STATUTORY INSTRUMENTS

1974 No. 2148

OVERSEAS TERRITORIES

The Admiralty Jurisdiction (Bermuda) Order 1974

Made - - - - 18*th December* 1974
Coming into Operation 23*rd January* 1975

At the Court at Buckingham Palace, the 18th day of December 1974

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 and commencement

1. This Order may be cited as the Admiralty Jurisdiction (Bermuda) Order 1974 and shall come into operation on 23rd January 1975.

Admiralty jurisdiction of the High Court

2. The Colonial Courts of Admiralty Act 1890(**b**) shall, in relation to the Supreme Court of Bermuda, have effect as if for the reference in subsection (2) of section 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 adaptation and modification of the said section 1 that is specified in the First Schedule to this Order.

Application of provisions of Administration of Justice Act 1956 *to Bermuda*

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

N. E. Leigh.

(a) 1956 c. 46. (b) 1890 c. 27.

Article 2.

FIRST SCHEDULE

ADAPTATION AND MODIFICATION OF SECTION 1 OF THE ADMINISTRATION OF JUSTICE ACT 1956

In subsection (1) 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.

Article 3.

SECOND SCHEDULE

PROVISIONS OF PART I OF THE ADMINISTRATION OF JUSTICE ACT 1956 EXTENDED TO BERMUDA 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 ", in subsection (2) the words " the High Court ", and in subsection (4) the words " the High Court and (where there is such jurisdiction) the Admiralty jurisdiction of the Liverpool Court of Passage ", shall be deleted and in each case the words " the Supreme Court of Bermuda " shall be substituted ; In subsection (8) the words " England and Wales " shall be deleted and the word " Bermuda " shall be substituted.
Section 4	Subsection (1) shall be deleted and the following subsection shall be substituted:— " (1) No court in Bermuda shall entertain an action in *personam* to enforce a claim to which this section applies unless— (*a*) the defendant has his habitual residence or a place of business in Bermuda ; or (*b*) the cause of action arose within the territorial waters of Bermuda ; 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 Bermuda " include any port, dock or harbour in Bermuda.". In subsection (2) the words " in England and Wales " shall be deleted and the words " in

Column I	Column II
Section 4 (continued).	Bermuda" shall be substituted, and the words "outside England and Wales" shall be deleted and the words "outside Bermuda" shall be substituted; In subsection (5) the words "the High Court" shall be deleted and the words "the Supreme Court of Bermuda" shall be substituted; Subsection (6) shall be omitted.
Section 6	The words "England and Wales" shall be deleted and the word "Bermuda" shall be substituted.
Section 7	Subsection (1) shall be deleted and the following subsection shall be substituted:— "(1) Section six hundred and eighty-eight of the Merchant Shipping Act 1894(a) (which relates to the detention of ships by customs officers in certain cases) shall cease to have effect, but nothing in this Part of this Act affects the provisions of section twenty-three of the Wreck and Salvage Act 1959 of Bermuda(b) (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.)

This Order provides that the Supreme Court of Bermuda, 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 Bermuda.

(a) 1894 c. 60. (b) 1959 No. 152.

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