

N° 2976.

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GRANDE-BRETAGNE  
ET IRLANDE DU NORD  
ET FRANCE

Echange de notes relatif à la revision du règlement concernant les conditions de service des membres du Tribunal mixte du condominium des Nouvelles-Hébrides. Paris, le 15 décembre 1931.

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GREAT BRITAIN  
AND NORTHERN IRELAND  
AND FRANCE

Exchange of Notes respecting the Revision of the Regulations regarding the Conditions of Service of the Members of the Joint Court in the Condominium of the New Hebrides. Paris, December 15, 1931.

N<sup>o</sup> 2976. — ÉCHANGE DE NOTES<sup>1</sup> ENTRE LE GOUVERNEMENT DE SA MAJESTÉ DANS LE ROYAUME-UNI ET LE GOUVERNEMENT FRANÇAIS RELATIF A LA REVISION DU RÈGLEMENT CONCERNANT LES CONDITIONS DE SERVICE DES MEMBRES DU TRIBUNAL MIXTE DU CONDOMINIUM DES NOUVELLES-HÉBRIDES. PARIS, LE 15 DÉCEMBRE 1931.

No. 2976. — EXCHANGE OF NOTES<sup>1</sup> BETWEEN HIS MAJESTY'S GOVERNMENT IN THE UNITED KINGDOM AND THE FRENCH GOVERNMENT RESPECTING THE REVISION OF THE REGULATIONS REGARDING THE CONDITIONS OF SERVICE OF THE MEMBERS OF THE JOINT COURT IN THE CONDOMINIUM OF THE NEW HEBRIDES. PARIS, DECEMBER 15, 1931.

*Textes officiels anglais et français communiqués par le secrétaire d'Etat aux Affaires étrangères de Sa Majesté en Grande-Bretagne. L'enregistrement de cet échange de notes a eu lieu le 13 juin 1932.*

*English and French official texts communicated by His Majesty's Secretary of State for Foreign Affairs in Great Britain. The registration of this Exchange of Notes took place June 13, 1932.*

I.

No. 757 (35/68/31).

15th December, 1931.

MONSIEUR LE PRÉSIDENT,

I have the honour, on instruction from His Majesty's Principal Secretary of State for Foreign Affairs to inform Your Excellency that His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland consider that the regulations respecting the conditions of service of the members of the Joint Court in the Condominium of the New Hebrides should be revised in the light of experience and in order to include the modifications made therein at different times by the common consent of His Majesty's Government in the United Kingdom and the Government of the Republic. These regulations form Annex I to the notes exchanged in London on August 29th, 1907, between Great Britain and France<sup>2</sup>.

<sup>1</sup> Entré en vigueur le 15 décembre 1931.

<sup>2</sup> Vol. IX, page 197; vol. X, page 333; vol. XVI, page 213; vol. LIX, page 348; vol. LXIX, page 269; vol. LXXXVIII, page 361; et vol. CIX, page 31, de ce recueil.

<sup>1</sup> Came into force December 15, 1931.

<sup>2</sup> Vol. IX, page 197; Vol. X, page 333; Vol. XVI, page 213; Vol. LIX, page 348; Vol. LXIX, page 269; Vol. LXXXVIII, page 361; and Vol. CIX, page 31, of this Series.

2. His Majesty's Government propose that these regulations should be replaced by the following :

#### I. SALARIES.

1. The salary of the President of the Joint Court shall be £900 per annum. The salaries of the British and French Judges, the Public Prosecutor, and the Legal Commissioner, shall be £800 each per annum. The salary of the Native Advocate shall be £700 per annum. The salary of the Registrar shall be £500 per annum. These officers shall also be entitled to free quarters.

2. The salaries of the staff of the Joint Court shall be fixed by the President, subject to the approval of the two High Commissioners.

#### II. PASSAGES AND TRAVELLING.

1. Free passages (first-class) shall be provided, on first appointment, for the President of the Joint Court, the British and French Judges, the Public Prosecutor, the Legal Commissioner, the Native Advocate and the Registrar from their place of residence to the New Hebrides. A passage shall also be provided for the wife of the officer, for male children below the age of majority, and for female children, if unmarried, subject to a maximum of four passages in all, including that of the officer.

2. They shall further be entitled to half-pay from the date of embarkation, and to full pay from the date of arrival in the New Hebrides. Similar allowances shall be granted on the ultimate return home of these officers, upon termination of their appointments for any other reason than misconduct ; provided they have served not less than three years, or return home on the ground of ill-health, duly certified by a Condominium Medical Officer.

3. When travelling in the Group in the performance of their official duties, transport shall be provided, or expenses incurred in the provision of transport shall be refunded to them.

4. They shall also receive a subsistence allowance of eight shillings or fifty francs for periods of absence of more than twelve hours necessitating board and lodging for the night. This allowance shall be reduced to onethird for periods of from five to twelve hours. No allowance shall be payable in respect of an absence of less than five hours. One half of the allowance shall be payable if either board or lodging is provided by the Condominium Government. No allowance shall be payable if both board and lodging are provided.

5. When proceeding to or from the New Hebrides on first appointment, or on termination of appointment, or on furlough or sick leave, the President of the Joint Court shall be entitled to an allowance of L1.10.0. or 186 francs for every twenty-four hours of unavoidable detention at any port other than the port of disembarkation. In the cases of the British and French Judges, the Public Prosecutor, the Legal Commissioner, the Native Advocate and the Registrar, the allowance shall be £1.0.0. or 124 francs.

#### III. LEAVE.

1. The High Commissioners acting conjointly, and subject to the exigencies of the service, may grant to the officers mentioned in Section II of these Regulations :

- (a) Furlough ;
- (b) Sick Leave ;
- (c) Leave for private affairs.

2. Grants of furlough or leave for private affairs will be at the discretion of the Condominium Government and will depend upon satisfactory arrangements being made for the proper execution of the duties of the officer while absent.

3. At the option of the officer, leave may be granted to his country of origin, or to the country from which he was originally appointed.

4. Furlough will only be granted after three years' resident service in the New Hebrides and may be for a period of six months. For every additional year of resident service, a further two months' furlough may be granted, provided that in no case shall the total leave exceed one year.

5. Periods of furlough, and the time actually spent in travelling will be on half-pay.

6. Furlough will not be granted to a member of the Joint Court at intervals of less than one year and will be granted in the following order of precedence :

- (1) The President ;
- (2) The Public Prosecutor ;
- (3) The Legal Commissioner ;
- (4) The Registrar.

Should an officer not desire to avail himself of furlough his place may be taken by the officer next succeeding him in this order of precedence.

7. The High Commissioners acting conjointly may, on the advice of a Condominium Medical Officer, require an officer who has completed three years' resident service to take such furlough as is due to him.

8. An officer who at the expiration of his furlough does not return to his post, except in the case of *force majeure*, will be considered as having resigned and shall be replaced.

9. Sick leave on half-pay may be granted up to three months on production of a medical certificate issued by a Condominium Medical Officer, or, where an officer is at the time outside the Condominium, by an approved medical practitioner. Extensions of this period may be granted by the two Governments or their representatives in the New Hebrides upon the production of supplementary medical certificate.

10. In no case will such leave exceed one-third of an officer's resident service.

11. On the expiration of the maximum period laid down, an officer who does not rejoin his post, except in the case of *force majeure*, will be considered as having resigned, and shall be replaced.

12. Upon application in writing, the High Commissioners acting conjointly may grant three months' leave on full pay for urgent private affairs, the nature of which must be stated.

13. In cases of furlough and sick leave, the passage expenses of the officers mentioned in Section II of these Regulations as well as of their families, subject to the limits therein stated, will be met from Condominium funds.

14. The grant of leave on private affairs will not carry with it the right of free passage.

#### IV. AGE LIMIT.

Except in special cases, and with the express consent of the two High Commissioners, retirement shall be compulsory at the age of 60.

#### V. PENSIONS.

No member or officer of the Joint Court shall be entitled to a pension from the New Hebrides funds.

#### VI. ACTING ARRANGEMENTS.

1. In the absence or incapacity of the President of the Joint Court, the Legal Commissioner shall act for him.

2. In the absence or incapacity of the British or French Judge a substitute shall be appointed by the British or French High Commissioner respectively.

3. In the absence or incapacity of the Public Prosecutor, the Legal Commissioner shall act for him. In the event of the services of the Legal Commissioner not being available, the Registrar shall act as Public Prosecutor. In view of this provision, the Registrar shall not be either a British subject or a French citizen and must possess the necessary legal qualifications. In the event of the incapacity, as the result of illness or for any other reason, of the Public Prosecutor, the Legal Commissioner, and the Registrar of the Joint Court, the two High Commissioners will conjointly nominate a substitute of neutral nationality to replace the Public Prosecutor.

4. In the absence or incapacity of the Native Advocate, his functions will be performed, if necessary, by the Public Prosecutor, in addition to his own functions.

5. In the absence or incapacity of the Registrar, the President shall appoint a substitute irrespective of nationality.

6. The holder of an acting appointment shall be entitled to the emoluments and privileges of the post the duties of which he is performing, but this provision shall not be taken as conferring the right at the same time to the emoluments and privileges of more than one post.

#### VII. BUSINESS OF THE JOINT COURT AND POWERS OF THE PRESIDENT.

1. All arrangements for the sittings of the Joint Court and the conduct of its business shall be made by the President.

2. The Registrar and staff of the Joint Court shall be under the control of the President, but their appointment shall not be revocable by him except with the concurrence of the two Resident Commissioners.

#### VIII. GENERAL.

Subject to the approval of the two Governments, the High Commissioners shall arrange conjointly for all matters relating to the Joint Court not covered by the preceding Regulations.

3. I have the honour to enquire of Your Excellency whether the Government of the Republic agree that the above Regulations should be substituted for those contained in Annex I to the notes exchanged in London on August 29th, 1907.

I have the honour to be with the highest consideration, Monsieur le Président, Your Excellency's most obedient humble Servant.

TYRRELL.

His Excellency  
Monsieur Aristide Briand,  
Minister for Foreign Affairs.

II.

RÉPUBLIQUE FRANÇAISE.  
MINISTÈRE  
DES AFFAIRES ÉTRANGÈRES.  
DIRECTION POLITIQUE.

MONSIEUR L'AMBASSADEUR,

PARIS, le 15 décembre 1931.

J'ai l'honneur de confirmer à Votre Excellence que le Gouvernement de la République française est d'accord avec le Gouvernement de Sa Majesté du Royaume-Uni de Grande-Bretagne et de

<sup>1</sup> TRADUCTION. — TRANSLATION.

No. 757/35/68/31.

I.

Le 15 décembre 1931.

MONSIEUR LE PRÉSIDENT,

J'ai l'honneur, d'ordre du principal secrétaire d'Etat de Sa Majesté pour les Affaires étrangères, de faire savoir à Votre Excellence que le Gouvernement de Sa Majesté dans le Royaume-Uni de Grande-Bretagne et d'Irlande du nord estime qu'il y eu lieu de reviser, en tenant compte de l'expérience acquise, le règlement concernant les conditions de service des membres du Tribunal mixte du Condominium des Nouvelles-Hébrides en vue d'y faire figurer les modifications qui, d'un commun accord entre le Gouvernement de Sa Majesté dans le Royaume-Uni et le Gouvernement de la République ont, à diverses reprises, été apportées aux règles existantes. Ces dernières constituent l'annexe I des notes échangées à Londres entre la Grande-Bretagne et la France le 29 août 1907.

2. Le Gouvernement de Sa Majesté propose que ces règles soient remplacées par les suivantes :

*(Voir texte français, pages 450 et suivantes.)*

3. J'ai l'honneur de demander à Votre Excellence si le Gouvernement de la République est d'accord avec le Gouvernement britannique pour que ce règlement remplace celui qui figure à l'annexe I des notes échangées à Londres le 29 août 1907.

Veuillez agréer, etc.

Son Excellence

TYRRELL.

Monsieur Aristide Briand,  
Ministre des Affaires étrangères.

## II.

FRENCH REPUBLIC.  
MINISTRY FOR FOREIGN AFFAIRS.  
POLITICAL DEPARTMENT.

PARIS, December 15th, 1931.

MONSIEUR L'AMBASSADEUR,

I have the honour to inform Your Excellency that the Government of the French Republic agrees with His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland in considering that the regulations respecting the conditions of service of the members of the Joint Court in the Condominium of the New Hebrides should be revised in the light of experience and in order to include the modifications made therein at different times by the common consent of the two Governments. These regulations form Annex I to the notes exchanged in London on August 29th, 1907, between Great Britain and France.

The French Government agrees with His Britannic Majesty's Government that the new regulations should be as follows :

*(See English text, page 447 and following.)*

The Government of the Republic agrees with the British Government that these regulations shall come into force as from to-day's date.

I have, etc.

*For the Minister for Foreign Affairs :*

E. NAGGIAR,

*Minister Plenipotentiary, Assistant-Director for Asia.*

His Excellency Lord Tyrrell,  
British Ambassador in Paris.

<sup>1</sup> Traduit par le Secrétariat de la Société des Nations, à titre d'information.

<sup>1</sup> Translated by the Secretariat of the League of Nations, for information.