

CONDOMINIUM DES NOUVELLES-HEBRIDES

NEW HEBRIDES CONDOMINIUM

ARRETE CONJOINT 14 de 1962

JOINT REGULATION 14 of 1962

JOINT REGULATION

No. 14
of 1962.

to establish a Chamber of Commerce, Industry and Agriculture in the New Hebrides.

This Regulation No. 14 of 1962 was published in Condominium Gazette No. 216 and is reprinted as amended by Joint Regulation No. 22 of 1966 (Condominium Gazette No. 242) and Joint Regulation No. 16 of 1972 (Condominium Gazette No. 315).

MADE by the British and French Resident Commissioners under the provisions of Article 4, paragraph 1, and Article 7 of the Anglo-French Potocól of 1914.

This Joint Regulation the terms—

“Chamber” shall mean the Chamber of Commerce, Industry and Agriculture established by this Joint Regulation;

“British” and “French” shall include both ressortissants and subjects or citizens of the two Powers as the case may be.

PART I

ORGANISATION OF THE CHAMBER

1. There is hereby constituted for the New Hebrides a public body to be called “The Chamber of Commerce, Industry and Agriculture of the New Hebrides”. The Chamber shall be a corporate

The Chamber shall consist of twenty members of whom twelve shall be elected in accordance with the provisions of sections 3 and 4 of this Regulation and twelve shall be nominated by the Resident Commissioners jointly.

The Chamber shall be divided into two sections each composed of ten members.

1) The first section, representing agricultural interests, shall consist of—

(i) six members representing British and French agricultural interests. Of these six, four shall be elected by an electoral college composed of: British or French owners of agricultural properties who manage their own properties; the Managers or Lessees of British or French plantations; and the Chairman or Managing Director of British or French companies of which the primary interest is agriculture;

(ii) one shall be nominated by the British Resident Commissioner;

one shall be nominated by the French Resident Commissioner;

- (ii) four members representing the agricultural interests of natives of the New Hebrides who shall be nominated by the Resident Commissioners jointly from a list submitted by the District Agents after consulting representatives of these interests in their districts.

(B) The second section, representing commercial and industrial interests, shall consist of—

- (i) six members representing British and French commercial and industrial interests. Of these, four shall be elected by an electoral college composed of: Managers or Managing Directors of British or French commercial or industrial undertakings and managers of branches thereof; agents of insurance companies; owners of vessels of not less than 75 Register (Net) tons; ship builders; agents of shipping companies or airlines; managers of Banks;

one shall be nominated by the British Resident Commissioner;

one shall be nominated by the French Resident Commissioner;

- (ii) four members representing the commercial and industrial interests of natives of the New Hebrides who shall be nominated by the Resident Commissioners jointly from a list submitted by the District Agents after consulting representatives of these interests in their districts.

The members of the electoral colleges shall be at least one year of age and shall be actively engaged in and have resided in the New Hebrides for at least one year in an agricultural, commercial or industrial pursuit recognised by the Electoral Commission as being of sufficient economic importance to qualify them for inscription in one of the nominal rolls of the electoral college. Any person qualified for inscription in both nominal rolls shall be inscribed on the roll for the section of the Chamber representing his principal interest. No person who is an undischarged bankrupt or who has been convicted of an offence involving dishonesty or moral turpitude for which he has been sentenced to a period of imprisonment of six months or more shall be eligible for membership of an electoral college.

Nominal rolls of the electoral colleges provided for in section 3 shall be drawn up by districts each year between the 1st and 31st of January by an Electoral Committee consisting of the Resident Commissioners or their representatives, and four persons nominated by the Resident Commissioners jointly. The Resident Commissioners, or their representatives, shall preside alternately at the meetings of the Committee. The nominal rolls shall include the names of all persons who on the 1st of January of that year qualify for membership of the electoral colleges under sections 3 and 4.

6. Copies of the nominal rolls shall be open to inspection by the public at the offices of the National Administrations and at all District Agencies for a period of not less than one month and the public shall be notified of the dates between which the rolls shall be open to inspection. Any person may during the period during which the rolls are open to inspection examine the rolls and lodge in writing with the Electoral Committee objections to the inclusion or omission of any person. The Committee shall inquire into any objections and its decision thereon shall be final. On the expiry of the period for inspection and after any amendment decided by the Committee the rolls shall be published in the Official Gazette and publicly displayed at the offices of the National Administrations and at District Agencies.

7. Notice of the date of an election shall thereafter be given to the members of the electoral college by Joint Decision of the Resident Commissioners at least two months before the date fixed for the election.

(1) Each elector shall cast his vote for a list containing candidates to represent that section of the Chamber for which he is qualified as an elector under section 3. Each list of four candidates shall contain at least one British and one French candidate. No candidate may be proposed for election on more than one list.

(2) The lists of candidates shall be delivered to the Electoral Committee at least one month before the date fixed for the election and shall be published at each District Agency at least fifteen days before the date fixed for the election.

(3) The Resident Commissioners shall make Joint Rules to regulate the procedure for electoral procedure.

8. There shall be a polling station in each Administrative District supervised by one of the District Agents who shall be notified by lot 15 days in advance of the date of the election and shall be presided over by two literate members of the electoral college who are not candidates for election. Postal votes shall be permitted in accordance with the Joint Rules provided for in sub-section (3) of section 8 of this Regulation. The elections shall take place on a Saturday and the polling stations shall remain open for six consecutive hours.

9. At the close of the poll the presiding District Agent shall count the votes and declare the number of votes cast for each list. He shall prepare a report in triplicate, which shall be countersigned by two other persons supervising the polling station, and shall forward two copies of the report to the Resident Commissioners, retaining the third copy for his records.

10. The Resident Commissioners shall transmit the reports from the polling stations to the Electoral Committee which shall compile the results received from the Polling Stations. The President

the Electoral Committee shall then declare the results of all the elections.

12. (1) No election shall be valid on the first poll unless one of the lists of candidates shall have received a majority of the votes which shall not be less than one quarter of the number of electors described on the nominal roll.

(2) If no list of candidates receives the necessary majority on the first poll, a second poll shall be held fifteen days later, the result of which shall be decided by simple majority whatever the number of votes cast.

[12A. Notwithstanding the foregoing provisions of this regulation, if only one list of candidates for each section of the Chamber shall be delivered to the Electoral Committee pursuant to section (2) of section 8, the Resident Commissioners shall by their Decision cancel the elections notified in accordance with section 7 and appoint the candidates named in each list as members of the Chamber elected unopposed.]

J.R. No. 16
of 1972.

13. Any elector who has attained 25 years of age shall be eligible for election to the Chamber.

14. The members elected shall hold office for three years. Members shall be eligible for re-election.

15. When the number of elected members of the Chamber is reduced from any cause whatsoever to four, new elections to fill the vacancies shall be held within two months of the last vacancy arising. Members elected at such supplementary elections shall retain their offices only for the unexpired term of the member whom they replace.

16. At its first meeting and subsequently after each triennial session the Chamber shall elect from among its members a President, Vice-Presidents, a Secretary and a Treasurer. The said officers shall hold office for a term of three years and shall be eligible for re-election. [The said officers may, if they consider it necessary, co-opt among the members of the Chamber two persons to assist the Secretary and Treasurer in their work.]

Amended by
J.R. No. 22
of 1966.

17. No meeting of the Chamber shall be held unless at least the number of members eligible to attend are present. All resolutions shall be decided by a majority of the votes of those present. In the event there is an equality of votes the President or member presiding shall have a casting vote. In the absence of the President the elder Vice-Presidents shall preside.

18. The Resident Commissioners, or their representatives, may at any time attend meetings of the Chamber and shall have a consultative voice in its deliberations.

19. The Chamber shall draw up standing rules which shall require the approval of the Resident Commissioners.

20. The Chamber shall keep minutes of its meetings, copies of which shall be sent without delay to the Resident Commissioners.

PART II

POWERS AND DUTIES OF THE CHAMBER

21. The functions of the Chamber shall be—

- (i) to advise the Resident Commissioners and provide them with information on agricultural, commercial and industrial matters affecting the territory;
- (ii) to recommend measures for increasing the agricultural, commercial and industrial potential of the territory;
- (iii) to undertake any work or manage any service of economic interest to the territory subject to the limitations set out in Section 23.

22. In addition to giving any advice which the Resident Commissioners may at any time seek, the Chamber may on its own initiative voice an opinion on any matter of economic interest.

23. The Chamber may be authorised by the Resident Commissioners to—

- (i) acquire or construct buildings for its own use, and manage such buildings;
- (ii) undertake any work connected with agricultural, commercial and industrial development;
- (iii) establish, acquire or manage for the public benefit any undertaking of commercial utility, such as: a warehouse, including a bonded warehouse; a public saleroom, a commercial or technical school; land or water transport; pilotage; a wharf; the grading of produce;
- (iv) operate any public utility or acquire, take over or manage any undertaking established by the Resident Commissioners.

24. The Chamber may correspond with other Chambers of commerce or similar organisations and may, through its President, enter into agreements with such bodies on matters of economic interest.

25. The Chamber shall not engage in political or religious controversy and any resolution on matters which are not within its competence shall be null and void.

PART III

FINANCIAL PROVISIONS

26. The expenditure of the Chamber shall be met from—
- (i) any profits arising from the administration or management of any economic undertaking authorised under section 23;
 - (ii) any gift or bequest by individuals accepted by the Chamber with the approval of the Resident Commissioners;
 - (iii) any grants which may be authorised by the Resident Commissioners from funds provided in the Condominium Estimates.
27. (1) The Chamber shall prepare annual estimates of revenue and expenditure which shall require the approval of the Resident Commissioners;
- (2) These estimates shall contain a separate section for each undertaking managed by the Chamber, and no transfer of funds from one section to another shall take place without the approval of the Resident Commissioners;
- (3) Any surplus of revenue over expenditure shall be paid into a reserve fund to meet urgent and unforeseen expenditure; Provided that such reserve fund shall not exceed the total annual receipts of the Chamber. Any sums in excess of this limit shall be invested in the ordinary subject to the approval of the Resident Commissioners. No withdrawal from the fund may be made without the approval of the Resident Commissioners; a statement showing the position of the fund shall be included in the annual estimates and the annual accounts.

The Chamber may be authorised by the Resident Commissioners to raise loans for any purpose approved under Section 23. A provision shall be made in the Chamber's estimates for servicing such loans.

PART IV

TRANSITIONAL PROVISIONS

Notwithstanding the provisions of Section 5 the first financial rolls shall be drawn up in the month following the signature of this Joint Regulation.

The Resident Commissioners may make any Joint Rules necessary for the implementation of this Regulation.

31. This Regulation may be cited as the Joint Chamber of Commerce Regulation No. 14 of 1962 and shall have effect from the date of signature.

Made at Vila this Twenty-second Day of September 1962.

M. DELAUNEY

COLIN H. ALLAN

The Resident Commissioner
for the French Republic.

Her Britannic Majesty's Acting
Resident Commissioner.
