



REPUBLIC OF VANUATU

PASSPORTS (AMENDMENT) ACT NO. 41 OF 2009

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REPUBLIC OF VANUATU

Assent: 22/01/2010
Commencement: 25/03/2010

PASSPORTS (AMENDMENT) ACT NO. 41 OF 2009

An Act to amend the Passports Act No. 20 of 2009.

Be it enacted by the President and Parliament as follows-

1 Amendment

The Passports Act No. 20 of 2009 is amended as set out in the Schedule.

2 Commencement

This Act commences on the day on which it is published in the Gazette.

SCHEDULE

AMENDMENTS OF THE PASSPORTS ACT NO. 20 OF 2009

1 Section 1

Insert in their correct alphabetical position

“**Passport** means a document that is issued by or on behalf of the Government of any country for the purpose of facilitating international travel. It shows the identity and nationality or citizenship of a person, but does not include such a document that has expired and is incapable of being renewed, or that has been cancelled;

Vanuatu diplomatic or official passport means a diplomatic or official passport issued under sections 4A and 5;

Vanuatu travel document means a Vanuatu passport, Vanuatu diplomatic or official passport, certificate of identity or travel document.”

2 Paragraph 2(2)(b)

Delete “7 to 10”, substitute “a minimum of 7”

3 Subsection 3(1) (definition of officer)

Delete “.”, substitute “;”

4 Subsection 3(1)

Insert in its correct alphabetical position

“**overseas representative** means any of the following:

- (a) a head of mission (other than a consul general) appointed under section 2 of the Foreign Service Act No 22 of 2008; or
- (b) a consul general appointed under section 7 of the Foreign Service Act No 22 of 2008; or
- (c) a honorary consul appointed under section 13 of the Foreign Service Act No. 22 of 2008.”

5 Subsection 3(2)

After “any officer”, insert “or an overseas representative”

6 After section 4

Insert

“4A Issue of diplomatic and official passports

- (1) The Principal Passport Officer may, on application, issue a Vanuatu diplomatic passport to a citizen of Vanuatu who holds an office listed in Schedule 1.
- (2) The Principal Passport Officer may, on application, issue a Vanuatu official passport to a citizen of Vanuatu who holds an office listed in Schedule 2.
- (3) An application made under subsection (1) or (2) must be:
 - (a) made in the prescribed form; and
 - (b) accompanied by written advice from the Director General of the Ministry responsible for foreign affairs stating that the applicant is eligible for the diplomatic or official passport.
- (4) A Vanuatu official passport is to be used for travel on official purposes only and must be surrendered to the Director General responsible for foreign affairs within 28 days of returning from official travel.
- (5) The Principal Passport Officer may refuse to issue a Vanuatu diplomatic or official passport if any of the circumstances in paragraphs 4(3)(a) to (d) apply.
- (6) Where the Principal Passport Officer refuses to issue a Vanuatu diplomatic or official passport under subsection (5), the Principal Passport Officer must, within 7 days of making the decision, give written notice of that decision to the applicant that:
 - (a) states the decision and the reasons for it; and
 - (b) describes the right of review conferred by section 23; and

- (c) states the period within which an application for review of the decision may be lodged as prescribed by subsection 23(3).
- (8) The holder of a valid Vanuatu diplomatic or official passport must surrender to the Principal Passport Officer his or her diplomatic or official passport within 28 days of ceasing to be within the categories of office holders set out in Schedule 1 or 2.”

7 Section 5

After “Vanuatu passport”, insert “or a Vanuatu diplomatic or official passport”

8 Subsection 6(1) and (2)

After “Vanuatu passport” (wherever occurring), insert “or Vanuatu diplomatic or official passport”

9 Subsections 7(1), (2), (3), and (4)

After “Vanuatu passport” (wherever occurring), insert “or Vanuatu diplomatic or official passport”

10 Subsection 8(1)

Delete “must”, substitute “may”

11 After section 10

Insert

“10A Cancellation of diplomatic and official passports

- (1) The Principal Passport Officer may, after consultation with the Director General responsible for foreign affairs, cancel a Vanuatu diplomatic or official passport on the following grounds:
- (a) if the holder has not attained the age of 18 years and the parent or guardian who gave his or her consent to the issue of the passport has written to the Principal Passport Officer withdrawing that consent; or
- (b) if the passport was issued to the holder in the mistaken belief that the holder was, at the time of issue, a citizen; or

- (c) where the holder has lost, been deprived of or renounced citizenship under sections 14 to 17 of the Citizenship Act [CAP 112]; or
 - (d) if the passport was issued to holder in the mistaken belief that the holder was, at the time of issue, a person listed under Schedule 1 or 2; or
 - (e) if the Principal Passport Officer becomes aware of circumstances which, if they had existed immediately before the passport was issued (whether or not they did exist at that time), would have led him or her to refuse to issue the passport under section 4A to the person concerned.
- (2) A person who has possession or control of a passport to which subsection (1) applies must, on demand by the Principal Passport Officer, surrender the passport to the Principal Passport Officer.
- (3) The Principal Passport Officer may also cancel any Vanuatu diplomatic or official passport, and take and retain possession of it in any of the following cases:
- (a) if the Principal Passport Officer issues to the holder another passport in substitution for the first one; or
 - (b) if the passport has expired; or
 - (c) if the Principal Passport Officer is of the opinion that the passport has been so damaged or defaced as to render it unsuitable for use; or
 - (d) if the passport has been lost or stolen; or
 - (e) if the Principal Passport Officer reasonably believes that particulars recorded in the passport are incorrect; or
 - (f) where the Principal Passport Officer reasonably believes that the passport has been obtained by means of any wilfully false or misleading statement; or

- (g) if the Principal Passport Officer reasonably believes that the passport is in the wrongful possession of any person other than the holder; or
 - (h) if the holder has died; or
 - (i) if authorised to do so in emergency regulations made under Article 69 of the Constitution.
- (4) A person who has possession or control of a passport to which subsection (3) applies must, on demand by the Principal Passport Officer, surrender the passport to the Principal Passport Officer.
- (5) If the Principal Passport Officer retains or cancels a passport under paragraphs (3)(c) to 3(f), the Principal Passport Officer may, on application of the holder, issue another Vanuatu diplomatic or official passport to replace that passport.
- (6) If the Principal Passport Officer has possession of any passport under paragraph (3)(g), the Principal Passport Officer must, unless the holder has been issued with a new Vanuatu diplomatic or official passport, return the Vanuatu diplomatic or official passport to the holder.”

12 Division 4 of Part 2 (heading)

Delete “in relation to Vanuatu passport or travel document”, substitute “to order surrender of Vanuatu travel document”

13 Section 12 (heading)

Delete “passport or”

14 Subsection 12(1)

Delete “passport, certificate of identity or”

15 Subsection 12(2)

Delete “passport, certificate of identity or” (wherever occurring)

16 Section 13 (heading)

Delete “passport or”

17 Subsections 13(1) and (3)

Delete “passport, certificate of identity or” (wherever occurring)

18 Section 14 (heading)

After “False”, insert “Vanuatu travel”

19 Section 14

Delete “passport, certificate of identity or” (wherever occurring)

20 Paragraph 15(b)

Delete “passport, certificate of identity or”

21 Section 16 (heading)

Delete “passport, certificate of identity or”

22 Section 16

Delete “passport, certificate of identity or” (wherever occurring)

23 Section 17 (heading)

Delete “passport, certificate of identity or”

24 Section 17

Delete “passport, certificate of identity or” (wherever occurring)

25 Subparagraph 18(2)(e)(i)

Delete “passport, certificate of identity or” (wherever occurring)

26 Subparagraph 18(2)(e)(ii)

Delete “passports, certificate of identity or”

27 Subparagraph 18(2)(e)(iii)

Delete “passports, certificates of identity or”

28 Section 19 (heading)

After “issue of”, insert “travel”

29 Section 19

Delete “passport, certificate of identity or”

30 Section 20 (heading)

After “surrender”, insert “travel”

31 Section 20

- (a) After “demand”, insert “ or requirement”
- (b) Delete “passport, certificate of identity or”
- (c) Delete “9(2), 10(2)”, insert “4A(8), 9(2), 10(2), 10A(2), 10A(4)”

32 At the end of paragraph 23(1)(d)

Delete “.”, substitute “;

- (e) refuse to issue a Vanuatu diplomatic or official passport under section 4A or 5;
- (f) cancel, and take and retain possession of, a Vanuatu diplomatic or official passport under section 10A.”

33 Division 2 of Part 5 (heading)

Delete “Passport, certificate of identity or”

34 Section 25 (heading)

Delete “passport, certificate of identity or”

35 Subsections 25(1) and (2)

Delete “passport, certificate of identity or” (wherever occurring)

36 Section 27 (heading)

Delete “Passports and other”, substitute “Vanuatu”

37 Subsection 27(1)

Delete “All Vanuatu passports and travel documents”, substitute “Any Vanuatu travel document”

38 Subsections 27(2) and (3)

Delete “passport or” (wherever occurring)

39 Section 28

Repeal the section, substitute

“28 Regulations

- (1) The Minister may by Order make regulations prescribing matters:
- (a) required or permitted by this Act to be prescribed; or
 - (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.
- (2) The Minister may, with the prior approval of the Council of Ministers, by Order amend Schedule 1 or 2 of this Act.”

40 Section 31

Delete “is”, substitute “and the Diplomatic and Official Passports Act [CAP 179] are”

41 Subsections 32(1) and (2)

After “[Cap 108]” (wherever occurring), insert “and the Diplomatic and Official Passports Act [CAP 179]”

42 At the end of the Act

Add

“SCHEDULE 1

**PERSONS ENTITLED TO HOLD DIPLOMATIC
PASSPORTS**

- President
- Prime Minister
- Speaker of Parliament
- Chief Justice
- Government Ministers
- Heads of missions (as defined in the Foreign Service Act No. 22 of 2008)
- Diplomatic and consular staff of the Ministry of Foreign Affairs
- Spouses and children under the age of 18 years of persons holding diplomatic passports, provided the diplomatic passport holders are travelling on duty at Government expense

- Chairperson of the National Council of Chiefs
- Leader of Opposition

SCHEDULE 2

PERSONS ENTITLED TO HOLD OFFICIAL PASSPORTS

- Members of Parliament
- Judges of the Supreme Court
- Attorney General
- Solicitor General
- Public Solicitor
- Public Prosecutor
- Magistrates
- Chairman of the Public Service Commission
- Chairman of the Teaching Service Commission
- Chairman of the Police Service Commission
- Commissioner of Police
- Ombudsman
- Auditor-General
- Member of the National Council of Chiefs
- Chairperson of the Vanuatu National Council of Women
- Administrative staff appointed to missions (“mission” as defined in the Foreign Service Act No. 22 of 2008)
- Senior Officers of the Vanuatu Government and Parliament
- Spouses and children under the age of 18 years of persons holding official passports, provided the official passport holders are travelling on duty at Government expense
- Chairperson of a Local Government Council
- Member of a Local Government Council
- Secretary General of a Local Government Council
- Mayor of a Municipal Council
- Municipal Clerk
- Councillor of a Municipal Council”