

61. Savings.
62. Pending Proceedings.
63. Commencement of Order.
64. Publication of Order.

At the Court at *Windsor*, the 7th day of
July, 1897.

PRESENT,

The QUEEN'S Most Excellent Majesty.
His Royal Highness the Duke of Connaught
and Strathearne.
Lord President.
Earl of Kintore.
Earl of Hopetoun.
Mr. Secretary Chamberlain.

WHEREAS by Treaty, grant, usage, suffer-
ance, and other lawful means, Her
Majesty the Queen has power and jurisdiction
within the dominions of His Highness the Sultan
of Zanzibar:

Now, therefore, Her Majesty, by virtue, and in
exercise of the powers on this behalf by "The
Foreign Jurisdiction Act, 1890," or otherwise, in
Her Majesty vested, is pleased, by and with the
advice of Her Privy Council, to order, and it is
hereby ordered, as follows:—

PART I.—*Preliminary.*

1. This Order may be cited as "The Zanzibar
Order in Council, 1897."

The limits of this Order are the Islands of
Zanzibar and Pemba, including the territorial
waters thereof, and any islets within those waters,
which islands and waters are in this Order
(except when the context requires a different con-
struction) included in the expression "Zanzibar."

2. This Order is divided into Parts as
follows:—

- Part I. Preliminary.
- Part II. Application and effect of Order.
- Part III. Constitution of Courts.
- Part IV. Application of law of British India
and of the United Kingdom.
- Part V. Criminal matters.
- Part VI. Civil matters.
- Part VII. Zanzibar and Foreign Subjects and
Tribunals.

Part VIII. Miscellaneous.
Part IX. Repeal and Transitory Provisions.
Schedules.

3. In this Order—

- (i.) "The Secretary of State" means one of
Her Majesty's Principal Secretaries of State;
- (ii.) "Treasury" means the Commissioners of
Her Majesty's Treasury;
- (iii.) "The Consul-General" means Her
Majesty's Consul-General for Zanzibar, including
a person acting temporarily, with the approval
of the Secretary of State, as or for the Consul-
General;
- (iv.) "British Subject" includes a British-
protected person, that is to say, a person (a)
who being a native of any place beyond the
dominions of the Sultan of Zanzibar, which is
under the Protectorate of Her Majesty is tem-
porarily within the limits of this Order; or (b)
who by virtue of "The Foreign Jurisdiction Act,
1890," or otherwise, enjoys Her Majesty's pro-
tection in Zanzibar;
- (v.) "Resident" means having a fixed place
of abode in Zanzibar;
- (vi.) "Zanzibar Subject" means a subject of
the Sultan of Zanzibar;
- (vii.) "Foreigner" means a subject or citizen
of a State in amity with Her Majesty, other than
Zanzibar;

(viii.) "Zanzibar or foreign Court" means a
Court of the Government of Zanzibar, or of any
foreign State in amity with Her Majesty, exer-
cising lawful jurisdiction in Zanzibar, and
includes every member or officer of such a
Court;

(ix.) "Treaty" includes any Convention,
Agreement, or Arrangement, made by or on
behalf of Her Majesty with any State or Govern-
ment, King, Chief, people, or tribe, whether the
Sultan of Zanzibar is or is not a party thereto;

(x.) "Administration" means (unless a con-
trary intention appears from the context) letters
of administration, including the same with will
annexed, or granted for special or limited pur-
poses, or limited in duration;

(xi.) "Ship" includes any vessel used in
navigation, however propelled, with her tackle,
furniture, and apparel, and any boat or other
craft;

(xii.) "Offence" means any act or omission
made punishable by any law for the time being
in force;

(xiii.) "Imprisonment" means imprisonment
of either description, as defined in the Indian
Penal Code;

(xiv.) "Month" means calendar month;

(xv.) "Will" means will, codicil, or other
testamentary instrument;

(xvi.) "Oath" or "affidavit" includes affirma-
tion or declaration;

(xvii.) "Person" includes Corporation;

(xviii.) Words importing the plural or the
singular may be construed as referring to one
person or thing, or to more than one person or
thing, and words importing the masculine as
referring to females (as the case may require).

4.—(1.) Where this Order confers a power or
imposes a duty, the power may be exercised and
the duty shall be performed from time to time as
occasion requires.

(2.) Where this Order confers a power or
imposes a duty on the holder of an office, then,
unless a contrary intention appears, the power
may be exercised and the duty shall be performed
by the holder of the office for the time being, or
by a person duly appointed to act for him.

(3.) Where this Order confers a power to make
rules, regulations, or orders, the power shall be
construed as including a power exercisable in the
like manner, and subject to the like approval and
conditions (if any), to rescind, revoke, amend, or
vary the rules, regulations, or orders.

PART II.—*Application and effect of Order.*

5.—(1.) This Order extends to British subjects
and to foreigners with respect to whom the
Government whose subjects they are has, by
Treaty or otherwise, agreed with Her Majesty for,
or consented to, the exercise of power or authority
by Her Majesty; and the expression "person
subject to this Order" shall be construed accord-
ingly.

(2.) This Order also extends to (a) the pro-
perty and all personal or proprietary rights and
liabilities in Zanzibar of persons subject to this
Order; (b) British ships, with their boats, and
the property on board thereof; and (c) foreign
ships belonging to persons who are, or if they
were in Zanzibar would be, persons subject to this
Order, so, however, that jurisdiction over such
foreign ships shall not be exercised otherwise than
according to the practice of the High Court in
England in the exercise of jurisdiction over
foreign ships.

(3.) This Order also extends, in the cases and
according to the conditions specified in this Order,