STATUTORY INSTRUMENTS

1965 No. 596

OVERSEAS TERRITORIES

The Admiralty Jurisdiction (New Hebrides) 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, interpretation and commencement.

1.—(1) This Order may be cited as the Admiralty Jurisdiction (New Hebrides) Order 1965.

(2) In this Order "the Protocol" means the Protocol mentioned in section II of the New Hebrides Order in Council 1922(b) as interpreted or amended, as the case may be, in accordance with the agreements contained in the notes set out in the Schedules to the New Hebrides Order in Council 1923(c), the New Hebrides Order in Council 1955(d), the New Hebrides Order in Council 1961(e) and the New Hebrides Order in Council 1963(f).

(3) 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(g) 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 New Hebrides.

3. Subject to the provisions of the Protocol and of the New Hebrides Orders in Council 1922 to 1963(h) the provisions of sections 3, 4, 6, 7 and 8 of Part I of the Administration of Justice Act 1956 shall extend to the New Hebrides with the adaptations and modifications that are specified in Column II of schedule 2 to this Order.

W. G. Agnew.

(a) 4 & 5 Eliz. 2. c. 46. (b) S.R. & O. 1922/717 (Rev. VIII, p. 719: 1922, p. 324).
(c) S.R. & O. 1923/356 (Rev. VIII, p. 757: 1923, p. 337).
(d) S.I. 1955/553 (1955 II, p. 1700). (e) S.I. 1961/1831 (1961 III, p. 3456).
(f) S.I. 1963/1324 (1963 II, p. 2297). (g) 53 & 54 Vict. c. 27.
(h) S.R. & O. 1922/717, 1923/356 (Rev. VIII, pp. 719, 757: 1922, p. 324; 1923, p. 337); S.I.1955/553, 1961/1831, 1963/1324 (1955 II, p. 1700; 1961 III, p. 3456; 1963 II, p. 2297).

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.

Article 3.

SCHEDULE 2

PROVISIONS OF PART I OF THE ADMINISTRATION OF JUSTICE ACT 1956 EXTENDED TO THE NEW HEBRIDES 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 New Hebrides " shall be substituted ;
Section 4	Subsection (1) shall be deleted and the following subsection shall be substituted:— " (1) The High Court of the Western Pacific shall not 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 New Hebrides ; or

Column I—(contd.)	*Column II*—(contd.)
	(*b*) the cause of action arose within the territorial waters of the New Hebrides ; 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 New Hebrides " include any port, dock or harbour in the New Hebrides." ;
	In subsection (2) the words " No court in England and Wales shall entertain " shall be deleted and the words " The High Court of the Western Pacific shall not entertain " shall be substituted, and the words " outside England and Wales " shall be deleted and the words " outside the New Hebrides " 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 New Hebrides " shall be substituted.
Section 7	Subsections (1) and (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 New Hebrides, 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 New Hebrides.