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TUESDAY, 25 MAY, 1943

At the Court at *Buckingham Palace*, the 22nd day of *March*, 1943.

PRESENT,

The KING's Most Excellent Majesty in Council.

WHEREAS by Treaty, grant, usage, sufferance and other lawful means His Majesty The King has jurisdiction within the dominions of the Republic of China:

And whereas by a Treaty signed at Chungking on the 11th day of January, 1943, His Majesty has undertaken to surrender the jurisdiction aforesaid, and it is expedient to provide for the termination of the said jurisdiction as from the date on which the said Treaty comes into force and such other matters as arise in connexion with the said termination:

And whereas the Governments of Canada, the Commonwealth of Australia, New Zealand, the Union of South Africa and of India have requested and consented to the making of this Order as regards those interests with which they are respectively concerned:

Now, therefore, His Majesty by virtue and in exercise of the powers in this behalf by the Foreign Jurisdiction Acts, 1890 and 1913 (53 and 54 Vic. c. 37, and 3 and 4 Geo. V. c. 16) and the Merchant Shipping Act, 1894 (57-58 Vict. c. 60) or otherwise in His Majesty vested, is pleased, by and with the advice of His Privy Council to order, and it is hereby ordered, as follows:—

Article 1.

(1) This Order may be cited as the China Order in Council, 1943. The limits of this Order are the dominions of the Republic of China including places within the limits of the China Kashgar Order in Council, 1920.

(2) This Order shall take effect on the date of the exchange of ratifications of the Treaty signed on behalf of His Majesty at Chungking on the 11th day of January, 1943. The Secretary of State shall cause a Notice of this date to be published in the London Gazette.

(3) Printed copies of this Order shall be affixed and exhibited in the offices of every Consulate of His Majesty at present established in China for a period of six months from the date of the coming into force of this Order.

Article 2.

(1) The following Orders and all Regulations made thereunder are repealed:—

The China Order in Council, 1925 (hereinafter referred to as the principal Order);

The China (Whangpoo River Conservancy) Order in Council, 1902.

The China and Corea (Shipping Registry) Order in Council, 1904;

The China and Corea (Consular Fees) Order in Council, 1909;

The China (Control of Shipbuilding) Order in Council, 1918;

The China (Treaty of Peace) Order in Council, 1919;

The China (Kashgar) Order in Council, 1920;

The China (Kashgar) Amendment Order in Council, 1922;

The China (Treaty of Peace) (Austria) Order in Council, 1924;

The China (Treaty of Peace) (Hungary) Order in Council, 1924;

The China (Amendment) Order in Council, 1927;

The Companies Consolidation (China) Order in Council, 1929;

The Wei-hai-wei Order in Council, 1930;

The China (Amendment) Order in Council, 1933;

The China (Registration Fees Amendment) Order in Council, 1933;

The China (Amendment) Order in Council, 1936;

The China (Kashgar Amendment) Order in Council, 1936;

The China (Amendment) Order in Council, 1937;

The China Emergency Order in Council, 1939;

The China (Japanese Military Occupation) Order in Council, 1942.

(2) The following Orders and all Regulations, Rules and Orders made thereunder are repealed so far as their application to the dominions of the Republic of China is concerned:—

The Foreign Jurisdiction (Neutrality) Order in Council, 1904;

The Foreign Jurisdiction (Admiralty) Order in Council, 1910;

The Foreign Jurisdiction (Military Forces) Order in Council, 1927;

The Foreign Jurisdiction (Probates) Order in Council, 1935;

The Merchant Shipping (Helm Orders) Order in Council, 1935.

(3) Nothing in the previous paragraphs of this article is to be deemed to prejudice the validity of anything done or suffered under the Orders in Council, Regulations, Rules or Orders repealed by those paragraphs.

Article 3.

(1) All courts established under the principal Order shall be closed on the date of the coming into force of this Order and the appointment of the Judge, Assistant Judge, Acting Judge and all officers of the said courts shall terminate on the same date.

(2) The Government of the Republic of China having agreed by an exchange of Notes which is to be considered as integral part of the Treaty signed at Chungking on the 11th January, 1943, that the Orders, decrees, judgments and other Acts of any of His Majesty's courts in China shall be considered as *res judicata* and shall when necessary be enforced by the Chinese authorities and that any cases pending before any of His Majesty's courts in China at the time of the coming into force of the Treaty shall, if the plaintiff or petitioner so desires, be remitted to the appropriate courts of the Government of the