



REPUBLIC OF VANUATU

VANUATU FOREIGN INVESTMENT PROMOTION (AMENDMENT) ACT NO. 6 OF 2007

Arrangement of Sections

- 1 Amendment**
- 2 Application of item 1**
- 3 Commencement**

REPUBLIC OF VANUATU

Assent: 31/05/2007

Commencement:

VANUATU FOREIGN INVESTMENT PROMOTION (AMENDMENT) ACT NO. 6 OF 2007

An Act to amend the Vanuatu Foreign Investment Promotion Act No. 15 of 1998.

Be it enacted by the President and Parliament as follows-

1 Amendment

The Vanuatu Foreign Investment Promotion Act No 15 of 1998 is amended as set out in the Schedule.

2 Application of item 1

To avoid doubt, the amendment made in item 1 of the Schedule of this Act does not apply to a foreign investor who is carrying on any of the activities listed in item 1 immediately before the commencement of this Act.

3 Commencement

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

SCHEDULE

AMENDMENTS OF THE VANUATU INVESTMENT PROMOTION AUTHORITY ACT NO. 15 OF 1998

1 Schedule 1, Part 2- After item 4(k)

Insert

- “(l) A land transport operator of any kind including but not limited to an operator of:
- (a) a transport or a transfer that operates from the airport to any of the following locations:
 - (i) a hotel;
 - (ii) a bungalow;
 - (iii) a motel;
 - (iv) a resort;
 - (v) a guesthouse;
 - (vi) a lodge.”
 - (b) a transport or a transfer that operates from any of the locations listed under item 4 (l) (a) (i)-(vi) to the airport;
 - (c) a transport or a transfer that operates from any of the locations listed under item 4 (l) (a) (i)-(vi) to attend to any kind of tours;
 - (d) a transport or a transfer that operates a tour from any particular location not listed under item 4 (l) (a) (i)-(vi) to a specific location.

2 Subsection 26(1)

Repeal the subsection, substitute

- “(1) A person who contravenes a provision of this Act is guilty of an offence and is liable on conviction to a fine:
- (a) in the case of an individual- not exceeding VT1,000,000; or

- (b) in the case of a body corporate-not exceeding VT5,000,000.”

3 After section 26

Insert

“26A Penalty Notices

- (1) The Chief Executive Officer may after consultation with the Chairperson of the Board serve a penalty notice on a foreign investor if it appears to the Chief Executive Officer that the foreign investor has committed an offence under subsection 5(1) of the Act or such other section as may be prescribed by the regulations.
- (2) A penalty notice is a notice to the effect that, if a foreign investor served does not wish to have a matter determined by a court, the foreign investor must pay within the time and to the person specified in the notice the amount of the penalty prescribed by the regulations for the offence.
- (3) The amount prescribed by the regulation must not exceed the maximum amount of the penalty which could be imposed for the offence by a court.
- (4) If the amount of penalty prescribed for the purpose of this section for an alleged offence is paid under this section, a foreign investor is not liable to any further proceedings for the alleged offence.
- (5) Payment under this section is not to be regarded as an admission of the liability for the purpose of, and does not in any way affect or prejudice, any civil proceeding arising out of the same occurrence.
- (6) A penalty notice may be served personally or by post.
- (7) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.”