

NEW HEBRIDES CONDOMINIUM

JOINT REGULATION

No. 2 of 1978

TO PROVIDE for stay of proceedings and remission of sentences.

MADE by the Resident Commissioners under the provisions of Articles 2:2 and 7 of the Anglo-French Protocol of 1914 as amended by the Exchange of Notes of the fifteenth day of September 1977 and having taken the opinion of the Council of Ministers thereon.

Amnesty.

1. Every pending prosecution before the Native Court or the Court of First Instance for an offence contrary to the maintenance of the peace or of public order or for an offence connected therewith which occurred prior to the eleventh day of January 1978 shall be stayed if-

- (i) the offence is of a political nature or was committed in the course of a demonstration or other activity carried on for the purpose of advancing a political aim or point of view ;
- (ii) not less than three persons were engaged in or present at the commission of the offence ;
- (iii) the offence does not continue for a longer period than seven days after the coming into operation of this Regulation.

Interpretation of "pending prosecution".

2. For the purposes of section 1, a pending prosecution includes every proceeding which has not been confirmed by the Resident Commissioners on the date of coming into operation of this Regulation.

Remission of penalties for political offences.

3. So much of every sentence of imprisonment imposed for an offence to which section 1 applies as remains to be served at the date of coming into operation of this regulation, together with so much of every fine imposed for such an offence as remains unpaid, shall be remitted.

Remission of other penalties.

4. (1) Every sentence of imprisonment imposed by the Joint Court, the Court of First Instance or the Native Court for an offence to which section 3 does not apply, and which was imposed for an offence arising out of an act or omission done before the eleventh day of January 1978, shall be remitted as to one third, so, however, that no remission of sentence under this section shall exceed three years.

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(2) Every fine imposed for an offence to which subsection (1) applies and which remains unpaid at the date of coming into operation of this Regulation, shall be remitted as to one third.

Amnesty or remission not to confer legal rights.

5. The stay of proceedings or the remission of a penalty (whether of imprisonment or of a fine under this Regulation) is an act of grace only and neither the granting nor the withholding of the same shall confer any legal rights whatsoever upon any person, and such stay or remission shall not confer any right to repayment of a fine which has already been paid.

Amnesty not bar to civil proceedings.

6. Nothing in this Regulation shall be construed as being a bar to civil proceedings in any court of competent jurisdiction arising from any act or omission to which this Regulation applies, nor shall anything in this Regulation be construed as affecting the right to recovery by any person of an award of damages made by a court of competent jurisdiction or any order for detention or imprisonment made by reason of the non-payment thereof.

Short title and commencement.

7. This Joint Regulation may be cited as the Amnesty Regulation, 1978, and shall come into operation on the date of its publication in the Condominium Gazette.

MADE at Vila this Three day of March 1978.

The Resident Commissioner  
for the French Republic

Her Britannic Majesty's  
Resident Commissioner

B. POTTIER

J.S. CHAMPION