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LOI NO. 1 DE 1994 RELATIVE A LA
DECENTRALISATION ET A LA CREATION
DE PROVINCES.

NOTIFICATION OF PUBLICATION

ACTS

THE DECENTRALIZATION AND LOCAL
GOVERNMENT REGIONS ACT NO. 1
OF 1994.

ARRETES

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ORDERS

PORT (DUES, FEES AND CHARGES)
(REGULATIONS) (AMENDMENT)
ORDER NO. 17 OF 1994.

OFFICIAL SALARIES ORDER NO. 18
OF 1994.

DECENTRALIZATION (DISSOLUTION
OF PAAMA LOCAL GOVERNMENT
COUNCIL) ORDER NO. 19 OF 1994.

SOMMAIRE

PAGE

CONTENTS

PAGE

LEGAL NOTICES

1-21

APPOINTMENT OF
OMBUDSMAN

22

OATH OF ALLEGIENCE

23

OFFICIAL OATH

24

LEGAL NOTICES

25-29

REPUBLIC OF VANUATU

DECENTRALIZATION AND LOCAL GOVERNMENT REGIONS
ACT NO. 1 OF 1994

Arrangement of Sections

PART I
DEFINITION

1. Legal Authorities.
2. Institutions.

PART II
CREATION OF LOCAL GOVERNMENT REGIONS

3. Establishment of Local Government Regions.
4. Establishment of Local Government Councils.

PART III
COMPOSITION, NAME AND DUTIES OF LOCAL GOVERNMENT COUNCILS

5. Composition of Local Government Councils.
6. Election of members of the Local Government Councils.
7. Appointment of Members of the Local Government Councils.
8. Conduct of Business.
9. Procedure for enacting by-laws.
10. Standing Orders.
11. Setting up of a Committee.
12. Voting and Quorum.
13. New Election, Dissolution of Local Government Councils and Delegation of Responsibility.
14. Dissolution of Local Government Councils and Election for a New Assembly.
15. Approved by-laws
16. Publication and Commencement of by-laws.
17. Supreme Court to assess the legality of by-laws.
18. Procedure on receipt of by-laws by the Minister.

PART IV
THE LOCAL GOVERNMENT REGION EXECUTIVE OFFICER

19. Local Government Executive Officer to represent Minister.

**PART V
POWERS OF THE LOCAL GOVERNMENT COUNCILS TO MAKE BY-LAWS**

- 20. Power to make by-laws.
- 21. Power to make by-laws fixing Rates and Taxes for issue of Licences.
- 22. Power to make by-laws specifying Rates and Taxes for Local purposes.

**PART VI
ALLOWANCES**

- 23. Allowances to members.
- 24. Payment of Gratuities.

**PART VII
FUNDING OF LOCAL GOVERNMENT COUNCILS**

- 25. Revenue.
- 26. Determination of Administration subsidy.
- 27. Grants for Material Supplies.
- 28. Loans.

**PART VIII
LOCAL GOVERNMENT COUNCIL BUDGET**

- 29. Preparation and Approval of Budget.
- 30. Council to approve true balanced Budget.
- 31. Failure to approve Budget.

**PART IX
MISCELLANEOUS AND TRANSITIONAL PROVISIONS**

- 32. Election and Appointment of members.
- 33. Department of Local Government to assist and advise the Minister.
- 34. Provisions not to be applicable within Municipalities and their Boundaries.
- 35. Regulations made by the Minister.
- 36. Repeal and savings.
- 37. Commencement.

REPUBLIC OF VANUATU

Assent : 13/06/94
Commencement: 11/07/94

DECENTRALIZATION AND LOCAL GOVERNMENT REGIONS
ACT NO. 1 OF 1994

An Act to make provisions for the decentralization and establishment of Local Government Regions and for matters connected therewith :

BE IT ENACTED by the President and Parliament as follows :

PART I

DEFINITIONS

LEGAL AUTHORITIES

1. In accordance with this Act :

- the term **Constitution** means the current Constitution of the Republic of Vanuatu. It is the supreme legal instrument.
- the term **Act** means an act approved by Parliament in compliance with the procedures provided for in the Constitution.
- the term **by-law** means a by-law approved by the Council of each Local Government Region. The by-law shall be subordinate to the Constitution and to an Act of Parliament. A by-law contradicting the essence of an Act or the Constitution shall be ruled null and void. The validity or otherwise of a by-law shall be determined by the Supreme Court.

INSTITUTIONS

2. In accordance with this Act :

- the term **Local Government Council** means the body of representatives of each Local Government Region.

- the term **Local Government Region** means the territorial community being a unit of decentralization. The Local Government Regions shall be legal entities and shall possess their own fields of jurisdiction which shall permit its agencies to freely run their affairs under the control of the Government and the judicial authority and in compliance with the Constitution and laws of the Republic of Vanuatu.
- the term **Local Government Region Executive Officer** means the representative of the Government of the Republic of Vanuatu appointed by the Minister.
- the term **Minister** means the minister responsible for all matters relating to the decentralization.

PART II

CREATION OF LOCAL GOVERNMENT REGIONS

ESTABLISHMENT OF LOCAL GOVERNMENT REGIONS

3. (1) The Prime Minister may by Order :
- (a) declare a Local Government Region;
 - (b) give a name to a Local Government Region;
 - (c) define the boundaries of a Local Government Region and alter them.
- (2) The number of Local Government Regions to be so declared under subsection (1) shall not be less than 4 and not more than 6.

ESTABLISHMENT OF LOCAL GOVERNMENT COUNCILS

4. When the Prime Minister declares a Local Government Region under section 3 (1), he shall in the Order establish a Local Government Council for that Region.

PART III

~~COMPOSITION, NAME AND DUTIES OF LOCAL GOVERNMENT COUNCILS~~

COMPOSITION OF LOCAL GOVERNMENT COUNCILS

5. Each Local Government Council shall be composed of elected members and appointed members.

ELECTION OF MEMBERS OF THE LOCAL GOVERNMENT COUNCILS

6. (1) Election of the members of the Local Government Council shall be on the basis of direct universal franchise which shall include an element of proportional representation.
- (2) The number of elected members in each Local Government Region shall be such that each member shall represent not less than a population of 1,500 people in that Region.
- (3) The term of office of the elected members shall be for a period of four years. They shall be eligible for re-election.
- (4) The territory of each Local Government Region may be divided into several constituencies by an order signed by the Minister.

APPOINTMENT OF MEMBERS OF THE LOCAL GOVERNMENT COUNCILS

7. (1) The Minister may by Order provide for appointed members of each Local Government Council in respect of its Local Government Region and such members shall consist of :
- (a) chiefs appointed by the Minister from among persons nominated by representative bodies of chiefs;
- (b) women appointed by the Minister from among persons nominated by representative bodies of women;
- (c) youth representatives appointed by the Minister from among persons nominated by representative bodies of youth;
- (d) church representatives appointed by the Minister from among persons nominated by representative bodies of churches.
- (2) The appointed members -
- (a) shall hold office for a period of four years and shall be eligible for reappointment; and
- (b) shall be consulted on any matter, question or issue coming before the Local Government Council for its decision.
- (3) The appointed members shall not be entitled to vote at the meetings of the Local Government Councils.
- (4) The appointed members shall not be more than half the number of elected members.

CONDUCT OF BUSINESS

8. (1) The Local Government Council shall hold its meetings in public at the Head-quarters of the Local Government Region. The Head-quarters shall be designated through an order to be issued by the Minister upon the recommendation of the Local Government Council.
- (2) The Local Government Council shall hold two ordinary meetings during one calendar year. The first ordinary meeting, being the budgetary meeting, shall commence on the first working day in the month of November and may last for a period not exceeding forty five days.
- (3) The second ordinary meeting, being the administrative meeting, shall commence on the first working day in the month of May and may last for a period not exceeding sixty days.
- (4) Apart from such meetings, the Local Government Council may hold extraordinary meetings at the request of the Minister or if more than half of the elected members so request.
- (5) The duration of an extraordinary session shall not exceed three days.
- (6) The Local Government Council shall meet by right on the first Thursday following the publication of the official results of the Local Government Council election. Members of the Local Government Council shall appoint among themselves a Chairman and no more than three deputy-chairmen. They shall be appointed by a majority voting. The voting shall be done by secret ballot.
- (7) The Chairman and deputy-chairmen shall hold office for a term of two years.
- (8) The Chairman shall be the Chief Executive Officer of the Council.
- (9) The Chairman shall preside at all meetings in compliance with the provisions of the Standing Orders of the Council. Upon evidence of his absence or incapacity, one of the deputy-chairmen shall, in the order of their appointments, replace him. The Chairman or the deputy-chairman substituting for him may, if he deems necessary, request the assistance of any Police Officer to restore order in the meeting chamber.

- (10) Members of Parliament elected within the Local Government Region may at the request of the Local Government Council of that region attend and address any meeting of that Council on any specific matter or issue.

PROCEDURE FOR ENACTING BY-LAWS

9. (1) The Local Government Council shall deal with draft by-laws tabled by any member of the Local Government Council with the Chairman of the Council.
- (2) Draft by-laws and proposals shall be voted on by the Council after having heard the opinion of the appointed members.

STANDING ORDERS

10. (1) Each Local Government Council shall make its own standing orders.
- (2) The Local Government Council shall vote on the approval of the standing orders of the Council after having heard the views of the appointed members. The Chairman shall draw up the Order of Business.

SETTING UP OF A COMMITTEE

11. A Local Government Council may, from time to time, from among its members, appoint and dissolve, a committee responsible for matters relating to draft by-laws or for any general or specific purposes which in the opinion of the Local Government Council would be better regulated and managed by a committee. The composition of such a committee shall be proportional to the various opinions held within the Council.

VOTING AND QUORUM

12. (1) All decisions shall be determined by a majority of the votes of the elected members present. Each elected member present shall have the right to cast only one vote.
- (2) The quorum required for meetings of the Council shall be more than half of the total number of elected members.
- (3) In case of a tie vote, the Chairman shall have a casting vote.

NEW ELECTION, DISSOLUTION OF LOCAL GOVERNMENT COUNCILS AND DELEGATION OF RESPONSIBILITY

13. (1) If for any reason half of the seats of a Local Government Council become vacant, a new election shall be called within the two months following the date the latest seat became vacant.
- (2) If this latest vacancy occurs in the last six months of the normal term of the Council, the Prime Minister shall, upon the recommendation of the Minister, issue an order to dissolve the Local Government Council.
- (3) Day-to-day on-going business shall then be attended to by the Minister or he may delegate this responsibility to a public servant.

DISSOLUTION OF LOCAL GOVERNMENT COUNCILS AND ELECTION FOR A NEW COUNCIL

14. (1) Should the normal running of a Local Government Council be impeded, such as being unable to sit for three consecutive sittings for lack of a quorum, the Prime Minister shall, upon recommendation from the Minister, issue an order to dissolve the Council for cause.
- (2) Elections for a new Council shall be held not later than two months following the date on which the order was published in the Official Gazette. During this period, the day-to-day on-going business shall be attended to by the Minister or he may delegate this responsibility to a public servant.
- (3) No dissolution shall be made within the next twelve months following the election of a new Local Government Council which is taking over from the one dissolved. However, if during this period the running of the council is again impeded on similar grounds as those in subsection (1) of this section, the Prime Minister may, upon recommendation of the Minister, issue an order to temporarily suspend the Council for a period not exceeding six months. During this period of suspension the day-to-day on-going business shall be attended to by the Minister or he may delegate this responsibility to a public servant.

APPROVED BY-LAWS

15. (1) The Chairman of the Local Government Council shall submit at the earliest opportunity a copy of all approved by-laws to the Local Government Region Executive Officer and shall have a copy displayed on the Local Government Region head-quarters notice board.

- (2) During fifteen days following the display of the by-law on the notice board, the population of the Local Government Region concerned and the Local Government Region Executive Officer may submit their complaints on the legality or relevancy of the said by-law to the Chairman of the Local Government Council.
- (3) At the end of this fifteen day period the Chairman of the Local Government Council may then either :
 - (a) submit the by-law to the Minister for publication in the Official Gazette if no complaint has been received;
 - (b) if a complaint is received in that period -
 - (i) and he thinks that the complaints made may be justified, convene a meeting of the Council to debate the issue;
 - (ii) but if he thinks that the complaint is not justified or is substantially similar to matters already considered, he shall notify the complainant in writing and may then submit the by-law to the Minister as in subparagraph (a) at the expiry of 15 days from such notification.

PUBLICATION AND COMMENCEMENT OF BY-LAWS

16. (1) Subject to the provisions of section 18 upon receiving the by-law submitted to him under section 15 (3)(a), the Minister shall ensure its publication in the Official Gazette. This by-law shall come into force as from the date of its publication in the Official Gazette.
- (2) Within the fifteen days following the commencement date of the by-law, if a person feels that the by-law was unfair to him or if he feels that the content of the said by-law contradicts the essence of the Constitution or existing laws, he may request for an enquiry to be conducted on the legality of the said by-law by a competent court.
- (3) The filing of such a request shall not prevent the by-law from being implemented.

SUPREME COURT TO ASSESS THE LEGALITY OF BY-LAWS

17. The Supreme Court shall be the competent judicial body to assess the legality of by-laws enacted by Local Government Councils.

PROCEDURE ON RECEIPT OF BY-LAWS BY THE MINISTER

18. (1) Where the Minister receives a by-law under the provisions of section 15(3) above, he may either :
- (a) proceed with the publication of the said by-law according to the conditions and with the consequences provided for under section 16 above; or
 - (b) request the Supreme Court to assess its legality. In this case he shall not proceed with the publication of the by-law and shall immediately inform the Chairman of the Local Government Council which enacted the by-law in question.
- (2) The Supreme Court may either :
- (a) rule out the whole text or part thereof; or
 - (b) confirm the legality of the said by-law. In the latter case the Minister shall therefore ensure the official publication of the by-law within eight days following the date of the Supreme Court's decision. The by-law shall henceforth be enforced according to the conditions specified under section 16, and no other request for assessment of the legality of the said regulation shall be received by the Supreme Court from any person or body corporate.

PART IV

THE LOCAL GOVERNMENT REGION EXECUTIVE OFFICER

LOCAL GOVERNMENT REGION EXECUTIVE OFFICER TO REPRESENT MINISTER

19. (1) The Local Government Region Executive Officer shall represent the Minister and the Government within the Local Government Region.
- (2) He shall be appointed by order made by the Prime Minister after consultation with the Minister.
- (3) The Minister shall by order prescribe the functions and duties of the Local Government Region Executive Officer.
- (4) The Local Government Region Executive Officer shall perform and discharge all acts and responsibilities which are by this Act or by order or regulation made under this Act directed or empowered to be done by such officer.

PART V

POWERS OF THE LOCAL GOVERNMENT COUNCILS TO MAKE BY-LAWS

POWER TO MAKE BY-LAWS

20. As from the dates they are established, Local Government Councils are empowered to make by-laws, on the matters listed below :

- (1) Choose the location and be responsible for constructing, maintaining and managing public facilities such as :
 - primary schools, health facilities, bridges and roads (except road network under the responsibility of the national government), water supply, wharves and jetties, commercial centres, libraries, museums and cultural centres;
- (2) Management and control of public market places;
- (3) Rules and regulations governing matters relating to hygiene and public health in compliance with the general conditions set out under the law;
- (4) Rules and regulations governing professional activities relating to the issuing of licences payable to Local Government Councils;
- (5) Rules and regulations governing fishing and conditions relating to the issuing of fishing licences covering six nautical miles as from the low tide foreshore of all islands making up the Local Government Region;
- (6) Set out conditions of the issuing of licences for operating cinemas, commercial businesses, individual or group land or sea transport services within the Local Government Region;
- (7) Draw up statutory regulations relating to terms and conditions of recruitment, careers and termination of service necessary for the proper administration of the Local Government Council service departments. In no way shall these officers be regarded as public servants;
- (8) Clearly set out the economic development policies and plans of the Local Government Region;

- (9) Outline, create and draw up regulations governing the environmental protection zones (natural parks, natural reserves or tourist-attraction areas) subject to any legislation creating environmental protected areas in the national interest;
- (10) Decide on penalties to be imposed on persons involved in breaking the by-laws approved by the Local Government Council. The maximum amount for such penalties shall not exceed Vatu 50,000 for each conviction.

POWER TO MAKE BY-LAWS FIXING RATES AND TAXES FOR ISSUE OF LICENCES

21. (1) The Local Government Councils shall have the power to make by-laws fixing :
- (a) rates and taxes payable for the issue of licences for professional activities as stated in section 20 (5) and (6); and
 - (b) rates and taxes payable for the landing and take-off of aircraft, landing of ships and boats.

Revenue from these rates and taxes shall be paid directly to the Local Government Councils.

- (2) Where the Government rates and taxes exist regarding international connections, the Local Government Councils shall have the power to make by-laws for additional amounts which may not exceed 10% of the existing tax. These by-laws must be specifically endorsed by the Minister after consultation with the Minister of Finance.

POWER TO MAKE BY-LAWS SPECIFYING RATES AND TAXES FOR LOCAL PURPOSES

22. Local Government Councils shall have the power to make by-laws specifying rates and taxes for local purposes on the people, properties and services within their area of jurisdiction.

PART VI

ALLOWANCES

ALLOWANCES TO MEMBERS

23. (1) Members of Local Government Councils and the members of any committees set up by the Local Government Councils are entitled to an allowance the amount of which shall be determined by the council but shall not exceed the maximum amount of Vatu 2,500 per day's sitting.

(2) Members of Local Government Councils and the members of any committees set up by the Local Government Councils are entitled to a refund of their travelling and accommodation expenses when travelling to attend Council or committee meetings as the case may be. Reimbursement shall not be paid unless proof of payment is provided. Procedures for reimbursement and calculation of attendance orders shall be specified in the Council's standing orders.

(3) (i) There shall be paid to elected and appointed members of the Local Government Councils a monthly allowance not exceeding VT 10,000.

(ii) The Chairman of each Local Government Council shall be paid in addition to the allowance specified in paragraph (i) a monthly allowance of VT 5,000.

PAYMENT OF GRATUITIES

24. (1) Elected and appointed members of Local Government Councils shall receive, at the end of their term of office, a payment of gratuity and the rate of that gratuity shall be determined by the by-laws made by the Local Government Councils.

(2) The gratuity payable to each elected and appointed member under subsection (1) shall not exceed an amount equal to 15 per cent of all monthly allowances received by such member during his term in office.

PART VII

FUNDING OF LOCAL GOVERNMENT COUNCILS

REVENUE

25. The revenue of a Local Government Council shall consist of :

(a) an administration subsidy from the Government;

- (b) an equipment grant from the Government;
- (c) loans;
- (d) proceeds from Local Government Council rates and taxes and added value taxes;
- (e) various subsidies;
- (f) donations and legacies.

DETERMINATION OF ADMINISTRATION SUBSIDY

26. (1) The administration subsidy shall be determined each year during the Government budget session in accordance with a substantiated request forwarded by each Local Government Council. For 1994 this budget shall be at least an equivalent of the running costs of public services and facilities already existing in each Local Government Region.
- (2) The distribution criteria for 1994 shall be based on a par formula. However, this may be amended in future by legislation taking into account matters such as changes in school age population, the scope and volume of communication network in each Local Government Region.

GRANTS FOR MATERIAL SUPPLIES

27. (1) The equipment grant shall be determined each year during the Government budget session. For 1994, it shall consist of a percentage of revenues collected during the 1992 financial year but this percentage shall not be less than 5%. It shall thereafter follow recorded variations of the total revenues collected each year.
- (2) The distribution of this grant between each Local Government Council in 1994 shall be based on a par formula. This distribution criteria may be altered in future pursuant to the provisions and in ways provided for in section 26(2).

LOANS

28. Local Government Councils are hereby authorised to borrow money from national as well as international lenders. The total amount of such loans shall not exceed Vatu 20,000,000 (twenty million). The decision to proceed with a loan shall be recorded in a Local Government Council order of which terms and conditions are provided for in sections 9 to 17 of this Act. This order shall not be executed until it is expressly approved by an order issued by the Minister after consultation with the Minister of Finance.

PART VIII

LOCAL GOVERNMENT COUNCIL BUDGET

PREPARATION AND APPROVAL OF BUDGET

29. The Local Government Councils shall approve their own budget in the form of an order. The draft budget, as has been prepared by the Chairman, shall be tabled with the Local Government Council not later than 1st October of each year.

COUNCIL TO APPROVE TRUE BALANCED BUDGET

30. The Council shall approve a true balanced budget. No additional expenditure shall be allowed unless it is offset by new revenue or an equivalent cut in the approved budget.

FAILURE TO APPROVE BUDGET

31. (1) If the Local Government Council fails to approve the budget during its budgetary meeting or, at the latest, by midnight on 31st December, the Minister shall issue an order duly counter-signed by the Minister responsible for Finance to release the draft budget.
- (2) The ministerial order shall come into force on the date of its publication in the Official Gazette.

PART IX

MISCELLANEOUS AND TRANSITIONAL PROVISIONS

ELECTION AND APPOINTMENT OF MEMBERS

32. (1) Elections for Local Government Councils shall be held during 1994.
- (2) Appointment of members of the Local Government Councils shall be made within 3 weeks following the date of the election under subsection (1).
- (3) The Prime Minister may in order to provide for election for the Local Government Councils under this Act, dissolve any Local Government Council which continues to be in existence after the commencement of this Act, in pursuance of section 36 of this Act.
- (4) The date for the elections of the Local Government Councils shall be established by the Electoral Commission in consultation with the Minister.

DEPARTMENT OF LOCAL GOVERNMENT TO ASSIST AND ADVISE THE MINISTER

33. The Department of Local Government shall be responsible for assisting the Minister and advising Local Government Councils on matters relating to this Act.

PROVISIONS NOT TO BE APPLICABLE WITHIN MUNICIPALITIES AND THEIR BOUNDARIES

34. (1) The provisions of this Act shall not apply within Municipality boundaries and Municipalities are deemed not to be included in any Local Government Region.

(2) In subsection (1) "Municipality" means a municipality established under the Municipalities Act (CAP. 126).

REGULATIONS MADE BY THE MINISTER

35. The Minister may make regulations not inconsistent with this Act, for and in respect of matters necessary for the better carrying out of the provision of this Act.

REPEAL AND SAVINGS

36. (1) Decentralization Act (CAP 127) is hereby repealed.

(2) Notwithstanding the repeal of the Decentralization Act (CAP. 127) :

(a) Local Government Councils established under that Act shall continue to be in existence and the members of those Councils shall continue to remain in office until those Councils are dissolved by the Prime Minister under section 32(3) of this Act ;

(b) All regional laws and any statutory orders made under the Decentralization Act (CAP. 127) and in force immediately prior to the coming into operation of this Act, shall so far as they are not inconsistent with the provisions of this Act, continue in force until amended or replaced by by-laws or statutory orders, as the case may be, made under this Act.

COMMENCEMENT

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

REPUBLIQUE DE VANUATU

LOI NO.1 DE 1994 RELATIVE A LA DECENTRALISATION
ET A LA CREATION DE PROVINCES

Sommaire

**TITRE I
DEFINITIONS**

1. Les normes.
2. Les institutions.

**TITRE II
CREATION DES PROVINCES**

3. Etablissement des Provinces.
4. Etablissement des Conseils provinciaux.

**TITRE III
COMPOSITION, DESIGNATION ET FONCTIONNEMENT
DES CONSEILS PROVINCIAUX**

5. Composition des Conseils provinciaux.
6. Election des membres du Conseil provincial.
7. Nomination de membres du Conseil provincial.
8. Fonctionnement.
9. Procédure d'adoption des règlements.
10. Règlement intérieur.
11. Création de Commissions.
12. Votes et quorum.
13. Nouvelles élections, dissolution d'un Conseil provincial, délégation de pouvoirs.
14. Dissolution d'un Conseil provincial et élection d'un nouveau Conseil.
15. Entrée en vigueur et contrôle de la légalité.
16. Publication et entrée en vigueur des règlements.
17. Légalité des règlements.
18. Action du Ministre sur réception des règlements.

**TITRE IV
L'EXECUTIF PROVINCIAL**

19. L'Exécutif provincial, représentant du Ministre.

**TITRE V
LES COMPETENCES DES CONSEILS PROVINCIAUX**

20. Pouvoir de réglementation.
21. Règlements fixant les droits de patente et les taxes.
22. Règlements fixant des droits et taxes pour fins locales.

**TITRE VI
DES INDEMNITES**

23. Indemnités de présence.
24. Indemnité de fin de mandat.

**TITRE VII
LES RESSOURCES DE LA PROVINCE**

25. Les recettes.
26. Détermination de la dotation de fonctionnement.
27. Les dotations d'équipement.
28. Les emprunts.

**TITRE VIII
LE BUDGET DES PROVINCES**

29. Préparation et approbation du budget.
30. Approbation du budget en équilibre réel.
31. Non approbation du budget.

**TITRE IX
DISPOSITIONS DIVERSES & TRANSITOIRES**

32. Elections et désignations.
33. Assistance du Service des Administrations locales.
34. Exemption des périmètres municipaux.
35. Mise en oeuvre de la Loi.
36. Abrogation et dérogations.
37. Entrée en vigueur.

REPUBLIQUE DE VANUATU

Promulguée : 13/06/94

Entrée en vigueur: 12/07/94

LOI NO. 1 DE 1994 RELATIVE A LA DECENTRALISATION ET A LA CREATION DE PROVINCES

Régissant la décentralisation et la mise en place des Provinces et traitant de questions connexes.

Le Président de la République et le Parlement promulguent le texte suivant :

TITRE I

DEFINITIONS

LES NORMES

1. Aux termes de la présente Loi :

- Le mot *Constitution* désigne la Constitution actuelle de la République de Vanuatu. C'est la norme juridique supérieure.
- Le mot *Loi* désigne la norme juridique votée par le Parlement selon la procédure constitutionnellement établie.
- Le mot *Règlement* désigne la norme juridique votée par le Conseil de chaque province. Le règlement est juridiquement inférieur à la Constitution et à la loi. Un règlement contraire à la loi ou à la Constitution est nul de plein droit. La nullité ou validité du règlement est déclarée par la Cour suprême.

LES INSTITUTIONS

2. Aux termes de la présente Loi :

- Le terme *Province* désigne la collectivité territoriale qui est l'instrument de la décentralisation. Les provinces sont dotées de la personnalité juridique ; elles possèdent des compétences propres qui permettent à leurs institutions de les administrer librement sous le contrôle du Gouvernement et de l'autorité juridictionnelle et dans le respect de la Constitution et des lois de la République.

- L'expression **Conseil provincial** désigne le corps des représentants de chaque province.
- L'expression **Exécutif provincial** désigne le représentant du Gouvernement de la République nommé par le Ministre.
- Le terme **Ministre** désigne le Ministre chargé de la décentralisation dans le Gouvernement.

TITRE II

CREATION DES PROVINCES

ETABLISSEMENT DES PROVINCES

3. 1) Le Premier Ministre reçoit compétence pour :
- a) créer les provinces ;
 - b) déterminer leurs noms ;
 - c) fixer leurs limites territoriales et les modifier.
- 2) Le nombre des provinces à créer en application du paragraphe 1) est d'au moins quatre et ne peut être supérieur à six.

ETABLISSEMENT DES CONSEILS PROVINCIAUX

4. Lors de la création d'une province en application du paragraphe 1) de l'article 3, le Premier Ministre détermine également, par le même arrêté, la composition du Conseil provincial.

TITRE III

COMPOSITION, DESIGNATION ET FONCTIONNEMENT DES CONSEILS PROVINCIAUX

~~COMPOSITION DES CONSEILS PROVINCIAUX~~

5. Chaque Conseil provincial est constitué de membres élus et de membres désignés.

ELECTION DES MEMBRES DU CONSEIL PROVINCIAL

6. 1) Les membres du Conseil provincial sont élus au suffrage universel direct selon un mode de scrutin faisant intervenir un élément de représentation proportionnelle.
- 2) Le nombre d'élus dans chaque province est calculé de telle manière qu'un élu représente au moins 1500 habitants de la province.

- 3) La durée de leur mandat est de 4 ans. Ils sont rééligibles indéfiniment.
- 4) Le territoire de chaque province peut être divisé en circonscriptions électorales par arrêté du Ministre.

NOMINATION DE MEMBRES DU CONSEIL PROVINCIAL

7. 1) Le Ministre a compétence pour nommer par arrêté, au Conseil de chaque province, des membres qu'il choisit parmi les noms proposés par les organismes de la province représentant :
 - a) les Chefs ;
 - b) les femmes ;
 - c) les jeunes gens ;
 - d) les églises.
- 2) Les membres nommés :
 - a) le sont pour un mandat de quatre ans ; leur mandat est reconductible indéfiniment ;
 - b) doivent être consultés sur toute question dont le Conseil est appelé à délibérer.
- 3) Les membres nommés n'ont pas voix délibérative aux réunions du Conseil provincial.
- 4) Le nombre de membres désignés ne peut être supérieur à la moitié des membres élus.

FONCTIONNEMENT

8. 1) Le Conseil provincial se réunit en séance publique au chef-lieu de la province. Le chef-lieu est fixé par arrêté du Ministre sur proposition du Conseil provincial.
- 2) Le Conseil provincial se réunit deux fois par an en session ordinaire. La première session, dite session budgétaire, s'ouvre le premier jour ouvré de novembre et dure au maximum 45 jours.
- 3) La seconde session, dite session administrative, s'ouvre le 1er jour ouvré de mai et dure au maximum 60 jours.
- 4) En dehors de ces périodes, le Conseil provincial peut être réuni en session extraordinaire à la demande du Ministre, ou si plus de la moitié des membres élus en fait la demande.
- 5) La durée d'une session extraordinaire ne peut excéder 3 jours.

- 6) Le Conseil provincial se réunit de droit le premier jeudi qui suit la publication du résultat des élections au Conseil. Les membres du Conseil provincial élisent en leur sein un Président et, au plus, trois Vice-Présidents. Leur désignation a lieu au scrutin secret uninominal majoritaire.
- 7) Le Président et les Vice-Présidents sont élus pour une durée de 2 ans.
- 8) Le Président est l'Exécutif du Conseil.
- 9) Le Président assure la police des débats conformément au règlement intérieur du Conseil. En cas d'absence ou d'empêchement dûment constatés, il est remplacé par l'un des Vice-Présidents, dans l'ordre de leurs nominations. Le Président, ou le Vice-Président assurant la présidence peut, s'il l'estime nécessaire, requérir la force publique pour rétablir l'ordre dans la salle de délibérations.
- 10) Le Conseil provincial peut inviter les membres du Parlement élus dans la province à assister à ses séances et à y prendre la parole sur toute affaire ou question d'intérêt particulier.

PROCEDURE D'ADOPTION DES REGLEMENTS

9. 1) Le Conseil provincial délibère des propositions de règlements que tout membre du Conseil provincial dépose sur le bureau de son Président.
- 2) Les propositions de règlements sont votées par le Conseil après avis des membres nommés.

REGLEMENT INTERIEUR

10. 1) Chaque Conseil provincial élabore son propre règlement intérieur.
- 2) Le Conseil provincial vote l'approbation du règlement intérieur après avis des membres nommés. Le Président fixe l'ordre du jour des sessions.

CREATION DE COMMISSIONS

11. Un Conseil provincial peut nommer en son sein, si besoin est, toute commission qu'il juge nécessaire à l'instruction des propositions de règlements ou pour tout objet général ou particulier qu'il lui paraît souhaitable de faire réglementer ou gérer par une commission. La composition des commissions respecte la représentation des différents courants d'idées au sein du Conseil. Ce dernier dissout cette commission quand son besoin ne se fait plus sentir.

VOTES ET QUORUM

12. 1) Toutes les décisions sont acquises à la majorité des voix des membres élus présents. Chaque membre élu présent ne dispose que d'une seule voix.
- 2) Le quorum exigé à chaque séance pour que le Conseil puisse délibérer valablement est de plus de la moitié des membres élus.
- 3) En cas d'égalité de voix, celle du Président est prépondérante.

NOUVELLES ELECTIONS, DISSOLUTION D'UN CONSEIL PROVINCIAL, DELEGATION DE POUVOIRS

13. 1) Si pour quelque cause que ce soit la moitié des sièges d'un Conseil provincial devient vacante, il est procédé à une réélection du Conseil dans les deux mois qui suivent la date de la dernière vacance.
- 2) Si cette dernière vacance intervient dans les six derniers mois précédant la date de renouvellement normal du Conseil provincial, ce dernier est dissout par arrêté motivé du Premier Ministre sur proposition du Ministre.
- 3) Les affaires courantes sont alors expédiées par le Ministre ou, par délégation de celui-ci, par un agent de la Fonction Publique.

DISSOLUTION D'UN CONSEIL PROVINCIAL ET ELECTION D'UN NOUVEAU CONSEIL

14. 1) Si le fonctionnement régulier d'un Conseil provincial est empêché, notamment s'il n'a pu, pendant trois séances consécutives, délibérer valablement en raison de l'absence de quorum, le Premier Ministre, sur proposition du Ministre dissout le Conseil par arrêté motivé.
- 2) Les élections pour le renouvellement du Conseil ont lieu dans les deux mois suivant la date de publication de l'arrêté de dissolution au Journal officiel. Durant cette période, les affaires courantes sont expédiées par le Ministre ou, par délégation de celui-ci, par un agent de la Fonction publique.

- 3) Aucune dissolution ne peut intervenir dans l'année qui suit le renouvellement d'un Conseil provincial dissout. Cependant, si durant cette période, le fonctionnement du Conseil est à nouveau empêché pour les mêmes raisons qu'à l'alinéa 1) du présent article, le Premier Ministre pourra, sur proposition du Ministre et par arrêté motivé, suspendre temporairement le Conseil pour une durée qui ne pourra excéder 6 mois. Pendant la période de suspension, les affaires courantes sont expédiées par le Ministre ou, par délégation de celui-ci, par un agent de la Fonction publique.

ENTREE EN VIGUEUR ET CONTROLE DE LA LEGALITE

15. 1) Le Président du Conseil provincial transmet dans les meilleurs délais le texte du règlement voté à l'Exécutif provincial et procède immédiatement à l'affichage du texte au tableau du chef-lieu.
- 2) Pendant une durée de 15 jours suivant l'affichage du texte, le Président du Conseil provincial recueille les contestations, relatives à la légalité ou à l'opportunité du texte, qui seront formulées par la population concernée et l'Exécutif provincial.
- 3) A l'issue de cette période de 15 jours, le Président du Conseil provincial peut alors soit :
 - a) transmettre le texte du règlement au Ministre pour publication si aucune contestation n'a été recueillie ;
 - b) si une contestation est recueillie durant ladite période :
 - i) et qu'il estime nécessaire au vu des contestations formulées, convoquer une réunion du Conseil pour en délibérer ;
 - ii) mais s'il estime que la contestation n'est pas justifiée ou est analogue aux questions déjà considérées, informer le plaignant par écrit, et peut, à l'issue de la période de 15 jours après la notification, transmettre le texte du règlement au Ministre, comme indiqué au paragraphe a).

PUBLICATION ET ENTREE EN VIGUEUR DES REGLEMENTS

16. 1) Sous réserve de l'hypothèse de l'article 18, le Ministre, dès réception du texte transmis dans le cas du paragraphe 3), alinéa a) de l'article 15, en assure la publication au Journal officiel. Le texte du règlement devient alors exécutoire à compter de la date de la publication du Journal officiel.

- 2) Dans les quinze jours qui suivent l'entrée en vigueur du règlement, toute personne physique ou morale, qui estime que l'arrêté lui cause un préjudice ou qui estime que l'arrêté est contraire à la Constitution ou aux lois existantes peut saisir d'une requête la juridiction compétente en matière de contrôle de la légalité.
- 3) Le dépôt d'une requête n'empêche pas le texte du règlement de s'appliquer.

LEGALITE DES REGLEMENTS

17. La Cour suprême est la juridiction compétente pour connaître de la légalité des règlements adoptés par les Conseils provinciaux.

ACTION DU MINISTRE APRES RECEPTION DES REGLEMENTS

18. 1) Quand le Ministre reçoit le texte d'un règlement dans l'hypothèse du paragraphe 3) de l'article 15, ci-dessus, il peut :

- a) soit procéder à la publication du règlement, dans les conditions et avec les conséquences qu'il est dit à l'article 16 ci-dessus.
- b) soit saisir la Cour suprême pour un contrôle de sa légalité. Dans ce cas il ne procède alors pas à la publication du texte et il en avertit immédiatement le Président du Conseil provincial qui l'a voté.

2) La Cour suprême peut :

- soit annuler le règlement en tout ou en partie;
- soit en confirmer la légalité. Dans ce dernier cas le Ministre doit alors assurer la publication du texte dans les huit jours qui suivent la date du prononcé de la décision de la Cour suprême. Le règlement est alors ~~immédiatement exécutoire dans les conditions de l'article 16,~~ et il ne peut plus faire l'objet d'une nouvelle requête devant la Cour suprême par une personne physique ou morale.

TITRE IV

L'EXECUTIF PROVINCIAL

L'EXECUTIF PROVINCIAL, REPRESENTANT DU MINISTRE

19. 1) L'exécutif provincial représente le Ministre et le Gouvernement dans la province.
- 2) Il est nommé par arrêté du Premier Ministre sur proposition du Ministre.
- 3) Le Ministre fixe par arrêté les fonctions et devoirs de l'Exécutif provincial.
- 4) L'Exécutif provincial exécute et assume tous les actes et responsabilités qui lui sont conférés ou attribués par la présente Loi ou par arrêté ou règlement d'application.

TITRE V

LES COMPETENCES DES CONSEILS PROVINCIAUX

POUVOIR DE REGLEMENTATION

20. A compter de la date de leur installation, les provinces reçoivent compétence pour délibérer dans les matières énumérées ci-après :

- 1) Choix de l'emplacement, responsabilité de la construction et de la gestion des ouvrages publics en matière :
 - d'enseignement primaire, de santé, de ponts et chaussées, (sauf le réseau routier reconnu de compétence nationale), d'adduction d'eau, d'appontements et jetées, de marchés, de bibliothèques, de musées et de centres culturels.
- 2) La réglementation et le contrôle des marchés publics.
- 3) La réglementation en matière d'hygiène et de santé publique, sous réserve des prescriptions générales énoncées par la loi.
- 4) La réglementation des activités professionnelles donnant lieu à délivrance de patentes dont les droits sont perçus par les provinces.
- 5) La réglementation de la pêche et les conditions de délivrance de la patente de pêche professionnelle dans une zone de 6 milles marins à partir de la laisse des plus basses eaux pour toutes les îles composant le territoire des provinces.

- 6) Les conditions de délivrance de patentes pour l'exploitation des salles de cinéma, des établissements de commerce, de services de transports individuels ou collectifs, routiers et maritimes dans le territoire de la province.
- 7) La fixation des règles statutaires concernant les conditions d'embauche, de carrière et de cessation de fonction du personnel nécessaire au bon fonctionnement des services de la province. Ce personnel n'a en aucun cas le statut de fonctionnaire de l'Etat.
- 8) La définition des politiques et des plans de développement économiques de la province.
- 9) La définition, la création et la réglementation de zones de protection de l'environnement (parcs naturels, réserves naturelles, ou zones touristiques) sous réserve de la compétence de la loi pour créer des zones de protection de l'environnement d'intérêt national.
- 10) La fixation des amendes sanctionnant la violation des règlements adoptés par le Conseil provincial. Le plafond des amendes ne peut excéder 50.000 Vatu par infraction constatée officiellement.

REGLEMENTS FIXANT LES DROITS DE PATENTE ET LES TAXES

21. 1) Les Conseils provinciaux reçoivent compétence pour fixer par règlement :

- a) les droits et taxes relatifs à la délivrance des patentes relatives aux activités professionnelles visées à l'article 20, paragraphes 5) et 6).
- b) les droits et taxes relatifs à l'atterrissage et au décollage des aéronefs, aux touchers des navires et bateaux.

Le produit de ces droits et taxes est perçu directement par la province.

- 2) Si des droits et taxes d'Etat existent concernant les liaisons internationales, les Conseils provinciaux ont compétence pour voter à leur profit par voie de règlements des centimes additionnels dont le nombre ne peut excéder 10% de la taxe en vigueur. Ces règlements font l'objet d'une approbation préalable expresse par arrêté du Ministre après avis du Ministre des Finances.

REGLEMENTS FIXANT DES DROITS ET TAXES D'INTERET LOCAL

22. Les Conseils provinciaux sont compétents pour fixer par voie de règlement tous droits et taxes d'intérêt local concernant les personnes, les biens et les services, dans la limite de leur circonscription territoriale.

TITRE VI

DES INDEMNITES

INDEMNITES DE PRESENCE

23. 1) Les membres du Conseil provincial et de toute commission qu'il établit perçoivent chacun une indemnité de présence dont le montant est fixé par le conseil dans la limite maximum de 2.500 Vatu par jour de séance effective.
- 2) Les membres du Conseil provincial et de toute commission qu'il établit sont défrayés de leurs débours de voyage et de logement pour assister aux sessions du Conseil ou aux réunions des commissions. Le remboursement ne s'opère que sur justificatifs. Les modalités de ce remboursement et du décompte des présences seront précisées dans le règlement intérieur du Conseil.
- 3) i) les membres élus et nommés du Conseil provincial perçoivent une indemnité mensuelle d'au plus 10.000 VT.
- ii) Le Président du Conseil perçoit, en plus de l'indemnité prévue à l'alinéa i), une indemnité mensuelle de 5.000 VT.

INDEMNITE DE FIN DE MANDAT

24. 1) Les membres élus et nommés du Conseil provincial perçoivent, en fin de mandat, une indemnité dite de fin de mandat dont le montant est fixé par un règlement du Conseil.
- 2) L'indemnité prévue au paragraphe 1) ne peut excéder 15% de la somme des indemnités mensuelles perçues par le membre élu et le membre nommé au cours de son mandat.

TITRE VII

LES RESSOURCES DE LA PROVINCE

LES RECETTES

25. Les ressources de chaque province se composent :

- a) d'une dotation de fonctionnement de l'Etat,
- b) d'une dotation de l'équipement de l'Etat,
- c) du produit des emprunts,
- d) du produit des droits et taxes provinciaux et de centimes additionnels,
- e) des subventions diverses,
- f) des dons et legs.

DETERMINATION DE LA DOTATION DE FONCTIONNEMENT

26. 1) La dotation de fonctionnement est déterminée chaque année lors du vote du budget de l'Etat, au vu d'une demande justifiée présentée par les provinces. Pour 1994, elle sera au minimum égale au coût de fonctionnement des services publics et des institutions déjà en place dans chaque province.
- 2) La clé de répartition est, pour 1994, une clé paritaire. Elle pourra être modifiée, pour les années suivantes, par la Loi en tenant compte des critères tels que l'évolution de la population scolarisée, l'étendue et le volume du réseau de communication de chaque province.

LES DOTATIONS D'EQUIPEMENT

27. 1) La dotation d'équipement est déterminée chaque année lors du vote du budget de l'Etat. Elle est constituée, pour 1994, par un pourcentage des recettes réalisées durant l'exercice 1992, ce pourcentage ne pouvant être inférieur à 5%. Elle varie ensuite selon la variation constatée, d'un exercice au suivant, de la masse de recettes réalisées.
- 2) Sa répartition entre les provinces est, pour 1994, effectuée sur une base paritaire. Cette clé de répartition pourra être modifiée les années suivantes pour les raisons et dans les formes prévues à l'article 26, alinéa 2).

LES EMPRUNTS

28. Les provinces sont autorisées à contracter des emprunts auprès de tout bailleur de fonds national ou international. La décision de procéder à l'emprunt fait l'objet d'un arrêté du Conseil provincial dans les formes et conditions prévues aux articles 9 à 17 de la présente loi. Cet arrêté n'est exécutoire qu'après approbation expresse donnée par arrêté du Ministre après avis du Ministre des Finances.

TITRE VIII

LE BUDGET DES PROVINCES

PREPARATION ET APPROBATION DU BUDGET

29. Les provinces votent leur budget sous la forme d'un arrêté. Le projet de budget, préparé par le Président du Conseil provincial, est déposé sur le bureau du Conseil au plus tard le 1er octobre de chaque année.

APPROBATION DU BUDGET EN EQUILIBRE REEL

30. Le Conseil vote le budget en équilibre réel. Toute dépense nouvelle qui ne serait pas accompagnée d'une recette correspondante ou d'une réduction ad hoc des dépenses est interdite.

NON APPROBATION DU BUDGET

31. 1) Si le Conseil n'a pas voté le budget à l'issue de la session budgétaire ou, au plus tard, le 31 décembre à minuit, le Ministre rend le projet de budget exécutoire par arrêté contresigné par le Ministre des Finances.
- 2) L'arrêté ministériel est exécutoire dès la publication au Journal officiel.

TITRE IX

DISPOSITIONS DIVERSES & TRANSITOIRES

ELECTIONS ET DESIGNATION

32. 1) Les élections aux Conseils provinciaux auront lieu au cours de 1994.
- 2) La désignation des membres nommés, doit intervenir dans un délai de 3 semaines après la date de l'élection conformément au paragraphe 1).

- 3) Afin d'ouvrir la voie à l'élection des Conseils provinciaux, le Premier ministre peut dissoudre tout Conseil demeuré en fonction après l'entrée en vigueur de la présente Loi en application de son article 36.
- 4) La date des élections aux Conseils provinciaux est fixée par la Commission électorale sur conseil du Ministre.

ASSISTANCE DU SERVICE DES ADMINISTRATIONS LOCALES

33. Le Service des administrations locales reçoit mission d'assister le Ministre et de conseiller les autorités provinciales dans le cadre de la présente Loi.

EXEMPTION DES PERIMETRES MUNICIPAUX

34. 1) Les dispositions de la présente Loi ne sont pas applicables à l'intérieur du périmètre communal et les communes sont réputées ne faire partie d'aucune province.
- 2) Aux fins d'application du paragraphe 1) "Commune" désigne une commune créée en vertu de la Loi relative aux communes (CAP. 126) (Réf. version française de L. No. 5/80, J.O. 13/80(bis)).

MISE EN OEUVRE DE LA LOI

35. Le Ministre est habilité à prendre, par voie de règlements, les mesures nécessaires pour compléter et exécuter la présente loi, à condition que lesdites mesures soient compatibles avec les dispositions de cette dernière.

ABROGATION ET DEROGATIONS

36. 1) La Loi relative à la Décentralisation (CAP. 127) (Réf. version française de L. No. 11 de 1980, J.O. 26bis/81 et modifications ultérieures) est, par les présentes, abrogée.
- 2) Nonobstant l'abrogation prononcée au paragraphe 1) :
 - a) Les Conseils provinciaux institués par la Loi abrogée demeurent en fonction et leurs membres conservent leur mandat jusqu'à la date où le Premier ministre dissout le Conseil en application du paragraphe 3) de l'article 32 du présent texte ;

- b) tous les textes de loi régionale et arrêtés pris en application de la Loi abrogée et encore valides lors de l'entrée en vigueur du présent texte demeurent, s'ils n'entrent pas en conflit avec les dispositions de ce dernier, exécutoires tant qu'ils ne sont pas modifiés ou remplacés par d'autres règlements ou arrêtés pris en application du présent texte.

ENTREE EN VIGUEUR

37. La présente Loi entrera en vigueur à la date de sa parution au Journal officiel.

REPUBLIC OF VANUATU

CHAPTER 26

PORTS (DUES, FEES AND CHARGES) (REGULATIONS)
(AMENDMENT) ORDER NO. 17 OF 1994

To amend the Ports (Dues, Fees and Charges) Regulations Order No. 59 of 1987.

IN EXERCISE of the powers conferred by section 3 of the Ports Act [Cap. 26], I, AMOS BANGABITI, Minister of Transport, Public Works, Civil Aviation and Ports and Marine, make the following Order:-

AMENDMENT OF ORDER 59 OF 1987

1. Regulation 1A. of the Ports (Dues, Fees and Charges) Regulations Order No. 59 of 1987 is amended in subregulation (1) by inserting after the word "beyond" the words "or within".

COMMENCEMENT

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

MADE at Port Vila the 24 day of June 1994.



AMOS BANGABITI
Minister of Transport, Public Works,
Civil Aviation and Ports and Marine

REPUBLIC OF VANUATU

CHAPTER 168

OFFICIAL SALARIES ORDER NO. 18 OF 1994

An Order to provide for an increase in the salaries of certain office holders prescribed in the Official Salaries Act [CAP. 168].

IN EXERCISE of the powers conferred by section 3 of the Official Salaries Act [CAP. 168], I, MAXIME CARLOT KORMAN, Prime Minister and Minister of Foreign Affairs, Public Service, Planning and Statistics, Media Services and Language Services, with the prior approval of the Council of Ministers, make the following Order :-

AMENDMENT OF PART 1 OF THE SCHEDULE TO CHAPTER 168

1. Part 1 of the Schedule to the Official Salaries Act [CAP. 168] is amended in column 2 :-

- (a) by deleting "1,829,520" corresponding to the Office of the "Chief Justice" in column 1 and substituting "1,921,008";
- (b) by deleting "1,829,520" corresponding to the Office of the "Attorney General" in column 1 and substituting "1,921,008";
- (c) by deleting "1,534,320" corresponding to the Office of the "Puisne Judge (Resident)" in column 1 and substituting "1,611,048";
- (d) by deleting "1,641,720" corresponding to the Office of the "Auditor General" in column 1 and substituting "1,723,800";
- (e) by deleting "1,527,988" corresponding to the Office of the "Ombudsman" in column 1 and substituting "1,604,376";
- (f) by deleting "900,000" corresponding to the Office of the "President, National Council of Chiefs" in column 1 and substituting "945,000";
- (g) by deleting "1,641,720" corresponding to the Office of the "Chairman, Public Service Commission" in column 1 and substituting "1,723,800";
- (h) by deleting "1,641,720" corresponding to the Office of the "Chairman, Police Service Commission" in column 1 and substituting "1,723,800";
- (i) by deleting "1,479,576" corresponding to the Office of the "Public Prosecutor" in column 1 and substituting "1,553,544";

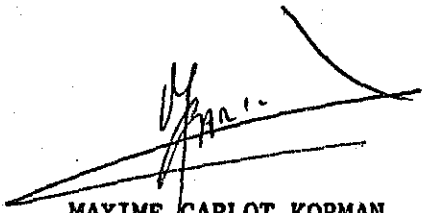
- (j) by deleting "1,479,576" corresponding to the Office of the "Public Solicitor" in column 1 and substituting "1,553,544";
- (k) by deleting "1,604,376" corresponding to the Office of the "First Political Secretary" in column 1 and substituting "1,684,584";
- (l) by deleting "1,437,504" corresponding to the Office of the "Second Political Secretary" in column 1 and substituting "1,509,384";
- (m) by deleting "1,062,648" corresponding to the Office of the "Third Political Secretary" in column 1 and substituting "1,115,784";
- (n) by deleting "1,604,376" corresponding to the Office of the "Secretary to the Council of Ministers" in column 1 and substituting "1,684,584";
- (o) by deleting "1,604,376" corresponding to the Office of the "Private Secretary to the Prime Minister" in column 1 and substituting "1,684,584";
- (p) by deleting "770,952" corresponding to the Office of the "Ministers' Office Supervisor" in column 1 and substituting "809,496";
- (q) by deleting "770,952" corresponding to the Office of the "Council of Ministers' Office Supervisor" in column 1 and substituting "809,496";
- (r) by deleting "562,584" corresponding to the Office of the "Ministers' Secretary/Typists" in column 1 and substituting "590,712";
- (s) by deleting "437,568" corresponding to the Office of the "Ministers' Drivers Grade 1" in column 1 and substituting "459,456";
- (t) by deleting "368,808" corresponding to the Office of the "Ministers' Drivers Grade 2" in column 1 and substituting "387,240";
- (u) by deleting "437,568" corresponding to the Office of the "Speaker's Drivers Grade 1" in column 1 and substituting "590,712";
- (v) by deleting "368,808" corresponding to the Office of the "Speaker's Drivers Grade 2" in column 1 and substituting "387,240";
- (w) by deleting "1,458,516" corresponding to the Office of the "Principal Private Secretary to the President" in column 1 and substituting "1,531,440";

- (x) by deleting "1,437,504" corresponding to the Office of the "Assistant Private Secretary to the President" in column 1 and substituting "1,509,384";
- (y) by deleting "1,604,376" corresponding to the Office of the "Assistant Private Secretary to the Deputy Prime Minister" in column 1 and substituting "1,684,584";
- (z) by deleting "1,437,504" corresponding to the Office of the "Principal Administrative Officer to the Prime Minister" in column 1 and substituting "1,509,384";
- (aa) by deleting "1,604,376" corresponding to the Office of the "Private Secretary to the Speaker" in column 1 and substituting "1,684,584";
- (ab) by deleting "368,808" corresponding to the Office of the "Cleaner to the Ministry" in column 1 and substituting "387,240";
- (ac) by deleting "806,952" corresponding to the Office of the "Secretary/Typist to the Council of Ministers" in column 1 and substituting "847,296".

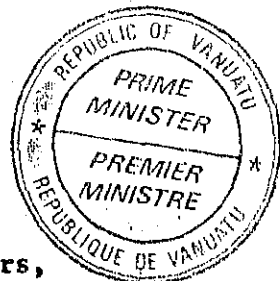
COMMENCEMENT

2. This Order shall be deemed to have come into force on the 1st day of June, 1994.

MADE at Port Vila the 29th day of June, 1994.



MAXIME CARLOT KORMAN
Prime Minister and Minister of Foreign Affairs,
Public Service, Planning and Statistic, Media
Services and Language Services



REPUBLIC OF VANUATU

CHAPTER 127

DECENTRALIZATION (DISSOLUTION OF PAAMA
LOCAL GOVERNMENT COUNCIL) ORDER NO. 19 OF 1994

To dissolve the Paama Government Council.

WHEREAS:

- A. Section 2(3) of the Decentralization Act [CAP. 127] provides that the President shall on a petition from Parliament suspend or dissolve a Local Government Council;
- B. On the 24th day of May, 1994 the Parliament of Vanuatu sitting during its First Ordinary Session, passed a motion to petition the President of the Republic of Vanuatu to dissolve the Paama Local Decentralization Act [CAP. 127];
- C. On the 27th day of June, 1994 the Minister of Home Affairs responsible for Local Government Councils advised the President of the Republic to appoint a Commission to exercise the powers and perform the duties of the Paama Local Government Council;

NOW THEREFORE, IN EXERCISE of the powers conferred by subsections (3) and (5) of section 2 of the Decentralization Act [CAP. 127], I, JEAN MARIE LEYE, President of the Republic of Vanuatu, on and in accordance with the Petition from Parliament and the advice of the Minister of Home Affairs, make the following order:-

DISSOLUTION OF PAAMA LOCAL GOVERNMENT COUNCIL

- 1. The Paama Local Government Council is hereby dissolved.

**COMMISSION TO EXERCISE POWERS AND DUTIES OF
PAAMA LOCAL GOVERNMENT COUNCIL**

- 2: (1) There is hereby established a Commission to exercise the powers and perform the duties of the dissolved Paama Local Government Council.
- (2) The Commission shall consist of WILLIAM HALING, a member and Chairman and PAUL ULAS UREVU, a member.

COMMENCEMENT

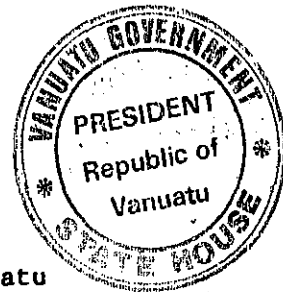
- 3: This Order shall come into force on the 1st day of July, 1994.

MADE at the State Office this

28 day of June, 1994.


JEAN MARIE LEYE

President of the Republic of Vanuatu





REPUBLIC OF VANUATU

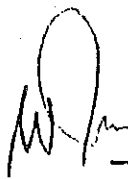
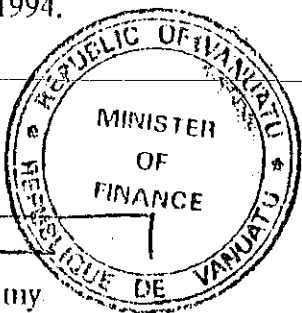
THE BANKING ACT [CAP. 63]

IN EXERCISE of the powers conferred by section 4(4)(a) of the Banking Act [CAP. 63], I hereby order that the licence to carry on banking business as an exempted bank of

FIRST ASIA DEVELOPMENT BANK LIMITED

granted on the 2nd day of April 1991 shall be and the same is hereby revoked.

Given under my hand and seal at Port Vila this twenty-fourth day of June 1994.



Willie Jimmy
MINISTER OF FINANCE



REPUBLIC OF VANUATU

THE COMPANIES ACT [CAP 191]

TAKE NOTICE that pursuant to Section 335 of the Companies Act [Cap. 191], unless cause is shown to the contrary, the names of:-

LOT 66 DE LA PARCELLE D LIMITED

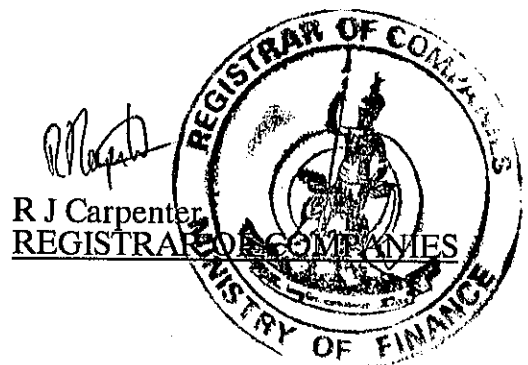
LOWANDU CONSTRUCTION LIMITED

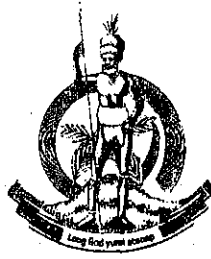
L'EGLISE CATHOLIQUE DU VANUATU LIMITED

M & M ENTERPRISES LIMITED

will be struck off the Register of Companies at Vila, Vanuatu and the companies dissolved at the expiration of three months from the date of this notice.

Dated at Vila this twenty-seventh day of June 1994.





REPUBLIC OF VANUATU

THE COMPANIES ACT [CAP 191]

TAKE NOTICE that pursuant to Section 335 of the Companies Act [Cap. 191], unless cause is shown to the contrary, the names of:-

SER AVTAR LOGGING COMPANY LIMITED

SIONE TRADING LIMITED

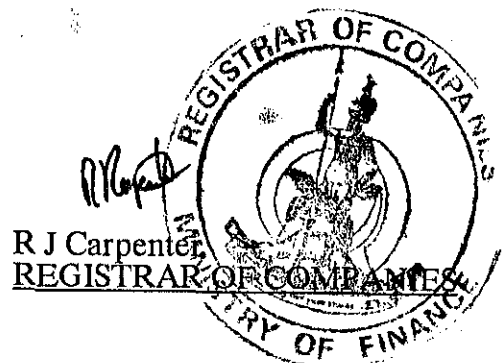
SKYWELL ENTERPRISES LIMITED

SOCIETE FAMILIALE HOUDIE

SOCIETE FAMILIALE MITRIDE GREPPO

will be struck off the Register of Companies at Vila, Vanuatu and the companies dissolved at the expiration of three months from the date of this notice.

Dated at Vila this twenty-seventh day of June 1994.





REPUBLIC OF VANUATU


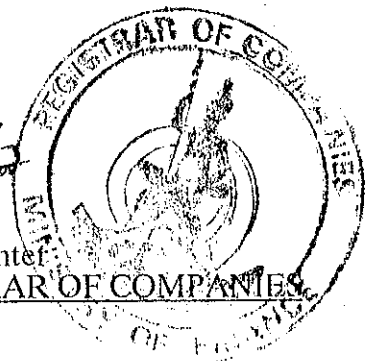
THE COMPANIES ACT [CAP 191]

TAKE NOTICE that pursuant to Section 335 of the Companies Act [Cap. 191], unless cause is shown to the contrary, the names of:-

BARON INTERNATIONAL LIMITED
HAWTHORN TRADING COMPANY LIMITED
HARMONIE LIMITED
PICARDIE HOLDINGS (N.II.) LIMITED
SWEDISH BEER COMPANY LIMITED

will be struck off the Register of Companies at Vila, Vanuatu and the companies dissolved at the expiration of three months from the date of this notice.

Dated at Vila this twenty-seventh day of June 1994.


R J Carpenter
REGISTRAR OF COMPANIES




REPUBLIC OF VANUATU

THE COMPANIES ACT [CAP 191]

TAKE NOTICE that pursuant to Section 335 of the Companies Act [Cap. 191], unless cause is shown to the contrary, the names of:-

PACIFIC PRODUCTS LIMITED

PACIFIC TEAK LIMITED

PACIFIC INVESTMENT SERVICES LIMITED

will be struck off the Register of Companies at Vila, Vanuatu and the companies dissolved at the expiration of three months from the date of this notice.

Dated at Vila this twenty-seventh day of June 1994.

R J Carpenter
R J Carpenter
REGISTRAR OF COMPANIES
MINISTRY OF FINANCE

The seal of the Registrar of Companies, Ministry of Finance, featuring a central figure holding a staff and a shield, surrounded by the text 'REGISTRAR OF COMPANIES' and 'MINISTRY OF FINANCE'.



REPUBLIC OF VANUATU

THE COMPANIES ACT [CAP 191]

TAKE NOTICE that pursuant to Section 335 of the Companies Act [Cap. 191], unless cause is shown to the contrary, the names of:-

SAC LIMITED

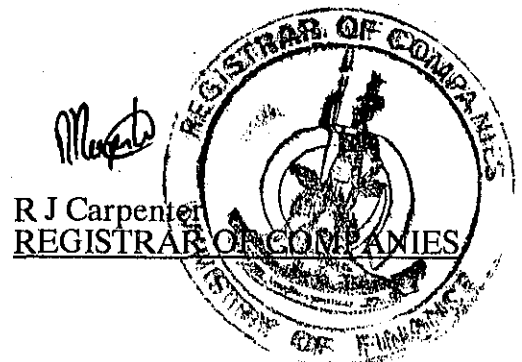
SALTWATER PRODUCTIONS LIMITED

SEA EXPORTS (VANUATU) LIMITED

SEA EXPRESS LIMITED

will be struck off the Register of Companies at Vila, Vanuatu and the companies dissolved at the expiration of three months from the date of this notice.

Dated at Vila this twenty-seventh day of June 1994.



R J Carpenter
REGISTRAR OF COMPANIES



REPUBLIC OF VANUATU

THE COMPANIES ACT [CAP 191]

TAKE NOTICE that pursuant to Section 335 of the Companies Act [Cap. 191], unless cause is shown to the contrary, the names of:-

MERGE HOLDINGS LIMITED

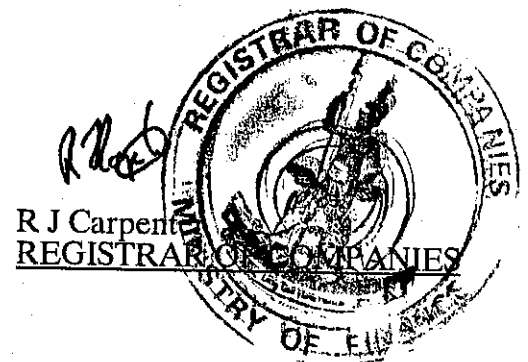
MONTERRO 87 LIMITED

MR JUICY (1984) LIMITED

NAURA (VANUATU) LIMITED

will be struck off the Register of Companies at Vila, Vanuatu and the companies dissolved at the expiration of three months from the date of this notice.

Dated at Vila this twenty-seventh day of June 1994.





REPUBLIC OF VANUATU

THE COMPANIES ACT [CAP 191]

TAKE NOTICE that pursuant to Section 335 of the Companies Act [Cap. 191], unless cause is shown to the contrary, the names of:-

KALIM SHIPPING LIMITED

MOANA TRADING LIMITED

NORMANBY LIMITED

PACIFIC BUSINESS DEVELOPMENT PTY LIMITED

SHIPS TECHNICAL ASSISTANCE LIMITED

will be struck off the Register of Companies at Vila, Vanuatu and the companies dissolved at the expiration of three months from the date of this notice.

Dated at Vila this twenty-seventh day of June 1994.

R J Carpenter
R J Carpenter
REGISTRAR OF COMPANIES





REPUBLIC OF VANUATU

THE COMPANIES ACT [CAP 191]

TAKE NOTICE that pursuant to Section 335 of the Companies Act [Cap. 191], unless cause is shown to the contrary, the names of:-

JED BOUTIQUE LIMITED

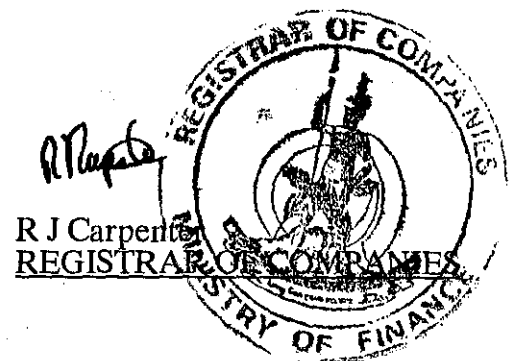
KA.KA.VE.KA. TOUR OPERATORS LIMITED

KINGWOOD (VANUATU) LIMITED

KIRBY HOLDINGS LIMITED

will be struck off the Register of Companies at Vila, Vanuatu and the companies dissolved at the expiration of three months from the date of this notice.

Dated at Vila this twenty- seventh day of June 1994.





REPUBLIC OF VANUATU

THE COMPANIES ACT [CAP 191]

TAKE NOTICE that pursuant to Section 335 of the Companies Act [Cap. 191], unless cause is shown to the contrary, the names of:-

INVESTMENT OPPORTUNITIES LIMITED

IRWIN ALSOP SPENCER LIMITED

ISLAND AIRWAYS LIMITED

ISLAND COVE DEVELOPMENT LIMITED

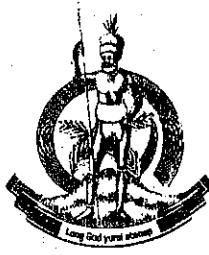
ISLAND STREAM LIMITED

will be struck off the Register of Companies at Vila, Vanuatu and the companies dissolved at the expiration of three months from the date of this notice.

Dated at Vila this twenty-seventh day of June 1994.


R J Carpenter
REGISTRAR OF COMPANIES





REPUBLIC OF VANUATU

THE COMPANIES ACT [CAP 191]

TAKE NOTICE that pursuant to Section 335 of the Companies Act [Cap. 191], unless cause is shown to the contrary, the names of:-

RENTABAO ESTATE LIMITED

RESOURCE PROJECTS LIMITED

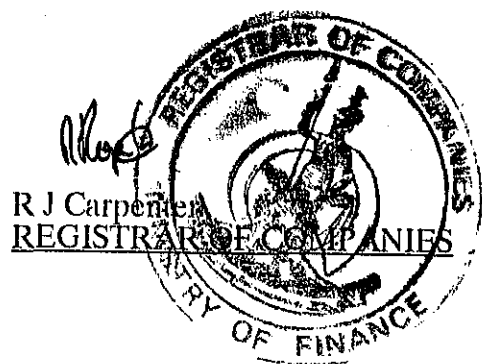
RICARDO'S LIMITED

RIMPAC TRADING COMPANY LIMITED

ROYAL PALMS RESORT AND CASINO LIMITED

will be struck off the Register of Companies at Vila, Vanuatu and the companies dissolved at the expiration of three months from the date of this notice.

Dated at Vila this twenty-seventh day of June 1994.





REPUBLIC OF VANUATU

7
THE COMPANIES ACT [CAP 191]

TAKE NOTICE that pursuant to Section 335 of the Companies Act [Cap. 191], unless cause is shown to the contrary, the names of:-

CONSORTIUM WORLD CHAMPIONSHIP MOTOCROSS AND SUPERCROSS LIMITED

COOK INTERNATIONAL LIMITED



COSMO FISHERY COMPANY LIMITED

C.T. COMPANY (VANUATU) LIMITED

DAE PYUNG HOLDINGS LIMITED

will be struck off the Register of Companies at Vila, Vanuatu and the companies dissolved at the expiration of three months from the date of this notice.

Dated at Vila this twenty-seventh day of June 1994.


R J Carpenter
REGISTRAR OF COMPANIES
MINISTRY OF FINANCE




REPUBLIC OF VANUATU

THE COMPANIES ACT [CAP 191]

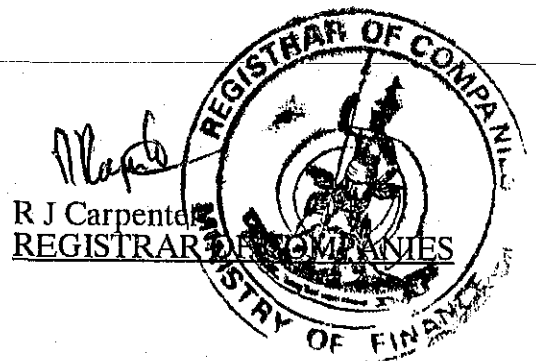
TAKE NOTICE that pursuant to Section 335 of the Companies Act [Cap. 191], unless cause is shown to the contrary, the names of:-

CAMDEN HOLDINGS LIMITED

CONSOLIDATED GOLD FIELDS (VANUATU) LIMITED

will be struck off the Register of Companies at Vila, Vanuatu and the companies dissolved at the expiration of three months from the date of this notice.

Dated at Vila this twenty-seventh day of June 1994.





REPUBLIC OF VANUATU

THE COMPANIES ACT [CAP 191]

TAKE NOTICE that pursuant to Section 335 of the Companies Act [Cap. 191], unless cause is shown to the contrary, the names of:-

NORTH ISLAND TIMBER COMPANY LIMITED

NORTHERN AGRI-DEVELOPMENTS LIMITED

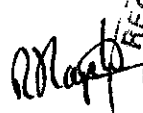
OCEANIA CONSULTING (BUREAU D'ETUDES OCEANIA) LIMITED


OCEANIA CORPORATION LIMITED

ORIENT INVESTMENTS LIMITED

will be struck off the Register of Companies at Vila, Vanuatu and the companies dissolved at the expiration of three months from the date of this notice.

Dated at Vila this twenty-seventh day of June 1994.


R J Carpenter
REGISTRAR OF COMPANIES

The seal of the Registrar of Companies, featuring the emblem of the Republic of Vanuatu in the center, surrounded by the text 'REGISTRAR OF COMPANIES' and 'VANUATU'.



REPUBLIC OF VANUATU

THE COMPANIES ACT [CAP 191]

TAKE NOTICE that pursuant to Section 335 of the Companies Act [Cap. 191], unless cause is shown to the contrary, the names of:-

P & G REAL ESTATE LIMITED

PACIFIC ASIAN INTERNATIONAL LIMITED

PACIFIC CARS RENTALS LIMITED


PACIFIC CHIROPRACTIC CLINIC (VANUATU) LIMITED

PACIFIC HERITAGE LIMITED

PACIFIC IMPORT/EXPORT INDUSTRIES LIMITED

will be struck off the Register of Companies at Vila, Vanuatu and the companies dissolved at the expiration of three months from the date of this notice.

Dated at Vila this twenty-seventh day of June 1994.


R J Carpenter
REGISTRAR OF COMPANIES
MINISTRY OF FINANCE



REPUBLIC OF VANUATU

THE COMPANIES ACT [CAP 191]

TAKE NOTICE that pursuant to Section 335 of the Companies Act [Cap. 191], unless cause is shown to the contrary, the names of:-

MARKET ENTERPRISES LIMITED

MARSHALL INVESTMENTS LIMITED

MEDIA MASTERS (SOUTH PACIFIC) LIMITED

MEGAPTERA LIMITED

will be struck off the Register of Companies at Vila, Vanuatu and the companies dissolved at the expiration of three months from the date of this notice.

Dated at Vila this twenty-seventh day of June 1994.


R J Carpenter
REGISTRAR OF COMPANIES

The seal of the Registrar of Companies, Vanuatu, is circular and contains the emblem of the Republic of Vanuatu. The text around the seal reads 'REGISTRAR OF COMPANIES' at the top and 'REPUBLIC OF VANUATU' at the bottom.



REPUBLIC OF VANUATU

THE COMPANIES ACT [CAP 191]

TAKE NOTICE that pursuant to Section 335 of the Companies Act [Cap. 191], unless cause is shown to the contrary, the names of:-

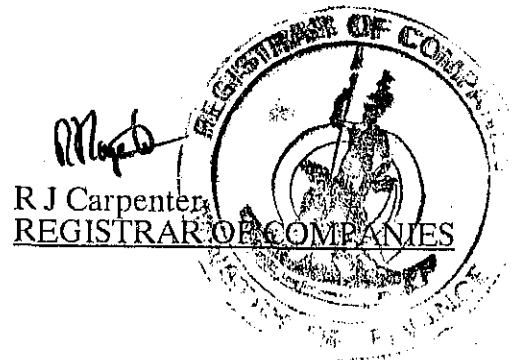
PARAY LIMITED

PASTORAL INVESTMENTS LIMITED

POST HOLDINGS LIMITED

will be struck off the Register of Companies at Vila, Vanuatu and the companies dissolved at the expiration of three months from the date of this notice.

Dated at Vila this twenty-seventh day of June 1994.





REPUBLIC OF VANUATU

THE COMPANIES ACT [CAP 191]

TAKE NOTICE that pursuant to Section 335 of the Companies Act [Cap. 191], unless cause is shown to the contrary, the names of:-

AUSVILLE INVESTMENTS LIMITED
DAVID EDSON & COMPANY LIMITED
EMCO IMPORT & EXPORT LIMITED
ELECTRO SERVICES LIMITED
ERATAP SOCIETY LIMITED
ESCAPADE MARINE ACTIVITIES LIMITED

will be struck off the Register of Companies at Vila, Vanuatu and the companies dissolved at the expiration of three months from the date of this notice.

Dated at Vila this twenty-seventh day of June 1994.


R J Carpenter
REGISTRAR OF COMPANIES





REPUBLIC OF VANUATU

THE COMPANIES ACT [CAP 191]

TAKE NOTICE that pursuant to Section 335 of the Companies Act [Cap. 191], unless cause is shown to the contrary, the names of:-

POWDER ENTERPRISES LIMITED

PRETTY INVESTMENTS LIMITED

P.C.R. (SANTO) LIMITED

will be struck off the Register of Companies at Vila, Vanuatu and the companies dissolved at the expiration of three months from the date of this notice.

Dated at Vila this twenty-seventh day of June 1994.

R J Carpenter
R J Carpenter
REGISTRAR OF COMPANIES
MINISTRY OF FINANCE

The seal of the Registrar of Companies, Ministry of Finance, featuring a central figure holding a staff and a shield, surrounded by a circular border with the text 'REGISTRAR OF COMPANIES' and 'MINISTRY OF FINANCE'.



REPUBLIC OF VANUATU

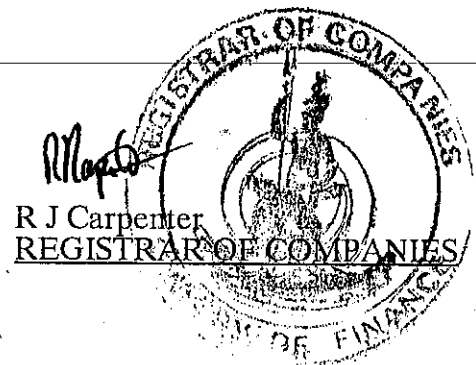
THE COMPANIES ACT [CAP 191]

TAKE NOTICE that pursuant to Section 335 of the Companies Act [Cap. 191], unless cause is shown to the contrary, the name of

RCR SALES LIMITED

will be struck off the Register of Companies at Vila, Vanuatu and the company dissolved at the expiration of three months from the date of this notice.

Dated at Vila this twenty-seventh day of June 1994.



R J Carpenter
REGISTRAR OF COMPANIES

MEMBER'S VOLUNTARY WINDING - UP

Notice of Final Meeting

Company n° 3294

-Registered at Port-Vila, Republic of Vanuatu

GESTINPAC LIMITED
~~~~~

NOTICE IS HEREBY GIVEN, pursuant to Section 286 of the Companies' Act [Cap. 191], that a general meeting of the members of the above-named company will be held at the Registered office, at Port-Vila, Vanuatu, on the 12th day of August, 1994, at 8.00 hours, for the purposes of :

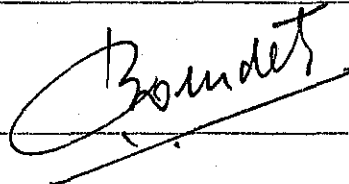
- (a) having laid before it an account showing how the winding-up has been conducted and the company's money disposed of ;
- (b) hearing any explanations that may be given by the liquidator.

A member entitled to attend and vote at the above meeting may appoint a proxy to attend and vote instead of him or her. A proxy need not be a member of the company. Proxies for use at the meeting must be lodged at the registered office (P.O.Box 29 - Port Vila) not later than 12.00 noon on the 11th day of August, 1994.

Dated this 4th day of July, 1994,

Liquidator,

Raymond BOURDET.





# REPUBLIC OF VANUATU

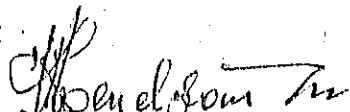
## APPOINTMENT OF OMBUDSMAN

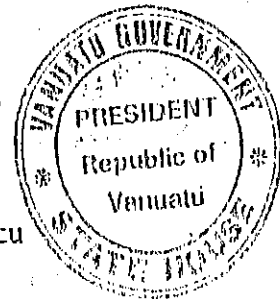
IN EXERCISE of the power conferred by Article 61 of the Constitution of the Republic of Vanuatu, I, LEYE LENALCAU MANATAWAI, President of the Republic of Vanuatu, hereby appoint -

MARIE-NOELLE FERRIEUX PATTERSON

as the Ombudsman of the Republic of Vanuatu for a period of five (5) years with effect from the 15th July, 1994.

MADE at State House, Port Vila this 7th, day of July, 1994.

  
LEYE LENALCAU MANATAWAI  
President of the Republic of Vanuatu





OATH OF ALLEGIANCE

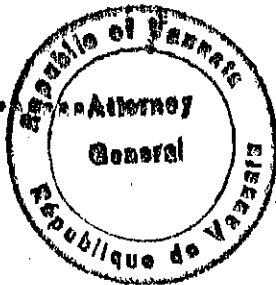
I, MARIE-NOELLE FERRIEUX PATTERSON, do swear [or solemnly affirm] that I will well and truly serve and bear true allegiance to the Republic of Vanuatu according to law. [So help me God].

SWORN at Port Vila )  
this 7th day of July 1994)

*[Handwritten signature]*  
\*\*\*\*\*

BEFORE ME

*[Handwritten signature]*  
\*\*\*\*\*  
ATTORNEY GENERAL





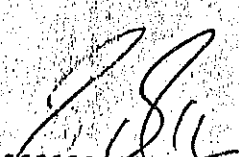
OFFICIAL OATH

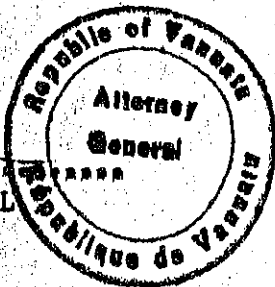
I, **MARIE-NOELLE FERRIEUX PATTERSON**, do swear [or solemnly affirm] that I will bear true faith and allegiance to the Republic of Vanuatu and will uphold the Constitution and the law and I will conscientiously, impartially and to the best of my ability discharge my duties as Ombudsman and do right to all manner of people without fear or favour, affection or ill-will. [So help me God].

SWORN at Port Vila )  
this 7th day of July 1994)

  
.....

BEFORE ME

  
.....  
ATTORNEY GENERAL

  
The seal is circular with the text "Republic of Vanuatu" at the top and "Ripablika de Vanuatu" at the bottom. In the center, it reads "Attorney General".

THE COMPANIES ACT [CAP 191]  
NOTICE OF FIRST MEETING OF CREDITORS AND CONTRIBUTORIES

Name of Company: SOCIETE DO JEAN S.A.R.L

Address of Registered Office: c/- Messrs Geoffrey Gee & Partners  
Second Floor, Pilioko House  
Rue Emile Mercet  
Port Vila

Nature of Business: To deal with property and to engage in commercial activities.

Court : The Supreme Court of Vanuatu

Date of Winding Up Order: 28th day of June 1994

First Meeting of Creditors  
Date: 22nd of July, 1994  
Time: 10.00 a.m

First Meeting of Contributories  
Date: 22nd of July, 1994  
Time: 10.30 a.m

Place of Meetings: Office of the Official Receiver,  
Rue Bougainville, Private Mailbag 023  
Port Vila.

Dated this 11th day of July, 1994.

Richard John Carpenter  
OFFICIAL RECEIVER & PROVISIONAL LIQUIDATOR



NOTICE OF WINDING-UP ORDER

Name of Company: SOCIETE DO JEAN S.A.R.L

Address of  
Registered Office: c/- Geoffrey Gee & Partners  
Second Floor, Pilioko House  
Rue Emile Mercet  
Port Vila

Court: The Supreme Court of Vanuatu

Number of Matter: Civil Case No. 58 of 1994

Date of Order: 28th day of June 1994

Date of  
Presentation  
of Petition: 25th day of May 1994

Richard John Carpenter  
OFFICIAL RECEIVER AND  
PROVISIONAL LIQUIDATOR

NOTICE OF WINDING-UP ORDER

Name of Company: SOCIETE D'ENTREPRISES L.B.

Address of  
Registered Office: c/- Cabinet Bourdet  
Second Floor, Pilioko House  
Rue Emile Mercet  
Port Vila

Court: The Supreme Court of Vanuatu

Number of Matter: Civil Case No. 84 of 1994

Date of Order: 28th day of June 1994

Date of  
Presentation  
of Petition: 25th day of May 1994

Richard John Carpenter  
OFFICIAL RECEIVER AND  
PROVISIONAL LIQUIDATOR

THE COMPANIES ACT [CAP 1911]  
NOTICE OF FIRST MEETING OF CREDITORS AND CONTRIBUTORIES

Name of Company: SOCIETE D'ENTREPRISES L.B

Address of Registered Office: c/- Cabinet Bourdet  
Second Floor, Pilioko House  
Rue Emile Mercet  
Port Vila

Nature of Business: To deal with property and to engage in commercial activities.

Court : The Supreme Court of Vanuatu.

Date of Winding Up Order: 28th day of June 1994

First Meeting of Creditors  
Date: 22nd of July, 1994  
Time: 9.00 a.m

First Meeting of Contributories  
Date: 22nd of July, 1994  
Time: 9.30 a.m

Place of Meetings: Office of the Official Receiver,  
Rue Bougainville, Private Mailbag 023  
Port Vila.

Dated this 11th day of July, 1994.

Richard John Carpenter  
OFFICIAL RECEIVER & PROVISIONAL LIQUIDATOR

THE COMPANIES ACT [CAP 191]  
NOTICE OF FIRST MEETING OF CREDITORS AND CONTRIBUTORIES

Name of Company: MIDDLE EAST MERCHANT BANK LIMITED

Address of  
Registered  
Office:

c/- Asiaciti Trust Company Ltd  
P.O.Box 300  
Port Vila

Nature of Business: General Banking Business

Court : The Supreme Court of Vanuatu

Number of Matter: No. 204 of 1983

Date of Winding Up  
Order: 22nd November, 1983

First Meeting of  
Creditors

Date: 26th July, 1994

Time: 9.00 am

First Meeting of  
Contributories

Date: 26th July, 1994

Time: 9.30 am

Place of Meetings:

Office of the Official Receiver,  
Rue Bougainville, Private Mailbag 023  
Port Vila.

Dated this 11th day of July, 1994.

Richard John Carpenter

OFFICIAL RECEIVER & PROVISIONAL LIQUIDATOR