

NEW HEBRIDES CONDOMINIUM

JOINT REGULATION

No. 6 of 1978

TO PUT INTO EFFECT the Resolution of the Representative Assembly No. 2 of 1978, passed the 18th day of April 1978, providing for the establishment of Regional Authorities.

MADE by the Resident Commissioners under the provisions of Articles 2 : 2 and 7 of the Anglo-French Protocol of 1914 and Article 28 (3) of the Exchange of Notes made at London the fifteenth day of September 1977 between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the French Republic.

Scheduled Resolution put into effect. 1. The Resolution of the Representative Assembly No. 2 of 1978, set forth in the Schedule is hereby put into effect.

Short Title and commencement. 2. This Joint Regulation may be cited as the Regional Authorities Regulation 1978.

ENACTED at Vila this 18th day of July 1978.

The Resident Commissioner
for the French Republic

Her Britannic Majesty's
Resident Commissioner

B. POTTIER

J.S. CHAMPION

RESOLUTION No. 2 of 1978

relating to the establishment of
Regional Authorities

The Representative Assembly of the New Hebrides, at its sittings on the 17th and 18th April, 1978, hereby resolves and decides, in accordance with the Schedule to the Exchange of Notes of the fifteenth day of September 1977, to adopt the following measures:

PART I - ESTABLISHMENT OF REGIONAL COUNCILS

SECTION 1. Regional Councils may be set up by rules made at the Council of Ministers, the composition and geographical boundaries of which shall be fixed by the same rules.

SECTION 2. For the purposes of election of members of a Regional Council, each region shall be divided into electoral wards.

Each ward shall elect one representative by a single round uninominal majority vote.

In the case of an equal number of votes for two or more candidates, the oldest shall be declared to have been elected.

SECTION 3. Conditions for electoral registration, for candidature and for eligibility, likewise the electoral time table and electoral disputes, shall be as provided in Head 1 of the annex to the Exchange of Letters of 15 September, 1977 by France and Great Britain, and subsequent texts. However, only persons who have resided in the region for more than six months may vote, and only persons who have resided in the region for more than five years may stand for election.

Conditions for electoral registration shall remain of a transitional nature until such time as the Ad Hoc Committee on Electoral Reform will have drafted new proposals.

SECTION 4. Regional Councils shall be elected for a five year term of office. At the end of that period fresh elections shall be held. Councillors may be re-elected.

SECTION 5. If a seat falls vacant because of the death or resignation of a councillor or because he is otherwise prevented from acting he shall be replaced within three months of the date when the seat is declared to be vacant according to the procedure indicated in Section 2 above. No by-election shall be held in the 6 months preceding a fresh election of the whole council unless a third of the seats are declared vacant.

SECTION 6. A Councillor may be dismissed from his post by rules made by the Council of Ministers on the recommendation of the Chairman of the Regional Council if he fails, without valid reason, to attend two consecutive sessions of the Council.

PART II - OPERATION OF REGIONAL COUNCILS

SECTION 7. Regional Councils shall hold two ordinary sessions per year. The date of commencement and the length of sessions shall be fixed by decision of the Chairman of the Regional Council. Extraordinary sessions of the Council shall be held either at the request of the Chairman or at the request of the Chief Minister.

Extraordinary sessions shall be opened and closed by decision of the Chairman of the Regional Council; such decision shall also fix the agenda.

Extraordinary sessions shall not last more than 7 days.

SECTION 8. Regional Councils shall elect from amongst their members a Chairman and a Vice-Chairman. Such elections shall take place at the first meeting of the first session of the Council fixed by rules made by the Council of Ministers.

SECTION 9. For the election of the Chairman of the Regional Council, the oldest member assisted by the two youngest members shall chair the meeting.

SECTION 10. The Chairman and the Vice-Chairman shall be elected by secret ballot by a majority of votes of the members of the Council. If such a majority is not obtained in the first round, a second round of voting shall be organised on the day following the day fixed for the first round of voting and the majority then required shall be a simple majority of votes cast. In case of an equal number of votes for several candidates as many rounds of voting shall be held as shall be necessary to elect a candidate.

- SECTION 11.
1. The Chairman of the Regional Council may be dismissed from his post by a vote of no confidence passed by a majority of two-thirds of the members of the Council. He may also hand in his resignation.
 2. The Chief Minister may, in case of serious misconduct on the part of the Chairman of a Regional Council, suspend him from his duties and make him the subject of a vote of no confidence which shall be passed by a majority of two-thirds of the members of the Regional Council.
 3. The Vice-Chairman shall in such a case assume the functions of Chairman of the Regional Council until a new Chairman is elected.
 4. Elections for a new Chairman shall be held one month at the latest after notice of the vacancy has been given by means of rules of the Chief Minister. Such rules shall also fix the date on which the Regional Council shall be convened to elect its new Chairman.

- SECTION 12.
1. The Chairman of the Regional Council shall have a vote; he shall not have a casting vote.
 2. He shall ensure that minutes are kept of the debates of the Council and shall be responsible for internal organization and discipline.

- SECTION 13. Decisions of the Regional Council shall be valid only if half plus one of its members are present.

Should this quorum not be obtained, the Chairman shall call a further meeting of the Council within a maximum of 5 full days. The decisions of such a meeting shall then be valid whatever the number of members present.

- SECTION 14.
1. Decisions of the Council shall be taken by an absolute majority of votes cast. The Council of Ministers shall be informed of these decisions by the Chairman of the Representative Assembly.
 2. The Regional Council shall draw up its Standing Orders and submit them to the Council of Ministers for approval.

PART III - POWERS OF REGIONAL COUNCILS

SECTION 15. The Regional Councils shall take decisions dealing with regional affairs which fall within their competence. Their decisions shall be made executory by rules made by the Council of Ministers. Any decision of a Regional Council -

- a) concerning a matter in which it is not competent; or
- b) taken in violation of the provisions of the Anglo-French Protocol of 1914 or of joint regulations or other texts enacted in application thereof shall automatically be null and void.

SECTION 16. The Regional Council shall vote an annual budget for the region and local taxes intended to supply the budget, likewise the regional capital investment programme on the means of implementation of which it shall also decide.

SECTION 17. Regional Councils may form a Standing Committee to which it may delegate certain powers.

It may also set up Special Committees.

SECTION 18. Councils' budgets shall consist of recurrent revenue and expenditure and extraordinary revenue and expenditure.

Revenue and expenditure which because of their nature do not appear likely to recur every year shall be included in the extraordinary budget.

SECTION 19. Recurrent revenue shall consist of:

1. the revenue from all public property in the Region as defined and established by the Council of Ministers and the Representative Assembly;
2. the product of taxes voted by the Regional Council;
3. transfers from the Territorial Budget;
4. the product of regional services.

SECTION 20. Extraordinary revenue shall consist of:

1. transfers from the recurrent budget;
2. transfers from the Territorial budget;
3. subventions from the Joint Development Plan;
4. subventions, gifts and legacies from public or private bodies;
5. the product of loans;
6. any other incidental or temporary revenue, collection of which is properly authorized.

SECTION 21. The following shall be statutory expenditure for the Regional Council;

1. The Regional Council's own recurrent expenditure;
2. The payment of due debts.

SECTION 22. The Representative Assembly may delegate some of its powers to Regional Councils in those matters which it considers it should entrust to the Council.

SECTION 23. For the exercise of the powers mentioned in the preceding section, the Regional Council may set up those regional public services which it considers necessary. Regional Officers' terms and conditions of service shall be determined by rules made by the Council of Ministers on the recommendation of the Minister of Internal Affairs.

SECTION 24. The Council shall manage the public property of the region as defined and established by the Council of Ministers and the Representative Assembly.

SECTION 25. The Council shall be a legal entity and may sue and be sued.

PART IV - CHAIRMEN OF THE REGIONAL COUNCILS

SECTION 26. The Chairman is responsible for implementing the decisions of the Regional Council. He shall prepare the budget, submit it to the Council and implement it under the Council's control after approval as provided in Section 16 above.

SECTION 27. The Chairman shall have at his disposal the staff whose recruitment is provided for in Section 23 above.

SECTION 28. The Chairman may delegate all or some of his powers to the Vice-Chairman.