

CONDOMINIUM DES NOUVELLES-HEBRIDES

NEW HEBRIDES CONDOMINIUM

ARRETE CONJOINT 13 de 1966

JOINT REGULATION 13 of 1966

JOINT REGULATION

No. 13 of 1966.

To provide for the maintenance of natural children of native parents.

[Joint Regulation No. 13 of 1966 was published in *Condominium Gazette* No. 239 and is reprinted as amended by Joint Regulation No. 8 of 1967 (*Gazette* No. 254.)]

MADE by the Resident Commissioners under the provisions of paragraph 2 of Article 2 and Article 8 of the Anglo-French Protocol of 1914.

1. A woman, who at the time of the birth thereof—
 - (a) was unmarried, or
 - (b) who but for the provision of Section 7 of Joint Regulation No. 12 of 1966 would have been lawfully married,

Commencement of Maintenance Proceedings.

is delivered of a child, may apply to the Native Court for the District in which she then resides for an order against the man alleged to be the father of the said child that he do pay to her such sum as may be sufficient for the maintenance and upbringing of the child.

Provided that where a woman is under the age of twenty-one years, such application may be made by her parents or the persons having effective charge of her, or, if one of them is dead or is unwilling or unable to make the application, by the other.

2. An application under Section 1 of this Regulation may be made—
 - (a) at any time within twelve months from the child's birth, or
 - (b) at any subsequent time upon proof that the man alleged to be the father of the child has within the twelve months next after the birth provided for or contributed to its maintenance and upbringing and there is reason to believe that he did so to fulfil his paternal obligations.

Application for Order.

3. A cause of action shall only lie if there is evidence to the fact—
 - (a) that during the normal period of conception (which expression shall for the purposes of this Regulation mean from the 300th to the 180th day before birth) there was [an offer] of marriage; or
 - (b) that during the same period the parties lived together as husband and wife; or
 - (c) that the man alleged to be the father of the child had at some time provided for or contributed to its maintenance and upbringing in a paternal capacity; or

Reception of actions.

J.R. No. 8 of 1967.

[(d) that the man alleged to be the father admitted the paternity of the child.]

J.R. No. 8 of 1967.

4. Notwithstanding the provisions of the immediately preceding Section of this Regulation a cause of action shall not lie if there is evidence—

- (a) that during the normal period of conception the mother was of notorious loose behaviour;
- (b) that during the said period the said mother had sexual intercourse with another man; provided that an action shall lie if there is evidence that the said other man is not the father; or
- (c) that during the said period the alleged father was physically incapable of being the father of the child;

5. (1) A Court may if a cause of action lies and sufficient evidence to that effect is adduced adjudge the defendant to be the father of the child and may make against him such order as it thinks fit, having regard to the interests of the child, the intention of the parties with respect to the maintenance and upbringing by them of the said child and to the means of the parties, for the payment by him to the applicant of—

Powers of Court.

- (a) a sum of money or its equal in kind not exceeding the equivalent of £Stg.3 or its equivalent in francs at the current rate of exchange weekly for the maintenance and upbringing of the child to be paid periodically as the said Court shall decide but in no case more than yearly;
- (b) the expenses incidental to the birth of the child.

(2) The power to make an order under this Section shall include a power to vary the same on the application of either of the parties thereto.

(3) Any person against whom an order has been made who fails to make the payments therein ordered to be made shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding £Stg.5 or its equivalent in francs at the current rate of exchange, and in the case of a second or subsequent conviction during a period of five years from the date of the first conviction to a term of imprisonment not exceeding three months.

6. An order made under the provisions of Section 5 of this Regulation shall not, except for the purpose of recovering money previously due under the order, be of any force or validity after the child has attained the age of 18 years or has died.

Duration of Orders.

7. (1) Any person against whom an order has been made under Section 5 of this Regulation shall if he changes his address give notice of the change to the Court making the order.

Duty of father to notify change of address.

(2) Any person who fails without reasonable excuse to give a notice which is required by this Section, shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding £Stg.2 or its equivalent in francs at the current rate of exchange.

8. This Regulation may be cited as the Joint Maintenance of Children Regulation No. 13 of 1966 and shall come into operation on the date of its publication in the Condominium Gazette. Citation.

Dated at Vila, this 23rd Day of February, 1966.

MOURADIAN

ALEX. M. WILKIE

The Resident Commissioner
for the French Republic.

Her Britannic Majesty's
Resident Commissioner.

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