1970 No. 950

PACIFIC ISLANDS

The New Hebrides Order in Council 1970

Made - - - -	*26th June* 1970
Laid before Parliament	*2nd July* 1970
Coming into Operation	*3rd July* 1970

At the Court at Buckingham Palace, the 26th day of June 1970

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers in that behalf by the Foreign Jurisdiction Act 1890(**a**) or otherwise in Her vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Citation and commencement.

1.—(1) This Order may be cited as the New Hebrides Order in Council 1970.

(2) This Order and the New Hebrides Orders in Council 1922 to 1963(**b**) may be cited together as the New Hebrides Orders in Council 1922 to 1970.

(3) This Order shall come into operation on the 3rd day of July 1970.

Interpretation.

2.—(1) This Order shall be construed as one with the New Hebrides Order in Council 1922(**c**) (hereinafter called " the principal Order ").

(2) In this Order, " the Protocol " means the Protocol made the 6th day of August 1914 between the Government of His late Majesty King George the Fifth and the Government of the French Republic in the terms set forth in the Schedule to the principal Order as interpreted in accordance with the agreement to that effect contained in the notes exchanged between the two Governments dated the 16th day of December 1922 and the 26th day of December 1922 respectively, and set out in the Schedule to the New Hebrides Order in Council 1923(**d**) and as modified, added to, or amended by any of the agreements set out in the Schedule to the New Hebrides Order in Council 1961(**e**) or in the Schedule to the New Hebrides Order in Council 1963(**f**).

(**a**) 53 & 54 Vict. c. 37.
(**b**) S.R. & O. 1922/717, 1923/356 (Rev. VIII, pp. 719, 757: 1922, p. 324; 1923, p. 337); S.I. 1955/553, 1961/1831, 1963/1324 (1955 II, p. 1700; 1961 III, p. 3456; 1963 II, p. 2297).
(**c**) S.R. & O. 1922/717 (Rev. VIII, p. 719: 1922, p. 324).
(**d**) S.R. & O. 1923/356 (Rev. VIII, p. 757: 1923, p. 337).
(**e**) S.I. 1961/1831 (1961 III, 3456).
(**f**) S.I. 1963/1324 (1963 II, p. 2297).

3. The principal Order shall be amended by the insertion, after section 10 thereof, of the following new section:— Insertion of new section 10A in New Hebrides Order in Council 1922.

"10A. If, at any time after the coming into operation of the New Hebrides Order in Council 1970, the High Commissioner is informed by the Secretary of State for Foreign and Commonwealth Affairs that Her Majesty's Government and the Government of the French Republic have agreed by Exchange of Notes or otherwise to modify, add to or amend the Protocol, the High Commissioner shall cause the modification, addition or amendment to be published in the New Hebrides in the manner customarily adopted for the publication of regulations made under section 6 of this Order, and upon such publication the Protocol shall have the force of law and be binding within the New Hebrides subject to such modification, addition or amendment."

4.—(1) The Protocol shall have the force of law and shall be binding upon all such persons as are referred to in section 2 of the principal Order subject to the amendments set out in the Exchanges of Notes between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the French Republic dated at London the 14th day of February 1967(**a**) and the 15th day of February 1967(**b**), that is to say:— Agreements modifying the Protocol given the force of law, etc.

(*a*) Article 9 of the Protocol shall be abrogated and replaced by the following:—

"*Article* 9

The High Commissioners shall arrange, by Joint Regulation made after consultation with their Governments, for the registration wherever possible of births, marriages and deaths, and more generally of all civil status acts, of persons who are not nationals of the administering powers, or of persons who are not required to opt for the civil legislation of one or the other of those powers.

They may make this registration compulsory."

(*b*) Paragraph 3 of Article 12 of the Protocol shall be abrogated and replaced by the following:—

"3. Over all matters in respect of Joint Labour Regulations, under Article 31 of the present Convention."

(*c*) Articles 31 to 56 (inclusive) of the Protocol shall be abrogated and replaced by the following:—

"*Article* 31

1. Without prejudice to the generality of the powers conferred by Article 7, the High Commissioners may, after receipt of the authorisation of their respective Governments to that effect, issue Joint Labour Regulations, and may, as often as may be necessary, amend and revoke such Regulations after having, in each case, obtained such authorisation.

2. The procedure in relation to the prosecution and trial of offences against Joint Labour Regulations and the hearing of labour and trade disputes shall be prescribed by rules made in that behalf by the Joint Court based on British and French legislation on such matters."

(**a**) Cmnd. 3864. (**b**) Cmnd. 3276.

(2) The Protocol shall be deemed to have had the force of law and to have been binding in the manner prescribed in subsection (1) of this section with effect from the dates upon which the relevant agreements came into operation, that is to say :—

(*a*) in the case of the amendment set out in paragraph (*a*) of subsection (1), the 15th day of February 1967 ; and

(*b*) in the case of the amendments set out in paragraphs (*b*) and (*c*) of subsection (1), the 14th day of February 1967.

W. G. Agnew.

EXPLANATORY NOTE

(*This Note is not part of the Order.*)

This Order further amends the New Hebrides Order in Council 1922 by giving the force of law to further amendments to the Anglo-French Protocol respecting the New Hebrides of 6th August 1914. It also makes provision so that such amendments to the Protocol in future can be given the force of law without making further Orders in Council.

SI 1970/ 950
ISBN 0-11-000950-9

