

JUDICIAL COMMITTEE

Jurisdiction and Procedure

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1. General Rules as to Appeals

ORDER IN COUNCIL MAKING CONTINUING ORDER DIRECTING THAT ALL APPEALS TO HIS MAJESTY IN COUNCIL SHALL BE REFERRED TO THE JUDICIAL COMMITTEE.

1909 No. 1228

At the Court at Buckingham Palace, the 18th day of October, 1909.

PRESENT,

The King's Most Excellent Majesty in Council.

Whereas by Section 9 of the Judicial Committee Act, 1844 it is enacted " that in case any Petition of Appeal whatever shall be presented addressed to Her Majesty in Council and such Petition shall be duly lodged with the Clerk of the Privy Council it shall be lawful for the Judicial Committee to proceed in hearing and reporting upon such Appeal without any Special Order in Council referring the same to them provided that Her Majesty in Council shall have by an Order in Council in the month of November directed that all Appeals shall be referred to the said Judicial Committee on which Petitions may be presented to Her Majesty in Council during the twelve months next after the making of such Order and that the said Judicial Committee shall proceed to hear and report upon all such Appeals in like manner as if each such Appeal had been referred to the said Judicial Committee by a Special Order of Her Majesty in Council. Provided always that it shall be lawful for Her Majesty in Council at any time to rescind any General Order so made and in case of such Order being so rescinded all Petitions of Appeal shall in the first instance be preferred to Her Majesty in Council and shall not be proceeded with by the said Judicial Committee without a Special Order of reference" : 7 & 8 Vict. c. 69.

And whereas by the Interpretation Act, 1889 it is enacted that " in this Act and in every other Act whether passed before or after the commencement of this Act references to the Sovereign reigning at the time of the passing of the Act or to the Crown shall unless the contrary intention appears be construed as references to the Sovereign for the time being" : 52 & 53 Vict. c. 63.

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And whereas His Majesty was pleased by His Order in Council dated the 21st day of November 1908 and made under and by virtue of the provisions of the said Section 9 of the Judicial Committee Act, 1844 to order that all Appeals or Complaints in the nature of Appeals on which Petitions might be presented to His Majesty in Council during the twelve months next after the date of the said Order should be referred to the Judicial Committee and that the said Judicial Committee should proceed to hear and report upon all such Appeals or Complaints in like manner as if each such Appeal had been referred to the said Judicial Committee by a Special Order of His Majesty in Council and that the said Order should remain in force for the space of twelve months from the date thereof unless His Majesty should be pleased previously to rescind the same :

8 Edw. 7.
c. 51.

And whereas by Section 5 of the Appellate Jurisdiction Act, 1908 it is enacted that “ His Majesty may from time to time by Order in Council make a General Order directing that all Appeals shall be referred to the Judicial Committee of the Privy Council until the Order is rescinded and Section 9 of ‘ The Judicial Committee ‘ Act, 1844 ’ shall have effect as if any such General Order for the time being in force were substituted in the first proviso to that Section for the Annual Order therein referred to and the time for which the Order remains in force were substituted for the twelve months next after the making of the General Order ” and that “ the expression “ Appeals ’ in this Section means Appeals on Petitions presented to His Majesty in Council and includes any Complaints in the nature of Appeals and any Petitions in the matter of Appeals ” :

Now therefore His Majesty is pleased by and with the advice of His Privy Council to order and it is hereby ordered that His Majesty’s said Order in Council dated the 21st day of November 1908 be and the same is hereby rescinded and that all Appeals on which Petitions may be presented to His Majesty in Council after the date of this Order shall be referred to the Judicial Committee of the Privy Council until His Majesty shall be pleased to rescind this Order and that the said Judicial Committee shall proceed to hear and report upon all such Appeals in like manner as if each such Appeal had been referred to the said Judicial Committee by a Special Order of His Majesty in Council.

Whereof all persons whom it may concern are to take notice and govern themselves accordingly.

Almeric FitzRoy.
