1958 No. 1260

The Sierra Leone Protectorate (Amendment) Order in Council, 1958

Made - - - -	30*th July*, 1958
Laid before Parliament	7*th August*, 1958
Coming into Operation	14*th August*, 1958

At the Court at Buckingham Palace, the 30th day of July, 1958

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 Sierra Leone Protectorate (Amendment) Order in Council, 1958, and shall be construed as one with the Sierra Leone Protectorate Orders in Council, 1951 and 1953(b).

(2) The Sierra Leone Protectorate Orders in Council, 1951 and 1953, and this Order may be cited together as the Sierra Leone Protectorate Orders in Council, 1951 to 1958.

(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 8th day of August, 1958.

Amendment of principal Order

2. Section 5 of the Sierra Leone Protectorate Order in Council, 1951(c), (hereinafter called "the principal Order") is revoked and the following section substituted therefor:—

"The Governor.

5.—(1) The Governor, Commander-in-Chief and Vice-Admiral of the Colony shall be the Governor, Commander-in-Chief and Vice-Admiral of the Protectorate.

(2) The Deputy Governor of the Colony shall be the Deputy Governor of the Protectorate.

(3) Any person for the time being administering the Government of the Colony in place of the Governor or during a vacancy in the office of Governor shall likewise administer the Government of the Protectorate.

(4) Any power conferred on the Governor to direct the Deputy Governor to discharge any of the functions of the office of Governor in relation to the Colony shall include a like power to direct the Deputy Governor to discharge those functions in relation to the Protectorate."

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

(b) S.I. 1951/610, 1953/589 (1951 II, p. 658; 1953 II, p. 1941.)

(c) S.I. 1951/610 (1951 II, p. 658.)

3. Section 7 of the principal Order is revoked.

4. Section 9A of the principal Order (which relates to concurrent appointments) as inserted by section 2 of the Sierra Leone Protectorate (Amendment) Order in Council, 1953(a), is amended by renumbering the existing section as subsection (1) and by the insertion of the following new subsection :—

"(2) When two or more persons are holding the same office by reason of an appointment made in pursuance of subsection (1) of this section, then, in relation to any functions conferred upon the holder of that office, the person last appointed to the office shall be deemed to be the holder of the office."

5. Section 10 of the principal Order is revoked and the following section substituted therefor:—

"Governor's power of pardon, etc.

10. The Governor may, in Her Majestys' name and on Her Majesty's behalf,—

(*a*) grant to any person concerned in the commission of any offence for which he may be tried in the Protectorate or to any person convicted of an offence in any court in the Protectorate, a pardon, either free or subject to lawful conditions ;

(*b*) grant to any person a respite, either indefinite or for a specified period, of the execution of any sentence passed on that person by any court in the Protectorate ;

(*c*) substitute a less severe form of punishment for that imposed by any sentence of any such court ;

(*d*) remit the whole or any part of any such sentence or of any penalty or forfeiture otherwise due to Her Majesty on account of any offence in respect of which a person has been convicted by any court in the Protectorate."

W. G. Agnew.

EXPLANATORY NOTE

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

This Order makes provision for the amendment of the Sierra Leone Protectorate Order in Council, 1951, in certain respects.

(a) S.I. 1953/589 (1953 II, p. 1941).