

REPUBLIC OF VANUATU

THE CRIMINAL PROCEDURE CODE (AMENDMENT)
ACT NO. 19 OF 1986

Arrangement of Sections

1. Amendment of Act No. 21 of 1981.
2. Commencement.

REPUBLIC OF VANUATU

THE CRIMINAL PROCEDURE CODE (AMENDMENT)

ACT NO. 19 OF 1986

Assent : 2/12/86
Commencement: 22/12/86

An Act to amend the Criminal Procedure Code Act No. 21 of 1981.

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

AMENDMENT OF ACT NO. 21 OF 1981

1. The Criminal Procedure Code Act No. 21 of 1981, as amended, is further amended:

(a) by substituting the following new section for section 218:

"Petitions Under Articles 6, 51:1, 51:2 and 52 of the Constitution.

218. (1) Every application to the Supreme Court for the exercise of its jurisdiction under Articles 6, 51:1, 51:2 and 52 of the Constitution shall be by petition and shall be valid no matter how informally made.

(2) The Supreme Court may on its own motion or upon application being made therefor by any party interested in the petition summon the petitioner before it to obtain any further information or documents it may require.

(3) The Petitioner shall, within seven days of the filing of his petition in the Supreme Court or within such longer period as the Court may on application being made therefor order, cause a copy of the petition together with copies of supporting documents filed in relation to such petition to be served on the party or on all those parties whose actions are complained of.

(4) Any party who is served with a copy of the petition in pursuance of subsection (3) may without prejudice to any other legal remedy available to such party apply to the Supreme Court for an order dismissing the petition on the ground that the petition is without foundation or vexatious or frivolous.

(5) Unless the Supreme Court shall be satisfied in the first instance that the petition is without foundation or vexatious or frivolous, it shall set the matter down for hearing and enquire into it. It shall summon the party or parties whose actions are complained of to attend the hearing.

(6) On the day appointed for hearing, the Supreme Court shall enquire into the matters raised by the petition and after hearing all parties concerned shall give its decision and its order or directions (if any) thereon in open court.";

(b) by substituting the following new section for section 219:

"Jurisdiction Under Articles 16:4, 37:3, 51:3 and 52 of the Constitution.

219. In the exercise of the jurisdiction of the Supreme Court under Articles 16:4, 37:3, 51:3 and 52 of the Constitution the opinion of the Court shall be issued as a ruling of the Court and shall be binding on all persons.";

(c) by substituting the following new section for section 220:

"Further Rules of Procedures may be made by the Chief Justice.

220. Rules may be made by the Chief Justice acting on the advice of the Judicial Committee to prescribe further procedures for the exercise of the jurisdiction of the Supreme Court under Articles 6, 16:4, 37:3, 51:1, 51:3 and 52 of the Constitution."

COMMENCEMENT

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