

Statute Law (Miscellaneous Provisions) Act 2016 (No. 6)

REPUBLIC OF VANUATU

STATUTE LAW (MISCELLANEOUS PROVISIONS) ACT NO. 6 OF 2016

Arrangement of Sections

REPUBLIC OF VANUATU

Assent: 27/06/2016

Commencement: 08/07/2016

STATUTE LAW (MISCELLANEOUS PROVISIONS) ACT NO. 6 OF 2016

An Act to provide for the amendments to certain Acts.

Be it enacted by the President and Parliament as follows-

1. Amendment

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

- (a) Bill of Sale (Amendment) Regulation Act No. 6 of 2009;
- (b) [Business Licence Act](#) [CAP 249];
- (c) [Companies Act](#) No. 25 of 2012;
- (d) [Customs Act](#) No. 7 of 2013;
- (e) [Employment Act](#) [CAP 160];
- (f) Health and Safety at Work Act [CAP 195];
- (g) [Labour \(Work Permits\) Act](#) [CAP 187];
- (h) [Maritime Zones Act](#) No. 6 of 2010;
- (i) Mutual Assistance in Criminal Matters Act [CAP 285];
- (ia) [Oaths Act](#) [CAP 37];
- (j) [Parliament \(Administration\) Act](#) [CAP 306];
- (k) [Proceeds of Crime Act](#) [CAP 284];
- (l) Tobacco Control Act No. 19 of 2008;

2. Repeal of Act

- (1) This Act is repealed on the day following the day on which all provisions of this Act have

commenced.

(2) The repeal of this Act does not, because of the operation of section 11 of the [Interpretation Act](#) [CAP 132], affect any amendments made by this Act.

3. Commencement

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

SCHEDULE

MINOR AMENDMENTS

1. BILL OF SALE (AMENDMENT) REGULATION ACT NO. 6 OF 2009

(a) Title of the Act

Delete “Bill of Sale (Amendment) Regulation”, substitute “Bill of Sale Regulation (Amendment) Act”

(b) Reference to Bill of Sale Regulation [CAP 23]

(i) Delete all references to “Bill of Sale Regulation [CAP 23]”, substitute “Bill of Sale Regulation [(Queens Regulations) CAP 23]”

(ii) A reference in any other Act or instrument to “Bill of Sale Regulation [CAP 23]” is taken to be a reference to “Bill of Sale Regulation [(Queens Regulations) CAP 23]”

2. BUSINESS LICENCE [CAP 249]

(a) Schedule 1 (CLASS D, Category D5)

Delete “5,000 for gross turnover of less than 4 million”

(b) At the end of Schedule 2

Add

“A business with a gross turnover of less than 4 million”

3. [COMPANIES ACT](#) NO. 25 OF 2012

Subsection 146(2)

Repeal the subsection, substitute,

“(2) For the purposes of this section, property of the former company includes other rights vested in or held on trust for the former company but does not include leasehold property.”

4. [CUSTOMS ACT](#) NO. 7 OF 2013

(a) Paragraph 102(s) (definition of materially incorrect)

Delete “schedule 3”, substitute “[Part 2A](#), [Part 2B](#) and [Part 3](#) of Schedule 1”

(b) Section 103 (Heading)

After “Penalty”, insert “for materially incorrect offence”

(c) Section 103

After “written notice”, insert “in the prescribed form”

(d) Subsection 104(5)

After “penalty”, insert “imposed under this section”

(e) At the end of section 105

Add

“(3) The amount of the penalty imposed under this section is a debt owed to the State and is recoverable by action in a Court of law.”

5. **EMPLOYMENT ACT** [CAP 160]

Subsection 54(3)

Delete “section 308 of the Companies Act [CAP 191]”, substitute “Schedule 7 - section 16 of Part 3 of the Companies Act No. 25 of 2012”

6. **HEALTH AND SAFETY AT WORK ACT** [CAP 195]

Section 19

Repeal the section, substitute

“19 Offences

A person who contravenes a provision of this Act or any Regulation made under this Act commits an offence punishable on conviction by a fine not exceeding VT200,000.

19A Penalty notices

(1) An authorised officer may serve a penalty notice on a person if it appears to the officer that the person has committed an offence under this Act or the Regulations and the offence is one that is stated by the Regulations to be an offence to which this section applies.

(2) A penalty notice is a notice to the effect that, if the person served does not wish to have the matter determined by a court, the person must pay within a time and to the Government cashier the amount of penalty stated in the penalty notice.

(3) A penalty notice may be served personally or by post.

(4) If the amount of penalty prescribed for the purposes of this section for an alleged offence is paid under this section, that person is not liable to any further proceedings for the alleged offence.

(5) Payment under this section is not to be regarded as an admission of liability for the purpose of, nor in any way affect or prejudice, any proceeding arising out of the same occurrence.

(6) The Regulations may:

(a) prescribe an offence for the purposes of this section by specifying the offence or by referring to the provision creating the offence; and

(b) prescribe the amount of penalty payable for the offence if dealt with under this section; and

(c) prescribe different amounts of penalties for different offences or classes of offences.

(7) The amount of a penalty prescribed under this section for an offence must not exceed the maximum amount of penalty prescribed in this Act.

(8) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.”

7. LABOUR (WORK PERMITS) ACT [CAP 187]

Subsection 2(3)

Repeal the subsection, substitute

“(3) The Commissioner of Labour may issue work permits for employment for a period not exceeding 4 years and may impose conditions on the work permits.”

8. MARITIME ZONES ACT NO. 6 OF 2010

After subsection 9(1)

Insert

“(1A) In addition to subsection (1), the exclusive economic zone also comprises of any area beyond what is set out in subsection (1) as a result of any Regional or International Agreements of which Vanuatu is a party.”

9. MUTUAL ASSISTANCE IN CRIMINAL MATTERS ACT [CAP 285]

Section 1 (definition of “serious offence”)

Repeal the definition, substitute

““serious offence” means:

(a) an offence against a law of Vanuatu for which the maximum penalty is a fine not less than VT1,000,000 or imprisonment for a term not less than 12 months; or

(b) an offence against a law of another country that, if the relevant act or omission had occurred in Vanuatu, would be an offence against the laws of Vanuatu, for which the maximum penalty is imprisonment for a term not less than 12 months; or

(c) an offence against:

(i) a law of Vanuatu if the relevant act or omission generates proceeds, property or benefit of VT3,000,000 or more, or its equivalent in foreign currency; or

(ii) a law of another country if the relevant act or omission generates proceeds, property or benefit of VT3,000,000 or more, or its equivalent in foreign currency.”

9A OATHS ACT [CAP 37]

Subsection 11(1)

After “practising solicitors”, insert “, an Ambassador appointed as a Head of Mission under section 13 of the Foreign Service Act No. 20 of 2013, a Consul General appointed under section 17 of the

Foreign Service Act. No 20 of 2013.”

10. **PARLIAMENT (ADMINISTRATION) ACT** [CAP 306]

(a) Paragraph 15(3)(a)

After “institution”, insert “or has 10 years or more work experience in Parliamentary Procedures and Practices”

(b) After section 15

Insert

“15A Exercise of the Clerk’s functions and powers

The Board may appoint an Assistant Clerk to exercise the functions and powers of the Clerk if:

- (a) the office of the Clerk is vacant; or
- (b) the Clerk is unable to perform his or her functions and powers due to absence or illness.”

11. **PROCEEDS OF CRIME ACT** [CAP 284]

Section 2 (definition of “serious offence”)

Repeal the definition, substitute

““serious offence” means:

- (a) an offence against a law of Vanuatu for which the maximum penalty is a fine not less than VT1,000,000 or imprisonment for a term not less than 12 months; or
- (b) an offence against a law of another country that, if the relevant act or omission had occurred in Vanuatu, would be an offence against the laws of Vanuatu, for which the maximum penalty is imprisonment for a term not less than 12 months; or
- (c) an offence against:
 - (i) a law of Vanuatu if the relevant act or omission generates proceeds, property or benefit of VT3,000,000 or more, or its equivalent in foreign currency; or
 - (ii) a law of another country if the relevant act or omission generates proceeds, property or benefit of VT3,000,000 or more, or its equivalent in foreign currency.”

12. **TOBACCO CONTROL ACT NO. 19 OF 2008**

(a) Subsection 9(3)

Repeal the subsection, substitute

“(3) A person who contravenes subsection (2) commits an offence and is liable on conviction:

- (a) in the case of a body corporate- to a fine not exceeding VT 5,000,000;
- (b) in the case of an individual –to a fine not exceeding VT 1,000,000 or a term of imprisonment of not more than 2 years, or both.”

(b) Subsections 9(4), (5), (6) and (7)

Repeal the subsections.

(c) Paragraphs 29(5)(c) and (d)

Re-letter the paragraphs as “(a)” and “(b)”

(d) Subsection 30(5)

Delete “a subsection of this section” substitute “subsections (1), (2) and (3),”

(e) Subsection 30(6)

Delete “a subsection of this section” substitute “subsections (2), (3) and (4)”

(f) Subsection 32(2)

Delete “while it is carrying passengers”