





NO. 4



OFFICIAL GAZETTE

25 JANVIER 1999

25 JANUARY 1999

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NOTIFICATION OF PUBLICATION

ORDERS

PUBLIC SERVICE DISCIPLINARY BOARD (PROCEDURE RULES) ORDER NO. 3 OF 1999.

COASTAL TRADING (CONTROL) (FORMS AND FEES) (AMENDMENT) ORDER NO. 4 OF 1999.

MARITIME REGULATIONS (AMENDMENT) ORDER NO. 5 OF 1999.

LOCAL GOVERNMENT (APPOINTED MEMBERS) ORDER NO. 7 OF 1999.

LOCAL GOVERNMENT (APPOINTED MEMBERS) (AMENDMENT) ORDER NO. 8 OF 1999.

CONTENTS

PAGE

APPOINTMENT OF MEMBERS OF VANUATU NATIONAL SPORTS COUNCIL 1-10

PUBLIC SERVICE ACT NO. 11 OF 1998

PUBLIC SERVICE DISCIPLINARY BOARD (PROCEDURE) RULES ORDER NO.3 OF 1999

To provide rules of procedure for the Public Service Disciplinary Board.

IN EXERCISE of the powers contained in section 43 (1) of the Public Service Act No. 11 of 1998, the Public Service Commission hereby make the following order: -

INTERPRETATION

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1. In these rules, unless the context otherwise requires -

"Act" means the Public Service Act, No. 11 of 1998;

"Board" means the Public Service Disciplinary Board established under section 37 of the Act;

"chairman" means a member of the Commission appointed as chairman of the Board under section 37(1) of the Act;

"member" means a member of the Board other than chairman appointed under section 37(1) of the Act;

"written statement" means a written statement produced in disciplinary proceedings and includes any annexures or exhibits referred to therein.

SITTINGS OF THE BOARD

- 2. (1) The Board shall sit at such times and places as the chairman shall direct.
 - (2) Subject to subrule (3), all proceedings before the Board shall be open to the public.
 - (3) The Board may in having regard to public interest direct that any proceedings or a part thereof be heard in private.

REPRESENTATION BY AN ADVOCATE OR AGENT

3. At the hearing a director-general (or representative), and/or the employee will be entitled to be present and may be represented and assisted by an advocate or any other person.

COMMENCEMENT OF PROCEEDINGS AND NOTICE OF OFFENCE

- 4. (1) Every proceeding before the Board shall be commenced by notice of offence issued by the Public Service Commission or delegate in the form prescribed and containing particulars of the offence as will fully and fairly inform the alleged offender of the offence and date of hearing.
 - (2) The date of hearing shall be not less than 28 days from the date of service of the notice on the alleged offender.
 - (3) A copy of the notice of offence shall be served on the officer together with copies of all statements or other documents relevant to the notice of offence.
 - (4) A notice of offence issued under this rule shall be in the form set out in Part 1 of the Schedule.

NOTICE BY THE OFFICER

- 5. (1) If the officer charged requires the attendance of a witness whose statements have been served on him under rule 4, he shall give notice thereof to the chairman.
 - (2) A notice under this rule shall be in the form set out in Part 2 of the Schedule.

WITNESS SUMMONS TO BE SERVED ON WITNESSES

- 6. (1) The chairman shall cause to be served on every witness a notice to attend the Board and to bring and produce to the Board such documents and other things in his possession or under his control, if any, as shall be specified in the notice.
 - (2) A notice under this rule shall be in the form set out in Part 3 of the Schedule.

NON-APPEARANCE OF OFFICER

7. If the officer served with the notice of offence-does not attend the hearing, the Board may proceed with the matter in his absence.

OFFICER TO BE CALLED UPON TO PLEAD

- 8. (1) The substance of the charge in the notice of offence shall be stated to the officer by the chairman and he shall be asked whether he admits or denies the charge.
 - (2) Subject to subrule (5) if the officer admits the charge, his admission shall be recorded as nearly as possible in the words used by him, and the Board shall impose a punishment without hearing further evidence, unless there shall appear to it sufficient cause to the contrary.
 - (3) If the officer denies the charge the Board shall proceed to hear the case as hereinafter provided.
 - (4) If the officer refuses to plead, the Board shall order a plea of not guilty to be entered for him.
 - (5) Notwithstanding the foregoing provisions of this rule upon an admission of a charge by the officer the Board may make brief enquiry into the nature of the facts admitted and if the Board has reason to believe that he may not be guilty of the offence charged, it shall substitute a plea of not guilty and proceed to hear the case.

PROCEDURE ON PLEA OF NOT GUILTY

- 9. (1) If a plea of not guilty has been entered, the Board shall proceed to hear the witnesses.
 - (2) The officer or his advocate or agent may put questions to each witness produced against him.
 - (3) If the officer is not represented by an advocate or agent the Board shall, at the close of the examination of each witness for the Board, ask the officer whether he wishes to put any questions to that witness and shall proceed accordingly.

ACQUITTAL OF THE OFFICER WHEN NO CASE TO ANSWER

10. If at the close of the evidence in support of the notice of offence, it appears to the Board that a prima facie case is not made out against the officer so as to require him to make a defence, the Board shall dismiss the case.

THE DEFENCE

- 11. (1) If at the close of the evidence in support of the notice of offence, it appears to the Board that a case is made out against the officer sufficiently to require him to make a defence, the Board shall again explain the substance of the notice of offence, to him and ask him whether he has any witnesses or other evidence in his defence, and the Board shall then hear any such witnesses and other evidence.
 - (2) If the officer produces witnesses in his defence, the Board shall have the right to question such witnesses.
 - (3) If the officer states that he has witnesses to call but that they are not present at the hearing and the Board is satisfied that the absence of such witnesses is not due to any fault or neglect of the officer and that there is a likelihood that they could, if present, give material evidence on his behalf, the Board may adjourn the hearing and take such steps as it shall think fit to compel the attendance of such witnesses.

EVIDENCE IN REPLY

12. If the officer gives evidence in his defence introducing new matter which could not by the exercise of reasonable diligence have been foreseen, the Board may give evidence to rebut such matter.

ADDRESSING THE BOARD

- 13. (1) The officer, his advocate or agent may address the Board at the commencement of the defence before the witnesses for the defence are called.
 - (2) After the close of the evidence for the defence and in rebuttal if any, the officer, his advocate or agent may address the Board.
 - (3) Where there are several officers charged the order of addresses to the Board by or on behalf of the officers shall follow the order in which their names appear on the notice of offence.

THE DECISION

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- 14. (1) When the evidence and the addresses, if any, have been completed the Board shall take a decision on each count of the notice of offence.
 - (2) Decisions taken by the Board in relation to any disciplinary notice of offence, shall be by simple majority.
 - (3) Every decision of the Board shall be in the form set out in Part 4 of the Schedule.
 - (4) The chairman shall read out the decision of the Board in the presence of the officer and the chairman shall forthwith inform the officer of his right of appeal under section 38 of the Act.

DISCIPLINARY PUNISHMENTS

- 15. (1) In every proceeding the Board may impose any one or more of the following punishments as it shall think just-
 - (a) issue a warning or reprimand to the offender; or
 - (b) demote the employee; or
 - (c) suspend the offender from the Public Service without pay; or
 - (d) order compulsory retirement; or
 - (e) dismiss the offender from the Public Service

AMENDMENT OF NOTICE OF OFFENCE

- 16. (1) Where it appears to the Board that the notice of offence is defective, the Board may make such order for the amendment of the notice of offence, as the Board 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 hearing or at any stage of a hearing before the close of the case against the officer.
 - (3) Where in its opinion, any amendment, addition or replacement as specified in subrule (1) is likely to take any party by surprise or may be prejudicial to the conduct of any person's case, the Board shall adjourn the hearing.

ADJOURNMENT

17. Before or during the hearing of any case the Board may adjourn the hearing to a time and place to be then appointed and stated in the presence and hearing of the officer charged and his advocates or agents.

MANNER OF RECORDING EVIDENCE BEFORE THE BOARD

- 18. (1) In any hearing before the Board, the evidence of the witnesses shall be recorded in the following manner-
 - (a) the deposition of each witness shall be recorded in writing in English, French or Bislama by the chairman, or in his presence and hearing and under his personal direction and supervision, and shall be signed by the chairman and shall form part of the record;
 - (b) depositions shall not ordinarily be recorded in the form of question and answer, but in the form of a narrative:

Provided that the chairman may, in his discretion, record or cause to be recorded any particular question and answer;

- (c) whenever the evidence of a witness is given in English, French or Bislama, the chairman may, if he is satisfied that he is sufficiently conversant with these languages, record or cause to be recorded such evidence in any other of the said languages without the use of an interpreter.
- (2) When the chairman has recorded the evidence of a witness he shall also record such remarks (if any) as he considers material respecting the demeanour of such witness whilst under examination.

EVIDENCE TO BE TAKEN IN PRESENCE OF THE OFFICER

- 19. (1) Except as otherwise expressly provided, all evidence taken in any hearing by the Board shall be taken in the presence of the officer charged.
 - (2) Whenever any evidence is given in a language not understood by the officer charged, and he is present in person, it shall be interpreted to him in a language understood by him.
 - (3) If the officer appears by an advocate and the evidence is given in a language other than English or French and not understood by the advocate, it shall be interpreted to such advocate in English or French.
 - (4) If the chairman has sufficient knowledge of English, French or Bislama, he may, without the use of an interpreter, translate from one into any other of the said languages with which he is conversant.
 - (5) The law relating to hearsay evidence shall not apply to any proceedings before the Board.

COMMENCEMENT

20. This Order shall be deemed to have come into effect on the date of its signature.

MADE at Port Vila this 15th day of January, 1999. public Anuatu de Vanue GEORGÉ PAKOASONGI JEAN-PIERRE NIRUA Chairman Commissioner

the

HILDA TALEO Commissioner

	SCHEI		
	PAR	T 1	
			(rule «
	NOTICE OF	OFFENCE	
	DISCIPLINARY CA	SE No: OF	
	То:	of	
1.	You are hereby charged that on or about	at	
	Such acts* or omissions* being contrary to:		
2.	And you are hereby required to attend before t	the Board at	
	day of	· ·	
	and so from day to day until the charge(s)* aga		
DATED	at this day of		
Chairmar	n, Public Service Commission		
NOTE:	n, Public Service Commission mpleted by the officer or lawyer or agent repres	enting him or her).	
NOTE: (To be co			

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PART 2

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_____, ____, ____

NOTICE OF INTENTION TO CALL WITNESS(ES) AT THE HEARING

DISCIPLINARY CASE No: OF

To: Chairman

Whereas on the ______day of ______, I received a copy of the charge together with copies of statements by witnesses in this matter;

I therefore intend that the following witness or witnesses whose statements I have to be present and be called at the hearing-

Signature

NOTE:

To be completed by the Chairman or any Member or any officer thereof accepting service.

I hereby accept and acknowledge receipt of this Notice.

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Date

(Detach this Note and return to the officer or to his advocate or to his agent)

DATED at ______ this _____ day of

PART 3

(rule 6)

WITTNESS SUMMONS

DISCIPLINARY CASE No: OF

In the matter of ______

and in the matter of the Public Service Disciplinary Board (Procedure) Rules.

То:	of
You are hereby required to	o attend before the Board aton
(date)	
at	_(time), and so from day to day until the charge in the above matter has been heard,
to give evidence on behalf	of
and also to bring with you	and produce the following-
DATE:	
CHAIRMAN	
NOTE:	

To be completed by the officer or his lawyer or agent, and any other person who has been served with this notice.

I hereby accept and acknowledge receipt of this Witness Summons.

Signature

Date

(Detach this Note and return to the officer or to his advocate or to his agent)

PART 4

	DISCIPLINARY CASE No:	OF
In the matter	of	
and in the mat	tter of the Public Service Disciplinary Board (Pro	cedure) Rules.
WHEREAS	A charge having been brought by the Public Serve	ice Commission (or delegate) that
		of
	did	
AND WHERE	AS the Board having inquired into the truth of the ch	narge;
AND WHERE	CAS the Board on finding the charged: - NOT PROV	VED / PROVED
NOW THERE	FORE IT IS HEREBY ORDERED AS FOLLOW	VS:
<u></u>		
	our hands atonon	(date
GIVEN under o		
GIVEN under o		

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COASTAL TRADING (CONTROL) ACT [CAP 113]

COASTAL TRADING (CONTROL) (FORMS AND FEES) (AMENDMENT) ORDER NO. 4 OF 1999

An Order to provide for consequential amendments required as a result of the introduction of the Vanuatu Maritime Authority Act No. 29 of 1998

IN EXERCISE of the powers conferred on me by Section 10 of the Coastal Trading (Control) Act [Cap 113], **I HENRI TAGA**, Minister of Infrastructure & Public Utilities and responsible for the Register of Ships and Seafarers, hereby make the following Order:-

AMENDMENT OF SCHEDULE 1

1. In Schedule 1:-

In the NOTE and section FOR OFFICIAL USE ONLY omit "Minister", substitute "Authority".

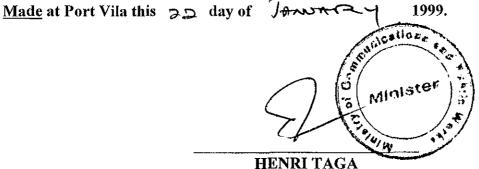
AMENDMENT OF SCHEDULE 3

2. In Schedule 3:-

Omit "Minister", substitute "Vanuatu Maritime Authority".

COMMENCEMENT

3. This Order will come into force on the date of its publication in the Gazette.



Minister of Infrastructure & Public Utilities

MARITIME ACT [CAP 131]

THE MARITIME REGULATIONS (AMENDMENT) ORDER NO. 5 OF 1999

An Order to provide for consequential amendments required as a result of the introduction of the Vanuatu Maritime Authority Act No. 29 of 1998

IN EXERCISE of the powers conferred on me by Section 152 of the Maritime Act [Cap 131], I, **HENRI TAGA**, Minister of Infrastructure & Public Utilities and responsible for the Register of Ships and Seafarers, hereby make the following Order:-

AMENDMENT OF SECTION 1

1. Insert the following definition in Section 1:-

""Authority" means the Vanuatu Maritime Authority established by the Maritime Authority Act No. 29 of 1998".

AMENDMENT OF SECTION 5

2. In Section 5(2):-

. **\$**2

Omit "Minister", substitute "Maritime Appeal Tribunal established under the maritime Authority Act No 29 of 1998"

AMENDMENTS OF SECTIONS 29, 46, 66 and 76

3. In Sections 29(2)(c), 46(1), 66(1) and 76(3)

Omit "Minister" substitute "Authority".

COMMENCEMENT

4. This Order shall come into force on the date of its publication in the Gazette.

<u>Made</u> at Port Vila this	O o dev of	Thursday	asulletion
<u>Ivraue</u> at Fort vita this	day of	JANOR	
	·		Minister
_	I	HENRI TAGA	

Minister of Infrastructure & Public Utilities

DECENTRALIZATION AND LOCAL GOVERNMENT REGIONS ACT NO. 1 OF 1994

LOCAL GOVERNMENT (APPOINTED MEMBERS) ORDER NO.7 OF 1998

To provide for the appointed members to MALAMPA, SANMA and TORBA Local Government Councils.

IN EXERCISE of the powers conferred by section 7(1) of the Dencentralization Act No. 1 of 1994, as amended, **I, VINCENT BOULEKONE**, Minister of Internal Affairs, make the following order : -

APPOINTED MEMBERS OF MALAMPA LOCAL GOVERNMENT COUNCIL

1.

The persons whose names are shown in the first column of the table below are hereby appointed as members of the MALAMPA Local Government Council representing the various organizations listed in the second column opposite their names.

NAME	ORGANIZATION
Roy Morrison	Chief Representative – Paama
Kalsi Kallowon	Chief Representative – Malekula
Stevens Bong Kakae	Chief Representative – Ambrym
Vaty Frederick	Youth Representative – Ambrym
Sael Sikoma	Youth Representative – Malekula
Issac Fred	Youth Representative – Paama
Sivie Seake	Church Representative
Jeremy Batick	Church Representative
Naomi Malau	Women's Representative – Malakula
Mrs Mermer Alexandra	Women's Representative – Ambrym
Rosie Patterson	Women's Representative – Paama

APPOINTED MEMBERS OF SANMA LOCAL GOVERNMENT COUNCIL

The persons whose names are shown in the first column of the table below are hereby appointed as members of the SANMA Local Government Council representing the various organizations listed in the second column opposite their names.

NAME	ORGANIZATION
Anna Lum	Women Representative
Elizabeth Hosea	Women Representative
Pierre Cyriaque	Church Representative
Pastor Andrew Jimmy	Church Representative
Rite Armand	Youth Representative
John Vanua Thomas	Youth Representative
Keleb Ser	Chief Representative
Sale Rani Bani	Chief Representative

APPOINTED MEMBERS OF TORBA LOCAL GOVERNMENT COUNCIL

3.

2.

The person whose names are shown in the first column of the table below are hereby appointed as members of the TORBA Local Government Council representing the various organization listed in the second column opposite their names.

NAME	ORGANIZATION
Edgar Howard	Youth & Chief Representative
Cathy Doris	Church & Women's Representative

COMMENCEMENT

4. This Order commences on the date of signature.

DATED this 12H, day of JANIJANY, 1999. ISTE: HON. VINCE Minister of Internal Affairs And S Responsible For Local Government. Councils



REPUBLIC OF VANUATU

DECENTRALIZATION AND LOCAL GOVERNMENT REGIONS ACT NO. 1 OF 1997

LOCAL GOVERNMENT (APPOINTED MEMBERS) (AMENDMENT)

ORDER NO. 8 OF 1999

An order to amend Local Government (Appointed Members) Order No. 34 of 1997.

IN EXERCISE of the powers conferred by section 7(1) of the Decentralization and Local Government Regions No. 1 of 1994 and in conjunction with section 21 of the Interpretation Act [CAP. 132] I, VINCENT BOULEKONE, Minister of Internal Affairs, make the following order:-

AMENDMENT OF SECTION 1 OF LOCAL GOVERNMENT (APPOINTED MEMBERS) ORDER NO. 34 OF 1997.

1. Section 1 of the Local Government (Appointed Member) Order No. 34 of 1997 is amended by removing the name "Estelle Gihiala" as shown in the first column of the table representing women and substituting in place thereof "Moriel Tari Tambeana"

COMMENCEMENT

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2. This order commences on the date of signature.

DATED the 24 day of JANNAN, 1999

VINCE LILEKON Minister of Internal Affairs

THE VANUATU NATIONAL SPORTS COUNCIL ACT NO. 43 OF 1989

A P P O I N T M E N T

IN EXERCISE of the powers conferred upon me by section 3(1) and section 3(2) the Vanuatu National Sports Council Act No. 43 of 1989, I, WILLIE OLLIE VARASMAITE, Minister responsible for Youth and Sports hereby appoint : -

MR YOAN NOEL MARIASUA

rh __ day of MADE at Port Vila this 19 REPUBLIC OF ANLIAT HONOURABLE WILLIE OLLIE VARASMAITE **Minister responsible for Youth And Sports**

THE VANUATU NATIONAL SPORTS COUNCIL ACT NO. 43 OF 1989

A P P O I N T M E N T

IN EXERCISE of the powers conferred upon me by section 3(1) of the Vanuatu National Sports Council Act No. 43 of 1989, **I, WILLIE OLLIE VARASMATE,** Minister responsible for Youth and Sports hereby appoint: -

MR TITUS TARIPU

1999. **NITH Z** REPUBLIC OF ANUA HONOURABLE WILLIE OLLIE VARASM **Minister responsible for Youth And Sports**

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THE VANUATU NATIONAL SPORTS COUNCIL ACT NO. 43 OF 1989

APPOINTMENT

IN EXERCISE of the powers conferred upon me by section 3(1) of the Vanuatu National Sports Council Act No. 43 of 1989, **I, WILLIE OLLIE VARASMAITE**, Minister responsible for Youth and Sports hereby appoint: -

MR TENSLEY LULU

MADE at Port Vila this $\frac{19}{10}$	_ day of <u>}</u>	1999.
t		REPUBLIC OF VANUATU
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HONOURABLE WILL Minister responsible	IE OLLIE VAR	

THE VANUATU NATIONAL SPORTS COUNCIL ACT NO. 43 OF 1989

<u>A P P O I N T M E N T</u>

IN EXERCISE of the powers conferred upon me by section 3(1) of the Vanuatu National Sports Council Act No. 43 of 1989, **I, WILLIE OLLIE VARASMAITE**, Minister responsible for Youth and Sports hereby appoint: -

MR ALLAN MAHIT

MADE at Port Vila this 19th day of Janua 1999. REPUBLIC OF VANUATI HONOURABLE WILLIE OL **Minister responsible for Youth And Sports**

THE VANUATU NATIONAL SPORTS COUNCIL ACT NO. 43 OF 1989

APPOINTMENT

IN EXERCISE of the powers conferred upon me by section 3(1) of the Vanuatu National Sports Council Act No. 43 of 1989, I, WILLIE OLLIE VARASMAITE, Minister responsible for Youth and Sports hereby appoint: -

MR A. HIMFORD

to be a member of the Vanuatu National Sports Council for a period of two (2) years with effect from the date hereof.

<u>MADE</u> at Port Vila this	gth o	lay of <u>fa</u>	mory,	1999.
/			REPUBLI	c Ha
d.X			VANUAT	1-01
HONOURABLE	WILLIE		RASMATTE	STILL
Minister respo	onsible fo	or Youth A	nd Sports	

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THE VANUATU NATIONAL SPORTS COUNCIL ACT NO. 43 OF 1989

A P P O I N T M E N T

IN EXERCISE of the powers conferred upon me by section 3(1) of the Vanuatu National Sports Council Act No. 43 of 1989, **I, WILLIE OLLIE VARASMAITE,** Minister responsible for Youth and Sports hereby appoint: -

MR JEAN SESE

MADE at Port Vila this _	19 H	day of	January	1999.
	/	-	E S	OF OF
	/ \		HIND	OF ANUATU
(Pa) rasma	ite	No.	SINIW + SHIT
<u> HONOURAB</u>	LE WILLI	<u>e ollie v</u>	<u>ARASMAIT</u>	<u>E</u>
Minister res				

THE VANUATU NATIONAL SPORTS COUNCIL ACT NO. 43 OF 1989

APPOINTMENT

IN EXERCISE of the powers conferred upon me by section 3(1) of the Vanuatu National Sports Council Act No. 43 of 1989, **I, WILLIE OLLIE VARASMAITE**, Minister responsible for Youth and Sports hereby appoint: -

MR FATANI SOPE

MADE at Port Vila this 19^{H}	_ day of _	innory	1999.
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41		REPUB OF	
	to	VANU	AIC ST
HONOURABLE WILL		RASMAITE	
Minister responsible	for Youth A	nd Sports	

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THE VANUATU NATIONAL SPORTS COUNCIL ACT NO. 43 OF 1989

<u>A P P O I N T M E N T</u>

IN EXERCISE of the powers conferred upon me by section 3(1) of the Vanuatu National Sport Council Act No. 43 of 1989, **I, WILLIE OLLIE VARASMAITE**, Minister responsible for Youth and Sports Council hereby appoint: -

MR LUI MAKI

<u>MADE</u> at Port Vila this 19 %	_ day of January 1999.
	REPUBLIC OF
Parosma	L VANUATU S
	IE OLLIE VARASMAITE

THE VANUATU NATIONAL SPORTS COUNCIL ACT NO. 43 OF 1989

APPOINTMENT

IN EXERCISE of the powers conferred upon me by section 3(1) of the Vanuatu National Sports Council Act No. 43 of 1989, I, WILLIE OLLIE VARASMAITE, Minister responsible for Youth and Sports hereby appoint: -

MR₅**MARINETTE ABBIL**

to be a member of the Vanuatu National Sports Council for a period of two (2) years with effect from the date hereof.

<u>MADE</u> at Port Vila this $\frac{19^{+12}}{12}$	day of January, 1999.
± 1	REPUBLIC OF
	VANUATU
HONOURABLE WILLI	E OLLIE VARASMAITE for Youth And Sports

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THE VANUATU NATIONAL SPORTS COUNCIL ACT NO. 43 OF 1989

APPOINTMENT

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IN EXERCISE of the powers conferred upon me by section 3(1) of the Vanuatu National Sports Council Act No. 43 of 1989, **I, WILLIE OLLIE VARASMAITE**, Minister responsible for Youth and Sports hereby appoint: -

MR RENE APO

to be a member of the Vanuatu National Sports Council for a period of two (2) years with effect from the date hereof.

MADE at Port Vila this <u>19 th</u> day of <u>January</u> , 1999.	_
REPIRI	
(() KANUATU	1 1
	C. S.
HONOURABLE WILLIE OLLIE VARASMAITE Minister responsible for Youth And Sports	C E

10.

ANNEXE

Loi No. 35 de 1993 relative à la Commission des Affaires financières de Vanuatu

1. Annexe I

Supprimer "7.

Loi instituant le Code maritime [CAP. 131] (réf. au texte français de L. 36/1982, J.O. 44615/82" [Loi No. 8 de 1981].