

CONDOMINIUM DES NOUVELLES-HEBRIDES  
NEW HEBRIDES CONDOMINIUM

ARRETE CONJOINT 12 de 1966  
JOINT REGULATION 12 of 1966

## JOINT REGULATION

No. 12 of  
1966.**To provide for the regulation of marriages between natives.***[Published: Condominium Gazette No. 239.]*

MADE by the Resident Commissioners under the provisions of paragraph 2 of Article 2 and Articles 7 and 8 of the Anglo-French Protocol of 1914.

1. For the purposes of this Regulation the expression "New Hebridean" shall mean any person of the aboriginal races of the New Hebrides. Interpretation.

2. In any prosecution for an offence against this Regulation the Court may, if it thinks fit, and in the absence of other positive evidence as to age, determine the age of any person by his physical appearance alone. Determination of age.

3. No New Hebridean of the male sex being under the age of 18 years and no New Hebridean of the female sex being under the age of 16 years may lawfully marry: Age of marriage.

Provided that the Native Court for the District in which such person resides may grant consent to such marriage except that in no case shall such consent be granted in respect of a New Hebridean of the female sex under the age of 15 years.

4. No New Hebridean being under the age of 21 years may lawfully marry without the consent of— Consent to marriage.

(a) his father and mother;

(b) in the event of either his father or mother being dead, the survivor;

(c) the two persons in whose effective charge he is;

(d) in the event of one or other of the persons referred to in paragraph (c) being dead, the survivor;

Provided that, if there is disagreement between the father and mother or between the persons referred to in paragraph (c) consent shall be deemed to have been given;

Provided further that if consent is refused by the person or persons from whom it is required the Native Court of the District in which the person to whom such consent has been refused resides may, notwithstanding such refusal, authorise the marriage.

5. The principal celebrant of any marriage shall satisfy himself prior to the celebration of the said marriage—

(a) that the party or parties thereto, as the case may be, have attained the ages prescribed in Section 3 of this Regulation;

(b) that, if one or both the parties thereto, as the case may be, are under the age of 21 years, in respect of that or those parties, as the case may be, the provisions of Section 4 of this Regulation have been complied with;

(c) that the parties thereto have freely expressed their consent before at least two witnesses or before one or both of the District Agents of the District in which they reside.

Celebration of marriages.

6. No New Hebridean shall compel another New Hebridean of any age to marry against his will.

Forced marriage.

7. No marriage shall be valid unless the parties thereto have expressed their consent in the manner prescribed in paragraph (c) of Section 5 of this Regulation.

Invalidity of marriage.

8. (1) Any Local Council set up under the provisions of Joint Regulation No. 9 of 1957 may make rules determining the maximum amount of bride-price payable in the area in which they have jurisdiction.

(2) If any area by reason of either the absence or inactivity of a Local Council no such local rules have been made, the Resident Commissioners may by Joint Rules determine the maximum amount of bride-price payable in that area.

9. (1) If any person acts in contravention of the provisions of Sections 3 and 4 of this Regulation he shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding £Stg. 50 or its equivalent in francs at the current rate of exchange.

Penalties.

(2) If any person acts in contravention of the provisions of Section 5 of this Regulation he shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding £Stg.100 or its equivalent in francs at the current rate of exchange.

(3) If any person acts in contravention of the provisions of Section 6 of this Regulation he shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding £Stg.200 or its equivalent in francs at the current rate of exchange or to a term of imprisonment not exceeding two years or to both such fine and imprisonment.

10. The Native Courts shall have jurisdiction over all offences committed against this Regulation:

Provided that the Courts of First Instance shall have jurisdiction over offences against Section 5 of this Regulation.

11. This Regulation may be cited as the Joint Control of Marriage Regulation No. 12 of 1966 and shall come into operation on the date of its publication in the Condominium Gazette. Citation.

Made at Vila this 18th Day of February, 1966.

MOURADIAN

A. WILKIE

The Resident Commissioner  
for the French Republic.

Her Britannic Majesty's  
Resident Commissioner.

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