EXPLANATORY NOTE

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

This Order, which is made under the Isle of Man (Customs) Act, 1955, confirms a resolution of the Court of Tynwald imposing or increasing Isle of Man customs duties in respect of certain goods imported or removed to the Island, and making provisions in respect of Isle of Man customs duties corresponding to the customs and excise duty provisions in the Hydrocarbon Oil Duties (Temporary Increase) Bill of the United Kingdom.

JAMAICA

1956 No. 1209

The Jamaica (Constitution) Order in Council, 1956

Made - - - -	*3rd August*, 1956
Coming into Operation	*On a date to be fixed under section* 1 (3)*

At the Court at Arundel Castle; the 3rd day of August, 1956

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers in that behalf by the Jamaica Act, 1866(a), the enactments of the Legislature of the Island of Jamaica therein mentioned, or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows :—

Citation, construction and commencement

1.—(1) This Order may be cited as the Jamaica (Constitution) Order in Council, 1956, and shall be construed as one with the Jamaica (Constitution) Orders in Council, 1944 to 1953(b).

(2) The Jamaica (Constitution) Orders in Council, 1944 to 1953, and this Order may be cited together as the Jamaica (Constitution) Orders in Council, 1944 to 1956.

(3) This Order shall come into operation on a date to be fixed by the Governor by Proclamation in the Gazette, and shall be published in the Gazette.

Amendment of Jamaica (Constitution) Order in Council, 1944

2. Section 1 of the Jamaica (Constitution) Order in Council, 1944(c), (hereinafter called "the principal Order") is hereby amended by the

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* Date fixed, 10.8.56.

(a) 29 & 30 Vict. c. 12.

(b) S.R. & O. 1944/1215 (Rev. XI, p. 112: 1944 I, p. 378); S.I. 1949/1436, 2201, 1953/747 (1949 I, pp. 2372, 2373 ; 1953 I, p. 910).

(c) S.R. & O. 1944/1215 (Rev. XI, p. 112 : 1944 I, p. 378).

insertion after the definition of "the existing Privy Council" in subsection (1) of the following definition:—

"" sitting" means a period during which a Chamber is sitting continuously without adjournment and includes any period during which the Chamber is in committee;".

3. The principal Order is hereby amended by the deletion of section 22 and the substitution therefor of the following section:—

"Composition of Legislative Council.

22. The members of the Legislative Council shall be—

(*a*) three *ex officio* Members, that is to say, the Colonial Secretary, the Attorney General and the Financial Secretary;

(*b*) such number of Unofficial Members (not being less than twelve) as Her Majesty may from time to time direct by instructions given to the Governor through a Secretary of State; and

(*c*) such temporary members as may be appointed under Section 30 of this Order."

4. Sections 23 and 24 of the principal Order are hereby revoked.

5. Section 26 of the principal Order is hereby amended by the deletion of the words "or, having been so appointed, shall sit or vote in the Council."

6. Section 27 of the principal Order is hereby amended by the deletion of the words "a Member of the Legislative Council, or, having been appointed, shall sit or vote in the Legislative Council," and the substitution therefor of the words "as an Unofficial Member".

7. The principal Order is hereby amended by the deletion of section 28 and the substitution therefor of the following section:—

"Tenure of office.

28.—(1) Subject to the provisions of this Section, the Unofficial Members and the temporary members of the Legislative Council shall hold their seats in the Council during Her Majesty's pleasure.

(2) The seat of an Unofficial Member or a temporary member of the Legislative Council shall become vacant—

(*a*) upon a dissolution of the Council; or

(*b*) if he shall, without the leave of the Governor previously obtained, be absent from the meetings of the Legislative Council for a continuous period of one month throughout which the Legislative Council is in session; or

(*c*) if he shall cease to be 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 adjudicated a bankrupt; or

(*e*) if in any part of Her Majesty's dominions or in any territory under Her Majesty's protection he shall be sentenced to death or penal servitude or to imprisonment for a term of or exceeding six months; or

(*f*) if he shall without the approval of the Governor become a party to any contract with the Government of Jamaica for or on account of the public service; or

(*g*) if he shall be found or declared insane under any law in force in Jamaica; or

(*h*) if he shall by writing under his hand addressed to the President resign his seat in the Legislative Council; or

(*i*) if he shall be appointed to an office of emolument under the Crown in Jamaica; or

(*j*) if he shall be elected as a member of the House of Representatives; or

(*k*) if he shall cease to possess qualification for appointment under paragraph (*b*) of Section 26 of this Order; or

(*l*) in the case of a temporary member, when the Unofficial Member in respect of whose incapacity he was appointed becomes again capable of discharging his functions as a member of the Council or when the seat of that member in the Council becomes vacant.

(3) Whenever the seat of an Unofficial Member of the Legislative Council becomes vacant under this Section, the vacancy shall forthwith be reported to the Governor in writing by the President of the Legislative Council:

Provided that if for any reason the report cannot be made by the President, it shall be made by the Clerk to the Legislative Council.

(4) Any person vacating a seat as a Member of the Legislative Council may, if qualified, be again appointed as a Member from time to time."

8. Section 29 of the principal Order is hereby amended by the deletion of the words "Official Member or".

9. The principal Order is hereby amended by the deletion of section 30 and the substitution thereof of the following section:—

"Temporary members.

30.—(1) Whenever there is a vacancy in the number of persons sitting as Members of the Legislative Council by reason of the fact that an Unofficial Member of the Council is incapable of taking part in the proceedings of the Council because of his suspension under Section 29 of this Order or because of a declaration made under subsection (2) of this Section the Governor may by Instrument under the Broad Seal appoint a person qualified to be appointed as an Unofficial Member to be a temporary member of the Council.

(2) The Governor may, by Instrument under the Broad Seal, declare that an Unofficial Member of the Legislative Council is, by reason of absence or illness, temporarily unable to discharge his functions as a Member of the Council, and thereupon that Member shall not take part in the proceedings of the Council until he is declared in manner aforesaid to be again able to discharge those functions.

(3) The Governor shall forthwith report every appointment under this Section to Her Majesty through a Secretary of State."

10. Section 31 of the principal Order is hereby amended by the deletion of subsection (4) and the substitution therefor of the following subsection :—

"(4) There shall preside at each sitting of the Legislative Council—

(*a*) the President ; or

(*b*) in the absence of the President, such person as the Council may elect for that purpose from among the Unofficial Members of the Council who are not Members of the Executive Council."

11. Section 36 of the principal Order is hereby amended—

(*a*) by the deletion from subsection (1) of the words "or, having been so elected, shall sit or vote in the House of Representatives" ; and

(*b*) by the deletion from subsection (2) of the words "or having been elected shall sit or vote in the House".

12. Section 37 of the principal Order is hereby amended by the deletion of the words "or, having been elected, shall sit or vote in the House of Representatives".

13. Section 39 of the principal Order shall be amended—

(*a*) by the deletion of paragraph (*a*) of subsection (1) and the substitution therefor of the following paragraph :—

"(*a*) upon a dissolution of the House ; or" ; and

(*b*) by the addition to subsection (3) of the following proviso :—

"Provided that if for any reason the report cannot be made by the Speaker, it shall be made by the Clerk of the House."

14. Section 41 of the principal Order is hereby amended by the deletion of subsection (4) and the substitution therefor of the following subsection :—

"(4) There shall preside at each sitting of the House of Representatives—

(*a*) the Speaker ; or

(*b*) in the absence of the Speaker, such person as the House may elect for that purpose from among the Members of the House who are not Ministers."

W. G. Agnew.

EXPLANATORY NOTE

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

This Order amends certain provisions of the Jamaica (Constitution) Order in Council, 1944, relating to the Legislative Council and House of Representatives of Jamaica.