STATUTORY INSTRUMENTS

1964 No. 1662

OVERSEAS TERRITORIES

The Admiralty Jurisdiction (Montserrat) Order 1964

Made - - - - 15*th October* 1964
Coming into Operation 16*th October* 1964

At the Court at Buckingham Palace, the 15th day of October 1964

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 (Montserrat) Order 1964.

(2) This Order shall come into operation on 16th October 1964.

Admiralty jurisdiction of Supreme Court of the Windward Islands and Leeward Islands.

2. The Colonial Courts of Admiralty Act 1890(b) shall, in relation to the Supreme Court of the Windward Islands and Leeward Islands, 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 Montserrat.

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

W. G. Agnew.

FIRST SCHEDULE

Article 2.

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.

Article 3.

SECOND SCHEDULE

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

	In subsection (2) the words "in England and Wales" shall be deleted and the words "in Montserrat" shall be substituted, and the words "outside England and Wales" shall be deleted and the words "outside Montserrat" shall be substituted;
	In subsection (5) the words "the High Court" shall be deleted and the words "the Supreme Court of the Windward Islands and Leeward Islands" shall be substituted;
	Subsection (6) shall be omitted.
Section 6	The words "England and Wales" shall be deleted and the word "Montserrat" 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 Receivers of Wreck Act of the Leeward Islands(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, but is intended to indicate its general purport.)

This Order provides that the Supreme Court of the Windward Islands and Leeward Islands, 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 Montserrat.

(a) 57 & 58 Vict. c. 60.
(b) Federal Acts of the Leeward Islands, Rev. 1927, Cap. 155.