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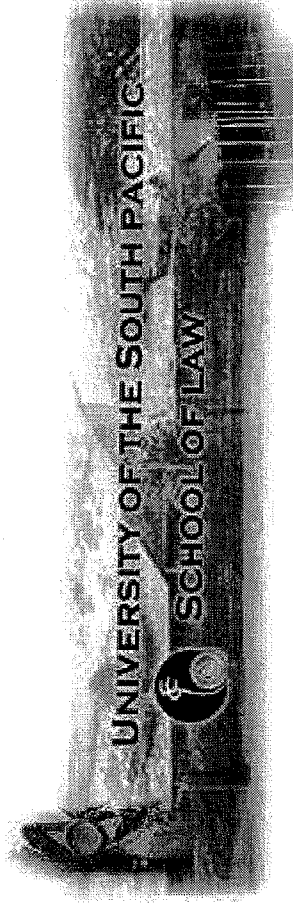
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Sources of Law in the South Pacific - Vanuatu

VANUATU

Introduction - Pre-Independence Laws & Post-Independence Laws / Consolidated Legislation / Legislation held by USP / Government Gazette / Law Reports / Unreported Cases / Collected Materials

VANUATU

INTRODUCTION

by **Professor Don Paterson**

PRE-INDEPENDENCE

From 1906 until Independence on 30 July 1980, the New Hebrides, as Vanuatu was then called, was a condominium territory, jointly administered by Britain and France. Each of the administering countries made laws for its own nationals and optants and together they made laws for indigenous Hebrideans and for all other residents.

(i) British Laws:

British laws applied to British nationals and the nationals of other countries who opted to be subject to British laws, called optants. These law comprised:

- **British Acts of Parliament and subsidiary legislation** - which were stated to apply to overseas territories;
- **British Acts of Parliament of "general application"** - i.e.: whose terms were not confined to England, except to the extent that
- **English rules of common law and equity** - which applied except to the extent that they were inappropriate to the circumstances country;
- **Queen's Regulations** - made by the British High Commissioner of the Western Pacific (situated initially in Fiji and later in Solo) Islands) and by the British Resident Commissioner in the New Hebrides.

(ii) French Laws:

French laws applied to French nationals and the nationals of other countries who opted to be subject to French laws, called optants. These law comprised:

- **French Acts of Parliament and subsidiary legislation** - which were stated to apply to overseas territories;
- **French Acts of Parliament and subsidiary legislation** - which were applied to the New Hebrides by the French High Commiss Pacific, who was stationed in New Caledonia;
- **Regulations** - made by the French High Commissioner of the Pacific.

(iii) Joint Laws:

- **Joint Regulations** - made jointly by the British and French Resident Commissioners in New Hebrides applied to all residents of Hebrides, including indigenous New Hebrideans.

After 1977, Resolutions passed by the elected Representative Assembly, which was established in response to the growing movement for independence, were, when approved by the Resident Commissioners, enacted as Joint Regulations.

POST-INDEPENDENCE

Since Independence, on 30 July 1980, the laws of Vanuatu comprise:

- Constitution of Vanuatu - the supreme law;
- Acts of Parliament of Vanuatu;
- Joint Regulations in existence on 30 July 1980 - which continue in force until repealed by the Vanuatu Parliament (s. 95(1) Co
- British and French laws in existence on 30 July 1980 - including Acts of Parliament, subsidiary legislation and English common equity, which continue in force until repealed by the Vanuatu Parliament (s. 95(2) Constitution);
- Customary laws of Vanuatu (s. 95(3) Constitution).

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For more information on this topic see *Introduction to South Pacific Law* (1999) Cavendish - by J. Corrin Care, T. Newton & D. Paterson
Available from all good legal book shops, at Stop Press in Vanuatu or by ordering from Cavendish.

Consolidated Legislation

Title: **The Laws of the Republic of Vanuatu (1988)**
Date published: 1988
Publisher: Grosvenor Press (Portsmouth) Limited
End date: 30th June 1988
No. of volumes: 5

<p>Link to index of Acts in the Consolidation:</p>	<p><u>Vanuatu - Consolidation Index (numerical)</u></p>
<p>Link to legislation available in full text:</p>	<p><u>Vanuatu - Consolidation Index (alphabetical)</u></p> <p><u>Vanuatu - Full Text Legislation</u></p>

Legislation held by USP

Consolidated Laws:

The Laws of the Republic of Vanuatu (1988)

Bound volumes:

Acts of 1980-1981, 1982, 1983, 1984-1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1995, 1996, 1997.

Other Acts:

1998 (incomplete), 1999 (incomplete)

<p>Links to index of acts in bound volumes and index to other acts held by USP:</p>	<p><u>Vanuatu - Post Independence Index (chronological: 1980-1998)</u></p> <p><u>Vanuatu - Index to Unbound Acts (chronological: 1998-1999)</u></p>
<p>Link to legislation available in full text:</p>	<p><u>Vanuatu - Full Text Legislation</u></p>

Government Gazette

Title: Republic of Vanuatu Official Gazette
Publisher: Government of the Republic of Vanuatu

Law Reports

Title: Vanuatu Law Reports
Period covered: 1980 - 1994
Publisher: John J. Ridgway, Ridgway Blake Lawyers, Port Vila, Vanuatu.
No. of volumes: 2
Citation: Van. LR

<p>Link to index of reported judgments:</p>	<p><u>Vanuatu - Alphabetical Index to Reported Cases</u></p>
<p>Link to cases available in full text:</p>	<p><u>Vanuatu - Chronological Index to Reported Cases (incorporating Keywords)</u></p> <p><u>Vanuatu - Full Text Cases</u></p>

Unreported Cases

Bound volumes: 1911-1919; 1923-1980; 1984-1994

No. of Volumes: 12

Link to index of unreported judgments in bound volumes:	Vanuatu - Bound Unreported Cases Volume 1, 1911-1912
Link to cases available in full text:	Vanuatu - Full Text Cases

Collected Materials

- **New Hebrides Condominium Joint Regulations** - 1907-1957; 1958-1967; 1968-1973.
- **British Regulations and Subsidiary Legislation in Force on 22 September 1971.**
- **The British Laws of the New Hebrides** - End date: 22 September 1971. Published by British Resident Commissioner in the New Hebrides, 1972. 3 volumes.
- **Joint Regulations of Vanuatu** 1974-1976, 1977-1979; 1980.
- **British Laws of the New Hebrides** - 1975; 1977; 1978.
- **Finance Regulations of the Republic of Vanuatu** Published by Department of Finance: Republic of Vanuatu (1993) 1 volume.

To order a copy of any of the documents listed above please contact the Librarian Peter Murgatroyd at murgatroyd_p@vanuatu.usp.ac.fj

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