# OVERSEAS TERRITORIES

## 1959 No. 1310

## The Emergency Powers (Amendment) Order in Council, 1959

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| *Made* - - - | *28th July*, 1959 |
| *Laid before Parliament* | *4th August*, 1959 |
| *Coming into Operation* | *5th August*, 1959 |

At the Court of Saint James, the 28th day of July, 1959

Present,

**Her Majesty Queen Elizabeth The Queen Mother.**
**Her Royal Highness The Princess Alexandra of Kent.**

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| **Lord President** | **Mr. Brooke** |
| **Earl of Selkirk** | **Mr. Aubrey Jones** |

Whereas Her Majesty, in pursuance of the Regency Acts, 1937 to 1953, was pleased, by Letters Patent dated the fifteenth day of June, 1959, 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, 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 His Royal Highness The Duke of Kent 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 Alexandra of Kent, being authorised thereto by the said Letters Patent, and in pursuance of the powers conferred by the British Settlements Acts, 1887 and 1945(a), the Foreign Jurisdiction Act, 1890(b), and otherwise 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, construction and commencement*

**1.**—(1) This Order may be cited as the Emergency Powers (Amendment) Order in Council, 1959, and shall be construed as one with the Emergency Powers Orders in Council, 1939(c) and 1956(d).

(a) 50 & 51 Vict. c. 54; 9 & 10 Geo. 6. c. 7.
(b) 53 & 54 Vict. c. 37.
(c) *See* S.I. 1952 I, at p. 621.
(d) S.I. 1956/731 (1956 I, p. 512).

(2) The Emergency Powers Orders in Council, 1939 and 1956, and this Order may be cited together as the Emergency Powers Orders in Council, 1939 to 1959.

(3) This Order shall come into operation on the fifth day of August, 1959.

*Amendment of the Emergency Powers Order*, 1939

**2.** Section 2 of the Emergency Powers Order in Council, 1939 (hereinafter referred to as "the principal Order") is amended by the deletion of the definition of "Governor" in subsection (1) thereof and the substitution therefor of the following definition—

"" Governor" means, in relation to any territory, the Governor of the territory:

Provided that—

(*a*) in relation to Basutoland, the Bechuanaland Protectorate and Swaziland, it means Her Majesty's High Commissioner for Basutoland, the Bechuanaland Protectorate and Swaziland;

(*b*) in relation to the British Solomon Islands Protectorate, the Central and Southern Line Islands Colony and the Gilbert and Ellice Islands, it means the High Commissioner for the Western Pacific;

(*c*) in relation to Nigeria, it means the Governor-General of the Federation of Nigeria; and

(*d*) in relation to Zanzibar, it means the British Resident."

**3.** Section 2 of the principal Order is further amended by the addition thereto of the following new subsection to follow subsection (1) thereof:—

"(1A) Any reference in this Order to an officer by the term designating his office shall be construed as a reference to the officer for the time being lawfully discharging the functions of the office and shall include, to the extent to which a deputy is authorised to discharge those functions, that deputy."

**4.** The First Schedule to the principal Order is amended as follows:—

(*a*) by the insertion after the words "Aden (Colony and Protectorate)" of the word "Basutoland" and by the insertion after that word of the words "Bechuanaland Protectorate";

(*b*) by the insertion after the words "Somaliland Protectorate" of the word "Swaziland"; and

(*c*) by the deletion of the following words—

(i) "Gold Coast—

(*a*) Colony

(*b*) Ashanti

(*c*) Northern Territories

(*d*) Trust territory of Togoland under United Kingdom administration";

(ii) "Malacca"; and

(iii) "Penang".

*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 Emergency Powers Order in Council, 1939, by varying the definition of "Governor" and making some changes in the First Schedule to the Order, which sets out the territories to which the Order applies.

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# 1959 No. 2205

# The Emergency Powers (Amendment No. 2) Order in Council, 1959

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|---|---|
| *Made* - - - - | 21*st December*, 1959 |
| *Laid before Parliament* | 30*th December*, 1959 |
| *Coming into Operation* | 1*st January*, 1960 |

At the Court at Buckingham Palace, the 21st day of December, 1959

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of Her powers under the British Settlements Acts, 1887 and 1945(**a**), and the Dominica Act, 1938(**b**), and of all other powers enabling Her in that behalf, 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 No. 2) Order in Council, 1959.

(2) This Order shall be construed as one with the Emergency Powers Order in Council, 1939(**c**) (as amended by the Emergency Powers (Amendment) Order in Council, 1956(**d**), and the Emergency Powers (Amendment) Order in Council, 1959(**e**); and the said Orders and this Order may be cited together as the Emergency Powers Orders in Council, 1939 to 1959, and accordingly subsection (2) of section 1 of the Emergency Powers (Amendment) Order in Council, 1959, is revoked.

(3) This Order shall come into operation on the first day of January, 1960.

*Amendment of Emergency Powers Order in Council*, 1939

**2.** The definition of "Governor" in subsection (1) of section 2 of the Emergency Powers Order in Council, 1939 (as amended by the Emergency Powers (Amendment) Order in Council, 1959) is amended—

(1) by the deletion of the word "Colony" after the words "Line Islands" and the insertion of that word after the words "Ellice Islands" in paragraph (*b*) of the proviso; and

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(a) 50 & 51 Vict. c. 54; 9 & 10 Geo. 6. c. 7. (b) 1 & 2 Geo. 6. c. 10.
(c) *See* S.I. 1952 I, at p. 621. (d) S.I. 1956/731 (1956 I, p. 512).
(e) S.I. 1959/1310 (Pt. II, p. 1996, of this vol.).