The Workmen's Compensation (Supplementation) Scheme, 1951

1951 No. 1150

Made - - - - 27*th June*, 1951
Coming into Operation 11*th July*, 1951

M.N.I./W.C.S.1.

The Minister of National Insurance, with the consent of the Treasury, in exercise of powers conferred by the Workmen's Compensation (Supplementation) Act, 1951(a), and of all other powers enabling her in that behalf, hereby makes the following Scheme*:—

PART I

General

Citation, commencement and interpretation

1.—(1) This Scheme may be cited as the Workmen's Compensation (Supplementation) Scheme, 1951, and shall come into operation on the fourteenth day after the date of this instrument.

(2) In this Scheme, unless the context otherwise requires—

"the Act" means the Workmen's Compensation (Supplementation) Act, 1951(a);

"the Industrial Injuries Act" means the National Insurance (Industrial Injuries) Act, 1946(b);

"the Minister" means the Minister of National Insurance;

"workmen's compensation" means compensation under the Workmen's Compensation Act, 1906(c), the Workmen's Compensation (Silicosis) Act, 1918(d) or the Workmen's Compensation Acts, 1897 and 1900(e) or under any contracting-out scheme duly certified under any of those Acts;

"the National Insurance Act" means the National Insurance Act, 1946(f);

"the relevant injury or disease", in relation to any person, means the injury or disease in respect of which he is or has since the commencement of the Act(g) been entitled to weekly payments by way of workmen's compensation in consequence of an accident happening before the 1st January, 1924;

"allowance" means an allowance payable under this Scheme;

"the Board" means the Board established under Article 8 of this Scheme;

"claimant" means a person claiming an allowance and includes, in relation to the review of an award or a decision, a beneficiary under the award or affected by the decision;

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* In accordance with section 1(4) of the Workmen's Compensation (Supplementation) Act, 1951, a draft of this Scheme has been approved by each House of Parliament. The necessary Resolutions were passed by the House of Lords on the 26th June, 1951 and by the House of Commons on the 25th June, 1951.

(a) 14 & 15 Geo. 6. c. 22. (b) 9 & 10 Geo. 6. c. 62. (c) 6 Edw. 7. c. 58.
(d) 8 & 9 Geo. 5. c. 14. (e) 60 & 61 Vict. c. 37; 63 & 64 Vict. c. 22.
(f) 9 & 10 Geo. 6. c. 67. (g) 21st March 1951.

" beneficiary " means a person entitled to an allowance ;

" the Benefit Regulations " means the National Insurance (Industrial Injuries) (Benefit) Regulations, 1948(a).

(3) Any reference in this Scheme to the happening of an accident shall, in relation to a case of disease, be construed in the same way as for the purposes of the Acts relating to workmen's compensation.

(4) For the purposes of this Scheme—

(*a*) a person shall be deemed entitled to weekly payments by way of workmen's compensation in consequence of an accident happening before the 1st January, 1924, at any time when he would be so entitled if the amount he is earning or able to earn in some suitable employment or business, or the amount of any payment, allowance or benefit received by him otherwise than by way of workmen's compensation, or both, were sufficiently reduced ; and

(*b*) a payment under the Workmen's Compensation (War Addition) Acts, 1917 and 1919(b), shall be treated as a weekly payment by way of workmen's compensation.

(5) References in this Scheme to any enactment, scheme or regulations shall include references to such enactment, scheme or regulations as amended by any subsequent enactment, order, scheme or regulations.

(6) Any notice or other document required or authorised to be given or sent to any person under the provisions of this Scheme shall be deemed to have been given or sent, if it was sent by post to that person at his ordinary or last known address.

(7) The Interpretation Act, 1889(c), applies to the interpretation of this Scheme as it applies to the interpretation of an Act of Parliament.

PART II

Allowances

Allowances payable under the Scheme

2.—(1) Subject to the following provisions of this Scheme, a person who is or has since the commencement of the Act been entitled to weekly payments by way of workmen's compensation in consequence of an accident happening before the 1st January, 1924, shall be entitled to an allowance payable out of the Industrial Injuries Fund during any period of total or partial incapacity for work resulting from the relevant injury or disease so long as he is ordinarily resident in Great Britain:

Provided that a person shall not be entitled to an allowance for any period during which he is entitled to any payment under any legislation of Northern Ireland corresponding to the Act.

(2) In this Article the expression " a period of total incapacity for work resulting from the relevant injury or disease " includes a period during which a person is treated as subject to such an incapacity under the provisions of Article 3.

(a) S.I. 1948 (No. 1372) I. p. 2918. (b) 7 & 8 Geo. 5. c. 42; 9 & 10 Geo. 5. c. 83.
(c) 52 & 53 Vict. c. 63.

(3) The weekly rate of an allowance—

(*a*) in the case of an allowance payable to a person in respect of a period of total incapacity for work resulting from the relevant injury or disease shall be forty shillings less the amount of his workmen's compensation; and

(*b*) in the case of an allowance payable to a person in respect of a period of partial incapacity for work resulting from the relevant injury or disease shall be the difference between two-thirds of the amount representing his weekly loss of earnings (ascertained in accordance with Article 5) due to the relevant injury or disease and the amount of his workmen's compensation, so however that the aggregate of the said weekly rate and the amount of his workmen's compensation shall in no such case exceed forty shillings.

(4) The weekly rate of an allowance payable to a man in respect of a period of total incapacity for work resulting from the relevant injury or disease shall, subject to the provisions of the First Schedule hereto, be increased by sixteen shillings for any period during which he is residing with or wholly or mainly maintaining his wife or would under the provisions of the Industrial Injuries Act be treated as doing so.

Partial incapacity to be treated as total in certain cases

3.—(1) For the purpose of the references in Article 2 to a period of total incapacity for work resulting from the relevant injury or disease, a person who is unable to obtain employment shall, subject to the provisions of paragraph (3) of this Article, be treated as subject to such an incapacity:—

(*a*) if he is being treated as being so for the purposes of his workmen's compensation in respect of the relevant injury or disease; or

(*b*) if it appears to the Board—

(i) that, having regard to all the circumstances, it is probable that he would, but for the continuing effects of the relevant injury or disease, be able to obtain work in the same grade in the same class of employment as before the happening of the accident; or

(ii) that his inability to obtain employment is a consequence, wholly or mainly, of the relevant injury or disease.

(2) Where a person who is unable to obtain employment fails to satisfy the conditions laid down in paragraph (1) of this Article because of the supervening effects of an injury or disease other than the relevant injury or disease, or of physical or mental infirmity due to old age, he shall nevertheless be deemed to satisfy the said condition if he proves to the satisfaction of the Board—

(*a*) that he would have satisfied either of the conditions set out in subparagraph (*b*) of the said paragraph at the time when he first became subject to the aforesaid supervening effects and that he was then unable to obtain employment; and

(*b*) that since that time the effects of the relevant injury or disease have not become substantially less serious.

(3) This Article shall not apply to any person for any period for which he receives unemployment benefit.

(4) This Article shall also apply for the purposes of subsection (3) of section 2 of the Act (which relates to the circumstances in which a person is to be treated as subject to total incapacity for work resulting from the relevant injury or disease).

Amount of Workmen's Compensation

4.—(1) Any reference in Article 2 to the amount of a person's workmen's compensation shall (subject to the provisions of paragraph (2) of this Article) be taken as referring to the amount (if any) of the weekly payments to which for the time being he is, or would but for the determination of his right be, entitled in respect of the relevant injury or disease:

Provided that—

(*a*) where in fixing the amount of those weekly payments under the provisions relating thereto regard was had to any payment, allowance or benefit which he might receive during the period of his incapacity from the person liable for the compensation and the amount is shown to have been reduced in consequence, the amount of those weekly payments shall for the purposes of this Article be taken to be the reduced amount so fixed with the addition of the amount of the reduction ; and

(*b*) where the amount of those weekly payments has not been fixed under the provisions relating thereto, it shall be fixed for the purposes of this Article without regard to any such payment, allowance or benefit as aforesaid.

(2) Where a person is or has since the commencement of the Act been entitled to payments under the Workmen's Compensation (War Addition) Acts, 1917 and 1919, but has before that commencement ceased to be entitled to any other weekly payments by way of workmen's compensation in respect of the relevant injury or disease, the amount of his workmen's compensation shall for the purposes of Article 2 be calculated as if he had not ceased to be entitled to such other payments.

Computation of loss of earnings

5.—(1) For the purposes of sub-paragraph (*b*) of paragraph (3) of Article 2, the amount representing a person's weekly loss of earnings due to the relevant injury or disease shall, subject to the provisions of paragraph (2) of this Article, be ascertained—

(*a*) by comparing the standard of remuneration from time to time obtaining in the class of employment in which he was employed at the time when the accident happened with the amount which he is earning or able to earn in some suitable employment or business ; but

(*b*) if at that time he was less than twenty-one years of age, with due regard to the reasonable prospects of advancement at that time of a person of similar age in his grade of employment.

(2) In ascertaining the amount representing a person's weekly loss of earnings for the purposes of paragraph (1) of this Article—

(*a*) where the class of employment in which he was employed at the time when the accident happened has ceased to exist or cannot be related to the wage structure from time to time obtaining in the industry in which he was employed at that time, the Board shall take the standard of remuneration to be such as appears to them to be appropriate, having regard to all the circumstances of the case ;

(*b*) the reference to the amount which a person is earning or able to earn in some suitable employment or business shall be taken as referring—

(i) where that amount has been determined in fixing the amount of his workmen's compensation, to the amount so determined ; and

(ii) where that amount has not been so determined, to such amount as the Board may determine having regard to the rules for calculating the weekly payments in the case of partial incapacity under the provisions relating to his workmen's compensation.

(3) The provisions of paragraph (2) of this Article shall also apply in ascertaining the amount representing a person's weekly loss of earnings for the purposes of paragraph (*b*) of subsection (2) of section 2 of the Act (which subsection relates to the weekly rates of allowances).

Allowances payable to beneficiaries who have ceased to be ordinarily resident in Great Britain

6. Where a beneficiary ceases to be ordinarily resident in Great Britain he shall not by reason of that fact cease to be entitled to an allowance—

(*a*) where an application for a reference to a medical referee has been made under paragraph 18 of the First Schedule to the Workmen's Compensation Act 1906, if the medical referee, in pursuance of that paragraph, certifies that the incapacity resulting from the relevant injury or disease is likely to be of a permanent nature; or

(*b*) where no such application has been made, if the Board is satisfied that the said incapacity is likely to be of a permanent nature.

Allowances in respect of two or more different injuries or diseases

7. Where a claimant or beneficiary is or has since the commencement of the Act been entitled to weekly payments by way of workmen's compensation in respect of two or more different injuries or diseases, he shall, subject to the provisions of this Scheme, be entitled to an allowance in respect of each such injury or disease during any period of total or partial incapacity for work resulting from that injury or disease:

Provided that he shall not for the same period be entitled to receive—

(*a*) two or more allowances at an aggregate weekly rate exceeding forty shillings (apart from any increase of an allowance under the provisions of paragraph (4) of Article 2 in respect of his wife);

(*b*) more than one such increase of an allowance in respect of his wife.

PART III

Constitution and Procedure of the Board

Constitution of the Board

8.—(1) There shall be established for the administration of this Scheme and for the determination of all questions assigned to them under this Scheme, a Board consisting of—

(*a*) members appointed by the Minister, of whom one third shall be chosen after consultation with such organisations representing employers and one third after consultation with such organisations representing employed persons, as the Minister thinks fit; and

(*b*) a Chairman and deputy Chairman appointed by the Minister.

(2) The Chairman and deputy Chairman shall be barristers or advocates of not less than ten years standing.

(3) The Chairman and deputy Chairman and other members of the Board shall hold office for such period as the Minister may fix in any particular case, and shall be eligible for re-appointment.

(4) The Minister shall appoint a Secretary to the Board.

General procedure

9.—(1) The Board may meet together for the determination of all questions assigned to them under this Scheme and for the despatch of business, adjourn and otherwise regulate their meetings as they think fit.

(2) The proceedings of the Board shall not be invalidated—

(*a*) by any vacancy in their number or by any defect in the appointment of any member of the Board ;

(*b*) by the absence from any meeting of the Board of any member of the Board:

Provided that the Board shall not proceed with the determination of any such question as is mentioned in paragraph (1) of this Article or with the despatch of any other business if both the Chairman and the deputy Chairman are absent.

(3) Questions arising at any meeting shall be decided by a majority of votes and in case of an equality of votes, the Chairman, or in his absence, the deputy Chairman, shall have a second or casting vote.

(4) The Board may delegate any of their powers to a sub-committee of the Board consisting of the Chairman or deputy Chairman and such other members as the Board may determine, and in particular may authorise any such sub-committee to determine any question assigned to the Board under this Scheme and to exercise any of the powers of the Board under Article 10 relating to such determination.

(5) Subject to the provisions of this Article and of Article 10, the procedure at any meeting of the Board shall be such as the Board may from time to time determine.

(6) Every document purporting to be an instrument issued by the Board, and to be signed by the Secretary of the Board or any person authorised to act in that behalf, shall be received in evidence and be deemed to be such an instrument without further proof unless the contrary is shown.

Procedure on determination of claims and questions arising in connection with claims and awards

10.—(1) Any claim for an allowance and any question arising in connection with a claim for or an award of an allowance (other than such a question as is mentioned in Article 11) shall be determined by the Board in accordance with the provisions of Article 9 and of this Article.

(2) Any claimant may make a request to the Board for a hearing for the determination of any claim or question which they are required to determine under paragraph (1) of this Article, and the Board shall grant such request unless they are satisfied that the claim or question can properly be determined without a hearing in which event they shall inform the claimant in writing and may proceed to determine the case without a hearing.

(3) If in accordance with the provisions of paragraph (2) of this Article a request for a hearing has been granted, or if notwithstanding that no request has been made, the Board are otherwise satisfied that a hearing is desirable, reasonable notice of the time and place of the hearing shall be given to the claimant.

(4) Every such hearing shall be in public, except in so far as the Board for special reasons may otherwise direct.

(5) The Board may by summons require persons to attend at any such hearing to give evidence and to produce documents reasonably required for the purpose of determining the claim.

(6) The claimant, or an association of employed persons of which the claimant is or has been a member, shall have a right of audience at any hearing by the Board of his case.

(7) If the claimant should fail to appear either in person or by representative at the hearing, the Board may proceed to determine the claim or question notwithstanding his absence or may give such direction with a view to the determination of the claim or question as they think proper.

(8) The Board shall in each case record their decision in writing and the claimant shall be informed in writing of the decision as soon as practicable.

(9) For the purpose of the determination of any question by the Board, the Board may refer to a medical practitioner for examination and report any question arising for their decision.

Reference of questions to insurance officers

11. If on consideration of a claim or question the Board is of opinion that a question arises—

(*a*) whether for any period a person is or was residing with or wholly or mainly maintaining his wife (or would under the provisions of the Industrial Injuries Act be treated as doing so); or

(*b*) whether for any period his wife is or was engaged in any gainful occupation or occupations from which her weekly earnings exceed or exceeded the amount specified in regulation 7 of the Benefit Regulations;

they shall refer that question for determination by an insurance officer appointed under the Industrial Injuries Act, who shall decide it in the same manner as a question arising in connection with a claim for benefit under that Act, and the determination of that question by the insurance officer shall be conclusive for the purposes of this Scheme subject to the same rights of appeal and review as would have been applicable if it had been given for the purposes of the Industrial Injuries Act.

Finality of decisions of Board

12. Except as provided by Article 23, any decision by the Board of a claim or question as provided by the foregoing Articles shall be final for the purposes of this Scheme.

PART IV

Claims and Payments

Claims to be made to Board in writing

13. Every claim for an allowance shall be made in writing to the Board.

Information to be given when making a claim or obtaining payment of allowance

14. Every person who makes a claim for or is entitled to an allowance and every person to whom or on whose behalf sums are payable by way of an allowance shall furnish in such manner and at such times as the Board or the Minister, as the case may be, may determine such certificates, documents, information and evidence affecting the right to the allowance or to the receipt of any sums payable by way of an allowance as may reasonably be required by the Board or the Minister, and, if so required, shall for that purpose attend at such office or place as the Board or the Minister may direct.

Obligations of claimants and of persons in receipt of allowance to undergo medical examination

15. The Board may by notice in writing require any claimant for and any person in receipt of an allowance to undergo medical or other examination

not less than three clear days after the date of such notice, and any such person shall comply with every such requirement and shall attend at every such place and at every such time as may be required.

Sums not payable when delay in claiming

16. An allowance shall not be payable to any person in respect of any period more than six months before the claim for the allowance is made, except that in any particular case the Board may determine that the allowance shall be payable from such earlier date as they may consider reasonable in the circumstances, not being a date before the date from which, apart from this Article, the allowance would be payable.

Payment of allowances

17. Payment of allowances shall be made by the Minister, and accordingly the provisions of the Industrial Injuries Act and of the regulations made thereunder specified in the Second Schedule hereto shall be applicable with the necessary modifications to claims for and payment of allowances as the same apply to industrial disablement benefit under that Act.

Obligation of beneficiaries to notify change of circumstances

18. Every beneficiary shall, as soon as may be practicable, notify the Minister in writing of any change of circumstances which he might reasonably be expected to know might affect the continuance of his right to any allowance or any part thereof awarded to him, or to the receipt of any such allowance or part, and the Minister shall thereupon notify the Board of any such change of circumstances.

Allowances to be inalienable

19. Subject to the following provisions of this Scheme, every assignment of, or charge on, an allowance, and every agreement to assign or charge an allowance, shall be void, and on the bankruptcy of a beneficiary, the allowance shall not pass to any trustee or other person acting on behalf of his creditors.

Forfeiture of allowances

20. If a claimant or beneficiary—

(*a*) fails without reasonable cause to comply with any requirement of Articles 14, 15 or 18, he shall, if the Board so decide, forfeit any allowance which would, apart from this paragraph, be payable in respect of the period of such failure;

(*b*) wilfully obstructs or is guilty of other misconduct in connection with any medical or other examination which he is required under Article 15 to undergo, or with any proceedings under this Scheme for the determination of his right to an allowance or to the receipt thereof, he shall forfeit for such period as the Board shall determine any allowance which would, apart from this paragraph, be payable:

Provided that nothing in this paragraph providing for forfeiture of an allowance for failure to undergo medical or other examination or for obstruction or misconduct in connection with such examination shall authorise the disentitlement of the person concerned for a period exceeding six weeks on any forfeiture.

Suspension of payment of allowances

21. Where it appears to the Minister that a question has arisen whether the award of an allowance ought to be revised in accordance with Article 23, he may direct that the payment of the allowance shall be suspended in whole

or in part until the question has been determined, but if he does so he shall forthwith refer the question to the Board for determination in accordance with the provisions of that Article.

Allowances during imprisonment

22. The provisions of the proviso to paragraph (2) of regulation 24 of the Benefit Regulations (which proviso limits the amount of benefit payable in respect of periods of imprisonment) and of paragraph (2) of regulation 25 of those regulations (which paragraph relates to suspension of payment of benefit during such periods) shall be applicable with the necessary modifications to the payment of sums by way of an allowance as the same apply to benefit under the Industrial Injuries Act.

PART V

Review, Overpayments, Recovery

Review of decisions of Board

23.—(1) The Board may at any time and from time to time review any decision given by them under this Scheme—

(*a*) if it appears to them that the decision was erroneous either in view of new facts which have been brought to their notice since the date on which it was given or by reason of some mistake being made with respect to the facts or the law ; or

(*b*) if there has been any relevant change of circumstances since the decision was given ; or

(*c*) if the decision was based on the decision of a question specified in Article 11, and the decision of the question is revised in accordance with the Industrial Injuries Act.

(2) Any question may be raised by the claimant or the Minister with a view to the review of any decision of the Board by means of an application made in writing to the Board and stating the grounds of the application.

(3) Where on review a decision of the Board is revised so as to make an allowance payable or to increase the rate of an allowance then, subject to the provisions of this Scheme relating to the time of payment of allowances, the allowance shall be payable accordingly from such date as the Board may consider reasonable in the circumstances.

Requirement to repay wrongly paid allowance

24.—(1) Where on review a decision under this Scheme is revised, the decision given on review shall require repayment to the Industrial Injuries Fund of any sums paid by way of an allowance in pursuance of the original decision to the extent to which they would not have been payable if the decision on the review had been given in the first instance:

Provided that, subject to the provisions of paragraph (2) of this Article, repayment shall not be required under this paragraph in any case where the person concerned is shown to the satisfaction of the Board to have acted in good faith in all respects as to the obtaining and receipt of the allowance.

(2) Where on review a decision of the Board is revised so as, in respect of any period, to make an increase of an allowance in respect of a wife not payable or to reduce such increase, and the person concerned has also been awarded an increase of benefit in respect of his wife under the National Insurance Act or the Industrial Injuries Act, the decision on review shall require

repayment to the Industrial Injuries Fund of so much of the increase of the allowance in respect of the wife paid in pursuance of the original decision of the Board as does not exceed the amount of the increase of benefit which has been awarded under those Acts in respect of the same period.

Recovery of sums by deduction from allowances or benefit under the Industrial Injuries Act

25.—(1) Where any sums paid by way of an allowance are required to be repaid to the Industrial Injuries Fund under Article 24, such sums may, without prejudice to any other method of recovery, be deducted from any allowance or from any benefit under the Industrial Injuries Act then or thereafter payable to the person by whom they are to be repaid, or to any person entitled to receive such allowance or benefit on his death, and such deduction may be made at such rate as the Minister may determine.

(2) Where, in the case of any person, any sum may by virtue of any provision of the Industrial Injuries Act be recovered by deduction from any payment under that Act, it may instead be recovered in whole or in part by deduction from any allowance then or thereafter payable to him, or to any person entitled to receive such allowance on his death.

PART VI

Miscellaneous

Contracting-out Schemes

26. In relation to a person whose workmen's compensation is or was compensation under a contracting-out Scheme, subsection (5) of section 2 of the Act (which subsection relates to the amount of a person's workmen's compensation) and Articles 2 and 4 shall apply subject to the modification that, where by reason of the nature of the provisions of the contracting-out Scheme—

(*a*) there is in the opinion of the Board difficulty in distinguishing the amount to which that person is or was entitled by way of workmen's compensation under that Scheme from other payments to him ; or

(*b*) the said amount is or was reduced in consequence of other payments to him ;

the amount of his workmen's compensation shall be taken to be such an amount as the Board may think reasonable in his case, having regard to the provisions of the contracting-out Scheme and to the amount of the weekly payments by way of workmen's compensation which would, but for the contracting-out Scheme, have been payable to him in respect of the relevant injury or disease.

Exemption from stamp duty

27. Stamp duty shall not be chargeable upon such documents used in connection with business under this Scheme as are specified in the Third Schedule hereto.

Reciprocal arrangements with Northern Ireland

28. If in pursuance of subsection (1) of section 5 of the Act (which relates to reciprocal arrangements with Northern Ireland) the Minister makes reciprocal arrangements for payments under any corresponding legislation of Northern Ireland to be made out of the Industrial Injuries Fund, the provisions of this Scheme shall apply in relation to such payments as if they were payments under this Scheme.

Breach of regulations

29. If any person contravenes or fails to comply with any requirement of Articles 14 or 18 he shall for such offence be liable on summary conviction to a penalty not exceeding ten pounds.

Dated this 27th day of June, 1951.

Edith Summerskill,
Minister of National Insurance.

We consent.

Dated this 27th day of June, 1951.

H. W. Bowden,
W. A. Wilkins,
Two of the Lords Commissioners of His Majesty's Treasury.

FIRST SCHEDULE

Article 2 (4).

Conditions relating to increase of allowance in respect of a wife

1. An increase of an allowance under the provisions of paragraph (4) of Article 2 in respect of a wife shall not be payable for any period for which an increase of disablement benefit in respect of a wife would not be payable under the provisions of—

(*a*) subsection (1) of section 32 of the Industrial Injuries Act (which subsection relates to disqualification for periods of absence from Great Britain and of imprisonment); and

(*b*) regulation 7 of the Benefit Regulations (which regulation provides that an increase of benefit in respect of a wife shall not be payable where her weekly earnings exceed the amount therein specified):

Provided that for the purpose of this sub-paragraph the weekly earnings of a wife shall be ascertained in the manner specified in sub-paragraph (*b*) or (*c*) of paragraph (2) of the said regulation (which sub-paragraphs relate to computation of earnings), whichever is appropriate.

2. Where for any period—

(*a*) any dependency benefit specified in paragraph (2) of regulation 5 of the National Insurance (Overlapping Benefits) Regulations, 1948(a) (which regulation relates to the adjustment of dependency benefit under the National Insurance Act by reference to other dependency benefits) is payable to a person in respect of his wife or any other adult dependant or to any other person in respect of his wife; or

(*b*) any one or more of the personal benefits specified in paragraph (2) of regulation 29 of the Benefit Regulations (which regulation relates to adjustment of dependency benefit under the Industrial Injuries Act by reference to personal benefits) is or are payable to his wife,—

at a weekly rate (or if more than one) at an aggregate weekly rate—

(i) which is equal to or exceeds sixteen shillings, then for that period an increase of an allowance in respect of his wife shall not be payable; or

(ii) of less than sixteen shillings, then for that period such increase shall be reduced by an amount equal to the weekly rate or the aggregate weekly rate of such benefit or benefits.

(a) S.I. 1948 (No. 2711) I, p. 2657.

SECOND SCHEDULE

Article 17.

Provisions of the Industrial Injuries Act and of the regulations made thereunder applicable (with the necessary modifications) to claims for and payments of allowances

Provisions of the Industrial Injuries Act and of the regulations made thereunder	Subject matter
Subsection (4) of section 27	Fractions of a penny to be disregarded
The National Insurance (Industrial Injuries) (Claims and Payments) Regulations, 1948(a)	
Regulation 15	Time and manner of payment of benefit
Regulation 18	Extinguishment of right to sums payable by way of benefit which are not obtained within the prescribed time
Regulation 22	Persons unable to act
Regulation 23	Payments on death

THIRD SCHEDULE

Article 27.

Documents exempt from Stamp Duty

1. Draft or order or receipt given in respect of an allowance.

2. Appointment or revocation of an appointment of an agent and any other document authorised by or in pursuance of this Scheme or otherwise required in order to give effect to the provisions of this Scheme.

EXPLANATORY NOTE

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

This Scheme is made in exercise of powers conferred on the Minister of National Insurance by the Workmen's Compensation (Supplementation) Act, 1951.

The Scheme provides for the payment out of the Industrial Injuries Fund of allowances during periods of total or partial incapacity for work to certain persons with rights to workmen's compensation for accidents happening or diseases contracted before the 1st January, 1924.

The Scheme provides for administration by a Board appointed by the Minister, and contains detailed provisions relating to claims and payments and other incidental matters, based on the corresponding provisions of the National Insurance (Industrial Injuries) Act, 1946.

(a) S.I. 1948 (No. 1362) I, p. 2942.

APPENDIX OF PREROGATIVE ORDERS, ETC.

ORDERS IN COUNCIL, LETTERS PATENT, &C., ISSUED IN 1951 AND IN FORCE ON DATE OF PUBLICATION OF THIS VOLUME UNDER THE ROYAL PREROGATIVE RELATING TO THE CONSTITUTION AND CURRENCY OF OVERSEAS DOMINIONS, AND JUDICIAL APPEALS TO THE PRIVY COUNCIL.

FIJI

Fiji (Amendment) Letters Patent, 1951 passed under the Great Seal of the Realm amending the Letters Patent of the 2nd April, 1937, constituting the Office of Governor and Commander-in-Chief of the Colony of Fiji and providing for the Government thereof.

Dated 7th April, 1951.

GEORGE THE SIXTH, by the Grace of God of Great Britain, Ireland and the British Dominions beyond the Seas King, Defender of the Faith. To all to whom these Presents shall come, Greeting!

Whereas by Letters Patent under the Great Seal dated the second day of April, 1937(a), as amended by like Letters Patent dated the first day of February, 1943(b), the nineteenth day of May, 1944(c) and the thirtieth day of January, 1947 (d) (hereinafter called "the principal Letters Patent"), the Office of Governor and Commander-in-Chief in and over Our Colony of Fiji is constituted and provision is made for the Government thereof:

And whereas We are minded to amend the principal Letters Patent in the manner hereinafter set forth:

NOW KNOW YE that We do declare Our will and pleasure as follows:—

Short title and commencement

1.—(1) These Letters Patent may be cited as the Fiji (Amendment) Letters Patent, 1951, and shall be construed as one with the principal Letters Patent, and the principal Letters Patent and these Letters Patent may be cited together as the Fiji Letters Patent, 1937 to 1951.

(2) These Letters Patent shall be proclaimed in such manner and at such places within the Colony as the Governor shall think fit and shall come into operation on a day to be appointed by the Governor by Proclamation published in the Fiji Royal Gazette.

Amendment of Article 26 of principal Letters Patent

2. Paragraph (4) of Article 26 of the principal Letters Patent is hereby revoked, but without prejudice to anything lawfully done thereunder, and the following paragraph shall be substituted therefor:

"(4) (*a*) possesses and has possessed for the preceding twelve months in his own right freehold property in the Colony of the clear value of not less than five hundred pounds, or of the annual value of not less than fifty pounds, over and above all charges and incumbrances affecting the same; or

(a) S.R. & O. 1937, p. 2383. (b) S.R. & O. 1943, I, p. 1036.
(c) S.R. & O. 1944, I, p. 1106. (d) S.R. & O. 1947, I. p. 2700.

(*b*) is, and has been for the preceding twelve months, in occupation in his own right of freehold or leasehold property in the Colony of the extent of not less than five hundred acres; or

(*c*) is in possession of a net annual income in his own right of not less than two hundred pounds."

Amendment of Article 33 of principal Letters Patent

3. In subparagraph (*b*) of paragraph (5) of Article 33 of the principal Letters Patent there shall be substituted for the words "one hundred and twenty pounds" the words "seventy five pounds".

In witness whereof We have caused these Our Letters to be made Patent.

Witness Ourself at Westminster the seventh day of April, in the Fifteenth year of Our Reign.

BY WARRANT UNDER THE KING'S SIGN MANUAL.

NAPIER.

KENYA

Kenya (Legislative Council) Amendment Letters Patent, 1951, passed under the Great Seal of the Realm, amending the Letters Patent of the 11th September, 1920, constituting the Office of Governor and Commander-in-Chief of the Colony of Kenya, and providing for the Government thereof.

Dated 7th November, 1951.

George the Sixth by the Grace of God of Great Britain, Ireland and the British Dominions beyond the Seas King, Defender of the Faith.

To all to whom these presents shall come, Greeting!

Whereas by certain Letters Patent under the Great Seal dated the Eleventh day of September, 1920(a), as amended by Letters Patent dated the Twenty-ninth day of March, 1934(b), and the Twenty-seventh day of April, 1948(c) (hereinafter called "the principal Letters"), We did amongst other things make provision for the constitution of a Legislative Council in and for Our Colony of Kenya (hereinafter called "the Colony") and for the powers thereof:

And Whereas We did reserve to Ourselves, Our Heirs and Successors full power and authority from time to time to revoke, alter or amend the principal Letters as to Us or Them should seem fit:

And Whereas We are minded to amend further the aforesaid provisions in manner hereinafter appearing:

(a) S.R. & O. 1920, II, p. 1612. (b) S.R. & O. 1934, II, p. 767.
(c) S.I. 1948, I, p. 4724.

Now Know Ye that We, by virtue and in the exercise of the powers vested in Us by the British Settlements Acts, 1887 and 1945(a), and of all other powers enabling Us in that behalf, do hereby declare Our will and pleasure as follows:—

Short title and commencement

I.—(1) These Letters may be cited as the Kenya (Legislative Council) (Amendment) Letters Patent, 1951, and shall be construed as one with the principal Letters; and the principal Letters and these Letters may be cited together as the Kenya (Legislative Council) Letters Patent, 1920 to 1951.

(2) These Letters shall come into operation forthwith, and shall be published in the Official Gazette of the Colony.

Insertion of new Clause XA in the Letters Patent of 1920

II. The Letters Patent of 1920 are hereby amended by the insertion after Clause X thereof of the following new clause, namely—

"Privileges of Legislative Council and it's Members.

"XA. It shall be lawful, by laws enacted under these Letters Patent, to determine and regulate the privileges, immunities and powers of the Legislative 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."

Reservation of power to revoke or amend Letters Patent

III. We do hereby reserve to Ourselves, Our Heirs and Successors full power and authority to revoke, add to or amend these Letters as to Us or Them shall seem fit.

In Witness whereof We have caused these Our Letters to be made Patent.

Witness Ourself at Westminster, the seventh day of November in the Fifteenth year of Our Reign.

BY WARRANT UNDER THE KING'S SIGN MANUAL

NAPIER.

LEEWARD ISLANDS

Leeward Islands Letters Patent, 1950, passed under the Great Seal of the Realm amending the Letters Patent of the 17th November, 1936, constituting the Office of Governor and Commander-in-Chief of the Leeward Islands.

Dated: 15th January, 1951.

GEORGE THE SIXTH, by the Grace of God of Great Britain, Ireland, and the British Dominions beyond the Seas King, Defender of the Faith.

To all to whom these Presents shall come, Greeting!

Whereas, by Letters Patent under the Great Seal dated the seventeenth day of November, 1936(b), as amended by like Letters Patent dated the twenty-eighth day of December, 1939(c) and the twelfth day of July, 1943(d),

(a) 50 & 51 Vict. c. 54.; 9 & 10 Geo. 6. c. 7. (b) S.R. & O. 1936, II, p. 3674.
(c) S.R. & O. 1939, II, p. 3577. (d) S.R. & O. 1943, I, p. 1040.

hereinafter called " the principal Letters Patent " constituting the Office of Governor and Commander-in-Chief in and over Our Colony of the Leeward Islands (hereinafter called " the Colony ").

And Whereas We are minded to amend the principal Letters Patent in the manner hereinafter appearing:

NOW KNOW YE that We do declare Our will and pleasure as follows:—

Short title and commencement

1.—(1) These Letters Patent may be cited as the Leeward Islands Letters Patent, 1950. They shall be construed as one with the principal Letters Patent and the principal Letters Patent and these Letters Patent may be cited together as the Leeward Islands Letters Patent, 1936 to 1950.

(2) These Letters Patent shall be published in the Government Gazette of the Colony and shall come into operation on a day to be appointed by the Governor by Proclamation in the said Gazette.

Amendment of Articles 4, 6, 8 *and* 20 *of principal Letters Patent*

2. Articles 4, 6, 8 and 20 of the principal Letters Patent shall have effect as if for the words " Saint Christopher and Nevis " wherever they occur therein there were substituted the words " Saint Christopher Nevis and Anguilla ".

In Witness whereof We have caused these Our Letters to be made Patent.

Witness Ourself at Westminster the fifteenth day of January, in the fifteenth year of Our Reign.

BY WARRANT UNDER THE KING'S SIGN MANUEL.

NAPIER

MAURITIUS

The Mauritius (Legislative Council) (Amendment) Order in Council, 1951

At the Court of Saint James, the 4th day of October, 1951

Present,

Her Majesty The Queen — **Her Royal Highness The Princess Elizabeth**

Lord Chancellor
Lord President
Mr. Secretary Ede
Sir Alan Lascelles

Whereas His Majesty, in pursuance of the Regency Acts, 1937 and 1943, was pleased, by Letters Patent dated the Twenty-seventh day of September, 1951, to delegate and grant unto Her Majesty The Queen, Her Royal Highness The Princess Elizabeth Duchess of Edinburgh, Lady of the Most Noble Order of the Garter, C.I., Her Royal Highness the Princess Margaret C.I., His Royal Highness The Duke of Gloucester, K.G., K.T., K.P., G.M.B., G.C.M.G., G.C.V.O., and Her Royal Highness The Princess Royal, C.I., G.C.V.O., G.B.E., or any two of them, as Counsellors of State, full power and authority

during the period of His Majesty's illness to summon and hold on His Majesty's behalf His Privy Council and to signify thereat His Majesty's approval of any matter or thing to which His Majesty's approval in Council is required:

And Whereas by the Mauritius (Legislative Council) Orders in Council, 1947(a) and 1950(b), provision is made for the constitution of a Legislative Council in and for Mauritius:

And Whereas it is expedient to amend the Mauritius (Legislative Council) Order in Council, 1947, (hereinafter called "the Principal Order") in the manner hereinafter appearing:

Now, therefore, Her Majesty The Queen and Her Royal Highness The Princess Elizabeth, being authorized thereto by the said Letters Patent, and in the exercise of the powers conferred in that behalf, do hereby, by and with the advice of His Majesty's Privy Council, on His Majesty's behalf order, and it is hereby ordered, as follows:—

Short title and commencement

1.—(1) This Order may be cited as the Mauritius (Legislative Council) (Amendment) Order in Council, 1951, and shall be construed as one with the Mauritius (Legislative Council) Orders in Council, 1947 and 1950; and those Orders and this Order may be cited together as the Mauritius (Legislative Council) Orders in Council, 1947 and 1951.

(2) This Order shall come into operation forthwith and shall be published in the Gazette.

Amendment of Section 10 (3) *of the Principal Order*

2.—(1) In subsection (3) of Section 10 of the Principal Order there shall be inserted after paragraph (*g*) the following paragraph:—

"(*h*) if he shall, by writing under his hand addressed to the Governor, resign his seat in the Council; or"

(2) Paragraphs (*h*), (*i*), (*j*) and (*k*) of the said subsection shall be re-lettered (*i*), (*j*), (*k*) and (*l*) respectively.

F. J. Fernau.

NIGERIA

Nigeria Letters Patent, 1951, passed under the Great Seal of the Realm constituting the Office of Governor and Commander-in-Chief of the Colony of Nigeria and making certain provisions for the Government thereof.

Dated 5th December, 1951.

GEORGE THE SIXTH, by the Grace of God of Great Britain, Ireland and the British Dominions beyond the Seas King, Defender of the Faith.

To all to whom these Presents shall come, Greeting!

Whereas by Nigeria Letters Patent, 1946(c), as amended by the Nigeria Letters Patent, 1949(d), the Office of Governor and Commander-in-Chief of the Colony of Nigeria is constituted and certain provisions are made for the Government of the said Colony:

(a) S.R. & O. 1947, I, p. 2736. (b) S.I. 1950, II, p. 1546.
(c) S.R. & O. 1946, I, p. 2344. (d) S.I. 1949, I, p. 4748.

And Whereas We are minded to make other provision for the matters aforesaid:

NOW KNOW YE that We do by these Presents declare Our will and pleasure as follows:—

Interpretation

1.—(1) In these Letters Patent, unless it is otherwise expressly provided or required by the context—

(*a*) "the appointed date" means the date appointed under paragraph (2) of Article 2 of these Letters Patent;

"the Cameroons" means the Cameroons under United Kingdom Trusteeship as defined by the Nigeria (Supplementary Provisions) Order in Council, 1951(a), or any Order of His Majesty in Council amending or replacing that Order;

"the Colony" means the Colony of Nigeria;

"the Council of Ministers" means the Council of Ministers established by the Order in Council;

"the Existing Executive Council" means the Executive Council established by the existing Letters Patent;

"the existing Letters Patent" means the Nigeria Letters Patent, 1946, as amended by the Nigeria Letters Patent, 1949;

"the Governor" means the Governor and Commander-in-Chief of the Colony and includes the Officer for the time being administering the Government and, to the extent to which a Deputy for the Governor is authorised to act, that Deputy;

"the Instructions of 1946 and 1949" means the Instructions, passed under the Royal Sign Manual and Signet, to the Governor and Commander-in-Chief of Nigeria dated the second day of August, 1946, and the Additional Instructions, passed under the Royal Sign Manual and Signet, to the said Governor and Commander-in-Chief dated the ninth day of November, 1949;

"Nigeria" means the Colony and Protectorate together with the Cameroons;

"the Order in Council" means the Nigeria (Constitution) Order in Council 1951(b);

"the Protectorate" means the Protectorate of Nigeria as defined by the Nigeria (Supplementary Provisions) Order in Council, 1951, or any Order of His Majesty in Council amending or replacing that Order;

"public officer" means any person holding, or acting in, any office of emolument under the Crown in respect of the Government of Nigeria or any part thereof;

"the Public Seal" means the Public Seal of Nigeria;

"Secretary of State" means one of Our Principal Secretaries of State;

(*b*) any reference to the commencement of Chapters V to VII of the Order in Council shall be construed as a reference to the commencement of those provisions of the said Chapters which are to be brought into operation by the Governor under Section 3 of the said Order; and

(a) S.I. 1951 No. 1957, p. 89 above. (b) S.I. 1951 No. 1172, p. 14 above.

(*c*) any reference to the Northern, Western or Eastern Region shall be construed as a reference to the Northern, Western or Eastern Region of Nigeria (as the case may be) as defined by or under the Order in Council.

(2) Save as is in these Letters Patent otherwise provided, or required by the context, the Interpretation Act, 1889(**a**), shall apply for the purpose of interpreting these Letters Patent as it applies for the purpose of interpreting an Act of Parliament.

Short title and commencement

2.—(1) These Letters Patent may be cited as the Nigeria Letters Patent, 1951, and shall be proclaimed in such manner and at such places within the Colony as the Governor thinks fit.

(2) These Letters Patent, except Articles 9 and 10 thereof, shall come into operation on such date (not being later than the commencement of Chapters V to VII of the Order in Council) as the Governor may by Proclamation appoint.

(3) Articles 9 and 10 of these Letters Patent shall come into operation upon the commencement of Chapters V to VII of the Order in Council.

Revocation of existing Letters Patent

3.—(1) Without prejudice to anything lawfully done thereunder, the existing Letters Patent, except Articles 1, 10 and 11 thereof, are hereby revoked as from the appointed date:

Provided that, if the appointed date is earlier than the date of the commencement of Chapters V to VII of the Order in Council, the existing Executive Council shall, notwithstanding such revocation, continue to exist until the commencement of the said Chapters V to VII, and shall be constituted and shall perform its functions in accordance with the provisions of the Instructions of 1946 and 1949 save that the Governor shall not be required to consult with the said Executive Council in the exercise of any power conferred on him by the Order in Council.

(2) Articles 1, 10 and 11 of the existing Letters Patent are hereby revoked as from the commencement of Chapters V to VII of the Order in Council, but without prejudice to anything lawfully done under the said Articles.

Office of Governor and Commander-in-Chief constituted

4. There shall be a Governor and Commander-in-Chief in and over the Colony and appointments to the said Office shall be made by Commission under Our Sign Manual and Signet.

Governor's Authority

5. We do hereby authorise, empower and command the Governor to do all things belonging to his Office in accordance with these Letters Patent, such Commission as aforesaid, such Instructions as may from time to time be given to him by Us under Our Sign Manual and Signet or through a Secretary of State, and such Orders in Our Privy Council and other laws as may from time to time be in force.

Publication of Governor's Commission and taking of Oaths

6. Every person appointed to fill the Office of Governor shall, with all due solemnity, before entering on any of the duties of his Office, cause the Commission appointing him to be Governor to be read and published in the presence of the Chief Justice or, in his absence, of some other Judge of

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

Our Supreme Court of Nigeria and of such members of the Council of Ministers as can conveniently attend; and shall thereupon take before them the Oath of Allegiance and the Oath for the due execution of the Office of Governor in the forms set out in the Schedule to these Letters Patent, which Oaths the said Chief Justice or Judge is hereby required to administer.

Succession to Government

7.—(1) Whenever the Office of Governor is vacant, or the Governor is absent from Nigeria or is from any other cause prevented from, or incapable of, performing the functions of his Office, the Government of the Colony shall, during Our pleasure, be administered by—

(*a*) such person as We may appoint under Our Sign Manual and Signet or designate by Instructions issued through a Secretary of State; or

(*b*) if there be no person in Nigeria so appointed or designated and capable of discharging the duties of administration, the senior of the following officers who is in Nigeria and so capable, namely—

(i) the person who holds the substantive appointment of Chief Secretary to the Government of Nigeria;

(ii) the persons who hold the substantive appointments of Lieutenant-Governor of the Northern, Western and Eastern Regions respectively;

(iii) the person who holds the substantive appointment of Attorney-General;

(iv) the person who holds the substantive appointment of Financial Secretary to the Government of Nigeria.

(2) For the purposes of this Article the officers referred to in sub-paragraph (*b*) of paragraph (1) of this Article shall take seniority in the order in which their respective offices are mentioned therein:

Provided that the persons who hold the substantive appointments of Lieutenant-Governor shall take seniority among themselves in the order of their precedence in the Council of Ministers.

(3) Before assuming the administration of the Government any such person as aforesaid shall take, in the form and manner in these Letters Patent prescribed, the oaths directed by these Letters Patent to be taken by the Governor; which being done, We do hereby authorise, empower and command such person, subject, if he is appointed under Our Sign Manual and Signet or designated by Instructions issued through a Secretary of State, to the terms of such appointment or Instructions, during Our pleasure to do all things that belong to the Office of Governor as provided in these Letters Patent.

(4) Any such person as aforesaid shall not continue to administer the Government after the Governor or some other person having a prior right to administer the same has notified him that he is about to assume, or resume, the administration.

(5) The Governor or any other person as aforesaid shall not be regarded as absent from Nigeria or prevented from, or incapable of, performing the functions of his Office for the purposes of this Article during his passage from one part of Nigeria to another, or when there is a subsisting appointment of a Deputy under the next succeeding Article of these Letters Patent.

Appointment of Deputy to Governor

8.—(1) Whenever the Governor—

(*a*) has occasion to be absent from the seat of Government but not from Nigeria, or

(*b*) has occasion to be absent from Nigeria for a period which he has reason to believe will be of short duration, or

(*c*) by reason of illness, which he has reason to believe will be of short duration, considers it desirable so to do,

he may, by Instrument under the Public Seal, appoint any person in Nigeria to be his Deputy during such absence or illness, and in that capacity to perform for and on behalf of the Governor during such absence or illness all such functions vested in the Governor as may be specified by such Instrument.

(2) By the appointment of a Deputy as aforesaid the power and authority of the Governor shall not be abridged, altered, or in any way affected otherwise than as We may at any time hereafter think proper to direct; and every such Deputy shall conform to and observe all such instructions as the Governor may from time to time address to him for his guidance.

(3) Any appointment under this Article may at any time be revoked by the Governor or by a Secretary of State, and, in case of absence as aforesaid, shall cease and determine upon the return of the Governor to the seat of Government or to Nigeria, as the case may be.

Privy Council

9.—(1) There shall be a Privy Council for the Colony, and the said Council shall have such functions, and shall consist of such persons, appointed in such manner, as We may direct by Instructions under Our Sign Manual and Signet.

(2) The members of the Privy Council shall hold their seats in the Council during Our pleasure and, subject thereto, for such period and upon such conditions as may be specified in such Instructions as aforesaid.

Constitution and tenure of public offices

10. The Governor, in Our name and on Our behalf, may constitute all such judgeships and other offices for the Colony as may lawfully be constituted by Us and may make appointments (including promotions and transfers) to any such office; and any person appointed to any such office shall, unless it is otherwise provided by law, hold such office during Our pleasure.

Grant of Pardon

11. When any offence has been committed for which the offender may be tried in the Colony, the Governor may, as he sees fit, in Our name and on Our behalf, grant a pardon to any accomplice in such offence who gives such information as leads to the conviction of the principal offender, or of any one of such principal offenders if more than one; and may grant to any offender convicted of any such offence in any Court within the Colony a pardon, either free or subject to lawful conditions, or any respite, either indefinite or for such period as the Governor may think fit, of the execution of any sentence passed on such offender, and may remit the whole or any part of such sentence or of any penalties or forfeitures otherwise due to Us.

Disposal of Lands

12. Subject to any law for the time being in force in the Colony and to any Instructions given to him by Us under Our Sign Manual and Signet or through a Secretary of State, the Governor may, in Our name and on

Our behalf, make and execute under the Public Seal grants and dispositions of any lands or other immovable property within the Colony which may be lawfully granted or disposed of by Us.

The Public Seal

13. The Governor shall keep and use the Public Seal for sealing all things whatsoever that shall pass the said Seal.

Officers and others to obey the Governor

14. We do hereby require and command all Our Officers, Civil and Military, and all other inhabitants of the Colony to be obedient, aiding and assisting unto the Governor.

Reservation of power to amend or revoke Letters Patent

15. We do hereby reserve to Ourselves, Our Heirs and Successors full power and authority to revoke, add to, or amend these Letters Patent.

In Witness whereof We have caused these Our Letters to be made Patent.

Witness Ourself at Westminster the fifth day of December in the fifteenth year of Our Reign.

BY WARRANT UNDER THE KING'S SIGN MANUAL

NAPIER.

SCHEDULE

Article 6

Oath of Allegiance

I do swear that I will be faithful and bear true allegiance to His Majesty King George VI, His Heirs and Successors, according to Law. So help me God.

Oath for the due execution of the Office of Governor

I do swear that I will well and truly serve His Majesty King George VI, His Heirs and Successors, in the Office of Governor. So help me God.

NORTH BORNEO

North Borneo (Amendment) Letters Patent, 1951, passed under the Great Seal of the Realm amending the North Borneo Letters Patent, 1946 and 1950.

Dated 28th November, 1951

GEORGE THE SIXTH, by the Grace of God of Great Britain, Ireland and the British Dominions beyond the Seas King, Defender of the Faith.

To all to whom these Presents shall come, Greeting!

Whereas by the North Borneo Letters Patent, 1946(a) and 1950(b), provision is made constituting the Office of Governor and Commander-in-Chief of the Colony of North Borneo and for the Government thereof:

(a) S.R. & O. 1946, I, p. 2349. (b) S.I. 1950, II, p. 1547.

And Whereas We are minded to amend the North Borneo Letters Patent, 1946 (hereinafter called " the principal Letters Patent ") in the manner hereinafter appearing:

NOW KNOW YE that, in exercise of the powers conferred upon Us by the British Settlements Acts, 1887 and 1945, and of all other powers enabling Us in that behalf, We do by these Presents declare Our will and pleasure as follows:—

Short title, construction and commencement

1.—(1) These Letters Patent may be cited as the North Borneo (Amendment) Letters Patent, 1951 ; they shall be construed as one with the principal Letters Patent ; and the North Borneo Letters Patent, 1946 and 1950, and these Letters Patent may be cited together as the North Borneo Letters Patent, 1946 to 1951.

(2) These Letters Patent shall be proclaimed in such manner, and at such places within the Colony, as the Governor shall think fit, and shall come into operation on the first day of December, 1951.

Amendment of Article 5 of the principal Letters Patent

2. Article 5 of the principal Letters Patent is hereby amended by the substitution for the words " the Supreme Court " therein of the words " the Court mentioned in Article 21 of these Letters Patent ".

Substitution of new Articles for Articles 6, 21 and 22 of the principal Letters Patent

3. Articles 6, 21 and 22 of the principal Letters Patent are hereby revoked and the following Articles are substituted therefor:—

"Succession to Government.

" 6.—(1) Whenever the Office of Governor is vacant, or the Governor is absent from the Colony or is from any other cause prevented from, or incapable of, performing the functions of his Office, the Government of the Colony shall, during Our pleasure, be administered by—

(*a*) such person as We may appoint under Our Sign Manual and Signet ; or

(*b*) if there be no person in the Colony so appointed and capable of discharging the duties of administration, such person as We may designate by instructions through a Secretary of State ; or

(*c*) if there be no person in the Colony so appointed or designated and capable of discharging the duties of administration, the senior of the following Officers who is in the Colony and so capable, namely—

(i) the person who holds the substantive appointment of Chief Secretary ;

(ii) the person who holds the substantive appointment of Attorney-General ;

(iii) the person who holds the substantive appointment of Financial Secretary.

(2) For the purposes of this Article the Officers referred to in subparagraph (*c*) of paragraph (1) of this Article shall take seniority in the order in which their respective Offices are mentioned therein.

(3) Before assuming the administration of the Government any such person as aforesaid shall take, in the form and manner in these Letters Patent prescribed, the Oaths directed by these Letters Patent to be taken by the Governor; which being done, We do hereby authorise, empower and command such person, subject, if he is appointed as aforesaid under Our Sign Manual and Signet, to the terms of his appointment, to do during Our pleasure all things that belong to the Office of Governor as provided in these Letters Patent.

(4) Any such person as aforesaid shall not continue to administer the Government after the Governor or some other person having a prior right to administer the same has notified him that he is about to assume, or resume, the administration.

(5) The Governor or any other person as aforesaid shall not be regarded as absent from the Colony or prevented from, or incapable of, acting in the duties of his Office for the purposes of this Article during his passage from one part of the Colony to another or when there is a subsisting appointment of a Deputy under Article 7 of these Letters Patent."

"Superior Court of Record."

"21. There shall be for the Colony such Superior Court of Record as may be constituted by any Order in Our Privy Council with such original and appellate jurisdiction and such powers and duties as may be determined by, or in pursuance of, any Order in Our Privy Council or any other law for the time being in force (not being repugnant to the provisions of any such Order); and the Judges and Officers of the Court so constituted shall be appointed in such manner and shall hold office on such terms as may be determined as aforesaid."

"Subordinate Courts."

"22.—(1) Courts subordinate to the Superior Court of Record mentioned in Article 21 of these Letters Patent and Courts of special jurisdiction may be constituted by laws made under the provisions of any Order in Our Privy Council establishing a Legislative Council in and for the Colony.

(2) Subject to the provisions of any Order of Our Privy Council, provision may be made by such laws for the hearing and determining of appeals from any such subordinate Court or Court of special jurisdiction by the Superior Court of Record aforesaid or otherwise."

Saving of acts done under principal Letters Patent

4. Nothing in these Letters Patent shall affect the validity of anything lawfully done under the provisions of the principal Letters Patent before the commencement of these Letters Patent.

Reservation of power to revoke or amend Letters Patent

5. We do hereby reserve to Ourselves, Our Heirs and Successors, full power and authority to revoke, add to or amend these Letters Patent as to Us or Them shall seem fit.

In witness whereof We have caused these Our Letters to be made Patent.

Witness Ourself at Westminister the twenty-eighth day of November, in the fifteenth year of Our Reign.

BY WARRANT UNDER THE KING'S SIGN MANUAL.

NAPIER.

QUEENSLAND

At the Court at Buckingham Palace, the 27th day of February, 1951

Present,

The King's Most Excellent Majesty in Council

Whereas the Deputy Governor of Queensland (being one of the States constituting the Commonwealth of Australia) reserved on the thirteenth day of December in the year one thousand nine hundred and fifty a certain Bill passed by the Legislative Assembly of the said State, intituled "A Bill to Amend 'The Governor's Salary Acts 1872 to 1949' in a certain particular" for the signification of His Majesty's pleasure thereon:

And Whereas the said Bill, so reserved as aforesaid, has been laid before His Majesty in Council, and it is expedient that it should be assented to by His Majesty:

Now, therefore, His Majesty doth by this present Order, by and with the advice of His Privy Council, declare His Assent to the said Bill.

E. C. E. Leadbitter.

SAINT LUCIA

Saint Lucia (Legislative Council) (Electoral Provisions) Order in Council, 1951

At the Court at Buckingham Palace, the 27th day of February, 1951

Present,

The King's Most Excellent Majesty in Council

Whereas by Letters Patent constituting the Office of Governor and Commander-in-Chief of the Windward Islands, comprising the Islands of Grenada, Saint Vincent, Saint Lucia and Dominica, and their Dependencies, bearing date the Thirteenth day of November, 1936(**a**), as amended by Letters Patent bearing date the Twenty-eighth day of December, 1939, and the Eleventh day of May, 1945(**b**), it is provided that there shall be a Legislative Council for the Colony of Saint Lucia constituted in such manner and consisting of such persons and having such powers as are directed by any Order or Orders in His Majesty's Privy Council:

And Whereas by the Saint Lucia (Legislative Council) Orders in Council, 1936 to 1947(**c**) (hereinafter called "the existing Orders"), provision is made for the constitution of a Legislative Council for the Colony of Saint Lucia:

And Whereas it is proposed that other provision should be made for the constitution of a Legislative Council for the Colony of Saint Lucia (hereinafter called "the proposed Legislative Council"):

And Whereas it is expedient, for the avoidance of delay, that the Legislature of the Colony of Saint Lucia should be empowered to make provision, by law made under the existing Orders, for the election of members to the proposed Legislative Council, notwithstanding that the same has not yet been constituted by Order of His Majesty in Council:

(a) S.R. & O. 1936, II, p. 3687.
(b) S.R. & O. 1939, II, p. 3601; and S.R. & O. 1945, I, p. 1428.
(c) S.R. & O. 1936, II, p. 3693; S.R. & O. 1937, p. 2419; S.R. & O. 1941, I, p. 1265; S.R. & O. 1944, I, p. 1112; and S.R. & O. 1947, I, p. 2750.

Now, therefore, His Majesty, by virtue and in exercise of all the powers enabling Him in that behalf, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows :—

Short title and commencement

1. This Order may be cited as the Saint Lucia (Legislative Council) (Electoral Provisions) Order in Council, 1951, and shall come into operation on a date to be appointed by the Governor and Commander-in-Chief of the Windward Islands by Proclamation in the Saint Lucia Government Gazette.

Interpretation

2. In this Order " the Colony of Saint Lucia " means the Island of Saint Lucia and its Dependencies.

Provision for election of members to the proposed Legislative Council

3. Provision may be made, by or in pursuance of any law enacted under the existing Orders, for the election of members to the proposed Legislative Council, including (without prejudice to the generality of the foregoing power) the following matters, that is to say :—

(*a*) the qualifications and disqualifications of electors ;

(*b*) the registration of electors ;

(*c*) the ascertainment of the qualifications of persons who submit themselves for election ;

(*d*) the division of the Colony of Saint Lucia or any part thereof into electoral districts for the purpose of elections ; and the division of electoral districts into polling divisions ;

(*e*) the holding of elections ;

(*f*) the determination of all questions which may arise as to the right of any person to be or to remain an elected member of the proposed Legislative Council ;

(*g*) the definition and trial of offences relating to elections and the imposition of penalties therefor, including disqualification for membership of the proposed Legislative Council, or for registration as an elector, or for voting at elections, of any person concerned in any such offence ; and

(*h*) the disqualification for election as members of the proposed Legislative Council of persons holding, or acting in, any office the functions of which involve any responsibility for, or in connection with, the conduct of any election or the compilation or revision of any electoral register :

Provided that no election of members to the proposed Legislative Council shall be held under any such law until provision shall have been made by Order of His Majesty in Council for the establishment of the proposed Legislative Council, and that provision shall have come into operation.

Power to revoke or amend this Order

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

E. C. E. Leadbitter.

The Saint Lucia (Legislative Council) Order in Council, 1951

At the Court at Buckingham Palace, the 1st day of August, 1951.

Present,

The King's Most Excellent Majesty in Council.

Whereas by the Saint Lucia (Legislative Council) Orders in Council, 1936 to 1947(a) (hereinafter together called "the existing Orders"), provision is made for the constitution and powers of a Legislative Council for the Colony of Saint Lucia:

And Whereas it is expedient to make other provision than in the existing Orders is contained for the constitution and powers of the said Legislative Council:

Now, therefore, His Majesty, by virtue and in exercise of all the powers enabling Him in that behalf, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:—

PART I

Preliminary

Interpretation

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

"the Administrator" means the Administrator of Saint Lucia, and includes any person for the time being acting as Administrator thereof;

"the appointed day" means the day appointed under Section 2 of this Order;

"the Council" means the Legislative Council of Saint Lucia established by this Order;

"Deputy President" means the Member of the Council elected by the Council to be the Deputy President thereof in accordance with the provisions of Section 20 of this Order;

"dollars" means dollars in the currency of the Island;

"the Gazette" means the Saint Lucia Government Gazette;

"the Governor" means the Governor and Commander-in-Chief of the Windward Islands and includes the officer for the time being administering the Government of the Windward Islands, and, to the extent to which a Deputy for the Governor is authorised to act, that Deputy;

"the Island" and "St. Lucia" mean the Colony of Saint Lucia and its Dependencies;

"meeting" means any sitting or sittings of the Council commencing when the Council first meets after being summoned at any time and terminating when the Council is adjourned *sine die* or at the conclusion of a session;

"minister of religion" means any person in holy orders and any other person the functions of whose principal occupation include teaching or preaching in any congregation for religious worship;

"Proclamation" means a written or printed notice under the hand of the Governor or the Administrator, published by his order in the Gazette;

(a) S.R. & O. 1936, II, p. 3693; S.R. & O. 1937, p. 2419; S.R. & O. 1941, I, p. 1265; S.R. & O. 1944 I, p. 1112; and S.R. & O. 1947, I, p. 2750.

" public office " means, subject to the provisions of subsection (3) of this Section, any office of emolument in the public service or any office of emolument under a Municipal Corporation within Saint Lucia ;

" public officer " means the holder of any public office and includes any person appointed to act in any such office ;

" the Public Seal " means the Public Seal of the Island ;

" the public service " means the service of the Crown in respect of the Government of Saint Lucia ;

" session " means the meetings of the Council commencing when the Council first meets after being constituted under this Order, or after its prorogation or dissolution at any time, and terminating when the Council is next prorogued or is dissolved without having been prorogued ;

" sitting " means a period during which the Council is sitting continuously without adjournment, and includes any period during which the Council is in committee ;

" the Windward Islands " means the Colonies of Grenada, Saint Vincent, Saint Lucia, and Dominica and the Dependencies thereof.

(2) Where in this Order reference is made to any officer by the term designating his office, such reference shall be construed as a reference to the officer for the time being lawfully discharging the functions of that office.

(3) For the purposes of this Order a person shall not be considered to hold a public office by reason only that he is in receipt of a pension or other like allowance in respect of service in any such office ; and if it shall be declared by any law in force in Saint Lucia that an office shall not be a public office for all or any of the purposes of this Order, this Order shall have effect accordingly as if that law were enacted herein.

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

(5) The several Islands adjacent to and usually administered by the Government of Saint Lucia shall, for the purposes of this Order, be considered as Dependencies of Saint Lucia.

(6) References in this Order to His Majesty's dominions shall have effect as if they included references to all British protectorates and British protected states and to all territories administered by the Government of any part of His Majesty's dominions under the trusteeship system of the United Nations.

(7) This Order shall be construed—

(*a*) as if subsection (1) of Section 1 of the India (Consequential Provision) Act(**b**), 1949, applied to it in the same way as that subsection applies to laws in force on the date mentioned in that subsection ; and

(*b*) as if subsection (2) of Section 3 of the British Nationality Act, 1948(**c**), (as interpreted by subsection (1) of Section 3 of the Ireland Act, 1949(**d**)) and subsection (2) of Section 3 of the Ireland Act, 1949(**d**), applied to it as those subsections apply to laws in force at the dates of the commencement of those Acts respectively.

Short title and commencement

2.—(1) This Order may be cited as the Saint Lucia (Legislative Council) Order in Council, 1951. It shall be published in the Gazette and, save as otherwise expressly provided in this Order, shall come into operation on a day to be appointed by the Governor by Proclamation in the Gazette.

(2) This Section shall come into operation forthwith.

(**a**) 52 & 53 Vict. c. 63. (**b**) 12, 13 & 14 Geo. 6. c. 92. (**c**) 11 & 12 Geo. 6. c. 56. (**d**) 12, 13 & 14 Geo. 6. c. 41.

Revocation

3. The existing Orders and the Saint Lucia (Legislative Council—Extension of Duration) Order in Council, 1950(a), are hereby revoked, but without prejudice to anything lawfully done thereunder.

PART II

Legislative Council

Legislative Council

4. There shall be a Legislative Council in and for Saint Lucia which shall consist of the Administrator, two *ex officio* Members, three Nominated Members and eight Elected Members.

Ex officio Members

5. The *ex officio* Members of the Council shall be the Crown Attorney and the Treasurer.

Nominated Members

6.—(1) The Nominated Members of the Council shall be persons qualified for appointment in accordance with the provisions of this Order, and shall be appointed by the Governor by Instrument under the Public Seal.

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

Elected Members

7. The Elected Members of the Council shall be persons qualified for election in accordance with the provisions of this Order and elected in the manner provided by, or in pursuance of, any law for the time being in force in Saint Lucia.

Summoning of persons to assist the Council

8. The Administrator may summon any person to the Council notwithstanding that such person may not be a Member of the Council, when, in the opinion of the Administrator, the business before the Council renders the presence of such person desirable. 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.

Qualifications for Nominated and Elected Membership

9. Subject to the provisions of Section 10 of this Order, any person who—

(*a*) is a British subject of the age of twenty-one years or upwards; and

(*b*) being a candidate for election as an Elected Member, has resided in Saint Lucia for a period of twelve months immediately before the date of his nomination for election, or is domiciled in Saint Lucia and is resident therein at the date aforesaid; and

(*c*) being a candidate for election as an Elected Member, is able to speak and, unless incapacitated by blindness or other physical cause, to read the English language with a degree of proficiency sufficient to enable him to take an active part in the proceedings of the Council;

shall be qualified to be appointed as a Nominated Member or to be elected as an Elected Member of the Council, and no other person shall be qualified to be so appointed or elected or, having been so appointed or elected, shall sit or vote in the Council.

(a) S.I. 1950, II, p. 1550.

Disqualifications for Nominated and Elected Membership

10. No person shall be qualified to be appointed as a Nominated Member or elected as an Elected Member of the Council or, having been so appointed or elected, shall sit or vote in the Council, who at the time of appointment or election—

(*a*) is, by virtue of his own act, under any acknowledge of allegiance, obedience or adherence to a foreign Power or State ; or

(*b*) (i) in the case of a Nominated Member, holds any public office ; or

(ii) in the case of an Elected Member, holds, or is acting in, any such office ; or

(*c*) is a minister of religion ; or

(*d*) is an undischarged bankrupt, having been adjudged or otherwise declared bankrupt under any law in force in any part of His Majesty's dominions ; or

(*e*) (i) in the case of a Nominated Member, is a party to, or a partner in a firm, or a director or manager of a company which is a party to, any contract with the Government of Saint Lucia for or on account of the public service and has not disclosed to the Administrator the nature of such contract and his interest, or the interests of such firm or company, therein ; or

(ii) in the case of an Elected Member, is a party to, or a partner in a firm, or a director or manager of a company, which is a party to, any contract with the Government of Saint Lucia for or on account of the public service, and 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 electoral district for which he is a candidate, a notice setting out the nature of such contract, and his interest or the interest of such firm or company, therein ; or

(*f*) if a person adjudged to be of unsound mind or detained as a criminal lunatic under any law in force in Saint Lucia ; or

(*g*) has been sentenced by a Court in any part of His Majesty's dominions to death, or to imprisonment (by whatever name called) for a term exceeding twelve months, and has not either suffered the punishment to which he was sentenced or such other punishment as may have been substituted therefor by competent authority, or received a free pardon ; or

(*h*) is disqualified for membership of the Council by any law for the time being in force in Saint Lucia relating to offences connected with elections ; or

(*i*) in the case of an Elected Member, is disqualified for election by any law for the time being in force in Saint Lucia by reason of his holding, or acting in, any office the functions of which involve—

(i) any responsibility for, or in connection with, the conduct of any election ; or

(ii) any responsibility for the compilation or revision of any electoral register.

Tenure of office of Nominated and Elected Members

11.—(1) Subject to the provisions of this Order, every Nominated Member of the Council shall hold his seat therein during His Majesty's Pleasure.

(2) Every Nominated or Elected Member shall in any case cease to be a Member at the next dissolution of the Council after his appointment or election, or previously thereto if his seat shall become vacant under the provisions of this Order.

(3) The seat of a Nominated or Elected Member of the Council shall become vacant—

(*a*) upon his death ; or

(*b*) if he shall, by writing under his hand addressed to the Administrator, resign his seat in the Council : or

(*c*) if he shall, without the leave of the Administrator previously obtained, be absent from three consecutive meetings of the Council ; or

(*d*) if, being a Nominated Member, he is nominated as a candidate in any election of an Elected Member to the Council or, being an Elected Member, is appointed as a Nominated Member of the Council ; or

(*e*) if he shall cease to be a British subject ; or shall take any oath, or make any declaration or acknowledgment, of allegiance, obedience or adherence to any foreign Power or State ; or shall do, concur in or adopt any act done with the intention that he shall become a subject of any foreign Power or State ; or

(*f*) if he shall become a party to any contract with the Government of Saint Lucia for or on account of the public service, or if any firm in which he is a partner, or any company of which he is a director or manager, shall become a party to any such contract, or if he shall become a partner in a firm, or a director or manager of a company, which is a party to any such contract:

Provided that, if in the circumstances it shall appear to him or them to be just so to do, the Administrator may exempt any Nominated Member and the Council may exempt any Elected Member from vacating his seat under the provisions of this paragraph, if such Member shall, before becoming a party to such contract as aforesaid, or before, or as soon as practicable after, becoming otherwise interested in such contract (whether as partner in a firm or director or manager of a company) disclose to the Administrator or to the Council, as the case may be, the nature of such contract and his interest or the interest of any such firm or company therein ; or

(*g*) if he shall be adjudged or otherwise declared bankrupt under any law in force in any part of His Majesty's dominions ; or

(*h*) if he shall be sentenced by a Court in any part of His Majesty's dominions to death or imprisonment (by whatever name called) for a term exceeding twelve months ; or

(*i*) if, being an Elected Member, he shall be appointed to, or to act in, any public office ; or

(*j*) if, being a Nominated Member, he shall be appointed permanently to any such office ; or

(*k*) if he shall become subject to any of the disqualifications specified in paragraphs (*c*), (*f*) or (*h*) of Section 10 of this Order, or, in the case of an Elected Member, if he shall become subject to the disqualification specified in paragraph (i) of the said Section 10.

(4) If any Nominated Member of the Council shall be appointed temporarily to, or to act in, any public office he shall not sit or vote in the Council by virtue of his appointment as a Nominated Member so long as he continues to hold, or act in, that office.

(5) 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.

Decision of questions as to membership

12.—(1) All questions which may arise as to the right of any person to be or remain a Member of the Council, other than an Elected Member, shall be referred to and determined by the Governor.

(2) All questions which may arise as to the right of any person to be or remain an Elected Member of the Council shall be referred to and determined by the Supreme Court in accordance with the provisions of any law in force in Saint Lucia.

Filling of vacancies

13.—(1) Whenever the seat of a Nominated Member of the Council becomes vacant, the vacancy shall be filled by appointment by the Governor in accordance with the provisions of this Order.

(2) Whenever the seat of an Elected Member of the Council becomes vacant, the vacancy shall be filled by election in accordance with the provisions of this Order.

Suspension and incapacity of Nominated Members

14.—(1) The Governor may, by Instrument under the Public Seal suspend any Nominated Member from the exercise of his functions as a Member of the Council. Every such suspension shall be forthwith reported by the Governor to His Majesty through a Secretary of State, and shall remain in force until it shall be removed by the Governor by Instrument under the Public Seal or by His Majesty through a Secretary of State, or the person suspended ceases to be a Member of the Council.

(2) The Governor may, by Instrument under the Public Seal, declare any Nominated Member 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 manner aforesaid, again to be capable of discharging his said functions.

Temporary Members

15.—(1) Whenever there shall be a vacancy in the number of persons sitting as *ex officio* or Nominated Members of the Council by reason of the fact that—

(*a*) an *ex officio* Member is administering the Government of Saint Lucia ; or

(*b*) one person is lawfully discharging the functions of the offices of Crown Attorney and Treasurer ;

(*c*) no person is lawfully discharging the functions of one of those offices ; or

(*d*) any such office has ceased to exist ; or

(*e*) a Nominated Member is suspended, as provided in Section 14 of this Order, from the exercise of his functions as a Member ; or

(*f*) a Nominated Member is declared to be incapable by reason of illness, as provided in Section 14 of this Order, of discharging his functions as a Member ; or

(*g*) an *ex officio* or Nominated Member is absent from Saint Lucia ; or

(*h*) the seat of a Nominated Member is vacant for any cause other than the dissolution of the Council ; or

(*i*) a Nominated Member is appointed temporarily to, or to act in, any public office,

a person may be appointed by the Governor by Instrument under the Public Seal as a temporary Member for the period of such vacancy.

(2) If the vacancy is in the number of persons sitting in the Council as *ex officio* Members, the person appointed shall be a person holding office in the public service; and if the vacancy is in the number of persons sitting in the Council as Nominated Members, the person appointed shall be a person qualified for appointment as a Nominated Member.

(3) If a person is appointed under the provisions of this Section to be a temporary Member, then, so long as his appointment shall subsist, and subject to the provisions of this section—

(*a*) in the case of a vacancy in the number of persons sitting in the Council as *ex officio* Members, the provisions of this Order shall apply to him as if he were an *ex officio* Member; and

(*b*) in the case of a vacancy in the number of persons sitting in the Council as Nominated Members, he shall be to all intents and purposes a Nominated Member and the provisions of Section 11 of this Order shall apply to him accordingly;

and in a case coming within paragraph (*a*) of this sub-section such person shall take precedence next after the *ex officio* Members mentioned in Section 5 of this Order, and if there are two such persons they shall take precedence between themselves in such order as may be appointed by the Governor.

(4) The Governor shall forthwith report every appointment made under this Section to His Majesty through a Secretary of State, and such appointment may (without prejudice to anything done by virtue thereof) be revoked by the Governor by Instrument under the Public Seal.

(5) An appointment made under this Section shall case to have effect on notification by the Administrator to the person appointed of revocation by the Governor, or on supersession of the appointment by the definitive appointment of a person to fill the vacancy, or when the vacancy shall otherwise cease to exist.

Precedence of Members

16.—(1) After the Administrator, the Members of the Council shall take precedence among themselves as His Majesty may specially assign, and in default thereof as follows:—

First, the *ex officio* Members in the order in which they are referred to in Section 5 of this Order;

Secondly, the Nominated and Elected Members according to the length of time during which they have been continuously Members of the Council, Members appointed or elected at the same time taking precedence among themselves—

(*a*) in the case of two or more Nominated Members appointed by the same Instrument, in the order in which they are named therein;

(*b*) in the case of two or more Elected Members not having obtained the same number of votes, according to the number of votes obtained by each;

(*c*) in any other case, according to the alphabetical order of their names.

(2) For the purposes of this Section—

(*a*) When the Council is dissolved, Members appointed to fill vacancies caused thereby shall be deemed to have been appointed, and Members elected at the ensuing elections shall be deemed to have been elected, by virtue of those elections, on the date of the receipt by the Administrator of the return of the first writ at those elections ; and

(*b*) paragraph (*a*) of this subsection shall apply to the Members appointed or elected to the Council as first constituted under this Order as if such appointments or elections were consequent upon a dissolution of the Council ; and

(*c*) in ascertaining the period during which a person has continuously been a Nominated Member or an Elected Member of the Council—

(i) no account shall be taken of any interval between the vacation by that person of his seat in the Council in consequence of a dissolution of the Council and the date of his re-appointment or re-election to fill a vacancy in the Council caused by that dissolution ; and

(ii) if any person having been, for any period immediately before the appointed day, a Member of the Legislative Council constituted under the existing Orders, is appointed or elected as a Member by virtue of the first appointments or elections to the Council after the appointed day, he shall be deemed to have been a Member of the Council for that period ; and no account shall be taken of any interval between the end of that period and the date upon which he is first appointed or elected to the Council, or of any interval in his membership of the Legislative Council constituted under the existing Orders between a dissolution of that Council and his appointment or election to fill the vacancy thereby caused.

PART III

Legislation and Procedure of Legislature

Power to make Laws

17. Subject to the provisions of this Order, it shall be lawful for the Governor, with the advice and consent of the Council, to make laws for the peace, order and good government of Saint Lucia.

Royal Instructions

18. Subject to the provisions of this Order, the Governor and the Council shall, in the transaction of business and making of laws, conform as nearly as may be to the directions in that behalf from time to time conveyed to the Governor in any Instructions under His Majesty's Sign Manual and Signet.

Standing Rules and Orders

19.—(1) Subject to the provisions of this Order and of any Instructions under His Majesty's Sign Manual and Signet, the Council may from time to time make, amend and revoke Standing Rules and Orders for the regulation and orderly conduct of its own proceedings and the despatch of business, to provide for the giving of notice of the provisions of Bills and for the presentation thereof to the Governor for assent ; but no such Rules and Orders, or amendment or revocation thereof, shall have effect until they shall have been approved by the Governor.

(2) Until other provision is made under this Section, the Standing Rules and Orders of the Legislative Council constituted under the existing Orders, as in force immediately before the appointed day shall, in so far as they are applicable and not inconsistent with the provisions of this Order, be the Standing Rules and Orders of the Council; and the said Standing Rules and Orders may be amended or revoked by Standing Rules an Orders made under subsection (1) of this Section.

Deputy President

20.—(1) The Council shall—

(*a*) at its first sitting in every session; and

(*b*) at its first sitting after the occurrence of a vacancy in the office of Deputy President;

or as soon thereafter as may be convenient, elect a Member from among the Nominated and Elected Members to be Deputy President of the Council.

(2) The Deputy President may, by writing under his hand addressed to the Administrator, resign his office.

(3) A person shall vacate the office of Deputy President—

(*a*) upon ceasing to be a Member of the Council; or

(*b*) upon the termination of the session of the Council in which he was elected to the office of Deputy President; or

(*c*) upon receipt of his resignation thereof by the Administrator.

(4) A person shall, if qualified, be eligible for re-election to the office of Deputy President from time to time.

Presiding in the Council

21. The Administrator, if present, shall preside at meetings of the Council, and in his absence the Deputy President, or in the absence of the Deputy President or if no Deputy President has been elected, the Member present who stands first in order of precedence shall preside.

Governor's right to address Council

22. The Governor shall have the right of addressing the Council at any time he shall think fit.

Vacancies and Quorum

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

(2) No business except that of adjournment shall be transacted if objection is taken by any Member present that there are less than five Members present besides the Administrator or other Presiding Member.

Voting

24.—(1) Subject to the provisions of Section 26 of this Order, all questions proposed for decision in the Council shall be determined by a majority of the votes of the Members present and voting.

(2) The Administrator, or the Deputy President or other Member when presiding, shall not have an original vote, but if upon any question the votes shall be equally divided he shall have a casting vote.

(3) The votes of Members of the Council shall be taken in the inverse order of their precedence.

Introduction of Bills, etc.

25. Subject to the provisions of this Order and of the Standing Rules and Orders of the Council, any Member may introduce any Bill or propose any motion for debate in, or may present any petition to, the Council, and the same shall be debated and disposed of according to the Standing Rules and Orders:

Provided that, except with the recommendation or consent of the Administrator signified thereto, the Council shall not proceed upon any Bill, amendment, motion or petition which, in the opinion of the Administrator or other Presiding Member, would—

(*a*) dispose of or charge any public revenue or public funds of Saint Lucia or revoke or alter any disposition thereof or charge thereon, or impose, alter or repeal any rate, tax or duty ; or

(*b*) suspend the Standing Rules and Orders of the Council or any of them.

Governor's reserved power

26.—(1) If the Governor shall consider that it is expedient—

(*a*) in the interests of public order, public faith or of good government (which expressions shall, without prejudice to their generality, include the responsibility of the Island as a component part of the British Commonwealth of Nations, all matters pertaining to the creation or abolition of any public office or to the appointment, salary or other conditions of service of any public officer) ; or

(*b*) in order to secure detailed control of the finances of the Island during such time as, by virtue of receipt of financial assistance by the Island from His Majesty's Exchequer for the purpose of balancing the annual budget or otherwise, such control rests with His Majesty's Government,

that any Bill introduced, or any motion proposed, in the Council shall have effect, then, if the Council shall fail to pass such Bill or motion within such time and in such form as the Governor may think reasonable and expedient, the Governor, at any time in his discretion, may, 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 by the Council, either in the form in which it was so introduced or proposed or with such amendments as the Governor shall think fit which have been moved or proposed in the Council or any Committee thereof: and thereupon the said Bill or motion shall have effect as if it had been so passed, and, in the case of any such Bill, the provisions of this Order relating to assent to Bills and disallowance of Ordinances shall apply accordingly.

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

(3) If any Member of the Council objects to any declaration made under this Section, he may, within seven days 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 relating to a motion 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 which shall have had effect by virtue of the declaration revoked

shall cease to have effect; and the provisions of subsection (2) of Section 38 of the Interpretation Act, 1889(a), shall apply to such revocation as they apply to the repeal of an Act of Parliament.

Assent to Bills

27.—(1) No Bill shall become a law until either the Governor shall have assented thereto in His Majesty's name and on His Majesty's behalf and shall have signed the same in token of such assent, or His Majesty shall have given His assent thereto through a Secretary of State:

Provided that, if the Governor is not present within Saint Lucia and if the Administrator is satisfied that circumstances require that a Bill (not being a Bill by which any provision of this Order is revoked or amended or which is in any way repugnant to or inconsistent with the provisions of this Order) should become a law without delay, the Administrator may, subject to the provisions of any Instructions addressed to the Governor under His Majesty's Sign Manual and Signet or through a Secretary of State, assent thereto in His Majesty's name and on His Majesty's behalf and shall sign the same in token of such assent, and thereupon such Bill shall become a law.

(2) When a Bill is presented to the Governor for his assent, he shall, according to his discretion, but subject to the provisions of this Order and of any Instructions addressed to him under His Majesty's Sign Manual and Signet or through a Secretary of State, declare that he assents, or refuses his assent, thereto, or that he reserves the Bill for the signification of His Majesty's pleasure:

Provided that the Governor shall reserve for the signification of His Majesty's pleasure any Bill by which any provision of this Order is revoked or amended or which is in any way repugnant to or inconsistent with the provisions of this Order, unless he shall have been authorised by a Secretary of State to assent thereto.

(3) A law assented to by the Governor or by the Administrator shall come into operation on the date on which such assent shall be given, unless it shall be enacted, either in such law or in some other enactment (including any enactment in force on the appointed day), that it shall come into operation on some other date, in which case it shall come into operation on that date.

(4) A Bill reserved for the signification of His Majesty's pleasure shall become a law so soon as His Majesty shall have given His assent thereto, through a Secretary of State, and the Governor or the Administrator shall have signified such assent by Proclamation. Every such law shall come into operation on the date of such Proclamation, unless it shall be enacted, either in such law or in some other enactment (including an enactment in force on the appointed day) that it shall come into operation on some other date, in which case it shall come into operation on that date.

Disallowance of Laws

28.—(1) Any law to which the Governor or the Administrator shall have given his assent may be disallowed by His Majesty through a Secretary of State.

(2) Whenever any law has been disallowed by His Majesty, the Governor shall, as soon as practicable, cause notice of such disallowance to be published in the Gazette.

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

(3) Every law so disallowed shall cease to have effect from the date of publication of such notice; 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, and, subject thereto, 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.

Sessions of the Council

29.—(1) Subject to the provisions of subsection (2) of this Section, the sessions of the Council shall be held at such times and places as the Administrator shall from time to time appoint by Proclamation.

(2) The first session of the Council shall commence within a period of six months from the appointed day, and thereafter there shall be a session of the Council once at least in every year, so that there shall not be an interval of twelve months between the last sitting in one session and the first sitting in the next session.

Prorogation and dissolution

30.—(1) The Governor may at any time, by Proclamation, summon, prorogue or dissolve the Council.

(2) On dissolution, all Members shall vacate their seats and the Council shall be reconstituted by election and appointment in accordance with the provisions of this Order at such time, within two months of every dissolution, as the Administrator shall appoint by Proclamation.

(3) The Governor shall dissolve the Council at the expiration of three years from the date of the receipt by the Administrator of the return of the first writ at the last preceding general election, if it shall not have been sooner dissolved.

Minutes

31.—(1) Minutes shall be kept of all the proceedings of the Council, and at every meeting of the Council the Minutes of the last preceding meeting shall be confirmed, with or without amendment as the case may require, before the Council proceeds to the despatch of any other business.

(2) Twice in each year the Governor shall cause a full and exact copy of all Minutes of the Council for the preceding half year to be transmitted to His Majesty through a Secretary of State.

Oath of Allegiance

32. Except for the purpose of enabling this Section to be complied with, no Member of the Council shall sit or vote therein until he shall have taken and subscribed before the Administrator, or some person authorised by the Administrator in that behalf, the following oath:—

"I, A.B., do swear that I will be faithful and bear true allegiance to His Majesty King George the Sixth, His Heirs and Successors according to law. So help me God."

Provided that every person authorised by law to make an affirmation instead of taking an oath in legal proceedings may make such affirmation in like terms instead of taking the said oath.

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

PART IV

Miscellaneous

Laws as to Elections

33.—(1) Subject to the provisions of this Order, provision may from time to time be made, by or in pursuance of any law enacted under this Order, for the election of Elected Members of the Council including (without prejudice to the generality of the foregoing power) the following matters, that is to say :—

(*a*) the qualifications and disqualifications of electors ;

(*b*) the registration of electors ;

(*c*) the ascertainment of qualifications of electors and of candidates for election ;

(*d*) the division of the Island into electoral districts for the purpose of elections ; and the division of electoral districts into polling divisions ;

(*e*) the holding of elections ;

(*f*) the determination of all questions which may arise as to the right of any person to be or remain an Elected Member of the Council ;

(*g*) the definition and trial of offences relating to elections and the imposition of penalties therefor, including disqualification for membership of the Council, or for registration as an elector, or for voting at elections, of any person concerned in any such offence ;

(*h*) the disqualification for election as Members of the Council of persons holding, or acting in, any office the functions of which involve any responsibility for, or in connection with, the conduct of any election or the compilation or revision of any electoral register.

(2) The provision for the election of Elected Members of the Council made under and by virtue of the Saint Lucia (Legislative Council) (Electoral Provisions) Order in Council, 1951, shall be deemed to have been made under and by virtue of the provisions of subsection (1) of this Section.

Penalty for unqualified person sitting or voting

34.—(1) Any person who—

(*a*) having been elected or appointed a Member of the Council, but not having been at the time of such election or appointment qualified to be so elected or appointed, shall sit or vote in the Council ; or

(*b*) shall sit or vote in the Council after his seat therein has become vacant or he has become disqualified from sitting or voting therein,

knowing, or having reasonable grounds for knowing, that he was not so qualified, or that his seat has become vacant or that he has become disqualified, as the case may be, shall be liable to a penalty not exceeding ninety-six dollars for every day upon which he so sits or votes.

(2) The said penalty shall be recoverable by action in the Supreme Court at the suit of the Crown Attorney.

Removal of difficulties

35.—(1) If any difficulty shall arise in bringing into operation any of the provisions of this Order or in giving effect to the purposes thereof, a Secretary of State may, by Order, make such provision as seems to him necessary or expedient for the purpose of removing the difficulty and may by such Order amend or add to any provision of this Order:

Provided that no Order shall be made under this Section later than the first day of January, 1953.

(2) Any Order made under this Section may be amended, added to, or revoked by a further Order, and may be given retrospective effect to a day not earlier than the date of this Order.

(3) This Section shall come into operation forthwith.

Powers reserved to His Majesty

36.—(1) His Majesty hereby reserves to Himself, His Heirs and Successors, power, with the advice of His or Their Privy Council, to revoke, add to or amend this Order.

(2) Nothing in this Order shall affect the powers of His Majesty in Council to make laws from time to time for the peace, order and good government of Saint Lucia.

F. J. Fernau.

SARAWAK

Sarawak (Amendment) Letters Patent, 1951, passed under the Great Seal of the Realm amending the Sarawak Letters Patent, 1946.

Dated: 28th November, 1951.

GEORGE THE SIXTH, by the Grace of God of Great Britain, Ireland and the British Dominions beyond the Seas King, Defender of the Faith.

To all to whom these Presents shall come, Greeting!

Whereas by the Sarawak Letters Patent, 1946(a), the Office of Governor and Commander-in-Chief of the Colony of Sarawak is constituted and certain provisions are made for the Government of the said Colony:

And Whereas We are minded to amend the said Letters Patent in the manner hereinafter appearing:

NOW KNOW YE that We do by these Presents declare Our will and pleasure as follows:—

Short title, construction and commencement

1.—(1) These Letters Patent may be cited as the Sarawak (Amendment) Letters Patent, 1951; they shall be construed as one with the Sarawak Letters Patent, 1946; and the Sarawak Letters Patent, 1946, and these Letters Patent may be cited together as the Sarawak Letters Patent, 1946 and 1951.

(2) These Letters Patent shall be proclaimed in such manner, and at such places within Sarawak, as the Governor shall think fit, and shall come into operation on the first day of December, 1951.

Amendment of Articles 5 *and* 12 *of the Sarawak Letters Patent,* 1946

2. Without prejudice to anything lawfully done thereunder—

(*a*) Article 5 of the Sarawak Letters Patent, 1946, is hereby amended by inserting therein after the comma appearing after the word "Sarawak" the words and comma "North Borneo and Brunei,".

(*b*) Article 12 of the Sarawak Letters Patent, 1946, is hereby amended by deleting the words "Judges and other" appearing therein.

(a) S.R. & O. 1946, I, p. 2358.

Reservation of power to revoke or amend Letters Patent

3. We do hereby reserve to Ourselves, Our Heirs and Successors, full power and authority to revoke, add to or amend these Letters Patent as to Us or Them shall seem fit.

In Witness whereof We have caused these Our Letters to be made Patent.

Witness Ourself at Westminster the twenty-eighth day of November, in the fifteenth year of Our Reign.

BY WARRANT UNDER THE KING'S SIGN MANUAL.

NAPIER

SIERRA LEONE

Sierra Leone Colony Letters Patent, 1951, passed under the Great Seal of the Realm constituting the Office of Governor, Commander in Chief and Vice-Admiral of the Colony of Sierra Leone, and making certain provisions for the Government thereof.

Dated 7th April, 1951.

GEORGE THE SIXTH by the Grace of God of Great Britain, Ireland and the British Dominions beyond the Seas King, Defender of the Faith.

To all to whom these Presents shall come, Greeting!

Whereas by Letters Patent under the Great Seal dated the twenty-eighth day of January, 1924(a) (hereinafter called "the existing Letters Patent"), provision is made constituting the Office of Governor and Commander in Chief in and over Our Colony of Sierra Leone and providing for the Government thereof:

And Whereas We are minded to make further provision for the purpose aforesaid:

NOW KNOW YE that We do by these Presents declare Our will and pleasure as follows:—

Interpretation

1.—(1) In these Letters Patent, unless the context otherwise requires:—

"the Colony" means the Colony of Sierra Leone;

"the Protectorate" means the Protectorate of Sierra Leone;

"Sierra Leone" means the Colony and Protectorate;

"the Governor" means the Governor, Commander in Chief and Vice-Admiral of the Colony and includes the Officer for the time being Administering the Government and, to the extent to which a Deputy for the Governor is authorised to act, that Deputy;

"the Gazette" means the Sierra Leone Royal Gazette;

"the Instructions of 1924" means the Instructions passed under the Royal Sign Manual and Signet to the Governor and Commander in Chief of the Colony of Sierra Leone, dated the twenty-eighth day of January, 1924, as amended by Additional Instructions dated the nineteenth day of January, 1929;

"the Public Seal" means the Public Seal of the Colony.

(a) S.R. & O. 1924, p. 1883.

(2) The Interpretation Act, 1889(a), shall apply for the interpretation of these Letters Patent as it applies for the interpretation of an Act of Parliament.

Short title and commencement

2. These Letters Patent may be cited as the Sierra Leone Colony Letters Patent, 1951, and shall come into operation on a date to be appointed by the Governor by Proclamation published in the Gazette.

Revocation of existing Letters Patent

3. The existing Letters Patent are hereby revoked, but without prejudice to any appointment lawfully made, or to any other thing lawfully done, thereunder:

Provided that the Executive Council established by the existing Letters Patent shall continue to exist until such date as the Governor may appoint by Proclamation published in the Gazette, and shall be constituted and shall perform its functions in accordance with the Instructions of 1924.

Office of Governor, Commander-in-Chief and Vice-Admiral constituted

4. There shall be a Governor, Commander in Chief and Vice-Admiral in and over the Colony, and appointments to the said Office shall be made by Commission under Our Sign Manual and Signet.

Boundaries of the Colony

5. The Colony shall, until We shall otherwise provide, comprise all places, settlements and territories which may at any time belong to Us in West Africa, between the sixth and tenth degrees of north latitude and the tenth and fourteenth degrees of west longitude and bounded on the north by the Anglo-French boundary line as delimited under the provisions of the Anglo-French Convention dated the twenty-eighth day of June, 1882, the Anglo-French Arrangement dated the tenth day of August, 1889, the Anglo-French Agreement dated the twenty-first day of January, 1895, and the notes exchanged between Our Principal Secretary of State for Foreign Affairs and the Ambassador of the French Republic, and dated the sixth day of July, 1911, and on the south by the Anglo-Liberian boundary line as delimited under the provisions of the Anglo-Liberian Conventions dated the eleventh day of November, 1885, and the twenty-first day of January, 1911.

Governor's authority

6. We do hereby authorise, empower and command the Governor to do all things belonging to his Office in accordance with these Letters Patent, such Commission as aforesaid, such Instructions as may from time to time be given to him by Us under Our Sign Manual and Signet or through a Secretary of State and such Orders in Our Privy Council and other laws as may from time to time be in force.

Publication of Governor's Commission and taking of oaths

7. Every person appointed to fill the Office of Governor shall, with all due solemnity, before entering on any of the duties of his Office, cause the Commission appointing him to be Governor to be read and published in the presence of the Chief Justice or, in his absence, some other Judge of Our Supreme Court of Sierra Leone and of such Members of the Executive

(a) 52 & 53 Vict c. 63.

Council as can conveniently attend, which being done, he shall then and there take before them the Oath of Allegiance and the Oath for the due execution of the Office of Governor in the forms set out in the Schedule to these Letters Patent, which Oaths the said Chief Justice or Judge is hereby required to administer.

Succession to Government

8.—(1) Whenever the Office of Governor is vacant, or the Governor is absent from the Colony or is from any cause prevented from, or incapable of, acting in the duties of his Office, then such other person as We may appoint under Our Sign Manual and Signet, or, if there is no such person in Sierra Leone so appointed and capable of discharging the duties of the administration, the senior Member of the Executive Council then in Sierra Leone and so capable shall, during Our pleasure, administer the Government of the Colony.

(2) Before assuming the administration of the Government any such person shall, in the form and manner prescribed in Article 7 of these Letters Patent, take the Oaths therein directed to be taken by the Governor; which being done, We do hereby authorise, empower and command such person, subject, if he is appointed as aforesaid under Our Sign Manual and Signet, to the terms of his appointment, during Our pleasure, to do all things that belong to the Office of Governor as provided in these Letters Patent.

(3) Any such person as aforesaid shall not continue to administer the Government after the Governor or some other person having a prior right to administer the same has notified that he is about to assume the administration.

(4) The Governor or any other person as aforesaid shall not be regarded as absent from the Colony or prevented from or incapable of acting in the duties of his Office for the purposes of this Article while he is in the Protectorate or during his passage from one part of Sierra Leone to another, or when there is a subsisting appointment of a Deputy under Article 9 of these Letters Patent.

Appointment of Deputy to Governor

9.—(1) Whenever the Governor has occasion to be absent from the seat of Government but not from Sierra Leone or to be absent from Sierra Leone for a period which he has reason to believe will be of short duration, or whenever by reason of illness which he has reason to believe will be of short duration he considers it desirable so to do, he may, by Instrument under the Public Seal, appoint any person in Sierra Leone to be his Deputy during such absence or illness, and in that capacity to exercise and perform for and on behalf of the Governor during such absence or illness all such powers and functions vested in the Governor as shall be specified in such Instrument.

(2) By the appointment of a Deputy as aforesaid the power and authority of the Governor shall not be abridged, altered or in any way affected otherwise than as We may at any time hereafter think proper to direct; and every such Deputy shall conform to and observe all such instructions as the Governor shall from time to time address to him for his guidance.

(3) Any appointment under this Article may at any time be revoked by the Governor or by a Secretary of State, and, in case of absence as aforesaid, shall cease and determine upon the return of the Governor to the seat of Government or to Sierra Leone, as the case may be.

Executive Council

10.—(1) There shall be an Executive Council in and for the Colony, and the said Council shall consist of such persons appointed in such manner as We shall direct by Instructions under Our Sign Manual and Signet.

(2) The Members of the Executive Council shall hold their places in the Council during Our pleasure and, subject thereto, for such period and upon such conditions as may be specified in such instructions as aforesaid.

(3) The Executive Council shall not be disqualified for the transaction of business by reason of any vacancy among the Members thereof; and any proceedings therein shall be valid notwithstanding that some person attended the Council or took part in the proceedings thereof who was not entitled to do so.

Appointment of Officers

11. The Governor may constitute and appoint in Our name and on Our behalf all such Judges and other Officers for the Colony as may lawfully be constituted or appointed by Us, all of whom, unless otherwise provided by law, shall hold their offices during Our pleasure.

Discipline

12. Subject to the provisions of any law for the time being in force and to such instructions as may from time to time be given to him by Us through a Secretary of State, the Governor may, upon sufficient cause to him appearing, dismiss or suspend from the exercise of his office any person holding any public office in the Colony or, subject as aforesaid, may take such other disciplinary action as may seem to him desirable.

Grant of pardon

13. When any offence has been committed for which the offender may be tried in the Colony, the Governor may, as he shall see fit, in Our name and on Our behalf, grant a pardon to any accomplice in such offence who shall give such information as shall lead to the conviction of the principal offender, or of any one of such principal offenders if more than one; and further may grant to any offender convicted of any such offence in any Court within the Colony a pardon, either free or subject to lawful conditions, or any respite, either indefinite or for such period as the Governor may think fit, of the execution of any sentence passed on such offender, and may remit the whole or any part of such sentence or of any penalties or forfeitures otherwise due to Us.

Disposal of Lands

14. Subject to any law for the time being in force and to any Instructions given to him by Us under Our Sign Manual and Signet or through a Secretary of State, the Governor may, in Our name and on Our behalf, make and execute, under the Public Seal, grants and dispositions of any lands or other immovable property within the Colony which may lawfully be granted or disposed of by Us.

The Public Seal

15. The Governor shall keep and use the Public Seal for sealing all things whatsoever that shall pass the said Seal.

Officers and others to obey the Governor

16. We do hereby require and command all Our Officers, Civil and Military, and all other the inhabitants of Sierra Leone to be obedient, aiding and assisting unto the Governor.

Reservation of power to revoke or amend Letters Patent

17. We do hereby reserve to Ourselves, Our Heirs and Successors full power and authority to revoke, add to or amend these Letters Patent as to Us or Them shall seem fit.

In witness whereof We have caused these Our Letters to be made Patent.

Witness Ourself at Westminster, the seventh day of April, 1951, in the fifteenth year of Our Reign.

BY WARRANT UNDER THE KING'S SIGN MANUAL.

NAPIER.

SCHEDULE

Articles 7 and 8.

OATH OF ALLEGIANCE

I.....do swear that I will be faithful and bear true allegiance to His Majesty King George VI, His Heirs and Successors, according to Law. So help me God.

OATH FOR THE DUE EXECUTION OF THE OFFICE OF GOVERNOR

I.....do swear that I will well and truly serve His Majesty King George VI, His Heirs and Successors, in the Office of Governor. So help me God.

WINDWARD ISLANDS

Windward Islands Letters Patent, 1951, passed under the Great Seal of the Realm constituting the Office of Governor and Commander-in-Chief of the Windward Islands and making certain provisions for the Government thereof.

Dated 27th August, 1951.

GEORGE THE SIXTH by the Grace of God of Great Britain Ireland the British Dominions beyond the Seas King, Defender of the Faith.

To all to whom these Presents shall come, Greeting!

Whereas by the Letters Patent mentioned in the First Schedule to these Letters Patent, provision is made constituting the office of Governor and Commander-in-Chief in and over the Windward Islands, comprising the Colonies of Grenada, Saint Vincent, Saint Lucia and Dominica, and the Dependencies thereof, and for the Government thereof:

And Whereas We are minded to make other provision for the matters aforesaid:

NOW KNOW YE that We do declare Our Will and pleasure as follows:—

Interpretation

1.—(1) In these Letters Patent, unless the context otherwise requires—

"Administrator" means the Administrator of any one of the Islands, and includes any person for the time being acting as Administrator;

"the existing Instructions" means the Instructions under Our Sign Manual and Signet mentioned in the Second Schedule to these Letters Patent;

" the existing Letters Patent " means the Letters Patent mentioned in the First Schedule to these Letters Patent ;

" the Governor " means the Governor and Commander-in-Chief of the Windward Islands, and includes the officer for the time being administering the Government of the Windward Islands and, to the extent to which a Deputy for the Governor is authorised to act, that Deputy ;

" the Windward Islands " and " the Islands " mean the Colonies of Grenada, Saint Vincent, Saint Lucia, and Dominica and the respective Dependencies thereof, and " Island " means one of such Colonies and the Dependencies of that Colony.

(2) Save as in these Letters Patent otherwise provided or required by the context, the Interpretation Act, 1889(a), shall apply for the interpretation of these Letters Patent as it applies for the interpretation of an Act of Parliament.

(3) The several Islands adjacent to and usually administered by the Governments of the Islands of Grenada, Saint Vincent or Saint Lucia, as the case may be, shall, for the purposes of these Letters Patent, be considered as Dependencies of such respective Islands.

Short title and commencement

2. These Letters Patent may be cited as the Windward Islands Letters Patent, 1951, and shall come into operation on a day to be appointed by the Governor by Proclamation published in the Grenada Government Gazette.

Revocation of existing Letters Patent

3. The existing Letters Patent are hereby revoked, but without prejudice to anything lawfully done thereunder.

Office of Governor constituted

4. There shall be a Governor and Commander-in-Chief in and over the Windward Islands, and appointments to the said Office shall be made by Commission under Our Sign Manual and Signet.

Governor's Powers and Authorities

5. We do hereby authorise, empower, and command the Governor to do all things that belong to his Office in accordance with these Letters Patent, such Commission as aforesaid, such Instructions as may from time to time be given to him by Us under Our Sign Manual and Signet or through a Secretary of State, and such Orders in Our Privy Council and other laws as may from time to time be in force.

Publication of Governor's Commission and taking of oaths

6.—(1) Every person appointed to fill the Office of Governor shall, with due solemnity, before entering on any of the duties of his Office, cause the Commission appointing him to be Governor to be read and published at the seat of Government in Grenada, in the presence of the Chief Justice or of some other Judge of the Supreme Court of the Windward and Leeward Islands if able to be present, and of such Members of the Executive Council of Grenada as can conveniently attend ; which being done, he shall thereupon take before them the Oath of Allegiance and the Oath for the due execution of the Office of Governor in the forms set out in the Third Schedule to these Letters Patent, which Oaths the said Chief Justice or Judge or, if they be unavoidably absent, the senior Member of the Executive Council then present, is hereby required to administer.

(2) The Governor shall take the like Oaths and in like manner on his first visit to each of the Islands of Saint Vincent, Saint Lucia and Dominica.

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

Administration of the Government of each of the Islands

7.—(1) There shall be in each of the Islands an Administrator appointed by the Governor by an Instrument under the Public Seal of the Island concerned, who shall hold his office during Our pleasure, and who shall administer the Government of that Island.

(2) Whenever and so long as there shall be no person in the Island appointed in accordance with paragraph (1) of this Article and capable of discharging the duties of administration, such person as the Governor may appoint in writing or, in default of such appointment, the senior Member of the Executive Council of the Island there present and so capable shall act as Administrator.

(3) Every Administrator, before assuming the administration of the Government of any Island, shall, in the form and manner prescribed in these Letters Patent, take the Oaths herein directed to be taken by the Governor with the substitution, in the second Oath set out in the Third Schedule hereto, for the words "the Office of Governor", of a reference to the Office of Administrator of the Island concerned.

(4) The Oaths having been taken in accordance with paragraph (3) of this Article, We do hereby authorise, empower and command every such Administrator to do within the Island, the Government of which he is authorised to administer, all things that belong to the Office of Governor as provided in these Letters Patent, so far as the same can be done therein, but subject to and in accordance with such Instructions as may from time to time be given to the Governor under Our Sign Manual and Signet or through a Secretary of State, and such lawful instructions as the Governor shall address to the Administrator from time to time for his guidance, and, if he is appointed by the Governor as aforesaid, subject also to the terms of his appointment.

Succession to Government

8.—(1) Whenever the Office of Governor is vacant, or the Governor is absent from the Windward Islands or is from any other cause prevented from, or incapable of, performing the functions of his Office, the Government of the Windward Islands shall, during Our pleasure, be administered by—

(*a*) such person as We may appoint under Our Sign Manual and Signet; or

(*b*) if there be no person in the Windward Islands so appointed and capable of discharging the duties of administration, such person as We may designate by Instructions through a Secretary of State; or

(*c*) if there be no person in the Windward Islands so designated and capable of discharging the duties of administration, the senior of the following officers who is in the Windward Islands and so capable, namely—

(i) the person who holds the substantive appointment of Administrator of Grenada;

(ii) the person who holds the substantive appointment of Administrator of Saint Vincent;

(iii) the person who holds the substantive appointment of Administrator of Saint Lucia;

(iv) the person who holds the substantive appointment of Administrator of Dominica; or

(*d*) if all the substantive appointments of Administrator be vacant, or if all the persons holding such appointments be absent from the Windward Islands or be from any other cause prevented from, or incapable of, performing the functions of such appointments, the senior Member of the Executive Council of Grenada then in Grenada and so capable.

(2) For the purposes of this Article, the officers referred to in sub-paragraph (*c*) of paragraph (1) of this Article shall take seniority in such order as We may specially assign, and, in default thereof, in the order of the respective dates of their appointments as Administrator.

(3) Before assuming the administration of the Government, any such person as aforesaid shall, in that one of the Islands in which he shall be at the occurrence of the event by virtue of which he is empowered to administer the Government, or at which he shall first arrive thereafter, in the form and manner prescribed in these Letters Patent, take the Oaths herein directed to be taken by the Governor; which being done, We do hereby authorise, empower and command such person, subject if he is appointed as aforesaid under Our Sign Manual and Signet, to the terms of his appointment, to do during Our pleasure all things that belong to the Office of Governor as provided in these Letters Patent.

(4) Any such person as aforesaid shall not continue to administer the Government after the Governor or some other person having a prior right to administer the same has notified that he is about to assume, or resume, the administration.

(5) The Governor or any other person as aforesaid shall not be regarded as absent from the Windward Islands or prevented from, or incapable of, acting in the duties of his Office for the purposes of this Article during his passage between any of the Islands or when there is a subsisting appointment of a Deputy or Deputies under Article 9 of these Letters Patent.

Appointment of Deputy to the Governor

9.—(1) Whenever the Governor—

(*a*) has occasion to be absent from the seat of Government but not from the Windward Islands, or

(*b*) has occasion to be absent from the Windward Islands for a period which he has reason to believe will be of short duration, or

(*c*) by reason of illness, which he has reason to believe will be of short duration, considers it desirable so to do,

he may, by an Instrument under the Public Seal of any of the Islands, appoint any person in the Windward Islands to be his Deputy during such absence or illness, and in that capacity to exercise and perform for and on behalf of the Governor during such absence or illness all such powers and authorities vested in the Governor as shall be specified by such Instrument.

(2) By the appointment of a Deputy as aforesaid the power and authority of the Governor shall not be abridged, altered, or in any way affected otherwise than as We may at any time hereafter think proper to direct; and every such Deputy shall conform to and observe all such instructions as the Governor shall from time to time address to him for his guidance.

(3) Any appointment under this Article may at any time be revoked by the Governor or by a Secretary of State and, in case of absence as aforesaid, shall cease and determine upon the return of the Governor to the seat of Government or to the Windward Islands, as the case may be.

Executive Councils

10.—(1) There shall be an Executive Council in and for each of the Islands which shall consist in each case of such persons as We shall direct by any Instructions under Our Sign Manual and Signet:

Provided that, notwithstanding anything contained in these Letters Patent, until such day or days as the Governor shall by Order under his hand appoint, the Executive Council established for each Island by the existing Letters Patent and constituted in accordance with the provisions of the existing Instructions shall continue to be the Executive Council of that Island, and shall be constituted and shall perform its functions as if the existing Instructions had not been revoked and as if no other Instructions under Our Sign Manual and Signet had been issued to the Governor.

(2) The Members of the Executive Councils shall hold their seats in the said Councils for such period and upon such conditions as may be specified in such Instructions as aforesaid.

(3) The Executive Councils shall not be disqualified for the transaction of business by reason of any vacancy among the Members thereof; and any proceedings therein shall be valid notwithstanding that some person attended or took part in the proceedings thereof who was not entitled so to do.

Appointment of officers

11. The Governor may constitute and appoint in Our name and on Our behalf all such Judges and other officers as may be lawfully constituted or appointed by Us, all of whom, unless otherwise provided by law, shall hold their offices during Our pleasure.

Discipline

12. Subject to the provisions of any law or regulations for the time being in force and to such Instructions as may from time to time be given to him by Us through a Secretary of State, the Governor may, for cause shown to his satisfaction, dismiss or suspend from the exercise of his office any person holding any office under the Government of the Windward Islands or of any one of the Islands, or may take such other disciplinary action as may seem to him desirable.

Grant of Pardons

13. When any crime has been committed for which the offender may be tried within the Windward Islands, the Governor may, as he shall see fit, in Our name and on Our behalf, grant a pardon to any accomplice in such offence who shall give such information as shall lead to the conviction of the principal offender, or of any one of such offenders, if more than one; and further may grant to any offender convicted of any such offence in any Court within the Windward Islands, a pardon, either free or subject to lawful conditions, or any respite, either indefinite or for such period as the Governor may think fit, of the execution of any sentence passed on such offender, and may remit the whole or any part of any such sentence or of any penalties or forfeitures otherwise due to Us.

Disposal of Lands

14. Subject to any law for the time being in force and to any Instructions given to him by Us under Our Sign Manual and Signet or through a Secretary of State, the Governor may, in Our name and on Our behalf, make and execute, under the Public Seal of any of the Islands, grants and dispositions of any lands or other immovable property within any of the Islands which may lawfully be granted or disposed of by Us.

Public Seals

15. The Public Seal of each Island shall be kept and used by the Administrator of that Island for sealing all things whatsoever that shall pass the said Seal.

Officers and others to obey the Governor and Administrators

16. We do hereby require and command all Our Officers, Civil and Military, and all other the inhabitants of the Windward Islands, to be obedient, aiding and assisting unto the Governor and unto the Administrators.

Reservation of power to revoke or amend Letters Patent

17. We do hereby reserve to Ourselves, Our Heirs and Successors, full power and authority from time to time to revoke, add to, or amend these Our Letters Patent as to Us or Them shall seem fit.

Publication and preservation of Letters Patent

18.—(1) These Letters Patent shall be published in the Official or Government Gazettes of each of the Islands, and shall be read and proclaimed within each of the Islands.

(2) These Letters Patent shall be preserved within the Island of Grenada, and a full and exact copy thereof shall be deposited and duly recorded in the office of the Administrator of each of the Islands of Saint Vincent, Saint Lucia and Dominica, and, so long as these Letters Patent remain in force, every copy thereof recorded as aforesaid shall, within the Island in which the same is recorded, have the same force, virtue and effect as these Letters Patent.

In Witness whereof We have caused these Our Letters to be made Patent.

Witness Ourself at Westminster this twenty-seventh day of August, 1951, in the Fifteenth year of Our Reign.

BY WARRANT UNDER THE KING'S SIGN MANUAL.

NAPIER.

THE FIRST SCHEDULE

Letters Patent passed under the Great Seal of the Realm constituting the Office of Governor and Commander-in-Chief of the Windward Islands and dated the thirteenth day of November, 1936(a).

Letters Patent passed under the Great Seal of the Realm and dated the twenty-eighth day of December, 1939(b), amending the aforesaid Letters Patent of the thirteenth day of November, 1936.

Letters Patent passed under the Great Seal of the Realm and dated the eleventh day of May, 1945(c), amending the aforesaid Letters Patent of the thirteenth day of November, 1936.

THE SECOND SCHEDULE

Instructions passed under Our Sign Manual and Signet to the Governor and Commander-in-Chief of the Windward Islands and dated the ninth day of April, 1924.

Additional Instructions passed under Our Signal Manual and Signet and dated the thirteenth day of November, 1936, amending the aforesaid Instructions of the ninth day of April, 1924.

Additional Instructions passed under Our Sign Manual and Signet and dated the twenty-eighth day of December, 1939, amending the aforesaid Instructions of the ninth day of April, 1924.

Additional Instructions passed under Our Sign Manual and Signet and dated the eleventh day of May, 1945, amending the aforesaid Instructions of the ninth day of April, 1924.

(a) S.R. & O. 1936, II, p. 3687. (b) S.R. & O. 1939, II, p. 3601.
(c) S.R. & O. 1945, I, p. 1428.

THE THIRD SCHEDULE

OATH OF ALLEGIANCE

I, ... do swear that I will be faithful and bear true allegiance to His Majesty King George the Sixth, His Heirs and Successors, according to Law. So help me God.

OATH FOR THE DUE EXECUTION OF THE OFFICE OF GOVERNOR

I, ... do swear that I will well and truly serve His Majesty King George the Sixth, His Heirs and Successors, in the Office of Governor. So help me God.