

BECHUANALAND PROTECTORATE.

HIGH COMMISSIONER'S NOTICE
No. 39 of 1939

The subjoined Order of His Majesty in Council dated the 20th December, 1938, and entitled the Bechuanaland Protectorate (Privy Council Appeals) Order, 1938, is published for general information.

By Command of His Excellency
the High Commissioner.

H. E. PRIESTMAN,
Administrative Secretary.

High Commissioner's Office,
Capetown, 7th March, 1939.

AT THE COURT AT BUCKINGHAM PALACE,
the 20th day of December, 1938.

PRESENT :

THE KING'S MOST EXCELLENT MAJESTY
IN COUNCIL.

Whereas by the Bechuanaland Protectorate (Privy Council Appeals) Order in Council, 1912 (hereinafter called "the principal Order"), provision was made for Appeals to His Majesty in Council from the Special Court of the Bechuanaland Protectorate and from any Court of Resident Commissioner of the Bechuanaland Protectorate.

And whereas a Court to be known as the High Court of the Bechuanaland Protectorate is to be constituted and it is accordingly expedient, by amendment of the principal order, to provide for appeals to His Majesty in Council from that Court.

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

1. This Order may be cited as the Bechuanaland Protectorate (Privy Council Appeals) Order, 1938.

2. The principal Order shall be amended as follows:—

(a) For the definition of "Court" contained in Section 1 the following definition shall be substituted—

“ ‘ Court ’ means the High Court of the Bechuanaland Protectorate.”

(b) In paragraph (a) of Section 2 the word "Special" shall be omitted in both places where it occurs, and the words "of the Bechuanaland Protectorate" shall be omitted.

(c) Paragraph (b) of Section 2, and Section 3, shall be omitted.

(d) In Section 14—

(i) the words "by a Resident Commissioner or any of the members of the said Special Court" shall be omitted and the words "by the Judge of the Court" substituted therefor;

(ii) the words "by such Resident Commissioner or by such member of the said Special Court" shall be omitted and the words "by the said Judge" substituted therefor.

(e) Section 28 shall be omitted.

3. Nothing in this Order shall affect the provisions of the principal Order under which an appeal lies from a judgment of the Special Court of the Bechuanaland Protectorate or the Court of Resident Commissioner if such judgment has been given before the date of the coming into operation of this Order.

4. This Order shall come into operation on the first day of January, 1939.

E. C. E. Leadbitter.