NORTH BORNEO

1960 No. 1372

The North Borneo (Legislative Council) (Amendment) Order in Council, 1960

Made - - - -	*3rd August*, 1960
Laid before Parliament	*9th August*, 1960
Coming into Operation	*10th September*, 1960

At the Court at Buckingham Palace, the 3rd day of August, 1960

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(a) and 1945(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, construction and commencement

1.—(1) This Order may be cited as the North Borneo (Legislative Council) (Amendment) Order in Council, 1960, and shall be construed as one with the North Borneo (Legislative Council) Order in Council, 1950(c), (hereinafter referred to as " the principal Order "), and the principal Order and this Order may be cited together as the North Borneo (Legislative Council) Orders in Council, 1950 and 1960.

(2) This Order shall come into operation on a day to be appointed by the Governor by Proclamation published in the Gazette, which day shall not be earlier than the day after the day on which this Order is laid before both Houses of Parliament.

Amendment of principal Order

2. For subsection (2) of section 3 and for section 4 of the principal Order the following provisions are substituted:—

" (2) The Council shall consist of the Governor as President, four *ex officio* Members, three Official Members and twelve Nominated Members.

Ex officio Members.

4. The *ex officio* Members of the Council shall be the Chief Secretary, the Attorney-General, the Financial Secretary and the Secretary for Local Government.".

3. The principal Order is amended by inserting immediately after section 26 the following section:—

"Governor's reserved power.

26A.—(1) If the Governor considers that it is expedient in the interests of public order, public faith or good government (which expressions shall, without prejudice to their

(a) 50 & 51 Vict. c. 54. (b) 9 & 10 Geo. 6. c. 7.
(c) S.I. 1950/1643 (1950 II, p. 85).

generality, include the responsibility of the Colony as a territory within the Commonwealth, 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 Council should have effect, then, if the Council fail to pass the Bill or to carry the motion within such time and in such form as the Governor thinks reasonable and expedient, the Governor may, at any time that he thinks fit, and notwithstanding any provisions of this Order or of any Standing Orders of the Council, declare that the Bill or motion shall have effect as if it had been passed or carried by the Council either in the form in which it was so introduced or proposed or with such amendments as the Governor thinks fit that have been moved or proposed in the Council, including any committee thereof; and the Bill or the motion shall be deemed thereupon to have been so passed or carried, and the provisions of this Order, and in particular the provisions relating to assent to Bills and disallowance of laws, shall have effect accordingly.

(2) The Governor shall forthwith report to a Secretary of State every case in which he makes any such declaration and the reasons therefor.

(3) If any Member of the Council 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 the statement shall, if furnished by the Member, be forwarded by the Governor as soon as practicable to a Secretary of State.

(4) 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 the revocation to be published in the Gazette and from the date of such publication any motion that is deemed to have been carried by virtue of the declaration shall cease to have effect and the provisions of subsection (2) of section 38 of the Interpretation Act, 1889(a), shall apply to the revocation as they apply to the repeal of an Act of Parliament.".

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 North Borneo (Legislative Council) Order in Council, 1950, relating to the composition of the Legislative Council, and adds a section relating to the Governor's reserved legislative power.

(a) 52 & 53 Vict. c. 63.