1962 No. 168

MUSCAT

The Muscat (Amendment) Order, 1962

Made - - - -	*25th January*, 1962
Laid before Parliament	*31st January*, 1962
Coming into Operation	*1st February*, 1962

At the Court at Sandringham, the 25th day of January, 1962

Present,

The Queen's Most Excellent Majesty in Council

Whereas by Treaty, grant, usage, sufferance and other lawful means Her Majesty the Queen has jurisdiction within the territories of the Sultan of Muscat and Oman;

And Whereas provision was made for the exercise of such jurisdiction by the Muscat Order, 1955(a), as amended by the Muscat (Amendment) Order, 1958(b), and the Muscat (Amendment) Order, 1959(c), (hereinafter referred to together as "the principal Order");

And Whereas it is now expedient to make certain amendments to the principal Order;

Now, therefore, Her Majesty, by virtue and in exercise of the powers in this behalf by the Foreign Jurisdiction Acts, 1890 and 1913(d), 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. In Article 4 of the principal Order, after the definition of the expression "The Court", the following shall be inserted:—

"'Leased area" means the area leased by the Sultan of Muscat and Oman to Her Majesty's Government in the United Kingdom on the island of Masirah."

2. Paragraphs (1) and (2) of Article 8 of the principal Order shall be amended to read as follows:—

"(1) (i) Any member of Her Majesty's naval, military or air forces, or of any levy or police force raised by or under the authority of Her Majesty, operating in Muscat with the Sultan's consent or seconded to the Sultan's armed forces.

(ii) Civilian persons accompanying any of the forces referred to in sub-paragraph (i) of this paragraph except the following:—

(*a*) Subjects of the Sultan;

(*b*) Muhammadans.

(iii) Her Majesty's consular officers.

(a) S.I. 1955/1641 (1955 I, p. 1211). (b) S.I. 1958/144 (1958 I, p. 1522).
(c) S.I. 1959/1037 (1959 I, p. 1803). (d) 53 & 54 Vict. c. 37 and 3 & 4 Geo. 5. c. 16.

(iv) All Commonwealth citizens and British protected persons except the following:—

(*a*) Citizens of the Republic of India;

(*b*) Citizens of the Republic of Pakistan;

(*c*) Persons who are subjects of the Rulers of Bahrain, Qatar or any of the Trucial States;

(*d*) British protected persons from the States of the Aden Protectorate;

(*e*) British protected persons from Zanzibar;

(*f*) Muhammadans.

(v) Corporations incorporated in any part of Her Majesty's dominions, protectorates or protected states, other than those incorporated in Zanzibar or the States of the Aden Protectorate or in Bahrain, Qatar or the Trucial States under a law enacted by the Ruler of the State concerned.

(vi) Such other persons or classes of persons as may be agreed from time to time between Her Majesty's Government in the United Kingdom and the Sultan and specified by Queen's Regulation made under Article 81 of this Order.

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

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

(i) in the case of members of Her Majesty's naval, military or air forces of the United Kingdom, Australia, New Zealand or the Federation of Rhodesia and Nyasaland, or of any levy or police force raised by or under the authority of Her Majesty, operating in Muscat with the Sultan's consent or seconded to the Sultan's armed forces, the said powers shall not, without the Sultan's concurrence, extend to civil suits involving claims arising out of any acts or omissions committed when not on duty and outside the limits of the leased area;

(ii) in the case of members of Her Majesty's naval, military or air forces other than those referred to in sub-paragraph (i) of this paragraph, the said powers shall not, without the Sultan's concurrence, extend to civil suits involving claims arising out of any acts or omissions committed when not on duty;

(iii) in the case of individuals to whom the powers conferred by this Order extend by virtue of sub-paragraph (iv) of paragraph (1) of this Article and who are not employees of Her Majesty serving in Muscat with the Sultan's consent, and in the case of corporations to which the powers conferred by this Order extend by virtue of sub-paragraph (v) of paragraph (1) of this Article, the said powers shall not, without the Sultan's concurrence, extend to any civil or criminal proceedings arising out of any acts or omissions committed by such persons in which the plaintiff, defendant, complainant or accused is a person who is not subject to this Order unless the proceedings arise out of any act or omission committed within the limits of the leased area by an individual to whom the powers conferred by this Order extend by virtue also of sub-paragraph (ii) of paragraph (1) of this Article;

(iv) in the case of persons to whom the powers conferred by this Order extend by virtue only of sub-paragraph (ii) of paragraph (1) of this Article, the said powers shall not, without the Sultan's concurrence, extend to any civil or criminal proceedings arising out of any acts or omissions committed outside the limits of the leased area."

3. In Article 10 of the principal Order for the words " Article 8 (1) (i) (*c*) " there shall be substituted the words " Article 8 (1) (i) ", and for the words " has been committed " there shall be substituted the words " had been committed ".

4. In Article 13, in paragraphs (3) (iii) and (5) (ii) of Article 15, in paragraph (2) (iii) of Article 16, in paragraphs (1), (2), (3) and (4) of Article 21, in paragraphs (1), (3) and (5) of Article 24, in paragraph (1) of Article 25, in Article 30 and in paragraph (1) of Article 84 of the principal Order and in Article 2 (*d*) of the second schedule and in Article 8 of the third schedule to the principal Order the word " Kuwait," shall be deleted.

5. Paragraph (3) of Article 68 of the principal Order shall be deleted.

6. Paragraph (5) of Article 69 of the principal Order shall be deleted.

7. In paragraph (3) (*e*) of Article 81 of the principal Order for the words " Article 8 (1) (i) (*c*) " there shall be substituted the words " Article 8 (1) (i) ", and in paragraph (3) (*f*) of that Article the words " the proviso to " shall be deleted.

8. In Article 4 of the Muscat (Amendment) Order, 1959, for the words " the Muscat Orders, 1953 to 1959 " there shall be substituted the words " the Muscat Orders, 1955 to 1959."

9. This Order may be cited as the Muscat (Amendment) Order, 1962, and the Muscat Orders, 1955 to 1959, and this Order may be cited together as the Muscat Orders, 1955 to 1962.

10. This Order shall come into force on the 1st day of February, 1962.

E. N. Landale.

EXPLANATORY NOTE

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

This Order amends the Muscat Orders, 1955 to 1959. The amendments—

(1) make new provisions regarding the extent of Her Majesty's jurisdiction in the Sultanate of Muscat and Oman ;

(2) make certain changes consequential upon the termination of Her Majesty's jurisdiction in Kuwait.