

COASTAL TRADING (CONTROL) REGULATION

1980

EXPLANATORY NOTE

The purpose of this law is to control trading by ships which call at islands throughout the New Hebrides and also the use of ships or boats for purposes of profit. This is part of the Government policy to encourage and protect New Hebridean businessmen and bodies engaged in business controlled by New Hebrideans.

Anyone who wishes to engage in coastal trading or the use of any ship or boat for purposes of profit will have to obtain a licence which may or may not be granted.

Persons may be required under Section 5 to give information for the purposes of this law.

If a person does not give such information the licensing officer has power of search and examination of documents under Section 6.

Licences can be cancelled under Section 7 but there is an appeal to the Minister against cancellation under Section 8.

Under Section 9 the Minister may grant exemptions from the requirement to have a coastal trading licence.

APRIL 1980

J. NAUPA  
MINISTER OF TRANSPORT,  
COMMUNICATIONS AND  
PUBLIC WORKS

DRAFTSMANS NOTE

The Resident Commissioners Joint Regulation bringing this Resolution into force as a law will provide that this resolution will be cited as Coastal Trading (Control) Regulation and that it will come into force when published in the New Hebrides Gazette. The reason for this is to enable the necessary administrative arrangements to be made by the Minister and the commercial sector.

COASTAL TRADING (CONTROL) REGULATION

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ARRANGEMENT OF SECTIONS

1. Interpretation.
2. No coastal trading without a licence.
3. Applications for coastal trading licences.
4. Licence may be subject to limitations or conditions.
5. Licensing Officer may require information.
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7. Cancellation of a licence.
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9. Exemptions.
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RESOLUTION No. OF 1980

To provide for control of coastal trading.

The Representative Assembly of the New Hebrides at its sitting on the 1980 hereby resolves and decides in accordance with Article 23 of the Schedule to the Exchange of Notes of the 15th September 1977 to adopt the following measures :-

Interpretation.

1. In this Regulation except where the context otherwise requires :-

"coastal trading" means :

- (a) retail or wholesale trading from a ship which leaves a port in the New Hebrides to visit other parts of the country; or  
(b) the carriage of goods or passengers for profit by ship from any part of the New Hebrides whether or not to another part of the country.

"Licensing Officer" means any person or persons appointed by the Minister by notice in the New Hebrides Gazette to be a licensing officer or officers for the purposes of this Regulation;

"Minister" means the Minister for the time being responsible for matters under this Regulation or any Minister acting on his behalf;

"person" except in this section includes any body corporate;

"Ship" means any vessel not propelled solely by oars or paddles which is capable of carrying persons or things or both on water.

No coastal trading without a licence.

2. No person may engage in coastal trading without a licence given by the Licensing Officer.

Applications for coastal trading licences.

3. (1) A person who wishes to engage in coastal trading shall apply to the Licensing Officer by completion of the prescribed form and leaving it at the office of the Licensing Officer with the prescribed application fee.  
(2) A separate application shall be made in respect of each ship desired to be used for coastal trading.

Licence may be subject to limitations or conditions.

4. (1) The Licensing Officer may grant a coastal trading licence subject to such limitations and conditions as he may consider fit.  
(2) A licence granted in accordance with subsection (1) shall specify the period for which it is granted.

- Licensing Officer may require information. 5. An applicant for a licence may be required by the licensing officer to furnish him with information in respect of the ship to be used for trading and the trading for which the applicant wishes to be licensed or for which he is licensed including -
- (a) the goods traded in or to be traded in;
  - (b) the retail or wholesale prices of the goods;
  - (c) the quantities of goods sold or to be sold;
  - (d) voyages undertaken or to be undertaken.
- Power of search and examination of cargo and documents. 6. Where a person, when requested, has not furnished information in accordance with section 5 or in the opinion of the Licensing Officer has not furnished adequate information he may himself or through his agents -
- (a) examine and search a ship the subject of a licence or an application for a licence;
  - (b) examine cargo on a ship referred to in paragraph (a);
  - (c) require any person to deliver to him and examine any accounts, shipping documents or other documents relating to the ship used or to be used for coastal trading and to the trading carried on or to be carried on with that ship.
- Cancellation of a licence. 7. (1) The Licensing Officer may cancel a licence if in his opinion the licence holder has failed to comply with any condition or limitation to which the licence is subject.
- (2) A cancellation under subsection (1) shall be effective 15 days from notification thereof to the licence holder or if there is an appeal under Section 8, 7 days after notification to the appellant of the failure of his appeal.
- Appeal to Minister. 8. (1) A person whose licence has been cancelled in accordance with Section 7 may appeal to the Minister against such cancellation within 15 days of receiving notification thereof.
- (2) Any appeal shall state clearly the reason why the appellant considers the licence should not have been cancelled.
- (3) The Minister shall either -
- (a) dismiss the appeal; or
  - (b) restore the cancelled licence subject to additions to or variations of its original conditions or limitations; or
  - (c) restore the cancelled licence without making any changes in its conditions and limitations.

- Exemptions.            9.        The Minister may by notice published in the New Hebrides Gazette exempt any person from the requirement to have a coastal trading licence subject to such conditions as he may consider fit.
- Orders.                10.        The Minister may make orders not inconsistent with this Regulation for its better carrying into effect and without derogating from the generality of the foregoing such orders may -
- (a) prescribe forms and licences;
  - (b) provide for licence fees which may be payable either on the grant of a licence or annually or both.
- Offences and penalty.    11.        Any person who -
- (a) contravenes any provision of this regulation;
  - (b) carries on coastal trading without a licence;
  - (c) fails to comply with a lawful request made in accordance with this Regulation;
  - (d) fails to comply with any limitation or condition contained in a licence granted under this Regulation; or
  - (e) obstructs <sup>or</sup> attempts to obstruct any person administering or enforcing the provisions of this Regulation commits an offence and on conviction shall be liable to a fine not exceeding FNH 75,000.