
STATUTORY INSTRUMENTS

1967 No. 585

ARBITRATION

**The Arbitration (International Investment Disputes)
Act 1966 (Application To Tonga) Order 1967**

Made - - - - 12th April 1967
Coming into Operation 20th April 1967

At the Court at Windsor Castle, the 12th day of April 1967

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers conferred upon Her by section 6 of the Arbitration (International Investment Disputes) Act 1966: (hereinafter referred to as "the Act") and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Citation and commencement

1. This Order may be cited as the Arbitration (International Investment Disputes) Act 1966 (Application to Tonga) Order 1967, and shall come into operation on 20th April 1967.

Application of Act to Tonga

2. Subject to the adaptations and modifications specified in the Schedule to this Order, the provisions of the Act, except sections 5, 6, 7 and 8 thereof, shall extend to Tonga.

Interpretation

3. The Interpretation Act 1889 shall apply, with the necessary adaptations, for the purpose of interpreting this Order and otherwise in relation thereto as it applies for the purpose of interpreting and in relation to Acts of Parliament of the United Kingdom.

W.G. Agnew

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THE SCHEDULE

Section 2

ADAPTATIONS AND MODIFICATIONS TO BE MADE IN THE APPLICATION OF THE ACT TO TONGA

1. In section 1(2) and 2(1), for the references to the High Court there shall be substituted references to the Supreme Court of Tonga.

2. In section 1(3), for the words “the United Kingdom” there shall be substituted the word “Tonga”.

3. In section 1(6) and 2(2), for the references to section 99 of the Supreme Court of Judicature (Consolidation) Act 1925 there shall be substituted references to section 7 of the Supreme Court Act of Tonga(1), as amended.

4. For section 3 there shall be substituted the following section:—

“3.—(1) Premier of Tonga may by order—

(a) make provision, in relation to such proceedings pursuant to the Convention as are specified in the order, for the attendance of witnesses, the hearing of evidence and the production of documents;

(b) direct that the Foreign Tribunals Evidence Act 1856(2) (which relates to the taking of evidence for the purpose of proceedings before a foreign tribunal) shall apply to such proceedings pursuant to the Convention as are specified in the order, with or without any modifications or exceptions specified in the order.

(2) Except as provided by any order made under subsection (1)(a) of this section, no enactment relating to arbitration which forms part of the law of Tonga shall apply to proceedings pursuant to the Convention, but this subsection shall not be taken as affecting any provision of such an enactment relating to staying court proceedings where there is submission to arbitration.

(3) An order made under this section may be varied or revoked by a subsequent order so made.”.

EXPLANATORY NOTE

This Order extends the provisions of the Arbitration (International Investment Disputes) Act 1966, with certain exceptions, adaptations and modifications, to Tonga.

(1) Rev. Edn. 1947 c. 6.

(2) 1856 c. 113