STATUTORY INSTRUMENTS

1961 No. 1502

EAST AFRICA

The East Africa (High Commission) (Amendment) Order in Council, 1961

Made - - - -	*2nd August*, 1961
Laid before Parliament	*9th August*, 1961
Coming into operation	*10th August*, 1961

At the Court at Buckingham Palace, the 2nd day of August, 1961

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, 1961, and shall be construed as one with the East Africa (High Commission) Orders in Council, 1947 to 1960(c).

(2) The East Africa (High Commission) Orders in Council, 1947 to 1960, and this Order may be cited together as the East Africa (High Commission) Orders in Council, 1947 to 1961.

(3) This Order shall come into operation on the tenth day of August, 1961:

Provided that section 4 of this Order shall be deemed to have come into operation on the first day of January, 1960.

Amendment of section 42 of Order of 1947.

2. Section 42 of the East Africa (High Commission) Order in Council, 1947(d) (hereinafter called "the principal Order") (as amended by section 10 of the East Africa (High Commission) (Amendment) Order in Council, 1953, and section 8 of the East Africa (High Commission) (Amendment) Order in Council, 1957) is amended by the revocation of paragraph (ii) of subsection (2) and the substitution of the following paragraphs—

"(ii) all such sums as may be payable to the fund in pursuance of the provisions of section 42A of this Order; and

(iii) all sums which may be received by the High Commission from all other sources for the purposes of services which are not self-contained.".

Insertion of section 42A in Order of 1947.

3. There shall be inserted in the principal Order after section 42 the following section—

"Distributable Pool Fund.

42A.—(1) The High Commission shall maintain a fund to be known as the Distributable Pool Fund.

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

(c) S.R. & O. 1947/2863 (Rev. XI, p. 695: 1947 I, p. 758); S.I. 1951/2126, 1953/975, 1955/550, 1818, 1956/1891, 1957/423, 1958/917, 1959/2203, 1960/1965 (1951 I, p. 1222; 1953 I, p. 584; 1955 I, pp. 684, 686; 1956 I, p. 692; 1957 I, p. 655; 1958 I, p. 957; 1959 I, p. 980; 1960 I, p. 1212).

(d) S.R. & O. 1947/2863 (Rev. XI. p. 695: 1947 I. p. 758).

(2) Out of the proceeds of income tax and customs and excise duties collected under the laws of the High Commission, there shall be paid into the Distributable Pool Fund such amounts, calculated in such manner, as may be agreed between the Governments of the Territories.

(3) At such intervals as may be agreed between the Governments of the Territories the amount standing to the credit of the Distributable Pool Fund shall be distributed by the High Commission in the following manner—

(*a*) the whole cost of collection of the taxes on income and duties of customs and excise collected under the laws of the High Commission in the period in respect of which distribution is made, shall be paid to the High Commission;

(*b*) the balance shall be paid as to one half to the High Commission, as to one sixth to the Government of Kenya, as to one sixth to the Government of Tanganyika, and as to one sixth to the Government of Uganda.

(4) For the avoidance of doubt it is hereby declared that payments made into the Distributable Pool Fund, in accordance with this section, of revenues collected by the High Commission, shall not require the authority of a law of any of the Territories, and payments out of the Distributable Pool Fund under this section shall not require the authority of a law of any of the Territories or of the High Commission.

(5) Payments made under this section to the High Commission shall be made into the fund established by section 42 of this Order.".

Amendment of Third Schedule of Order of 1947.

4. The Third Schedule to the principal Order (as amended by the East Africa (High Commission) (Amendment) Order in Council, 1953, The Royal Technical College of East Africa (Addition to Schedule) Order, 1953(a), the Merchant Shipping (Addition to Schedule) Order, 1953(b), the East Africa (High Commission) (Amendment) Order in Council, 1955, the East Africa (High Commission) (Amendment) Order in Council, 1956, and the East Africa (High Commission) (Amendment) Order in Council, 1957), is amended by the addition to item 16 of the words " or any institution of higher education replacing the Royal Technical College of East Africa ".

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 East Africa (High Commission) Order in Council, 1947, to provide for a Distributable Pool Fund to be maintained by the East Africa High Commission, and for payments into and disbursements from that fund. It also amends the Third Schedule to that Order.

(a) High Commission Legal Notice No. 20 of 1953.
(b) High Commission Legal Notice No. 21 of 1953.