

NEW HEBRIDES CONDOMINIUM

JOINT REGULATION

No. 8 of 1978

TO PUT INTO EFFECT the Resolution of the Representative Assembly No. 6 of 1978, passed the 28th day of July 1978, providing for compulsory removal and rustication.

MADE by the Resident Commissioners under the provisions of Articles 2:2 and 7 of the Anglo-French Protocol of 1914 and Articles 25 and 28 (3) of the Exchange of Notes made at London the fifteenth day of September 1977 between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the French Republic.

Scheduled Resolution put into effect. 1. The Resolution of the Representative Assembly No. 6 of 1978, set forth in the Schedule, is hereby put into effect.

Short title and commencement 2. This Joint Regulation may be cited as the Native Criminal Code (Amendment) Regulation, 1978 and shall come into operation on the date of its publication in the New Hebrides Government Gazette.

ENACTED at Vila this 26th day of September, 1978.

The Inspector-General on special duties, conferred with the powers of the Resident Commissioner for the French Republic in the New Hebrides

Her Britannic Majesty's
Resident Commissioner

J.J. ROBERT

J.S. CHAMPION

RESOLUTION NO.6 OF 1978

relating to local banishment and assignment
to forced residence

The New Hebrides Representative Assembly, at its sitting on the 28th day of July, 1978 hereby resolves and decides, in accordance with the Exchange of Notes of the fifteenth day of September 1977, and the Resolution of the Representative Assembly relating to Judicial Reform approved on the 20th April, 1978 and the Joint Regulation No.12 of 1962 establishing the Native Criminal Code and all subsequent amendments thereto, to adopt the following measures:

SECTION 1: Paragraph (vi) (a), (b) and (c) which was added by Joint Regulation No.4 of 1974 to Section 5 in the Schedule to the Native Criminal Code is hereby repealed and replaced as follows:

"(vi) (a) Where a person under the age of 18 years is convicted of an offence punishable by imprisonment of six months or more, the court may, in addition to or in substitution for any other penalty, order him to be placed in the care of his family and require him to reside with his parents or with such parent as the court may specify, on his island of origin or elsewhere until he reaches the age of 18 years;

(b) Where a person aged 18 years or more is convicted of an offence punishable by imprisonment for two years or more, the court may, in addition to any punishment imposed, where it is of opinion that the person's presence in a particular place or places is likely to lead to his again being convicted or to lead to a disturbance of the peace, order him not to reside in the island where the offence was committed or order him to reside in his island of origin, in either case for a period not exceeding five years, so, however, that a court shall not order a person not to reside in his village of origin;

(c) Any person who fails within five days of being notified of an order under sub-paragraph (a) and (b) above to comply therewith, or who having complied with such an order leaves the place where he has been required to reside without the permission granted by further order made by a court of competent jurisdiction for the place where he is ordered to reside or by the court which made the original order, or enters a place where he has been ordered not to reside without such permission, shall be guilty of an offence and shall be liable upon conviction to imprisonment for a term not exceeding two years."

SECTION 2:

This Resolution which shall come into effect on the date of its approval by the Resident Commissioners shall be published in the Official Gazette of the New Hebrides.