# 1962 No. 398

## OVERSEAS TERRITORIES

## The Admiralty Jurisdiction (Fiji) Order in Council, 1962

*Made* - - - - *26th February*, 1962
*Coming into Operation* *27th February*, 1962

At the Court at Buckingham Palace, the 26th day of February, 1962

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers vested in Her by section fifty-six 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.**—(1) This Order may be cited as the Admiralty Jurisdiction (Fiji) Order in Council, 1962.

(2) This Order shall come into operation on the 27th February, 1962.

Admiralty jurisdiction of Supreme Court of Fiji.

**2.** The Colonial Courts of Admiralty Act, 1890(b), shall, in relation to the Supreme Court of Fiji, have effect as if for the reference in subsection (2) of section two 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 one of the Administration of Justice Act, 1956, subject to the adaptation and modification of the said section one that is specified in the First Schedule to this Order.

Application of provisions of Administration of Justice Act, 1956, to Fiji.

**3.** The provisions of sections three, four, six, seven and eight of Part I of the Administration of Justice Act, 1956, shall extend to Fiji with the adaptations and modifications that are specified in Column II of the Second Schedule to this Order.

*W. G. Agnew.*

(a) 4 & 5 Eliz. 2. c. 46.

(b) 53 & 54 Vict. c. 27.

## FIRST SCHEDULE

ADAPTATION AND MODIFICATION OF SECTION ONE OF THE ADMINISTRATION OF JUSTICE ACT, 1956 — Article 2.

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.

## SECOND SCHEDULE

PROVISIONS OF PART I OF THE ADMINISTRATION OF JUSTICE ACT, 1956, EXTENDED TO FIJI AND ADAPTATIONS AND MODIFICATIONS THERETO — Article 3.

| *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 Fiji" shall be substituted;<br>In subsection (2) the words "the High Court" shall be deleted and the words "the Supreme Court of Fiji" shall be substituted;<br>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 Fiji" shall be substituted;<br>In subsection (8) the words "England and Wales" shall be deleted and the word "Fiji" shall be substituted. |
| Section 4 ... ... ... | Subsection (1) shall be deleted and the following subsection shall be substituted:—<br>"(1) No court in Fiji shall entertain an action in personam to enforce a claim to which this section applies unless—<br>(*a*) the defendant has his habitual residence or a place of business in Fiji; or<br>(*b*) the cause of action arose within the territorial waters of Fiji; or<br>(*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.<br>In this subsection "territorial waters of Fiji" include any port, dock or harbour in Fiji.". |

| *Column I* | *Column II* |
|---|---|
| Section 4 (*cont.*) ... ... | In subsection (2) the words "in England and Wales" shall be deleted and the words "in Fiji" shall be substituted, and the words "outside England and Wales" shall be deleted and the words "outside Fiji" shall be substituted;<br>In subsection (5) the words "the High Court" shall be deleted and the words "the Supreme Court of Fiji" shall be substituted;<br>Subsection (6) shall be omitted. |
| Section 6 ... ... ... | The words "England and Wales" shall be deleted and the word "Fiji" shall be substituted. |
| Section 7 ... ... ... | Subsection (1) shall be deleted and the following subsection shall be substituted:—<br>"(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 the Act affects the provisions of section twenty-eight of the Wreck and Salvage Ordinance(b) (which relates to the power of a receiver of wreck to detain a ship in respect of a salvage claim)";<br>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 Fiji, 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 Fiji.

(a) 57 & 58 Vict. c. 60. (b) Laws of Fiji, Rev. 1955, Ch. 227.