

NEW HEBRIDES CONDOMINIUMJOINT REGULATIONNo. 34 of 1974

To provide powers to lay and maintain water mains.

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

## Interpretation

1. For the purpose of this Regulation "water main" shall mean any pipe or pipes of whatever material used for the purpose of the distribution of public water supplies and includes any valves and valve chambers, meters, fire hydrants, access shafts and chambers and such other fittings as may be necessary for the proper functioning of the system of public water supply and any pipe or pipes of whatever material together with all necessary fittings and installations used for storm water drainage or sewerage.

## Power to lay and maintain water mains

2. The Resident Commissioners may from time to time by Joint Decision authorise the Superintendent of Public Works to lay and maintain water mains under, along and across any land and to do all such works and things as may be necessary for such purpose :

Provided that

- (a) The Resident Commissioners shall not exercise the powers conferred by this section except for the purposes of the water supply undertaking maintained and sewerage and drainage works undertaken by the Joint Administration;
- (b) the Resident Commissioners shall only acquire any right of user in the land, under, along, across in or upon which they place any water main for the purposes of establishing and maintaining such water main;
- (c) in the exercise of the powers conferred by this section the Resident Commissioners shall require the Superintendent of Public Works to do as little damage as possible and, when they have exercised those powers in respect of any land, shall in accordance with the provisions of section 4 pay compensation to all persons interested for any damage sustained by them by reasons of the exercise of those powers;

- (d) before the exercise of any of the powers herein conferred notice of the Resident Commissioners' intention shall be served on the owner or owners or other interested party, if any :

Provided that the Superintendent of Public Works may in the case of a burst or other defect in a water main requiring immediate repair, enter any property without express authorisation and without giving notice.

Power to enter upon land

3. (1) In the exercise of the powers conferred by this Regulation, it shall be lawful for the Superintendent of Public Works when so authorised for the purpose of the Resident Commissioners, by himself, his agents, workmen and labourers, to do all or any of the following -

- (a) enter, survey, and taken levels of, any private or other land or any part thereof;
- (b) dig out and remove any earth, rocks, mould sand and gravel and any other thing which may form an obstacle to the laying or maintenance of water mains and to carry out any work having a direct relation thereto;
- (c) remove any tree standing within a distance of four metres from a water main;
- (d) open or break up any road;
- (e) place lay and maintain such water mains or pipes as may be necessary to provide and maintain public water supplies or secure adequate disposal of storm water and sewerage in the most economical and efficient manner :

Provided that before the exercise of any of the powers herein conferred notice of the Superintendent of Public Works' intention shall be served on the owner or owners or other interested party, if any, at least seven working days before the exercise of such power.

(2) In the exercise of the powers given to him by this section, the right granted to the Superintendent of Public Works shall be limited to the execution of such works in or over the soil of any land through or under which he causes to be placed any of the works.

(3) If such works so carried through or under any such land cause or be likely to cause any loss or damage of a certain and material nature to the owner of such land the Superintendent of Public Works shall remove or alter such work and if he fails to do so the owner shall be entitled to reasonable compensation as provided in the next following section.

Compensation

4. Every person who sustains any damage or loss of a certain and material nature by reason of the exercise of the powers conferred by sections 2 or 3 may make application for compensation in writing in that behalf to the Resident Commissioners at any time before the expiration of one year after the act, matter, or thing in respect of which such damage or loss is alleged to have been sustained and if he fails to make application within such period his claim to compensation shall be barred.

(2) The amount of compensation if any, payable under the provisions of this Regulation, shall, in default of agreement, be determined by a Compensation Commission, which shall comprise -

Chairman : The Registrar of Land Titles or his duly authorised representative.

Members : The Condominium Treasurer or his duly authorised representative.  
The Condominium Establishment Officer or his duly authorised representative.  
Two persons resident in the area in question and appointed by the Resident Commissioners.

(3) The Compensation Commissioner shall hear the claimant and the Resident Commissioners (who may appear in person or by an agent) or if either shall so desire, consider written submissions in lieu thereof and shall give its decision and the reasons therefor in writing to the claimant.

(4) If the claimant is not satisfied by the decision of the Commission he may appeal to the appropriate Court which shall be determined in accordance with the provisions of the Anglo-French Protocol of 1914 in order that the Court may determine the amount of compensation to be awarded.

Damage to works

5. Any person who wilfully or negligently injures or damages or causes to be injured or damaged any works, apparatus, appliances matters or things of whatever description installed or constructed by the Superintendent of Public Works under the authority of the provisions of this Regulation, shall commit an offence punishable upon conviction by a fine not exceeding twenty thousand New Hebrides Francs (20,000 FNH) or its equivalent in Australian dollars at the current rate of exchange and in addition shall be liable in proceedings before the appropriate Court for the cost of repairing such injury or damage.

Assault, obstruction etc. of

6. Any person who shall assault, molest, hinder or obstruct any authorised officer, servant or agent in the exercise of any of the powers conferred or in the

authorised  
officer

execution of any works authorised by this Regulation shall commit an offence punishable upon conviction by a fine not exceeding twenty thousand New Hebrides Francs (20,000 FNH) or its equivalent in Australian dollars at the current rate of exchange or imprisonment for a term not exceeding three months or by both such fine and imprisonment.

7.

This Regulation may be cited as the Joint Water Supply Apparatus Regulation No. 34 of 1974 and shall come into operation on the date of its publication in the Condominium Gazette.

MADE at VILA this twenty-ninth day of November 1974

The Resident Commissioner  
for the French Republic

M. LANGLOIS

Her Britannic Majesty's  
Assistant Resident Commissioner  
(in the absence of Her  
Britannic Majesty's Resident  
Commissioner, pursuant to  
the provisions of s.6 (2)  
(b) of the New Hebrides  
Order in Council 1922).

MR. TOWNSEND