

REPUBLIC OF VANUATU

MUNICIPALITIES ACT [CAP. 126]

THE PORT VILA MUNICIPAL COUNCIL (VACATION OF SEAT)
ORDER NO. 28 OF 1998

An Order to declare an office of a councillor of the Municipal Council of Port Vila vacant and for matters incidental thereto.

IN EXERCISE AND IN PURSUANCE of the powers conferred by the provisions of sections 2, 3, 4, 7, 8 and 10 of the Municipalities Act [CAP. 126], as amended (hereinafter called "the Act"), I, **VINCENT BOULEKONE**, Minister of Internal Affairs hereby make the following Order:-

DECLARATION OF VACATION OF SEAT

1. Whereas:

- (a) The elections called and held for the purpose of electing the present members of the Port Vila Municipal Council (hereinafter called "the Council") took place on or about 24 March 1997 (hereinafter referred to as "the elections");
- (b) During the elections one **KEN HOSEA**, representing the political party commonly known as the Melanesian Progressive Party (hereinafter called "MPP") also contested the elections as a candidate;
- (c) By instrument dated 26 March 1997, the electoral Commission in pursuance of Rule 17 of the Municipal Council Elections (Procedure Rules) Order No. 60 of 1982 declared those candidates (including **KEN HOSEA**) duly elected as members of the Council;
- (d) Since the declaration made by the Commission, **KEN HOSEA** has served and acted as a member and Councillor within the Council;
- (e) I have caused an enquiry to be made to ascertain whether or not Councillor **KEN HOSEA** owes the Council money and I am satisfied that as at 23 February 1995, he was invoiced the sum of VT40,560 being the fee for a planning permit, which sum is hereinafter referred to as "the debt";

- (f) I am satisfied that this debt is still owing to the Council and the debt remains outstanding;
- (g) Section 8(1) of the Act disqualifies any person from standing as a candidate for election to the Council if such person is in default of payment of any rates, charges or other debts due to the Council for a period exceeding 2 months after the same shall have become due;
- (h) I am satisfied that on or about 24 March 1997, Councillor **KEN HOSEA** was a person to whom the provisions of section 8(1) of the Act would apply, and that being the case he was not entitled nor eligible in law to be a candidate in the first place;
- (i) I am satisfied that the debt owed to the Council by Councillor **KEN HOSEA** remains outstanding today, which means that not only would the disqualification in section 8(1) continue to apply to him but in pursuance of the provisions of section 10(a) and (b) of the Act, it is not possible for **KEN HOSEA** to be or continue to be a member of the Council;

NOW THEREFORE IT IS HEREBY DECLARED:

- (i) That **KEN HOSEA** has ceased to be a member of the Municipal Council of Port Vila; and
- (ii) That **KEN HOSEA** has ceased to hold any office within the Municipal Council of Port Vila.

COMMENCEMENT

- 2. This Order shall come into force on the day of its signature.

MADE at Port Vila this *14th* day of *December*, 1998.


VINCENT BOULEKONE
Minister of Internal Affairs

