

Assented to in her Majesty's name and on Her Majesty's behalf this 27th day of October 2016.

Lisa Phillips
Governor



**ASCENSION
No. 6 of 2016**

Enacted.....27 October 2016
Date of Commencement.....27 October 2016
Published in the Gazette..... 27 October 2016

AN ORDINANCE

to extend certain orders and sentences (including ancillary orders) made by the courts of St Helena and Tristan da Cunha to Ascension; and for purposes connected therewith or incidental thereto.

Enacted by the Governor of Ascension after consultation with the Island Council of Ascension.

Citation and commencement

1. This Ordinance may be cited as the Courts (Extension of Jurisdiction)(Ascension) Ordinance, 2016, and shall come into force on publication.

Interpretation

2. In this Ordinance —
“court” means the Supreme Court, Court of Appeal and any subordinate court established by law; and
“orders” means orders and sentences (including ancillary orders), of any court of St Helena or Tristan da Cunha, whether in criminal or civil proceedings, made or passed after the commencement of this Ordinance; and
“substantial connection” means there is a real and substantial connection between the subject matter of the litigation or the damages suffered and Ascension.

Extension of jurisdiction of court

3. (1) All orders shall, (subject to subsection (2)), extend to Ascension, unless the court at the time of the making of such an order or thereafter a court in Ascension, orders otherwise.

(2) Without prejudice to any continuing jurisdiction of the court which made the order, any subsequent proceedings arising from an order may be dealt with by the courts of Ascension exercising similar jurisdiction, as if the original order had been made by such court, but only if—

(a) in criminal proceedings, the offender is in Ascension; or the act, omission or other circumstance giving rise to such subsequent proceedings took place in Ascension; or

(b) in civil proceedings, such proceedings have a substantial connection to Ascension.

(3) In the event of any issue arising as to which, if any, court should exercise jurisdiction in any particular proceedings as a consequence of the operation of this Ordinance, the issue of jurisdiction may be referred by the court, or by any party to such proceedings, to the Supreme Court, whose decision shall be final.

Repeal and amendment of legislation

2. (1) The Courts (Jurisdiction)(Ascension) Ordinance, 2016, (Ordinance 4 of 2016) is repealed.

(2) Section 4 of the Magistrates' Court Ordinance, Cap. A19, is amended by adding the character and word “, personal” after the word “territorial”.

EXPLANATORY NOTE

(This note does not form part of the Ordinance)

This Ordinance repeals and replaces an Ordinance enacted to give effect to certain recommendations made by the Wass Enquiry to ensure that orders and sentences (including all ancillary orders) of the courts in St Helena, Ascension or Tristan da Cunha can be enforced in the other territories. A similar Ordinance was introduced in St Helena but certain changes were effected to that Ordinance shortly before it was enacted. This new Ordinance brings the legislation for Ascension in line with the corresponding Ordinance of St Helena.