PACIFIC ISLANDS

GENERAL ADMINISTRATION

1955 No. 551

The Pacific (Amendment) Order in Council, 1955

Made - - - -	*7th April*, 1955
Laid before Parliament	*14th April*, 1955
Coming into Operation	*On a day to be fixed under Article* 1 (2) *of the Order.**

At the Court at Buckingham Palace, the 7th day of April, 1955

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers in that behalf 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, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows :—

1.—(1) This Order may be cited as the Pacific (Amendment) Order in Council, 1955, and shall be construed as one with the Pacific Order in Council, 1893(**d**) (hereinafter referred to as " the principal Order ").

(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.

Replacement of Article 11 *of Pacific Order in Council,* 1893

2. Article 11 of the principal Order shall be revoked, without prejudice to anything lawfully done thereunder, and the following Article shall be substituted therefor :—

" Concurrent appointments.

11.—(1) When a holder of any office constituted by or under this Order is on leave of absence pending relinquishment of his office, it shall be lawful for another person to be appointed substantively to the same office.

(2) Where two or more persons are holding the same office by reason of an appointment made pursuant to paragraph (1) of this Article, then for the purposes of any

* Day appointed, 18.7.55.

(**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**) Rev. VIII, p. 597.

function conferred upon the holder of that office the person last appointed to the office shall be deemed to be the holder of the office."

Amendment of Article 15 *of Pacific Order in Council,* 1893

3. Article 15 of the principal Order shall be amended, without prejudice to anything lawfully done thereunder, by the deletion of the words "The Supreme Court shall be the Court of Appeal for the purposes of this Order".

Replacement of Article 88 *of Pacific Order in Council,* 1893

4. Article 88 of the principal Order shall be revoked, without prejudice to anything lawfully done thereunder, and the following Article substituted therefor :—

"Appeals from Judicial Commissioners.

88.—(1) Where the jurisdiction of the Court is exercised by a Judicial Commissioner an appeal shall lie in any civil or criminal cause or matter to the Fiji Court of Appeal in accordance with the rules which may be made by the High Commissioner under the provisions of this Order.

(2) The decision of the Fiji Court of Appeal thereon shall be subject to appeal to Her Majesty in Council, in the same manner and on the same conditions as to the amount involved and otherwise as any other decision of the same Court of Appeal."

Amendment of Article 108 *of Pacific Order in Council,* 1893

5. Article 108 of the principal Order shall be amended by the deletion from paragraph (2) thereof of the words "in relation to matters not provided for in this Order".

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, so as to provide for concurrent appointments to certain offices. It also amends the provisions of the Order relating to appeals, and the making of Queen's Regulations.