STATUTORY INSTRUMENTS

1961 No. 2315

EAST AFRICA

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

Made - - - -	*6th December*, 1961
Laid before Parliament	*7th December*, 1961
Coming into Operation	*Section 7, 8th December*, 1961 *Remainder, immediately before the 9th December*, 1961

At the Court of Saint James, the 6th day of December, 1961

Present,

Her Majesty Queen Elizabeth The Queen Mother
Her Royal Highness The Princess Margaret, Countess of Snowdon

Lord President	**Lord John Hope**
Earl of Perth	**Mr. Erroll**

Whereas Her Majesty, in pursuance of the Regency Acts, 1937 to 1953, was pleased, by Letters Patent dated the eighth day of November, 1961, to delegate to the following Counsellors of State (subject to the exceptions hereinafter mentioned) or any two or more of them, that is to say, His Royal Highness Prince Philip, Duke of Edinburgh, Her Majesty Queen Elizabeth The Queen Mother, Her Royal Highness The Princess Margaret, Countess of Snowdon, His Royal Highness The Duke of Gloucester, His Royal Highness The Duke of Kent and Her Royal Highness The Princess Alexandra of Kent, full power and authority during the period of Her Majesty's absence from the United Kingdom to summon and hold on Her Majesty's behalf Her Privy Council and to signify thereat Her Majesty's approval for anything for which Her Majesty's approval in Council is required:

And whereas Her Majesty was further pleased to except from the number of the said Counsellors of State His Royal Highness Prince Philip, Duke of Edinburgh, and Her Royal Highness The Princess Alexandra of Kent while absent from the United Kingdom:

And whereas at discussions held in London in June, 1961, and attended by representatives of Her Majesty's Government in the United Kingdom, of the East Africa High Commission and of Tanganyika, Kenya and Uganda it was agreed that the East Africa High Commission and the East Africa Central Legislative Assembly established by the East Africa (High Commission) Orders in Council, 1947 to 1961, should be replaced by an organization (entitled the East African Common Services Organization) to be established by means of an Agreement between the Governments of Tanganyika, Kenya and Uganda:

And whereas a draft of an Agreement for establishing the East African Common Services Organization (hereinafter referred to as "the draft Agreement") has been approved by the Governments of Tanganyika, Kenya and Uganda:

And whereas provision was made by the East Africa (High Commission) (Special Provisions) Order in Council, 1961(a), for enabling the legislatures of Tanganyika, Kenya and Uganda to give effect to an Agreement entered into for the said purpose and the said Legislatures have enacted Ordinances for giving effect to an Agreement in the terms of the draft Agreement:

And whereas by the Tanganyika Independence Act, 1961(b), and the Tanganyika (Constitution) Order in Council, 1961(c), provision is made for a constitution for Tanganyika under which Her Majesty's Government in the United Kingdom will cease to have responsibility for the government of Tanganyika:

And whereas it is intended that the said Agreement should be entered into by the Governments of Tanganyika, Kenya and Uganda as soon as practicable after the coming into operation of the Tanganyika (Constitution) Order in Council, 1961:

And whereas it is expedient to make provision for the revocation of the East Africa (High Commission) Orders in Council, 1947 to 1961, for the transfer of the undertaking of the East Africa High Commission to the appropriate authority as established by the said Agreement and for matters incidental thereto:

Now, therefore, Her Majesty Queen Elizabeth The Queen Mother and Her Royal Highness The Princess Margaret, Countess of Snowdon, being authorised thereto by the said Letters Patent, and in pursuance of the powers vested in Her Majesty by the British Settlements Acts, 1887 and 1945(d), the Foreign Jurisdiction Act, 1890(e), and of all other powers enabling Her Majesty in that behalf, do hereby, by and with the advice of Her Majesty's Privy Council, on Her Majesty's behalf, order, and it is hereby ordered, as follows:—

Citation and commencement.

1.—(1) This Order may be cited as the East Africa (High Commission) (Revocation) Order in Council, 1961.

(2) This Order shall come into operation immediately before the ninth day of December, 1961:

Provided that section 7 shall come into operation on the eighth day of December, 1961.

Interpretation.

2. In this Order, unless the context otherwise requires—

"the Agreement" means an Agreement entered into by the Governments of Tanganyika, Kenya and Uganda in the terms of the draft Agreement for the establishment of the East African Common Services Organisation:

"the Authority" means the East African Common Services Authority as established by the Agreement;

"the operative date" means the date upon which the Agreement comes into force;

"the Organization" means the East African Common Services Organization as established by the Agreement.

Revocation.

3. The Orders specified in the Schedule to this Order are revoked with effect from the operative date.

Transitional provisions for effect of Order of 1947 in relation to Tanganyika.

4. Until the operative date—

(*a*) the East Africa (High Commission) Order in Council, 1947(f), (as amended) shall have effect in relation to Tanganyika as if Parts III and IV were omitted;

(a) S.I. 1961/1829 (*See* p. 3452 of this Pt.).
(b) 10 & 11 Eliz. 2. c. 1.
(c) S.I. 1961/2274 (*See* p. 3988 of this Pt.).
(d) 50 & 51 Vict. c. 54 and 9 & 10 Geo. 6. c. 7.
(e) 53 & 54 Vict. c. 37.
(f) S.R. & O. 1947/2863 (Rev. XI, p. 695: 1947 I, p. 758).

(*b*) references in any provision of the East Africa (High Commission) Order in Council, 1947, (as amended) to the Governor of Tanganyika shall be construed as references to the Governor-General of Tanganyika or any person designated by the Governor-General to perform the functions conferred upon the Governor of Tanganyika by that provision.

Transfer of assets and liabilities.

5.—(1) All property of the High Commission immediately before the operative date shall, as from that date, vest in the Authority, and as from the operative date, the Authority shall have all rights and be subject to all liabilities which the High Commission has and to which the High Commission is subject immediately before the operative date.

(2) On and after the operative date every contract made by or on behalf of the High Commission (whether in writing or not and whether or not of such a nature that rights and liabilities thereunder could be assigned by the High Commission) shall have effect as if made by or on behalf of the Authority, and as if for references therein to the High Commission and to any officer or authority of the High Commission there were substituted, in relation to anything falling to be done on or after the operative date, references to the Authority and to the corresponding officer or authority of the Organization.

(3) (*a*) Without prejudice to the generality of the preceding subsections, the Authority, and any other person or authority shall have the like rights, powers and remedies (including in particular rights and powers as to the taking or resisting of legal proceedings) for ascertaining, perfecting or enforcing any rights or liabilities vested in or attaching to them in accordance with the provisions of this section as if they had at all times been rights or liabilities of the Authority, or that person or authority.

(*b*) Any proceedings by or against the High Commission pending on the operative date shall be continued by or against the Authority.

Transfer of offices and officers to the Organization.

6.—(1) Subject to the provisions of this section, every office which is an office in the service of the High Commission immediately before the operative date, shall, upon the operative date, become an office in the Organization.

(2) Any officer or servant of the High Commission who is holding an office in the service of the High Commission at the time when that office becomes an office in the Organization shall thereupon become an officer or servant of the Organization.

(3) References in this section to offices in the service of the High Commission do not include references to the office of the Administrator or Commissioner for Transport of the High Commission.

Adaptation of High Commission laws.

7.—(1) The High Commission may, by order published in the Gazette of the High Commission, at any time before the operative date make such amendments to any existing law of the High Commission as may appear to the High Commission to be necessary or expedient for bringing that law into accord with the Agreement, or otherwise for giving effect or enabling effect to be given to the Agreement.

(2) In this section "existing law" means an enactment of the High Commission in force or having effect immediately before the coming

into operation of this Order and includes any rules, regulations, orders or other instruments in force or having effect as aforesaid and made in pursuance of that enactment.

W. G. Agnew.

Section 3 THE SCHEDULE Section 3

The East Africa (High Commission) Order in Council, 1947(a).

The East Africa (High Commission) (Amendment) Order in Council, 1951(b).

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

The East Africa (High Commission) (Amendment) Order in Council, 1955(d).

The East Africa (High Commission) (Amendment No. 2) Order in Council, 1955(e).

The East Africa (High Commission) (Amendment) Order in Council, 1956(f).

The East Africa (High Commission) (Amendment) Order in Council, 1957(g).

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

The East Africa (High Commission) (Amendment) Order in Council, 1959(i).

The East Africa (High Commission) (Amendment) Order in Council, 1960(j).

The East Africa (High Commission) (Temporary Provisions) Order in Council, 1961(k).

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

The East Africa (High Commission) (Special Provisions) Order in Council, 1961(m).

EXPLANATORY NOTE

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

This Order revokes the East Africa (High Commission) Orders in Council, 1947 to 1961, upon the establishment of the proposed East African Common Services Organisation (Cmnd. 1433 refers).

(a) S.R. & O. 1947/2863 (Rev. XI, p. 695: 1947 I, p. 758).
(b) S.I. 1951/2126 (1951 I, p. 1222).
(c) S.I. 1953/975 (1953 I, p. 584).
(d) S.I. 1955/550 (1955 I, p. 684).
(e) S.I. 1955/1818 (1955 I, p. 686).
(f) S.I. 1956/1891 (1956 I, p. 692).
(g) S.I. 1957/423 (1957 I, p. 655).
(h) S.I. 1958/917 (1958 I, p. 957).
(i) S.I. 1959/2203 (1959 I, p. 980).
(j) S.I. 1960/1965 (1960 I, p. 1212).
(k) S.I. 1961/737 (Pt. I, p. 1445).
(l) S.I. 1961/1502 (Pt. II, p. 3055).
(m) S.I. 1961/1829 (*See* p. 3452 of this Pt.).