EXPLANATORY NOTE

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

This Order revokes the International Organisations (Immunities and Privileges of the International Sugar Council) Order, 1954, and repeats its provisions subject to an amendment necessary to enable effect to be given to the International Sugar Agreement of 1958, laid before Parliament in draft on November 20, 1958. This Agreement replaces, with amendments, the International Agreement for the Regulation of the Production and Marketing of Sugar, 1953 (Cmd. 9815).

The only amendment to the provisions of the Order which this Order revokes is that article 3 of this Order takes account of the amendment to Article 38 (6) of the Agreement by which the Council is to enjoy exemption from taxation upon its "assets, income and other property" instead of only upon its "funds".

This Order will not come into force until the International Sugar Agreement of 1958 enters into force with respect to the United Kingdom. This date will, under the provisions of the Order, be notified in the London Gazette.

EAST AFRICA

ADMINISTRATION GENERALLY

1958 No. 917

The East Africa (High Commission) (Amendment) Order in Council, 1958

Made - - - -	3*rd June*, 1958
Laid before Parliament	9*th June*, 1958
Coming into Operation	10*th June*, 1958

At the Court at Buckingham Palace, the 3rd day of June, 1958

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), and the Foreign Jurisdiction Act, 1890(b), 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, construction and commencement

1.—(1) This Order may be cited as the East Africa (High Commission) (Amendment) Order in Council, 1958, and shall be construed as one with the East Africa (High Commission) Orders in Council, 1947 to 1957.

(2) The East Africa (High Commission) Orders in Council, 1947 to 1957, and this Order may be cited together as the East Africa (High Commission) Orders in Council, 1947 to 1958.

(a) 50 & 51 Vict. c. 54 and 9 & 10 Geo. 6. c. 7. (b) 53 & 54 Vict. c. 37.

(3) This Order shall come into operation on the 10th day of June, 1958.

Amendment of Order of 1947

2.—(1) Section 1 of the East Africa (High Commission) Order in Council, 1947(**a**), (hereinafter called " the principal Order ") (as amended by section 2 of the East Africa (High Commission) (Amendment) Order in Council, 1953(**b**), section 2 of the East Africa (High Commission) (Amendment) Order in Council, 1956(**c**), and section 2 of the East Africa (High Commission) (Amendment) Order in Council, 1957(**d**)) is amended by the deletion of subsection (4) and the substitution of the following subsection:—

" (4) (*a*) For the purposes of this Order a person shall not be considered to hold an office of emolument in the service of the High Commission or under the Crown in Kenya or Uganda by reason only that he is in receipt of a pension or other like allowance in respect of service in an office of emolument in the service of the High Commission or under the Crown in Kenya or Uganda, as the case may be.

(*b*) For the purposes of this Order a person shall not be deemed to hold an office of emolument under the Crown—

(i) in Kenya by reason only that he is in receipt of a salary or other emoluments or any allowance in respect of his tenure of the office of member of the Council of Ministers of Kenya, Assistant Minister in Kenya, member of the Council of State of Kenya, or member of the Legislative Council of Kenya ; or

(ii) in Uganda by reason only that he is in receipt of a salary or other emoluments or any allowance in respect of his tenure of the office of member of the Executive Council of Uganda or member of the Legislative Council of Uganda.

(*c*) If it is declared by—

(i) any law enacted under the Kenya (Constitution) Order in Council, 1958(**e**), that any office shall not be a public office for all or any of the purposes of that Order ; or

(ii) any law enacted under the Uganda Order in Council, 1920(**f**), or any Proclamation made under any Instructions under the Royal Sign Manual and Signet to the Governor of Uganda that the person holding or acting in any office in the public service of Uganda shall be deemed not to be a person holding or acting in an office in that public service for all or any of the purposes of any such Instructions,

then, in the case of an office in Kenya, that office shall be deemed not to be an office of emolument under the Crown in Kenya for any of the purposes of this Order and, in the case of an office in Uganda, the person holding or acting in that office shall be deemed not to be a person holding or acting in an office of emolument under the Crown in Uganda for any of the purposes of this Order.

(*d*) If it is declared by any law enacted by the High Commission, with the advice and consent of the Assembly, that—

(i) an office in the service of the High Commission or under the Crown in Kenya or Uganda shall be deemed not to be an office

(**a**) S.R. & O. 1947/2863 (Rev. XI, p. 695 : 1947 I, p. 758).
(**b**) S.I. 1953/975 (1953 I, p. 584). (**c**) S.I. 1956/1891 (1956 I, p. 692).
(**d**) S.I. 1957/423 (1957 I, p. 655). (**e**) S.I. 1958/600 (Pt. I, p. 961, of this volume).
(**f**) S.R. & O. 1920/884 (Rev. VIII, p. 296: 1920 I, p. 699).

of emolument in that service or under the Crown in Kenya or Uganda, as the case may be, for any of the purposes of this Order; or

(ii) a person holding or acting in any office in the service of the High Commission or under the Crown in Kenya or Uganda shall be deemed not to be a person holding or acting in an office of emolument in that service or under the Crown in Kenya or Uganda, as the case may be, for any of those purposes; or

(iii) a person who is disqualified for appointment or election as an Unofficial Member of the Assembly under paragraph (*b*) of subsection (2) of section 17 of this Order shall be deemed to be not so disqualified,

the provisions of this Order shall have effect accordingly."

(2) The Liwali for the Coast (Dispensation) Act of the High Commission(a) shall have effect after the commencement of this Order as if it were a law enacted under paragraph (*d*) of subsection (4) of section 1 of the principal Order, as set out in subsection (1) of this section.

3. Section 17 of the principal Order (as set out in section 3 of the East Africa (High Commission) (Amendment) Order in Council, 1956) is amended by the deletion of subsection (2) and the substitution of the following subsection:—

"(2) No person shall be qualified for appointment or election as an Unofficial Member if at the time of such appointment or election—

(*a*) he holds or is acting in an office of emolument under the Crown in Kenya or Uganda or an office of emolument in the service of the High Commission; or

(*b*) he is disqualified for appointment or election as a Representative Member of the Legislative Council of Tanganyika by any law enacted under subclause (2) of Clause VIF of the Tanganyika (Legislative Council) Order in Council, 1926."

4. Section 19 of the principal Order (as set out in section 3 of the East Africa (High Commission) (Amendment) Order in Council, 1956, and as amended by section 5 of the East Africa (High Commission) (Amendment) Order in Council, 1957) is amended by the deletion from subsection (3) of paragraph (*j*) and the substitution of the following paragraph:—

"(*j*) in the case of an Unofficial Member, if any circumstances arise that, if he were not an Unofficial Member, would cause him to be disqualified for appointment or election as such under subsection (2) of section 17 of this Order."

W. G. Agnew.

EXPLANATORY NOTE

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

This Order amends the provisions of the East Africa (High Commission) Order in Council, 1947, relating to the qualifications for appointment or election as an Unofficial Member of the East Africa Central Legislative Assembly.

(a) Act No. 1 of 1948; Laws of the East Africa High Commission, 1953 Rev., Chap. 2.