

# REPUBLIC OF VANUATU

## Chapter 20

### THE PRISONERS (RELEASE ON LICENCE) ORDER NO. 24 OF 1997

An Order to provide for the release of Prisoner **SIMON KAWAI**

**IN EXERCISE** of the powers conferred by section 30 of the Prisons (Administration) Act [CAP. 20], I, **FR. W. HAYDE LINI**, Minister of Justice and Minister responsible for prisons, **HEREBY MAKE** the following Order:-

#### **RELEASE OF PRISONER ON LICENCE**

1. **SIMON KAWAI** who is currently being held in custody as a prisoner, shall be set free and be released from prison on the 9<sup>th</sup> day of April, 1997 **SUBJECT TO THE TERMS AND CONDITIONS** set out in sections 2 and 3 of this Order.

#### **TERMS AND CONDITIONS OF RELEASE**

2. The following terms and conditions shall apply -

- (a) **SIMON KAWAI** shall keep the peace and be of good behaviour for a period commencing on the day of his release being 9<sup>th</sup> day of April, 1997 and ending on the 9<sup>th</sup> day of April, 1998, which period is hereinafter called "the relevant period".
- (b) In the event that **SIMON KAWAI** should commit a criminal offence during the relevant period, whether or not the offence is of a similar nature as that for which **SIMON KAWAI**'s original prison sentence was ordered by the Court or, the Court before which **SIMON KAWAI** appears for such new offence orders a prison sentence, **SIMON KAWAI** shall automatically be recalled and returned to prison.

**PROCEDURES RELATING TO VIOLATIONS OF CONDITIONS OR RELEASE, RECALL TO PRISON, ETC.**

3. In every case where the provisions of paragraph (b) of section 2 apply, the following procedures shall apply:

- (a) Where the Minister is satisfied that **SIMON KAWAI** has violated the terms and conditions set out in section 2, the Minister shall issue a Notice in writing directing that **SIMON KAWAI** be returned to custody forthwith.
- (b) A Notice issued by the Minister shall be served on **SIMON KAWAI** directing him to return to prison at such time and on such day as specified in the Notice.
- (c) **SIMON KAWAI** when returned to prison in accordance with this section shall be obliged to serve the unexpired term of his original sentence which he would have had to serve if he had not been released in accordance with this Order.
- (d) **SIMON KAWAI** when returned to prison in accordance with this section is not entitled to have part of his original unexpired term of sentence remitted.

**COMMISSIONER OF POLICE AND SUPERINTENDENT OF PRISONS TO ENFORCE DIRECTIONS OF THE MINISTER**

4. The Commissioner of Police and the Superintendent of Prisons shall take all lawful measures required or necessary to enforce every direction or notice issued by the Minister under this Order.

**COMMENCEMENT**

5. This Order shall come into force on the 9<sup>th</sup> day of April, 1997.

**MADE** at Port Vila, this *Wednesday* day of *9 April*, 1997.

*Fr. W. Hayde Lini*  
FR. W. HAYDE LINI  
Minister of Justice and  
Minister Responsible For Prisons.

