



REPUBLIC OF VANUATU

STATUTE LAW (MISCELLANEOUS PROVISIONS) ACT NO. 37 OF 2013

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REPUBLIC OF VANUATU

Assent: 16/01/2014
Commencement: 31/10/2014

STATUTE LAW (MISCELLANEOUS PROVISIONS) ACT NO. 37 OF 2013

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:

- (1) Animal Importation and Quarantine Act [CAP 201];
- (2) Control of Nocturnal Noise Act [CAP 40];
- (3) Customs Act No. 7 of 2013;
- (4) Decentralization Act [CAP 230];
- (5) Deposit of Books Act [CAP 88];
- (6) Liquor Licensing Act [CAP 52];
- (7) National Council of Chiefs Act No. 23 of 2006;
- (8) Road Traffic (Control) Act [CAP 29].

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- (1) This Act is repealed on the day following the day on which all provisions of this Act have commenced.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 ANIMAL IMPORTATION AND QUARANTINE ACT [CAP 201]

(a) Section 1

Insert in their correct alphabetical positions:

““biosecurity officer” means an officer appointed under paragraph 9(2)(a) of the Plant Protection Act [CAP 239];

“Minister” means the Minister responsible for Agriculture, Livestock, Forestry, Fisheries and Biosecurity;”

(b) Section 1 (definition of “Director”)

Repeal the definition, substitute

““Director” means the Director responsible for the Department of Biosecurity;”

(c) Section 1 (definition of “quarantine officer”)

Repeal the definition.

(d) References to “quarantine officer”

Delete “quarantine officer” (wherever occurring in this Act), substitute “Biosecurity officer”

(e) Section 21

Repeal the section.

2 CONTROL OF NOCTURNAL NOISE ACT [CAP 40]

(a) Section 1

Repeal the section, substitute

“1. Prohibition of nocturnal noise

- (1) A person must not within the town limits of Port Vila or Luganville and within 2 kilometres of the said limits between the hours of 9 o'clock in the evening and 5 o'clock of the following morning sing, shout, play a musical

instrument, sound a motor horn except when necessary to avoid an accident, or make any other unreasonable noise so as to cause annoyance to the inhabitants of the said town.

- (2) Despite subsection (1), a person who intends to do any of the acts mentioned in subsection (1) during the hours stated in that subsection, must apply in writing to the Minister responsible for Internal Affairs.
- (3) In making an application under subsection (1), a person must specify the reasons for making the application.
- (4) The Minister may grant permission to a person if he or she is satisfied with the reasons provided under subsection (3).”

(b) Section 2

Delete “VT 5,000”, substitute “VT 20,000”

(c) After section 2

Insert,

“3. Regulation

The Minister may make Regulations prescribing matters that are necessary or convenient to be prescribed for the carrying out or giving effect to the provisions of this Act.”

3 CUSTOMS ACT NO. 7 OF 2013

Subsection 129(1)

Delete “, an offence under section 24(3), 25(3), 26(5), 27(4), 28(5), 28(6) and 29(3)”, substitute “an offence”

4 DECENTRALIZATION ACT [CAP 230]

(a) Reference to “Local Government Council”

- (i) Delete all references to “Local Government Council”, substitute “Provincial Government Council”
- (ii) A reference in any other Act or instrument to “Local Government Council” is taken to be a reference to “Provincial Government Council”

(b) Reference to “Local Government Region”

- (i) Delete all references to “Local Government Region”, substitute “Provincial Government Region”
- (ii) A reference in any other Act or instrument to “Local Government Region” is taken to be a reference to “Provincial Government Region”

5 DEPOSIT OF BOOKS ACT [CAP 88]

(a) Section 1 (definition of “book”)

After “magazine,”, insert “photo,”

(b) Section 1

Insert in its correct alphabetical position:

““production” includes compact disc, digital video disc, film, cassette and any other electronic productions that are produced by a person and the content of which is significant to the history and other matters related to Vanuatu and which should be preserved.”

(c) After section 3

Insert,

“3A Delivery of productions in Vanuatu

- (1) A person who possesses or holds in his or her possession a production, may deliver a copy of the production to the Director of the Vanuatu Cultural Center to be stored and preserved.
- (2) The Director of the Vanuatu Cultural Center must make available such copies of the production for public viewing.
- (3) Such production must not be removed from the Vanuatu Cultural Center.”

6 LIQUOR LICENSING ACT [CAP 52]

(a) At the end of section 5

Add,

“(4) A person who operates a kava bar must not apply for any licence under this Act other than a Combined Limited On- and Off-Licence.”

(b) Subsection 18(3)

Delete all the words from and including “Provided that the” to and including “show reason therefor.”

(c) After section 18(5)

Insert,

“(6) Despite subsection (5), the Minister must not prescribe hours of opening of licensed premises that amount to 24 hours.

- (7) To avoid doubt, a licensed premise must not sell liquor on a 24 hour period.”

7 NATIONAL COUNCIL OF CHIEFS ACT NO. 23 of 2006

(a) Reference to “National Council of Chiefs”

- (i) Delete all references to “National Council of Chiefs”, substitute “Malvatumauri Council of Chiefs”
- (ii) A reference in any other Act or instrument to “National Council of Chiefs” is taken to be a reference to “Malvatumauri Council of Chiefs”

8 ROAD TRAFFIC (CONTROL) ACT [CAP 29]

(a) Section 2 (definition of “public road”)

Repeal the definition.

(b) References to “public road” or “public roads”

Delete “public road” or “public roads” (wherever occurring), substitute “road” or “roads” respectively

(c) Section 2

Insert in their correct alphabetical positions:

““road” has the same meaning as in the Public Roads Act No. of 2013;

“Road Administrator” has the same meaning as in the Public Roads Act No. of 2013;”

(d) Subsection 20(2) and section 21

Delete “the Director of Public Works” (wherever occurring), substitute “a Road Administrator”