1955 No. 242

The Somaliland (Constitution) Order in Council, 1955

Made - - - -	*10th February*, 1955
Laid before Parliament	*15th February*, 1955
Coming into Operation	*On a day to be appointed by the Governor under Section 2.**

At the Court at Buckingham Palace, the 10th day of February, 1955

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers in this 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:—

PART I

Preliminary

Interpretation

1.—(1) In this Order, unless the context otherwise requires—

"the Executive Council" means the Executive Council of the Protectorate established by this Order;

"the Legislative Council" means the Legislative Council of the Protectorate established by this Order;

"the Gazette" means the Government Gazette of the Protectorate;

"the Governor" means the Governor and Commander-in-Chief of the Protectorate and includes any officer for the time being administering the Government and, to the extent to which a Deputy for the Governor is authorised to act, that Deputy;

"Meeting" means any sitting or sittings of the Legislative Council commencing when the Council first meets after being summoned at any time and terminating when the Council is adjourned *sine die* or at the conclusion of a session;

"the Protectorate" means the Somaliland Protectorate;

"public office" means any office of emolument in the public service;

"public officer" means the holder of any public office and includes any person appointed to act in any such office;

"the Public Seal" means the Public Seal of the Protectorate;

"the public service" means the service of the Crown in respect of the Government of the Protectorate;

(a) 53 & 54 Vict. c. 37. * Date not yet (June, 1956) appointed.

"Session" means the meetings of the Legislative Council commencing when the Council first meets after being constituted under this Order or after its prorogation at any time and terminating when the Council is prorogued;

"Sitting" means a period during which the Legislative Council is sitting continuously without adjournment and includes any period during which the Council is in committee.

(2) Where in this Order reference is made to any public officer by the term designating his office, such reference shall be construed as a reference to the officer for the time being lawfully discharging the functions of that office.

(3) References in this Order to Her Majesty's dominions shall be construed as if they included references to all territories under Her Majesty's protection or in which Her Majesty has for the time being jurisdiction.

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

(*a*) is a Local Authority or a member thereof, an Akil, or a member of a Local Government Council; or

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

and if it shall be declared by any law for the time being in force in the Protectorate 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 laws were enacted herein.

(5) This Order shall be construed—

(*a*) as if subsection (1) of Section 1 of the India (Consequential Provision) Act, 1949(**a**), applied to it in the same way as that subsection applies to laws in force on the date mentioned in that subsection; and

(*b*) as if subsection (2) of Section 3 of the British Nationality Act, 1948(**b**), (as interpreted by subsection (1) of Section 3 of the Ireland Act, 1949(**c**),) and subsection (2) of Section 3 of the Ireland Act, 1949(**c**), applied to it as those subsections apply to laws in force at the dates of the commencement of those Acts respectively.

(6) Save as in this Order otherwise provided or required by the context, the Interpretation Act, 1889(**d**), shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

Citation and commencement

2.—(1) This Order may be cited as the Somaliland (Constitution) Order in Council, 1955.

(2) This Order shall be published in the Gazette, and save as otherwise expressly provided in this Order, shall come into operation on a date to be appointed by the Governor by Proclamation in the Gazette, which date shall not be earlier than the day after the day on which this Order shall have been laid before both Houses of Parliament, and different dates may be appointed for the commencement of different provisions of this Order.

(a) 12, 13 & 14 Geo. 6. c. 92.
(b) 11 & 12 Geo. 6. c. 56.
(c) 12, 13 & 14 Geo. 6. c. 41.
(d) 52 & 53 Vict. c. 63.

PART II

Establishment and constitution of Executive Council

3.—(1) There shall be an Executive Council in and for the Protectorate constituted in accordance with the provisions of this Order.

(2) The Executive Council shall consist of—

(*a*) three *ex officio* Members, that is to say, the Chief Secretary, the Attorney-General and the Financial Secretary ;

(*b*) such Official Members, being persons holding office of emolument under the Crown in the Protectorate, as the Governor, in pursuance of instructions from Her Majesty through a Secretary of State, shall from time to time appoint by Instrument under the Public Seal ;

(*c*) such Unofficial Members (if any), being persons not holding office of emolument under the Crown, as the Governor, in pursuance of instructions from Her Majesty through a Secretary of State, shall from time to time appoint by Instrument under the Public Seal.

Tenure of office of Official and Unofficial Members

4.—(1) Every Official or Unofficial Member of the Executive Council shall hold his seat in the Council during Her Majesty's pleasure.

(2) Every Unofficial Member shall vacate his seat in the Council at the end of three years from the date of the Instrument by which he is appointed, or at such earlier date as may be provided by that Instrument, or previously thereto if his seat shall become vacant under the provisions of this Order.

(3) The seat of an Official or Unofficial Member of the Executive Council shall become vacant—

(*a*) upon his death ; or

(*b*) if, by writing under his hand addressed to the Governor, he shall resign his seat in the Executive Council and, in the case of an Official Member, if his resignation shall be accepted by the Governor acting in his discretion ; or

(*c*) if, in the case of an Official Member, he shall cease to hold office of emolument under the Crown in the Protectorate ; or

(*d*) if, in the case of an Unofficial Member, he shall be appointed permanently to any office of emolument under the Crown ; or

(*e*) if he shall be absent from the Protectorate without the written permission of the Governor.

(4) If an Unofficial Member shall be appointed temporarily to, or to act in, any office of emolument under the Crown in the Protectorate, he shall not sit as a Member or take part in the proceedings of the Council by virtue of his appointment as an Unofficial Member so long as he continues to hold or act in that office.

(5) If any person is appointed to be a temporary Member of the Executive Council and his temporary appointment is immediately followed by his definitive appointment as an Unofficial Member, the period of three years mentioned in subsection (2) of this section shall be reckoned from the date of the Instrument by which he is appointed a temporary Member.

(6) Any person vacating a seat as an Official or Unofficial Member may be again appointed from time to time.

Suspension of Official or Unofficial Members

5.—(1) The Governor, acting in his discretion, may, by Instrument under the Public Seal, suspend any Official or Unofficial Member of the Executive Council from the exercise of his functions as such ; and while such suspension is in force the person suspended shall not sit in or take part in the proceedings of the Executive Council.

(2) Every such suspension shall forthwith be reported by the Governor to Her Majesty through a Secretary of State, and shall remain in force unless and until it shall be removed by the Governor, acting in his discretion, by Instrument under the Public Seal or by Her Majesty through a Secretary of State or the person suspended ceases to be a Member of the Executive Council.

(3) The Governor, acting in his discretion, may, by Instrument under the Public Seal, declare any Official or Unofficial Member to be temporarily incapable of discharging his functions as a Member of the Executive Council, and thereupon such Member shall not sit in or take part in the proceedings of the Council until he is declared, in manner aforesaid, again to be capable of discharging his said functions.

Temporary Members

6.—(1) Whenever there shall be a vacancy in the number of persons sitting in the Executive Council by reason of the fact that—

(*a*) one person is lawfully discharging the functions of more than one of the offices of Chief Secretary, Attorney-General and Financial Secretary ; or

(*b*) no person is lawfully discharging the functions of one of those offices ; or

(*c*) an Official Member is lawfully discharging the functions of one of those offices ; or

(*d*) an Unofficial Member has been appointed temporarily to, or to act in, any office of emolument under the Crown in the Protectorate ; or

(*e*) an Official or Unofficial Member is, under section 5 of this Order, suspended from the exercise of his functions or declared to be temporarily incapable of discharging his functions ; or

(*f*) a Member is absent from the Protectorate ; or

(*g*) the seat of an Official or Unofficial Member is vacant from any cause,

the Governor, acting in his discretion, may, by Instrument under the Public Seal, appoint a person to be a temporary Member of the Executive Council for the period of such vacancy.

(2) The said person—

(*a*) in the case of a vacancy in the number of persons sitting in the Executive Council as *ex officio* Members, shall be a person who is a public officer ;

(*b*) in the case of a vacancy in respect of the persons sitting in the Executive Council as Official Members, shall be a person who is qualified for appointment as an Official Member ; and

(*c*) in the case of a vacancy in respect of the persons sitting in the Executive Council as Unofficial Members, shall be a person who is qualified for appointment as an Unofficial Member.

(3) (*a*) So long as their appointments shall subsist, persons appointed under paragraph (*a*) of subsection (2) of this section shall, for the purposes of this Order but subject to the provisions of this section, be deemed to be *ex officio* Members of the Executive Council.

(*b*) So long as their appointments shall subsist, persons appointed under paragraphs (*b*) or (*c*) of subsection (2) of this section shall, for the purposes of this Order but subject to the provisions of this section, be deemed to be Official or Unofficial Members, as the case may be, of the Executive Council; and, subject as aforesaid, sections 4 and 5 of this Order shall apply accordingly.

(4) The Governor shall forthwith report to Her Majesty through a Secretary of State every appointment made under this section, and any such appointment may (without prejudice to anything done by virtue thereof) be revoked by Her Majesty through a Secretary of State or by the Governor, acting in his discretion, by Instrument under the Public Seal.

(5) A temporary appointment shall cease to have effect on notification by the Governor to the person appointed of revocation by Her Majesty or by the Governor, or on supersession of the appointment by the definitive appointment of a person to fill the vacancy, or when the circumstances giving rise to the vacancy shall otherwise cease to exist.

Summoning of persons to Executive Council

7. Whenever the Governor desires to obtain the advice of any person in the Colony concerning the government thereof he may, acting in his discretion, summon such person, in writing, to the Executive Council.

Decisions of questions as to Membership

8. All questions which may arise as to the right of any person to be or to remain a Member of the Executive Council shall be referred to and determined by the Governor acting in his discretion.

Summoning and quorum

9.—(1) The Executive Council shall not be summoned except by the authority of the Governor, acting in his discretion.

(2) No business except that of adjournment shall be transacted in the Executive Council if objection is taken by any Member present that there are less than two Members present besides the Governor or Member presiding.

Executive Council may transact business notwithstanding vacancies

10. The Executive Council shall not be disqualified for the transaction of business by reason of any vacancy among the Members thereof, and any proceedings therein shall be valid notwithstanding that some person, who was not entitled so to do, sat or voted in the Council or otherwise took part in the proceedings.

Presiding in Executive Council

11. The Governor shall, so far as is practicable, attend and preside at all meetings of the Executive Council, and in his absence such Member as the Governor, acting in his discretion, may appoint or, in the absence of such Member or if no Member be so appointed, the senior Member of the Council present shall preside.

Precedence of Members

12. The Members of the Executive Council shall have seniority and precedence as Her Majesty may specially assign and, in default thereof, as follows :—

First, the *ex officio* Members in the order in which they are referred to in paragraph (*a*) of subsection (2) of section 3 of this Order ;

Secondly, Members temporarily appointed under section 6 of this Order to fill a vacancy in the number of persons sitting in the Council as *ex officio* Members, in such order as may be assigned by the Governor ;

Thirdly, the Official Members in such order as may be assigned by the Governor ;

Fourthly, the Unofficial Members according to the priority of their respective appointments, or, if appointed by the same Instrument, according to the order in which they are named therein.

Governor to consult Executive Council

13.—(1) The Governor shall, subject to the provisions of subsection (2) of this section, consult with the Executive Council in the exercise of all powers conferred upon him by this Order or by any other law for the time being in force in the Protectorate, except—

(*a*) any power conferred upon the Governor by this Order which is expressed to be exercisable by the Governor acting in his discretion ;

(*b*) any other power conferred upon the Governor in respect of which it is provided, either expressly or by implication, that he shall not be obliged to consult with the Executive Council in the exercise thereof.

(2) The Governor shall not be obliged to consult with the Executive Council in the exercise of any power conferred upon him in any case—

(*a*) which is of such a nature that, in his judgment, the service of Her Majesty would sustain material prejudice by consulting the Council thereon, or

(*b*) in which the matters to be decided are, in his judgment, too unimportant to require the advice of the Executive Council thereon, or

(*c*) in which the matters to be decided are, in his judgment, too urgent to admit of the advice of the Executive Council being given by the time within which it may be necessary for him to act.

In every case falling within sub-paragraph (*c*) of this subsection the Governor shall as soon as practicable communicate to the Executive Council the measures which he shall have adopted, with the reasons therefor.

Governor may act in opposition to Council

14.—(1) The Governor may act in opposition to the advice given to him by the Members of the Executive Council, if he shall in any case consider it right so to do ; but in any such case he shall report the matter to a Secretary of State at the first convenient opportunity, with the reasons for his action.

(2) Whenever the Governor shall so act against the advice of the Executive Council any Member may require that there be recorded upon the minutes of the Council any advice or opinion which he may give upon the question at issue and the reasons therefor.

Governor to propose questions

15. The Governor shall alone be entitled to submit questions to the Executive Council; but if the Governor shall decline to submit any question to the Council when requested in writing by any Member so to do, such Member may require that there be recorded upon the minutes of the Council his written application, together with the answer returned by the Governor thereto.

PART III

The Legislative Council

Establishment and constitution of Legislative Council

16.—(1) There shall be a Legislative Council in and for the Protectorate constituted in accordance with the provisions of this Order.

(2) The Legislative Council shall consist of the Governor as President, three *ex officio* Members, not more than five Official Members and not more than six Unofficial Members.

Ex officio Members

17. The *ex officio* Members of the Legislative Council shall be the Chief Secretary, the Attorney-General and the Financial Secretary.

Official and Unofficial Members

18.—(1) The Official Members of the Legislative Council shall be persons holding office of emolument under the Crown in the Protectorate and the Unofficial Members of the Council shall be persons not holding office of emolument under the Crown, and they shall be appointed by the Governor, acting in his discretion, by Instrument under the Public Seal.

(2) The Governor shall, without delay, report to Her Majesty, through a Secretary of State, every appointment of any person as an Official or Unofficial Member of the Council.

Qualifications for Official or Unofficial Membership

19. Subject to the provisions of section 20 of this Order, any person who—

(*a*) is a British subject or a British protected person, and

(*b*) is of the age of twenty-one years or upwards, and

(*c*) in the case of an appointment to be an Unofficial Member, has resided in the Protectorate for a period of at least two years immediately before the date of his appointment or is domiciled in the Protectorate and is resident there at the date aforesaid,

shall be qualified to be appointed an Official or Unofficial Member, as the case may be, of the Legislative Council, and no other person shall be qualified to be so appointed.

Disqualifications for Official or Unofficial Membership

20. No person shall be qualified for appointment as an Official or Unofficial Member of the Legislative 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*) 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

(*c*) 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 Protectorate for or on account of the public service 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

(*d*) has been sentenced by a Court in any part of Her Majesty's dominions to death or to imprisonment (by whatever name called) for a term exceeding twelve months, and has not either suffered the punishment to which he was sentenced or such other punishment as may have been substituted therefor by competent authority, or received a free pardon ; or

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

Tenure of office of Official and Unoffical Members

21.—(1) Every Official or Unofficial Member of the Legislative Council shall hold his seat in the Council during Her Majesty's pleasure.

(2) Every Unofficial Member shall vacate his seat in the Council at the end of three years from the date of the Instrument by which he is appointed, or at such earlier date as may be provided by that Instrument, or previously thereto if his seat shall become vacant under the provisions of this Order.

(3) The seat of an Official or Unofficial Member of the Legislative 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 Governor, 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 he shall become a party to any contract with the Government of the Protectorate for or on account of the public service, 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 just so to do, the Governor may except any 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.

(*e*) if, in the case of an Official Member, he shall cease to hold office of emolument under the Crown in the Protectorate; or

(*f*) if, in the case of an Unofficial Member, he shall be appointed permanently to any office of emolument under the Crown; or

(*g*) if he shall be adjudged or otherwise declared bankrupt under any law in force in any part of Her Majesty's dominions; or

(*h*) 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 exceeding twelve months; or

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

(*j*) if he shall, by writing under his hand addressed to the Governor, resign his seat in the Council and, in the case of an Official Member, if his resignation shall be accepted by the Governor acting in his discretion.

(4) If an Unofficial Member of the Legislative Council shall be appointed temporarily to any office of emolument under the Crown in the Protectorate or shall be appointed to act in any such office, he shall not sit or vote in the Council so long as he continues to hold or act in that office.

(5) If any person is appointed to be a temporary Member of the Council and his temporary appointment is immediately followed by his definitive appointment as an Unofficial Member, the period of three years mentioned in subsection (2) of this section shall be reckoned from the date of the Instrument by which he is appointed a temporary Member.

(6) Any person vacating a seat as an Official or Unofficial Member may, if qualified, be again appointed from time to time.

Suspension of Official or Unofficial Members

22.—(1) The Governor, acting in his discretion, may, by Instrument under the Public Seal, suspend any Official or Unofficial Member of the Legislative Council from the exercise of his functions as such; and while such suspension is in force the person suspended shall not sit in or take part in the proceedings of the Legislative Council.

(2) Every such suspension shall forthwith be reported by the Governor to Her Majesty through a Secretary of State, and shall remain in force unless and until it shall be removed by the Governor, acting in his discretion, by Instrument under the Public Seal or by Her Majesty through a Secretary of State or the person suspended ceases to be a Member of the Legislative Council.

(3) The Governor, acting in his discretion, may, by Instrument under the Public Seal, declare any Official or Unofficial Member to be temporarily incapable of discharging his functions as a Member of the Legislative Council, and thereupon such Member shall not sit in or take part in the proceedings of the Council until he is declared, in manner aforesaid, again to be capable of discharging his said functions.

Temporary appointments

23.—(1) Whenever there shall be a vacancy in the number of persons sitting in the Legislative Council by reason of the fact that—

(*a*) an *ex officio* Member is administering the Government of the Protectorate ; or

(*b*) one person is lawfully discharging the functions of more than one of the offices of Chief Secretary, Attorney-General, and Financial Secretary ; or

(*c*) no person is lawfully discharging the functions of one of those offices ; or

(*d*) an Official Member is lawfully discharging the functions of one of those offices; or

(*e*) an Unofficial Member has been appointed temporarily to, or to act in, an office of emolument under the Crown in the Protectorate ;

(*f*) an Official or Unofficial Member is, under Section 22 of this Order, suspended from the exercise of his functions or declared to be temporarily incapable of discharging his functions ; or

(*g*) a Member is absent from the Protectorate ; or

(*h*) the seat of an Official Member or an Unofficial Member is vacant for any cause ;

the Governor, acting in his discretion, may, by Instrument under the Public Seal, appoint a person to be a temporary Member for the period of such vacancy.

(2) The said person—

(*a*) in the case of a vacancy in the number of persons sitting in the Legislative Council as *ex officio* Members, shall be a person who is a public officer ;

(*b*) in the case of a vacancy in respect of the persons sitting in the Legislative Council as Official Members, shall be a person who is qualified for appointment as an Official Member ; and

(*c*) in the case of a vacancy in respect of the persons sitting in the Legislative Council as Unofficial Members, shall be a person who is qualified for appointment as an Unofficial Member.

(3) (*a*) So long as their appointments shall subsist, persons appointed under paragraph (*a*) of subsection (2) of this section shall, for the purposes of this Order but subject to the provisions of this section, be deemed to be *ex officio* Members of the Legislative Council.

(*b*) So long as their appointments shall subsist, persons appointed under paragraphs (*b*) or (*c*) of subsection (2) of this section shall, for the purposes of this Order but subject to the provisions of this section, be deemed to be Official or Unofficial Members, as the case may be, of the Legislative Council ; and, subject as aforesaid, sections 21 and 22 of this Order shall apply accordingly.

(4) The Governor shall forthwith report to Her Majesty through a Secretary of State every appointment made under this section and any such appointment may (without prejudice to anything done by virtue thereof) be revoked by the Governor, acting in his discretion, by Instrument under the Public Seal.

(5) A temporary appointment made under this section shall cease to have effect on notification by the Governor to the person appointed

of revocation by the Governor, or on supersession of the appointment by the definitive appointment of a person to fill the vacancy, or when the vacancy shall otherwise cease to exist.

Summoning of persons to assist Council

24. The Governor may summon any person to any meeting of the Legislative Council, notwithstanding that such person may not be a member of the Council, when, in the opinion of the Governor, the business before the Council renders the presence of such person desirable. Any person so summoned shall be entitled to take part in the proceedings of the Council relating to the business in respect of which he is summoned as if he were a Member of the Council, except that he shall not have the right to vote in the Council.

Decision of questions as to membership

25. All questions which may arise as to the right of any person to be or remain a Member of the Legislative Council shall be referred to and decided by the Governor acting in his discretion.

Presiding in Legislative Council

26. The Governor shall, so far as is practicable, attend and preside at all meetings of the Legislative Council, and in his absence such Member as the Governor, acting in his discretion, may appoint or, in the absence of such Member or if no Member be so appointed, the senior Member of the Council present shall preside.

Precedence of Members

27.—(1) After the Governor the Members of the Legislative Council shall have seniority and precedence as Her Majesty may specially assign and, in default thereof, as follows:—

First, the *ex officio* Members, in the order in which they are referred to in section 17 of this Order;

Secondly, any other Members who are Members of the Executive Council according to their seniority therein;

Thirdly, Members, who are not members of the Executive Council, temporarily appointed under section 23 of this Order to fill a vacancy in the number of persons sitting in the Legislative Council as *ex officio* Members, in such order as may be assigned by the Governor;

Fourthly, the Official Members who are not Members of the Executive Council, according to the priority of their respective appointments, or, if appointed on the same day, in such order as may be assigned by the Governor;

Lastly, the Unofficial Members who are not Members of the Executive Council according to the length of time during which they have been continuously Members of the Legislative Council, Members who have been continuously Members for the same length of time taking precedence in such order as may be assigned by the Governor, or, in default thereof, according to the alphabetical order of their names.

(2) For the purposes of this section, in ascertaining the period during which an Unofficial Member has continuously been a Member of the Council no account shall be taken of any interval between the vacation by that person of his seat in the Council in consequence of the expiration of his term of office and the date of his reappointment to fill the vacancy in the Council caused by that expiration.

PART IV

Legislation and Procedure of Legislature

Power of Governor to make Laws

28. Subject to the provisions of this Order, it shall be lawful for the Governor to make laws for the peace, order and good government of the Protectorate.

Power of Governor and Legislative Council to make laws

29. Subject to the provisions of this Order, 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.

Royal Instructions

30. Subject to the provisions of this Order, the Governor and the Legislative Council shall, in the transaction of business and the making of laws under sections 28 and 29 of this Order, conform as nearly as may be to the directions contained in any Instructions under Her Majesty's Sign Manual and Signet which may from time to time be addressed to the Governor in that behalf.

Standing Orders

31.—(1) Subject to the provisions of this Order and of any Instructions under Her Majesty's Sign Manual and Signet, the Legislative Council may from time to time make, amend and revoke Standing Orders for the regulation and orderly conduct of its own proceedings and the despatch of business, and for the passing, intituling and numbering of Bills, and for the presentation thereof to the Governor for assent; but no such Orders shall have effect until they shall have been approved by the Governor.

(2) The first Standing Orders of the Council shall be made by the Governor and may be amended or revoked by the Council under subsection (1) of this section.

Introduction of Bills, etc., in Legislative Council

32.—(1) Subject to the provisions of subsection (2) of this section and to the Standing Orders of the Council, any Member may introduce any Bill or propose any motion for debate in, or may present any petition to, the Legislative Council, and the case shall be debated and disposed of according to the Standing Orders of the Council.

(2) The Council shall not proceed upon any Bill, amendment, motion or petition without the recommendation or consent of the Governor signified thereto.

Council may transact business notwithstanding vacancies

33. The Legislative Council shall not be disqualified for the transaction of business by reason of any vacancy among the Members thereof, and any proceedings therein shall be valid notwithstanding that some person who was not entitled so to do, sat or voted in the Council or otherwise took part in the proceedings.

Quorum

34. No business except that of adjournment shall be transacted in the Legislative Council if objection is taken by any Member present that there are less than six Members present besides the Governor or other Member presiding.

Voting

35.—(1) All questions proposed for decision in the Council shall be determined by a majority of the votes of the Members present and voting:

Provided that the Governor or other Member presiding shall, if the votes be equally divided, have a casting vote in addition to his original vote.

(2) The Governor shall exercise the power to vote according to his discretion.

Assent to Bills and coming into operation of laws

36.—(1) No Bill passed by the Legislative Council shall become a law until either the Governor shall have assented thereto in Her Majesty's name and on Her Majesty's behalf, and shall have signed the same in token of such assent, or Her Majesty shall have given Her assent thereto through a Secretary of State.

(2) When such a Bill is presented to the Governor for his assent, he shall, acting in his discretion, but subject to the provisions of this Order and of any Instructions addressed to him under Her Majesty's Sign Manual and Signet or through a Secretary of State, 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 which determines or regulates the privileges, immunities, or powers of the Legislative Council or the Members thereof.

(3) A law enacted by or assented to by the Governor shall come into operation on the date of its publication in the Gazette, or, if it shall be enacted either in such law or in some other law (including any law in force when this Part of this Order comes into operation) that it shall come into operation on some other date, on that date.

(4) A Bill reserved for the signification of Her Majesty's pleasure shall become a law so soon as Her Majesty shall have given Her assent thereto through a Secretary of State and the Governor shall have signified such assent by Proclamation published in the Gazette. Every such law shall come into operation on the date of such Proclamation or, if it shall be enacted either in such law or in some other law (including any law in force when this Part of this Order comes into operation) that it shall come into operation on some other date, on that date.

Disallowance of laws

37.—(1) Any law which the Governor shall have enacted or to which he shall have 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 Gazette.

(3) Every law so disallowed shall cease to have effect as soon as notice of such disallowance shall be 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, and, subject thereto, 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.

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

Privileges of Council

38. It shall be lawful, by laws enacted under section 29 of this Order, to determine and regulate the privileges, immunities and powers of the Legislative Council and of the Members thereof, 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.

Sessions of the Council

39.—(1) Subject to the provisions of subsections (2) and (3) of this section, the sessions of the Legislative Council shall be held at such times and places as the Governor shall from time to time by Proclamation published in the Gazette appoint.

(2) There shall be a session of the Council once at least in every year, so that a period of twelve months shall not intervene between the last sitting in one session and the first sitting in the next session.

(3) The first session of the Council shall commence within six months after this Part of this Order comes into operation.

Prorogation of the Council

40. The Governor may at any time, by Proclamation published in the Gazette, prorogue the Legislative Council.

Oath of Allegiance

41. No Member shall sit or vote in the Legislative Council or in any Committee thereof until he shall have taken and subscribed before the Governor, or some person authorised by the Governor in that behalf, the Oath of Allegiance in the form set out in the Schedule to this Order:

Provided that every person authorized by any law in force in the Protectorate to make an affirmation instead of taking an oath in legal proceedings may make an affirmation in like terms instead of taking the said Oath.

Power to make laws reserved to Her Majesty

42. Nothing in this Order shall affect the power of Her Majesty in Council to make laws from time to time for the peace, order and good government of the Protectorate.

W. G. Agnew.

THE SCHEDULE

I, , do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her Heirs and Successors according to law. So help me God.

EXPLANATORY NOTE

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

This Order establishes an Executive Council for the Somaliland Protectorate and provides for consultation by the Governor of the Protectorate with the Council. The Order also establishes a Legislative Council for the Protectorate and provides for the enactment of laws for the Protectorate.