GHANA

1960 No. 969

The Ghana (Consequential Provision) (Colonial Stock Acts) Order in Council, 1960

Made - - - -	*7th June*, 1960
Laid before Parliament	*8th June*, 1960
Coming into Operation	*1st July*, 1960

At the Court at Buckingham Palace, the 7th day of June, 1960

Present,

The Queen's Most Excellent Majesty in Council

Whereas by subsection (3) of section 1 of the Ghana (Consequential Provision) Act, 1960(**a**), it is provided that Her Majesty, by Order in Council, may make provision for such modification of any Act of Parliament passed before Ghana becomes a Republic as may appear to Her to be necessary or expedient in view of Ghana's becoming a Republic while remaining a member of the Commonwealth:

Now, therefore, Her Majesty, by virtue and in exercise of the powers by subsection (3) of section 1 of the said Act or otherwise in Her vested, is pleased, by and with the advice of Her Privy Council to order, and it is hereby ordered, as follows:—

Citation, commencement and construction

1.—(1) This Order may be cited as the Ghana (Consequential Provision) (Colonial Stock Acts) Order in Council, 1960, and shall come into operation on the date of Ghana's becoming a Republic which shall be notified in the London Gazette.

(2) Save as is otherwise required by the context, the Interpretation Act, 1889(**b**), shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

Modifications of the Colonial Stock Acts, 1877 to 1948

2.—(1) On and after the date on which Ghana becomes a Republic, the Colonial Stock Acts, 1877 to 1948(**c**), shall apply in relation to Ghana subject to the modifications set out in paragraphs (2), (3) and (4) of this Article.

(2) In subsection (1) of section 1 of the Colonial Stock Act, 1934(**d**), (which provides for an alternative for one of the conditions to be observed in order that any stock under the said Acts is to be a trustee security) as it applies on and after the said date to stock of the Government of Ghana—

(*a*) for the reference to any legislation being submitted for Royal Assent, there shall be substituted a reference to that legislation becoming law; and

(**a**) 8 & 9 Eliz. 2. c. 41. (**b**) 52 & 53 Vict. c. 63.
(**c**) 40 & 41 Vict. c. 59; 63 & 64 Vict. c. 62; 24 & 25 Geo. 5. c. 47; 12, 13 & 14 Geo. 6. c. 1. (**d**) 24 & 25 Geo. 5. c. 47.

(*b*) for any reference to Her Majesty's Government in a Dominion or to the Parliament of a Dominion, there shall be substituted a reference to the Government, or the legislature, of Ghana.

(3) During any period on and after the date of Ghana's becoming a Republic during which there is in force as part of the law of Ghana any instrument passed or made before that date which makes provision corresponding to the undertaking required by paragraph (*a*) of subsection (1) of section 1 of the Colonial Stock Act, 1934, as modified by paragraph (2) of this Article, paragraphs (*a*) and (*b*) of that subsection shall be deemed to have been complied with in the case of Ghana.

(4) The second paragraph of section twenty of the Colonial Stock Act, 1877(a), (which authorises the bringing of proceedings in England against the Crown by a person claiming to be interested in stock to which that Act applies), shall on the said date cease to apply to stock of the Government of Ghana, but on and after the said date—

(*a*) any person claiming to be interested in stock of the Government of Ghana, being stock to which the said Act applies, or in any dividend thereon, may institute civil proceedings in the United Kingdom against the registrar (as defined in the said Act) in relation to that stock or dividend; and

(*b*) notwithstanding anything in the provisions of the said section twenty, the registrar shall not by virtue of an order made by any court in the United Kingdom in any proceedings brought by virtue of this subsection be liable to make any payment otherwise than out of money in his possession in the United Kingdom as registrar.

Modification of Ghana Independence Act, 1957

3. Paragraph 4 of the Second Schedule to the Ghana Independence Act, 1957(b), shall be modified by the deletion of the words from "and, during" to the end of the paragraph.

W. G. Agnew.

EXPLANATORY NOTE

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

Article 2 of this Order makes the modifications in the Colonial Stock Acts, 1877 to 1948, which are necessary to adapt those Acts in relation to Ghana as a result of the constitutional changes which will occur when Ghana becomes a Republic. The minor variation in the Second Schedule to the Ghana Independence Act, 1957, contained in Article 3, is consequential to the modification effected by paragraph (3) of Article 2.

(a) 40 & 41 Vict. c. 59. (b) 5 & 6 Eliz. 2. c. 6.