1965 No. 1744

ARABIA

The Aden (Temporary Provisions) Order 1965

Made - - - - 25*th September* 1965
Coming into Operation 25*th September* 1965
Laid before Parliament 27*th September* 1965

At the Court at Balmoral, the 25th day of September 1965

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers in that behalf by the British Settlements Acts 1887 and 1945(a) 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 :—

Citation, commencement and interpretation.

1.—(1) This Order may be cited as the Aden (Temporary Provisions) Order 1965 and shall come into operation forthwith.

(2) The provisions of section 79 of the Constitution of Aden set out in Schedule 2 to the Aden (Constitution) Order in Council 1962(b) (in this Order referred to as " the Constitution ") shall apply for the purpose of interpreting this Order as they apply for the purpose of interpreting the Constitution.

(3) The provisions of this Order shall be without prejudice to the provisions of the Federation of South Arabia (Accession of Aden) Order 1963(c).

(4) Section 7(5) of the Aden and South Arabian Protectorate (High Commissioner) Order 1963(d) shall have effect as if this Order were included among the Orders in Council named therein.

Suspension of certain provisions of the Constitution.

2. As from the commencement of this Order the Constitution shall have effect as if—

(*a*) Parts II, III and IV were deleted therefrom and the following were inserted as Part II thereof: —

" PART II

Powers of High Commissioner

High Commissioner's power to make laws.

17.—(1) Subject to the provisions of this Constitution, the High Commissioner may make laws for the peace, order and good government of Aden.

(2) Every such law shall come into operation on the date of its publication in the Gazette or, if it shall be provided either in such law or in some other law that it shall come into operation on some other date, on that date.

Advisory Council.

18.—(1) There shall be an Advisory Council for Aden consisting of such persons as the High Commissioner may appoint by instrument under the public seal, who shall hold office during Her Majesty's pleasure and, subject thereto,

(a) 50 & 51 Vict. c. 54 and 9 & 10 Geo. 6. c. 7.
(b) S.I. 1962/2177 (1962 III, p. 2904). (c) S.I. 1963/82 (1963 I, p. 55).
(d) S.I. 1963/1490 (1963 II, p. 2630).

for such period and upon such conditions as may be specified in the instruments by which they are appointed.

(2) The High Commissioner may consult the Advisory Council in the formulation of policy and in the exercise of any powers conferred on him by this Constitution or by any other law for the time being in force in Aden, including any powers expressed to be exercisable by him in his discretion ; but the High Commissioner shall not be obliged to act in accordance with the advice of the Council.

(3) The provisions of subsection (2) of this section shall not be construed as preventing Her Majesty from giving instructions to the High Commissioner directing him to consult with the Advisory Council in any class of case specified in such instructions." ; and

(*b*) references in any of the other provisions thereof to the Council of Ministers or the Legislative Council were omitted.

Application of provisions relating to public emergencies.

3.—(1) Section 15 of the Constitution (which makes provision in relation to periods of public emergency) shall apply to laws made by the High Commissioner under section 17 of the Constitution as inserted by this Order.

(2) For the purposes of section 16(2)(*b*) of the Constitution "a period of public emergency" means, in relation to laws made by the High Commissioner as aforesaid, any period in respect of which the High Commissioner has, by or in pursuance of any such law, declared that a state of public emergency exists in Aden or any part thereof.

Powers under existing laws.

4.—(1) Any existing law that confers any power on a Minister shall, subject to any law made by the High Commissioner under section 17 of the Constitution as inserted by this Order, have effect as from the commencement of this Order as if it conferred that power on the High Commissioner.

(2) In this section the expression "existing law" means any ordinance, law, rule, regulation, order or other instrument (not being a Federal law or a law having effect as such) made, or having effect as if made, in pursuance of the Aden (Constitution) Order in Council 1962 and in force in Aden immediately before the commencement of this Order.

Aden members of Federal Council.

5. For the purposes of section 19 of the Constitution of the Federation of South Arabia, the High Commissioner may, at any time after the commencement of this Order, select and appoint such persons as he shall think fit to be members of the Federal Council to represent Aden upon such conditions as he may think fit, and may terminate the appointment of any member of that Council who represents Aden, irrespective of whether that member was appointed under this section.

N. E. Leigh.

EXPLANATORY NOTE

(*This Note is not part of the Order.*)

This Order suspends the operation of the provisions of the Aden Constitution that relate to the Council of Ministers and the Legislative Council, empowers the High Commissioner to make laws for Aden, provides for the establishment of an Advisory Council and makes certain subsidiary provisions.