

CONDOMINIUM DES NOUVELLES-HEBRIDES
NEW HEBRIDES CONDOMINIUM

ARRETE CONJOINT 37 de 1973
JOINT REGULATION 37 of 1973

JOINT REGULATION

No. 37
of 1973.

To prohibit the production, importation and dissemination of articles contrary to public decency.

[Published: Condominium Gazette No. 329.]

MADE by the Resident Commissioners under the provisions of Article 2 (2) and 7 of the Anglo-French Protocol of 1914.

1. Any person who—

- (a) manufactures or keeps in his possession with a view to sale, distribution, hiring, affixing or displaying;
- (b) knowingly imports or causes to be imported, exports or causes to be exported, transports or causes to be transported, carries or causes to be carried for a like purpose;
- (c) displays, exposes or subjects to public view; or
- (d) either himself or by his agent sells or leases, even though not publicly; or
- (e) in any manner, directly or indirectly, offers even though gratuitously or privately; or
- (f) distributes or delivers for distribution in any manner,

Prohibition of manufacture, possession, importation, etc. of obscene material.

any obscene printed matter, writing, drawing, sign engraving, painting, photograph (including the negative thereof), phonograph record, tape or cassette, emblem or any other object or representation, shall commit an offence punishable upon conviction by a fine not exceeding 50,000 FNH or the equivalent thereof in Australian dollars at the official rate of exchange or imprisonment for a period not exceeding one year or to both such fine and imprisonment.

2. Any person who is convicted of an offence against section 1 involving the supply or display of obscene material to a person under 18 years of age, shall be liable to penalties double those prescribed in section 1.

Penalties double for offences involving persons under 18.

3. Any person who—

- (a) in public sings, shouts or makes speeches in obscene language; or
- (b) publicly draws attention to any event to be held for an immoral purpose or publishes any advertisement or letter for such purpose however it is worded,

Prohibition of obscene language, advertisements etc. in public.

shall commit an offence punishable on conviction in the same manner as an offence against section 1.

4. Any person convicted of any offence under the provisions of section 1 or section 3 who, within the five years following such conviction, commits any further offence against this Regulation shall be liable to penalties double those prescribed in section 1.

Penalties doubled for repeated offences.

5. Upon the conviction of any person of an offence against section 1, any writing, drawing, sign, engraving, printing, photograph, phonograph record, tape or cassette, emblem or other object or representation the subject of the charge shall be ordered by the Court to be forfeited and destroyed.

Forfeiture and destruction of obscene materials.

6. (1) The Co-Presidents of the Court of First Instance may issue to any police officer a warrant to enter and search any premises, vessel or vehicle in which he has reason to believe that material of the nature specified in section 1 is being held for any of the purposes set out in paragraphs (a) to (f) of that section and any person who wilfully prevents or obstructs the entry of any such officer into such premises, vessel or vehicle or the searching thereof shall be guilty of an offence and shall be liable on conviction to a fine not exceeding 25,000 FNH or the equivalent thereof in Australian dollars at the official rate of exchange.

Search warrants.

(2) Acting in pursuance of such warrant a police officer may seize any writing, print, drawing or engraving which by reason of its obscene character, is likely to endanger public morals and posters of the like nature may be seized, torn down, defaced or covered.

7. Where the Commandant of Police of either division of the New Hebrides Constabulary or the Condominium Postmaster has reason to suspect that any obscene material of the nature specified in section 1 is being transmitted through the postal system of the Condominium he may upon the issue to him of a warrant so to do by the Co-Presidents of the Court of First Instance, open such items of mail as may be specified in the said warrant and may seize any material which is of an obscene nature. If the owner of such material cannot be ascertained or if he does not consent to the destruction of such material, either Commandant of Police or the Condominium Postmaster may apply to the Court of First Instance for an order that the said material be destroyed.

Warrants to open mail.

8. This Regulation may be cited as the Joint Obscenity Regulation No. 37 of 1973 and shall come into operation on the date of its publication in the Condominium Gazette.

Citation and commencement.

Made at Vila this twenty-eighth day of August, 1973.

LANGLOIS

M. TOWNSEND

The Resident Commissioner
for the French Republic.

Her Britannic Majesty's Acting
Resident Commissioner.