

NEW HEBRIDES CONDOMINIUM

JOINT REGULATION

No. 42 of 1976

TO ESTABLISH a Council of Customary Chiefs.

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

PART I - ESTABLISHMENT OF A COUNCIL OF CUSTOMARY CHIEFS

Establishment
of Council

1. A Council of Chiefs is hereby established for the New Hebrides, which shall be known by a name to be chosen by the Council.

Election of
members of
Council

2. Twenty members of the Council shall be elected in accordance with the procedure prescribed by the Council of Chiefs (Elections) Regulation No. 33 of 1976.

Term of
office

3. The Council of Chiefs shall be elected for three years.

By-elections

4. If any vacancy shall occur as a result of death, resignation or any other cause a by-election shall be held not later than three months from the date upon which the vacancy occurred. If any member of the Council is appointed to any of the offices set out in Article 7 of the Schedule to the Exchange of Notes between the British and French Governments dated the 29th August, 1975, his seat shall be declared vacant :

Provided that no by-election shall be held within the period of six months immediately preceding a general election of the Council.

PART II - OPERATION OF COUNCIL OF CHIEFS

Meetings
of Council

5. The Council shall meet at least twice a year. In addition, it shall meet at any time at the request of a majority of its members or the Representative Assembly.

Place of
meetings

6. The Council shall meet at Vila. It may nevertheless meet at any other place in the Group if so requested by a majority of its members.

Procedure

7. The Council shall draw up its own rules of procedure and shall elect a Chairman from among its members. The Resident Commissioners may appoint public officers to be responsible for the secretarial functions of the Council.

PART III - FUNCTIONS OF THE COUNCIL OF CHIEFS

Advisory
functions of
Council

8. The Council shall give advice upon being consulted by the Representative Assembly or any committee thereof. It shall be validly constituted for this purpose when fifteen of its members are present and on the condition that every administrative district is represented. No such opinion shall be expressed unless it has been adopted by a majority of the members of the Council present.

Mandatory
consultation

9. (1) The Council shall be consulted by the Representative Assembly upon any question relating to the following matters -
- (i) the codification of custom;
 - (ii) the judicial system and legislation specifically affecting New Hebrideans;
 - (iii) legislation concerning fishing and hunting;
 - (iv) the organisation of the registration of births, marriages and deaths;
 - (v) the determination of qualifications of Chiefs for election to the Assembly;
 - (vi) land matters;
 - (vii) any matter affecting the constitutional status of the New Hebrides :

Provided that the Resident Commissioners shall be empowered to consult the Council upon any such matter if the Representative Assembly shall fail to do so.

(2) The Council shall be consulted by the Electoral Disputes Committee established under the provisions of subsection (1) of section 94 of the Representative Assembly (Elections) Regulation No. 30 of 1975 concerning electoral disputes relating to the eligibility of any person for election as a representative of the customary chiefs to the Representative Assembly.

(3) The Council may also be consulted upon any other question which the Representative Assembly may decide to refer to it.

Chiefs who
are members
of Assembly
to be members
of Council

10. The four representatives of the customary chiefs elected to the Representative Assembly shall be ex officio member of the Council.

Notification
of opinions
of Council

11. The Chairman of the Council shall notify to the Co-Presidents of the Representative Assembly the opinions expressed by the Council.

Interpretation

12. If a President of the Representative Assembly shall be appointed in place of the Co-Presidents, references in this Regulation to the Co-Presidents shall be construed accordingly.

Citation
and
commencement

13. This Regulation may be cited as the Council of Chiefs Regulation No. 42 of 1976 and shall come into operation on the date of its publication in the Condominium Gazette.

MADE at Vila this twenty-eighth day of December, 1976.

The Resident Commissioner
for the French Republic

Her Britannic Majesty's
Resident Commissioner

R. GAUGER

J.S. CHAMPION