STATUTORY INSTRUMENTS

1984 No. 540

OVERSEAS TERRITORIES

The Admiralty Jurisdiction (British Indian Ocean Territory) Order 1984

Made - - - -	11*th April* 1984
Coming into Operation	14*th May* 1984

At the Court at Windsor Castle, the 11th day of April 1984

Present,
The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers vested in Her by subsections (2), (3) and (4) of section 150 of the Supreme Court Act 1981**(a)**, and section 7 of the Colonial Courts of Admiralty Act 1890**(b)** 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.—(1) This Order may be cited as the Admiralty Jurisdiction (British Indian Ocean Territory) Order 1984.

(2) This Order shall come into operation on 14th May 1984.

Admiralty jurisdiction of the Supreme Court of the British Indian Ocean Territory

2. The Colonial Courts of Admiralty Act 1890 shall, in relation to the Supreme Court of the British Indian Ocean Territory (hereinafter referred to as "the Territory"), 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 20 of the Supreme Court Act 1981, subject to the adaptations and modifications of the said section 20 that are specified in Schedule 1 to this Order.

Application of provisions of the Supreme Court Act 1981 to the Territory

3. The provisions of sections 21, 22, 23 and 24 of Part II of the Supreme Court Act 1981 shall extend to the Territory with the adaptations and modifications that are specified in Column 2 of Schedule 2 to this Order.

Extension of section 2(2) of Hovercraft Act 1968

4. Section 2(2) of the Hovercraft Act 1968**(c)** shall extend to the Territory.

(a) 1981 c. 54.
(b) 1890 c. 27.
(c) 1968 c. 59.

Power of Supreme Court to exercise certain powers outside the Territory

5. The Supreme Court of the Territory may, in accordance with any directions issued from time to time by the Chief Justice of that court, exercise in the United Kingdom in any Admiralty proceeding any of the following powers, that is to say, the power—

(*a*) to seal and issue a writ *in rem* or *in personam* and to issue a warrant of arrest;

(*b*) to hear an application made *ex parte* and to make any appropriate order thereon;

(*c*) to hear an application *inter partes* and to make any appropriate order thereon, if, but only if, the parties to be heard on the application have agreed to its being heard in the United Kingdom:

Provided that where an order has been made on an application heard in the United Kingdom under paragraph (*b*) or (*c*), the party who obtained the order shall not be entitled to withhold consent to the hearing in the United Kingdom of any application by any other person or party for the variation or rescission of that order;

(*d*) to hear and determine an action *in rem*, if, but only if, the parties to the action have agreed to its being heard in the United Kingdom.

Approval of Rules of Court

6. The rules of court made on 16th January 1984 by the Chief Justice of the Territory in exercise of the powers conferred on him by section 7 of the Colonial Courts of Admiralty Act 1890, and of all other powers thereunto him enabling, and set out in Schedule 3 to this Order, are approved.

N. E. Leigh,
Clerk of the Privy Council.

Article 2

SCHEDULE 1

ADAPTATIONS AND MODIFICATIONS OF SECTION 20 OF THE SUPREME COURT ACT 1981

In subsection (1), the words "and is for the time being by rules of court made or coming into force after the commencement of this Act assigned to the Queen's Bench Division and directed by the rules to be exercised by the Admiralty Court" shall be deleted.

In subsection (2), the words "as extended to the Territory" shall be inserted after "the Civil Aviation Act 1949".

In subsection (5), the words "as extended to the Territory" shall be inserted after the figures "1971" in paragraph (*a*) and after the figures "1974" in paragraph (*b*).

In subsection (6), the words "or any Order in Council made under section 51 of the Civil Aviation Act 1949" shall be deleted, and the words "or any regulations made by the Commissioner under section 51 of the Civil Aviation Act 1949 as extended to the Territory" shall be substituted.

Article 3

SCHEDULE 2

OTHER PROVISIONS OF PART II OF THE SUPREME COURT ACT 1981 EXTENDED TO THE BRITISH INDIAN OCEAN TERRITORY AND ADAPTATIONS AND MODIFICATIONS THERETO.

Column 1	Column 2
Section 21	In subsections (1) to (6), the words "the High Court" shall be deleted and the words "the Supreme Court of the Territory" shall be substituted.
	In subsection (7), the words "England and Wales" shall be deleted and the words "the Territory" shall be substituted.
Section 22	In subsections (2), (3), (6), (7) and (8), the words "the High Court" shall be deleted and the words "the Supreme Court of the Territory" shall be substituted.
	In subsection (2), the words "the United Kingdom" and in subsections (2) and (3), the words "England and Wales" shall be deleted and the words "the Territory" shall be substituted.
	In subsection (2), the word "Act" shall be deleted and the word "Ordinance" shall be substituted.
Section 24	In subsection (1), the following definition shall be inserted in its proper alphabetical position— "hovercraft" has the same meaning as in section 4(1) of the Hovercraft Act 1968;".

SCHEDULE 3 Article 6

SUPREME COURT (ADMIRALTY PRACTICE) RULES 1984

Title and commencement.

1. These rules may be cited as the Supreme Court (Admiralty Practice) Rules 1984 and shall come into force on a day to be appointed by the Commissioner.

Application of English rules.

2. Save as otherwise expressly provided in these rules, the Rules of the Supreme Court 1965, of England and Wales, as amended or replaced from time to time, shall apply to all Admiralty proceedings in the Supreme Court, so far as they may be applicable and with such modification as may be necessary.

Sub-registry.

3. There shall be a sub-registry of the Supreme Court at such place in the United Kingdom as the Commissioner shall from time to time prescribe.

Filing, etc., of documents in sub-registry.

4. (1) The following documents may be filed or lodged in the sub-registry—

(*a*) an application for arrest under Order 75, rule 5;

(*b*) a praecipe against arrest under Order 75, rule 6;

(*c*) a praecipe against release under Order 75, rule 7;

(*d*) a preliminary act within the meaning of Order 75, rule 18;

(*e*) any other document with the consent of all parties or by direction of the Chief Justice.

(2) A document filed or lodged in the sub-registry shall take effect in the Territory when it is received in the registry or when a telex message embodying the substance of the document is received in the registry, whichever is the earlier.

Use of telex messages when effecting arrest.

5. In the application to the Territory of Order 75, rule 11, references to a warrant or writ shall, where it was issued in the United Kingdom, be deemed to include a telex message from the sub-registry embodying the substance of the warrant or writ.

Allowances.

6. The allowances to be paid to nautical and other assessors shall be determined by the court.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order provides that the Supreme Court of the British Indian Ocean Territory, which is a Colonial Court of Admiralty, shall have the Admiralty jurisdiction of the High Court of England, as defined in section 20 of the Supreme Court Act 1981, with certain modifications. It extends certain of the provisions, relating to Admiralty jurisdiction, contained in Part II of that Act, and section 2(2) of the Hovercraft Act 1968, to the Territory, with modifications.

It permits the Supreme Court of the Territory to exercise certain of its powers in Admiralty proceedings in the United Kingdom. It also contains, in Schedule 3, Admiralty practice rules made by the Chief Justice under section 7 of the Colonial Courts of Admiralty Act 1890 and under the same section approves those rules.

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