

CONDOMINIUM DES NOUVELLES-HEBRIDES
NEW HEBRIDES CONDOMINIUM

ARRETE CONJOINT 15 de 1965
JOINT REGULATION 15 of 1965

JOINT REGULATION

No. 15 of
1965.

To control the use and construction of certain buildings and installations and the use of certain equipment within the town limits of Vila and Santo.

[Joint Regulation No. 15 of 1965 was published in Condominium Gazette No. 236 and is reprinted as amended by Joint Regulation No. 20 of 1967 (Gazette No. 259).]

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

1. No person shall use or construct any building or installation or use any equipment within the town limits of Vila or Santo [and in such other areas in the New Hebrides as the Resident Commissioners may from time to time prescribe] without the joint authority of the Resident Commissioners if the use or construction of the said building or installation or the use of the said equipment is likely to cause, whether temporarily or permanently, any of the following—

- (a) bad odours;
- (b) the risk of fire or explosion;
- (c) thick smoke;
- (d) excessive noise;
- (e) an increase in flies or mosquitoes; or
- (f) any other nuisance or injury to health.

Authority to
construct
certain in-
stallations
and to use
certain
equipment.

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of 1967.

2. (1) Every application for the authority required under the provisions of the foregoing section shall be submitted—

- (a) if the applicant is a British subject or dependent to the British District Agent;
- (b) if the applicant is a French citizen or dependent to the French District Agent; and
- (c) in any other case to either District Agent.

Applications
for authority.

(2) Every such application shall be accompanied by—

- (a) a siting plan indicating where any installation is to be constructed and any equipment placed and their distance from any private property; and
- (b) a plan of any installation it is proposed to use or construct.

Every applicant shall be given a receipt for his application.

On receipt of an application under the provisions of the foregoing section of this Regulation the District Agents shall jointly appoint an Investigating Commissioner to hold a public enquiry in regard to the said application.

Investigating
Commis-
sioner.

4. (1) The Investigating Commissioner shall give notice of the said public enquiry not less than two weeks before the date fixed for its commencement.

Notice of enquiry.

(2) Notice shall be given in the following manner—

- (a) by notices posted on [their] notice boards; and
- (b) by a notice addressed by registered letter to each owner or occupier of land situated within a radius of 200 metres from the centre of the site to which the application relates.

J.R. No. 20 of 1967.

(3) The Investigating Commissioner shall in addition send a copy of the notice to the Chief Condominium Medical Officer.

5. (1) During the enquiry any person may state his objection to the application.

The enquiry.

(2) The Investigating Commissioner—

- (a) shall record in the Minutes of the Enquiry all oral statements made to him;
- (b) shall accept all written documents submitted to him, record their submission in the said Minutes and endorse them as being original documents.

6. (1) The Investigating Commissioner shall make a report of his proceedings and of the result of the enquiry and shall record the reasons leading to his recommendations.

Report of Investigating Commissioner.

(2) There shall be recorded in the said report what notice, provided for in Section 4 of this Regulation, has been given.

(3) The said report shall within forty-eight hours of the conclusion of the enquiry be submitted to the Town Planning Commission for the town to which the application relates.

7. The Town Planning Commission shall, having considered the said report, within a period not exceeding fourteen days from the date of its receipt, transmit it, with their comments, to the Resident Commissioners.

Functions of Town Planning Committee.

(1) On receipt of the Investigating Commissioner's report and the Town Planning Commission's comments thereon the Resident Commissioners shall decide whether or not to grant the authority applied for.

Approval or dismissal of application.

(2) If the Resident Commissioners grant the authority applied for such authority may be subject to such conditions as they may think fit to safeguard public health and to maintain the comfort and convenience of the inhabitants of the area to which the said authority is granted.

(3) The Resident Commissioners' decision shall be communicated to the applicant for the said authority by registered letter

with the least possible delay and in any case not more than three months after the receipt of the application.

(4) The said decision shall be advertised by notices on the notice boards [of the District Agents for the District in respect of which the said decision was made] and by publication in the Condominium Gazette.

J.R. No. 20 of 1967.

[8A. For the purpose of Sections 6, 7 and 8 of this Regulation the expression "Town Planning Commission" shall be deemed to include the District Agents of any District or for any part thereof in respect of which no such Commission exists.]

Interpretation. J.R. No. 20 of 1967.

9. The provisions of the Regulation shall not be applied retrospectively, and the use of premises or of equipment which took place before the date of its publication may continue under the same conditions and without any restrictions.

Transitional provision.

10. (1) Any person who acts in contravention of the provisions of this Regulation or who fails to observe any condition imposed by the Resident Commissioners in the grant of authority to construct any installation or use any equipment shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding £500 or its equivalent in francs at the current rate of exchange in respect of each occasion on which such contravention or failure to observe such condition occurs.

Penalties.

(2) Sanitary Inspectors, Police Officers and any person appointed for that purpose jointly by the Resident Commissioners shall be responsible for the enforcement of this Regulation and any conditions imposed by the Resident Commissioners' decisions made hereunder.

11. This Regulation may be cited as the Joint Control of the Construction of Installations and Use of Equipment Regulation 15 of 1965 and shall come into operation on the date of its publication in the Condominium Gazette.

Citation.

Made at Vila this third day of November, 1965.

MURADIAN

ALEX. M. WILKIE

Resident Commissioner for the French Republic.

Her Britannic Majesty's Resident Commissioner.