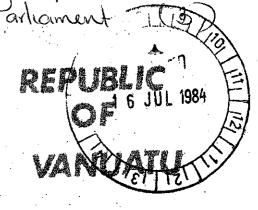
REPUBLIQUE DE VANUATU





JOURNAL OFFICIEL

OFFICIAL GAZETT

THE ISLAND COURTS (CRIMINAL PROCEDURE)

SOAT PUBLIES LES TEXTES SUIVANTS

NO. 23

Str July, 1984

NOTIFICATION OF PUBLICATION

ACTS

LOI NO. 24 DE 1984 RELATIVE A LA
CHARGE U'AVOCAT PUBLIC

THE ISLAND COURTS (CIVIL PROCEDURE)

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REPUBLIC OF VANUATU

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THE PUBLIC SOLICITOR'S ACT NO. 24 OF 1984

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PART 1 - PRELIMINARY

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REPUBLIC OF VANUATU

THE PUBLIC SOLICITOR'S ACT NO.24 OF 1984

Assent: 25/6/84

Commencement: 25/6/84

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

BE IT ENACTED by the President and Parliament as follows:-

PART 1 - PRELIMINARY

INTERPRETATION

In this Act, unless the context otherwise requires -1.

COME ALMS DELLAR CONTROL

"Legal Practitioner" shall have the same meaning as in the Legal Practitioners Regulation No. 26 of 1980;

"Minister" means the Minister responsible for Justice;

PART 2 - OFFICE OF THE PUBLIC SOLICITOR

WITH CHARLEST CHARLES TO SEE THE SECOND ESTABLISHMENT OF OFFICES

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

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vacation of office that the present of the control of the control

- 320 10 (1) The Public Solicitor may resign from office at anytime by giving the provide in writing to the President of this intention to do so.
 - (2) The President on the ladvice 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 UCALLARY OF CARE

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

ACTING PUBLIC SOCIETOR STORAGE TO A CONTROL OF STORAGE ACTIONS OF STOR

- 4. (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 subsubstitutions (1) shall hold office until - which was a linear one of the continuous substitution of the continuous sale and the continuous
 - (a) his appointment is revoked; or
- (b) a person is appointed Public Solicitor in accordance with Article 54 of the Constitution,

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PART 3 - FUNCTIONS OF PUBLIC SOLICITOR

FUNCTIONS OF THE PUBLIC SOLICITOR

- 5. (1) The function of the Public Solicitor is to provide legal assistance (1)
 - (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 other 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 the legal assistance other than by the Public Solicitor.

(3) Any person aggrieved by a refusal of the Public Solicitor to provide

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PART 4 - MISCELLANEOUS

NOT TO ENGAGE IN PRIVATE PRACTICE

Any person occupying or acting in the office of Public Solicitor shall not be entitled to undertake any private practice. Allers the conditions of the control of present and present a confidence of the control of the

CHARGE FOR SERVICES of the decided by the second of the se

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

MINISTER'S POWER TO MAKE REGULATIONS

- 8.40. (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.

REPEAL

9.

The Legal Aid Joint Regulation No. 6 of 1979 is repealed.

FOR COMMENCEMENT, LANGE OF STREET OF SECURITY OF SECUR

10. This Act shall come into force on the date of assent.

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REPUBLIQUE DE VANUATU

LOI Nº24 DE 1984 RELATIVE A LA CHARGE D'AVOCAT PUBLIC

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- Vacance de la charge d'avocat public
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TITRE 3 - FONCTIONS DE L'AVOCAT PUBLIC

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Fonctions de l'avocat public

TITRE 4 - DISPOSITIONS DIVERSES

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REPUBLIQUE DE VANUATU PER PER ANTA EN PRESENTA EN

Promulguée: 25.6.84

Entrée en vigueur: 25,6,84

LOI Nº 24DE 1984 RELATIVE A LA CHARGE D'AVOCAT PUBLIC

portant création de la charge d'avocat public.

Le président de la République et le Parlement promulquent le texte suivant :

TITRE 1 - DISPOSITIONS PRELIMINAIRES

DEFINITIONS

1. Dans la présente loi, sous réserve du contexte,

"auxiliaire de justice" s'entend tel qu'il est défini par le Règlement n° 26 de 1980 ;

"ministre" désigne le ministre responsable de la Justice.

TITRE 2 - CHARGE DE L'AVUCAT PUBLIC

CREATION DES CHARGES

- Il est créé la charge d'avocat public de la République de Vanuatu;
 cette charge est une charge publique.

 - 3) L'avocat public est nommé conformément aux dispositions de l'article 54 de la Constitution.
 - 4) L'avocat public peut être assisté de juristes nommés par la commission de la magistrature.

VACANCE DE LA CHARGE

- 3. 1) L'avocat public peut à tout moment se démettre de sa charge en avisant par écrit le président de la République de son intention.
 - 2) Le président de la République peut, sur avis de la commission de la magistrature, destituer l'avocat public de sa charge si celui-ci :
 - a) devient inapte à exercer les fonctions afférentes à sa charge, pour toutes raisons autres que le cas d'une incepacité temporaire d'ordre médical;
 - b) commet une faute dans l'exercice de ses fonctions ;
 - c) est condamné par un tribunal à une peine d'emprisonnement.

INTERIM DE LA CHARGE D'AVOCAT PUBLIC

4. 1) Dans le cas où la charge d'avocat public devient vacante ou, dans le cas où le titulaire de ladite charge n'est pas en mesure d'assurer ses fonctions pour raisons d'ordre médical ou d'absence, le président de la République peut, sur avis de la commission de la magistrature, nommer

toute personne qualifiée pour assurer l'intérim de cette charge et suspendre à tout moment cette nomination.

- 2) Sous réserve des dispositions de la présente loi, toute personne nommée en vertu du paragraphe 1) ci-dessus occupe la charge d'avocat public jusqu'à ce que l'une des circonstances suivantes survienne :
 - a) il soit mis un terme à sa nomination ; ou
 - b) il soit nommé un avocat public conformément aux dispositions de l'article 54 de la Constitution.

TITRE 3 - FONCTIONS DE L'AVOCAT PUBLIC

FONCTIONS DE L'AVOCAT PUBLIC

- 5. 1) L'avocat public a pour fonction de porter essistance judiciaire :
 - a) aux personnes nécessiteuses ;
 - b) à toute personne sur ordonnance de la Cour suprême.
 - 2) Aux fine d'application du présent article, il convient d'entendre l'expression "personnes nécessiteuses" en fonction de chaque cas particulier ; sans restreindre la portée générale de cette expression, sont pris en compte la capacité pécuniaire de l'intéressé à supporter le coût présumé de tout autre forme d'assistance judiciaire, la possibilité de l'obtenir et le préjudice résultant de l'obligation de recourir à une protection judiciaire autre que celle fournie par l'avocet public.
 - 3) Toute personne lésée par un refus de l'avocat public peut solliciter de la Cour suprême qu'elle ordonne que celui-ci lui porte assistance judiciaire.

TITRE 4 - DISPOSITIONS DIVERSES

INTERDICTION D'EXERCER DANS LE PRIVE

 Celui qui occupe la charge d'avocat public ou en assure les fonctions ne peut exercer dans le privé.

HONORAIRES

7. L'avocat public peut percevoir des honoraires raisonnables de toute personne qu'il estime en mesure de contribuer à la rétribution de ses services.

POUVOIR DU MINISTRE

- 8. 1) Le ministre peut, sur avis de la commission de la magistrature, édicter des règlements visant à faciliter la mise en application de la présente loi et à doter la charge d'avocat public d'une organisation interne.
 - 2) Sans préjudice du caractère général du paragraphe 1), le ministre peut, sur avis du ministre responsable des Finances, édicter des règlements fixant les honoraires et la contribution exigibles au titre des services fournis par l'avocat public.

ABROGATION

9. Le Règlement conjoint nº 6 de 1979 est abrogé.

ENTREE EN VIGUEUR

10. La présente loi entrera en vigueur le jour de sa promulgation.

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THE ISLAND COURTS (CIVIL PROCEDURE) RULES, 1984

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Order 18 - Judgment

- 1. Delivery of judgment.
- 2. Notice when judgment reserved.
- When parties deemed to have notice of judgment.
- 4. Minute of judgment and record thereof.
- 5. Where set-off or counterclaim is allowed.
- 6. Obedience to decree.
- 7. Court may direct time for payment or performance.
- 8. Interest.
- 9. or Payment by instalments. In which will be and the second
- 10. Judgment by consent.
- 11. Setting aside judgments by default.

Order 19 - Costs

- 1. Costs.
- 2. Determination of costs.
- 3. Costs in discretion of court, the same of the same

Order 20 - Enforcement of the Late of the

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Appendix A - CIVIL FORMS

Form Civil 1, summons to defendant

Form Civil 2, summons to witness

Form Civil 3, statement of claim

Form Civil 4, decree

Form Civil 5, form of record in civil proceedings

Appendix B - FEES

THE ISLAND COURTS (CIVIL PROCEDURE) RULES, 1984

To provide rules of procedure for the Island Courts in civil proceedings.

IN EXERCISE of the powers conferred upon the Chief Justice by section 29 of the Island Courts Act No. 10 of 1983, the following Rules are hereby made -A STATE OF THE STATE OF STATES

APPLICATION AND CONSCENCEMENT

These Rules shall apply to all civil proceedings before any Island Court in Vanuatu established under section 1 of the Island Gourts Act No. 40 of 1983 and shall come into force on the date of publication in the Gazette.

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THE ISLAND COURTS (CIVIL PROCEDURE) RULES, 1984

ORDER 1

INTERPRETATION

INTERPRETATION

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In these Rules, unless the context otherwise requires:-

and a metric that has the form of the confidence and a given in the "Act" means the Island Courts Act No. 10 of 1983;

> "cause" includes any action, suit or other original proceeding between a TWO groups and the condenses of the plaintiff and a defendant;
>
> The transfer of the condenses the condenses of the condenses

> "clerk" and "deputy clerk" means any person appointed to be a clerk or deputy clerk pursuant to section 4 of the Act:

"court" means an Island Court constituted under section 3 of the Act;

and a second of the growth stands of last angle and garden was greet in "defendant" includes any person against whom any claim or relief is sought by a plaintiff in a civil action;

"matter" means any legal proceeding not being a cause;

rational liquid and telegral of some large medical and larger to a light telegrap with larger "plaintiff" includes any person asking any claim or relief against a defendant in a civil action;

> "cause" includes any action, suit or other original proceeding between a plaintiff and a defendant.

> "Supervising Magistrate" in relation to proceedings in a court under these Rules, means the magistrate nominated supervising magistrate for such court under the Act.

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FORMS AND FEES

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1. FORMS

The forms in appendix A, or forms of the like effect, may be used in all proceedings to which they are applicable, with such variations as circumstances may require:

Provided that in any proceedings for which forms are not prescribed in these Rules, the clerk may frame any form required in any particular case using as a guide the appropriate forms contained in the civil procedure rules applicable to magistrates courts.

2. FEES There will be a common and as he will search studied because the second transfer.

The fees specified in appendix B shall be paid by the party at whose factor and the same same same production and the same same incurred and may afterwards be recovered from the other party if the court shall so order:

Provided that the supervising magistrate may in his discretion, dispense with the payment of any such fees or any part thereof on application being made to him on account of the poverty of any party or for other sufficient reason.

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MISCELLANEOUS PROVISIONS

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The sitting of the court for the hearing of any cause or matter shall be in public; but the court may in any affiliation proceedings brought under the Joint Maintenance of Children Regulation, Joint Regulation No. 13 of 1966, hear the cause or matter in the presence only of the parties thereto with their authorised representatives, if any, and the officers

2. MAKING OF ORDERS ETC.

doing justice, whether such order or ruling has been expressly requested by the person entitled to the benefit thereof or not.

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3. CONSOLIDATION OF CASES

Causes or matters pending in the court may be consolidated in the discretion of the court, and the court shall give any directions that may be necessary as to the conduct of such consolidated actions.

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4. LANGUAGE AND INTERPRETATION

(1) The language of every court shall be Bislama, and if in any cause or the source considers that any party thereto or any witness giving evidence therein is incapable of sufficiently understanding Bislama, the court shall appoint a fit and proper person to interpret the same.

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(2) The clerk may if he is competent in the language of such party or witness interpret the proceedings so far as may be necessary.

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- (3) Where the clerk or any public officer acts as interpreter as aforesaid, no remuneration shall be payable in respect of the interpretation, but where a person other than a clerk of a public officer is the interpreter, that person shall be entitled to payment of the prescribed fee as remuneration for his services.
- and and 4) The prescribed fee for interpretation shall in all cases be payable and another first place by the plaintiff.

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(5) Before interpreting at any sessions of the court, the interpreter, shall swear or make affirmation in the following form:-

"I swear by Almighty God (or solemnly, sincerely and truly declare and affirm) that I will do my best to interpret and explain truly to the court and witnesses call such matters as I shall be required to interpret and explain.

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So help me God (omit if affirmation)"

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5. RECEIPTS

(1) When any fee is or any costs are paid to the court, the clerk shall issue a receipt therefor in the name of the person paying such fee or costs, as the case may be.

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(2) When any fee is paid in respect of any documents the clerk shall the endorse as note lofs the lamount of fee paid and the number of the lamount of receipts issued therefor upon the original and upon any filing copy to be a such documents. The lamount of the lamount of such documents.

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6. COURT REGISTERS

There shall be kept in every court a register in such form as the Chief Justice may from time to time direct, in which all causes or matters instituted in the court shall be entered and numbered consecutively in each year, according to the order in which the same shall be commenced; and the particulars of each cause or matter, and a note of the steps and proceedings therein shall be entered in such register in such manner as the Chief Justice may direct.

7. APPLICATIONS OF MAGISTRATES COURTS RULES

In the event of there being no provision in these Rules to meet any particular circumstances arising in any cause or matter before the court, the court and the parties shall be guided by any relevant provision contained in the civil procedure rules applicable to magistrates courts.

8. POWER TO ENLARGE OR ABRIDGE TIME

A court shall have power to enlarge or abridge any time prescribed by these Rules or fixed by any order in any cause or matter for the doing of any act or taking any proceedings upon such terms, if any, as the circumstances of the case may require; and any such enlargement or abridgement may be ordered although the application thereof has not been made until after the expiration of the time prescribed or allowed.

9. REPRESENTATION

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With the leave of the court a party to any cause or matter may be represented or assisted at every or any stage of the proceedings by some other person not being a legal practitioner.

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1. The EXCLUSION OF WITNESSES TO A PROPERTY OF THE PROPERTY OF

On the application of any party to any cause or matter, or of its own motion, the court may order witnesses on both sides to be kept out of court and out of the hearing of other witnesses before they have given their evidence; but this rule shall not extend to the parties themselves although intended to be called as witnesses.

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2. 10. DOCUMENTARY EVIDENCE OF THE PROPERTY OF THE WAR SERVICE OF THE PROPERTY OF THE PROPERTY

Any person, whether a party or not, in any cause or matter may be summonsed to produce a document without being summonsed to give evidence and, if he cause such document to be produced in court, the court may dispense with his personal attendance.

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3. WE THOO OF TAKING EVIDENCE OF THE PROPERTY OF THE PROPERTY

In the absence of any agreement between the parties, and subject to these Rules, the witnesses at the trial of any cause or matter shall be examined orally and in open court.

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COMMENCEMENT OF PROCEEDINGS

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1. Lay COMMENCEMENT THE PROPERTY OF HEAVENING THE STREET OF STREET WAS ASSESSED.

Every cause shall be commenced by the filing of a statement of claim with the clerk, and as many copies thereof as there are defendants.

2. STATEMENT OF CLAIM TO BE IN WRITING TO BE THE WRITING TO BE THE

A statement of claim shall be in writing makes to TRANSPORT TO MILLIONS

Provided that if the plaintiff is illiterate or incheed of assistance the calculation and assistance the calculation and assist him in drawing such statement of claim.

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3. CONTENTS OF STATEMENT OF CLAIM

A statement of claim shall contain the name, place of residence, occupation, if any, of the plaintiff and of the defendant or, if more than one of each of them so far as they can be ascertained and the particulars of claim. The statement of claim shall be dated and signed by the plaintiff.

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4. PARTICULARS OF CLAIM Company of the property of the company of

The particulars of claim shall state concisely and clearly the subject matter of the claim and the relief sought so as to give the defendant reasonably sufficient information as to the details of the claim. Where the claim is in respect of land, the particulars shall in addition contain a description of the land and its boundaries; and a sketch plan of the land shall be annexed to the particulars.

5. REGISTRATION OF PARTICULARS OF STATEMENT OF CLAIM

The clerk on receiving a statement of claim for filing shall ensure that the prescribed fee has been paid and that the necessary particulars are contained in the statement of claim. The clerk shall then enter in the register particulars of the statement of claim.

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6. DATE OF HEARING

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After registering the particulars of the statement of claim, the clerk shall set a date for the hearing of the claim which shall be not less than 30 days where the claim is in respect of land, and 15 days in all other cases, and shall endorse the same on the statement of claim and every copy thereof. The clerk shall then issue a summons requiring the attendance of the defendant or defendants if more than one, at the hearing of the claim.

7. SERVICE OF STATEMENT OF CLAIM ON DEFENDANT

The clerk shall deliver or cause to be delivered to a defendant a copy of the statement of claim together with the summons requiring his attendance at the hearing of the claim.

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8. PUBLICITY IN LAND CASES

Where the subject matter of the claim is land the clerk shall, by notices posted on the land and by other appropriate means, advise the public of the date of the hearing of the cause and of the names of the parties; and the clerk shall inform the public that all persons having an interest in the proposed cause shall as soon as possible apply to the court to be joined as plaintiffs or defendants, as the case may be.

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SERVICE OF PROCESS

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1. SERVICE TO BE THROUGH COURT

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- (1) Every statement of claim, summons, notice, order, or other document of which service is required shall be served through the court.
- (2) Any person serving any statement of claim, summons, notice, order or other document shall on request of the party served, endeavour to the best of his ability to explain to such party the nature of the document served.

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Proof of service may be oral:

Provided that where service is effected by a police officer, bailiff or other officer of the court, a certificate of service stating the date and time of service may be accepted as sufficient evidence of service until the contrary is shown, and such certificate may be endorsed on the file copy of the summons.

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3. SERVICE TO BE PERSONAL

Unless in any case the court considers it just and expedient otherwise to direct, service shall be personal, that is to say, the document to be served shall be delivered to the person to be served himself.

4. SUBSTITUTED SERVICE

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Where it appears to the court, either after or without an attempt at personal service, that for any reason, personal service cannot be conveniently effected, the court may direct that service be effected -

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- (a) by delivery of the document to some adult inmate at the usual or last known place of residence or place of work of the person to be served; or
- (b) by delivery thereof to some person being an agent of the person to be served, or to some other person upon it being proved that there is a reasonable probability that the document will, through that agent or other person, come to the knowledge of the person to be served; or
- (c) by advertisement in any newspaper circulating in the jurisdiction of the court or in a radio broadcast;
- (d) by notice posted at the court-house or some other place of public resort in the district wherein the proceeding in respect of which the service is made is instituted, or at the usual or last known place of residence or business of the person to be served; or
- (e) by sending the document by registered prepaid post addressed to the person to be served at his last known place of residence or business;

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(f) by any combination of the foregoing methods:

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Provided that if service is to be effected by method (c) or (e) aforesaid, the party requiring the service to be effected, shall, before service, pay to the court the cost of the advertisement, postage or other special expence involved.

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5. WITNESS SUMMONS

(1) Where any party to any cause or matter requires a person to be summonsed as a witness before the court in such cause or matter or to produce at the hearing in court any document or thing in his possession or power, the court shall, on application by the party and payment of the prescribed fee, issue a witness summons.

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- (2) The summons shall be served on the witness personally, if possible, or by one of the other methods prescribed in this Order and in any event as soon after the issue of the summons as is reasonably practicable.
- (3) The party applying for a witness summons may be required, before the issue of the summons and within a period to be fixed by the court, to pay into court such sum of money as appears to the court to be sufficient to defray the travelling expenses of the witness to be summonsed in passing to and from the court in which he is required to attend together with one day's attendance; and the sum so paid into court shall be tendered to the witness at the time of the service of the summons, or, if the court so directs, the witness to be summonsed may be notified that the sum so paid into court will be paid out to him on his attendance.

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PARTIES

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1. JOINT GROUND OF ACTION

Where a person has jointly with other persons an alleged ground for instituting a cause, all those other persons shall ordinarily be made parties to the cause:

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Provided that where more persons than one have the same interest in one cause, the court may direct that one or more of such persons shall be authorised to sue or to defend in such cause for the benefit of or on behalf of all parties so interested.

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2. NON-JOINDER OR MIS-JOINDER OF PARTIES

(1) If it appears to the court at or before the hearing of a cause that all the persons who may be entitled to, or who claim some share or interest in, the subject matter of the cause, or who may be likely to be affected by the result thereof, have not been made parties, the court may adjourn the proceedings to a future date to be fixed by the court and direct that such persons shall be made parties to the cause either as plaintiffs or defendants, as the case may be; and in every such case the court shall issue a notice to such persons which shall be served in the manner prescribed in these Rules for the service of a statement of claim or in such other manner as the court may think fit to direct, and on proof of the due service of such notice the person so served shall be bound by all proceedings in the cause.

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- (2) The court may, at any stage of the proceedings and on such terms as appear to the court to be just, order that the name of any party, whether as plaintiff or defendant, improperly joined be struck out.
- (3) No cause shall be defeated by reason of non-joinder or mis-joinder of parties.

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DISCONTINUANCE OF PROCEEDINGS

1. DISCONTINUANCE OF PROCEEDINGS

If, before the date fixed for the hearing, the plaintiff wishes to discontinue any cause against all or any of the defendants thereto, or to withdraw any part of his alleged claim, he shall give notice in writing of discontinuance or withdrawal to the clerk of court and the same shall be served upon every defendant as to whom he desires to discontinue or withdraw. Such discontinuance or withdrawal shall not be a defence to any subsequent cause.

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2. DISCONTINUANCE AFTER DATE FIXED FOR HEARING

If, after the date fixed for the hearing, the plaintiff desires to discontinue any cause or to withdraw any part of his alleged claim, or if a defendant desires to discontinue or withdraw a counterclaim or any part thereof, such discontinuance or withdrawal may, in the discretion of the court, be allowed on such terms as to costs and as to any subsequent cause or otherwise as the court may consider just.

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PLACE OF TRIAL AND INSTITUTION OF CAUSES

1. PLACE OF TRIAL

Subject to any law respecting transfer of causes, the place for trial and the institution of any cause or matter shall be regulated as follows:-

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- (a) all causes arising out of the breach of any contract shall be commenced and determined in the court having jurisdiction over the place in which such contract ought to have been performed, or in which the defendant, or one of the defendants, resides or carries on business;
- (b) all causes relating to land shall be commenced and determined in the court within the jurisdiction of which the land is situated;
- (c) all causes other than causes founded on contract or relating to land may be commenced and determined in the court having jurisdiction over the place in which the defendant, or one of the defendants, resides or carries on business;
- (d) where any cause shall have been commenced in the wrong court, and whether or not the defendant shall plead specially in objection to the jurisdiction, the court may -
 - (i) order the proceedings to be struck out; or
 - (ii) report to the supervising magistrate the pendency of the proceedings.

AMENDMENTS

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1. CLERICAL MISTAKES AND ACCIDENTAL OMISSIONS

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Clerical mistakes in judgments or orders, or errors arising therein from any accidental slip or omission, may at any time be corrected by the court either of its own motion or upon application by any party to the proceedings.

2. GENERAL POWER TO AMEND THE STREET OF THE

The court may at any time, and on such terms as to costs or otherwise as the court may think just, amend any defect or error in any proceedings, and all necessary amendments shall be made for the purpose of determining the real question or issue raised by or depending on the proceedings.

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ADMISSIONS

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1. NOTICE OF ADMISSIONS

Any party to a cause may give notice to any other party, by his own statement orally or in writing, that he admits the truth of the whole or any part of the claim or demand stated in the statement of claim, defence or statement of any other party.

2. ADMISSIONS BY DEFENDANTS

If any defendant shall sign a statement admitting the amount claimed in the statement of claim or any part of such amount, the court, if it is satisfied as to the genuineness of the signature of the person by whom the statement was signed and unless it sees good reason to the contrary, shall, in the case of the whole amount being admitted, enter judgment for the plaintiff for that amount or, if part of the amount is admitted and the plaintiff consents to a judgment being entered for such part, enter judgment for such part, but if the plaintiff does not consent to the entry of judgment for the admitted part only, the court shall receive such statement in evidence as an admission without further proof.

SETTLEMENT OF ISSUES

1. SETTLEMENT OF ISSUES

At any time before or at the hearing the court may, if it thinks fit, on the application of any party to the cause or of its own motion, proceed to ascertain and determine what are the material questions in controversy between the parties, and reduce such questions to writing and settle them in the form of issues.

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2. PROCEDURE FOR FRAMING ISSUES

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- (1) For the purpose of framing issues the court may -
- (a) ascertain from each party or authorised representative, what facts he admits or denies;

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- (b) orally examine any party or his authorised representative appearing or present in the court;
- (c) order that any party shall appear in person on a date specified in the order and adjourn the hearing of the matter to such date;
 - (d) call upon any party to produce all documents in his possession or in his power upon which he intends to rely in support of his case and, if necessary or expedient, order any party to produce such documents on a date specified in the order and adjourn the hearing of the matter to such date; and

(e) have regard to any allegations made in any particulars of claim, counterclaim or set-off, whether formal or informal, in the cause and to the contents of any document produced by any party.

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- (2) The court may at any time -
- (a) adjourn the framing of issues;
- (b) before the decision of the case amend issues already framed, frame additional issues or strike out issues which appear to be wrongly framed or superfluous, on such terms as to costs, payment of money into court, giving of security or otherwise as the court may think fit.

3. PARTIES TO PREPARE ISSUES

Notwithstanding rule 2, the court, if it thinks fit, may direct the parties to prepare issues for settlement by the court.

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4. WHEN ISSUES MAY BE SETTLED

The issues may be settled, without previous notice, at any stage of the proceedings at which all the parties are actually present, or at the hearing, or notice may be given to all the parties to attend on a date and at a place to be specified in the notice for settlement of the issues.

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APPEARANCE OF PARTIES

1. COURT MAY PERMIT PARTY TO APPEAR BY AGENT

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In every cause or matter pending before the court, if it is hall appear to the satisfaction of the court that any plaintiff or defendant is prevented by some sufficient cause from attending the court in person or requires the assistance of some other person at the hearing in the court, the court may, in its discretion, permit any other person not being a clegal practitioner, who shall satisfy the court that he has authority in that behalf, to appear for such plaintiff or defendant.

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COUNTERCLAIM AND SET-OFF

1. COUNTERCLAIM AND SET-OFF COUNTERCLAIM AND SET-OFF

A defendant in a cause may set-off, or may set up by way of counterclaim against the claim of the plaintiff, any right or claim.

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2. NOTICE: OF COUNTERCLAIM AND SET-OFF and the state of the configuration of the configuration and the configuration of the configurati

(1) No defendant shall be allowed to avail himself of any set-off or counterclaim unless he shall have filed with the clerk four days before the hearing of the cause, a notice in original and as many copies as there are plaintiffs in the cause, stating his name and address and a concise statement of the grounds of such set-off or counterclaim and shall have paid the same fees as would be payable if he were claiming by statement of claim:

Provided that the court may, in its discretion and on such terms as to adjournment or otherwise as may appear to it to be just, allow a defendant to avail himself of a set-off or counterclaim notwithstanding that such notice has not been duly filed within the time specified above.

- (2) Upon receipt of notice of set-off or counterclaim and upon payment of the prescribed fees, the clerk shall cause a duplicate of such notice to be served upon the plaintiff or each of them.
- (3) The provisions of Order 5, relating to statements of claim, shall apply, as far as they are applicable, to every set-off or counterclaim.

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3. DEFENDANT MAY HAVE JUDGMENT DUE FOR BALANCE DUE ON COUNTERCLAIM

Where in any cause a counterclaim is established as a defence against the plaintiff's claim, the court may, if the balance is in favour of the defendant give judgment for the defendant for such balance, or may otherwise adjudge to the defendant such relief as he may be entitled to upon the merits of the case.

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4. PAYMENT INTO COURT WHERE PARTIAL SET-OFF

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The court, if it thinks fit, may order that a defence of partial set-off shall be accompanied by payment into court of the amount to which, on the defendant's own showing, the plaintiff is entitled unless the plaintiff's claim is resisted on some other ground of defence; and in default of such payment the defendant shall be liable to pay the costs of the cause even though he may succeed in his defence to the extent of the set-off on which he relies.

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POSTPONEMENT OF HEARING

1. POSTPONEMENT OF HEARING

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The court may, upon the application of any party to a cause, order that the hearing thereof be postponed if the court is satisfied that the postponement is likely to have the effect of better ensuring the hearing and determination of the issues between the parties on the merits and that the application is not made for the purpose of mere delay; and any postponement may be granted subject to such terms as to costs or otherwise as the court may consider just.

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2. ABSENCE OF WITNESS

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Where an application is made under rule 1 on the ground of the absence of a witness, before granting the application the court shall require the applicant to satisfy it that the evidence of such witness is material and that the witness is likely to be available within a reasonable time.

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NON-ATTENDANCE OF PARTIES AT HEARING

1. NON-APPEARANCE OF BOTH PARTIES THE PERFORMANCE OF BOTH PARTIES THE PERFORMANCE OF BOTH PARTIES THE PERFORMANCE OF BOTH PARTIES

where a cause or matter has been called for hearing and neither party appears, the court may either strike out the proceedings or, if the court has reason to believe that the parties have not settled out of court and have failed or been unable to appear for some other reason, set down the cause or matter for some other date and, without requiring the payment of a further fee, send notice to the parties of the fresh date of hearing in any manner the court thinks fit.

2. NON-APPEARANCE OF PLAINTIFF

If the plaintiff does not appear when called but the defendant or any one of them does, the court shall, unless it sees good reason to the contrary, strike out the proceedings (except as to any counterclaim by the defendant) and make such order as to costs in favour of the defendant appearing as seems to it to be just:

Provided that if the defendant admits the cause of action to the full amount claimed, the court may in its discretion give judgement in favour of the plaintiff as if the plaintiff had appeared and the defendant had admitted his liability.

3. NON-APPEARANCE OF DEFENDANT

If the plaintiff appears and the defendant does not appear when called and has not in writing previously explained to the court good reason for his absence, the court may, upon proof of service of the statement of claim proceed to hear the cause and give judgment upon the evidence adduced by the plaintiff, or may postpone the hearing of the cause and direct notice to be given to the defendant.

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Where the defendant to a cause which has been struck out under rule 2 has a counterclaim, the court may, upon proof of service upon the plaintiff of notice of the counterclaim, proceed to hear the counterclaim and give judgment upon the evidence adduced by the defendant, or may postpone the hearing of the counterclaim and direct notice of the postponement to be given to the plaintiff accordingly.

5. SETTING ASIDE JUDGMENT ENTERED IN ABSENCE OF A PARTY White Control of the Cont

Any judgment obtained against any party in the absence of that party may, on sufficient cause being shown, be set aside by the court upon such terms as to costs or otherwise as it may think fit.

6. RELISTING OF CAUSE STRUCK OUT

Any cause struck out may, by leave of the court, be relisted for hearing on such terms as to the court may seem fit.

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ORDER 17

PROCEEDINGS AT THE HEARING

1. STARTING THE HEARING

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- (1) Unless, before the hearing of any cause, issues have been framed in accordance with Order 12, the hearing shall start by the plaintiff stating his case, and the defendant shall then be called upon immediately to replay thereto stating whether he admits the plaintiffs claim or denies it and, if he denies it, the grounds upon which he does so.
 - (2) If the defendant admits the plaintiffs claim, judgment may be entered against him forthwith.
 - (3) If the defendant denies the plaintiffs claim, the plaintiff shall be called upon to produce his evidence and examine his witnesses.

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(4) Subject to rule 5, if, before the hearing issues have been framed, the hearing shall start by the plaintiff stating his case and thereafter immediately producing his evidence and examining his witnesses.

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2. PLAINTIFF'S WITNESSES

The defendant shall have the right to cross-examine any witness and the plaintiff may then re-examine the witness with regard to any matter arising out of the cross-examination.

DEFENDANTS CASE

At the conclusion of the plaintiff's evidence (5.1)

(a) if the defendant decides to produce no evidence, oral or documentary, the plaintiff shall be at liberty to sum up his case; and thereafter the defendant shall be entitled to state his defence and reply generally;

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ORDER 18

JUDGMENT

1. DELIVERY OF JUDGMENT

The decision or judgment in any cause shall ordinarily be pronounced orally in open court:

Provided that the court may in its discretion, if the judgment is long or complex or otherwise difficult to deliver in simple language, hand down to each party a written copy thereof instead of pronouncing it verbatim.

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NOTICE WHEN JUDGMENT RESERVED

If the court reserves judgment at the hearing, parties to the cause shall be served with notice to attend and hear judgment, unless the court, at the hearing, informs the parties of the day upon which it intends to deliver judgment, in which case there need be no further notice.

3. WHEN PARTIES DEEMED TO HAVE NOTICE OF JUDGMENT

All parties shall be deemed to have notice of the decision or judgment if it is pronounced at the hearing; and all parties served with notice to attend and hear judgment shall be deemed to have notice of the judgment when it is pronounced, notwithstanding that any such party may have failed to appear to the notice.

4. MINUTE OF JUDGMENT AND RECORD THEREOF

A minute of every judgment whether final or provisional shall be filed in the trial record and every such minute shall be a decree of the court and shall have the full force and effect of a formal decree; but the court may in addition to such minute, upon the application of any party or of its own motion, cause a formal decree to be drawn up in any cause and delivered to the parties therein.

5. WHERE SET-OFF OR COUNTERCLAIM IS ALLOWED

If the defendant shall have been allowed to set-off any demand or counterclaim against the claim of the plaintiff, the minute of the judgment shall state what amount, if any, is due to the defendant and the judgment with respect to any sum awarded to him shall have the same effect and be subject to the same rules as if such sum had been claimed by the defendant in a separate cause against the plaintiff.

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6. OBEDIENCE TO DECREE

A person directed by any decree or order to pay money or to do any other act is bound to obey the decree or order without any further demand for payment or performance and, if no time is expressed in such decree or order for the payment or performance directed, the defendant shall be bound to make payment or effect performance immediately after the decree or order has been made, unless the court shall by some subsequent order enlarge the time.

7. COURT MAY DIRECT TIME FOR PAYMENT OR PERFORMANCE

The court may, either upon the application of any party to any cause or of its own motion, direct a time within which payment must be made or performance be effected and may by any subsequent order enlarge or cancel or vary such time.

8. INTEREST

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Where a judgment or order is for the payment of a sum of money, interest at nine per cent a year shall be payable thereon, from the date of the judgement order until the date of payment, unless the court othewise orders.

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9. PAYMENT BY INSTALMENTS

Where any judgment or order directs payment of money the court may, either upon the application of any party to the cause or, for sufficient reason, of its own motion, direct that payment shall be made by instalments, with or without interest as limited in rule 8, and any such order may be made at the time of giving judgment or at any time thereafter and may be rescinded or varied for cause shown at any time; and also any such order may direct that upon failure of any instalment the whole amount remaining unpaid shall forthwith become due.

10. JUDGMENT BY CONSENT

If the plaintiff and the defendant agree as to the terms and conditions on which judgment shall be entered, the court shall, unless it sees good reason to the contrary to be entered in the record, enter judgment on the terms and conditions so agreed.

11. SETTING ASIDE JUDGMENTS BY DEFAULT

Any judgment or order given by default of either party to any cause may be set aside by the court upon such terms as to costs or otherwise as the court may think fit.

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ORDER 19

COSTS

1. COSTS

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Under the denomination of costs is included the whole of the expenses necessarily incurred by either party to any cause or matter, and in enforcing the decree or order made therein, including the expenses of summonsing and of the attendance of the parties and witnesses and of obtaining copies of documents, the fees of the court and the remuneration of references.

2. DETERMINATION OF COSTS

All questions relating to the amount of costs shall be summarily determined by the court:

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Provided that if any party to a cause is dissatisfied with the direction of the court as to the assessment or apportionment of any costs or any items thereof he may appeal to the supervising magistrate and the supervising magistrate shall, either with or without hearing the parties in argument thereon make such order as to the assessment or apportionment of the costs as may be just.

3. COSTS IN DISCRETION OF COURT

Subject to the proviso to rule 2, the costs of every cause or matter and of each particular proceeding therein shall be in the discretion of the court; and the court may award or apportion costs in any manner it may consider just:

Provided that except for sufficient cause the court shall not order the successful party to any cause to pay the whole of the costs of the cause.

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ORDER 20

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Any party in whose favour a judgment or order of the court is given may apply orally or in writing to the supervising magistrate for enforcement of the judgment or order if it remains unsatisfied.

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APPENDIX A

CIVIL FORMS

Form Civil 1

THE ISLAND COURTS ACT 1983

SUMMONS TO DEFENDANT

In the	
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Between	Plaintiff
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	tend this Court at.
morning/afternoon, wh	en the case brought against you by the above-named the attached statement of claim will be heard.
give judgment against	as required, the Court may proceed in your absence and you after hearing the plaintiff.
	(Signed)
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$\frac{\text{SUMMONS TO WITNESS}}{(0.6 \text{ r.5})}$

In the	
WARTER OF	
Between	Plaintiff
And	Defendant
Toof	
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on	o day until this case has been
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STATEMENT OF CLAIM (0.5 r.r.3 & 4)

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the relief sought. If claim is in					
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must be annexed.		•			
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THE ISLAND COURTS ACT 1983 (0.18 r.4)

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	And.	
It is hereby decre	ed an	d ordered in the above cause that
	(a)	the claim of the plaintiff be dismissed and the defen-
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are not applicable	• • •	dant be awarded costs of VT
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	(b)	the plaintiff do recover from the defendant the sum
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		of VT together with costs of VT
		and the defendant is ordered to pay the sum of
		WT forthwith (on by the following instal.
		VTforthwith (or by the following instalments).
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	(c)	the defendant do forthwith return to the plaintiff
		the following chattels, namely
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	(d)	the plaintiff (or the defendant) his servents and
•	Car	the plaintiff (or the defendant) his servants and agents and each of them be authorized to use and occupy
		the land described in the Schedule hereto for the
		purposes of (state what these are, if any) and subject
		to (here state any conditions imposed by the court)
		until further order.
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		The Schedule
		(Give a full description of the land and, if available
;;;		annex a plan)
•	(e)	the plaintiff (or the defendant) his servants and
		agents and each of them be prohibited from using o
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(f) the plaintiff (or, the defendant) his servants and agents and each of them be restrained from interfering with the authorized use or occupation of the land described in the schedule hereto until further order

The Schedule

(Give a full description of the land and, if available annex a plan)

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THE ISLAND COURT ACT 1983 (Section 28 and 29)

FORM OF RECORD IN CIVIL PROCEEDINGS

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	Justice
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	Civil Case No. 1988 of 19 of 19
	Between
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If the defendant	
admits liability, Part	<u>I</u>
the Clerk must ORDE enter judgment	On the defendant's admission of liability, judgment is entered for the plaintiff in the sum claimed together with the court fee of VT
If the defendant	
is unable to pay	
the total amount ORDE	R By consent, decretal amount to be paid by instal-
due to the plain-	ments of Vt per month, the first
tiff, the parties	instalment to be paid on
should try to agree terms for payment	and subsequent instalment to be paid on the first/ last day of each succeeding month.
by instalments and	rast day or each succeeding month.
if this is done the	Instalments to be paid through the court/direct
Clerk will record	to the plaintiff.
a further order.	Usual default clause to apply.
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If the defendant PART	11
denies liability	
the court should ISSU	ES
settle the issues under order 12.	1.
When issues have	
been framed, the	2.
Clerk should	
record what	3. etc.
questions have to	
be determined.	m1 /
The hearing may	Plaintiff, Adult, Christian, Sworn:-
be adjourned to a later date or the	XD
plaintiff will be	
called upon to	
produce his evidence	XXD Defendant
-	

XD Court

The plaintiff's witnesses should testify. Their fullname, address and Occupation should be entered in the case record

P.W.1, Adult, Christian, Sworn:-XD Plaintiff

XXD Defendant

XD Court

P.W.2 etc.

Case for Plaintiff

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The defendant can choose whether or not to produce evidence. If he does and testifies himself and calls witnesses, the procedure is similar to the plaintiff's Case

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Defendant, Adult, Christian, Sworn:-XD

XXD Plaintiff:

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XD Court

The full name, address and occupation of each witness should be entered in the case record.

D.W.1 etc.

Case for Defendant and the second of the second

Each party is entitled
to sum up and comment
upon the evidence.
The judgment can
either be delivered
at the conclusion of
the evidence or it
can be reserved, and
it must be recorded
by the Clerk.

JUDGMENT

APPENDIX B

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	subject matter, other than land, is capable	
	of being estimated in money, and -	
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	(a) does not exceed VT 25,000	500
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7.	On an application for a copy of the record of	Same Rolling Barrell
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THE ISLAND COURTS (CRIMINAL PROCEDURE) RULES 1984

ARRANGEMENT OF RULES

- 1. Interpretation.
- 2. Police investigation and preferment of charge.
- 3. Appearance of person arrested without warrant.
- 4. Summons to an accused.
- 5. Service of summons.

- MODEL STATES
- 6. Arrest and detention of accused failing to obey summons.
- 7. Court may direct security to be taken. The court may direct security to be taken.
- *** 8. Warrant in the case of avoidance of service. ** ** ** *** *** ***
 - 9. Court may remand accused in custody. If the second to the second to
 - 10. Bail in certain cases.
 - 11. Summons to witness.
 - 12. Warrant of arrest for witness who disobeys summons.
 - 13. Mode of dealing with witness arrested under warrant. (1913)
 - 14. Accused to be called upon to plead.
 - 15. Evidence to be taken in presence of accused and to be interpreted if necessary.
 - 16. Non-appearance of complainant at hearing.
 - 17. Procedure on plea of not guilty.
 - 18. Withdrawal of charge.
 - 19. Promotion of reconciliation.
 - 20. Amendment of charge.
 - 21. Acquittal of accused person if no case to answer.
 - 22. The defence.
 - 23. The decision.
 - 24. Conviction for an attempt of offence charged.
 - 25. Account to be taken of compensation by custom.
 - 26. Detention prior to conviction to be deducted from term of imprisonment.
 - 27. Minutes of proceedings.
 - 28. Forms to be used.

SCHEDULE

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THE ISLAND COURTS (CRIMINAL PROCEDURE) RULES, 1984

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In exercise of the powers conferred upon the Chief Justice by section 29 of the Island Courts Act No. 10 of 1983, the following Rules are hereby made:-

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APPLICATION

These Rules shall apply to all criminal proceedings taken in any Island Court in the Republic of Vanuatu established under sectional of the Island Courts Act No. 10 of 1983 and shall come into force on the date of publication in the Gazette.

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DATED at Port Vila this 25 25 day of June 1984.

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INTERPRETATION

MADE A CHARLES COMMON A CONTROL MADE A GRAD COMMON AND A COMMON AND In these Rules, unless the context otherwise requires:-

of our od brack with our of manager manufaction to figure in the figure "Act" means the Island Courts Act No. 10 of 1983;

"case record" means the file kept by the clerk in which the proceedings of each criminal case are maintained; THORTH STITUTE STITUTE TO THE SHARE TO THE STITUTE OF THE STI

more than a subject that the best with born over the sould be that here it areas in "clerk" or "deputy clerk" means a person appointed to be a clerk or deputy clerk pursuant to section 4 of the Act;

"complainant" means a person who makes an allegation to a police officer that some other person has committed a criminal offence:

to the driver and the converted was existing an energial to give the second or example, and "court" means an island court constituted under section 3 of the Act;

"offence" means a criminal offence alleged to have been committed by a person within the territorial jurisdiction of a court empowered to try the same by virtue of its warrant; Carrier and Commencer of Alberta Co.

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multimate that and the loss of the treatment and the second that were the second the second that ed) of balle so trains because has been no buy topoed, and selections

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"supervising magistrate" in relation to proceedings in a court under these rules means the magistrate nominated supervising magistrate for such court under the Act.

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2. POLICE INVESTIGATION AND PREFERMENT OF CHARGE

Any police officer who receives a complaint from a complainant or who shall become aware of the commission of an offence shall cause a full inquiry to be made, and if an offence appears to be disclosed he shall cause a charge to be preferred in duplicate to the clerk of the court having jurisdiction to try the same.

3. APPEARANCE OF PERSON ARRESTED WITHOUT WARRANT

A person arrested without warrant and detained in custody at a police station shall be brought before the court without unnecessary delay unless released on his written undertaking to appear before the court at such time and date specified therein.

4. SUMMONS TO AN ACCUSED to translation substitution of the members of the members to the

Any person not in custody alleged to have committed an offence shall be summoned to appear before the court by a summons signed by the clerk.

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5. SERVICE OF SUMMONS

- (1) Every summons shall be served on an accused by giving him personally, if possible, a copy thereof; or otherwise by leaving it with an adult member of his family at his residence, or with his employer.
- (2) The interval between the service and the hearing of the summons shall be reasonable having regard to the circumstances of the case.
- (3) Service of a summons may be effected at any time either by a police officer or a court official appointed to act as process server.
- (4) A certificate of service signed by the person who effected service showing the date thereof and to whom delivered shall be filed in the case record.

6. ARREST AND DETENTION OF ACCUSED FAILING TO: OBEY: SUMMONS AND DETENTION OF HEARING.

- (1) The court may norder the arrest and detention of an accused who fails to to obey a summons duly served as provided for in rule 5-10 mm
- shall sign and issue a warrant of arrest which, when returned by the police officer executing it, shall be annexed to the case record.

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(3) When an arrest is made pursuant to this rule, the clerk shall enter in the case record the date on which, and the place where, the arrest was effected and by whom.

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7. B COURT MAY DIRECT SECURITY TO BE TAKEN to the best section of the second of the se

- that person deposits a certain specified sum of money as cash bail to be paid to the clerk that person may be released from custody.
- (2) Prior to a person's release from custody in pursuance of sub-rule in the clerk shall inform that person of the date on which he must stattend the court in lieu of the issue of a further summons.

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- (3) Where a person fails to attend the court on the date fixed by the clerk under sub-rule (2) the court may order the forfeiture of the cash bail or part thereof and may order the arrest and detention of that person.
- (4) The cash bail so paid by such person shall unless the same be forfeited, be refunded to him on the final termination of the proceedings brought against him unless the court orders that the money be used towards payment of any fine imposed on such person.

8. WARRANT IN THE CASE OF AVOIDANCE OF SERVICE SETTING AND ADMINISTRATION OF THE CASE OF T

- that the accused person is avoiding service or that he is unlikely to obey the summons or surrender himself into custody or attend the resumed hearing, as the case may be, it may order a warrant to issue the case may be, it may order a warrant to issue
- (2) An application for a warrant under sub-rule (1) may be made in writing by a prosecutor or orally on each before the court by any police officer.

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bed so make the set become at lines, but getterer inserious at the

9. COURT MAY REMAND ACCUSED IN CUSTODY

- 1

(1) Where a person appears before a court charged with the counts ion of the an offence, the court may direct a trial to be held forthwith or at a the later date. In the event of the trial being held at a later date, the court shall either remand the accused in custody or release him with or without bail:

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- postpone the trial for such period as it considers reasonable to enable the accused to prepare his defence.
- remand shall not exceed 7 days and the court shall inform the accused that he may make further application for bail to the supervising magistrate.

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-(3) A person cremanded indicustody-adshall becombrought to strick fat the site asserbiest opportunity. Communication that the appropriate to a proposition of the appropriate the appropriate

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10. BAIL IN CERTAIN CASES

- (1) Where a person appears before a court and he is prepared to give bail, such person, may in the discretion of the court be granted bail self has been self to be a surety or sureties.
- addressed a bosigs on the increase history of field because (2) The amount of the bail shall be fixed with due regard to the Hed principles of the case and shall not be excessive.
- congress aim new before passing someone smill year him the (3) The court in granting bail to an accused may impose such conditions as it may consider fit.

11. SUMMONS TO WITNESS of bavas part to be able to and and downed you it (A: A court shall, if it appears to that court that material evidence can be given by or is in the possession of any member of the public, or if requested by the prosecutor or by the accused, issue a summons to such person requiring his attendance before the court or requiring him to bring and produce before the court all documents, writings or things in his possession or power which might be specified or otherwise sufficiently described in the summons.

12. WARRANT OF ARREST FOR WITNESS WHO DISOBEYS SUMMONS

If without sufficient excuse a witness does not appear in obedience to the summons, the court, on proof of service of the summons a reasonable time before, may order the issue of a warrant to bring him before the court at such time and place as shall be specified therein, such warrant to be signed by the clerk. A warm with a recommendation of the clerk of the comment of the clerk of th

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13. MODE OF DEALING WITH WITNESS ARRESTED UNDER WARRANT

When any witness is arrested under a warrant and his evidence cannot be taken at the time when he is brought before the court, the court shall, on his furnishing security by either cash bail or recognizance as directed by the court for his appearance at the hearing, order him to be released from custody. their shall be reduced as blocked at the least of their

14. ACCUSED TO BE CALLED UPON TO PLEAD ...

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(1) Where the accused appears before the court in answer to a summons or after arrest by a police officer, the charge shall be read over and explained to him by the clerk and he shall be asked if he admits or denies the truth of the charge.

(2) If the accused admits the truth of the charge, his admission shall be recorded as nearly as possible in the words used by him, and the prosecutor shall give a summary of the facts of the case and the accused shall be asked whether or not he agrees therewith.

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- (3) If the accused agrees with such summary of the facts, the court shall convict him but before passing sentence shall give him the opportunity of addressing the court in mitigation of the offence and be informed of any relevant antecedents by the prosecutor.
- (4) If any person has been injured or aggrieved by any act or omission in respect of which the accused has been charged, the court may, if it sentences the accused to pay a fine, direct that such fine or a part thereof be paid to that person on condition that, if he shall accept the same, he shall not have or maintain any action for the recovery of damages for the loss or injury sustained by him by reason of such act or omission.
- (5) If the charge consists of two or more counts, separate sentences shall be imposed in respect of each offence on which the court has convicted the accused.

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(6) If the accused denies the truth of the charge, or if he does not agree with the summary of the facts as stated by the prosecutor or if he refuses to plead, the court shall order a plea of not guilty to be entered and shall either proceed immediately with the hearing of the charge or fix a future date for the hearing.

15. EVIDENCE TO BE TAKEN IN PRESENCE OF ACCUSED AND TO BE INTERPRETED IF NECESSARY

early and the same what there is the entropy of the existing

- (1) Except as otherwise expressly provided, all evidence taken in any trial shall be taken in the presence of the accused.
- (2) The language of the court shall be Bislama, and whenever any evidence is given in a language not understood by the accused, it shall be interpreted to him in open court in a language understood by him.

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16. NON-APPEARANCE OF COMPLAINANT AT HEARING

If on the date fixed for hearing of the charge, the accused appears or is brought before the court in custody and the complainant, having had notice of the time and date of the hearing, does not appear, the court shall dismiss the charge, unless for some reason it shall think it proper to adjourn the hearing until some other date, in which event it may, pending such adjourned hearing, either release the accused from custody or remand him to prison.

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17. PROCEDURE ON PLEA OF NOT GUILTY

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- (1) If a plea of not guilty has been entered, the court shall proceed to hear the complainant and other witnesses for the prosecution.
- (2) The court shall, at the close of the examination of each witness for the prosecution, enquire of the accused if there are any questions to be asked. The accused or any person representing and assisting him may put questions to each witness produced against him and if questions are put the prosecutor may re-examine the witness or any answers arising out of such questions.
- witness which may appear to it to be vexatious or not relevant to the proceedings.

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(4) If there is more than one witness to be called for the prosecution, the court shall order the other witnesses to remain outside the court room out of hearing of any person testifying before they give their evidence.

6.1 (1.45) G. Janet J. W. Jakis, etc. Sup. 182, 1821 (1.27).

18. WITHDRAWAL OF CHARGE CONTROL OF START OF STARTED BY SECTION OF

If a prosecutor or a complainant, as the case may be, at any time before a "final order" is passed, satisfies the court that there are sufficient grounds for permitting him to withdraw the charge, the court may permit him to withdraw the same.

19. PROMOTION OF RECONCILIATION

The court may promote reconciliation and mencourage and facilitate the settlement in an amicable way, according to custom or otherwise, of any proceedings for an offence of a personal or private nature punishable by imprisonment for less than two years or by a fine only, on terms of payment of compensation or other terms approved by the court, hand may thereupon order the proceedings to be stayed or terminated.

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20. AMENDMENT OF CHARGE

- (1) Where it appears to the court that the charge is defective, the court may make such order for the manendment of the charge as the court considers necessary to meet the circumstances of the case, unless having regard to the merits of the case the required amendments cannot be made without injustice.
- (2) And amendment, may be smade abefore a trial normation at any stages of maintrial trial trial

21. ACQUITTAL OF ACCUSED PERSON IF NO CASE TO ANSWER TO THE PROPERTY OF THE PR

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If at the close of the evidence in support of the charge it appears to the court that a case is not made out against the accused so as to require him to make a defence, the court shall dismiss the charge and shall forthwith acquit him.

22. THE DEFENCE A TO THE PER SECOND FOR A SE

(1) If not the court that a case is made out against the accused sufficiently to require him to make a defence, the accused shall be informed that, in addition to calling other persons as witnesses, he is entitled to give evidence himself upon oath or affirmation and subject to give evidence and may elect to remain silent. If he chooses not to give evidence, this will not of itself clead to an interence of guilt against him.

- (2) If the accused elects to give evidence he must testify before any other persons he intends to call as witnesses, who if present shall be ordered by the court remain outside the court room out of which hearing of any person testifying until called to give their evidence.
- (3) If the accused states that he has witnesses to call but they are not present in court and the court is satisfied that the absence of such witnesses is not due to any fault or neglect of the accused and that there also a likelihood that they could, if present, give material evidence on his behalf, the court may adjourn the trial and issue process or take other steps to compelit the attendance of such witnesses.

23. THE DECISION

- (1) Where the court has heard all the evidence in the case it will decide whether the charge has been proved or not proved. The clerk shall not a secretake any part in the decision.
- (2) If the justices retire to consider their decision the clerk will remain in court and shall not retire with the justices.
- (3) The justices should only find that the charge has been proved if they are sure of the guilt of the accused beyond reasonable doubt.
- (4) Where the court finds the charge proved it shall convict the accused and pass such sentence as it sees fit.

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(5) The clerk shall inform a convicted person of his right of appeal and the period of time within which he must lodge such appeal and he shall provide such assistance to that person if he wishes to lodge an appeal.

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24. CONVICTION FOR AN ATTEMPT OF OFFENCE CHARGED

Where a person is charged with an offence, he may be convicted of having attempted to commit that offence, although he was not charged with the attempt. A second of the second

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Burgara Barata Bara 25. ACCOUNT TO BE TAKEN OF COMPENSATION BY CUSTOM

Upon the conviction of any person the court shall, in assessing the amount of penalty to be imposed, take account of any compensation for reparation made or due by the offender, under custom and if such has not yet been determined, may, if it is satisfied that undue delay is unlikely to be thereby occasioned, postpone sentence for such purpose.

26. DETENTION PRIOR TO CONVICTION TO BE DEDUCTED FROM TERM OF IMPRISONMENT

Unless the court, for reasons to be septemut in its judgment, otherwise directs all periods of detention undergone prior to conviction by a person by reason of the offence of which he has been convicted shall be deducted from any term of imprisonment imposed.

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MINUTES OF PROCEEDINGS 27.

(1) The clerk shall take a full note of all the evidence given in every criminal case in manuscript form and shall provide for a duplicate copy thereof.

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(2) If the proceedings are required by the supervising magistrate for revision or appeal, the clerk shall transmit duplicate copies of the the charge and notes of evidence for this purpose and retain the original gar the gase, record in his possession. The earlier that the control of the

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28. FORMS TO BE USED

The forms set out in the Schedule hereto shall be used by a court in the its criminal jurisdiction with such adaption as circumstances of each case may require.

SCHEDULE

INDEX OF PRESCRIBED FORMS

Title	Form	No.
Summons to attend court (whether to an accused or to a witness)		1
Warrant to remand accused in custody		2
Charge		3
Warrant of Imprisonment for failure to pay fine		4
Order to perform community work		5
Warrant to arrest accused		6
Form of record in criminal proceedings		7.
Recognizance without surety		8
Recognizance with sureties		9
Warrant of Imprisonment	. 1	0
Undertaking to appear taken by a police officer	. 1	1 -
Receipt for compensation	1	.2
Probation Order	1	١3

Section 29)

Summons to Attend Court

	(Name) of(Place)
	e hereby commanded to appear before the above Island Court at
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j !	(Place)
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WARRANT TO REMAND ACCUSED IN CUSTODY

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	Name of Accused:				

(Section 29)

WARRANT OF IMPRISONMENT FOR FAILURE TO PAY A FINE

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was convicted be	fore this court on . offence(s):		198
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Particulars of O	ffence(s) -	en e	30 31
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THE ISLAND COURTS ACT 1983 (Sections 16 and 29)

ORDER TO PERFORM COMMUNITY WORK

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		* should be sentenced to a term of imprisonment not
		exceeding two months;
		And whereas as an alternative to the said
		undergoing such term of imprisonment the Court has
		determined in its discretion that he/she should perform
		specified work or work of a specified kind for community purposes for a period of eight hours a day from Monday to
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WARRANT TO ARREST ACCUSED

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(If the accused pleads not guilty, the following procedure applies when the trial commences on the date fixed for hearing of the case).

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THE ISLAND COURTS ACT 1983 (Sections 28 and 29)

FORM OF RECORD IN CRIMINAL PROCEEDINGS

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Accused	**********************		Court Cle	erk.
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***************************************	Compensation to aggrieved person (i	f applicable	: :)	
Accused to be informed of his right of appeal	•••••••••			
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THE ISLAND COURTS ACT 1983

CHITTENS HITT (Section 29)

RECOGNIZANCE (WITHOUT SURETY)

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THE ISLAND COURTS ACT 1983 (Section 29)

RECOGNIZANCE (WITH SURETIES)

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THE ISLAND COURTS ACT 1983 (Section 29)

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	************	(Justice).		(Court Clerk)
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				(Magistrate)

Mark Stranger

THE ISLAND COURTS ACT 1983 (Section 29)

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	UNDERTAKIN	G TO	APPEAR	TAKEN BY	A	POLICE	OFFICER

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	do HEREBY BIND MYSELF to co to attend the said court of until the trial of my case s	on the dat	e stated an			
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PROBLEM VER ORLEGE

THE ISLAND COURTS ACT 1983

(Section 29)

RECEIPT FOR COMPENSATION

Island Court

The second of th acknowledge to have received the sum of VT:.... being the whole or parts of the fine imposed against in Criminal Case No. in which I am the complainant and I accept the same in full settlement of any claim I might have for damages for the loss or injury sustained by me by reason of the act or omission on the part of the said The first of the second section is The state of the second of the second second of the second The state of the s Service of the servic er er after av er er er ber i typens finder i faller i stat i sænde. 1814 - 1977.5 a made to some of the sylvergeness of each power one of the sylvergeness of the the contract of the second contract of the second The Control of the Co control by the color of analytics S. to adding the engine congress of them in the property Witness, Signature: Signature: الرائم إلا والمواجعة Seal and a second of agone the second of a very and a second of the second Commence and the green most constitution of the comments. on the learning of the distribution of the second of the s and worth a modern group of the contribution A STATE OF THE STATE OF THE STATE OF

THE ISLAND COURTS ACT 1984 (Section 29)

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PROBATION ORDER

//g	er Tur Etyebo de	AAGA SHI	Island Court		
Name of accused	Whereas (hereinafter ro (day been convic		of probationer") has th	nis	
Particulars of offence					
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			ined to the probation		
62 Salan			hat if the probation 1 or special condition		
	set out below	the court shall o	rder the termination	of	
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gang Marin na sangkaran berata	Now therefore reside at	it is ordered tha	it the probationer w	ill	
Term of					
order to be		•	years from the dat	te	
from one to three years	of this order be under the supervision of (hereinafter referred to as "the Supervising Officer")				
			the probationer show y with the follow		
	 to appear Officer; 	when called upo	on by the Supervis	ing	
	furnish al		supervising officer documents necessary rt;		
			ficer in advance of sidence and the reas		
			officer of any inten and of his return;	ded	
Add any special		the prior permiss fore any departure	sion of the supervis abroad.	ing	
conditions which may be imposed					
	Dated this	day of	19 .		
	Justice	Justice	Justice		



OFFICE OF THE PRESIDENT STATE HOUSE PORT VILA REPUBLIC OF VANUATU

29th June, 1984

· 通知产生的基本的的形式 人名 化铁 电压 人名西德伊斯 化苯二酚 医二角 化对象分别的 化原 电流 的现

Article 45 (5) of the Constitution

In exercise of the power conferred by Article 45 (5) of the Constitution of Vanuatu and being satisfied that the Chief Justice, the Honourable Mr Justice Frederick G. Cooke, will be absent from the Republic on leave from the 30th of June 1984, I Ati George Sokomanu, President of the Republic of Vanuatu, on the advice of the Judicial Service Commission hereby appoint MICHAFL COAKLEY, SENIOR MAGISTRATE, to be an acting Judge of the Supreme Court until the return to the Republic of the Chief Justice or until his appointment is revoked.

Dated at Vila this 29th day of June, 1984.

BY HIS EXCELLENCY

ATI GEORGE SOKOMANU

President of the

Republic of

Vanuatu.

NOMINATION EN VERTU DE L'ARTICLE 45 5) DE LA CONSTITUTION

LE PRESIDENT DE LA REPUBLIQUE

ATTENDU QUE le président de la Cour suprême, M. Frederick G. Cooke, prendra ses congés à compter du 30 juin 1984.

VU le paragraphe 5 de l'article 45 de la Constitution,

La commission de la magistrature entendue,

HUON

le magistrat à compétence étendue. N. Michael Coakley, en qualité de juge par intérim de la Cour suprême jusqu'au retour ou à la révocation du président de la Cour suprême.

FAIT à Port-Vila le 29 juin 1984.

Le président de la République, ATL GEORGE SOKOMANU

AVIS D'IMMATRICULATION

D'une déclaration déposée le 3 juillet 1984 au Greffe de la C ur suprême de Vanuatu à Port-Vila, il résulte que :

"PATCHE", Société à responsabilité limitée au capital de 1 200.000 Vatu dont le siège social est à Tagabé près Port Vila (VANUATU) ayant pour objet : L'EX LOITATION DES DROITS DE JOUISSANCE DE QUATRE FONDS DE TERRE ET D PROPRIETES, a fait une demande d'immatriculation au Regi tre du Commerce de Port-Vila (VANUATU).

Ladite Société est immatriculée sous le numéro 84 B 430. Administration de la Société: Monsieur FROUIN André, né le 4 juin 1942 à Port-Vila (VANUATU) et Monsieur FROUIN Rémy, né 1 7 avril 1946 à Port-Vila (VANUATU).



Port-Vila, le 3 juillet 1984. Le greffier adjoint :

M. RAKAU

AVIS D'IMMATRICULATION

D.une déclaration déposée le 3 juillet 1984 au Greffe de la C ur suprême de Vanuatu à Port-Vila, il résulte que :

"TAOUNONO", Société à Responsabilité Limitée au capital de 8 0.000 Vatu dont le siège social est à Tagabé près Port-Vila (VANUATU) ayant pour objet :
L'EX LOITATION DES DROITS DE JOUISSANCE D'UN FONDS DE TERRE

ET D PROPRIETES, a fait une demande d'immatriculation au Regi tre du Commerce de Port-Vila (VANUATU).

Ladite Société est immatriculée sous le numéro 84 B 429.
Administration de la Société: Monsieur FROUIN André, né
le 4 juin 1942 à Port-Vila (VANUATU) et Monsieur FROUIN Rémy,
né 1 7 avril 1946 à Port-Vila (VANUATU).

Port-Vila, le 3 juillet 1984. Le greffier adjoint :

M. RAKAU



THE COMPANIES REGULATION 1971

NOTICE OF INTENDED DIVIDEND

Name of Company:

NASIKO PUBLICATIONS LIMITED

Address of Registered Office:

c/- Hudson & Co., Melitco House, Vila.

Nature of Business:

Weekly Newspaper

COURT:

THE SUPREME COURT OF VANUATU

Number of Matter:

No 186 of 1981

Last Day for Receiving

Proofs

31st July 1984

Name of Liquidator:

S. Uren

Address:

The Office of the Official Receiver
Opposite the Supreme Court of Vanuatu
P.O. Box 92
Port Vila. Vanuatu.

Dated this second day of July 1984.

S. Uren

Official Receiver & Liquidator



REPUBLIC OF VANUATU

COMPANIES REGULATION (CAP. 9)

TAKE NOTICE pursuant to Section 369 of the Companies Regulation (Cap.9) unless cause be shown to the contrary, the name of:-

WEST EUROPEAN INSURANCE COMPANY LIMITED

will be struck off the Register of Companies at Vila, Vanuatu and the company dissolved at the expiration of three months from the date of this notice.

Dated at Vila, Vanuatu this third day of July 1984.

S. Uren

REGISTRAR OF COMPANIE

IN THE MATTER Of The Companies Regulation (Cap9)

And

IN THE MATTER OF YALAM HOLDINGS LIMITED (In Voluntary Liquidation)

NOTICE is hereby given in pursuance of section 315 of the Companies Regulation (Cap. 9) that a General Meeting of the members of the abovenamed company will be held at Suite 22, Hong Kong & New Zealand House, Rue Emile Mercet, Port Vila on the 30th day of July, 1984, at 1 o'clock in the afternoon, for the purpose of having an account laid before them, showing the manner in which the winding up has been conducted, and the property of the company disposed of, and of hearing any explanation that may be given by the liquidators, and also of determining by extraordinary resolution the manner in which the books, accounts, and documents of the company, and of the liquidators thereof shall be disposed of.

Dated the 29th day of June, 1984

Robert A. Bauer (Liquidator)

Robert F. Agius (Liquidator)

NOTE: A member entiried to attend and vote is entitled to appoint a proxy to attend and vote instead of him. A proxy need not be a member of the company.

IN THE MATTER Of The Companies Regulation (Cap. 9)

And

IN THE MATTER OF PARAMOUNT LIMITED (In Voluntary Liquidation) -

NOTICE is hereby given in pursuance of section 315 of the Companies
Regulation (Cap. 9) that a General Meeting of the members of the
abovenamed company will be held at Suite 22, Hong Kong & New Zealand
House, Rue Emile Mercet, Port Vila on the 30th day of July, 1984, and the
3 o'clock in the afternoon, for the purpose of having an account laid
before them, showing the manner in which the winding up has been
conducted, and the property of the company disposed of, and of the liquidators, and
also of determining by extraordinary resolution the manner in which
the books, accounts, and documents of the company, and of the
liquidators thereof shall be disposed of.

Dated the 29th day of June, 1984

Robert A. Bauer (Liquidator) 1. 37.5.7

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Robert F. Agius Liquidator

NOTE: A member entitled to attend and vote is entitled to appoint a proxy.to:attend.and.vote.instead.of.him.goA.proxy.need.not.be a member of theocompany.come is an in the bone and some sent to be IN THE MATTER Of The Companies Regulation (Cap. 9)

And

IN THE MATTER OF ORIENTAL BUYING SERVICES LIMITED

(In Voluntary Liquidation)

NOTICE is hereby given in pursuance of section 315 of the Companies Regulation (Cap. 9) that a General Meeting of the members of the abovenamed company will be held at Suite 22, Hong Kong & New Zealand House, Rue Emile Mercet, Port Vila on the 30th day of July, 1984, at 2 o'clock in the afternoon, for the purpose of having an account laid before them, showing the manner in which the winding up has been conducted, and the property of the company disposed of, and of hearing any explanations that may be given by the liquidators, and also of determining by extraordinary resolution the manner in which the books, accounts, and documents of the company, and of the liquidators thereof shall be disposed of.

Dated the 29th day of June 1984

Robert A. Bauer (Liquidator)

Robert F. Agius (Liquidator)

NOTE: A member entitled to attend and vote is entitled to appoint a proxy to attend and vote instead of him. A proxy need not be a member of the company.



REPUBLIC OF VANUATU

COMPANIES REGULATION (CAP. 9)

TAKE NOTICE pursuant to Section 369 of the Companies Regulation (Cap. 9) the name of:-

SOUTHERN COMPANY LIMITED

has been struck off the Register of Companies at Vila, Vanuatu and the company dissolved.

Dated at Vila this fourth day of July 1984.

S. Uren COMMINES



REPUBLIC OF VANUATU

COMPANIES REGULATION (CAP.9)

TAKE NOTICE pursuant to Section 369 of the Companies Regulation (Cap.9) the name of:-

SANDEYCO LIMITED

has been struck off the Register of Companies at Vila, Vanuatu and the company dissolved.

Dated at Vila this fourth day of July 1984.

S. Uren REGISTRAR

