Court on the date upon which this Order comes into operation, to whose appointment as such Her Majesty was pleased to signify Her approval on or before the date on which that section came into operation but who was not appointed before that date, as they apply to a Judge of the Supreme Court appointed before, and in office on, that date.

Power to revoke or amend reserved to Her Majesty

3. Her Majesty hereby reserves to Herself, Her Heirs and Successors power, with the advice of Her or Their Privy Council, to amend, add to or revoke this Order as to Her or Them shall seem fit.

W. G. Agnew.

EXPLANATORY NOTE

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

This Order in Council ensures that the provisions of Subsection (5) of Section 60 of the Gold Coast (Constitution) Order in Council, 1954, which safeguards the conditions of service of Judges appointed before the 5th May, 1954, when the Constitution came into force, apply also to any Judge appointed on or after that date if Her Majesty's approval of the appointment had been signified on or before that date.

1955 No. 1956

The Togoland under United Kingdom Trusteeship (Plebiscite) Order in Council, 1955

Made - - - -	*22nd December,* 1955
Laid before Parliament	*30th December,* 1955
Coming into Operation	*31st December,* 1955

At the Court at Buckingham Palace, the 22nd day of December, 1955

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 and commencement

1.—(1) This Order may be cited as the Togoland under United Kingdom Trusteeship (Plebiscite) Order in Council, 1955.

(2) This Order shall come into operation on the 31st day of December, 1955.

(a) 53 & 54 Vict. c. 37.

Interpretation

2.—(1) In this Order, unless the context otherwise requires—

"the Gold Coast" means the Gold Coast Colony, Ashanti and the Northern Territories of the Gold Coast as respectively defined by any Orders of Her Majesty in Council in force at the commencement of this Order;

"the Governor" means the Governor and Commander-in-Chief of the Gold Coast Colony and Ashanti, and includes the Officer for the time being administering the Government and, to the extent to which the Deputy Governor is authorised to act on behalf of the Governor, the Deputy Governor;

"Togoland" means Togoland under United Kingdom Trusteeship as defined in the Togoland under United Kingdom Trusteeship Order in Council, 1949(a).

(2) Save as in this Order otherwise provided or required by the context, the Interpretation Act, 1889(b), shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

(3) All functions conferred upon the Governor by this Order or any regulation made thereunder shall be exercised by him in his discretion.

Plebiscite to be held in Togoland

3.—(1) There shall be a plebiscite in Togoland for the purpose of ascertaining which of the following alternatives would be preferred by the people of Togoland upon the relinquishment by Her Majesty's Government in the United Kingdom of their responsibility for the government of the Gold Coast, namely—

(*a*) that Togoland should be united with the Gold Coast and should cease to be administered under the Trusteeship system of the United Nations; or

(*b*) that Togoland should be separated from the Gold Coast and should continue for the time being to be administered under the Trusteeship system of the United Nations.

(2) The plebiscite shall be held on a day or days to be fixed by the Governor by notice published in the official Gazette of the Gold Coast, 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 Togoland into Districts

4. For the purposes of the plebiscite Togoland shall be divided into the Districts specified in the first Column of the Schedule as defined in the second Column of the Schedule.

Governor may make regulations

5.—(1) Subject to the provisions of this Order, the Governor may by regulation make provision for the registration of voters, the conduct of the plebiscite, all matters incidental or ancillary thereto, and generally for the purposes of this Order.

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

(*a*) for the division of each District into Wards;

(a) S.I. 1949/1997 (1949 I, p. 1892). (b) 52 & 53 Vict. c. 63.

(*b*) for the time, places 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 District;

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

(*f*) for giving effect to any directions given under subsection (2) of section 10 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 Legislative Assembly of the Gold Coast and Togoland or of any Municipal Council established in the Gold Coast or Togoland under the Municipal Councils Ordinance, 1953(**a**), or any District Council, Urban Council or Local Council established in the Gold Coast or Togoland under the Local Government Ordinance(**b**), or for registration as an elector for elections of members of the Legislative Assembly or a Municipal Council, District Council, Urban Council or Local Council.

Registration of voters

6.—(1) A register of voters shall be prepared for each Ward for the purposes of the plebiscite, and every person whose name is included in the register prepared for any Ward shall, subject to the provisions of this section, be entitled to cast a vote in that Ward in favour of one or other of the alternatives specified in subsection (1) of section 3 of this Order.

(2) Every person who—

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

(*b*) has resided in Togoland for a period of at least twelve months, or for periods amounting in the aggregate to twelve months, during the two years immediately prior to the date of his application

shall, subject to the provisions of this section, be entitled to apply to be registered as a voter in the plebiscite in a Ward in which he is resident at the date of his application.

(**a**) Ordinance No. 9 of 1953 of the Gold Coast.
(**b**) Laws of the Gold Coast, 1951 Revision, c. 64.

(3) No person shall be entitled to be registered as a voter who—

(*a*) 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 convicted of any offence not involving dishonesty and sentenced to death or to imprisonment (by whatever name called) for a term exceeding twelve months or been convicted of any offence involving dishonesty, and has not been granted a free pardon:

Provided that if five years or more have elapsed since the termination of any sentence of imprisonment awarded in respect of the conviction or, if no such sentence has been awarded, since the conviction, the person shall not be disqualified from being registered as a voter by reason only of such conviction; or

(*b*) is a person adjudged to be of unsound mind or detained as a criminal lunatic under any law for the time being in force in the Gold Coast or Togoland; or

(*c*) is disqualified from being registered as an elector or from voting in an election under any law for the time being in force in the Gold Coast or Togoland relating to offences connected with elections.

(4) No person shall be entitled to be registered as a voter in the plebiscite more than once, or, subject to the provisions of section 10 of this Order, to vote more than once in the plebiscite.

Appointment, etc., of Plebiscite Administrator and other officers

7.—(1) There shall be a Plebiscite Administrator, who shall, subject to any directions given by the Governor under subsection (1) of section 9 of this Order, be responsible for the conduct of the plebiscite.

(2) The Plebiscite Administrator shall be appointed by the Governor 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 Gold Coast or Togoland or who is in the service of the Crown in respect of the government of the Gold Coast and Togoland.

(3) The Governor may constitute, in Her Majesty's name and on Her Majesty's behalf, such other offices as he may consider necessary for the purposes of this Order and any regulations made thereunder, and he may 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 section shall hold their offices during Her Majesty's pleasure.

Constitution of the Special Court

8.—(1) There shall be a Special Court or, if Her Majesty shall so direct by instructions given to the Governor 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 paragraph (*e*) of subsection (2) of section 5 of this Order.

(2) A Special Court shall consist of a judge, who shall be appointed by the Governor 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 Gold Coast or Togoland or who is in the service of the Crown in respect of the government of the Gold Coast and Togoland.

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

Governor and Plebiscite Administrator may give directions

9.—(1) The Governor 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 subsection (1) of this section, the Plebiscite Administrator may give the officers appointed under subsection (3) of section 7 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 District may be declared invalid and fresh vote taken

10.—(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 District, declare that the result of the voting in that District is invalid, and direct that the voters registered in each Ward of that District shall be given a further opportunity of voting for the purposes of the plebiscite.

Facilities to be afforded to United Nations observers

11. The Governor, the Plebiscite Administrator, a Special Court and the officers appointed under subsection (3) of section 7 of this Order shall afford to the United Nations Plebiscite Commissioner and all other persons appointed to observe the plebiscite on behalf of the United Nations facilities for the due discharge of their functions, and the United Nations Plebiscite Commissioner and those other persons may make representations concerning the conduct of the plebiscite to such persons and in such manner as may be agreed between the Governor and the United Nations Plebiscite Commissioner.

Expenses relating to the plebiscite

12.—(1) All expenses properly incurred in respect of the registration of voters, the conduct 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 charged upon the general revenues and assets of the Gold Coast and Togoland and shall be statutory expenditure for the purposes of section 65 of the Gold Coast (Constitution) Order in Council, 1954(a).

(2) The judge of a Special Court and the officers referred to in subsection (3) of section 7 of this Order may be paid such salaries and allowances as the Governor may direct, and those salaries and allowances shall be charged upon the general revenues and assets of the Gold Coast and Togoland and shall be statutory expenditure for the purposes of section 65 of the Gold Coast (Constitution) Order in Council, 1954.

W. G. Agnew.

Section 4

SCHEDULE

District	*Extent of District*
Kusasi	The area of the East Agolle Local Council and so much of the area of the Agolle Local Council as lies in Togoland.
South Mamprusi ...	The area of the Bunkpurugu and Yunyoo Local Councils and so much of the area of the Nalerigu Local Council as lies in Togoland.
North Dagomba ...	The area of the Chereponi and Sunson Local Councils and so much of the area of the Gushiegu Local Council as lies in Togoland.
South Dagomba ...	The area of the Yendi, Kworli and Yelzori Local Councils and so much of the area of the Mion Local Council as lies in Togoland.
Nanumba/Gonja ...	The area of the Bimbilla, Dakpam, Nakpa, Juo and Alfai Local Councils and so much of the area of the Kpembe Local Council as lies in Togoland.
Akan-Krachi	The area of the Akan and Krachi Local Councils
Buem	The area of the Buem, Nkonya, Biakoye and Likpe-Lolobi Local Councils.
Kpandu	The area of the Akpini, Gbi Hohoe, East Dain, Anfoega and Ablode Local Councils.
Ho	The area of the Yingor, Dutaso, Anyigbe and Asogli Local Councils and so much of the area of the Adaklu Local Council as lies in Togoland.

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 Togoland under United Kingdom Trusteeship for the purpose of ascertaining whether the people of Togoland would prefer that, upon the relinquishment by Her Majesty's Government in the United Kingdom of their responsibility for the government of the Gold Coast, Togoland should be united with the Gold Coast and cease to be administered under the Trusteeship system of the United Nations, or separated from the Gold Coast and continue for the time being to be administered under the Trusteeship system of the United Nations.

(a) S.I. 1954/551 (1954 II, p. 2788).