

CONDOMINIUM DES NOUVELLES-HEBRIDES

NEW HEBRIDES CONDOMINIUM

ARRETE CONJOINT 23 de 1972

JOINT REGULATION 23 of 1972

JOINT REGULATION

No. 23
of 1972.

To provide for the establishment of a Housing Authority at Vila.

[Published: Condominium Gazette No. 318.]

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. There is hereby established for the area of Vila and its environs a public housing authority which shall be a body corporate to be known as the Vila Housing Authority (hereinafter referred to as "the Authority") having perpetual succession and an official seal and by such name capable, subject to the provisions of this Regulation, of exercising all the powers and functions of a body corporate and of suing and being sued.

Establishment of Authority.

2. (1) The Authority shall consist of two Joint Chairmen, one appointed by the British Resident Commissioner, the other appointed by the French Resident Commissioner from officers in their respective national administrations and eight members appointed by the Resident Commissioners by Joint Decision, of whom not fewer than four (two New Hebridean, one British and one French) shall be members of Advisory Council nominated by the Council itself.

Constitution of Authority.

(2) The appointed members shall hold office for such period (not being in excess of three years) as is specified in the said Joint Decision, and shall be eligible for re-appointment.

(3) In the absence of a Joint Chairman from any meeting the Resident Commissioners shall appoint a deputy Chairman who shall for the purpose of that meeting have all the powers of the Joint Chairman.

(4) No meeting of the Authority shall be held unless the Joint Chairmen, or their deputies, and at least four members are present. All questions shall be decided by a majority of the votes of those present and shall be submitted to the Resident Commissioners. Such decisions shall take effect upon either notification of non-suspension by the Resident Commissioners or the expiration of 15 days, commencing from the date of receipt by the Resident Commissioners of the proceedings. The decisions of the Authority may be suspended within the said period of 15 days. Such suspension shall prohibit the execution of the decision indefinitely. The Resident Commissioners may finally either remove the suspension or annul the decision.

(5) The Authority may make rules governing its own procedure.

(6) The Authority shall keep minutes of its meetings, copies of which shall be sent without delay to the Resident Commissioners.

3. When a member of the Authority is temporarily unable to perform his functions as such by reason of absence, illness or any other cause, the Resident Commissioners may appoint a person temporarily to be a member in his place and during such period such person shall be deemed to be a member of the Authority for all purposes to the exclusion of the member so unable to act.

Temporary appointments.

2. A Secretary-Manager of the Authority shall be appointed by the Resident Commissioners on the recommendation of the Authority, on the terms and conditions applicable to the recruitment of officers of the Joint Administration.

Officers of the Authority.

All other permanent staff shall be appointed by the Authority, on the recommendation of the Secretary-Manager, on the terms and conditions prescribed by staff regulations to be made by the Authority.

Additional temporary staff may be appointed by the Secretary-Manager who shall inform the Authority of all such appointments.

5. A member of the Authority may be paid and receive such remuneration in respect of his services on the Authority and such allowances for travelling and subsistence in such circumstances as may be determined by rules made by the Resident Commissioners.

Remuneration of members of Authority.

6. No member, officer or employee of the Authority shall be personally liable for any act or default of the Authority done or omitted to be done in good faith and without negligence in the course of the business of the Authority or under the provisions of this Regulation.

Protection of members, officers and employees of the Authority.

7. Any member of the Authority who has any pecuniary or other personal interest in any matter concerning the Authority shall immediately disclose such interest to the Authority and shall take no part in any discussion on such matter nor vote thereon.

Duty of member of Authority to disclose interest.

8. The Authority shall, for the purposes of carrying out its functions under this Regulation, open and keep a banking account with a bank from time to time selected by the Authority and cheques and orders for the payment of money from such account shall be signed by the two Joint Chairmen and countersigned by the Secretary-Manager, or, if the latter is not available, by a member of the Authority.

Banking account.

9. The funds and resources of the Authority shall consist of—

Funds and resources of Authority.

- (a) such sums as may be appropriated to it by the Resident Commissioners;
- (b) such sums as may be borrowed by the Authority under the provisions of section 16;

- (c) moneys received by or accruing to the Authority in respect of the repayments of any loan made by the Authority under the provisions of paragraph (h) of section 10 or the interest payable in respect of any such loan;
- (d) moneys received by or accruing to the Authority in respect of the sale of any property vested in the Authority;
- (e) rents or other moneys received by or payable to the Authority in respect of the letting of any property vested in the Authority;
- (f) moneys earned or arising from any property, investments, mortgages, debentures or other securities acquired by or vested in the Authority;
- (g) any property, mortgages, debentures or other securities or investments acquired by or vested in the Authority;
- (h) all other moneys or property which may in any manner be or become payable to or vested in the Authority in respect of any matter incidental to its powers and duties.

10. The Authority is empowered to provide in accordance with the provisions of this Regulation dwelling accommodation in the area of Vila and its environs, and for that purpose may—

Functions
and powers
of Authority

- (a) acquire land or buildings or any estate or interest therein and develop the same as a building estate by the erection, construction, alteration, maintenance and improvement of dwelling houses and gardens, recreation parks and other works and buildings for or for the convenience of persons occupying such dwelling houses;
- (b) accept donations of land, money or other property;
- (c) subdivide and develop any land acquired by or vested in it;
- (d) acquire dwelling houses suitable for the purposes of this Regulation;
- (e) let or lease any land or building vested in it, including the leasing of any such land for the purpose of the erection thereon of any factory, school, shop, workshop or place of worship or recreation, the erection of which would in the opinion of the Authority be to the convenience or benefit of persons occupying houses vested in the Authority, and to accept surrender of any lease;
- (f) sell or exchange any land or buildings vested in it;
- (g) invest with the prior approval of the Resident Commissioners in any securities any moneys (whether capital or income) at any time at the disposal of the Authority and not immediately required by the Authority for the purchase of property or for the construction or maintenance of buildings or for other purposes authorised by this Regulation;

- (h) by way of loan, guarantee or otherwise, assist a person to purchase a dwelling house, or discharge a debt secured on a dwelling house or erect, or effect substantial alteration, improvement or extension to a dwelling house, upon such terms and conditions as the Authority may think fit;
- (i) with the prior approval of the Resident Commissioners make advances upon such securities as may likewise be approved to suitable social organisations for the purpose of assisting the erection of hostels;
- (j) maintain the land and buildings vested in it, either directly or by means of a maintenance contract;
- (k) purchase plant, vehicles, machinery, equipment, stores and building materials and accessories of any kind.

11. (1) In the performance of its functions under this Regulation, the object of the Authority shall not be to make a financial profit but to enable persons to obtain accommodation suitable to their needs at the minimum cost without the Authority incurring a loss. In determining whether the Authority may incur a loss in any transaction, in cases where the land is on lease, the capital cost (if any) of the land to the Authority shall be excluded:

Conditions to be observed by the Authority in letting and selling houses.

Provided that no loss shall be incurred without the approval of the Resident Commissioners.

(2) The Authority shall in relation to the letting or sale of its houses ensure that preference is given to persons who are occupying overcrowded, insanitary or otherwise unsatisfactory accommodation or have children dependent upon them or who are obliged to pay a rent disproportionate to their means.

(3) In collecting rents or instalments of purchase moneys the Authority may in its discretion grant to any tenant or purchaser such rebates or remissions thereof on the grounds of hardship or unforeseen circumstances upon such terms and conditions as it thinks fit.

(4) The Authority shall from time to time review rents and make such changes either of rents generally or of particular rents as it may think fit.

(5) It shall be a term of every letting by the Authority that the tenant shall not assign, sub-let or otherwise part with the possession of the premises or any part thereof except with the consent in writing of the Authority and the Authority shall not give such consent unless it is shown to its satisfaction that no payment other than a rent which in its opinion is a reasonable rent has been or is to be received by the tenant in consideration of the assignment, sub-letting or other transaction.

(6) The sale of houses by the Authority may be subject to such covenants and conditions as the Authority may see fit to impose either in regard to the maintenance of the houses or otherwise in regard to the use thereof or their re-sale, and upon any such sale

the Authority may if it thinks fit agree to the price being paid by instalments or to a payment of part thereof and the remainder being secured by a mortgage back to the Authority.

12. The Authority may participate in any undertaking with any person, firm, company or local authority for the provision of public housing and in connection with such a scheme may—

Participation by Authority in undertaking.

- (i) make advances from the funds of the Authority to any such person, firm, company or local authority upon such terms and conditions as it may think fit;
- (ii) give, sell, lease or exchange any land vested in the Authority to any person, firm, company or local authority;
- (iii) employ its funds and resources for the purpose of such an undertaking in such manner as it may think fit.

13. All contracts into which the Authority shall enter with any person or body in pursuance of the provisions of this Regulation shall be made—

Law of contracts.

- (a) if the other contracting party is a non-native, under the legal system applicable to the non-native;
- (b) if the other contracting party is a native within the meaning of Article 8 of the Protocol, under the legal system of one or other of the Signatory Powers, at the choice of the native;
- (c) if the other contracting party is a body comprising any person or persons subject to British law and any native or natives, under the British legal system;
- (d) if the other contracting party is a body comprising any person or persons subject to French law and any native or natives, under the French legal system;
- (e) if the other contracting party is a body comprising any person or persons subject to British law and any person or persons subject to French law, under the legal system of one or the other of the Signatory Powers, chosen by common agreement;
- (f) if the other contracting party is a body comprising any person or persons subject to British law, any person or persons subject to French law and any native or natives, under the legal system of one or other of the Signatory Powers, chosen by common agreement.

14. The Authority may, if necessary by legal proceedings, recover possession of any land and dwelling house leased or the subject of an agreement for sale by it to any person upon any ground which by this Regulation, by the law of the contract or by any term or condition of the contract in question gives rise to a right of ejectment against the occupier.

Actions for ejectment.

15. In addition and without prejudice to any other grounds available by the law applicable in the proceedings or by the terms of the contract in question, the following shall constitute grounds for ejection of an occupier at the suit of the Authority, namely—

Grounds for ejection.

- (a) failure to pay any rent or instalment of purchase moneys for more than one month after the same shall have become due and payable;
- (b) unauthorised assignment, sub-letting or parting with possession of the premises; or
- (c) the creation of nuisance to neighbouring occupiers.

16. The Authority may from time to time with the consent of and upon such terms and conditions as may be approved by the Resident Commissioners raise loans for the purpose of exercising its powers and carrying out its duties and obligations under this Regulation.

Power to raise loans.

17. The repayment of any moneys borrowed or loans raised under the provisions of section 16 and the payment of interest thereon may be secured by mortgage debenture or other charge upon the assets of the Authority.

Security for loans.

18. The Authority shall prepare annual estimates of revenue and expenditure which shall require the approval of the Resident Commissioners.

Annual estimates.

19. The Authority may with the approval of the Resident Commissioners make any payment or enter into any commitment for which provision has not been made in its annual estimates of expenditure.

Payments or commitments not provided for in estimates.

20. The Authority shall furnish to the Resident Commissioners as soon as possible and in no case later than three months after the expiration of each financial year a detailed report upon the administration of the affairs of the Authority together with a balance sheet and statement of the revenue and expenditure of the Authority duly audited by an auditor approved by the Resident Commissioners. The report, balance sheet and statement of revenue and expenditure shall be laid before the Advisory Council at its next following session.

Annual report and accounts.

21. (1) No act done or proceeding taken under this Regulation shall be questioned on the ground—

Minutes.

- (a) of the existence of any vacancy on or any defect in the constitution of the Authority; or
- (b) of any omission, defect or irregularity going only to form and not to substance.

(2) Any minute made of a meeting of the Authority shall, if duly signed by the Joint Chairmen of the Authority or authenticated

by the Secretary-Manager, be receivable in evidence in all legal proceedings without further proof, and every meeting of the Authority in respect of which minutes have been so made shall be deemed to have been duly constituted.

22. The Resident Commissioners may make subsidiary legislation, not inconsistent with the provisions of this Regulation, for any of the following purposes—

Subsidiary
legislation.

- (a) to prescribe the forms of contracts, mortgages, charges, agreements for sale and purchase, tenancy agreements, leases and other instruments;
- (b) generally to regulate the administration of the Authority in accordance with the provisions of this Regulation.

23. The Resident Commissioners may make subsidiary legislation resulting from proposals submitted by the Authority, not inconsistent with the provisions of this Regulation, for any of the following purposes—

- (a) to fix and from time to time to vary the number of persons who may occupy a dwelling house which is let by the Authority;
- (b) to prescribe or restrict the use of dwelling houses let by the Authority;
- (c) to provide for the inspection of houses and land vested in the Authority;
- (d) to prescribe the time, place and manner for the payment of moneys payable to the Authority under this Regulation;
- (e) to prescribe the books and accounts to be kept by the Authority and all other matters relating to the financial affairs of the Authority.

24. This Regulation may be cited as the Joint Vila Housing Authority Regulation No. 23 of 1972 and shall come into operation on the date of its publication in the Condominium Gazette.

Citation and
Commence-
ment.

Made at Vila this twenty-eighth day of August, 1972.

LANGLOIS

COLIN H. ALLAN

The Resident Commissioner
for the French Republic.

Her Britannic Majesty's
Resident Commissioner.