(2) The Tanganyika Order in Council, 1920, the Tanganyika Order in Council, 1939(a), the Tanganyika Order in Council, 1948(b), the Tanganyika Order in Council, 1949(c), and this Order may be cited together as the Tanganyika Orders in Council, 1920 to 1955.

(3) This Order shall come into operation on the fifth day of August, 1955.

Insertion of new Article 9A *in Tanganyika Order in Council,* 1920

2. The Tanganyika Order in Council, 1920, shall be amended by the insertion, after Article 9 thereof, of the following Article as Article 9A:—

"Concurrent Appointments.

9A.—(1) Where by this Order a power is conferred upon Her Majesty or any other person to make any appointment to any office, a person may be appointed to that office notwithstanding that some other person is holding that office when that other person is on leave of absence pending relinquishment of the office.

(2) Where two or more persons are holding the same office by reason of an appointment made pursuant to subsection (1) of this section, then for the purposes of subsections (4) and (5) of section 4 of this Order or for the purposes of any function conferred upon the holder of that office the person last appointed to the office shall be deemed to be the holder of the office."

W. G. Agnew.

EXPLANATORY NOTE

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

This Order amends the Tanganyika Order in Council, 1920, so as to permit concurrent appointments to be made to certain offices.

1955 No. 430

The Tanganyika (Legislative Council) (Amendment) Order in Council, 1955

Made - - - -	*17th March,* 1955
Laid before Parliament	*22nd March,* 1955
Coming into Operation	*On a day to be appointed by the Governor under Clause* 1 (3).*

At the Court at Buckingham Palace the 17th day of March, 1955

Present,

The Queen's Most Excellent Majesty in Council

Whereas it is expedient to amend the Tanganyika (Legislative Council) Order in Council, 1926(d), (hereinafter referred to as "the Principal Order") in manner hereinafter appearing:

(a) S.R. & O. 1939/875 (Rev. VIII, p. 266: 1939 II, p. 1698).
(b) S.I. 1948/2066 (Rev. VIII, p. 266: 1948 I, p. 1353).
(c) S.I. 1949/2192 (1949 I, p. 1890).
(d) S.R. & O. 1926/991 (Rev. VIII, p. 278: 1926, p. 576).
* Day appointed, 23.3.55.

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

Citations, construction and commencement

1.—(1) This Order may be cited as the Tanganyika (Legislative Council) (Amendment) Order in Council, 1955, and shall be construed as one with the Tanganyika (Legislative Council) Orders in Council, 1926 to 1953(b).

(2) This Order and the Tanganyika (Legislative Council) Orders in Council, 1926 to 1953, may be cited together as the Tanganyika (Legislative Council) Orders in Council, 1926 to 1955.

(3) This Order shall be published in the Gazette, and shall come into operation on a day to be appointed by the Governor by Proclamation in the Gazette, which day shall not be earlier than the day after the day on which this Order shall have been laid before both Houses of Parliament.

Revocation and replacement of Clauses of Principal Order

2. Clauses V, VI, VII, VIIA, VIIB, VIIC, VIID, VIIE, VIIF, and VIII of the Principal Order shall be revoked and the following Clauses shall be substituted therefor ;—

"Composition of the Council.

V. The Council shall consist of—

(*a*) a Speaker ;

(*b*) such number of *ex officio* Members as Her Majesty may, by instructions given through a Secretary of State, from time to time direct ;

(*c*) such number of Nominated Members as shall together with the *ex officio* Members make up a total of thirty-one ;

(*d*) thirty Representative Members (being ten Africans, ten Asians and ten Europeans) of whom twenty-seven shall represent constituencies and three shall represent such interests as the Governor may think fit ; and

(*e*) such Temporary Members, if any, as may be appointed in accordance with Clause VIH of this Order.

Ex-officio members.

VI. The *ex officio* Members of the Council shall be the persons who are for the time being lawfully discharging the functions of such offices as Her Majesty may from time to time specify by instructions given through a Secretary of State.

Nominated members.

VIA.—(1) The Nominated Members of the Council shall be appointed by the Governor by Instrument under the Public Seal, but the Governor shall not appoint as a Nominated Member any person not holding office of emolument under the Crown in the Territory unless he is satisfied that such person will support government policy in the Council when requested by him to do so.

(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 (1949 I, p. 1888; 1953 II, p. 2271).

(2) The Governor shall forthwith report to Her Majesty through a Secretary of State every appointment of any person to be a Nominated Member of the Council.

Division of Territory into constituencies and representation of constituencies.

VIB.—(1) The Governor shall by Proclamation published in the Gazette divide the Territory into nine areas (hereinafter referred to as " constituencies ") and each constituency shall be represented in the Council by three Representative Members of whom one shall be an African, one an Asian and one a European.

(2) Any Proclamation issued under this Clause may be revoked or varied by the Governor by a further Proclamation.

Appointment of Representative Members to represent constituencies.

VIC. Subject to the provisions of this Order, the Representative Members who shall represent any constituency in accordance with Clause VIB of this Order shall be such persons as may be appointed in that behalf by the Governor by Instrument under the Public Seal.

Election of Representative Members to represent constituencies.

VID.—(1) A law enacted under this Order—

(*a*) may provide that the three Representative Members who shall represent any constituency in accordance with the provisions of Clause VIB of this Order shall not be appointed by the Governor as provided by Clause VIC of this Order but shall instead be elected ;

(*b*) may, subject to the provisions of this Order, provide for the election of such Members ; and

(*c*) may provide for the vacation by Representative Members who have been appointed of seats in the Council which are, under the provisions of any such law, to be filled by election.

(2) Without prejudice to the generality of the power conferred by sub-clause (1) of this Clause, any law enacted in pursuance of this Clause may, subject to the provisions of this Order—

(*a*) make provision for all or any of the following matters with respect to the election of Representative Members of the Council, that is to say :—

(i) qualifications and disqualifications for election additional to any qualifications and disqualifications that are prescribed by this Order ;

(ii) qualifications and disqualifications for registration as a voter or for voting at elections ;

(iii) the registration of voters ;

(iv) the ascertainment of the qualifications of candidates for election and of voters ;

(v) the holding of elections ;

(vi) the definition and trial of offences relating to elections and the imposition of penalties therefor ;

(*b*) provide that any Representative Member of the Council who has been elected shall vacate his seat if any circumstances arise which, if he were not a Member of the Council, would by virtue of any law enacted in pursuance of this Clause cause him to be disqualified for election as a Representative Member;

(*c*) provide for the determination of any question whether—

(i) any person has been validly elected as a Repretative Member of the Council; or

(ii) the seat of any Representative Member of the Council who has been elected has become vacant in accordance with the provisions of this Order or of any law enacted in pursuance of this Clause.

Appointment of Representative Members to represent such interests as the Governor thinks fit.

VIE. The Representative Members of the Council other than those appointed or elected to represent constituencies shall be one African, one Asian and one European and they shall be appointed by the Governor by Instrument under the Public Seal to represent such interests as the Governor may think fit.

Disqualification for appointment as a Nominated Member or appointment or election as a Representative Member.

VIF. A person shall not be qualified to be appointed as a Nominated Member, or to be appointed or elected as a Representative Member, of the 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 declared a bankrupt under any law in force in any part of Her Majesty's dominions or in any territory under Her Majesty's protection or in which Her Majesty has for the time being jurisdiction; or

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

(*d*) in the case of a Representative Member, holds or is acting in any office of emolument under the Crown in the Territory; or

(*e*) is a party to any subsisting contract with the Government of the Territory for and on account of the public service and—

(i) in the case of a Nominated Member or a Representative Member who is to be appointed,

has not disclosed to the Governor the nature of such contract and his interest therein, or

(ii) in the case of a Representative Member who is to be elected, has not, within one month before the day of election, published in the English language in the Gazette and in a newspaper circulating in the constituency in which he seeks election a notice setting out the nature of such contract and his interest therein ; or

(*f*) is a person certified to be insane or otherwise adjudged to be of unsound mind under any law for the time being in force in the Territory.

Tenure of seats in the Council.

VIG.—(1) A Nominated Member of the Council shall hold his seat during Her Majesty's pleasure :

Provided that his seat shall in any case become vacant in the circumstances prescribed by sub-clause (2) of this Clause.

(2) Without prejudice to the provisions of Clause VID of this Order (which provides that provision may be made by law enacted under this Order for the vacation of his seat by a Representative Member in certain circumstances) the seat in the Council of a Nominated Member or a Representative Member shall become vacant—

(*a*) upon a dissolution of the Council, or, in the case of a Nominated Member, at such earlier date (if any) as may be provided by the Instrument by which he is appointed ; or

(*b*) if he is absent from the sittings of the Council for a period of more than twelve consecutive months or is absent from two consecutive meetings of the Council and, before the end of such period or the end of the second of such meetings, as the case may be, the Governor in the case of a Nominated Member, or the Speaker in the case of a Representative Member, has not by writing under his hand excused such absence ; or

(*c*) if he becomes a party to any contract with the Government of the Territory for or on account of the public service without the prior consent of the Governor ; or

(*d*) if, in the case of a Nominated Member, any circumstances arise which, if he were not a Member of the Council, would disqualify him for appointment as a Nominated Member ; or

(*e*) if, in the case of a Representative Member who has been appointed—

(i) he is nominated as a candidate in any election of a Representative Member ; or

(ii) any circumstances arise which, if he were not a Member of the Council, would disqualify him for appointment as a Representative Member ; or

(*f*) if, in the case of a Representative Member who has been elected, any circumstances arise which, if he were not a Member of the Council, would by virtue of the provisions of this Order cause him to be disqualified for election as a Representative Member.

(3) A Nominated Member or a Representative Member who has been appointed may by writing under his hand addressed to the Governor, and a Representative Member who has been elected may by writing under his hand addressed to the Speaker, resign his seat in the Council, and upon receipt of such resignation by the Governor or the Speaker, as the case may be, the seat of such Member shall become vacant.

(4) The Governor may, by Instrument under the Public Seal, suspend any Nominated Member or any Representative Member who has been appointed from the exercise of his functions as a Member of the Council. Every such suspension shall be forthwith reported by the Governor to Her Majesty through a Secretary of State, and shall remain in force until it is removed by the Governor by Instrument under the Public Seal or by Her Majesty by directions given through a Secretary of State, or until the person suspended ceases to be a Member of the Council.

(5) The Governor may, by Instrument under the Public Seal, declare any Nominated Member or any Representative Member who has been appointed to be, by reason of illness, incapable of discharging his functions as a Member of the Council, and thereupon such Member shall not sit or vote in the Council until he is declared in the manner aforesaid again to be capable of discharging his said functions.

(6) Whenever the seat of a Member of the Council becomes vacant under sub-clause (2) or sub-clause (3) of this Clause the Speaker, unless he is satisfied that the Governor is already aware of the vacancy, shall cause notification thereof to be given to the Governor.

(7) The Governor shall cause notification to be given to the Speaker of the following matters :—

(*a*) any appointment of a person to be a Nominated Member or a Representative Member of the Council ;

(*b*) the fact that the Governor has excused the absence from the Council of any Nominated Member under paragraph (*b*) of sub-clause (2) of this Clause ;

(*c*) the resignation of his seat in the Council by a Nominated Member or by any Representative Member who has been appointed ;

(*d*) any suspension of a Member under sub-clause (4) of this Clause and the removal of any such suspension.

(*e*) any declaration made by the Governor under sub-clause (5) of this Clause ;

(8) At any time when there is no Speaker or when the Speaker is absent from the Territory or, being present in the Territory, is for any reason unable to perform the functions of his office—

(*a*) the Deputy Speaker may, instead of the Speaker, excuse the absence of a Representative Member for the purposes of paragraph (*b*) of sub-clause (2) of this Clause;

(*b*) the seat of a Representative Member who has been elected shall become vacant under sub-clause (3) of this Clause when the resignation of such member is received by the Deputy-Speaker;

(*c*) any such notice as is referred to in sub-clause (7) of this Clause shall be given to the Deputy Speaker.

(9) Any person whose seat in the Council has become vacant may, if qualified, again be appointed or elected as a Member of the Council from time to time.

Temporary Appointments.

VIH.—(1) Whenever—

(*a*) one person is discharging the functions of more than one of the offices referred to in Clause VI of this Order; or

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

(*c*) a Nominated Member of the Council is discharging the functions of any one of those offices; or

(*f*) a Member of the Council is, under the provisions of this Order, suspended from the exercise of his functions as a Member; or

(*g*) a Member of the Council is, under the provisions of this Order, declared by the Governor, as provided in this Order, to be incapable of discharging his functions as a Member; or

(*h*) a Member of the Council, other than a Representative Member who has been elected, is absent from the Territory; or

(*i*) a Nominated Member of the Council is absent from the seat of Government and in the opinion of the Governor his attendance at the Council cannot be procured without unreasonable expense and inconvenience;

the Governor may, by Instrument under the Public Seal, appoint a person to be a Temporary Member of the Council.

(2) (*a*) A Temporary Member of the Council who is appointed in the circumstances referred to in paragraph (*a*) or paragraph (*b*) of sub-clause (1) of this Clause shall be a person who holds office of emolument under the Crown in the Territory.

(*b*) A Temporary Member of the Council who is appointed in the circumstances referred to in paragraph (*c*) or paragraph (*i*) of sub-clause (1) of this Clause shall be a person who is qualified for appointment as a Nominated Member of the Council.

(*c*) A Temporary Member of the Council who is appointed in the circumstances referred to in paragraph (*f*), paragraph (*g*) or paragraph (*h*) of sub-clause (1) of this Clause, shall, if the Member whose suspension, incapacity or absence is the occasion for the appointment is a Nominated Member, be a person qualified for appointment as a Nominated Member of the Council and shall, if the Member whose suspension, incapacity or absence is the occasion for the appointment is a Representative Member, be a person qualified for appointment as a Representative Member of the Council.

(3) A Temporary Member of the Council shall hold his appointment during Her Majesty's pleasure and any such appointment shall in any case cease to have effect—

(*a*) upon a dissolution of the Council; or

(*b*) upon receipt by the Governor of the resignation in writing of his appointment by the person appointed; or

(*c*) if the person appointed is notified by the Governor that the circumstances which gave rise to his appointment have ceased to exist.

Determination of question as to membership of Council.

VII.—(1) Any question whether—

(*a*) any person is qualified to be appointed, or has been validly appointed, as a Member of the Council; or

(*b*) the seat of any Member of the Council, other than a Representative Member who has been elected, has become vacant; or

(*c*) any person is suspended from the performance of his functions as a Member of the Council under sub-clause (4), or is unable to sit or vote in the Council by virtue of a declaration made under sub-clause (5) of Clause VIG of this Order;

shall be referred to, and determined by, the Governor.

(2) Any question whether—

(*a*) any person who submits himself for election as a Representative Member of the Council is qualified to be so elected; or

(*b*) any person has been validly elected as a Representative Member of the Council; or

(*c*) the seat of a Representative Member of the Council who has been elected has become vacant;

shall be determined in accordance with such provision as may be made in that behalf by any law enacted in pursuance of Clause VID of this Order.

Governor's right to address the Council.

VIII. The Governor shall have the right to address the Council at any time when he thinks fit.

Summoning of persons to the Council.

IX.—(1) The Governor may summon to any meeting of the Council any person in the Territory when, in the opinion of the Governor, the business before the Council renders the presence of such person desirable.

(2) Any person so summoned shall be entitled to take part in the proceedings of the Council relating to the matter in respect of which he was summoned as if he were a Member of the Council, except that he shall not have the right to vote in the Council."

Amendment to Clause VA of Principal Order

3. In Clause VA of the Principal Order the words "*ex officio*, Nominated or Representative" shall be substituted for the words "Official or Unofficial" in sub-clause (1).

Amendment of Clause XIV of Principal Order

4. In Clause XIV of the Principal Order the words "enacted by the Legislature of Tanganyika" shall be substituted for the words "enacted by the Governor of Tanganyika with the advice and consent of the Legislative Council thereof."

Amendment of Clause XV of Principal Order

5. Clause XV of the Principal Order shall be amended by the substitution of a colon for the full stop at the end thereof, and by the addition immediately after such colon of the following words :—

"Provided that the Governor shall reserve for the signification of Her Majesty's pleasure—

(*a*) any Bill which determines or regulates the privileges, immunities or powers of the Council or of its Members; and

(*b*) any Bill containing any such provision as is referred to in Clause VID of this Order;

unless he shall have been authorised by a Secretary of State to assent thereto."

Replacement of Clause XXI of Principal Order

6. For Clause XXI of the Principal Order there shall be substituted the following Clause:—

"Disallowance of laws.

XXI.—(1) Any law to which the Governor has 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 is 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. Subject as aforesaid,

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."

Amendment of Clause XXXI of Principal Order

7. For the proviso to Clause XXXI of the Principal Order there shall be substituted the following proviso:—

"Provided that, except with the recommendation or consent of the Governor signified thereto, the Council shall not proceed upon—

(*a*) any Bill, or any amendment of a Bill, if such Bill or amendment contains any such provision as is referred to in Clause VID of this Order, or

(*b*) any Bill, amendment, motion or petition which, in the opinion of the Speaker or other person presiding, would dispose of or charge any public revenue or funds of the Territory, or revoke or alter any disposition thereof or charge thereon, or impose, alter or repeal any rate, tax or duty."

Addition of new Clause to Principal Order

8. Immediately after Clause XXXI of the Principal Order there shall be inserted the following Clause:—

"Governor's reserved powers.

XXXIA.—(1) If the Governor considers that it is expedient in the interests of public order, public faith, or good government (which expressions shall, without prejudice to their generality, include the responsibility of Tanganyika as a territory within the British Commonwealth of Nations, and all matters pertaining to the creation of abolition of any public office or to the appointment, salary or other conditions of service of any public officer) that any Bill introduced, or any motion proposed, in the Council, should have effect, then, if the Council fail to pass such Bill or to carry such motion within such time and in such form as the Governor thinks reasonable and expedient, the Governor may, at any time that he thinks fit, and notwithstanding any provisions of this Order or of any Standing Rules and Orders of the Council, declare that such Bill or motion shall have effect as if it had been passed or carried by the Council either in the form in which it was so introduced or proposed or with such amendments as the Governor thinks fit that have been moved or proposed in the Council, including any committee thereof; and the Bill or motion shall be deemed thereupon to have been so passed or carried, and the provisions of this Order, and in particular the provisions relating to assent to Bills and disallowance of laws, shall have effect accordingly.

(2) The Governor shall forthwith report to a Secretary of State every case in which he makes any such declaration and the reasons therefor.

(3) If any Member of the Council objects to any declaration made under this Clause, he may, within seven days

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

of the making thereof, submit to the Governor a statement in writing of his reasons for so objecting, and a copy of such statement shall, if furnished by such Member, be forwarded by the Governor as soon as practicable to a Secretary of State.

(4) Any such declaration other than a declaration relating to a Bill may be revoked by a Secretary of State, and the Governor shall cause notice of such revocation to be published in the Gazette; and from the date of such publication any motion that is deemed to have been carried by virtue of the declaration shall cease to have effect; and the provisions of subsection (2) of section 38 of the Interpretation Act, 1889, shall apply to such revocation as they apply to the repeal of an Act of Parliament."

Amendment of Clause XXXII of Principal Order

9. In Clause XXXII of the Principal Order the word "twenty" shall be substituted for the word "six."

Addition of new Clause to Principal Order

10. Immediately after Clause XXXIII of the Principal Order there shall be inserted the following Clause:—

"Privileges of Council and its Members.

XXXIIIA. It shall be lawful, by law enacted under this Order, to determine and regulate the privileges, immunities and powers of the Council and its Members; 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."

Replacement of Clause XXXV of Principal Order

11. For Clause XXXV of the Principal Order there shall be substituted the following Clause:—

"Prorogation and dissolution.

XXXV. The Governor may at any time by Proclamation published in the Gazette prorogue or dissolve the Council:

Provided that, unless it has been sooner dissolved, he shall in any case dissolve the Council at the expiration of three years from the date of the first sitting of the Council after any dissolution."

Addition of new Clause to Principal Order

12. Immediately after Clause XXXVII of the Principal Order there shall be inserted the following Clause:—

"Penalty for unqualified persons sitting or voting in the Council.

XXXVIII.—(1) Any person who sits or votes in the Council knowing or having reasonable grounds for knowing that he is not entitled to do so shall be liable to a penalty not exceeding four hundred shillings for each day on which he sits or votes in the Council.

(2) The said penalty shall be recoverable by action in the High Court of the Territory at the suit of the Attorney-General."

First sitting of Council after commencement of this Order

13. For the purposes of Clause XXXV of the Principal Order as replaced by Clause 11 of this Order, the first sitting of the Council after the commencement of this Order shall be deemed to be the first sitting of the Council after a dissolution.

Vacation of seats of existing Members of Council

14. All Members of the Council as constituted immediately before the commencement of this Order shall vacate their seats on the commencement of this Order.

Amendment of Principal Order

15. For the expression "Supreme Court" wherever it occurs in the Principal Order there shall be substituted the expression "High Court".

W. G. Agnew.

EXPLANATORY NOTE

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

The purpose of this Order is to alter the constitution of the Legislative Council by providing that there shall be *ex officio* Members and Nominated Members who shall together make up a total of thirty-one, and Representative Members who may be appointed, or in certain circumstances, elected. Some minor amendments to the Tanganyika (Legislative Council) Order in Council, 1926, have also been made.

UGANDA

1955 No. 1221

The Buganda Agreement, 1955, Order in Council, 1955

Made - - - -	*29th July,* 1955
Laid before Parliament	*4th August,* 1955
Coming into Operation	*On a day to be appointed under section* 1 (2) *of the Order**

At the Court at Goodwood House, the 29th day of July, 1955

Present,

The Queen's Most Excellent Majesty in Council

Whereas it is proposed that an Agreement, to be entitled the Buganda Agreement, 1955, shall be made between Her Majesty on the one part and the Kabaka, Chiefs and people of Buganda on the other part providing for a new constitution for Buganda and for certain other matters:

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* Day appointed, 18.10.55.