

CONDOMINIUM DES NOUVELLES-HEBRIDES
NEW HEBRIDES CONDOMINIUM

ARRETE CONJOINT 15 de 1971
JOINT REGULATION 15 of 1971

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No. 15 of
1971.

control the sub-division of land.

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ADOPTED 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, a sub-division shall be deemed to be any process or the result of any process for the purpose of having the effect of the voluntary division of any parcel or parcels of land into more than two plots by sale or lease, whether simultaneously or successively, for the purpose of the construction of dwelling houses, industrial or commercial establishments or for any other non-agricultural purpose, that is to say, otherwise than for the purpose with the intention that the same shall be used predominantly for the growing of crops, dairy farming, fruit farming, forestry, horticulture, bee-keeping or the breeding, rearing or keeping of livestock or poultry.

Interpretation.

2. The provisions of this Regulation shall apply in respect of land registered under the system of registration of titles, other than land owned by or on behalf of the Joint Administration or either of the national administrations.

Application.

3. (1) From the commencement of this Regulation, every scheme of sub-division shall be the subject of a prior notification in writing to the Joint Administration.

Sub-divisional schemes to be submitted to Resident Commissioners.
J.R. No. 24 of 1972.
J.R. No. 24 of 1972.

(2) Unless the Resident Commissioners notify the applicant in writing of their joint refusal within a period of [six] months in the case of land within the area of competence of a Town Planning Commission or within a period of [seven] months in all other cases the applicant may proceed to carry out the scheme.

(3) The Resident Commissioners need not give any reasons for such joint refusal, which shall be final.

4. Five copies of every scheme shall be submitted and there shall be attached thereto the following documents—

- (a) a plan to the scale of 1:500 or 1:1,000, according to whether or not the land to be sub-divided is within the area of competence of a Town Planning Commission, which shall show—
 - (i) the position and boundaries of the land to be sub-divided;

- (ii) the position of existing buildings erected on the land or less than three metres from the boundaries of the land to be sub-divided;
 - (iii) the position and the boundary of each plot together with its area;
 - (iv) the position and width of the main and secondary roads, lanes, footpaths, gutters and drains crossing the land to be sub-divided;
 - (v) in the case of surface drainage, the direction of flow or drainage;
 - (vi) where appropriate, the location of electric power cables and water pipes supplying the various plots;
- (b) a statement of the provision made or to be made for refuse collection, and the drainage of waste and other effluent;
- (c) all such other documents, information, plans or diagrams as the Resident Commissioners may in their discretion jointly require;
- (d) undertakings drawn up in accordance with the requirements of section 5:

Provided that the time which shall elapse between the receipt by the applicant of a request by the Resident Commissioners for additional documents, information, plans or diagrams under paragraph (c) of this section and the time when the same shall be supplied shall not be taken into account for the purpose of computing the appropriate period of delay after the submission of the scheme under section (2) of section 3.

5. Every scheme of sub-division submitted to the Resident Commissioners shall state the nature of the rights of the applicant in the land to be sub-divided and shall be accompanied by the following undertakings in writing of the applicant—

Under-takings to be given.

- (a) to make the necessary provision for the construction of access roads to the various plots, surface drainage and, in such areas as may be designated by joint rules made by the Resident Commissioners, connection to the water and electricity supply from the external boundaries of the land to be sub-divided to each individual plot; and
- (b) to make over to the Joint Administration free of charge when so requested any or all of the roads to be constructed on the land.

6. (1) The provisions of section 4 and section 5 are mandatory and failure to comply therewith shall result in the rejection of the application which shall be deemed to be null and void.

Effect of non-compliance with sections 4 and 5.

(2) The application shall likewise be rejected and deemed to be null and void if any statement relating to the rights of the applicant in the land to be sub-divided does not coincide with the particulars contained in the register of land titles.

Every notification of a scheme of sub-division shall be sent to the Registrar of Land Titles by acknowledgement of receipt post. The date recorded by the postal authority of the receipt thereof shall be the commencement of the period prescribed by subsection (2) of section 3, except in the case of rejection in accordance with section 6.

Sub-divisional schemes to be sent to Registrar of Land Titles.

(1) The approval of any scheme of sub-division by the Resident Commissioners may be made subject to the jointly imposed condition that land be set aside from the parcel to be sub-divided as public reserve.

Public reserve may be required to be set aside.

(2) The area of land which may be required to be set aside as public reserve shall in no case exceed one-fifth part of the total area of the parcel of land to be sub-divided and may be in one or more parcels as the Resident Commissioners may in their discretion require.

(3) Ownership of the land set aside as public reserve under the provisions of this section, shall be transferred to the Resident Commissioners for public purposes.

9. (1) This Regulation shall apply in respect of all existing, uncompleted sub-divisions of which, at the commencement of this Regulation, at least one quarter of the plots are not registered as having been sold.

Application to existing sub-divisions.

(2) For the purposes of this section, any person sub-dividing land shall, within one month from the commencement of this Regulation, furnish to the Resident Commissioners a statement, supported by a plan, of the plots which are registered as having been sold, giving the names and addresses of the purchasers and the date of sale in each case.

10. (1) Any person who, whether for himself or on behalf of any other person or a body corporate—

Offences.

(a) shall knowingly supply false or misleading information to the Resident Commissioners concerning any scheme of sub-division submitted for approval under section 3 or the sale of plots in an existing sub-division under section 9; or

(b) shall fail to comply with any undertaking given in accordance with section 5,

shall commit an offence punishable upon conviction by a fine not exceeding one thousand Australian dollars or imprisonment for a term not exceeding two years or by both such fine and imprisonment.

(2) Any person who shall sub-divide or attempt to sub-divide any land without having submitted a prior notification of the scheme of sub-division to the Resident Commissioners under section 3 or in contravention of the joint refusal of the scheme notified to him by the Resident Commissioners pursuant to section 3 shall commit an offence punishable upon conviction by a fine not exceeding one thousand Australian dollars or imprisonment for a term not exceeding two years or by both such fine and imprisonment.

11. The Registrar of Land Titles shall not record in his register any transfer of a plot of land arising out of a scheme of subdivision—

Restrictions on registration of transfers of subdivided plots. J.R. No. 24 of 1972.

- (a) which has not been notified in accordance with sub-section (1) of section 3; or
- (b) in respect of which, although the scheme has been duly notified,
 - (i) the relevant period provided for under sub-section (2) of section 3 has not expired, or
 - (ii) the Resident Commissioners have notified their joint refusal.]

12. The Joint Sub-division of Land Regulation No. 41 of 1966 is hereby repealed.

Repeal.

13. This Regulation may be cited as the Joint Control of Land Sub-division Regulation No. 15 of 1971 and shall come into operation on the date of its publication in the Condominium Gazette.

Citation and commencement.

Made at Vila this twenty-second day of July, 1971.

ANGLOIS

COLIN H. ALLAN

Resident Commissioner for the French Republic.

Her Britannic Majesty's Resident Commissioner.

13. The provisions of this Regulation shall also apply with respect to—

Application to pending notifications of subdivision and applications for registration of transfers of plots.

- (a) any notification of a scheme or subdivision; and
- (b) any application for the registration of the transfer of a plot of land arising out of any sub-division, which is pending on the date this Regulation comes into operation.]

Extract from J.R. No. 24 of 1972 which refers to J.R. No. 15 of 1971.