STATUTORY INSTRUMENTS

1961 No. 2324

JUDICIAL COMMITTEE

The Eastern African (Appeal to Privy Council) (Amendment) Order in Council, 1961

Made - - - -	*6th December*, 1961
Laid before Parliament	*7th December*, 1961
Coming into Operation	*Immediately before 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:

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 conferred by the Judicial Committee Act, 1833(a), by section 112 of the Government of India Act, 1833(b), by the British Settlements Acts, 1887 and 1945(c), and the Foreign Jurisdiction Act, 1890(d), and of all other powers enabling Her Majesty in that behalf do hereby, by and with the advice of Her Majesty's Privy Council, and on Her Majesty's behalf order, and it is hereby ordered, as follows:—

(a) 3 & 4 Will. 4. c. 41. (b) 3 & 4 Will. 4. c. 85.
(c) 50 & 51 Vict. c. 54 and 9 & 10 Geo. 6. c. 7. (d) 53 & 54 Vict. c. 37.

Citation, construction and commencement.

1.—(1) This Order may be cited as the Eastern African (Appeal to Privy Council) (Amendment) Order in Council, 1961, and shall be construed as one with the Eastern African (Appeal to Privy Council) Order in Council, 1951(a).

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

Exclusion of Tanganyika Appeals.

2. Nothing in the Eastern African (Appeal to Privy Council) Order in Council, 1951, (hereinafter called "the principal Order") as amended from time to time, shall apply to or in respect of any judgement of the Court relating to any proceeding or matter which originated in the Courts of Tanganyika.

Amendment of section 2 of principal Order.

3. Section 2 of the principal Order is amended

(*a*) by the deletion of the definition of "Court" and the substitution of the following definition:—

""Court" means Her Majesty's Court of Appeal for Eastern Africa;";

(*b*) by the deletion of the definition of "territories" and the substitution of the following definition:—

""territories" means those territories in respect of which the Court has for the time being jurisdiction to hear appeals;".

Amendment of section 4 of principal Order.

4. Section 4 of the principal Order, as amended by section 4 of the Eastern African (Appeal to Privy Council) (Amendment) Order in Council, 1958(b), is amended by the deletion from the proviso thereto of the words "or in the Somaliland Protectorate".

W. G. Agnew.

EXPLANATORY NOTE

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

This Order provides that the Eastern African (Appeal to Privy Council) Order in Council, 1951, will not apply to Appeals from Tanganyika after that territory is granted independence, amends the definitions in that Order to accord with the Eastern Africa Court of Appeal Order in Council, 1961, and deletes a spent provision relating to Somaliland.

(a) S.I. 1951/609 (1951 I, p. 1148). (b) S.I. 1958/1256 (1958 I, p. 1321).