

2009 No. 3205

JUDICIAL COMMITTEE

**The Falkland Islands (Appeals 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 Falkland Islands (Appeals to Privy Council) (Amendment) Order 2009 and shall be construed as one with the Falkland Islands (Appeals to Privy Council) Order 1985(b).

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

Interpretation

2. In this Order—

“Court” means the Court of Appeal for the Falkland Islands established by section 87 of the Constitution set out in the Schedule to the Falkland Islands Constitution Order 2008(c);

“the 1985 Order” means the Falkland Islands (Appeals to Privy Council) Order 1985.

Amendment of 1985 Order

3. The 1985 Order is amended in article 2 by substituting for the definition of “Court” the following—

““Court” means the Court of Appeal for the Falkland Islands established by section 87 of the Constitution set out in the Schedule to the Falkland Islands Constitution Order 2008;”.

(a) 1844 c.69.
(b) S.I. 1985/445, amended by S.I. 2009/224.
(c) S.I. 2008/2846.

Transitional provisions

4.—(1) In respect of any judgment of the Court of Appeal for the Falkland Islands established by the Falkland Islands Constitution Order 1985(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 1985 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 Court of Appeal for the Falkland Islands established by the Falkland Islands Constitution Order 1985 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 Court of Appeal for the Falkland Islands established by the Constitution set out in the Schedule to the Falkland Islands Constitution Order 2008 in place of the Court of Appeal established by the Falkland Islands Constitution Order 1985. It also includes transitional provisions.

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(a) S.I. 1985/444.

£4.00