1956 No. 1207

The Kenya (Validation) Order in Council, 1956

Made - - - -	3*rd August*, 1956
Laid before Parliament	10*th August*, 1956
Coming into Operation	11*th August*, 1956

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 British Settlements Acts, 1887 and 1945(**a**), the Foreign Jurisdiction Act, 1890(**b**), or otherwise in Her Majesty vested, is pleased to order, and it is hereby ordered, as follows:—

Citation and commencement

1.—(1) This Order may be cited as the Kenya (Validation) Order in Council, 1956.

(2) This Order shall come into operation on the eleventh day of August, 1956.

Validation of Legislative Council (African Representation) Ordinance, 1956

2. The Legislative Council (African Representation) Ordinance, 1956, of the Colony and Protectorate of Kenya (which contains provisions relating to the election of six Africans to the Legislative Council of the Colony) shall be deemed to be, and always to have been, valid and of full effect notwithstanding any inconsistency between the provisions of that Ordinance and the provisions of the Instructions under the Royal Sign Manual and Signet given by Her Majesty to the Governor and Commander-in-Chief of the Colony in respect of the constitution of the Legislative Council in effect when that Ordinance was enacted:

Provided that—

(*a*) no elections of members to the Legislative Council shall be held in pursuance of that Ordinance (as from time to time amended) until the Additional Instructions given to the Governor and Commander-in-Chief under the Royal Sign Manual and Signet bearing date the twentieth day of July, 1956, (which provide for the election of six Africans to the Legislative Council), shall have come into effect; but registration of voters may take place and all other things necessary or expedient to prepare for such elections may be done in pursuance of that Ordinance at any time after the commencement of this Order; and

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

(*b*) after the commencement of the Additional Instructions of the twentieth day of July, 1956, the provisions of that Ordinance (as from time to time amended) shall have effect only so far as they are consistent with the provisions of such Instructions given by Her Majesty under the Royal Sign Manual and Signet to the Governor and Commander-in-Chief as may for the time being be in effect.

Validation of Bill for Legislative Council (African Representation), (Amendment) Ordinance, 1956

3. The Bill known as "A Bill entitled an Ordinance to amend the Legislative Council (African Representation) Ordinance, 1956" passed by the Legislative Council of the Colony and Protectorate of Kenya on the twenty-fourth day of July, 1956, (which contains provision for the amendment of the Legislative Council (African Representation) Ordinance, 1956) shall be deemed to have been validly passed notwithstanding any inconsistency between the provisions of that Bill and the provisions of the Instructions under the Royal Sign Manual and Signet given by Her Majesty to the Governor and Commander-in-Chief of the Colony in respect of the constitution of the Legislative Council in effect when that Bill was passed, and the Governor and Commander-in-Chief may give his assent accordingly.

W. G. Agnew.

EXPLANATORY NOTE

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

Under Royal Instructions issued in pursuance of Article VIII of the Kenya Letters Patent, 1920, the Legislative Council of the Colony of Kenya consists of eight Ex-officio members, eighteen Nominated members, twenty-one Elected members and seven Representative members besides the Governor and the Speaker, and of the Elected Members one must be an Arab, fourteen must be Europeans and six must be Indians, elected in accordance with provisions made by local Ordinance, while six of the Representative members are to represent the African community in Kenya. It has been decided to replace these six Representative members by six more Elected Members who will be Africans and provision to this effect has been made by Additional Instructions dated 20th July, 1956, although these Instructions have not yet come into operation. Before the Additional Instructions were issued, however, the legislature of Kenya passed a law to make provision for the six African Elected members entitled the Legislative Council (African Representation) Ordinance, 1956, which was inconsistent with the existing Royal Instructions governing the composition of the Legislative Council and the powers of the legislature to enact electoral laws. This Order provides for the validation of the Ordinance and also for the validation of a Bill passed by the Legislative Council of the Colony on 24th July, 1956, providing for the amendment of the Legislative Council (African Representation) Ordinance, 1956.