1965 No. 595

OVERSEAS TERRITORIES

The Admiralty Jurisdiction (Gilbert and Ellice Islands Colony) Order 1965

Made - - - - 24*th March* 1965
Coming into Operation 25*th March* 1965

At the Court at Buckingham Palace, the 24th day of March 1965

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.—(1) This Order may be cited as the Admiralty Jurisdiction (Gilbert and Ellice Islands Colony) Order 1965.

(2) This Order shall come into operation on 25th March 1965.

Admiralty jurisdiction of High Court of Western Pacific.

2. The Colonial Courts of Admiralty Act 1890(b) shall, in relation to the High Court of the Western Pacific, 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 adaptation and modification of the said section 1 that is specified in schedule 1 to this Order.

Application of provisions of Administration of Justice Act 1956 to Gilbert and Ellice Islands Colony.

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

W. G. Agnew.

Article 2.

SCHEDULE 1

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.

(a) 4 & 5 Eliz. 2. c. 46. (b) 53 & 54 Vict. c. 27.

SCHEDULE 2

Article 3.

PROVISIONS OF PART I OF THE ADMINISTRATION OF JUSTICE ACT 1956 EXTENDED TO THE GILBERT AND ELLICE ISLANDS COLONY AND ADAPTATIONS AND MODIFICATIONS THERETO

Column I	*Column II*
Section 3	In subsections (1), (3), (5), (6) and (7), for the references to the High Court, the Liverpool Court of Passage, and any county court there shall be substituted a reference to the High Court of the Western Pacific; In subsection (2) the words "the High Court" shall be deleted and the words "the High Court of the Western Pacific" 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 "High Court of the Western Pacific" shall be substituted; In subsection (8) the words "England and Wales" shall be deleted and the words "the Gilbert and Ellice Islands Colony" shall be substituted;
Section 4	Subsection (1) shall be deleted and the following subsection shall be substituted:— "(1) No court in the Gilbert and Ellice Islands Colony 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 the Gilbert and Ellice Islands Colony; or (*b*) the cause of action arose within the territorial waters of the Gilbert and Ellice Islands Colony; 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 the Gilbert and Ellice Islands Colony" include any port, dock or harbour in the Gilbert and Ellice Islands Colony.";

Column I (contd.)	*Column II (contd.)*
	In subsection (2) the words "in England and Wales" shall be deleted and the words "in the Gilbert and Ellice Islands Colony" shall be substituted, and the words "outside England and Wales" shall be deleted and the words "outside the Gilbert and Ellice Islands Colony" shall be substituted ; In subsection (5) the words "the High Court" shall be deleted and the words "the High Court of the Western Pacific" shall be substituted ; Subsection (6) shall be omitted.
Section 6	The words "England and Wales" shall be deleted and the words "the Gilbert and Ellice Islands Colony" 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 the Act affects the provisions of section five hundred and fifty-two of the Merchant Shipping Act 1894 (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 High Court of the Western Pacific, which is a Colonial Court of Admiralty, shall, in relation to the Gilbert and Ellice Islands Colony, 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 the Gilbert and Ellice Islands Colony.

(a) 57 & 58 Vict. c. 60.