EXPLANATORY NOTE

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

Under section 3 of the East Africa (High Commission) Order in Council, 1947, as amended, Parts III and IV of the Order, by which the East Africa Central Legislative Assembly is constituted and provision is made for the making of laws by the East Africa High Commission and the Assembly, will cease to have effect on 31st December, 1959. This Order provides for the continuance in force of Parts III and IV until 31st December, 1962, and makes certain other amendments relating to membership of the Assembly.

1959 No. 1302

The Kenya (Constitution) (Amendment) Order in Council, 1959

Made - - - -	*28th July*, 1959
Laid before Parliament	*4th August*, 1959
Coming into Operation	*1st September*, 1959

At the Court of St. James, the 28th day of July, 1959

Present,

Her Majesty Queen Elizabeth The Queen Mother

Her Royal Highness The Princess Alexandra of Kent

Lord President	**Mr. Brooke**
Earl of Selkirk	**Mr. Aubrey Jones**

Whereas Her Majesty, in pursuance of the Regency Acts, 1937 to 1953, was pleased, by Letters Patent dated the fifteenth day of June, 1959, to delegate to the following Counsellors of State (subject to the exceptions hereinafter mentioned) or any two or more of them, that is to say, His Royal Highness Prince Philip, Duke of Edinburgh, Her Majesty Queen Elizabeth The Queen Mother, Her Royal Highness The Princess Margaret, His Royal Highness The Duke of Gloucester, His Royal Highness The Duke of Kent and Her Royal Highness The Princess Alexandra of Kent, 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 for anything for which Her Majesty's approval in Council is required:

And whereas Her Majesty was further pleased to except from the number of the said Counsellors of State His Royal Highness Prince Philip, Duke of Edinburgh, and His Royal Highness The Duke of Kent and Her Royal Highness The Princess Alexandra of Kent while absent from the United Kingdom:

Now, therefore, Her Majesty Queen Elizabeth The Queen Mother and Her Royal Highness The Princess Alexandra of Kent, being authorised thereto by the said Letters Patent, and in exercise of the powers conferred on Her Majesty by the British Settlements Acts, 1887 and 1945(a), the Foreign Jurisdiction Act, 1890(b), and all other powers enabling Her Majesty 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 :—

Citation, construction and commencement

1.—(1) This Order may be cited as the Kenya (Constitution) (Amendment) Order in Council, 1959, and shall be construed as one with the Kenya (Constitution) Order in Council, 1958(c) (hereinafter referred to as " the principal Order ").

(2) The principal Order and this Order may be cited together as the Kenya (Constitution) Orders in Council, 1958 and 1959.

(3) This Order shall come into operation on such date as the Governor may appoint by Proclamation published in the Gazette, which date shall not be earlier than the day after the day on which this Order shall have been laid before both Houses of Parliament.

Amendment of the principal Order

2. Paragraph (*a*) of subsection (3) of section 40 of the principal Order is amended by deleting the words " fourteen days " and by substituting therefor the words " twenty-eight days."

3. Subsection (3) of section 47 of the principal Order is amended by inserting at the end thereof the following proviso :—

" Provided that whenever a member has vacated his seat in the Council for any reason other than the expiration of the period for which he was appointed any appointment to fill the vacancy shall be made for the unexpired portion of that period."

4. Section 52 of the principal Order is amended—

(*a*) by deleting subparagraph (ii) of paragraph (*b*) of subsection (1) and by substituting therefor the following paragraph—

" (ii) any legislative instrument that is made in exercise of a power conferred by any law of the legislature of Kenya and in relation to which the period of forty days referred to in subsection (1) of section 58 of this Order has not ended " ;

(*b*) by inserting at the beginning of paragraph (*a*) of subsection (3) the words " Save as otherwise provided by paragraph (*a*) of subsection (2) of section 58 of this Order,".

5. The principal Order is amended by the insertion after section 52 of the following new section:—

"Governor's power to make regulations for certain matters.

52A. The Governor in his discretion may by regulations make provision for the following matters (including matters incidental thereto) that is to say:—

(*a*) the conferment on the Council of State and its members of such additional or supplemental powers and of such privileges and immunities as may appear to him

(a) 50 & 51 Vict. c. 54 and 9 & 10 Geo. 6. c. 7.
(b) 53 & 54 Vict. c. 37. (c) S.I. 1958/600 (1958 I, p. 961).

to be consistent with this Order and necessary or desirable for enabling the Council more effectively to exercise the functions conferred upon it by this Order;

(*b*) the protection in case of legal proceedings of persons publishing reports and other papers of the Council; and

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

Provided that no such penalty shall exceed a fine of six thousand shillings and imprisonment for a term of three years."

6. Subsection (1) of section 54 of the principal Order is amended by deleting the words " any instrument which has the force of law and is made " and by substituting therefor the words " any legislative instrument that is made ".

7. Paragraph (*a*) of subsection (2) of section 56 of the principal Order is amended by deleting the words " in the case of a Consolidated Fund Bill, during the period of seven days beginning with the day on which that statement was so laid, in the case of an Appropriation Bill (other than a Consolidated Fund Bill) during the period of twenty-eight days beginning as aforesaid " and by substituting therefor the words " in the case of a Consolidated Fund Bill or an Appropriation Bill, during the period of seven days beginning with the day on which that statement was so laid ".

8. Subsections (1) and (2) of section 58 of the principal Order are revoked and the following subsections are substituted therefor :—

" (1) If any legislative instrument made in exercise of a power conferred by any law of the legislature of Kenya is, in the opinion of the Council of State, a differentiating measure, the Council may, at any time within forty days after the making of the instrument or the publication of the instrument in the Gazette (if it be so published) whichever shall be the later, send to the Governor a report in writing to that effect which shall state the reasons of the Council for considering that the instrument is such a measure and may, if the Council thinks fit, recommend the annulment or amendment of the instrument.

(2) (*a*) Where any such instrument is not required by or under any law in force in Kenya to be published in the Gazette and is not so published within fourteen days after the making thereof, the person or authority making the instrument shall, before the aforesaid period of fourteen days has ended, send to the Chairman sufficient copies of the instrument for distribution to each member of the Council of State:

Provided that the Council of State may, by unanimous decision of the members present and voting, direct, in relation to any instrument or class of instrument specified in the direction, that the provisions of this paragraph shall not apply or that such lesser number of copies than aforesaid as may be so specified shall be sent to the Chairman:

Provided further that the Council shall, at the request of any member, revoke any such direction as aforesaid.

(*b*) Where any law of the legislature of Kenya provides that an instrument, after being made by one person or authority, shall be submitted for approval to another person or authority and the instrument does not have the force of law until approved by that other person or authority, then for the purpose of the last foregoing subsection and this subsection, the instrument shall not be deemed to have been made until it is so approved."

W. G. Agnew.

EXPLANATORY NOTE

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

This Order makes certain amendments to the Kenya (Constitution) Order in Council, 1958, with respect to the Council of State and one minor amendment to that Order with respect to the introduction of Bills in the Legislative Council.

1959 No. 1047

The Tanganyika Order in Council, 1959

Made - - - -	15*th June*, 1959
Laid before Parliament	19*th June*, 1959
Coming into Operation	1*st July*, 1959

At the Court at Buckingham Palace, the 15th day of June, 1959

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers in that behalf by the Foreign Jurisdiction Act, 1890(a), 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 Tanganyika Order in Council, 1959, and shall be construed as one with the Tanganyika Orders in Council, 1920 to 1955(b).

(2) The Tanganyika Orders in Council, 1920 to 1955, and this Order may be cited together as the Tanganyika Orders in Council, 1920 to 1959.

(3) This Order shall come into operation on the first day of July, 1959.

(a) 53 & 54 Vict. c. 37.

(b) S.R. & O. 1920/1583, 1939/875: S.I. 1948/2066 (Rev. VIII, p. 266: 1920 I, p. 685; 1939 II, p. 1698; 1948 I, p. 1353); S.I. 1949/2192, 1955/1216 (1949 I, p. 1890; 1955 I, p. 688).