SOMALILAND PROTECTORATE

1955 No. 243

The Somaliland 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* 1 (3).*

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:—

Citation, construction and commencement

1.—(1) This Order may be cited as the Somaliland Order in Council, 1955, and shall be construed as one with the Somaliland Order in Council, 1929(b), as amended(c) (hereinafter called "the principal Order").

(2) The Somaliland Orders in Council, 1929 to 1953(d), and this Order may be cited together as the Somaliland Orders in Council, 1929 to 1955.

(3) This Order shall be published in the Somaliland Government Gazette, and 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 upon which this Order shall have been laid before both Houses of Parliament.

Amendment of Article 3 *of principal Order*

2. Paragraph (xvii) of Article 3 of the principal Order is hereby amended by the insertion after the words "this Order" of the words "or the Somaliland (Constitution) Order in Council, 1955(e), or any Order in Council from time to time amending or replacing that Order,".

Amendment of Article 7 *of principal Order*

3. Article 7 of the principal Order is hereby amended by the deletion of paragraphs (iii) and (iv) thereof and the substitution therefor of the following paragraphs:—

"(iii) Every person appointed to fill the office of Governor shall, with all due solemnity before entering on any of the duties of his office, cause the Commission appointing him to be Governor

* Date not yet (June, 1956) appointed.

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

(b) S.R. & O. 1930/222 (Rev. VIII, p. 403; 1930, p. 515).

(c) S.R. & O. 1930/223, 1932/489, 1935/438, 1938/1649, 1946/2239 (Rev. VIII, p. 403; 1930, p. 533; 1932, p. 518; 1935, p. 480; 1938 I, p. 1315; 1946 I, p. 598); S.I. 1950/1645, 1953/1203 (1950 II, p. 866; 1953 II, p. 1953).

(d) *See* footnotes (*b*) and (*c*).

(e) S.I. 1955/242 (p. 2467 below).

to be read and published in the presence of a Judge of the High Court and of such members of the Executive Council as can conveniently attend; and shall thereupon take before them the Oath of Allegiance and the Oath for the due execution of the office of Governor in the forms set out in the Third Schedule to this Order, which oaths the said Judge is hereby required to administer.

(iv) (1) Whenever the office of Governor is vacant, or the Governor is absent from the Protectorate, or is from any other cause prevented from, or incapable of, performing the functions of his office, the Government of the Protectorate shall, during Her Majesty's pleasure, be administered by—

(*a*) such person as Her Majesty may appoint under Her Sign Manual and Signet; or

(*b*) if there be no person in the Protectorate so appointed and capable of discharging the duties of administration, such person as Her Majesty may designate by instructions through a Secretary of State; or

(*c*) if there be no person in the Protectorate so appointed or designated and capable of discharging the duties of administration, the senior of the following officers who is in the Protectorate and so capable, namely:—

(i) the person who holds the substantive appointment of Chief Secretary;

(ii) the person who holds the substantive appointment of Attorney-General;

(iii) the person who holds the substantive appointment of Financial Secretary.

For the purposes of this Article the officers referred to in sub-paragraph (*c*) of this paragraph shall take seniority in the order in which their respective offices are mentioned therein.

(2) Before assuming the administration of the Government, any such person shall, in the form and manner prescribed in this Order, take the oaths herein directed to be taken by the Governor; which being done, such person is hereby authorised, empowered and commanded, subject, if he is appointed as aforesaid, to the terms of his appointment, to do during Her Majesty's pleasure all things that belong to the office of Governor as provided in this Order.

(3) Any such person as aforesaid shall not continue to administer the Government after the Governor or some other person having a prior right to administer the same has notified that he is about to assume or resume the administration."

Amendment of Article 11 *of principal Order*

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

"(v) When two or more persons are holding the same office by reason of an appointment made pursuant to paragraph (iv) of this

Article then, for the purpose of the exercise of any functions conferred upon the holder of that office and, in the case of the office of Governor, for the purposes of the provisions of paragraph (iv) of Article 7 of this Order, the person last appointed to the office shall be deemed to be the sole holder of the office."

Amendment of Article 15 *of principal Order*

5. Article 15 of the principal Order is hereby amended—

(*a*) by the revocation, without prejudice to anything lawfully done thereunder, of paragraphs (i) to (viii) inclusive and of paragraphs (x) to (xiii) inclusive;

(*b*) by deleting the figure "(ix)" at the commencement of paragraph (ix) and by substituting for the words "The Governor may by Ordinance" the words "It shall be lawful by Ordinance to"; and

(*c*) by substituting for the existing marginal note a new marginal note, namely, "Power to repeal or amend certain enactments"

Additions of new Schedule to principal Order

6. The principal Order is hereby amended by the addition, after Schedule II thereof, of the following new Schedule:—

"SCHEDULE III

Oath of Allegiance

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

Oath for the Due Execution of the Office of Governor

I, ... do swear that I will well and truly serve Her Majesty Queen Elizabeth II, Her Heirs and Successors, in the office of Governor. So help me God."

W. G. Agnew

EXPLANATORY NOTE

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

This Order amends provisions of the Somaliland Order in Council, 1929, as amended by subsequent Orders, concerning the taking of oaths by a person appointed to the office of Governor, succession to the office of Governor and appointment of a person to an office the holder of which is on leave of absence pending relinquishment of that office. The Order also makes certain amendments to the provisions of that Order regarding the enactment of legislation for the Somaliland Protectorate, which are consequent upon the making of the Somaliland (Constitution) Order in Council, 1955.