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### ‘File 7/5 Appointment of Judicial Adviser to the Political Resident’

<b>Holding Institution</b>	British Library: India Office Records and Private Papers
<b>Reference</b>	IOR/R/15/5/302
<b>Date(s)</b>	31 Dec 1948-14 Dec 1949 (CE, Gregorian)
<b>Written in</b>	English in Latin
<b>Extent and Format</b>	1 file (19 folios)
<b>Copyright for document</b>	<a href="#">Open Government Licence</a>

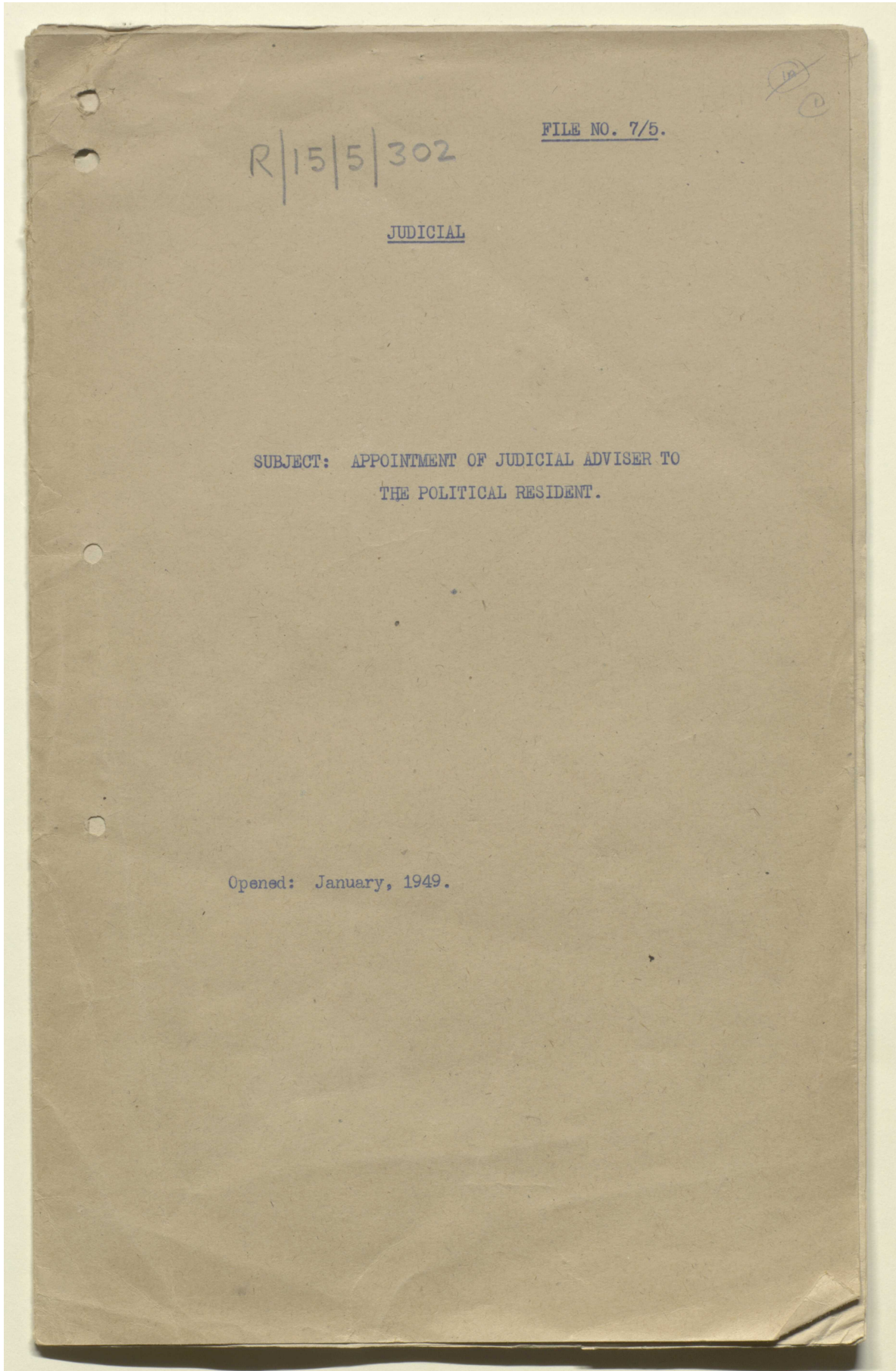


#### About this record

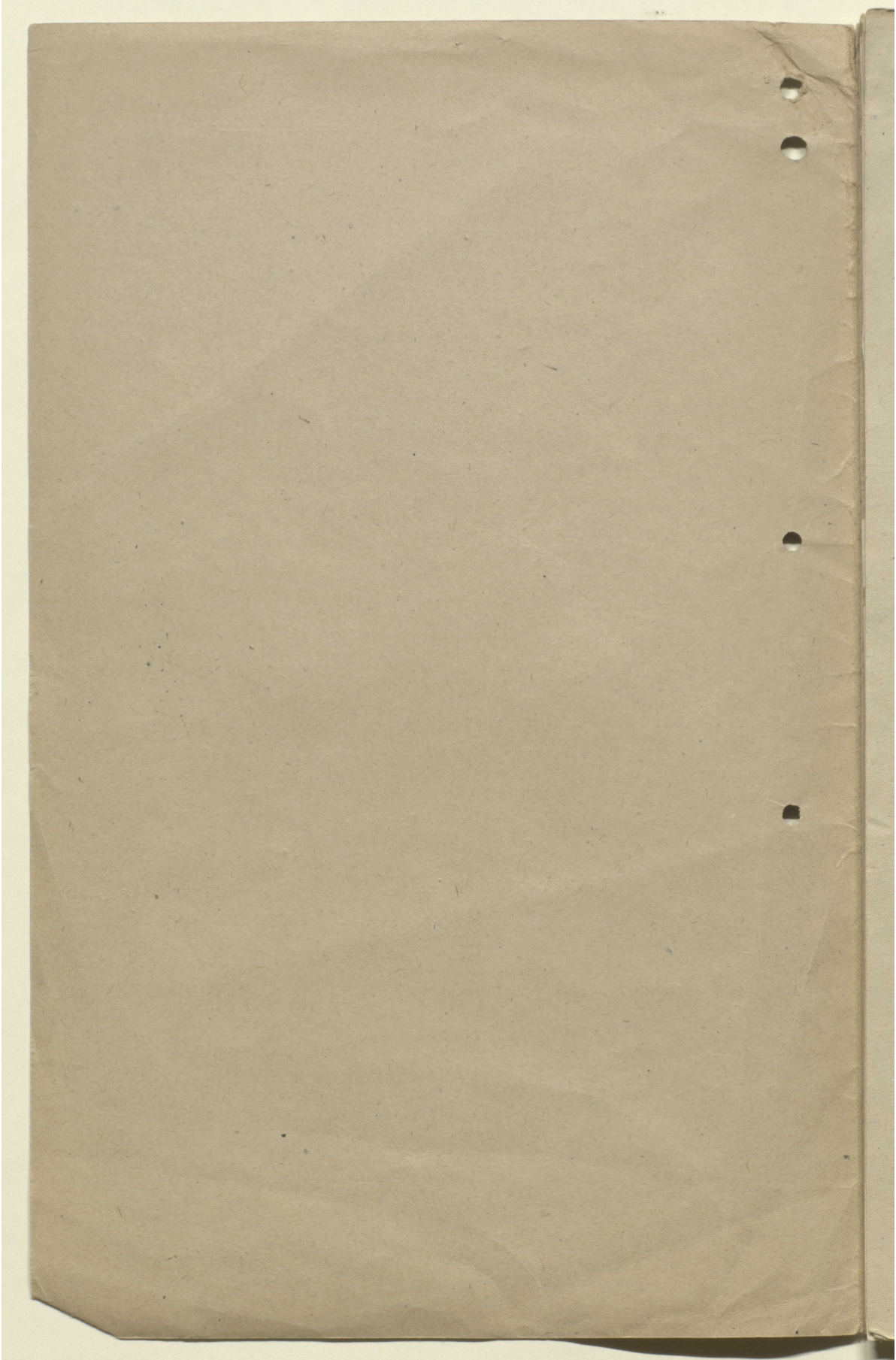
The file is concerned with the appointment of a Judicial Assistant — Summer Hayes (also spelt Haines) — to the Political Resident in the Persian Gulf for the purpose of providing relief to subordinate Political Agents in their judicial work. It also contains an incomplete copy (on folios 2-7) of the *Kuwait Air Navigation Regulation, 1949* and a copy (on folio 8) of a notice, dated 22 May 1936, for the introduction of the superseded 1936 regulation.

The file is mostly made up of telegrams, and the odd letter, between the Kuwait Political Agent (Herbert George Jakins), the Persian Gulf Political Resident (William Rupert Hay), and the Foreign Office. The creation date range covers the main run of this correspondence.

'File 7/5 Appointment of Judicial Adviser to the Political Resident' [front]  
(1/42)



'File 7/5 Appointment of Judicial Adviser to the Political Resident' [front-i]  
(2/42)



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6. The conditions governing the use of the aerodrome or aerodromes at Kuwait set out in the Annex to this Order shall apply in respect of all aircraft using any such aerodrome.

7. The aircraft and the persons on board shall conform with such orders as may lawfully be given by any authorised person.

8. Personnel of the aircraft required by the law of the State where the aircraft is registered to be provided with licences shall on demand by any authorised person, produce their licences for inspection by him.

The person in charge of the aircraft shall, on demand by any authorised person, produce any prescribed certificate, licence or logbook relating to the aircraft and, if it carries passengers or freight, the list of names and the bills of lading and manifest.

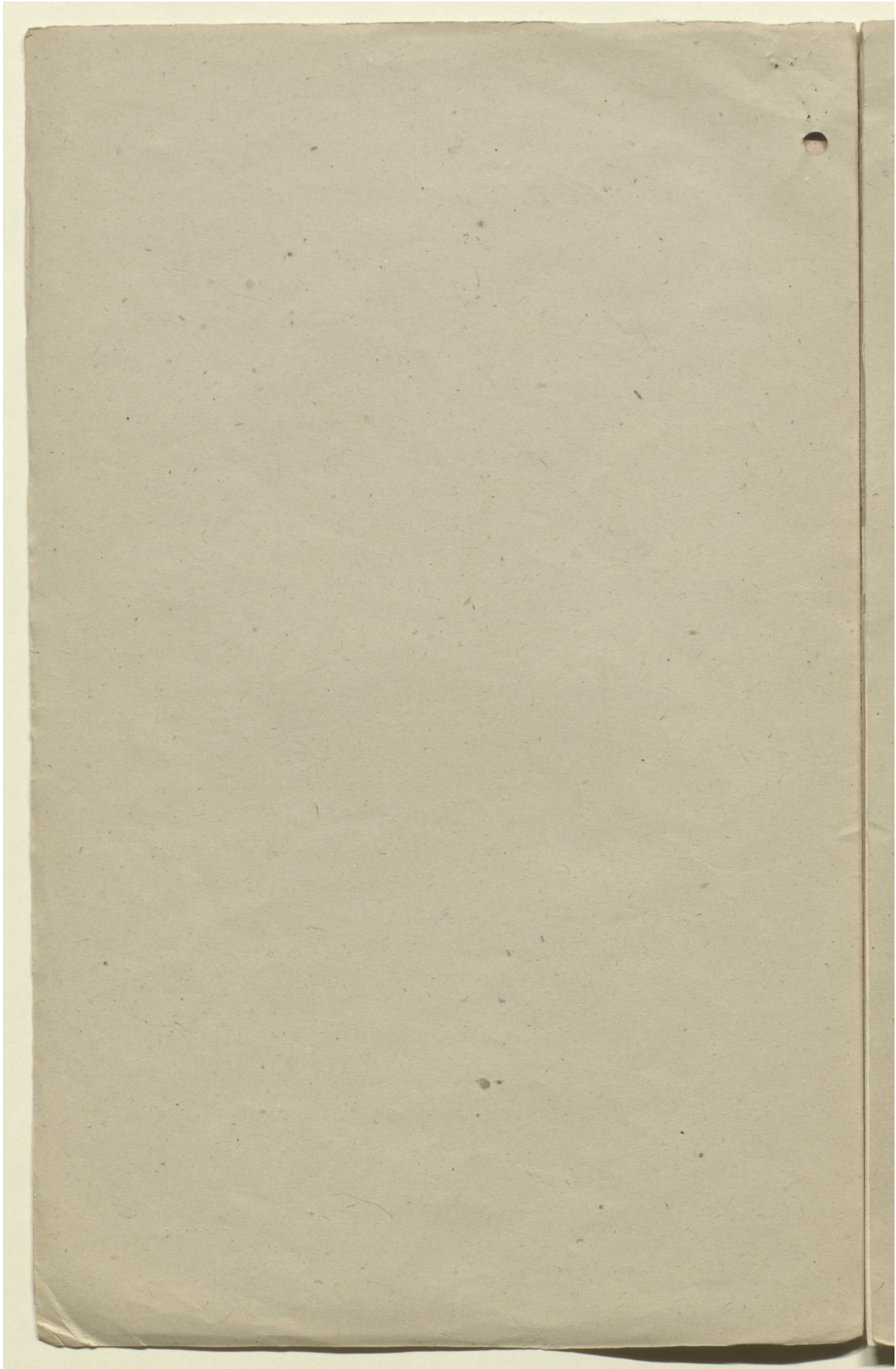
9. Any authorised person shall have the right of access at all reasonable times to any aircraft for the purpose of carrying out his powers and duties under these Regulations.

10. The aircraft shall comply in customs matters with the provisions of the Chicago Convention.

11. The aircraft, and the persons on board shall, immediately on landing in the territories of Kuwait from abroad and prior to departure from those territories for abroad, submit to the sanitary formalities prescribed by the Public Health Administration of Kuwait.

12. Prior notice of the time of the intended arrival of the aircraft from abroad at any Kuwait aerodrome and of departure of the aircraft for abroad from any Kuwait aerodrome shall be given to the Customs, Public Health and Police Administration.

13 .....



'File 7/5 Appointment of Judicial Adviser to the Political Resident' [3r] (5/42)

= 3 =

13. Persons on board the aircraft shall be in possession of valid national passports or equivalent documents and shall produce them on demand to any authorised person. Through passengers not breaking <sup>will not require transit visas. Passengers breaking journey</sup> or leaving the aerodrome will need visas issued by, or on behalf of, His Highness the Sheikh of Kuwait.

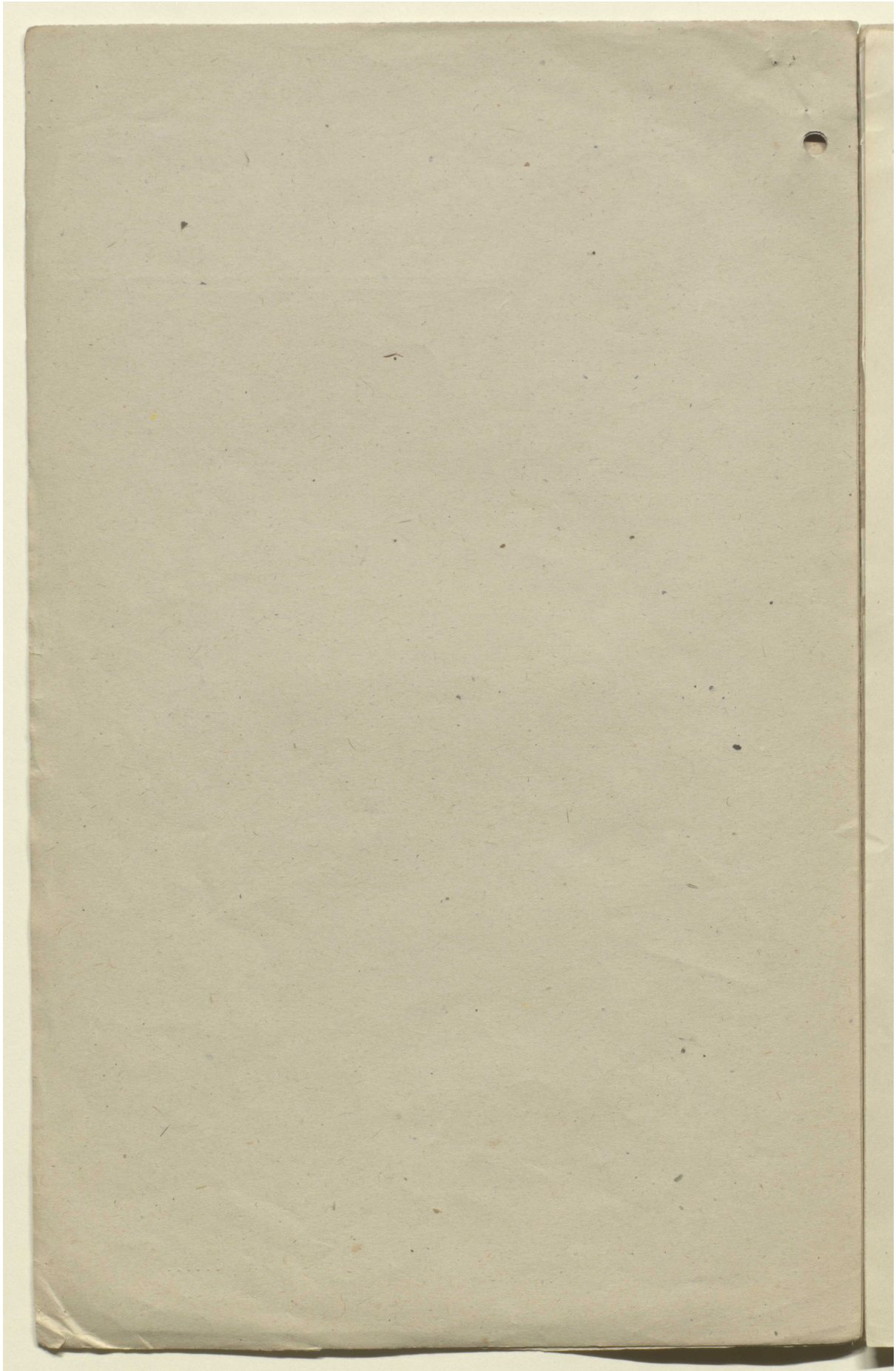
14. Subject to the provision of these Regulations, the laws and regulations for the time being in force in Kuwait concerning the entry into and the departure from the territories of Kuwait of persons by sea and land and concerning the importation into and the exportation from the territories of Kuwait of goods by sea and land shall apply respectively to the entry and departure of persons, and the importation and exportation of goods, by air.

15. (i) If an aircraft fails to comply with these Regulations, or if any act is committed in, or in ~~the~~ respect of, the aircraft in contravention of these Regulations, the pilot of the aircraft shall be deemed to have contravened these Regulations.

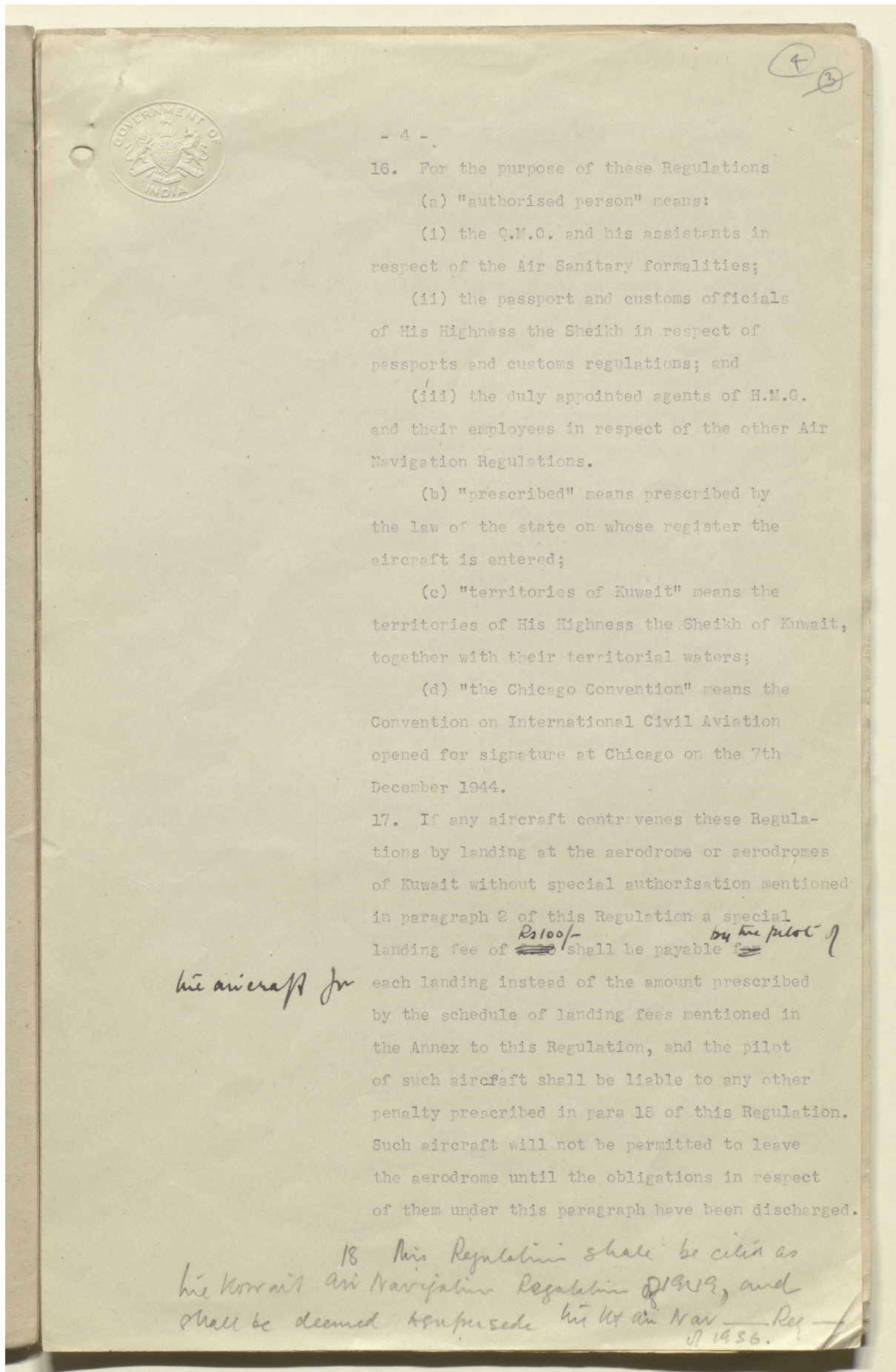
(ii) Any person who obstructs or impedes any authorised person in the exercise of his powers or duties under these Regulations shall be deemed to have contravened these Regulations.

(iii) Any person who contravenes or fails to comply with these Regulations shall be guilty of an offence, and, without prejudice to any other or higher penalty which may be imposed in respect of the same act or omission under any other law or regulation, shall be liable, on conviction to imprisonment for a period not exceeding six months or to a fine not exceeding 1,500 rupees or to both such imprisonment and fine.

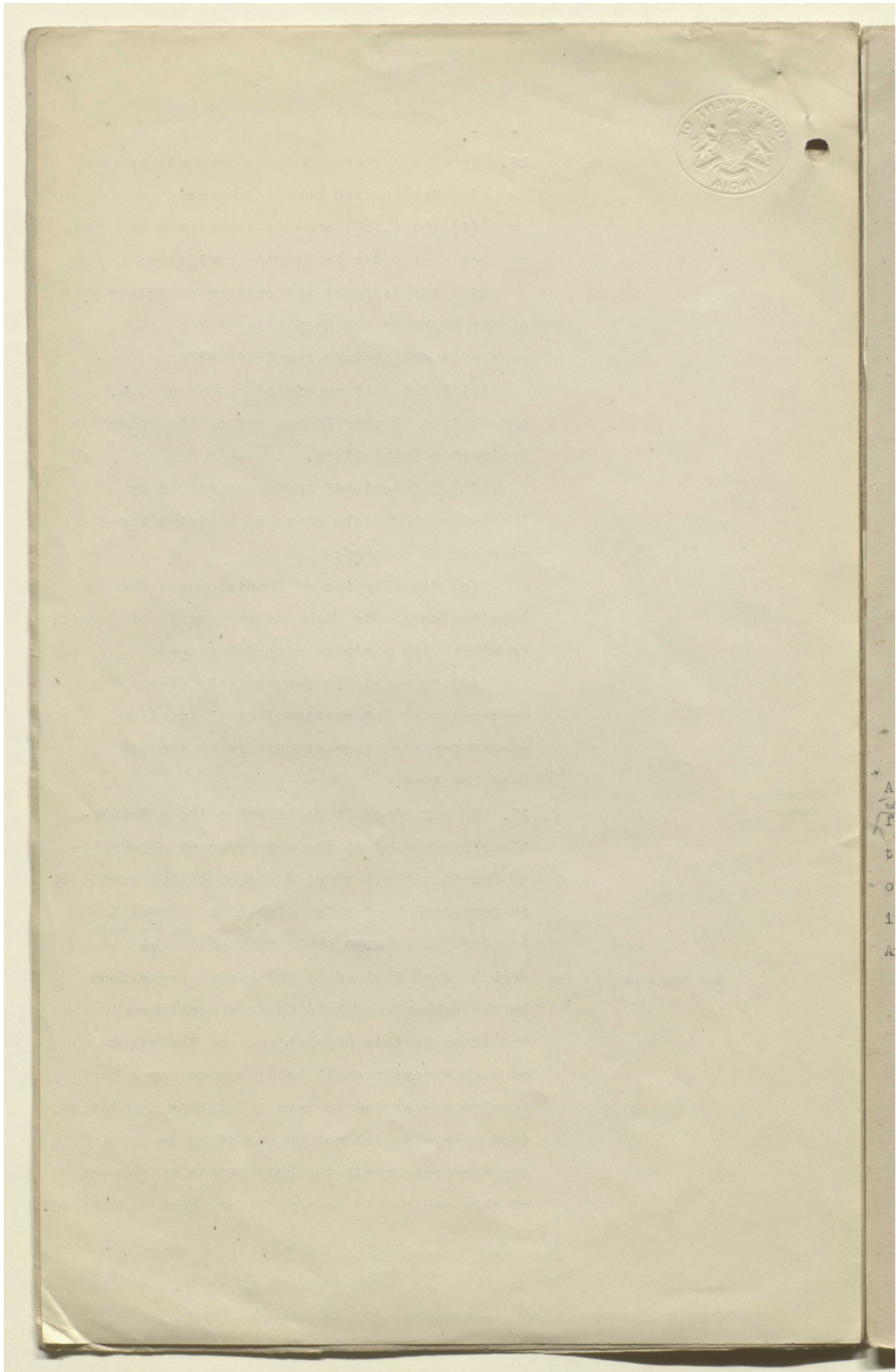
16 .....



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'File 7/5 Appointment of Judicial Adviser to the Political Resident' [5r] (9/42)

A N N E X (X)

1. Liability is not accepted by His Highness the Sheikh of Kuwait or by His Majesty's Government in the United Kingdom, their servants or agents, for loss or damage by accident, fire, flood, tempest, explosion or any other cause, to aircraft, or for the loss or damage from whatever cause to goods, materials or other articles, or for the loss or injury from whatever cause arising to passengers or other persons (including pilots, engineers or other personnel of aircraft landing at, departing from or accommodated in or at any aerodrome or aerodromes in the territories of His Highness the Sheikh, or flying over such territories even if such loss, damage or injury is caused by negligence.

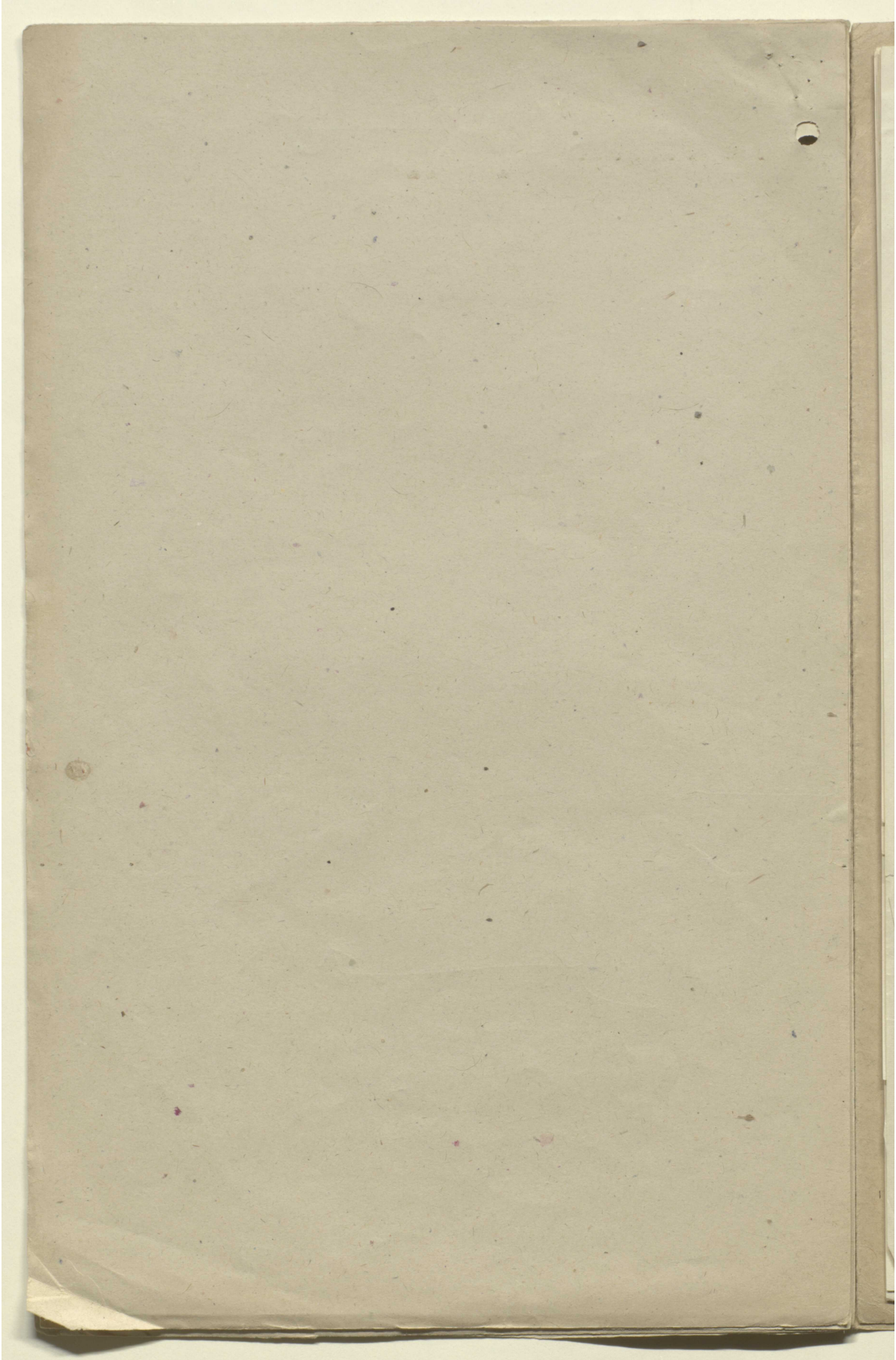
2. There shall be payable for the use of the aerodrome or aerodromes referred to in paragraph 1 and for ancillary facilities and for other services provided for aircraft and personnel using the aerodrome or aerodromes, such fees and other charges as shall be published by His Majesty's Government at the aerodrome or aerodromes. Such fees and charges shall be paid by the person requesting the use of the aerodrome or of the facility concerned or requesting service, on demand. \*

3. Supplies of fuel and lubricating oils for aircraft at the aerodrome referred to in paragraph 1 shall be obtained only from the agents appointed to manage the aerodrome or aerodromes, and shall be paid for at the current rates, particulars of which shall be posted at the aerodrome or aerodromes.

4. Any other service which may be required for which no fee or charge is published as aforesaid will be a matter for direct arrangement between whoever requires the service and the aerodrome authorities.

\* A schedule of the landing fees applicable at the time of the publication of this order is given in paragraph 5 to this Annex.

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'File 7/5 Appointment of Judicial Adviser to the Political Resident' [6r]  
(11/42)

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5  
6

5. SCHEDULE 1 - Landing Fees.

For aircraft not exceeding 20,000 lbs. maximum permissible weight as authorised by the certificate of airworthiness .....£0-5-0d per landing

For twin-engined aircraft of weight in excess of 20,000 lbs. maximum permissible weight as authorised by the certificate of airworthiness.....£0-10-0d " "

For four-engined aircraft .....£1-0-0d " "

~~---Housing-fees-will-be-assessed-on-the-basis of-space-occupied,-i.e.-the-product-of-the-span~~

SCHEDULE II - Housing fees

Housing fees will be assessed on the basis of space occupied, i.e. the product of the span of the aircraft, as housed, and its maximum length. Details of the charges are set out below:-

Area (as defined above) not exceeding	Up to 24 hours (Commercial and Private)
Sq.ft.	£ s.d.
300	0 2 6
500	0 4 0
700	0 5 6
1000	0 8 0
1500	0 12 0
2000	0 16 0
3000	1 5 0
4000	1 10 0
5000	1 15 0
6000	2 0 0
7000	2 5 0
8000	2 10 0
9000	2 15 0
10000	3 0 0
11000	3 5 0
12000	3 10 0
Over 12,000 sq.ft., add for each additional 1,000 sq.ft. or part thereof.	0 5 0

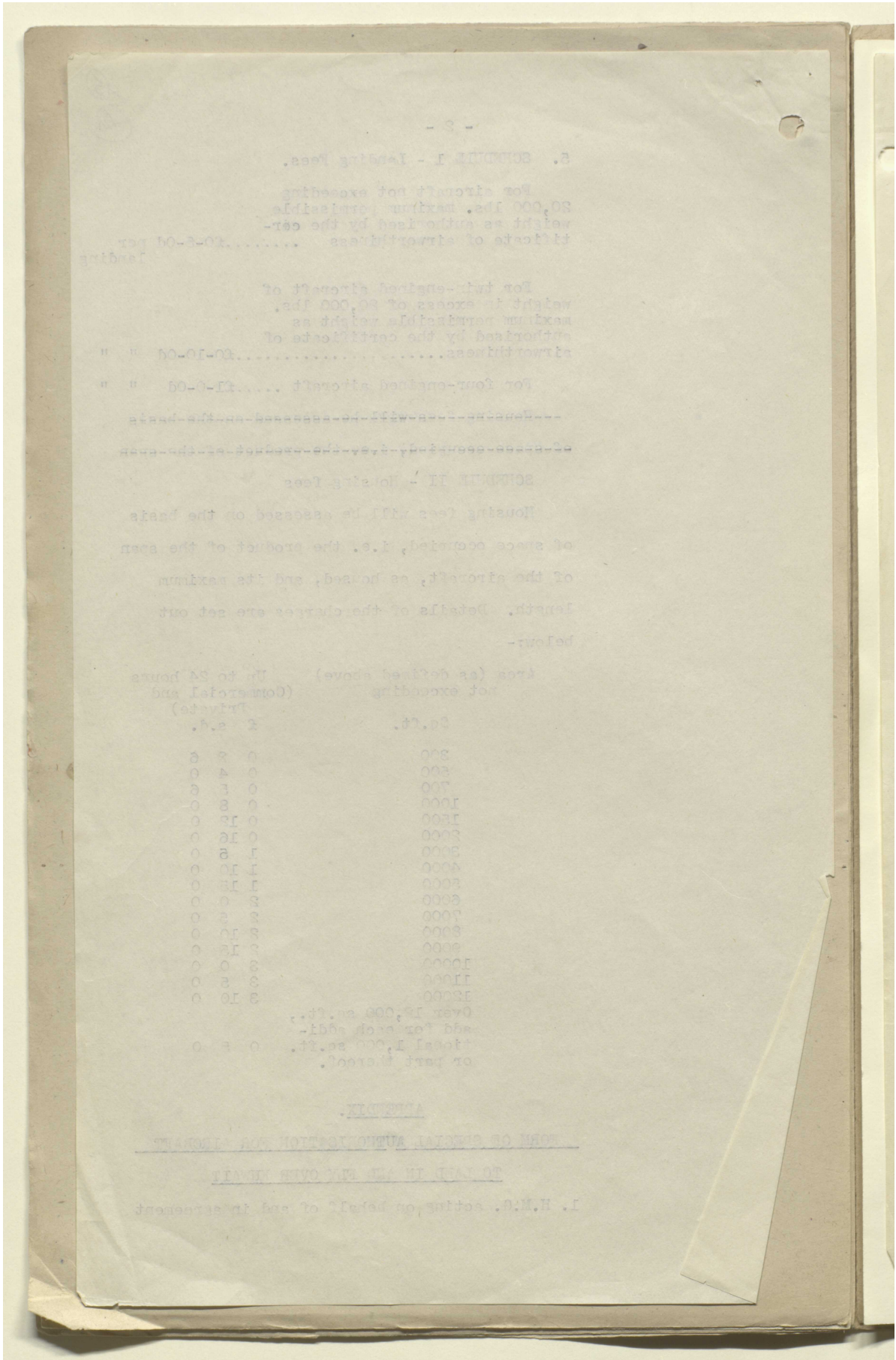
APPENDIX.

FORM OF SPECIAL AUTHORISATION FOR AIRCRAFT

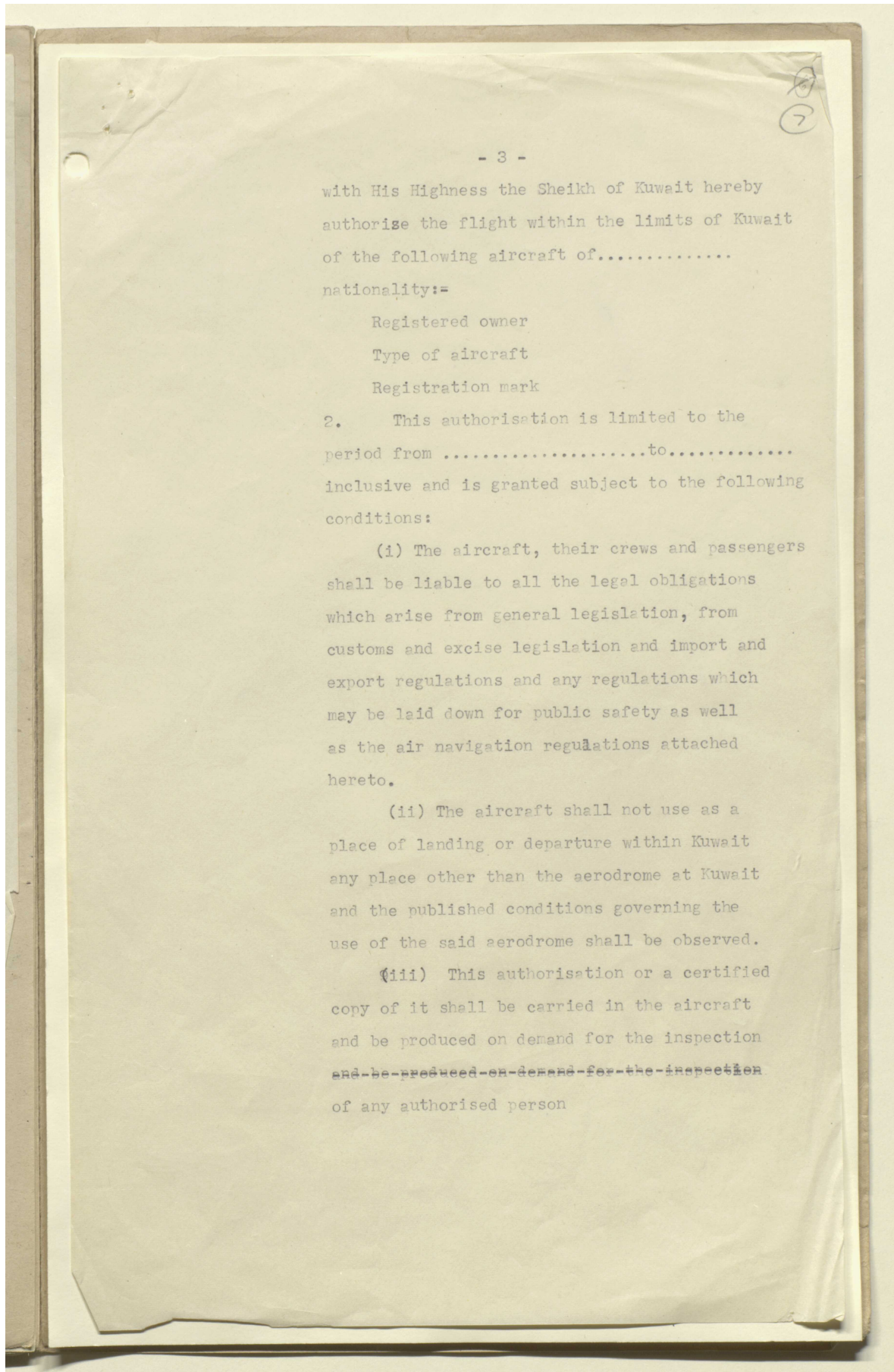
TO LAND IN AND FLY OVER KUWAIT

1. H.M.G. acting on behalf of and in agreement

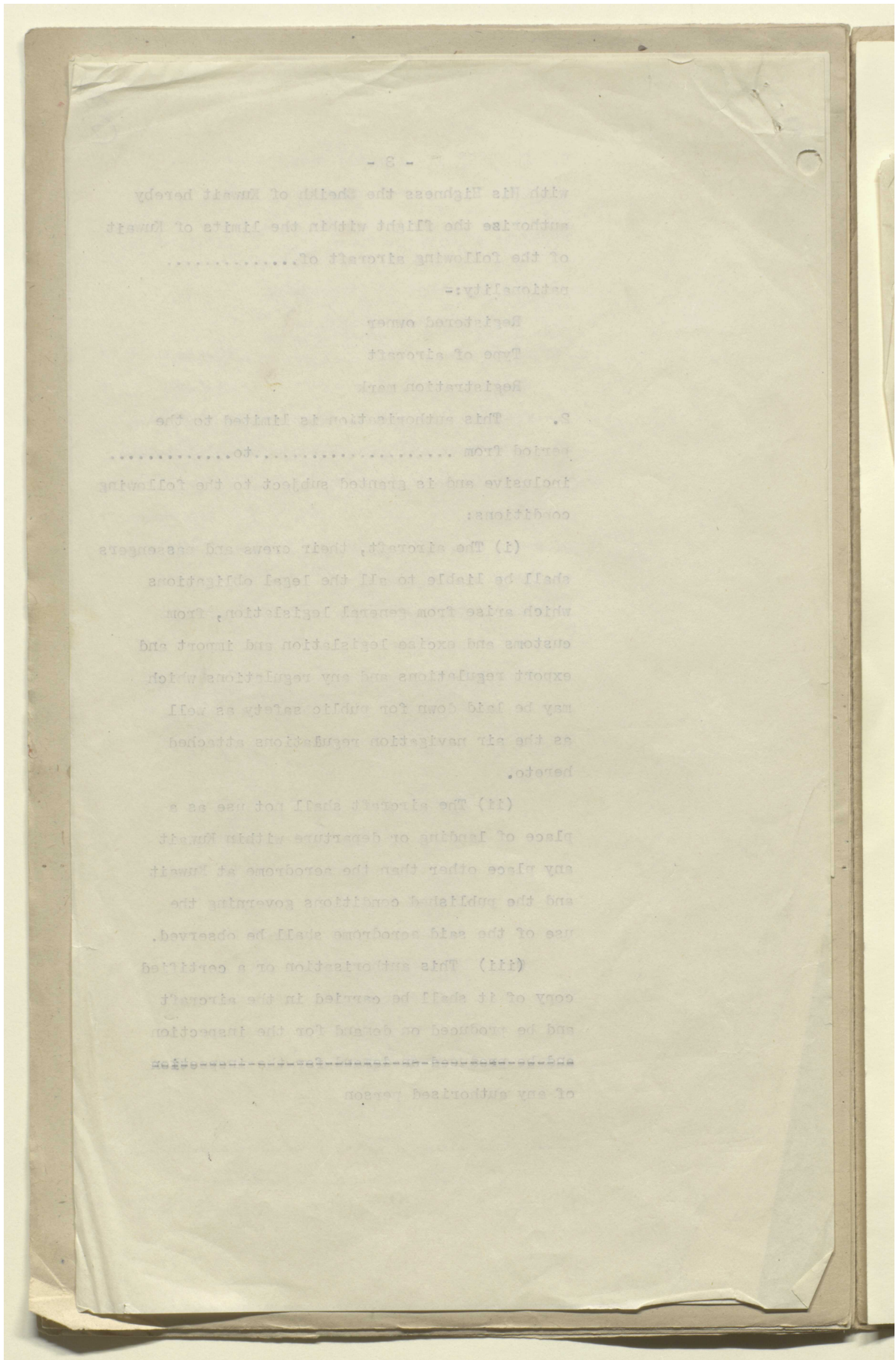
'File 7/5 Appointment of Judicial Adviser to the Political Resident' [6v]  
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'File 7/5 Appointment of Judicial Adviser to the Political Resident' [7r]  
(13/42)



'File 7/5 Appointment of Judicial Adviser to the Political Resident' [7v]  
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(15/42)

K U W A I T

Notice

The following Regulation, made by the Political Resident in the Persian Gulf and allowed by His Majesty's Principal Secretary of State for Foreign Affairs, is published for general information.

T.C. FOWLE, Lt.Colonel.  
Political Resident in the Persian Gulf.

Bushire, May 22, 1936

KING'S REGULATION UNDER ARTICLE 83 OF "KUWAIT ORDER IN COUNCIL", 1935.

No. 1 of 1936.

1. Within the limits of the "Kuwait Order in Council, 1935" the Air Navigation Regulations for civil aircraft made by His Excellency the Shaikh of Kuwait, a copy of which is annexed hereto, shall be binding on the persons specified in articles 8(I), (i), (ii), and (iii) of the said Order.

2. Any person found guilty of an offence against the said Regulations shall, in accordance with article 84(2) and (3) of the said Order, on conviction be liable to a fine not exceeding 1,500 rupees and, in default, to simple imprisonment not exceeding three months; and any goods, receptacles or things (including aircraft) in relation to which the offence has been committed, shall in accordance with article 84(1) of the said Order, be liable to forfeiture.

3. This Regulation may be cited as "The Kuwait Air Navigation Regulation, 1936".

T.C. FOWLE, Lt.Colonel,  
Political Resident in the Persian Gulf.

Bushire, May 22, 1936.

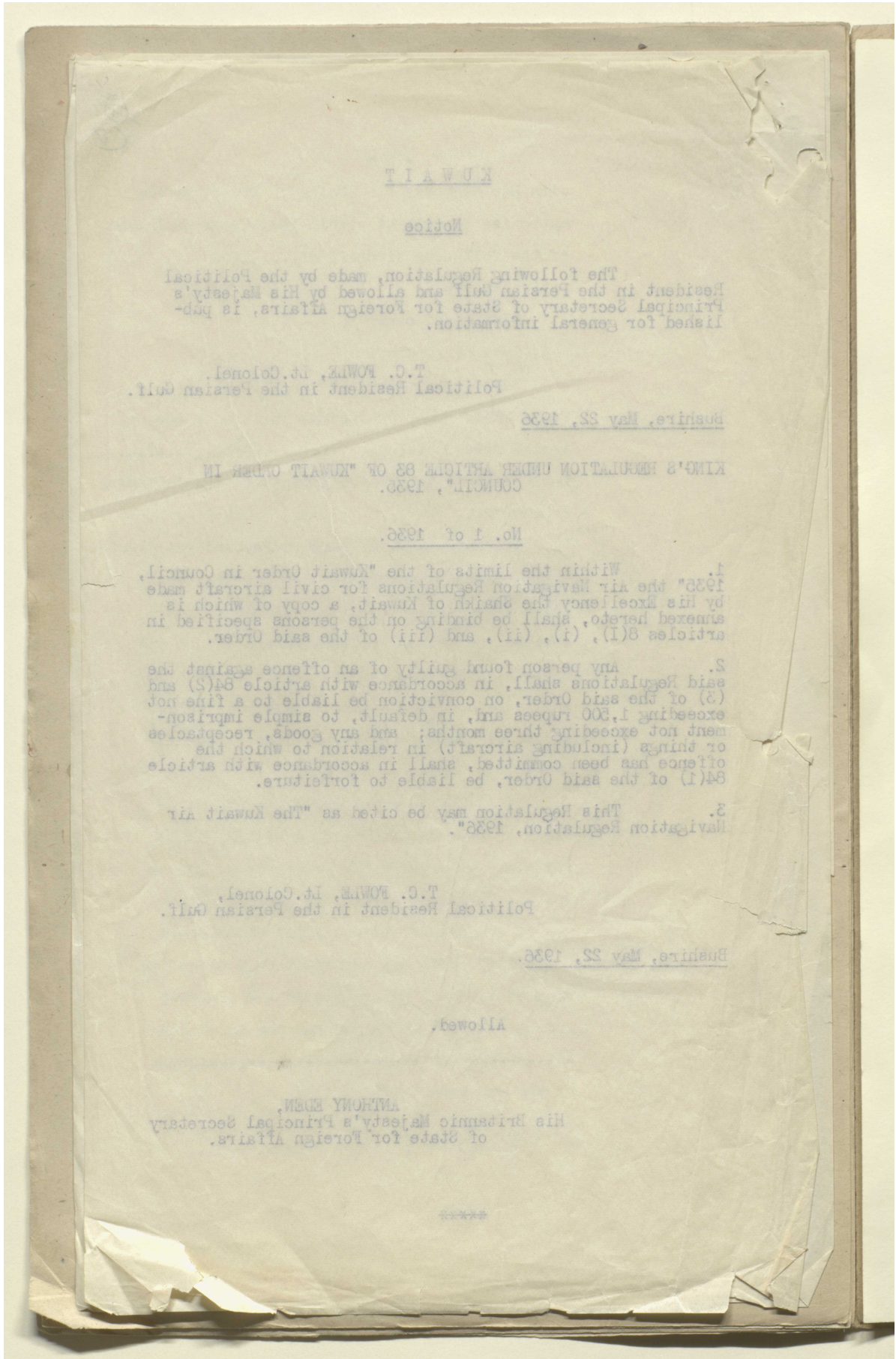
Allowed.

ANTHONY EDEN,  
His Britannic Majesty's Principal Secretary  
of State for Foreign Affairs.

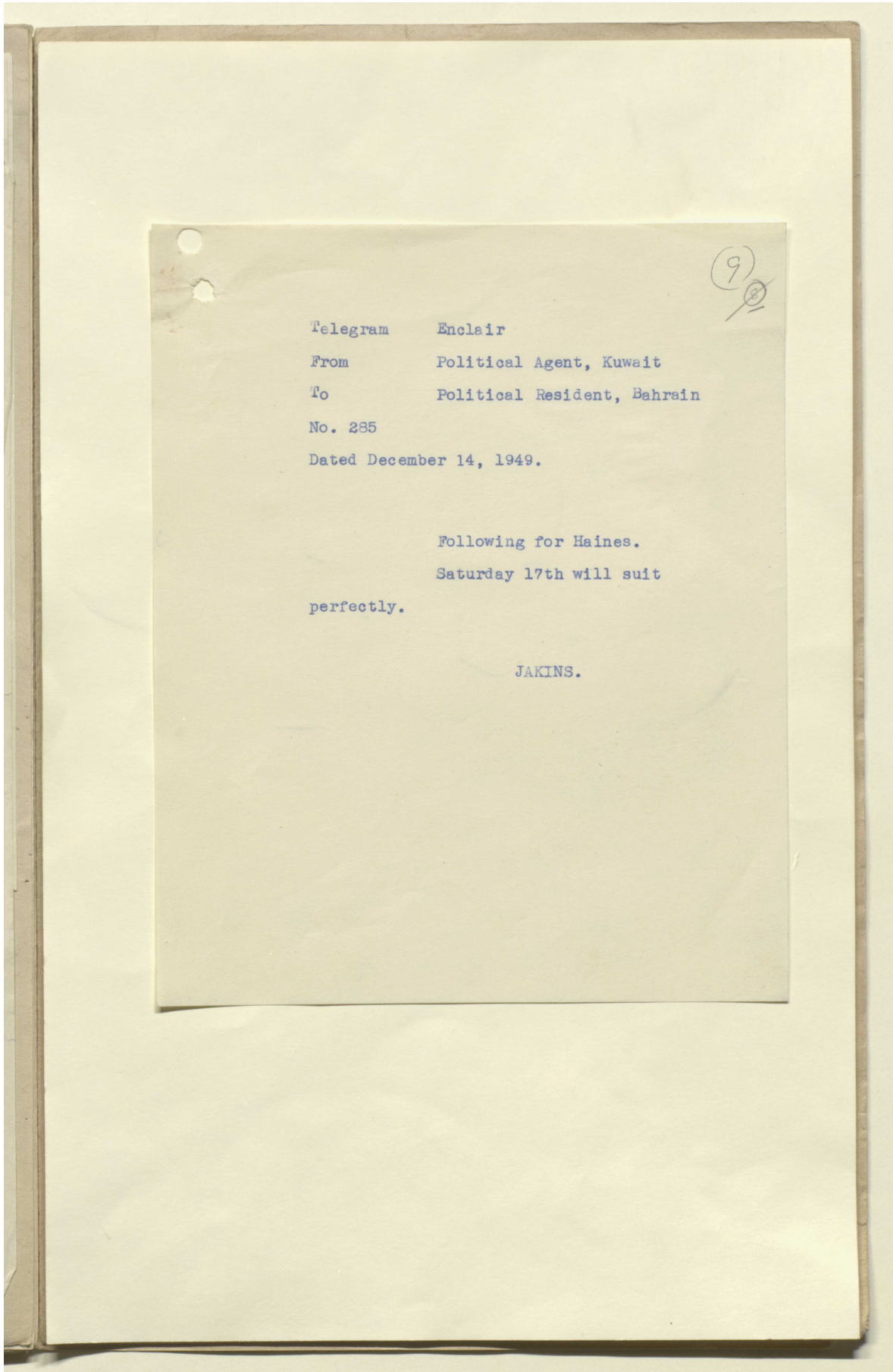
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(16/42)



'File 7/5 Appointment of Judicial Adviser to the Political Resident' [9r]  
(17/42)

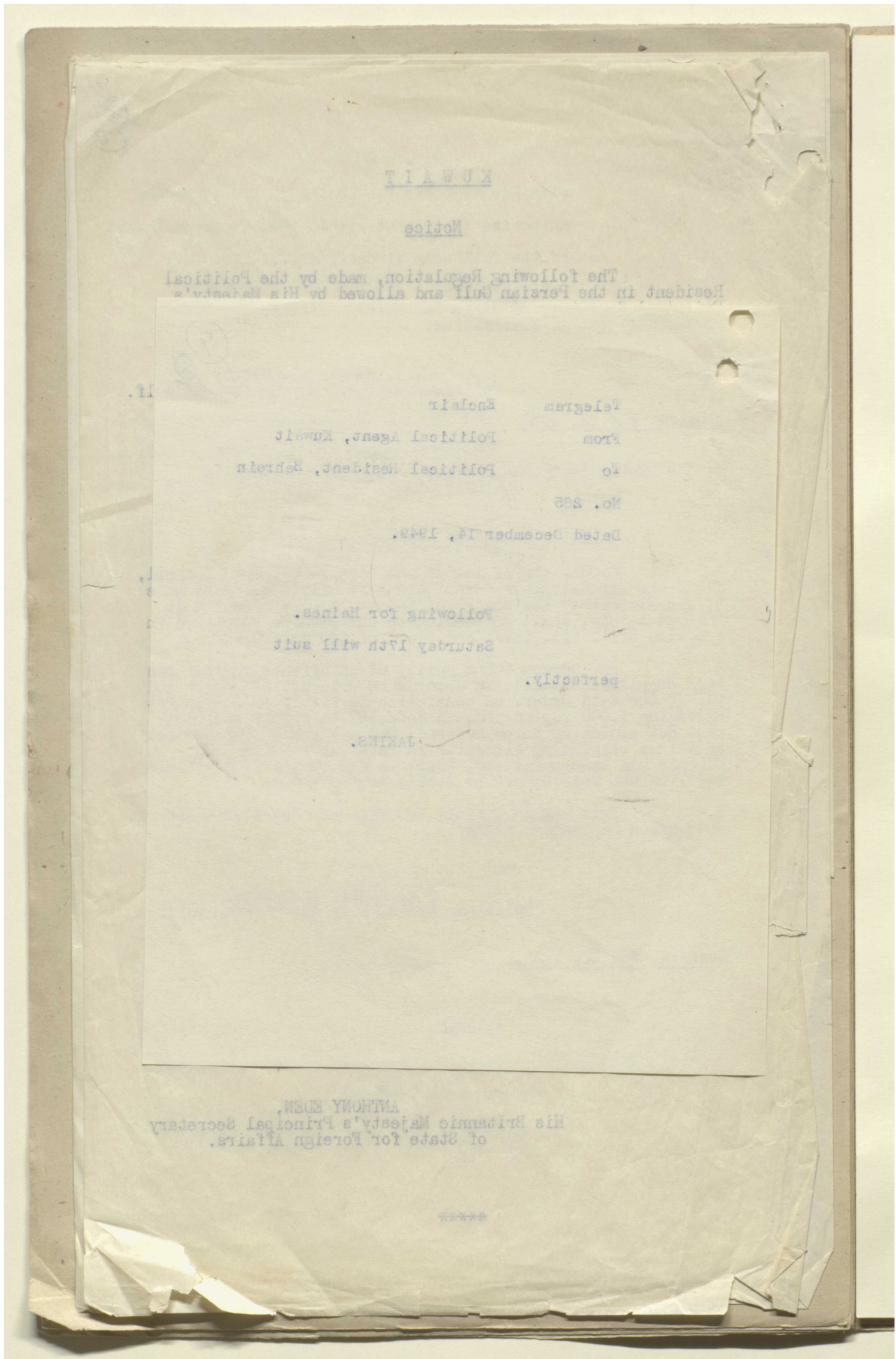


Telegram Enclair  
From Political Agent, Kuwait  
To Political Resident, Bahrain  
No. 285  
Dated December 14, 1949.

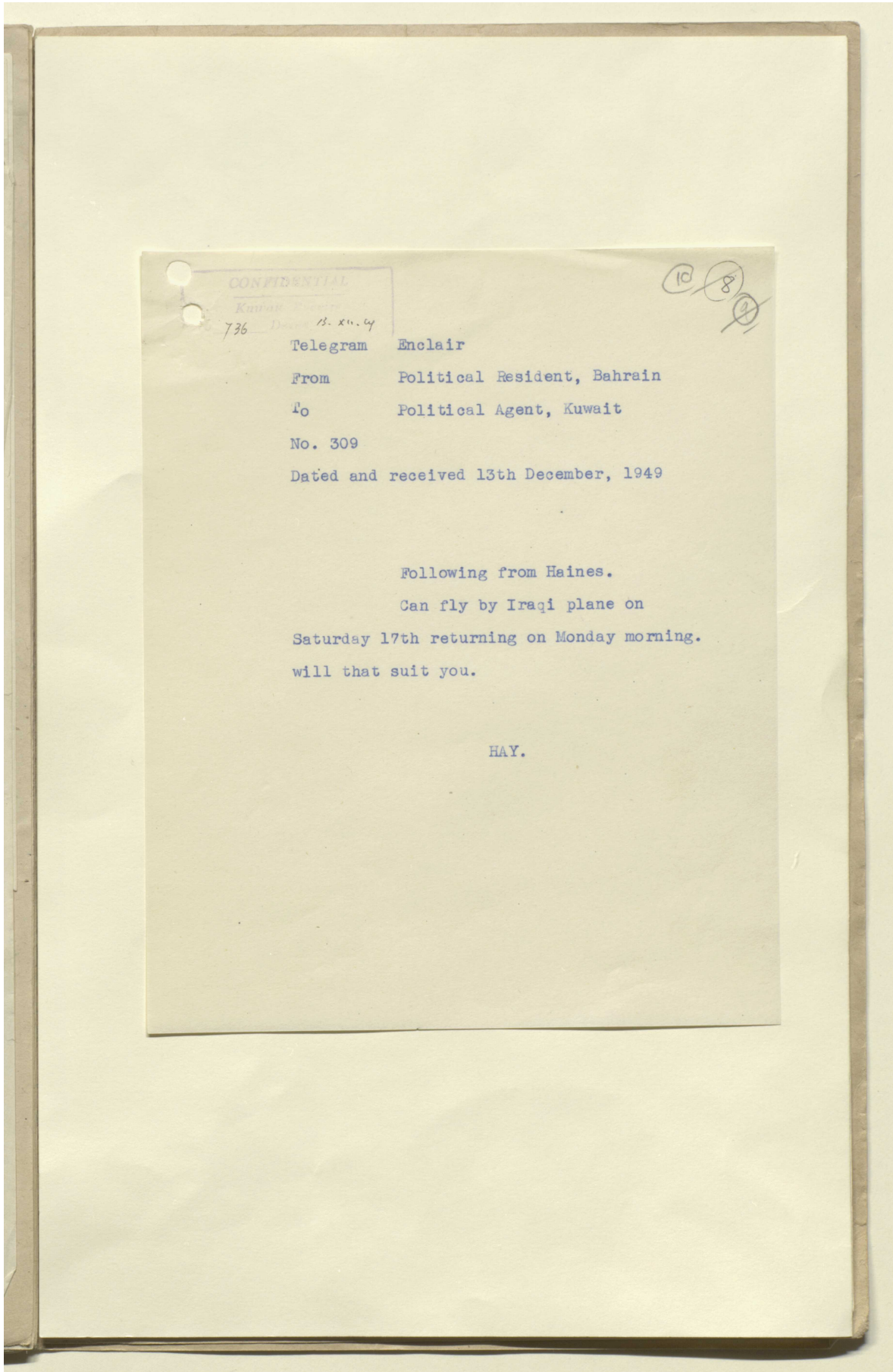
Following for Haines.  
Saturday 17th will suit  
perfectly.

JAKINS.

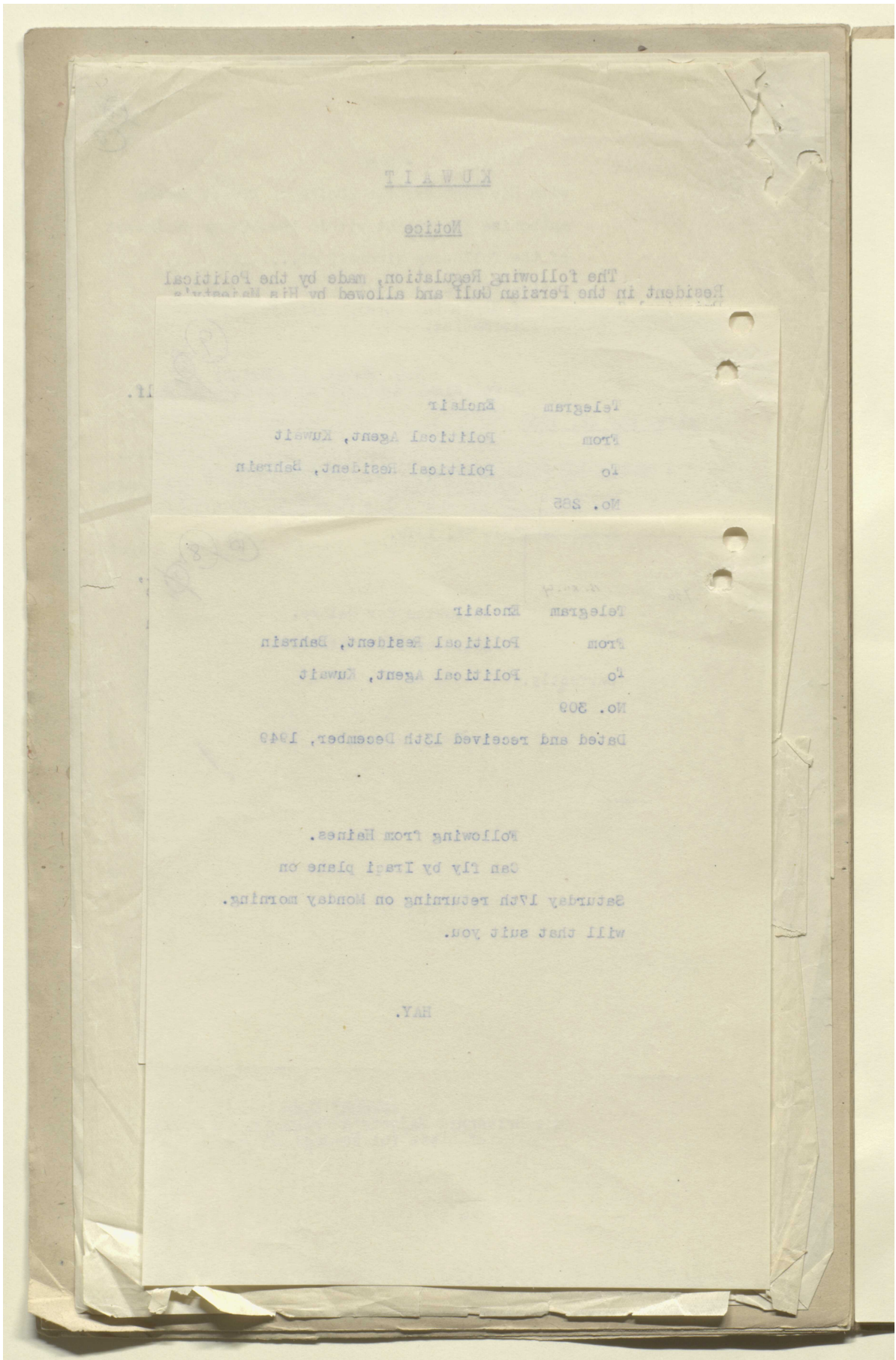
'File 7/5 Appointment of Judicial Adviser to the Political Resident' [9v]  
(18/42)



'File 7/5 Appointment of Judicial Adviser to the Political Resident' [10r]  
(19/42)



'File 7/5 Appointment of Judicial Adviser to the Political Resident' [10v]  
(20/42)



'File 7/5 Appointment of Judicial Adviser to the Political Resident' [11r]  
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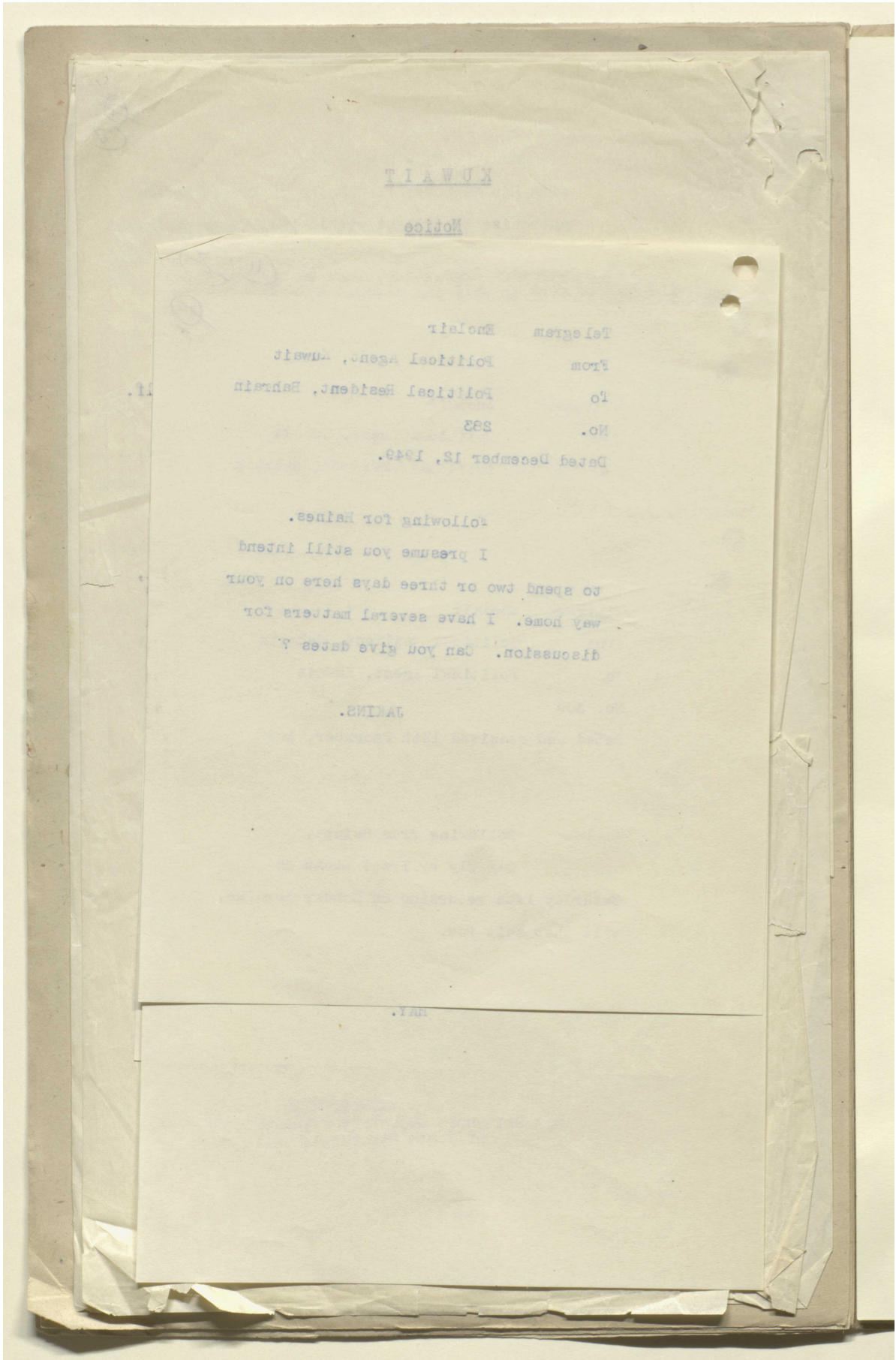
Telegram Enclair  
From Political Agent, Kuwait  
To Political Resident, Bahrain  
No. 283  
Dated December 12, 1949.

Following for Haines.

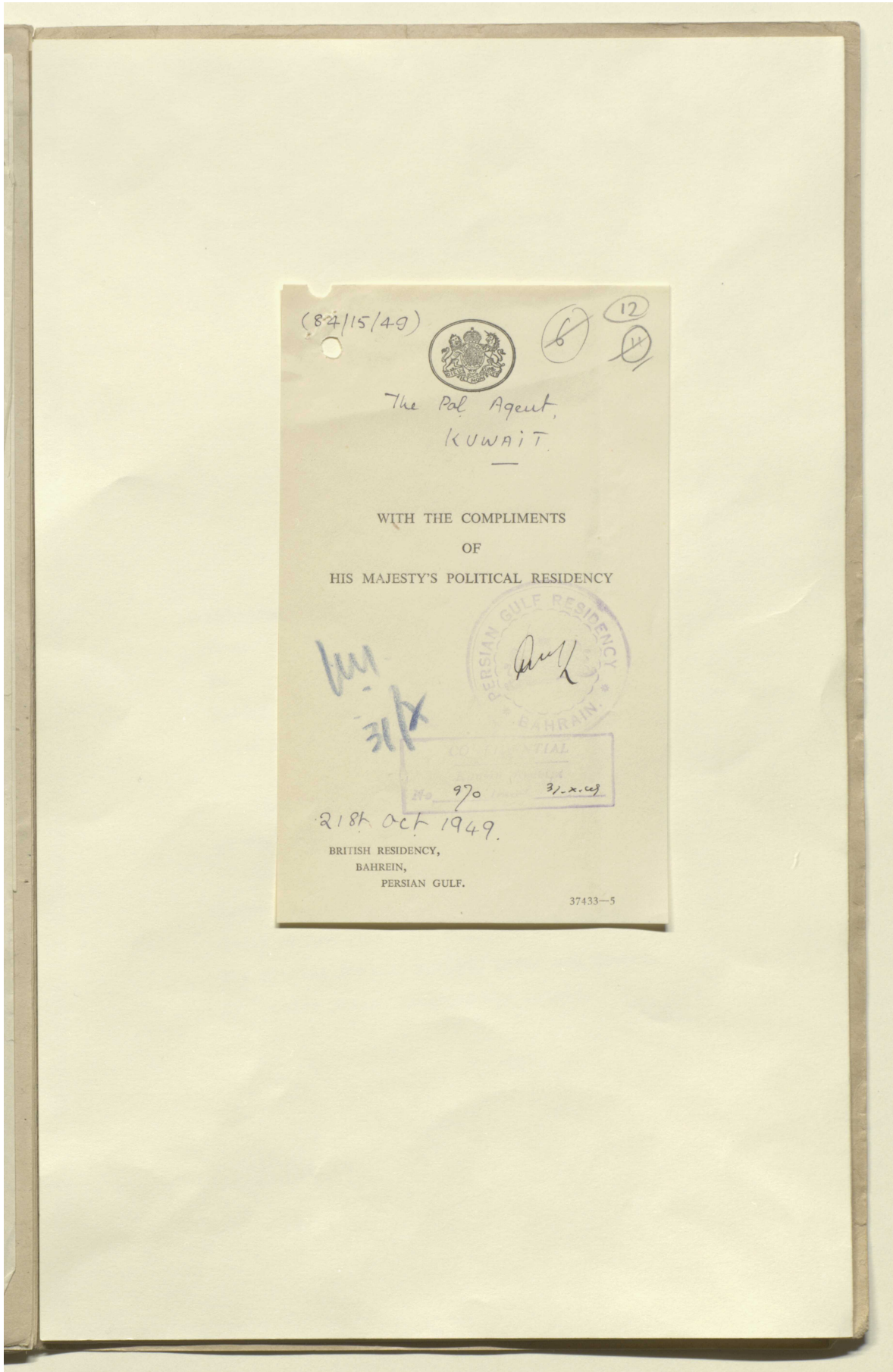
I presume you still intend  
to spend two or three days here on your  
way home. I have several matters for  
discussion. Can you give dates ?

JAKINS.

'File 7/5 Appointment of Judicial Adviser to the Political Resident' [11v]  
(22/42)

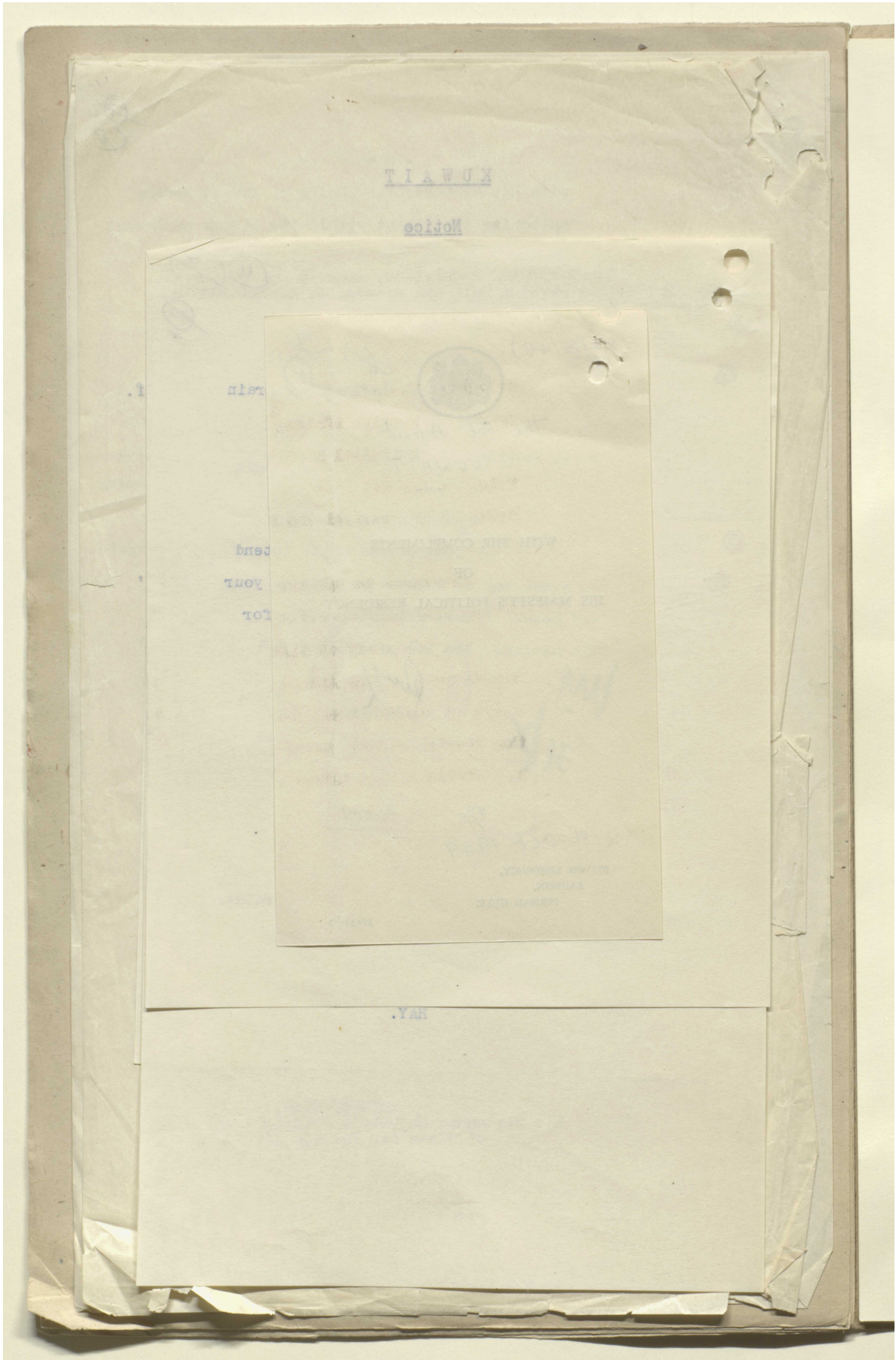


'File 7/5 Appointment of Judicial Adviser to the Political Resident' [12]  
(23/42)





'File 7/5 Appointment of Judicial Adviser to the Political Resident' [12v]  
(24/42)



'File 7/5 Appointment of Judicial Adviser to the Political Resident' [13r]  
(25/42)

Telegram Enclair

From Foreign Office, London

To Political Resident, Bahrain

Telegram No. 643

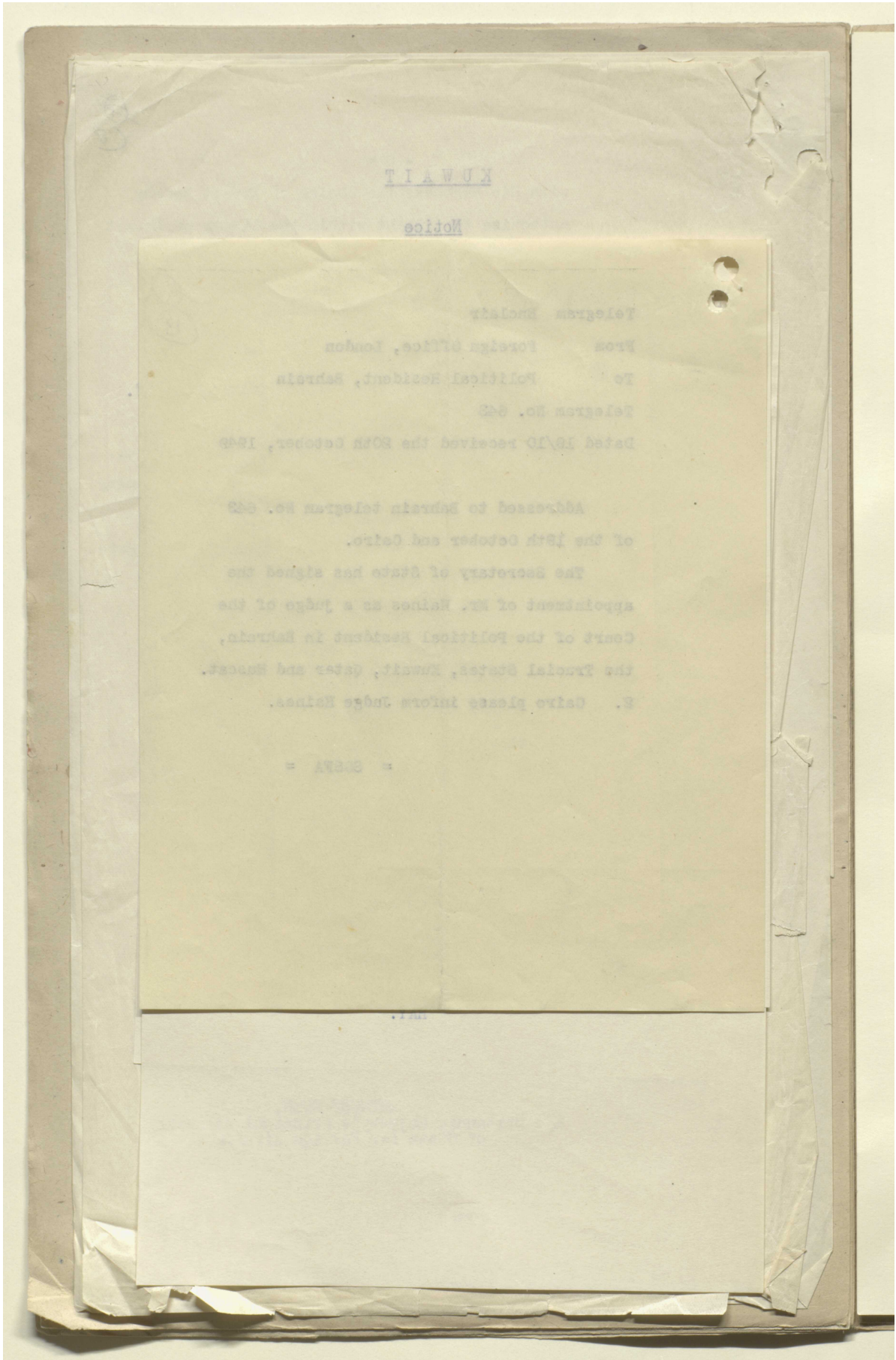
Dated 19/10 received the 20th October, 1949

Addressed to Bahrain telegram No. 643  
of the 19th October and Cairo.

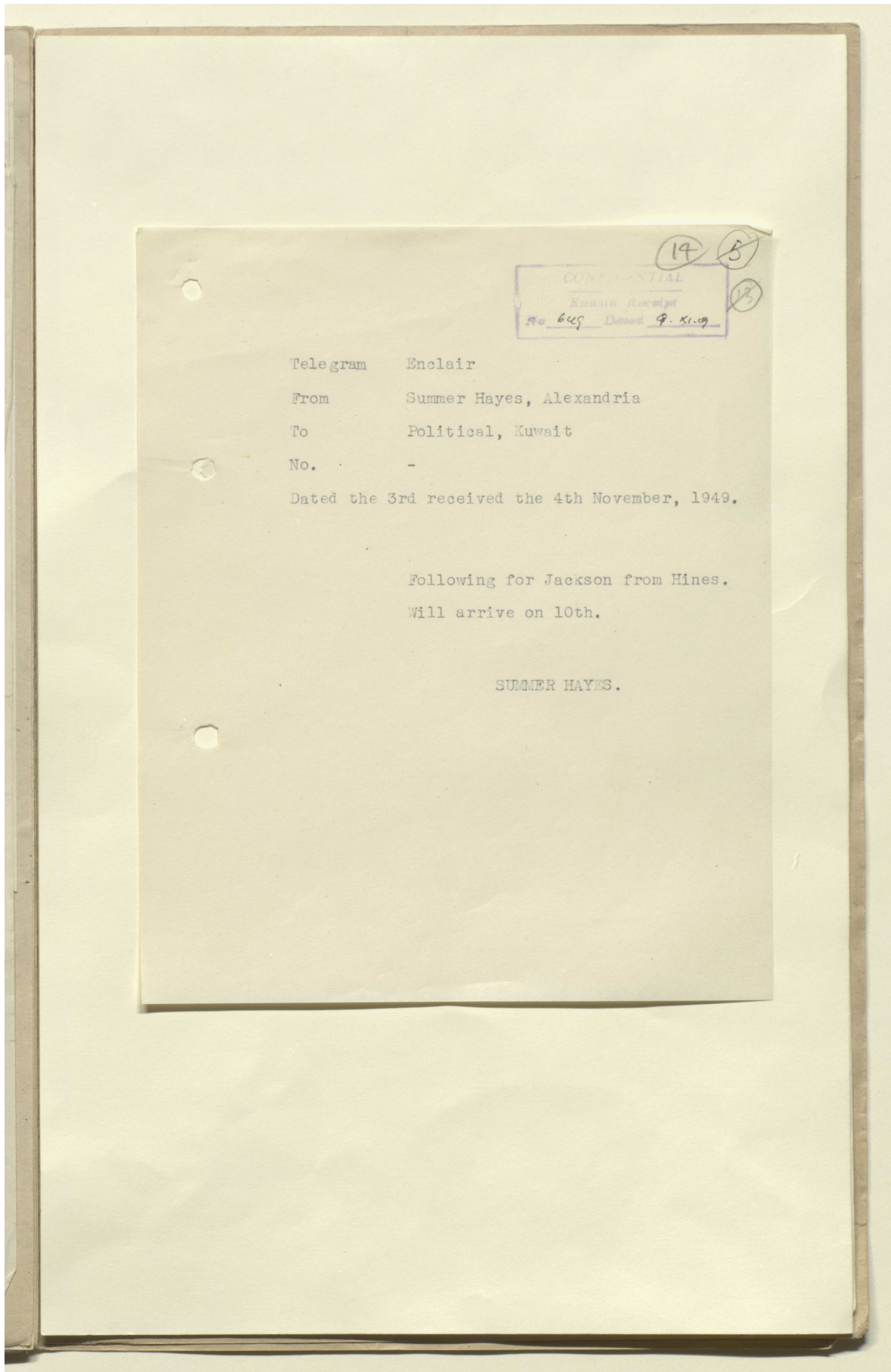
The Secretary of State has signed the  
appointment of Mr. Haines as a judge of the  
Court of the Political Resident in Bahrain,  
the Trucial States, Kuwait, Qatar and Muscat.  
2. Cairo please inform Judge Haines.

= SOSFA =

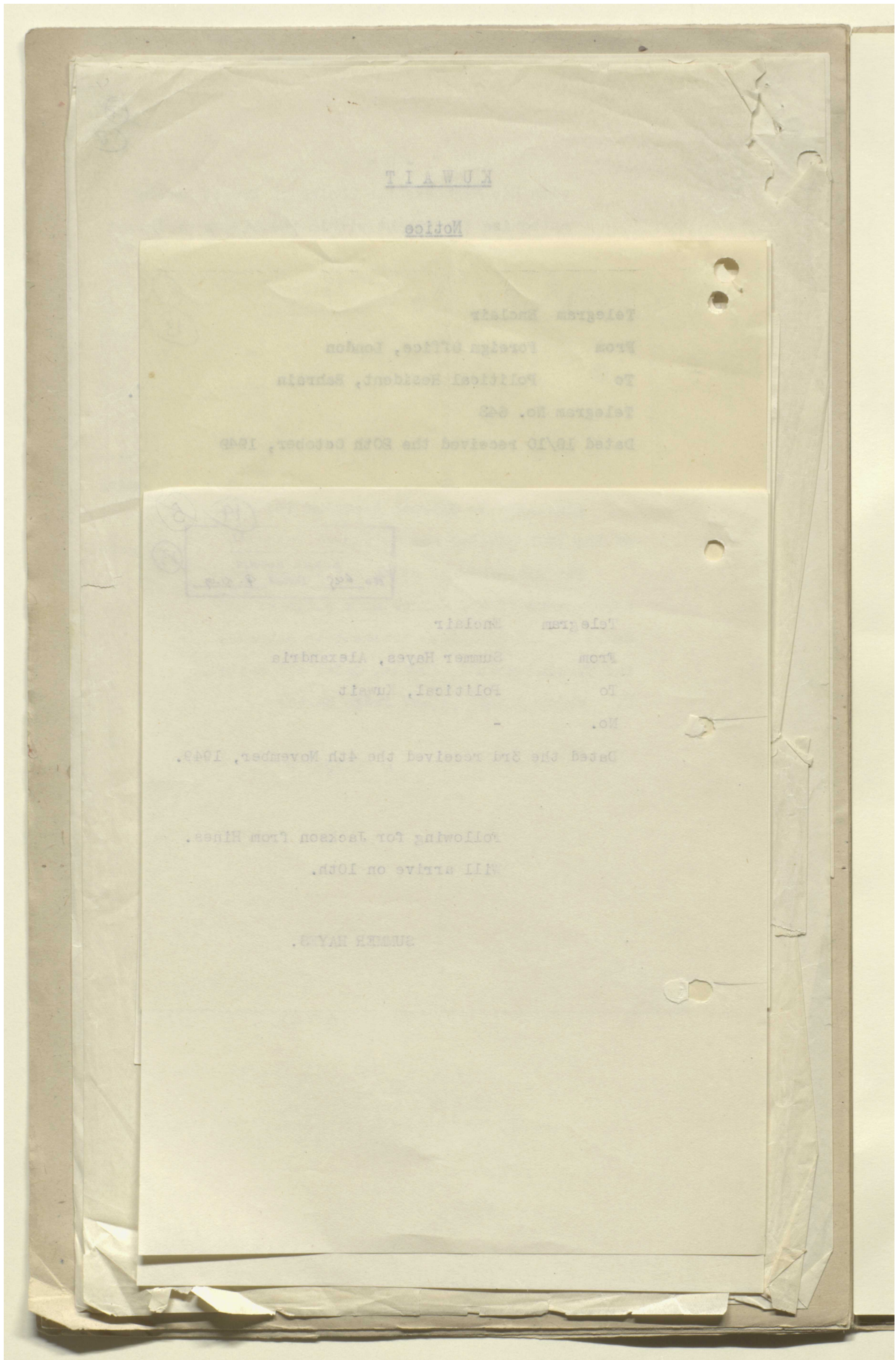
'File 7/5 Appointment of Judicial Adviser to the Political Resident' [13v]  
(26/42)



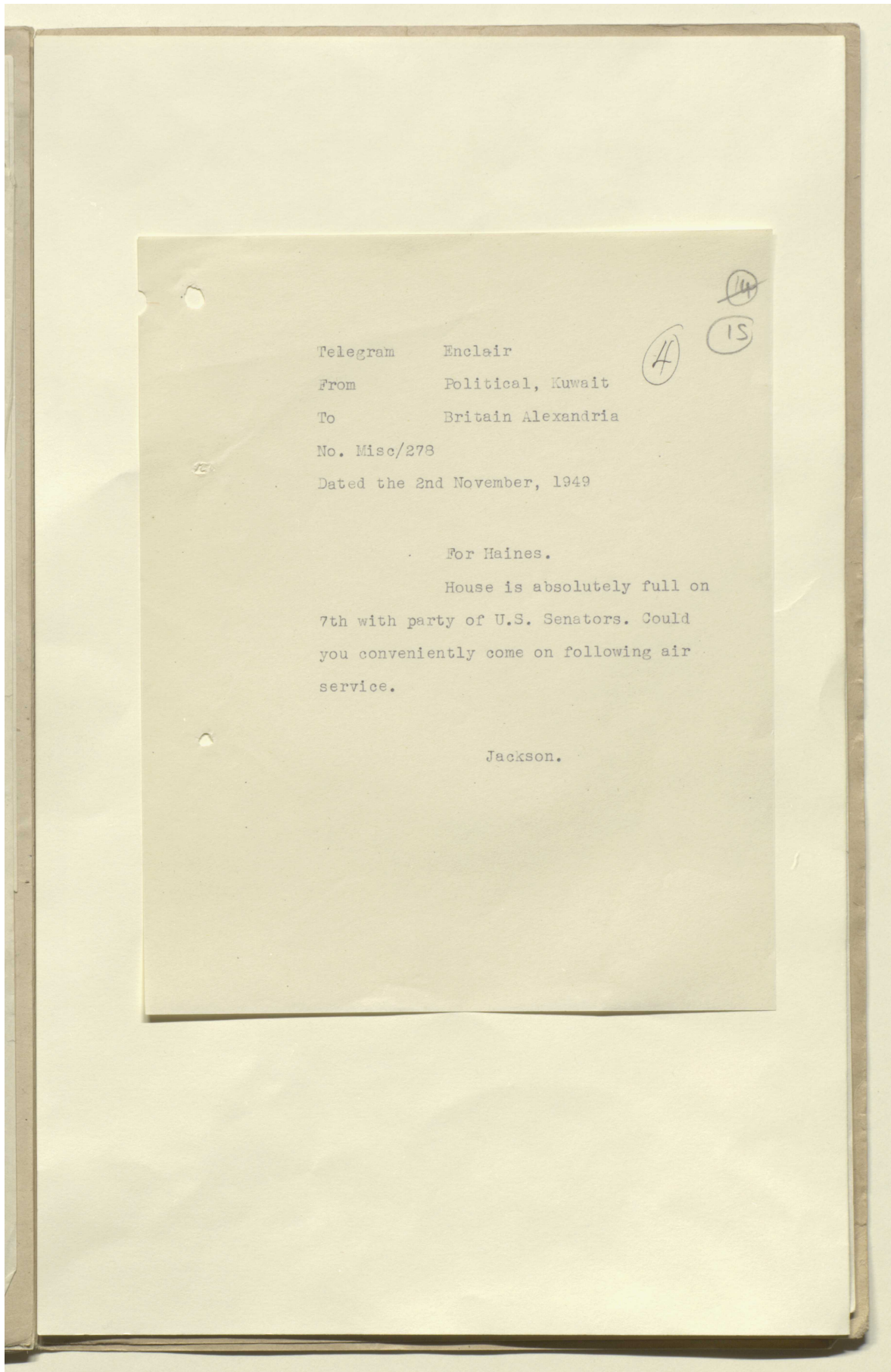
'File 7/5 Appointment of Judicial Adviser to the Political Resident' [14r]  
(27/42)



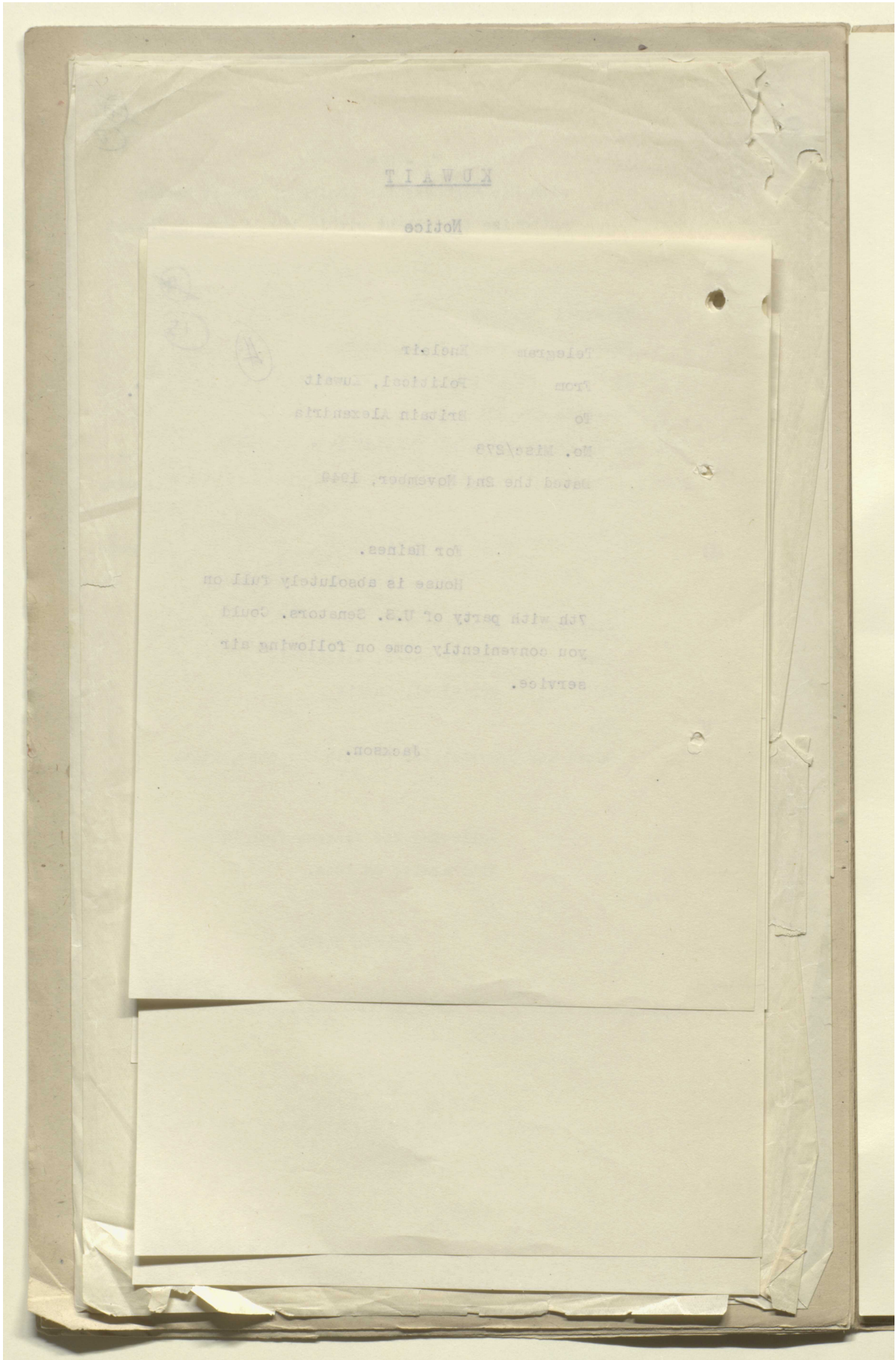
'File 7/5 Appointment of Judicial Adviser to the Political Resident' [14v]  
(28/42)



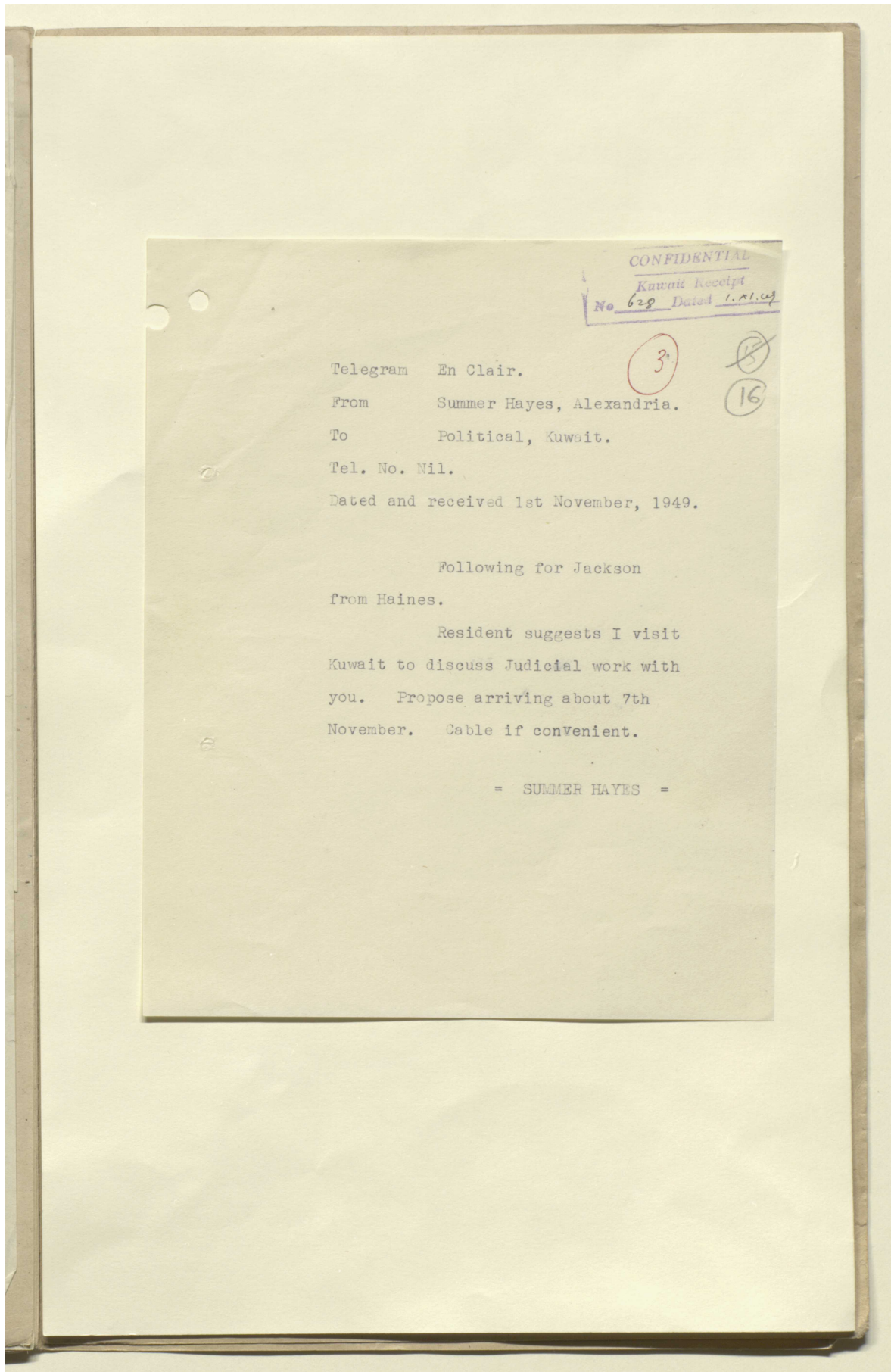
'File 7/5 Appointment of Judicial Adviser to the Political Resident' [15r]  
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'File 7/5 Appointment of Judicial Adviser to the Political Resident' [15v]  
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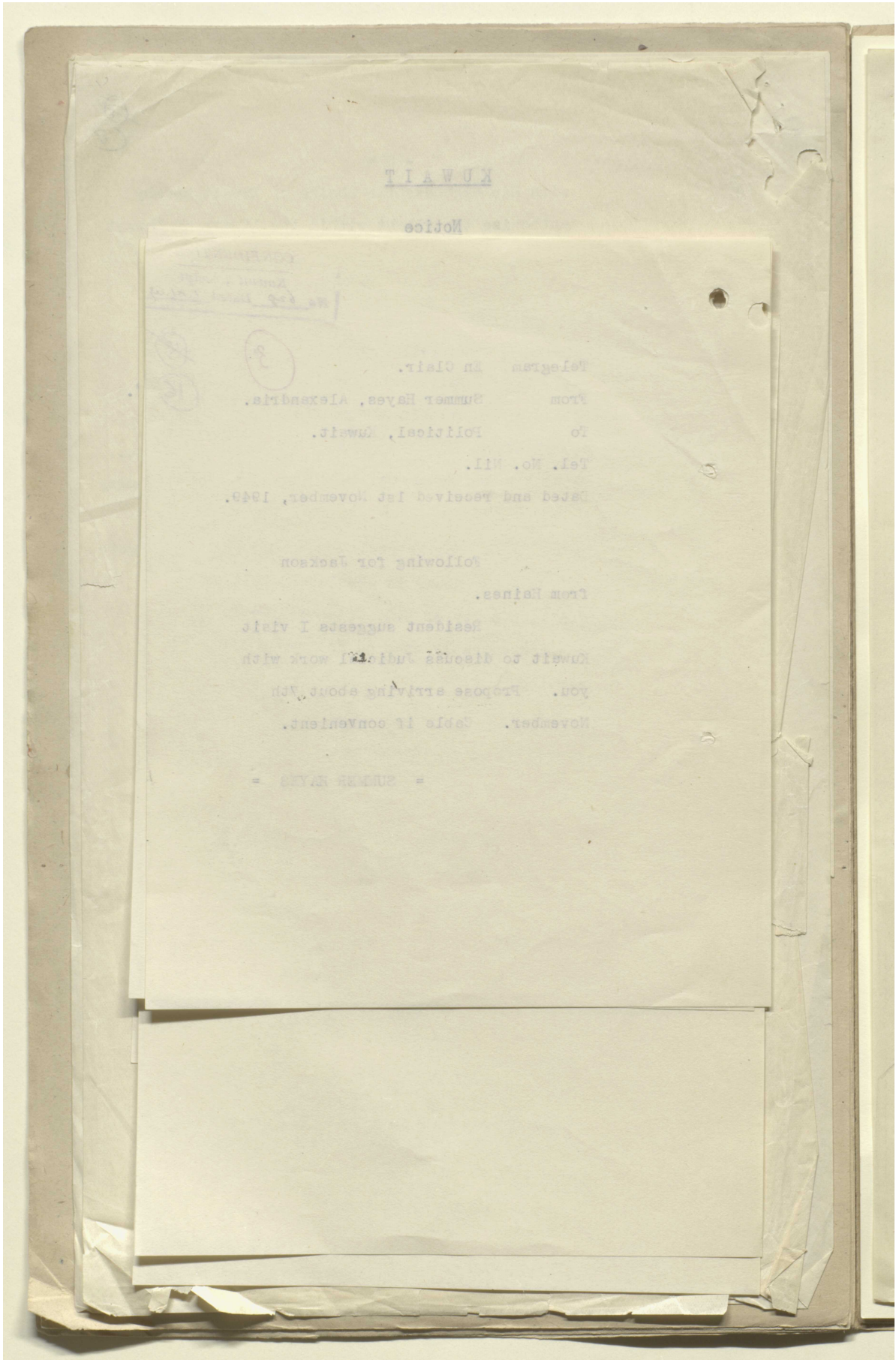


'File 7/5 Appointment of Judicial Adviser to the Political Resident' [16r]  
(31/42)





'File 7/5 Appointment of Judicial Adviser to the Political Resident' [16v]  
(32/42)



'File 7/5 Appointment of Judicial Adviser to the Political Resident' [17r]  
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D.O.No. C/12 (7/5)

THE POLITICAL AGENCY,  
KUWAIT.

30th January, 1949.

Will you please refer to your letter 84/2/49 dated 11th January 1949? The need for judicial assistance in this Agency is really urgent and the sooner the proposed appointment is made the better. At the present time this Agency has no method of dealing with Court work other than by the Political Agent's own exertions. He has no Assistant and not even a Court Clerk.

2. As regards the number of cases, the volume of work cannot really be judged by numbers, but rather by the number of witnesses, the length of their statements, and the complications of the charge. In the last two months, I have had three major cases but have only finished one, and that involved over 50 pages of manuscript, evidence in three languages, and, of course, many hours of preparation and study in addition apart from presiding in Court. I have had five other cases in the last three months, and the probability is that the cases will increase since we have not yet introduced traffic regulations which are under consideration.

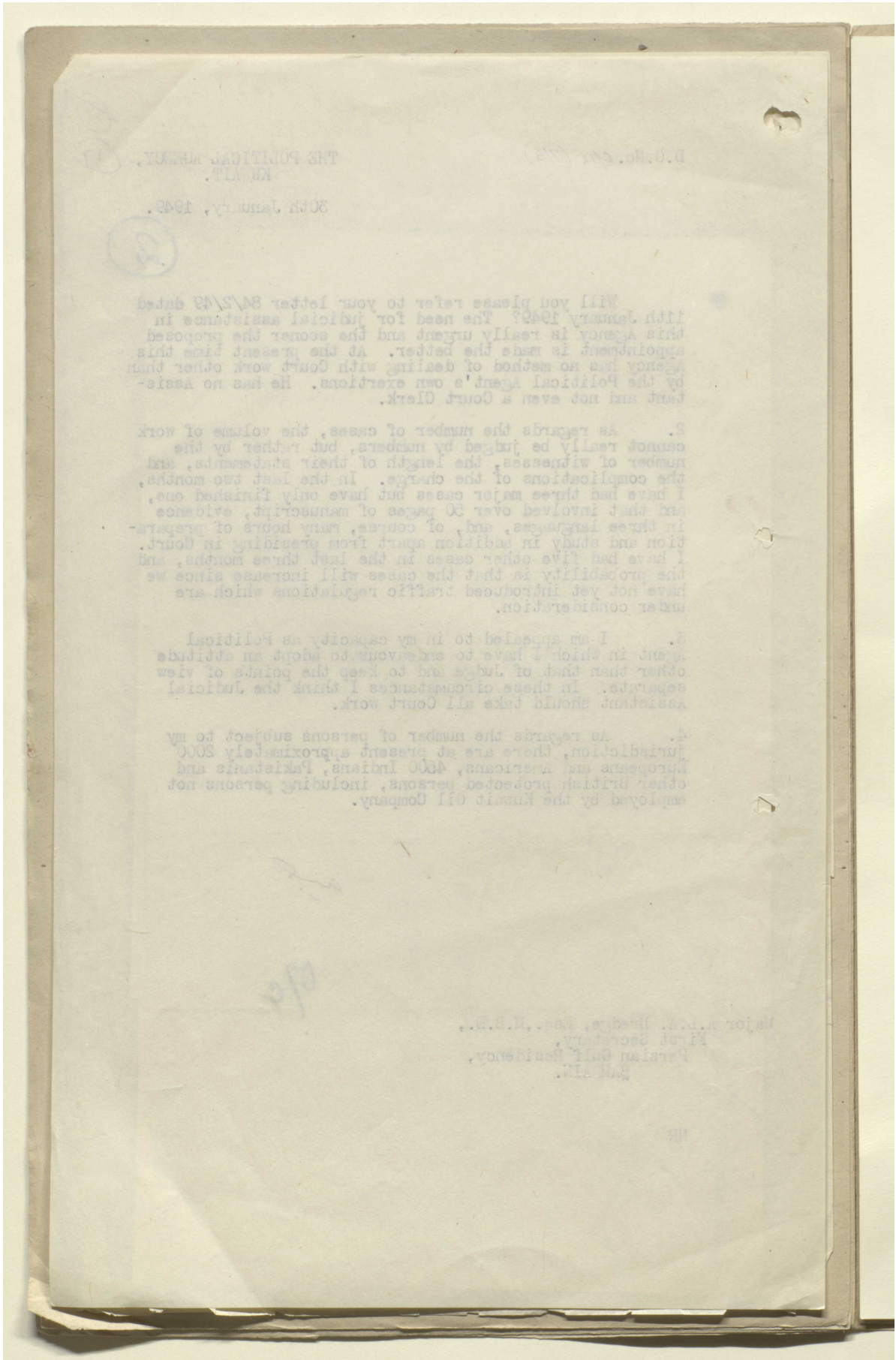
3. I am appealed to in my capacity as Political Agent in which I have to endeavour to adopt an attitude other than that of Judge and to keep the points of view separate. In these circumstances I think the Judicial Assistant should take all Court work.

4. As regards the number of persons subject to my jurisdiction, there are at present approximately 2000 Europeans and Americans, 4500 Indians, Pakistanis and other British protected persons, including persons not employed by the Kuwait Oil Company.

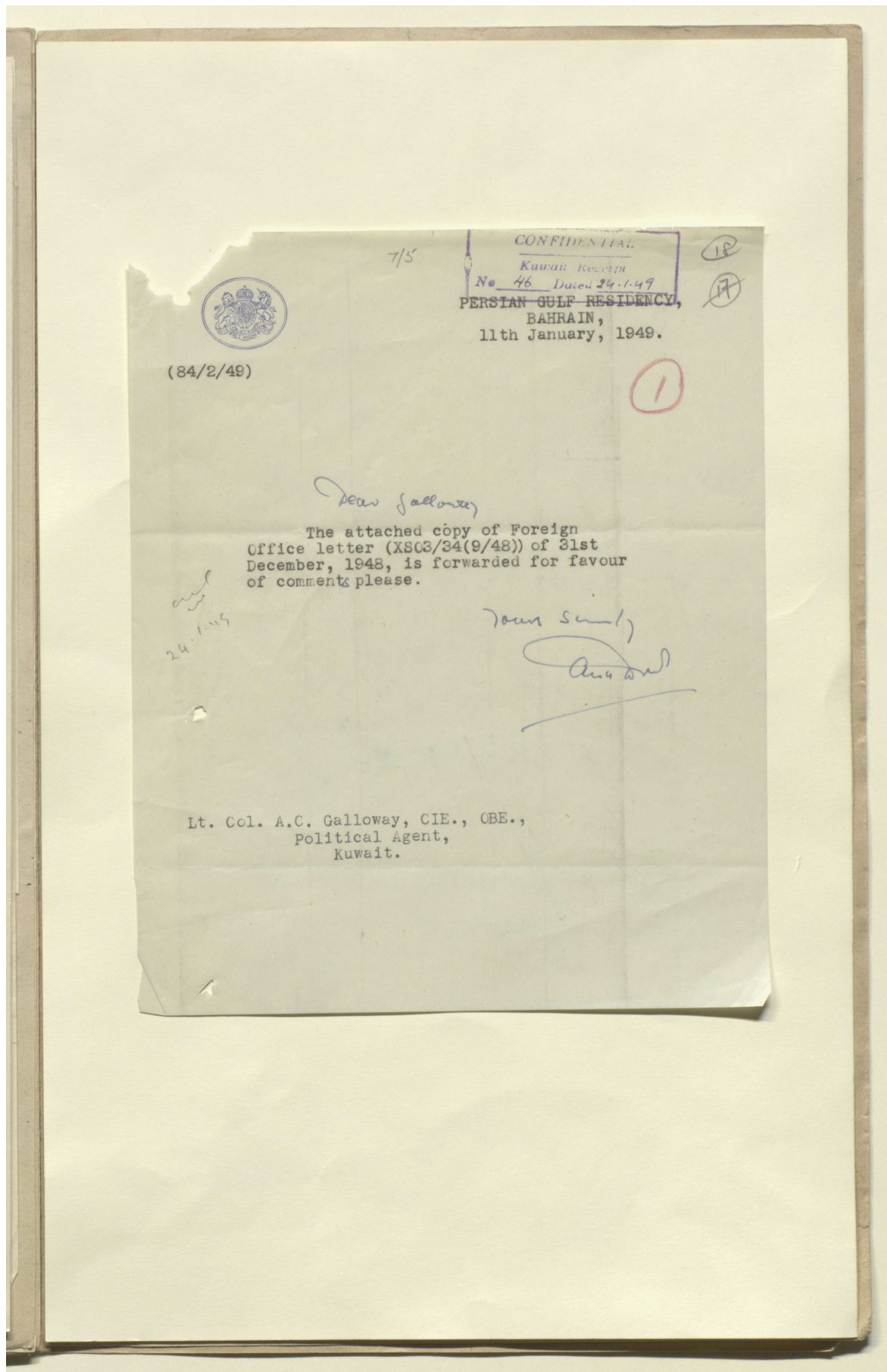
Major A.L.A. Dredge, Esq., M.B.E.,  
First Secretary,  
Persian Gulf Residency,  
BAHRAIN.

NR

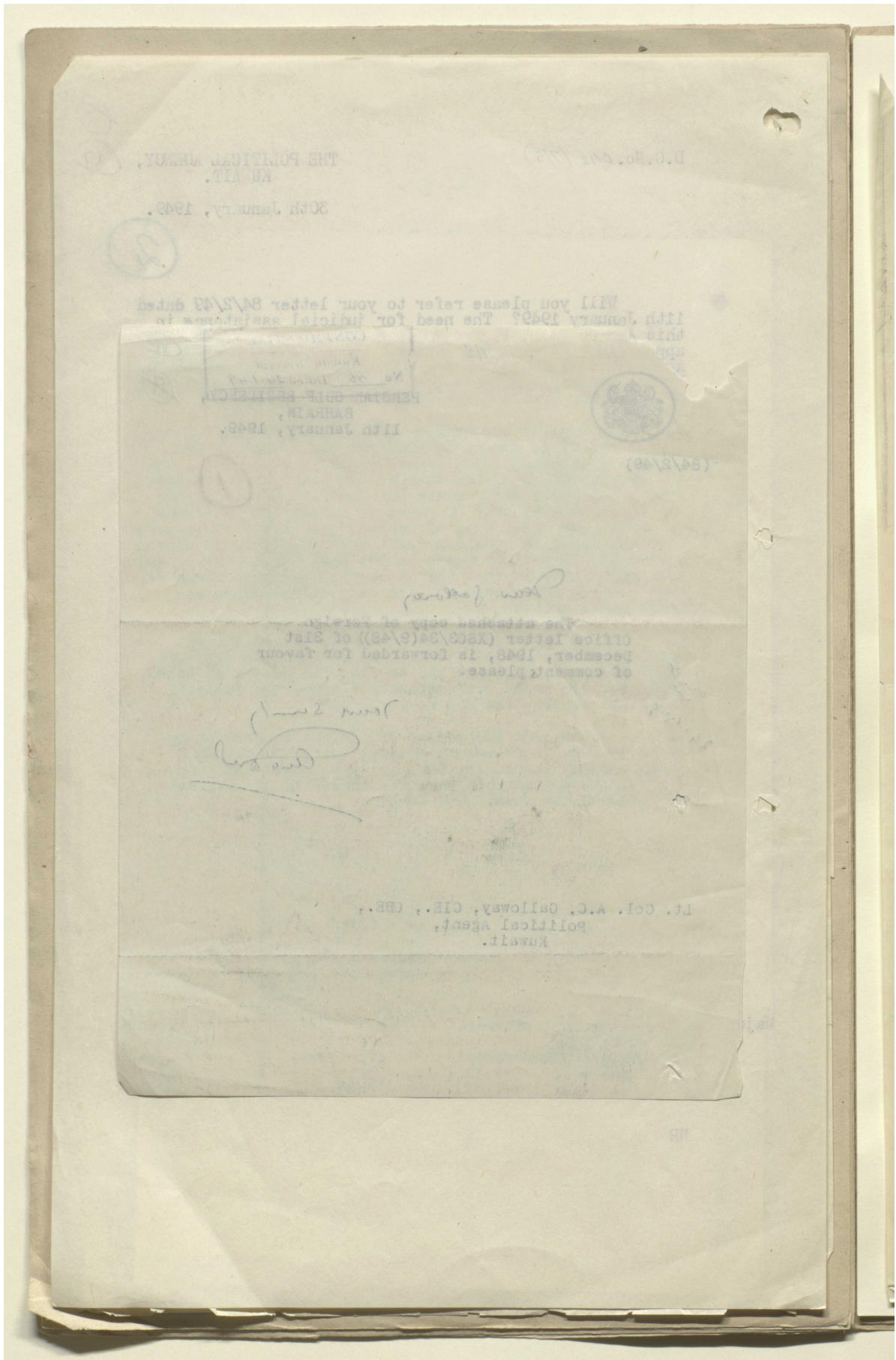
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'File 7/5 Appointment of Judicial Adviser to the Political Resident' [18r]  
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(XS(3/34(9/48))

Foreign Office, S.W. 1,

31st December, 1948.

Dear Hay,

We have been giving further thought to the proposal for the appointment of a Judicial Adviser to the Political Resident, which I believe you discussed with Beckett when you were last in England.

I understand that powers already exist for such an Assistant to hold court in all or any of the Political Agencies in the Persian Gulf, and from our point of view it would greatly facilitate the problem of the future staffing of the Agencies if the appointment were made. Moreover, it would leave the Political Agents, with more time to devote to commercial and financial problems, of which the importance is now increasing. Arrangements could presumably be made whereby instead of the Political Agents hearing all the cases at present, they should deal only with cases of a petty nature and remand all serious cases to be heard by the Judicial Assistant to the Political Resident, who could tour the Agencies at appropriate intervals, sitting in each place for perhaps a week or a fortnight according to the number of cases which have accumulated.

We have the impression that the volume of judicial work in the Gulf is increasing as a result of the increased size of the foreign population there, all of whom are justifiable in British Courts; and as many United States citizens are now involved, our judicial system will soon be under fire if it is not prompt and effective.

It would help us to decide whether we could now make a case for the appointment of a full-time or part-time Judicial Assistant if we knew rather more about the proportions which Court work in the Persian Gulf has now assumed. I wonder, therefore, whether you could possibly let us have any statistics of the number of cases, if possible classified as cases of a petty or of a serious nature, heard recently in each of the Agencies? It would also be useful to have your estimate of the present population in the Persian Gulf States.

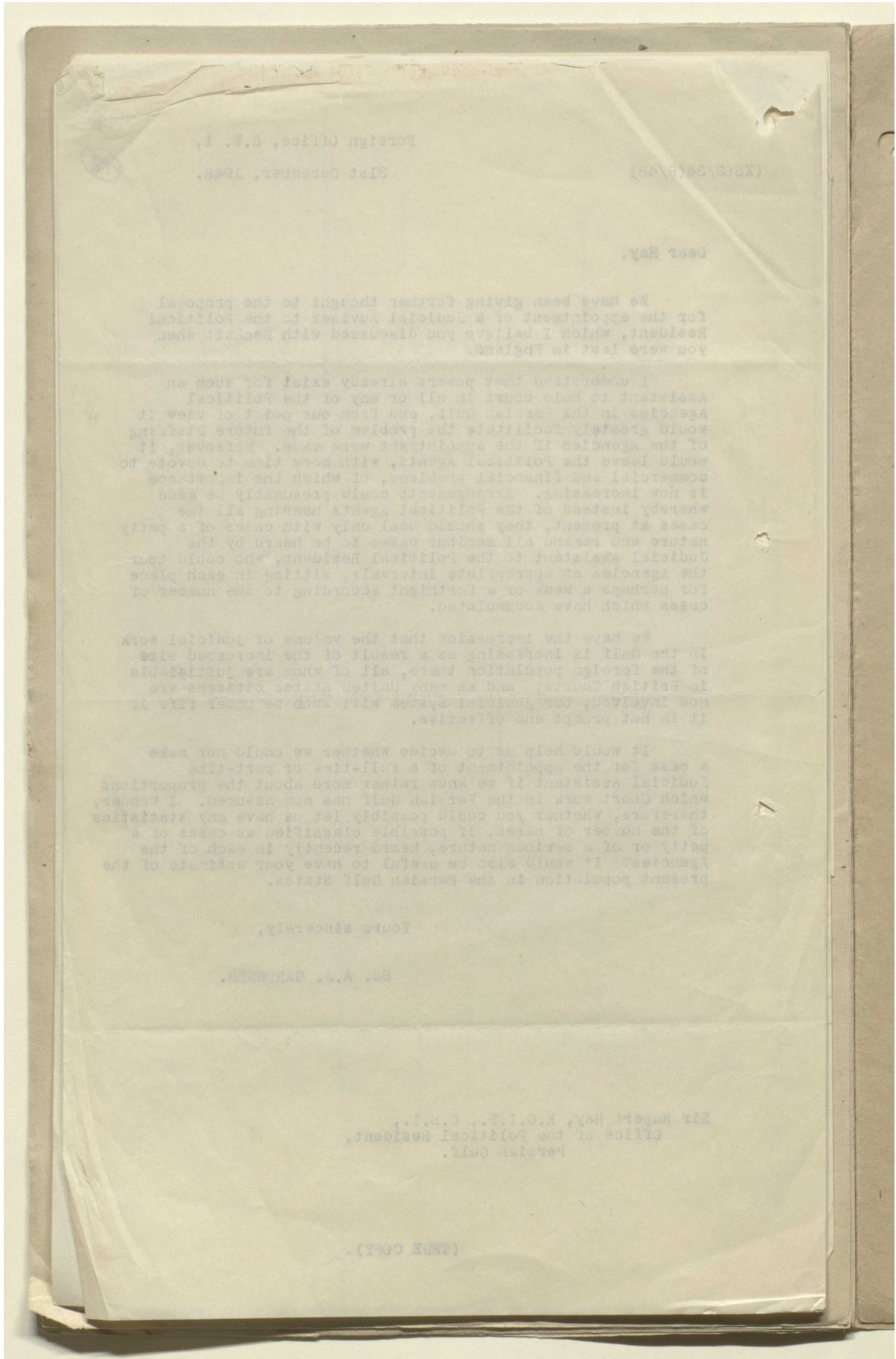
Yours sincerely,

Sd. A.J. GARDENER.

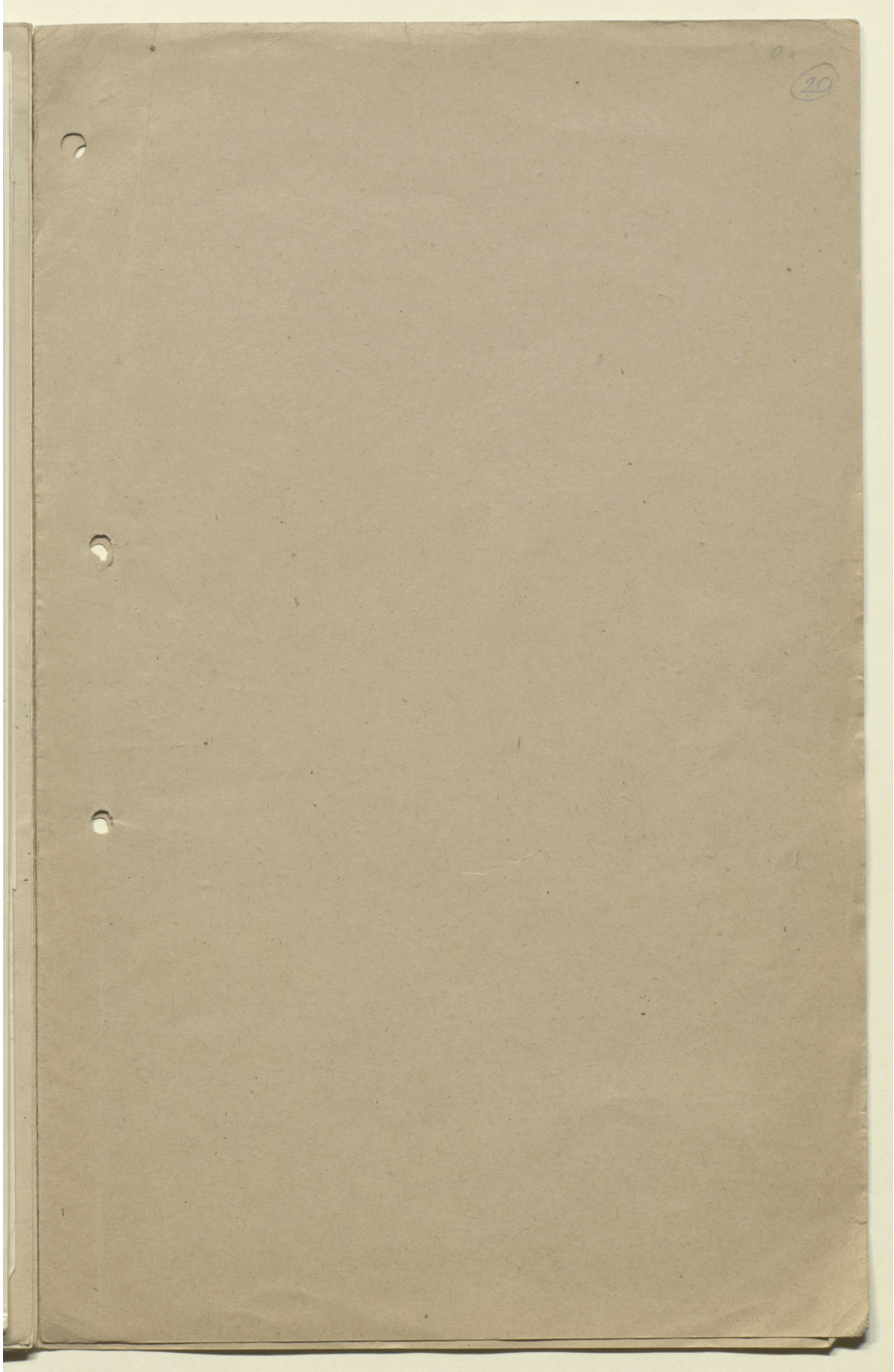
Sir Rupert Hay, K.C.I.E., C.S.I.,  
Office of the Political Resident,  
Persian Gulf.

(TRUE COPY).

'File 7/5 Appointment of Judicial Adviser to the Political Resident' [19v]  
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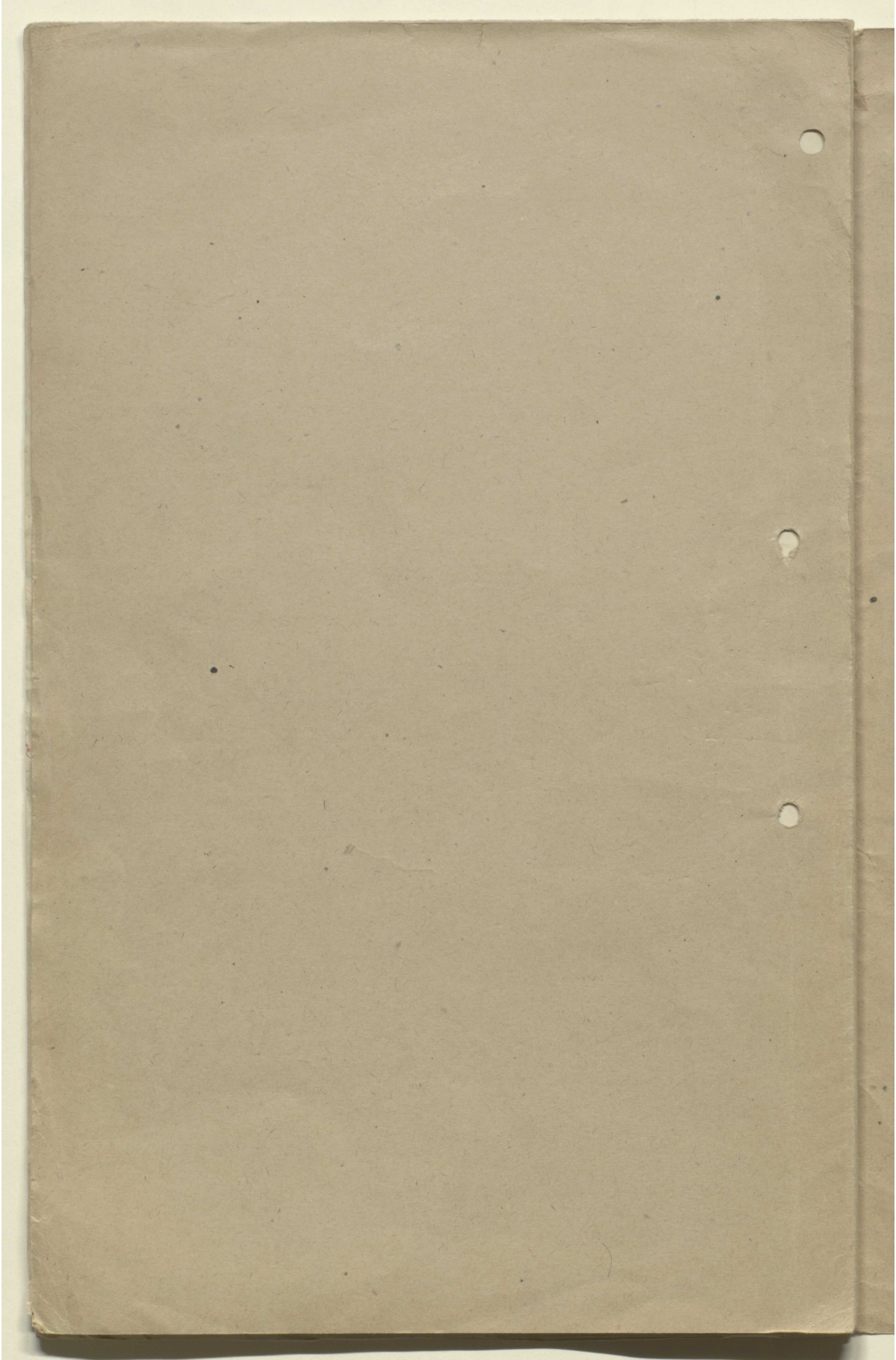


'File 7/5 Appointment of Judicial Adviser to the Political Resident' [20r]  
(39/42)

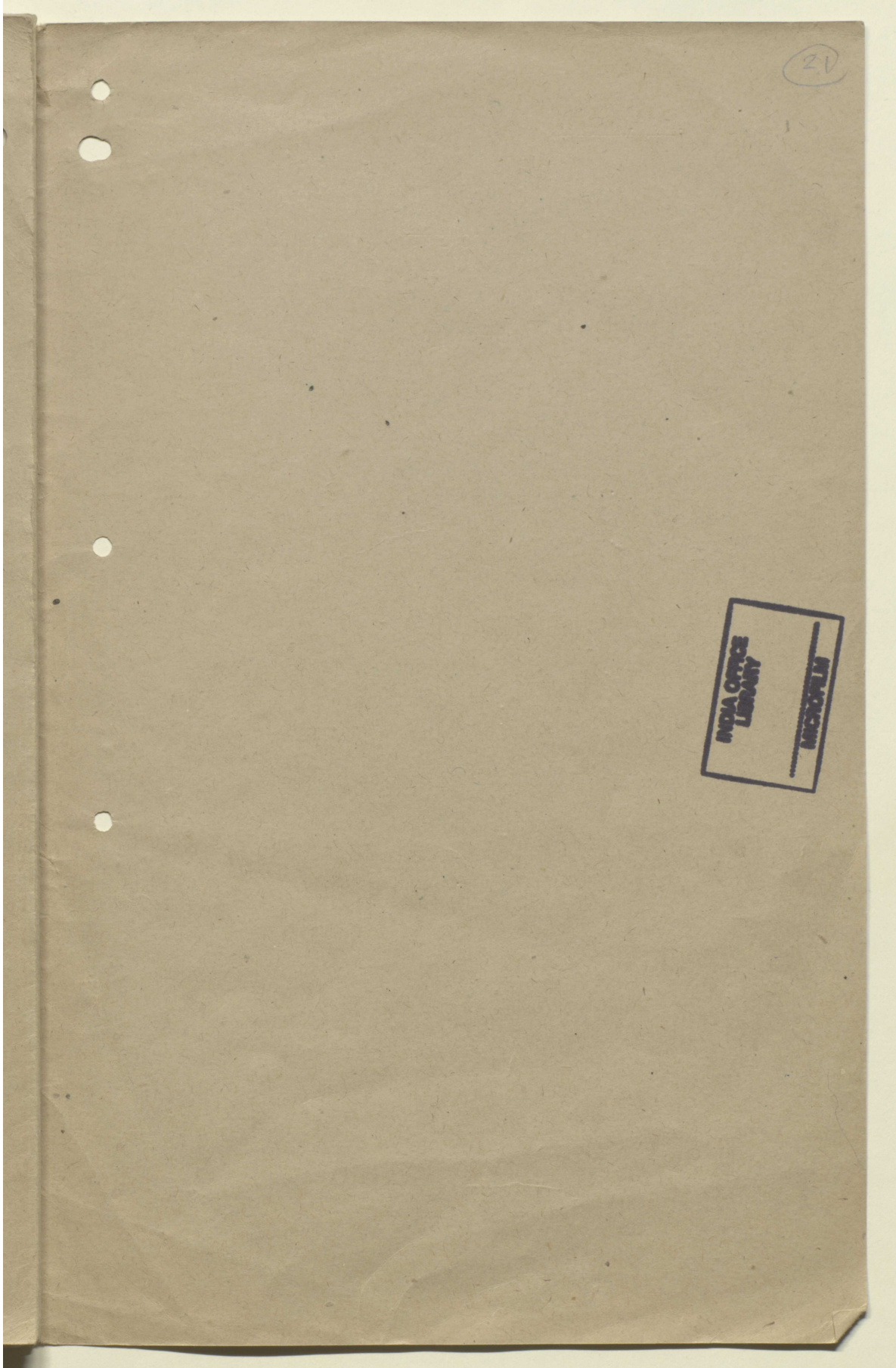




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