

NEW HEBRIDES CONDOMINIUM

F. 269/9

JOINT REGULATION

No. 4 of 1974

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.

1. Paragraph (iv) of section 5 of the Schedule to the Native Criminal Code as from time to time amended (hereinafter referred to as "the Schedule") is hereby amended by deleting the words

"but shall in no case exceed one month, such imprisonment shall be in addition to any other imprisonment to which he may have been sentenced, and shall not preclude the collection of a fine if the collection is possible. "

and replacing them by the words

"provided that the sentence so calculated shall not exceed the maximum sentence of imprisonment for the offence and shall in no case exceed one month. Such imprisonment shall be in addition to any other imprisonment to which he may have been sentenced and shall not preclude the collection of the fine if collection is possible: " .

2. Section 5 of the Schedule is hereby amended by adding at the end thereof the following new paragraph -

" (vi) (a) Where a Court has

(1) convicted any person under the age of 18 years of an offence punishable by imprisonment for six months or more and is of the opinion that such person is in need of such care, protection and guidance as may best be given by members of his family; or

(2) convicted any person of the age of 18 years or over of a second offence involving fighting, assault or other breach of the peace and punishable by imprisonment for six months or more, within two years following such prior conviction or, where a Court has imposed a suspended sentence on such prior conviction, before the period of suspension has expired,

the Court may in lieu of or in addition to any other punishment order that such offender shall within 14 days of the confirmation by the Resident Commissioners of the sentence

.../...

✓ Amendment of  
s.5 (iv) of  
Schedule to  
R. 12 of  
1962

New paragraph  
added to s.5 of  
Schedule

and order or the expiration of any sentence of imprisonment which may have been imposed on him, as the case may be, return to such place on his island of origin and there reside for such period, not exceeding one year, as the Court may by its order direct.

(b) Any person against whom an order has been made under the provisions of paragraph (a), who shall fail to comply therewith or having returned to his island of origin shall while the said order is in force

(1) fail to keep the peace and be of good behaviour; or

(2) go out the limits of such place specified in the order without the joint authority of the District Agents,

shall be guilty of an offence and on conviction thereof shall be liable to imprisonment for a period not exceeding 12 months.

(c) The Resident Commissioners may jointly at any time by order revoke or modify any order made by a Court under the provisions of paragraph (a). " .

Replacement of section 20 of Schedule

3. Section 20 of the Schedule is hereby repealed and replaced by the following section -

"Procuration etc. 20. Any person who procures any woman to have unlawful carnal connection with any other person, who accepts money or any other reward from another person which relates to any act of indecent conduct or unlawful carnal connection between that person and another or acts as an intermediary in any capacity whatsoever between persons engaging in prostitution or indecent conduct, or fosters or rewards prostitution or indecent conduct by any other person, commits an offence punishable by imprisonment for twelve months. " .

New section 34A of Schedule

4. The Schedule is hereby further amended by inserting immediately after section 34 the following new section -

"Fighting 34A. Any person who in a public place fights with two or more other persons shall be guilty of an offence punishable by imprisonment for six months. " .

Replacement of section 38 of Schedule

5. Section 38 of the Schedule is hereby repealed and replaced by the following section -

.../...

"Drunkenness

38. Any person who is found in a state of manifest drunkenness in any place to which the public has access, whether on payment or otherwise, commits an offence, punishable as follows

- (a) in a case where such person is found in a state of drunkenness, with imprisonment for seven days
- (b) in a case where such person shall have behaved in a riotous or disorderly manner in a public place, with imprisonment for 14 days
- (c) in the case of a second or subsequent offence committed within a period of one year from the date of the first offence the periods of imprisonment prescribed in paragraph (a) or (b) shall be one month and two months respectively. " .

Citation and commencement

6. This Regulation may be cited as the Native Criminal Code (Amendment) Regulation No. 4 of 1973 and shall come into operation on the date of its publication in the Contoninium Gazette.

MADE at Vila this twelfth day of February, 1974

The Resident Commissioner  
for the French Republic

Her Britannic Majesty's  
acting Resident Commissioner.

R. LANGLOIS

R.W.H. DU BOULAY