COURTS

1957 No. 2167

The Leeward Islands and Windward Islands (Courts) (Amendment) Order in Council, 1957

Made - - - - 13*th December*, 1957
Coming into force - 3*rd January*, 1958

At the Court at Buckingham Palace, the 13th day of December, 1957

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of Her powers under the Leeward Islands Act, 1956(**a**), the Dominica Act, 1938(**b**), and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows :—

Citation, construction and commencement

1.—(1) This Order may be cited as the Leeward Islands and Windward Islands (Courts) (Amendment) Order in Council, 1957, and shall be construed as one with the Leeward Islands and Windward Islands (Courts) Orders in Council, 1939 to 1954(**c**).

(2) The Leeward Islands and Windward Islands (Courts) Orders in Council, 1939 to 1954, and this Order may be cited together as the Leeward Islands and Windward Islands (Courts) Orders in Council, 1939 to 1957.

(3) This Order shall come into force on the 3rd day of January, 1958.

Amendment of principal Order

2. Subsection (1) of section 2 of the Leeward Islands and Windward Islands (Courts) Order in Council, 1939(**d**) (hereinafter referred to as " the principal Order ") is hereby amended by the insertion after the definition of " Chief Justice " of the following new definition, that is to say:—

" ' the Federal Supreme Court ' means the Federal Supreme Court established by the Constitution of the West Indies(**e**) ; "

(**a**) 4 & 5 Eliz. 2. c. 23. (**b**) 1 & 2 Geo. 6. c. 10.
(**c**) S.R. & O. 1939/1898 (Rev. XII, p. 391: 1939 II, p. 1849); S.I. 1949/600, 1954/1040 (1949 I, p. 2447; 1954 II, p. 2947): and see also 4 & 5 Eliz. 2. c. 23, s. 4(2), sch.
(**d**) S.R. & O. 1939/1898 (Rev. XII, p. 391: 1939 II, p. 1849).
(**e**) Annex to S.I. 1957/1364 (p. 211 below).

3. The principal Order is hereby amended by the insertion after sections 7 and 14 respectively of the following two new sections, that is to say:—

"Supreme Court not to have jurisdiction where Federal Supreme Court has exclusive original jurisdiction.

7A. Notwithstanding anything contained in section 7 of this Order, the Supreme Court shall not have jurisdiction other than appellate jurisdiction in any case in which such jurisdiction is exercisable by the Federal Supreme Court to the exclusion of the Supreme Court by virtue of the Constitution of the West Indies or of any law made thereunder.

Court of Appeal not to have jurisdiction where Federal Supreme Court has exclusive appellate jurisdiction.

14A.—(1) Notwithstanding anything contained in section 13 or section 14 of this Order or in any Order made under subsection (2) of section 14 of this Order, the Court of Appeal shall not have jurisdiction to hear and determine an appeal from the Supreme Court in any case in which such jurisdiction is exercisable by the Federal Supreme Court to the exclusion of the Court of Appeal by virtue of any law made under the Constitution of the West Indies or under the Virgin Islands (Appeals) Order in Council, 1957(a).

(2) References in this section to jurisdiction to hear and determine an appeal from the Supreme Court shall be construed as including references to jurisdiction to hear and determine a question of law reserved or a case stated by that Court."

W. G. Agnew.

EXPLANATORY NOTE

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

This Order amends the Leeward Islands and Windward Islands (Courts) Order in Council, 1939, so as to provide—

(*a*) that the Supreme Court of the Windward Islands and Leeward Islands shall not have original jurisdiction in any case in which exclusive original jurisdiction is exercisable by the Federal Supreme Court established by the Constitution of the West Indies; and

(*b*) that the Court of Appeal for the Windward Islands and Leeward Islands shall not have jurisdiction to hear an appeal from the Supreme Court in any case in which exclusive jurisdiction to hear such an appeal is exercisable by the Federal Supreme Court.

(a) S.I. 1957/1746 (p. 198 below).