STATUTORY INSTRUMENTS

1975 No. 1509

OVERSEAS TERRITORIES

The Admiralty Jurisdiction (Tuvalu) Order 1975

Made - - -	*17th September* 1975
Coming into Operation	*On a day to be appointed under Article* 1

At the Court at Balmoral, the 17th day of September 1975

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. This Order may be cited as the Admiralty Jurisdiction (Tuvalu) Order 1975 and shall come into operation on such day as the Commissioner of Tuvalu shall appoint, by notice published by exhibition at the Public Office of the Commissioner.

Interpretation

2. The Interpretation Act 1889(**b**) shall apply, with the necessary adaptations, for the purpose of interpreting this Order and otherwise in relation thereto as it applies for the purpose of interpreting, and in relation to, Acts of Parliament of the United Kingdom.

Admiralty jurisdiction of High Court of Tuvalu

3. The Colonial Courts of Admiralty Act 1890(**c**) shall, in relation to the High Court of Tuvalu, 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 Tuvalu*

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

Revocation

5. The Admiralty Jurisdiction (Gilbert and Ellice Islands Colony) Order 1965(**d**) is revoked in so far as it forms part of the law of Tuvalu.

N. E. Leigh

(**a**) 1956 c. 46. (**b**) 1889 c. 63.
(**c**) 1890 c. 27. (**d**) S.I. 1965/595 (1965 I, p. 1890).

SCHEDULE 1

Article 3.

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.

SCHEDULE 2

Article 4.

PROVISIONS OF PART I OF THE ADMINISTRATION OF JUSTICE ACT 1956 EXTENDED TO TUVALU 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 Tuvalu; In subsection (2) the words " the High Court " shall be deleted and the words " the High Court of Tuvalu " 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 Tuvalu " shall be substituted; In subsection (8) the words " England and Wales " shall be deleted and the word " Tuvalu " shall be substituted.
Section 4	Subsection (1) shall be deleted and the following subsection shall be substituted:— " (1) No court in Tuvalu 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 Tuvalu; or (*b*) the cause of action arose within the territorial waters of Tuvalu; 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 Tuvalu " include any port, dock or harbour in Tuvalu.";

Column I (contd.)	*Column II (contd.)*
	In subsection (2) the words " in England and Wales " shall be deleted and the words " in Tuvalu " shall be substituted, and the words " outside England and Wales " shall be deleted and the words " outside Tuvalu " shall be substituted; In subsection (5) the words " the High Court " shall be deleted and the words " the High Court of Tuvalu " shall be substituted; Subsection (6) shall be omitted.
Section 6	The words " England and Wales " shall be deleted and the word " Tuvalu " shall be substituted.
Section 7	Subsection (1) shall be deleted and the following subsection shall be substituted:— " (1) Section 688 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 552 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.

(a) 1894 c. 60.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order provides that the High Court of Tuvalu, which is a Colonial Court of Admiralty, shall, in relation to Tuvalu, 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 Tuvalu.

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