STATUTORY INSTRUMENTS

1963 No. 1921

JUDICIAL COMMITTEE

The Mauritius and Seychelles (Appeal to Privy Council) Order 1963

Made - - - - 27th November 1963

At the Court at Buckingham Palace, the 27th day of November 1963

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers in that behalf by section 1 of the Judicial Committee Act 1844(a) or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Citation, construction and commencement.

1.—(1) This Order may be cited as the Mauritius and Seychelles (Appeal to Privy Council) Order 1963, and shall be construed as one with the Order in Council of 15th February 1909(b), regulating appeals from the Supreme Court of Mauritius to Her Majesty in Council (hereinafter called " the principal Order ").

(2) The principal Order may be cited as the Mauritius and Seychelles (Appeal to Privy Council) Order 1909 and the principal Order and this Order may be cited together as the Mauritius and Seychelles (Appeal to Privy Council) Orders 1909 and 1963.

Amendment of article 2 of Order of 1909.

2. Article 2 of the principal Order is amended by the deletion of the definitions of " Judgment " and " Court " and the substitution of the following definitions:—

" Judgment " means a judgment given in exercise of any jurisdiction conferred by any law in force in Mauritius or Seychelles and includes a decree, order, sentence or decision;

" Court " means—

(*a*) the Court of Civil Appeal of Mauritius; or

(*b*) the Supreme Court of Mauritius when sitting with two or more judges for the purpose of any proceeding.

Revocation of article 4 of Order of 1909.

3. Article 4 of the principal Order is revoked.

Pending proceedings.

4.—(1) Any appeal from any judgment of the Supreme Court of Mauritius commenced before the commencement of this Order may be continued and concluded in accordance with the provisions of the principal Order, as amended by this Order, as if it were an appeal from a judgment of the Court.

(a) 7 & 8 Vict. c. 69. (b) Rev. XI, p. 403: S.R. & O. 1909, p. 822.

(2) Any Order that Her Majesty in Council may see fit to make on any such appeal or any Order on an appeal from the Supreme Court of Mauritius made before the commencement of this Order, but not enforced before such commencement, may be enforced as if it were an Order made on an appeal from a judgment of the Court.

W. G. Agnew.

EXPLANATORY NOTE

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

This Order makes provision in relation to appeals from the Court of Civil Appeal of Mauritius (which deals with appeals from Seychelles as well as Mauritius) to Her Majesty in Council.