

NEW HEBRIDES CONDOMINIUM

JOINT REGULATION

No. 11 of 1980

TO PUT INTO EFFECT the Resolution of the Representative Assembly No. 11 of 1980, passed the 8th day of July 1980. To provide for the issue and the production of Passports and matters connected therewith.

MADE by the Resident Commissioners under the provisions of Article 2(2) of the Anglo-French Protocol of 1914 and Article 28(3) of the Schedule to the Exchange of Notes made at London the 15th day of September 1977 between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the French Republic.

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| Scheduled Resolution put into effect. | 1. The Resolution of the Representative Assembly No. 11 of 1980, set forth in the Schedule is hereby put into effect. |
| Short title and commencement. | 2. This Joint Regulation may be cited as the Passports Regulation 1980 and shall have effect from the Day of Independence. |

ENACTED at Vila this 29 day of July 1980.

Delegate Extraordinary
for the French Republic
in the New Hebrides,

Her Britannic Majesty's
Resident Commissioner,

de la République Française
de la Nouvelle-Calédonie et des
Nouvelles-Hébrides
J. PERES

ACSW
A.C. STUART

La Chancelier

J. PERES

PASSPORTS REGULATION

1980

ARRANGEMENT OF SECTIONS

1. Interpretation.
2. Issue of passports.
3. Endorsement of names of young persons.
4. Certificates of Identity or travel documents.
5. Persons entering or leaving Vanuatu to be in possession of valid current passports.
6. Discretion of Principal Passport Officer to permit persons to enter without passports.
7. Principal Passport Officer may require person to deliver passport for retention.
8. Power of court to order delivery of passport to it in criminal proceedings.
9. Power of court to order delivery to it of passport in civil proceedings.
10. Power of Principal Passport Officer to take possession of passports in certain circumstances.
11. Confiscation of passports of citizens.
12. Offences.
13. Orders.
14. Transitional and Saving.
15. Repeal.

8 July

1980.

Original: English

RESOLUTION NO 11 OF 1980

To make provision for the issue and the production of Passports and matters connected therewith.

The Representative Assembly of the New Hebrides at its sitting on the 8th July 1980 hereby resolves and decides in accordance with Article 23 of the Schedule to the Exchange of Notes of the 15th September 1977 to adopt the following measures :-

- Interpretation. 1. In this Regulation unless the context otherwise requires -
"Minister" means the Minister for the time being responsible for matters under this Regulation or any Minister acting on his behalf;
"Passport" means a passport issued by or on behalf of a Government of the country of which the person to whom it relates is a subject or citizen and which by means of an attached photograph and otherwise identifies that person and which is still in force;
"Passport holder" means a person in whose name and to whom a passport has been issued;
"Principal Passport Officer" means the person appointed as such by the Minister or any immigration officer or other officer carrying out the duties of the Principal Passport Officer under this regulation.
- Issue of passports. 2. (1) A citizen of the Republic of Vanuatu shall be issued with a passport if he makes application either himself or by his parent or lawful guardian to the Principal Passport Officer on the prescribed form.
(2) An applicant for a passport under subsection (1) shall provide such evidence of his entitlement to citizenship as may be prescribed.
- Endorsement of names of young persons. 3. The Principal Passport Officer may endorse the name and particulars of a person under the age of 16 years on the passport of the parent or lawful guardian of that person.
- Certificates of Identity or travel documents. 4. (1) When for any reason it is not practicable to issue a passport to a citizen the Principal Passport Officer shall if he considers that the citizen has urgent need to travel issue him with a certificate of identity or travel document.
(2) The Principal Passport Officer may issue a certificate of identity or travel document to a person who, he is satisfied, is either a stateless person or a refugee.
- Persons entering or leaving Vanuatu to be in possession of valid current passports. 5. (1) Subject to section 6 all persons entering or leaving Vanuatu shall be in possession of a valid current passport.
(2) All persons entering or leaving Vanuatu shall on demand by the Principal Passport Officer produce their passport for inspection and endorsement by him.

Discretion of
Principal Passport
Officer to permit
persons to enter
without passports.

6. (1) The Principal Passport Officer may in his discretion permit persons to enter or leave Vanuatu who carry a certificate of identity or travel document.
- (2) The Principal Passport Officer may in his discretion permit a person to enter Vanuatu without a passport or a current passport if he is satisfied that -
 - (a) the passport of that person has been lost on his journey to Vanuatu or because of a genuine mistake expired during that journey and
 - (b) a new passport or renewal of passport can be obtained before the end of the period in which that person is lawfully permitted to remain in Vanuatu.

Principal Passport
Officer may require
person to deliver
passport for
retention.

7. (1) The Principal Passport Officer may require any person entering Vanuatu or who is present in Vanuatu but not a resident therein to deliver his passport to the Principal Passport Officer for retention by him.
- (2) The Principal Passport Officer shall return a passport delivered to him in accordance with subsection (1) when the person to whom it was issued leaves Vanuatu.

Power of Court to
order delivery of
passport to it in
criminal proceedings.

8. (1) A Court may order any person to deliver to it the passport of any non-citizen who is granted bail, remanded in custody or sentenced to a term of imprisonment or a fine.
- (2) The Court shall return the passport to the passport holder or the person claiming lawful custody thereof when the passport holder is no longer subject to criminal proceedings, has completed his term of imprisonment or paid his fine.
- (3) A Court may make an order under subsection (1) on its own motion or on application by a person conducting the prosecution of the passport holder.

Power of Court to
order delivery to
it of passport in
civil proceedings.

9. (1) A court may on its own motion or the application of any person order any person to deliver to it the passport of any non-citizen as security for payment of a judgment debt including an order for periodic payments.
- (2) A court shall not make an order under subsection (1) if the passport holder provides other adequate security.
- (3) The court shall return a passport delivered to it under subsection (1) when either adequate security has been provided to it or it is satisfied that security is no longer required.

Power of Principal
Passport Officer to
take possession of
passports in certain
circumstances.

10. (1) The Principal Passport Officer may take possession of any passport which he reasonably believes is in the wrongful possession of a person or has been issued or renewed by means of any wilfully false or misleading statement.
- (2) A person having in his possession or control a passport, to which subsection (1) applies shall on demand deliver it without unreasonable delay to the Principal Passport Officer.

Confiscation of
passports of
citizens.

11. Subject to section 10 a passport issued in accordance with this Regulation may only be taken from a citizen -
- (a) in accordance with Emergency Regulations made under Article 67 of the Constitution or
 - (b) by order of a court made in the same circumstances and in the same manner as is provided for the passports of non-citizens in sections 8 and 9.

Offences.

12. A person who wilfully -
- (a) refuses or neglects to comply with a lawful request or demand made pursuant to this Regulation;
 - (b) makes any false statement for the obtaining of a passport, certificate of identity or travel document;
 - (c) makes any false statement or representation to the Principal Passport Officer in connection with Section 6;
 - (d) knowingly and unlawfully makes any alteration, addition, deletion or endorsement in any passport, certificate of identity or travel document;
 - (e) in any other manner contravenes the provisions of this Regulation or
 - (f) aids or abets any person to do or neglect to do as the case may be any of the aforementioned is guilty of an offence and on conviction shall be liable to imprisonment for 5 years or a fine of 100,000 FNH or both such fine and imprisonment.

Orders.

13. The Minister may by order not inconsistent with this Regulation prescribe any thing that may be required to be prescribed including the form of passports to be issued under this Regulation and the fees payable on applications made under this Regulation.

Transitional and
Saving.

14. Any travel document issued under the Travel Documents (for use as Passports) Regulation shall remain valid and be deemed a passport for the purpose of this Regulation for a period of 6 months from the coming into operation of this Regulation except in the case of a person outside Vanuatu at that time whose travel document shall remain valid until its expiry or the return of that person to Vanuatu whichever event occurs first.

Repeal.

15. The Travel Documents (for use as Passports) Regulation shall be repealed with effect from the Day of Independence.

THE PASSPORT REGULATION

1980

Explanatory Note

This law provides for the issue of passports to Citizens of Vanuatu.

Under Section 4 the Principal Passport Officer may issue certificates of identity in cases of emergency to citizens and to non-citizens.

The law also provides for all persons moving in and out of Vanuatu to have passports and to produce them for inspection. An exception is only made in cases of emergency under Section 6 (2). The courts may take possession of passports of persons involved in criminal or civil proceedings as security. See Sections 8, 9 and 11 (b).

Under Section 14 the present travel documents issued to New Hebrideans will remain valid for a time which depends on whether the holders are in or out of Vanuatu.

April 1980

W.H. Lini
Chief Minister

DRAFTSMANS NOTE

The Resident Commissioners Joint Regulation bringing this Regulation into force as a law will provide that it shall be cited as the Passports Regulation 1980 and shall come into force on the Day of Independence.

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The Representative Assembly of the New Hebrides at its sitting on the 1980 hereby resolves and decides in accordance with Article 23 of the Schedule to the Exchange of Notes of the 15th September 1977 to adopt the following measures :-

Interpretation.

1. In this Regulation unless the context otherwise requires -
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Issue of passports.

2. (1) A citizen of the Republic of Vanuatu shall be issued with a passport if he makes application either himself or by his parent or lawful guardian to the Principal Passport Officer on the prescribed form.
(2) An applicant for a passport under subsection (1) shall provide such evidence of his entitlement to citizenship as may be proscribed.

Endorsement of names of young persons.

3. The Principal Passport Officer may endorse the name and particulars of a person under the age of 16 years on the passport of the parent or lawful guardian of that person.

Certificates of Identity or travel documents.

4. (1) When for any reason it is not practicable to issue a passport to a citizen the Principal Passport Officer shall if he considers that the citizen has urgent need to travel issue him with a certificate of identity or travel document.
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Persons entering or leaving Vanuatu to be in possession of valid current passports.

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