

Chapter 23

VANUATU

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Introduction

There has been no enactment of specific product liability legislation in Vanuatu. The only relevant legislation is comprised of various Acts relating to product safety standards. The author is not aware of any intention on the part of the Vanuatu Government to enact product liability legislation in the near future. Furthermore, at the time of writing there was no reported case law in Vanuatu directly relevant to product liability.

Due to its history of joint administration by Britain and France, Vanuatu has a number of sources of law. Independence was granted to Vanuatu on 30 July 1980. The application of English and French law since independence has been governed by Art 95(2) of the Constitution of the Republic of Vanuatu.

Article 95(2) of the Constitution provides:

Until otherwise provided by Parliament, the British and French laws in force or applied in Vanuatu immediately before the day of Independence shall on and after that day continue to apply to the extent they are not expressly revoked or incompatible with the Independent status of Vanuatu and wherever possible taking due account of custom.

Prior to independence, all French law was automatically applicable in Vanuatu (then known as the New Hebrides) by virtue of the Anglo-French Protocol of 1914, which provided that British law and French law applied to each of the respective country's citizens. It also provided that other citizens could 'opt' to be subject to the laws of either country.

Despite the provisions of the Protocol, British law did not automatically extend to British citizens and optants. The last relevant extension of British law to the New Hebrides was the High Court of the New Hebrides Regulation 1976, which provided that the statutory law 'of

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