1964 No. 1190

AFRICA

The Gambia (Constitution) (Amendment) Order 1964

Made - - - -	*27th July* 1964
Laid before Parliament	*31st July* 1964
Coming into Operation	*1st August* 1964

At the Court at Buckingham Palace, the 27th day of July 1964

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers vested in Her by the British Settlements Acts 1887 and 1945(a) and by the Foreign Jurisdiction Act 1890(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 Gambia (Constitution) (Amendment) Order 1964 and shall be construed as one with the Gambia (Constitution) Order in Council 1962(c) which Order is hereinafter referred to as " the principal Order ".

(2) The Gambia (Constitution) Order in Council 1962 and the Gambia (Constitution) (Amendment) Order in Council 1963(d) and this Order may be cited together as the Gambia (Constitution) Orders 1962 to 1964.

(3) This Order shall come into operation on 1st August 1964.

Replacement of section 65G of principal Order.

2. Section 65G of the principal Order as set out in section 14 of the Gambia (Constitution) (Amendment) Order in Council 1963 is revoked and the following section substituted—

" Acting judge.

65G.—(1) If the office of Chief Justice is vacant or if the Chief Justice is for any reason unable to perform the functions of his office or if the Chief Justice advises the Governor that the state of business in the Supreme Court so requires, the Governor, acting in his discretion, may appoint a person to act as Chief Justice or as an additional judge of that Court:

Provided that any such person may act as judge of the Court notwithstanding that he has attained the age prescribed for the purposes of subsection (1) of the next following section.

(a) 50 & 51 Vict. c. 54 and 9 & 10 Geo. 6. c. 7. (b) 53 & 54 Vict. c. 37.
(c) S.I. 1962/826 (1962 I, p. 876). (d) S.I. 1963/1629 (1963 III, p. 3034).

(2) A person shall not be qualified for appointment to act as Chief Justice or as an additional judge of the Supreme Court unless—

(*a*) he is qualified for appointment as Chief Justice ; or

(*b*) he has held judicial office in some part of the Commonwealth or the Republic of Ireland for a period of not less than seven years.

(3) Any person appointed under subsection (1) of this section to act as a judge of the Court shall, subject to the provisions of section 65H of this Order, continue to act for the period of his appointment or, if no such period is specified, until his appointment is revoked by the Governor acting in his discretion:

Provided that, notwithstanding the expiration of the period of his appointment, he may thereafter continue to act as a judge of the Court for so long as may be necessary to enable him to deliver judgment or to do any other thing in relation to proceedings that were commenced before him previously thereto.".

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 qualifications for the appointment of a person to act as Chief Justice or as an additional Judge of the Supreme Court of the Gambia.