STATUTORY INSTRUMENTS

1963 No. 1634

OVERSEAS TERRITORIES

The Admiralty Jurisdiction (Aden) Order in Council 1963

Made - - - - 27*th September* 1963
Coming into Operation 28*th September* 1963

At the Court at Balmoral, the 27th day of September 1963

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the power vested in Her by section 56 of the Administration of Justice Act 1956(a) and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows :—

Citation, interpretation and commencement.

1.—(1) This Order may be cited as the Admiralty Jurisdiction (Aden) Order in Council 1963.

(2) In this Order "Aden" has the meaning assigned to it by section 79 of the Constitution of Aden as set out in schedule 2 to the Aden (Constitution) Order in Council 1962(b).

(3) This Order shall come into operation on 28th September 1963.

Admiralty jurisdiction of Supreme Court of Aden.

2. The Colonial Courts of Admiralty Act 1890(c), shall, in relation to the Supreme Court of Aden, have effect as if for the reference in section 2 (2) thereof to the Admiralty jurisdiction of the High Court in England there were substituted a reference to the Admiralty jurisdiction of that court as defined by section 1 of the Administration of Justice Act 1956 subject to the adaptations and modifications of the said section 1 that are specified in schedule 1 to this Order.

Application of provisions of Administration of Justice Act 1956 to Aden.

3. The provisions of sections 3, 4, 5, 6, 7 and 8 of Part I of the Administration of Justice Act 1956 shall extend to Aden with the adaptations and modifications that are specified in Column II of schedule 2 to this Order.

W. G. Agnew.

(a) 4 & 5 Eliz. 2. c. 46. (b) S.I. 1962/2177 (1962 III, p. 2904). (c) 53 & 54 Vict. c. 27.

SCHEDULE 1

Article 2.

ADAPTATIONS AND MODIFICATIONS OF SECTION 1 OF THE ADMINISTRATION OF JUSTICE ACT 1956

In subsection (1), after the words and figures "Merchant Shipping Acts 1894 to 1954" occurring in paragraph (*o*) there shall be inserted the words "or of the Merchant Shipping Ordinance"(a); and the words "and any other jurisdiction connected with ships and aircraft vested in the High Court apart from this section which is for the time being assigned by rules of court to the Probate, Divorce and Admiralty Division" shall be deleted;

In subsection (3), after the words and figures "Merchant Shipping Act 1894", there shall be inserted the words and figures "or section 236 of the Merchant Shipping Ordinance".

In subsection (4), after the words and figures "Merchant Shipping Acts 1894 to 1954" there shall be inserted the words and figures "or of the Merchant Shipping Ordinance".

SCHEDULE 2

Article 3.

PROVISIONS OF PART I OF THE ADMINISTRATION OF JUSTICE ACT 1956 EXTENDED TO ADEN AND ADAPTATIONS AND MODIFICATIONS THERETO

Column I	*Column II*
Section 3	In subsections (1), (3), (5), (6) and (7), the words "the High Court, the Liverpool Court of Passage, and any county court" shall be deleted and the words "the Supreme Court of Aden" shall be substituted; In subsection (2) the words "the High Court" shall be deleted and the words "the Supreme Court of Aden" shall be substituted; In subsection (4) the words "High Court and (where there is such jurisdiction) the Admiralty jurisdiction of the Liverpool Court of Passage or any county court" shall be deleted and the words "Supreme Court of Aden" shall be substituted; In subsection (8) the words "England and Wales" shall be deleted and the word "Aden" shall be substituted;
Section 4	Subsection (1) shall be deleted and the following subsection shall be substituted:— "(1) No court in Aden shall entertain an action in personam to enforce a claim to which this section applies unless—

(a) Laws of Aden, 1955, c. 95.

Column I—(contd.)	*Column II*—(contd.)
Section 4 (*contd.*)	(*a*) the defendant has his habitual residence or a place of business in Aden ; or (*b*) the cause of action arose within the territorial waters of Aden ; or (*c*) an action arising out of the same incident or series of incidents is proceeding in the court or has been heard and determined in the court. In this subsection "territorial waters of Aden" include any port, dock or harbour in Aden." ;
	In subsection (2) the words "in England and Wales" shall be deleted and the words "in Aden" shall be substituted, and the words "outside England and Wales" shall be deleted and the words "outside Aden" shall be substituted ;
	In subsection (5) the words "the High Court" shall be deleted and the words "the Supreme Court of Aden" shall be substituted ;
	Subsection (6) shall be omitted.
Section 5	Subsection (1) shall be deleted and the following subsection shall be substituted :— "Section 63 of the Merchant Shipping Ordinance (which imposes restrictions on suits for wages) is hereby repealed.".
Section 6	The words "England and Wales" shall be deleted and the word "Aden" shall be substituted.
Section 7	Subsection (1) shall be deleted and the following subsection shall be substituted :— "(1) Section 253 of the Merchant Shipping Ordinance (which relates to the detention of ships by the Port Officer in certain cases) shall cease to have effect, but nothing in this Part of the Act affects the provisions of section 240 of the Merchant Shipping Ordinance (which relates to the power of a receiver of wreck to detain a ship in respect of a salvage claim)" ;
	Subsection (2) shall be omitted.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order provides that the Supreme Court of Aden, which is a Colonial Court of Admiralty, shall have the Admiralty jurisdiction of the High Court of England, as defined in section 1 of the Administration of Justice Act 1956, with certain modifications. It also extends certain of the provisions contained in Part I of that Act to Aden.