# 1959 No. 1771

# The Gambia (Electoral Provisions) Order in Council, 1959

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| *Made* - - - - | 19*th October*, 1959 |
| *Laid before Parliament* | 23*rd October*, 1959 |
| *Coming into Operation* | 24*th October*, 1959 |

At the Court at Buckingham Palace, the 19th day of October, 1959

Present,

The Queen's Most Excellent Majesty in Council

Whereas by the Gambia (Constitution) Order in Council, 1954(a) (hereinafter referred to as "the existing Order"), there is established a Legislative Council in and for the Gambia (hereinafter called "the existing Legislative Council"):

And Whereas it is proposed that in due course, in place of the existing Legislative Council, there shall be established for the Gambia a legislative body to be called "the House of Representatives" (hereinafter referred to as "the proposed House of Representatives") containing twenty-seven Elected Members in addition to certain other members:

And Whereas it is expedient that the existing Legislature of the Gambia established by the existing Order should be empowered to make provision for the election of Members to the proposed House of Representatives, notwithstanding that the same has not yet been established by Order of Her Majesty in Council:

Now, therefore, Her Majesty, by virtue and in exercise of the powers vested in Her by the British Settlements Acts, 1887 and 1945(b), and by the Foreign Jurisdiction Act, 1890(c), 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 and commencement*

**1.**—(1) This Order may be cited as the Gambia (Electoral Provisions) Order in Council, 1959.

(2) This Order shall come into operation on the twenty-fourth day of October, 1959.

*Interpretation*

**2.** In this Order "the Gambia" means the Colony and Protectorate of the Gambia.

*Provision for election of members to proposed House of Representatives*

**3.**—(1) Provision may be made by or in pursuance of any law enacted under the existing Order for the election of twenty-seven Members to the proposed House of Representatives including (without prejudice to the generality of the foregoing power) the following matters, that is to say:—

(a) S.I. 1954/1145 (1954 II, p. 2759).
(b) 50 & 51 Vict. c. 54 and 9 & 10 Geo. 6. c. 7. (c) 53 & 54 Vict. c. 37.

(*a*) the qualifications and disqualifications of voters;

(*b*) the registration of voters;

(*c*) the ascertainment of the qualifications of candidates for election and of voters;

(*d*) the establishment of electoral districts (by whatever name called) for the purpose of returning Members to the proposed House of Representatives and the division of electoral districts for any purpose connected with elections;

(*e*) the holding of elections;

(*f*) the determination of any question which may arise as to whether any person has become an Elected Member of the proposed House of Representatives or as to whether the seat of any Elected Member in the proposed House of Representatives has become vacant;

(*g*) the definition and trial of offences relating to elections and the imposition of penalties therefor, including disqualification for membership of the proposed House of Representatives, or for registration as a voter, or for voting at elections, of any person concerned in any such offence; and

(*h*) the disqualification for election as Members of the proposed House of Representatives of persons holding, or acting in, any office the functions of which involve any responsibility for, or in connection with, the conduct of any election or the compilation or revision of any electoral register.

(2) No election of Members to the proposed House of Representatives shall be held under any law enacted in pursuance of subsection (1) of this section until provisions shall have been made by Order of Her Majesty in Council for the establishment of the proposed House of Representatives and those provisions shall have come into operation; but the registration of voters in pursuance of any such law may take place at any time after the commencement of this Order.

*W. G. Agnew.*

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## EXPLANATORY NOTE

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

This Order enables the existing Legislature of the Gambia to make provision for the election of Members to the new House of Representatives which it is proposed to establish for the Gambia and enables registration of voters in pursuance of any such provision to take place.