PACIFIC PROTECTORATES

1953 No. 1909

The Pacific (Amendment) Order in Council, 1953

Made - - - -	*22nd December*, 1953
Laid before Parliament	*23rd December*, 1953
Coming into Operation	*On a day to be appointed in accordance with section* 1 (2)*

At the Court of Saint James, the 22nd day of December, 1953

Present,

Her Majesty Queen Elizabeth The Queen Mother.
Her Royal Highness The Princess Margaret.

Lord President	**Mr. Geoffrey Lloyd**
Mr. Secretary Head	**Commander Galbraith**

Whereas Her Majesty, in pursuance of the Regency Acts, 1937 to 1953, was pleased, by Letters Patent dated the twentieth day of November, 1953, to delegate to Her Majesty Queen Elizabeth The Queen Mother, Her Royal Highness The Princess Margaret, His Royal Highness The Duke of Gloucester, Her Royal Highness The Princess Royal and the Earl of Harewood, or any two or more of them, as Counsellors of State, full power and authority during the period of Her Majesty's absence from the United Kingdom to summon and hold on Her Majesty's behalf Her Privy Council and to signify thereat Her Majesty's approval of anything for which Her Majesty's approval in Council is required:

Now, therefore, Her Majesty Queen Elizabeth The Queen Mother and Her Royal Highness The Princess Margaret, being authorized thereto by the said Letters Patent, and in pursuance of the powers conferred on Her Majesty by the British Settlements Acts, 1887 and 1945(a), the Pacific Islanders Protection Acts, 1872 and 1875(b), and the Foreign Jurisdiction Act, 1890(c), or otherwise in Her Majesty vested, do hereby, by and with the advice of Her Majesty's Privy Council, on Her Majesty's behalf order, and it is hereby ordered, as follows:—

Citation and commencement

1.—(1) This Order may be cited as the Pacific (Amendment) Order in Council, 1953, and shall be construed as one with the Pacific Order in Council, 1893(d) (hereinafter referred to as "the principal Order").

(a) 50 & 51 Vict. c. 54; 9 & 10 Geo. 6. c. 7. (b) 35 & 36 Vict. c. 19; 38 & 39 Vict. c. 51.
(c) 53 & 54 Vict. c. 37. (d) S.R. & O. Rev. VIII, p. 597.
* Day appointed, 1.6.54.

(2) This Order shall be published in the Western Pacific High Commission Gazette and shall come into operation on a day to be appointed by the High Commissioner for the Western Pacific by Proclamation in the Gazette, which day shall not be earlier than the day after the day on which this Order shall have been laid before both Houses of Parliament.*

Amendment of Article 7 of principal Order

2. Paragraph (3) of Article 7 of the principal Order is hereby amended by the deletion of the words "or, failing any such appointment, then in the person for the time being discharging the functions of Chief Justice of Fiji".

Amendment of Articles 80 and 81 of principal Order

3.—(1) In Article 80 of the principal Order for the words "the Court of Appeal" there shall be substituted the words "a Judicial Commissioner".

(2) Article 81 of the principal Order is hereby amended as follows:—

(*a*) for the words "the Court of Appeal" in the fourth line there shall be substituted the words "the Judicial Commissioner";

(*b*) for the words "they think" in the fifth line there shall be substituted the words "he thinks";

(*c*) for the words "the Court of Appeal" in the tenth line there shall be substituted the words "the Judicial Commissioner to whom the sentence has been submitted for review".

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 Pacific Order in Council, 1893 by deleting a provision whereby the Chief Justice of Fiji would, in certain circumstances, act in the office of High Commissioner for the Western Pacific. It also amends that Order so as to provide that certain sentences passed by the High Commissioner's Court shall be reviewed by a Judicial Commissioner for the Western Pacific and not by the Supreme Court of Fiji as hitherto.

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* Day appointed, 1.6.54.