

NEW HEBRIDES CONDOMINIUM

JOINT REGULATION No. 10 of 1980

To provide for States of Public Emergency.

Made by the Resident Commissioners under delegated authority from the High Commissioners and in accordance with Article 24 of the Schedule to the Exchange of Notes of 15th September 1977 as amended.

Interpretation.

1. In this Regulation unless the context otherwise requires :-

"Chief Minister" includes any person acting under his express or implied authority ;

"Resident Commissioners" include any persons acting under their express or implied authority.

Declaration of State of Emergency.

2.(1)The Resident Commissioners may, when they consider that there is a serious and present threat to the proper functioning of Government, or to the integrity of the country, after informing the Chief Minister, declare that a State of Public Emergency exists in the New Hebrides or any part thereof.

(2)A State of Public Emergency shall cease to have effect when it is revoked in the same manner as it is declared.

Powers of Resident Commissioners.

3. During a State of Public Emergency the Resident Commissioners may by joint decision :-

(a) order the detention of any persons for a period not exceeding 10 days. At the end of that period the person detained must be released or brought before a magistrate to be charged ;

(b) restrict the movement of any persons, any class of persons or persons generally ;

(c) forbid the sale, purchase, carrying or use of explosives or ammunition, firearms by any persons or class of persons whether or not they have permits under the law for such purposes, except such persons as may be exempted ;

(d) seize, confiscate or temporarily take possession of any explosives, firearms or ammunition ;

- (e) requisition in order to ensure the proper functioning of Government, any land, buildings, or means of transport, either by sea, air or on land, any fuel or means of production of energy ;
- (f) prohibit without limitation of time any sales and any movements of alcoholic drinks ;
- (g) control and if necessary censor or prohibit all means of communication whether by writing or speech, and jam any radio broadcasts ;
- (h) place under house arrest any persons whose activities are considered dangerous to public order or a threat to the proper functioning of Government ;
- (i) restrict to any part of the New Hebrides any persons seeking to impede in any manner whatever, the proper functioning of Government ;
- (j) expel immediately from the New Hebrides any persons whose entry into the New Hebrides is subject to the provisions of the Joint Immigration Regulation, No. 18 of 1971 and whose activities are considered dangerous to public order or a threat to the proper functioning of Government ;
- (k) order the closure of any cinemas or theatres ;
- (l) forbid the holding of any :
 - (i) public meetings or demonstrations,
 - (ii) private meetings or more than 6 persons without a permit.

Powers of
Chief
Minister.

4. The Resident Commissioners may request or require the Chief Minister to take any measure in connection with the Public Service which they consider necessary to maintain or re-establish public order.

Emergency powers exercisable in any part of New Hebrides.

5. The powers specified in subsections (e), (f), (g), (h), (i), (j), (k) or sections 3 and in section 4 may be exercised in any part of the New Hebrides provided that they are exercised for the purpose of dealing with the State of Emergency whether for the whole or any part or parts of the New Hebrides.

Indemnity.

6. Any person who is aggrieved by any Decision made under the provisions of sections 3 or 4 may appeal to the Supreme Court. Such an appeal shall not operate as a stay of execution of the Decision. The Supreme Court shall decide as a matter of urgency whether the Decision is reasonable and necessary in the prevailing circumstances.

Joint Orders.

7. (1) The Resident Commissioners may after consultation with the Council of Ministers either during and for a particular State of Public Emergency or for the States of Public Emergency generally make Joint Orders for dealing with the State of Public Emergency or States of Public Emergency.

(2) Orders made pursuant to subsection (1) may provide for -

- (a) the better carrying out of any of the matters specified in sections 3 and 4 ;
- (b) the exercise of powers of arrest by any persons ;
- (c) the exercise of any other powers by specified persons or officers ;
- (d) activities that may be restricted or forbidden or allowed only on the grant of a permit ;
- (e) the commandeering for public use of any property including buildings, motor vehicles, aircraft, boats or ships ;
- (f) the closing of public places, streets, roads or highways ;
- (g) the taking over of the management or control of public utilities ;
- (h) the use of weapons or force ;
- (i) the recruitment of temporary police either from persons in the employment of the Government or other persons and the exercise of police powers and functions by such persons ;

- (j) any other matters that shall be necessary for dealing effectively with a State of Public Emergency.

Conflicts.

8. Where this Regulation or any Orders made hereunder conflict with any other Regulation this Regulation or the Orders shall prevail.

Offences.

9. (1) Any person who -
- (a) contravenes the provisions of this Regulation or any Order made hereunder ;
 - (b) disobeys any lawful order made under powers given by this Regulation or an Order made hereunder ;
 - (c) obstructs or disobeys any person acting under the authority of this Regulation or any Orders made hereunder ;
 - (d) wilfully omits to do anything he has a duty to do under this Regulation or any Orders made hereunder,

commits an offence and shall be liable on conviction to imprisonment not exceeding 5 years or to a fine not exceeding FNH 75,000 or to both such fine and imprisonment.

used (2) In addition to any penalty that may be imposed in accordance with subsection (1) the property of a person convicted of an offence under subsection (1) ~~used~~ for the commission of such offence may be confiscated by order of the court, sold and the proceeds paid into the Revenue Fund.

Short title and commencement.

10. This Regulation may be cited as the States of Public Emergency Regulation 1980 and shall come into operation on the date of signature.

ENACTED at Vila this 12th day of June 1980.

Delegate Extraordinary
for the French Republic
in the New Hebrides.

Her Britannic Majesty's
Resident Commissioner.

J.J. ROBERT

A.C. STUART