1960 No. 1374

The Tanganyika (Legislative Council) (Amendment No. 3) Order in Council, 1960

Made - - - -	*3rd August*, 1960
Laid before Parliament	*9th August*, 1960
Coming into Operation	*3rd September*, 1960

At the Court at Buckingham Palace, the 3rd day of August, 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 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 Tanganyika (Legislative Council) (Amendment No. 3) Order in Council, 1960, and shall be construed as one with the Tanganyika (Legislative Council) Orders in Council, 1926 to 1959(b), the Tanganyika (Legislative Council) (Amendment) Order in Council, 1960(c), and the Tanganyika (Legislative Council) (Amendment No. 2) Order in Council, 1960(d).

(2) Section 1 of the Tanganyika (Legislative Council) (Amendment No. 2) Order in Council, 1960, is amended by the deletion of subsection (3).

(3) The Tanganyika (Legislative Council) Orders in Council, 1926 to 1959, the Tanganyika (Legislative Council) (Amendment) Order in Council, 1960, the Tanganyika (Legislative Council) (Amendment No. 2) Order in Council, 1960, and this Order may be cited together as the Tanganyika (Legislative Council) Orders in Council, 1926 to 1960.

(4) This Order shall come into operation on the day on which sections 1 to 8 of the Tanganyika Order in Council, 1960(e), come into operation.

(a) 53 & 54 Vict. c. 37. (b) S.R. & O. 1926/991, 1945/1371, S.I. 1948/105 (Rev.VIII, p. 278: 1926, p. 576; 1945 I, p. 410; 1948 I, p. 1354); S.I 1949/2191, 1953/1208, 1955/430, 1957/1875, 1958/592, 1959/1048 (1949 I, p. 1888; 1953 II, p. 2271; 1955 I, p. 689; 1957 I, p. 665; 1958 II, p. 996; 1959 I, p. 988).
(c) S.I. 1960/206 (Pt. I, p. 1260, of this vol.). (d) S.I. 1960/1058 (Pt. I, p. 1269, of this vol.). (e) S.I. 1960/1373 (Pt I, p. 1252, of this vol.).

Amendment of Order of 1926

2. Clause III of the Tanganyika (Legislative Council) Order in Council, 1926(a), (hereinafter referred to as "the principal Order") (as set out in section II of the Tanganyika (Legislative Council) (Amendment) Order in Council, 1948(b), and as amended by section 2 of the Tanganyika (Legislative Council) (Amendment) Order in Council, 1959(c), and section 2 of the Tanganyika (Legislative Council) (Amendment) Order in Council, 1960, is amended by the deletion from subclause (1) of the words "a Deputy for the Governor is authorized to act, that Deputy" in the definition of "The Governor" and the substitution of the following:—

"the Deputy Governor or any other person is authorized to discharge the functions of the office of Governor by virtue of a direction given under paragraph (5) of Article 4 of the Tanganyika Order in Council, 1920, as from time to time amended(d), the Deputy Governor or such other person, as the case may be".

3. Clause XXXI of the principal Order (as amended by clause 7 of the Tanganyika (Legislative Council) (Amendment) Order in Council, 1955(e), and section 8 of the Tanganyika (Legislative Council) (Amendment) Order in Council, 1959) is amended by the insertion of the following sub-clauses after sub-clause (2):—

"(3) With respect to a Bill or motion, which, in the opinion of the Speaker or other Member presiding, would effect any alteration in the salary, allowances or conditions of service (including leave, passages and promotion) of any public officer or in the law, regulations or practice governing the payment of pensions, gratuities or other like benefits to any public officer or former public officer or his widow, children, dependants or personal representatives, the following provisions shall have effect, that is to say:—

(*a*) except with the recommendation or consent of the Governor signified thereto, the Council shall not proceed upon any such Bill or motion;

(*b*) the Governor shall not withhold consent to the Council proceeding upon any such Bill or motion if, in his opinion, any alteration that would be effected by any such Bill or motion would not affect any public officer or former public officer, or his widow, children, dependants or personal representatives prejudicially;

(*c*) if the Governor shall consider that any alteration effected by any such Bill would prejudicially affect any of the aforementioned persons he shall reserve that Bill for the signification of Her Majesty's pleasure;

(*d*) unless the Governor shall by writing under his hand otherwise direct, no such motion, other than a motion relating to a Bill, shall take effect until the expiration of a period of three days from the date upon which it shall have been carried; and if the Governor shall within that period certify by writing under his hand that any alteration which would be effected by such motion would prejudicially affect any of the

(a) S.R & O. 1926/991 (Rev. VII, p. 278: 1926, p. 576). (b) S.I. 1948/105 (1948 I, p. 1354). (c) S.I. 1959/1048 (1959 I, p. 988). (d) S.R. & O. 1920/1583, 1939/875; S.I. 1948/2066, (Rev. VIII, p. 266: 1920 I, p. 685; 1939 II, p. 1698; 1948 I, p. 1353); S.I. 1949/2192, 1959/1047 (1949 I, p. 1890; 1959 I, p. 985).
(e) S.I. 1955/430 (1955 I, p. 689).

aforementioned persons, such motion shall not take effect unless and until it shall have been approved by a Secretary of State.

(4) Except with the recommendation or consent of the Governor signified thereto, the Council shall not proceed upon any Bill or motion which, in the opinion of the Speaker or other Member presiding, relates to or affects any matter relating to external affairs, defence or the use and operational control of the police.".

4. Clause XXXV of the principal Order (as amended by clause 7 of the Tanganyika (Legislative Council) (Amendment) Order in Council, 1957(a)), is amended by the deletion from the proviso of the word "five" and the substitution of the word "four".

W. G. Agnew.

EXPLANATORY NOTE

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

This Order makes a consequential amendment to the Tanganyika (Legislative Council) Order in Council, 1926, as amended, following on the constitution of the office of Deputy Governor, makes provision concerning legislative measures relating to the public service and reduces the life of the Legislative Council from five years to four years.

(a) S.I. 1957/1875 (1958 I, p. 665).