The Nyasaland Protectorate (Native Trust Land) (Amendment) Order in Council, 1949

1949 No. 356

Made - - - - - 4th March, 1949
Laid before Parliament - 7th March, 1949
Coming into Operation: On the date of publication in the Nyasaland Protectorate Gazette in accordance with Article 3.

At the Court at Buckingham Palace, the 4th day of March, 1949

Present,

The King's Most Excellent Majesty in Council

Whereas by the Nyasaland Protectorate (Native Trust Land) Order in Council, 1936(a) (hereinafter referred to as the "Principal Order"), as subsequently amended, provision is made for the assurance, protection and preservation of the customary rights of natives of the Nyasaland Protectorate to use and enjoy the land of the Protectorate and the natural fruits thereof:

And Whereas it is expedient to amend the Principal Order in manner hereinafter appearing:

Now, therefore, His Majesty, by virtue and in exercise of the powers in this behalf by the Foreign Jurisdiction Act, 1890(b), or otherwise in His Majesty vested, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:—

1. This Order may be cited as the Nyasaland Protectorate (Native Trust Land) (Amendment) Order in Council, 1949, and shall be read and construed as one with the Principal Order; and the Nyasaland Protectorate (Native Trust Land) Orders in Council, 1936 to 1947, and this Order may be cited together as the Nyasaland Protectorate (Native Trust Land) Orders in Council, 1936 to 1949.

2. In Article 6 (1) of the Principal Order there shall be inserted after paragraph (*e*) the following paragraph:—

"(*f*) grant to any native or non-native a licence subject to any conditions (including provision for revocation) which he may see fit to impose, to enter upon any native trust land not subject to a right of occupancy and there to exercise any rights defined in such licence."

3. This Order shall come into operation on the date of its publication in the Nyasaland Protectorate Gazette.

E. C. E. Leadbitter.

EXPLANATORY NOTE

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

Cases may arise where it is fitting to grant a licence to do things on or in respect of native trust land where the grant of a right of occupancy would be unnecessary or undesirable. The paragraph now added enables the Governor to grant such a licence.

(a) S.R. & O. 1936 (No. 728) I, p. 938. (b) 53 & 54 Vict. c. 37.