

CONDOMINIUM DES NOUVELLES-HEBRIDES

NEW HEBRIDES CONDOMINIUM

ARRETE CONJOINT 33 de 1973

JOINT REGULATION 33 of 1973

## JOINT REGULATION

No. 33 of  
1973.

To provide powers to place telecommunications lines and posts.

[Published: Condominium Gazette No. 328.]

MADE by the Resident Commissioners under the provisions of paragraph 2 of Article 2 and Article 7 of the Anglo-French Protocol of 1914.

1. In this Regulation—

Interpreta-  
tion.

“post” means a post, pole, standard, stay, strut or other above ground contrivance for carrying, suspending or supporting a telecommunication line;

“telecommunication” means any system for the transmission, emission or reception of signs, signals, writings, images, and sounds or intelligence of any nature by wires, radio, visual or other electromagnetic systems;

“telecommunication line” means any wire or wires used for the purpose of a telecommunication with any casing, coating, tube or pipe enclosing the same and any appliances and apparatus connected therewith for the purpose of fixing or insulating the same.

2. The Resident Commissioners may from time to time by Joint Decision authorise the Condominium Postmaster to place and maintain a telecommunication line under, over, along or across, and posts in or upon, any land and do all such works and things as may be necessary for such purpose including cutting and removing on each side of any proposed or existing line all such trees and underwood as may interfere or be likely to interfere with the construction or proper working of any telecommunication line:

Power to  
place  
telecom-  
munications  
lines and  
posts.

Provided that—

- (a) the Resident Commissioners shall not exercise the powers conferred by this section except for the purposes of a telecommunication established or maintained by the Joint Administration, or to be so established and maintained;
- (b) the Resident Commissioners shall only acquire any right of user in the land, under, over, along, across in or upon which they place any telecommunication line or post for the purposes of establishing and maintaining such telecommunication;
- (c) in the exercise of the powers conferred by this section the Resident Commissioners shall require the Condominium Postmaster to do as little damage as possible and, when they have exercised those powers in respect of any land, shall in accordance with the provisions of section 4 pay

compensation to all persons interested for any damage sustained by them by reasons of the exercise of those powers;

- (d) before the exercise of any of the powers herein conferred notice of the Resident Commissioners' intention shall be served on the owner or owners or other interested party, if any.

3. (1) In the exercise of the powers conferred by this Regulation, it shall be lawful for the Condominium Postmaster when so authorised for the purpose of the Resident Commissioners, by himself, his agents, workmen and labourers, to do all or any of the following—

Power to enter upon land.

- (a) enter, survey, and take levels of any private or other land or any part thereof and also dig out and remove any earth, stone, soil, sand and gravel whatsoever for the construction, maintenance or alteration of any telecommunication line or any part thereof or for any other purpose in connection with the works authorised by this Regulation;
- (b) cut and remove from any private or other land any tree or any branch, bough or other part of a tree growing on such lands within 30 metres of any telecommunication line and which may in any way affect or interfere with the works;
- (c) open or break up any road;
- (d) erect and maintain posts, staywires, poles or pillars in or upon any private or other land and attach, place and maintain wires, lines, conduits or other appliances and things necessary for the works in, under, through, over, across or upon any street, road, land, buildings, houses or premises:

Provided that before the exercise of any of the powers herein conferred notice of the Condominium Postmaster's intention shall be served on the owner or owners or other interested party, if any, at least seven working days before the exercise of such power.

(2) In the exercise of the powers given by this section, the right just granted to the Condominium Postmaster shall be limited to the execution of such works in or over the soil of any land through, over or under which it causes to be placed any of the works and should any of the works so carried through, over or under any such land cause any loss or damage of a certain and material nature to the owner of such land the concessionnaire shall remove or alter such work or the owner shall be entitled to reasonable compensation as provided in section 4.

4. Every person who sustains any damage or loss of a certain and material nature by reason of the exercise of the powers conferred by section 2 or section 3 may make application for compensation in writing in that behalf to the Resident Commissioners at any time before the expiration of one year after the act, matter, or thing in

Compensation.

respect of which such damage or loss is alleged to have sustained and if he fails to make application within such period his claim to compensation shall be barred.

(2) The amount of compensation, if any, payable under the provisions of this Regulation, shall, in default of agreement, be determined by a Compensation Commission, which shall comprise—

Chairman: The Registrar of Land Titles

Members: The Condominium Treasurer

The Superintendent of Public Works

Two persons resident in the area affected appointed by the Resident Commissioners.

(3) The Compensation Commission shall hear the claimant and the Resident Commissioners (either in person or by an agent) or if either shall so desire, consider written submissions in lieu thereof and shall give its decision and the reasons therefor in writing to the claimant.

(4) If the claimant is not satisfied by the decision of the Commission he may appeal to the appropriate Court which shall be determined in accordance with the provisions of the Anglo-French Protocol of 1914 in order that the Court may determine the amount of compensation to be awarded.

5. When under the foregoing provisions of this Regulation, a telecommunication line or post has been placed by the Condominium Postmaster under, over, along, across, in or upon any property and the owner or occupier thereof desires to deal with that property in such a manner as to render it necessary or convenient that the telecommunication lines or post should be removed to another part thereof or to a higher or lower level or altered in form, he may require the Resident Commissioners to remove or alter the line or post accordingly:

Application to remove telecommunication post or line.

Provided that he shall when making the requisition tender to the Resident Commissioners the amount requisite to defray the expense of the removal or alteration.

6. Any person who wilfully or negligently injures or damages or causes to be injured or damaged any works, apparatus, appliances, matters or things of whatever description installed or constructed by the Condominium Postmaster under the authority of the provisions of this Regulation, shall commit an offence punishable upon conviction by a fine not exceeding twenty thousand New Hebrides Francs (20,000 FNH) or its equivalent in Australian dollars at the current rate of exchange and in addition shall be liable in proceedings before the appropriate Court for the cost of repairing such injury or damage.

Damage to works.

7. Any person who shall assault, molest, hinder or obstruct any authorised officer, servant or agent in the exercise of any of the powers conferred or in the execution of any works authorised by this Regulation shall commit an offence punishable upon conviction by a fine not exceeding twenty thousand New Hebrides francs (20,000 FNH) or its equivalent in Australian dollars at the current rate of exchange or imprisonment for a term not exceeding three months or by both such fine and imprisonment.

Assault,  
obstruction  
etc. of  
authorised  
officer.

8. This Regulation may be cited as the Joint Telecommunications (Lines and Posts) Regulation No. 33 of 1973 and shall come into operation on the date of its publication in the Condominium Gazette.

Made at Vila this twenty-seventh day of July, 1973.

LANGLOIS

M. TOWNSEND

The Resident Commissioner  
for the French Republic.

Her Britannic Majesty's Acting  
Resident Commissioner.