STATUTORY INSTRUMENTS

1961 No. 1193

EAST AFRICA

The Uganda (Amendment No. 2) Order in Council, 1961

Made - - - -	*26th June*, 1961
Laid before Parliament	*30th June*, 1961
Coming into Operation	
Section 5 - -	*1st July*, 1961
Remainder - -	*2nd July*, 1961

At the Court at Buckingham Palace, the 26th day of June, 1961

Present,

The Queen's Most Excellent Majesty in Council

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 :—

Citation, construction and commencement.

1.—(1) This Order may be cited as the Uganda (Amendment No. 2) Order in Council, 1961, and shall be construed as one with the Uganda Orders in Council, 1902 to 1958(b) and the Uganda (Amendment) Order in Council, 1961(c).

(2) The Uganda Orders in Council, 1902 to 1958, the Uganda (Amendment) Order in Council, 1961, and this Order may be cited together as the Uganda Orders in Council, 1902 to 1961.

(3) Subsection (2) of section 1 of the Uganda (Amendment) Order in Council, 1961, is revoked.

(4) This Order shall be published in the Gazette and, save as otherwise provided in this Order, shall come into operation on a day to be appointed by the Governor by Proclamation published 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.

Insertion of new Article in Uganda Order in Council, 1902.

2. The Uganda Order in Council, 1902(d), is amended by the insertion immediately after Article 16 of the following Article :—

"17.—(1) The Governor may declare by Proclamation that any provision to which this Article applies shall have the force of law and upon the making of the Proclamation that provision shall have the force of law from such date as may be specified in the Proclamation.

(2) This Article applies to any provision of any agreement made by or on behalf of Her Majesty or the Governor or the Government of the Protectorate, of the one part, and by or on behalf of the

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

(b) *See* Rev. VIII, pp. 288 to 301, *and also* S.I. 1952/752, 1953/1908, 1954/1568, 1955/705, 1958/1516, (1952 III, p. 3493; 1953 II, p. 2307; 1954 I, p. 716 ; 1955 I, p. 704; 1958 I, p. 997). (c) S.I. 1961/62 (Pt. I, p. 124).

(d) S.R. & O. 1902/662 (Rev. VIII, p. 288: 1902, p. 145).

Ruler or the Chiefs or the people of any part of the Protectorate, of the other part, under which questions relating to the interpretation of that agreement or otherwise arising out of that agreement may be referred for determination to the High Court of the Protectorate or to Her Majesty in Council.".

Insertion of new Article in Uganda Order in Council, 1920.

3. The Uganda Order in Council, 1920(a), (hereinafter referred to as "the principal Order") is amended by the insertion immediately after Article IV of the following Article :—

"Office of Deputy Governor constituted.

IVA.—(1) The office of Deputy Governor of the Protectorate is hereby constituted.

(2) Appointments to the office of Deputy Governor shall be made by the Governor in pursuance of instructions given by Her Majesty through a Secretary of State.

(3) If the office of Deputy Governor is vacant or the Deputy Governor is administering the Government of the Protectorate under Article XVIII of this Order or is absent from the Protectorate or is from any other cause prevented from or incapable of discharging the functions of his office, the Governor may appoint a person to act as Deputy Governor, and any person so appointed shall continue to act until his appointment is revoked by the Governor.".

Replacement of Articles XVIII and XIX of Uganda Order in Council, 1920.

4. Articles XVIII and XIX of the principal Order are revoked and the following Articles are substituted therefor:—

"Succession to Government.

XVIII.—(1) Whenever the office of Governor is vacant or the Governor is absent from the Protectorate or is for any other cause prevented from or incapable of discharging the functions of his office—

(*a*) the Deputy Governor ; or

(*b*) if the office of Deputy Governor is vacant or the Deputy Governor is absent from the Protectorate or is from any other cause prevented from or incapable of discharging the functions of the office of Governor, such person as Her Majesty may designate by Instructions given under Her Sign Manual and Signet or through a Secretary of State,

shall, during Her Majesty's pleasure, discharge the functions of the office of Governor and administer the government of the Protectorate accordingly.

(2) Before assuming the administration of the government of the Protectorate any such person as aforesaid shall, in the form and manner prescribed in Article IV of this Order take the oaths therein directed to be taken by a person appointed to fill the office of Governor.

(3) The Deputy Governor shall not continue to administer the government of the Protectorate after the Governor has notified him that he is about to assume or resume the administration of the government and the person designated under subparagraph (*b*) of paragraph (1) of this Article shall not continue to administer the government after the Governor or the Deputy Governor has so notified him.

(a) S.R. & O. 1920/884 (Rev. VIII, p. 296: 1920 I, p. 699).

(4) For the purposes of this Article—

(*a*) the Governor or the Deputy Governor shall not be regarded as absent from the Protectorate or as prevented from or incapable of discharging the functions of the office of Governor by reason of the fact that he is in passage from one part of the Protectorate to another;

(*b*) the Governor shall not be regarded as absent from the Protectorate, or as prevented from or incapable of discharging the functions of the office of Governor, at any time when the Deputy Governor is discharging those functions in pursuance of an authority given by the Governor under Article XIX of this Order;

(*c*) when the Deputy Governor has entered upon the discharge of the functions of the office of Governor under paragraph (1) of this Article, he shall not be regarded as absent from the Protectorate, or as prevented from or incapable of discharging those functions, at any time when the person acting in the office of Deputy Governor is discharging those functions in pursuance of an authority given by the Deputy Governor under Article XIX of this Order; and

(*d*) "the Governor" means the person holding the office of Governor and "the Deputy Governor" means the person holding the office of Deputy Governor.

Discharge of Governor's functions by Deputy Governor.

XIX.—(1) The Governor may, by writing under his hand, authorise the Deputy Governor to exercise for and on behalf of the Governor, subject to such exceptions and conditions as the Governor may from time to time specify, any or all of the functions of the office of Governor.

(2) The powers and authority of the Governor shall not be affected by any authority of the Deputy Governor under paragraph (1) of this Article otherwise than as Her Majesty may from time to time think proper to direct and the Deputy Governor shall conform to and observe such instructions relating to the discharge by him of any of the functions of the office of Governor as the Governor may from time to time address to him for his guidance.

(3) Any authority given under paragraph (1) of this Article may at any time be varied or revoked by Her Majesty by instructions through a Secretary of State or by the Governor by writing under his hand.

(4) For the purposes of this Article "the Governor" means the person holding the office of Governor and includes any person discharging the functions of that office under Article XVIII of this Order and "the Deputy Governor" means the person holding the office of Deputy Governor and includes any person appointed to act as Deputy Governor.

(5) In paragraph (1) of this Article the reference to any functions of the office of Governor does not include a reference to any functions conferred upon the Governor by any Act of Parliament or by any Order of Her Majesty in Council or other instrument made under any Act of

Parliament other than this Order, the Uganda Order in Council, 1902, the Uganda (Public Service Commission) Order in Council, 1957(a), the Uganda (Police Service Commission) Order in Council, 1957(b), and the Emergency Powers Order in Council, 1939(c) and any Order amending or replacing any of those Orders.".

Transitional.

5.—(1) The Governor may, by order published in the Gazette, at any time within twelve months after the coming into operation of this section provide that—

(*a*) where in any law there is a reference to the Governor or to any public officer, such law shall be read and construed as if for such reference there were substituted a reference to the Deputy Governor; and

(*b*) any law shall be read and construed with such adaptations or modifications as may appear to him to be necessary or expedient for bringing that law into conformity with the provisions of the Uganda Order in Council, 1902, and the principal Order, as amended by this Order, or with the provisions of any order made under this section, or with the provisions of the Uganda Royal Instructions, 1958 to 1961, or otherwise for giving effect or enabling effect to be given to those provisions; and any such law shall have effect accordingly from such date as may be specified in the Order, not being a date earlier than the commencement of this section.

(2) Any order made under subsection (1) of this section may be amended or revoked by a further order made in like manner.

(3) In this section "law" means any law enacted under the Uganda Order in Council, 1920, as amended from time to time, and includes any instrument made in pursuance of any such law.

(4) This section shall come into operation on the day after the day on which this Order shall have been laid before both Houses of Parliament.

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 Uganda Order in Council, 1920, and constitutes the office of Deputy Governor for the Protectorate. A minor amendment is also made to the Uganda Order in Council, 1902.

(a) S.I. 1957/862 (1957 I, p. 469). (b) S.I. 1957/2168 (1957 I, p. 671).
(c) *See* S.I. 1952 I, at p. 621.