

CONDOMINIUM DES NOUVELLES-HEBRIDES

NEW HEBRIDES CONDOMINIUM

ARRETE CONJOINT 3 de 1923

JOINT REGULATION 3 of 1923

A JOINT REGULATION

No. 3 of 1923.

to provide for the disposal of derelict vessels found within the waters of the New Hebrides.

Published: Western Pacific High Commission Gazette No. 6 of 1923.]

1. From the date of this Regulation any native or non-native person who shall find an abandoned vessel or wreck of any description at sea or on the seashore shall give notice of such finding to one or other of the Resident Commissioners or to the nearest (Condominium) Government Agent who shall immediately inform the Resident Commissioner under whom he serves.

Notice of finding of derelict to be given.

Each Resident Commissioner shall notify the other of information of this nature which he may receive and shall make the necessary arrangements for its publication accordingly.

Notice to be published.

2. When a claim to the ownership of such salvaged vessel shall be made within a period of three months of the date of the first publication of notice as aforesaid, such vessel shall be delivered to the claimant on production of proof of ownership, and on payment to the salvor of:

Restoration of derelict to owner.

One-third of the value of the vessel if it has been found at a distance of more than one mile from the shore; or

Salvage.

Of a quarter of such value if the vessel has been found on the seashore or at less than one mile from the shore.

The value of the vessel shall be estimated by two persons one to be appointed by each Resident Commissioner, and should the owner of the vessel consider that his interests are affected by the value so estimated he may demand that the vessel shall be sold by public auction, and the amount of salvage to be paid to the salvor shall be calculated on the gross proceeds of such sale.

Estimation of value of wreck.

If the vessel is sold as aforesaid the proceeds of the sale shall be paid to the owner on production of proof of his ownership and after deduction from such proceeds of:

Proceeds of sale to be paid to owner.

- (a) Salvage for the salvor fixed as provided in section 2 hereof;
(b) Customs duties, if any;
(c) Expenses of valuation;
(d) Cost of sale by auction, that is to say, ten per cent. of the amount realised, being four per cent. cost of sale, and six per cent. fee of auctioneer.

Deduction from proceeds of sale.

Arrangements for such sale by auction shall be made by the Condominium Government Agent stationed nearest to where the wreck has been found.

3. If after the expiration of a period of three months from the date of first publication of notice as aforesaid, no claim shall have

Disposal of unclaimed wrecks.

When made to the ownership of the vessel, such vessel shall be sold by public auction and the proceeds of the sale shall be lodged in the Condominium Treasury after deduction of:

- (a) Salvage for the salvor as provided in section 2 hereof;
- (b) Customs duties, if any;
- (c) Cost of sale by auction as provided in section 2 (d) hereof.

Salvage.

4. If before the expiration of a period of five years from the date of the first publication of notice as aforesaid, the owner of the vessel makes a claim to the proceeds of the sale as provided in section 3 preceding the net proceeds of such sale without interest shall be paid by the Condominium Treasurer to such owner on production of proof of such ownership; and

Disposal of proceeds of sale of unclaimed wrecks.

If after the expiration of the aforesaid period of five years from the date of publication of notice no claim of ownership of the vessel shall have been made the net proceeds of the sale by auction shall finally be carried to the account of the Condominium Government.

5. Wrecks or stranded vessels which shall have been found but of which notice shall not have been given as provided in section 1 hereof shall be considered as illegally detained and shall be seized. In such cases publication of notice of sale of wrecks, and the lodgment of the proceeds of sales by auction shall be as provided in the section preceding, but the salvor shall have no claim to salvage, and shall be liable to prosecution before the Joint Court or before a Court of First Instance as the case may be in accordance with the provisions of section 6 next following.

Action in cases in which notice of finding has not been given.

6. Infractions of the provisions of this Regulation shall be justiciable by the Joint Court or by a Court of First Instance as the case may be and shall be punishable by a penalty of imprisonment of from one to thirty days or by payment of a fine of from tenpence to four pounds or by one or other of those penalties.

Penalties for infractions.

This Regulation shall be known as the Derelicts Regulation No. 3 of 1923.

Published and exhibited in the Public Offices of the Resident Commissioners for His Britannic Majesty and for the French Republic at Vila in the New Hebrides this seventh day of April one thousand nine hundred and twenty-three.

(L.S.) H. D'ARBOUSSIER
Resident Commissioner for
the French Republic.

(L.S.) M. KING
His Britannic Majesty's
Resident Commissioner.

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