EXPLANATORY NOTE

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

This Order in Council amends the provisions of the Principal Order concerning voting in the Legislative Council of Dominica by making those provisions subject to the provisions of any Instructions addressed to the Governor of the Windward Islands under the Royal Sign Manual and Signet.

EAST AFRICA

1953 No. 975

The East Africa (High Commission) (Amendment) Order in Council, 1953

Made - - - -	19*th June*, 1953
Laid before Parliament	22*nd June*, 1953
Coming into Operation	23*rd June*, 1953

At the Court at Windsor Castle, the 19th day of June, 1953

Present,

The Queen's Most Excellent Majesty in Council

Whereas by the East Africa (High Commission) Order in Council, 1947(**a**) (hereinafter called " the principal Order "), as amended by the East Africa High Commission (Amendment) Order, 1951(**b**), provision was made for the control and administration of certain matters and services of common interest to the inhabitants of the Colony and Protectorate of Kenya, the Trust Territory of Tanganyika and the Protectorate of Uganda and for that purpose for the establishment of an East Africa High Commission and an East Africa Central Legislative Assembly for those Territories:

And Whereas it is expedient to amend the provisions of the principal Order in manner hereinafter appearing:

Now, therefore, Her Majesty, by virtue and in exercise of the powers in this behalf by the British Settlements Acts, 1887 and 1945(**c**), the Foreign Jurisdiction Act, 1890(**d**), 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:

Short titles and commencement

1.—(1) This Order may be cited as the East Africa (High Commission) (Amendment) Order in Council, 1953, and shall be construed as one with the principal Order.

(**a**) S.R. & O. 1947/2863; Rev. XI, p. 695; 1947 I, p. 758.
(**b**) S.I. 1951/2126; 1951 I, p. 1222.
(**c**) 50 & 51 Vict. c. 54; 9 & 10 Geo. 6. c. 7.
(**d**) 53 & 54 Vict. c. 37.

(2) The principal Order, the East Africa (High Commission) (Amendment) Order in Council, 1951, and this Order may be cited together as "The East Africa (High Commission) Orders in Council, 1947 to 1953".

(3) This Order shall come into operation on the twenty-third day of June, 1953.

Amends section 1 of principal Order

2. Section 1 of the principal Order shall be amended as follows:—

(*a*) by the addition to subsection (1), immediately after the definition of "the Official Seal", of the following definition:—

"" scheduled service" means any service set out in the First Schedule to this Order, or for the time being included in the list of services set out in the Second Schedule to this Order, that has been taken over by the High Commission in accordance with the provisions of subsection (1) of section 9 of this Order;"

(*b*) by the addition immediately after subsection (2) of a new subsection (2A) as follows:—

"(2A) All references in this Order to Her Majesty's dominions shall have effect as if they included references to all British protectorates and protected states and to all territories administered by the Government of any part of Her Majesty's dominions under the Trusteeship System of the United Nations.";

(*c*) by the addition, immediately after subsection (3), of a new subsection (3A) as follows:—

"(3A) When a substantive holder of any office constituted by or under this Order is on leave of absence pending relinquishment of his office, it shall be lawful for another person to be appointed substantively to the same office.".

Amends section 9 of principal Order

3. Section 9 of the principal Order shall be amended by the addition to subsection (1) of new paragraphs (*f*), (*g*), and (*h*), as follows:—

"(*f*) to exercise—

(i) any functions that may be conferred upon it by any law made in accordance with the provisions of paragraph (*b*) of subsection (1) of section 28 of this Order;

(ii) if it shall think fit, any functions that may be conferred upon it by any law of any one or more of the Territories;

(*g*) to change the name or designation of any service which it is empowered to administer under the provisions of this section; and any such change may be effected by Order made by the High Commission and published in the Gazette and thereupon any reference in this Order to any service whose name or designation has been so changed shall be construed accordingly;

(*h*) subject to the approval, to be signified by resolution, of the Assembly—

(i) to wind up the administration of any service which it has taken over under the provisions of this section;

(ii) to transfer to any other authority willing to accept such transfer the administration of any service which it has taken over under the provisions of this section;

and any such winding up or transfer may, subject as aforesaid, be effected by Order made by the High Commission and published in the Gazette.".

Amends section 21 *of principal Order*

4. Section 21 of the principal Order shall be amended by the deletion from paragraphs (*d*) and (*e*) of subsection (1) of the words

" or in any territory under His Majesty's protection ".

Amends section 23 *of principal Order*

5. Section 23 of the principal Order shall be amended as follows:—

(*a*) by the addition to subsection (1), immediately after the words " among the ", of the words " persons sitting as ";

(*b*) by the deletion from paragraph (*a*) of subsection (1) of the words " referred to in section 17 " and the substitution therefor of the words " specifically mentioned in section 12 ";

(*c*) by the deletion from subsection (1) of the present paragraph (*f*) and the substitution therefor of the following new paragraph:—

" (*f*) a member is, in the opinion of the authority empowered to appoint a temporary member in the place of such member in accordance with the provisions of subsection (2) of this section, likely to be absent from one or more meetings of the Assembly; ";

(*d*) by the addition to subsection (1) of a new paragraph (*g*) as follows:—

" (*g*) the seat of any Member, other than a Member elected in accordance with the provisions of paragraph (iv) of subsection (1) of section 19 of this Order, is vacant for any cause; ";

(*e*) by the deletion from paragraph (i) of subsection (2) of the words " among the number of " and the substitution therefor of the words " in the number of persons sitting as ";

(*f*) by the deletion from paragraph (ii) of subsection (2) of the words " among the number of " and the substitution therefor of the words " in the number of persons sitting as ";

(*g*) by the deletion from paragraph (iii) of subsection (2) of the words " among the number of " and the substitution therefor of the words " in the number of persons sitting as ";

(*h*) by the deletion of the present subsection (3) and the substitution therefore of the following new subsection:—

" (3) An appointment made under this section shall cease to have effect on notification by the authority which made the appointment to the person appointed of its revocation by that authority, or on its supersession by the definitive appointment of a person to fill the vacancy, or when the vacancy shall otherwise cease to exist.".

Amends section 28 *of principal Order*

6. Section 28 of the principal Order shall be amended by the addition of a new subsection (5) as follows—

" (5) For the purposes of subsections (2) and (4) of this section, reference to any law of any of the Territories shall be construed as including reference to laws made under the provisions of this section.".

Amends section 38 *of principal Order*

7. Section 38 of the principal Order shall be amended by the deletion of subsection (2).

Amends section 40 *of principal Order*

8. Section 40 of the principal Order shall be amended by the addition of the following further proviso at the end thereof:—

" Provided further that if, between the time when a person becomes a Member of the Assembly and the time when the Assembly next meets thereafter, a meeting takes place of any Committee of the Assembly of which such person is a Member, such person may, in order to enable him to attend the meeting, and take part in the proceedings, of the Committee, take and subscribe the said oath before a judge of the Supreme Court of Kenya, a judge of the High Court of Tanganyika, or a judge of the High Court of Uganda; and the taking and subscribing of the oath in such manner shall suffice for all purposes of this section. In any such case the judge shall forthwith report to the Assembly through the Speaker that the person in question has taken and subscribed to the said oath before him.".

Amends section 41 *of principal Order*

9. Section 41 of the principal Order shall be amended by the addition to subsection (5), immediately after the words " paragraph (*a*) ", of the words " of subsection (1) ".

Amends section 42 *of principal Order*

10. Section 42 of the principal Order shall be amended in the following respects—

(*a*) by the addition of the following at the end of subsection (4) thereof:—

" or, in his absence and where the Administrator considers the matter is one of urgency, under the authority of a warrant under the hand of the Administrator ";

(*b*) by the addition of a new subsection (6) as follows:—

" (6) The High Commission may borrow by way of overdraft from a banker such sums as it may require for the purposes of administering any service which is not self-contained:

Provided that where arrangements are made for such borrowing, the matter shall be reported to the Assembly as soon as is reasonably practicable.".

Amends section 44 of principal Order

11. Section 44 of the principal Order shall be amended by the deletion of subsection (3) thereof, without prejudice to anything lawfully done thereunder, and the substitution therefor of the following subsection:—

"(3) The Lakes Victoria and Kioga Navigation Order in Council, 1921(a), shall be revoked, without prejudice to anything lawfully done thereunder, with effect from a date to be fixed by the High Commission by proclamation published in the Gazette."

Amends section 49 of principal Order

12. Section 49 of the principal Order shall be amended by the deletion from subsection (2) of the words—"the Attorney General of that Territory" and the substitution therefor of the words "the Legal Secretary".

Amends First Schedule to principal Order

13. The First Schedule to the principal Order shall be amended as follows:—

(*a*) by the deletion of the present heading and the substitution therefor of the following new heading:—

"SERVICES IN EXISTENCE AT THE COMMENCEMENT OF THIS ORDER.";

(*b*) by the deletion of the present item 16 and the substitution therefor of the following new item—

"16. The Lake Victoria Fisheries Service.".

Amends Second Schedule to principal Order

14. The Second Schedule to the principal Order shall be amended by the deletion of the present heading and the substitution therefor of the following new heading:—

"SERVICES WHICH MAY BE FORMED AFTER THE COMMENCEMENT OF THIS ORDER.".

Amends Third Schedule to principal Order

15. The Third Schedule to the principal Order shall be amended in the following respects:—

(*a*) by the addition of the following at the end of item 1 thereof:—
"and provision for the audit of such services"

(*b*) by the deletion from item 14 of the words "Loan Ordinances" and the substitution therefor of the word "Loans".

Provision for avoidance of doubt

16. It is hereby declared, for the avoidance of doubt, that, unless it is otherwise provided in any law, an instrument required to be made under the Official Seal shall be deemed to have been duly so made if the Official Seal has been affixed thereto in the presence of any one of the members of the High Commission or of the Administrator, whether or not the High Commission is in conference.

W. G. Agnew.

(a) S.R. & O. 1921/763; Rev. XI, p. 721; 1921, p. 268.

EXPLANATORY NOTE

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

This Order amends certain provisions of the East Africa (High Commission) Order in Council, 1947, dealing with the powers of the East Africa High Commission, the services administered thereby, and its finance, and also certain provisions of the Order relating to the East Africa Central Legislative Assembly.

1953 No. 590

The East African Territories (Air Transport) (Amendment) Order in Council, 1953

Made - - - -	*1st April,* 1953
Laid before Parliament	*2nd April,* 1953
Coming into Operation	*1st July,* 1953

At the Court at Windsor Castle, the 1st day of April, 1953

Present.

The Queen's Most Excellent Majesty in Council

Whereas His late Majesty King George the Sixth was pleased to make the East African Territories (Air Transport) Order in Council, 1945(a) (hereinafter referred to as " the principal Order "):

And Whereas it is expedient that the principal Order should be amended in manner hereinafter appearing:

Now, therefore, Her Majesty, by virtue and in exercise of the powers in this behalf by the British Settlements Acts, 1887 and 1945(b), the Foreign Jurisdiction Act, 1890(c), 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 :—

Short title and commencement

1.—(1) This Order may be cited as the East African Territories (Air Transport) (Amendment) Order in Council, 1953.

(2) The principal Order and this Order may be cited together as the East African Territories (Air Transport) Orders in Council, 1945 and 1953.

(3) This Order shall come into operation on the first day of July, 1953.

Insertion of new sections 6A and 6B in principal Order

2. Immediately after section 6 of the principal Order there shall be inserted the following new sections :—

" 6A. (1) Where by virtue of Regulations made under subsection (1) of section 5 of this Order any powers have been conferred or

(a) S.R. & O. 1945/1370; Rev. VIII, p. 342; 1945 I, p. 397.
(b) 50 & 51 Vict. c. 54; 9 & 10 Geo. 6. c. 7.
(c) 53 & 54 Vict. c. 37.