SINGAPORE

1955 No. 1642

The Cocos Islands Order in Council, 1955

Made - - - - 28th October, 1955
Coming into Operation 23rd November, 1955

At the Court at Buckingham Palace, the 28th day of October, 1955

Present,

The Queen's Most Excellent Majesty in Council

Whereas by the Cocos Islands Act, 1955(a), it is provided that Her Majesty may by Order in Council direct that the Cocos or Keeling Islands (in this Order referred to as " the Islands ") shall, on such date as may be specified in the Order, cease to form part of the Colony of Singapore and be placed under the authority of the Commonwealth of Australia and that Her Majesty may by Order in Council make provision for purposes connected therewith and specified in the said Act:

And Whereas it is provided by section one hundred and twenty-two of the Constitution of the Commonwealth of Australia that the Parliament of the Commonwealth of Australia may make laws for the government of any territory placed by the Queen under the authority of and accepted by the Commonwealth:

And Whereas by the Cocos (Keeling) Islands Act, 1955(b), the Parliament of the Commonwealth of Australia has provided for the acceptance of the Islands as a Territory under the authority of the Commonwealth and for the government of that Territory:

And Whereas it is expedient that a date should now be specified on which the Islands shall cease to form part of the Colony of Singapore and be placed under the authority of the Commonwealth of Australia and that provision should be made for purposes connected therewith as aforesaid:

Now, therefore, Her Majesty, by virtue and in exercise of the power in this behalf by the Cocos Islands Act, 1955, 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 and Commencement

1.—(1) This Order may be cited as the Cocos Islands Order in Council, 1955.

(2) This Order shall come into operation on the 23rd day of November, 1955 (hereinafter referred to as " the appointed day ").

(a) 3 & 4 Eliz. 2. c. 5. (b) Act No. 34 of 1955.

Placing the Islands under the authority of the Commonwealth of Australia

2. Upon the appointed day the Islands shall cease to form part of the Colony of Singapore and be placed under the authority of the Commonwealth of Australia.

Transfer of rights, liabilities, etc., to Commonwealth

3.—(1) Subject to paragraph (4) of this Article, all property, rights and powers in or in connection with the Islands, being property, rights and powers which, immediately before the appointed day, were held or enjoyed by or on behalf of Her Majesty in right of the United Kingdom or of the Colony of Singapore, or by or on behalf of the Government of the United Kingdom or of the Colony of Singapore, shall, from and including that date, be deemed to be held or enjoyed by or on behalf of the Commonwealth of Australia.

(2) It is hereby declared that the rights and powers referred to in paragraph (1) of this Article, include among other things, all rights and powers vested in Her Majesty or in the Governor of Singapore (as successor to the Governor of the Straits Settlements) on Her Majesty's behalf under the Indenture dated the seventh day of July, 1886, made between Her Majesty Queen Victoria, the Governor of the Straits Settlements and George Clunies Ross.

(3) Subject to paragraph (4) of this Article, all liabilities and obligations incurred before the appointed day by or on behalf of the Government of the United Kingdom or the Government of the Colony of Singapore in or in connection with the Islands and subsisting immediately before that day shall, from and including that day, be deemed to have been incurred by or on behalf of the Commonwealth of Australia.

(4) The preceding provisions of this section do not apply to or in relation to—

(*a*) property, rights or powers in, or in connection with, that part of the Islands known as Direction Island, or liabilities or obligations in respect of property in that part of the Islands;

(*b*) liabilities of the Colony of Singapore in respect of the payment of pensions or retiring allowances; or

(*c*) liabilities relating to public loans.

(5) In this Article, "property" includes movable and immovable property.

Pending proceedings

4. Any criminal or civil proceedings, including appeals, pending on the appointed day in the Supreme Court of Singapore or in the Court of Criminal Appeal of Singapore by virtue of any jurisdiction of the said Courts within the Islands shall be carried on and concluded in like manner as nearly as may be as if this Order had not been made.

Appeals to the Privy Council

5. Nothing in this Order shall affect or prejudice any appeal or petition to Her Majesty in Council in relation to any proceedings commenced prior to the appointed day in the Supreme Court of Singapore

or in the Court of Criminal Appeal of Singapore by virtue of any jurisdiction of the said Courts within the Islands.

Validity of previous acts

6. Nothing in this Order shall affect the validity or future operation of any lawful act done by any person or authority in or in connection with the Islands prior to the appointed day.

Amendment of Singapore laws

7. The amendments to the laws of Singapore specified in the Schedule hereto shall take effect on the appointed day.

Interpretation

8. The Interpretation Act, 1889(a), shall apply for the purposes of interpreting this Order as it applies for the purpose of interpreting an Act of Parliament.

Publication

9. This Order shall be published in the Official Gazette of the Colony of Singapore.

W. G. Agnew.

SCHEDULE

1. The definition of "Colony" or "Colony of Singapore" appearing in subsection (1) of Section 2 of the Interpretation and General Clauses Ordinance, 1951(b) is amended by the deletion therefrom of the words "the Cocos or Keeling Islands".

2. The Cocos Islands Ordinance(c) is repealed.

EXPLANATORY NOTE

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

The main purpose of this Order is to fix the 23rd day of November, 1955, as the date on which the Cocos Islands shall cease to form part of the Colony of Singapore and be placed under the authority of the Commonwealth of Australia. As from this date, in accordance with Section 1 (2) of the Cocos Islands Act, 1955, the Straits Settlements (Repeal) Act, 1946, and any Order in Council in force in respect of the said Colony under that Act and the British Settlements Acts, 1887 and 1945, as applied by that Act, will have effect as if references therein to the said Islands were omitted. The transfer of authority over the Islands from the Singapore Government to the Government of the Commonwealth of Australia necessitates the enactment of certain consequential provisions which are contained in Articles 3 to 9 and the Schedule.

(a) 52 & 53 Vict. c. 63. (b) Ord. 4 of 1951.
(c) Cap. 8 Laws of Singapore (Revd. Ed. 1936).