of this Article then, for the purposes of Articles XVII and XVIII of this Order and for the purpose of any function conferred upon the holder of that office, the person last appointed to the office shall be deemed to be the holder of the Office."

W. G. Agnew.

EXPLANATORY NOTE

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

This Order amends the Nyasaland Order in Council, 1907, in order to permit the making of concurrent appointments to certain offices.

1955 No. 1212

The Nyasaland (No. 2) Order in Council, 1955

Made - - - -	*29th July*, 1955
Laid before Parliament	*4th August*, 1955
Coming into Operation	*Articles* 2 *and* 3 *on a date to be appointed under Article* 1 *and the remainder on the 5th August*, 1955.*

At the Court at Goodwood House, the 29th day of July, 1955

Present,

The Queen's Most Excellent Majesty in Council

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 (No. 2) Order in Council, 1955, and shall be construed as one with the Nyasaland Order in Council, 1907(b).

(2) The Nyasaland Order in Council, 1907, the Nyasaland Order in Council, 1926(c), the Nyasaland Order in Council, 1955(d) and this Order may be cited together as the Nyasaland Orders in Council, 1907 to 1955.

(3) This Order shall be published in the Official Gazette of the Nyasaland Protectorate. Articles 2 and 3 shall come into operation on

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* Date not yet (June, 1956) appointed for articles 2 and 3.
(a) 53 & 54 Vict. c. 37. (b) S.R. & O. 1907/541 (Rev. VIII, p. 230: 1907, p. 169).
(c) S.R. & O. 1926/1158 (Rev. VIII, p. 230: 1926, p. 573).
(d) S.I. 1955/552 (p. 2212 above).

such date as the Governor of the said Protectorate shall by Proclamation appoint, and the remainder of the Order shall come into operation on the 5th day of August, 1955.

Replacement of Articles IX to XII of Nyasaland Order in Council, 1907

2. Articles IX, X, XI and XII of the Nyasaland Order in Council, 1907, are hereby revoked, without prejudice to anything lawfully done thereunder, and the following Articles are substituted therefor:—

"The Legislative Council and power to make laws.

IX.—(1) There shall be a Legislative Council in and for the Protectorate and, subject to the provisions of this Order and of the Constitution of the Federation of Rhodesia and Nyasaland 1953(**a**), it shall be lawful for the Governor with the advice and consent of the Legislative Council to make laws for the peace, order and good government of the Protectorate.

(2) The Legislative Council shall be constituted and shall perform its functions, and any matter incidental or ancillary to the constitution or functioning of the said Council shall be regulated, in accordance with such directions as may be given by Her Majesty by Instructions under Her Sign Manual and Signet or, subject to any such directions, in accordance with any law enacted under this Order.

Assent to Bills.

X.—(1) A Bill passed by the Legislative Council shall not become a law unless either the Governor has assented thereto in Her Majesty's name and on Her Majesty's behalf and has signed the same in token of such assent, or Her Majesty has given Her assent thereto through a Secretary of State.

(2) When a Bill has been passed by the Legislative Council it shall be presented to the Governor for assent; and thereupon the Governor shall declare that he assents, or refuses to assent, thereto, or that he reserves the Bill for the signification of Her Majesty's pleasure:

Provided that the Governor shall reserve for the signification of Her Majesty's pleasure any Bill that determines or regulates the privileges, immunities or powers of the Legislative Council or the members thereof, unless he has been authorised by a Secretary of State to assent thereto.

(3) A law assented to by the Governor in pursuance of paragraph (2) of this Article shall come into operation on the date of its publication in the Official Gazette of the Protectorate or, if it is to be provided either in such law or in some other law that it shall come into operation on some other date, on that date.

(4) (*a*) A Bill reserved for the signification of Her Majesty's pleasure in pursuance of paragraph (2) of this Article shall become a law as soon as Her Majesty has given Her assent thereto through a Secretary of State and the Governor has signified such assent by Proclamation published in the Official Gazette of the Protectorate.

(*b*) Every such law shall come into operation on the date of such Proclamation or, if it is provided either in such

(**a**) See S.I. 1953/1199, Annex (1953 II, at p. 1818).

law or in some other law that it shall come into operation on some other date, on that date.

Disallowance of laws.

XI.—(1) Any law to which the Governor has given his assent may be disallowed by Her Majesty through a Secretary of State.

(2) Whenever any law has been disallowed by Her Majesty, the Governor shall cause notice of such disallowance to be published in the Official Gazette of the Protectorate.

(3) Every law so disallowed shall cease to have effect as soon as notice of such disallowance is published as aforesaid and thereupon any enactment repealed or amended by, or in pursuance of, the law disallowed shall have effect as if such law had not been made, but save as provided by the foregoing provisions of this paragraph the provisions of subsection (2) of section 38 of the Interpretation Act, 1889(a), shall apply to such disallowance as they apply to the repeal of an Act of Parliament.

Privileges of Legislative Council and members.

XII. A law enacted under this Order may 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.

Penalty for sitting or voting in Legislative Council when not entitled.

XIIA.—(1) Any person who sits or votes in the Legislative Council knowing or having reasonable grounds for knowing that he is not entitled to do so shall be liable to a penalty not exceeding twenty pounds for each day on which he sits or votes.

(2) The said penalty shall be recoverable by action in the High Court of the Protectorate at the suit of the Attorney-General."

Replacement of Article XX of the Nyasaland Order in Council, 1907

3. Article XX of the Nyasaland Order in Council, 1907, is hereby revoked without prejudice to anything lawfully done thereunder, and the following Article is substituted therefor:—

"Interpretation.

XX. Save as is otherwise expressly provided or required by the context—

(*a*) any reference in this Order to an officer by the term designating his office shall be construed as a reference to the person for the time being lawfully discharging the functions of that office and in the case of the Governor shall be construed as including, to the extent to which a Deputy for the Governor is authorised to act, that Deputy;

(*b*) the Interpretation Act, 1889, shall apply for the purpose of interpreting this Order as it applies for the purpose of interpreting an Act of Parliament."

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

Provision for giving effect to the Order

4.—(1) Where, by virtue of paragraph (2) of Article IX of the Nyasaland Order in Council, 1907, as set out in Article 2 of this Order or by virtue of any directions given by Instructions under Her Majesty's Sign Manual and Signet in pursuance of the said paragraph (2), provision for any matter may be made by law enacted under the Nyasaland Order in Council, 1907, it shall be lawful for such provision to be made by law enacted under that Order and, subject to the succeeding paragraph of this Article, to come into operation notwithstanding that Article 2 of this Order has not yet come into operation or that the said directions have not yet taken effect.

(2) If in pursuance of the preceding paragraph of this Article provision is made for the election of members of the Legislative Council of the Nyasaland Protectorate, such an election shall not be held before the date when Article 2 of this Order comes into operation but shall be held at such time within six months after that date as the Governor of the Protectorate may, by Proclamation published in the Official Gazette of the Protectorate, appoint.

W. G. Agnew.

EXPLANATORY NOTE

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

This Order re-enacts in revised form Articles IX to XII of the Nyasaland Order in Council, 1907, and also inserts in the latter Order an Article relating to the privileges, immunities and powers of the Legislative Council and its members and an Article prescribing the penalty to which a person is liable for sitting or voting in the Legislative Council when not entitled to do so.

1955 No. 1215

The Nyasaland Protectorate (African Trust Land) (Amendment) Order in Council, 1955

Made - - - - *29th July,* 1955
Laid before Parliament *4th August,* 1955
Coming into operation on a date to be proclaimed in the Nyasaland Protectorate Gazette in accordance with section 1 (3)*

At the Court at Goodwood House, the 29th day of July, 1955

Present,

The Queen's Most Excellent Majesty in Council

Whereas by the Nyasaland Protectorate (African Trust Land) Order in Council, 1950(**a**), (hereinafter referred to as the " principal Order ") provision is made for the assurance, protection and preservation of the

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* Date appointed, 19. 8. 55. (a) S.I. 1950/1183 (1950 II, p. 156).