(2) When two or more persons are holding the same office by reason of an appointment made pursuant to subsection (1) of this section, then for the purpose of any function conferred upon the holder of that office by this Order the person last appointed to the office shall be deemed to be the holder of the office.

The Public Seal

9. The Public Seal of the Colony shall be the Public Seal of the Protectorate.

Power to revoke or amend this Order

10. 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.

W. G. Agnew.

EXPLANATORY NOTE

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

This Order revokes the Gambia Protectorate Order in Council, 1946, and makes fresh provision for the administration of the Protectorate of the Gambia.

GOLD COAST

GOLD COAST GENERALLY

1954 No. 551

The Gold Coast (Constitution) Order in Council, 1954

Made - - - -	*29th April,* 1954
Laid before Parliament	*30th April,* 1954
Coming into Operation	*On a date to be appointed by the Governor under Section* 2 (2).*

At the Court of Saint James, the 29th day of April, 1954.

Present,

Her Majesty Queen Elizabeth The Queen Mother.

Her Royal Highness The Princess Margaret.

Lord Privy Seal	**Mr. Selwyn Lloyd**
Viscount Swinton	**Sir Thomas Dugdale**
Miss Horsbrugh	**Mr. Hopkinson**

Whereas Her Majesty, in pursuance of the Regency Acts, 1937 to 1953, was pleased, by Letters Patent dated the twentieth day of November, 1953, to delegate to Her Majesty Queen Elizabeth The Queen Mother, Her Royal Highness The Princess Margaret, His Royal Highness The

* Dates appointed: 5.5.54 except for Part II and ss. 56, 63, 70.
18.6.54 for Part II and s. 70.
31.7.55 for ss. 56, 63.

Duke of Gloucester, Her Royal Highness The Princess Royal and the Earl of Harewood, or any two or more of them, as Counsellors of State, full power and authority during the period of Her Majesty's absence from the United Kingdom to summon and hold on Her Majesty's behalf Her Privy Council and to signify thereat Her Majesty's approval of anything for which Her Majesty's approval in Council is required:

Now, therefore, Her Majesty Queen Elizabeth The Queen Mother and Her Royal Highness The Princess Margaret, being authorized thereto by the said Letters Patent, and in pursuance of the powers conferred upon Her Majesty by the British Settlements Act, 1887 and 1945(a), the Foreign Jurisdiction Act, 1890(b), and of all other powers in that behalf, do hereby, by and with the advice of Her Majesty's Privy Council, on Her Majesty's behalf order, and it is hereby ordered, as follows:—

PART I

Preliminary

Interpretation

1.—(1) In this Order, unless the context otherwise requires:—

"Ashanti" means the territories from time to time as defined as such by Order of Her Majesty in Council;

"the Assembly" means the Legislative Assembly constituted under this Order;

"the Cabinet" means the Cabinet of Ministers constituted under this Order;

"the Colony" means the Gold Coast Colony as from time to time defined by Order of Her Majesty in Council;

"election" means the election of Elected Members to the Assembly and "elector" means an elector for any such election;

"the existing Instructions" means the Instructions passed under the Royal Sign Manual and Signet to the Governor and Commander-in-Chief of the Gold Coast dated the twenty-sixth day of December, 1950;

"the existing Orders" means the Orders in Council specified in the First Schedule to this Order;

"the *Gazette*" means the Official *Gazette* of the Gold Coast;

"the Gold Coast" means the Gold Coast Colony, Ashanti and the Northern Territories of the Gold Coast; and for the purposes of this Order references to the Gold Coast shall be construed as including Togoland under United Kingdom Trusteeship;

"the Governor" means the Governor and Commander-in-Chief of the Gold Coast and includes the Officer for the time being administering the Government and, to the extent to which the Deputy Governor is authorised to act on behalf of the Governor, the Deputy Governor;

(a) 50 & 51 Vict. c. 54 and 9 & 10 Geo. 6. c. 7. (b) 53 & 54 Vict. c. 37.

"judicial officer" means the holder of any judicial office in the public service but does not include a Judge of the Supreme Court or an officer who exercises all or any of the functions of a judicial office by virtue of an appointment to some other office in the public service;

"meeting" means any sitting or sittings of the Assembly commencing when the Assembly first meets after being summoned at any time and terminating when the Assembly is adjourned *sine die* or at the conclusion of a session;

"the Northern Territories" means the Northern Territories of the Gold Coast as from time to time defined by Order of Her Majesty in Council;

"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;

"the Prime Minister" means, until the date of commencement of Part II of this Order, the person appointed as such under the existing Orders, and thereafter the person appointed as such under this Order;

"public office" means any office of emolument in the public service;

"public officer" means the holder of any public office and includes any person appointed to act in any such office;

"Public Seal" means the Public Seal of the Gold Coast;

"the public service" means the service of the Crown in respect of the Government of the Gold Coast;

"session" means the sittings of the Assembly commencing when the Assembly first meets after being constituted under this Order, or after its prorogation or dissolution at any time, and terminating when the Assembly is prorogued or is dissolved without having been prorogued;

"sitting" means a period during which the Assembly is sitting continuously without adjournment, and includes any period during which the Assembly is in Committee;

"the Speaker" and "the Deputy Speaker" mean respectively the Speaker and the Deputy Speaker of the Assembly;

"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;

"the Trans-Volta/Togoland Region" means Southern Togoland and such part of the Colony as may be declared to form part of that Region by any law for the time being in force in the Colony;

"the United Kingdom" means the United Kingdom of Great Britain and Northern Ireland.

(2) Where in this Order reference is made to any officer by the term designating his office, such reference shall be construed as a reference to the officer for the time being lawfully discharging the functions of that office.

(3) Where, by or under this Order, a power is conferred to make any appointment, the person or authority having power to make the appointment shall have power, exercisable in the like manner—

(*a*) to suspend the appointment of any person appointed;

(*b*) in the case of a power to make an appointment to a public office, to direct that a person other than the person appointed shall, during any period that the person appointed is unable to perform the functions of his office owing to absence or inability to act from illness or any other cause, perform the functions of that office;

(*c*) in the case of a power to make an appointment to a public office, to appoint another person substantively to such an office, notwithstanding that there is already a substantive holder thereof, when that substantive holder in on leave of absence pending relinquishment of his office.

(4) Save where the context otherwise requires, any reference in this Order to Her Majesty's dominions shall be construed as including a reference to all territories under Her Majesty's protection or in which Her Majesty has for the time being jurisdiction.

(5)—(*a*) For the purposes of this Order, a person shall not be considered to hold a public office by reason only that he is in receipt of a pension or other like allowance in respect of service in any such office; and if it shall be declared by any law in force in the Gold Coast that an office shall not be a public office for all or any of the purposes of this Order, this Order shall have effect accordingly as if such law were enacted herein.

(*b*) For the purposes of this Order a person shall not be considered to be a public officer or otherwise to hold office of emolument under the Crown by reason of the fact that he is in receipt of a salary or other emoluments or any allowance in respect of his tenure of the office of Speaker, Deputy Speaker, Minister, Ministerial Secretary, Member of the Assembly or personal assistant of a Minister.

(*c*) For the purposes of Part VI of this Order the expression "the public service" shall not include service otherwise than in a civil capacity and the expression "public office" and "public officer" shall be construed accordingly.

(6) This Order shall be construed—

(*a*) as if subsection (1) of section 1 of the India (Consequential Provision) Act, 1949(**a**), applied to it in the same way as that subsection applies to laws in force on the date mentioned in that subsection; and

(*b*) as if subsection (2) of section 3 of the British Nationality Act, 1948(**b**), (as interpreted by subsection (1) of section 3 of the Ireland Act, 1949(**c**)) and subsection (2) of section 3 of the Ireland Act, 1949(**c**), applied to it as those subsections apply to laws in force at the dates of the commencement of those Acts respectively.

(7) Save as is in this Order otherwise provided, or required by the context, the Interpretation Act, 1889(**d**), shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

Citation and commencement

2.—(1) This Order may be cited as the Gold Coast (Constitution) Order in Council, 1954.

(2) This Order shall be published in the *Gazette* and the provisions thereof, save as otherwise expressly provided in this Order, shall come into operation on a date to be appointed by the Governor, acting in

(**a**) 12, 13 & 14 Geo. 6. c. 92.
(**b**) 11 & 12 Geo. 6. c. 56.
(**c**) 12, 13 & 14 Geo. 6. c. 41.
(**d**) 52 & 53 Vict. c. 63.

his discretion, 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, and different dates may be appointed for different provisions of this Order:

Provided that the Governor shall not appoint a date for the commencement of section 56 or section 63 of this Order, which is earlier than one year after the date of commencement of Part II of this Order.

Revocation

3. The existing Orders are hereby revoked but without prejudice to anything lawfully done thereunder:

Provided that the Executive Council established by the existing Orders shall continue to exist until the date of the commencement of Part II of this Order and shall be constituted and shall perform its functions in accordance with the provisions of the existing Orders.

PART II

The Executive

Cabinet of Ministers

4. There shall be a Cabinet of Ministers in and for the Gold Coast of not less than eight persons, being Members of the Assembly, appointed from time to time in accordance with the provisions of this Part of this Order.

Functions of Cabinet

5.—(1) The Cabinet of Ministers shall be the principal instrument of policy and shall perform such functions and duties, and exercise such powers, as may from time to time be prescribed by or under this Order, any other Orders of Her Majesty in Council or, subject to the provisions of this Order and of any such other Orders, by or under any other law in force in the Gold Coast:

Provided that the Cabinet shall not exercise any powers in relation to the subjects set out in the Second Schedule to this Order.

(2) The Ministers shall be collectively responsible to the Assembly.

Exercise of Governor's functions

6.—(1) The Governor shall exercise all functions conferred upon him by this Order or by any other law in force in the Gold Coast in accordance with any Instructions under Her Majesty's Sign Manual and Signet, and subject thereto—

(*a*) the Governor shall obtain, and act in accordance with, the advice of the Cabinet in the exercise of all such functions other than functions which he is by this Order or by any such law, as the case may be, directed or empowered to exercise in his discretion or after consultation with, or on the advice or recommendation of, any person or authority other than the Cabinet; and

(*b*) where the Governor is by this Order or by any other law in force in the Gold Coast directed to exercise any function on the advice of any person or authority other than the Cabinet, he shall exercise such function in accordance with such advice; and

(*c*) where the Governor is by this Order or by any other law in force in the Gold Coast directed to exercise any function on the recommendation of any person or authority he shall not exercise that

function except in accordance with such a recommendation, but may accept the recommendation or refer it back for further consideration by such person or authority.

(2) Nothing in subsection (1) of this section shall apply to matters for which provision is made by sections 7, 14 and 44 of this Order.

Office of Prime Minister and appointment of Ministers

7.—(1) The Ministers, one of whom shall be styled "the Prime Minister", shall be appointed and may be dismissed by the Governor, by Instrument under the Public Seal.

(2) In the matter of the appointment and dismissal of Ministers the Governor shall, subject to the provisions of section 16 of this Order, act in accordance with the constitutional convention applicable to the exercise of such function in the United Kingdom by Her Majesty:

Provided that no act or omission on the part of the Governor shall be called in question in any Court of law or otherwise on the ground that the foregoing provisions of this subsection have not been complied with.

Vacation of Office

8.—(1) Whenever the office of Prime Minister has become vacant and a person has been appointed to be Prime Minister in accordance with the provisions of section 7 of this Order, the offices of all the other Ministers shall become vacant.

(2) The office of a Minister shall in any case become vacant—

(*a*) if he shall cease to be a Member of the Assembly, or

(*b*) if a Minister shall be absent from the Gold Coast without written permission given by the Governor acting on the advice of the Prime Minister:

Provided that, if a Minister shall cease to be a Member of the Assembly by reason of a dissolution thereof, he shall not on that account vacate his ministerial office until such time as the Governor shall have appointed a Prime Minister in accordance with the provisions of section 7 of this Order.

(3) A Minister may by writing under his hand, addressed to the Governor, resign his ministerial office, and upon the receipt of such resignation by the Governor the office of such Minister shall become vacant.

(4) The Governor may, by Instrument under the Public Seal, declare a Minister to be by reason of illness temporarily incapable of discharging his functions as a Minister; and thereupon such Minister shall not discharge any of the functions of his office or sit or vote in the Cabinet until he is declared in manner aforesaid again to be capable of discharging his said functions.

Official Oath

9. Every Minister shall, before entering on the duties of his office, take and subscribe before the Governor the official oath or make before the Governor the appropriate affirmation in lieu thereof in accordance with the provisions of the Oaths Ordinance(**a**) or any Ordinance repealing and re-enacting with or without modification, or amending, the provisions of that Ordinance.

(a) Cap. 206.

Precedence of Ministers

10. Ministers shall take precedence amongst themselves as Her Majesty may specially assign and, if precedence be not so assigned, as follows:—

First, the Prime Minister.

Secondly, the other Ministers according to the length of time for which they have been continuously Ministers, Ministers who have been continuously in such office for the same length of time taking precedence according to age.

Any interval between the vacation by a Minister of his office in consequence of a dissolution of the Assembly and the date of his appointment as a Minister upon the first formation of the Cabinet following such dissolution shall not be taken into account in determining the length of time for which a person shall have been continuously a Minister.

Presiding in the Cabinet

11. The Prime Minister shall, so far as is practicable, attend and preside at all meetings of the Cabinet and in the absence of the Prime Minister such Minister as the Prime Minister shall appoint shall preside:

Provided that whenever the Governor attends a special meeting of the Cabinet summoned under the provisions of the proviso to subsection (1) of section 13 of this Order he shall preside thereat.

Cabinet may transact business notwithstanding vacancies

12. Subject to the provisions of subsection (2) of section 13 of this Order, the Cabinet shall not be disqualified for the transaction of business by reason of any vacancy among the Ministers; and any proceedings of the Cabinet shall be valid notwithstanding that some person who was not entitled to do so sat or voted in the Cabinet or otherwise took part in the proceedings.

Summoning and quorum

13.—(1) The Cabinet shall be summoned by the Prime Minister or, in the absence of the Prime Minister, by such Minister as the Prime Minister shall appoint:

Provided that the Governor, acting in his discretion, may summon and attend a special meeting of the Cabinet whenever he shall think fit.

(2) No business except that of adjournment shall be transacted in the Cabinet if objection is taken by any Minister present that there are less than four Ministers present besides the person presiding.

Voting

14. Where any matter is dependent upon the decision of the Cabinet, any decision shall be regarded as the decision of the Cabinet if a majority of votes of the persons present and voting is cast in its favour Ministers shall have an original vote and, if upon any question the votes shall be equally divided, the person presiding may exercise a casting vote.

Committee of the Cabinet

15. There may be established, by or in pursuance of any Instructions under Her Majesty's Sign Manual and Signet and subject to the provisions of any such Instructions, a Committee of the Cabinet to exercise such functions, in such manner, as may be prescribed by or in pursuance of any such Instructions.

Assignment of responsibilities to Ministers

16.—(1) The Prime Minister may by directions in writing—

(*a*) charge any Minister with the responsibility for any department or subject other than the subjects set out in the Second Schedule to this Order ; and

(*b*) revoke or vary any directions given under this subsection.

(2) The Prime Minister may retain in his charge any department or subject other than the subjects set out in the Second Schedule to this Order.

(3) Responsibility for a department or subject retained by the Prime Minister or assigned to a Minister under this section shall, unless the responsibility does not by its nature relate to Togoland, extend to Togoland under the United Kingdom Trusteeship, but—

(*a*) the responsibility of the Governor under section 17 of this Order shall not thereby be affected ; and

(*b*) all functions relating to Togoland exercisable by the Prime Minister or other Minister, by virtue of the provisions of this subsection shall, in so far as they affect the responsibility of Her Majesty's Government in the United Kingdom in respect of Togoland by virtue of the Trusteeship Agreement approved by the General Assembly of the United Nations on the thirteenth day of December, 1946, be exercised in accordance with and subject to such directions (if any) as the Governor, acting in his discretion, may address to the Prime Minister or other Minister, as the case may be.

(4) A Minister shall, while charged with the responsibility for any department or subject under the provisions of subsection (1) of this section, be styled a Minister with portfolio.

(5) A Minister who is not charged with responsibility for any department or subject aforesaid, shall be styled a Minister without portfolio.

Special responsibilities of Governor

17. The Governor, acting in his discretion, shall be responsible for the subjects set out in the Second Schedule to this Order, and for matters which affect the responsibility of Her Majesty's Government in the United Kingdom in respect of Togoland under United Kingdom Trusteeship by virtue of the Trusteeship Agreement approved by the General Assembly of the United Nations on the thirteenth day of December, 1946.

Attorney General to be responsible for prosecutions

18.—(1) The Attorney General shall be vested with responsibility for the initiation, conduct and discontinuance of prosecutions for criminal offences triable in Courts constituted under the provisions of the Courts Ordinance(**a**) or any Ordinance repealing and re-enacting with or without modification, or amending, the provisions of that Ordinance.

(a) Cap. 4.

(2) The assignment to a Minister of responsibility for the department of the Attorney General shall confer responsibility only for submitting to the Cabinet questions referring to that department and conducting Government business relating to that department in the Assembly, and shall have effect without prejudice to the provisions of subsection (1) of this section.

Ministerial Secretaries

19.—(1) The Governor, acting on the advice of the Prime Minister, may, from among the Members of the Assembly, appoint Ministerial Secretaries to assist the Ministers in the exercise of their ministerial duties and may likewise at any time revoke the appointment of a Ministerial Secretary:

Provided that the number of Ministerial Secretaries shall not at any time exceed the number of Ministers.

(2) Any Ministerial Secretary may at any time resign his office by notice in writing addressed to the Governor, and upon the receipt of such resignation by the Governor the office of such Ministerial Secretary shall become vacant.

(3) No person shall continue to hold the office of Ministerial Secretary if he shall cease to be a Member of the Assembly:

Provided that if a Ministerial Secretary shall cease to be a Member of the Assembly by reason of a dissolution thereof, he shall not on that account vacate his office of Ministerial Secretary until such time as the Governor shall have appointed a Prime Minister in accordance with the provisions of section 7 of this Order.

(4) A person appointed to be a Ministerial Secretary shall, before entering on the duties of his office, take and subscribe before the Governor the official oath or make before the Governor the appropriate affirmation in lieu thereof in accordance with the provisions of the Oaths Ordinance(a) or any Ordinance repealing and re-enacting with or without modification, or amending, the provisions of that Ordinance.

Permanent Secretaries

20.—(1) There shall be for each Ministry a Permanent Secretary who shall be a person who is a public officer.

(2) Each Permanent Secretary shall, subject to the general direction and control of his Minister, exercise supervision over the department or departments for which his Minister is responsible.

(3) For the purposes of this section the department of the Attorney-General and of the Auditor-General, and the office of the Secretary to the Cabinet and of the Clerk to the Assembly shall be deemed not to be departments of Government.

Secretary to the Cabinet

21.—(1) There shall be a Secretary to the Cabinet who shall be a person who is a public officer.

(2) The Secretary to the Cabinet shall have charge of the Cabinet office and shall, in accordance with such instructions as may be given to him by the Prime Minister, arrange the business for, and keep the minutes of, meetings of the Cabinet, and convey the decisions of the Cabinet to the appropriate person or authority.

(a) Cap. 206.

(3) The Secretary to the Cabinet shall transmit to the Governor all Cabinet agenda and papers at the same time as he submits such agenda and papers to Ministers and shall transmit to the Governor, immediately following every meeting of the Cabinet, a record of all decisions and conclusions of the Cabinet reached at that meeting.

PART III

Transitional Provisions

Exercise of Governor's powers prior to commencement of Part II

22. Whenever the Governor shall have occasion, before the commencement of Part II of this Order, to exercise any function conferred upon him by any other part of this Order, then unless the function is one which he is by this Order directed or empowered to exercise in his discretion or in accordance with the advice or on the recommendation of, or after consultation with, any person or authority other than the Cabinet, he shall, in the exercise of the function, consult with the Executive Council constituted under the provisions of the existing Orders in such circumstances and under such conditions as may be prescribed by such provisions of the existing Instructions as may at that time have effect and shall, subject to those provisions of the existing Instructions, act in accordance with the advice of such Executive Council in any matter which he is by this section obliged to consult with such Executive Council.

Termination of appointment of Ministers

23. For the avoidance of doubts it is hereby declared that, upon the date of the commencement of Part II of this Order, the appointments of Prime Minister, of other Ministers and of the Governor's Secretary and Secretary to the Executive Council, made under the provisions of the existing Orders and in force immediately before such commencement, shall determine.

PART IV

Legislative Assembly

Legislative Assembly

24. There shall be a Legislative Assembly in and for the Gold Coast, which shall consist of a Speaker and of one hundred and four Members.

Speaker

25.—(1) The Speaker shall be a person, not being either the holder of any public office or a Minister or Ministerial Secretary, elected by the Members of the Assembly.

(2) The election of the Speaker shall take place before the despatch of any other business at the first sitting of the Assembly after the date of the commencement of this Part of this Order and thereafter at the first sitting after every dissolution of the Assembly.

(3) A person holding office as Speaker may, by writing under his hand addressed to the Governor, resign the office of Speaker; and upon receipt of such resignation by the Governor the office of Speaker shall become vacant.

(4) A person holding office as Speaker shall, unless he earlier resigns his office, vacate his office on the dissolution of the Assembly.

(5) Whenever the office of Speaker shall become vacant otherwise than as a result of a dissolution of the Assembly, the Assembly shall, at its first sitting after the occurrence of the vacancy, elect another person to be Speaker.

(6) A person shall, if qualified, be eligible for re-election to the office of Speaker from time to time.

Deputy Speaker

26.—(1) The Assembly shall—

(*a*) at its first sitting in every session, and

(*b*) at its first sitting after the occurrence of a vacancy in the office of Deputy Speaker,

or as soon thereafter as may be convenient, elect as Deputy Speaker of the Assembly one of its own Members, who shall not be a Minister or Ministerial Secretary.

(2) A person shall, if qualified, be eligible for re-election to the office of Deputy Speaker from time to time.

(3) The Deputy Speaker shall, unless he earlier vacates his office under the provisions of this Order, hold office until some other person is elected as Deputy Speaker under paragraph (*a*) of subsection (1) of this section.

(4) (*a*) A person shall vacate the office of Deputy Speaker—

(i) upon ceasing to be a member of the Assembly; or

(ii) upon becoming a Minister or Ministerial Secretary.

(*b*) The Deputy Speaker may by writing under his hand addressed to the Speaker or, in the absence of the Speaker or if there shall be no Speaker, to the Clerk of the Assembly, resign his office; and upon receipt of such resignation by the Speaker or by the Clerk of the Assembly, as the case may be, the office of Deputy Speaker shall become vacant.

Voting at elections of Speaker and Deputy Speaker

27. In any election of a Speaker or a Deputy Speaker the votes of the Members of the Assembly shall be given by ballot in such manner as not to disclose how any particular Member shall have voted.

Members of the Assembly

28.—(1) The Members of the Assembly shall be—

(i) ninety-seven Rural Members, of whom thirty-nine shall represent rural electoral districts in the Colony other than the Trans-Volta/Togoland Region; thirteen shall represent rural electoral districts in the Trans-Volta/Togoland Region; nineteen shall represent rural electoral districts in Ashanti; and twenty-six shall represent rural electoral districts in the Northern Territories and Northern Togoland; and

(ii) seven Municipal Members of whom three shall represent municipal electoral districts in the municipal area of Accra; one shall represent the municipal electoral district of Cape Coast; two shall represent municipal electoral districts in the municipal area of Kumasi; and one shall represent the municipal electoral district of Sekondi-Takoradi.

(2) Subject to the provisions of this Order, rural and municipal electoral districts shall be defined by, and the Rural and Municipal Members of the Assembly shall be elected in accordance with, provision made under section 49 of the existing Orders or under section 35 of this Order.

Qualifications for membership

29. Subject to the provisions of section 30 of this Order, any person who—

(*a*) is either a British subject or a British protected person ; and

(*b*) is of the age of twenty-five years or upwards ; and

(*c*) is able to speak and, unless incapacitated by blindness or other physical cause, to read the English language with a degree of proficiency sufficient to enable him to take an active part in the proceedings of the Assembly ;

shall be qualified to be elected as a Member of the Assembly, and no other person shall be qualified to be so elected or, having been so elected, shall sit or vote in the Assembly.

Disqualifications for Members

30. No person shall be qualified to be elected as a Member of the Assembly who—

(*a*) is, by virtue of his own act, under any acknowledgment of allegience, obedience or adherence to a foreign Power or State ; or

(*b*) holds or is acting in any public office ; or

(*c*) holds the office of Speaker ; or

(*d*) is a party to, or a partner in a firm, or a director or manager of a company, which is a party to, any contract with the Government of the Gold Coast for or on account of the public service, and has not, within one month before the day of election, published in the English language in the *Gazette* a notice setting out the nature of such contract, and his interest, or the interest of any such firm or company, therein ; or

(*e*) is an undischarged bankrupt, having been adjudged or otherwise declared bankrupt under any law in force in any part of Her Majesty's dominions ; or

(*f*) being a person possessed of professional qualifications, is disqualified (otherwise than at his own request) in any part of Her Majesty's dominions, from practising his profession by order of any competent authority made in respect of him personally:

Provided that if five years or more have elapsed since the disqualification referred to in this paragraph, the person shall not be disqualified for membership of the Assembly by reason only of the provisions of this paragraph ; or

(*g*) is a person adjudged to be of unsound mind or detained as a criminal lunatic under any law in force in the Gold Coast ; or

(*h*) has, in any part of Her Majesty's dominions, been sentenced to death or to imprisonment (by whatever name called) for a term exceeding twelve months, or has been convicted of any offence involving dishonesty, and has not been granted a free pardon:

Provided that if five years or more have elapsed since the termination of the imprisonment or, in the case of conviction of an offence involving dishonesty in respect of which no sentence of imprisonment has been passed, since the conviction, the person shall not be disqualified from membership of the Assembly by reason only of such sentence or conviction ; or

(*i*) is not qualified to be registered as an elector under the provisions of any law for the time being in force in the Gold Coast ; or

(*j*) is disqualified for election by any law for the time being in force in the Gold Coast by reason of his holding, or acting in, any office the functions of which involve any responsibility for, or in connection with, the conduct of any election, or any responsibility for the compilation or revision of any electoral register ; or

(*k*) is disqualified for membership of the Assembly by any law for the time being in force in the Gold Coast relating to offences connected with elections.

Tenure of Office of Members

31.—(1) Every Member of the Assembly shall in any case cease to be a Member at the next dissolution of the Assembly after he has been elected or previously thereto if his seat shall become vacant under the provisions of this Order.

(2) The seat of a Member of the Assembly shall become vacant:—

(*a*) upon his death ; or

(*b*) if he shall be absent from two consecutive meetings of the Assembly, without having obtained from the Speaker, before the termination of either of such meetings, permission to be or to remain absent therefrom ; or

(*c*) if he shall cease to be a British subject, or shall cease to be a British protected person without becoming a British subject ; or shall take any oath, or make any declaration or acknowledgment, of allegiance, obedience or adherence to any foreign Power or State ; or shall do, concur in or adopt any act done with the intention that he shall become a subject or citizen of any foreign Power or State ; or

(*d*) if he shall be appointed to, or to act in, any public office ; or

(*e*) if he shall be elected to be Speaker ; or

(*f*) if he shall become a party to any contract with the Government of the Gold Coast for or on account of the public service, or if any firm in which he is a partner, or any company of which he is a director or manager, shall become a party to any such contract, or if he shall become a partner in a firm, or a director or manager of a company, which is a party to any such contract:

Provided that, if in the circumstances it shall appear to them to be just so to do, the Assembly may exempt any Member from vacating his seat under the provisions of this paragraph, if such Member shall, before becoming a party to such contract as aforesaid or before, or as soon as practicable after, becoming otherwise interested in such contract (whether as partner in a firm or as director or manager of a company), disclose to the Speaker the nature of such contract and his interest or the interest of any such firm or company therein ; or

(*g*) if he shall be adjudged or otherwise declared bankrupt under any law in force in any part of Her Majesty's dominions ; or

(*h*) if he shall, in any part of Her Majesty's dominions, be sentenced by a court to death or to imprisonment (by whatever name called) for a term exceeding twelve months, or be convicted of any offence involving dishonesty ; or

(*i*) if he shall become subject to any of the disqualifications specified in paragraphs (*f*), (*g*), (*i*), (*j*) or (*k*) of section 30 of this Order.

(3) A Member of the Assembly may by writing under his hand addressed to the Speaker, resign his seat in the Assembly, and upon receipt of such resignation by the Speaker or Deputy Speaker the seat of such Member shall become vacant.

(4) Any person whose seat in the Assembly has become vacant may, if qualified, again be elected as a Member of the Assembly from time to time.

Decision of questions as to Membership

32. All questions which may arise as to the right of any person to be or remain a Member of the Assembly shall be referred to and determined by the Supreme Court of the Gold Coast in accordance with the provisions of any law in force in the Gold Coast.

Speaker to report vacancies

33.—(1) Whenever the seat of a Member of the Assembly becomes vacant under the provisions of subsections (2) or (3) of section 31 of this Order, the Speaker shall, by writing under his hand, report such vacancy to the Governor.

(2) As occasion may require, a report under subsection (1) of this section may be made by the Deputy Speaker.

Filling of vacancies

34. Whenever the seat of a Member of the Assembly becomes vacant an election shall be held to fill the vacancy in accordance with the provisions of this Order.

Laws as to Elections

35. Subject to the provisions of this Order, provision may be made, by or in pursuance of any law enacted under this Order, for the election of Members of the Assembly including (without prejudice to the generality of the foregoing power) the following matters, that is to say—

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

(*b*) the registration of electors ;

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

(*d*) the division of the Gold Coast into electoral districts for the purposes of elections ;

(*e*) the holding of elections ;

(*f*) the determination of all questions which may arise as to the right of any person to be or remain a Member of the Assembly ; and

(*g*) the definition and trial of offences relating to elections and the imposition of penalties therefor, including disqualification for membership of the Assembly, or for registration as an elector, or for voting at elections, of any person concerned in any such offence.

PART V

Legislation and Procedure in Assembly

Power to make laws

36.—(1) Subject to the provisions of this Order, it shall be lawful for the Governor, with the advice and consent of the Assembly, to make laws for the peace, order and good government of the Gold Coast:

Provided that should any such law be repugnant to any provision of the Trusteeship Agreement approved by the General Assembly of the United Nations on the thirteenth day of December, 1946, in respect of Togoland under United Kingdom Trusteeship, such law shall to the extent of such repugnancy, but not otherwise, be void.

(2) No such law shall make persons of any racial community liable to disabilities to which persons of other such communities are not made liable.

(3) Any laws made in contravention of subsection (2) of this section shall to the extent of such contravention, but not otherwise, be void.

Royal Instructions

37. Subject to the provisions of this Order, the Governor and the Assembly shall, in the transaction of business and the making of laws, conform as nearly as may be to the directions contained in any Instructions under Her Majesty's Sign Manual and Signet which may from time to time be addressed to the Governor in that behalf.

Standing Orders

38.—(1) Subject to the provisions of this Order and of any Instructions under Her Majesty's Sign Manual and Signet, the Assembly may from time to time make, amend and revoke Standing Orders for the regulation and orderly conduct of its own proceedings and the despatch of business, and for the passing, intituling and numbering of Bills, and for the presentation thereof to the Governor for assent.

(2) The first Standing Orders of the Assembly shall, subject to the provisions of this Order, be the Standing Orders of the Legislative Assembly constituted under the existing Orders and in force at the time of the revocation of the existing Orders, and may be amended or revoked by the Assembly under subsection (1) of this section.

Presiding in Assembly

39. The Speaker, or in his absence the Deputy Speaker, or in their absence a Member of the Assembly (not being a Minister or Ministerial Secretary) elected by the Assembly for the sitting, shall preside at the sittings of the Assembly.

Assembly may transact business notwithstanding vacancies

40. The Assembly shall not be disqualified for the transaction of business by reason of any vacancy among the Members thereof, including any vacancy not filled at a General Election; and any proceedings therein shall be valid notwithstanding that some person who was not entitled so to do sat or voted in the Assembly or otherwise took part in the proceedings.

Quorum

41. No business except that of adjournment shall be transacted in the Assembly if objection is taken by any Member present that there are less than twenty-five Members present besides the Speaker or Member presiding.

Voting

42.—(1) Save as otherwise provided in this Order, all questions proposed for decision in the Assembly shall be determined by a majority of the votes of the Members present and voting; and if, upon any question before the Assembly, the votes of the Members shall be equally divided the motion shall be lost.

(2) (*a*) The Speaker shall have neither an original nor a casting vote; and

(*b*) any other person, including the Deputy Speaker, shall, when presiding in the Assembly, have an original vote but no casting vote.

Introduction of Bills

43.—(1) Save as is provided in subsections (2), (3) and (6) of this section, and subject to the provisions of this Order and of the Standing Orders of the Assembly, any Member may introduce any Bill, or propose any motion for debate in, or may present any petition to, the Assembly, and the same shall be debated and disposed of according to the Standing Orders of the Assembly.

(2) Except with the recommendation or consent of the Governor signified thereto, the Assembly shall not proceed upon any Bill, motion or petition which, in the opinion of the Speaker or Member presiding, would dispose of or charge any public revenue or public funds of the Gold Coast, or revoke or alter any disposition thereof or charge thereon, or impose, alter or repeal any rate, tax or duty.

(3) With respect to a Bill or motion which, in the opinion of the Speaker or of the Attorney-General, would effect any alteration in the salary, allowances or conditions of service of any public officer, or in the law, regulations or practice governing the grant of leave, passages or promotion applicable to any such officer or the payment of pensions, gratuities or other like allowances applicable to any such officer or his widow, children, dependants or personal representatives, the following provisions shall have effect:—

(*a*) except with the recommendation or consent of the Governor, acting in his discretion, signified thereto, the Assembly shall not proceed upon any such Bill or motion;

(*b*) if the Governor, acting in his discretion, shall consider that any alteration effected by any such Bill would prejudicially affect any public officer, he shall reserve that Bill for the signification of Her Majesty's pleasure;

(*c*) unless the Governor, acting in his discretion, shall by writing under his hand otherwise direct, no such motion, other than a motion relating to a Bill, shall take effect until the expiration of a period of three days from the date upon which it shall have been carried; and if the Governor, acting in his discretion, shall within that period certify by writing under his hand that any alteration which would be effected by such motion would prejudicially affect any public officer, such motion shall not take effect unless and until it shall have been approved, in the case of a public officer not in the

local service, by a Secretary of State and, in the case of a public officer in the local service, by the Governor, acting in his discretion.

(4) For the purposes of this section, the local service shall consist of such persons as may be determined by or in pursuance of any order made by the Governor, acting in his discretion.

(5) An order made under subsection (4) of this section may be varied or revoked by a subsequent order made in like manner.

(6) Except with the recommendation or consent of the Governor, acting in his discretion, signified thereto, the Assembly shall not proceed upon any Bill or motion which, in the opinion of the Speaker or the Attorney-General relates to or affects any subject the responsibility for which is vested in the Governor or any matter the responsibility for which is vested in the Attorney-General by virtue of the provisions of sections 17 and 18 of this Order respectively.

(7) The Governor, acting in his discretion, may—

(*a*) send by message to the Speaker the draft of any Bill or motion which it appears to him should be introduced or proposed in the Assembly ; and

(*b*) in the same or a later message require that the Bill or motion shall be introduced or proposed not later than a date specified in such message ;

and if such requirement is not complied with, the Bill or motion shall be deemed for all purposes to have been introduced or proposed in the Assembly on the date so specified.

Governor's reserved power

44.—(1) Subject to the provisions of subsection (2) of this section, if the Governor shall consider that it is expedient in the interests of public order, public faith or good government (which expressions shall, without prejudice to their generality, include the responsibility of the Gold Coast as a territory within the British Commonwealth of Nations, and all matters pertaining to the creation or abolition of any public office or to the salary or other conditions of service of any public officer) that any Bill introduced, or any motion proposed, in the Assembly should have effect, then, if the Assembly fail to pass such a Bill or motion within such time and in such form as the Governor may think reasonable and expedient, the Governor at any time which he shall think fit, may, notwithstanding any provisions of this Order or of any Standing Orders of the Assembly, declare that such Bill or motion shall have effect as if it had been passed by the Assembly, either in the form in which it was so introduced or proposed or with such amendments as the Governor shall think fit which have been proposed in the Assembly or in any Committee thereof ; and thereupon the said Bill or motion shall have effect as if it had been so passed, and, in the case of any such Bill, the provisions of this Order relating to assent to Bills and disallowance of laws shall have effect accordingly.

(2) The Governor shall not make any declaration under this section except in accordance with the following conditions, that is to say:—

(*a*) the question whether the declaration should be made shall first be submitted in writing by the Governor to the Cabinet and if, upon the question being so submitted to it, the Cabinet shall resolve that the declaration be made, the Governor may make the declaration ;

(*b*) if, when the question whether the declaration should be made is submitted to it as aforesaid, the Cabinet shall not within such time as the Governor may think reasonable and expedient resolve that the declaration be made, then—

(i) the Governor may submit the said question to a Secretary of State and may make the declaration if, upon the question being so submitted to him, a Secretary of State authorises the Governor to make the declaration ; or

(ii) the Governor may make the declaration without submitting the said question to a Secretary of State, if in the Governor's opinion urgent necessity requires that the declaration be made without obtaining the authority of a Secretary of State ; in which case he shall, at the time of making the declaration, certify in writing that urgent necessity requires that the declaration be made without obtaining such authority.

(3) (*a*) Whenever the Governor, in accordance with the provisions of paragraph (*b*) of subsection (2) of this section, shall submit to a Secretary of State the question whether a declaration should be made, or shall make a declaration without submitting the said question to a Secretary of State, he shall inform the Cabinet in writing of his reasons for so doing.

(*b*) Whenever the Governor shall make a declaration under this section, other than a declaration made with the authority of a Secretary of State, he shall forthwith report to a Secretary of State the making of, and the reasons for, the declaration and, in the case of a declaration made in accordance with the provisions of sub-paragraph (ii) of paragraph (*b*) of subsection (2) of this section, the grounds of urgency.

(4) If any Member of the Assembly objects to any declaration made under this section, he may, within seven days of the making thereof, submit to the Governor a statement in writing of his reasons for so objecting ; and a copy of such statement shall, if furnished by such Member, be forwarded by the Governor as soon as practicable to a Secretary of State.

(5) Any declaration made under this section, other than a declaration relating to a Bill, may be revoked by a Secretary of State, and the Governor shall cause notice of such revocation to be published in the *Gazette ;* and from the date of such publication any motion which shall have had effect by virtue of the declaration shall cease to have effect ; and the provisions of subsection (2) of section 38 of the Interpretation Act, 1889, shall apply to such revocation as they apply to the repeal of an Act of Parliament.

Assent to Bills

45.—(1) No Bill shall become a law until either the Governor shall have assented thereto in Her Majesty's name and on Her Majesty's behalf and shall have signed the same in token of such assent, or Her Majesty shall have given her assent thereto through a Secretary of State.

(2) When a Bill is presented to the Governor for his assent, he shall, acting in his discretion but subject to the provisions of this Order and of any Instructions addressed to him under Her Majesty's Sign Manual and Signet or through a Secretary of State, declare that

he assents, or refuses his assent, thereto, or that he reserves the Bill for the signification of Her Majesty's pleasure:

Provided that the Governor shall reserve for the signification of Her Majesty's pleasure—

(*a*) any Bill by which any provision of this Order is revoked or amended or which is in any way repugnant to, or inconsistent with, the provisions of this Order; and

(*b*) any Bill which determines or regulates the privileges, immunities or powers of the Assembly or of its Members;

unless he shall have been authorised by a Secretary of State to assent thereto.

(3) A law assented to by the Governor shall come into operation on the date of its publication in the *Gazette*, or, if it shall be enacted, either in such law or in some other law (including any law in force on the date of the commencement of this Part of this Order), that it shall come into operation on some other date, on that date.

(4) A Bill reserved for the signification of Her Majesty's pleasure shall become a law so soon as Her Majesty shall have given Her assent thereto through a Secretary of State and the Governor shall have signified such assent by Proclamation published in the *Gazette*. Every such law shall come into operation on the date of such Proclamation or, if it shall be enacted, either in such law or in some other law (including any law in force on the date of the commencement of this Part of this Order), that it shall come into operation on some other date, on that date.

Disallowance of Laws

46.—(1) Any law to which the Governor shall have given his assent may be disallowed by Her Majesty through a Secretary of State.

(2) Whenever any law has been disallowed by Her Majesty, the Governor shall cause notice of such disallowance to be published in the *Gazette*.

(3) Every law so disallowed shall cease to have effect as soon as notice of such disallowance shall be published as aforesaid; and thereupon any enactment repealed or amended by, or in pursuance of, the law disallowed shall have effect as if such law had not been made. Subject as aforesaid, the provisions of subsection (2) of section 38 of the Interpretation Act, 1889, shall apply to such disallowance as they apply to the repeal of an Act of Parliament.

Oath of Allegiance

47. Except for the purpose of enabling this section to be complied with, no Member of the Assembly shall sit or vote therein until he shall have taken and subscribed before the Assembly the Oath of Allegiance or have made before the Assembly the appropriate affirmation in lieu thereof as provided in the Oaths Ordinance(**a**) or any Ordinance repealing and re-enacting, with or without modification, or amending, the provisions of that Ordinance:

Provided that if, between the time when a person becomes a Member of the Assembly and the time when the Assembly next meets there-

(**a**) Cap. 206.

after, a meeting takes place of any Committee of the Assembly of which such person is a member, such person may, in order to enable him to attend the meeting, and take part in the proceedings, of the Committee, take and subscribe the said oath or make the appropriate affirmation before a Judge of the Supreme Court of the Gold Coast ; and the taking and subscribing of the oath, or the making of the appropriate affirmation, as the case may be, in such manner shall suffice for all purposes of this section. In any such case the Judge shall forthwith report to the Assembly through the Speaker or, as occasion may require, through the Deputy Speaker that the person in question has taken and subscribed the said oath or made the affirmation before him.

Privileges of Assembly and Members

48. It shall be lawful, by laws enacted under this Order, to determine and regulate the privileges, immunities and powers of the Assembly and its Members ; but no such privileges, immunities or powers shall exceed those of the Commons' House of Parliament of the United Kingdom or of the Members thereof.

Sessions of Assembly

49.—(1) There shall be a session of the Assembly once at least in every year, so that a period of twelve months shall not intervene between the last sitting of the Assembly in one session and the first sitting thereof in the next session.

(2) The first session of the Assembly shall commence within three months after the date of the commencement of this Part of this Order.

(3) The sessions of the Assembly shall be held in such places and shall commence at such times as the Governor may from time to time by Proclamation or notice in the *Gazette* appoint.

Prorogation and dissolution

50.—(1) The Governor, after consultation with the Prime Minister, may at any time, by Proclamation published in the *Gazette,* prorogue or dissolve the Assembly.

(2) The Governor shall dissolve the Assembly at the expiration of four years from the date of the return of the first writ at the last preceding general election, if it shall not have been sooner dissolved.

General Elections

51. There shall be a general election at such time within two months after the date of the commencement of this Part of this Order and thereafter within two months after every dissolution of the Assembly, as the Governor shall by Proclamation published in the *Gazette* appoint.

PART VI

The Public Service

Public Officers

52.—(1) The appointment, promotion, transfer, termination of appointment, dismissal and disciplinary control of public officers (other than the Deputy Governor, Judges of the Supreme Court, judicial officers and the Auditor-General) is hereby vested in the Governor acting in his discretion.

(2) The Governor, acting in his discretion, may, by regulations published in the *Gazette*, provide for the delegation to any public officer, subject to such conditions as may be prescribed in any such regulations, of any of the powers vested in the Governor by subsection (1) of this section.

(3) In exercise of his powers under subsection (2) of this section, the Governor shall not delegate to any public officer the power to appoint, promote or transfer to any public office which carries an initial salary exceeding four hundred and thirty pounds *per annum* or to dismiss from or terminate an appointment to any public office which carries a salary exceeding four hundred and thirty pounds *per annum*.

(4) The Governor shall, before exercising the powers conferred upon him by subsection (1) of this section in relation to the appointment or promotion to a special post, consult with the Prime Minister. For the purpose of this subsection the expression "special post" means the post of Permanent Secretary and posts of a corresponding or higher grade in the public service.

(5) The Governor shall, before exercising the power conferred on him by subsection (1) of this section to terminate the appointment of, or dismiss, or inflict any other punishment on, a public officer on the grounds of any act done or omitted to be done by that officer in the exercise of a judicial function conferred upon him, consult with the Judicial Service Commission.

(6) For the purposes of this section the expression "transfer" means a transfer involving an increase of salary.

Public Service Commission

53.—(1) There shall be, in and for the Gold Coast, a Public Service Commission (hereafter in this Part of this Order referred to as "the Commission") and, subject to the provisions of subsection (3) of this section, the Commission shall consist of such persons as the Governor, after consultation with the Prime Minister, shall appoint.

(2) The Governor, after consultation with the Prime Minister, may terminate the appointment of any member of the Commission and, subject as aforesaid, the members of the Commission shall hold office upon such terms and conditions as may be prescribed by regulations made under section 55 of this Order.

(3) No person shall be appointed as, or shall remain, a member of the Commission if he is or becomes a Member of the Assembly.

Functions of Public Service Commission

54.—(1) The Governor, acting in his discretion, may refer to the Commission for their advice any question relating to the appointment (including promotion and transfer) or termination of appointment or to the dismissal or other disciplinary control of public officers or of any public officer (other than Judges of the Supreme Court, judicial officers and the Auditor General) or to any other matter which, in his opinion, affects the public service.

(2) It shall be the duty of the Commission to advise the Governor on any question which he shall refer to it in accordance with the provisions of this section, but the Governor shall not be required to act in accordance with the advice given to him by the Commission.

Regulations regarding Public Service Commission

55. Subject to the provisions of this Order, the Governor, acting in his discretion, may make regulations for giving effect to sections 53 and 54 of this Order, and in particular and without prejudice to the generality of the foregoing power may by such regulations make provision for all or any of the following matters, that is to say: —

(*a*) the tenure of office and terms of service of members of the Commission;

(*b*) the organisation of the work of the Commission and the manner in which the Commission shall perform its functions;

(*c*) consultation by the Commission with persons other than members of the Commission;

(*d*) the appointment, tenure of office and terms of service of staff to assist the Commission in the performance of its functions;

(*e*) the delegation to any member of the Commission of all or any of the powers or duties of the Commission;

(*f*) the definition and trial of offences connected with the functions of the Commission and the imposition of penalties for such offences:

Provided that no such penalty shall exceed a fine of one hundred pounds and imprisonment for a term of one year;

(*g*) the protection and privileges of members of the Commission in respect of the performance of their duties and the privilege of communications to and from the Commission or its members in case of legal proceedings.

Certain provisions relating to the Public Service to be operative from subsequent date

56. On the date appointed, under the provisions of subsection (2) of section 2 of this Order, for this section to come into operation the provisions of Part I of the Third Schedule to this Order shall apply.

Preservation of Pensions, etc.

57.—(1) All pensions, gratuities or other like allowances which have been or which may be, granted to any persons who have been, and have ceased to be, public officers at any time before the date appointed under the provisions of subsection (2) of section 2 of this Order for the commencement of the provisions of Part IV of this Order, or to the widows, children, dependants or personal representatives of such persons, shall be governed by the law under which they were granted, or, if granted after that day, by the law in force on that day, or, in either case, by any law made thereafter which is not less favourable.

(2) All pensions, gratuities and other like allowances which may be granted to persons who are public officers on the aforesaid date, or to the widows, children, dependants or personal representatives of such persons, shall be governed by the law in force on that day or by any law made thereafter which is not less favourable.

(3) Any pension, gratuity or other like allowance which may be granted to any person who may be appointed to be a public officer after the aforesaid date, or to the widow, children, dependants or personal representatives of any such person shall be governed by the law in force on the day on which such person is so appointed or by any law made thereafter which is not less favourable.

(4) Where any person is entitled to exercise an option for his case to be governed by one or two or more laws, the law specified by him in exercising such option shall, for the purposes of this section, be deemed to be more favourable than the other law or laws.

Provisions of Fourth Schedule to this Order and Section 71 of Constitution Order in Council, 1950, to have effect

58.—(1) The provisions contained in the Fourth Schedule to this Order shall have effect with respect to the public service and retirement therefrom and to the grant of compensation, pensions, gratuities and other like allowances.

(2) Notwithstanding the revocation of the existing Orders an officer having rights immediately before such revocation under the provisions of Section 71 of the Gold Coast (Constitution) Order in Council, 1950(a), shall retain such rights as if that section continued to have effect.

Pensions and Gratuities charged on the general revenue and assets of the Gold Coast

59. There shall be charged on and paid out of the general revenue and assets of the Gold Coast all compensation, pensions, gratuities and other like allowances granted in accordance with the provisions of section 58 of this Order, and all other pensions, gratuities and other like allowances granted in respect of public service.

PART VII

The Judicature

Judges of the Supreme Court

60.—(1) The Chief Justice of the Supreme Court of the Gold Coast shall be appointed by the Governor after consultation with the Prime Minister ; Judges of the Supreme Court other than the Chief Justice shall be appointed by the Governor acting after consultation with the Judicial Service Commission.

(2) A Judge of the Supreme Court shall not be removable except by the Governor on an address of the Assembly carried by not less than two-thirds of the Members thereof, praying for his removal on the ground of misbehaviour or of infirmity of body or mind.

(3) The maximum age for the retirement of Judges of the Supreme Court shall be sixty-two years:

Provided that the Governor, acting in his discretion, may permit a Judge of the Supreme Court, who has reached the age of sixty-two years, to continue in office for a period not exceeding twelve months.

(4) Any Judge of the Supreme Court may resign his office by writing under his hand addressed to the Governor.

(5) Notwithstanding the foregoing provisions of this section the Chief Justice and other Judges of the Supreme Court appointed before the date on which this section comes into operation and in office on that date shall continue in their offices on the terms and conditions on which they held office immediately before that date and the rights and privileges which they enjoyed before that date by virtue of their offices shall continue to appertain to them and their rights and privileges shall not be adversely affected by the provisions of this section.

(a) S.I. 1950/2094 (1950 I, p. 831).

(6) The salaries of Judges of the Supreme Court shall be determined by the Assembly and shall be charged on the general revenue and assets of the Gold Coast and shall not be diminished during their terms of office.

The Judicial Service Commission

61.—(1) There shall be a Judicial Service Commission which shall consist of—

(*a*) the Chief Justice;

(*b*) the Attorney General;

(*c*) the senior Puisne Judge;

(*d*) the Chairman of the Public Service Commission; and

(*e*) a person who is, or shall have been, a Judge of the Supreme Court, appointed by the Governor, acting in his discretion.

(2) In subsection (1) of this section the expression "senior" means senior according to the date of substantive appointment by the Governor, or, if in any case two persons were appointed substantively on the same date, according to age.

(3) The Governor, acting after consultation with the Judicial Service Commission, may make regulations in regard to the exercise by the Commission of any of its functions.

(4) The Governor, acting in his discretion, may appoint a secretary to the Judicial Service Commission.

Appointment to other judicial office

62.—(1) The appointment, promotion, transfer, termination of appointment, dismissal and disciplinary control of judicial officers is hereby vested in the Governor acting after consultation with the Judicial Service Commission.

(2) Any judicial officer may resign his office by writing under his hand addressed to the Governor.

(3) Subject to the provisions of section 58 of this Order every judicial officer appointed before the date on which this section comes into operation and in office on that date shall continue in office as if he had been appointed under the provisions of this section.

(4) In this section the expression "appointment" includes an acting or temporary appointment, and the expression "transfer" means a transfer involving an increase of salary.

Certain provisions relating to the Judicature to be operative from a future date

63. On the date appointed, under the provisions of subsection (2) of section 2 of this Order, for this section to come into operation the provisions of Part II of the Third Schedule to this Order shall apply.

Interference with Judicial Service Commission

64. Every person who, otherwise than in the course of his duty, directly or indirectly, by himself or by any other person, in any manner whatsoever, influences or attempts to influence any decision of the Judicial Service Commission or of any member thereof shall be guilty

of an offence and shall be liable to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding one year or to both such fine and imprisonment:

Provided that nothing in this section shall prohibit any person from giving a certificate or testimonial to any applicant or candidate for any judicial office.

PART VIII

Finance

Authorisation of expenditure

65.—(1) The Minister responsible for finance shall cause to be prepared annually estimates of revenue and expenditure for public services during the succeeding financial year which, when approved by the Cabinet, shall be laid before the Assembly.

(2) The proposals for all expenditure contained in the estimates (other than statutory expenditure) shall be submitted to the vote of the Assembly by means of an Appropriation Bill, which shall contain estimates under appropriate heads for the several services required.

(3) Whenever—

(*a*) any expenditure is incurred or is likely to be incurred in any financial year upon any service which is in excess of the sum provided for that service by the Appropriation Ordinance relating to that year, or

(*b*) any expenditure (other than statutory expenditure) is incurred or is likely to be incurred in any financial year upon any new service not provided for by the Appropriation Ordinance relating to that year,

a Supplementary Appropriation Bill, which shall contain that expenditure under appropriate heads, shall be introduced in the Assembly.

(4) Statutory expenditure, which shall not be submitted to the vote of the Assembly, for the purposes of this section means—

(*a*) the expenditure charged on the general revenue and assets of the Gold Coast by virtue of the provisions of section 59, subsection (6) of section 60 and subsection (4) of section 67 and, after the commencement of section 56 of this Order, subsection (7) of section 52 of this Order;

(*b*) the interest on the public debt, sinking fund payments and the costs, charges and expenses incidental to the management of the public debt (which is hereby also charged upon the general revenue and assets of the Gold Coast); and

(*c*) such other expenditure as may by law be charged upon the general revenue and assets of the Gold Coast and in such law be expressly stated to be statutory expenditure.

(5) The Assembly may assent or refuse its assent to any head of estimate or expenditure contained in an Appropriation or Supplementary Appropriation Bill but may not vote an increased amount, a reduced amount or an alteration in its destination.

Meeting expenditure from the general revenue and assets of the Gold Coast

66.—(1) No expenditure shall be met from the general revenue and assets of the Gold Coast except upon the authority of a warrant under the hand of the Minister responsible for finance.

(2) Subject to the provisions of subsection (3) of this section no such warrant shall be issued unless such expenditure has been authorised for specified public services for the financial year to which the warrant relates by resolution of the Assembly or of a Committee thereof appointed for that purpose by the Assembly, or by any law.

(3) If an Appropriation Bill has not become a law by the first day of the year to which it relates, the Minister responsible for finance may, with the prior approval of the Cabinet, unless the Assembly shall already have made provision therefor, authorise the meeting of such expenditure from the general revenue and assets of the Gold Coast as he may consider essential for the continuance of the public services shown in the estimates until the Appropriation Bill becomes law:

Provided that the expenditure so authorised for any service shall not exceed one quarter of the amount voted for that service in the Appropriation Ordinance for the preceding year.

The Auditor General

67.—(1) There shall be an Auditor-General who shall be appointed by the Governor, after consultation with the Prime Minister, and who shall not be removable except by the Governor on an address of the Assembly carried by not less than two-thirds of the Members thereof, praying for his removal on the ground of misbehaviour or of infirmity of body or mind.

(2) The maximum age for the retirement of the Auditor-General shall be fifty-five years.

(3) The Auditor-General may resign his office by writing under his hand addressed to the Governor.

(4) The salary of the Auditor-General shall be determined by the Assembly, shall be charged on the general revenue and assets of the Gold Coast and shall not be diminished during his term of office.

Audit of Accounts

68.—(1) The accounts of all departments and offices of Government, including the offices of the Clerk to the Assembly, the Secretary to the Cabinet, the Public Service Commission and the Judicial Service Commission, and of the Supreme Court, shall be audited by the Auditor-General who, with his deputies, shall at all times be entitled to have access to all books, records, or returns relating to such accounts.

(2) The Auditor-General shall report annually to the Assembly on the exercise of his functions under this Order.

PART IX

Miscellaneous

Penalty for unqualified person sitting or voting

69.—(1) Any person who—

(*a*) having been elected as a Member of the Assembly but not having been, at the time when he was so elected, qualified to be so elected, shall sit or vote in the Assembly, or

(*b*) shall sit or vote in the Assembly after his seat therein has become vacant or he has become disqualified from sitting or voting therein,

knowing, or having reasonable grounds for knowing, that he was so disqualified, or that his seat has become vacant, as the case may be, shall be liable to a penalty not exceeding twenty pounds for every day upon which he so sits or votes.

(2) The said penalty shall be recoverable by action in the Supreme Court of the Gold Coast at the suit of the Attorney-General.

Disposal of powers vested in the Governor in Council

70. On the commencement of Part II of this Order all functions which at the date of such commencement shall be vested by any law in force in the Gold Coast in the Governor in the Executive Council, howsoever the association of the said Council with the Governor may be described in any such law, shall, so far as the same shall continue in existence and be capable of being exercised after the said date and save as otherwise provided by any law made under this Order, be vested in the Governor, and the provisions of subsection (1) of section 6 of this Order shall apply accordingly to the exercise of such functions.

Provision relating to the constitution of the Joint Provincial Council

71. Notwithstanding the revocation of the existing Orders the provisions of Part I of the Second Schedule of the Gold Coast (Constitution) Order in Council, 1950, in force immediately before the revocation of the existing Orders shall, in so far as they relate to the constitution of the Joint Provincial Council and the recognition of Paramount Chiefs, continue in force unless and until it shall be otherwise provided by any law made under this Order.

Removal of difficulties

72.—(1) If any difficulty shall arise in bringing into operation any of the provisions of this Order or in giving effect to the purposes thereof, a Secretary of State may, by Order, make such provision as seems to him necessary or expedient for the purpose of removing the difficulty and may by such Order amend or add to any provision of this Order:

Provided that no Order shall be made under this section later than the first day of July, 1955.

(2) Any Order made under this section may be amended, added to, or revoked by a further Order, and may be given retrospective effect to a date not earlier than the date of this Order.

(3) This section shall come into operation on the day after the day on which this Order shall have been laid before both Houses of Parliament.

Powers reserved to Her Majesty

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

(2) Nothing in this Order shall affect the power of Her Majesty in Council to make laws from time to time for the peace, order and good government of the Gold Coast.

W. G. Agnew.

THE FIRST SCHEDULE

[Section 1 (1)]

The Gold Coast (Constitution) Order in Council, 1950(a).

The Gold Coast (Constitution) (Amendment) Order in Council, 1952(b).

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

The Gold Coast (Constitution) (Amendment) Order in Council, 1953(d).

THE SECOND SCHEDULE

[Section 17]

1. All matters relating to defence, that is to say—

(*a*) The provision, construction, maintenance, security, staffing, manning and use of defences, equipment, establishments and communications for the naval, military or air security of any part of Her Majesty's dominions (including the Gold Coast).

(*b*) The organisation, armament, control and discipline of, and the furnishing of supplies to, and transportation of, Her Majesty's naval, military and air forces and of any local volunteer or local defence force.

(*c*) (i) The organisation and discipline of the Gold Coast Police.

(ii) The control of the Gold Coast Police in the prevention, investigation and suppression of all offences of a nature which, in the opinion of the Governor, acting in his discretion, affect the safety of any part of Her Majesty's dominions (including the Gold Coast) and for the maintenance of public order, public safety and good government.

(*d*) Any other matter which the Governor, acting in his discretion and with the approval of a Secretary of State, shall declare to relate to the defence or security of any part of Her Majesty's dominions (including the Gold Coast).

2. All matters relating to external affairs, which expression shall, without prejudice to its generality, include matters affecting relations with foreign states, with any other part of Her Majesty's dominions, or with the United Nations or Specialised Agencies of the United Nations:

Provided that the said expression shall not include matters relating solely to—

(*a*) the implementation of any trade agreement concluded with the approval of a Secretary of State between the Government of the Gold Coast and the Government of any part of Her Majesty's dominions;

(*b*) the prohibition or restriction of immigration into the Gold Coast or to the deportation of persons from the Gold Coast or to the extradition or return of fugitive offenders from or to the Gold Coast, or the removal of prisoners from the Gold Coast;

(*c*) the prohibition or restriction of the importation of, or the imposition of import duties upon, any class of goods unless, in the opinion of the Governor acting in his discretion, any such matter involves, or is likely to involve, differential treatment between a class of goods from any part of Her Majesty's dominions and any other such part or any foreign state or between a class of goods from any foreign state and another such state; or

(*d*) the establishment of shipping or air services or the regulation of shipping or aircraft unless, in the opinion of the Governor acting in his discretion, any such matter involves, or is likely to involve, a breach of any international agreement or differential treatment between the shipping or aircraft of any part of Her Majesty's dominions and any other such part or any foreign state or between the shipping or aircraft of any foreign state and another such state.

(a) S.I. 1950/2094 (1950 I, p. 831).
(b) S.I. 1952/455 (1952 I, p. 1101).
(c) S.I. 1952/1039 (1952 I, p. 1107).
(d) S.I. 1953/1565 (1953 I, p. 840).

THE THIRD SCHEDULE

[Section 56]

PART I

Section 54 of this Order shall cease to have effect and for sections 52, 53 and 55 of this Order there shall be substituted the following new sections:—

"The Public Service Commission.

52.—(1) There shall be, in and for the Gold Coast, a Public Service Commission which shall consist of persons appointed by the Governor after consultation with the Prime Minister. The Governor acting in his discretion shall nominate one of the members of the Commission to be the Chairman.

(2) No person shall be appointed as, or shall remain, a member of the Public Service Commission if he is or becomes a Member of the Assembly.

(3) Every person who, immediately before his appointment as a member of the Public Service Commission, is a public officer shall, when such appointment takes effect, cease to hold any paid office previously held by him as a servant of the Crown in respect of the Government of the Gold Coast, and shall accordingly cease to be a public officer for the purposes of this Order; and he shall be ineligible for further appointment as a public officer:

Provided that any such person shall, until he ceases to be a member of the Public Service Commission or, while continuing to be such a member, attains the age at which he would, if he were a public officer, be required to retire, be deemed to hold a pensionable office in the service of the Crown in respect of the Government of the Gold Coast for the purposes of any law relating to the grant of pensions, gratuities or other allowances in respect of such service.

(4) Subject to the provisions of subsection (6) of this section, every person who is appointed to be a member of the Public Service Commission shall, unless he earlier resigns his office or is removed therefrom, hold office for a period of five years from the date of his appointment and shall be eligible for reappointment.

(5) The Governor, after consultation with the Prime Minister, may for cause assigned remove any member of the Public Service Commission from his office.

(6) The Governor, after consultation with the Prime Minister, may grant leave from his duties to any member of the Public Service Commission, and may appoint a person qualified to be a member of the Public Service Commission to be a temporary member for the period of such leave.

(7) A member of the Public Service Commission shall be paid such salary as may be determined by the Assembly. The salary payable to any such member shall be charged on the general revenue and assets of the Gold Coast.

Public Officers.

53.—(1) The appointment, promotion, transfer, termination of appointment, dismissal and disciplinary control of public officers (other than the Deputy Governor, Judges of the Supreme Court, judicial officers, the Auditor-General and the Secretary to the Judicial Service Commission) is hereby vested in the Governor acting on the recommendation of the Public Service Commission except in the case of appointments, promotions and transfers to the office of Attorney-General or to any special post. For the purposes of this section the expression "special post" means the post of Permanent Secretary and posts of a corresponding or higher grade (other than the post of Attorney-General) in the public service.

(2) Appointments, promotions and transfers to the office of Attorney-General shall be made by the Governor after consultation with the Prime Minister.

(3) Appointments, promotions and transfers to a special post shall be made by the Governor acting in his discretion after consultation with the Prime Minister and after obtaining the advice of the Public Service Commission thereon.

(4) In subsection (1) of this section the expression "transfer" means a transfer involving an increase of salary.

(5) The Public Service Commission shall not make any recommendation to the Governor under subsection (1) of this section to terminate the appointment of, or dismiss, or inflict any other punishment on a public officer on the grounds of any act done or omitted to be done by that officer in the exercise of a judicial function conferred upon him unless the Judicial Service Commission concurs in the making of the recommendation.

Regulations regarding Public Service Commission.

55. The Governor, acting on the recommendation of the Public Service Commission, may make regulations for all or any of the following matters:—

(*a*) the exercise by such Commission of any of its functions;

(*b*) consultation by such Commission with persons other than members of the Commission;

(*c*) the appointment, tenure of office and terms of service of staff to assist such Commission in the performance of its functions;

(*d*) the delegation to any member of such Commission of all or any of the powers or duties of the Commission;

(*e*) the definition and trial of offences connected with the functions of such Commission and the imposition of penalties for such offences:

Provided that no such penalty shall exceed a fine of one hundred pounds and imprisonment for a term of one year;

(*f*) the protection and privileges of members of the Commission in respect of the performance of their duties and the privilege of communications to and from the Commission and its members in case of legal proceedings;

(*g*) delegation to such Commission or to any public officer, acting with or without the recommendation of the Commission, subject to such conditions as may be prescribed by the regulations, of any of the powers vested in the Governor by subsection (1) of section 53 of this Order:

Provided that the Governor shall not make any regulations delegating any powers to appoint, promote or transfer to any public office which carries an initial salary exceeding four hundred and thirty pounds *per annum* or to terminate any appointment to or to dismiss from any public office which carries a salary exceeding four hundred and thirty pounds *per annum*."

PART II

For the words "after consultation with the Judicial Service Commission" in subsection (1) of section 60, subsection (3) of section 61, and subsection (1) of section 62 of this Order there shall be substituted the words "on the recommendation of the Judicial Service Commission."

THE FOURTH SCHEDULE

[Section 58]

1. (*a*) In this Schedule, unless the context otherwise requires:—

"the appropriate law" means, in relation to any officer, the law governing the grant of pensions and gratuities to officers in the public service of the Gold Coast which for the time being applies to that officer;

"compensatory pension" means the additional pension referred to in paragraph 4 of this Schedule;

"compensation for loss of career" means the lump sum compensation for loss of career calculated in accordance with the provisions of this Schedule;

"earned pension or gratuity" means the pension or reduced pension and gratuity or gratuity which an entitled officer may be entitled to receive under the provisions of paragraph 2 of this Schedule;

"entitled officer" means any overseas officer who, not being before the operative date a member of the local service, or a Judge of the Supreme Court, was, on or before the 31st day of March, 1954, appointed or selected for appointment (otherwise than on contract or agreement for a specified period) to a public office and who has been confirmed therein before, on or after that date;

"the local service" has the meaning given to that expression in subsection (4) of section 43 of this Order;

"operative date" means the date which is the second anniversary of the date appointed for the commencement of Part II of this Order, or such earlier date as may be appointed, under subsection (2) of section 2 of this Order, for the commencement of section 56 of this Order;

"operative period" means the period of four years immediately subsequent to the operative date;

"qualifying service" means service which, under the appropriate law, may be taken into account in determining whether an officer is eligible for a pension or gratuity;

"retire" means retire from the public service of the Gold Coast, and its grammatical variations shall be construed accordingly.

(*b*) for the purposes of this Schedule, the decision of a Secretary of State as to whether or not a person is an overseas officer shall be final.

2. (*a*) An entitled officer may retire at any time after the date appointed for the commencement of Part II of this Order and after receiving the permission of the Governor, acting in his discretion. The Governor shall not withhold his permission for an entitled officer to retire unless proceedings for the dismissal of the officer are being taken or are about to be taken.

(*b*) On the retirement of an entitled officer as aforesaid he shall be granted, whether or not the length of his qualifying service is such that, apart from the provisions of this sub-paragraph, he would be eligible for the grant of a pension under the appropriate law, such pension or reduced pension and gratuity as may, under the appropriate law, be granted to an officer on his retirement, or, alternatively, at his option, a gratuity of one-fifth of the aggregate amount of his pensionable emoluments during his service in the public service of the Gold Coast.

3. (*a*) An overseas officer appointed (otherwise than on contract or agreement for a specified period) to a public office after the 31st March, 1954, and who has been confirmed therein may retire at any time after receiving the permission of the Governor acting in his discretion. The Governor shall not withhold his permission for such an officer to retire unless proceedings for the dismissal of the officer are being taken or are about to be taken.

(*b*) On the retirement of an officer of the category set out in sub-paragraph (*a*) of this paragraph, who has completed not less than ten years' qualifying service of which not less than the last three years' service was in the public service of the Gold Coast, such officer shall be granted such pension or reduced pension and

gratuity as may under the appropriate law be granted to an officer on his retirement, or, alternatively, at his option, a gratuity of one-fifth of the aggregate amount of his pensionable emoluments during his service in the public service of the Gold Coast.

4. On the retirement of an entitled officer who has not attained the age of fifty-three years at any time between the commencement of section 58 of this Order and the operative date and after giving such notice as may be required by regulations made by the Governor, acting in his discretion, such officer shall be granted, in addition to earned pension or gratuity, a compensatory pension (of which not more than one-fourth may be commuted) calculated at the rate of one-hundred and eightieth part of his pensionable emoluments at the date of his retirement for each complete period of one year of pensionable service.

5. Every entitled officer shall before the operative date be given, by notice in writing, an opportunity to elect whether he will join the local service or whether he will retire on the operative date, and such election shall be exercised in writing not later than one month after the receipt of such notice, and if an officer does not so exercise that election he shall thereupon be deemed to have elected to join the local service.

6.—(*a*) An entitled officer who, if he elected under paragraph 5 of this Schedule to join the local service, and who—

(i) if he remained in the office held by him at the date of such election and received all increments which would normally be granted to him, and

(ii) if he retired immediately after the end of the operative period,

would receive less compensation than if he retired on the operative date or at any time during the operative period, shall, within one month of the receipt of the notice given under the provisions of paragraph 5 of this Schedule, require in writing addressed to the Governor to be informed whether the Governor, after consultation with the Public Service Commission or, in the case of a judicial officer, after consultation with the Judicial Service Commission, is satisfied that his office is one for which there is a qualified and suitable person, who is not an expatriate, available.

(*b*) An entitled officer who requires the foregoing information shall be informed in writing whether the Governor is satisfied that his office is one for which such a person is available, and if the officer is informed that the Governor is so satisfied the officer shall be entitled to re-exercise the right of election given to him by paragraph 5 of this Schedule and his former election shall have no effect.

7. An entitled officer who has elected to retire on the operative date may retire on the operative date or such later date as the Governor, acting in his discretion, may by regulations specify, and on his retirement he shall be granted, in addition to his earned pension or gratuity, at his option, either—

(*a*) a compensatory pension, or

(*b*) lump sum compensation for loss of career calculated either at the operative date or the date of his retirement, whichever shall be more advantageous to him, in accordance with the provisions of the Table set out in this Schedule.

8. An entitled officer who fails to require the information mentioned in paragraph 6 of this Schedule or who is entitled to re-exercise a right of election by virtue of the provisions of paragraph 6 of this Schedule and who does not elect to retire on the operative date shall, on his retirement after giving such notice of his intention to retire as may be required by regulations made by the Governor, acting in his discretion, be granted, in addition to earned pension or gratuity, at his option, either—

(*a*) a compensatory pension, or

(*b*) lump sum compensation for loss of career calculated at the date of his retirement in accordance with the provisions of the Table set out in this Schedule.

9. An entitled officer who is not entitled to re-exercise a right of election by virtue of the provisions of paragraph 6 of this Schedule and who elects to join the local service or, in the case of an entitled officer to whom paragraph 17 of this Schedule applies, an officer who elects to retire after the operative date as defined in paragraph 17, shall, on his retirement after giving such notice of his intention to retire as may be required by regulations made by the Governor, acting in his discretion, be granted, in addition to earned pension or gratuity, at his option, either—

(*a*) a compensatory pension, or

(*b*) lump sum compensation for loss of career calculated in accordance with the provisions of the Table set out in this Schedule—

(i) in the case of an officer retiring, or giving the requisite notice of his intention to retire, before the end of the operative period, at the date prior to his retirement during the operative period which is most advantageous to him, or

(ii) in any other case, at the date of his retirement.

10. The legal personal representative of any entitled officer who has not retired and who dies at any time on or after the operative date, shall be granted at the option of such legal personal representative either the gratuity payable under the appropriate law or a sum equal to the lump sum compensation for which such officer would have been eligible under the provisions of this Schedule if he had retired at the date of his death.

11. Subject to any express provision in the appropriate law regarding the maximum pension that may be granted to an officer retiring on account of injury, a compensatory pension granted under the provisions of this Schedule shall not exceed the amount which, when added to earned pension, would result in a total pension equal to two-thirds of the highest pensionable emoluments drawn by the officer at any time in the course of his public service. For the purposes of this paragraph "earned pension" shall be deemed to be the pension which an officer would receive under the appropriate law in the absence of any option to take a reduced pension and gratuity.

12. Any officer who would be an entitled officer if he were an overseas officer shall, if he can show to the satisfaction of a Secretary of State that he has reasonable grounds for anxiety regarding the future of his career in the public service, be eligible to retire and receive compensatory pension or compensation for loss of career as if he were an entitled officer, and the provisions of this Schedule and the regulations made thereunder shall apply accordingly.

13. (*a*) An officer who is transferred to other public service within the meaning of the appropriate law shall not be eligible to receive compensatory pension or compensation for loss of career.

(*b*) An officer who has reached the age of fifty-three before the date of his retirement shall not, unless he had not reached the age of fifty-three on the operative date and is entitled to have his compensation for loss of career computed with reference to a date other than the date of his retirement, be eligible to receive compensatory pension or compensation for loss of career.

14. An entitled officer shall not be eligible to receive any addition to earned pension or gratuity provided for in the appropriate law in respect of abolition of office if he receives compensatory pension or compensation for loss of career.

15. (*a*) Nothing in this Schedule shall affect the power to dismiss any officer from the public service of the Gold Coast.

(*b*) The compensation, pensions, gratuities and other like allowances provided for in this Schedule shall be granted by the Governor; but notwithstanding any provision to the contrary in this Schedule, the Governor after consultation with

the Public Service Commission or, in the case of a judicial officer, after consultation with the Judicial Service Commission, may reduce the amount of, or withhold altogether, any compensation, pension, gratuity or other like allowance which would otherwise be payable under the provisions of this Schedule on the ground that the officer has been guilty of negligence, irregularity or misconduct.

(*c*) The Governor shall, before exercising the power under sub-paragraph (*b*) of this paragraph in respect of a public officer, other than a judicial officer, on the ground that such officer has been guilty of negligence, irregularity or misconduct in the exercise of a judicial function conferred on that officer, consult with the Judicial Service Commission.

16. Save as is otherwise provided in this Schedule, the appropriate law shall apply in relation to the grant of pensions and gratuities and to pensions and gratuities granted in pursuance of the provisions of this Schedule; and the provisions of this Schedule shall be construed as one with the provisions of that law:

Provided that the expression "pensionable service" in this Schedule shall not include any service which may not under the appropriate law be counted in full for the purpose of computation of pension.

17. In the case of an entitled officer who, on the day immediately prior to the date of the commencement of Part II of this Order, substantively held an office by virtue of which he was an *ex officio* Minister under the provisions of the existing Orders or who substantively held the office of Secretary to the Governor and Secretary to the Executive Council and who ceases to hold such office by virtue of the provisions of section 23 of this Order, or who substantively held any other office which ceases to exist by reason of the provisions of this Order, the operative date for the purposes of this Schedule in regard to such officer shall be the date of the commencement of Part II of this Order and the provisions of this Schedule, other than paragraphs 5 and 6, applicable to such officer shall have effect accordingly:

Provided that such an officer shall be deemed to have elected to retire on the operative date if he gives notice to the Governor, in writing, within one month after the date of commencement of Part II of this Order of his intention to retire forthwith:

Provided further that the provisions of this paragraph shall not apply to an officer who has not, before the operative date as defined in paragraph 1 of this Schedule, given notice of his intention to retire.

TABLE

Age	Years of pensionable service completed							
	3	4	5	6	7	8	9	10 or more
25	·26							
26	·29	·34						
27	·33	·41	·52					
28	·38	·48	·60	·74				
29	·43	·56	·70	·84	·99			
30	·49	·65	·81	·97	1·13	1·30		
31	·56	·76	·94	1·12	1·31	1·50	1·68	
32	·65	·86	1·08	1·30	1·51	1·73	1·94	2·16
33	·74	·99	1·24	1·49	1·74	1·98	2·23	2·48
34	·86	1·14	1·42	1·71	2·00	2·28	2·56	2·85
35	·97	1·29	1·61	1·93	2·25	2·58	2·90	3·22
36	1·06	1·42	1·78	2·13	2·48	2·84	3·20	3·55
37	1·14	1·52	1·90	2·27	2·65	3·03	3·41	3·79
38	1·18	1·58	1·97	2·36	2·76	3·15	3·55	3·94
39	1·20	1·60	2·00	2·40	2·80	3·20	3·60	4·00
40	1·19	1·59	1·99	2·39	2·79	3·18	3·58	3·98
41	1·17	1·56	1·95	2·34	2·73	3·12	3·51	3·90
42	1·13	1·51	1·88	2·26	2·64	3·02	3·39	3·77
43	1·07	1·43	1·79	2·15	2·51	2·86	3·22	3·58
44	1·01	1·35	1·68	2·02	2·36	2·70	3·03	3·37
45	·95	1·26	1·58	1·90	2·21	2·53	2·84	3·16
46	·88	1·18	1·48	1·77	2·06	2·36	2·66	2·95
47	·80	1·07	1·34	1·61	1·88	2·14	2·41	2·68
48	·72	·96	1·20	1·44	1·68	1·92	2·16	2·40
49	·63	·84	1·06	1·27	1·48	1·69	1·90	2·11
50	·54	·72	·90	1·09	1·27	1·45	1·63	1·81
51	·45	·60	·74	·89	1·04	1·19	1·34	1·49
52	·34	·45	·56	·68	·79	·90	1·02	1·13

The factor which is set out, opposite the age of an officer on his birthday immediately preceding the date in relation to which his lump sum compensation is to be calculated, in the column which relates to the years of pensionable service which have been completed by the officer on such date, shall be applied to the annual pensionable emoluments enjoyed by the officer at such date. The resulting figure or £8,000, whichever shall be the less, shall be the lump sum compensation to which such officer shall be entitled.

EXPLANATORY NOTE

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

This Order in Council establishes a Cabinet of Ministers and a reformed Legislative Assembly for the Gold Coast.

The Cabinet of Ministers consists of not less than eight persons, being Members of the Legislative Assembly, appointed by the Governor in accordance with the constitutional convention applicable to the exercise of the like function in the United Kingdom by Her Majesty. The Governor is required to obtain and act in accordance with the advice of the Cabinet in the exercise

of his functions except in certain cases, which exceptions include the responsibility for matters relating to Defence and External Affairs conferred upon him by the Order.

The Legislative Assembly consists of a Speaker and 104 Elected Members.

The Order also makes provision for the Public Service and the Judicature in the Gold Coast and establishes a Public Service Commission and a Judicial Service Commission.

The Fourth Schedule to the Order contains provisions concerning the retirement of certain officers from the Public Service of the Gold Coast and for the grant of compensatory pensions or lump sum compensation to such officers.

1954 No. 1567

The Gold Coast (Validation of Judges' Appointments) Order in Council, 1954

Made - - - -	*24th November*, 1954
Laid before Parliament	*1st December*, 1954
Coming into Operation	*On publication in the Gold Coast Gazette**

At the Court at Buckingham Palace, the 24th day of November, 1954

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), 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 and commencement

1. This Order may be cited as the Gold Coast (Validation of Judges' Appointments) Order in Council, 1954, and shall come into operation upon the date of publication in the Official *Gazette* of the Gold Coast, which day shall not be earlier than the day after the day on which this Order shall have been laid before both Houses of Parliament.

Validation of appointments and acts of Judges

2.—(1) Every person, notice of whose appointment or purported appointment as a Judge of the Supreme Court of the Gold Coast has, before the commencement of this Order, been published in the Official *Gazette* of the Gold Coast and who was not so appointed by letters patent issued in accordance with section 4 of the Courts Ordinance of the Gold Coast(c) and bearing date not later than the date specified in

(a) 50 & 51 Vict. c. 54 and 9 & 10 Geo. 6. c. 7.
(b) 53 & 54 Vict. c. 37.
(c) Cap. 4, Laws of the Gold Coast 1936 Rev. I, p. 21.
* 11.12.54.