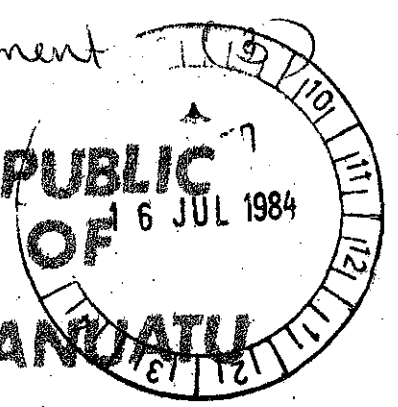


REPUBLIC  
DE  
VANUATU



Parliament  
REPUBLIC  
OF  
VANUATU  
16 JUL 1984



JOURNAL OFFICIEL

OFFICIAL GAZETTE

9 Juillet 1984

No. 23

9th July, 1984

SONT PUBLIES LES TEXTES SUIVANTS

NOTIFICATION OF PUBLICATION

LOIS

ACTS

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

THE PUBLIC SOLICITOR'S ACT No. 24 OF  
1984.

THE ISLAND COURTS (CIVIL PROCEDURE)  
RULES, 1984.

THE ISLAND COURTS (CRIMINAL PROCEDURE)  
RULES 1984

SOMMAIRE

PAGE

NOMINATION 2  
AVIS D'IMMATRICULATION 3

CONTENTS

PAGE

APPOINTMENT 1  
LEGAL NOTICES 4-9

REPUBLIC OF VANUATU

THE PUBLIC SOLICITOR'S ACT NO. 24 OF 1984

Arrangement of Sections

PART 1 - PRELIMINARY

- 1. Interpretation.

PART 2 - OFFICE OF THE PUBLIC SOLICITOR

- 2. Establishment of offices.
3. Vacation of office.
4. Acting Public Solicitor.

PART 3 - FUNCTIONS OF PUBLIC SOLICITOR

- 5. Functions of the Public Solicitor.

PART 4 - MISCELLANEOUS

- 6. Not to engage in Private Practice.
7. Charge for services.
8. Minister's power to make regulations.
9. Repeal.
10. Commencement.

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**

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

"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

**ESTABLISHMENT OF OFFICES**

2. (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.

**VACATION OF OFFICE**

- 3201a(1) The Public Solicitor may resign from office at anytime by giving notice in writing to the President of his intention to do so.
- (2) The President on the advice of the Judicial Service Commission shall remove the Public Solicitor from office if the Public Solicitor -
- (a) except by reason of temporary illness, becomes incapable of performing the duties of his office;
  - (b) is guilty of misconduct in the performance of the functions of his office; or
  - (c) has been sentenced by a court to imprisonment.

**ACTING PUBLIC SOLICITOR**

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 subsection (1) shall hold office until -
- (a) his appointment is revoked; or
  - (b) a person is appointed Public Solicitor in accordance with Article 54 of the Constitution, whichever first happens.

**PART 3 - FUNCTIONS OF PUBLIC SOLICITOR**

**FUNCTIONS OF THE PUBLIC SOLICITOR**

5. (1) The function of the Public Solicitor is to provide legal assistance -
- (a) to needy persons; or
  - (b) to any person when so directed by the Supreme Court.

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

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

**PART 4 - MISCELLANEOUS**

**NOT TO ENGAGE IN PRIVATE PRACTICE**

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

**CHARGE FOR SERVICES**

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

**MINISTER'S POWER TO MAKE REGULATIONS**

8. (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.

**COMMENCEMENT**

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

REPUBLIQUE DE VANUATU

LOI N°24 DE 1984 RELATIVE A LA CHARGE D'AVOCAT PUBLIC

Sommaire

TITRE 1 - DISPOSITIONS PRELIMINAIRES

1. Définitions

TITRE 2 - CHARGE DE L'AVOCAT PUBLIC

2. Création des charges

3. Vacance de la charge d'avocat public

4. Intérim de la charge d'avocat public

TITRE 3 - FONCTIONS DE L'AVOCAT PUBLIC

5. Fonctions de l'avocat public

TITRE 4 - DISPOSITIONS DIVERSES

6. Interdiction d'exercer dans le privé

7. Honoraires

8. Pouvoir du ministre

9. Abrogation

10. Entrée en vigueur

REPUBLIQUE DE VANUATU

Promulguée: 25.6.84

Entrée en vigueur: 25.6.84

LOI N° 24 DE 1984 RELATIVE A LA CHARGE D'AVOCAT PUBLIC

portant création de la charge d'avocat public.

Le président de la République et le Parlement promulguent 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'AVOCAT PUBLIC

CREATION DES CHARGES

2. 1) Il est créé la charge d'avocat public de la République de Vanuatu ; cette charge est une charge publique.
- 2) Nul ne peut occuper la charge d'avocat public ou en exercer les fonctions sans avoir qualité d'auxiliaire de justice.
- 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 incapacité 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 assistance judiciaire :
  - a) aux personnes nécessiteuses ;
  - b) à toute personne sur ordonnance de la Cour suprême.
- 2) Aux fins 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 toute 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'avocat 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 PRIVÉ

6. 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 n° 6 de 1979 est abrogé.

**ENTREE EN VIGUEUR**

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

THE ISLAND COURTS (CIVIL PROCEDURE) RULES, 1984

ARRANGMENT OF ORDERS

Order 1 - Interpretation

1. Interpretation.

Order 2 - Forms and Fees

1. Forms.
2. Fees.

Order 3 - Miscellaneous Provisions

1. Sittings of Court.
2. Making of Orders etc.
3. Consolidation of cases.
4. Language and interpretation.
5. Receipts.
6. Court registers.
7. Applications of Magistrates Courts Rules.
8. Power to enlarge or abridge time.
9. Representation.

Order 4 - Evidence

1. Exclusion of witnesses.
2. Documentary evidence.
3. Method of taking evidence.

Order 5 - Commencement of Proceedings

1. Commencement.
2. Statement of claim to be in writing.
3. Contents of statement of claim.
4. Particulars of claim.
5. Registration of particulars of statement of claim.
6. Date of hearing.
7. Service of statement of claim on defendant.
8. Publicity in land cases.

Order 6 - Service of Process

1. Service to be through court.
2. Proof of service.
3. Service to be personal.
4. Substituted service.
5. Witness summons.

ASPI (SPECIAL INVESTIGATION DIVISION) PROCEDURAL ORDER, 1987

Order 7 - Parties

- 1. Joint ground of action.
- 2. Non-joinder or mis-joinder of parties.

Order 8 - Discontinuance of proceedings

- 1. Discontinuance of proceedings.
- 2. Discontinuance after date fixed for hearing.

Order 9 - Place of trial and institution of causes

- 1. Place to trial.

Order 10 - Amendments

- 1. Clerical mistakes and accidental omissions.
- 2. General power to amend.

Order 11 - Admissions

- 1. Notice of admissions.
- 2. Admissions by defendants.

Order 12 - Settlement of issues

- 1. Settlement of issues.
- 2. Procedure for framing issues.
- 3. Parties to prepare issues.
- 4. When issues may be settled.

Order 13 - Appearance of parties

- 1. Court may permit party to appear by agent.

Order 14 - Counterclaim and set-off

- 1. Counterclaim and set-off.
- 2. Notice of counterclaim and set-off.
- 3. Defendant may have judgment due for balance due on counterclaim.
- 4. Payment into court where partial set-off.

Order 15 - Postponement of hearing

- 1. Postponement of hearing.
- 2. Absence of witness.

Order 16 - Non-attendance of parties at hearing

- 1. Non-appearance of both parties.
- 2. Non-appearance of plaintiff.
- 3. Non-appearance of defendant.
- 4. Counterclaim where plaintiff does not appear.
- 5. Setting aside judgment entered in absence of a party.
- 6. Relisting of cause struck out.

Order 17 - Proceedings at the hearing

- 1. Starting the hearing.
- 2. Plaintiff's witnesses.
- 3. Defendant's case.
- 4. Defendant's witnesses.
- 5. Documentary evidence.
- 6. Marking documents.
- 7. Disallowance of vexatious cross-examination.
- 8. Land to be visited.
- 9. Minutes of proceedings.

**Order 18 - Judgment**

1. Delivery of judgment.
2. Notice when judgment reserved.
3. 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. Payment by instalments.
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.

**Order 20 - Enforcement**

1. Enforcement.

**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:

APPLICATION AND COMMENCEMENT

These Rules shall apply to all civil proceedings before any Island Court in Vanuatu established under section 1 of the Island Courts Act No. 10 of 1983 and shall come into force on the date of publication in the Gazette.

DATED at Port Vila this 25<sup>th</sup> day of June 1984.

*Frederick G. Cooke*  
Chief Justice

THE ISLAND COURTS (CIVIL PROCEDURE) RULES, 1984

ORDER 1

INTERPRETATION

**1. INTERPRETATION**

In these Rules, unless the context otherwise requires:-

"Act" means the Island Courts Act No. 10 of 1983;

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

"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;

"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;

"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.

**ORDER 2**

**FORMS AND FEES**

**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**

The fees specified in appendix B shall be paid by the party at whose instance they are 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.

ORDER 3

**MISCELLANEOUS PROVISIONS**

**1. SITTINGS OF COURT**

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 of the court.

**2. MAKING OF ORDERS ETC.**

Subject to any particular rules, the court may, in all causes or matters, make any provisional order or ruling which it considers necessary for doing justice, whether such order or ruling has been expressly requested by the person entitled to the benefit thereof or not.

**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.

**4. LANGUAGE AND INTERPRETATION**

(1) The language of every court shall be Bislama, and if in any cause or matter the court 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.

(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.



(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 or a public officer is the interpreter, that person shall be entitled to payment of the prescribed fee as remuneration for his services.

(4) The prescribed fee for interpretation shall in all cases be payable in the first place by the plaintiff.

(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 all such matters as I shall be required to interpret and explain.

So help me God (omit if affirmation)"

## 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.

(2) When any fee is paid in respect of any documents the clerk shall endorse a note of the amount of fee paid and the number of the receipt issued therefor upon the original and upon any filing copy of such documents.

**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**

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.

**ORDER 4**

**EVIDENCE**

**1. EXCLUSION OF WITNESSES**

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.

**2. DOCUMENTARY EVIDENCE**

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.

**3. METHOD OF TAKING EVIDENCE**

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.

ORDER 5

COMMENCEMENT OF PROCEEDINGS

**1. COMMENCEMENT**

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**

A statement of claim shall be in writing:

Provided that if the plaintiff is illiterate or in need of assistance the clerk may assist him in drawing such statement of claim.

**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.

**4. PARTICULARS OF CLAIM**

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.

6. DATE OF HEARING

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.

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.

REPRESENTATIVE OF THE STATEMENT OF CLAIM

ORDER 6

**SERVICE OF PROCESS**

**1. SERVICE TO BE THROUGH COURT**

(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.

**2. PROOF OF SERVICE**

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.

**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**

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 -

- (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;
- or
- (f) by any combination of the foregoing methods:

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 expense involved.

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.
- (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.



ORDER 7

**PARTIES**

**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:

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.

**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.

(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.

ORDER 8

**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.

**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.

ORDER 9

**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:-

- (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.

**ORDER 10**

**AMENDMENTS**

**1. CLERICAL MISTAKES AND ACCIDENTAL OMISSIONS**

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 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.

ORDER 11

**ADMISSIONS**

**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.

**ORDER 12**

**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.

**2. PROCEDURE FOR FRAMING ISSUES**

(1) For the purpose of framing issues the court may -

(a) ascertain from each party or authorised representative, what facts he admits or denies;

(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.

(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.

**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.

**ORDER 13**

**APPEARANCE OF PARTIES**

**1. COURT MAY PERMIT PARTY TO APPEAR BY AGENT**

In every cause or matter pending before the court, if it shall 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 legal practitioner, who shall satisfy the court that he has authority in that behalf, to appear for such plaintiff or defendant.



ORDER 14

**COUNTERCLAIM AND SET-OFF**

**1. 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.

**2. NOTICE OF COUNTERCLAIM AND SET-OFF**

(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.

**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.

**4. PAYMENT INTO COURT WHERE PARTIAL SET-OFF**

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.

ORDER 15

**POSTPONEMENT OF HEARING**

**1. POSTPONEMENT OF HEARING**

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.

**2. ABSENCE OF WITNESS**

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.

ORDER 16

**NON-ATTENDANCE OF PARTIES AT HEARING**

**1. NON-APPEARANCE 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.

**4. COUNTERCLAIM WHERE PLAINTIFF DOES NOT APPEAR**

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**

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.

ORDER 17

**PROCEEDINGS AT THE HEARING**

**1. STARTING THE HEARING**

- (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 reply 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.
- (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.

**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.

**3. DEFENDANTS CASE**

At the conclusion of the plaintiff's evidence -

- (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;

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.

**2. 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.

**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**

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 otherwise orders.



**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.

ORDER 19

**COSTS**

**1. COSTS**

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 summoning 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:

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.

2010

**ORDER 20**

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.

**1. ENFORCEMENT**

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.

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.

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.

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.

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.

APPENDIX A

CIVIL FORMS

Form Civil 1

THE ISLAND COURTS ACT 1983

SUMMONS TO DEFENDANT  
(O.S.r.r. 5 & 6)

In the.....Island Court

Civil Case No..... of 19.....

Between.....Plaintiff

And.....Defendant

To.....of.....

You are required to attend this Court at.....

on..... 19..... at.....O'clock in the  
morning/afternoon, when the case brought against you by the above-named  
plaintiff set out in the attached statement of claim will be heard.

If you fail to attend as required, the Court may proceed in your absence and  
give judgment against you after hearing the plaintiff.

(Signed).....

Court Clerk

Summons served by me on the defendant at.....on.....

.....198....., the contents thereof having been  
explained to the defendant.

(Signed).....

Rank & No. of the Police Officer

THE ISLAND COURTS ACT 1983

SUMMONS TO WITNESS  
(0.6 r.5)

In the.....Island Court

.....  
Civil Case No..... of 19.....

Between.....Plaintiff.....

And.....Defendant

To.....of.....

You are required to attend in person before this court at.....  
on.....19.... at.....O'clock  
in the morning/afternoon and so from day to day until this case has been  
tried, to give evidence as to all that you know in this case.

And also to bring with you and produce to the court at the time and place  
stated above the following document or article, namely -

.....  
.....  
.....

You are summoned at the request of.....

Dated this.....198.....

.....  
..... (Signed).....  
Court Clerk

Summons served by me on the above-named witness at.....

on.....19....., the contents thereof having been  
explained to him/her.

(Signed).....  
..... Rank & No. of Police Officer

STATE FOR ATTORNEY GENERAL

**THE ISLAND COURTS ACT 1983**

**STATEMENT OF CLAIM**  
(0.5 r.r.3 & 4)

.....Island Court

Between.....Plaintiff

And.....Defendant

Civil Case No..... of 19.....

Name, address I, .....  
and occupation .....

of the plaintiff claim from the defendant:-

State precisely  
the subject matter  
of the claim and  
the relief sought.  
If claim is in  
respect of land,  
a description  
thereof must be  
set out giving  
boundaries and  
a sketch plan  
must be annexed.

Dated this ..... day of ..... 19 ..

(Signed).....  
Plaintiff

Filed at ..... Island Court this ..... 19...

Fee paid: VT .....  
Court Clerk

THE ISLAND COURTS ACT 1983

(O.18 r.4)

DECREE

In the ..... Island Court

Civil Case No.....of 19.....

Between.....Plaintiff

And.....Defendant

It is hereby decreed and ordered in the above cause that

Delete the paragraphs which are not applicable

- (a) the claim of the plaintiff be dismissed and the defendant be awarded costs of VT.....
- (b) the plaintiff do recover from the defendant the sum of VT..... together with costs of VT..... and the defendant is ordered to pay the sum of VT.....forthwith (or by the following instalments).
- (c) the defendant do forthwith return to the plaintiff the following chattels, namely
- (d) 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.

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 or occupying 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).

SECTION 104 - THEFT OF PROPERTY

(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)

[Faint, mostly illegible text describing the schedule and possibly a list of items or land parcels. Some words like 'Schedule' and 'Description' are visible.]



**THE ISLAND COURT ACT 1983**  
(Section 28 and 29)

**FORM OF RECORD IN CIVIL PROCEEDINGS**

In the.....Island Court sitting at.....on.....19..

Before.....Justice

.....Justice

.....Justice

.....Court Clerk

Civil Case No..... of 19.....

Between

.....Plaintiff

and

.....Defendant

If the defendant admits liability, the Clerk must enter judgment

**Part I**  
**ORDER**

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 due to the plaintiff, the parties should try to agree terms for payment by instalments and if this is done the Clerk will record a further order.

**ORDER**

By consent, decretal amount to be paid by instalments of Vt..... per month, the first instalment to be paid on.....19.... and subsequent instalment to be paid on the first/last day of each succeeding month.

Instalments to be paid through the court/direct to the plaintiff.  
Usual default clause to apply.

If the defendant denies liability the court should settle the issues under order 12.

**PART II**  
**ISSUES**

When issues have been framed, the Clerk should record what questions have to be determined.

- 1.
- 2.
- 3. etc.

The hearing may be adjourned to a later date or the plaintiff will be called upon to produce his evidence

Plaintiff, Adult, Christian, Sworn:-  
XD  
XXD Defendant

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

XD Court

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

XXD Defendant

RE.XM Plaintiff

XD Court

P.W.2 etc.

Case for Plaintiff

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

Defendant, Adult, Christian, Sworn:-  
XD

XXD Plaintiff

RE.XM

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

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**

**FEES**

(0.2 r.2)

- |  |   |
|--|---|
| 1. On application for a witness summons  | VT 100  |
| 2. On any cause or matter where the value of the subject matter, other than land, is capable of being estimated in money, and -                            |   |
| (a) does not exceed VT 25,000  | 500   |
| (b) exceeds VT 25,000  | 750   |
| 3. On any cause or matter involving a land dispute   | 5,000   |
| 4. On any other cause or matter  | 1,000   |
| 5. On an appeal to a Senior Magistrate's Court   | 2,000   |
| 6. On an application for a copy of a judgment  | 100   |
| 7. On an application for a copy of the record of proceedings in any case, including proceedings in the Island Court and in any appeals resulting therefrom | 100 plus<br>50 per<br>folio of 100 words<br>or part thereof |
| 8. On any application or summons not specifically provided for above   | 100   |
| 9. On appeal from an Island Court to Supreme Court   | 10,000  |
| 10. On appeal from a Senior Magistrate's Court to Supreme Court  | 5,000   |
| 11. For interpreters, VT 1,000 per day or part thereof.  |   |

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.
6. Arrest and detention of accused failing to obey summons.
7. Court may direct security to be taken.
8. Warrant in the case of avoidance of service.
9. Court may remand accused in custody.
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.
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

REPUBLIC OF VANUATU  
**THE ISLAND COURTS (CRIMINAL PROCEDURE) RULES, 1984**

BY THE CHIEF JUSTICE

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:-

**APPLICATION**

These Rules shall apply to all criminal proceedings taken in any Island Court in the Republic of Vanuatu established under section 1 of the Island Courts Act No. 10 of 1983 and shall come into force on the date of publication in the Gazette.

**DATED** at Port Vila this 25<sup>th</sup> day of June 1984.

*Fredrick G. Cooke*

Chief Justice

**THE ISLAND COURTS (CRIMINAL PROCEDURE) RULES, 1984**

**1. INTERPRETATION**

In these Rules, unless the context otherwise requires:-

"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;

"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;

"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;

.../3.

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

**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**

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.

**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**

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

**7. COURT MAY DIRECT SECURITY TO BE TAKEN**

- (1) The court when ordering the arrest of any person may direct that if 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 (1), the clerk shall inform that person of the date on which he must attend the court in lieu of the issue of a further summons.
- (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**

(1) Where a charge has been preferred and the court has reason to believe 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 for the arrest of the accused.

(2) An application for a warrant under sub-rule (1) may be made in writing by a prosecutor or orally on oath before the court by any police officer.

**9. COURT MAY REMAND ACCUSED IN CUSTODY**

(1) Where a person appears before a court charged with the commission of an offence, the court may direct a trial to be held forthwith or at a 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:

Provided always that the court shall on the request of the accused, postpone the trial for such period as it considers reasonable to enable the accused to prepare his defence.

(2) Where the court remands an accused in custody, the period of such 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.

(3) A person remanded in custody shall be brought to trial at the earliest opportunity.

**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 with or without a surety or sureties.

(2) The amount of the bail shall be fixed with due regard to the circumstances of the case and shall not be excessive.

(3) The court in granting bail to an accused may impose such conditions as it may consider fit.

**11. SUMMONS TO WITNESS**

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.

**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.

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

(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.

(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.

(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**

(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.

**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.

**17. PROCEDURE ON PLEA OF NOT GUILTY**

(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.

(3) The court may disallow any question put in cross-examination to any witness which may appear to it to be vexatious or not relevant to the proceedings.

(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.

**18. WITHDRAWAL OF CHARGE**

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 encourage 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, and may thereupon order the proceedings to be stayed or terminated.

**20. AMENDMENT OF CHARGE**

(1) Where it appears to the court that the charge is defective, the court may make such order for the amendment 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) An amendment may be made before a trial or at any stage of a trial before the close of the case for the prosecution.

**21. ACQUITTAL OF ACCUSED PERSON IF NO CASE TO ANSWER**

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**

(1) If at the close of the evidence in support of the charge, it appears to 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 cross-examination by the prosecution, but he is not obliged to give evidence and may elect to remain silent. If he chooses not to give evidence, this will not of itself lead to an inference 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 to remain outside the court-room out of 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 is 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 compel 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 take 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.

(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.

**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.

**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 or 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 set out 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.

**27. MINUTES OF PROCEEDINGS**

(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.

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

**28. FORMS TO BE USED**

The forms set out in the Schedule hereto shall be used by a court in the exercise of its criminal jurisdiction with such adaption as the 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	10
Undertaking to appear taken by a police officer	11
Receipt for compensation	12
Probation Order	13



THE ISLAND COURTS ACT 1983

(Section 29)

Summons to Attend Court

TO BE SERVED AT SUVA

.....Island Court

To : .....(Name) of.....(Place)

You are hereby commanded to appear before the above Island Court at:

.....(Place)

on.....(Date) at.....(Time) to give evidence/answer a charge.

Statement of offence .....

Contrary to .....(Law/By-Law)

Particulars of Offence .....

Signed .....

Court Clerk

Date .....

Note: Any person summoned to attend court who fails to do so shall be liable to a fine not exceeding 24,000 vatu or imprisonment not exceeding 6 months or to both.

Summons served by me on person named and contents explained:

at .....(Place) on.....(Date)

Signed: .....

Police Officer

THE ISLAND COURTS ACT 1983

**THE ISLAND COURTS ACT 1983**

**Part 9 (Section 29)**

**WARRANT TO REMAND ACCUSED IN CUSTODY**

..... ISLAND COURT .....

To: All police officers in the Republic of Vanuatu and to the officer-in-charge of the Prison at .....

Whereas ..... of .....

stands charged with the offence of .....

You are hereby commanded to convey the said .....

to the prison at ..... and deliver him to the officer-in-charge thereof who is hereby directed to keep him safely until ..... and then have him brought before this court at ..... O'clock in the morning/afternoon for trial/sentence.

Dated this ..... day of ..... 19.....

..... (Justice) ..... (Justice) .....

..... (Justice) ..... (Court Clerk) .....

Further remands: .....



THE ISLAND COURTS ACT 1983

(Section 29)

WARRANT OF IMPRISONMENT FOR FAILURE TO PAY A FINE

.....Island Court

To: All Police Officers in the Republic of Vanuatu and to the Officer-In-Charge of the prison at .....

Whereas .....(Name) of.....(Place)

was convicted before this court on .....198..... of the following offence(s):

Statement of Offence(s) -

Particulars of Offence(s) -

and it was adjudged that the said .....(Name) should pay a fine of VT:.....or in default of payment be imprisoned for .....(period)\* and whereas he has made default.

You are therefore commanded to take the said ..... and convey him to prison and deliver him to the officer-in-charge who is hereby directed to imprison him for the period aforesaid unless he shall first pay the fine of VT.....

Dated the ..... day of ..... 198 .

.....(Justice).....(Justice)

.....(Justice).....(Court Clerk)

\* In the case of a sentence of more than 14 days this Warrant must be counter-signed by the supervising magistrate.

Dated the ..... day of ..... 198 .

.....(Magistrate)

**THE ISLAND COURTS ACT 1983**  
(Sections 16 and 29)

**ORDER TO PERFORM COMMUNITY WORK**

.....Island Court

UNDA TERRA

Insert name  
and address  
of supervisor  
to whom the  
accused is  
to report.

To.....of.....  
Whereas.....of.....  
was convicted before this court on.....19...  
of the following offence:-

Statement of offence:

Particulars of offence:

And it was adjudged that the said.....

\* Delete  
whichever is  
inapplicable

\* should pay a fine of VT..... out of which a sum  
of VT.....should be paid to .....  
as compensation and in default of payment of the fine the  
said.....should be sentenced to a term  
of imprisonment not exceeding two months;

\* should be sentenced to a term of imprisonment not  
exceeding two months;

Insert dura-  
tion of order

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  
Saturday in each week commencing from.....  
.....19... and terminating on.....19...;

Insert any  
conditions  
which the  
court may  
impose

It is hereby ordered that you will supervise the said.....  
.....in the performance of such  
community work as you may direct him/her to do subject to  
the following conditions:

.....  
(Justice)

.....  
(Justice)

.....  
(Justice)

.....  
(Court Clerk)

**THE ISLAND COURTS ACT 1983**  
(Section 29)

**WARRANT TO ARREST ACCUSED**

.....Island Court  
**To: All Police Officers within the Republic of Vanuatu.**

Whereas.....of.....  
is charged with the following offence(s):.....

**Statement of Offence:** .....

**Particulars of Offence:** .....

**You are hereby commanded to arrest and detain the said .....**  
**.....and to produce him before this Court forthwith**  
**in execution of this Warrant.**

Dated the .....day of.....19....

.....  
Court Clerk

**RETURN OF WARRANT**

(To be completed by Police Officer to whom Warrant is handed).  
Warrant executed by me and the above-named accused produced before the  
.....Island Court this.....day of.....198.....

Signed:.....  
Rank and No.

PART 2

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

Witness's P.W. 1:  
full name, age whether sworn or affirmed

Re-XM Prosecutor:

XD - Court:

Witness's PW.2 etc.:  
full name, age whether sworn or affirmed

Case for the Prosecution

(If the Court finds that there is a case to answer, the accused is put to his defence)

If accused elects to testify, full name, age, whether sworn or affirmed

XD:

XXD:- Prosecutor:

Re-XM:

XD-Court:

If any defence witnesses testify, full name, age, sworn or affirmed

DW 1 etc.:

Case for the Defence

(The Court will either give judgment at the conclusion of all the evidence or else reserve its decision. The clerk should write down any reasons given by the Court in reaching its decision. If the Accused is found guilty the Court will then proceed to pass sentence).

Antecedents:

(Follow the procedure in Part 1 for the remainder of the trial).

**THE ISLAND COURTS ACT 1983**  
(Sections 28 and 29)

**FORM OF RECORD IN CRIMINAL PROCEEDINGS**

In the.....Island Court Sitting at.....  
on the.....198.....

Before: ..... Justice  
..... Justice  
..... Justice  
..... Court Clerk

Case No....../..... - Accused.....of.....  
..... - Accused.....of.....  
..... - Accused.....of.....

Prosecutor.....

Plea.....

**PART 1**

(If the accused initially pleads guilty, the following procedure applies)

Facts as stated by the Prosecutor.....

Accused's answer (if any) to the facts.....

Conviction recorded.....

Antecedents.....

Sentence.....

Compensation to aggrieved person (if applicable).....

Accused to be informed of his right of appeal.....





THE ISLAND COURTS ACT 1983  
(Section 29)

RECOGNIZANCE (WITH SURETIES)

.....Island Court

We, the undersigned, severally acknowledge ourselves to owe to the Clerk for the time being of the above-named Island Court the sums written opposite our respective signatures hereto, to be raised by Seizure and sale of our several goods if the condition hereon endorsed is not fulfilled.

Dated this ..... day of ..... 198..

Signature	Address	Occupation	Amount
-----------	---------	------------	--------

The condition of this recognizance is that if the within-named shall personally appear before the above-named Island Court on .....  
.....19 , at .....0'clock in the  
morning/afternoon to answer a charge contrary to .....

.....and shall continue to attend from day to day and at each adjournment of the said Court and not to depart therefrom without leave then this recognizance shall be void and otherwise it shall be in force.

**THE ISLAND COURTS ACT 1983**  
(Section 29)

CAOI TOA PISIMEN (MAGISTRATE WMT)  
**WARRANT OF IMPRISONMENT**

..... Island Court  
To: All police officers in the Republic of Vanuatu and to the officer-in-charge of the prison at.....

Whereas.....(Name) of.....(Place)  
Was on .....19....(Date) convicted before the.....  
Island Court of the following offence(s):

Statement of Offence(s):

Particulars of Offence(s):

and it was adjudged that the said.....(Name)  
for his offence(s) should be imprisoned at.....(Prison)  
and thereto be kept for .....(Period)\*  
from this day.

You are therefore ordered to take the said .....(Name)  
and convey him to the said prison and deliver him to the officer-in-charge thereof who is hereby directed to imprison him for the aforesaid.

Dated the ..... day of ..... 198 .....

.....(Justice).....(Justice)

.....(Justice).....(Court Clerk)

\* In the case of a sentence exceeding 14 days this Warrant must be counter-signed by the Supervising Magistrate.

Dated the ..... day of ..... 198 .  
.....(Magistrate)

THE ISLAND COURTS ACT 1983

**THE ISLAND COURTS ACT 1983**

(Section 29)

**UNDERTAKING TO APPEAR TAKEN BY A POLICE OFFICER**

.....Island Court

I ..... of .....  
being charged with the offence of .....  
and being required to appear before the .....  
Island Court at ..... on .....1984  
do **HEREBY BIND MYSELF** to comply with the conditions of release (if any) and  
to attend the said court on the date stated and to continue so to attend  
until the trial of my case shall be concluded.

I acknowledge that should I fail to do so I will be liable to be arrested  
and brought before the said court.

**CONDITIONS OF RELEASE:**

Dated at ..... this ..... day of .....198.....

**Witness** :.....**Signature** :.....

STATE OF VERMONT DEPARTMENT OF CORRECTIONS

**THE ISLAND COURTS ACT 1983**

(Section 29)

**RECEIPT FOR COMPENSATION**

.....Island Court

I ..... of .....  
acknowledge to have received the sum of VT:..... being the  
whole or part 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 .....

Dated this ..... day of ....., 198.....

Witness:..... Signature:.....

THE ISLAND COURTS ACT 1984  
(Section 29)

PROBATION ORDER

.....Island Court

Name of accused                      Whereas    of  
(hereinafter referred to as "the probationer") has this  
~~day been convicted of~~

Particulars  
of offence

.....  
An whereas the Court is of the opinion having regard to  
the circumstances, including the nature of the offen-  
ce(s) and the character of the probationer, that it is  
expedient to make a probation order;

.....  
And whereas the court has explained to the probationer  
the effect of this order and that if the probationer  
fails to comply with any general or special conditions  
set out below the court shall order the termination of  
such probation and shall sentence the probationer  
afresh.

.....  
Now therefore it is ordered that the probationer will  
reside at

Term of .....  
order to be .....  
from one to .....  
three years .....  
and will for a period of ..... years from the date  
of this order be under the supervision of  
(hereinafter referred to as "the Supervising  
Officer")

.....  
And it is further ordered that the probationer shall  
during the said period comply with the following  
conditions:

1. to appear when called upon by the Supervising Officer;
2. to receive visits from the supervising officer and furnish all information and documents necessary for verifying his means of support;
3. to advise the supervising officer in advance of any change of employment or residence and the reasons thereof;
4. to inform the supervising officer of any intended absence of over fifteen days and of his return;
5. to obtain the prior permission of the supervising officer before any departure abroad.

Add any special  
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

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 MICHAEL 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 PRÉSIDENT DE LA RÉPUBLIQUE

ATTENDU QUE le président de la Cour suprême, M. Frederick G. Cocke, 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,

N O M M E

le magistrat à compétence étendue, M. 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,  
ATI GEORGE SOKOMANU



AVIS D'IMMATRICULATION

D'une déclaration déposée le 3 juillet 1984 au Greffe de la Cour 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'EXPLOITATION DES DROITS DE JOUISSANCE DE QUATRE FONDS DE TERRE ET DE PROPRIETES, a fait une demande d'immatriculation au Registre 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 le 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 Cour suprême de Vanuatu à Port-Vila, il résulte que :

"TAOUNONO", Société à Responsabilité Limitée au capital de 800.000 Vatu dont le siège social est à Tagabé près Port-Vila (VANUATU) ayant pour objet :  
L'EXPLOITATION DES DROITS DE JOUISSANCE D'UN FONDS DE TERRE ET DE PROPRIETES, a fait une demande d'immatriculation au Registre 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 le 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: NABIKO PUBLICATIONS LIMITED

Address of Registered Office: c/- Hudson & Co., Melitce 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)

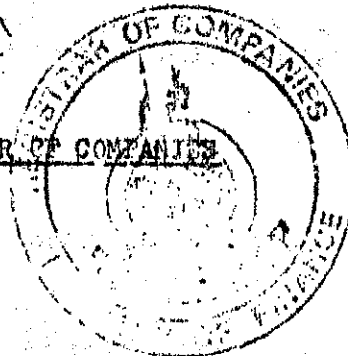
TAKE NOTICE pursuant to Section 359 of the Companies Regulation (Cap.9) unless cause be shown to the contrary, the name of:-

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*  
S. Uren  
REGISTRAR OF COMPANIES



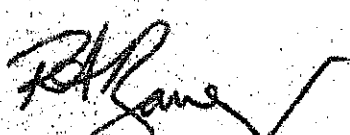
IN THE MATTER OF The Companies Regulation (Cap9)

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 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.

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

And

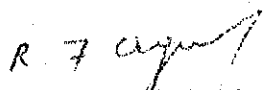
IN THE MATTER OF PARAMOUNT LIMITED (In Voluntary Liquidation)

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 Mercer, Port Vila on the 30th day of July, 1984, at 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 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 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.


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

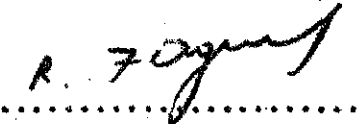
And

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  
REGISTRAR OF COMPANIES



REPUBLIC OF VANUATU

COMPANIES REGULATION (CAP.9)

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

SANDEVCO 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 OF COMPANIES

