

NEW HEBRIDES CONDOMINIUM

JOINT REGULATION

No. 31 of 1975

TO REGULATE the carrying out of works on the foreshore.

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

1. For the purpose of this Regulation -

Interpretation "development" means the carrying out of any building, engineering, mining or other operations in, on, over or under the land, or the making of any material change in the use of buildings or other land whether or not such land is covered by water;

"foreshore" means the land below mean high water mark and the bed of the sea within the territorial waters of the New Hebrides (including the ports and harbours thereof) and includes land below mean high water mark in any lagoon having direct access to the open sea.

Consent of Resident Commissioners required for foreshore development

2. No person shall undertake or cause or permit to be undertaken any development on the foreshore of the coast of any island in the New Hebrides without having first obtained the written consent of the Resident Commissioners to such development.

Application for consent

3. (1) An application for the consent of the Resident Commissioners to the undertaking of such development shall be in the form set out in the Schedule and the applicant shall supply all particulars required to be given in such form.

(2) The applicant shall deliver a copy of his application to the District Agents for the district in which the development is to take place who shall arrange for the same to be publicly displayed for a period of not less than 14 days following the day that the application is received.

(3) The applicant shall also advertise sufficient particulars of the proposed development in a special edition of the Condominium Gazette notifying that the application is displayed at the offices of the District Agents for the said district.

Decision of
Resident
Commissioners

4. The Resident Commissioners may, after considering the application and any representations which may have been made to them as a result of the advertisement of the application, grant, refuse, or grant subject to such conditions as they may consider desirable, such application and shall not be required to give any reasons for their decisions, which shall be final.

Lapse of
consent

5. Any consent granted by the Resident Commissioners under the provisions of section 4 shall lapse and be of no effect if the development has not been commenced within one year of the date of consent or completed within two years of that date or such extended period as the Resident Commissioners may specify.

Offences

6. Any person who shall undertake or cause or permit to be undertaken development for which the consent of the Resident Commissioners is required by the provisions of this Regulation in any case where such consent has not been obtained, or has lapsed, or has imposed conditions which have not been complied with shall commit an offence punishable, subject to the provisions of Article 7 of the Anglo-French Protocol of 1914, by a fine of £500 or its equivalent in New Hebrides Francs at the rate of exchange applied by the Joint Administration at the time of the offence.

Provided that the foregoing proviso shall not be construed to prevent the institution of further proceedings against an offender in the event of his continued failure to comply with the provisions of this Regulation.

Citation and
commencement

7. This Regulation may be cited as the Joint Foreshore Development Regulation No. 31 of 1975 and shall come into operation on the date of its publication in the Condominium Gazette.

MADE at Vila this sixteenth day of September, 1975.

The Resident Commissioner
for the French Republic

R. GAUGER

Her Britannic Majesty's
Resident Commissioner

R.W.H. DU BOULAY

S C H E D U L E

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1. Name and address of applicant.
2. Title No. of parcel or parcels of land on the foreshore upon which the Applicant intends to undertake development.
3. Name of owner/s of parcel/s referred to in 2.
4. Total area of land which will be developed (attach plan indicating all buildings, constructions, etc.).
5. Briefly describe the nature of the development to be carried out.

NOTE.

All applications must be accompanied by plans -

- (a) clearly showing the exact location of the development; and
- (b) in the case of reclamation, showing where appropriate the estimated depth of fill required.

DATE

SIGNATURE OF APPLICANT