BECHUANALAND PROTECTORATE

1954 No. 1566

The Basutoland, Bechuanaland Protectorate and Swaziland Order in Council, 1954

Made - - - -	*24th November*, 1954
Laid before Parliament	*1st December*, 1954
Coming into Operation	*8th December*, 1954

At the Court at Buckingham Palace, the 24th day of November, 1954

Present,

The Queen's Most Excellent Majesty in Council

Whereas it is desirable to provide for the appointment of an Acting High Commissioner and a Deputy to the High Commissioner for Basutoland, the Bechuanaland Protectorate and Swaziland:

Now, therefore, Her Majesty, by virtue and in exercise of the powers in that behalf by the Foreign Jurisdiction Act, 1890(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:—

Interpretation

1. In this Order—

"the High Commissioner" means the person who is for the time being Her Majesty's High Commissioner for Basutoland, the Bechuanaland Protectorate and Swaziland;

"the Territories" means Basutoland, the Bechuanaland Protectorate and Swaziland;

"South Africa" means the Union of South Africa, the Territories, Southern Rhodesia, and Mozambique.

Citation and commencement

2. This Order may be cited as the Basutoland, Bechuanaland Protectorate and Swaziland Order in Council, 1954, and shall come into operation on the 8th day of December, 1954.

Acting High Commissioner

3.—(1) Whenever the office of High Commissioner for the Territories is vacant, or the High Commissioner is absent from South Africa, or is from any other cause prevented from or incapable of performing the functions of the office, those functions shall be performed—

(*a*) by such person as Her Majesty may designate by instructions through a Secretary of State; or

(*b*) if no person is so designated, or if any person so designated is absent from South Africa or not capable of discharging the functions of the office, by the person who holds the substantive appointment of Deputy High Commissioner for the Territories, or if he is absent from South Africa or not capable of discharging the functions of the office, by the person who holds the substantive appointment of Resident Commissioner, Basutoland.

(a) 53 & 54 Vict. c. 37.

(2) Before assuming the functions of the High Commissioner any such person as aforesaid shall take the oath of allegiance and oath of office in the forms provided by the Promissory Oaths Act, 1868(a), to be administered by a judge of the High Court of the Territories, or if such a judge is unable to be present and administer the said oaths, by the Resident Commissioner for one of the Territories.

(3) Any such person as aforesaid shall hold his appointment during Her Majesty's pleasure or until such time as a duly appointed High Commissioner or some other person with a prior right to perform the functions of the High Commissioner notifies him that he is ready to assume or resume those functions.

(4) The High Commissioner shall not be regarded for the purposes of this section as absent from South Africa or prevented from or incapable of performing the functions of his office at any time when there is a subsisting appointment of a Deputy under the following section.

Deputy to High Commissioner

4.—(1) If at any time the High Commissioner—

(*a*) has occasion to be absent from Pretoria or Capetown but not from South Africa ; or

(*b*) has occasion to be absent from South Africa for a period which he has reason to believe will be of short duration ; or

(*c*) by reason of illness, which he has reason to believe will be of short duration, considers it desirable so to do,

he may, by instrument under his seal, appoint any person to be his Deputy for the purpose of performing during that absence or illness such of the functions of the High Commissioner as may be specified in that instrument.

(2) The power and authority of the High Commissioner shall not be abridged, altered or in any way affected by the appointment of a Deputy under this section, and a Deputy shall observe all instructions which the High Commissioner in his discretion may from time to time address to him for his guidance:

Provided that the question whether or not a Deputy has observed any such instructions shall not be enquired into in any court.

(3) The appointment of a Deputy may be revoked at any time by Her Majesty or by the High Commissioner.

W. G. Agnew.

EXPLANATORY NOTE

(*This Note is not part of the Order, but is intended to indicate its general purport.*)

This Order provides for the appointment of an Acting High Commissioner for Basutoland, the Bechuanaland Protectorate and Swaziland, and of a Deputy to the High Commissioner.

(a) 31 & 32 Vict. c. 72.