STATUTORY INSTRUMENTS

1977 No. 1628

PACIFIC ISLANDS

The Pacific (Probate and Administration) Order 1977

Made - - -	*11th October* 1977
Laid before Parliament	*19th October* 1977
Coming into Operation	*10th November* 1977

At the Court at Buckingham Palace, the 11th day of October 1977

Present,

The Queen's Most Excellent Majesty in Council.

Her Majesty, by virtue and in exercise of the powers in that behalf by the Foreign Jurisdiction Act 1890(**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. This Order may be cited as the Pacific (Probate and Administration) Order 1977 and shall come into operation on 10th November 1977.

2.—(1) In this Order, "the 1914 Order" means the British Solomon Islands and Gilbert and Ellice Islands (Probate and Administration) Order in Council 1914(**b**).

(2) The Interpretation Act 1889(**c**) shall apply, with the necessary adaptations. for the purpose of interpreting this Order and otherwise in relation thereto as it applies for the purpose of interpreting, and in relation to, Acts of Parliament of the United Kingdom.

3. Articles 1 and 4 of the 1914 Order are revoked.

4. Subject to the provisions of this Order, the 1914 Order shall continue to apply to the territories of the Solomon Islands, the Gilbert Islands, and Tuvalu.

5.—(1) In the application of the 1914 Order to the Solomon Islands—

(*a*) all the functions of the High Commissioner or the Resident Commissioner shall be exercised and performed by the Governor of the Solomon Islands;

(*b*) any reference to the Court shall be construed as a reference to the High Court of the Solomon Islands, and any reference to a Judge or Judicial Commissioner shall be construed as a reference to the Chief Justice of the High Court of the Solomon Islands; and

(*c*) any reference to the Protectorate shall be construed as a reference to the territory of the Solomon Islands.

(**a**) 1890 c. 37. (**b**) S.R. & O. 1914/150 (Rev. VIII, p. 691: 1914 I, p. 634). (**c**) 1889 c. 63.

(2) If he is satisfied that proper and adequate provision has been made in the law of the Solomon Islands with respect to any matter provided for in the 1914 Order, the Governor of the Solomon Islands, acting in his discretion, may by order direct that as from such day as shall be specified in such order such provisions of the 1914 Order as he considers are no longer required shall cease to apply to the Solomon Islands on such conditions and subject to such exceptions and qualifications as may be prescribed in such order.

6.—(1) In the application of the 1914 Order to the Gilbert Islands—

(*a*) all the functions of the High Commissioner or the Resident Commissioner shall be exercised and performed by the Governor of the Gilbert Islands;

(*b*) any reference to the Court shall be construed as a reference to the High Court of the Gilbert Islands, and any reference to a Judge or Judicial Commissioner shall be construed as a reference to a judge of the High Court of the Gilbert Islands; and

(*c*) any reference to the Protectorate shall be construed as a reference to the territory of the Gilbert Islands.

(2) If he is satisfied that proper and adequate provision has been made in the law of the Gilbert Islands with respect to any matter provided for in the 1914 Order, the Governor of the Gilbert Islands, acting in his discretion, may by order direct that as from such day as shall be specified in such order such provisions of the 1914 Order as he considers are no longer required shall cease to apply to the Gilbert Islands on such conditions and subject to such exceptions and qualifications as may be prescribed in such order.

7.—(1) In the application of the 1914 Order to Tuvalu—

(*a*) all the functions of the High Commissioner or the Resident Commissioner shall be exercised and performed by the Commissioner for Tuvalu;

(*b*) any reference to the Court shall be construed as a reference to the High Court of Tuvalu, and any reference to a Judge or Judicial Commissioner shall be construed as a reference to a judge of the High Court of Tuvalu; and

(*c*) any reference to the Protectorate shall be construed as a reference to the territory of Tuvalu.

(2) If he is satisfied that proper and adequate provision has been made in the law of Tuvalu with respect to any matter provided for in the 1914 Order, the Commissioner for Tuvalu, acting in his discretion, may by order direct that as from such day as shall be specified in such order such provisions of the 1914 Order as he considers are no longer required shall cease to apply to Tuvalu on such conditions and subject to such exceptions and qualifications as may be prescribed in such order.

N. E. Leigh,
Clerk of the Privy Council.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order modifies the application of the British Solomon Islands and Gilbert and Ellice Islands (Probate and Administration) Order in Council 1914 in the Solomon Islands, the Gilbert Islands and Tuvalu to take account of changes in the administration of those territories.

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