



Colonial Courts of Admiralty Act 1890

1890 CHAPTER 27 53 and 54 Vict

2 Colonial Courts of Admiralty.

- (1) Every court of law in a British possession, which is for the time being declared in pursuance of this Act to be a court of Admiralty, or which, if no such declaration is in force in the possession, has therein original unlimited civil jurisdiction, shall be a court of Admiralty, with the jurisdiction in this Act mentioned, and may for the purpose of that jurisdiction exercise all the powers which it possesses for the purpose of its other civil jurisdiction, and such court in reference to the jurisdiction conferred by this Act is in this Act referred to as a Colonial Court of Admiralty. Where in a British possession the Governor is the sole judicial authority, the expression “court of law” for the purposes of this section includes such Governor.
- (2) The jurisdiction of a Colonial Court of Admiralty shall, subject to the provisions of this Act, be over the like places, persons, matters, and things, as the Admiralty jurisdiction of the High Court in England, whether existing by virtue of any statute or otherwise, and the Colonial Court of Admiralty may exercise such jurisdiction in like manner and to as full an extent as the High Court in England, and shall have the same regard as that Court to international law and the comity of nations.
- (3) Subject to the provisions of this Act any enactment referring to a Vice-Admiralty Court, which is contained in an Act of the Imperial Parliament or in a Colonial law, shall apply to a Colonial Court of Admiralty, and be read as if the expression “Colonial Court of Admiralty” were therein substituted for “Vice-Admiralty Court” or for other expressions respectively referring to such Vice-Admiralty Courts or the judge thereof, and the Colonial Court of Admiralty shall have jurisdiction accordingly.

Provided as follows:—

- (a) Any enactment in an Act of the Imperial Parliament referring to the Admiralty jurisdiction of the High Court in England, when applied to a Colonial Court of Admiralty in a British possession, shall be read as if the name of that possession were therein substituted for England and Wales; and
- (b) A Colonial Court of Admiralty shall have under the ^MNaval Prize Act 1864 ^{F1}. . . and any enactment relating to prize ^{F1}. . . , the jurisdiction thereby conferred on a Vice-Admiralty Court and not the jurisdiction *thereby* conferred exclusively on the High Court of Admiralty or the High Court of

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Justice; but, unless for the time being duly authorised, shall not by virtue of this Act exercise any jurisdiction under the ^{M2}Naval Prize Act 1864 or otherwise in relation to prize; and

- (c) A Colonial Court of Admiralty shall not have jurisdiction under this Act to try or punish a person for an offence which according to the law of England is punishable on indictment; and
 - (d) A Colonial Court of Admiralty shall not have any greater jurisdiction in relation to the laws and regulations relating to Her Majesty's Navy at sea, or under any Act providing for the discipline of Her Majesty's Navy, than may be from time to time conferred on such court by Order in Council.
- (4) Where a Court in a British possession exercises in respect of matters arising outside the body of a county or other like part of a British possession any jurisdiction exercisable under this Act, that jurisdiction shall be deemed to be exercised under this Act and not otherwise.

Textual Amendments

F1 Words in s. 2 proviso para. (b) repealed (19.11.1998) by 1998 c. 43, s. 1(1), **Sch. 1 Pt. VIII**

Modifications etc. (not altering text)

C1 Power to amend s. 2(2) conferred by **Supreme Court Act 1981 (c. 54, SIF 37), s. 150(2)**

C2 S. 2(3) explained by **Prize Act 1939 (c. 65), s. 3**

Marginal Citations

M1 1864 c. 25(129:4)

M2 1864 c. 25.

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