Appointments when retiring officers on leave

2. When a substantive holder of any office constituted by or under the Zanzibar Orders in Council, 1924 to 1951, is on leave of absence pending relinquishment of his office, it shall be lawful for another person to be appointed substantively to the same office.

W. G. Agnew.

EXPLANATORY NOTE

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

This Order provides for the appointment of another officer to a substantive office when the substantive holder of that office is on leave of absence pending relinquishment of office.

1953 No. 1205

The Zanzibar (No. 2) Order in Council, 1953

Made - - - -	*1st August,* 1953
Laid before Parliament	*4th August,* 1953
Coming into Operation	*On a day to be appointed in accordance with section* 1 (3)*

At the Court at Buckingham Palace, the 1st day of August, 1953

Present,

The Queen's Most Excellent Majesty in Council

Whereas by Treaty, grant, usage, sufferance and other lawful means Her Majesty the Queen has jurisdiction within the dominions of His Highness the Sultan of Zanzibar:

And Whereas by the Zanzibar Order in Council, 1924(a), as amended(b) (hereinafter referred to as "the principal Order"), provision was made for the exercise of the aforesaid jurisdiction:

And Whereas it is expedient that the principal Order should be amended in the manner following:

Now, therefore, Her Majesty, by virtue and in exercise of the powers in this behalf by the Foreign Jurisdiction Act, 1890(c), or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered as follows:—

Short title construction and commencement

1.—(1) This Order may be cited as the Zanzibar (No. 2) Order in Council, 1953, and shall be construed as one with the principal Order.

(a) S.R. & O. 1924/1401; Rev. VIII, p. 313; 1924, p. 434.
(b) *See* Rev. VIII, p. 313 and also S.I. 1952/635; 1953/194: 1952 III, p. 3984; 1953 II, p. 2760.
(c) 53 & 54 Vict. c. 37. * Date appointed, 24.9.53.

(2) This Order shall be included with the Orders which may be cited as the Zanzibar Orders in Council, 1924 to 1953, and subsection (1) of section 1 of the Zanzibar Order in Council, 1953(a), shall have effect accordingly.

(3) This Order shall be published in the Zanzibar Government Gazette and shall come into operation on a day to be appointed by the British Resident by Proclamation in the Gazette, which day shall not be earlier than the day after the day on which this Order shall have been laid before both Houses of Parliament.*

Replacement of Articles 8 *and* 12 *of principal Order*

2. Articles 8 and 12 of the principal Order are hereby revoked without prejudice to anything lawfully done thereunder, and the following Articles are hereby substituted therefor:—

"8.—(1) Whenever the office of British Resident is vacant or the British Resident is absent from the Protectorate or is from any cause prevented from, or incapable of, performing the duties of his office, the duties of the office of British Resident shall, during Her Majesty's pleasure, be performed—

(*a*) by such person as Her Majesty may appoint under Her Sign Manual and Signet; or

(*b*) if there is no person in the Protectorate so appointed and capable of performing the duties of that office, by such person as Her Majesty may designate by Instructions through the Secretary of State; or

(*c*) if there is no person in the Protectorate so designated and capable of performing the duties of that office, by the person who is the senior member of the Executive Council then in the Protectorate and so capable.

In subparagraph (*c*) of this paragraph the expression "the Executive Council" means the Executive Council established for the Protectorate by any Decree of the Sultan of Zanzibar for the time being in force and countersigned by the British Resident, and the expression "the senior member" means the senior *ex-officio* member, other than the Sultan of Zanzibar, under the provisions of any such Decree as aforesaid.

(2) Any such person as aforesaid shall not continue to perform the duties of the office of British Resident after the British Resident or some other person having a prior right to perform the same has notified him that he is about to assume or resume the performance of such duties.

(3) The British Resident or any other person as aforesaid shall not be regarded as absent from the Protectorate or prevented from, or incapable of, performing the duties of the office of British Resident for the purposes of this Article during his passage from one part of the Protectorate to another or when there is a subsisting appointment of a Deputy under Article 12 of this Order."

(a) S.I. 1953/194, p. 2760 above.

* Date appointed, 24.9.53.

" 12.—(1) Whenever the British Resident—

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

(*b*) has occasion to be absent from the Protectorate 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 his Official Seal, appoint any person resident in the Protectorate to be his Deputy during such absence or illness, and in that capacity to exercise and perform for and on behalf of the British Resident during such absence or illness all such functions of the British Resident as shall be specified in such instrument.

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

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

W. G. Agnew.

EXPLANATORY NOTE

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

This Order revokes the provisions of the Zanzibar Order in Council, 1924, concerning the succession to the office of British Resident and the power of the British Resident to appoint a Deputy, and replaces them by new provisions.