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NOTIFICATION OF PUBLICATION

ORDERS

STRATA TITLES ACT NO. 29 OF 2000

- STRATA TITLE AMENDMENT
REGULATION ORDER NO. 23 OF 2004.

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REPUBLIC OF VANUATU

STRATA TITLES ACT NO. 29 of 2000

Strata Title Amendment Regulations

Order No. 23 of 2004

In exercise of the powers conferred on me by section 27 of the Strata Titles Act No. 29 of 2001, I, the Honourable Charlot Salwai, Minister of Lands, Geology, Mines and Water Resources make the following Regulation.

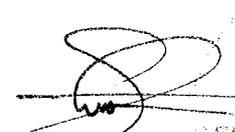
1 Amendments

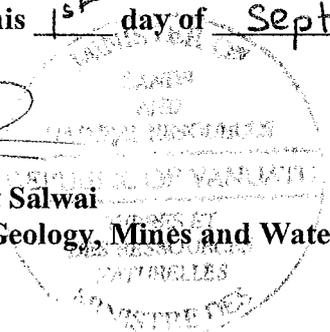
The Strata Title Regulations (Order No. 10 of 2003) are amended as set out in the Schedule.

2 Commencement

This Regulation commences on the date on which it is published in the Gazette.

Made at Port Vila this 1st day of September 2004.


Honourable Charlot Salwai
Minister of Lands, Geology, Mines and Water Resources



SCHEDULE
The Strata Title Regulations (Order No. 10 of 2003)

- 1 Regulation 6 (heading)**
Delete “Floor”, substitute “Lot”.
- 2 Subregulation 6(1)**
Delete “Floor”, substitute “Lot”.
- 3 After paragraph 6(1)(e)**
Insert
“(ea) where the boundaries of a lot are not defined by reference to a building or other structural feature, such notations as are necessary to define the boundaries;”.
- 4 Subregulation 6(2)**
Repeal the subregulation.
- 5 Subregulation 6(3)**
Repeal the subregulation.
- 6 Paragraphs 7(d) and (e)**
Repeal the paragraphs, substitute
“(d) where there are lots contained within a building, the projection onto a horizontal plane of the external limits of:
(i) the building;
(ii) any other structural feature used in the plan to define boundaries of lots or parts of lots; and
(iii) any lots or parts of lots not within the building;

(e) where there are lots contained within a building and if:
(i) any part of the building is within 2 metres of a boundary of the parcel; or
(ii) in the case of a lot which is not within the building but is defined by linear measurement from a part of the building or from a part of some other structural feature - any part of that lot is within 2 metres of a boundary of the parcel;

the perpendicular distance from that part of the building or of the structural feature to that boundary of the parcel;

- (ea) where there are lots that are not defined by reference to a building or other structural feature, the boundaries of the lots;”.

7 Subparagraph 7(f)(i)

Delete “building” (twice occurring), substitute “strata plan”.

8 Subregulation 8(1)

Repeal the subregulation, substitute:

- “(1) The Director of Lands Records may permit specified survey information sufficient to define:
 - (a) the boundaries of Lots, which are not defined by reference to a building or other structural feature; and
 - (b) the perimeter of a parcel to be shown on a location plan.”.

9 At the end of Regulation 15

Add

- “(3) A Schedule of Unit Entitlement contained in a registered Strata Plan may only be amended by resolution without dissent.

- (4) If a Schedule of Unit Entitlement is amended, the Body Corporate shall cause an amendment of the strata plan to be lodged in the office of the Director of Land Records in accordance with regulation 10”.

10 Regulation 16 (heading)

Delete “**Destruction of the building**” substitute “**Termination of the Strata Plan**”.

11 Paragraph 16(b)

Delete “; and”, substitute “.”.

12 Paragraph 16(c)

Repeal the paragraph.

13 Subregulation 22(3)

Delete “subregulation (2)”, substitute “subregulations (1) and (2).”.

14 At the end of Regulation 22

Add

- “(4) A proprietor of a lot must pay to the Body corporate the amount notified in writing by the Body Corporate to the proprietor pursuant to subregulation (1) within 30 days.”

- (5) A proprietor of a lot shall pay to the body corporate all of the costs incurred by it in recovering any amounts owing by a proprietor of a lot pursuant to subregulations (1) and (2) (including legal fees on a solicitor and own client basis).

- (6) The council may resolve to institute proceedings in a court to recover any moneys that a proprietor of a lot owes to the Body Corporate pursuant to subregulations (1), (2) and (5).”.

15 Subregulation 23(1)

Repeal the subregulation, substitute

- “(1) The lessees of the approved lease at the time the strata plan is registered must, in the name of the body corporate, call a meeting of the body corporate and that meeting must be held within 3 months after the date of registration of the strata plan.”.

16 Paragraph 23(2)(a)

Delete “six” substitute “twelve”.

17 At the end of Subparagraph 23(2)(a)

Insert (“the Annual General Meeting”)

18 Paragraph 23(6)(e)

Repeal the paragraph, substitute

- “(e) the engagement of any person:
- (i) as a body corporate administrator to provide administrative services to the body corporate, including the exercise of all or some of the functions of the council of the body corporate; or
 - (ii) as a resident manager to provide or supervise caretaking services to the common property or the lots, or both; or
 - (iii) as a letting agent to conduct a letting agent business consisting of letting of lots for the proprietors of lots in the strata plan; or
 - (iv) as a service contractor to provide any other services to the common property and/or the lots.”.

19 After regulation 23

Insert

“23A Administrative Matters and Funds

- (1) The terms of engagement of a person as mentioned in paragraph 23(6)(e) must be for a minimum period of one year and must be in writing signed by both the body corporate and the person engaged.
- (2) A body corporate administrator mentioned in subparagraph 23(6)(e)(i) must be a reputable and responsible person with no criminal convictions and must have demonstrated experience and resources to be able to administer the affairs of the Body Corporate.
- (3) A letting agent mentioned in subparagraph 23(6)(e)(iii) must be appropriately licensed to carry on the business of letting on behalf of third parties and must operate or have access to a trust account, into which all moneys derived from the letting of lots in a strata plan must be banked.

- (4) All moneys received on behalf of the body corporate must be banked into a bank account in the name of the body corporate.
- (5) The body corporate must establish an “Administrative Fund” and a “Capital Reserve Fund”.
- (6) The body corporate may only apply funds from the capital reserve fund on items that are of a capital or a non-recurrent nature and all other spending of the body corporate must be met from the administrative fund.
- (7) A body corporate must determine and review each year the required expenditure from its:
 - (i) Administrative Fund; and
 - (ii) Capital Reserve Fund for the following ten year period, and must ensure that a sufficient amount is levied on the proprietors to meet that expenditure.”.

20 Subregulation 27(1)

Repeal the subregulation.

21 Subregulation 27(4)

Delete “each year during the lease as additional rent both of”.

22 Paragraph 27(4)(a)

Delete “a minimum amount”, substitute “each year during the lease as additional rent a minimum amount”.

23 Regulation 28

Delete “in the schedule”, substitute “set out at the end of”.

24 Regulation 29

Repeal the regulation, substitute

“29 Disputes

- (1) Any dispute in relation to a strata plan or in relation to a body corporate or between proprietors of lots in a strata plan must be referred to the person (“the Adjudicator”) nominated from time to time for that purpose by the Minister.
- (2) The Adjudicator is to resolve the dispute in a way that is just and equitable in the circumstances.
- (3) The person applying to resolve the dispute must pay the costs of the adjudication of the dispute, unless the adjudicator orders otherwise.
- (4) Nothing in this regulation, prevents a person applying to a court to resolve a dispute referred to in subregulation (1).”.

25 After regulation 29

Insert

“29A By-Laws

The By-Laws contained in Schedule 1 to these regulations take effect as mutually binding covenants to be observed by each proprietor in the strata plan and the body corporate as if each proprietor and the body corporate had signed the bylaws under seal.”

26 At the end of these regulations

Insert

“SCHEDULE 1 BY-LAWS

Regulation 29A

1. A proprietor must:

- (a) permit the body corporate and its agents, at all reasonable times on notice (except in case of emergency when no notice shall be required), to enter his or her lot for the purpose of inspecting it and maintaining, repairing and renewing pipes, wires, cables and ducts for the time being existing in the lot and capable of being used in connection with the enjoyment of any other lot or common property, or for the purpose of maintaining, repairing or renewing common property, or for the purpose of ensuring that the by-laws are being observed; and
- (b) forthwith carry out all work that may be ordered by any competent public or local authority in respect of his or her lot other than such work as may be for the benefit of the building generally and pay all rates, taxes, charges, outgoings and assessments that may be payable in respect of the lot; and
- (c) repair and maintain his or her lot, and keep the same in a state of good repair, reasonable wear and tear, and damage by fire, storm, tempest or act of force majeure excepted; and
- (d) use and enjoy the common property in such a manner as not unreasonably to interfere with the use and enjoyment thereof by other proprietors or their families or visitors; and
- (e) not use his or her lot nor permit it to be used in such manner or for such purpose as shall cause a nuisance or hazard to any occupier of a lot (whether a proprietor or not) or the family of such occupier; and
- (f) notify the body corporate immediately upon any change of ownership or of any mortgage or other dealing in connection with the lot.

2. The body corporate must:

- (a) control, manage and administer the common property for the benefit of all proprietors; and
- (b) keep in a state of good and serviceable repair and properly maintain the fixtures and fittings (including elevators) used in connection with the common property; and
- (c) where practicable establish and maintain suitable lawns and gardens on the common property; and
- (d) maintain and repair (including renewals where reasonably necessary) pipes, wires, cables and ducts for the time being existing in the parcel and capable of being used in connection with the enjoyment of more than one lot or common property; and
- (e) on the written request of a proprietor, or registered mortgagee of a lot, produce to such proprietor or mortgagee, or person authorised in writing by such proprietor or mortgagee the policy or policies of insurance effected by the body corporate, and the receipt or receipts of the last premium or premiums in respect thereof.

3. The body corporate may:

- (a) purchase, hire, or otherwise acquire personal property; and
- (b) borrow moneys required by it in the performance of its duties or the exercise of its powers; and
- (c) secure the repayment of moneys borrowed by it, and the payment of interest thereon, by negotiable instrument, or charge on unpaid contributions (whether levied or not or mortgage of any property vested in it, or by combination of those means; and
- (d) invest as it may determine any moneys in the fund for administrative expenses; and
- (e) make an agreement with any proprietor or occupier of a lot for the provision of amenities or services by it to such lot or to the proprietor or occupier of it; and
- (f) grant to a proprietor the right to exclusive use and enjoyment of common property, or special privileges in respect of common property, provided that any such grant shall be determinable on reasonable notice unless the body corporate by resolution without dissent otherwise resolves; and

- (g) do all things reasonably necessary for the enforcement of the by-laws and the control, management and administration of the common property.
4. The powers and duties of the body corporate shall, subject to any restriction imposed or direction given at a general meeting, be exercised and performed by the council of the body corporate.
 5. The council shall consist of not less than three nor more than seven proprietors and shall be elected at each annual general meeting, provided that where there are not more than three proprietors, the council shall consist of all proprietors.
 6. Except where the council consists of all the proprietors, the body corporate may by resolution at an extraordinary general meeting remove any member of the council before the expiration of his or her term of office and appoint another proprietor in his or her place to hold office until the next annual general meeting.
 7. Any casual vacancy on the council may be filled by the remaining members of the council.
 8. Except where there is only one proprietor, a quorum of the council shall be two; where the council consists of four or less members the quorum shall be three; where it consists of five or six members the quorum shall be four; where it consists of seven members, the quorum shall be not less than 5 members.
 9. At the commencement of each meeting the council shall elect a chairman for the meeting, and if any chairman so elected shall vacate the chair during the course of a meeting the council shall choose in his stead another chairman who shall have the same rights of voting.
 10. At meetings of the council all matters shall be determined by simple majority vote.
 11. The council may:
 - (a) meet together for the conduct of business, adjourn and otherwise regulate its meetings as it thinks fit, provided that it shall meet when any member gives to the other members not less than seven days' notice of a meeting proposed by him, specifying the reason for calling such meeting; and
 - (b) employ for and on behalf of the body corporate such agents and servants as it thinks fit in connection with the control, management, and administration of the common property and the exercise and performance of the powers and duties of the body corporate; and

- (c) subject to any restriction imposed or direction given by a general meeting, delegate to one or more of its members such of its powers and duties as it thinks fit and at any time revoke such delegation.
12. The council must:
- (a) keep minutes of its proceedings; and
 - (b) cause minutes to be kept of general meetings; and
 - (c) cause proper books of accounts to be kept in respect of all sums of money received and expended by it and the matters in respect of which such receipt and expenditure take place; and
 - (d) prepare proper accounts relating to all moneys of the body corporate, and the income and expenditure thereof, for each annual general meeting; and
 - (e) on application of a proprietor or mortgagee, or any person authorised in writing by him or her make the books of account available for inspection at all reasonable times.
13. All acts done in good faith by the council shall notwithstanding it be afterwards discovered that there was some defect in the appointment to or continuance in office of any member of the council be as valid as if such member had been duly appointed or had duly continued in office.
14. A general meeting of proprietors shall be held within three months after registration of the strata plan.
15. Subsequent general meetings shall be held once in each year provided that not more than fifteen months shall elapse between the date of one annual general meeting and that of the next.
16. All general meetings other than the annual general meeting shall be called extraordinary general meetings.
17. The council may whenever it thinks fit and shall upon a requisition in writing made by proprietors entitled to twenty-five per centum of the total unit entitlement of the lots convene an extraordinary general meeting.
18. Fourteen days' notice of every general meeting specifying the place, the date and the hour of meeting and in case of special business the general nature of such business shall be given to all proprietors and registered first mortgagees who have notified their interests to the body corporate. However, accidental omission to give such notice to any proprietor or to any registered first mortgagee or non-

receipt of such notice by any proprietor or registered first mortgagee shall not invalidate any proceedings at any such meeting.

19. All business shall be deemed special that is transacted at an annual general meeting with the exception of the consideration of accounts and election of members to the council, or at an extraordinary general meeting.
20. Except as otherwise provided in the by-laws, no business shall be transacted at any general meeting unless a quorum of persons entitled to vote is present at the time when the meeting proceeds to business. One-half of the persons entitled to vote present in person or by proxy shall constitute a quorum.
21. If within one-half hour from the time appointed for a general meeting a quorum is not present the meeting shall stand adjourned to the same day in the next week at the same place and time and if at the adjourned meeting a quorum is not present within one-half hour from the time appointed for the meeting the persons entitled to vote present shall be a quorum.
22. At the commencement of a general meeting a chairman of the meeting shall be elected.
23. At any general meeting a resolution by the vote of the meeting shall be decided on a show of hands unless a poll is demanded by any proprietor present in person or by proxy. Unless a poll be so demanded a declaration by the chairman that a resolution has on the show of hands been carried shall be conclusive evidence of the fact without proof of the number or proportion of votes recorded in favour of or against such resolution. A demand for a poll may be withdrawn.
24. A poll, if demanded, shall be taken in such manner as the chairman thinks fit and the result of the poll shall be deemed to be the resolution of the meeting at which such poll was demanded.
25. In the case of equality in the votes whether on a show of hands or on a poll the chairman of the meeting shall be entitled to a casting vote.
26. On a show of hands each proprietor shall have one vote; on a poll the votes of proprietors shall correspond with the unit entitlement of their respective lots.
27. On a show of hands or on a poll votes may be give either personally or by proxy.
28. An instrument appointing a proxy shall be in writing under the hand of the appointer or his attorney, and may be either general or for a particular meeting. A proxy need not be a proprietor.

29. Except in cases where by or under this Act a resolution without dissent is required, no proprietor shall be entitled to vote at any general meeting unless all contributions payable in respect of his lot have been duly paid.
30. Co-proprietors may vote by proxy jointly appointed by them, and in the absence of such proxy shall not be entitled to vote on a show of hands, except when the resolution without dissent of proprietors is required by this Act. Any one co-proprietor may demand a poll. On any poll each co-proprietor shall be entitled to such part of the vote applicable to a lot as is proportionate to his or her interest in the lot. The joint proxy (if any) on a poll shall have a vote proportionate to the interests in the lot of such of the joint proprietors as do not vote personally or by individual proxy.
31. Where proprietors are entitled to successive interests in a lot, the proprietor entitled to the first interest shall alone be entitled to vote, whether on a show of hands or a poll; and this by-law shall be applicable whether by this Act the resolution without dissent of proprietors is required or not.
32. Where a proprietor is a trustee he shall exercise the voting rights in respect of the lot to the exclusion of persons beneficially interested in the trust, and such persons shall not vote.
33. The body corporate shall have a common seal which shall at no time be used except by authority of the council previously given and in the presence of the members of the council or at least two members of the Council, who shall sign every instrument to which the seal is affixed. Provided that where there is only one member of the body corporate his or her signature shall be sufficient for the purpose of this clause.”





REPUBLIC OF VANUATU

OATHS ACT [CAP. 37]

OATH OF ALLEGIANCE

I, WILLIE JIMMY TAPANGARARUA, do swear that I will well and truly serve and bear true allegiance to the Republic of Vanuatu and according to the law.

So Help Me God.

SWORN at Port Vila]
this 19 day of]
August, 2004.]

Before Me:

**ATTORNEY GENERAL
OF THE REPUBLIC OF VANUATU**



REPUBLIC OF VANUATU

OATHS ACT [CAP. 37]

OFFICIAL OATH

I, WILHE JIMMY TAPANGARARUA, do swear that I will well and truly serve and bear true 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 **Minister of State** 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 19 day of]
August, 2004.]

Before Me:

**ATTORNEY GENERAL
OF THE REPUBLIC OF VANUATU**



REPUBLIC OF VANUATU

VANUATU FINANCIAL SERVICES COMMISSION

THE COMPANIES ACT [CAP. 191]

TAKE NOTICE pursuant to Section 335 of the Companies Act [Cap. 191], the following companies have been struck off the Register of Companies at Port Vila, Vanuatu:

INTERNET BLONG YUMI LIMITED
AZONE LIMITED
ARASHEF FISHING COMPANY LIMITED
A.J. YOUNG AND PARTNERS LIMITED
ALMARE HOLDINGS LIMITED
BUTTERCUP HOLDINGS LIMITED
ASIA PACIFIC MINING (VANUATU) LIMITED
CENTRAL ASIA FINANCE COMPANY LIMITED
CHEQUEXCHANGE (VANUATU) LIMITED
GINEX LIMITED
BIRCH HOLDINGS LIMITED
ARIES DG LIMITED
PORT VILA INVESTMENTS LIMITED
LANDS INTERNATIONAL LIMITED
BINNING GROUP LIMITED
PERWICK BAY (VILA) LIMITED
LA MULA LIMITED
BLUE STAR LIMITED
AVA MEDIA LIMITED
MANGOES MANAGEMENT CO. LIMITED
TRANSWORLD GROUP LIMITED
ALLIED INVESTMENTS LIMITED
WHITBY INVESTMENTS LIMITED

WHITE PINE INVESTMENTS LIMITED
GAUA TRADING COMPANY LIMITED
DRAGON TRADING INTERNATIONAL LIMITED
ACTION ONLINE ENTERTAINMENT (VANUATU) LIMITED
COMMUNICATIONS SERVICES (VANUATU) LIMITED
WILTON PROPERTIES LIMITED

Dated at Port Vila this twelfth day of August 2005.


George Andrews
REGISTRAR OF COMPANIES





REPUBLIC OF VANUATU

VANUATU FINANCIAL SERVICES COMMISSION

THE INTERNATIONAL COMPANIES ACT No. 32 of 1992

TAKE NOTICE that pursuant to Section 106 of the International Companies Act, the following company have been struck off the Register of Companies at Vila, Vanuatu.

ABBOTSTONE LTD
FAR EAST ENERGY CONSULTING CO. LTD
LEE COMPANY LIMITED
CLUB LIFESUPPORT LIMITED
COMMODITY TRADING INVESTMENT INCORPORATED
ASIA PACIFIC VOYAGES INCORPORATED
ARCADZAN CORPORATION
FORFAR INVESTMENTS INC.
TGI PTY LIMITED
THE FIRM OF MARC M. HARRIS, INC.

Dated at Port Vila this twenty-sixth day of August 2004





REPUBLIC OF VANUATU

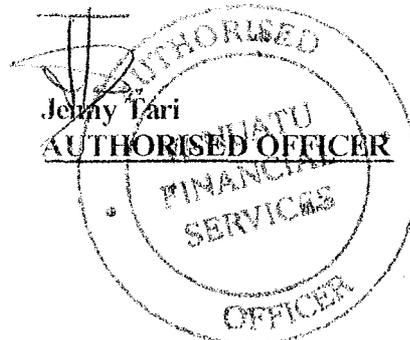
VANUATU FINANCIAL SERVICES COMMISSION

THE INTERNATIONAL COMPANIES ACT No. 32 of 1992

TAKE NOTICE that pursuant to Section 106 of the International Companies Act, the following company have been struck off the Register of Companies at Vila, Vanuatu.

**FLYNN ENTERPRISES INCORPORATED
EMU INTERNATIONAL PTY LTD
COLUMBIA PACIFIC TECHNOLOGIES LIMITED
FIRST BASE INTERNATIONAL LIMITED
MAKTUB LIMITED
SOUTHERN PACIFIC FREIGHT INVESTMENTS LIMITED
ARGENTOR LTD
ECODESIGN LIMITED
LEGACY INTERNATIONAL LIMITED
RAVEN LIMITED
M.G.D. CORP**

Dated at Port Vila this seventh day of August 2004.



Company NO. 5466



REPUBLIC OF VANUATU

THE INSURANCE ACT [CAP. 82]

IN EXERCISE of the powers conferred upon me by Section 9(g) of the Insurance Act [CAP.82], I hereby order the license to carry on insurance business as an insurance agent of

MANAGING AGENTS LIMITED

Granted on 5 June 1997 shall be and the same is hereby cancelled.

Given under my hand and seal at Port Vila this fifth day of August 2004.

A handwritten signature in black ink is written over a circular official seal. The seal contains the text 'REPUBLIC OF VANUATU' and 'MINISTER OF FINANCE & ECONOMIC MANAGEMENT'.

MOANA CARCASSES KALOSIL
MINISTER OF FINANCE & ECONOMIC MANAGEMENT

