

**2009 No. 3204**

**JUDICIAL COMMITTEE**

**The St Helena Court of Appeal (Appeal to Privy Council)  
(Amendment) Order 2009**

*Made* - - - - - *9th December 2009*

*Coming into force* - - - - - *1st January 2010*

At the Court at Buckingham Palace, the 9th day of December 2009

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by section 1 of the Judicial Committee Act 1844(a) or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is ordered, as follows:

**Citation, construction and commencement**

1.—(1) This Order may be cited as the St Helena Court of Appeal (Appeal to Privy Council) (Amendment) Order 2009 and shall be construed as one with the St Helena Court of Appeal (Appeal to Privy Council) Order 1964(b).

(2) This Order shall come into force on 1st January 2010.

**Interpretation**

2. In this Order—

“Court” means the St Helena Court of Appeal established by section 86 of the Constitution set out in the Schedule to the St Helena, Ascension and Tristan da Cunha Constitution Order 2009(c);

“the 1964 Order” means the St Helena Court of Appeal (Appeal to Privy Council) Order 1964.

**Amendment of 1964 Order—**

3. The 1964 Order is amended—

(a) in article 2(1), by substituting for the definitions of “Court” and “St Helena” the following—

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(a) 1844 c.69.  
(b) S.I. 1964/1846, amended by S.I. 1990/991 and 2009/224.  
(c) S.I. 2009/1751.

““Court” means the St Helena Court of Appeal established by section 86 of the Constitution set out in the Schedule to the St Helena, Ascension and Tristan da Cunha Constitution Order 2009;

“St Helena” means the territory of St Helena, Ascension and Tristan da Cunha.”;

- (b) in article 3(a), by substituting for the words “one thousand pounds sterling or upwards” the words “five thousand pounds sterling or upwards”.

### **Transitional provisions**

4.—(1) In respect of any judgment of the St Helena Court of Appeal established by the St Helena Constitution Order 1988(a), or of the Court, given before the commencement of this Order, an appeal may be commenced, continued and concluded or continued and concluded, as the case may be, in accordance with the 1964 Order as amended by this Order as nearly as may be as if it were an appeal from a judgment of the Court given after the commencement of this Order.

(2) Any Order that Her Majesty in Council may see fit to make on any such appeal or any Order on an appeal from the St Helena Court of Appeal established by the St Helena Constitution Order 1988 or from the Court made by Her Majesty before the commencement of this Order, but not enforced before such commencement, may be enforced as if it were an Order made on an appeal from a judgment of the Court given after the commencement of this Order.

*Judith Simpson*  
Clerk of the Privy Council

### **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order creates a right of appeal to the Privy Council from the St Helena Court of Appeal established by the Constitution set out in the Schedule to the St Helena, Ascension and Tristan da Cunha Constitution Order 2009 in place of the Court of Appeal established by the St Helena Constitution Order 1988. It also raises the minimum value of the dispute on an appeal to five thousand pounds sterling, and includes transitional provisions.

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(a) S.I. 1988/1842.

£4.00