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TUESDAY, 31 OCTOBER, 1944

At the Court at *Buckingham Palace*, the 27th day of *October*, 1944.

PRESENT,

The KING's Most Excellent Majesty.

Lord President
Mr. Secretary Amery
Mr. Alexander
Sir Alan Lascelles
Sir Fergus Morton
Sir John Beaumont

WHEREAS by the Nyasaland Protectorate (Native Trust Land) Order in Council, 1936 (hereinafter referred to as "the principal Order") as amended by the Nyasaland Protectorate (Native Trust Land) (Amendment) Order in Council, 1940 (hereinafter referred to as "the Order of 1940") provision is made for the assurance, protection, and preservation of the customary rights of natives of the Nyasaland Protectorate to use and enjoy the land of the Protectorate and the natural fruits thereof:

And whereas it is expedient to amend the said Orders in the manner hereinafter set forth:

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 Nyasaland Protectorate (Native Trust Land) (Amendment) Order in Council, 1944, and shall be read and construed as one with the principal Order; and the principal Order, the Order of 1940 and this Order may be cited together as the Nyasaland Protectorate (Native Trust Land) Orders in Council, 1936 to 1944.

2.—(1) The definition of "Secretary of State" in Article 2 of the principal Order is hereby revoked, and the following definitions are hereby inserted in the place thereof:—

"the Secretary of State" means one of His Majesty's Principal Secretaries of State;

"the Fund" means the Fund established under the Native Development and Welfare Ordinance, 1944."

(2) Notwithstanding anything contained in the Nyasaland Order in Council, 1907, no Ordinance which extends or modifies the purposes for which moneys standing to the credit of the Fund may be applied, shall have effect unless—

(a) The Governor has assented thereto in pursuance of His Majesty's instructions through the Secretary of State; or

(b) His Majesty has assented thereto, either by Order in Council or through the Secretary of State, or

(c) the Ordinance contains a provision suspending the operation thereof until the signification of His Majesty's pleasure thereon and the Governor has been notified through the Secretary of State that His Majesty's power of disallowance will not be exercised in respect thereof.

3. Paragraphs (2) and (3) of Article 6 of the principal Order, as amended by the Order of 1940, are hereby revoked (without prejudice to anything done by virtue thereof) and the following paragraphs are hereby substituted therefor:—

"(2) The whole of the proceeds of such disposal shall be paid, as the Governor in Council shall from time to time direct, into the treasury (if any) of the said native authority or into the Fund, or partly into such treasury and partly into the Fund:

Provided that where any right of occupancy is granted in pursuance of an exchange effected in accordance with the provisions of sub-paragraph (e) of paragraph (1) of this article, the whole or any part of the proceeds of such disposal may, as the Governor in Council shall from time to time direct, be paid into the general revenue of the Protectorate."

"(3) Where native trust land is acquired for public purposes in accordance with the provisions of sub-paragraph (d) of paragraph (1) of this article, payment made shall be made in accordance with the provisions of the preceding paragraph and, in addition, compensation shall be paid to individual natives disturbed by the acquisition."

4. The third paragraph of Article 7 of the principal Order, as amended by the Order of 1940, is hereby revoked (without prejudice to anything done by virtue thereof) and the following paragraph is hereby substituted therefor:—

"The whole of the proceeds of any such grant, or such part thereof as may from time to time be determined by the Governor with the approval of the Secretary of State, shall be paid, as the Governor in Council shall from time to time direct, into the treasury (if any) of the said native authority or into the Fund, or partly into such treasury and partly into the Fund."

5. This order shall come into operation on the date of its publication in the Nyasaland Protectorate Gazette.

E. C. E. Leadbitter.

At the Court at *Buckingham Palace*, the 27th day of *October*, 1944.

PRESENT,

The KING'S Most Excellent Majesty in Council.

WHEREAS the Ecclesiastical Commissioners for England have duly prepared and laid before His Majesty in Council a Supplementary Scheme bearing date the 5th day of October, 1944, in the words and figures following, that is to say:—

"We, the Ecclesiastical Commissioners for England, acting in pursuance of the Union of Benefices Measures, 1923 to 1936 have prepared and now humbly lay before Your Majesty in Council the following Supplementary Scheme under the 11th Section of the Union of Benefices Measure, 1923 for