

CONDOMINIUM DES NOUVELLES-HEBRIDES

NEW HEBRIDES CONDOMINIUM

ARRETE CONJOINT 12 de 1953

JOINT REGULATION 12 of 1953

JOINT REGULATION

No. 12 of 1953.

To impose controls upon practice of medicine and ancillary matters.

Joint Regulation No. 12 of 1953 was published in Condominium Gazette No. 181 and is reprinted as amended by the following Joint Regulations: 8 of 1954 Condominium Gazette No. 183 31 of 1966 Condominium Gazette No. 243

Issued by the Resident Commissioners under the provisions of Article 7 of the Anglo-French Protocol of the 6th August, 1914.

1. No person shall practice or engage in the practice of a Doctor of Medicine, Dentist, Pharmacist, Midwife, Nurse, Assistant Medical Practitioner, [druggist,] Dresser or in any other capacity involving the regular or habitual treatment of the sick or injured other than the treatment by a native of other natives for stings, bites and similar complaints with customary native medicines (hereinafter in this Regulation severally referred to as a "controlled occupation") unless he is in possession of a current licence issued by the Commission hereinafter by Article 2 of this Regulation constituted and except in accordance with such conditions as may be contained in such licence.

Prohibition of Practice without a Licence. J.R. 31 of 1966.

2. There shall be established a Medical Practitioners' Commission (in this Regulation referred to as "the Commission") to exercise within the New Hebrides the powers duties and functions hereinafter in this Regulation specified and the Commission shall be composed of the Chief Condominium Medical Officer and one other Condominium Medical Officer in the public service not of the same nationality as the Chief Condominium Medical Officer.

Constitution of Commission.

3. The Commission shall receive applications from persons wishing to engage in the New Hebrides in a controlled occupation and in relation to such applications shall have and exercise the following powers—

Powers of Commission.

- (a) If the Commission is of the opinion that the applicant has the qualifications and experience necessary to enable him to engage in a controlled occupation, to issue to him a licence permitting him to engage in one or more controlled occupations and such licence may be either unconditional or may impose conditions limiting the applicant's right to engage in one or more controlled occupations either as to the area in which he shall be permitted to do so or as to the extent or scope of such occupation;
(b) if the Commission is of the opinion that the applicant is not sufficiently qualified, either by reason of the lack of professional qualifications or experience or for any other

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reason does not appear to be a person fit to be granted a licence, to reject the application;

- (c) if the Commission is of the opinion that a person to whom a licence has been issued under the provisions of this Regulation has *misconducted himself in relation to the controlled occupation* in respect of which a licence has been issued to him, or shows himself lacking in the degree of skill or attention necessary for the proper performance of his functions, or fails to comply with any of the conditions contained in the licence granted to him, without prejudice to any proceedings which may be instituted against him under the provisions of Article 7 of this Regulation to revoke, withdraw or suspend such licence or to add to, alter, vary or otherwise amend any condition or conditions contained in such licence.

4. (a) A licence issued in accordance with the provisions of this Regulation shall be in writing, signed by both members of the Commission and shall bear the date of its issue, the name of the person to whom it is issued and the nature of the controlled occupation to which it relates and shall specify the conditions (if any) imposed by the Commission in the exercise of the powers conferred upon it by sub-paragraph (a) of Article 3 of this Regulation.

Licences.

(b) [A licence shall not be transferable.]

J.R. 8 of 1954.

(c) [Subject to any exemption granted by the Resident Commissioners acting upon the recommendation of the Commission, a fee equivalent to five pounds sterling shall be paid in respect of each licence issued to a person engaged in the controlled occupations of Doctor of Medicine, Dentist, Pharmacist or Midwife whether such licence is issued with conditions or without: provided that no fee shall be required of a Doctor of Medicine, Dentist, Pharmacist or Midwife employed by a Mission or other charitable organization.]

J.R. 8 of 1954.

5. (a) Subject to the proviso to paragraph (c) of Article 4 of this Joint Regulation no person shall be entitled to receive from the Commission a licence authorising him to engage in the controlled occupation of a Doctor of Medicine, Dentist, Pharmacist or Midwife except upon the production by him to the Commission or to some person authorised in writing by the Commission for that purpose of a receipt issued by the Condominium Cashier for the payment of the prescribed fee.

Payment of Fees.

(b) No person having paid any such fee shall be entitled to claim any refund thereof or of part thereof by reason of the fact that his licence has been revoked, withdrawn, suspended, or surrendered by him before the normal date of expiry of such licence.

[6. The provisions of Article 1 of this Regulation shall not apply to a person appointed to engage in a controlled occupation by her Britannic Majesty's Government in the United Kingdom or by

Exemptions.
J.R. 8 of 1954.

the Government of the French Republic in France or by the Resident Commissioners acting jointly.]

7. Any person guilty of contravening the provisions of Article 1 of this Regulation shall upon conviction be liable to be punished by imprisonment up to 1 month or a fine of up to Twenty Pounds or to both such imprisonment and fine and the Court may, in addition to any such punishment, order the cancellation of his licence.

Penalties.

8. (a) The provisions of this Regulation shall come into force on the 31st day of December, 1953.

Date of
Coming into
Force.

(b) With effect from the same date Article 9 of Joint Regulation No. 12 of 1940 is repealed.

9. This Regulation may be cited for all purposes as "The Control of Medical Practice Joint Regulation, 1953".

Citation.

Dated at Vila, this 19th day of December, 1953.

P. ANTHONIOZ

H. J. M. FLAXMAN

The Resident Commissioner
for the French Republic.

Her Britannic Majesty's
Resident Commissioner.