

ELIZABETH II



# Southern Rhodesia Act 1979

## 1979 CHAPTER 52

An Act to provide for the grant of a constitution for Zimbabwe to come into effect on the attainment by Southern Rhodesia, under any Act hereafter passed for that purpose, of fully responsible status as a Republic under the name of Zimbabwe, and to make other provision with respect to Southern Rhodesia.

[14th November 1979]

**B**E IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1) Her Majesty may by Order in Council provide a constitution for Zimbabwe to come into effect on the day (in this Act referred to as “the appointed day”) on which, in accordance with such provision in that behalf as may after the passing of this Act be made by Act of Parliament, Southern Rhodesia becomes independent as a Republic under the name of Zimbabwe. Power to provide constitution for Zimbabwe.

(2) Her Majesty may by Order in Council revoke the Constitution of Southern Rhodesia 1961, and may make such transitional provision as appears to Her Majesty to be necessary or expedient in connection with the coming into effect of the new constitution or the revocation of the said Constitution of 1961.

(3) Any Order in Council under this section shall be laid before Parliament after being made.

(4) Subsection (1) is without prejudice to any power conferred on Her Majesty by section 2.

Power to bring particular provisions of new constitution into force before appointed day.

2.—(1) For the purpose of enabling the new constitution to function as from the appointed day and, in particular, of enabling elections for the purposes thereof to be held before that day, Her Majesty may by Order in Council make such provision as appears to Her to be necessary or expedient, including provision for bringing particular provisions of that constitution into force, with or without modifications, before that day.

(2) Different provisions of the new constitution may be brought into force under this section at different times before the appointed day; but any modifications to which any provisions of that constitution are by virtue of this section subject immediately before the appointed day shall cease to have effect on that day.

(3) An Order in Council under this section shall be laid before Parliament after being made and shall expire at the end of the period of twenty-eight days beginning with the day on which it was made unless during that period it is approved by resolution of each House of Parliament.

The expiration of an Order in pursuance of this subsection shall not affect the operation of the Order as respects things previously done or omitted to be done or the power to make a new Order; and in calculating the period aforesaid no account shall be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.

Other powers with respect to Southern Rhodesia.

3.—(1) Her Majesty may by Order in Council—

- (a) make provision for and in connection with the government of Southern Rhodesia in the period up to the appointed day;
- (b) make such provision in relation to Southern Rhodesia, or persons or things in any way belonging to or connected with Southern Rhodesia, as appears to Her to be necessary or expedient—
  - (i) in consequence of any unconstitutional action taken therein; or
  - (ii) in connection with the repeal, revocation, expiration or lapse of any statutory provision relating to sanctions.

(2) In subsection (1) “ statutory provision relating to sanctions ” means—

(a) any Order in Council made under section 2 of the Southern Rhodesia Act 1965; and

(b) any statutory provision (wherever in force) implementing any resolution of the Security Council of the United Nations providing for the imposition of economic or other sanctions or other measures directed against Southern Rhodesia or against any persons at any time purporting to exercise authority therein.

(3) Without prejudice to the generality of subsection (1), an Order in Council thereunder may make provision—

(a) for conferring power to make laws for the peace, order and good government of Southern Rhodesia, including laws having extra-territorial operation;

(b) for suspending or modifying the provisions of the Constitution of Southern Rhodesia 1961;

(c) for suspending or modifying the operation of any enactment or instrument in relation to Southern Rhodesia or persons or things in any way belonging to or connected with Southern Rhodesia;

and any provision made by or under such an Order may apply to things done or omitted outside as well as within the United Kingdom or other country or territory to which the Order extends.

(4) Subject to subsection (5), the following Orders in Council, namely—

(a) the Southern Rhodesia Constitution Order 1965 and any S.I. 1965/1952. Order in Council made thereunder;

(b) the Southern Rhodesia (British Nationality Act 1948) S.I. 1965/1957. Order 1965;

(c) the Southern Rhodesia (Matrimonial Jurisdiction) Order S.I. 1970/1540. 1970; and

(d) the Southern Rhodesia (Immunity for Persons attending S.I. 1979/1374. Meetings and Consultations) (No. 2) Order 1979,

shall continue in force notwithstanding the expiration of section 2 of the Southern Rhodesia Act 1965, but shall have effect after the expiration of that section with such modifications, if any, as Her Majesty may from time to time by Order in Council prescribe.

(5) Her Majesty may by Order in Council revoke any Order saved by subsection (4).

(6) Section 2(3) shall apply to any Order in Council made under this section.

Citation etc. 4.—(1) This Act may be cited as the Southern Rhodesia Act 1979.

(2) In this Act—

“ the appointed day ” has the meaning given by section 1(1);

“ modifications ” includes additions, omissions and alterations, and related expressions shall be construed accordingly;

“ the new constitution ” means the constitution provided by Order in Council under section 1(1);

“ statutory provision ” means a provision contained in an Act or in subordinate legislation within the meaning of the Interpretation Act 1978.

1978 c. 30.

(3) An Order in Council under any provision of this Act may make or authorise the making of such incidental, supplementary and consequential provisions as appear to Her Majesty to be expedient for the purposes of the Order.

(4) Any administrative expenses incurred by the Secretary of State in consequence of the provisions of this Act shall be paid out of money provided by Parliament.

(5) This Act extends to Southern Rhodesia, the Channel Islands, the Isle of Man and any colony, and (to the extent of Her Majesty's jurisdiction therein) to any foreign country or territory in which for the time being Her Majesty has jurisdiction.

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