3. EGYPT

The Egypt Order in Council, 1949

1949 No. 1429

Made - - - -	28*th July*, 1949
Laid before Parliament	29*th July*, 1949
Coming into Operation	15*th October*, 1949

At the Court at Buckingham Palace, the 28th day of July, 1949

Present,

The King's Most Excellent Majesty in Council

Whereas by a Convention signed at Montreux on the 8th day of May, 1937, certain jurisdiction was reserved to His Majesty in Egypt until the 14th day of October, 1949:

And Whereas it is expedient to provide for the termination of the said jurisdiction in accordance with the provisions of the said Convention:

Now, therefore, His Majesty, by virtue and in exercise of the powers in this behalf by the Foreign Jurisdiction Acts, 1890 and 1913(a), or otherwise in His Majesty vested, is pleased, by and with the advice of His Privy Council, to order and it is hereby ordered, as follows:—

1.—(1) This Order may be cited as the Egypt Order in Council, 1949.

(2) This Order shall come into operation on the 15th day of October, 1949.

(3) Printed copies of this Order shall be affixed and exhibited in the offices of His Majesty's Consular Court for Egypt until its closure in accordance with Article 3 of this Order and in the offices of every Consulate of His Majesty in Egypt until the expiration of three months after the closure of the said Court.

2.—(1) The following Orders, and all Rules, Regulations or Orders made thereunder, are repealed:—

The Egypt Order in Council, 1937(b) (hereinafter referred to as the Principal Order);

The Egypt (Amendment) Order in Council, 1939(c);

The Egypt (Amendment) Order in Council, 1943(d).

(2) The following Order, and all Rules, Regulations or Orders made thereunder, are repealed so far as their application to Egypt is concerned:—

The Foreign Jurisdiction (Probates) Order in Council, 1935(e).

(3) Nothing in the previous paragraphs of this Article is to be deemed to prejudice the validity of anything done or suffered under the Orders in Council, Regulations, Rules or Orders repealed by those paragraphs.

3.—(1) All Courts established under the Principal Order shall be closed on the date of coming into force of this Order and the appointment of the Judge and all officers of the said Courts shall terminate on the same date.

(a) 53 & 54 Vict. c. 37 and 3 & 4 Geo. 5. c. 16. (b) S.R. & O. 1937 (No. 936) p. 759.
(c) S.R. & O. 1939 (No. 1864) II, p. 1606. (d) S.R. & O. 1943 (No. 1389) I, p. 294.
(e) S.R. & O. 1935 (No. 896) p. 522.

(2) All proceedings pending at that date before the Courts established under the Principal Order, shall be remitted to the Egyptian National Civil Tribunals at the stage they have then reached, and the records of such cases shall be handed over to the said Egyptian tribunals.

(3) The records of the said Courts other than those mentioned in paragraph (2) above shall be retained in Egypt in the Consular Offices where they are situate at the date on which this Order takes effect for not less than ten years after that date and certified copies thereof shall, on the application of any properly interested party or of the Government of Egypt or of any Egyptian Court having jurisdiction in the matter, be supplied in accordance with such instructions as may be issued for this purpose and on the payment of such fees as may be fixed from time to time by the Secretary of State.

4.—(1) Where a bond has been taken in connexion with the administration of the estate of a deceased person or of a lunatic or otherwise in any proceeding before His Britannic Majesty's Consular Court for Egypt and remains undischarged on 14th October, 1949, such a bond shall be deemed to have been assigned on that date to the appropriate Egyptian authority or persons interested.

(2) Any fees together with the prescribed interest thereon due to His Majesty on the issue of a grant of representation but remaining unpaid at the said date shall be payable to His Majesty's Consular Officer at the place where the grant was issued.

5.—(1) Where at the date of taking effect of this Order a decree nisi had been granted in any matrimonial suit by His Britannic Majesty's Consular Court for Egypt but no application for a decree absolute had been determined, the proceedings shall be deemed to have been concluded by the grant of a decree absolute on the date of taking effect of this Order.

(2) The Secretary of State shall cause to be published a list of the causes to which the previous paragraph of this Article applies.

And the Right Honourable Ernest Bevin, one of His Majesty's Principal Secretaries of State, is to give the necessary directions herein.

E. C. E. Leadbitter.

EXPLANATORY NOTE

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

The Convention signed at Montreux on the 8th May, 1937 (Cmd. 5630) provided for the abolition of the capitulations in Egypt and in general for the termination of extraterritorial jurisdiction there. For a period of twelve years, however, from the entry into force of this Convention, the Mixed Courts in Egypt were to be retained, and in general the jurisdiction which the various Consular Courts had been hitherto exercising was transferred to the Mixed Courts. Article 9, however, provided that each High Contracting Party to the Montreux Convention which had a Consular Court in Egypt could retain it during the twelve-year period to exercise jurisdiction in personal status cases. The twelve-year period provided for in the Montreux Convention expires on October 15th, 1949. At that date, therefore, both the Mixed Courts in Egypt close and also the jurisdiction of the Consular Courts in matters of personal status terminates, and all this jurisdiction passes to the Egyptian national courts. The purpose of the present Order in Council is to provide for the closing of His Britannic Majesty's Consular Court in Egypt, and make provision for certain matters connected therewith.