EAST AFRICA

1957 No. 423

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

Made - - - -	15*th March*, 1957
Laid before Parliament	21*st March*, 1957
Coming into Operation	22*nd March*, 1957

At the Court at Buckingham Palace, the 15th day of March, 1957

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, 1957, and shall be construed as one with the East Africa (High Commission) Orders in Council, 1947 to 1956(c).

(2) The East Africa (High Commission) Orders in Council, 1947 to 1956, and this Order may be cited together as the East Africa (High Commission) Orders in Council, 1947 to 1957.

(3) This Order shall come into operation on the twenty-second day of March, 1957.

Amendment of Order of 1947

2.—(1) Section 1 of the East Africa (High Commission) Order in Council, 1947, (which Order, as amended by the East Africa (High Commission) (Amendment) Order in Council, 1951, the East Africa (High Commission) (Amendment) Order in Council, 1953, the East Africa (High Commission) (Amendment) Order in Council, 1955, the East Africa (High Commission) (Amendment No. 2) Order in Council, 1955, and the East Africa (High Commission) (Amendment) Order in Council, 1956, is hereinafter called "the principal Order") is hereby amended by the deletion of paragraphs (*b*) and (*c*) of subsection (4) and the substitution therefor of the following paragraphs:—

"(*b*) For the purposes of this Order a person shall not be deemed to hold an office of emolument under the Crown in one of the Territories 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 or the Legislative Council of that Territory.

(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 (1951 I, p. 1222; 1953 I, p. 584; 1955 I, pp. 684, 686; 1956 I, p. 692).

(*c*) If it is declared by—

(i) any law enacted under paragraph (*b*) of sub-clause (4) of Clause XLV of the Instructions under the Royal Sign Manual and Signet to the Governor of the Colony of Kenya bearing date the twenty-ninth day of March, 1934, as from time to time amended, that any office shall be deemed not to be a public office for all or any of the purposes of those Instructions; or

(ii) any law enacted under sub-clause (2) of Clause III of the Tanganyika (Legislative Council) Order in Council, 1926(a), as from time to time amended, that any office shall not be an office of emolument under the Crown in Tanganyika for all or any of the purposes of that Order; or

(iii) any law enacted or Proclamation made under paragraph (5) of Clause XLI of the Instructions under the Royal Sign Manual and Signet to the Governor of Uganda bearing date the fifth day of June, 1920, as from time to time amended, 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 service for any of the purposes of those Instructions

then, in the case of an office of emolument under the Crown in Kenya or Tanganyika, that office shall be deemed not to be an office of emolument under the Crown in that Territory for any of the purposes of this Order, and, in the case of an office in the public service of 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 that Territory 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 a Territory shall be deemed not to be an office of emolument in that service or under the Crown in the Territory, as the case may be, for all or 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 a Territory shall be deemed not to be a person holding or acting in an office of emolument in that service or under the Crown in the Territory, as the case may be, for all or any of those purposes

the provisions of this Order shall have effect accordingly."

(2) The Liwali for the Coast (Dispensation) Act of the High Commission(b) shall have effect after the coming into operation of this section as if it were a law enacted under subparagraph (i) of paragraph (*d*) of subsection (4) of section (1) of the principal Order, as amended by subsection (1) of this section.

(a) S.R. & O. 1926/991, 1945/1371; S.I. 1948/105 (Rev. VIII, p. 278: 1926, p. 576; 1945 I, p. 410; 1948 I, p. 1354); S.I. 1949/2121, 1953/1208, 1955/430 (1949 I, p. 1885; 1953 II, p. 2271; 1955 I, p. 689).

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

(3) This section shall be deemed to have come into operation on the twelfth day of December, 1956.

3. Section 12 of the principal Order is hereby amended by the deletion of paragraphs (*b*) to (*g*) of subsection (1) and the substitution therefor of the following paragraphs:—

"(*b*) a Commissioner for Transport,

(*c*) a Postmaster General,

(*d*) a Legal Secretary,

(*e*) a Financial Secretary,

(*f*) a Commissioner of Customs,

(*g*) an Economic Secretary".

4. Section 15 of the principal Order is hereby amended by the insertion after the words "all appointments made under" in subsection (2) of the words "section 16,".

5. Section 19 of the principal Order is hereby amended—

(*a*) by the deletion of paragraph (*g*) of subsection (3); and

(*b*) by the deletion of paragraph (*k*) of that subsection and the substitution therefor of the following paragraph:—

"(*k*) in the case of a Nominated Member appointed from among the persons holding office of emolument under the Crown in a Territory, if he ceases to hold office of emolument under the Crown in that Territory;".

6. Section 21 of the principal Order is hereby amended—

(*a*) by the deletion of the words "The High Commission may, by Instrument under the Official Seal," in subsection (1) and the substitution therefor of the words "The appropriate authority may"; and

(*b*) by the deletion of the word "appointments" wherever it occurs in subsection (4) and the substitution therefor of the words "declarations and appointments".

7. Section 22 of the principal Order is hereby amended by the deletion of the word "sitting" in subsection (1) and the substitution therefor of the word "sittings".

8. Section 42 of the principal Order is hereby amended—

(*a*) by the deletion of the words "Member for Finance" in subsection (4) and the substitution therefor of the words "Financial Secretary";

(*b*) by the addition after subsection (6) of the following subsection:—

"(7) (*a*) The High Commission may by Order published in the Gazette declare that any authority that provides services or facilities for the Territories shall be deemed to be a service which is not self-contained for the purposes of charging the said fund with the payment of pensions, gratuities and other like benefits under this subsection and may in like manner amend or revoke any such Order.

(*b*) A law made under subsection (1) of section 28 of this Order may charge the said fund with the payment of pensions,

gratuities and other like benefits to persons in the service of any authority in respect of which an Order made under paragraph (*a*) of this subsection is in force and their dependants, and may make provision for the reimbursement of the fund in respect of the sums so charged."

9. The Third Schedule to the principal Order is hereby amended by the addition to Item 11 of the words " or the staff of any authority in respect of which an Order made under paragraph (*a*) of subsection (7) of section 42 of this Order is in force."

W. G. Agnew.

EXPLANATORY NOTE

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

This Order amends the provisions of the East Africa (High Commission) Order in Council, 1947, relating to the officers of the High Commission, the East Africa Central Legislative Assembly, the fund for services which are not self-contained and the matters with respect to which the Assembly may pass laws.

1957 No. 1076

The East African Land Forces Organization Order in Council, 1957

Made - - - -	*24th June*, 1957
Laid before Parliament	*28th June*, 1957
Coming into Operation	*1st July*, 1957

At the Court at Buckingham Palace, the 24th day of June, 1957

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers in this behalf by the British Settlement 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:—

Interpretation

1.—(1) In this Order, unless the context otherwise requires—

" civilian employees of the Organization " means those persons employed by the Organization as civilian members of the staff of the General Officer Commanding, of the staff of the pay, records, stores, supplies, ordnance, transport and wardens' services, and all

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