EXPLANATORY NOTE

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

This Scheme amends the provisions of the Pneumoconiosis and Byssinosis Benefit Scheme, 1952, relating to the amount of the increase of an allowance in respect of a wife. The Pneumoconiosis and Byssinosis Benefit Act, 1951, under which the Scheme is made, requires this increase to be an amount equal to the increase which "would be payable under Section 18" of the National Insurance (Industrial Injuries) Act, 1946. The existing Scheme specifies the figure of 16s. which is that mentioned in the 1946 Act. The present amendment brings the wording of the Scheme into line with that of the 1951 Act, and ensures that the required relationship will be maintained even if the Industrial Injuries rate is changed by future legislation.

ZANZIBAR PROTECTORATE

1952 No. 635

The Zanzibar Order in Council, 1952

Made - - - -	*24th March,* 1952
Laid before Parliament	*25th March,* 1952
Coming into Operation	*On a day to be appointed by the British Resident under Section* 1 (2)*

At the Court at Clarence House, the 24th day of March, 1952

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 Section 16 of the East African Court of Appeal Order in Council, 1950(a), His Majesty's Court of Appeal for Eastern Africa (hereinafter referred to as "the Court of Appeal") is empowered to hear and determine such appeals from judgments of His Britannic Majesty's High Court for Zanzibar (hereinafter referred to as "the High Court") including reserved questions of law and cases stated as may be prescribed by or under any law for the time being in force in the Zanzibar Protectorate:

And Whereas by Articles 29, 30 and 37 of the Zanzibar Order in Council, 1924(b), (which as amended by the Zanzibar Order in Council, 1925(c), the Zanzibar Order in Council, 1926(d), the Zanzibar Order in Council, 1936(e),

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(a) S.I. 1950/1968; 1950 I, p. 551.
(b) S.R. & O. 1924/1401; Rev. VIII, p. 313; 1924 I, p. 434.
(c) S.R. & O. 1925/932; Rev. VIII, p. 327; 1925, p. 374.
(d) S.R. & O. 1926/106; Rev. VIII, p. 313; 1926, p. 586.
(e) S.R. & O. 1936/80; Rev. VIII, p. 313; 1936 I, p. 947.

* The date thus appointed was 5th April, 1952.

the Zanzibar Order in Council, 1939(a), and the Zanzibar Order in Council, 1942(b), is hereinafter referred to as "the Principal Order") provision is made for appeals to the Court of Appeal from the High Court in the exercise of its original criminal and civil jurisdiction:

And Whereas it is expedient that provision should be made for appeals to the Court of Appeal from the High Court in its appellate jurisdiction in criminal and civil matters, and for the determination by the Court of Appeal of any questions of law reserved and cases stated by any judge of the High Court:

Now, therefore, Her Majesty, by virtue of 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 Order in Council, 1952.

(2) This Order shall be published in the 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.*

(3) The Zanzibar Order in Council, 1924, the Zanzibar Order in Council, 1925, the Zanzibar Order in Council, 1926, the Zanzibar Order in Council, 1936, the Zanzibar Order in Council, 1939, the Zanzibar Order in Council, 1942, and this Order shall be construed as one and may be cited together as the Zanzibar Orders in Council, 1924 to 1951.

Replacement of Articles 29 *and* 37 *of Principal Order and revocation of Article* 30

2. Articles 29, 30 and 37 of the Principal Order are hereby revoked without prejudice to anything lawfully done thereunder and the following articles are hereby substituted for the said Articles 29 and 37:

"29.—(1) An appeal shall lie to Her Majesty's Court of Appeal for Eastern Africa (in this Order referred to as "the Court of Appeal") from any finding order or sentence recorded or passed by the High Court in the exercise of its original or appellate criminal jurisdiction if provision for such appeal is made by the Criminal Procedure Decree.

(2) Where under the Criminal Procedure Decree a judge of the High Court reserves for the consideration of the Court of Appeal any question of law, the Court of Appeal shall have jurisdiction and power to hear and determine the matter.

(3) Pending the determination of the appeal or reserved question of law, the High Court or the Court of Appeal may exercise in respect of the convicted person any power conferred upon it in that behalf by the Criminal Procedure Decree.

(4) In this Article "the Criminal Procedure Decree" means the Criminal Procedure Decree (Chapter 8 of the Revised Edition of the Laws of the Zanzibar Protectorate in force on the 31st day of December, 1934) or any Decree relating to criminal procedure amending or replacing that Decree for the time being in force and countersigned by the British Resident."

(a) S.R. & O. 1939/292; Rev. VIII, p. 313; 1939 II, p. 1703.
(b) S.R. & O. 1942/835; Rev. VIII, p. 313; 1942 I, p. 216.
(c) 53 & 54 Vict. c. 37.

* The date thus appointed was 5th April, 1952.

" 37.—(1) An appeal shall lie to the Court of Appeal from any judgment or any part of a judgment passed or made by the High Court in the exercise of its original or appellate jurisdiction in such cases and in such manner as may be prescribed by any law for the time being in force in Zanzibar.

(2) Where under any law for the time being in force in Zanzibar a judge of the High Court reserves for the consideration of the Court of Appeal any question of law the Court of Appeal shall have power and jurisdiction to determine the matter.

(3) In this Article " judgment " includes decree, order and decision."

F. J. Fernau.

EXPLANATORY NOTE

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

This Order in Council provides for appeals from the High Court for Zanzibar to the Eastern African Court of Appeal in its Appellate Jurisdiction in criminal and civil matters, and for the determination by the latter Court of any questions of law reserved and cases stated by a Judge of the High Court.