JUDICIAL COMMITTEE

JURISDICTION

1960 No. 970

The Ghana (Pending Appeals to Privy Council) Order in Council, 1960

Made - - - - *7th June*, 1960
Coming into Operation *1st July*, 1960

At the Court at Buckingham Palace the 7th day of June, 1960

Present,

The Queen's Most Excellent Majesty in Council

Whereas by section 2 of the Ghana (Consequential Provision) Act, 1960(a), it is provided that Her Majesty, by Order in Council, may confer on the Judicial Committee of the Privy Council such jurisdiction in respect of appeals from a court or judge in Ghana which are pending immediately before the date on which Ghana becomes a Republic and in which the records have been registered in the Office of the Privy Council before that date as appears to Her to be appropriate for giving effect to any arrangements made between Her Majesty's Government in the United Kingdom and the Government of Ghana for such appeals to be continued before and disposed of by the Judicial Committee :

And Whereas an Agreement was concluded on the fourth day of June, 1960, between Her Majesty's Government in the United Kingdom and the Government of Ghana for the purpose of making arrangements as aforesaid :

Now, therefore, Her Majesty, by virtue and in exercise of the powers by section 2 of the said Act or otherwise in Her vested, is pleased, by and with the advice of Her Privy Council to order, and it is hereby ordered, as follows :—

Citation, commencement and construction

1.—(1) This Order may be cited as the Ghana (Pending Appeals to Privy Council) Order in Council, 1960, and shall come into operation on the date of Ghana's becoming a Republic which shall be notified in the London Gazette.

(2) Save as is otherwise required by the context, the Interpretation Act, 1889(b), shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

Judicial Committee to have jurisdiction in respect of appeals from Ghana

2. The Committee shall have jurisdiction to continue and dispose of pending appeals from a court or judge in Ghana the records in which have been registered in the Privy Council Office before Ghana becomes a Republic.

(a) 8 & 9 Eliz. 2. c. 41. (b) 52 & 53 Vict. c. 63.

Extent of application of the Judicial Committee Act, 1833

3. The Judicial Committee Act, 1833(**a**), shall apply in relation to appeals from the Supreme Court subject to the exceptions and modifications set out in the First Schedule to this Order.

Judicial Committee Rules, 1957, *to apply*

4. The jurisdiction which is conferred on the Committee by this Order shall be exercised in accordance with the Judicial Committee Rules set out in the Schedule to the Order in Council dated the 20th day of December, 1957(**b**), but the said Rules shall have effect in their application to that jurisdiction subject to the modification set out in the Second Schedule to this Order.

Report or recommendation of the Judicial Committee

5. Any report or recommendation made by the Committee in respect of any appeal referred to in Article 2 of this Order shall be in such form as may from time to time appear convenient to the Committee and shall be delivered by the Registrar of the Privy Council to Secretary of State for transmission to the President of Ghana.

Abatement of unheard appeals

6. Any appeal to which this Order relates shall abate if the hearing of the same by the Committee has not been completed on or before the 30th June, 1961.

W. G. Agnew.

FIRST SCHEDULE

Application of the Judicial Committee Act, 1833

The provisions of the Judicial Committee Act, 1833, set out in Part I of this Schedule shall not apply in relation to appeals from a court or judge in Ghana the records in which have been registered in the Privy Council before Ghana becomes a Republic, and the provisions of the said Act set out in the first column of Part II shall apply subject to the modifications set out in the second column.

Part I

Section 3	Section 16
Section 4	Section 20
Section 10	Section 21
Section 11	Section 23
Section 12	Section 24
Section 14	Section 31

Part II

(1)	(2)
Section 5	The words " to his Majesty " and the proviso shall be omitted.
Section 8	The following section shall be substituted:— " 8. In any matter which shall come before the said judicial committee it shall be lawful for the said committee to direct or recommend that such witnesses shall be examined or re-examined, and as to such facts, as to the said committee shall seem fit, notwithstanding any such witness may not have been examined, or no evidence may have been

(**a**) 3 & 4 Will. 4. c. 41. (**b**) S.I. 1957/2224 (1957 I, p. 1205).

(1)	(2)
Section 8—contd.	given on any such facts in a previous stage of the matter ; and it shall also be lawful for the said committee upon any appeal, to recommend that the matter which shall be the subject of such appeal shall be remitted to the court from the decision of which such appeal shall have been made, and at the same time to recommend that such court shall re-hear such matter, in such form, and either generally or upon certain points only, and upon such rehearing take such additional evidence, though before rejected, or reject such evidence before admitted, as the said committee shall recommend."
Section 9	For the words " or if a Quaker or a Moravian " the words " or if he so desires " shall be substituted.
Section 13	The following section shall be substituted :— " 13. In any matter which shall come before the said judicial committee it shall be lawful for the said committee to recommend that a new trial be held either generally or as to certain points only."
Section 15	The following section shall be substituted :— " 15. The said judicial committee may recommend to the President of Ghana by what party or parties, person or persons, the costs in any appeal shall be paid and such costs shall be taxed by the aforesaid registrar or such other person or persons, to be appointed by Her Majesty in Council, as the said committee shall direct."
Section 28	For the words " and his Majesty in council shall have and enjoy in all respects such and the same powers of enforcing judgments, decrees and orders as are " there shall be substituted the words " as is ".

SECOND SCHEDULE

MODIFICATIONS OF THE JUDICIAL COMMITTEE RULES, 1957, IN THEIR RELATION TO APPEALS FROM THE SUPREME COURT

1. Save as is otherwise provided in this Schedule or where the context otherwise requires, any reference in the Rules to Her Majesty or Her Majesty in Council shall be construed as a reference to the President of Ghana acting on the recommendation of the Committee, and references to Orders of Her Majesty in Council shall be construed accordingly.

2. For the definition of " Appeal " in paragraph (1) of Rule 1 there shall be substituted the words " Appeal " from a court or judge in Ghana the record in which has been registered in the Privy Council before Ghana becomes a Republic.

3. In the definition of " Record " in paragraph (1) of Rule 1 the words " proper to be laid before Her Majesty in Council on the hearing of the appeal " shall be omitted.

4. Paragraph 1 of this Schedule shall not apply to the definition of "Agent" in paragraph (1) of Rule 1.

5. For the words "Her Majesty in Council" in the definition of "Party" in paragraph (1) of Rule 1 there shall be substituted the words "the Judicial Committee".

6. For the words "Her Majesty in Council" in paragraph (2) of Rule 1 there shall be substituted the words "the Judicial Committee" and for the words "Downing Street, London" shall be substituted the words "Old County Hall, Spring Gardens, London".

7. Rules 2 to 11 inclusive shall be omitted.

8. For the words "Her Majesty" in Rule 36 there shall be substituted the words "the President of Ghana".

9. Rule 37 shall be omitted.

10. For the words "Her Majesty" in Rule 56 there shall be substituted the words "the President of Ghana".

11. For the word "Orders" in Rule 75 there shall be substituted the word "recommendations".

12. For the words "given their decision" in Rule 77 there shall be substituted the words "announced their recommendation".

13. The following Rule shall be substituted for Rule 80:—

"80. A statement of the amount allowed by the Taxing Officer on taxation shall, subject to any appeal from his taxation to the Judicial Committee, and subject to any recommendation from the Committee to the contrary, be transmitted to the President of Ghana for insertion in the Order determining the appeal or Petition".

14. The following items in Part II of Schedule B shall be omitted, that is to say:—

	£	s.	d.
"Original Order of Her Majesty in Council determining an appeal	6	5	0
Any other original Order of Her Majesty in Council ...	3	15	0
Plain copy of an Order of Her Majesty in Council ...		6	6".

EXPLANATORY NOTE

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

The purpose of this Order is to confer on the Judicial Committee of the Privy Council jurisdiction in respect of appeals from a court or judge in Ghana which have been registered in the Privy Council before Ghana becomes a Republic and to make provision regulating such appeals pursuant to arrangements made between Her Majesty's Government in the United Kingdom and the Government of Ghana. Under this Order the Judicial Committee Act, 1833, and the Judicial Committee Rules, 1957, apply subject to the exceptions and modifications set out in the Schedules to the Order, to those appeals.