1963 No. 609

JUDICIAL COMMITTEE

The Court of Appeal for Eastern Africa (Appeal to Privy Council) (Amendment) Order 1963

Made - - - -	*26th March* 1963
Laid before Parliament	*1st April* 1963
Coming into Operation	*2nd April* 1963

At the Court of Saint James, the 26th day of March 1963

Present,

Her Majesty Queen Elizabeth The Queen Mother

His Royal Highness The Duke of Gloucester

Lord President — **Mr. Boyd-Carpenter**

Chancellor of the Duchy of Lancaster — **Mr. Deedes**

Whereas Her Majesty, in pursuance of the Regency Acts 1937 to 1953, was pleased, by Letters Patent dated the twenty-second day of January, 1963, 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 The Prince Philip, Duke of Edinburgh, Her Majesty Queen Elizabeth The Queen Mother, Her Royal Highness The Princess Margaret, Countess of Snowdon, His Royal Highness The Duke of Gloucester, His Royal Highness Prince William of Gloucester and His Royal Highness The Duke 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 The Prince Philip, Duke of Edinburgh, Her Royal Highness The Princess Margaret, Countess of Snowdon, His Royal Highness The Duke of Gloucester, His Royal Highness Prince William of Gloucester and His Royal Highness The Duke of Kent while absent from the United Kingdom:

Now, therefore, Her Majesty Queen Elizabeth The Queen Mother and His Royal Highness The Duke of Gloucester, being authorized thereto by the said Letters Patent, and in exercise of the powers conferred on Her Majesty by the Judicial Committee Act 1844(a), by section 112 of the Government of India Act 1833(b), by the British Settlements Acts 1887 and 1945(c), by the Foreign Jurisdiction Act 1890(d) or otherwise in Her Majesty vested, do hereby, by and with the

(a) 7 & 8 Vict. c. 69.
(b) 3 & 4 Will. 4. c. 85.
(c) 50 & 51 Vict. c. 54 and 9 & 10 Geo. 6. c. 7.
(d) 53 & 54 Vict. c. 37.

advice of Her Majesty's Privy Council, on Her Majesty's behalf order, and it is hereby ordered, as follows: —

Citation, construction and commencement.

1.—(1) This Order may be cited as the Court of Appeal for Eastern Africa (Appeal to Privy Council) (Amendment) Order 1963 and shall be construed as one with the Court of Appeal for Eastern Africa (Appeal to Privy Council) Order in Council 1962(a) (hereinafter referred to as " the principal Order ").

(2) The principal Order and this Order may be cited together as the Court of Appeal for Eastern Africa (Appeal to Privy Council) Orders 1962 and 1963.

(3) This Order shall come into operation on 2nd April 1963.

Amendment of s. 3 of Order of 1962.

2. Section 3 of the principal Order is amended by the deletion of the words " five hundred pounds " in paragraph (*a*) and the substitution of the words " one thousand pounds ".

Replacement of s. 4 of Order of 1962.

3. Section 4 of the principal Order is revoked and the following section is substituted—

"Application for leave to appeal.

4.—(1) Application to the Court for leave to appeal shall be made by motion or petition—

(*a*) in the case of proceedings originating in Aden, Kamaran, Perim or the Kuria Muria Islands, within ninety days of the judgment to be appealed from ;

(*b*) in the case of proceedings originating in St. Helena and its dependencies, within one hundred and twenty days of such judgment ; and

(*c*) in the case of proceedings originating in Seychelles or Zanzibar, within sixty days of such judgment.

(2) The applicant shall give all other parties concerned notice of his intended application.".

Amendment of s. 7 of Order of 1962.

4. Section 7 of the principal Order is amended by the addition of the following proviso: —

" Provided that the Court shall have power, in special cases, either to reduce the security to such an amount as to the Court may appear just or to dispense with the security.".

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 provisions of the Court of Appeal for Eastern Africa (Appeal to Privy Council) Order in Council 1962 relating to rights of appeal and applications for leave to appeal.

(a) S.I. 1962/2601 (1962 III, p. 3497).