

**SUPREME COURT OF THE REPUBLIC OF VANUATU**

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**Effective Date:** 16 December 2015  
**Number:** IPD - 01  
**Title:** Interim Practice Direction No.01 of 2015  
**Master's Jurisdiction**

**Summary:**

This Interim Practice Direction has two parts. Part A of the Interim Practice Direction sets out Guidelines for the assistance of the Profession and the Public as to the matters in respect of which a master has jurisdiction pursuant to sections 42(3) (a) (b) and 42A of the Judicial Services and Courts Act Capt 270. Part B of the Interim Practice Direction sets out matters or proceedings or areas in respect of which a master is not to exercise jurisdiction.

**Part A - Guidelines:**

Matters within a master's jurisdiction:

1. Section 42(3) (a) of the Judicial Services and Courts Act provides:

"(3) The master or deputy master:

(a) may hear and determine all or any of the following matters:

- (i) application for directions relating to matters of procedure;
- (ii) taxation of bills of costs;
- (iii) application for probate;
- (iv) preliminary matters in relation to applications for adoption

2. Section 42(3) (b) of the Judicial Services and Courts Act provides:

"(3) The master or deputy master:

(b) may exercise such of the powers, functions and jurisdiction of the Supreme Court as may be prescribed by the Rules of Court."

At present, this means a Master or deputy master may hear

- (i) Application for default judgment (CPR Rules 9.1)
- (ii) Application to set aside default judgment (CPR Rule 9.5);
- (iii) Application for summary judgment (CPR Rule 9.6);
- (iv) Application to strike out the claim (or defence) as disclosing no cause of action/defence (CPR Rules 9.10...)
- (v) Applications for substituted service or service outside Vanuatu (CPR Rules 5.9; 5.14);
- (vi) Application for security of costs (CPR Rule 15.18)
- (vii) Enforcement of Foreign judgments (CPR Rule 13.4)
- (viii) Enforcement of judgments and orders  
(Part 14 PCR – Division 1; Division 2; Division 3; Division 4; Division 5; Division 6; Division 7 and Division 8)
- (ix) Division 3 – Accounts and Inquiries (CPR Rule 16.8) and Division 8 – Enforcement of decisions under the Customary Land Tribunal Act (CPR Rules 16.24)
- (x) Any claim against defendant on unopposed assessment of damages.
- (xi) Application to put a company into liquidation
- (xii) Application for restoration of a struck off company to the register
- (xiii) Applications for approval of sale in foreclosure proceeding (Enforcement of a mortgage)
- (xiv) A master has jurisdiction to make interim orders in family law cases, including;
  - a- Interim custody, access and maintenance orders under the Matrimonial Causes Act
  - b- Interim ancillary relief under the Matrimonial Causes Act
  - c- Interim restraining orders under the Matrimonial Causes Act
  - d- Orders for exclusive possession of the matrimonial home
  - e- Variation of the interim orders described in sub paragraphs a-d, whether the initial order was made by a judge or a master
- (xv) A master has jurisdiction to make final declaration orders under the Matrimonial Causes Act where there is no dispute.

3. Section 42 A (1) (2) of the Judicial Services and Courts Act provides:

“42 A. Mediation

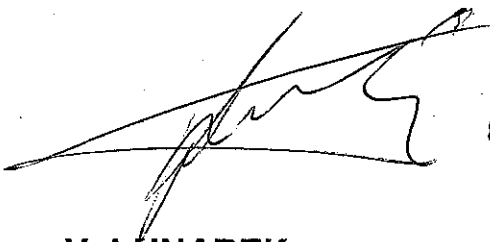
- (1) Subject to the Rules of the Court, the Supreme Court may by order refer the proceedings in that court, or any part of them or any matter arising out of them, to the master or a deputy master or a mediator for mediation in accordance with the Rules of Court.
- (2) Referrals under subsection (1) to the master, a deputy master or a mediator may be made with or without the consent of the parties to the proceedings.

**Part B – Matters outside a Master’s jurisdiction.**

4. Restrictions on Master’s jurisdiction

A master is not to exercise jurisdiction:

- a- To grant relief where the power to do so is conferred expressly on a judge by a statute or rule.
- b- To dispose of an appeal, or an application in the nature of an appeal, on the merits.
- c- To pronounce judgment by consent where any party in a proceedings is under a legal disability
- d- To grant court approval of a settlement of money into court on behalf of a person under a legal disability; or approval of a sale of assets of a person under a legal disability.
- e- In any matter relating to criminal proceedings or the liberty of the subject.
- f- To make an order holding any person or entity in contempt
- g- To grant injunctive relief, other than as identified above under paragraphs xv, xvi, xvii of this Interim Practice Direction
- h- To make an order under the Judicial Review section of the CPR (Part. 17 CPR) or for prerogative writ.
- i- In any matter relating to constitutional applications
- j- To set aside, vary or amend an order of a judge, other than:
  - (i) To abridge or extend a time prescribed by an order, provided that the original order, if made by a judge, was one that a master would have had the jurisdiction to make, and
  - (ii) To vary the interim orders identified under paragraphs xv, xvi, and xvii of this Interim Practice Direction
- k- To grant a stay of proceedings where there is an arbitration
- l- To remove a suspension from the practice of a profession



**V. LUNABEK**  
Chief Justice

