SOMALILAND PROTECTORATE

1953 No. 1203

The Somaliland Order in Council, 1953

Made - - - -	1*st August*, 1953
Laid before Parliament	4*th August*, 1953
Coming into Operation	5*th August*, 1953

At the Court at Buckingham Palace, the 1st day of August, 1953

Present,

The Queen's Most Excellent Majesty in Council

Whereas it is expedient to amend the Somaliland Order in Council, 1929(**a**) (hereinafter called "the principal Order"), as from time to time amended(**b**), in manner hereinafter appearing:

And Whereas it is expedient to remove certain doubts that have arisen concerning the validity and continued operation of the Applied Indian Acts Ordinance of the Somaliland Protectorate(**c**):

Now, therefore, Her Majesty, by virtue and in exercise of the powers in this behalf by the Foreign Jurisdiction Act, 1890(**d**), 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:—

Short titles, construction and commencement

1.—(1) This Order may be cited as the Somaliland Order in Council, 1953, and shall be read as one with the principal Order.

(2) The Somaliland Orders in Council, 1929 to 1950(**b**), and this Order may be cited together as the Somaliland Orders in Council, 1929 to 1953.

(3) This Order shall come into operation on the fifth day of August, 1953, and shall be published in the Gazette.

Amendment of Article 3 of the principal Order

2. Article 3 of the principal Order is hereby amended by the deletion of paragraph (xiii) thereof.

(**a**) S.R. & O. 1930/222; Rev. VIII, p. 403; 1930, p. 515; Laws of Somaliland 1950 Rev. III, p. 6.
(**b**) *See* Rev. VIII, p. 403, and also S.I. 1950/1645; 1950 II, p. 866.
(**c**) Ord. No. 4 of 1925; Laws of Somaliland 1950 Rev. I, Chapter 2, p. 15.
(**d**) 53 & 54 Vict. c. 37.

Amendment of Article 7 of the principal Order

3. Article 7 of the principal Order is hereby amended—

(*a*) by the deletion of the proviso to paragraph (iv) thereof;

(*b*) by the addition thereto of the following paragraph as paragraph (v):—

"(v) The Governor shall not for the purposes of this Article be regarded as absent from the Protectorate while there is a subsisting appointment of a Deputy under Article 14 of this Order or during his passage by air or water from one part of the Protectorate to another, or as prevented from performing the functions of his office by reason only that he is so passing."

Amendment of Article 11 of the principal Order

4. Article 11 of the principal Order is hereby amended by the addition thereto of the following paragraph as paragraph (iv):—

"(iv) When a substantive holder of any office constituted by or under this Order is on leave of absence pending relinquishment of his office, it shall be lawful for another person to be appointed substantively to the same office."

Amendment of Article 15 (ix) of the principal Order

5. Article 15 of the principal Order is hereby amended by the deletion of paragraph (ix) thereof and the substitution therefor of the following paragraph:—

"(ix) The Governor may by Ordinance repeal or amend with respect to the Protectorate any enactments, Acts, laws or Ordinances that have been or may be applied to the Protectorate by or under the authority of the provisions of Article 7 or 9 of the Somaliland Order in Council, 1899(**a**), Article 9 of the Somaliland Order in Council, 1904(**b**), this Article or Article 16 of this Order."

Amendment of Article 16 of the principal Order

6. Article 16 of the principal Order is hereby amended as follows:—

(*a*) by the deletion of paragraph (i) thereof and the substitution therefor of the following paragraph:—

"(i) Subject to the other provisions of this Order, Her Majesty's criminal and civil jurisdiction in the Protectorate shall, so far as circumstances admit, be exercised in conformity with the enactments for the time being applicable as hereinafter mentioned of the Governor-General of India in Council, and of the Governor of Bombay in Council, and subject thereto and so far as the same shall not extend or apply shall be exercised in conformity with the substance of the common law, the doctrines of equity and the statutes of general application in force in England on the sixteenth day of March, 1900, and with the powers vested in and according to the procedure and practice observed by and before Courts of Justice and Justices of the Peace in England according to their respective jurisdiction and

(**a**) S.R. & O. 1899/758; Rev. 1903 V, "Foreign Jurisdiction", p. 173; 1899 I, p. 705; Laws of Somaliland 1923 Rev., p. 8.
(**b**) S.R. & O. 1904/1256; 1904, p. 189; Laws of Somaliland 1923 Rev., p. 19.

authorities at that date, save in so far as the said enactments and the said common law, doctrines of equity and statutes of general application, and the said powers, procedure and practice may at any time have been, or hereafter may be, modified, amended or replaced by other provisions in lieu thereof by or under the authority of any Order of Her Majesty in Council or by any Ordinance or Ordinances passed in and for the Protectorate:

Provided always that the said common law, doctrines of equity and statutes of general application shall be in force in the Protectorate so far only as the circumstances of the Protectorate and its inhabitants, and the limits of Her Majesty's jurisdiction permit, and subject to such qualifications as local circumstances render necessary." ;

(*b*) By the insertion after the words " this Order shall " in paragraph (ii) thereof of the words " subject to the provisions of paragraph (ix) of Article 15 of this Order " ;

(*c*) By the deletion, without prejudice to the operation in the Protectorate of any Act applied thereby to the Protectorate before the commencement of this Order, of paragraph (iii) thereof ;

(*d*) By the deletion from subparagraph (*c*) of paragraph (iv) thereof of the words " and in India ".

Provision for removal of doubt

7. It is hereby declared for the removal of doubt that the Applied Indian Acts Ordinance of the Protectorate was validly enacted and that its operation was not affected by the coming into operation of the principal Order.

W. G. Agnew.

EXPLANATORY NOTE

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

This Order deletes the definition of " imprisonment " from the Somaliland Order in Council, 1929, and amends the provisions of that Order relating to succession to government, to public officers and to the application to the Somaliland Protectorate of the law of India and the United Kingdom. It also provides for the removal of doubts concerning the validity and continued operation of the Applied Indian Acts Ordinance of the Protectorate.