

TO PROVIDE for public order.

MADE by the Resident Commissioners under the provisions of Article 2:2 and 7 of the Anglo-French Protocol of 1914.

Interpretation

1. In this Regulation the following expressions shall have the meanings hereby respectively assigned to them : -

" administrative district " has the same meaning as in paragraph 3 of Article 2 of the Protocol ;

" appropriate authority " means (the District Agents) appointed under paragraph 3 of Article 2 of the Protocol ;

" assembly " means any gathering of three or more persons ;

" barrier " includes any device for the purpose of preventing or impeding the passage of vehicles on a road ;

" Commandant of Police " means the officer in charge of either division of the police force ;

" demonstration " means an assembly formed to express publicly by spoken or written words or by any other means any view on a matter of public interest ;

" Gazette " means the Condominium Gazette ;

" meeting " means an assembly held for the purpose of discussion of matters of public interest or for the purpose of the expression of views on such matters ;

" parade " means a parade of five or more persons or three or more vehicles ;

" police force " means the New Hebrides Constabulary established under Joint Regulation N°.4 of 1923 ;

" police officer " means a member of the New Hebrides Constabulary ;

" procession " means a procession of five or more persons or three or more vehicles ;

" Protocol " means the Anglo-French Protocol of 1914 ;

" public " refers not only to all persons within the New Hebrides, but also to the persons inhabiting or using any particular place, or any number of such persons, and also to such indeterminate persons as may happen to be affected by the conduct in respect to which such expression is used ;

" public place " includes any highway, public street, public road, public park or garden, any sea beach, river, public bridge, wharf, jetty, lane, footway, square, court, alley or passage, whether such open space is enclosed or unenclosed, or place or building of public resort to which for the time being the public have or are permitted to have access, whether on payment or otherwise.

Prohibitions of uniforms, emblems, etc.

2. (1) The Resident Commissioners may by joint decision prohibit the wearing in public places or at meetings or assemblies of -

(a) any uniform or distinctive dress or emblem signifying association with any political organization or with the promotion of any political object ; or

(b) any uniform, distinctive dress or emblem by members or adherents of any organization or association whether incorporated or not, specified or described in such joint decision, when it appears to them that members of that organization or association are organized or trained or equipped for the purpose of enabling them to be employed -

(i) in usurping the functions of the police force ; or

(ii) for the purpose or display of physical force in promoting any political or other object, or in such a manner as to arouse reasonable apprehension that they are organized, trained or equipped for that purpose.

(2) Any person who wears any prohibited uniform, distinctive dress or emblem in contravention of any joint decision made under the provisions of subsection (1) shall be guilty of an offence.

Unlawful drilling

3. (1) Any person, other than a police officer or a member of any body or association specially exempted by joint decision of the Resident Commissioners, who -

(a) is present at or attends any meeting or assembly for the purpose of training or drilling themselves to the use of arms, or of being so trained or drilled, or for the purpose of practising military exercises, movements or evolutions ; or

(b) is present at or attends any such meeting or assembly for the purpose of training or drilling any other person to the use of arms, or the practice of military exercises, movements or evolutions,

shall be guilty of an offence.

(2) Any person, other than a police officer or a member of any body or association specially exempted by joint decision of the Resident Commissioners, who -

(a) trains or drills any other person to the use of arms or the practice of military exercises, movements or evolutions ; or

(b) takes part in the control or management of any association or organization whose members are trained or drilled in the practice of military exercises, movements or evolutions ;

shall be guilty of an offence.

(3) Notwithstanding the foregoing provisions of this section, no offence will be committed in the case of a person instructing a relation or friend in the use of firearms for the purpose of hunting or target shooting.

Unlawful oaths
to commit
capital offences

4. (1) Any person who -

(a) administers, or is present at and consents to the administration of, any oath, or engagement in the nature of an oath, purporting to bind that person who takes it to commit murder or any offence punishable with death ; or

(b) subject to subsection (2), takes any such oath or engagement,

shall be guilty of an offence.

(2) Compulsion shall be a defence to a charge under paragraph (b) of subsection (1) provided that the person taking such oath or engagement shall, as soon as may be, declare the same together with the whole of what he knows concerning the same, and the person or persons by whom and in whose presence and when and where such oath or engagement was administered or taken, to the appropriate authority or to any police officer.

Other unlawful
oaths to
commit offences

5. (1) Any person who -

(a) administers, or is present at and consents to the administering of, any oath or engagement in the nature of an oath, purporting to bind the person who takes it to act in any of the ways following, that is to say -

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- (i) to engage in any mutinous or seditious enterprise ;
 - (ii) to commit any offence not punishable with death ;
 - (iii) to disturb the public peace ;
 - (iv) to be a member of any association, society or confederacy formed for the purpose of doing any such act as aforesaid ;
 - (v) to obey the orders or commands of any committee or body of men not lawfully constituted, or of any leader or commander or other person not having authority by law for the purpose ;
 - (vi) not to inform or give evidence against any associate or confederate or other person ;
 - (vii) not to reveal or discover any unlawful association, society or confederacy, or any illegal act done or to be done, or any illegal oath or engagement which may have been administered or tendered to or taken by himself or any other person, or the import of any such oath or engagement ; or
- (b) subject to subsection (2), takes any such oath or engagement,

shall be guilty of an offence.

(2) Compulsion shall be a defence to a charge under paragraph (b) of subsection (1) provided that the person taking such oath or engagement shall, as soon as may be, declare the same together with the whole of what he knows concerning the same, and the person or persons by whom and in whose presence and when and where such oath or engagement was administered or taken, to the appropriate authority or to any police officer.

Meetings.

6. (1) Meetings may be lawfully held without prior authorisation upon and subject to the following conditions : -

- (a) such meetings shall not be held in any public place ;
- (b) such meetings shall not continue after eleven o'clock in the evening without a special permit of the appropriate authority ;
- (c) every such meeting must appoint a

committee of not fewer than three people, responsible for maintaining order, preventing any offence against the law, forbidding any speech contrary to public order or morality or inciting the commission of any crime or offence. The members of the committee shall be elected by the meeting and shall be liable for any breach of the provisions of this section ;

(d) an administrative or judicial government officer may be appointed by the appropriate authority to attend any such meeting and may place himself where he chooses.

(2) Every person who organises or takes part in any meeting in contravention of the provisions of subsection (1) shall commit an offence.

lic proces-
ns, demons-
trations, etc.

7. (1) A prior notification to the appropriate authority must be made for any procession, parade, assembly or demonstration held in a public place :

Provided that a prior notification shall not be necessary for any gathering in a public place which is in accordance with local custom.

(2) (a) Such notification shall be delivered to the appropriate authority in the district where such procession, parade, assembly or demonstration is to take place, not less than three and not more than fifteen clear days before the intended date thereof ;

(b) the notification shall include the full names and addresses of the organizers and shall be signed by three of them who must declare their place of residence within the district ;

(c) the notification shall disclose the purpose of the procession, parade, assembly or demonstration, the place, the date and time that the persons taking part will be assembling and the intended route ;

(d) the appropriate authority shall upon receiving such notification issue a receipt therefor.

Power to
Prohibit
Demonstrations

8. (1) If the appropriate authority considers that the proposed procession, parade, assembly or demonstration is likely to disturb the public peace, it shall prohibit the same and give immediate notice of such prohibition to any one of the persons who signed the notification either personally or by leaving the same at his declared place of residence.

(2) The appropriate authority shall within twenty-four hours forward the notification or a copy thereof to the Resident Commissioners, together with, as the case may be, a copy of the order of prohibition. The Resident Commissioners shall without delay by joint decision either confirm or annul such order of prohibition.

(3) In the circumstances set out in subsections (1) and (2), the appropriate authority and the Resident Commissioners may instead of making or confirming an order of prohibition, make an order approving the procession, parade, assembly or demonstration subject to such conditions or amendments with respect to the date, time, place or route thereof as may be therein prescribed and the foregoing provisions of this section shall apply to such order.

Power to disperse
Public meetings

9. (1) Any public meeting for which a committee has not been established in accordance with paragraph (c) of subsection (1) of section 6 may be dispersed.

(2) The appropriate authority may, either directly or by a person authorised for the purpose by the appropriate authority, when so requested by the committee or in the event of disorder or acts of violence, order the dispersal of the meeting and may, if necessary, use the police force for this purpose.

Offences
concerning
processions,
parades,
assemblies and
demonstrations

10. Any person who -

(a) makes an incomplete or incorrect notification which is misleading as to the nature of the proposed procession, parade, assembly or demonstration or who, without having submitted a notification thereof in accordance with section 7, or after prohibition thereof, issues by any means an invitation to others to take part in such proposed procession, parade assembly or demonstration ;

(b) organises or takes part in a procession parade, assembly or demonstration which has not been notified or which has been prohibited ,

(c) organises or takes part in a procession, parade, assembly or demonstration in which conditions or amendments subject to which it has been approved have not been complied with,

shall be guilty of an offence.

Disturbances
in public
places

11. Any person who -

(a) in any public place or at any meeting, uses threatening, abusive or insulting words or behaves with intent to provoke a breach of the peace or whereby a breach of the peace is likely to be occasioned; or

(b) having been given by any police officer any direction for the purpose of preventing obstruction, or keeping order in any public place, without lawful excuse contravenes or fails to comply with any direction so given to him,

shall be guilty of an offence.

Spreading
false
rumours, etc.

12. Any person who -

(a) maliciously fabricates or knowingly spreads abroad, or publishes, whether by writing or by word of mouth or otherwise, any false news or false report tending to create or foster public alarm, public anxiety or disaffection or to produce public detriment ; or

(b) acts or is acting in a manner prejudicial to the public safety or to the peace and good order of any part of the New Hebrides ; or

(c) endeavours to disturb the public peace by inciting hatred or contempt of any class of persons, shall be guilty of an offence.

Incitement to
violence and
disobedience
of the law

13. Any person who, without lawful excuse, the burden of proof whereof shall lie on him, utters, prints, or publishes any words, or does any act or thing, indicating or implying that it is or might be desirable to do, or
/ omit to do, any act, the doing or omission of which is calculated -

(a) to bring death or physical injury to any person or to any class, community or body of persons ; or

(b) to lead to the damage or destruction of any property ; or

(c) to prevent or defeat by violence or by other unlawful means the execution or enforcement of any written law or to lead to defiance or disobedience of any such law,

shall be guilty of an offence.

Power to restrict
movement of
vehicles

14. In any administrative district to which the provisions of this section have been applied by joint decision of the Resident Commissioners, the appropriate authority may, if it appears to it expedient so to do in the interest of public safety and the maintenance of public order, by order prohibit or restrict the use of any vehicle, or any class of vehicle, on any specified road or roads within the administrative district either generally or during particular hours, and any person who uses any vehicle in contravention of any such order shall be guilty of an offence.

Road barriers

15. (1) Notwithstanding the provisions of any other written law, a Commandant of Police may if he considers it necessary so to do for the maintenance and preservation of law and order, or for the prevention or detection of crime, erect or place barriers in or across any public road or street or in any public place within the New Hebrides in such a manner as he may think fit.

(2) Any police officer in uniform may take all reasonable steps to prevent any vehicle or person passing such barrier, and may, by any reasonable signal, indicate where such vehicle or person is required to stop; and any driver of any vehicle or any person who fails to comply with such signal shall be guilty of an offence.

(3) No police officer shall be liable for any loss or damage resulting to any vehicle or for any injury to the driver or any other occupant of such vehicle or to any person failing to obey any police officer acting under the provisions of subsection (2).

(4) Any police officer may upon the issue by the appropriate authority of a general ^{OR} special warrant for the purpose at any road barrier search any vehicle which he has reasonable grounds to suspect is being used or is about to be used in the commission of any offence against any joint regulation or joint rule and may search any occupant of any such vehicle and anything in such vehicle, and may search any person whom he has reasonable grounds to suspect is committing or is about to commit any offence against any joint regulation or joint rule:

Provided that no woman may be searched by any person other than a woman.

Power of
arrest

16. (1) A police officer may arrest without warrant any person,

(a) committing,

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(b) whom he has reason to suspect is about to commit,

(c) whom he has reason to suspect has committed, an offence against this Regulation.

(2) Any person arrested under the provisions of subsection (1) shall be taken without delay before the District Agent of the nationality of the person arrested or in the case of a native before the District Agent of the Power controlling the division of the police force to which the police officer who made such arrest belongs. The District Agent shall immediately set in train the procedure prescribed in the rules of procedure made by the Joint Court on the 29th day of April, 1927, as from time to time amended.

17. When any order or direction is made under the provisions of this Regulation, the Resident Commissioners or the appropriate authority shall cause notice of the substance and effect of such order or direction to be given as soon as may be in such a manner as they or it think necessary for bringing it to the notice of all persons who, in their or its opinion, ought to have notice of the order or direction, and such order or direction shall have effect as soon as notice aforesaid has been given without publication in the Gazette.

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SCHEDULE

(section 18)

Table of offences with maximum punishments

OFFENCES	MAXIMUM PUNISHMENT
1. Wearing prohibited uniform, distinctive dress or emblem (section 2 (2)) ;	Imprisonment for six months or a fine of 20,000 FNH, or both.
2. Unlawful drilling (section 3 (1)) ;	Imprisonment for five years.
3. Unlawful drill instruction (section 3 (2)) ;	Imprisonment for five years.
4. Unlawful oaths to commit capital offences (section 4) ;	Imprisonment for five years.
5. Other unlawful oaths to commit offences (section 5) ;	Imprisonment for three years.
6. Organising or taking part in a meeting contrary to section 6 (1) (section 6 (2)) ;	Imprisonment for six months or a fine of 20,000 FNH or both.
7. Making incomplete or misleading notification of proposed procession etc. (section 10 (a)) ;	Imprisonment for six months or a fine of 20,000 FNH or both.
8. Inviting others to take part in a procession etc. which has not been notified or has been prohibited (section 10 (a)) ;	Imprisonment for six months or a fine of 20,000 FNH or both.
9. Organising or taking part in a procession etc. which has not been notified or has been prohibited (section 10 (b)) ;	Imprisonment for six months or a fine of 20,000 FNH or both.
10. Organising or taking part in a procession etc. in which conditions or amendments subject to which it has been approved have not been complied with (section 10 (c)) ;	Imprisonment for six months or a fine of 20,000 FNH or both.
11. Disturbances in public places (section 11 (a) and (b)) ;	Imprisonment for three months or a fine of 10,000 FNH or both.
12. Spreading false rumours, etc. (section 12 (a), (b) and (c)) ;	Imprisonment for three months or a fine of 10,000 FNH or both.
13. Incitement to violence and disobedience of the law (section 13 (a), (b) and (c)) ;	Imprisonment for two years or a fine of 10,000 FNH or both.

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14. Using a vehicle in contravention of an order made under section 14 (section 14) ; Imprisonment for six months or a fine of 50,000 FNH or both.
15. Failing to comply with signal given by police officer at road barrier under section 15 (2) (section 15 (2)) ; Imprisonment for six months or a fine of 50,000 FNH or both.

MADE at Vila this First day of April, 1974.

The Resident Commissioner
for the French Republic

R. LANGLOIS

Her Britannic Majesty's
Resident Commissioner

R.W.H. du BOULAY

BUREAU DE LA LEGISLATION

4 AVRIL 1974

A : MM les Abonnés du JOURNAL
OFFICIEL

OBJET : RECTIFICATION DE TEXTE.

Messieurs,

Nous avons le regret de vous
signaler qu'il y a une erreur de
dactylographie dans le Texte
Anglais de l'Arrêté Conjoint
N° 11 de 1974.

PAGE 10 - SCHEDULE -

OFFENCES : 13 Lire :

Imprisonment for two years or a
fine of 100,000 FNH or both.

Veuillez agréer, Messieurs,
nos salutations distinguées.


F. LEPAGE

LEGISLATION OFFICE

4th April 1974.

To : THE Subscribers to the
OFFICIEL GAZETTE

Dear Sirs,

We regret to inform you that
there is a clerical error in
the English Text of Joint
Regulation N° 11 of 1974

PAGE 10 - SCHEDULE -

OFFENCES : 13 should read

Imprisonment for two years or a
fine of 100,000 FNH or both.

Yours Faithfully,


F. LEPAGE