MOROCCO

1956 No. 1896

The Morocco (Former Spanish Zone) Order, 1956

Made - - - -	*29th November*, 1956
Laid before Parliament	*5th December*, 1956
Coming into Operation	*6th December*, 1956

At the Court at Buckingham Palace, the 29th day of November, 1956

Present,

The Queen's Most Excellent Majesty in Council

Whereas by treaty, grant, usage, sufferance, and other lawful means Her Majesty the Queen possesses jurisdiction within the former Spanish Zone of the Shereefian Empire:

And Whereas by a Declaration made on the 22nd November, 1956, Her Majesty's Government have renounced such jurisdiction possessed by Her Majesty in the former Spanish Zone of the Shereefian Empire as from the 6th December, 1956, save as provided in the said Declaration with regard to cases instituted before the 6th December, 1956:

And Whereas it is expedient that the Morocco Orders in Council, 1889–1933, Consolidated, should be repealed in their application to the former Spanish Zone, save in so far as they should continue to be applied for the conclusion of cases instituted before the 6th December, 1956:

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

1.—(1) This Order shall come into operation on the 6th December, 1956.

(2) This Order may be cited as the Morocco (Former Spanish Zone) Order, 1956.

(3) Judicial notice shall be taken of this Order.

2. Subject to the provisions of Article 4 of this Order, the Morocco Orders in Council, 1889–1933, Consolidated(b), the Morocco Fees Order in Council, 1892(c), the Foreign Jurisdiction Neutrality Order in Council, 1904(d), the Foreign Jurisdiction (Military Forces) Order in Council, 1927(e), and the Foreign Jurisdiction (Probates) Order in Council, 1935(f), and all Rules and Regulations made, approved or confirmed under those Orders are hereby repealed in their application to the former Spanish Zone, but

(a) 53 & 54 Vict. c. 37 and 3 & 4 Geo. 5. c. 16.
(b) The Morocco Order in Council, 1889, as amended by S.R. & O. 1914/1616, 1922/287, 1929/211, 1933/1193 (*see* Rev. VIII, pp. 534, 574, 575, 583: 1914 I, p. 633; 1922, p. 322; 1929, p. 483; 1933, p. 836).
(c) Rev. VIII, p. 591.
(d) S.R. & O. 1904/1654 (Rev. VIII, p. 777: 1904, p. 174).
(e) S.R. & O. 1927/359 (Rev. VIII, p. 765: 1927, p. 478).
(f) S.R. & O. 1935/896 (Rev. VIII, p. 785: 1935, p. 522).

this repeal shall not affect any appointment made, or any right, title, obligation, or liability incurred, or the validity or invalidity of anything done or suffered under any of those Orders, Rules or Regulations in the former Spanish Zone before the coming into operation of this Order.

3. After the coming into operation of this Order, no new proceeding shall be instituted before the Court for Morocco in the former Spanish Zone, or before the Supreme Court for Gibraltar in the exercise of its jurisdiction under the Morocco Orders in Council, 1889–1933, Consolidated, as regards the former Spanish Zone.

4. Criminal and civil proceedings regularly instituted in the former Spanish Zone before the coming into operation of this Order shall be continued under the Orders, Rules and Regulations repealed by this Order and the same appeals may be heard or orders made therein, as if this Order had not been made.

5.—(1) As soon as all proceedings referred to in Article 4 of this Order have been completed, the Consul-General shall so inform Her Majesty's Principal Secretary of State for Foreign Affairs and, having obtained the concurrence of the Secretary of State to this effect, shall cause notices to be affixed and exhibited at every Consulate in the former Spanish Zone stating that the Court for Morocco in the former Spanish Zone is closed.

(2) For the purposes of this Article any proceeding shall be deemed to be completed as soon as a final judgment has been given which is not subject to appeal:

Provided that:

(*a*) in the case of a civil proceeding the proceeding shall not be deemed to be completed, while the judgment remains unsatisfied and it is still open to the party in whose favour it has been given to execute it unless the court decides that the said party has not been diligent in executing the judgment or that there is no longer any reasonable ground for supposing that the judgment can be successfully executed in the former Spanish Zone under the Orders and Rules repealed by this Order;

(*b*) in the case of a criminal proceeding the proceeding shall be deemed to be completed if the accused person is not brought to trial within three months from the coming into operation of this Order.

6. After the closure of the Court for Morocco in the former Spanish Zone, the judicial records of the Court for Morocco in the former Spanish Zone shall all be collected and retained at the Consulate-General. These records shall be made available to the tribunals of the former Spanish Zone whenever these tribunals require them for the purpose of cases within their jurisdiction. Certified copies of these records will be furnished by the Consul-General, on request, to the said tribunals, to the competent authorities of the Zone and to any properly interested party, on payment of such fees as may from time to time be fixed by Her Majesty's Principal Secretary of State for Foreign Affairs.

7. The Consul-General may, on a request to this effect being received by the tribunals of the former Spanish Zone, the competent authorities of the Zone or any properly interested party, deliver, without the payment of any fee, a certificate stating whether any decision, given by the Court for Morocco in the former Spanish Zone or the Supreme Court for Gibraltar in the exercise of its jurisdiction under the Morocco Orders in Council, 1889–1933, Consolidated, as regards the former Spanish Zone, is or is not a final decision.

8. In this Order the expression "Consul-General" means Her Majesty's Consul-General at Tetuan for the time being including any person acting temporarily with the approval of the Secretary of State as and for this officer; and the expression "Consulate-General" means Her Majesty's Consulate-General at Tetuan.

And the Right Honourable Selwyn Lloyd, one of Her Majesty's Principal Secretaries of State, is to give the necessary directions herein.

W. G. Agnew.

EXPLANATORY NOTE

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

This Order gives effect to a Declaration made on the 22nd November, 1956, by Her Majesty's Government in the United Kingdom whereby a renunciation was made, as from 6th December, 1956, of the jurisdiction possessed by Her Majesty in the former Spanish Zone of Morocco. It makes provision for an orderly termination of the functions of the Court for Morocco and contains safeguards with regard to the continuance of cases regularly instituted before the Court prior to the date of renunciation of jurisdiction.

NATIONAL DEBT

1956 No. 155

The Exchange of Securities Rules, 1956

Made - - - - 10*th February,* 1956
Coming into Operation 14*th February,* 1956

The Lords Commissioners of Her Majesty's Treasury, in pursuance of the powers conferred on them by subsection (2) of section two of the National Loans Act, 1939(**a**), and of all other powers enabling them in that behalf, hereby make the following Rules:—

Definitions

1. In these Rules the following expressions have the meanings hereby assigned to them respectively, that is to say—

"new securities" means 4 per cent. Defence Bonds (Conversion Issue) offered to holders of 2½ per cent. Defence Bonds in the terms of the notice dated the 14th February, 1956;

"old securities" means any securities which under the terms of that notice may be exchanged for new securities;

"appropriate authority" means, in relation to an acceptance of the offer of exchange, the person with whom the acceptance is required by these Rules to be lodged;

"the committee" includes, in relation to a holder, a person authorised under section one of the Lunacy Act, 1908(**b**), to exercise in relation to the holder any of the powers of a committee, and a person appointed under section one hundred and thirty-two of the Lunacy Act, 1890(**c**), by a judge of county courts to realise the property of the holder, and, in the application of these Rules to Scotland, means a curator bonis, guardian or tutor;

"holder" means the holder of any old securities.

(**a**) 2 & 3 Geo. 6. c. 117. (**b**) 8 Edw. 7. c. 47. (**c**) 53 & 54 Vict. c. 5.