

NEW HEBRIDES CONDOMINIUM

JOINT REGULATION

No. 18 of 1975

TO AMEND the Joint Electoral Committees Regulation No. 8 of 1975

MADE by the Resident Commissioners under the provisions of Articles 2:2, 7 and 62 of the Anglo-French Protocol of 1914.

Replacement of proviso to s.6 of J.R. No. 8 of 1975

1. The proviso to section 6 of the Joint Electoral Committees Regulation No. 8 of 1975 (hereinafter called "the principal Regulation") is hereby repealed and replaced by the following proviso -

"Provided that where no such certificate or other evidence is available, such period of residence may be sufficiently established by a written declaration in English or French, made by the intended elector in the presence of and witnessed by the Registration Officer, in the form set out in the Schedule. " .

Replacement of Schedule to principal Regulation

2. The Schedule to the principal Regulation is hereby repealed and replaced by the following Schedule -

" SCHEDULE (section 6)

DECLARATION OF RESIDENCE BY ELECTOR

I (full name of intended elector) do hereby solemnly and sincerely declare that I have resided at (name of place) for not less thanyear/s down to the present time.

And I hereby acknowledge that I am aware that the wilful making of a false declaration of such residence constitutes an offence punishable under section 9 of the Joint Electoral Committees Regulation No. 8 of 1975 as amended.

DATED this day of 197 .

SIGNATURE OF DECLARANTWITNESS TO SIGNATURE
OF DECLARANT:Registration Officer

"

Amendment
of s.9 (1)
and (2) of
principal
Regulation

3. Subsections (1) and (2) of section 9 of the principal Regulation are hereby amended by inserting immediately after the words "Registration Officer" in each case the words "or any member of the Electoral Investigation Commission established under section 13".

Amendment
of s.9 of
principal
Regulation

4. Section 9 of the principal Regulation is hereby further amended by adding at the end thereof the following new subsection -

"(3) Any Registration Officer or any person acting on behalf of or under the directions of any Registration Officer who shall knowingly register or cause to be registered as a voter any person who is not qualified to be so registered or shall knowingly issue or cause to be issued an electoral card under the provisions of section 8 to any person who is not entitled to such electoral card shall be guilty of an offence and liable upon conviction to the penalties prescribed in subsection (1)."

Replacement
of s.10 (2)
of principal
Regulation

5. Subsection (2) of section 10 of the principal Regulation is hereby repealed and replaced by the following subsection -

"(2) The Resident Commissioners shall cause electoral rolls to be prepared from such lists or cards, as the case may be, and printed in such numbers and deposited for safe custody in such manner as they shall direct."

Amendment
of s.10 (3)
of principal
Regulation

6. Subsection (3) of section 10 of the principal Regulation is hereby amended by deleting the words "and subject to the supervision of the Electoral Commission".

New heading
of Parts I
and IV of
principal
Regulation

7. Sections 1 to 10 inclusive of the principal Regulation shall be headed "PART I - REGISTRATION OF ELECTORS" and sections 11 and 12 thereof shall be re-numbered 17 and 19 respectively and headed "PART IV - MISCELLANEOUS PROVISIONS".

New Part II added to principal Regulation

8. The principal Regulation is hereby further amended by inserting immediately after section 10 the following new Part -

" PART II - ADDITIONAL FUNCTIONS OF ELECTORAL COMMITTEES IN LOCAL GOVERNMENT ELECTIONS

Electoral Committees to determine complaints etc. after polling

11. Every Electoral Committee shall, in the case of elections for any municipality or rural community, have such additional functions and powers after the closing of polling with respect to the investigation and determination of any complaints, objections or disputes concerning the regularity of the voting procedure at any polling station or stations within the area of its competence as may be conferred upon it by Rules made by the Resident Commissioners governing the holding and conduct of such elections.

Reports of results of investigation

12. Each Electoral Committee shall report without delay the results of its investigation of any questions concerning the regularity of the voting procedure in accordance with the provisions of sections 11 and 12 to the Resident Commissioners and shall give reasons for its decisions thereon which shall be final. " .

New Part III added to principal Regulation

9. The principal Regulation is hereby further amended by inserting immediately after section 13 the following new Part -

" PART III - ELECTORAL INVESTIGATION COMMISSION

Establishment of Electoral Investigation Commission

13. There shall be established by joint decision of the Resident Commissioners an Electoral Investigation Commission comprising two co-Chairmen and

three other suitably qualified persons named in such decision.

Functions of Commission

14. The functions of the Electoral Investigation Commission established under the provisions of section 13 shall be to investigate and determine any allegations or complaints of errors, irregularities or improprieties whatsoever addressed by any person or body in writing to the Commission at any time during the process of registration of electors down to the time of the closing of the electoral roll.

Conduct of investigation

15. The Electoral Investigation Commission shall conduct its investigations at the district where the error irregularity or impropriety is alleged to have occurred and shall have the power to make such enquiries, to question such persons or to inspect such documents as it may consider necessary for the purpose of determining the allegation or complaint.

Decisions of Commission

16. The Electoral Investigation Commission shall reach its decision by majority opinion without delay and shall direct the Electoral Committee for the district concerned to take such steps or make such rectification of the electoral roll, if any, as it may think fit. It shall give its reasons for every such decision, which shall be final and shall be communicated to the person or body making the complaint or allegation and to the Resident Commissioners. "

New s.18
added to
principal
Regulation

10. The principal Regulation is hereby further amended by inserting immediately after section 17 the following new section -

"Validating provision 18. Anything which has been done before the commencement of this Regulation, or by any person not at that time appointed as a Registration Officer but who has been subsequently appointed as a Registration Officer, in purported exercise of any power conferred by this Regulation concerning the provisional registration of electors, and which would have been lawfully done if this Regulation had come into operation, or such person had been appointed as a Registration Officer, prior to the doing of such thing, shall be deemed to have been in all respects lawfully done. " .

Citation
and
commence-
ment

11. This Regulation may be cited as the Joint Electoral Committees (Amendment) Regulation No. 18 of 1975 and shall come into operation on the date of its publication in the Condominium Gazette.

MADE at Vila this eighteenth day of June 1975.

Pour The Resident Commissioner
for the French Republic
absent, le Chancelier chargé de
l'intérim,

Her Britannic Majesty's
Resident Commissioner,

J. FABRE

R.W.H. DU BOULAY