

LAW COMMISSION REGULATION

1980

Explanatory Note

It is stated Government policy to set up a Law Reform Commission. The purpose of this law is to set up such a Commission.

Sections 7 and 9 are of particular importance. Under Section 7 the Commission must study and keep the laws under review and recommend reforms in order to :-

- (a) remove anachronisms and anomalies i.o. to bring them up to date;
- (b) put into those laws the concepts of custom and the French and English Systems and make them into a Unified System;
- (c) adapt the laws and put into them new ideas for the benefit of the people including minorities.

Under Section 8 the Commission will have a unique power probably not known in any other country. It will be able to give its comments to Parliament on any draft laws. This will give members the views of an independent body outside the Government. Under Section 10 the Commission will have to make an annual report on its activities.

JUNE 1980

W.H. LINI  
CHIEF MINISTER AND  
MINISTER OF JUSTICE

DRAFTSMANS NOTE

The Resident Commissioners Joint Regulation bringing this Regulation into force as a law will provide that it shall be cited as the Law Commission Regulation 1980 and shall come into operation on the Day of Independence.

NEW HEBRIDES  
REPRESENTATIVE ASSEMBLY

LAW COMMISSION REGULATION

1980

ARRANGEMENT OF SECTIONS

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NEW HEBRIDES  
REPRESENTATIVE ASSEMBLY

RESOLUTION NO OF 1980

To establish a Commission to advise on law reform and legislation proposals.

The Representative Assembly of the New Hebrides at its sitting on the 1980 hereby resolves and decides in accordance with Article 23 of the Schedule to the Exchange of Notes of the 15th September 1977 to adopt the following measures :-

- Interpretation. 1. "Commission" means the Law Commission;  
"Minister" means the Minister for the time being responsible for matters relating to law reform or any Minister acting on his behalf;
- Establishment of Commission. 2. A commission is hereby established to be known as the Law Commission.
- Membership of Commission. 3.(1) The Commission shall consist of a chairman and 4 other members.  
(2) The members shall be appointed for a term of not more than three years by the Minister but shall be eligible for re-appointment.  
(3) Not more than 2 members may be public officers and not less than one member shall be a person entitled to practise as a legal practitioner in ~~the New Hebrides~~ Vanuatu.
- Removal from Office of members of Commission. 4. Should the Minister be satisfied that a member of the Commission -  
(a) has been absent from 2 consecutive meetings of the Commission without the consent of the chairman or without reasonable excuse ;  
(b) has been convicted of a crime involving moral turpitude; or  
(c) is otherwise unable or unfit to discharge the functions of a member  
he may by notice in the Vanuatu Gazette declare the office of the member vacant.

Secretary  
and  
Services.

5. (1) The Minister shall appoint a secretary to the Commission who may also be a public officer.
- (2) The Government shall provide the Commission facilities for its meetings and secretarial services for minutes and reports.

Meetings.

6. (1) The Commission shall meet not less than six times in each year; of
- (2) Not less than half the members shall constitute a quorum of the Commission.
- (3) Subject to the preceding subsections and any orders made by the Minister the Commission shall adopt and regulate its own procedures.

Functions  
of  
Commission.

7. The functions of the Commission are to study and keep under review the laws of Vanuatu with a view to recommending reforms and in particular :-
  - (a) the removal of anachronisms and anomalies;
  - (b) the reflection in the law of the distinctive concepts of custom, the common and civil law legal systems and the reconciliation where appropriate of differences in those concepts.
  - (c) the development of new approaches to and new concepts of the law in keeping with and responsive to the changing needs of Vanuatu Society, of groups within that society and of individual members of that society.

Powers.

8. In carrying out its functions the Commission may :-
  - (a) receive and consider any proposals for the reform of the law that may be made or referred to it by any body or person including the Minister;
  - (b) on its own initiative carry out such studies and research of a legal nature as it may consider necessary for carrying out its functions including research relating to other legal systems;
  - (c) make proposals to the Minister for reforms in the law.

Procedure  
concerning  
Bills.

9. (1) When a Government Bill is published the Commission may submit comments and recommendations on the Bill by notice in writing to the Speaker before any debate on the Bill is commenced.
- (2) When the Speaker receives a private members bill he shall furnish the Commission with a copy so that it may if it considers fit give the Speaker notice of its comments and recommendations as provided in subsection (1) for Government Bills;
- (3) The Speaker shall provide each member of Parliament with a copy of any notice of the Commission received in accordance with subsection (1) or (2) as soon as practicable after he has received it.

Expenses  
of  
Members.

10. Members of the Commission shall be reimbursed expenses properly incurred in the exercise of their functions.

Annual  
Reports.

11. The Commission shall each year prepare a report to the Minister containing a summary of its activities under this Regulation in such form as it may decide or the Minister may prescribe.

Orders.

12. (1) The Minister may for the better carrying out of the provisions of this Regulation make orders not inconsistent with this Regulation.  
(2) Without derogating from the generality of subsection (1) orders may provide for -  
(a) the procedures of the Commission;  
(b) the manner of reimbursement of expenses of members of the Commission;  
(c) the form in which the annual report of the Commission shall be made.