1961 No. 2031

OVERSEAS TERRITORIES

The Admiralty Jurisdiction (Gibraltar) Order in Council, 1961

Made - - - - *24th October*, 1961

Coming into Operation *25th October*, 1961

At the Court at Buckingham Palace, the 24th day of October, 1961

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the power 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 (Gibraltar) Order in Council, 1961.

(2) This Order shall come into operation on the 25th day of October, 1961.

Admiralty jurisdiction of Supreme Court of Gibraltar.

2. The Colonial Courts of Admiralty Act, 1890(b), shall, in relation to the Supreme Court of Gibraltar, 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 adaptations and modifications of the said section one that are specified in the First Schedule to this Order.

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

3. The provisions of sections three, four, six, seven and eight of Part I of the Administration of Justice Act, 1956, shall extend to Gibraltar 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

Article 2.

ADAPTATION AND MODIFICATION OF SECTION ONE 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;

In subsection (3) the words and figures "under sections five hundred and forty-four to five hundred and forty-six of the Merchant Shipping Act, 1894" shall be deleted and the words "under section one hundred and sixty-five or one hundred and sixty-six of the Merchant Shipping Ordinance(a)" shall be substituted;

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

SECOND SCHEDULE

Article 3.

PROVISIONS OF PART I OF THE ADMINISTRATION OF JUSTICE ACT, 1956, EXTENDED TO GIBRALTAR 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 Gibraltar" shall be substituted; In subsection (2) the words "the High Court" shall be deleted and the words "the Supreme Court of Gibraltar" 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 Gibraltar" shall be substituted; In subsection (8) the words "England and Wales" shall be deleted and the word "Gibraltar" shall be substituted.
Section 4	Subsection (1) shall be deleted and the following subsection shall be substituted:— "(1) No court in Gibraltar 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 Gibraltar; or

(a) Laws of Gibraltar, Rev. 1950, Ch. 76.

	(*b*) the cause of action arose within the territorial waters of Gibraltar; 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 Gibraltar" include any port, dock or harbour in Gibraltar.".
	In subsection (2) the words "in England and Wales" shall be deleted and the words "in Gibraltar" shall be substituted, and the words "outside England and Wales" shall be deleted and the words "outside Gibraltar" shall be substituted;
	In subsection (5) the words "the High Court" shall be deleted and the words "the Supreme Court of Gibraltar" shall be substituted;
	Subsection (6) shall be omitted.
Section 6	The words "England and Wales" shall be deleted and the word "Gibraltar" shall be substituted.
Section 7	Subsection (1) shall be deleted and the following subsection shall be substituted:— "(1) Subsection (2) of section two hundred and ten of the Merchant Shipping Ordinance (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 one hundred and sixty-eight 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 Gibraltar, 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 Gibraltar.