

REPUBLIC OF VANUATU

PRIVATE MEMBER'S

THE PENAL CODE (AMENDMENT) ACT NO. 32 OF 1982

To amend the Penal Code Act by providing for the offence of adultery.

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

Amendment

1. The Penal Code Act No. 17 of 1981 is amended by adding the following new section after section 97 :

\*Adultery 97A(1) No person shall commit adultery.  
Prohibited.

(2) A person commits adultery if,

(a) being a married person has sexual intercourse with a person of the opposite sex, not the other spouse, and such intercourse is consensual.

Penalty: Imprisonment for 6 months or a fine of VT 50.000 or both.  
Provided that if the adultery has been followed at the date of the conviction by abandonment of the conjugal home by the guilty spouse the penalty shall be imprisonment for 12 months or a fine of VT 100.000 or both.

(b) not being a married person has sexual intercourse with a person of the opposite sex who is a married person and such intercourse is consensual.

Penalty: Imprisonment for 6 months or a fine of VT 50.000 or both.

(3) Where a court imposes a fine as an alternative to imprisonment it may order that all or a proportion thereof be paid over to the wronged spouse.

(4) No proceedings shall be instituted under this section except upon the complaint of the wronged spouse".

Commencement 2. This Act shall come into force on the date of its publication in the Gazette.

A D D E N D U M

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A new subsection shall be added after section 97A(4) :-

"(5) Notwithstanding the provisions of any other Act, in any proceedings under this section the spouse of the accused shall be a competent witness for the prosecution".

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LOI N°32 DE 1982 SUR LE CODE PENAL (MODIFICATION)

Ajouter un nouveau paragraphe après l'article 97A. (4) : -

"(5) Nonobstant les dispositions de toute autre loi, le conjoint du prévenu est un témoin compétent pour la poursuite dans toute poursuite intentée en vertu des dispositions du présent article."