4. The proviso to section 4 of the principal Order is amended by the addition at the end thereof of the following words:—

"and in the case of proceedings originating in St. Helena, this section shall have effect as if the words 'one hundred and twenty days' were substituted for 'sixty days'."

5. Section 5 of the principal Order is amended by the addition thereto of the following proviso:—

"Provided that in the case of proceedings originating in St. Helena this section shall have effect as if the words 'one hundred and twenty days' were substituted for the words 'ninety days' in paragraph (*a*)."

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 Eastern Africa (Appeal to Privy Council) Order in Council, 1951, so as to include the Colony of St. Helena and its dependencies amongst the territories to which that Order applies and to make special provision with regard to the time within which applications for leave to appeal shall be made and security shall be given in the case of proceedings originating in St. Helena and its dependencies.

1958 No. 426

The Federation of Malaya (Appeals to Privy Council) Order in Council, 1958

Made - - - 14*th March*, 1958

Coming into Operation 1*st July*, 1958

At the Court at Buckingham Palace, the 14th day of March, 1958

Present,

The Queen's Most Excellent Majesty in Council

Whereas by section 3 of the Federation of Malaya Independence Act, 1957(a), it is provided that Her Majesty, by Order in Council, may confer on the Judicial Committee of the Privy Council such jurisdiction in respect of appeals from the Supreme Court of the Federation of Malaya as appears to Her to be appropriate for giving effect to any arrangements made between Her Majesty and the Head of the Federation for the reference of such appeals to that Committee, and may make certain other provisions in relation to such appeals:

(a) 5 & 6 Eliz. 2. c. 60.

And Whereas an Agreement was concluded on the 4th day of March, 1958, between Her Majesty and the Head of the Federation for the purpose of making arrangements as aforesaid:

Now, therefore, Her Majesty, by virtue and in exercise of the powers by section 3 of the said Act or otherwise in Her vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Citation, commencement and construction

1.—(1) This Order may be cited as the Federation of Malaya (Appeals to Privy Council) Order in Council, 1958, and shall come into operation on a date to be fixed by the Secretary of State by order published in the London Gazette.

(2) In this Order, save where the context otherwise requires—

"the Act" means the Federation of Malaya Independence Act, 1957;

"appeal" includes an application for leave to appeal;

"the Committee" means the Judicial Committee of the Privy Council;

"the Federation" means the Federation of Malaya;

"the Supreme Court" means the Supreme Court of the Federation.

(3) Save as is otherwise required by the context, the Interpretation Act, 1889(a), shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

Judicial Committee to have jurisdiction in respect of appeals from Malaya

2.—(1) The Committee shall have jurisdiction in respect of appeals from the Supreme Court to the Head of the Federation in the following cases, that is to say—

(*a*) in the case of any final judgment or order, where—

(i) the matter in dispute in the appeal amounts to or is of the value of four thousand five hundred dollars or upwards; or

(ii) the appeal involves, directly or indirectly, some claim or question to or respecting property or some civil right of like amount or value; or

(iii) the case is from its nature a fit one for appeal;

(*b*) in the case of any interlocutory judgment or order which the Supreme Court considers a fit one for appeal; or

(*c*) in the case of any decision as to the effect of any provision of the Constitution of the Federation, including any opinion pronounced on a reference under Article 130 of that Constitution:

Provided that no appeal shall be entertained under this paragraph unless the leave of the Supreme Court for such appeal to be made has first been given in the manner and within the time provided by the law of the Federation.

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

(2) The Committee shall also have jurisdiction in respect of applications to the Head of the Federation for special leave to appeal from decisions of the Supreme Court in any case, whether civil or criminal, other than those set out in paragraph (1) of this article and in any case there set out where the leave of the Supreme Court has not been duly obtained and if, upon any such application, the Head of the Federation, acting on the recommendation of the Committee, grants special leave to appeal, the Committee shall have jurisdiction in respect of any appeal for which leave is so granted.

(3) The provisions of this article apply to decisions of the Supreme Court given as well before the 31st day of August, 1957, as thereafter.

Appeals pending on 31st day of August, 1957

3.—(1) Any appeal from the Supreme Court to Her Majesty in Council which was pending on the said 31st day of August, shall be treated as an appeal to the Head of the Federation and shall be dealt with by the Committee accordingly.

(2) Any proceeding in any such appeal may be amended in such manner as may appear necessary or proper to bring it into conformity with the Act and this Order, and for the purposes of computing the time within which any step in any such proceeding must be taken for the purpose of any law governing the same, no account shall be had of the period commencing on the said 31st day of August and ending with the date on which this Order comes into operation.

Extent of application of the Judicial Committee Act, 1833

4. The Judicial Committee Act, 1833(**a**), shall apply in relation to appeals from the Supreme Court subject to the exceptions and modifications set out in the First Schedule to this Order.

Judicial Committee Rules, 1957, to apply

5. The jurisdiction which is conferred on the Committee by this Order shall be exercised in accordance with the Rules set out in the Schedule to the Order in Council dated the 20th day of December, 1957(**b**), but the said Rules shall have effect in their application to that jurisdiction subject to the modifications set out in the Second Schedule to this Order.

Report or recommendation of the Judicial Committee

6. Any report or recommendation made by the Committee in respect of any appeal from the Supreme Court shall be in such form as may from time to time appear convenient to the Committee and shall be delivered by the Registrar of the Privy Council to a Secretary of State for transmission to the Head of the Federation.

W. G. Agnew.

FIRST SCHEDULE

APPLICATION OF THE JUDICIAL COMMITTEE ACT, 1833

The provisions of the Judicial Committee Act, 1833, set out in Part I of this Schedule shall not apply in relation to appeals from the Supreme Court, and the provisions of the said Act set out in the first column of Part II shall apply subject to the modifications set out in the second column.

(**a**) 3 & 4 Will. 4. c. 41. (**b**) S.I. 1957/2224 (1957 I, p. 1205).

PART I

Section 3	Section 16
Section 4	Section 20
Section 10	Section 21
Section 11	Section 23
Section 12	Section 24
Section 14	Section 31

PART II

(1)	(2)
Section 5	The words "to his Majesty" and the proviso shall be omitted.
Section 8	The following section shall be substituted:— "8. In any matter which shall come before the said judicial committee it shall be lawful for the said committee to direct or recommend that such witnesses shall be examined or re-examined, and as to such facts, as to the said committee shall seem fit, notwithstanding any such witness may not have been examined, or no evidence may have been given on any such facts in a previous stage of the matter; and it shall also be lawful for the said committee, upon any appeal, to recommend that the matter which shall be the subject of such appeal shall be remitted to the court from the decision of which such appeal shall have been made, and at the same time to recommend that such court shall rehear such matter, in such form, and either generally or upon certain points only, and upon such rehearing take such additional evidence, though before rejected, or reject such evidence before admitted, as the said committee shall recommend."
Section 9	For the words "or if a Quaker or a Moravian" the words "or if he so desires" shall be substituted.
Section 13	The following section shall be substituted:— "13. In any matter which shall come before the said judicial committee it shall be lawful for the said committee to recommend that a new trial be held either generally or as to certain points only."
Section 15	The following section shall be substituted:— "15. The costs in any appeal or matter referred to the said judicial committee shall be paid by such party or parties, person or persons, as the Head of the Federation shall, on the recommendation of the said committee, direct and shall be taxed by the aforesaid registrar or such other person or persons, to be appointed by his Majesty in council, as the said committee shall direct."
Section 28	For the words "and his Majesty in council shall have and enjoy in all respects such and the same powers of enforcing judgments, decrees and orders as are" there shall be substituted the words "as is".

SECOND SCHEDULE

MODIFICATIONS OF THE JUDICIAL COMMITTEE RULES, 1957, IN THEIR RELATION TO APPEALS FROM THE SUPREME COURT

1. Save as is otherwise provided in this Schedule or where the context otherwise requires, any reference in the Rules to Her Majesty or Her Majesty in Council shall be construed as a reference to the Head of the Federation acting on the recommendation of the Committee, and references to Orders of Her Majesty in Council shall be construed accordingly.

2. For the words "Her Majesty in Council" in the definition of "Record" in paragraph (1) of Rule 1 there shall be substituted the words "the Judicial Committee".

3. Paragraph 1 of this Schedule shall not apply to the definition of "Agent" in paragraph (1) of Rule 1.

4. For the words "Her Majesty in Council" in the definition of "Party" in paragraph (1) of Rule 1 there shall be substituted the words "the Judicial Committee".

5. For the words "Her Majesty in Council" in paragraph (2) of Rule 1 there shall be substituted the words "the Judicial Committee".

6. For the words "to advise Her Majesty" in Rule 3 there shall be substituted the words "to recommend to the Head of the Federation".

7. For the words "to advise Her Majesty" in Rule 6 there shall be substituted the words "to recommend to the Head of the Federation".

8. For the words "if Her Majesty in Council, on the advice of" in Rule 10 there shall be substituted the words "if the Head of the Federation, on the recommendation of".

9. For the words "Her Majesty" in the last sentence of Rule 11, the words "the Head of the Federation" shall be substituted.

10. For the words "Her Majesty" in Rule 36 there shall be substituted the words "the Head of the Federation".

11. For the words "Her Majesty" in Rule 56 there shall be substituted the words "the Head of the Federation".

12. For the word "Orders" in Rule 75 there shall be substituted the word "recommendations".

13. For the words "given their decision" in Rule 77 there shall be substituted the words "announced their recommendation".

14. The following Rule shall be substituted for Rule 80:—

"80. A statement of the amount allowed by the Taxing Officer on taxation shall, subject to any appeal from his taxation to the Judicial Committee, and subject to any recommendation from the Committee to the contrary, be transmitted to the Head of the Federation for insertion in His Order determining the appeal or Petition."

15. The following items in Part II of Schedule B shall be omitted, that is to say:—

	£	s.	d.
"Original Order of Her Majesty in Council determining an appeal	6	5	0
Any other original Order of Her Majesty in Council ...	3	15	0
Plain copy of an Order of Her Majesty in Council ...		6	6"

EXPLANATORY NOTE

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

The purpose of this Order is to confer on the Judicial Committee of the Privy Council jurisdiction in respect of appeals from the Supreme Court of the Federation of Malaya and to make provision regulating such appeals pursuant to arrangements made between Her Majesty and the Head of the Federation. The Order applies the Judicial Committee Act, 1833, and the Judicial Committee Rules, 1957, subject to the exceptions and modifications set out in the Schedules to the Order, to those appeals.

PROCEDURE

1958 No. 599

The Judicial Committee (Dentists Rules) Order, 1958

Made - - - - 3rd *April,* 1958

At the Court at Buckingham Palace, the 3rd day of April, 1958

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by sub-section (1) of Section 29 and sub-section (3) of Section 40 of the Dentists Act, 1957(a), and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, as it is hereby ordered, as follows:—

1.—(1) This Order may be cited as the Judicial Committee (Dentists Rules) Order, 1958.

(2) The Rules made by the Dentists Act, 1956 (Judicial Committee Rules) Order, 1956(b), are hereby revoked.

2. The Rules set out in the Schedule to this Order shall take effect for the purpose of appeals to Her Majesty in Council by virtue of the Dentists Act, 1957.

W. G. Agnew.

SCHEDULE

RULES

1. In these Rules, unless the context otherwise requires:—

"The Act" means the Dentists Act, 1957.

"The Council" means the General Dental Council.

"The Committee" means the General Dental Council Disciplinary Committee constituted under Section 26 of the Act.

"The Registry" and "the Registrar" mean the Registry and the Registrar respectively of the Privy Council.

"Typewritten" includes reproduction by type, lithography, stencil, duplicating or photography.

(a) 5 & 6 Eliz. 2. c. 28. (b) S.I. 1956/999 (1956 I, p. 1109).