

CONDOMINIUM DES NOUVELLES-HEBRIDES

NEW-HEBRIDES CONDOMINIUM

ARRETE CONJOINT 4 de 1971

JOINT REGULATION 4 of 1971

JOINT REGULATION

No. 4 of
1971.
F. 120/18.

Provide for the exercise of control over land adjacent to Government aerodromes for the purpose of securing the safety of aircraft.

Enacted: Condominium Gazette No. 300. Amended by Joint Regulation No. 10 of 1971 (Gazette No. 303).]

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

(1) When the Resident Commissioners are satisfied that a building, structure, erection, tree or other thing whatsoever on land constitutes or may constitute a danger to aircraft flying in the vicinity of any aerodrome owned or operated by the Joint Administration they may by Joint Decision require the owner of the land, within fifteen days from the publication of the Joint Decision in the Condominium Gazette, to remove or to alter, or to cause to be removed or altered, to such extent as may be specified in the Joint Decision, such building, structure, erection, tree or thing.

Power to
order
removal of
dangerous
obstructions.

(2) If the said owner of the land shall fail to comply with the requirements specified in such Joint Decision, it shall be lawful for the Superintendent of the Condominium Public Works Department to carry out such removals or alterations as are specified in the Joint Decision and so far as may be necessary for exercising the foregoing powers conferred by this subsection to enter upon and pass over, with or without vehicles and together with such officers, agents and workmen as may be necessary, any such land as may be specified in the Joint Decision.

(3) Any person who shall wilfully obstruct the Superintendent of the Condominium Public Works Department or any officer, agent or member of his staff in the execution of any power conferred by this subsection (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one thousand Australian dollars or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

(4) A copy of a Joint Decision made under subsection (1) shall be sent immediately upon its publication in the Condominium Gazette to the owner of the land on which the building, structure, erection, tree or other thing is.

2. Any person suffering loss or damage of a certain and material nature as a direct consequence of a Joint Decision made under section 1 shall be entitled to compensation therefor and, in the absence of agreement whether as to the right of any person to be paid

Compensa-
tion.

compensation or the amount of such compensation, such question or questions may be referred for decision to [the appropriate Court].

Amended by J.R. No. 10 of 1971.

If the payment of compensation to any person for loss or damage suffered in consequence of a Joint Decision made under section 1 shall be agreed or, in the event of disagreement if the appropriate Court shall decide that compensation should be paid to any person and shall fix the amount thereof the amount of compensation so agreed or fixed shall stand as a charge to and shall with be paid to such person out of the funds of the Joint Administration.

Compensation to be paid from Joint Administration funds.

Amended by J.R. No. 10 of 1971.

4. Notwithstanding the foregoing provisions of this Regulation no compensation shall be payable for any loss or damage suffered in consequence of a Joint Decision made under section 1 if the building, structure, erection, tree or thing has been erected or planted in contravention of a Joint Decision under Section 5.

No compensation when Joint Decision under s. 5 contravened.

5. (1) Where the Resident Commissioners are satisfied that the purpose of ensuring the safety of aircraft flying in the vicinity of an aerodrome owned or operated by the Joint Administration, it is necessary or expedient so to do, they may by Joint Decision relating to an area of land specified therein—

Power of Resident Commissioners to restrict use of land.

- (a) prohibit or restrict the erection of buildings, structures or other things or any class of buildings, structures or other things on the said area of land or any part thereof;
- (b) prohibit or restrict the planting of any trees or class of trees in the said area of land or any part thereof.

(2) A copy of any Joint Decision made under the provisions of subsection (1) shall be set immediately upon its publication in the Commonwealth Gazette to the owner of the land affected thereby.

(3) Any person who contravenes the requirements of a Joint Decision made under subsection (1) shall be guilty of an offence and shall be liable to a fine not exceeding one thousand Australian dollars or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

6. No compensation shall be payable for any loss or damage suffered in consequence of a Joint Decision made under the provisions of section 5.

No compensation resulting from Joint Decision under s. 5.

7. (1) Every Joint Decision made under the provisions of this Regulation shall remain in force in relation to the land affected thereby until it shall be revoked, notwithstanding any change of ownership or any subdivision or partition of land.

Joint Decisions not to be affected by change of ownership.

(2) Every Joint Decision made under the provisions of this Regulation which affects registered land, shall be notified by the Resident Commissioners to the Registrar of Land Titles for the purposes of public information by sending to the Registrar one copy of in respect of each registered title to land affected.

8. (1) In this Regulation, references to the owner of land shall be construed as references:

Interpretation.

(i) in the case of land belonging to natives or constituted as a native reserve, whether registered or not, to the person or persons entitled by law or custom to occupy such land, or to such suitable representatives of such persons as shall be selected for the purpose by the District Agents;

Amended by J.R. No. 10 of 1971.

(ii) in all other cases, to the registered owner of the land or, in the case of land subject to the system of registration of title and not yet registered, to the person who has applied or is entitled to apply for registration,

in all cases where the owner does not occupy such land, to the occupier thereof.

(2) In this Regulation, the expression "the appropriate Court" means the Court having, under the provisions of the Anglo-French Protocol of 1914 according to the nationality or status of the parties and the nature of the case, jurisdiction therein and, in the case of consent of the parties in accordance with the paragraph 1 of sub-article (A) of Article 21 of the said Protocol, includes the Joint Court.]

9. This Regulation may be cited as the Joint Civil Aviation (Control of Land) Regulation No. 4 of 1971 and shall come into operation on the date of its publication in the *Condominium Gazette*.

Citation and commencement.

Dated at Vila this eighteenth day of March, 1971.

ANGLOIS

M. TOWNSEND

Resident Commissioner
for the French Republic.

Her Britannic Majesty's Acting
Resident Commissioner.