KUWAIT

1959 No. 1036

The Kuwait Order, 1959

Made - - - -	15*th June*, 1959
Laid before Parliament	19*th June*, 1959
Coming into Operation	1*st July*, 1959

At the Court at Buckingham Palace, the 15th day of June, 1959

Present,

The Queen's Most Excellent Majesty in Council

Whereas by Treaty, capitulation, grant, usage, sufferance, and other lawful means Her Majesty the Queen has jurisdiction within the territories of the Ruler of Kuwait;

And Whereas provision was made for the exercise of such jurisdiction by the Kuwait Orders, 1953 to 1957(a);

And Whereas it is expedient to repeal the said Orders in Council and make further provision for the exercise of the said jurisdiction;

Now, therefore, Her Majesty, by virtue and in exercise of the powers in this behalf by the Foreign Jurisdiction Acts, 1890 and 1913(b), 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:—

PART I.—PRELIMINARY AND GENERAL

1. This Order may be cited as the Kuwait Order, 1959.

2. The limits of this Order are all the territories of the Ruler of Kuwait, including the territorial waters thereof and all other areas over which he has jurisdiction, but, subject to Article 77 (3) (*l*), do not include the Neutral Zone.

3. This Order is divided into parts as follows:—

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(a) S.I. 1953/1211, 1954/1702, 1956/828, 2034, 1957/1526 (1953 I, p. 931; 1954 I, p. 1029; 1956 I, pp. 1113, 1115; 1957 1, p. 1227). (b) 53 & 54 Vict. c. 37 and 3 & 4 Geo. 5. c. 16.

4. In the construction of this Order and of any rules, regulations or orders made thereunder the following words and expressions have the meaning hereby assigned to them, unless there be something in the subject or context repugnant thereto, that is to say:—

"British aircraft" means an aircraft registered in any part of Her Majesty's dominions, protectorates or protected states, or in India or in Pakistan or in the Federation of Malaya or in any trust territory and includes, in the case of unregistered aircraft, any aircraft owned by a British subject but does not include an aircraft referred to in Article 8 (1) (*a*) or (*b*).

"British ship" means a merchant ship registered in any part of Her Majesty's dominions, protectorates or protected states, or in India or in Pakistan or in the Federation of Malaya or in any trust territory and includes in the case of unregistered ships any ship owned by a British subject but does not include a ship registered in a state referred to in Article 8 (1) (*a*) or (*b*).

"British subject" means and includes—

(1) any person who has the status of a British subject under the British Nationality Act, 1948(a);

(2) any person who has the status of a British protected person under the British Nationality Act, 1948, other than persons not subject to this Order;

(3) any corporation incorporated under the law of any part of Her Majesty's dominions, protectorates or protected states or of India or of Pakistan or of the Federation of Malaya or of any trust territory, other than corporations referred to in Article 8 (1) (*a*) to (*g*).

"The Court", except when the reference is to a particular Court, means any Court established under this Order.

"Kuwait" includes all territories, territorial waters and other areas within the limits of this Order.

"Kuwait subject" means a subject of the Ruler of Kuwait.

"Month" means calendar month.

"Neutral Zone" means the Neutral Zone between Kuwait and Saudi Arabia, including the territorial waters of the said Neutral Zone and any area beneath the high seas of the Persian Gulf appertaining thereto.

"Oath" or "Affidavit" includes affirmation or declaration.

"Offence" means any act or omission made punishable by any law for the time being in force.

"Person" includes an individual and a corporation.

"Persons subject to this Order" means those persons to whom the powers conferred by this Order extend in accordance with Article 8 (1).

"Persons not subject to this Order" means the persons referred to in Article 8 (1) (*a*) to (*g*), except those to whom the powers conferred by this Order extend in accordance with Article 8 (1) (ii).

"Political Agent" means Her Majesty's Political Agent at Kuwait.

"Political Agency" means the Office, Residence, or other appointed place of business of the Political Agent.

(a) 11 & 12 Geo. 6. c. 56.

"Political Resident" means Her Majesty's Political Resident in the Persian Gulf.

"Qadhi" means any official Qadhi appointed by the Ruler of Kuwait and accepted by the Political Agent.

"Ruler of Kuwait" hereinafter called "the Ruler" means the ruling Shaikh of Kuwait, or his duly accredited representative for the time being.

"Rules of Court" means Rules of Court made under the provisions of this Order.

"Secretary of State" means one of Her Majesty's Principal Secretaries of State.

"Ship" includes any vessel used in navigation, however propelled, with her tackle, furniture and apparel, and any boat or other craft.

"Trust territory" means a territory administered by the government of any part of Her Majesty's dominions under the trusteeship system of the United Nations.

Expressions used in any enactments applied to Kuwait shall, unless a contrary intention appears, have the same respective meanings as in this Order.

5.—(1) In this Order words importing the plural or the singular may be construed as referring to one person or thing or to more than one person or thing, and words importing the masculine as referring to the feminine, as the case may require.

(2) Where this Order confers any power or imposes any duty, then, unless a contrary intention appears, the power may be exercised and the duty shall be performed from time to time as occasion requires.

(3) Where this Order refers to the holder of a particular office the reference includes any person duly authorised to act for the holder of that office.

(4) Where this Order confers a power to make any appointments, rules, regulations, or orders, the power shall, unless a contrary intention appears, be construed as including a power exercisable in the like manner and subject to the like consent and conditions, if any, to rescind, revoke, vary or amend the appointments, rules, regulations or orders.

(5) This Article shall apply to the construction of any regulations, rules, or orders made under this Order, unless a contrary intention appears.

6. Where this Order refers to any specified Act or Acts of Parliament, such reference shall, unless a contrary intention appears, be deemed to include any Act or Acts amending or substituted for the same.

7. In the event of there being at any time no person authorised and able to act as Political Agent, all and every the powers, authorities and immunities by this Order granted to him shall, until the Secretary of State otherwise directs, be vested in the Political Resident.

8. The powers conferred by this Order shall extend to the persons and matters following:—

(1) (i) All persons except the following:—

(*a*) persons who are Kuwait subjects;

(*b*) persons who are nationals of Saudi Arabia, Iraq, Jordan, Iran, the United Arab Republic, the Lebanon, the Yemen, Muscat and Oman, Libya, Morocco, Tunisia, Afghanistan, Indonesia or Sudan, or subjects of the Rulers of Bahrain, Qatar or any of the Trucial States;

(*c*) protected persons from the Aden Protectorate;

(*d*) protected persons from the French Somaliland Protectorate;

(*e*) persons originating from the Italian Trust Territory of Somalia, not being Italian citizens;

(*f*) stateless persons of Palestinian origin;

(*g*) such other classes of persons as may be agreed from time to time between Her Majesty's Government in the United Kingdom and the Ruler and specified by Queen's Regulation made under Article 77 of this Order.

(ii) Any person referred to in (i) (*a*) to (*g*) whom the Political Agent at his discretion registers as being in the regular service of Her Majesty's Government in the United Kingdom or of a representative of Her Majesty.

(2) The property and all personal or proprietary rights and liabilities within the limits of this Order of all persons subject to this Order.

(3) British ships, and ships belonging to persons subject to this Order, with their boats and property belonging to such ships, and all persons (whether subject or not to this Order) in respect of all acts committed by them on board such ships whether the ship was within the limits of this Order or not; provided that where the persons committing such acts are persons not subject to this Order all cases wherein they are concerned shall be dealt with in accordance with Part VIII of this Order.

(4) British aircraft, and aircraft belonging to persons subject to this Order, with property belonging to such aircraft, and all persons (whether subject or not to this Order) in respect of all acts committed by them on board such aircraft whether the aircraft was within the limits of this Order or not; provided that where the persons committing such acts are persons not subject to this Order all cases wherein they are concerned shall be dealt with in accordance with Part VIII of this Order.

(5) Persons not subject to this Order, to the extent provided in Part VIII of this Order.

9. Where a person subject to this Order is personally outside the limits of this Order, or a British ship or aircraft or a ship or aircraft belonging to a person who is subject to this Order is outside the limits of this Order, jurisdiction over him or over such a ship or aircraft or over a person on board such ship or aircraft or over property belonging thereto shall be exercised only in the cases provided by express provisions of this Order or of the law made applcable by this Order. The service of process shall be governed by the Rules of Court.

10. All Her Majesty's jurisdiction exercisable within the limits of this Order for the hearing and determination of criminal and civil matters, or for the maintenance of order or for the control or administration of persons or property, or in relation thereto, shall be exercised under and according to the provisions of this Order, so far as this Order extends and applies.

11. Every judge and officer of the Courts established under this Order shall, as far as there is proper opportunity, promote reconciliation and encourage and facilitate the settlement in an amicable way, and without recourse to litigation, of matters in difference between persons subject to this Order, or between persons subject to this Order and persons within the limits of this Order who are not subject to this Order.

PART II.—LAW TO BE APPLIED

12.—(1) Subject to the other provisions of this Order, Her Majesty's criminal and civil jurisdiction in Kuwait shall, so far as circumstances admit, be exercised on the principles of and in conformity with—

(*a*) the enactments of the Indian Legislature and the Bombay Legislature set out in the first schedule of this Order, subject to the exceptions, adaptations and modifications therein specified;

(*b*) the Acts of Parliament and Orders in Council of the United Kingdom set out in the second schedule of this Order subject to the exceptions, adaptations and modifications therein specified;

(*c*) the miscellaneous provisions set out in the third schedule of this Order;

(*d*) Queen's Regulations made under Article 77 of this Order;

(*e*) Rules of Court made under Articles 73 and 74 of this Order.

(2) The Court shall, where it considers it just and appropriate to do so, recognise and apply any reasonable custom existing in Kuwait, unless such custom conflicts with this Order or with the law made applicable under paragraph (1) of this Article.

(3) So far as the law, enactments, powers, practice and procedure set out in the first three schedules of this Order and in any Queen's Regulations or Rules of Court made under this Order are inapplicable, the jurisdiction shall be exercised in accordance with justice, equity and good conscience.

13. All orders, criminal or civil, duly made by a Court under the Bahrain, Qatar, Muscat and Trucial States Orders, may, on application to the Court, be rendered enforceable within the limits of this Order as if they were orders of the Court.

PART III.—COURTS

14.—(1) For the purposes of the exercise of jurisdiction under this Order there shall be constituted and maintained :—

(i) Her Britannic Majesty's Court for Kuwait (hereinafter referred to as the Court for Kuwait).

(ii) Her Britannic Majesty's Chief Court for the Persian Gulf (hereinafter referred to as the Chief Court).

(iii) Her Brittanic Majesty's Full Court for the Persian Gulf (hereinafter referred to as the Full Court).

(2) (i) The Judge of the Court for Kuwait shall be appointed by the Secretary of State. At the time of his appointment the Judge shall be a member of the Bar of England, Scotland or Northern Ireland, or a Solicitor of the Supreme Court in England or Northern Ireland, or a Writer to Her Majesty's Signet or a Solicitor in the Supreme Courts of Scotland of not less than five years' standing. Persons similarly qualified may be appointed to be Assistant Judges from time to time by the Secretary of State. Each Judge of the said Court may exercise all the powers and jurisdiction of the Court.

(ii) Subject to the provisions of Part VIII of this Order and of paragraphs (3) (ii) and (4) (i) of this Article, all Her Majesty's jurisdiction in Kuwait, civil and criminal, not under this Order vested exclusively in the Chief Court shall be vested in the Court for Kuwait.

(3) (i) The Judge of the Chief Court shall be appointed by Her Majesty by Warrant under Her Royal Sign Manual. He shall be a person who has held judicial office under the Crown or a member of the Bar of England, Scotland, or Northern Ireland of not less than nine years' standing. The Secretary of State may appoint from persons similarly qualified for such periods as he thinks fit such Assistant Judges of the Chief Court as may from time to time be required. Each Judge or Assistant Judge of the Chief Court may exercise all the powers and jurisdiction of the Court.

(ii) The Chief Court shall have in all matters civil and criminal an original jurisdiction, concurrent with the jurisdiction of the Court for Kuwait, to be exercised subject and according to the provisions of this Order, and shall have the appellate jurisdiction set forth in Articles 31, 32, 39, 50, 51, 53 and 54 of this Order.

(iii) Any jurisdiction exercisable by the Chief Court in criminal or civil matters under this Order may be exercised by that Court either within the limits of this Order or elsewhere within the limits of the Bahrain, Qatar, Muscat and the Trucial States Orders.

(4) (i) The Full Court shall have the appellate jurisdiction set forth in Articles 31 (2), 33, 34, 51, 52, 54 and 55 of this Order.

(ii) The Full Court shall sit either within the limits of this Order or elsewhere within the limits of the Bahrain, Muscat, Qatar and Trucial States Orders, in accordance with arrangements from time to time made by the Political Resident, and shall be composed of not more than three and not less than two members nominated by the Secretary of State from among the following :—

The Judge of the Chief Court.

The Assistant Judges of the Chief Court.

Persons who hold or have held judicial office under the Crown.

Members of the Bar of England, Scotland or Northern Ireland of not less than 9 years' standing.

(iii) No person shall be precluded from hearing any case as a member of the Full Court composed of three members by reason of the fact that he has already heard the case in the Court for Kuwait or in the Chief Court.

(iv) Unless the Judge of the Chief Court is sitting as a member of the Full Court, the senior member of the Court shall preside. In case of a difference of opinion in the Full Court of three members, the decision shall be in accordance with the decision of the majority. In case of a difference of opinion in the Full Court of two members in a civil case, the decision under appeal shall stand, and in a criminal case the view most favourable to the accused shall prevail.

(5) The Chief Court and the Court for Kuwait shall have a seal bearing the style of the Court and such device as the Secretary of State approves. The Full Court shall use the seal of the Chief Court.

15.—(1) There may be attached to the Chief Court a Registrar, a Marshal and such other officers under such designation as the Political Resident with the approval of the Secretary of State, thinks fit, and subject to the other provisions of this Order and to any directions of the Secretary of State every officer thus attached shall discharge such duties in connection with the Court and with the Full Court as the Judge of the Chief Court may direct.

(2) (i) The Registrar of the Chief Court shall be appointed by the Secretary of State and the other officers by the Political Resident. The Registrar shall be at the time of his appointment a member of the Bar of England, Scotland or Northern Ireland, or a Solicitor of the Supreme Court in England or Northern Ireland, or a Writer to Her Majesty's Signet or a Solicitor in the Supreme Courts of Scotland.

(ii) In the case of the absence or the illness of the Registrar of the Chief Court or during a vacancy in the office of Registrar the Political Resident may appoint any fit person to act as Registrar for such period as he may consider advisable or until the appointment is revoked.

(iii) If at any time, owing to absence, or illness or other cause there shall be no Judge or Assistant Judge of the Chief Court available for duty within the limits of the Bahrain, Kuwait, Qatar, Muscat and Trucial States Orders the Registrar of the Chief Court shall during such period have such power and authority of an Assistant Judge as may be prescribed by the Judge of the Court; provided that such power and authority shall not extend to membership of the Full Court under Article 14 (4) (ii).

(3) There may be attached to the Court for Kuwait a Registrar, a Marshal and such other officers under such designation as the Political Resident, with the approval of the Secretary of State, thinks fit.

(4) (i) The Registrar of the Court for Kuwait shall be appointed by the Political Resident and the other officers shall be appointed by the Political Agent with the approval of the Political Resident.

(ii) In the case of the absence or the illness of the Registrar of the Court for Kuwait or during a vacancy in the office of Registrar the Political Resident may appoint any fit person to act as Registrar for such period as he may consider advisable or until the appointment is revoked.

16. An up to date list of the names of all judges and officers of the Court for Kuwait and the Chief Court, together with the dates of their appointments, shall be kept displayed in the offices of the Court.

17.—(1) The Registrar of the Court for Kuwait shall, subject to any directions of the Judge of the Chief Court—

(*a*) hold preliminary examinations (Committal proceedings) in criminal matters;

(*b*) hear and determine such criminal cases as may be assigned to him by the Judge of the Court for Kuwait, provided that any case, which is punishable by imprisonment for more than three years shall not be so assigned and the Registrar shall not inflict a sentence exceeding imprisonment for six months or a fine of 1,000 rupees or both.

(2) The Registrar of the Court for Kuwait shall also have authority to hear and determine such civil actions as may be assigned to him by the Judge of that Court. The Judge of the Chief Court may issue to the Judge of the Court for Kuwait general directions as to the classes of civil actions which may be so assigned.

(3) In case of the absence or illness of the Judge the Registrar of the Court for Kuwait shall have all the power and authority of an Assistant Judge of the Court; provided that such power and authority shall not extend to the hearing and determination of criminal cases committed for trial or civil actions other than those which may be assigned to a Registrar under the preceding paragraphs of this Article or to the hearing of appeals.

18.—(1) The Political Resident may appoint a Crown Prosecutor. The Crown Prosecutor shall discharge in connection with the Full Court, the Chief Court and the Court for Kuwait such duties as may be prescribed by Queen's Regulations or Rules of Court.

(2) In the absence of the Crown Prosecutor or in any particular case in which he cannot conveniently act, the court may appoint a suitable person to act as prosecutor.

19.—(1) Where any case, civil or criminal, appears to the Court for Kuwait to be one which ought to be tried in the Chief Court, the Court for Kuwait shall report the case to the Chief Court for directions.

(2) The Chief Court may of its own motion, or upon the report of the Court for Kuwait or on the application of any party concerned, require any case, civil or criminal, pending in the Court for Kuwait, or any issue of fact or question of law arising in such case, to be transferred to, or tried in, the Chief Court, or may direct in what Court or in what mode, subject to the provisions of this Order, any such case, issue or question shall be tried.

PART IV.—CRIMINAL MATTERS

20.—(1) Where a person subject to this Order is accused of the commission of an offence cognisable by the Court for Kuwait, the Chief Court may, where it appears so expedient, by warrant under the hand and seal of a Judge, cause the accused to be sent for trial by a Court established by Order in Council in Qatar, Bahrain, Muscat and Oman, or the Trucial States.

(2) The warrant shall be sufficient authority to any person to whom it is directed to receive and retain the person therein named and to carry him to and deliver him up in Qatar, Bahrain, Muscat and Oman or the Trucial States according to the warrant.

(3) Where any person is to be sent for trial to Bahrain, Qatar, Muscat and Oman or the Trucial States, the Court for Kuwait shall take the preliminary examination, and shall bind over such of the witnesses as are persons subject to this Order in their own recognisances to appear and give evidence at the trial.

(4) Where a person subject to the Bahrain, Qatar, Muscat or Trucial States Orders is accused of an offence within the limits of the aforesaid Orders and has by warrant under seal of the Judge of the Chief Court been sent for trial in Kuwait, the Court shall have power to try the case as if the alleged offence had been committed within the limits of this Order by a person subject to this Order.

21.—(1) Except in cases of treason or murder the Court shall admit the accused to bail unless the Court, having regard to the circumstances, sees good reason to the contrary, which reason shall be recorded in the Minutes.

(2) The Chief Court may admit a person to bail although the Court for Kuwait has not thought fit to do so.

(3) The accused who is to be admitted to bail, either on remand, or on or after trial ordered, shall produce such surety or sureties as, in the opinion of the Court, will be sufficient to ensure his appearance as and when required, and shall with him or them enter into a recognisance accordingly.

22.—(1) A sentence of death shall not be carried into execution unless it has been confirmed by the Secretary of State.

(2) A report (including the record of the proceedings) of every trial in which a sentence of death is passed shall be sent to the Secretary of State upon the expiration of the time allowed for an appeal, or for applying for leave to appeal, or, if there is an appeal, upon the determination of the appeal upholding the sentence.

23.—(1) The Chief Court may from time to time, subject to the directions of the Secretary of State, by general order under the seal of the Court, prescribe the manner in which, and the places within the limits of the Order or the Bahrain, Qatar, Muscat and Trucial States Orders at which, sentences passed by the Court are, subject to the other provisions of this Order, to be carried into execution, and may appoint any building or place specified in the order to be a prison for the purposes of this Order, and such persons as the Court thinks fit to be gaolers, keepers or officers of any such prison.

(2) If at the place at which any Court is held there is no place or building appointed as a prison in accordance with the preceding paragraph of this Article, or if the accommodation in the place or building so appointed is inadequate or unsuitable in any particular case, it shall be lawful for any Court by order or warrant under the seal of the Court, temporarily and for the purposes of any particular case or cases to appoint any place or building specified in the order to be a prison for the purposes of this Order, and such persons as the Court thinks fit to be keepers in such prison.

(3) Without prejudice to the provisions of Article 24 of this Order, the Chief Court or the Court for Kuwait acting under the authority of the Chief Court may, by warrant under the hand and seal of a Judge, order any person convicted by the Court and sentenced to imprisonment to be sent to and detained at any prison within the limits of this Order or the Bahrain, Qatar, Muscat or Trucial States Orders specified therein. Such prison may be a place appointed in accordance with the provisions of paragraph (1) of this Article, or a place appointed temporarily and for the purpose of the particular case under paragraph (2) of this Article.

(4) The warrant prescribed by paragraphs (2) or (3) of this Article shall be sufficient authority to any person to whom it is directed to carry and deliver up the person therein named and to receive and detain him at the prison named according to the warrant

(5) A warrant under the seal of any other court acting under the Bahrain, Qatar, Muscat or Trucial States Orders shall be sufficient authority within the limits of this Order to the person or persons to whom it is directed to deliver and detain the person named therein according to the warrant at any prison appointed in accordance with the preceding paragraphs of this Article.

(6) In any case where a person sentenced to imprisonment for a term exceeding one month is detained in a prison temporarily appointed in accordance with the provisions of paragraph (2) of this Article, the Court by which the sentence was awarded shall report the case and the circumstances thereof to the Chief Court for directions.

(7) Without prejudice to the provisions of Article 24, the Chief Court upon the receipt of such report may make an order under paragraph (3) of this Article, or may direct that the sentence shall continue to be served at the place where the prisoner is at present detained.

24.—(1) Where an offender convicted before any Court under this Order is sentenced to suffer death or to imprisonment, and the Chief Court proceeding under section 7 of the Foreign Jurisdiction Act, 1890, authority in that behalf being hereby given, considers it expedient that the sentence should be carried into effect elsewhere than within the limits of this Order or of the Bahrain, Qatar, Muscat or Trucial States Orders, and the offender is accordingly sent for the execution of the sentence of death or for imprisonment to a country or territory outside the limits of these Orders, the country or territory shall be some part of Her Majesty's dominions, protectorates, protected states or India, or Pakistan or the Federation of Malaya, the Government whereof consents that the offender may be sent thither.

(2) A warrant under the hand and seal of a Judge of the Chief Court shall be sufficient authority to any person to whom it is directed to receive and detain the person therein named and to carry him to and deliver him up at the place named according to the warrant.

(3) The Chief Court shall forthwith report to the Secretary of State every order made under this Article and the grounds thereof.

25.—(1) In cases of murder or homicide, if either the death or the criminal act, which wholly or partly caused the death, happened in Kuwait, a Court acting under this Order shall have the like jurisdiction over any person to whom this Order applies, charged either as a principal offender or as an abettor, as if both such criminal act and the death had happened in Kuwait.

(2) In the case of any offence committed on the high seas or within the Admiralty jurisdiction by any person (whether a person subject to this Order or not) who, at the time of committing such offence, was on board a British ship, or committed by any British subject on board any other ship to which he did not belong, the Court shall, subject to the provisions of this Order, have jurisdiction over such person as if the offence had been committed within its jurisdiction; provided that all cases wherein persons not subject to this Order are concerned shall be dealt with in accordance with Part VIII of this Order.

(3) In the case of any offence whatever committed by any person (whether subject to this Order or not) who at the time of committing such offence was on a British aircraft or by any British subject on any other aircraft to which he did not belong, the Court shall have jurisdiction over such person as if the offence had been committed within its jurisdiction; provided that all cases wherein persons not subject to this Order are concerned shall be dealt with in accordance with Part VIII of this Order.

(4) Any person (whether subject to this Order or not) may, when within the limits of this Order, be proceeded against, tried and punished under this Order for piracy wherever committed; provided that all cases wherein persons not subject to this Order are concerned shall be dealt with in accordance with Part VIII of this Order.

(5) Where an offence is committed by a person subject to this Order partly within and partly without Kuwait, such person may be tried and punished under this Order as if such act had been committed wholly in Kuwait.

26. Where a person is convicted of an offence the Court before which he is convicted may, if it thinks fit at any time before he is discharged, require him to give security to the satisfaction of the Court for his future good behaviour, and for that purpose may, if it thinks fit, cause him to come or be brought before the Court.

27.—(1) Where it is shown by evidence on oath, to the satisfaction of the Court, that any person subject to this Order has committed, or is about to commit, an offence against this Order, or is otherwise conducting himself so as to be dangerous to peace and good order, or is endeavouring to excite enmity between the people of Kuwait and Her Majesty or the Ruler, or is intriguing within the limits of this Order against Her Majesty or the Ruler, the Court may, if it thinks fit, by order under its seal, prohibit that person from being within the limits of this Order during any time therein specified, not exceeding two years, or alternatively may require him to give security for his future good behaviour.

(2) The Court, by order in writing under its seal, may vary any order of prohibition (not extending the duration thereof) and may revoke any order of prohibition.

(3) The Court for Kuwait shall forthwith report any order made by it under this Article and the grounds thereof to the Political Resident. The Political Resident shall forthwith report to the Secretary of State every order made under the preceding paragraphs of this Article, and the grounds thereof, and the proceedings thereunder.

28.—(1) If any person subject to this Order fails to give security for good behaviour when lawfully required to do so under this Order, or fails during the continuance of the security to be of good behaviour, or fails to comply with an order of prohibition made under this Order, the Court may, if it thinks fit, order that he be deported from any place within its jurisdiction.

(2) If the order of deportation is made by the Court for Kuwait, it shall forthwith report to the Political Resident the order and the grounds thereof.

(3) The Political Resident, on consideration of the report, may confirm, vary or revoke the order of deportation. The person ordered to be deported shall, as soon as practicable after an order of deportation has been made by or confirmed by the Political Resident and, in the case of a person convicted, either after execution of the sentence or while it is in course of execution, be removed in custody under warrant to the place named therein.

(4) The Political Resident shall forthwith report to the Secretary of State every order of deportation made under this Order, and the grounds thereof, and the proceedings thereunder.

(5) The place named in the warrant shall be—

(i) a place in that part of Her Majesty's dominions or in that protectorate, protected state, mandated territory or trust territory to which the person belongs or in that State of which the person is a national; or

(ii) a place in another territory or State the Government of which consents to the reception of persons deported under this Order.

(6) The Court, on making an order of deportation, may, if it thinks fit, order the person to be deported to pay all or any part of the expenses of his deportation, to be fixed by the Court in the order. Subject thereto, the expenses of deportation shall be defrayed as the Secretary of State, with the concurrence of the Treasury, may direct.

(7) If a person deported under this Order returns to Kuwait without permission in writing of the Political Resident or the Secretary of State he shall be punished with imprisonment for a term not exceeding two months, or with a fine not exceeding 1,000 rupees, or with both.

(8) He shall also be liable to be deported again forthwith under the original or a new order, and a fresh warrant.

29. An appeal shall not lie against an order of prohibition under Article 27 or of deportation under Article 28, or against an order under Article 24 for the removal of a convicted person for execution of his sentence elsewhere than within the limits of this Order or of the Bahrain, Qatar, Muscat or Trucial States Orders, but the Political Resident or the Secretary of State may review, vary or revoke any order made under Articles 27 or 28.

30.—(1) Where under this Order a person is to be sent for trial or removed for execution of his sentence or deported from any place within the limits of this Order he shall, by warrant of the Court sealed with its seal, be detained, if necessary in custody or in prison, until a fit opportunity

for his removal or deportation occurs, and then be put on board a vessel or aircraft belonging to, or in the service of, Her Majesty, or, if no such vessel or aircraft is available, then on board some other British or other fit vessel or aircraft.

(2) The warrant shall be sufficient authority to the person to whom it is directed or delivered for execution, and to the Commanding Officer or master of the vessel, or to the commander of the aircraft, to receive and detain the person therein named, in the manner therein prescribed, and to send or remove and carry him to the place therein named, according to the warrant.

(3) In case of sending or removal for any purpose other than deportation, the warrant shall be issued in duplicate, and the person executing it shall, as soon as practicable after his arrival at the place therein named, deliver according to the warrant, with one of the duplicates of the warrant, to a constable, or proper officer of police, or keeper of a prison, or other proper authority or person there, the person named in the warrant, to be produced on the order of the proper Court or authority there, or to be otherwise dealt with according to law.

Appeals in Criminal Cases

31.—(1) Any person who is convicted of an offence on a trial by the Registrar under Article 17 (1) (*b*) may appeal to the Court for Kuwait against conviction or sentence or both and likewise any complainant or prosecutor may appeal against the Registrar's failure to convict. If, however, in any case, the Court for Kuwait considers that the appeal should be heard by the Chief Court, it may refer it to the Chief Court and thereupon the Chief Court may order the appeal to be transferred to itself for hearing and determination.

(2) Except by leave of the Chief Court there shall be no appeal from a decision of the Court for Kuwait or of the Chief Court on appeal under this Article.

32. Any person who is convicted of an offence on a trial by the Court for Kuwait may appeal to the Chief Court against conviction or sentence or both and likewise any complainant or prosecutor may appeal against the failure of the Court for Kuwait to convict.

33. Any person dissatisfied with the decision of the Chief Court on an appeal under Article 32 may appeal to the Full Court with the leave of the Chief Court or of the Full Court.

34.—(1) Any person who is convicted of an offence on a trial by the Chief Court may appeal to the Full Court—

(i) against his conviction—

(*a*) on any ground of appeal which involves a question of law alone; or

(*b*) with the leave of the Full Court or upon the certificate of the Chief Court that it is a fit case for appeal on any ground of appeal which involves a question of fact alone or of mixed law and fact;

(ii) against his sentence with the leave of the Full Court unless the sentence is one fixed by law.

(2) There shall be no appeal to the Full Court from the Chief Court by a complainant or prosecutor except on a point of law and with the leave of the Full Court.

35. The powers of the Full Court to grant leave to appeal may be exercised by a Judge of the Chief Court other than the Judge who heard the appeal in the Chief Court or who tried the case.

36. There shall in no case be any appeal except as to sentence where a person has been convicted on a plea of guilty.

37. The Court against whose judgment or order the appeal is preferred or the Court in which an appeal has been duly lodged may postpone the execution of the sentence pending the appeal, and in that case shall either detain the convicted person in prison for safe custody, or release him on bail, taking, if it thinks fit, security, by recognisance, deposit of money, or otherwise, for his reappearance and his payment of any fine.

38.—(1) Subject to the provisions of this Order and any Rules of Court made thereunder, the Courts, when hearing appeals, may do any of the following things:—

(i) On an appeal from an order of acquittal—

(*a*) dismiss the appeal; or

(*b*) reverse such order and direct that the accused be retried or find him guilty and pass sentence on him according to law.

(ii) On an appeal against sentence—

(*a*) maintain the sentence; or

(*b*) reduce the sentence; or

(*c*) increase the sentence provided that no punishment shall be imposed greater than that which could lawfully have been imposed by the trial Court; or

(*d*) substitute some other punishment which might have been imposed by the trial Court.

(iii) On an appeal from a conviction—

(*a*) dismiss the appeal, maintaining or reducing the sentence; or

(*b*) reverse the finding and annul the sentence; or

(*c*) vary the finding, maintaining or reducing the sentence.

(2) Provided that the Court shall not annul a conviction or sentence or vary a sentence on the ground of any objection, error or informality which, in the opinion of the Court, did not affect the substance of the case or subject the convicted person to any undue prejudice such as—

(*a*) any objection which, if stated during the trial, might, in the opinion of the Court, have been properly met by amendment at the trial; or

(*b*) any error in the summoning of or the qualification of the assessors; or

(*c*) any objection to any person as an assessor which might have been raised before or at the trial; or

(*d*) any informality in the swearing of any witness.

39.—(1) In any case where there has been a conviction and no appeal lies to the Chief Court, or where the right to appeal has not been exercised, the Chief Court may either of its own motion or at the instance of the trial Court call for and examine the record of any proceedings before a lower Court for the purposes of satisfying itself as to the correctness, legality, or propriety of the conviction or the sentence, and may, if it thinks fit, reverse the conviction or reduce the sentence.

(2) When the record of proceedings is called for by the Chief Court, the lower Court may submit with the record a statement setting forth the reasons for the decision.

40.—(1) The Secretary of State may, either upon the recommendation of the Political Resident, or upon such medical evidence or other grounds as he may think fit, mitigate or remit any punishment awarded by the Chief Court or by the Court for Kuwait.

(2) Nothing in this Order shall affect Her Majesty's prerogative of mercy.

PART V.—INQUESTS

41.—(1) Where any person subject to this Order dies within the limits of this Order and either

(i) his death was a sudden one of which the cause is unknown ; or

(ii) there is reasonable cause to suspect that such a person has died a violent or unnatural death ; or

(iii) such person has died in prison,

any person subject to this Order having a knowledge of the facts shall forthwith report them to the Political Agent. If any such person having a knowledge of the facts fails to report to the Political Agent, he shall be liable to a fine not exceeding 1,000 rupees.

(2) When a death has been reported under paragraph (1) of this Article the Political Agent shall make such enquiries into the death as he considers necessary and if, as a result, he is of the opinion that there is sufficient ground for suspicion that death may have occurred as the result of murder, homicide, unintentional killing or suicide, or that the circumstances of the death are such as to render the holding of an inquest desirable, he shall request the Court for Kuwait to hold an inquest.

(3) The Political Agent may, if he considers it necessary in any particular case, direct a qualified medical practitioner to make a *post mortem* examination and to file a report on the result in writing.

(4) The Court, on receiving a request from the Political Agent, shall, subject to Article 45 (1), hold an inquest.

42. At or before the first sitting of an inquest the Court shall view the body unless the body has been destroyed by fire or otherwise or the Court is satisfied that there are compelling reasons why it should not be recovered or exhumed ; provided that, where a previous inquest has been begun but not completed, it shall not be obligatory on the Court holding a subsequent inquest to view the body.

43. The Court shall, at the sittings of the inquest, examine on oath touching the death all who tender their evidence respecting the facts and all persons having knowledge of the facts whom the Court thinks it expedient to examine. The Court shall put into writing the statements made by such persons and such depositions shall be signed by the witness and also by the Court.

44. After hearing the evidence the Court shall give its verdict and certify it in writing setting out, so far as such particulars have been proved, who the deceased was, and how, when and where the deceased came by his death, and, if he came by his death by murder, homicide or unintentional killing, the persons, if any, whom the Court has reasonable grounds for suspecting to be guilty of such murder or manslaughter, or of being accessories before the fact to such murder.

45.—(1) Where any person subject to this Order is charged with causing the death the Court may, without holding an inquest, proceed forthwith with the preliminary examination.

(2) If, during or after an inquest, a person subject to this Order is so charged, the depositions shall be read over in the presence of the witnesses and of the accused, who shall be entitled to cross-examine each witness, and the procedure shall be as in other cases of preliminary examination.

46. The Registrar may, subject to any general or special directions of the Court, exercise the powers of the Court under Articles 41 to 45 inclusive.

47. Where an inquest has been held the Chief Court may either of its own motion or at the instance of the Court which held the inquest call for and examine the proceedings for the purpose of satisfying itself as to the correctness and sufficiency of the enquiry and may, if it thinks it is necessary or desirable in the interests of justice, quash the inquisition on that inquest and order a new inquest to be held.

PART VI.—CIVIL MATTERS

48.—(1) The Court for Kuwait may refer any matter in the progress of a suit:

(*a*) betwen parties belonging to the same community to a punch or jama'ah of the local leaders of that community for consideration and report;

(*b*) in commercial cases, to a majlis or jama'ah of the principal local merchants for consideration and report.

(2) The Court for Kuwait may refer any matter in the progress of a suit which involves a point of Muhammadan law to a Qadhi for consideration and report, or may send any party or witness, being a Muhammadan, to a Qadhi for the administration of an oath.

(3) The Court shall, in deciding the suit, take into consideration and give due weight to the reports received from a Qadhi or from the punch or jama'ah of leaders of a community or from the majlis or jama'ah of merchants under the preceding paragraphs and may, if it thinks fit, request further reports therefrom.

49. In cases where parties are Muhammadans, the Court for Kuwait may refer any question concerning probate of wills or administration of property of deceased persons subject to this Order to a Qadhi for settlement under the general supervision of the Court.

50.—(1) If an Officer of the Court, employed to execute a decree or order, loses, by neglect or omission, the opportunity of executing it, then, on complaint of the person aggrieved, and proof of the fact alleged, the Court may, if it thinks fit, order the Officer to pay the damages sustained by the person complaining, or part thereof.

(2) The order may be enforced as an order directing payment of money.

Appeals in Civil Cases

51.—(1) Any party aggrieved by the decision of the Registrar in a matter coming before him under Article 17 (2) may appeal to the Court for Kuwait.

(2) If, however, in any case the Court for Kuwait considers that the appeal should be heard by the Chief Court, it may refer it to the Chief Court and thereupon the Chief Court may order the appeal to be transferred to itself for hearing and determination.

52. Except by leave of the Chief Court, there shall be no appeal from a decision of the Court for Kuwait or of the Chief Court on appeal under Article 51.

53. Any party to an action in the Court for Kuwait who is aggrieved by the decision of the Court may appeal to the Chief Court.

54. Any party to an appeal to the Chief Court who is aggrieved by the decision of the Court under Article 53 may appeal to the Full Court with the leave of the Chief Court or the Full Court.

55. Any party to an action in which the Chief Court has exercised an original jurisdiction who is aggrieved by the decision of the Court may appeal to the Full Court.

56. The powers of the Full Court to grant leave to appeal may be exercised by a Judge of the Chief Court other than the Judge who heard the appeal in the Chief Court.

57.—(1) Any appeal shall be by way of a re-hearing. The appellate Court may take additional evidence or require such evidence to be taken.

(2) The appellate Court may—

(*a*) confirm, vary or reverse any decree or order appealed against and generally make such decree or order which, in the opinion of the appellate Court, the Court of original jurisdiction should have made ; provided that no decree shall be reversed or substantially varied on account of any error, defect or irregularity in any proceedings in the suit not affecting the merits of the case or the jurisdiction of the Court ; or

(*b*) direct that the case be retried.

58. No appeal shall lie in any of the following cases:—

(*a*) against an order allowing extension of time for appeal ;

(*b*) against an order which embodies an undertaking not to appeal ;

(*c*) against an order made with the consent of the parties ;

(*d*) unless by leave against an order as to costs only.

Part VII.—Appeals to Her Majesty in Council

59. There shall be no appeal to Her Majesty in Council from a decision of the Full Court except by leave of Her Majesty in Council.

60. An appellant who has obtained leave to appeal shall prepare his Record and prosecute his appeal in accordance with the Rules for the time being regulating the general practice and procedure in appeals to Her Majesty in Council.

61. Where Her Majesty in Council directs a party to bear the costs of an appeal, incurred in Kuwait, such costs shall be taxed by the proper officer of the Chief Court in accordance with the Rules for the time being regulating taxation in the Chief Court.

62. The Chief Court shall execute any Order which Her Majesty in Council may think fit to make on an appeal from a judgment of the Full Court in like manner as any original judgment of the Chief Court should or might have been executed.

PART VIII.—MIXED CASES: PERSONS NOT SUBJECT TO THIS ORDER AND PERSONS SUBJECT TO THIS ORDER

(a) *Criminal*

63.—(1) When any person not subject to this Order desires to institute a complaint against a person subject to this Order, the Court for Kuwait shall entertain the same, and shall (*a*) itself hear and determine the case, or (*b*) if both parties are Muhammadans, refer it, with their consent, to a Qadhi for decision, sending a representative of the Agency to record briefly the proceedings. Such decision when endorsed by the Court for Kuwait shall for all purposes be considered as if it were that of the Court for Kuwait.

(2) Provided that a person not subject to this Order shall, if so required by the Court for Kuwait, first obtain and file in the proper Office of the Court the consent, in writing, of the competent authority on behalf of the Ruler to his submitting, and that he shall submit by writing, to the jurisdiction of the Court, and, if required by the Court, give security to the satisfaction of the Court, and to such reasonable amount as the Court thinks fit, by deposit or otherwise, to pay fees, costs and damages, and abide by and perform the decision to be given by the Court or on appeal.

(3) A cross complaint shall not be brought in the Court for Kuwait against the complainant, being a person not subject to this Order.

64. When a person subject to this Order desires to institute a complaint against a person not subject to this Order, the Court for Kuwait shall entertain the same, and, after satisfying itself that *prima facie* grounds for complaint exist, shall cause the matter to be brought before and decided by the highest authority of the Ruler, or some person specially delegated by him for the purpose. The proceedings and final decision in a case shall not, however, be considered legal unless notice has been given and an opportunity afforded for the Political Agent or Officer appointed by him for the purpose to attend at the hearing and final decision.

(b) *Civil*

65.—(1) When any person not subject to this Order desires to bring a suit against a person subject to this Order, the Court for Kuwait shall admit the plaint, and may (*a*) itself hear and determine the case, or (*b*) with the consent of the several parties, refer it to one or more arbitrators for settlement:

(2) Provided that a person not subject to this Order shall, if required by the Court for Kuwait, first obtain and file in the proper Office of the Court the consent, in writing, of the competent authority on behalf of the Ruler, to his submitting, and that he shall submit by writing to the jurisdiction of the Court, and, if required by the Court, give security to the satisfaction of the Court, and to such reasonable amount as the Court thinks fit, by deposit or otherwise, to pay fees, costs, and damages, and abide by and perform the decision to be given by the Court or on appeal.

(3) The award of the arbitrator or arbitrators under sub-paragraph 1 (*b*) of this Article shall be final, and shall not be open to appeal unless such award shall within a reasonable time have been ordered by the Court for Kuwait to be set aside on the ground that it is not final, or is defective, or that the arbitrator or arbitrators have exceeded their authority, or have been guilty of misconduct in the matter.

(4) A cross suit shall not be brought in the Court for Kuwait against a plaintiff, being a person not subject to this Order, unless the first two conditions of paragraph (2) of this Article are fulfilled.

(5) Nothing herein mentioned shall prevent the Court for Kuwait from referring any matter in the progress of a suit which involves a point of Muhammadan law to a Qadhi for decision, or from sending any party or witness, being a Muhammadan, to a Qadhi for the administration of an oath.

66. When a person subject to this Order desires to institute a suit against a person not subject to this Order, the Court for Kuwait shall admit the same and after satisfying itself that *prima facie* grounds for bringing a suit exist, shall cause the matter to be brought before and decided by the highest authority of the Ruler, or some person specially delegated by him for the purpose. The proceedings and final decision in a case shall not, however, be considered legal unless notice has been given and an opportunity afforded for the Political Agent, or Officer appointed by him for the purpose, to attend at the hearing and final decision.

(c) *General*

67. Where a mixed case is dealt with by the Court for Kuwait under Articles 63 or 65 the provisions of Parts IV and VI of this Order with regard to appeals shall apply.

68.—(1) Where a person not subject to this Order obtains, in a Court established under this Order, a decree or order against a defendant, being a person subject to this Order, and in another suit that defendant is plaintiff and the person not subject to this Order is defendant the Court may, if it thinks fit, on the application of the person subject to this Order, stay the enforcement of the decree or order pending that other suit, and may set off any amount decreed or ordered to be paid by one party in one suit against any amount decreed or ordered to be paid by the other party in the other suit.

(2) Where a plaintiff, being a person not subject to this Order, obtains a decree or order, in a Court established under this Order, against two or more defendants being persons subject to this Order jointly, and in another suit one of them is a plaintiff and the person not subject to this Order is defendant, the Court may, if it thinks fit, on the application of the persons subject to this Order, stay the enforcement of the decree or order pending that other suit, and may set off any amount decreed or ordered to be paid by one party in one suit against any amount decreed or ordered to be paid by the other party in the other suit, without prejudice to the right of the person subject to this Order to obtain contribution from his co-defendants under the joint liability.

(3) Where in a suit a person not subject to this Order is co-plaintiff with a person subject to this Order, who is in Kuwait, it shall not be necessary for the person not subject to this Order to give security under this Article as regards fees and costs, unless the Court so directs, but the co-plaintiff person subject to this Order shall be responsible for all fees and costs.

69.—(1) Every agreement for reference to arbitration between a person subject to this Order on the one hand, and a person not subject to this Order on the other hand, may, on the application of any party, be filed for execution in the Office of the Court for Kuwait.

(2) The Court shall thereupon have authority to enforce the agreement and the award made thereunder and to control and regulate the proceedings before and after the award in such manner and on such terms as the Court may think fit, in concert with the Ruler or his representative.

70.—(1) Where it is proved that the attendance of a person subject to this Order, to give evidence, or for any other purpose connected with the administration of justice, is required before a Kuwait tribunal, the Court for Kuwait may, if it thinks fit, in a case and in circumstances in which the Court would require the attendance of that person before it, order that he do attend as required. The order may be made subject to such conditions as the Court for Kuwait thinks fit.

(2) If the person so ordered to attend, having reasonable notice of the time and place at which he is required to attend, fails to attend accordingly, and does not excuse his failure to the satisfaction of the Court for Kuwait, he shall, independently of any other liability, be liable to be punished with imprisonment not exceeding two months, or with a fine not exceeding 1,000 rupees, or with both.

71. When a person subject to this Order invokes or submits to the jurisdiction of a Kuwait tribunal, the Court for Kuwait may, on such evidence as it thinks fit to require, enforce payment of such fees and expenses in the same manner as if they were fees payable in a proceeding before itself, and shall pay over and account for the same, when levied, to the proper Kuwait authority, as it may direct. The Court for Kuwait may also enforce compliance with any judgment or order given by such tribunal against such person in the same manner as it may enforce compliance with a judgment or order given by itself.

72. If a person subject to this Order wilfully gives false evidence in a proceeding before a Kuwait tribunal, or in an arbitration between a person subject to this Order, on the one hand, and a person not subject to this Order on the other hand, he shall be guilty of the same offence, and shall be liable to the same punishment as if he had committed it in a proceeding before the Court for Kuwait.

PART IX.—MISCELLANEOUS PROVISIONS

73. The Judge of the Chief Court may, from time to time, make rules of procedure and other rules, consistent with this Order, for the better execution of the provisions herein contained in respect of any matter arising in the course of any civil or criminal case, including insolvency and bankruptcy proceedings. These rules shall be approved by the Secretary of State before they enter into force.

74.—(1) The Judge of the Chief Court may, from time to time, make rules imposing fees leviable in respect of any proceedings in, or processes issued out of, any Court established under this Order. These rules shall be approved by the Secretary of State, with the concurrence of the Treasury, before they enter into force.

(2) A Court before which any matter is pending may, in any case, if it thinks fit, on account of the poverty of a party, or for any other reason, dispense in whole or in part with the payment of any fees chargeable in respect of such matter.

75.—(1) All fees, charges, expenses, costs, fines, damages and other money payable under this Order or under any law made applicable by this Order, may be enforced under order of the Court by seizure and sale of goods, and in default of sufficient goods, by imprisonment as a civil prisoner for a term not exceeding one month, but such imprisonment shall not operate as a satisfaction or extinguishment of the liability.

(2) Any bill of sale or mortgage or transfer of property made with a view of avoiding such seizure or sale shall not be effectual to defeat the provisions of this Order.

(3) All fees, penalties, fines and forfeitures that may be levied under the provisions of this Order shall be applied in such manner as the Secretary of State, with the consent of the Treasury, may direct. However, the Court for Kuwait and the Chief Court may, in any criminal matter, where a fine has been ordered and paid, direct that a reasonable sum may be paid by way of compensation to a complainant in the proceedings who has suffered damage or incurred costs.

76. The Judges of the Chief Court or of the Court for Kuwait may exercise any power conferred on any Justices of the Peace within Her Majesty's dominions by any Act of Parliament, for the time being in force, regulating merchant seamen or the mercantile marine.

77.—(1) The Political Resident shall have power to make Regulations (to be called Queen's Regulations) for the peace, order and good government of persons subject to this Order.

(2) No Queen's Regulation under this Article shall conflict with any provision of this Order, except that the Schedules attached to this Order may be amended, modified or repealed.

(3) Without prejudice to the generality of paragraph (1) of this Article, the Political Resident may make Queen's Regulations for the following purposes:—

(*a*) For securing the observance of any treaty or arrangement for the time being in force, relating to any place within the limits of this Order, or of any local law or custom, whether relating to trade, commerce, revenue, or any other matter.

(*b*) For applying, amending, modifying or repealing with respect to Kuwait any Acts or enactments which apply, or are made applicable, or have been brought into operation in Kuwait, by or under any of the provisions of Article 12 of this Order, and where necessary and expedient substituting Regulations in their place.

(*c*) For regulating or preventing the importation or exportation of arms or munitions of war, or any parts or ingredients thereof, and for giving effect to any treaty relating to the importation or exportation of the same.

(*d*) For requiring returns to be made of the nature, quantity and value of articles exported from or imported into Kuwait, by or on account of any person subject to this Order, or in any British ship or aircraft, and for prescribing the times and manner at or in which, and the persons by whom, such returns are to be made.

(*e*) For the governance, visitation, care, and superintendence of prisons.

(*f*) For the recovery of lighting and other dues from shipping.

(*g*) For the registration and protection of patents, designs and trade marks.

(*h*) For regulating aviation and shipping.

(*i*) For the levy and payment of fees for services of the kind normally performed by consular officers or notaries public.

(*j*) For the defence or safety of Kuwait or of any other territories under the sovereignty or protection of Her Majesty.

(*k*) For the purposes specified in Article 8 (1) (i) (*g*) of this Order.

(*l*) For making this Order applicable with respect to the Neutral Zone and to persons, property rights and liabilities therein as if the Neutral Zone were within the limits of this Order, but subject to such conditions, adaptations, modifications and exceptions as may be specified.

78.—(1) Any person subject to this Order committing a breach of any Queen's Regulation shall be liable to any punishment, forfeiture or civil remedy therein prescribed.

(2) If no such punishment or civil remedy is prescribed, he shall, in addition to any forfeiture therein prescribed, be liable to imprisonment for a period not exceeding two years or to a fine not exceeding 1,500 rupees or to both.

79.—(1) Queen's Regulations shall not take effect until they are allowed by the Secretary of State; provided that in case of urgency declared in any such Regulations the same shall take effect before such allowance, and shall continue to have effect unless and until they are disallowed by the Secretary of State, and until notification of such disallowance is received and published by the Political Resident, and such disallowance shall be without prejudice to anything done or suffered under such Regulations in the meantime.

(2) All Queen's Regulations shall be published by the Political Resident in such manner and at such places as he may think proper.

(3) In this Order "breach of any Queen's Regulation" includes the breach of any local law or custom, the observance of which is required by any Queen's Regulations.

80. Judicial notice shall be taken of this Order and of the commencement thereof and of the appointment of the Political Resident, the Political Agent, the Assistant Political Agent, the Judge and Assistant Judges of the Chief Court, of the Judge and Assistant Judges of the Court for Kuwait, and of the Registrars and other officers of the Courts established under this Order, and of the seals and signatures of the Courts established under this Order, and of any Rules and Regulations made or in force under this Order, and of the appointment of the Judges and of the seals and signatures of the Courts established under the Bahrain, Qatar, Muscat and Trucial States Orders, and no proof shall be required of any such matter.

81. Not later than the thirty-first day of March in each year, or such other day as the Secretary of State directs from time to time, the Judge of the Chief Court shall send to the Secretary of State a report on the operation of this Order up to the thirty-first day of December in the previous year, or such other date as the Secretary of State directs from time to time, showing for the preceding twelve months the number and nature of the proceedings, criminal and civil, taken under this Order, and the result thereof, and the number and amount of fees received, and such other information, and being in such form as the Secretary of State from time to time directs.

82.—(1) As from the commencement of this Order the Kuwait Order, 1953(**a**), the Kuwait (Amendment) Order, 1954(**b**), the Kuwait (Amendment) Order, 1956(**c**), the Kuwait (Amendment No. 2) Order, 1956(**d**) and the Kuwait (Amendment) Order, 1957(**e**), shall be repealed; but this repeal shall not—

(*a*) affect the past operation of those Orders or any appointment made, or any right, title, obligation, or liability accrued, or the validity or invalidity of anything done or suffered under those Orders, before the making of this Order;

(*b*) interfere with the institution or prosecution of any proceedings or action, criminal or civil, in respect of any offence committed against or forfeiture

(a) S.I. 1953/1211 (1953 I, p. 931). (b) S.I. 1954/1702 (1954 I, p. 1029).
(c) S.I. 1956/828 (1956 I, p. 1113). (d) S.I. 1956/2034 (1956 I, p. 1115).
(e) S.I. 1957/1526 (1957 I, p. 1227).

incurred or liability accrued under or in consequence of any provision of those Orders or any regulation confirmed by any such Orders or made thereunder;

(*c*) take away or abridge any protection or benefit given or to be enjoyed in relation thereto.

(2) Notwithstanding the repeal of the Orders aforesaid, all rules and regulations approved or confirmed by or under such Orders so repealed shall continue and be as if this Order had not been made; but so that the same may be revoked, altered, or otherwise dealt with under this Order, as if they had been made under this Order.

(3) Criminal or civil proceedings begun under the Orders repealed by this Order, and pending at the time when this Order comes into operation, shall, from and after that time, be regulated by the provisions of this Order, as far as the nature and circumstances of each case admit.

83.—(1) A printed copy of this Order, and of all Rules and Regulations for the time being in force under this Order, shall be kept open to inspection free of charge in the Office of the Political Agent and of each Court established under this Order.

(2) Printed copies thereof shall be sold in Kuwait at such reasonable price as the Political Resident from time to time directs.

84. This Order shall come into force on the 1st day of July, 1959.

The Right Honourable Selwyn Lloyd, Her Majesty's Principal Secretary of State for Foreign Affairs, is to give the necessary directions herein.

W. G. Agnew.

FIRST SCHEDULE

Indian Acts applied

The Indian Divorce Act, 1869 (Act IV of 1869), except so much as relates to divorce and nullity of marriage.

The Indian Court Fees Act, 1870 (Act VII of 1870), except so much as relates to criminal proceedings and to Civil and Criminal Appeals and to grants of probate and letters of administration with or without will annexed.

The Indian Evidence Act, 1872 (Act I of 1872), except so much as relates specifically to criminal matters.

The Indian Contract Act, 1872 (Act IX of 1872).

The Indian Christian Marriage Act, 1872 (Act XV of 1872).

The Indian Oaths Act, 1873 (Act X of 1873), except so much as relates to criminal matters.

The Indian Majority Act, 1875 (Act IX of 1875).

The Births, Deaths and Marriages Registration Act of 1886 (Act VI of 1886).

So much of the Indian Post Office Act, 1898 (Act VI of 1898) as relates to offences against the Post Office.

The Code of Civil Procedure, 1908 (Act V of 1908), except Sections 96-112 inclusive and Orders XLI-XLV inclusive.

The Indian Limitation Act, 1908 (Act IX of 1908), except in so far as it relates to appeals and applications for leave to appeal.

The Indian Lunacy Act, 1912 (Act IV of 1912).

The Indian Companies Act, 1913, Part IX (Act VII of 1913).

And the enactments relating to insolvency and bankruptcy in force in the Presidency of Bombay beyond the limits of the ordinary original jurisdiction of the High Court of Judicature of Bombay.

Adaptations and Modifications

1. The enactments contained in this Schedule shall, as from the date of the commencement of the Order, apply to all persons subject to the Order as they applied on the 14th August, 1947, including any enactments modifying the same in force at that date in the Province of Bombay, subject to the adaptations and modifications set out below.

(i) All references in the said enactments to "British India" or "India" or any part thereof shall, except where the context otherwise requires, be construed as references to the limits of this Order and all references therein to the "Central Government" and the "Provincial Government" shall, except as otherwise provided or where the context otherwise requires, be construed as references to the Secretary of State and Political Resident respectively.

(ii) For the purpose of facilitating the application of the said enactments, the Political Resident may, by order in writing, direct by what officers any power conferred by the said enactments on authorities other than the Central Government and the Provincial Government shall be exercisable.

(iii) However, the powers of both the Central Government and the Provincial Government shall be exercised by the Secretary of State under the Code of Criminal Procedure, the Code of Civil Procedure and other Indian enactments relating to the administration of criminal and civil justice and to insolvency and bankruptcy.

2. The Court may construe any of the enactments set out in this schedule with such alterations not affecting the substance as may be necessary or proper to adapt the same to the matter before the Court.

3. Where, under any such Act, Law, or Order, any publication is required to be made as respects any judicial proceeding in any "Gazette" or otherwise, such publication shall be made by such mode as the Court shall think fit to direct.

4. With respect to the Births, Deaths and Marriages Registration Act, 1886, the Political Agent shall be deemed to be Registrar General of births, deaths and marriages and Registrar of births and deaths.

5. With respect to "The Indian Christian Marriage Act, 1872," the Political Agent shall be deemed to be Marriage Registrar.

SECOND SCHEDULE

ACTS OF PARLIAMENT OF THE UNITED KINGDOM AND ORDERS IN COUNCIL APPLIED

The Admiralty Offences (Colonial) Acts, 1849 and 1860(a).

The Foreign Tribunals Evidence Act, 1856(b).

The Evidence by Commission Acts, 1859 and 1885(c).

The British Law Ascertainment Act, 1859(d).

The Foreign Law Ascertainment Act, 1861(e).

The Fugitive Offenders Act, 1881(f).

The Colonial Prisoners Removal Act, 1884(g).

The Merchant Shipping Act, 1894, Part XIII(h).

The Foreign Jurisdiction Neutrality Order in Council, 1904(i).

The Foreign Jurisdiction (Admiralty) Order in Council, 1910(j).

The Foreign Jurisdiction (Military Forces) Order in Council, 1927(k).

(a) 12 & 13 Vict. c. 96 and 23 & 24 Vict. c. 122. (b) 19 & 20 Vict. c. 113.
(c) 22 Vict. c. 20 and 48 & 49 Vict. c. 74. (d) 22 & 23 Vict. c. 63.
(e) 24 & 25 Vict. c. 11. (f) 44 & 45 Vict. c. 69. (g) 47 & 48 Vict. c. 31.
(h) 57 & 58 Vict. c. 60. (i) S.R. & O. 1904/1654 (Rev. VIII, p. 777: 1904, p. 174.)
(j) S.R. & O. 1910/1183 (Rev. VIII, p. 760: 1910, p. 131).
(k) S.R. & O. 1927/359 (Rev. VIII, p. 765: 1927, p. 478).

Exceptions, Adaptations and Modifications

1. References in any of the said Acts or Orders to the Governor of a Colony or British Possession shall be construed as references to the Political Resident and references to a Superior Court or Supreme Court shall be construed as references to the Full Court or the Chief Court and references to a Magistrate or Justice of the Peace of a Colony or British Possession shall be construed as references to the Court for Kuwait.

2. With respect to the Fugitive Offenders Act, 1881:—

(*a*) The Act shall extend only to British subjects.

(*b*) So much of the 4th and 5th sections of the said 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. However the Court for Kuwait shall inform the fugitive that in the British Possession to which he may be conveyed he has the right to apply for a writ of *habeas corpus* or other like process.

(*c*) So much of the 6th section of the said Act as requires the expiration of fifteen days before issue of warrant shall be excepted.

(*d*) The Political Resident 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.

(*e*) For the purposes of Part II of the said Act, Muscat and Oman, Bahrain, Kuwait, Qatar and the Trucial States shall be deemed to be one group of British Possessions.

3. With respect to the Colonial Prisoners Removal Act, 1884:—

This shall apply as if Kuwait were a British Possession, but references to the Governor of a British Possession shall be construed as references to the Political Resident.

4. With respect to the Foreign Jurisdiction (Admiralty) Order in Council, 1910:—

(*a*) The Chief Court shall have the jurisdiction conferred by Article 4 of that Order and the Court for Kuwait shall be deemed a provincial court and the Registry thereof a district Registry within the meaning of the said Order.

(*b*) Admiralty actions commenced in the said Registry shall be tried in the Court for Kuwait unless the Chief Court is at the time sitting within the limits of this Order, or unless all parties agree that the action shall be tried in the Chief Court sitting elsewhere than within the limits of this Order.

(*c*) The duties of the Registrar and of the Marshal under the said Order shall, in the Chief Court or in the Court for Kuwait, be performed by such Officers as the Chief Court shall direct.

5. The provisions of Article 25, paragraphs (1) and (2), of the Order shall be deemed to be adaptations, for the purposes of this Order and of the Foreign Jurisdiction Act, 1890, of the following enactments:—

The Admiralty Offences (Colonial) Act, 1849.

The Admiralty Offences (Colonial) Act, 1860.

The Merchant Shipping Act, 1894, Part XIII.

6. Where, under any Act, Law, or Order referred to in this Schedule, any publication is required to be made as respects any judicial proceeding in any "Gazette" or otherwise, such publication shall be made by such mode as the Court shall think fit to direct.

THIRD SCHEDULE

MISCELLANEOUS PROVISIONS

1.—(1) If any person subject to this Order does any of the following things, namely:—

(*a*) Wilfully by act or threat obstructs any Officer of, or person executing any process of, the Court in the performance of his duty; or

(*b*) Within or close to the room or place where the Court is sitting wilfully misbehaves in a violent, threatening, or disrespectful manner to the disturbance of the Court, or to the intimidation of suitors or others resorting thereto; or

(*c*) Wilfully insults any members of the Court, or any assessor, or any person acting as a Clerk or officer of the Court during his sitting or attendance in Court, or in his going to or returning from Court;

such person shall be liable to be apprehended by order of the Court with or without warrant, and, on enquiry and consideration, and after the hearing of any defence which such person may offer, without further process of trial, to be punished with a fine not exceeding 100 rupees, or with imprisonment not exceeding twenty-four hours.

A Minute shall be made and kept of every such case of punishment, recording the facts of the offence and the extent of the punishment.

Provided that, if the Court thinks fit, instead of proceeding under the preceding provisions, it may direct or cause the offender to be tried in a separate criminal prosecution under the Penal Code.

Nothing herein shall interfere with the power of the Court to remove or exclude persons who interrupt or obstruct the proceedings of the Court.

(2) The provisions of paragraph (1) of this Article shall also apply if any person subject to this Order does any of the acts enumerated in sub-paragraphs (*b*) or (*c*) thereof in relation to a punch, majlis or jama'ah to which a matter has been referred under Article 48 (1), or in relation to a Qadhi to whom a matter has been referred under Article 48 (2), 49, 63 (1) or 65 (5), or in relation to an arbitrator to whom a matter has been referred under Article 64 (1) or 68, or in relation to an authority to which or a person to whom a matter has been referred under Article 63 or 65.

2. Where any printed or written newspaper or other publication containing seditious matter is printed, published, or offered for sale within the limits of this Order by a company other than a company incorporated under a law enacted by the Ruler, the Court may, after notice to the company, and on proof of the facts, require the company to give security to abstain from such printing, publishing, or offering for sale in future. If the company fail to give security, or if the company is shown to have again printed, published, or offered for sale such newspaper, or other publication containing seditious matter after giving such security, the Court may make an order prohibiting the company from carrying on business within the limits of the Order, and may make such other orders as to the Court may seem just. The Court may also declare all the property of the company within the limits of the Order to be forfeited to Her Majesty, and shall dispose of it, subject to any general or special directions of the Secretary of State, as it thinks fit.

3.—(1) If a Clerk or Officer of the Court acting under pretence of the process or authority of the Court, is charged with extortion, or with not paying over money duly levied, or with other misconduct, the Court may, if it thinks fit, enquire into the charge in a summary way, and may for that purpose summon and enforce the attendance of all necessary persons as in a suit, and may make such order for the repayment of any money extorted, or for the payment over of any money levied, and for payment of such damages and costs as the Court thinks fit.

(2) The Court may also, if it thinks fit, on the same enquiry impose on the Clerk or Officer a fine, not exceeding 500 rupees for each offence.

(3) A Clerk or Officer punished under this Article shall not, without the leave of the Court, be liable to a civil suit in respect of the same matter; and any such suit, if already or afterwards begun, may be stayed by the Court in such manner and on such terms as the Court thinks fit.

(4) Nothing in this Article shall be deemed to prevent any person from being prosecuted under any other legal provision which is applicable for any act or omission punishable under this Article, or from being liable under that other law to any other or higher punishment or penalty than that provided by this Article; provided that no person shall be punished twice for the same offence.

4. The Court shall have jurisdiction from time to time to make an order requiring a person subject to this Order to contribute in such manner as the Court directs to the support of his wife, or to the support of his or her child, whether legitimate or not, being in the opinion of the Court under the age of 16 years. Any such order may be made in a summary way as if the neglect to provide for the support of such wife or child were an offence, and any failure to comply with any such order shall be deemed to be an offence, and shall be punishable with a fine not exceeding by more than 100 rupees the amount unpaid under the said order, and the Court may direct any penalty imposed for such offence to be applied for the support of such wife or child in such manner as the Court thinks fit.

5.—(1) Persons subject to this Order are prohibited from alienating to or acquiring from any person of whatever nationality any land or house property within the limits of this Order, either by gift, purchase, mortgage, or other form of conveyance, without due execution of signature before and registration by the Political Agent previous to the transfer of such property.

Any person subject to this Order charged with any breach of this sub-section shall be liable, on conviction, to a fine not exceeding 500 rupees, or the total value of the property purporting to be so transferred (whichever is greater), or imprisonment not exceeding one calendar month, or both.

(2) Any such deed, or instrument of gift, purchase, mortgage, or other form of conveyance, purporting to transfer property otherwise than in accordance with the provision of (1) above may, on that ground alone, be declared void and of no effect by any Court acting under this Order.

Registration

6. A register of persons subject to this Order (other than corporations) shall be kept in the Political Agency. Nevertheless the failure of any such person to register shall not affect the jurisdiction of the Courts established by this Order in respect of him.

7. A person subject to this Order arriving within the limits of this Order shall apply for registration at the Political Agency within one month after his arrival. Every person subject to this Order (other than a corporation) resident within the limits of this Order shall, in the month of January of each year, apply for renewal of his registration at the Political Agency. Nevertheless a person who fails to apply for or to obtain registration within the time permitted by this Article may be registered at any time.

8. Where a person is in possession of a valid passport, the Political Agent shall, on the first registration of any such person, endorse on the passport without further fee than that provided for in Article 10 of this Schedule a certificate of registration in such form as may be prescribed by the Secretary of State. Where any such person applies for the renewal of the registration and produces his passport, the renewal of the registration shall, without further fee than that provided for in the said Article 10, be endorsed thereon.

9. Every person, who has not previously been registered, applying to be registered under this Schedule shall, unless excused by the Political Agent, attend personally for that purpose at the Political Agency; but any person applying for the renewal of his registration need not attend personally unless directed by the Political Agent so to do, provided that the registration of the wife or wives of a man who is registered under this Schedule may, if she or they be living with him, be effected without their personal attendance being required, and provided also that the registration of minors, being his relatives in whatever degree, living with the head of a family who is registered under this Schedule, may be effected without their personal attendance being required.

10. Every person shall, on every registration of himself and on every renewal of registration, pay a fee of one rupee, or such other fee as the Secretary of State from time to time appoints. The amount of the fee so appointed may be uniform for all persons, or may vary according to the position and circumstances of different classes, if the Secretary of State from time to time so directs, but may not in any case exceed 3 rupees.

11. Where any person applies to be registered, he shall be entitled without a fee to the assistance of the Political Agent in the preparation of any affidavit that may be required.

12. The Political Agent may require the production of such evidence that an applicant for registration is a person subject to this Order as he may see fit, but subject to such directions as may be issued by the Secretary of State.

13. Any person subject to this Order who without reasonable excuse neglects to obtain registration within the time limits fixed by Article 7 of this Schedule shall be liable to a fine not exceeding 25 rupees for each instance of such failure.

14. A register of companies, other than those incorporated under a law enacted by the Ruler, carrying on business in Kuwait shall be kept in the Political Agency, and every such company carrying on business in Kuwait shall register there.

15. On the registration of a company at the Political Agency there shall be deposited and filed a copy of the certificate of incorporation of the company or other document corresponding thereto and a statement showing the nominal capital of the company and the amounts thereof which have been subscribed and paid up respectively.

16. The Political Agent shall, on the registration of a company at the Political Agency, issue to the person making the registration a certificate, signed and sealed, that the company has been so registered.

17.—(1) Every company registered under this Schedule shall register the name and address of the manager or other chief local representative in Kuwait, and shall from time to time, as may be necessary, register any alteration of the representative of the company or in his address.

(2) Rules of Court made under Article 72 of this Order may provide that service of writs, notices, or other documents upon the person registered under this Article, or at his address, shall be good service of such documents upon the company.

18. Registration of a company under this Schedule shall be renewed in the month of March of each year, but it shall also be renewed at once when any change takes place in the name of the company.

19. On every registration of a company under this Schedule, and on every renewal thereof, there shall be payable a fee of 10 rupees, and on every registration under Article 17 (1) of this Schedule there shall be payable a fee of 5 rupees.

20. Any company failing to make such registration as required by Articles 14 and 17 of this Schedule or to deposit or file such documents as required by Article 15 of this Schedule or to renew such registration as required by Article 18 of this Schedule and every Director, Manager, Secretary or other officer who is knowingly a party to such default shall be guilty of an offence under this Order, and on proof thereof shall be liable to a fine not exceeding 15 rupees a day for every day during which such offence continues, but not exceeding in all 500 rupees.

EXPLANATORY NOTE

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

1. The main purpose of the amendments made by this Order is so far as possible to relieve Foreign Service Officers holding political appointments in Kuwait of their judicial functions.

2. Hitherto the Political Resident has been the Judge of Her Majesty's Chief Court for the Persian Gulf and the Secretary of State has had power to appoint persons holding legal qualifications as Assistant Judges of the Chief Court. In future the Judge of the Chief Court will be appointed by Her Majesty by Warrant under Her Royal Sign Manual from among persons who have held judicial office under the Crown or hold legal qualifications, and the Secretary of State will have power to appoint persons similarly qualified to be Assistant Judges.

3. Similarly the Political Agent has hitherto been the Judge of the Court for Kuwait and the Assistant Political Agent and such other persons as the Secretary of State might appoint have been Assistant Judges. In future the Judge and any Assistant Judges of the Court for Kuwait will be appointed by the Secretary of State from among persons holding legal qualifications.

4. The provisions of the previous Order concerning the administration of deceased estates are repealed since appropriate provisions have now been made by Queen's Regulation.

5. Certain of the Indian Acts applied by the First Schedule and certain of the Miscellaneous Provisions in the Third Schedule of the previous Order have been replaced by Queen's Regulations and are therefore omitted from the Schedules to this Order.

6. The opportunity has been taken of making certain minor amendments which have been shown to be necessary or desirable.