

CONDOMINIUM DES NOUVELLES-HEBRIDES

NEW HEBRIDES CONDOMINIUM

ARRETE CONJOINT 17 de 1971

JOINT REGULATION 17 of 1971

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No. 17 of
1971.

provide for matters connected with the generation and supply of electricity at Vila and Luganville.

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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, the expression "the concessionaire" means, in relation to Vila and to Luganville, the body for the time being holding the sole concession for the manufacture and supply of electric current for lighting and power within those areas.

Interpretation.

2. The provisions of this Regulation shall be subject to the terms of the contract with the Resident Commissioners under which such concession was granted.

Regulation subject to contract of concession.

3. It shall be lawful for the concessionaire within the supply area granted to it—

Powers of the concessionaire.

- (a) to acquire, construct, operate and control electric lines and works and to generate, supply and sell electricity and to maintain, alter, extend or renew the said lines and works;
- (b) to undertake electrical wiring and the installation and servicing of equipment in industrial, commercial and residential premises.

4. Any person other than the concessionaire generating, distributing and supplying electricity in the area of a concession shall commit an offence punishable upon conviction by a fine not exceeding one thousand Australian dollars:

Penalty for other persons generating, etc., electricity.

Provided that nothing in this section shall prohibit any person from generating electricity for his own use in any dwellinghouse, store, workshops, or other premises owned by him.

5. (1) In the exercise of the powers conferred by this Regulation, whether in the course of its normal commercial operations or pursuant to any special arrangement with the Resident Commissioners, it shall be lawful for the concessionaire when so authorised for the purpose by Joint Decision of the Resident Commissioners, by itself, its agents, workmen and labourers, to do all or any of the following—

Further powers of concessionaire.

- (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 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 one hundred feet of any main or sub-main used for conducting electricity 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 or 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 concessionaire's intention shall be served on the owner or owners of other interested party, if any, at least seven clear days before the exercise of such power.

(2) In the exercise of the powers given by this section, the concessionaire shall not be deemed to acquire any right other than that of user only 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 concessionaire shall remove or alter such work or the owner shall be entitled to reasonable compensation as provided in section 6.

(3) Every Joint Decision made under sub-section (1) of this section shall specify whether such power is to be exercised by the concessionaire in its own right or on behalf of the Resident Commissioners and the cost of removal or alteration of such work or the payment of compensation, as the case may be, shall be borne by the concessionaire or the Resident Commissioners accordingly.

6. (1) Every person who sustains any damage or loss of a certain and material nature by reason of the exercise of any of the powers conferred by the preceding section upon the concessionaire may make application for compensation in writing in that behalf to the concessionaire or the Resident Commissioners, as the case may be, at any time before the expiration of one year after the act, matter or thing in respect of which such damage or loss is alleged to have been 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;

Applications
for com-
pensation.

the Superintendent of Condominium Public Works; two persons resident in the area affected appointed by the Resident Commissioners.

(3) The Compensation Commission shall hear the claimant and the concessionaire or the Resident Commissioners, as the case may be, 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. Such decision shall be final.

(4) Any sum agreed or determined by the Compensation Commission to be payable as compensation to any person under the provisions of this section, shall forthwith be paid to such person.

7. The concessionaire shall not be liable in damages to any person by reason of any partial or total failure of the supply of electricity which may be due to unavoidable accident, fair wear and tear, circumstances beyond the control of the concessionaire, or the reasonable requirements of the system, and the concessionaire may at any time temporarily discontinue the supply of electricity whenever in its opinion such action is desirable for the purpose of ensuring the efficient operation of the works provided that reasonable notice of discontinuance shall be given where practicable.

Compensation in respect of failure of supply.

8. Any person who maliciously cuts or injures any electric line or work installed or constructed by the concessionaire under the authority of its concession or the provisions of this Regulation shall commit an offence punishable upon conviction by imprisonment for a term not exceeding two years; and any person who maliciously extinguishes any public lamp shall commit an offence punishable upon conviction by a fine not exceeding fifty Australian dollars or imprisonment for a term not exceeding three months or by both such fine and imprisonment.

Injurious acts with intent to cut off supply, etc.

9. Any person who causes to be wasted or diverted any electricity supplied by the concessionaire shall commit an offence punishable upon conviction by a fine not exceeding two hundred Australian dollars.

Wasting or diverting electricity.

10. 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 required for the generation, transmission, transformation, distribution, supply or use of electrical energy, installed or constructed by the concessionaire under the authority of its concession or the provisions of this Regulation, shall commit an offence punishable upon conviction by a fine not exceeding two hundred Australian dollars and in addition shall be liable in proceedings before the appropriate Court having under the provisions of the Anglo-French Protocol of 1914 jurisdiction therein for the cost of repairing such injury or damage.

Damage to works.

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in proceedings before the appropriate Court having under the pro-
visions of the Anglo-French Protocol of 1914 jurisdiction therein
for the cost of repairing such injury or damage.

Damage
to works.

11. Any person who wilfully, fraudulently or by culpable negligence injures or permits to be injured any works installed or constructed by the concessionaire under the authority of its concession or the provisions of this Regulation or alters the index of any meter or prevents any meter from duly registering the quantity of energy supplied or fraudulently abstracts, consumes or uses energy supplied by the concessionaire (without prejudice to any other right or remedy for the protection of the concessionaire or the punishment of the offender) for each day during which the same occurs or continues commit an offence punishable upon conviction by a fine not exceeding twenty-five Australian dollars and the concessionaire may in addition thereto recover from such person by proceedings in the appropriate Court the amount of any damage by it sustained and may also discontinue the supply of electricity to the person so offending (notwithstanding any agreement or contract previously existing) and the existence of artificial means for causing such alteration or prevention or for fraudulently abstracting, consuming or using electricity supplied by the concessionaire when such meter is under the custody or control of such person shall be prima facie evidence that such alteration, prevention, abstraction, consumption or use, as the case may be, has been fraudulently, knowingly and wilfully caused by the consumer using such meter.

Other wrongful acts.

12. Any officer, servant or agent authorised by the concessionaire may at all reasonable times enter any premises to which electricity is or has been supplied by the concessionaire in order to inspect the electric lines, meters, accumulators, fittings, works and apparatus for the supply of electricity belonging to the concessionaire and for the purpose of ascertaining the quantity of electricity consumed or supplied or, where a supply of electricity is no longer required, or where the concessionaire desires to take away and cut off the supply of electricity from any premises for the purpose of removing any electric lines, meters, accumulators, fittings, works or apparatus belonging to the concessionaire.

Power of entry to ascertain quantity of electricity consumed, etc.

13. Any person who shall assault, molest, hinder or obstruct any authorised officer, servant or agent in the exercise of any of the powers conferred by the preceding section or in the execution of any works authorised by this Regulation or any joint rules made thereunder shall commit an offence punishable upon conviction by a fine not exceeding two hundred Australian dollars or imprisonment for a term not exceeding three months or by both such fine and imprisonment.

Assault, obstruction, etc. of authorised officer.

14. The Resident Commissioners may make joint rules, not inconsistent with the provisions of this Regulation or the terms of any agreement granting a concession to the concessionaire, generally for giving effect to the provisions of this Regulation and such rules may impose penalties for the breach thereof not exceeding a fine of fifty Australian dollars.

Rules.

5. This Regulation may be cited as the Joint Electricity Regulation No. 17 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.

GLOIS

Resident Commissioner
for the French Republic.

M. TOWNSEND

Her Britannic Majesty's Acting
Resident Commissioner.
