

CONDOMINIUM DES NOUVELLES-HEBRIDES

NEW HEBRIDES CONDOMINIUM

ARRETE CONJOINT 12 de 1940

JOINT REGULATION 12 of 1940

A JOINT REGULATION

No. 12 of
1940.

to provide measures to improve the general health of the native population and to prevent the recurrence of epidemic diseases.

Joint Regulation No. 12 of 1940 was published in Condominium Gazette No. 120. It is reprinted as amended by:

J.R. No. 6 of 1951 Condominium Gazette No. 176

J.R. No. 12 of 1953 Condominium Gazette No. 181

Issued by the Resident Commissioners under the provisions of Article 8, sub-Article 3, of the Anglo-French Protocol 1914.

1. In any case where a District Agent considers it desirable in the interests of health, he may issue an order directing the inhabitants of any native village or native dwelling to cease residing therein and to take up residence at a site which shall be specified in the order and within such reasonable time as shall be specified therein.

Power of District Agent to order removal of villages and dwellings.

[1A. No village occupied by natives shall in whole or in part be removed and no village intended to be occupied by natives shall be created without the prior authority of the two District Agents.

[Removal and creation of villages to be authorised.]
J.R. 6 of 1951.

1B. Any native or non-native who participates in, incites, aids or abets a breach of Article 1A of this Regulation shall on conviction be punishable as hereinafter provided.]

2. (a) In any case where a District Agent considers it desirable in the interests of health he may order the destruction of any native dwelling or building or issue an order requiring the owner or owners of any native dwelling or building to rebuild or repair the same in accordance with instructions which shall be contained in the order and within such reasonable time as is specified therein.

Power of District Agent to order rebuilding of dwellings.

(b) In the event of failure to comply with directions given pursuant to the preceding sub-Article, in addition to any other penalty which may be ordered by the Native Court to be destroyed.

3. (a) A District Agent may by order direct that any village, together with such area surrounding the same as he shall prescribe in such order, shall be kept free from bush, rubbish, tins, coconut husks and shells, refuse, banana trees and other shade giving plants, and pools of stagnant water.

Power of District Agent to order clearing of villages.

(b) In the event of failure to comply with directions given pursuant to the preceding sub-Article, in addition to any other penalty which may be ordered, any banana trees and shade giving plants found within the specified village or area may be ordered to be destroyed.

4. A District Agent may at any time issue an order requiring the construction and maintenance at any village of proper fences for the exclusion of pigs and cattle from the village, or from any native gardens or cultivation.

Power of District Agent to order clearing of villages.

(a) A District Agent may at any time issue an order requiring the construction, maintenance and renewal of latrines at any native village in such manner and places, and in such numbers, as shall be specified in the order.

Power of District Agent to order construction of latrines.

(b) After the completion of such latrines, it shall be unlawful for any native to defecate at any other place within 200 yards of the border of the village.

When a District Agent considers it desirable in the interests of health he may issue an order requiring the owner or owners of any native dwelling to provide suitable beds for all or any of the habitual inmates thereof.

Power of District Agent to order provision of beds.

7. (a) Any order issued pursuant to Articles 1, 2, 3, 4, 5 and 6 hereof shall specify the person, persons, or class of persons, to whom it is directed. The said order shall be communicated by the District Agent to the native or natives to whom it applies both orally and in writing in the presence of the Chief of the village concerned who shall be furnished with a copy of the Order and shall communicate the purport thereof to the said native or natives as and when required.

Procedure on execution of orders.

(b) Thereafter the native chief shall be responsible for the carrying out of the order by giving the necessary instructions to the native inhabitants concerned and the native inhabitants concerned shall be bound to carry out and comply with the order and the instructions so given.

(c) Default by the chief in giving the necessary instructions and default by the inhabitants concerned in complying therewith shall be an offence under this Regulation.

8. Each District Agent shall file for record duplicates of orders issued by him pursuant to this Regulation, and shall send copies thereof for record to the Resident Commissioners and to the other Agent for the District. If the other Agent is absent he shall himself file the copies intended for such Agent and shall deliver them to him on his return.

District Agent to file orders for record.

9. [—.]

J.R. 12 of 1953.

10. (a) Any native failing to comply with any order or instruction issued or given pursuant to this Regulation shall be guilty of a breach of this Regulation and shall be punishable by a Native Court by a fine not exceeding £10, or by imprisonment for a term not exceeding six months, or by both such fine and such imprisonment.

Penalties.

(b) Any fine imposed as aforesaid may be paid in cash or in

...and, and the value of goods tendered in payment of any such fine shall be assessed by a Native Court.

[10. (a) (i) Any native who shall be found guilty by a Native Court of a breach of Article 1A or of Article 9 (a) of this Regulation shall be punishable by the penalties provided in sub-Article (a) of this Article; and

(c) At the end of sub-Article (b) of Article 10 of the principal regulation the following sub-Article shall be inserted:

10. (c) Any non-native who participates in, incites, aids or abets a breach of Article 1A of this Regulation shall be punishable by a fine not exceeding 20 pounds.]

11. For the purposes of this Regulation either District Agent may hold a Native Court in situ at any time.

Either District Agent to hold Court at any time.

12. For the purposes of this Regulation the Resident Commissioners may by Joint Decision appoint any person as a person to whom a District Agent may delegate any of his powers in respect of orders under Articles 1, 2, 3, 4, 5 and 6 of this Regulation.

Power to delegate certain powers of District Agent.

13. This Regulation shall apply to the whole of the Central District No. 1 and to the Southern District provided that it may be extended by order of the Resident Commissioners to any other district, region or island.

Scope of Regulation.

14. In this Regulation, the expression "District Agent" (except in Articles 11 and 12 hereof) includes any person to whom the powers of a District Agent are delegated pursuant to Article 12 hereof.

Interpretation.

15. From the date of the coming into force of this Regulation the Tongoa Sanitation Joint Regulation No. 2 of 1939 is repealed, but any order made thereunder shall continue to have force as if it had been made under this Regulation.

Repeal of Joint Regulation No. 2 of 1939.

16. This Regulation may be cited as the New Hebrides (Native) Sanitation Joint Regulation 1940, and shall come into force on the day of the date hereof.

Short title and commencement.

Dated at Vila this Fifth day of June, 1940.

H. SAUTOT
The Resident Commissioner
for the French Republic.

R. D. BLANDY
His Britannic Majesty's
Resident Commissioner.