

EAST AFR. PROT

17006

Recd
Recd 13 APR 15

17006

Gov 's. Depy
Bowring 180

1915

12th March

Last previous Paper.

Council
6445/09

EAST AFRICAN PROT (APPEAL TO PRIVY COUNCIL)
ORDER -IN-COUNCIL 1909

Submits proposals for amendment to make provision for period within which applications for appeal should be made to the Court of Appeal.

Copy Reg'd Privy Council on 20/4/15
20/4/15
14/2/15
C. G. Bidder
16/3/15
15/3/15
15/3/15
15/3/15
15/3/15
15/3/15

W. P. Risky

W.P. 13.4.15

C. G. Bidder

The O.A.C. is right

We duly amended the E.A. Prot (O.A. Appeal) Oinc 1909 so as to provide for Zanzibar appeals coming to that Court instead of to Dar-es-Salaam, (see Zanzibar 24/1/15), but we overlooked arts 5 of the E.A. Prot (Appeal to P.C.) Oinc, 1909, and amendments to be made as to the time for appeal from the Court of Appeal, i.e. must be made of appeal, & will off an Oinc

Next subsequent Paper.

Council
20248/15

W. P. Risky

20/4/15

10

Mr. Reed to G. P. ...

Off. Dir. ...

? Now send copy of ... to ...
of the P.C. and say that unless
their ... be any objection
it is ... to obtain the ...
of an ... the enclosed
off. ...

~~Off. ...~~

~~...~~

Feb. 29. 4.15

J.S.H.

23/4/15

Alone ...

u. 15

Reed



Mr. [unclear] G. [unclear]

Off. [unclear] herewith.

Now send copy of despatch to Reorganization
of the P.C. and say that unless
their lordships see any objection
it is proposed to obtain the passage
of an Ordinance as in the enclosed
draft (inclosing it)

J.S.H.
23/4/15

~~Off. [unclear]~~
[unclear] 29.4.15

Alone [unclear] 24. 15

Revised

17006
REC'D
17 MAR 15

GOVERNMENT HOUSE
NAIROBI,
BRITISH EAST AFRICA.

EAST AFRICA PROTECTORATE

No. 168

March 12th 1915.

537

Sir,

I have the honour to inform you that for the reasons stated below it appears to be necessary to make an amendment in Article 5 of the Eastern African Protectorates (Appeal to Privy Council) Order-in-Council 1909.

2. This article reads as follows:-

"Applications to the Court for leave to appeal shall be made by motion or petition within 21 days in the case of applications from East Africa or Uganda and within 3 months in the case of applications from Nyasaland from the date of judgment to be appealed from and the applicant shall give the opposite party notice of his intended application."

3. At the time this order was brought into force the Zanzibar Court was not one of those from which

THE RIGHT HONOURABLE

LEWIS HARCOURT, P.C., M.P.,

SECRETARY OF STATE FOR THE COLONIES,

DOWNING STREET,

LONDON, S.W.

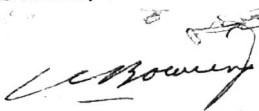
which appeals lay to the Court of Appeal for Eastern Africa. Now, however, that the Zanzibar Order-in-Council of 1914 has been passed it is necessary that provision should be made for the definition of period within which applications from Zanzibar contemplated by the article quoted above should be made to the Court of Appeal.

4. I consider that two months should be ample time in which to make application for leave to appeal and if you agree I should be glad if the necessary amendment to the Article of the Order-in-Council could be made accordingly.

I have the honour to be,

Sir,

Your humble, obedient servant,



GOVERNOR & Deputy

For. 17006/1915 cap.

500

RECEIVED
28

28 Apr. 1915

Prod 20248

DRAFT.

The Registrar of
The Privy Council

MINUTE

- Mr. Harper 27/4/15
- Mr. Boddinley 27.4.15
- Mr. [unclear]
- Mr. [unclear]
- Mr. G. Piddes.
- Mr. H. Just.
- Mr. J. Anderson.
- Lord Islington.
- Mr. Harcourt.

Sir,

I am directed
by Mr. Secy. Harcourt
to transmit to you
for the consideration of
the Privy Council the
accomplish. copy of a despatch
from the Gov. of the
E.A.P. on the subject of
the necessity for amending
Article 5 of the Eastern
African Protectorates
(Appeal to Privy Council.)

12 March 1915
[unclear]

Order in Council 1909.

I. That the said forewings
see any objection to
thereout proposes to obtain
the passing of the Order
as in the enclosed draft.

(Signed) J. READ.

for the Under Secretary of State

Whereas by an Order of His late Majesty King Edward the Seventh in Council, bearing date the 15th day of February 1909, and entitled

Whereas by the Eastern African Protectorate (Court of Appeal) Order in Council 1909 a Court called His Majesty's Court of Appeal for Eastern Africa was constituted for the hearing and determining of appeals from His Majesty's Courts in the East African Uganda and Nyasaland Protectorates:

And whereas by an Order of H. M. in Council bearing date the 21st day of January, 1914, and entitled the Eastern African Protectorate (Court of Appeal) Amendment Order in Council, 1914, provision was made for the hearing and determining of appeals from His Britannic Majesty's Court for Zanzibar by His Majesty's said Court of Appeal for Eastern Africa:

And whereas by an Order of His late Majesty King Edward the Seventh in Council, bearing date the 15th day of February, 1909, and entitled the Eastern African Protectorate (Appeal to Privy Council) Order in Council, 1909, provision was made for regulating appeals from His Majesty's said Court of Appeal for Eastern Africa to His Majesty in Council:

And whereas by the last-mentioned Order (which is referred to as the Privy Council Order) it was amongst other things provided that

23 April 15
24.4.15
G. Fiddes 24.4.15
a/c

Copy to Secy of Privy Council case 28 April 15

applications to the said Court of Appeals for
 leave to appeal ^{to H.M. in Council} should be made within
 21 days in the case of applications from
 East Africa or Uganda and within
 3 months in the case of applications
 from Nyasaland from the date of the
 judgment to be appealed from,
 and it is expedient to define the
 time within which similar applications
 from Zanzibar shall be made.

Now, therefore, H.M. by Order and in exercise
 of the powers by the behalf by the Foreign
 Jurisdiction Act 1870 or otherwise in H.M.
 behalf, 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 Eastern African
 Protectorates (Appeal to Privy Council) Amendment
 Order in Council, 1915 and shall be construed
 and read as well with the Privy Council Order.
2. Applications from Zanzibar to the Court
 for leave to appeal shall be made by motion
 or petition within two months from the
 date of the judgment to be appealed
 from, and the Applicant shall give
 the opposite party notice of his intention
 to apply.

"any of the said Protectorates"
 shall be construed as if it were the Principal Order.

and, generally
 include Zanzibar
 amongst the Parties
 referred to in the
 Order.

[This is the
 original
 of the
 Order
 in Council
 1915]

to take to include Zanzibar

4. This Order shall commence and have
 effect forthwith

And the Right Honourable Lewis Harcourt,
 one of His Majesty's Principal Secretaries of
 State, is to give the necessary directions
 herein accordingly.