1952 No. 1039

The Gold Coast (Constitution) (Amendment) (No. 2) Order in Council, 1952

Made - - - -	23*rd May*, 1952
Laid before Parliament	24*th May*, 1952
Coming into Operation	*On a day to be appointed by the Governor under section* 1 (2).*

At the Court at Buckingham Palace, the 23rd day of May, 1952

Present,

The Queen's Most Excellent Majesty in Council

Whereas by the Gold Coast (Constitution) Order in Council, 1950(**a**) (hereinafter called " the principal Order "), provision is made for the constitution of a Legislative Assembly for the Gold Coast Colony, Ashanti, the Northern Territories of the Gold Coast and Togoland under United Kingdom Trusteeship:

And Whereas by the principal Order the power is reserved to Her Majesty, with the advice of Her Privy Council, to amend the said Order as to Her should seem fit:

And Whereas it is expedient to amend the principal Order in the manner hereinafter appearing:

Now, therefore, Her Majesty, by virtue and in exercise of the powers vested in Her by the British Settlements Acts, 1887 and 1945(**b**), 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 :—

Short title and commencement

1.—(1) This Order may be cited as the Gold Coast (Constitution) (Amendment) (No. 2) Order in Council, 1952, and shall be construed as one with the principal Order; and the principal Order, the Gold Coast (Constitution) (Amendment) Order in Council, 1952(**d**), and this Order may be cited together as the Gold Coast (Constitution) Orders in Council, 1950 to 1952.

(2) This Order, save as otherwise expressly provided herein, shall come into operation on a date to be fixed by the Governor by Notice in the *Gazette*, which date shall not be earlier than the day after the day upon which this Order shall have been laid before both Houses of Parliament.*

Amendment of section 1 (1) *of the principal Order*

2. Subsection (1) of section 1 of the principal Order shall be amended as follows:—

(*a*) in the definition of " Northern Territories " there shall be added the words " and, for the purposes of this Order, references to the Northern Territories shall be construed as including Northern Togoland " ;

(a) S.I. 1950/2094; 1950 I, p. 831. (b) 50 & 51 Vict. c. 54 and 9 & 10 Geo. 6. c. 7.
(c) 53 & 54 Vict. c. 37. (d) S.I. 1952/455, p. 1101 above.
* The date thus appointed was 10th June, 1952.

(*b*) There shall be inserted, immediately after the definition of the expression "Northern Territories", the following new definition:—

"Northern Togoland" means the Northern Section of Togoland under United Kingdom Trusteeship as from time to time defined by Order of Her Majesty in Council;";

(*c*) there shall be inserted, immediately after the definition of the expression "sitting", the following new definition:—

"'Southern Togoland' means the Southern Section of Togoland under United Kingdom Trusteeship as from time to time defined by Order of Her Majesty in Council;"; and

(*d*) a semi-colon shall be substituted for the full stop at the end of the said subsection and there shall be added the following new definition:—

"'the Trans-Volta/Togoland Region' means the Trans-Volta/Togoland Region as defined by any law for the time being in force in the Colony and Southern Togoland.".

Amendment of section 40 (1) *of the principal Order*

3. Subsection (1) of section 40 of the principal Order shall be amended as follows:—

(*a*) in paragraph (i), the words "and Southern Togoland" shall be inserted immediately after the word "Colony"; and

(*b*) in sub-paragraph (*a*) of paragraph (i), for the words "eleven" and "one" respectively there shall be substituted the words "nine" and "three".

Amendment of paragraph 1 *of Part I of the Second Schedule to the principal Order*

4. In paragraph 1 of Part I of the Second Schedule to the principal Order the words and commas "or Native Authority areas, as the case may be,", wherever they occur, and the definition of "the Ewe Group" shall be omitted.

Amendment of paragraph 2 *of Part I of the Second Schedule to the principal Order*

5. Paragraph 2 of Part I of the Second Schedule to the principal Order shall be amended as follows:—

(*a*) in the marginal note thereto the word "Nine" shall be substituted for the word "Eleven";

(*b*) in sub-paragraph (1), for the word "eleven" there shall be substituted the word "nine"; and

(*c*) in sub-paragraph (2), for the word "eleven" there shall be substituted the word "nine", and the words and comma "two to represent the Ewe Group," shall be omitted.

Revocation and re-enactment of paragraph 3 *of Part I of the Second Schedule to the principal Order*

6. For paragraph 3 of Part I of the Second Schedule to the principal Order there shall be substituted the following new paragraph:—

"Joint Provincial Council.

3. For the purposes of this Part of this Schedule, the Joint Provincial Council shall consist of the Paramount Chiefs of that part of the Colony which does not include any part of the Trans-Volta/Togoland Region (or their

duly accredited representatives as provided for in this paragraph) but excluding any Paramount Chief who has not been, or who has ceased to be, recognised by the Governor as a Paramount Chief in accordance with paragraph 6 of this Part of this Schedule:

Provided that a Paramount Chief who is a member of the Joint Provincial Council may be represented at all or any of the meetings thereof by a person duly accredited for that purpose to the satisfaction of the President of the Joint Provincial Council."

Amendment of paragraph 4 (1) (*b*) *of Part I of the Second Schedule to the principal Order*

7. In clause (*b*) of sub-paragraph (1) of paragraph 4 of Part I of the Second Schedule to the principal Order the words and commas ", or is a member of, or is subject to, the Native Authority for any area in such group where there is no Paramount Chief" shall be omitted.

Revocation and re-enactment of Part II of the Second Schedule to the principal Order

8. For Part II of the Second Schedule to the principal Order there shall be substituted the following new Part:—

"PART II

"*Trans-Volta/Togoland Territorial Members of the Assembly.*

"Interpretation. 1. In this Part of this Schedule, unless the context otherwise requires, 'Member' means a Territorial Member of the Assembly elected under this Part of this Schedule.

"Members to be elected by Electoral College. 2.—(1) Subject to the provisions of this Order, the three Members to be elected under this Part of this Schedule shall be elected by an electoral college which shall be called 'the Trans-Volta/Togoland Electoral College' (hereinafter in this Part of this Schedule referred to as 'the Electoral College') and which shall be constituted as provided by paragraph 3 of this Part of this Schedule.

(2) Elections under this Part of this Schedule shall be carried out in accordance with provision made under section 49 of this Order or under section 3 of the Gold Coast (Constitution) (Electoral Provisions) Order in Council, 1950.

(3) Of the Members to be elected under this Part of this Schedule at least one shall be a native of Southern Togoland and shall be a Chief in Southern Togoland or owe allegiance to the Stool of a Chief in Southern Togoland.

(4) For the purposes of this paragraph—

'allegiance' means the duty which according to native customary law a person owes to the Stool of a Chief; and

'native of Southern Togoland' means a person whose father was born in Southern Togoland and both of whose parents are or were members of a tribe or tribes indigenous to Africa.

"The Trans-Volta/Togoland Electoral College.

3.—(1) For the purposes of this Part of this Schedule, the Electoral College shall consist of one member from each local authority within the Trans-Volta/Togoland Region elected by the traditional members of such local authority.

(2) For the purposes of this paragraph—

'local authority' means a local authority established under the provisions of any law for the time being in force in the Trans-Volta/Togoland Region; and

'traditional member', in relation to a local authority, means a person who is a member of such authority by virtue of appointment thereto under the provisions of any law for the time being in force in the Trans-Volta/Togoland Region.

"Eligibility for election by Electoral College.

4.—(1) No person shall be eligible for election under this Part of this Schedule to serve as a Member, or, having been elected, shall sit or vote as such in the Assembly, unless—

(*a*) he is a native of the Trans-Volta/Togoland Region;

(*b*) he is a Chief in the Trans-Volta/Togoland Region or owes allegiance to the Stool of a Chief in the Trans-Volta/Togoland Region; and

(*c*) he is otherwise qualified as required by Part IV of this Order.

(2) For the purposes of this paragraph—

'allegiance' means the duty which according to native customary law a person owes to the Stool of a Chief;

'native of the Trans-Volta/Togoland Region' means a person whose father was born in the area of the Trans-Volta/Togoland Region and both of whose parents are or were members of a tribe or tribes indigenous to Africa.

"Vacation of seat by Member elected under this Part.

5. A Member elected under this Part of this Schedule who, having at the time of his election been a Chief, ceases so to be, shall thereupon cease to be a Member of the Assembly."

Revocation and re-enactment of paragraph 3 *of Part III of the Second Schedule to the principal Order*

9. For paragraph 3 of Part III of the Second Schedule to the principal Order there shall be substituted the following new paragraph:—

"Asanteman Council.

3. For the purposes of this Part of this Schedule, the Asanteman Council shall consist of the Asantehene and such persons as may from time to time be designated as members thereof under the provisions of any law in that behalf for the time being in force."

Amendment of paragraph 5 (a) of Part III of the Second Schedule to the principal Order

10. In sub-paragraph (*a*) of paragraph 5 of Part III of the Second Schedule to the principal Order, the words and comma " Head Chief, or " shall be omitted.

Amendment of paragraph 3 of Part IV of the Second Schedule to the principal Order

11. Paragraph 3 of Part IV of the Second Schedule to the principal Order shall be amended by the substitution of the word " persons " for the words " representatives of the Native Authorities in the Northern Territories ", by the substitution of the words " any law in that behalf for the time being in force " for the words " Native Authority (Northern Territories) Ordinance " and by the deletion of the marginal note " cap. 84 ".

Saving of Membership of existing Elected Members

12. Any person who, immediately prior to the commencement of this Order, was lawfully serving as an Elected Member shall be deemed to have been elected in accordance with the provisions of the Second Schedule to the principal Order as amended by this Order.

Local Government Ordinance, Section 170. No. 29 of 1951

13.—(1) Notwithstanding anything contained in the principal Order, the provisions contained in section 170 of the Local Government Ordinance, 1951, shall have the force of law, but may be amended or repealed by any law made by the Legislature of the Gold Coast.

(2) Subsection (1) of this section shall have effect as if it had come into operation on the 12th day of January, 1952.

Power to revoke or amend this Order

14. Her Majesty hereby reserves to Herself, Her Heirs and Successors, power, with the advice of Her or Their Privy Council, to revoke, add to or amend this Order, as to Her or Them shall seem fit.

F. J. Fernau.

EXPLANATORY NOTE

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

This Order in Council amends certain of the provisions contained in the Second Schedule to the Gold Coast (Constitution) Order in Council, 1950, and relating to the election of Members to the Gold Coast Legislative Assembly.

The Second Schedule provides that the Members in question shall be elected by certain bodies, which are established by local legislation. The purpose of the amendments is to facilitate changes which are to be made in these bodies.