

CONDOMINIUM DES NOUVELLES-HEBRIDES
NEW HEBRIDES CONDOMINIUM

ARRETE CONJOINT 4 de 1909

et

5 de 1919

4 de 1920

JOINT REGULATIONS 4 of 1909

and

3 of 1919

4 of 1920

A JOINT REGULATION

To prevent the introduction of communicable disease into the New Hebrides.

Joint Regulation No. 4 of 1909 was published by the High Commission of the Western Pacific in Suva, Fiji in 1909. It is reprinted as amended by the following regulations:

- J.R. 1 of 1919 W.P.H.C. Gazette No. 10 of 1919
- J.R. 3 of 1919 W.P.H.C. Gazette No. 23 of 1919
- J.R. 4 of 1920 W.P.H.C. Gazette No. 23 of 1920
- J.R. 1 of 1926 W.P.H.C. Gazette No. 19 of 1926
- J.R. 4 of 1949 Condominium Gazette No. 168
- J.R. 2 of 1961 Condominium Gazette No. 210

WHEREAS it is expedient to take measures to prevent the introduction of Communicable Diseases into the New Hebrides.

INTERPRETATION

In this Regulation unless the subject or context otherwise requires—

- “Consul” means Consul-General, Consul, Vice-Consul, or Consular Agent, or any person representing Great Britain or France in a consular capacity; “Consul”;
- “The Group” means the islands comprised in the New Hebrides and the Banks and Torres Islands; “The Group”;
- “Health Officer” means any person appointed by the High Commissioners of Great Britain and France conjointly to act as health officer under this Regulation; “Health officer”;
- “Communicable disease” means and includes cholera, smallpox, scarlet fever (scarlatina), oriental plague, enteric or typhoid fever, yellow fever, fever, measles, [whooping cough,] and any disease of such a nature as to make it uncertain whether it is one of the aforesaid diseases or not; “Communicable disease”; J.R. 4 of 1949.
- “Vessel in quarantine” means any vessel which has not been admitted to pratique or which has been placed in quarantine under the provisions of this Regulation; “Vessel in quarantine”;
- “High Commissioners” means the High Commissioners of His Britannic Majesty and of the French Republic for the New Hebrides; “High Commissioners”;
- “Resident Commissioners” means the Resident Commissioners of Great Britain and of the French Republic for the New Hebrides; “Resident Commissioners”;
- “Infected port” means any place at which a vessel has touched or from which a vessel has cleared where communicable disease is known or has been declared to exist; “Infected port”;

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"Pratique" means permission to a vessel to hold direct communica-
tion and intercourse with the inhabitants of the place at which
such vessel is lying;

"Medical Officer" means a medical man in the employment of
His Britannic Majesty's Government or of the Government of
the French Republic or one having authority from one or
other of those governments;

"Cattle" means horned cattle, sheep, goats, swine, horses, asses,
mules, and any other animals that serve for domestic purposes
or as food for man;

"Native labourers" means aboriginal natives of the New Hebrides
recruited for labour in the Group or beyond it.

"Pratique";

"Medical
officer";

"Cattle";

"Native
labourers".

PART I

1. A bill of health shall declare the sanitary condition of the
port and the neighbourhood of the port in respect of which it is
issued, and especially the existence or otherwise of infectious or
contagious disease. It should set forth clearly the name of the vessel,
of the master and surgeon (if any), the nature of the cargo, the
number of the crew and passengers, and the state of health of those
on board at the time of the departure of such vessel.

Bills of
health.

2. The bill of health of a vessel bound for the New Hebrides
should bear the visa of the health authorities of the port of departure
or, should such port be neither British nor French, by the British or
French consul as the case may be, and the same indorsement from
the competent authorities at each port at which such vessel may have
touched on the voyage.

Bill of health
to be visaed.

3. A bill of health shall be considered as "clean" when it
declares the non-existence of any infectious or contagious disease in
the district in which is situate the port of departure of the vessel in
respect of which it is issued, and as "foul" when the contrary is
declared.

Clean and
foul bills
of health.

4. The master or surgeon of every vessel arriving in the Group
shall produce the bill of health furnished to such vessel, and any
failure to produce such bill of health or any irregularity therein shall
be considered as an infraction of this Regulation.

Bill of
health to be
produced.

PART II

5. Every vessel arriving in the Group shall make herself
known at Vila before having any communication with the shore or
with any coasting vessels or boats in the vicinity of the islands.

Vessels to
report at
Vila.

6. To make herself known every vessel shall on arriving
within a distance of three miles of the coast exhibit a yellow flag
before by day and a globular red light by night until such time
as pratique shall have been given.

Quarantine
signals.

7. Every vessel exhibiting a yellow flag or a red light as described in section six hereof shall be considered as in quarantine as hereinafter defined, and during such state of quarantine shall have no communication except by signal with the shore or with any boat or vessel save that of the health officer, whose boats shall when bringing a health officer on board bear a yellow flag by day and a red light by night.

Vessels showing quarantine signals to be considered in quarantine.

Distinctive signs of health officer's boats.

8. It shall be unlawful for any other boats to exhibit such signs within the waters of the Group.

Unlawful for other boats.

9. The health officer shall approach the vessel on the windward side within speaking distance, but he shall not go on board to receive the bill of health until replies shall have been given by the master or the surgeon to the questions set forth in the schedule hereto attached.

Communications with vessel by health officer.

[10. In the event of a vessel presenting a "foul" bill of health such vessel may—(1) be declared "clean" and admitted to free pratique after disinfection provided that there are no sick on board and that sufficient time, that is to say, seven days for cholera, nine days for yellow fever and for plague; ten days for smallpox, diphtheria and measles; [fourteen days for whooping cough;] [seven days for Spanish influenza]; and for other infectious or contagious diseases six days or such periods as may have been publicly notified by the Resident Commissioners conjointly, shall have elapsed from the date of her departure from the port where such bill of health was issued to prove that no persons have been embarked suffering from any infectious or contagious diseases; (2) be considered as "subject" and put in quarantine as defined in Article eleven of this Regulation if, though having no sick on board, such vessel shall have left an infected port within any of the periods allowed for incubation of disease as specified in the next preceding paragraph; such quarantine may however be modified in any degree that the Health Officer may see fit as provided in Article sixteen of this Regulation if it shall be proved to the satisfaction of the Health Officer that the vessel has been disinfected and all necessary sanitary precautions taken under competent supervision, that the vessel has been isolated as far as possible from the infected parts of the port and that no passengers or goods capable of transmitting contagion or infection have been taken on board; (3) be considered as "infected" and put in strict quarantine, if either before or after departure from an infected port such vessel shall have taken on board any persons suffering from an infectious or contagious disease.]

Measures to be taken on "foul" bill of health. J.R. 1 of 1919

J.R. 1 of 1949

J.R. (un-numbered) of 1919.

11. Every vessel in quarantine shall anchor at such place as the health officer may direct. No communication shall be made with the shore except by signal and no person or goods shall be admitted on board without the permission of the health officer. Any person

Vessels in quarantine.

so admitted on board such quarantined ship shall be subject to the same regulations as regards quarantine as the passengers and crew, provided that the health officer or any of his duly appointed agents may in case of necessity hold communication with ship and shore, in which case due precaution shall be taken to prevent the propagation of disease, and the crew of the boat making such communication shall be placed under observation. No boat not being under the authority of the health officer shall approach within one hundred yards of a vessel in quarantine.

12. The supply of provisions and drinking water to a vessel in quarantine, and the discharge of bilge and waste water, shall be carried out under the supervision of the health officer and under conditions to be determined by him.

Provisioning.

13. The Resident Commissioners may by reason of the proximity of an infected or suspected vessel quarantined under this Regulation or in consequence of an outbreak of epidemic disease, and on the recommendation of the officers of health, jointly declare that any island or area on any island shall be in quarantine. Any buildings and enclosures provided for the reception of sick or suspected persons landed from infected vessels shall be included in the area declared to be in quarantine under this section.

Land quarantine.

[14. The period of quarantine to be undergone by passengers landed from any infected or suspected ships shall be seven days for cholera, nine days for bubonic plague or yellow fever, ten days for smallpox, diphtheria, and measles, [fourteen days for whooping cough,] [seven days for Spanish influenza], and six days, or such periods as may have been publicly notified by the Resident Commissioners conjointly, for other contagious and infectious diseases commencing from the date of the disembarkation of the passengers into the quarantine station or from that of the last case (of contagious or infectious disease) that has happened on board.]

Duration of quarantine.
J.R. 1 of 1919

J.R. 1 of 1949.
J.R. (un-numbered) of 1949.

15. The health officer may before giving free pratique to any vessel order such measures of disinfection to be carried out as to him may appear to be necessary, and the cost of such disinfection shall be borne by the owner or consignee of such vessel.

Disinfection.

16. The health officer may order the disembarkation of the passengers and cargo of a suspected vessel as described in subsection two of section ten of this Regulation, provided that such passengers shall remain in such place and for such time as may be specified by the health officer and shall be subject to his orders during such detention.

Modification of quarantine for "suspected" vessels.

17. All articles found on board a ship that may be considered capable of transmitting contagious or infectious disease and which may be impossible to disinfect and dangerous to allow to be

Destruction of contaminated articles.

landed shall be destroyed on the order of the health officer, and the cost of the destruction of such articles shall be borne by the owners or consignees.

18. The health officer shall not permit the landing of any cattle from a vessel unless the bill of health of such vessel shows that no epizootic disease exists in the neighbourhood of the place of origin of such cattle, and such place of origin shall be attested by a certificate of origin.

Precautions in regard to cattle.

[19. —]

J.R. 2 of 1961.

20. On the appearance of symptoms of rabies in any animal undergoing quarantine under this section such animal shall be immediately destroyed.

Destruction of animals showing signs of rabies.

21. Nothing in this Regulation shall be held to prevent the master of a vessel arriving in the Group and being unwilling to submit to the measures of quarantine herein prescribed from putting to sea again unhindered. In such a case the bill of health of the vessel shall be returned with an indorsement setting forth the circumstances under which the vessel has taken her departure.

Vessels may leave under certain circumstances.

PART III

22. Vessels engaged in interinsular and coastal trade and boats engaged in fishing or in the recruitment of native labour shall not under ordinary circumstances be required to be furnished with bills of health, but should an outbreak of contagious or infectious disease occur on any island of the Group the health authorities may order the provision of a bill of health obligatory in respect of all coasting and interinsular vessels as aforesaid that may touch at such infected island.

Bills of health for coasting vessels.

23. In the event of the outbreak of disease of an epidemic nature in any island of the Group the Resident Commissioners shall on the advice of the health officers jointly declare such island to be in quarantine and such quarantine shall continue until the island is declared free from disease. The Resident Commissioners shall take the measures necessary to make such quarantine effective.

Land quarantine.

PART IV

24. All vessels carrying native labourers that shall pass the island of Efate shall be visited and the labourers examined by a medical officer before they are disembarked, and such native labourers as may be suspected to be suffering from leprosy or from tuberculosis shall be sent back immediately to the place whence they came at the cost of the master or of the owner of the vessel. Labourers on other islands shall also be examined as

Medical examination of labourers.

opportunity may offer, and the examining medical officer shall order the immediate repatriation at the cost of the employer of such labourers as he may suspect of being infected with leprosy or tuberculosis.

25. The fee for the medical examination prescribed in the next preceding paragraph shall be [7.50 francs] for each labourer examined and shall be payable by the recruiter or by the employer if such employer has recruited the labourers in his own vessel.

Fee for medical examination.

J.R. 1 of 1926.

PART V

26. The duties of health officer shall be fulfilled by two medical officers—one English and one French—resident at Port Vila, to be appointed by the British and French High Commissioners conjointly, and such health officers shall be assisted in the different islands by other officers appointed by the Resident Commissioners to whom they may delegate portion of their powers.

Health officers.

27. Each of the medical officers shall take his turn of duty as health officer for such period of time as may be determined by the Resident Commissioners conjointly: provided that vessels flying the flags of the two Powers parties to the Convention of the 20th October, 1906, coming from beyond the Group and engaged in the inter-insular and coastal traffic shall be visited and inspected by a medical officer of the nationality of such vessel irrespective of his turn of duty under this section. In the same manner indentured labourers shall be visited and examined by the medical officer of the nationality of the employer.

Duties of health officers.

28. The health officers shall be empowered to requisition lighters, boats, horses, carts, carriages, and any other means of transport that may be required for the due fulfilment of the provisions of this Regulation. They shall be supplied with the force necessary for the due supervision of the quarantine, and shall issue the necessary orders to the persons employed on such supervision.

Powers of health officers.

29. In case of absence or incapacity of either of the health officers, his duties may be performed by the other; and in case of the absence or incapacity of both their duties may be performed by such person as the Resident Commissioners may jointly direct.

Measures to be taken on incapacity of health officer.

PART VI

30. Every surgeon or physician in the Group whether practising his profession or not, who shall have cognisance of an outbreak of contagious or infectious disease in any island in the Group, shall report such fact to the Resident Commissioner having jurisdiction over him, and such Resident Commissioner shall immediately communicate the report to the two health officers respectively.

Medical men to notify outbreak of epidemics.

PART VII

31. On the motion of one of the Resident Commissioners or of either of the health officers the Resident Commissioners may conjointly summon a Sanitary Council to be composed of such members as the Resident Commissioners may direct, which council shall decide on any doubtful point that may arise in carrying out the provisions of the present Regulation.

Sanitary Council.

PART VIII

32. Any person omitting to do anything required by this Regulation, or doing, or aiding, abetting, or advising the doing of anything prohibited by this Regulation, or knowingly giving or attempting to give any false information under this Regulation, shall be liable on conviction to a fine of from four shillings to twenty pounds and to imprisonment of from twenty-four hours to one month (or to one of these penalties).

Penalties.

33. In the event of the person charged with an infraction of this Regulation being subject to neither British nor French jurisdiction he shall be dealt with in accordance with the law of the medical officer who makes the charge.

Breach of Regulation by person neither British nor French.

34. Offences against the provisions of this Regulation shall be justiciable by the Joint Court contemplated by Article X of the Convention of 20th October, 1906, and until such time as that court may be established by the tribunal of the nation of which the person charged may be a subject, or for whose legal system he may have opted under Article I (2) of the Convention aforesaid.

35. This Regulation shall come into force on the eighth day of April, one thousand nine hundred and nine, and may be cited for all purposes as "The New Hebrides Quarantine Regulation, 1909."

Date of coming into force. Short title.

SCHEDULE

<i>Questions</i>	<i>Answers</i>
What is the name of the vessel?	
To what port does she belong?	
Whence do you come?	
When did you quit your port of lading?	
To what places are you bound?	
To what ports or places have you touched on your voyage since you left the port of lading, and on what dates did you quit each of those places?	
To what vessels have you had intercourse or communication with on your passage, and on what dates, and whence did they come, and what was the nature of the communication?	

<i>Questions</i>	<i>Answers</i>
Did any infectious or contagious diseases exist at the places from which such vessels came?	
Did any infectious or contagious disease exist at or in the vicinity of the place whence you sailed, or on board any vessel with which you had personal intercourse or communication on your passage, or at any of the places at which you have touched?	
Are there any persons on board your ship affected with any infectious or contagious disease, or has any person died or been ill of a disease of that nature during the voyage?	
And (if any) what number? And if any have died or been ill of a disease were their bedding and clothes destroyed?	
What number of officers, mariners and passengers have you on board?	
Have you any, and what Bill of Health?	
Date	<i>Signature of Master.</i> <i>Signature of Surgeon.</i>

Published and exhibited in the Public Offices of the Resident Commissioners for His Britannic Majesty and for the French Republic this eighth day of April, one thousand nine hundred and nine.

For the High Commissioner
for the French Republic
for the New Hebrides.
(L.S.) CH. NOUFFLARD

For His Britannic Majesty's
High Commissioner for the
New Hebrides.
(L.S.) M. KING