STATUTORY INSTRUMENTS

1963 No. 88

OVERSEAS TERRITORIES

The Emergency Powers (Amendment) Order in Council 1963

Made - - - -	17*th January* 1963
Laid before Parliament	17*th January* 1963
Coming into Operation	18*th January* 1963

At the Court at Sandringham, the 17th day of January 1963

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers conferred on Her by the Foreign Jurisdiction Act 1890(a) 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, commencement, construction and revocation.

1.—(1) This Order may be cited as the Emergency Powers (Amendment) Order in Council 1963 and shall be construed as one with the Emergency Powers Order in Council 1939(b) (in this Order referred to as "the principal Order").

(2) The principal Order, the Emergency Powers (Amendment) Order in Council 1956(c) and this Order may be cited together as the Emergency Powers Orders in Council 1939 to 1963.

(3) References in this Order to the principal Order are references to that Order as from time to time amended.

(4) This Order shall come into operation on 18th January 1963:

Provided that it shall come into operation in Basutoland, the Bechuanaland Protectorate and Swaziland on such later date or respective dates as may be appointed in relation to each of those territories by the High Commissioner for those territories by notice in the official gazette of that territory.

(5) Sections 3 and 5 of the Emergency Powers (Amendment) Order in Council 1956 and the Orders in Council specified in the Schedule to this Order are revoked.

Replacement of s.2 of Order of 1939.

2.—(1) Section 2 of the principal Order is revoked and the following section is substituted:—

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

"Governor" means—

(*a*) in relation to the British Antarctic Territory, the High Commissioner for that territory;

(a) 53 & 54 Vict. c. 37. (b) *See* S.I. 1952 I at p. 621.
(c) S.I. 1956/731 (1956 I, p. 512).

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

(*c*) in relation to the Cayman Islands, Dominica, Grenada, Saint Lucia, Saint Vincent or the Turks and Caicos Islands, the Administrator of that territory;

(*d*) in relation to the State of Singapore, the Yang di-Pertuan Negara;

(*e*) in relation to Aden, the Protectorate of South Arabia, Kamaran, Perim or the Kuria Muria Islands, the High Commissioner for Aden and the Protectorate of South Arabia;

(*f*) in relation to the Sovereign Base Areas of Akrotiri and Dhekelia, the Administrator of those territories;

(*g*) in relation to Zanzibar, the British Resident for that territory;

(*h*) in relation to any other territory, the Governor of that territory;

"law" means, in relation to a territory, any law made by any legislature established for the territory and includes any instrument having the force of law made under any such law;

"territory" means any territory specified in the First Schedule to this Order and its dependencies and includes any territorial waters adjacent thereto.

(2) In this Order, unless the context otherwise requires, a reference to the holder of an office by the term designating his office includes, to the extent of his authority, any person who is for the time being authorized to perform the functions of that office.

(3) The Interpretation Act 1889(a) shall apply, with the necessary adaptations, for the purpose of interpreting and otherwise in relation to this Order as it applies for the purpose of interpreting and in relation to Acts of Parliament of the United Kingdom.".

Replacement of First Schedule to Order of 1939.

3. The First Schedule to the principal Order is revoked and the following Schedule is substituted:—

"FIRST SCHEDULE

Aden.
Basutoland.
Bechuanaland Protectorate.
British Antarctic Territory.
British Guiana.
British Solomon Islands Protectorate.
Cayman Islands.
Central and Southern Line Islands.
Dominica.

(a) 52 & 53 Vict. c. 63.

Falkland Islands (Colony and Dependencies).
Fiji.
Gambia (Colony and Protectorate).
Gibraltar.
Gilbert and Ellice Islands Colony.
Grenada.
Hong Kong.
Kamaran.
Kenya (Colony and Protectorate).
Kuria Muria Islands.
Mauritius.
North Borneo.
Northern Rhodesia.
Nyasaland Protectorate.
Perim.
Pitcairn, Henderson, Ducie and Oeno.
St. Helena.
St. Lucia.
St. Vincent.
Sarawak.
Seychelles.
Protectorate of South Arabia.
Sovereign Base Areas of Akrotiri and Dhekelia.
State of Singapore.
Swaziland.
Turks and Caicos Islands.
Zanzibar Protectorate".

Provisions relating to Aden.

4.—(1) Section 15 of the Constitution of Aden set out in Schedule 2 to the Aden (Constitution) Order in Council 1962(a) (which makes provision in relation to periods of public emergency) shall apply in relation to Regulations made under [this Order.]

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(2) For the purposes of section 16 (2) (*b*) of the Constitution of Aden "a period of public emergency" means, in relation to Regulations made under [this Order,] any period during which Part II of [this Order] is in operation in Aden or any part thereof.

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Application to Malta.

5. ~~Nothing in this Order shall affect the principal Order in its application to the State of~~ Malta.

W. G. Agnew.

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SCHEDULE

S. 1 (5).

The Emergency Powers (Amendment) Order in Council 1959(b).
The Emergency Powers (Amendment No. 2) Order in Council 1959(c).
The Emergency Powers (Amendment) Order in Council 1961(d).

(a) S.I. 1962/2177 (1962 III, p. 2904).
(b) S.I. 1959/1310 (1959 II, p. 1996).
(c) S.I. 1959/2205 (1959 II, p. 1998).
(d) S.I. 1961/61 (1961 I, p. 122).

EXPLANATORY NOTE

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

This Order amends the definition of "Governor" in the Emergency Powers Order in Council 1939, as amended, and the First Schedule to that Order (which specifies the territories to which the Order applies), so as to bring them into accord with constitutional changes that have taken place.