

NEW HEBRIDES

AGREEMENT AMENDING THE EXCHANGE OF NOTES

BETWEEN THE BRITISH AND FRENCH GOVERNMENTS

MADE AT LONDON ON 24 NOVEMBER AND 5 DECEMBER 1939

IT IS HEREBY NOTIFIED pursuant to section 14 of Schedule 1 to the New Hebrides Order 1973 that upon publication hereof the Protocol made the 6th day of August 1914 between the Government of His Late Majesty King George the Fifth and the Government of the French Republic in the terms set forth in the Schedule to the New Hebrides Order in Council 1922 as interpreted in accordance with the agreement to that effect contained in the notes exchanged between the two Governments dated the 16th day of December 1922 and the 26th day of December 1922 respectively, and set out in the Schedule to the New Hebrides Order in Council 1922 as interpreted in accordance with the agreement to that effect contained in the notes exchanged between the two Governments dated the 16th day of December 1922 and the 26th day of December 1922 respectively, and set out in the Schedule to the New Hebrides Order in Council 1923 and as modified, added to, or amended by any of the agreements set out in the Schedule to the New Hebrides Order in Council 1961, or in the Schedule to the New Hebrides Order in Council 1963 and by the provisions of section 4 of the New Hebrides Order in Council 1970, and as modified, added to or amended by the agreements constituted by the Exchanges of Notes between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the French Republic dated the 2nd day of September 1970, the 10th day of February 1972, the 19th day of April 1972, the 21st day of July 1972, the 11th day of April 1973, the 10th day of May 1973, the 17th day of May 1974, the 29th day of August 1975, the 14th day of November 1975 and the 15th day of June 1976 shall have the force of law and shall be binding upon all such persons as are referred to in section 2 of Schedule 1 to the New Hebrides Order 1973, subject to the agreement constituted by the Exchange of Notes between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the French Republic made at London the 1st day of July 1976, amending the Exchange of Notes between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the French Republic made at London on 24 November and 5 December 1939 in the following manner :-

With effect from the 1st day of July 1976, paragraph (2) of the Exchange of Notes shall be replaced by the following -

- "(2) (a) They shall be assisted in hearings other than those relating to proceedings concerning immovable property by an assessor entitled to vote.
- (b) In criminal cases, including cases on revision, evocation and appeal, the assessor shall be of the same status as the accused; where however in any proceedings there are two or more accused, not all of the same status, the assessor shall be chosen by lot from the lists of assessors corresponding to the respective status of the accused persons.

The Public Prosecutor and each accused person may each on two occasions challenge the assessor appointed. An assessor so challenged shall be replaced from the same list or lists according to the same procedure.

- (c) In civil cases, where the parties are of the same status the assessor shall be of that status; where however the parties are of different status, the assessor shall be chosen by lot from lists of assessors corresponding to the respective status of the parties, except in cases where the law applicable to the proceedings is expressly specified by the Protocol of 16 August 1914; in such cases, the assessor shall be of the same status as the party who is a dependent of the Power whose law is being applied.
- (d) The assessor shall be selected from three lists drawn up by the Resident Commissioners before 31 October of each year and containing respectively the names of leading native inhabitants and leading non-native inhabitants of each Power. Except in cases where he must be selected by lot, the assessor shall be appointed jointly by the British Judge and the French Judge.

If the assessor appointed is absent or otherwise unable to perform his duties, he shall be replaced from the same list or lists according to the same procedure."

PUBLISHED AND EXHIBITED at the Public Office of the Resident Commissioner this 21st day of July 1976.

J. Simon  
Office Superintendent