

REPUBLIC OF VANUATU

THE ISLAND COURTS (POWERS OF MAGISTRATES)

ORDER No. 1 OF 1990

An Order to prescribe the powers, functions and duties of a Magistrate in respect of matters before an Island Court concerning disputes as to ownership of land.

IN EXERCISE of the powers conferred by section 2A(1) of the Island Courts Act No. 10 of 1983, as amended, I, FREDERICK G COOKE, Chief Justice of the Supreme Court of Vanuatu, HEREBY make the following Order:-

**POWERS, FUNCTIONS AND DUTIES OF MAGISTRATE**

1. (1) Where a Magistrate presides over a matter in an Island Court concerning disputes as to the ownership of land, such magistrate shall have the following powers, functions and duties:-

- (a) to direct the Clerk of the Island Court to inform the litigants of -
  - (i) the date of hearing of the case;
  - (ii) the number of witnesses allowed;
  - (iii) the place where the case will be heard; and
  - (iv) to call on the litigants to produce the names and addresses of witnesses so that they may be summoned to Court and to let the Court have copies of documents they wish to rely on to prove their case;
- (b) to order the Survey Department and the Lands Department to produce documents that may be necessary for the successful completion of the case;
- (c) to issue orders for the parties to refrain from interfering with the land or buildings or crops on the land during the hearing of the case;
- (d) to summon witnesses and parties and to punish any person who fails to comply with an order of the Court in relation to the case at hearing;
- (e) to have the same powers of a Senior Magistrate under the Courts Regulation No. 30 of 1980;
- (f) to keep an English record of all evidence taken and submit the same to the Supreme Court, where an appeal has been filed;

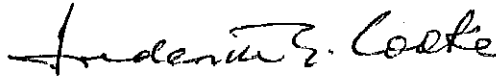
- (g) to submit to the Supreme Court within one month of the hearing, a true record in English of all the proceedings before him in the particular case on appeal; and
- (h) to summon the Justices to assist him in hearing the case.

- (2) For the purposes of this Order, "Magistrate" means a Magistrate nominated by the Chief Justice under section 2A(1) of the Island Courts Act No. 10 of 1983.

**COMMENCEMENT**

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

MADE at Port Vila, this 29 day of January 1990.



**FREDERICK G COOKE**

Chief Justice of the Supreme Court of Vanuatu