1959 No. 1048

The Tanganyika (Legislative Council) (Amendment) Order in Council, 1959

Made - - - -	15*th June*, 1959
Laid before Parliament	19*th June*, 1959
Coming into Operation	1*st July*, 1959

At the Court at Buckingham Palace, the 15th day of June, 1959

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) Order in Council, 1959, and shall be construed as one with the Tanganyika (Legislative Council) Orders in Council, 1926 to 1958(**b**).

(2) The Tanganyika (Legislative Council) Orders in Council, 1926 to 1958, and this Order may be cited together as the Tanganyika (Legislative Council) Orders in Council, 1926 to 1959.

(3) This Order shall come into operation on the first day of July, 1959.

Amendment of Order of 1926

2. Clause III of the Tanganyika (Legislative Council) Order in Council, 1926(**c**), (hereinafter referred to as "the principal Order") (as set out in section II of the Tanganyika (Legislative Council) Amendment Order in Council, 1948(**d**), and as amended by section 6 of the Tanganyika (Legislative Council) (Amendment) Order in Council, 1953(**e**), and section 2 of the Tanganyika (Legislative Council) (Amendment) Order in Council, 1958(**f**)), is amended—

(*a*) by the deletion from sub-clause (1) of the definition of "The Governor in Council"; and

(*b*) by the insertion in sub-clause (1) of the words "or is dissolved without having been prorogued" after the word "prorogued" in the definition of "Session".

3. Clause V of the principal Order (as set out in section 2 of the Tanganyika (Legislative Council) (Amendment) Order in Council, 1955(**g**), and as amended by section 2 of the Tanganyika (Legislative

(**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), 1949/2191, 1953/1208, 1955/430, 1957/1875, 1958/592 (1949 I, p. 1888; 1953 II, p. 2271; 1955 I, p. 689; 1957 I, p. 665; 1958 I, p. 996).
(**c**) S.R. & O. 1926/991 (Rev. VIII, p. 278: 1926, p. 576).
(**d**) S.I. 1948/105 (Rev. VIII, p. 278: 1948 I, p. 1354). (**e**) S.I. 1953/1208 1953 II, p. 271). (**f**) S.I. 1958/592 (1958 I, p. 996). (**g**) S.I. 1955/430 (1955 I, p. 689).

Council) (Amendment) Order in Council, 1957(a)), is revoked and the following clause is substituted :—

"Composition of Legislative Council.

V. The members of the Council shall be—

(*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 Nominated Members (not being of a number that, if added to the number of *ex officio* Members, would exceed thirty-four) as may be appointed in accordance with Clause VIA of this Order ;

(*d*) thirty Representative Members (being ten Africans, ten Asians and ten Europeans) who shall represent the constituencies referred to in Clause VIB of this Order ;

(*e*) such Representative Members, if any, as may be appointed in accordance with Clause VIE of this Order ; and

(*f*) such Temporary Members as may be appointed in accordance with Clause VIH of this Order."

4. Clause VIC of the principal Order (as set out in Clause 2 of the Tanganyika (Legislative Council) (Amendment) Order in Council, 1955) is amended by the deletion of the words " in accordance with " and the substitution of the words " referred to in ".

5. Clause VID of the principal Order (as set out in Clause 2 of the Tanganyika (Legislative Council) (Amendment) Order in Council, 1955, and as amended by Clause 4 of the Tanganyika (Legislative Council) (Amendment) Order in Council, 1957) is amended by the deletion from paragraph (1) of the words " in accordance with the provisions of " in sub-paragraph (*a*) and the substitution of the words " referred to in ".

6. Clause VIE of the principal Order (as set out in Clause 2 of the Tanganyika (Legislative Council) (Amendment) Order in Council, 1955) is revoked and the following clause is substituted :—

"Appointment of Representative Members to represent special interests.

VIE. The Governor may, by Instrument under the Public Seal, appoint not more than three persons as Representative Members to represent such interests as he may think fit."

7. Clause XX of the principal Order is revoked.

8. Clause XXXI of the principal Order (as amended by Clause 7 of the Tanganyika (Legislative Council) (Amendment) Order in Council, 1955) is amended—

(*a*) by the deletion of the proviso ;

(*b*) by renumbering the Clause as paragraph (1) of Clause XXXI ; and

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

(*c*) by the insertion of the following paragraph after paragraph (1):—

"(2) Except on the recommendation of the Governor signified by a Minister, the Council shall not—

(*a*) proceed upon any Bill (including any amendment to a Bill) which, in the opinion of the Speaker or other Member presiding, makes provision for any of the following purposes, that is to say, for imposing or increasing any tax, for imposing or increasing any charge on the revenues or other funds of the Territory or for altering any such charge otherwise than by reducing it, or for compounding or remitting any debt due to the government of the Territory;

(*b*) proceed upon any motion (including any amendment to a motion) the effect of which, in the opinion of the Speaker or other Member presiding, is that provision should be made for any of the purposes aforesaid; or

(*c*) receive any petition which, in the opinion of the Speaker or other Member presiding, requests that provision be made for any of the purposes aforesaid."

9. Clause XXXII of the principal Order (as amended by Clause 9 of the Tanganyika (Legislative Council) (Amendment) Order in Council, 1955) is revoked and the following clause is substituted:—

"Vacancies and quorum in Council.

XXXII.—(1) The Council shall not be disqualified for the transaction of business by reason of any vacancy therein and any proceedings therein shall be valid notwithstanding that some person who was not entitled to do so sat or voted therein or otherwise took part in the proceedings.

(2) If objection is taken by any Member present that there are present (besides the Speaker or other Member presiding) fewer than twenty Members and, after such interval as may be prescribed in the Standing Orders of the Council, the Speaker or other Member presiding ascertains that the number of Members present is still less than twenty, he shall thereupon adjourn the Council."

10. Clause XXXIX of the principal Order is revoked.

Transitional Provisions

11. The persons holding office immediately before the commencement of this Order as Nominated Members or Temporary Members of the Council or as Representative Members of the Council by virtue of having been appointed as such by the Governor shall vacate their seats in the Council at the commencement of this Order, but, subject as aforesaid, nothing in this Order shall be construed as requiring any member of the Council to vacate his seat therein.

W. G. Agnew.

EXPLANATORY NOTE

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

This Order amends the provisions of the Tanganyika (Legislative Council) Order in Council, 1926, relating to the composition and procedure of the Legislative Council.