

CONDOMINIUM DES NOUVELLES-HEBRIDES
NEW HEBRIDES CONDOMINIUM

ARRETE CONJOINT 11 de 1965
JOINT REGULATION 11 of 1965

JOINT REGULATION

No. 11 of
1965.

To provide for the preservation of sites and objects of historical ethnological or artistic interest.

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

PART I

CLASSIFICATION

1. (1) The Resident Commissioners acting jointly may, after consultation with the Board of Management of the Vila Cultural Centre, classify any site of historical, ethnological or artistic interest which is in the possession of any person or body corporate domiciled in the Condominium.

(2) Any artifact of local manufacture which is fixed to the soil on a classified site shall be considered to be immovable and shall in consequence be classified by virtue of classification of such site.

2. (1) The Resident Commissioners shall inform in writing the owner of any site which it is proposed to classify. The said owner shall submit to them any representations that he may wish to make within a period not exceeding three months.

(2) Failure to reply within the said period shall be taken as indicating the consent of the owner to the proposed conditions of classification.

3. Every person or body corporate in possession of a classified site shall be bound to prevent such site being modified or undergoing deterioration and shall inform the Resident Commissioners of any change that is likely to take place in the condition or the ownership of such site:

Provided that such change shall in no circumstances invalidate the classification of such sites.

4. The Resident Commissioners acting jointly may if requested by any person or body corporate owning or in possession of a classified site award a subvention of such amount as they consider necessary to assist such person or body corporate to comply with the provisions of Section 3 of this Regulation.

PART II

SALE OF SITES OR OBJECTS

5. (1) The Resident Commissioners shall have a right of pre-emption on every sale of any site or object manufactured by the indigenous people of the New Hebrides which is of historical, ethnological or artistic interest and which possesses a special value either as a result of any ceremonial use that has been made of it or the fact that it is more than 10 years old.

(2) Any intended sale of such site or artifact shall be notified to the Resident Commissioners by the parties thereto or by one of them.

(3) The intention to exercise the right of pre-emption shall be expressed by the Resident Commissioners, after consultation with the Board of Management of the Vila Cultural Centre, within a period not exceeding fourteen clear days from the date upon which notification is received.

(4) If no such intention has been clearly expressed within the said period the Resident Commissioners shall be deemed not to exercise their right of pre-emption.

PART III

EXPORTATION OF OBJECTS

6. No object complying with the definition contained in Section 5 of this Regulation shall be exported from the Group:

Provided that the Resident Commissioners may jointly authorise the export of such objects, after consulting the Board of Management of the Vila Cultural Centre, in either of the following circumstances—

- (i) If they are destined for a body of genuine cultural nature; or
- (ii) If the exporter is able to certify in writing that the object is his personal property and will not be sold.

7. (1) The Resident Commissioners may retain for the benefit of the Vila Cultural Centre any article manufactured by the indigenous people of the New Hebrides of historical, ethnological or artistic interest, permission to export which has been applied for.

(2) If this right is exercised the exporter shall be paid fair compensation which shall either be fixed by agreement or failing this after evaluation has been made by one or more experts appointed by the Resident Commissioners for such purpose.

PART IV

PENALTIES

8. (1) Any person who commits an offence against the provisions of Parts I and II of this Regulation shall be liable upon

conviction to a fine not exceeding £Stg. 50 or its equivalent in francs at the current rate of exchange.

(2) Any person who commits an offence against the provisions of Part III of this Regulation shall be liable upon conviction to a fine not exceeding £Stg. 500 or its equivalent in francs at the current rate of exchange or to a term of imprisonment not exceeding six months or to both such fine and imprisonment.

9. The Court having jurisdiction may order confiscation for the benefit of the Vila Cultural Centre of any object involved in an offence against the provisions of this Regulation.

PART V

GENERAL PROVISIONS

10. The Resident Commissioners may make Joint Rules or Joint Decisions for the better carrying out of the provisions of this Regulation.

11. The British and French District Agents, the British and French Commandants of Police and the Condominium Controller of Customs are severally responsible for the enforcement of this Regulation.

12. This Joint Regulation may be cited as the Preservation of Sites and Artifacts Regulation No. 11 of 1965 and shall be operative from the date of its publication in the Condominium Gazette.

Made at Vila this 13th day of May, 1965.

MOURADIAN

ALEX. M. WILKIE

Resident Commissioner
for the French Republic.

Her Britannic Majesty's
Resident Commissioner.