1959 No. 1298

The Perim Order in Council, 1959

Made - - - -	28*th July*, 1959
Laid before Parliament	4*th August*, 1959
Coming into Operation	20*th August*, 1959

At the Court of Saint James, the 28th day of July, 1959

Present,

Her Majesty Queen Elizabeth the Queen Mother
Her Royal Highness The Princess Alexandra of Kent

Lord President	**Mr. Brooke**
Earl of Selkirk	**Mr. Aubrey Jones**

Whereas Her Majesty, in pursuance of the Regency Acts, 1937 to 1953, was pleased, by Letters Patent dated the fifteenth day of June, 1959, to delegate to the following Counsellors of State (subject to the exceptions hereinafter mentioned) or any two or more of them, that is to say, His Royal Highness Prince Philip, Duke of Edinburgh, Her Majesty Queen Elizabeth The Queen Mother, Her Royal Highness The Princess Margaret, His Royal Highness The Duke of Gloucester, His Royal Highness The Duke of Kent and Her Royal Highness The Princess Alexandra of Kent, 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 for anything for which Her Majesty's approval in Council is required:

And whereas Her Majesty was further pleased to except from the number of the said Counsellors of State His Royal Highness Prince Philip, Duke of Edinburgh, and His Royal Highness The Duke of Kent and Her Royal Highness The Princess Alexandra of Kent while absent from the United Kingdom:

Now, therefore, Her Majesty Queen Elizabeth The Queen Mother and Her Royal Highness The Princess Alexandra of Kent, being authorised thereto by the said Letters Patent, and in exercise of the powers conferred on Her Majesty by the British Settlements Acts, 1887 and 1945(a), and of all other powers enabling Her Majesty in that behalf, 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 Perim Order in Council, 1959.

(a) 50 & 51 Vict. c. 54 and 9 & 10 Geo. 6. c. 7.

(2) This Order shall be published in the Aden Colony Gazette and shall come into operation on such day as the Governor shall by Proclamation in such Gazette appoint, 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.

Interpretation.

2.—(1) In this Order, unless the context otherwise requires:—

"Governor" means the Governor and Commander-in-Chief for the time being of the Colony of Aden and includes every person for the time being administering the Government of the Colony and, to the extent to which a Deputy for the Governor is authorised to act, that Deputy;

"Commissioner" means the Commissioner for Perim and includes every person for the time being acting as Commissioner thereof;

"the Colony" means the Colony of Aden;

"Perim" means the Island of Perim;

"public office" means any office of emolument in the public service;

"the public service" means the service of the Crown in respect of the government of Perim.

(2) The Interpretation Act, 1889(a), shall apply for the purpose of interpreting this Order as it applies for the purpose of interpreting an Act of Parliament.

Governor.

3. The Governor shall be the Governor of Perim and he is hereby empowered and commanded to do all things that belong to his Office in accordance with such Commission as may be issued to him under Her Majesty's Sign Manual and Signet, such Instructions as may from time to time be addressed to him under Her Majesty's Sign Manual and Signet or through a Secretary of State and such Orders in Council and other laws as may from time to time be in force in Perim and to that end to take or cause to be taken all such measures and to do or cause to be done all such things therein as in the interest of Her Majesty's service he may think expedient.

Appointment of Deputy.

4.—(1) Whenever the Governor—

(*a*) has occasion to be absent from the seat of Government of the Colony but not from the Colony and the Protectorate of Aden; or

(*b*) has occasion to be absent from the Colony and the said Protectorate for a period which he has reason to believe will be of short duration; or

(*c*) by reason of illness that he has reason to believe will be of short duration considers it desirable to do so,

he may, by an Instrument under the Official Stamp of Perim, appoint any person to be his Deputy during such absence or illness and in that capacity to discharge on his behalf during such absence or illness such of the functions of the Office of Governor as may be specified in that Instrument.

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

(2) The power and authority of the Governor shall not be abridged, altered or in any way affected by the appointment of a Deputy under this section otherwise than as Her Majesty may at any time think proper to direct by instructions to the Governor through a Secretary of State and every such Deputy shall conform to and observe all instructions that the Governor may from time to time address to him for his guidance.

(3) A person appointed as Deputy under this section shall hold that appointment for such period as may be specified in the Instrument by which he is appointed and his appointment may be revoked at any time by Her Majesty by instructions given to the Governor through a Secretary of State or by the Governor.

(4) For the purposes of this section " the Governor " means the person for the time being holding the Office of Governor and includes any person for the time being administering the Government of the Colony.

Official Stamp.

5. There shall be an Official Stamp for Perim which the Governor shall keep and use for stamping all such documents as may be by any law required to be stamped therewith.

Power to make laws.

6.—(1) The Governor may make laws for the peace, order and good government of Perim.

(2) All such laws shall be published in such manner as the Governor may direct.

(3) Any such law may be disallowed by Her Majesty through a Secretary of State.

(4) Whenever any such law has been disallowed by Her Majesty the Governor shall cause notice of such disallowance to be published in such manner as the Governor may direct.

(5) Every law so disallowed shall cease to have effect as soon as notice of such disallowance shall be published as aforesaid ; and thereupon any law repealed or amended by or in pursuance of the law disallowed shall have effect as if such law had not been made. Subject as aforesaid, the provisions of subsection (2) of section 38 of the Interpretation Act, 1889, shall apply to such disallowance as they apply to the repeal of an Act of Parliament.

Appointment of officers.

7. The Governor may constitute and appoint all such judges and officers as may be lawfully constituted or appointed by Her Majesty all of whom, unless otherwise provided by law, shall hold their offices during Her Majesty's pleasure.

Disciplinary powers of Governor.

8. The Governor may, subject to the provisions of any law for the time being in force in Perim and to such instructions as may from time to time be given to him by Her Majesty through a Secretary of State, upon sufficient cause to him appearing, dismiss or suspend from the exercise of his office any person holding any public office in Perim, or, subject as aforesaid, may take such other disciplinary action as may seem to him desirable.

Commissioner for Perim.

9.—(1) There shall be a Commissioner for Perim.

(2) The Commissioner shall be appointed by the Governor. The Governor may, as occasion may require, appoint a person to act in the office of Commissioner and may revoke any such appointment. The Commissioner shall hold office during Her Majesty's pleasure.

(3) The Governor may by order under his hand delegate to the Commissioner, subject to such conditions, if any, as may be specified in such order, all or any of the powers of the Governor under this Order except the power to make appointments to the office of Commissioner and the power to grant pardons and respites.

(4) Any order made under the foregoing subsection may be revoked or amended by order made in like manner.

Courts.

10.—(1) There shall be for Perim a Court of unlimited civil and criminal jurisdiction which shall be a Superior Court of Record, shall be called the Court of Perim and shall exercise all the jurisdiction and powers heretofore exercised by the Supreme Court of the Colony in respect of Perim.

(2) The constitution and powers of the Court may, subject to the provisions of this Order, be prescribed by laws made under this Order.

(3) The Governor may by order under his hand appoint a person to be Judge of the Court of Perim or to be the Judge thereof for the purpose of hearing and determining any particular case or class of cases, but in the event of no such appointment being made or subject to such appointment the Commissioner shall be the Judge of the said Court.

(4) An appeal shall lie from the Court of Perim to such Court, in such cases (if any), in such manner and upon such conditions as may be provided by any law made under this Order.

(5) Laws made under this Order may constitute Courts subordinate to the Court of Perim and may make provision for appeals from such Courts.

(6) Subject to the provisions of any law for the time being in force, the Governor may make rules for regulating the practice and procedure of the said Court and of all other Courts which may be established in Perim.

Application of laws.

11.—(1) Subject to the provisions of this Order and of any law made thereunder, the law applicable to Perim shall be the law in force there immediately after the date of the coming into operation of the Aden Colony (Amendment) Order, 1959(a), subject to such modifications thereto as may be necessary or expedient to adapt it to the circumstances of Perim.

(2) Subject to the provisions of any law made under this Order, where in any law applicable to Perim in accordance with the preceding subsection any power or authority is vested in the Governor in Council or the Governor of the Colony such power or authority may be exercised by the Governor and any power or authority which is vested either in a person appointed or to be appointed in accordance with such applicable law or in a specified person may be exercised by the Commissioner.

(a) S.I. 1959/1297 (Pt. I, p. 57, of this vol.).

Fugitive offenders.

12. For the purposes of Part II of the Fugitive Offenders Act, 1881(a), Perim, the Kuria Muria Islands, the Colony and Protectorate of Aden, the Somaliland Protectorate, Zanzibar, the Colony and Protectorate of Kenya, the Uganda Protectorate and Kamaran shall be deemed to be one group of British possessions.

Dispositions of land.

13. Subject to any law for the time being in force and to any Instructions given to him by Her Majesty under Her Sign Manual and Signet or through a Secretary of State, the Governor may, in Her Majesty's name and on Her Majesty's behalf, make and execute, under the Official Stamp of Perim, grants and dispositions of any lands or other immovable property within Perim that may be lawfully granted or disposed of by Her Majesty.

Execution of sentences.

14.—(1) The Governor may, if he thinks fit, by general or special order prescribe the manner in which and the places in Perim at which sentences imposed by courts of Perim are to be carried into effect.

(2) The Governor may, if he shall consider it expedient to do so, by general or special order direct that such sentences shall be carried into effect in a part of the Colony other than Perim.

(3) Where, in pursuance of the preceding subsection, any person is to be removed to a part of the Colony other than Perim, the Governor shall issue a warrant therefor in duplicate and the person executing it shall as soon as practicable after his arrival in such part deliver such person named in the warrant to a constable, officer of police, keeper of a prison or other proper authority or person there, to be dealt with according to law.

Governor's powers of pardon.

15. The Governor may, in Her Majesty's name and on Her Majesty's behalf—

(*a*) grant to any person concerned in any offence for which the offender may be tried in Perim, or to any person convicted by a court of Perim of any offence, a pardon, either free or subject to lawful conditions; or

(*b*) grant to any person so convicted a respite, either indefinite or for a specified period, of the execution of any sentence passed on him in respect of the conviction; or

(*c*) substitute a less severe form of punishment for that imposed on any such person by any such sentence; or

(*d*) remit the whole or any part of any such sentence or of any penalty or forfeiture otherwise due to Her Majesty by reason of the conviction.

W. G. Agnew.

EXPLANATORY NOTE

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

This Order makes provision for the government of the Island of Perim.

(a) 44 & 45 Vict. c. 69.