

UK Parliament SIs 1950-1979/1968/1601-1650/Admiralty Jurisdiction (Montserrat) Order 1968 (SI 1968/1647)

1968 No 1647

Admiralty Jurisdiction (Montserrat) Order 1968

Made - - - 16th October 1968

Authority: Supreme Court Act 1981, s 150

NOTES

Continuation

Authority: following the consolidation of the original enabling power, this Order has effect as if made under the Supreme Court Act 1981, s 150.

UK Parliament SIs 1950-1979/1968/1601-1650/Admiralty Jurisdiction (Montserrat) Order 1968 (SI 1968/1647)/1 Citation, commencement and revocation

1 Citation, commencement and revocation

- (1) This Order may be cited as the Admiralty Jurisdiction (Montserrat) Order 1968.
- (2) This Order shall come into operation on 17th October 1968.
- (3) . . .

NOTES

Initial Commencement

Specified date

Specified date: 17 October 1968: see para (2) above.

Amendment

Para (3): revokes SI 1964/1662.

UK Parliament SIs 1950-1979/1968/1601-1650/Admiralty Jurisdiction (Montserrat) Order 1968 (SI 1968/1647)/2 Admiralty jurisdiction of the High Court

2 Admiralty jurisdiction of the High Court

The Colonial Courts of Admiralty Act 1890 shall, in relation to the High Court established by the West Indies Associated States Supreme Court Order 1967, have effect as if for the reference in subsection (2) of section 2 thereof to the Admiralty jurisdiction of the High Court in England there were substituted a reference to the Admiralty jurisdiction of that court as defined by section 1 of the Administration of Justice Act

1956 subject to the adaptation and modification of the said section 1 that is specified in the First Schedule to this Order.

NOTES

Initial Commencement

Specified date

Specified date: 17 October 1968: see art 1(2).

UK Parliament SIs 1950-1979/1968/1601-1650/Admiralty Jurisdiction (Montserrat) Order 1968 (SI 1968/1647)/3 Application of provisions of Administration of Justice Act 1956 to Montserrat

3 Application of provisions of Administration of Justice Act 1956 to Montserrat

The provisions of sections 3, 4, 6, 7 and 8 of Part I of the Administration of Justice Act 1956 shall extend to Montserrat with the adaptations and modifications that are specified in Column II of the Second Schedule to this Order.

NOTES

Initial Commencement

Specified date

Specified date: 17 October 1968: see art 1(2).

UK Parliament SIs 1950-1979/1968/1601-1650/Admiralty Jurisdiction (Montserrat) Order 1968 (SI 1968/1647)/SCHEDULE 1 Adaptation and Modification of Section 1 of the Administration of Justice Act 1956

SCHEDULE 1

ADAPTATION AND MODIFICATION OF SECTION 1 OF THE ADMINISTRATION OF JUSTICE ACT 1956

Article 2

In subsection (1) the words "and any other jurisdiction connected with ships and aircraft vested in the High Court apart from this section which is for the time being assigned by rules of court to the Probate, Divorce and Admiralty Division" shall be deleted.

NOTES

Initial Commencement

Specified date

Specified date: 17 October 1968: see art 1(2).

UK Parliament SIs 1950-1979/1968/1601-1650/Admiralty Jurisdiction (Montserrat) Order 1968 (SI 1968/1647)/SCHEDULE 2 Provisions of Part I of the Administration of Justice Act 1956 extended to Montserrat and Adaptations and Modifications thereto

SCHEDULE 2

PROVISIONS OF PART I OF THE ADMINISTRATION OF JUSTICE ACT 1956 EXTENDED TO MONTSERRAT AND ADAPTATIONS AND MODIFICATIONS THERETO

Article 3

Column I	Column II
Section 3	<p>In subsections (1), (3), (5), (6) and (7), the words "the High Court, the Liverpool Court of Passage, and any county court";</p> <p>In subsection (2) the words "the High Court", and in subsection (4) the words "High Court and (where there is such jurisdiction) the Admiralty jurisdiction of the Liverpool Court of Passage or any county court", shall be deleted and in each case the words "the High Court established by the West Indies Associated States Supreme Court Order 1967" shall be substituted;</p> <p>In subsection (8) the words "England and Wales" shall be deleted and the word "Montserrat" shall be substituted.</p>
Section 4	<p>Subsection (1) shall be deleted and the following subsection shall be substituted:--</p> <p>"(1) No court in Montserrat shall entertain an action in personam to enforce a claim to which this section applies unless--</p> <p>(a) the defendant has his habitual residence or a place of business in Montserrat; or</p> <p>(b) the cause of action arose within the territorial waters of Montserrat; or</p> <p>(c) an action arising out of the same incident or series of incidents is proceeding in the court or has been heard and determined in the court.</p> <p>In this subsection "territorial waters of Montserrat" include any port, dock or harbour in Montserrat."</p> <p>In subsection (2) the words "in England and Wales" shall be deleted and the words "in Montserrat" shall be substituted, and the words "outside England and Wales" shall be deleted and the words "outside Montserrat" shall be substituted;</p> <p>In subsection (5) the words "the High Court" shall be deleted and the words "the High Court established by the West Indies Associated States Supreme Court Order 1967" shall be substituted;</p> <p>Subsection (6) shall be omitted.</p>
Section 6	<p>The words "England and Wales" shall be deleted and the word "Montserrat" shall be substituted.</p>
Section 7	<p>Subsection (1) shall be deleted and the following subsection shall be substituted:--</p> <p>"(1) Section six hundred and eighty-eight of the Merchant Shipping Act 1894 (which relates to the detention of ships by customs officers in certain cases) shall cease to have effect, but nothing in this Part of this Act affects the provisions of section twenty-three of the Receivers of Wreck</p>

Act of the Leeward Islands (which relates to the power of a receiver of wreck to detain a ship in respect of a salvage claim).";
Subsection (2) shall be omitted.

NOTES

Initial Commencement

Specified date

Specified date: 17 October 1968: see art 1(2).