

NEW HEBRIDES CONDOMINIUM

JOINT REGULATION

No. 4 of 1975

TO AMEND the Native Criminal Code (Joint Regulation No. 12 of 1962, as amended).

MADE by the Resident Commissioners under the provisions of Article 8 of the Anglo-French Protocol of 1914.

New s.34A  
added to  
Schedule to  
J.R. 12 of  
1962

1. The Schedule to Joint Regulation No. 12 of 1962 as from time to time amended is hereby further amended by inserting immediately after section 34 the following new section -

"Riots 34A. (1) If during the course of any assembly of three or more persons, any offence is committed by any person against the provisions of section 7, section 8, section 26 or section 27, such assembly shall be considered to be a riot and the persons so assembled to be riotously assembled.

(2) Any person who instigates or encourages any other person to commit any offence against the provisions of section 7, section 8, section 26 or section 27 (whether or not such offence is committed) during the course of any assembly of three or more persons, commits an offence punishable by imprisonment for five years.

(3) Any person who during the course of a riot -

(a) being a person who instigated or organised (whether alone or with other persons) such assembly, fails as soon as he becomes aware that any offence against the provisions of section 7, section 8, section 26 or section 27 has been committed, to call upon and take all practicable steps to require all persons so riotously assembled to disperse; or

(b) continues actively to participate in such riot after becoming aware that any offence against the provisions of section 7, section 8, section 26 or section 27 has been committed;

commits an offence punishable by imprisonment for three years.

(4) Any person who takes part in an assembly of three or more persons with the intention of committing or causing to be committed during the course of such assembly any offence against the provisions of section 7, section 8, section 26 or section 27 (whether or not any such offence is committed) commits an offence punishable by imprisonment for five years. For the purposes of this subsection, the carrying of any offensive weapon or incendiary device or materials shall, in the absence of proof to the contrary the onus whereof shall lie upon the accused person, be deemed to constitute sufficient and conclusive evidence of an intention to commit such an offence. " .

Citation  
and  
commencement

2. This Regulation may be cited as the Native Criminal Code (Amendment) (No. 3) Regulation No. 4 of 1975 and shall come into operation on the date of its publication in the Condominium Gazette.

MADE at Vila this Seventeenth day of February, 1975.

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

Her Britannic Majesty's Assistant  
Resident Commissioner ( in the  
absence of the Resident Commissioner  
in pursuance of the provisions  
of Sec. 6 (2) (b) of the New  
Hebrides Order-in-Council 1922 )

J. FABRE

J.A. BURGESS