

The limits of this Order are the territories comprised in the East Africa Protectorate, which includes the territories bounded on the north by the River Juba, on the east by the Indian Ocean, on the south by the German sphere, on the west by the Uganda Protectorate, and also all adjacent islands between the mouths of the Rivers Juba and Umba, but does not include the islands of Zanzibar and Pemba.

If Her Majesty is pleased to direct that any other territories, for the time being under the protection of Her Majesty, shall form part of the East Africa Protectorate, those territories shall, from and after a date fixed by an order of the Secretary of State, be deemed to be within the limits of this Order.

2. This Order is divided into Parts as follows:—

- Part I. Preliminary.
- Part II. Application and effect of Order.
- Part III. Constitution of Courts.
- Part IV. Application of law of British India and of the United Kingdom.
- Part V. Criminal matters.
- Part VI. Civil matters.
- Part VII. Miscellaneous.
- Part VIII. Repeal and Transitory Provisions.

3. In this Order—

(i.) "The Protectorate" means the territories for the time being comprised in Her Majesty's East Africa Protectorate;

(ii.) "Zanzibar" means the dominions and territorial waters of His Highness the Sultan of Zanzibar which are not comprised within the limits of this Order;

(iii.) "The Secretary of State" means one of Her Majesty's Principal Secretaries of State;

(iv.) "The Commissioner" means Her Majesty's Commissioner and Consul-General for the territories comprised within the limits of this Order, including a person acting temporarily, with the approval of the Secretary of State, as or for the Commissioner;

(v.) "British Subject" includes a British protected person, that is to say, a person who either (a) is a native of any other Protectorate of Her Majesty, and is temporarily in the East Africa Protectorate, or (b) by virtue of "The Foreign Jurisdiction Act, 1890," or otherwise enjoys Her Majesty's protection in the Protectorate;

(vi.) "Resident" means having a fixed place of abode in the Protectorate;

(vii.) "Native" means a native of the Protectorate, not being a British subject or a person of European or American race or parentage;

(viii.) "Foreigner" means a subject or citizen of a State in amity with Her Majesty, not being a native;

(ix.) "Native Court" means a Court for the administration of Justice to or between natives;

(x.) "Treaty" includes any Convention, Agreement, or Arrangement with any State or Government, King, Chief, people, or tribe, made by or on behalf of Her Majesty, or to the benefits of which Her Majesty has succeeded;

(xi.) "Administration" means (unless a contrary intention appears from the context) letters of administration, including the same with will annexed, or granted for special or limited purposes, or limited in duration;

(xii.) "Ship" includes any vessel used in navigation, however propelled, with her tackle, furniture, and apparel, and any boat or other craft;

(xiii.) "Offence" means any act or omission made punishable by any law for the time being in force;

(xiv.) "Imprisonment" means imprisonment of either description, as defined in the Indian Penal Code;

(xv.) "Month" means calendar month;

(xvi.) "Will" means will, codicil, or other testamentary instrument;

(xvii.) "Person" includes Corporation;

(xviii.) "Full Court," with reference to the Court for Zanzibar, means that Court when constituted by the Judge and Assistant Judge thereof sitting together;

(xix.) Words importing the plural or the singular may be construed as referring to one person or thing, or to more than one person or thing, and words importing the masculine as referring to females (as the case may require).

4.—(1.) Where this Order confers a power or imposes a duty, the power may be exercised and the duty shall be performed from time to time as occasion requires.

(2.) Where this Order confers a power or imposes a duty on the holder of an office, then, unless a contrary intention appears, the power may be exercised and the duty shall be performed by the holder of the office for the time being, or by a person duly appointed to act for him.

(3.) Where this Order confers a power to make rules, regulations, or orders, the power shall be construed as including a power, exercisable in the like manner and subject to the like approval and conditions (if any) to rescind, revoke, amend, or vary the rules, regulations, or orders.

PART II.—*Application and Effect of Order.*

5. The powers conferred by this Order shall extend to the persons and matters following in so far as by Treaty, grant, usage, sufferance, or other lawful means, Her Majesty has jurisdiction in relation to such persons and matters, that is to say: (a) British subjects; (b) Foreigners; (c) the property and all personal or proprietary rights and liabilities in the Protectorate of British subjects and foreigners, including ships with their boats, and the persons and property on board thereof, or belonging thereto; and (d) natives, in the cases and according to the conditions specified in this Order, and not otherwise.

Provided that in the Zanzibar territory included within the limits of this Order the said powers shall not extend to foreigners (or their ships) being subjects of any Government which on the first day of July, one thousand eight hundred and ninety-five, exercised any jurisdiction in that territory similar to the jurisdiction conferred by this Order, unless that Government shall consent to the exercise of jurisdiction under this Order.

Provided also that jurisdiction over any foreign ships under this Article shall not be exercised otherwise than according to the practice of the High Court of England in the exercise of jurisdiction over foreign ships.

6. All Her Majesty's jurisdiction exercisable in the Protectorate, for the hearing and determination of suits, or for the maintenance of order, or for the control or administration of persons or property, or in relation thereto, shall be exercised under and according to the provisions of this Order, so far as this Order extends and applies.

PART III.—*Constitution of Courts.*

7.—(1.) There shall be and there is hereby established a Court styled "Her Majesty's Court for East Africa," in this Order referred to as "the Protectorate Court" and "the Court."

(2.) Subject to the other provisions of this Order, Her Majesty's jurisdiction in the Protectorate shall be, and is hereby, vested in the Protectorate Court.