1960 No. 1655

The Southern Cameroons Plebiscite Order in Council, 1960

Made - - - -	12*th September*, 1960
Laid before Parliament	16*th September*, 1960
Coming into Operation	1*st October*, 1960

At the Court at Balmoral, the 12th day of September, 1960

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 vested is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows :—

Citation, commencement and construction

1.—(1) This Order may be cited as the Southern Cameroons Plebiscite Order in Council, 1960, and shall come into operation on the 1st day of October, 1960.

(2) This Order shall be construed as one with the Southern Cameroons (Constitution) Order in Council, 1960(b).

(3) The Commissioner of the Southern Cameroons shall not be obliged to consult with the Executive Council of the Southern Cameroons in the exercise of any function conferred on him by or under this Order.

Plebiscite to be held in Southern Cameroons

2.—(1) There shall be a plebiscite in the Southern Cameroons for the purpose of ascertaining the wishes of the people of the Southern Cameroons as to the status of the Southern Cameroons upon the relinquishment by Her Majesty's Government in the United Kingdom of their responsibility for the government thereof, and for that purpose the following questions shall be put in the plebiscite, that is to say:—

"(*a*) Do you wish to achieve independence by joining the independent Federation of Nigeria?

(*b*) Do you wish to achieve independence by joining the independent Republic of the Cameroons?"

(2) The plebiscite shall be held on a day or days to be fixed by the Commissioner of the Southern Cameroons by notice published in the *Official Gazette* of the Southern Cameroons, not being within the period of twenty-eight days after the publication of the notice, and voting for the purpose of the plebiscite shall take place during such hours as may be specified in the notice.

Division of the Southern Cameroons into plebiscite districts

3.—(1) For the purposes of this Order the Southern Cameroons shall be divided into plebiscite districts.

(a) 53 & 54 Vict. c. 37. (b) S.I. 1960/1654 (Pt. II, p. 4047, of this vol.).

(2) Each of the areas described in the first column of the Schedule to this Order shall be a plebiscite district and shall be known by the name specified in relation to it in the second column of the Schedule.

Commissioner of the Southern Cameroons may make regulations

4.—(1) Subject to the provisions of this Order, the Commissioner of the Southern Cameroons may by regulation make provision for the conduct and organisation of the plebiscite, all matters incidental or ancillary thereto, and generally for the purposes of this Order.

(2) Regulations made under this Article shall make provision—

(*a*) for the division of each plebiscite district into registration areas;

(*b*) for the time, place and manner in which persons may apply to be registered as voters, for determining whether any applicant is entitled to be registered as a voter and for an appeal against the inclusion or exclusion of the name of any applicant in or from the register by any person aggrieved thereby;

(*c*) for the procedure to be followed at the holding of the plebiscite, including the manner in which votes shall be cast;

(*d*) for ascertaining and publishing the result of the voting that has taken place in each registration area;

(*e*) for the lodging of petitions relating to any dispute concerning the result of the voting in any registration area and for the time and manner in which such petitions are heard and determined;

(*f*) for giving effect to any directions given under paragraph (2) of Article 9 of this Order; and

(*g*) for the definition and trial of offences relating to the plebiscite and the imposition of penalties therefor:

Provided that the penalty for any such offence shall not exceed a fine of £100 or a term of imprisonment of one year or both such fine and imprisonment but may include disqualification of any person convicted of the offence for membership of the House of Assembly of the Southern Cameroons or of any Native Authority or other local government body in the Southern Cameroons, or for registration as an elector for elections of members of such House of Assembly, Native Authority or other local government body.

(3) The power to make regulations conferred by this Article on the Commissioner of the Southern Cameroons may be exercised by him at any time after the 16th day of September, 1960, and until such time as a Commissioner of the Southern Cameroons is appointed, the powers conferred on him by this paragraph may be exercised by the person for the time being performing the functions of the office of Commissioner of the Cameroons:

Provided that no regulations made under the powers conferred by this paragraph shall come into operation before the commencement of this Order.

Registration of voters, and casting of votes

5.—(1) A register of voters shall be prepared for each registration area, and every person whose name is included in the register for any registration area shall, subject to the provisions of this Article, be entitled to cast a vote in that registration area for the purpose of giving

an affirmative reply to one or other of the questions specified in paragraph (1) of Article 2 of this Order:

Provided that regulations made under Article 4 of this Order may provide for certain persons or classes of person being permitted to cast their votes in registration areas other than those in which they are registered.

(2) Every person—

(*a*) who is of the age of twenty-one years or upwards at the date of his application; and

(*b*) who was born in the Southern Cameroons or whose father or mother was born in the Southern Cameroons

shall, subject to the provisions of this Article, be entitled on application to be registered as a voter—

(i) in the registration area in which he is resident at the date of his application, or

(ii) if he is not, at that date, resident in the Southern Cameroons,

(*a*) in the registration area in which he was born, or

(*b*) if he was not born in the Southern Cameroons, in the registration area in which his father was born or, if neither he nor his father was born in the Southern Cameroons, in the registration area in which his mother was born.

(3) Any question as to the place in which a person is resident for the purposes of this Article shall be determined in accordance with such rules as may be prescribed by or under regulations made under Article 4 of this Order.

(4) No person shall be entitled to be registered as a voter who, at the date of his application to be so registered,—

(*a*) is under a sentence of death imposed on him by any court of law or a sentence of imprisonment (by whatever name called) exceeding six months imposed on him by such a court or substituted by competent authority for some other sentence imposed on him by such a court;

(*b*) is adjudged or otherwise declared by competent authority to be of unsound mind (by whatever name called);

(*c*) is disqualified under any law for the time being in force in the Southern Cameroons, the Northern Cameroons, the Republic of the Cameroons or Nigeria from being registered as an elector or from voting in an election by reason of his conviction for such offences connected with elections as may be prescribed by or under regulations made under Article 4 of this Order; or

(*d*) is subject to any disqualification referred to in sub-paragraph (*g*) of paragraph (2) of Article 4 of this Order and imposed under that sub-paragraph for an offence relating to the plebiscite.

(5) No person shall be entitled to be registered as a voter in the plebiscite more than once or, subject to the provisions of Article 9 of this Order, to vote more than once in the plebiscite.

Appointment, etc., of Plebiscite Administrator and other officers

6.—(1) There shall be a Plebiscite Administrator, who shall, subject to any directions given by the Commissioner of the Southern

Cameroons under paragraph (1) of Article 8 of this Order, be responsible for the conduct and organisation of the plebiscite.

(2) The Plebiscite Administrator shall be appointed by the Commissioner of the Southern Cameroons in pursuance of instructions given by Her Majesty through a Secretary of State:

Provided that no person shall be appointed who is a native of the Southern Cameroons or who is in the service of the Crown in respect of the government of the Southern Cameroons or of the Northern Cameroons or of Nigeria or of a Region of Nigeria or who is in the service of the Government of the Republic of the Cameroons.

(3) The Commissioner of the Southern Cameroons may, in Her Majesty's name and on Her Majesty's behalf, constitute such other offices as he may consider necessary for the purposes of this Order and any regulations made thereunder, and appoint persons to those offices and exercise disciplinary control over and dismiss persons appointed to those offices.

(4) The Plebiscite Administrator and the other officers appointed under this Article shall hold their offices during Her Majesty's pleasure.

Constitution of the Special Court

7.—(1) There shall be a Special Court or, if Her Majesty shall so direct by instructions given to the Commissioner of the Southern Cameroons through a Secretary of State, two or more Special Courts, which shall hear and determine petitions for which provision is made by regulations made under sub-paragraph (*e*) of paragraph (2) of Article 4 of this Order.

(2) A Special Court shall consist of a judge, who shall be appointed by the Commissioner of the Southern Cameroons in pursuance of instructions given by Her Majesty through a Secretary of State:

Provided that no person shall be appointed who is a native of the Southern Cameroons or who is in the service of the Crown in respect of the government of the Southern Cameroons or of the Northern Cameroons or of Nigeria or of a Region of Nigeria or who is in the service of the Government of the Republic of the Cameroons.

(3) The judge of a Special Court shall hold his office during Her Majesty's pleasure.

Commissioner of the Southern Cameroons and Plebiscite Administrator may give directions

8.—(1) The Commissioner of the Southern Cameroons may give the Plebiscite Administrator such directions with respect to the exercise of his functions under this Order or any regulations made thereunder as he may consider desirable; and the Plebiscite Administrator shall comply with those directions or shall cause them to be complied with.

(2) Subject to the provisions of paragraph (1) of this Article, the Plebiscite Administrator may give the officers appointed under paragraph (3) of Article 6 of this Order such directions with respect to the exercise of their functions under this Order or any regulations made thereunder as he shall consider desirable; and those officers shall comply with those directions or shall cause them to be complied with.

Result of voting in any plebiscite district may be declared invalid and fresh vote taken

9.—(1) The decision of a Special Court in respect of any petition heard and determined by the Court, including the findings of the Court

upon the facts of the case, shall be transmitted to the Plebiscite Administrator.

(2) The Plebiscite Administrator may, if he considers it desirable so to do in the light of any decision of a Special Court relating to any dispute concerning the result of the voting in any plebiscite district, declare that the result of the voting in that plebiscite district or any part thereof is invalid, and direct that the voters in that plebiscite district or any part thereof in respect of which such a declaration shall have been made shall be given a further opportunity of voting for the purposes of the plebiscite.

Facilities to be afforded to United Nations Plebiscite Commissioner and staff

10. The Commissioner of the Southern Cameroons, the Plebiscite Administrator, a Special Court and the officers appointed under paragraph (3) of Article 6 of this Order shall, in the exercise of their functions under this Order, consult wherever practicable and expedient with the United Nations Plebiscite Commissioner and the other persons appointed to assist him in observing the plebiscite on behalf of the United Nations, and shall afford to the United Nations Plebiscite Commissioner and all such other persons facilties for the due discharge of their functions; and the United Nations Plebiscite Commissioner and the aforesaid persons may make representations concerning the conduct and organisation of the plebiscite to such persons and in such manner as may be agreed between the Commissioner of the Southern Cameroons and the United Nations Plebiscite Commissioner.

Expenses relating to the plebiscite

11.—(1) All expenses properly incurred in respect of the conduct and organisation of the plebiscite or otherwise for the purposes of this Order or any regulation made thereunder, including (without prejudice to the generality of the foregoing provision) any expenses incurred on behalf of the Crown in any legal proceedings arising in connection with the plebiscite, shall be a charge upon the Consolidated Revenue Fund of the Southern Cameroons.

(2) The judge of a Special Court and the officers referred to in paragraph (3) of Article 6 of this Order may be paid such salaries and allowances as the Commissioner of the Southern Cameroons may direct, and those salaries and allowances shall be a charge upon the Consolidated Revenue Fund of the Southern Cameroons.

W. G. Agnew.

SCHEDULE Article 3

PLEBISCITE DISTRICTS

	Description of Area.	*Name of Plebiscite Districts.*
1.	Bakolle Clan, Bambuka, Bota, Bimbia and Victoria Village Groups.	Victoria South West.
2.	Mungo Clan and Tiko Village Group.	Victoria South East.
3.	Buea, Bonjongo and Mutengene Village Groups.	Victoria North West.
4.	Balong Clan and Muea and Lysoko Village Groups.	Victoria North East.
5.	Eastern Area, Bassossi Group and Bafaw-Balong Group.	Kumba North East.

Description of Area.	*Name of Plebiscite Districts.*
6. Northern Bakundu Clan, North Western Area and Balue Clan.	Kumba North West.
7. Mbonge Group, Southern Area and Kumba Town.	Kumba South East.
8. South Western Area, Isangele Group Bambuko Clan and Bai Dieka Group.	Kumba South West.
9. Mamfe Town and Kembong ...	Mamfe West.
10. Overside (Assumbo, Mbulu, Memka, Widekum, Takamanda).	Mamfe North.
11. Banyang-Mbo	Mamfe South.
12. Bangwa-Mundani	Mamfe East.
13. Nsaw Clan Area	Bamenda North.
14. Ndop Clan Area	Bamenda East.
15. Bafut Clan Area	Bamenda Central West.
16. Ngemba Clan Area	Bamenda Central East.
17. Menemo, Ngie and Ngwaw Clan Areas.	Bamenda West.
18. Area of Bani Native Authority and Mogbamo Clan.	Bamenda South.
19. Fungom Clan Area	Wum North.
20. Aghem and Bum Clan Areas ...	Wum Central.
21. Kom Clan Area	Wum East.
22. Beba Befang and Essimbi Clan Areas.	Wum West.
23. All villages in the Misaje and Mbembe Group Areas.	Nkambe North.
24. All villages in the Kaka, Mbaw and Mfumte Group Areas.	Nkambe East.
25. Tabenken, Binka, Tala, Bi, Kup, Onchep, Saa, Kungi, Binshua, Njap, Mbwat, Nkambe, Chup.	Nkambe Central.
26. Ndu Village Group, Ngulla, Lu, Ngarum, Taku, Sinna, Wat, Mba, Nsop, Ntumbaw, Ntundip.	Nkambe South.

EXPLANATORY NOTE

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

This Order makes provision for the holding of a plebiscite in the Southern Cameroons for the purpose of ascertaining whether the people of the Southern Cameroons would prefer, upon the relinquishment by Her Majesty's Government in the United Kingdom of their responsibility for the government of the Southern Cameroons, that the Southern Cameroons should achieve independence by joining the independent Federation of Nigeria or by joining the independent Republic of the Cameroons.