

CONDOMINIUM DES NOUVELLES-HEBRIDES

NEW HEBRIDES CONDOMINIUM

ARRETE CONJOINT 31 de 1964

JOINT REGULATION 31 of 1964

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No. 31 of
1964.

To Make provision for compulsory attendance in National Courts and to prescribe penalties for contempt thereof and to prescribe penalties for false evidence in all Courts.

[Published: Condominium Gazette No. 225.]

MADE by the High Commissioners by virtue of the Powers conferred on them by Article 7 of the Anglo-French Protocol of 1914.

1. In this Regulation the expression "Judge" includes any person exercising a judicial function.

Interpreta-
tion.

2. (1) Where any matter, whether civil or criminal, is pending before a National Court it shall be lawful for a summons to be issued addressed to any person requiring his attendance to give evidence, or requiring him to produce to such Court for the purpose of evidence any document or thing in his possession or procurement which may be specified or sufficiently described in the summons.

Witness
Summons.

(2) Any summons addressed to a person (other than a native) not amenable to the National Court at which his attendance is required shall be endorsed "Authorised to issue" and shall be signed by a Judge of the National Court to which such person is amenable as well as signed by the issuing authority.

3. A witness summons shall be served in accordance with the procedure described in the Court in which the attendance of the witness is required.

Procedure.

4. A witness summons shall be accompanied by a translation thereof and shall be served in accordance with the procedure of the issuing authority.

Service of
Witness
Summons.

5. Any person who, having been duly served with a witness summons shall without due cause fail to appear in answer thereto, or having appeared refuses to give evidence or produce what is required shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding twenty pounds Stg. or its equivalent in francs at the current rate of exchange and on a second or subsequent conviction to a fine not exceeding fifty pounds Stg. or its equivalent in francs at the current rate of exchange.

Failure to
obey Witness
Summons.

Provided always that no witness shall be compelled to disclose anything or produce any document or thing in circumstances in

which he might plead privilege from so doing under the National law applicable to him.

6. (1) Any person who, in a judicial proceeding, having been sworn or affirmed according to the Law applicable in the Court holding such proceeding, makes a statement material to the proceeding which he knows to be false or does not believe to be true shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding five hundred pounds Stg. or its equivalent in francs at the current rate of exchange or to a term of imprisonment not exceeding five years or to both such fine and imprisonment.

False evidence.

(2) For the purpose of this Regulation the expression "judicial proceeding" includes a proceeding before any Court, tribunal or person having the law power to hear, receive or examine evidence on oath.

7. Any person who wilfully obstructs any officer of a National Court in the exercise or on the occasion of the exercise by him of his duties shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding twenty pounds Stg. or its equivalent in francs at the current rate of exchange or to a term of imprisonment not exceeding one month or both such fine and imprisonment.

Obstructing Officers of the Court.

8. Any person who—

- (i) commits any contempt in the face of a National Court;
- (ii) publishes any matter scandalising a National Court; or
- (iii) does any act or publishes anything calculated to interfere with the due course of justice or the lawful process of a National Court,

Contempt of National Court.

shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding twenty pounds Stg. or its equivalent in francs at the current rate of exchange or to a term of imprisonment not exceeding one month or both such fine and imprisonment.

9. Any offence contrary to the provisions of this Regulation shall be prosecuted before a Court of First Instance:

Where offences triable.

Provided that nothing in the Regulation shall prejudice the right of the National Courts to deal with offences committed in them by persons justiciable by them.

10. The Witness Regulation of 1914 (No. 3 of 1914) is hereby revoked.

Joint Regulation No. 3 of 1914 revoked.

11. This Regulation may be cited as the Joint (Courts) Citation.
Regulation No. 31 of 1964 and shall come into operation on the day
of its publication in the Condominium Gazette.

Dated at Vila, this 12th Day of November, 1964.

M. DELAUNEY

COLIN H. ALLAN

The Resident Commissioner
for the French Republic,
for and on behalf of
the High Commissioner.

Her Britannic Majesty's Acting
Resident Commissioner,
for and on behalf of
the High Commissioner.
