

CONSTITUTIONAL PETITIONS RULES

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REPUBLIC OF VANUATU

JUDICIAL SERVICES AND COURTS ACT NO. 54 OF 2000

CONSTITUTIONAL PROCEDURES RULES No. of 2003

To set out the procedure in Constitutional matters

The Judicial Committee makes the following Rules under section 66 of the Judicial Services and Courts Act No 54 of 2000.

PART 1 – PRELIMINARY

Title

1.1 These Rules are the Constitutional Procedures Rules.

Purpose

1.2 The purpose of these Rules is to set out the procedures to be used in Constitutional proceedings brought in the Supreme Court under the Constitution of the Republic of Vanuatu.

[NOTE: Articles 6, 16(4), 39(3), 53(1), 53(3) and 72 of the Constitution provide for proceedings to be brought in the Supreme Court to enforce the Constitution.]

Application of the Civil Procedure Rules

1.3 If these Rules do not make provision for a matter relating to a constitutional proceeding, the Civil Procedure Rules apply to that matter.

Overriding objective and case management

- 1.4 (1) The Supreme Court must give effect to the overriding objective, as set out in the Civil Procedure Rules, when it:
- (a) does any act under these Rules; or
 - (b) interprets these Rules.
- (2) In particular, the Court must actively manage cases brought under these Rules, as set out in the Civil Procedure Rules.

[NOTES: 1. The “overriding objective” is set out in R. 1.2 of the Civil Procedure Rules.
2. Case management is set out in R.1.4 of the Civil Procedure Rules.]

Interpretation

1.5 (1) Some words used in these Rules have a particular meaning. These are defined as follows:

“applicant” means the person who makes an application.

“Conference” means a conference held under Rule 2.8, 3.7, 4.8 or 5.4.

“Constitutional Application” means an Application under Article 6 or 53(1) of the Constitution.

“Constitutional proceedings” means proceedings under Article 6, 16(4), 39(3), 53(1), 53(3) or 72 of the Constitution.

“Court” means the Supreme Court.

“Emergency Regulation Complaint” or “Complaint” means a complaint made under Article 72 of the Constitution.

“Emergency Regulation” means a Regulation made under Article 69 of the Constitution.

“President’s Referral” or “Referral” means the referral of a matter to the Court by the President under Article 16(4) or 39(3) of the Constitution.

“Submission” means a submission of a question by a subordinate court under Article 53(3) of the Constitution (this is a case stated as mentioned in Rule 16.22 (1) (a) of the Civil Procedure Rules).

(2) The Notes in these Rules do not form part of the Rules and are for information only.

Forms

1.6 A reference to a Form by number is a reference to the form identified by that number in the Schedule at the end of these Rules.

PART 2 – PROCEEDINGS UNDER ARTICLES 6 AND 53(1) – INFRINGEMENT OF RIGHTS AND REDRESS

Application of Part 2

2.1 This Part deals with Constitutional Applications, under Articles 6 and 53(1) of the Constitution, about the infringement of individuals' rights and the redress of infringements of provisions of the Constitution.

- [NOTES: 1. The Constitution in Article 5 guarantees certain fundamental rights. Article 6 provides that anyone who considers that any of those rights have been, are being infringed or are likely to be infringed may apply to the Supreme Court to enforce that right.
2. Article 53(1) provides that anyone who considers that a provision of the Constitution has been infringed in relation to him or her may apply to the Supreme Court for redress.]

Starting proceedings

- 2.2** (1) A proceeding under Article 6 or 53(1) is started by filing a Constitutional Application in the office of the Supreme Court anywhere in Vanuatu.
- (2) A Constitutional Application filed by the person seeking redress must as far as possible be in Form 1, but is valid no matter how informally made. A Constitutional Application filed by a legal practitioner must be in Form 1.
- (3) In a case of extreme urgency a Constitutional Application may be made orally, as long as it is put into writing, in accordance with Form 1, as soon as possible.

[NOTE: An oral application put into writing must also contain the matters mentioned in subrule 2.3(4).]

What a Constitutional Application must contain

- 2.3** (1) A written Constitutional Application must set out:
- (a) the rights that have been infringed, are being infringed or provisions for which redress is sought; and
 - (b) the Article of the Constitution that confers those rights or sets out those provisions; and
 - (c) the person or body that infringed those rights or provisions; and
 - (d) the way those rights or provisions have been infringed; and
 - (e) the facts on which the application is based; and
 - (f) the remedies applied for by the applicant to enforce those rights or seek redress.

- (2) The Application must have with it:
 - (a) a sworn statement by the applicant in support of the Application, setting out details of the evidence the applicant relies on; and
 - (b) any other sworn statements that support the Application.
- (3) An oral Application:
 - (a) must state the matters listed in subrule 2.3(1); and
 - (b) must be sworn to by the applicant.
- (4) When an oral Application is put into writing, it must also include:
 - (a) any orders made by the Court on the Application; and
 - (b) if any part of the hearing has been held, a statement of what was said at the hearing.
- (5) A sworn statement must be in Form 2.

Parties to proceedings started by a Constitutional Application

- 2.4** (1) The parties to proceedings started by a Constitutional Application are:
 - (a) the applicant; and
 - (b) the Republic of Vanuatu, as the respondent.
- (2) A witness may at any time apply to the Court to be legally represented.
- (3) The Court may at any time order that a person may be legally represented.

Filing

- 2.5** (1) A Constitutional Application is filed by lodging 4 copies of the Application and sworn statement with the Court.
- (2) After the Application is filed and before returning sealed copies to the applicant, the Court must:
 - (a) fix a date for the first Conference in the matter; and
 - (b) write this date on the Application.
- (3) The Conference date must be between 14 and 21 days after the filing date.
- (4) The Court may by order reduce this period, either on application by a party or on its own initiative.

Service

- 2.6** (1) A Constitutional Application must be served on the Attorney-General on behalf of the respondent to the proceedings within 7 days after the date of filing the application.
- (2) The Court may by order reduce or extend this period, either on application by a party or on its own initiative.
- (3) The applicant must file a sworn statement setting out details of the time and manner of service of the Application before the applicant takes any further action in the proceeding.

Duty of Court to enquire into Constitutional Application

- 2.7** The Court is to enquire into the matters raised by the Constitutional Application.

Conference

- 2.8** At the first Conference, the Court may:
- (a) deal with any application to strike out the Constitutional Application; and
 - (b) order the respondent to file a response; and
 - (c) issue a summons under Rule 2.9; and
 - (d) order that a person may be legally represented; and
 - (e) decide if the Constitutional Application needs to be served on anyone else, and state how it is to be served; and
 - (f) fix a date for another Conference, if one is necessary, or fix a hearing date; and
 - (g) make orders about:
 - (i) filing and serving a response; and
 - (ii) filing and serving sworn statements by the parties, their witnesses and anyone else; and
 - (iii) disclosure of information and documents, in accordance with Part 8 of the Civil Procedure Rules; and
 - (iv) filing and serving written submissions and lists of authorities to be relied on; and
 - (v) giving notice to witnesses to attend the hearing; and
 - (vi) any other matter necessary to assist in furthering the enquiry into the application.
- (2) A response:
- (a) must not deny the applicant's claims generally but must deal with each paragraph of the Constitutional Application; and
 - (b) must be in Form 3.

Summons to disclose documents and information, produce documents and objects, etc

- 2.9** (1) The Court may at any time order that:
- (a) a summons be issued requiring a person to attend court to give evidence and produce documents or objects; and
 - (b) a person allow the Court to inspect an object and visit a place.
- (2) The order may be made:
- (a) at the request of a party; or
 - (b) at the request of a person entitled to legal representation; or
 - (c) on the Court's initiative.
- (3) A summons must be in Form 4.

Hearing

- 2.10** (1) The hearing of a Constitutional Application must be in open court.
- (2) However, the Court may order the public to be excluded from a specific part of the hearing in exceptional circumstances if it is necessary to do so in the interests of the defence, safety, public order, public welfare or public health of Vanuatu.
- (3) Evidence in chief is to be given by sworn statement unless the Court orders otherwise.
- (4) The hearing is to be conducted as follows, unless the Court orders otherwise:
- (a) the applicant makes an address opening his or her case and, if evidence is to be given orally, brings evidence in support of his or her case;
 - (b) the respondent and anyone entitled to be legally represented cross-examine the applicant's witnesses;
 - (c) the applicant re-examines his or her witnesses;
 - (d) the respondent and anyone entitled to be legal represented make an address opening their case and, if evidence is to be given orally, bring evidence in support of their case;
 - (e) the applicant cross-examines the respondent's witnesses;
 - (f) the respondent and anyone entitled to be legally represented re-examine their witnesses;
 - (g) the applicant makes a closing address;
 - (h) the respondent and anyone entitled to be legally represented make their closing addresses.
- (5) At the hearing the Court may:
- (a) ask questions of the witnesses; and
 - (b) call witnesses on its own initiative; and
 - (c) inspect an object and visit a place; and

- (d) take any other step necessary to further the enquiry into the Constitutional Application and help the Court make a decision on the Application.

Judgment

- 2.11** (1) After the hearing the Court must give judgment, as set out in this Rule.
- (2) The judgment must be announced in open court.
 - (3) The Court must state its reasons for making its decision.
 - (4) Except as set out in subrule (5), the Court must ensure that copies of the judgment and reasons are available to the public.
 - (5) However, the Court may withhold from the public a part of the reasons for its decision in exceptional circumstances:
 - (a) out of respect for the rights and freedoms of a party or another person; or
 - (b) because it is necessary to do so in the interests of the defence, safety, public order, public welfare or public health of Vanuatu.

Enforcement and costs

- 2.12** (1) When the Court gives its judgment, or as soon as practicable after giving judgment, the Court:
- (a) may make an enforcement order; and
 - (b) must decide the question of costs.
- (2) An enforcement order must set out how and when the Court's decision is to be enforced.
 - (3) Part 14 of the Civil Procedure Code applies to the enforcement order.

PART 3 – PROCEEDINGS UNDER ARTICLES 16(4) AND 39(3) – REFERRALS BY THE PRESIDENT

Application of Part 3

3.1 This Part deals with Referrals by the President, under Articles 16(4) and 39(3) of the Constitution, of Bills and Regulations that the President considers are inconsistent with the Constitution.

[NOTES: 1. Article 16 provides that after a Bill has been passed by the Parliament it is to be presented to the President for assent. Article 16(4) allows the President to refer the bill to the Supreme Court if he considers it is inconsistent with a provision of the Constitution.
2. Article 39 vests the executive power in the Prime Minister and Council of Ministers. Article 39(3) allows the President to refer a Regulation to the Supreme Court if he considers it to be inconsistent with the Constitution.]

Starting proceedings

- 3.2** (1) A proceeding under Article 16(4) or 39(3) is started by the President filing a Referral in the office of the Supreme Court anywhere in Vanuatu.
- (2) A Referral must be in Form 5.

What a Referral must contain

- 3.3** A Referral must set out:
- (a) the name of the Bill or Regulation and the provisions that are being referred to the Court; and
 - (b) the Articles of the Constitution with which the President considers those provisions are inconsistent; and
 - (c) a statement of the reasons why the President considers those provisions to be inconsistent with the Constitution; and
 - (d) a statement whether the President considers those provisions of the Bill or Regulation are severable; and
 - (e) if the President considers the provisions are severable, which provisions of the Bill or Regulation may remain.

Parties to a proceeding started by a Referral

- 3.4** The parties to a proceeding started by a Referral are:
- (a) the President; and
 - (b) as the respondent:
 - (i) for a Referral under Article 16(4), the Speaker of Parliament; and

- (ii) for a Referral under Article 39(3), the person or body that made the Regulation.

Filing

- 3.5** (1) A Referral is filed by lodging 4 copies of the Referral with the Court.
- (2) After the Referral is filed and before returning sealed copies to the President, the Court must:
- (a) fix a date for the first Conference in the matter; and
 - (b) write this date on the Referral.
- (3) The Conference date must be between 14 and 21 days after the filing date.

Service

- 3.6** (1) A Referral must be served on the Attorney-General within 7 days after the filing date.
- (2) The Court may by order reduce or extend this period, either on application by a party or on its own initiative.
- (3) A sworn statement, in Form 2, setting out details of the time and manner of service of the Referral must be filed before the President can take any further action in the proceeding.

Conference

- 3.7** (1) At the first Conference, the Court may:
- (a) order that another person be served and may be legally represented; and
 - (b) recommend to the Attorney-General that he or she act under section 22 of the State Law Office Act (No.4 of 1998) to appoint an independent lawyer for a person, if the Court considers this is necessary in the interests of justice; and
 - (c) fix a date for another Conference, if one is necessary; and
 - (d) fix a hearing date; and
 - (e) make orders about:
 - (i) filing and serving written submissions and lists of authorities to be relied on; and
 - (ii) any other matter necessary to assist in managing the hearing of the Referral.

Hearing

- 3.8** (1) The hearing of the Referral must take place as soon as practicable, and in open court.
- (2) However, the Court may order the public to be excluded from a specific part of the hearing in exceptional circumstances if it is necessary to do so in the interests of the defence, safety, public order, public welfare or public health of Vanuatu.
- (3) The hearing is to be conducted in the following order:
- (a) the President's counsel makes an address opening his or her case and states the reasons why the Bill or Regulation has been referred to the Court; and
 - (b) the respondent and anyone entitled to legal representation make an address opening their case and state their arguments; and
 - (c) the President's counsel replies.

Judgment

- 3.9** (1) After the hearing the Court must give judgment, as set out in this Rule.
- (2) The judgment must be announced in open court.
- (3) The judgment must:
- (a) set out the Court's opinion; and
 - (b) state the Court's reasons for reaching its opinion.
- (4) The opinion must state:
- (a) whether or not the provisions of the Bill or Regulation are constitutional; and
 - (b) if the provisions are unconstitutional, whether or not they can be severed; and
 - (c) if they can be severed, to what extent any remaining provisions of the Bill or Regulation are consistent with the Constitution after severance.
- (5) Except as set out in subrule (6), the Court must ensure that copies of the judgment and reasons are available to the public.
- (6) However, the Court may withhold from the public a part of the reasons for its decision in exceptional circumstances:
- (a) out of respect for the rights and freedoms of a party or another person; or
 - (b) because it is necessary to do so in the interests of the defence, safety, public order, public welfare or public health of Vanuatu.

Costs

3.10 When the Court gives its judgment, or as soon as practicable after giving judgment, the Court must decide the question of costs.

PART 4 – PROCEEDINGS UNDER ARTICLE 72 – COMPLAINTS ABOUT EMERGENCY REGULATIONS

Application of Part 4

4.1 This Part deals with Complaints, under Article 72 of the Constitution, about emergency Regulations.

[NOTE: Article 69 allows the Council of Ministers to make Regulations in an emergency. By Article 72, a citizen aggrieved by a Regulation made under Article 69 may complain to the Supreme Court about the validity of the Regulation.]

Starting proceedings

- 4.2** (1) A proceeding under Article 72 is started by filing a Complaint in the office of the Supreme Court anywhere in Vanuatu.
- (2) A Complaint filed by the person seeking redress must as far as possible be in Form 6, but is valid no matter how informally made. A Complaint filed by a legal practitioner must be in Form 6.
- (3) However, in a case of extreme urgency a Complaint may be made orally, as long as it is put into writing, in accordance with Form 6, as soon as possible.

[NOTE: An oral application put into writing must also contain the matters mentioned in subrule 4.3(4).]

What a Complaint must contain

- 4.3** (1) A written Complaint must set out:
- (a) the name of the Regulation complained of, and the provisions complained of; and
 - (b) the Articles of the Constitution which the complainant considers make the Regulation invalid; and
 - (c) any defects in procedure which the complainant considers make the Regulation invalid; and
 - (d) a statement of the reasons why the Regulation is invalid; and
 - (e) if only a part of the Regulation is considered invalid, a statement whether that part is severable and the remaining provisions of the Regulation are valid.
- (2) The Complaint must have with it:
- (a) a sworn statement in Form 2 by the complainant in support of the application:
 - a. stating that the complainant is a citizen of Vanuatu; and

- b. setting out details of how the complainant is aggrieved by the Regulation; and
 - c. setting out the evidence the complainant relies on; and
 - (b) any other sworn statements that support the application.
- (3) An oral application:
 - (a) must state the matters listed in subrule 4.3(1); and
 - (b) must be sworn to by the complainant.
- (4) When an oral Complaint is put into writing, it must also include:
 - (a) any orders made by the Court on the Complaint; and
 - (b) if any part of the hearing has been held, a statement of what was said at the hearing.

Parties to proceedings started by a Complaint

- 4.4** (1) The parties to proceedings started by a Complaint are:
- (a) the complainant; and
 - (b) the Attorney-General of Vanuatu, on behalf of the Council of Ministers of the Government of Vanuatu, as the respondent.
- (2) A witness may at any time apply to the Court to be legally represented.
- (3) The Court may at any time order that a person may be legally represented.

Filing

- 4.5** (1) A Complaint is filed by lodging 4 copies of the Complaint and sworn statements with the Court.
- (2) After the Complaint is filed and before returning sealed copies to the complainant, the Court must:
- (a) fix a date for the first Conference in the matter; and
 - (b) write this date on the Complaint.
- (3) The Conference date must be between 14 and 21 days after the filing date.
- (4) The Court may by order reduce this period, either on application by a party or on its own initiative.

Service

- 4.6** (1) A Complaint must be served on the Attorney-General within 7 days after the filing date.

- (2) The Court may by order reduce or extend this period, either on application by a party or on its own initiative.
- (3) The complainant must file a sworn statement, in Form 2, setting out details of the time and manner of service of the Complaint before the complainant takes any further action in the proceeding.

Duty of Court to inquire into Complaint

4.7 The Court is to inquire into the matters raised by the Complaint.

Conference

- 4.8** (1) At the first Conference, the Court may:
- deal with any applications to strike out the Complaint; and
 - (a) order the respondent to file a response; and
 - (b) issue a summons under Rule 2.9; and
 - (c) order that a person may be legally represented; and
 - (d) decide if the Complaint needs to be served on anyone else, and state how it is to be served; and
 - (e) fix a date for another Conference, if one is necessary; or fix a hearing date; and
 - (f) make orders about:
 - (i) filing and serving a response; and
 - (ii) filing and serving sworn statements by the parties, their witnesses and anyone else; and
 - (iii) disclosure of information and documents, in accordance with Part 8 of the Civil Procedure Rules; and
 - (iv) filing and serving written submissions and lists of authorities to be relied on; and
 - (v) giving notice to witnesses to attend the hearing; and
 - (vi) any other matter necessary to assist in furthering the enquiry into the Complaint.
- (2) A response:
- (a) must not deny the complainant's claims generally but must deal with each paragraph of the Complaint; and
 - (b) must be in Form 3.

Summons to disclose documents and information, produce documents and objects, etc

- 4.9** (1) The Court may at any time order that:
- (a) a summons be issued requiring a person to attend court to give evidence and produce documents or objects; and

- (b) a person allow the Court to inspect an object and visit a place.
- (2) The order may be made at a party's request or on the Court's initiative.
- (3) A summons must be in Form 4.

Hearing

- 4.10** (1) The hearing of the Complaint must be in open court.
- (2) However, the Court may order the public to be excluded from a specific part of the hearing in exceptional circumstances if it is necessary to do so in the interests of the defence, safety, public order, public welfare or public health of Vanuatu.
 - (3) Evidence in chief is to be given by sworn statement unless the Court orders otherwise.
 - (4) The hearing is to be conducted as follows, unless the Court orders otherwise:
 - (a) the complainant makes an address opening his or her case and, if evidence is to be given orally, brings evidence in support of his or her case;
 - (b) the respondent and anyone entitled to be legal represented cross-examine the complainant's witnesses;
 - (c) the complainant re-examines his or her witnesses;
 - (d) the respondent and anyone entitled to be legal represented make an address opening their case and, if evidence is to be given orally, bring evidence in support of their case;
 - (e) the complainant cross-examines the respondent's witnesses;
 - (f) the respondent and anyone entitled to be legal represented re-examine their witnesses;
 - (g) the complainant makes a closing address;
 - (h) the respondent and anyone entitled to be legal represented make their closing addresses.
 - (5) At the hearing the Court may:
 - (a) ask questions of the witnesses; and
 - (b) call witnesses on its own initiative; and
 - (c) inspect an object and visit a place; and
 - (d) take any other step necessary to help the Court make a decision on the Complaint.

Judgment

- 4.12** (1) After the hearing the Court must give judgment, as set out in this Rule.
- (2) The judgment must be announced in open court.

- (3) The Court must state its reasons for making its determination.
- (4) The determination must state:
 - (a) whether or not the provisions of the Regulations are valid; and
 - (b) if the provisions are invalid, whether or not they can be severed; and
 - (c) if they can be severed, to what extent any remaining provisions of the Regulations are valid after severance.
- (5) Except as set out in subrule (6), the Court must ensure that copies of the judgment and reasons are available to the public.
- (6) However, the Court may withhold from the public a part of the reasons for its determination in exceptional circumstances:
 - (a) out of respect for the rights and freedoms of a party or another person; or
 - (b) because it is necessary to do so in the interests of the defence, safety, public order, public welfare or public health of Vanuatu.

Enforcement and costs

- 4.13** (1) When the Court gives its judgment, or as soon as practicable after giving judgment, the Court:
- (a) may make an enforcement order; and
 - (b) must decide the question of costs.
- (2) An enforcement order must set out how and when the Court's determination is to be enforced.
- (3) Part 14 of the Civil Procedure Code applies to the enforcement order.

PART 5 – PROCEEDINGS UNDER ARTICLE 53(3) – SUBMISSION OF QUESTIONS BY SUBORDINATE COURTS

Application of Part 5

- 5.1** (1) This Part deals with submissions to the Supreme Court by a subordinate court, under Article 53(3) of the Constitution, of questions concerning the interpretation of the Constitution that concern a fundamental point of law.
- (2) This Part is in addition to Rule 16.22 of the Civil Procedure Rules.

[Note: Rule 16.22 of the Civil Procedure Rules contains some provisions dealing with the content and service of a Submission (in those Rules called a “case stated”), and the hearing and decision of the question.]

Starting proceedings

- 5.2** (1) A proceeding under Article 53(3) is started by sending a Submission to the office of the Supreme Court anywhere in Vanuatu.
- (2) The Submission must:
- (a) state the question to be decided; and
 - (b) state concisely the facts necessary to enable the Court to decide the question.
- (3) After the Submission is received the Court must fix a date for the first Conference in the matter.
- (4) The Conference date must be between 14 and 21 days after the filing date.

Parties

- 5.3** The Court may order that the Attorney-General is to be a party to the proceedings, representing the Republic.

Conference

- 5.4** At the first Conference, the Court may:
- (a) order that the Attorney-General or another person become a party; and
 - (b) make orders about clarifying the Submission and the issues it raises; and
 - (c) refer the matter back to the subordinate court for better identifying any questions of law or fact; and

- (d) fix a date for another Conference, if one is necessary; and
- (e) fix a hearing date; and
- (f) make orders about:
 - (i) filing and serving sworn statements to clarify the facts of the case; and
 - (ii) filing and serving written submissions and lists of authorities to be relied on; and
 - (iii) any other matter necessary to assist in managing the hearing of the Submission.

Hearing

- 5.5** (1) The hearing of the Submission must take place as soon as practicable, and in open court.
- (2) However, the Court may order the public to be excluded from a specific part of the hearing in exceptional circumstances if it is necessary to do so in the interests of the defence, safety, public order, public welfare or public health of Vanuatu.
- (3) The Court must decide the order of events at the hearing.

Judgment

- 5.6** (1) After the hearing the Court must give judgment, as set out in this Rule.
- (2) The judgment must be announced in open court.
- (3) The judgment must:
 - (a) set out the Court's determination of the question submitted to it; and
 - (b) state the Court's reasons for its determination.
- (4) The determination must state:
 - (a) the Court's interpretation of the provision of the Constitution; and
 - (b) whether or not an activity, or a provision of any Act or Regulation, is unconstitutional as a result of that interpretation; and
 - (c) if a provision is unconstitutional, whether or not it can be severed; and
 - (d) if it can be severed, to what extent any remaining provisions of the Act or Regulation are valid after severance.
- (5) The Court must send a sealed copy of its determination to the subordinate court as soon as practicable.

- (6) Except as set out in subrule (7), the Court must ensure that copies of the judgment and reasons are available to the public.
- (7) However, the Court may withhold from the public a part of the reasons for its determination in exceptional circumstances:
 - (a) out of respect for the rights and freedoms of a party or another person; or
 - (b) because it is necessary to do so in the interests of the defence, safety, public order, public welfare or public health of Vanuatu.

Enforcement and costs

- 5.7** The Court may decide the question of costs of the Submission hearing or send the question to the subordinate court.
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SCHEDULE

FORMS

FORM 1 – CONSTITUTIONAL APPLICATION

**IN THE SUPREME COURT OF
THE REPUBLIC OF VANUATU
(CIVIL JURISDICTION)**

CIVIL CASE NO _____ OF _____ **R.2.2**

BETWEEN

Applicant's name

Applicant's lawyer's name or
Applicant's address

AND

Respondent's name

Respondent's lawyer's name or
Respondent's address

CONSTITUTIONAL APPLICATION

_____ of _____,
applicant's name applicant's address

applies for:

Set out details of Constitutional Application, in numbered paragraphs

- 1.
- 2.

on the grounds that:

set out the reasons for making the Constitutional Application, in numbered paragraphs

- 1.
- 2.

I seek the following remedies:

Set out the remedies sought

Signed by the applicant OR
applicant's lawyer

at _____
Place

Applicant's signature OR applicant's lawyer's signature

on _____
Date

Date of filing: _____ **Filed by:** _____

The Applicant's address for service is:

OR name and address of applicant's lawyer
Applicant's name and address, if applicant does
not have a lawyer

FORM 2 – SWORN STATEMENT

R. 2.3, 3.6, 4.3, 4.6

**IN THE SUPREME COURT OF
THE REPUBLIC OF VANUATU
(CIVIL JURISDICTION)**

CIVIL CASE NO _____ OF _____

BETWEEN

Name of applicant/complainant

Applicant's/complainant's lawyer's name
or Applicant's/complainant's address

AND

Respondent's name

Respondent's lawyer's name or
Respondent's address

SWORN STATEMENT

I, _____ of _____,
name of person making statement address and occupation

swear the following is true:

- 1.
- 2.

SWORN by _____)
_____)
_____)
name of person making statement)

signature of person making statement

on _____
date

BEFORE ME

Signature of witness

Commissioner for Oaths OR Notary Public

FORM 3 RESPONSE

R.2.8, 4.8

**IN THE SUPREME COURT OF
THE REPUBLIC OF VANUATU
(CIVIL JURISDICTION)**

CIVIL CASE NO _____ OF _____

BETWEEN

Applicant's/Claimant's name

Applicant's/Claimant's lawyer's name or
Applicant's/Claimant's address

AND

Respondent's name

Respondent's lawyer's name or
Respondent's address

RESPONSE

Set out details of response in numbered paragraphs

- 1.
- 2.
- 3.

Signed by the respondent OR
respondent's lawyer

at _____
Place

) _____
Respondent's signature OR respondent's lawyer's signature

on _____
Date

Date of filing: _____ **Filed by:** _____

The Respondent's address for service is:

OR
name and address of Respondent's lawyer
Respondent's name and address, if respondent does
not have a lawyer

FORM 4 - SUMMONS

R.2.9, 4.9

**IN THE SUPREME COURT OF
THE REPUBLIC OF VANUATU
(CIVIL JURISDICTION)**

CIVIL CASE NO _____ OF _____

BETWEEN

Applicant's/Complainant's name

Applicant's/Complainant's lawyer's name
or Applicant's/Complainant's address

AND

Respondent's name

Respondent's lawyer's name or
Respondent's address

**SUMMONS TO ATTEND COURT, DISCLOSE DOCUMENTS AND
INFORMATION, PRODUCE DOCUMENTS AND OBJECTS**

TO: _____ of _____
name of person summoned address

You must attend the Supreme Court at _____
Place

on _____ at _____
date time

1. to give evidence in this proceeding at the request of _____
name of party issuing summons

AND/OR

2. you must disclose the following documents and information:
(describe documents and information)

AND/OR

3. you must bring the following documents and/or objects with you:
(list documents and objects)

Seal of Supreme Court

Signature of Judge date

WARNING: If you do not come to court, you may be arrested, brought to court and
fined or put in prison

FORM 5 – REFERRAL

R.3.2

**IN THE SUPREME COURT OF
THE REPUBLIC OF VANUATU
(CIVIL JURISDICTION)**

CIVIL CASE NO _____ OF _____

BETWEEN

President's name
The President of the Republic of Vanuatu

AND

Respondent's name
The Speaker of the Parliament of Vanuatu

OR

Name of the person or body who made the Regulation
The person / body who made the Regulation

REFERRAL

1. I. _____
Name of President
the President of the Republic of Vanuatu, refer _____
provisions
of _____
title of Bill or Regulation
to the Supreme Court because I consider they are inconsistent with Articles
_____ of the Constitution of Vanuatu.
list Articles

2. I consider those provisions are inconsistent with those Articles of the
Constitution because:
set out reasons for inconsistency

3. I consider those provisions are / are not severable because:
set out reasons why provisions are/are not severable

If the provisions are considered severable

4. I consider that _____
list provisions that may remain

of the Bill/Regulation may remain because:
set out reasons

Signature of President

date

FORM 6 – COMPLAINT

R.4.2

**IN THE SUPREME COURT OF
THE REPUBLIC OF VANUATU
(CIVIL JURISDICTION)**

CIVIL CASE NO _____ OF _____

BETWEEN

Complainant's name

Applicant's/Complainant's lawyer's name
or Applicant's/Complainant's address

AND

Respondent's name

Respondent's lawyer's name or
Respondent's address

COMPLAINT

I, _____ of _____ ,
Name of citizen making Complaint citizen's address
a citizen of Vanuatu, make this Complaint about _____
provision and name of Regulation

2. I consider these Regulations / part of these Regulations are invalid because they are inconsistent with of the operation of Articles _____ of the Constitution
list Articles

AND / OR

2. I consider these Regulations are invalid because of the following defects in making the Regulations:
list defects

3. The reasons why the Regulations are invalid are:
give reasons why Regulations are invalid

4. I consider that those parts of the regulations are severable and that _____ ,
list the valid provisions of the regulations
the remaining provisions of the regulations, are valid.

Signature of Complainant

date