EXPLANATORY NOTE

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

This Order consolidates the Bankruptcy Fees Order, 1930, and the other Orders mentioned in the Second Schedule. Provision is made for fees on photographic copies of documents (Fee No. 26) and on duplicate allocaturs (Fee No. 25 (2)).

BECHUANALAND PROTECTORATE

1952 No. 1031

The Bechuanaland Protectorate (Bamangwato Succession) Order in Council, 1952

Made - - - -	*23rd May*, 1952
Laid before Parliament	*24th May*, 1952
Coming into Operation	*On a date to be proclaimed in accordance with Article* 5.*

At the Court at Buckingham Palace, the 23rd day of May, 1952

Present,

The Queen's Most Excellent Majesty in Council

Whereas Sekgoma II, Chief of the Bamangwato Tribe of the Bechuanaland Protectorate, died in the year 1925:

And Whereas his son Seretse Khama, then a minor, was next in line of succession to the Chieftainship:

And Whereas Tshekedi Khama was installed as Regent of the Tribe in the year 1926:

And Whereas in the year 1949 dissensions arose in the Tribe as to whether Seretse Khama, who had by then attained his majority, should succeed to the Chieftainship:

And Whereas Tshekedi Khama thereafter voluntarily resigned the Regency of the Tribe and renounced all claim to the Chieftainship of the Tribe both for himself and his children:

And Whereas the High Commissioner of the Protectorate has withheld recognition of Seretse Khama as Chief of the Tribe in the interests of peace, order and good government:

And Whereas it is now desirable, in the interests of unity and wellbeing of the Tribe, that neither Seretse Khama nor Tshekedi Khama nor their children shall hereafter be eligible to be Chief of the Tribe or to perform certain other functions in relation to the Tribe, and to this end it is expedient to make certain declarations of the law regarding their positions in relation to the Tribe, including a declaration confirming the voluntary resignation by Tshekedi Khama above mentioned:

* The date thus appointed was 10th June, 1952.

And Whereas it is also expedient to make provision with a view to the designation by the Tribe, subject to recognition and confirmation as required by law, of a Chief other than Seretse Khama or Tshekedi Khama, and to provide for the administration of tribal affairs pending such designation, recognition and confirmation:

Now, therefore, Her Majesty, by virtue and in exercise of the powers in this 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.—(1) In this Order, unless the context otherwise requires—

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

"native law and custom" means the native law and custom of the Bamangwato Tribe as modified by any Ordinance, Act, Order in Council (including this Order), Proclamation, rule, regulation or other enactment or instrument which is for the time being in force in the Bamangwato Reserve;

"Tribe" means the Bamangwato Tribe of the Bechuanaland Protectorate.

(2) The Interpretation Act, 1889(**b**), shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

Declarations regarding the succession to the Chieftainship and other connected matters

2. It is hereby declared that neither Seretse Khama nor Tshekedi Khama nor their children shall hereafter be eligible to be Chief, or Acting Chief, or Regent, of the Tribe, or to be a member of a Council of Regency of the Tribe, or to summon the Tribe in Kgotla for any purpose, or to preside or exercise any of the functions of the president at any Kgotla of the Tribe.

Filling of the vacancy in the Chieftainship and interim provisions

3. The High Commissioner shall take all action which he may deem appropriate, including the enactment, in pursuance of the powers vested in him in that behalf, of any Proclamation which he may deem appropriate, with a view to—

(*a*) the filling of the present vacancy in the Chieftainship of the Tribe, subject to the provisions of this Order, by a successor who is—

(i) designated by the Tribe, according to native law and custom, at a Kgotla summoned and presided over by the person empowered in that behalf under or by virtue of a Proclamation enacted in pursuance of paragraph (*b*) of this Article, and

(ii) recognised as Chief by the High Commissioner and confirmed as Chief by the Secretary of State;

(*b*) making provision, until the vacancy in the Chieftainship is filled, for enabling any person or persons to exercise all or any of the powers and perform all or any of the duties attaching to the Chieftainship of

(**a**) 53 & 54 Vict. c. 37. (**b**) 52 & 53 Vict. c. 63.

the Tribe, and for designating any person, or for enabling any person to be designated, as the person entitled to summon the Tribe in Kgotla for any purpose and to preside or to exercise any of the functions of the president at any Kgotla, and for the general administration of the Reserve;

(*c*) ensuring tribal unity.

Powers reserved to Her Majesty

4.—(1) Her Majesty reserves to Herself, Her Heirs and Successors power, with the advice of Her or Their Privy Council, to amend, add to or revoke this Order as to Her or Them shall seem fit.

(2) Nothing in this Order shall affect the power of Her Majesty in Council to make laws from time to time for the peace, order and good government of the Bechuanaland Protectorate.

Short title and commencement

5. This Order may be cited as the Bechuanaland Protectorate (Bamangwato Succession) Order in Council, 1952, and shall come into operation on a day to be appointed by the High Commissioner and notified in the Official Gazette of the High Commissioner, which day shall not be earlier than the day after the day on which this Order shall be laid before both Houses of Parliament.*

F. J. Fernau.

EXPLANATORY NOTE

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

This Order in Council, made under the Foreign Jurisdiction Act, 1890, is designed to carry out three purposes. The first purpose is the extinguishment of any present or future right of Seretse Khama or Tshekedi Khama or their children to be Chief of the Bamangwato Tribe of the Bechuanaland Protectorate or to perform certain other specified functions in relation to the Tribe. The second purpose is to provide for the designation by the Tribe, subject to recognition and confirmation as required by law, of a Chief other than Seretse Khama or Tshekedi Khama. The third purpose is to provide for the administration of tribal affairs pending such designation, recognition and confirmation.

BEE DISEASES

1952 No. 138

The Foul Brood Disease of Bees Order, 1952

Made - - - -	28*th January*, 1952
Coming into Operation	1*st February*, 1952

The Minister of Agriculture and Fisheries by virtue and in exercise of the powers vested in him by Section 11 of the Agriculture (Miscellaneous Provisions) Act, 1941(**a**), and of all other powers enabling him in that behalf,

(**a**) 4 & 5 Geo. 6. c. 50.

* The date thus appointed was 10th June, 1952.