

CONDOMINIUM DES NOUVELLES-HEBRIDES
NEW HEBRIDES CONDOMINIUM

ARRETE CONJOINT 18 de 1968
JOINT REGULATION 18 of 1968

JOINT REGULATION

No. 18 of
1968.

Control the Importation, Sale and Supply of Alcoholic Liquor.

Regulation No. 18 of 1968 was published in *Condominium Gazette No. 273* and is reprinted as amended by the following Joint Regulations—

- 1969 *Condominium Gazette No. 283*
- 1971 *Condominium Gazette No. 302*
- 1972 *Condominium Gazette No. 313*
- 1973 *Condominium Gazette No. 325*
- 1973 *Condominium Gazette (Special Edition)*

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

1. In this Regulation—

Definition.

“licensed premises” means any bar or other establishment licensed for the sale of liquor for consumption on the premises at which trade is carried on;

“licensee” means any person who holds a licence for the sale of liquor whether for consumption on or off the premises where his trade is carried on and shall include any person in his employment;

“wine” means any wine of less than 15% alcohol content.

(1) No person shall import into the New Hebrides any spirituous liquor except in accordance with a Joint Permit to Import in the form of Schedule A hereto.

Permits to
import.

(2) Permits to import spirituous liquor shall be jointly issued by the British and French District Agents of the District in which the applicant resides.

(3) Any person wishing to obtain such a permit shall apply to the District Agent of the Power of which he is a dependant, or if he is a New Hebridean to either District Agent.

(1) No person shall sell liquor for consumption off the premises at which his trade is carried on unless he has first obtained

Off-Licences,

(a) an Urban General Off-Licence (Schedule B) permitting the sale of all kinds of liquor from premises situated within the town limits of Vila and Santo in respect of which the said licence has been granted for consumption off the said premises;

- (b) A Rural Off-Licence (Schedule C) permitting the sale of all kinds of liquor from premises elsewhere than within the town limits of Vila and Santo in respect of which the said licence has been granted for consumption off the said premises; or
- (c) a Limited Off-Licence (Schedule D) permitting the sale of beer and wine from the premises in respect of which the said licence was granted for consumption off the said premises.

[Provided that any Native residing outside the Town Board limits of Vila and Luganville who acts in contravention of this subsection commits an offence punishable on conviction before a Native Court by a fine not exceeding two hundred Australian dollars or a term of imprisonment not exceeding six months.]

J.R. No. 10
of 1972.

- (2) No person shall import in return for commission any liquor unless he has first obtained an Urban General Off-Licence:

Provided that any person importing beer and wine solely in return for commission shall only require a Limited Off-Licence.

- 4. No person shall sell liquor for consumption on the premises which his trade is carried on unless he has first obtained either—

On-Licences

- (a) a General On-Licence (Schedule E) permitting the sale of all kinds of spirituous and fermented liquor; or
- (b) a Limited On-Licence (Schedule F) permitting the sale of beer and wine only.

- 5. (1) No person shall sell liquor for consumption both on and off the premises at which his trade is carried on unless he has first obtained either—

Combined
On- and Off-
Licences.

- (a) a Combined General On- and Off-Licence (Schedule G) permitting the sale of all kinds of liquor; or
- (b) a Combined Limited On- and Off-Licence (Schedule H) permitting the sale of beer and wine only.

(2) Where any person has obtained a licence under the provisions of the immediately preceding subsection of this Section he shall within six months of the coming into operation of this regulation take such measures as may be necessary to divide that part of his premises where liquor is sold for consumption on the said premises from that part where liquor is sold for consumption off the said premises.

(3) No person whose premises having been so divided shall sell any liquor for consumption on or off the premises, as the case may be, other than from that part of the said premises set aside for the purpose consequent upon the said division.

6. No manager of a cinema or theatre shall sell liquor to his customers unless he has first obtained a Cinema/Theatre Licence (Schedule I) permitting the sale of liquor to cinema or theatre-goers for consumption on the premises during normal opening hours of the cinema or theatre on the days of performances:

Cinema/
Theatre
Licences.

Provided that no such licence shall permit the sale of liquor after 11 o'clock at night.

7. (1) No non-proprietary club shall sell liquor to its members unless the management of such club has first obtained a Club Licence (Schedule J) permitting the sale of liquor to its members.

Club
Licences.

(2) No non-proprietary club shall supply liquor to persons who are not members of such club:

Provided that this prohibition shall not apply to persons who are bona-fide guests.

8. No person shall sell or supply liquor at any race meeting, fair or other public gathering unless he has obtained an Occasional Licence (Schedule K) permitting the sale or supply of alcoholic liquor on the day and during the hours for which such licence is issued.

Occasional
Licences.

9. No manager or proprietor of a night-club shall sell liquor to his customers unless he has first obtained a Night-Club Licence (Schedule L) permitting the sale of liquor to persons frequenting the said night-club for consumption on the premises during the normal opening hours of the said night-club.

Night-Club
Licences.

9A. No person shall sell or supply liquor to any person at any premises on or in the environs of any aerodrome other than Bauer Field and Pekoia unless he has first obtained an Aerodrome Licence (Schedule M) permitting the sale or supply of liquor to any person for consumption on such premises in accordance with such conditions both as to the hours during which liquor may be sold or supplied and the types of such liquor as may from time to time be prescribed by the District Agents in accordance with the circumstances of the aerodrome.]

Aerodrome
Licences
(other than
Bauer Field
and Pekoia).

J.R. No. 3
of 1973.

10. (1) Every person wishing to obtain any of the licences provided for under this Regulation shall apply to the District Agent of the Power of which he is a dependant, or if he is a New Hebridean either District Agent of the District within which he resides. The District Agent receiving such an application shall consult his colleague and they shall jointly submit the application to the Resident Commissioners with their recommendations as to whether the application should be granted or not:

Procedure
for Applica-
tion for
Licences.

Provided that the District Agents may jointly issue an Occasional Licence without reference to the Resident Commissioners.

(2) Licences shall be issued jointly by the Resident Commissioners or by the officers appointed by them for this purpose, upon the said Resident Commissioners or the said officers, as the case may be, being satisfied that the fee prescribed in respect of any licence in Joint Rules made under subsection (5) of this Section has been paid.

(3) With the exception of Occasional Licences all licences issued under the provisions of the Regulation shall be valid for one year and shall run from the 1st January to the 31st December in each year.

Provided that if any person applies for the grant of a licence after the 1st January the said licence shall only be valid from the date of issue until the 31st day of December in the same year[; and provided that upon the first application by any person for a licence (other than an Occasional Licence) in respect of any premises the Resident Commissioners may in their discretion grant a licence limited to expire on any date earlier than the 31st day of December in that year and such licence shall unless renewed for the remainder of that year lapse on such earlier date.]

J.R. No. 3
of 1973.

[(4) All licences may be renewed by the District Agents acting jointly upon application made to them in the manner described in subsections (1) and (2) of the Section. In any case in which they disagree the District Agents shall refer the application to the Resident Commissioners who shall decide whether or not the licence shall be renewed. Any person who has not applied for the renewal of his licence by the 31st January of the year following the year for which his licence was valid and who continues to sell liquor after that date shall be guilty of an offence.]

J.R. No. 14
of 1969.

(5) (a) The fees payable for licences shall be prescribed by the Resident Commissioners in Joint Rules.

(b) If a licence is issued for any period less than a year the fee payable therefor shall be such sum as bears the same proportion to the annual fee as the number of months or parts of a month for which the licence is issued bears to one year.]

J.R. No. 3
of 1973.

(6) If a licensee wishes to discontinue the sale of liquor during the course of the year he shall upon surrendering his licence to the Dominion Treasurer obtain a refund of the fee paid proportionate to the number of months remaining in the year for which the licence is valid.

(1) The right to sell liquor whether for consumption on the premises shall not be transferable.

Transfer of
Ownership
of Premises.

(2) Each licence shall be issued solely in respect of one premises.

(3) No person taking over any premises in which the sale of liquor has been carried on shall sell liquor in such premises unless he first obtained a licence under the provisions of this Regulation.

11A. (1) Payment of the fees prescribed in this Regulation shall be made within one month after the date of issue of the licence at Vila or Luganville and within 3 months of such date in respect of a licence issued at any other place in the New Hebrides.

J.R. No. 41
of 1973.

(2) If payment in full has not been made within the periods prescribed in the immediately preceding subsection the part of the fee remaining to be paid shall be increased after the first month by 10% for each month (or part thereof) during which payment is not made, up to a maximum of 3 months.

(3) At the expiration of this period, the licence shall be cancelled without prejudice to the prosecution of the licensee.]

12. (1) The removal of any business for the sale of liquor from one locality to another shall be considered as equivalent to the closing of the premises from which the business has been removed and the continuance of the sale of liquor at the new premises shall be unlawful unless the licence has been extended under the provisions of the following subsection.

Removal to
New
Premises.

(2) Any licensee who wishes to move his business to another locality shall apply to the appropriate District Agent in the manner prescribed in Section 10 of this Regulation for the extension of his licence to the new premises. Such extension shall not be automatic and if it is refused any person whose licence has thus lapsed shall be entitled to a refund calculated in the manner prescribed in subsection (b) of Section 10 of this Regulation.

13. (1) No licensee shall sell or supply liquor to any person who is in a state of manifest intoxication.

Sale of
Liquor.

(2) No licensee shall admit to any premises in respect of which a licence has been obtained a General On-Licence, a Limited On-Licence or to that part of any premises in respect of which a Combined General On- and Off-Licence or a Combined Limited On- and Off-Licence has been obtained, set aside for the sale of liquor on the premises, any person under the age of sixteen unless the said person is accompanied by his father, mother, guardian or any other person being over the age of eighteen in charge of the said person.

(3) No person shall on any premises in respect of which there is an Urban General Off-Licence, a Rural General Off-Licence or a Limited Off-Licence obtained under the provisions of Section 3 of this Regulation open any bottle, can or other container containing liquor.

(4) No person shall, within the town areas of Vila and Luganville as defined by Joint Regulation, consume any liquor otherwise than—

- (a) on private property with the consent of the owner or occupier thereof;
- (b) on licensed premises;

- (c) on premises in respect of which a Cinema/Theatre Licence has been obtained;
- (d) on premises in respect of which a Club Licence has been obtained;
- (e) at any place in respect of which an Occasional Licence has been obtained; or
- (f) at any place in respect of which a Night-Club Licence has been obtained.

14. (1) No premises in respect of which there is a General Licence or Limited On-Licence obtained under the provisions of Section 4 of this Regulation shall be open to the public before half-past seven in the morning and after eleven o'clock at night.

Hours of Opening.

(2) No liquor shall be sold for consumption off the premises on premises in respect of which there is an Urban General Off-Licence, a Rural General Off-Licence, or a Limited Off-Licence obtained under the provisions of sub-section (1) of Section 3 of this Regulation before half-past seven o'clock in the morning and after eleven o'clock at night:

Provided that no liquor shall be sold for consumption off the premises from premises in respect of which there is an Urban General Off-Licence, a Rural General Off-Licence, a Limited Off-Licence, a Combined General On- and Off-Licence between the hours of half-past eleven o'clock in the morning of the Saturday of any week and half-past seven o'clock in the morning of the Sunday of the succeeding week.

(3) No premises in respect of which there is a Night-Club Licence obtained under the provisions of Section 9 of this Regulation shall be open to the public before four o'clock in the afternoon or three o'clock of the following morning:

Provided that the District Agents of the District concerned may grant a temporary extension of opening hours to any licensee who can show reason therefor.

(4) No person shall be admitted to or remain upon any licensed premises for the purpose of consuming liquor after the hour fixed for closing.

(5) Notwithstanding the foregoing provisions of this section, Resident Commissioners may in their discretion upon the grant or renewal of any licence prescribe special hours of opening of premises licensed and direct that the appropriate licence fee shall be increased or reduced proportionately.]

J.R. No. 3 of 1973.

15. No games of chance shall be conducted on any licensed premises to which the public has access.

Games of Chance.

16. For the purpose of suppressing disorders, or in connection with the breach of Regulations, for the purpose of testing the quality

of the liquors sold, or for any purpose connected with the fulfilment of their duty, members of the Police Force may enter into any licensed premises at any hour of the day or night if the premises are all open to the public. Such visits shall only be made to premises occupied by French dependants by members of French Division of the New Hebrides Constabulary and to the premises of British dependants by officers of the British Division of the New Hebrides Constabulary:

Provided that in the case of disturbance or where the safety of the present is endangered members of either Division may at the request or summons of the occupiers without distinction enter upon any licensed premises and provided further that the members of either Division may enter upon any licensed premises occupied by a New Hebridean for any of the purposes aforesaid.

17. (1) The Resident Commissioners may order the suspension or withdrawal of any licence for any of the following reasons—

Suspension
or With-
drawal of
Licences.

Conviction of the licensee for a breach of any of the provisions of this Regulation or any Rules made thereunder, for theft, receiving stolen property, fraud, larceny, false pretences, harbouring criminals, indecent conduct, corruption of minors, allowing games of chance on the premises, sale of counterfeit goods and goods dangerous to public health.

(2) Members of the New Hebrides Constabulary or any District Agent may order the immediate closure of any licensed premises in the interest of peace and good order:

Provided that such closure shall not be maintained for a period exceeding three days without a confirming order to this effect issued by the Resident Commissioners jointly and provided further that the closure of licensed premises occupied by a French dependant and the order of closure may only be issued by an officer of the French Division or a French District Agent and in the case of premises occupied by a British dependant by an officer of the British Division or a British District Agent.

18. The Resident Commissioners may make Joint Rules prescribing standards for the construction of licensed premises, the quantity of stored liquor and requirements regarding sanitation and other matters for such premises.

Power to
Make Rules.

(1) Any person who contravenes the provisions of Regulations 2, 3, 4, 5, 6, 7, 8, 9 [9A], 10 (4), 11, and 12 of this Regulation or any Rules made thereunder shall be guilty of an offence and upon conviction thereof shall be liable to a fine not exceeding £Stg. 50 or 500 FNH, and for any subsequent offence committed within a period of five years of the previous offence to a fine, not exceeding £Stg. 100 or 2,500 FNH, or to a term of imprisonment not exceeding three months or to both such fine and imprisonment.

Penalties.
J.R. No. 3
of 1973.

(2) Any person who contravenes the provisions of Sections 13, 14 and 15 of this Regulation shall be guilty of an offence and upon conviction thereof shall be liable to a fine not exceeding £Stg. 25 or 5,375 FNH, and for any subsequent offence committed within a period of five years of the previous offence to a fine not exceeding £Stg. 50 or 10,750 FNH or to a term of imprisonment not exceeding one month or to both such fine and imprisonment[

J.R. No. 6 of 1971.

Provided that any offence committed by a New Hebridean (as defined in section 2 of the Joint Consumption and Supply of Liquor Regulation No. 10 of 1966) against the provisions of subsection (3) or subsection (4) of section 13 shall be triable before a Native Court.]

(3) The Court having jurisdiction may order the confiscation of any liquor in connection with which an offence has been committed against the provisions of Section 3 of this Regulation.

20. The Joint Liquor Licensing Regulation No. 13 of 1964 is hereby repealed.

Repeals.

21. This Regulation may be cited as the Joint Liquor Licensing Regulation No. 18 of 1968 and shall come into operation on the date of its publication in the Condominium Gazette.

Citation.

Dated at Vila this twenty-third day of December, 1968.

MOURADIAN

M. TOWNSEND

The Resident Commissioner for the French Republic.

Her Britannic Majesty's Acting Resident Commissioner.

SCHEDULE A

PERMIT TO IMPORT SPIRITUOUS LIQUOR

..... of

are hereby authorised to import the undermentioned quantities of spirituous liquor:

issued on the.....196..

French District Agent

British District Agent

(.....District.....)

(.....District.....)

SCHEDULE B

URBAN GENERAL OFF-LICENCE

M..... of

is hereby authorised to sell alcoholic liquor of all kinds within the town of for consumption off the premises at which his trade is carried on.

Valid from.....19.. until 31st December, 19..

Resident Commissioner for the French Republic.

Her Britannic Majesty's Resident Commissioner.

SCHEDULE C

RURAL GENERAL OFF-LICENCE

M..... of

is hereby authorised to sell alcoholic liquor of all kinds elsewhere than in the towns of Vila and Luganville for consumption off the premises at which his trade is carried on.

Valid from.....19.. until 31st December, 19..

The Resident Commissioner for the French Republic.

Her Britannic Majesty's Resident Commissioner.

SCHEDULE D

LIMITED OFF-LICENCE

M..... of

is hereby authorised to sell beer and wine in any part of the New Hebrides for consumption off the premises at which his trade is carried on.

Valid from.....19.. until 31st December, 19..

The Resident Commissioner for the French Republic.

Her Britannic Majesty's Resident Commissioner.

SCHEDULE E

GENERAL ON-LICENCE

M..... of

is hereby authorised to sell all kinds of alcoholic liquor for consumption on the premises at which his trade is carried on.

Valid from.....19.. until 31st December, 19..

The Resident Commissioner for the French Republic.

Her Britannic Majesty's Resident Commissioner.

SCHEDULE F

LIMITED ON-LICENCE

M..... of

is hereby authorised to sell beer and wine only for consumption on premises at which his trade is carried on.

Valid from.....19.. until 31st December, 19..

The Resident Commissioner for the French Republic.

Her Britannic Majesty's Resident Commissioner.

SCHEDULE G

COMBINED GENERAL ON- AND OFF-LICENCE

M..... of

is hereby authorised to sell all kinds of alcoholic liquor for consumption on and at the premises at which his trade is carried on.

Valid from.....19.. until 31st December, 19..

The Resident Commissioner for the French Republic.

Her Britannic Majesty's Resident Commissioner.

SCHEDULE H

COMBINED LIMITED ON- AND OFF-LICENCE

M..... of
is hereby authorised to sell beer and wine only for consumption both on and off
the premises at which his trade is carried on.
Valid from.....19.. until 31st December, 19..

The Resident Commissioner
for the French Republic.

Her Britannic Majesty's
Resident Commissioner.

SCHEDULE I

CINEMA/THEATRE LICENCE

M..... of
Manager of the..... Cinema/Theatre at.....
is hereby authorised to sell all kinds of alcoholic liquor for consumption on the
premises of the said.....Cinema/Theatre during the normal
opening hours of the Cinema/Theatre on the days of performance.
Valid from.....19.. until 31st December, 19..

The Resident Commissioner
for the French Republic.

Her Britannic Majesty's
Resident Commissioner.

SCHEDULE J

CLUB LICENCE

The.....(name and address of Club) is
hereby authorised to sell all kinds of alcoholic liquor on the premises of the
.....(name of Club) to members only.
Valid from.....19.. until 31st December, 19..

The Resident Commissioner
for the French Republic.

Her Britannic Majesty's
Resident Commissioner.

SCHEDULE K

OCCASIONAL LICENCE

M..... of

is hereby authorised to sell or supply

* (a) beer and wine,

* (b) all kinds of alcoholic liquor.

at an (state occasion)

to be held on 19... from..... (time

to..... (time).

Delete that which is inapplicable.

The Resident Commissioner
for the French Republic.

Her Britannic Majesty's
Resident Commissioner.

SCHEDULE L

NIGHT-CLUB LICENCE

M..... of

Manager/Proprietor of the.....

night-club at is hereby authorised

to sell all kinds of alcoholic liquor for consumption on the premises of the said

..... night-club during the normal opening

hours of the night-club.

valid from..... 19.. until 31st December, 19..

The Resident Commissioner
for the French Republic.

Her Britannic Majesty's
Resident Commissioner.

[SCHEDULE M

AERODROME LICENCE

M.....
of.....
is hereby authorised to sell alcoholic liquor to any person for consumption on
the premises.....situated at.....
Aerodrome in accordance with such conditions as to hours of sale and types of
liquor sold which shall from time to time be jointly prescribed by the District
Agents and conspicuously displayed at such premises.
Valid from.....19.. until 31st December, 19..

The Resident Commissioner
for the French Republic.

Her Britannic Majesty's
Resident Commissioner.]
