



REPUBLIC OF VANUATU

**CONSTITUTION (EIGHTH) (AMENDMENT)
ACT NO. 21 OF 2023**

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REPUBLIC OF VANUATU

Assent: 29/12/2023

Commencement:

CONSTITUTION (EIGHTH) (AMENDMENT) ACT NO. 21 OF 2023

An Act to amend the Constitution of the Republic of Vanuatu.

Be it enacted by the President and Parliament as follows-

1 Amendment

The Constitution of the Republic of Vanuatu is amended as set out in the Schedule.

2 Commencement

- (1) Subject to subsection (2), this Act commences on the day on which it is published in the Gazette.
- (2) Item 2 does not commence unless it is supported in a national referendum under Article 86.

SCHEDULE

AMENDMENTS OF THE CONSTITUTION OF THE REPUBLIC OF VANUATU

1 Subarticle 4(3)

Delete "Political parties", substitute "Subject to any restrictions imposed by law, political parties"

2 After Article 17

Insert

"17A Vacation of seat where a member of Parliament resigns or is terminated for ceasing to support a political party

- (1) This Article applies to a member of Parliament if the member, having been a candidate of a political party and elected to Parliament:
 - (a) resigns from the political party; or
 - (b) is terminated as a member of the political party for ceasing to support the political party.
- (2) The President of a political party must notify the Speaker in writing within 14 days after a member has resigned from, or has been terminated for ceasing to support, the political party in accordance with that political party's constitution.
- (3) The Speaker must, within 7 days of receiving the notice under subarticle (2), declare the seat of that member of Parliament vacant by Order published in the Gazette.
- (4) For the purposes of this Article, a member of Parliament representing a political party is deemed to have ceased support of the political party when he or she satisfies the grounds provided under the political party's constitution that indicate when a member is deemed to have ceased support for the political party.
- (5) This Article applies despite the provisions of subarticle 5(1) of this Constitution.

17B Vacation of seat of an independent member

- (1) This Article applies to a member of Parliament who:
 - (a) is elected to Parliament as an independent candidate; or
 - (b) is the only member representing a political party; or
 - (c) is elected to Parliament representing a custom movement.
- (2) Within 3 months after the first day of the first sitting of Parliament at which the Speaker and the Prime Minister are elected, a member of Parliament referred to under subarticle (1) must submit to the Clerk of Parliament a declaration of his or her affiliation to a political party represented in Parliament, in the form approved by the Clerk of Parliament and counter-signed by the political party's President.
- (3) In the case of a by-election, a newly elected member of Parliament referred to under subarticle (1) must, within 3 months after the first day of the next sitting of Parliament after that by-election, submit to the Clerk of Parliament a declaration of his or her affiliation to a political party represented in Parliament, in the form approved by the Clerk of Parliament and counter-signed by the political party's President.
- (4) At the next sitting of the Parliament:
 - (a) in the case of a general election - the Speaker must, having received affiliations under subarticle (2), officially announce the affiliations of all members of Parliament; or
 - (b) in the case of a by-election - the Speaker must, having received the newly elected member of Parliament's affiliation under subarticle (3), officially announce the affiliation of that member of Parliament.
- (5) A member of Parliament who fails to make a declaration under subarticle (2) or (3) is deemed to have vacated his or her seat at the end of the 3 month period referred to in that subarticle.
- (6) The President of a political party must notify the Speaker in writing within 14 days after a member of Parliament has ceased to be affiliated with the political party in accordance with the political party's constitution.

- (7) The Speaker must, within 7 days of receiving the notice under subarticle (6), declare the seat of the member of Parliament vacant by Order published in the Gazette.
- (8) For the purposes of this Article, a member of Parliament is deemed to have ceased to be affiliated with a political party when he or she satisfies the grounds provided under the political party's constitution that indicate when a member is deemed to have ceased to be affiliated with the political party.
- (9) This Article applies despite the provisions of subarticle 5(1) of this Constitution.”

3 Transitional

If:

- (a) an independent member of Parliament; or
- (b) a member of Parliament who is the only member representing a political party; or
- (c) a member of Parliament representing a custom movement,

is elected to Parliament before the commencement of item 2, that member must affiliate with a political party represented in Parliament within 3 months after the commencement of item 2.