STATUTORY INSTRUMENTS

1961 No. 739

EAST AFRICA

The Tanganyika (Public Service Commission) (Amendment) Order in Council, 1961

Made - - - -	14*th April*, 1961
Laid before Parliament	20th *April*, 1961
Coming into Operation	1st *May*, 1961

At the Court at Windsor Castle, the 14th day of April, 1961.

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 (Public Service Commission) (Amendment) Order in Council, 1961, and shall be construed as one with the Tanganyika (Public Service Commission) Order in Council, 1960(b), (hereinafter referred to as "the principal Order").

(2) The principal Order and this Order may be cited together as the Tanganyika (Public Service Commission) Orders in Council, 1960 and 1961.

(3) This Order shall come into operation on the first day of May, 1961.

Amendment of section 2 of Order of 1960.

2. Section 2 of the principal Order is hereby amended—

(*a*) by the deletion from the definition of "the Governor" in subsection (1) thereof of the words "a Deputy for the Governor is authorized to act, that Deputy" and the substitution therefor of the following:—

> "the Deputy Governor or any other person is authorized to discharge the functions of the office of Governor under paragraph (5) of Article 4 of the Tanganyika Order in Council, 1920(c), as from time to time amended, the Deputy Governor or such other person, as the case may be;";

(*b*) by the addition after the word "Territory" in the definition of "the public service" in subsection (1) thereof of the following:—

> "but does not, except for the purposes of section 3A of this Order, include service as a Judge of the High Court or as Attorney-General"; and

(a) 53 & 54 Vict. c. 37. (b) S.I. 1960/1059 (1960 I, p. 1274).
(c) S.R. & O. 1920/1583 (Rev. VIII, p. 266: 1920 I, p. 685).

(*c*) by the deletion of paragraph (*a*) of subsection (2) thereof and the substitution therefor of the following :—

"(*a*) is a Minister or a Parliamentary Secretary (as defined by Article 2 of the Tanganyika Order in Council, 1920, as from time to time amended) ;".

Insertion in Order of 1960 of section relating to pension rights.

3. The principal Order is hereby amended by the insertion immediately after section 3 thereof of the following new section as section 3A :—

"Grant or withholding of pensions.

3A.—(1) The power to grant any pension, gratuity or other like allowance (in this section referred to as an 'award') under any pensions law for the time being in force in Tanganyika (other than an award to which, under that law, the person to whom it is payable is entitled as of right) and, in accordance with any provisions in that behalf contained in any such law, to withhold, reduce in amount or suspend any award payable under any such law is hereby vested in the Governor, acting in his discretion.

(2) In this section, 'pensions law' means any law relating to the grant to any person, or to the widow, children, dependants or personal representatives of that person, of an award in respect of the service of that person in a public office, and includes any instrument made under any such law.".

Amendment of section 4 of Order of 1960.

4. Section 4 of the principal Order is hereby amended—

(*a*) by the insertion of the words "acting in his discretion" immediately after the word "Governor" wherever that word appears in subsections (1), (3) and (4) thereof ; and

(*b*) by the deletion of paragraph (*a*) of subsection (3) thereof and the substitution therefor of the following :—

"(*a*) such a person as is mentioned in paragraph (*a*) or paragraph (*b*) of subsection (2) of section 2 of this Order ;".

Amendment of section 5 of Order of 1960.

5. Section 5 of the principal Order is hereby amended by the deletion of subsection (1) thereof and the substitution therefor of the following subsection :—

"(1) The Governor, acting in his discretion, may refer to the Commission for its advice—

(*a*) any question relating to the exercise of any power vested in him by section 3 or section 3A of this Order, other than a question relating to the exercise of such a power in respect of—

(i) a Judge of the High Court ;

(ii) the Attorney-General ;

(iii) the Director of Audit ;

(iv) members of the Governor's personal staff ; or

(v) the Clerk or the Clerk-Assistant of the National Assembly ; and

(*b*) any question relating to any other matter which, in his opinion, affects the public service or any public officer.".

6. Section 6 of the principal Order is hereby amended by the deletion therefrom of the words " sections 3, 4 and 5 of this Order " and the substitution therefor of the words " sections 3, 3A, 4 and 5 of this Order ". Amendment of section 6 of Order of 1960.

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 amend the principal Order in consequence of the establishment of internal self-government in Tanganyika under which the Governor is normally obliged, except in relation to public service matters, to act on the advice of his Ministers.