PACIFIC ISLANDS

1958 No. 1519

The Pacific (Amendment) Order in Council, 1958

Made - - - -	*11th September,* 1958
Laid before Parliament	*17th September,* 1958
Coming into Operation	*15th December,* 1958

At the Court at Balmoral, the 11th day of September, 1958.

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of Her 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 :—

Citation, construction and commencement

1.—(1) This Order may be cited as the Pacific (Amendment) Order in Council, 1958, 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.

Amendment of principal Order

2. Article 13 of the principal Order is hereby amended by numbering the first paragraph as paragraph (1) and the second paragraph as paragraph (2) and by the insertion after the words " the provisions of this Order " in paragraph (1) of the words " and, subject to paragraph (2) of this Article, save as otherwise expressly provided by any regulations made under this Order ".

3. Paragraph (1) of Article 88 of the principal Order (as replaced by the Pacific (Amendment) Order in Council, 1955(e)), is hereby amended by the insertion at the beginning of the words " Save as otherwise expressly provided by any regulations made under this Order ".

4. Article 108 of the principal Order is hereby revoked, without prejudice to anything lawfully done thereunder, and the following Article is hereby substituted therefor :—

(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 ; S.R. & O. 1893, p. 312.
(e) S.I. 1955/551 (1955 II, p. 1698).

"Power of High Commissioner to make regulations and disallowance of such regulations.

108.—(1) Subject to the provisions of this Order, the High Commissioner shall have power to make regulations (to be called Queen's Regulations) for the peace, order and good government of the British Solomon Islands Protectorate and of the Central and Southern Line Islands, that is to say, Malden, Starbuck, Vostock, Caroline and Flint Islands.

(2) Without prejudice to the generality of the power conferred by paragraph (1) of this Article, such regulations may establish courts inferior to the Court and other authorities for the exercise of judicial functions and make provision with respect to their jurisdiction and powers, the conduct of proceedings in or before the same and the execution of their judgments and orders and with respect to appeals therefrom.

(3) Any regulations made under this Article may be disallowed by a Secretary of State, and whenever any regulations have been so disallowed the High Commissioner shall cause notice of such disallowance to be published in the Western Pacific High Commission Gazette.

(4) Any regulations so disallowed shall cease to have effect as soon as notice of disallowance has been published as aforesaid ; and thereupon any regulations or other enactment repealed or amended by, or in pursuance of, the regulations so disallowed shall have effect as if such regulations had not been made ; and, subject thereto, the provisions of subsection (2) of section 38 of the Interpretation Act, 1889(a), shall apply to such disallowance as they apply to the repeal of an Act of Parliament."

Validity of certain regulations made before commencement of this Order

5. For the avoidance of doubt it is hereby declared that any regulations which the High Commissioner purported to make under the authority of Article 108 of the principal Order as in force at any time before the date of commencement of this Order shall be deemed to have been validly made in so far as they would have been so made if Article 108 as replaced by this Order had then been in force.

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 replacing the provision enabling the High Commissioner for the Western Pacific to make regulations by new provision. It also amends that Order so as to enable High Commissioner's regulations to establish courts inferior to the High Commissioner's Court and to restrict appeals from that Court to the Fiji Court of Appeal in certain cases, and makes provision for the removal of doubts regarding the validity of certain existing regulations.

(a) 52 & 53 Vict. c. 63.