

7. All Her Majesty's jurisdiction exercisable in Zanzibar under the Foreign Jurisdiction Acts, for the hearing and determination of criminal or civil matters, or for the maintenance of order, or for the control or administration of persons or property, or in relation thereto, shall be exercised under and according to the provisions of this Order, so far as this Order extends and applies.

A Consul or Vice-Consul holding Her Majesty's Commission for Zanzibar or any part thereof, or any person acting temporarily with the approval of a Secretary of State, or in case of emergency appointed temporarily by the Consul-General in writing as and for a Consul or Vice-Consul as aforesaid, shall, in and for such district as may be assigned by his Commission or appointment, or by any direction of a Secretary of State, hold and form a Consular Court, and shall, subject to the provisions of this Order, have and exercise within the district all the powers and jurisdiction which can be exercised by the Consul-General under this Order.

An appeal may be brought from a Judgment or Order of a District Court to the Consul-General in such cases and manner and subject to such regulations as may from time to time be directed or approved by a Secretary of State; and for the purposes of hearing and determining any such appeal the Consul-General may proceed in the same manner and shall have the same powers as if the appeal were an original proceeding instituted in his Court, and he shall certify his decision to the Court from which the appeal is brought, which shall give effect thereto.

Where an appeal is brought under this Article to the Court of the Consul-General, a further appeal shall lie in the like cases and manner and on the like grounds and conditions in and on which an appeal can under this Order be brought from the Consul-General.

PART III.—APPLICATION OF CERTAIN PORTIONS OF THE LAW OF BRITISH INDIA.

8.—(a.) Subject to the other provisions of this Order, and to any Treaties for the time being in force relating to Zanzibar, Her Majesty's criminal and civil jurisdiction in Zanzibar shall, so far as circumstances admit, be exercised on the principles of, and in conformity with, the enactments for the time being applicable as hereinafter mentioned of the Governor-General of India in Council, and of the Governor of Bombay in Council, and according to the course of procedure and practice observed by, and before, the Courts in the Presidency of Bombay beyond the limits of the ordinary original jurisdiction of the High Court of Judicature at Bombay according to their respective jurisdiction and authority, and so far as such enactments, procedure and practice are inapplicable, shall, so far as circumstances admit, be exercised under and in accordance with the common and statute law of England in force at the commencement of this Order.

(b.) The following enactments are hereby made applicable to Zanzibar as from the commencement of this Order, namely:—

The Indian Penal Code (Act XLV of 1860).

The Indian Succession Act (Act X of 1865).

"The Bombay Civil Courts Act, 1869" (Act XIV of 1869), except sections 6, 15, 23, 32, 33, 34, 38 to 43 (both inclusive), the last clause of section 19, and the last two clauses of section 22.

"The Indian Evidence Act, 1872" (Act I of 1872).

"The Indian Oaths Act, 1873" (Act X of 1873).

The Code of Criminal Procedure (Act X of 1882).

The Code of Civil Procedure (Act XIV of 1882).

Acts of the Governor-General of India in Council amending any of these Acts, and in force at the time of the passing of this Order.

The enactments relating to bankruptcy for the time being in force in the Presidency of Bombay.

(c.) Any other existing or future enactments of the Governor-General of India in Council, or of the Governor of Bombay in Council, shall also be applicable to Zanzibar, but shall not come into operation until such times as may in the case of any of such enactments respectively be fixed by the Secretary of State.

(d.) For the purpose of facilitating the application of any such enactments as before-mentioned—

(i.) Any of the Courts established under this Order may construe any such enactment, with such alterations not affecting the substance, as may be necessary or proper to adapt the same to the matter before the Court;

(ii.) The Secretary of State may by order from time to time direct by what authority any jurisdiction, powers, or duties incident to the operation of any such enactment, and for the exercise or performance of which no convenient provision has been otherwise made, shall be exercised or performed;

(iii.) The Secretary of State may by order from time to time modify, for the purposes of this Order, any provision of any of the before-mentioned enactments, or of any amending or substituted enactment relating to civil or criminal procedure or to procedure in bankruptcy.

(iv.) Any order of the Secretary of State made in pursuance of this Article shall be published in Zanzibar, and in India, in such manner as he directs, and shall have effect as from a date to be specified in the Order.

PART IV.—CRIMINAL MATTERS.

Application of the Code of Criminal Procedure.

9. Subject to the other provisions of this Order, the Code of Criminal Procedure and the other enactments relating to the administration of criminal justice in India for the time being applicable to Zanzibar, shall have effect as if Zanzibar were a district in the Presidency of Bombay, and the Judicial Assistant shall be deemed to be the Magistrate of the district, the Consul-General shall be deemed to be the Sessions Judge; the High Court of Judicature at Bombay (hereinafter called the High Court of Bombay) shall be deemed to be the High Court; and the powers both of the Governor-General in Council and of the Local Government under those enactments shall be exercisable by the Secretary of State, or, with his previous or subsequent assent, by the Governor-General of India in Council.

Commitments to High Court of Bombay.

10. When any person is committed to the High Court of Bombay for trial, the Consul-General may, under and in accordance with the provisions of section 4 of "The Foreign Jurisdiction Act, 1843," send him to Bombay for trial; and may, if he thinks fit, bind over such of the proper witnesses as are British subjects, or any of them, in their own recognizances, to appear and give evidence on the trial.

Offence of Smuggling.

11. If a British subject smuggles or imports into or exports from Zanzibar any goods whereon any duty is charged or payable to the Govern-