

CONDOMINIUM DES NOUVELLES-HEBRIDES  
NEW HEBRIDES CONDOMINIUM

ARRETE CONJOINT 12 de 1957  
JOINT REGULATION 12 of 1957

## JOINT REGULATION

No. 12 of  
1957.**To provide for the Control of Ports in the New Hebrides.**

*Joint Regulation No. 12 of 1957 was published in Condominium Gazette No. 197 and is reprinted as amended by the following Joint Regulations:*

*14 of 1961 Condominium Gazette No. 213 (French Text only)*

*2 of 1962 Condominium Gazette No. 215 (French Text only)*

*21 of 1963 Condominium Gazette No. 221*

*2 of 1973 Condominium Gazette No. 325*

MADE by the Resident Commissioners under Article 30 of the Anglo-French Protocol of 1914.

1. This Joint Regulation may be cited as the Ports Joint Regulation, 1957. Short Title.

2. In this Joint Regulation, unless the context otherwise requires— Inter-pretation.

“ballast” includes any material or thing used for the ballasting of vessels;

“buoys” and “beacons” include all marks and signs in aid of navigation;

“goods” means all kinds of movable personal property including animals;

“master” means person in command or charge of any vessel not being a pilot;

“owner” when used in relation to goods includes any person being or holding himself out to be the owner, importer, exporter, consignee, agent or person possessed or having any control or power of disposition over goods;

“owner” in respect of a vessel includes every person acting as agent for the owner, or authorised to receive freights or other charges payable in respect of the vessel;

“pilot” means any person not belonging to a vessel who has the conduct thereof;

“port dues” and “dues” mean any due, rate, fee, toll, tax, pilotage rate, light due, port charge, or payment in the nature thereof payable or leviable under this Joint Regulation;

“ports works” includes generally any works for the improvement, protection, management or utilization of a port and all buildings thereon and machinery used in connection with such harbour works;

“produce” means any kind of locally produced or manufactured goods for export;

“tidal lands” or “foreshore” means such parts of the bed, shore or banks of a tidal water as are covered and uncovered by the flow and ebb of the tide at ordinary spring tides;

“tidal water” means any part of the sea or of a river within, the ebb and flow of the tide at ordinary spring tides;

“vessel” includes every description of ship or boat and means anything made or used to carry by water or to hold or contain on water any human being or goods or property whatsoever;

“warehouse” includes all warehouses, buildings or premises in which goods landed from or to be carried in vessels, may be lawfully placed;

“wharves” includes all wharves, quays, piers, jetties in or on or from which passengers or goods may be taken on board of or landed from vessels.

PORTS OF ENTRY

3. The port of Vila in the island of Efate and the port of Santo in the island of Espiritu Santo shall be the only ports of entry for the New Hebrides and the masters of all vessels entering the Group from foreign ports shall report first to the Customs Authorities at either the port of Vila or the Port of Santo and all vessels leaving the Group for foreign ports shall clear from the ports of Vila and Santo aforesaid:

Provided that the Resident Commissioners may by Joint Decision and subject to such conditions as they may prescribe authorise the entry into and departure from the New Hebrides of vessels at ports other than those of Vila and Santo.

And further provided that in the case of vessels which may through stress of weather or other circumstances be compelled to disregard the provisions of this article the onus of proof that such disregard was caused by circumstances over which the master of the vessel had no control shall rest on such master otherwise he shall be considered as having been guilty of an offence against this Joint Regulation.

4. In all matters affecting vessels putting in at the ports of Vila and Santo the two Resident Commissioners shall be considered as representing the marine authorities of their respective nations.

5. Any vessel which enters a port of entry in the New Hebrides from any place beyond the Group shall be subject to the following dues—

[sixpence] per ton of net registered tonnage:

Vila and Santo to be ports of entry.

Disregard of provision owing to stress of weather.

Representatives of Marine authorities.

Entry dues payable.

J.R. No. 21 of 1963.

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Provided that the following vessels shall be exempt from payment of dues under this article—

- (a) Vessels of less than thirty tons (net registered tonnage);
- (b) Vessels of war of any nationality and vessels in the service of the French Republic or of Her Britannic Majesty;
- (c) Vessels not operated for profit.

And further provided that dues collected under this article shall be payable only once during each visit of a vessel into the Group. They shall be paid at whichever port of entry is reached first even if the vessel has previously visited some other part of the Group.

PORTS

6. The Resident Commissioners may by Joint Rules declare such place as may be expedient to be a port to which the provisions of the following Articles of this Joint Regulation shall apply and define the limits of such port.

HARBOUR MASTERS AND PORT OFFICERS

7. The Resident Commissioners may by Joint Decision appoint fit and proper persons to be the harbour master and assistant harbour master of a port and such port officers as they may deem necessary, and may remove such harbour master and assistant master or port officers. The assistant harbour master shall exercise the powers vested in a harbour master by this Joint Regulation during the absence of the harbour master from the port, and in accordance with any directions given by the harbour master.

8. Any person not being a harbour master using the flag prescribed for the use of a harbour master shall be guilty of an offence against this Joint Regulation.

9. Any harbour master or other officer appointed under this Joint Regulation shall be entitled at any time while in the execution of his duty to enter and remain on any vessel. It shall be lawful for the harbour master to give directions regulating the time and the manner in which any vessel shall enter into, go out of or lie in the port, and the position, mooring, unmooring, placing or removing of any vessel within the same.

10. The master of every vessel within the port shall regulate such vessel according to any lawful and reasonable direction of the harbour master made in conformity with this Joint Regulation, and any master of any vessel who does not forthwith regulate such vessel according to such directions shall be guilty of an offence against this Joint Regulation.

11. If the master of any vessel within the port does not moor, unmoor, place or remove such vessel according to the directions of the harbour master, it shall be lawful for the harbour master to cause

Exemptions.

Payable once each visit.

Resident Commissioners may declare and define the limits of ports.

Resident Commissioners to appoint harbour master.

Use of harbour master's flag.

Powers of harbour master.

Masters to comply with harbour master's directions.

Powers of harbour master to move vessels.

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such vessel to be moored, unmoored, placed or removed according to the directions aforesaid, and to employ a sufficient number of persons and appliances for that purpose, and the expenses attending such mooring, unmooring, placing or removing shall be paid by the master or owner of the vessel. Any person who hinders or causes to be hindered the harbour master or any person employed by him in mooring or unmooring, placing or removing such vessel in the manner aforesaid, shall be guilty of an offence against this Joint Regulation.

12. It shall be lawful for the harbour master to issue such orders as to the striking of masts, yards and booms, veering and shortening of cable and other things which in his direction he may deem fit for the securing of any vessel or vessel in the harbour, and may cause to be received on board a vessel and made fast or cast off any line, warp, chain or hawser from any other vessel entering, leaving or shifting position in the harbour. When any such line, warp, chain or hawser is received and made fast on any vessel as hereinbefore provided, no person shall let go, cut or unfasten the same unless authorised to do so by the harbour master and any person who disregards the instructions issued by the harbour master in accordance with this Article shall be guilty of an offence under this Joint Regulation.

13. The Resident Commissioners acting jointly may grant certificates of competency to persons duly qualified and on payment of an annual fee of one pound licence pilots for the purpose of taking vessels within such waters of the Group as may be specified in the licence:

Provided that no person shall be granted a certificate of competency or be licensed as a pilot unless he has satisfied the Resident Commissioners that he is capable of performing such duties.

[—.]

14. The master of any vessel approaching any harbour and requiring the services of a pilot shall make such signals as are prescribed by international regulations.

[The Resident Commissioners may by joint rules define the limits within a port, as declared under the provisions of section 6, within which pilotage shall be compulsory and may define the conditions relating to such compulsory pilotage.]

15. The master of any vessel shall not, except under circumstances of unavoidable necessity, without the consent of the harbour master or pilot take any harbour master, port officer, or pilot to sea or beyond the limits of the Group, and if the harbour master, port officer, or pilot is so taken the master shall be guilty of an offence against this regulation and the master and owner shall be jointly liable to the payment of salary, subsistence and passage money of such harbour master, port officer, or pilot until their return to the port.

Harbour master may take necessary action to ensure security of shipping.

Licensing of pilots.

J.R. No. 2 of 1973.

Signals as prescribed to be made for pilot.

[Provision for compulsory pilotage.]  
J.R. No. 2 of 1973.

Harbour Master or pilot not to be taken to sea except under unavoidable necessity.

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16. Notwithstanding anything contained in this Joint Regulation no civil action for damages or otherwise shall lie in respect of any damage occasioned by a pilot in the performance of his duties against the Joint Administration in respect of any such damage as aforesaid.

Joint Administration not liable for acts of pilot.

17. Whenever the Resident Commissioners are satisfied that any licensed pilot is unfit to be licensed as such on the grounds of physical disability, want of skill or neglect of duty, they may by acting jointly cancel the licence of such licensed pilot.

Power to cancel pilot's licence.

[18. The Resident Commissioners may by joint rules prescribe fees payable in respect of pilotage and may specify what proportion of those fees may be retained by a pilot licensed under the provisions of section 13.]

[Joint rules prescribing pilotage fees.]  
J.R. No. 2 of 1973.

EXPLOSIVES

19. Any vessel arriving in any port having on board gunpowder or any other explosive material or any cargo or material of a dangerous or inflammable nature shall not berth at any wharf without the permission of the harbour master and, if so required, shall remain moored at a place apart from the main traffic until such gunpowder or other explosive material has been removed from such vessel or, in the opinion of the harbour master, shall have ceased to be dangerous, and from time of entering the port until such goods have been unloaded shall fly during the day time a red flag of not less than six feet by four feet from the mainmast head and during the night shall show a red light to be visible all round the horizon for a distance of at least two miles.

Vessels carrying explosives or other dangerous materials.

20. Any person using any explosive or discharging any firearm within the limits of a port without the permission of the harbour master shall be guilty of an offence against this Joint Regulation.

Use of explosives and firearms prohibited.

WRECKS, OBSTRUCTIONS, MOORINGS

21. Should any vessel or part thereof, timber or other thing be sunk or stranded in any port, the master or owner thereof shall upon the receipt of an order to that effect from the harbour master, and within such time fixed in such order, clear the port of such vessel, timber or other thing, and all parts of the same, and of the cargo or ballast of such vessel, and should the master or owner aforesaid fail to comply with such order the harbour master may direct the removal of such vessel or part of the same and cargo or ballast thereof, timber or other thing at the expense of the owner thereof.

Obstructions to be removed.

22. No person other than the owner shall destroy or demolish or interfere with any wrecked or stranded vessel or any part thereof within the limits of a port without the permission of the owner thereof or of the harbour master given under Article 21.

No person other than owner may destroy wreck without permission.

23. No person shall lay down in the port any private buoy, mooring or anchor without the permission of the harbour master and under such conditions as may be prescribed. Any such permission may be at any time withdrawn whereupon any such buoy, mooring or anchor shall immediately be removed by the owner thereof and, failing such removal by such owner, it may be effected at the expense of the owner aforesaid.

Harbour master's permission required to lay down buoy or mooring.

24. No person shall remove any stone, shingle or earth or other material from within the limits of any port without the authority given in writing of the harbour master.

Removal of ballast forbidden without permission.

ERECTION OF PRIVATE INSTALLATIONS IN A PORT

25. (1) The Resident Commissioners may, subject to such conditions as they may deem fit and on payment of such fee or annual fee as may be prescribed by Joint Rules, licence and permit any part of the tidal lands and waters of a port to be used or occupied for all or any of the following purposes—

Resident Commissioners may licence occupation of foreshore for certain purposes.

- (i) the building or repairing of vessels of any kind;
- (ii) the erection of and use of any boat-shed, landing-place or wharf;
- (iii) the erection of baths and bath houses and any enclosure or fence necessary for the protection or privacy of the same;
- (iv) any other purpose relating to the convenience of shipping or of the public as they may approve:

Provided that the Resident Commissioners acting jointly may at any time revoke such licence without prejudice to any claim for compensation by any party adversely affected by such revocation.

(2) The revocation of any such licence shall not take effect until the expiration of six months after service on the licensee of a written notice of the revocation of the licence.

(3) No such licence or permit shall be granted which will interfere with the free navigation of the port.

(4) The Resident Commissioners may authorise the licensee to make such maximum charges to the public for the use of a wharf as may be prescribed by the Resident Commissioners.

Fees which may be charged by licensee.

Any person, not being the holder of a licence issued under the Article, who shall erect or construct a wharf in any port or encroach in any way on the water of any port shall be guilty of an offence against this Joint Regulation.

26. There shall be exhibited such lights as may be required by the Resident Commissioners from any such part of the tidal lands and tidal waters licensed as above provided for.

Licensed part of foreshore to be lighted.

HARBOUR MASTER'S POWER OF ENTRY ON LAND AND CONTROL OF LIGHTS

27. The harbour master or any person acting under authority of the Resident Commissioners may at any time pass and repass without hindrance over any land in the Group wheresoever situated in the execution of his duty in relation to lights, lighthouses, buoys and beacons.

Powers of entry of harbour master in connection with lights.

28. When in the opinion of the Harbour Master any light exhibited or shown from any building or other place on shore is such as may be mistaken for or taken to be a port or navigation light, the Harbour Master may order the discontinuance of such light or the effective screening of the same.

Harbour master may order screening of lights.

Provided that any person aggrieved by such order may, after complying with the order, appeal to the Resident Commissioners.

JOINT ADMINISTRATION WHARF AND PORT CHARGES

29. The Resident Commissioners acting jointly may by Joint Rules define an area surrounding a Joint Administration wharf as being the purlieus of such wharf, and any vessel anchored or moored within such area shall be deemed for all purposes of this Ordinance to be berthed at such wharf.

Joint Administration wharves and purlieus.

30. No vessel shall berth at a Joint Administration wharf or lie within the purlieus thereof except with the permission of the harbour master.

Vessels to obtain permission to berth at Joint Administration wharf.

31. There shall be paid on vessels berthed at a Joint Administration wharf, tonnage and berthing dues according to a scale prescribed by Joint Rules.

Tonnage dues.

32. There shall be paid in respect of all goods and produce loaded or discharged at a Joint Administration wharf, wharfage charges according to a scale prescribed by Joint Rules.

Wharfage charges.

33. There shall be paid in respect of goods and produce loaded or discharged in a port, other than at a Joint Administration wharf, such charges as may be prescribed by Joint Rules.

Port charges.

34. The Resident Commissioners acting jointly may exempt any class of vessels or goods from the payment of dues under this Joint Regulation.

Exemption by Resident Commissioners.

OFFENCES

35. Every person commits an offence who does or causes or permits to be done any of the following things, that is to say—

Offences.

- (i) casts or suffers to fall into a port, or places on land in such a position that it may be carried or washed down into a



port, any noxious material or thing, or thing likely to interfere with navigation;

Provided that the harbour master may permit the master of a vessel to discharge ballast, ashes, oil and ships' refuse at such places and in such manner as he may direct;

- (ii) casts or places or leaves any vessel laid by or neglected as unfit for sea service or any floating or other timber or any other thing in any port;
- (iii) erects any beacon in a port without the authority of the harbour master;
- (iv) removes, injures, alters or destroys any navigation light, or port installation;
- (v) gives or offers any money or thing by way or reward or bribe to any harbour master, pilot or other officer employed about a port for the purpose of gaining an undue preference in the execution of his office or for the purpose of inducing him to do or omit to do anything relating to his office.

36. Any person committing an offence against this Joint Regulation, or against any Joint Rules made thereunder, shall be liable to a fine not exceeding £20 or to imprisonment not exceeding one month or to both such fine and imprisonment.

Penalty.

Provided that where such an offence is also an offence under the national law applicable to such offender no action shall be taken under this Joint Regulation in respect of such offender.

How applicable.

JOINT RULES

37. The Resident Commissioners acting jointly may make Joint Rules as they consider necessary for carrying this Joint Regulation into effect.

Joint Rules.

REPEAL

38. Articles 1, 2, 3, 6, 7 and 8 of Joint Regulation No. 2 of 1907 as amended by Joint Regulation No. 13 of 1953 are hereby repealed.

Made at Vila this thirtyfirst day of December, 1957.

J. S. RENNIE

PIERRE ANTHONIOZ

Her Britannic Majesty's  
Resident Commissioner.

The Resident Commissioner  
for the French Republic.