

NEW HEBRIDES
REPRESENTATIVE ASSEMBLY

RA3/WP/7
14 March 1980
Original: English

STATE FLAG AND ARMORIAL BEARINGS

REGULATION 1980

Explanatory Note

The purpose of this law is to protect the State Symbols that is the flag and other emblems from undesirable commercial exploitation,

Provision is made in Section ² for the responsible Minister to control exploitation by licensing.

In Section 2 (3) it is provided that any thing by means of which or in respect of which an offence was committed may be forfeited in addition to any other punishment.

The specific consent of the Public Prosecutor will be required for a Prosecution. The reason is that such a prosecution may be a sensitive and very political matter which will require careful consideration.

It should be noted that although the Regulation will protect the National Emblems of Vanuatu the description of them will be published before Independence and therefore will be published in the New Hebrides Gazette and not the Vanuatu Gazette.

14 March 1980

W.H. LINI
CHIEF MINISTER

DRAFTSMANS NOTE

The Resident Commissioners Joint Regulation bring this Regulation into force as a law will provide that this resolution shall be cited as the State Flag and Armorial Bearings Regulation 1980 and shall come into operation on the Day of Signature.

RA3/WP/7

STATE FLAG AND ARMORIAL BEARINGS

REGULATION 1980

Arrangement of Sections

1. Interpretation
2. Prohibition
3. Restriction on proceedings.

DRAFT RESOLUTION

RESOLUTION NO OF 1980

To provide for the protection of the State Flag and Armorial Bearings, State Emblem and Presidential Standard.

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, unless the context otherwise requires -
"the State Flag means the State Flag of the Republic of Vanuatu as published by the Minister in the New Hebrides Gazette;
"the Presidential Standard" means the standard of the President of the Republic of Vanuatu as published by the Minister in the New Hebrides Gazette;
"Minister" means the Minister for the time being responsible for the matters provided for in this Regulation or any Minister acting on his behalf;
"the Armorial Bearings" means the Armorial Bearings or State Emblem of Vanuatu as published by the Minister in the New Hebrides Gazette.
- Prohibition.
2. (1) From the date of the commencement of this Regulation, except with the written permit of the Minister, which may be given in general or particular terms, and subject to any conditions which the Minister may specify in the permit, no person shall -
 - (a) sell or display for sale or have in his possession for sale, or make for sale or
 - (b) use in connection with any business, trade, calling or profession;

any copy of the State Flag, the Presidential standard or the Armorial Bearings, or a thing so closely resembling any of them as to lead to the belief that the thing is one of them.
 - (2) Any person who contravenes subsection (1) shall be guilty of an offence and liable on conviction to a fine of 50,000 FNH.
 - (3) The Court before which any person is convicted of an offence under subsection (2) may, in addition to imposing any other punishment, order that any thing by means, or in respect of which the offence was committed shall be forfeited.
 - (4) No proceedings for an offence against section 2 shall be instituted without the consent of the Public Prosecutor.
- Restriction
pro-
ceedings.