STATUTORY INSTRUMENTS

1963 No. 1491

JUDICIAL COMMITTEE

The Brunei (Appeal to Privy Council) Order in Council 1963

Made - - - -	*29th August* 1963
Laid before Parliament	*30th August* 1963
Coming into Operation	*Immediately before appointed day for Malaysia Act* 1963

At the Court at Balmoral, the 29th day of August 1963

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers in that behalf by the Foreign Jurisdiction Act 1890(a) or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Citation, construction and commencement.

1.—(1) This Order may be cited as the Brunei (Appeal to Privy Council) Order in Council 1963 and shall be construed as one with the Sarawak, North Borneo and Brunei (Appeal to Privy Council) Order in Council 1951(b) (hereinafter referred to as "the principal Order").

(2) The principal Order and this Order may be cited together as the Brunei (Appeal to Privy Council) Orders in Council 1951 and 1963.

(3) This Order shall come into operation immediately before the day referred to as the appointed day in the Malaysia Act 1963(c).

Amendment of s. 1 of Order of 1951.

2. Section 1 of the principal Order is amended—

(*a*) by the deletion from subsection (1) of the definition of "Court" and the substitution of the following definition:—

"'Court' means the Court of Appeal of Brunei;";

(*b*) by the deletion from subsection (1) of the definition of "territories".

Amendment of ss. 8, 9 and 17 of Order of 1951.

3. Sections 8, 9 and 17 of the principal Order are amended by the deletion of the words "in any of the territories" or the words "in any such territory" wherever they occur and the substitution of the words "in Brunei".

Pending proceedings.

4.—(1) In respect of any decisions of the Court of Appeal of Sarawak, North Borneo and Brunei given before the commencement of this Order (being decisions given in the exercise of jurisdiction derived from any law of Brunei), an appeal may be commenced, continued and concluded

(a) 53 & 54 Vict. c. 37. (b) S.I. 1951/1949 (1951 II, p. 614). (c) 1963 c. 35.

or continued and concluded, as the case may be, in accordance with the provisions of the principal Order as amended by this Order as if it were an appeal from a decision of the Court.

(2) Any Order that Her Majesty in Council may see fit to make on any such appeal or any Order on an appeal from the Court of Appeal of Sarawak, North Borneo and Brunei made by Her Majesty in Council before the commencement of this Order but not enforced before such commencement, may be enforced as if it were an Order made on an appeal from a decision of the Court.

Revocation of Courts Order of 1951.

5. The Sarawak, North Borneo and Brunei (Courts) Order in Council 1951(a) is revoked.

E. N. Landale.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order amends the Sarawak, North Borneo and Brunei (Appeal to Privy Council) Order in Council 1951 in order to apply its provisions to appeals from the Court of Appeal of Brunei instead of appeals from the Court of Appeal of Sarawak, North Borneo and Brunei, which is abolished.

(a) S.I. 1951/1948 (1951 II, p. 620).