



J.S. Champion

Resident Commissioner in the New Hebrides

QUEEN'S REGULATION

TO MAKE provision for the jurisdiction of the High Court of the New Hebrides and for the adaptation of existing laws.

MADE BY Her Britannic Majesty's Resident Commissioner in the New Hebrides in pursuance of the powers contained in the New Hebrides Orders. In the name of Her Majesty Elizabeth the Second, by the Grace of God of the United Kingdom of Great Britain and Northern Ireland and Her other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith,

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terpretation

1. This Regulation may be cited as the High Court of the New Hebrides Regulation 1976 and shall come into operation on the date of commencement of the Order.

2. In this Regulation, unless the context otherwise requires -

"the amended Order" means the provisions contained in Schedule 1 to the New Hebrides Order 1973 as amended by the Order;

"the former High Court" means the High Court of the Western Pacific reconstituted by section 3 of the Western Pacific (Courts) Order in Council 1961;

"the High Court" means the High Court of the New Hebrides established by section 12A of the amended Order;

"the Order" means the New Hebrides Order 1975.

Jurisdiction
as to statutes
of general
application

3. Subject to any Regulation in force in the New Hebrides, the civil and criminal jurisdiction of the High Court shall, so far as circumstances admit, be exercised in accordance with the statutes of general application in force in England on the 1st day of January, 1976 and the provisions of paragraph (a) of subsection (1) of section 11 of the Order shall be read and construed accordingly.

Adaptation of
existing law

4. (1) Subject to the provisions of the amended Order, as from the date of commencement of the Order, references in any law in force on that date or in any instrument or document made before that date to the Chief Justice of the Western Pacific shall be construed as references to the Judge of the High Court.

(2) The Regulations set out in the first column of the Schedule are hereby amended or repealed in the respects and to the extent specified in the second and third columns thereof respectively.

SCHEDULE

(section 4(2))

<u>Regulation</u>	<u>Provision</u>	<u>Amendment or repeal</u>
Interpretation and General Clauses Regulation (cap.1)	Schedule	delete definition "Assistant Resident Commissioner"; in definition "bailiff", delete "the bailiff of the High Court appointed pursuant to section 20 of the Western Pacific (Courts) Order in Council 1961", substitute "a person appointed to be a bailiff pursuant to section 18 of the Magistrates' Court Regulation"; delete definition "Chief Justice"; insert after definition "Chief Education Officer", new definition "'Chief Secretary" means the Chief Secretary of Her Majesty's Service in the New Hebrides;"; insert after definition "export" new definition - "'Financial Secretary" means the Financial Secretary of Her Majesty's Service in the New Hebrides;"; in definition "High Commissioner", delete "section 3 or holding the office of High Commissioner by virtue of the provision of section

Regulation

Provision

Amendment or repeal

of the New Hebrides Order in Council 1922", substitute "subsection (1) of section 3, or performing the functions of that office under subsection (2) of section 3, of Schedule 1 to the New Hebrides Order 1973";

delete definition "High Court", substitute "'High Court" means the High Court of the New Hebrides established by section 12A of Schedule 1 to the New Hebrides Order 1973";

in definition "Judge", insert immediately after the words "High Court" the words - "and "the Judge" means the Judge for the time being exercising jurisdiction in the New Hebrides";

in definition "Protocol", delete "section 10A of the New Hebrides Order in Council 1922", substitute "section 14 of Schedule 1 to the New Hebrides Order 1973";

in definition "Registrar", delete "section 20 of the Western Pacific (Courts) Order in Council 1961", substitute "section 12H of Schedule 1 to the New Hebrides Order 1973";

in definition "Regulation", delete "section 6 of the New Hebrides Order in Council 1922", substitute "section 10 of Schedule 1 to the New Hebrides Order 1973";

in definition "Resident Commissioner", delete "section 5 of the New Hebrides Order in Council 1922", substitute "section 6 of Schedule 1 to the New Hebrides Order 1973";

in definition "Rules of Court", delete "section 22 of the Western Pacific (Courts) Order in Council 1961", substitute "section 12I of Schedule 1 to the New Hebrides Order 1973";

delete definition "Secretary for Financial Affairs";

in definition "sheriff", delete "section 20 of the Western Pacific (Courts) Order in Council 1961", substitute "section 12H of Schedule 1 to the New Hebrides Order 1973";

<u>Regulation</u>	<u>Provision</u>	<u>Amendment or repeal</u>
Magistrates' Courts Regulation (cap. 2)	section 2	delete definition "the Judge";
	section 3	repeal;
	section 26(2)	delete "the Chief Justice in respect of a particular class of offence, or a Judge in respect of a particular case, may", substitute "the Judge may, in respect of a particular class of offence or a particular case,";
	section 43 and proviso to section 44(1)	delete "made under the provisions of section 22 of the Western Pacific (Courts) Order in Council 1961";
	section 44(4)	repeal;
	section 45	delete "Chief Justice or the";
	section 73	repeal;
	section 2	delete definition "the Judge";
	section 5	repeal;
	section 144	repeal;
Criminal Procedure Code (cap. 3)	section 209 (1) and (2)	delete "High Commissioner", substitute "Resident Commissioner";
	section 219(a)	delete "211", substitute "182";
	section 263(2)	repeal;
	section 264(2)	repeal;
	section 438	delete references to "Secretary for Financial Affairs", substitute references to "Financial Secretary";
	section 2	in definition "Commissioner for Oaths", delete "12", substitute "11";
Companies Regulation (cap. 9)		
Oaths Regulation (cap. 12)		
Commissions of Enquiry Regulation	section 12(1)	delete "section 1 of the Perjury Act, 1911", substitute "the Penal Code";

<u>Regulation</u>	<u>Provision</u>	<u>Amendment or repeal</u>
	section 12(2)	delete "High Court Judges under section 10 of the Western Pacific (Courts) Order in Council", substitute "Judges of the High Court";
Administration of Business Regulation (cap. 22)	section 19(2) (e)	repeal;
Public Administration Regulation (cap. 3)	3(1)	delete words "of the High Court" in each place where they appear;

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28 APR 1976

J. Simon
Office Superintendent