

CONDOMINIUM DES NOUVELLES-HEBRIDES  
NEW HEBRIDES CONDOMINIUM

ARRETE CONJOINT 10 de 1939  
JOINT REGULATION 10 of 1939

## JOINT REGULATION

No. 10 of  
1939.

To make provision for the control of radiocommunication in the New Hebrides.

Joint Regulation No. 10 of 1939 was published in Condominium Gazette No. 115 and is reprinted as amended by the following Joint Regulations:

9 of 1941 Condominium Gazette No. 124

8 of 1943 Condominium Gazette No. 142

5 of 1954 Condominium Gazette No. 183

15 of 1962 Condominium Gazette No. 216

WE, His Britannic Majesty's Resident Commissioner and the Resident Commissioner for the French Republic in the New Hebrides DO HEREBY MAKE the following Joint Regulation.

1. In this Regulation or Rules made thereunder unless the context otherwise requires the following Definitions shall be held to apply—

Definitions.

"Radiocommunication" means the electrical transmission of writing, signs, signals, facsimiles and sounds of all kinds by means of Hertzian waves;

"Radiotelegram" means a message from one person to another sent or received by radiocommunication by a person duly authorised in that behalf by the Resident Commissioners jointly;

"Transmission" where used in relation to messages includes the reception as well as the sending of the message;

"Public Service" means a service for the use of the public in general;

"Public Correspondence" means every radiocommunication which a station by virtue of its being available for public service must accept from the public for transmission;

"Restricted Service" means a service which may be used only by specified persons or for particular purposes;

"International Service" means a service not confined to the New Hebrides Group or its territorial waters;

"Amateur" means a person who desires bona fide to conduct scientific research in radiocommunication or a person engaged in the practice of radio with a personal aim and without pecuniary interest;

"Broadcast" means the radio-transmission of any message or signal for general reception by listeners;

"Listener" means a person who uses apparatus to receive broadcast messages or signals;

"International Convention" means any International Telecommunication Convention or Conventions to which the Condominium may be a party, and includes any Regulations made thereunder;

"Resident Commissioners" means His Britannic Majesty's Resident Commissioner and the Resident Commissioner for the French Republic acting jointly.

2. Radio transmission and reception in the New Hebrides shall be under the control of the Resident Commissioners, provided that nothing in this Regulation shall apply to radio when used by vessels belonging to His Britannic Majesty's Navy or the French Navy.

3. No person shall establish in the New Hebrides any apparatus for the purpose of radiocommunication without a licence from the Commissioners issued under such conditions upon the payment of such fees as may be prescribed; provided that this section shall not apply to radio apparatus in ships of the Merchant Service or aircraft licensed by another Administration. Applications for licences shall be made to the British Resident Commissioner in respect of British subjects and ressortissants and to the French Resident Commissioner in respect of French citizens and ressortissants.

Licence to establish radio-communications.

4. No radiocommunication except a message affecting navigation shall be transmitted to or received from any place outside the New Hebrides by any vessel or aircraft which has duly entered the New Hebrides but not cleared therefrom unless such message is passed through the Condominium Wireless Station at Vila or such other station in the Group as may be directed by the Resident Commissioners.

Restriction on radio-communication by ships and aircraft.

5. No radio apparatus installed on board a merchant ship shall be worked or used while the ship is in any of the Harbours of the New Hebrides except with the special or general permission of the Resident Commissioners.

Prohibition of use in harbours.

6. Upon application made in the form of schedule 2 (a) or 2 (b) hereto, whichever be appropriate, and under such conditions as they may deem fit to impose and upon payment of such fee as they may prescribe, the Resident Commissioners may grant licences in the form of Schedule 3 (a) or 3 (b) hereto, whichever be appropriate, to any person to establish a station for radiocommunication on land or on board a ship and to make in respect of transmissions or reception such charges as may from time to time be authorised by the Resident Commissioners. It shall be a condition of any licence issued under this Section that the licensee shall observe the stipulations of the International Telecommunications Union. These licences shall be issued by the Condominium Postmaster.

Licence to transmit and receive radio-telegrams.

J.R. 15 of 1962.

7. Under such conditions as they may deem fit to impose and receipt of an application in the form of Schedule 4 hereto the Resident Commissioners may issue to any person desiring to become an amateur who has passed the test prescribed in Schedule 8 and who has also been granted the Certificate of Proficiency set out in Schedule 9 a licence in the form of Schedule 5 hereto. This licence shall be issued by the [Controller of rates & taxes] and countersigned by the Resident Commissioners.
8. Every holder of an amateur's licence shall use only apparatus which conforms to the International Convention and is approved by the Resident Commissioners. Every holder of such licence shall moreover present for inspection by the Resident Commissioners a wave-meter apparatus of a satisfactory standard of precision which shall be kept in use at all amateur transmitting stations.
9. Every holder of an amateur's licence may apply for a certificate of competency in Schedule 7 hereto issued on the recommendation of a Commission composed of the Chief Operator and Assistant Operator of the Vila Condominium Wireless Station and a qualified operator of one of the mail or inter-island vessels of the same nationality as the applicant for the licence. The tests for the examination of the applicant shall be those set out in Schedule 6 hereto. At the discretion of the Resident Commissioners the above-mentioned certificate shall entitle the operator of an Amateur Transmitting Station to handle commercial traffic to and from the Wireless Station at Vila. This certificate shall be issued by the Chief Wireless Operator and countersigned by the Resident Commissioners.
10. Any person desiring to become a listener shall procure a licence in that behalf from the Resident Commissioners. Such licence shall be in the form of Schedule 1 hereto and shall be subject to such conditions as may be prescribed. This licence shall be issued by the Condominium Postmaster.
11. Subject to the provisions of Articles 3 and 4 hereof and such other conditions as they may consider necessary the Resident Commissioners may issue licences for radiocommunication under the conditions of Article 6 hereof to vessels and aircraft registered in the New Hebrides. The master of any vessel or aircraft so licensed shall be bound to accept transmit and receive radiotelegrams at the traffic rates fixed by the Resident Commissioners.
12. Upon application in the form of Schedule 10 hereto and under such conditions as they may deem fit to impose and upon the payment of such fee as they may prescribe the Resident Commissioners may grant a licence to broadcast in the form of Schedule 11 hereto. Such licence shall be valid for one year but may be extended at the discretion of the Resident Commissioners upon such terms and conditions as they may deem fit to impose; provided that the Resident Commissioners may at their discretion permit any person

Amateur's licence.

J.R. 8/43.

Duties of Amateur.

Local certificate of competency.

Listener's licence.

Licences for ships and aircraft.

Licence to broadcast.

J.R. 5 of 1954.

used under Articles 6 or 7 hereof to carry out experimental broadcasts (under such conditions as they may deem fit to impose) without taking out a broadcast licence. Such permission may be withdrawn at any time without notice.

13. The fees to be charged for licences shall be prescribed by the Joint Decision of the Resident Commissioners. Fees shall be collected by the Condominium Postmaster and no licence shall be issued until the requisite fee has been paid.

Licence fees.

J.R. 15 of 1962.

14. Notwithstanding anything in this Regulation respecting the issue of licences the Resident Commissioners may cancel or suspend any such licence at any time if circumstances seem to them to make such cancellation or suspension necessary.

Cancellation or suspension of licence.

15. No person shall be employed as an operator at a radio-transmitting station within the New Hebrides or on board any vessel or aircraft registered in the New Hebrides unless he is a British or French subject and holds a Certificate of Competency as required by the International Convention.

Nationality of operators and certificates.

16. The Resident Commissioners and any person duly authorised by them shall have the right at all reasonable hours to inspect the plant and apparatus used by any person licensed under this Regulation to transmit or receive radiocommunication. If it is found that the requirements or restrictions laid down by the Resident Commissioners in the relative licence or in any rules made under this Regulation are not being complied with, the Resident Commissioners may cancel such licence and may give such order respecting such plant or apparatus as they may think fit.

Inspection of plant and apparatus.

17. Every person who is required to possess a licence under this Regulation shall exhibit his licence on demand to any Police Officer, District Agent or other person duly authorised by the Resident Commissioners.

Inspection of licence.

18. (1) If there be grounds for suspecting that a radio station has been established without a licence or that any radio apparatus has been installed or worked in any place or on board any ship without a licence the Resident Commissioner having jurisdiction over the alleged offender may issue a search warrant to a Police Officer or any other person authorised to execute such warrant to search for and inspect the station place or ship and to seize any apparatus which appears to him to be used or intended to be used for radio-transmission or reception.

Search warrants and seizure.

(2) In any case where a seizure is made pursuant to the preceding sub-article, proceedings for the prosecution of the offender shall be instituted within one month of the seizure; and on such proceedings a Court may, in the event of a conviction, in addition to any other penalty which it may impose, order the confiscation of the

Apparatus seized, and in the event of an acquittal, it shall order the return of such apparatus.

19. No liability shall attach to the Resident Commissioners jointly or severally in respect of—

Freedom of Resident Commissioners from liability.

- (a) Actions, claims or demands which may be made by any person in consequence of any damage arising from anything done by the holder of any licence granted under this Regulation or by his Agents;
- (b) Anything lawfully done by the Resident Commissioners or any person duly authorised by them in carrying out the provisions of this Regulation;
- (c) Any error in or omission from any radiotelegram or delay in transmission or delivery, or for non-delivery or for omitting to send or receive any radiotelegram from whatever cause the error, omission, delay, or non-delivery shall arise.

20. Radio apparatus installed in any merchant ship in the territorial waters of the New Hebrides whether British, French, or of other nationality, shall be worked in such a way as not to interfere with the working of any radio station lawfully installed and worked in the New Hebrides.

Radio in ships not to interfere with land stations.

21. All apparatus for radiocommunication on board a merchant ship in the territorial waters of the New Hebrides shall be worked in such a manner as not to interfere with naval signalling.

Naval signalling not to be interfered with.

22. It shall be a condition of any licence issued under Articles 6, 7 and 12 of this Regulation that the Licensee shall receive and transmit all meteorological messages free of charge.

Meteorological messages to be transmitted free.

23. (1) The Resident Commissioners may at any time when it seems to them expedient in the public interest to so do jointly issue an order prohibiting (whether absolutely, or from time, to time, or in certain circumstances), or regulating the use of all or any apparatus for radiocommunication in respect of which a licence has been issued hereunder or which is situated on board any aircraft or vessel which has duly entered the New Hebrides but has not cleared therefrom, or directing the possession or control of any such apparatus to be given to the Resident Commissioners or to any person named by them in such order and if any person to whom any such order is directed fails to comply therewith, or uses any apparatus in contravention thereof, then (without prejudice to any proceedings which may be taken against any other person) the occupier of the premises on which the apparatus is situated, or, where the apparatus is on board any aircraft or vessel, the pilot of the aircraft or the master of the vessel as the case may be, shall each be guilty of an offence against this Regulation:

Emergency powers of Resident Commissioners.

Provided that in any proceedings which by virtue of this Article

taken against any person in respect of the use of any apparatus by some other person in contravention of such an order, it shall be a defence for the defendant to prove that the apparatus was so used without his permission and that he exercised all due diligence to prevent any non-compliance with, or contravention of, the order.

(2) The minimum fine which shall be imposed in case of a breach of this article shall be ten pounds.

24. Without prejudice to the effect of any other article of this Regulation, every person shall be guilty of an offence who—

Offences.

- (a) Erects, constructs, establishes, maintains or uses any apparatus capable of radiocommunication without a licence as required by this Regulation;
- (b) Not being a holder of a licence as required by this Regulation is in possession of any apparatus capable of receiving radio signals;
- (c) Transmits or receives any radiotelegram from one person to another unless authorised to do so by licence as provided under Article 3 hereof;
- (d) Being a holder of a licence fails to exhibit such licence to a person duly authorised by the Resident Commissioners;
- (e) Refuses to carry out any orders issued by the Resident Commissioners under Article 16 hereof;
- (f) Transmits any false or fraudulent distress or other signal message call or radiotelegram of any kind or who without lawful excuse interferes with or obstructs any radiocommunication;
- (g) Not being the sender or addressee divulges the contents or the fact of the existence of a radiotelegram otherwise than as he may be required by competent authority or make any use whatsoever of the information contained in any radiotelegram, without prejudice to legal proceedings instituted by the addressee or his representative.

25. Any person convicted of any offence against any article of this Regulation or Rules made thereunder shall be liable to a fine not exceeding £20 or imprisonment not exceeding one month or both.

Penalties.

26. Offences under this Regulation shall be justiciable by the Courts of First Instance or by the Joint Court where the said Courts have not been proclaimed.

Legal proceedings.

27. The Resident Commissioners may from time to time make and vary, add to and revoke when made such Rules as they may deem desirable for the exercise of the control vested in them under Article 2 of this Regulation.

Resident Commissioners may make Rules &c.

28. Joint Regulation No. 1 of 1909 is hereby repealed. Repeal.

29. This Regulation shall come into force on the day of the Date of Coming into Force and Short Title.  
hereof and may be cited as The New Hebrides Radiocommunications Joint Regulation No. 10 of 1939.  
Dated at Vila this sixteenth day of October 1939.

L. SAUTOT  
The Resident Commissioner  
for the French Republic.

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

Schedule 1

(Listener)

NEW HEBRIDES CONDOMINIUM

Broadcasting Receiving Licence No.

Fee..... (Issued under Article 10 of Joint Regulation No. 10 of 1939.)

Name..... (Name in full)

Address..... (Address in full)

is hereby authorised (subject to the conditions set forth on the back hereof) to establish and operate a radio receiving station on the premises occupied by him.

This Licence expires on the.....19.....

It must be produced on demand and is not transferable.

The payment of the fee of.....is hereby acknowledged.

Condominium Postmaster

Vila, New Hebrides,  
Date.....19

Schedule 1

Listener

(Back of Licence)

1. The Licensee shall not allow the station to be used for any purpose other than that of receiving broadcast programmes and messages from duly authorised broadcasting stations sent for general reception and messages sent from an experimental station in connexion with experiments carried out by the Licensee hereof.
2. The station shall not be used in such a manner as to cause interference with the working of other stations.
3. If a message, other than a broadcast message, is unintentionally received the Licensee shall not make it known in any manner whatsoever.
4. The station and the Licensee shall be open for inspection at all reasonable times by duly authorised Officers.



SCHEDULE 2 (a)

Inter-Island Service. J.R. 15 of 1962.

NEW HEBRIDES CONDOMINIUM

Joint Regulation No. 10 of 1939 as amended by Joint Regulation No. 9 of 1941, No. 5 of 1954 and No. 15 of 1962.)

Application for Authority to Establish and Use a Station for Radiocommunication within the New Hebrides.

Name in full.....
Address of owner or agent responsible for payment of accounts.....
Location of station (Latitude and Longitude Co-ordinates and name).....

Type of Licence required:

(i) Commercial—£Stg. 120 or its equivalent in New Hebridean francs at the current rate of exchange per annum for the first two stations. (£Stg. 30 or its equivalent in New Hebridean francs at the current rate of exchange per annum for each additional station.

(ii) Non-commercial—£Stg. 10 or its equivalent in New Hebridean francs at the current rate of exchange per annum.

Date from which licence is required to commence.....

Note: Expiry of licence will be 12 months from the date of issue and the licence fee for renewal must be paid at least one month before the expiry date.

(b) Frequencies of use

Table with 3 columns: (i) Compulsory, (ii) Voluntary, (iii) Commercial. Values include 3522 kcs, 6900 kcs, 4552.5 kcs, 5471.5 kcs, 5390 kcs, 5800 kcs.

(c) System of transmission telephony

(d) Power of transmission..... (to be inserted by applicant—normal 25 watts, but an increase to not exceeding 50 watts will be granted if required for satisfactory communication).

I, the undersigned, declare that the particulars given above are true to the best of my knowledge and belief. I understand that I am required to conform to the provisions of the International Telecommunications Union and to the provisions of Joint Regulation No. 10 of 1939, to any amendments made thereunder and to the special provisions given on the licence. I agree to install suitable equipment and to maintain regular communication with the Condominium Radio Station at Vila.

Place..... Date.....
Signature of Applicant.....

SCHEDULE 2 (b)

Marine Service. J.R. 15 of 1962.

NEW HEBRIDES CONDOMINIUM

Joint Regulation No. 10 of 1939 as amended by Joint Regulation No. 9 of 1941, No. 5 of 1954 and No. 15 of 1962.)

Application for Authority to Establish and Use a Station for Radiocommunication on board a ship.

Name of ship.....

Official Number and Port of Registry (if applicable).....

Name of owner in full.....

Address of owner or agent responsible for payment of accounts.....

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Type of licence required:

- (i) Commercial—£Stg. 30 or its equivalent in New Hebridean francs at the current rate of exchange per annum.
- (ii) Non-Commercial—£Stg. 2 or its equivalent in New Hebridean francs at the current rate of exchange per annum.

Date from which licence is required to commence .....

Note: Expiry of licence will be 12 months from the date of issue and the licence fee for renewal must be paid at least one month before the expiry date.

Frequencies of use

- (i) Compulsory .....2182 kcs, 4098 kcs, 6204 kcs.
- (ii) Voluntary .....4552.5 kcs, 8230 kcs.
- (iii) Commercial .....5390 kcs, 5800 kcs.

System of transmission ..... telephony

Power of transmission.....(to be inserted by applicant—normal 50 watts, but an increase to not exceeding 100 watts will be granted if required for satisfactory communication).

I, the undersigned, declare that the particulars given above are true to the best of my knowledge and belief. I understand that I am required to conform to the provisions of the International Telecommunications Union and to the provisions of Joint Regulation No. 10 of 1939, to any amendments made thereunder and to the special provisions given on the licence. I agree to install suitable equipment and to maintain daily communication with the Condominium Radio Stations at Vila or Santo when at sea.

Place ..... Date .....  
Signature of Application .....

SCHEDULE 3 (a) Licence No. .... R. 15 of 1962.  
NEW HEBRIDES CONDOMINIUM

Licence to establish and use a station for Radiocommunication within the New Hebrides.

Issued under Article 6 of Joint Regulation No. 10 of 1939 as amended by Joint Regulation No. 9 of 1941, No. 5 of 1954 and No. 15 of 1962 and under regulations of the International Telecommunications Union.)

FIXED STATION LICENCE

In pursuance of the authority vested in the Resident Commissioners under Joint Regulation No. 10 of 1939 as amended by Joint Regulation No. 9 of 1941, No. 5 of 1954 and No. 15 of 1962, a licence is granted to

.....  
to erect and use a station for radiocommunication at.....  
and to operate the said station in accordance with the particulars in the schedule hereto until.....19..... The installation and operation of the said station shall be carried out in accordance with the said regulations as amended from time to time during the currency of this licence and shall be subject to such further restrictions and conditions as are from time to time notified by the Resident Commissioners or by any officer thereto authorised in writing by the Resident Commissioners.

By direction of the Resident Commissioners.

.....  
Condominium Radio Engineer ..... Condominium Postmaster  
Date .....

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Special conditions

- (a) Regular communication must be established with the Condominium Radio Station at Vila.
- (b) The use of any radio frequencies other than those indicated on this licence is forbidden.
- (c) Direct communication with stations outside the New Hebrides is forbidden.
- (d) Details of commercial network.....

Annual licence fee .....

Date of Expiry .....

Schedule 3(b)

J.R. 15 of 1962.

NEW HEBRIDES CONDOMINIUM

licence to establish and use a station for Radiocommunication on board a ship.

issued under Article 6 of Joint Regulation No. 10 of 1939 as amended by Joint Regulation No. 9 of 1941, No. 5 of 1954 and No. 15 of 1962 and under regulations of the International Telecommunications Union.)

SHIP STATION LICENCE

In pursuance of the authority vested in the Resident Commissioners under Joint Regulation No. 10 of 1939 as amended by Joint Regulation No. 9 of 1941, No. 5 of 1954 and No. 15 of 1962, a licence is granted to.....

to erect a Mobile (Ship) Station on the..... and to operate the said station in accordance with the particulars in the schedule hereto until..... 19..... The installation and operation of the said station shall be carried out in accordance with the said regulations as amended from time to time during the currency of this licence and shall be subject to such further restrictions and conditions as are from time to time notified by the Resident Commissioners or by any officer thereto authorised in writing by the Resident Commissioners.

By direction of the Resident Commissioners.

.....  
Condominium Radio Engineer

.....  
Condominium Postmaster

.....  
Date.....

MARINE SERVICE

SPECIAL PROVISIONS

- (a) The use of 6900 kcs instead of 6204 kcs will be required for a limited period.
- (b) The use of 5800 kcs (or any other such frequency as shall be determined by the Resident Commissioners as "Commercial Network Frequency") shall require the payment of a Licence Fee of £Stg 30 or its equivalent in New Hebridean francs at the current rate of exchange per annum. Ships operating within a commercial network are still required to carry the compulsory transmitting frequencies of 62 kcs, 4098 kcs, and 6204 kcs.
- (c) Although for convenience the £Stg. 30 licence fee or its equivalent in New Hebridean francs at the current rate of exchange may be paid by an agent the responsibility for the payment rests with the ship's owner.

OPERATION OF STATION WHEN AT SEA

Contact must be made with Vila Radio at least once per day during the scheduled operational time of Vila Radio.

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Contact must be established as soon as possible after leaving a port, and later than the next scheduled operating time of Vila Radio.

Communication with another New Hebrides ship and with a land station of the New Hebrides Teleradio Network is only permitted on a frequency of 32.5 kcs unless special permission is obtained from the Station Superintendent Vila or Santo Radio.

TRAFFIC

Reports of ship position, estimated time of arrival at a port, and medical reports are received free of charge, but are not normally communicated elsewhere except in the case of emergency.

Normal traffic, including messages addressed to an agent giving estimated time of arrival, will be subject to a coast-station charge of 9.5 gold centimes per word (= 4d. Australian approx.) or such rate as may be fixed by the Administration.

No credit will be given for traffic received and there will be no internal or coast-station charge added to messages addressed to overseas destinations.

All communications and equipment must conform to the regulations laid down by the International Telecommunications Union. The station will be subject to inspection by the Condominium Radio Engineer or his representative.

The licence shall be issued by the Condominium Postmaster, countersigned by the Condominium Radio Engineer and subject to the joint approval of the British and French Resident Commissioners acting jointly.

SCHEDULE 3 (b)

J.R. 15 of 1962.

Name of Ship..... Call sign.....

Name and address of Agent or Owner.....

Frequencies (Transmit) Compulsory—2182 kcs, 4098 kcs, 6204 kcs. Voluntary— 4552.5 kcs, 8230 kcs. (add commercial frequencies if so licensed)

Type of emission..... Telephony

Aerial Power..... watts

Special conditions

- (a) Regular daily communication must be established with a Condominium Radio Station when at sea. (b) the use of Radio frequencies other than those indicated on this licence is forbidden. (c) Details of commercial network.....

Annual licence fee.....

Date of Expiry.....

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