STATUTORY INSTRUMENTS

1971 No. 715

PACIFIC ISLANDS

The Western Pacific (Courts) (Amendment) Order 1971

Made - - - -	30*th April* 1971
Laid before Parliament	6*th May* 1971
Coming into Operation	7*th May* 1971

At the Court at Windsor Castle, the 30th day of April 1971

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), the Colonial Courts of Admiralty Act 1890(c), the Foreign Jurisdiction Act 1890(d) 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 Western Pacific (Courts) (Amendment) Order 1971 and shall be construed as one with the Western Pacific (Courts) Order in Council 1961(e) (hereinafter called " the principal Order ") and the Western Pacific (Courts) (Amendment) Order 1966(f).

(2) This Order and the above-mentioned Orders may be cited together as the Western Pacific (Courts) Orders 1961 to 1971.

(3) This Order shall come into operation on 7th May 1971 and thereupon shall be deemed to have had effect as from 10th October 1970.

2. For the avoidance of doubt it is hereby declared that :—

(*a*) the reference in section 19(1) of the principal Order, as amended, to the Court of Appeal established for Fiji by the Fiji Constitution shall be construed as including a reference to the Court of Appeal established for Fiji by the Constitution of Fiji set out in the Schedule to the Fiji Independence Order 1970(g) or by any law that modifies or replaces that Constitution ;

(*b*) any proceeding arising from the High Court of the Western Pacific and pending before the Court of Appeal established for Fiji by the Constitution of Fiji set out in Schedule 2 to the Fiji (Constitution) Order 1966(h) immediately before 10th October 1970 may be carried on before the Court of Appeal referred to in paragraph (*a*) of this section ; and

(*c*) any judgment of the Court of Appeal established for Fiji by the Constitution of Fiji set out in Schedule 2 to the Fiji (Constitution) Order 1966 given in any proceeding arising from the High Court of the Western Pacific but not satisfied before 10th October 1970 may be enforced as if it were a judgment of the Court of Appeal referred to in paragraph (*a*) of this section.

W. G. Agnew.

(a) 1887 c. 54 and 9 & 10 Geo. 6. c. 7. (b) 1872 c. 19; 1875 c. 51. (c) 1890 c. 27.
(d) 1890 c. 37. (e) S.I. 1961/1506 (1961 II, p. 3066). (f) S.I. 1966/1183 (1966 III, p. 3071).
(g) 1970 III, p. 6630. (h) 1966 III, p. 5104.

EXPLANATORY NOTE

(This Note is not part of the Order.)

For the avoidance of doubt this Order confirms that appeals from the High Court of the Western Pacific lie to the Court of Appeal of Fiji established by the Constitution of Fiji for the time being in force.