1960 No. 2210

The Nyasaland (Electoral Provisions) Order in Council, 1960

Made - - - - 30*th November*, 1960
Laid before Parliament 6*th December*, 1960
Coming into Operation 7*th December*, 1960

At the Court at Buckingham Palace, the 30th day of November, 1960

Present,

The Queen's Most Excellent Majesty in Council

Whereas it is proposed that in due course there should be established for Nyasaland a Legislative Council (hereinafter called "the proposed Legislative Council") containing twenty-eight elected members in addition to certain other members and it is expedient that the Governor of Nyasaland should be empowered to make provision for the election of those elected members:

Now, therefore, 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 Nyasaland (Electoral Provisions) Order in Council, 1960.

(2) This Order shall come into operation on the seventh day of December, 1960.

(3) The Interpretation Act, 1889(b), shall apply, with the necessary adaptations, for the purpose of interpreting this Order and otherwise in relation thereto as it applies for the purpose of interpreting, and in relation to, Acts of Parliament of the United Kingdom.

Power to make regulations

2.—(1) The Governor may by regulation make provision for the election of members to the proposed Legislative Council including (without prejudice to the generality of the foregoing power) the following matters, that is to say:—

(*a*) qualifications for registration as a voter or for voting at elections;

(*b*) the registration of voters;

(*c*) the ascertainment of the qualifications of candidates for election and voters;

(*d*) the division of Nyasaland into constituencies for the purpose of elections;

(*e*) the holding of elections:

(a) 53 & 54 Vict. c. 37. (b) 52 & 53 Vict. c. 63.

(*f*) the determination of any question which may arise as to whether any person has become an elected member of the proposed Legislative Council or as to whether the seat of any elected member in the proposed Legislative Council has become vacant;

(*g*) the definition and trial of offences relating to elections and the imposition of penalties therefor, including disqualification for membership of the proposed Legislative Council, or for registration as a voter, or for voting at elections, of any person concerned in any such offence; and

(*h*) the disqualification for election as members of the proposed Legislative Council of persons holding, or acting in, any office the functions of which involve any responsibility for, or in connection with, the conduct of any election or the compilation or revision of any electoral register.

(2) No election of members to the proposed Legislative Council shall be held under any regulations made in pursuance of this section until provision has been made by Order of Her Majesty in Council for the establishment of the proposed Legislative Council and that provision has come into operation; but constituencies may be established, registration of voters may take place and all other things necessary or expedient to prepare for such elections may be done in pursuance of such regulations at any time after the commencement of this Order.

(3) Regulations made under this section shall provide that Nyasaland shall be divided into twenty constituencies each of which shall return one member elected by voters having such qualifications as may be prescribed therein and shall also be divided into eight constituencies each of which shall return one member elected by voters having such other qualifications as may be prescribed therein.

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 Nyasaland to make provision for the election of members to a new Legislative Council that it is proposed should hereafter be established for Nyasaland in accordance with the recommendations of the Nyasaland Constitutional Conference held in London in July and August, 1960, and permits registration of voters to take place and other preliminary measures to be taken in pursuance of any such provision.