1960 No. 2417

The Basutoland, Bechuanaland Protectorate and Swaziland (Office of High Commissioner) (Amendment No. 2) Order in Council, 1960

Made - - - -	*21st December*, 1960
Laid before Parliament	*30th December*, 1960
Coming into Operation	*On a day to be appointed by the High Commissioner under section* 1 (4).

At the Court at Buckingham Palace, the 21st day of December, 1960

Present,

The Queen's Most Excellent Majesty in Council

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

Citation, construction and commencement

1.—(1) This Order may be cited as the Basutoland, Bechuanaland Protectorate and Swaziland (Office of High Commissioner) (Amendment No. 2) Order in Council, 1960, and shall be construed as one with the Basutoland, Bechuanaland Protectorate and Swaziland (Office of High Commissioner) Order in Council, 1959(**b**) (hereinafter referred to as "the principal Order"), and the Basutoland, Bechuanaland Protectorate and Swaziland (Office of High Commissioner) (Amendment) Order in Council, 1960(**c**).

(2) The principal Order, the Basutoland, Bechuanaland Protectorate and Swaziland (Office of High Commissioner) (Amendment) Order in Council, 1960, and this Order may be cited together as the Basutoland, Bechuanaland Protectorate and Swaziland (Office of High Commissioner) Orders in Council, 1959 to 1960.

(3) Section 1 of the Basutoland, Bechuanaland Protectorate and Swaziland (Office of High Commissioner) (Amendment) Order in Council, 1960, is hereby amended by the deletion of subsection (2) thereof.

(4) This Order shall come into operation on a date to be appointed by the High Commissioner by notice published in the Gazette which date shall not be earlier than the day after the day upon which this Order shall have been laid before both Houses of Parliament nor earlier than the date appointed for the coming into operation of the Bechuanaland Protectorate (Constitution) Order in Council, 1960(**d**).

(**a**) 53 & 54 Vict. c. 37. (**b**) S.I. 1959/1620 (1959 I, p. 281). (**c**) S.I. 1960/441 (Pt. I, p. 323, of this vol.). (**d**) S.I. 1960/2416 (Pt. I, p. 327, of this vol.).

Amendment of section 8 of the principal Order

2. Section 8 of the principal Order is hereby amended by the insertion of the following new subsection after subsection (3) thereof:—

"(3A) Notwithstanding the other provisions of subsection (2) of this section, it shall not be competent to the High Commissioner to delegate any of the following powers vested in him by the undermentioned provisions of the Bechuanaland Protectorate (Constitution) Order in Council, 1960, that is to say:—

(*a*) the appointment of Members and Temporary Members of Executive Council under sections 5 and 8;

(*b*) the suspension of Members of Executive Council under section 7;

(*c*) the appointment of Official and Nominated Members of the Legislative Council under paragraphs (*c*) and (*e*) of subsection (2) of section 22 and section 25;

(*d*) the suspension of Ex Officio, Official or Nominated Members of the Legislative Council under subsection (2) of section 29;

(*e*) the approval of Standing Orders under section 37;

(*f*) the use of reserved powers under section 45;

(*g*) the giving and withholding of Royal Assent and the reservation of Bills under section 46."

W. G. Agnew.

EXPLANATORY NOTE

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

This Order amends the Basutoland, Bechuanaland Protectorate and Swaziland (Office of High Commissioner) Order in Council, 1959, consequent upon the grant of a new Constitution to Bechuanaland, by specifying the powers under that Constitution which the High Commissioner may not delegate to the Resident Commissioner of the Territory.