

No. 6886

**UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND
and
FRANCE**

**Exchange of notes constituting an agreement amending the
Protocol concerning the New Hebrides signed at London
on 6 August 1914. London, 17 April 1963,**

Official texts: English and French.

*Registered by the United Kingdom of Great Britain and Northern Ireland on 27 August
1963.*

**ROYAUME-UNI DE GRANDE-BRETAGNE
ET D'IRLANDE DU NORD
et
FRANCE**

**Échange de notes constituant un accord portant modifica-
tion du Protocole relatif aux Nouvelles-Hébrides signé
à Londres le 6 août 1914. Londres, 17 avril 1963**

Textes officiels anglais et français.

*Enregistré par le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord le 27 août
1963.*

No. 6886. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF THE FRENCH REPUBLIC AMENDING THE PROTOCOL CONCERNING THE NEW HEBRIDES SIGNED AT LONDON ON 6 AUGUST 1914.² LONDON, 17 APRIL 1963

N° 6886. ÉCHANGE DE NOTES CONSTITUANT UN ACCORD¹ ENTRE LE GOUVERNEMENT DU ROYAUME-UNI DE GRANDE-BRETAGNE ET D'IRLANDE DU NORD ET LE GOUVERNEMENT DE LA RÉPUBLIQUE FRANÇAISE PORTANT MODIFICATION DU PROTOCOLE RELATIF AUX NOUVELLES-HÉBRIDES SIGNÉ À LONDRES LE 6 AOÛT 1914². LONDRES, 17 AVRIL 1963

I

Her Majesty's Principal Secretary of State for Foreign Affairs to the Ambassador of the French Republic

Le Principal Secrétaire d'État de Sa Majesté britannique pour les affaires étrangères à l'Ambassadeur de France

FOREIGN OFFICE, S.W.1

April 17, 1963

Your Excellency,

Following recent discussions between representatives of the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the French Republic concerning the modification of the present liquor control policy in the New Hebrides, I have the honour to propose that, pending the entry into force of a revised Protocol, Articles 59, 60 and 61 of the Anglo-French Protocol concerning the New Hebrides of the 6th of August, 1914,² shall be amended to read as follows :

Article 59

ALCOHOLIC LIQUOR

"The High Commissioners may jointly enact Regulations, which may prescribe the penalties provided for in Article 7 of the present Convention, for the purpose of regulating within the New Hebrides the importation, manufacture, sale, supply, consumption and transport of all alcoholic liquors and substances."

¹ Came into force on 17 April 1963 by the exchange of the said notes.

² League of Nations, *Treaty Series*, Vol. X, p. 333. See also Vol. CCI, p. 375.

¹ Entré en vigueur le 17 avril 1963 par l'échange desdites notes.

² Société des Nations, *Recueil des Traités*, vol. X, p. 333. Voir également vol. CCI, p. 375.

Article 60

REPORT OF OFFENCES

"1. Breaches of the provisions of Article 57 respecting the prohibition of the supply of arms and ammunition to the natives, and of the regulations for carrying that Article into effect, shall be reported by the officers and agents of the police force, duly authorised for this purpose by the High Commissioners or Resident Commissioners jointly.

2. The official report drawn up in accordance with paragraph 1 shall be *prima facie* evidence before the competent authority of the facts contained therein.

3. Any officer or agent of the police force, duly authorised for this purpose, who finds a native in possession of a prohibited weapon shall arrest him and, after enquiry into the circumstances of the offence, shall draw up an official report for the information of the High Commissioners or Resident Commissioners.

If the offence is proved, the native shall be punished by the Resident Commissioner having authority over the member of the police force making the arrest or by the person appointed for the purpose, and the non-native suspected of complicity shall be prosecuted before the Court of First Instance.

Nevertheless, a native found in possession of a prohibited weapon during a term of engagement shall only be punished by the Resident Commissioner of the Power of which the employer is a dependent, after enquiry made by an officer or agent of the police force of that Power.

4. Members of the police force shall not enter the house or premises of a non-native without his consent, except as provided by the rules of procedure issued by the Joint Court, or the regulations issued by the authority having jurisdiction over him.

Search-warrants, when considered necessary in the case of a non-native, shall be issued by the Judge of the country of which such non-native is a dependent."

Article 61

PENALTIES

"1. Any breach by non-natives of Articles 57 and 60 shall be punishable by the infliction of one or more of the following penalties :

- (a) Imprisonment not exceeding five years ;
- (b) Fine not exceeding £ Sterling 500 or its equivalent in francs at the current rate of exchange ;
- (c) Confiscation of moveable property (including ships not exceeding 500 tons burden) involved in the offence committed ;
- (d) Prohibition of entry or residence in certain parts of the territory.

2. The Court shall inflict the penalties, and may further order the forfeiture of the arms and ammunition, and shall decide as to their disposal or destruction."

If the foregoing proposal is acceptable to the Government of the French Republic, I have the honour to suggest that the present Note and Your Excellency's reply in

that sense should be regarded as formally recording the agreement of the two Governments to amend the said Protocol of the 6th of August, 1914, accordingly, with immediate effect.

I have, etc.

Frederick A. WARNER

[TRADUCTION — TRANSLATION]

FOREIGN OFFICE, S.W.1

Le 17 avril 1963

Monsieur l'Ambassadeur,

[Voir note II]

Veuillez agréer, etc.

Frederick A. WARNER

II

*The Ambassador of the French Republic to
Her Majesty's Principal Secretary of
State for Foreign Affairs*

*L'Ambassadeur de France au Principal
Secrétaire d'État de Sa Majesté britan-
nique pour les affaires étrangères*

Londres, le 17 avril 1963

Monsieur le Secrétaire d'État,

J'ai l'honneur d'accuser réception de votre Note en date de ce jour dont la teneur suit :

« Monsieur l'Ambassadeur,

« A la suite des récentes discussions entre représentants du Gouvernement du Royaume-Uni de la Grande-Bretagne et d'Irlande du Nord et du Gouvernement de la République française, relatives à la modification du régime actuel de contrôle sur les boissons alcoolisées aux Nouvelles-Hébrides, j'ai l'honneur de vous proposer que, en attendant l'entrée en vigueur d'un Protocole révisé, les Articles 59, 60 et 61 du Protocole franco-britannique du 6 août 1914¹, relatif aux Nouvelles-Hébrides soient modifiés comme suit :

¹ Société des Nations, *Recueil des Traités*, vol. X, p. 333. Voir également Société des Nations, *Recueil des Traités*, vol. CCI, p. 375.

- (a) emprisonnement n'excédant pas 5 ans ;
- (b) amende n'excédant pas 500 livres sterling ou son équivalent en francs au taux de change du moment ;
- (c) confiscation des biens meubles (y compris les navires n'excédant pas 500 tonneaux de jauge) impliqués dans l'infraction commise ;
- (d) interdiction d'entrée ou de séjour dans certaines parties du territoire.

(2) Le tribunal prononcera les peines et pourra en outre ordonner la confiscation des armes et des munitions, et statuera sur l'emploi qui devra en être fait ou sur leur destruction.

Si les propositions ci-dessus reçoivent l'accord du Gouvernement de la République française, j'ai l'honneur de suggérer que la présente Note et celle que Votre Excellence m'enverra en réponse soient considérées comme constatant officiellement l'accord des deux Gouvernements pour amender en conséquence le dit Protocole du 6 août 1914, et ceci avec effet immédiat. »

En réponse, j'ai l'honneur de vous informer que la proposition ci-dessus emporte l'accord du Gouvernement français qui, dans ces conditions, approuve la suggestion de Votre Excellence que Sa Note et la présente réponse soient considérées comme constatant officiellement l'accord des deux Gouvernements pour amender en conséquence le dit Protocole du 6 août 1914 et ceci avec effet immédiat.

Veillez agréer, etc.

G. DE COURCEL

[TRANSLATION¹ — TRADUCTION²]

Your Excellency,

I have the honour to acknowledge receipt of your Note of to-day's date which reads as follows :

[See note I]

In reply I have the honour to inform you that the above-mentioned proposal is acceptable to the French Government who therefore agree with your suggestion that Your Excellency's Note and this reply should be regarded as formally recording the agreement of the two Governments to amend the said Protocol of the 6th of August, 1914, accordingly, with immediate effect.

I avail, etc.

G. DE COURCEL

¹ Translation by the Government of the United Kingdom.

² Traduction du Gouvernement du Royaume-Uni.