PRIZE COURTS

1957 No. 858

The Brunei (Prize Court) Order in Council, 1957

Made - - - - 17*th May,* 1957

At the Court at Buckingham Palace, the 17th day of May, 1957

Present,

The Queen's Most Excellent Majesty in Council

Whereas by the Sarawak, North Borneo and Brunei (Courts) Order in Council, 1951(**a**), the Supreme Court of Sarawak, North Borneo and Brunei was established for the exercise of Her Majesty's jurisdiction in the Colony of Sarawak, the Colony of North Borneo and the State of Brunei:

And Whereas by the Prize Courts (Authorisation) Enactment, 1955(**b**), of His Highness the Sultan of Brunei the State of Brunei is declared to be a country in which for the time being Her Majesty has jurisdiction in matters of prize:

And Whereas by section 12 of the Colonial Courts of Admiralty Act, 1890(**c**), it is provided that it shall be lawful for Her Majesty the Queen in Council by Order to direct that that Act shall, subject to the conditions, exceptions and qualifications (if any) contained in the Order, apply to any Court established by Her Majesty for the exercise of jurisdiction in any place out of Her Majesty's dominions which is named in the Order as if that Court were a Colonial Court of Admiralty:

And Whereas by section 2 of the Prize Act, 1939(**d**), it is provided amongst other provisions that the power conferred by section 2 of the Prize Courts Act, 1894(**e**), to issue any commission, warrant or instructions for the purpose of commissioning or regulating the procedure of a prize court, and to establish a Vice-Admiralty Court under the authority of any such commission or warrant, shall be exercisable in relation to any country or territory in which for the time being Her Majesty has jurisdiction in matters of prize; and that subsection (2) of the said section shall in relation to any such country or territory have effect as if for the reference in that subsection to the Vice-Admiral

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(**a**) S.I. 1951/1948 (1951 II, p. 620). (**b**) Enactment No. 2 Laws of Brunei, 1955.
(**c**) 53 & 54 Vict. c. 27. (**d**) 2 & 3 Geo. 6. c. 65. (**e**) 57 & 58 Vict. c. 39.

of the possession there were substituted a reference to such authority as may be prescribed in relation to that country or territory by Order of Her Majesty in Council:

And Whereas Brunei is such a country or territory as aforesaid:

Now, therefore, Her Majesty, by virtue and in exercise of the powers in this behalf by the Colonial Courts of Admiralty Act, 1890, the Prize Act, 1939, 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:—

Short Title

1. This Order may be cited as the Brunei (Prize Court) Order in Council, 1957.

Colonial Courts of Admiralty Act section 2 (3) *and* (4) *to apply to Supreme Court of Sarawak, North Borneo and Brunei*

2. The following enactments of the Colonial Courts of Admiralty Act, 1890, that is to say section 2, subsections (3) and (4) shall apply to the Supreme Court of Sarawak, North Borneo and Brunei when exercising prize jurisdiction in Brunei as if in the said subsections the said Court were mentioned in lieu of a Colonial Court of Admiralty and Brunei were referred to in lieu of a British possession.

High Commissioner for Brunei to be the authority for the purposes of Prize Courts Act, 1894, *section* 2 (2).

3. In relation to Brunei the authority for the purposes of subsection (2) of section 2 of the Prize Courts Act, 1894, as amended by subsection (1) of section 2 of the Prize Act, 1939, shall be the High Commissioner for Brunei.

W. G. Agnew.

EXPLANATORY NOTE

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

This Order applies the provisions of Section 2 subsections (3) and (4) of the Colonial Courts of Admiralty Act, 1890, to the Supreme Court of Sarawak, North Borneo and Brunei when exercising prize jurisdiction in Brunei, and prescribes the High Commissioner for Brunei as the authority for the purposes of subsection (1) of Section 2 of the Prize Act, 1939.