

CONDOMINIUM DES NOUVELLES-HEBRIDES  
NEW HEBRIDES CONDOMINIUM

ARRETE CONJOINT 9 de 1957

JOINT REGULATION 9 of 1957

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No. 9 of 1957.

To provide for Native Local Administration.

*Joint Regulation No. 9 of 1957 was published in Condominium Gazette No. 196 and is reprinted as amended by the following Joint Regulations: 4 of 1964 Condominium Gazette No. 222 8 of 1970 Condominium Gazette No. 297 See also: Joint Regulation 1 of 1961 (Local Council Funds).*

MADE by the Resident Commissioners under the provisions of Article 8 paragraph 3, of the Anglo-French Protocol, 1914.

1. This Joint Regulation may be cited as the Native Local Administration Joint Regulation, 1957.

Short Title.

2. For the purpose of this Joint Regulation the Resident Commissioners may from time to time by Joint Decision divide administrative districts created under Article 2 paragraph 3 of the Protocol, 1914, into sub-districts, tribal or village areas and assign such names thereto as they may think fit.

Power to Sub-divide Districts.

3. Each such sub-district or area shall for the purpose of native affairs be in the administrative charge of a Local Council. Local Councils shall be created by the joint decision of the Resident Commissioners; which joint decision shall also prescribe the basis of representation and term of office of the members of the Local Council so created.

Creation of Local Councils.

4. The Resident Commissioners may by joint decision terminate or suspend the appointment of any person as a member of a Local Council, or, on the recommendation of a Local Council, terminate or suspend the appointment of a person appointed by a village under Article 8 of this Regulation.

Termination or Suspension of Local Council or Members and Village Executive Officers.

5. On the creation of a Local Council under Article 3 of this Joint Regulation the District Agents of the District shall in consultation with the Local Council prepare standing rules for the Local Council. Such standing rules, which shall not be valid nor come into force until they have received the joint approval in writing of the Resident Commissioners, shall provide inter alia for—

Standing Rules to be Prepared.

- (a) The number of persons required to constitute a quorum of the Local Council, and, where necessary, the number of members present whose assent will be required to constitute a majority vote;
- (b) the designation and the number of members whose signatures or marks shall be required to validate a decision of the Local Council;

- (c) the mode of publication of and the bringing into effect of local rules made under Section 7;
- (d) the appointment or the election of a Chairman;
- (e) the appointment of a Secretary and the keeping of a minute book;
- (f) the frequency and place of meetings, and the method whereby special meetings may be called.

6. A Local Council shall, within the sub-districts of the area in respect of which it is created, be responsible for—

Duties of Local Council.

- (a) the maintenance of law and order;
- (b) the cleanliness and sanitary condition of the villages;
- (c) providing assistance in the preparation and maintenance of population statistics within its area in the form to be laid down by [—] Joint Regulation.

J.R. No. 4 of 1964.

[7. A Local Council shall have the power to issue local rules—

Powers of Local Councils to legislate.

- (a) applicable to all natives resident in the sub-district or area under its control,
  - (i) which are necessary for the proper performances of the duties imposed upon it by section 6;
  - (ii) with the approval of the District Agents, in any matter not already covered by legislation where such local rules are desirable or required for the welfare and proper development of the people in its area;
- (b) applicable to natives resident in the sub-district or area under its control and to natives not resident therein but originating and having a customary or other right to land there, with the joint approval in writing of the Resident Commissioners, for the collection of revenue.

J.R. No. 8 of 1970.

Provided that the Resident Commissioners acting jointly may, in their discretion, disallow any such local rules.]

[8. Every Local Council created under the provisions of Section 3 of this Regulation shall be a body corporate and may sue and be sued, hold and dispose of movable and immovable property in its corporate style or title.

Local Councils to be Corporate Bodies. J.R. No. 4 of 1964.

9. No Local Council shall enter into a commitment involving expenditure in excess of 25% of its annual revenue without having obtained the approval therefor of the District Agent of the District concerned.

Limit of Expenditure.

10. Notwithstanding the provisions of Section 9 of this Regulation no Local Council shall acquire or dispose of immovable property except—

Acquisition or disposal of immovables.

- (i) on a resolution passed by the majority of its members to that effect, and

(ii) with the approval of the District Agents of the district concerned.

11. (1) No proceedings shall be instituted against a Local Council until after the expiration of 30 days from the delivery by the intending plaintiff to each Resident Commissioner of a notice of his intention to institute such proceedings and reason for so doing.

Legal proceedings involving a Local Council.

(2) No proceedings shall be instituted by a Local Council without the consent of the Resident Commissioners.]

[12.] Each village within a sub-district shall, subject to the approval of the Local Council appoint a person or persons who will be responsible to the Local Council for the application within the village of any local rules made by the Local Council.

Appointment of village executive officers. J.R. No. 4 of 1964.

[13. The Resident Commissioners may make Joint Rules for the better carrying out of the provisions of this Regulation.]

J.R. No. 4 of 1964.

[14.] Any native who without lawful excuse disobeys or fails to comply with or obstructs the execution of any local rule of the Local Council shall be guilty of an offence punishable by the Native Court having jurisdiction by a fine not exceeding £5 or by imprisonment not exceeding 15 days, or by both these penalties unless a higher penalty has been specifically provided by local rule and has been approved by the Resident Commissioners.

Penalties. J.R. No. 4 of 1964.

Dated at Vila this twentieth day of September 1957.

P. ANTHONIOZ

REID COWELL

The Resident Commissioner for the French Republic.

Her Britannic Majesty's Resident Commissioner.