1963 No. 611

EAST AFRICA

The Kenya (Electoral Provisions) Order in Council 1963

Made - - - -	*26th March* 1963
Laid before Parliament	*1st April* 1963
Coming into Operation	*2nd April* 1963

At the Court of Saint James, the 26th day of March 1963

Present,

Her Majesty Queen Elizabeth The Queen Mother

His Royal Highness The Duke of Gloucester

Lord President **Mr. Boyd-Carpenter**

Chancellor of the Duchy of Lancaster **Mr. Deedes**

Whereas Her Majesty, in pursuance of the Regency Acts 1937 to 1953, was pleased, by Letters Patent dated the twenty-second day of January, 1963, 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 The Prince Philip, Duke of Edinburgh, Her Majesty Queen Elizabeth The Queen Mother, Her Royal Highness The Princess Margaret, Countess of Snowdon, His Royal Highness The Duke of Gloucester, His Royal Highness Prince William of Gloucester and His Royal Highness The Duke 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 The Prince Philip, Duke of Edinburgh, Her Royal Highness The Princess Margaret, Countess of Snowdon, His Royal Highness The Duke of Gloucester, His Royal Highness Prince William of Gloucester and His Royal Highness The Duke of Kent while absent from the United Kingdom:

And whereas it is proposed that in due course there shall be established for Kenya a constitution making provision for a legislature containing a Lower House (hereinafter referred to as "the proposed Lower House") and an Upper House (hereinafter referred to as "the proposed Upper House") and also for Regional Assemblies (hereinafter called "the proposed Regional Assemblies"):

And whereas it is expedient that, for the avoidance of delay in constituting the proposed Upper House, the proposed Lower House and the proposed Regional Assemblies, provision should be made permitting preparations for the election of members of the proposed Lower House, the proposed Upper House and the proposed Regional Assemblies to be made before the said constitution has been established by Order of Her Majesty in Council:

Now, therefore, Her Majesty Queen Elizabeth The Queen Mother and His Royal Highness The Duke of Gloucester, being authorized thereto by the said Letters Patent, and by virtue 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) or otherwise in Her Majesty vested, do hereby, by and with the advice of Her Majesty's Privy Council, order, and it is hereby ordered, as follows:—

Citation, construction and commencement.

1.—(1) This Order may be cited as the Kenya (Electoral Provisions) Order in Council 1963.

(2) This Order shall be deemed to form part of the Kenya (Constitution) Order in Council 1958(c) for the purposes of sections 2 and 12 of that Order.

(3) This Order shall come into operation on 2nd April 1963.

Electoral regulations.

2.—(1) The Governor may, by regulation published in the Gazette, make provision for—

(*a*) the election of members of the proposed Lower House to represent constituencies constituted under the Kenya (Lower House Constituencies) Order in Council 1963(d) by voters registered for that purpose under the Kenya (Electoral Provisions) (Registration of Voters) Order in Council 1962(e);

(*b*) the election of members of the proposed Upper House to represent Districts and the extra-regional area of Nairobi constituted under the Kenya (Regions and Districts) Order in Council 1963(f) by voters registered for that purpose under the Kenya (Electoral Provisions) (Registration of Voters) Order in Council 1962;

(*c*) the election of members of the proposed Regional Assemblies to represent constituencies constituted under the Kenya (Regional Assembly Constituencies) Order in Council 1963(g) by voters registered for that purpose under the Kenya (Electoral Provisions) (Registration of Voters) Order in Council 1962; and

(*d*) for any matter that appears to him to be incidental thereto or consequential thereon.

(2) No elections of members of the proposed Lower House, the proposed Upper House or the proposed Regional Assemblies shall be held under regulations made under this Order until provision has been made by Her Majesty in Council for the establishment of the proposed Lower House, the proposed Upper House or the proposed Regional Assemblies; but all things that may be necessary or expedient to prepare for such elections (including the nomination of candidates for election) may be done in pursuance of any such regulation before such provision has been so made.

W. G. Agnew.

EXPLANATORY NOTE

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

This Order enables the Governor of Kenya to make provision under which preparations may be made for the election of members of the Lower and Upper House of the legislature, and of the Regional Assemblies, that it is proposed to establish in due course for Kenya.

(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). (d) S.I. 1963/169 (1963 I, p. 151).
(e) S.I. 1962/1648 (1962 II, p. 1952). (f) S.I. 1963/171 (1963 I, p. 155).
(g) S.I. 1963/170 (1963 I, p. 153).