COLONIES, PROTECTORATES AND TRUST TERRITORIES

1956 No. 731

The Emergency Powers (Amendment) Order in Council, 1956

Made - - - -	16*th May*, 1956
Laid before Parliament	18*th May*, 1956
Coming into Operation	19*th May*, 1956

At the Court at Buckingham Palace, the 16th day of May, 1956

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**), the Foreign Jurisdiction Act, 1890(**b**), the Dominica Act, 1938(**c**), and section one hundred and twelve of the Government of India Act, 1833(**d**) (which relates to St. Helena), 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 Emergency Powers (Amendment) Order in Council, 1956, and shall be construed as one with the Emergency Powers Order in Council, 1939(**e**).

(2) The Emergency Powers Order in Council, 1939, and this Order may be cited together as the Emergency Powers Orders in Council, 1939 and 1956.

(3) This Order shall come into operation on the nineteenth day of May, 1956.

Revocations

2. The Emergency Powers (Amendment) Order in Council, 1952(**f**), and the Emergency Powers (Nigeria) Order in Council, 1956(**g**), are hereby revoked.

Amendment of Emergency Powers Order in Council, 1939

3. Section 2 of the Emergency Powers Order in Council, 1939, is hereby amended by the deletion of the definition of "Governor" in subsection (1) thereof and the substitution therefor of the following definition—

(**a**) 50 & 51 Vict. c. 54; 9 & 10 Geo. 6. c. 7.
(**b**) 53 & 54 Vict. c. 37.
(**c**) 1 & 2 Geo. 6. c. 10.
(**d**) 3 & 4 Will. 4. c. 85.
(**e**) See S.I. 1952 I, at p. 621.
(**f**) S.I. 1952/2031 (1952 I, p. 620).
(**g**) S.I. 1956/616.

" " Governor " means, in relation to any territory, the Governor of the territory and includes any person administering the government of the territory :

Provided that—

(*a*) in relation to the British Solomon Islands Protectorate, the Central and Southern Line Islands and the Gilbert and Ellice Islands Colony, it means the High Commissioner for the Western Pacific and includes any person for the time being discharging the functions of the office of High Commissioner ;

(*b*) in relation to Nigeria, it means the Governor-General of the Federation of Nigeria and includes any person for the time being administering the government of the Federation ;

(*c*) in relation to Penang and Malacca, it means the High Commissioner of the Federation of Malaya, and includes any person for the time being discharging the functions of the office of High Commissioner ; and

(*d*) in relation to Zanzibar, it means the British Resident and includes any person for the time being discharging the functions of the office of British Resident."

4. Section 3 of the Emergency Powers Order in Council, 1939, as amended by the Emergency Powers (Amendment) Order in Council, 1952, is hereby revoked and the following section is substituted therefor :

" 3.—(1) If the Governor is satisfied that a public emergency exists, he may by Proclamation declare that the provisions of Part II of this Order shall come into operation in a territory, and thereupon those provisions shall come into operation accordingly ; and they shall continue in operation until the Governor by a further Proclamation directs that they shall cease to have effect, whereupon they shall cease to have effect except as respects things previously done or omitted to be done.

(2) A Proclamation under subsection (1) of this section may, if the Governor thinks fit, be made so as to apply only to such part of the territory as may be specified in the Proclamation (in this subsection called " the emergency area ") in which case Regulations made under the said Part II shall, except as otherwise expressly provided in such Regulations, have effect only in the emergency area :

Provided that, for the avoidance of doubts, it is hereby declared that the expression " the territory " in the said Part II shall not be construed as referring only to the emergency area."

5. The First Schedule to the Emergency Powers Order in Council, 1939, is hereby amended as follows—

(*a*) by the deletion of the words " Part I " and the words " Colonies and Protectorates " ;

(*b*) by the insertion after the words " British Solomon Islands Protectorate " of the words " Central and Southern Line Islands " ;

(*c*) by the insertion after the word " Cyprus " of the word " Dominica " ;

(*d*) by the insertion after the words "(*c*) Northern Territories" of the words "(*d*) Trust territory of Togoland under United Kingdom administration";

(*e*) by the insertion after the words "Hong Kong" of the word "Kamaran";

(*f*) by the insertion after the words "Kenya (Colony and Protectorate)" of the word "Malacca";

(*g*) by the deletion of the words "Nigeria (Colony and Protectorate)" and the substitution therefor of the words—

"Nigeria—

(*a*) Colony

(*b*) Protectorate

(*c*) Trust territory of the Cameroons under United Kingdom administration"

and by the insertion after these words of the words "North Borneo";

(*h*) by the insertion after the words "Nyasaland Protectorate" of the word "Penang" and the words "Pitcairn, Henderson, Ducie and Oeno";

(*i*) by the deletion of the words "and Ascension" after the words "St. Helena";

(*j*) by the insertion after the words "St. Vincent" of the word "Sarawak";

(*k*) by the insertion after the words "Sierra Leone (Colony and Protectorate)" of the word "Singapore";

(*l*) by the deletion of the words "Straits Settlements" and the substitution therefor of the words "Trust territory of Tanganyika"; and

(*m*) by the deletion of Part II thereof.

Application

6. This Order shall not extend to British Guiana.

W. G. Agnew.

EXPLANATORY NOTE

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

This Order amends the provisions of the Emergency Powers Order in Council, 1939, relating to the bringing of Part II of that Order into operation in a territory, and also amends the First Schedule to the Order, which sets out the territories to which the Order applies.