1954 No. 145

The Northern Rhodesia (Legislative Council) (Amendment) Order in Council, 1954

Made - - - -	*10th February,* 1954
Laid before Parliament	*11th February,* 1954
Coming into Operation	*On a day to be appointed by the Governor under section* 1 (3)*.

At the Court of Saint James, the 10th day of February, 1954

Present,

Her Majesty Queen Elizabeth The Queen Mother.
Her Royal Highness The Princess Margaret.
His Royal Highness The Duke of Gloucester.

Lord President	**Captain Thorneycroft**
Lord De L'Isle and Dudley	**Mr. Boyd-Carpenter**
Mr. Buchan-Hepburn	**Sir Lionel Heald**

Whereas Her Majesty, in pursuance of the Regency Acts, 1937 to 1953, was pleased, by Letters Patent dated the twentieth day of November, 1953, to delegate to Her Majesty Queen Elizabeth The Queen Mother, Her Royal Highness The Princess Margaret, His Royal Highness The Duke of Gloucester, Her Royal Highness The Princess Royal and the Earl of Harewood, or any two or more of them, as Counsellors of State, 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 of anything for which Her Majesty's approval in Council is required:

And Whereas by the Northern Rhodesia (Legislative Council) Orders in Council, 1945 to 1953(**a**), provision is made for the constitution of a Legislative Council in and for Northern Rhodesia:

And Whereas it is expedient to amend the Northern Rhodesia (Legislative Council) Order in Council, 1945(**b**), (hereinafter referred to as "the Principal Order") in manner hereinafter appearing:

Now, therefore, Her Majesty Queen Elizabeth The Queen Mother, Her Royal Highness The Princess Margaret and His Royal Highness The Duke of Gloucester, being authorized thereto by the said Letters Patent, and in pursuance of the powers conferred upon Her Majesty by the Foreign Jurisdiction Act, 1890(**c**), and of all other powers 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 and Commencement

1.—(1) This Order may be cited as the Northern Rhodesia (Legislative Council) (Amendment) Order in Council, 1954, and shall be construed as one with the Northern Rhodesia (Legislative Council) Orders in Council, 1945 to 1953.

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* Date appointed, 26.2.54.

(**a**) S.R. & O. 1945/620, S.I. 1948/340, 2064 (Rev. VIII, p. 163: 1945 I, p. 403; 1948 I, pp. 1344, 1348); S.I. 1953/1907 (1953 II, p. 1514).

(**b**) S.R. & O. 1945/620 (Rev. VIII, p. 163: 1945 I, p. 403).

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

(2) The Northern Rhodesia (Legislative Council) Orders in Council, 1945 to 1953, and this Order may be cited together as the Northern Rhodesia (Legislative Council) Orders in Council, 1945 to 1954.

(3) This Order shall be published in the Gazette and shall come into operation on a day to be appointed by the Governor by Proclamation in the Gazette, which day 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 section 1 *of Principal Order*

2. Section 1 of the Principal Order shall be amended—

(*a*) by the insertion, immediately after subsection (1) of the following new subsection—

"(1*a*) All references in this Order to Her Majesty's dominions shall be construed as including references to all territories under Her Majesty's protection or in which Her Majesty has for the time being jurisdiction";

(*b*) by the revocation of subsection (2) and the substitution therefor of the following new subsection—

"(2) For the purposes of this Order a person shall not be considered to hold an office of emolument under the Crown by reason only that—

(*a*) he is in receipt of a pension or other like allowance in respect of service under the Crown; or

(*b*) he is in receipt of emoluments from the general revenue of the Territory by virtue of the fact that he is a Member of the Executive Council of the Territory responsible for a Government Department or group of Government Departments; or

(*c*) he is serving in the Northern Rhodesia Regiment European Reserve or in any of the defence forces of the Territory or of the Federation of Rhodesia and Nyasaland, so long as his services are not wholly employed by the Territory or the Federation, or in the Northern Rhodesia Police Reserve or is a member of any Reserve of any of Her Majesty's Forces or, for the duration of any war in which Her Majesty may be engaged, is serving in any of Her Majesty's Forces.

If it shall be declared by any law for the time being in force in the Territory that an office shall not be an office of emolument under the Crown for all or any of the purposes of this Order, this Order shall have effect accordingly as if such law were enacted therein."

Amendment of sections 5A, 8, 9A, 10 *and* 11 *of Principal Order*

3. The Principal Order shall be amended by the deletion of the words "in the Territory" wherever they occur in subsection (1) of section 5A, section 8, section 9A, subsection (4) of section 10 and paragraph (*h*) of subsection (1) of section 11.

* Date appointed, 26.2.54.

New section 9B

4. The Principal Order shall be amended by the insertion immediately after section 9A of the following new section—

"Disqualifications from appointment.

9B. No person shall be qualified for appointment as a Nominated Official Member, Nominated Unofficial Member or African Member or, having been so appointed, shall sit or vote in the Council, who—

(*a*) is, by virtue of his own act, under any acknowledgment of allegiance, obedience or adherence to a foreign Power or State; or

(*b*) in the case of a Nominated Unofficial Member or of an African Member, is a party to, or a partner in a firm, or a director or manager of a company which is a party to, any contract with the Government of the Territory for or on account of the public service for which the consideration exceeds one hundred pounds, and has not disclosed to the Governor the nature of such contract and his interest, or the interest of such firm or company, therein; or

(*c*) is an undischarged bankrupt, having been adjudged or otherwise declared bankrupt under any law in force in any part of Her Majesty's dominions, or has made a composition order with his creditors and not paid his debts in full; or

(*d*) is under sentence of death, or is serving, or has within the five years immediately preceding the date of appointment completed the serving of, a sentence of imprisonment (by whatever name called) of or exceeding six months, imposed in any part of Her Majesty's dominions, and has not received a free pardon:

Provided that, if in the circumstances it shall appear to the Governor to be just to do so, he may by Order exempt any person from disqualification under the provisions of this paragraph; or

(*e*) is a person adjudged to be of unsound mind or detained as a criminal lunatic under any law in force in the Territory."

Amendment of section 10 *of Principal Order*

5. Section 10 of the Principal Order shall be amended by the revocation of subsection (2) and the substitution therefor of the following new subsection—

"(2) The seat of a Nominated Official, Nominated Unofficial or African Member of the Council shall become vacant—

(*a*) upon his death; or

(*b*) if he shall be absent from two consecutive meetings of the Council, without having obtained from the Council, before the termination of either of such meetings, permission to be or to remain absent therefrom; or

(*c*) if, having been a British subject, he shall cease so to be; or if, in any case, he 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, being a Nominated Official Member, he shall cease to hold office of emolument under the Crown in respect of the Government of the Territory; or

(*e*) if, being a Nominated Unofficial Member, he shall be appointed permanently to any office of emolument under the Crown; or

(*f*) if, being an African Member, he shall be appointed to, or to act in, any such office; or

(*g*) if, being a Nominated Unofficial Member or African Member, he shall become party to any contract with the Government of the Territory for or on account of the public service for which the consideration exceeds one hundred pounds, or if any firm in which he is a partner, or any company of which he is a director or manager, shall become a party to any such contract, or if he shall become a partner in a firm, or a director or manager of a company, which is a party to any such contract:

Provided that if in the circumstances it shall appear to him to be just so to do, the Governor may exempt any such member from vacating his seat under the provisions of this paragraph if such member shall, before becoming a party to such contract as aforesaid, or before, or as soon as practicable after, becoming otherwise interested in such contract (whether as partner in a firm or director or manager of a company) disclose to the Governor the nature of such contract and his interest or the interest of any such firm or company therein; or

(*h*) if he shall be adjudged or otherwise declared bankrupt under any law in force in any part of Her Majesty's dominions, or shall make a composition with his creditors; or

(*i*) if he shall be sentenced by a court in any part of Her Majesty's dominions to death or to imprisonment (by whatever name called) for a term of or exceeding six months; or

(*j*) if he shall be adjudged to be of unsound mind or detained as a criminal lunatic under any law in force in the Territory; or

(*k*) if he shall, by writing under his hand addressed to the Governor, resign his seat in the Council.

For the purposes of paragraph (*b*) of this subsection a meeting of the Council shall be deemed to commence when it first meets after being summoned and to terminate when it is adjourned *sine die* or at the conclusion of a session."

Amendment of section 20 of Principal Order

6. Subsection (2) of section 20 of the Principal Order shall be amended by the insertion immediately after paragraph (*c*) of the proviso of the following new paragraph:—

"(*d*) any Bill, which determines or regulates the privileges, immunities or powers of the Legislative Council or its Members."

Addition of new section 25A to Principal Order

7. The Principal Order shall be amended by the insertion immediately after section 25 of the following new section—

"Privileges of Legislative Council and Members.

25A. It shall be lawful, by laws enacted under this Order, to determine and regulate the privileges, immunities and powers of the Legislative Council and its Members, but no such privileges, immunities or powers shall exceed those of the Commons House of Parliament of the United Kingdom of Great Britain and Northern Ireland or of the Members thereof."

W. G. Agnew.

EXPLANATORY NOTE

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

This Order provides for disqualification from appointment to the Legislative Council of persons as Nominated and African Members, and alters the existing provisions relating to the tenure of office of Nominated and African Members. Some minor amendments of the Northern Rhodesia (Legislative Council) Order in Council, 1945, have also been made.

1954 No. 482

The Northern Rhodesia (Legislative Council) (Amendment No. 2) Order in Council, 1954

Made - - - -	*13th April,* 1954
Laid before Parliament	*14th April,* 1954
Coming into Operation	*15th April,* 1954

At the Court of Saint James, the 13th day of April, 1954

Present,

Her Majesty Queen Elizabeth The Queen Mother.
Her Royal Highness The Princess Margaret.

Lord President	**Mr. Secretary Lyttelton**
Marquess of Reading	**Major Lloyd George**
Earl De La Warr	**Mr. Peake**

Whereas Her Majesty, in pursuance of the Regency Acts, 1937 to 1953, was pleased, by Letters Patent dated the twentieth day of November, 1953, to delegate to Her Majesty Queen Elizabeth The Queen Mother, Her Royal Highness The Princess Margaret, His Royal Highness The Duke of of Gloucester, Her Royal Highness The Princess Royal and the Earl of Harewood, or any two or more of them, as Counsellors of State, 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 of anything for which Her Majesty's approval in Council is required: