STATUTORY INSTRUMENTS

1963 No. 85

ADEN AND SOUTH ARABIAN PROTECTORATE

The Kamaran Order in Council 1963

Made - - - -	*17th January* 1963
Laid before Parliament	*17th January* 1963
Coming into Operation	*On the appointed day referred to in section* 1 (1).

At the Court at Sandringham, the 17th day of January 1963

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the power in this 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, commencement and revocation.

1.—(1) This Order may be cited as the Kamaran Order in Council 1963 and shall come into operation on the appointed day as defined for the purposes of the Aden (Constitution) Order in Council 1962(b).

(2) The Kamaran Order in Council 1949(c) is revoked.

Interpretation.

2.—(1) In this Order, unless the context otherwise requires—

"Aden" means Aden as defined for the purposes of the Constitution of Aden set out in Schedule 2 to the Aden (Constitution) Order in Council 1962;

"Commissioner" means the Commissioner for Kamaran;

"High Commissioner" means the High Commissioner for Aden and the Protectorate of South Arabia;

"Kamaran" means the Island of Kamaran and those islands adjacent thereto that are specified in the Schedule to this Order.

(2) In this Order, unless the context otherwise requires, a reference to the holder of an office by the term designating his office includes, to the extent of his authority, any person who is for the time being authorised to perform the functions of that office.

(3) The Interpretation Act 1889(d) shall apply, with the necessary adaptations, for the purpose of interpreting this Order and otherwise in relation thereto as it applies for the purpose of interpreting, and in relation to, Acts of Parliament of the United Kingdom.

Power to make laws.

3.—(1) The High Commissioner may make laws for the peace, order and good government of Kamaran.

(2) All laws shall be published in such manner as the High Commissioner may direct.

(3) Any such law may be disallowed by Her Majesty through a Secretary of State.

(a) 53 & 54 Vict. c. 37. (b) S.I. 1962/2177 (1962 III, p. 2904).
(c) S.I. 1949/137 (1949 I, p. 1795). (d) 52 & 53 Vict. c. 63.

(4) Whenever any such law has been disallowed by Her Majesty, notice of such disallowance shall be published in such manner as the High Commissioner may direct, and the law shall be annulled with effect from the date of the publication of the notice.

(5) On the annulment of any law under this section any enactment repealed or amended by or in pursuance of that law shall have effect as from the date of the annulment as if that law had not been made; but save as provided in the foregoing provisions of this subsection the provisions of section 38 (2) of the Interpretation Act 1889 shall apply to that annulment as they apply to the repeal of an Act of Parliament.

Appointment of officers.

4. The High Commissioner may constitute and appoint all such judges and officers as may be lawfully constituted or appointed by Her Majesty, all of whom, unless otherwise provided by law, shall hold their offices during Her Majesty's pleasure.

Disciplinary powers of High Commissioner.

5. The High Commissioner may, subject to the provisions of any law for the time being in force in Kamaran and to such instructions as may from time to time be given to him by Her Majesty through a Secretary of State, upon sufficient cause to him appearing, dismiss or suspend from the exercise of his office any person holding any public office under the Crown in Kamaran, or, subject as aforesaid, may take such other disciplinary action as may seem to him desirable.

Commissioner.

6.—(1) There shall be a Commissioner for Kamaran.

(2) The Commissioner shall be appointed by the High Commissioner and shall hold office during Her Majesty's pleasure.

(3) The High Commissioner may, as occasion may require, appoint a person to act in the office of Commissioner and may revoke any such appointment.

(4) The High Commissioner may by order under his hand delegate to the Commissioner, subject to such conditions, if any, as may be specified in the order, all or any of the powers of the High Commissioner under any of the provisions of this Order except this section and section 12.

(5) Any order made under this section may be revoked or amended by order made in like manner.

Court of Kamaran.

7. There shall be in and for Kamaran a court, to be called the Court of Kamaran, which shall be a superior court of record and which shall be constituted in such manner, and shall have such jurisdiction and powers, as may be prescribed by any law for the time being in force in Kamaran.

Disposal of land.

8. Subject to any law for the time being in force in Kamaran and to any Instructions from time to time given to the High Commissioner by Her Majesty under Her Sign Manual and Signet or through a Secretary of State, the High Commissioner, in Her Majesty's name and on Her Majesty's behalf, may make and execute grants and dispositions of any lands or other immovable property within Kamaran that may be lawfully granted or disposed of by Her Majesty.

Official stamp.

9. There shall be an Official Stamp for Kamaran which the High Commissioner shall keep and use for stamping all such documents as may be by law required to be stamped therewith.

Application of certain enactments.

10.—(1) The enactments mentioned in the First Schedule to the Foreign Jurisdiction Act 1890 and the Schedule to the Foreign Jurisdiction Act 1913(a) shall apply to Kamaran as if it were a Colony or British possession, but subject to the provisions of this Order and

(a) 3 & 4 Geo. 5. c. 16.

to the exceptions, adaptations and modifications following, that is to say—

(*a*) The High Commissioner is substituted for the Governor of a Colony or British possession and the Court of Kamaran is substituted for a Superior Court or Supreme Court and for a magistrate or justice of the peace of a Colony or British possession.

(*b*) For the portions of the Merchant Shipping Acts 1854(a) and 1867(b), referred to in that Schedule, is substituted Part XIII of the Merchant Shipping Act 1894(c).

(*c*) In section 51 of the Conveyancing (Scotland) Act 1874(d) and any enactment for the time being in force amending that section, the Court of Kamaran is substituted for a Court of Probate in a Colony.

(*d*) With respect to the Fugitive Offenders Act 1881(e)—

(i) So much of sections 4 and 5 of the Act as relates to sending a report of the issue of a warrant, together with the information, or a copy thereof, or to the sending of a certificate of committal and report of a case, or to the information to be given by a magistrate to a fugitive, shall be excepted, and in lieu of such information the person acting as the magistrate shall inform the fugitive that in the territory to which he may be conveyed he has the right to apply for a writ of habeas corpus or other like process.

(ii) So much of section 6 of the Act as requires the expiration of fifteen days before issue of warrant is excepted.

(iii) The High Commissioner shall not be bound to return a fugitive offender to a British possession unless satisfied that the proceedings to obtain his return are taken with the consent of the Governor of that possession.

(2) When under the Merchant Shipping Act 1894 or any Act amending that Act, anything is authorised to be done by, to or before a British Consular Officer, such thing may be done in Kamaran by, to or before the Commissioner or by, to or before such other officer as the High Commissioner may appoint.

Sentences of imprisonment.

11.—(1) The High Commissioner may, if he shall consider it expedient to do so, by general or special order, direct that any sentence of imprisonment imposed by any court in Kamaran shall be carried into effect in Aden, Perim or the Kuria Muria Islands.

(2) Where, in pursuance of this section, any person is to be removed to Aden, Perim or the Kuria Muria Islands, the warrant of the Commissioner therefor shall be issued in duplicate, and the person executing it shall as soon as practicable after his arrival in Aden, Perim or the Kuria Muria Islands, as the case may be, deliver such person according to the warrant, with one of the copies of the warrant, to a constable, or proper officer of police or keeper of a prison or other proper authority or person there, to be dealt with according to law.

High Commissioner's power of pardon, etc.

12. The High Commissioner may, in Her Majesty's name and on Her Majesty's behalf—

(*a*) grant to any person concerned in any offence for which the offender may be tried in Kamaran, or to any person convicted by

(a) 17 & 18 Vict. c. 104. (b) 30 & 31 Vict. c. 124.
(c) 57 & 58 Vict. c. 60. (d) 37 & 38 Vict. c. 94.
(e) 44 & 45 Vict. c. 69.

any court in Kamaran of any offence, a pardon, either free or subject to lawful conditions;

(*b*) grant to any person so convicted a respite, either indefinite or for a specified period, of the execution of any sentence passed on him in respect of the conviction;

(*c*) substitute a less severe form of punishment for that imposed on any such person by any such sentence; or

(*d*) remit the whole or any part of any such sentence or of any penalty or forfeiture otherwise due to Her Majesty on account of any offence in respect of which a person has been convicted by any court in Kamaran.

Existing laws.

13. All laws, rules of court and orders made under or otherwise having effect immediately before the commencement of this Order by virtue of any of the provisions of the Kamaran Order in Council 1949 shall, subject to the provisions of any law or order made under this Order, continue to have effect after the commencement of this Order and shall be read and construed with such modifications, adaptations, qualifications and exceptions as may be necessary to bring them into conformity with the provisions of this Order.

Judicial proceedings.

14. All proceedings commenced or pending immediately before the commencement of this Order before the Court of Kamaran established by the Kamaran Order in Council 1949 may be carried on before the Court of Kamaran established by this Order.

Transitional provisions relating to Commissioner.

15. Any person who immediately before the commencement of this Order was holding or acting in the office of Commissioner for Kamaran established by the Kamaran Order in Council 1949 shall be deemed to have been appointed at the commencement of this Order to hold the office of Commissioner established by this Order or to act in that office, as the case may be.

W. G. Agnew.

S. 2 (1)

THE SCHEDULE

ISLANDS ADJACENT TO THE ISLAND OF KAMARAN

Kadaman Saghir.	Okban Saghir.
Kadaman Kabir.	Jureb.
Shab Bodinjan.	Risha.
Okban.	Arab Shoal.
El Bodhi.	

EXPLANATORY NOTE

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

This Order makes provision for the government of the Island of Kamaran