

## SCHEDULES

### SCHEDULE 2

Section 6(1).

#### CONTINUATION OF CERTAIN PROVISIONS IN RELATION TO ZIMBABWE, AND SAVINGS

##### *Temporary saving from certain disabilities*

- 1 (1) Until the end of the period of twelve months beginning with Independence Day, a citizen of Zimbabwe shall not be subject, in respect of any office, place, or employment held by him immediately before that day, or any qualification to act in any capacity in which he was acting immediately before that day, to any disability imposed in the case of aliens by or by virtue of any of the following enactments, that is to say—
- (a) section 3 of the Act of Settlement;
  - (b) sections 4 to 6 of the Aliens Restriction (Amendment) Act 1919;
  - (c) any Northern Ireland legislation, or any regulations in force under any such legislation.
- (2) For the purposes of sub-paragraph (1) a person who immediately before Independence Day was on leave or otherwise temporarily absent from employment in any capacity mentioned in section 5(1) of the Aliens Restriction (Amendment) Act 1919 (master etc. of British merchant ship) shall be treated as if he were employed in such employment immediately before that day; and where sub-paragraph (1) applies to any person in respect of any office, place or employment held by him immediately before that day, it shall apply to him also in respect of any office, place or employment to or in which he may be appointed thereafter by way of re-engagement or transfer.
- (3) If, at the end of the period of twelve months mentioned in subparagraph (1), a person to whom that sub-paragraph applies is awaiting determination of an application by him for registration as a citizen of the United Kingdom and Colonies, that sub-paragraph shall apply as if for the period of twelve months there mentioned there were substituted a period ending on the determination of his application.
- (4) A person who by virtue of section 2(1) ceases to be a British subject shall not for that reason be precluded from remaining a member of a local authority until his membership ceases on some other ground.

##### *Colonial probates*

- 2 (1) The Colonial Probates Act 1892 (which provides for the recognition in the United Kingdom of probates and letters of administration granted in British possessions) shall apply in relation to Zimbabwe as it applies in relation to a British possession, and any Order in Council in force under that Act in relation to Southern Rhodesia immediately before Independence Day shall have effect on and after that day as if any reference to Southern Rhodesia were a reference to Zimbabwe.

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- (2) Nothing in sub-paragraph (1) shall affect the operation of the said Act of 1892 with respect to probate or letters of administration granted before Independence Day by a court in Southern Rhodesia.

*Maintenance orders*

- 3 (1) The Maintenance Orders (Facilities for Enforcement) Act 1920 (which provides for the enforcement in England, Wales and Northern Ireland of maintenance orders made in parts of Her Majesty's dominions outside the United Kingdom, and vice versa) shall apply in relation to Zimbabwe as it applies in relation to a part of Her Majesty's dominions, and any Order in Council in force under that Act in relation to Southern Rhodesia immediately before Independence Day shall have effect on and after that day as if any reference to Southern Rhodesia were a reference to Zimbabwe.
- (2) For the purposes of the application of the said Act of 1920 in accordance with sub-paragraph (1), references in that Act to the governor of a part of Her Majesty's dominions shall, in the case of Zimbabwe, be construed as references to the Minister of Justice.
- (3) Nothing in sub-paragraph (1) or (2) shall affect the operation of the said Act of 1920 with respect to any maintenance order made before Independence Day by a court in Southern Rhodesia.
- (4) An order under section 49(2) of the Maintenance Orders (Reciprocal Enforcement) Act 1972 appointing a day for the coming into operation of the repeal by that Act of the Maintenance Orders (Facilities for Enforcement) Act 1920 may include provision, to take effect on that day, for the repeal of the preceding provisions of this paragraph.

*Company registers*

- 4 The following provisions, namely—
- (a) sections 119 to 122 of the Companies Act 1948 and sections 116 to 118 of the Companies Act (Northern Ireland) 1960 (which enable a company registered in Great Britain, or in Northern Ireland, to keep in any other part of Her Majesty's dominions a branch register of its members resident there); and
- (b) section 123 of the said Act of 1948 (which enables a company registered in another part of Her Majesty's dominions to keep in Great Britain a branch register of its members resident there),
- shall apply in relation to Zimbabwe as they apply in relation to a part of Her Majesty's dominions.

*Parliamentary and local elections*

- 5 (1) Where a person by virtue of section 2(1) ceases to be a British subject—
- (a) if immediately before Independence Day he was registered in a register of parliamentary electors or local government electors, he shall be treated as remaining a British subject for the purposes of any election at which that register is used;
- (b) if—

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- (i) on the qualifying date for a parliamentary or local government election held within the period of twelve months beginning with 16th February in a year to which this paragraph applies he is awaiting determination of an application received before the first anniversary of Independence Day for his registration as a citizen of the United Kingdom and Colonies, and
  - (ii) where the application was made under section 5A of the British Nationality Act 1948 or section 6(1) thereof as modified by Schedule 1 to the Immigration Act 1971, he was throughout the relevant period ending with that qualifying date ordinarily resident in the United Kingdom,
- he shall be treated as a British subject for the purposes of any election at which a register of parliamentary electors or local government electors published in that year is used.
- (2) For the purposes of sub-paragraph (1)(b)(ii) "the relevant period " ending as there mentioned—
    - (a) in the case of an application under section 5A of the British Nationality Act 1948, is the period of five years so ending;
    - (b) in the case of an application under section 6(1) of that Act, is the period beginning with 1st January 1973 and ending as aforesaid.
  - (3) Paragraph (b) of sub-paragraph (1) applies to the year 1980 and any subsequent year, not being later than such year as the Secretary of State may specify in an order (made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament) as the final year to which that paragraph is to apply.
  - (4) The Representation of the People Regulations 1974, the Representation of the People (Northern Ireland) Regulations 1969, the Representation of the People (Scotland) Regulations 1975 and Schedule 3 to the Electoral Law Act (Northern Ireland) 1962 shall each have effect as if the requirements that may be made under regulation 24(1), regulation 10(1), regulation 24(1) and Rule 8(2) respectively included a requirement that a person who asserts that he is entitled to be registered by virtue of sub-paragraph (1) should make a statutory declaration as to any fact relevant in establishing that entitlement.

*Dentists and veterinary surgeons*

- 6 A person who on Independence Day is registered by virtue of a qualification granted in Southern Rhodesia—
  - (a) in the Commonwealth list contained in the dentists register kept under the Dentists Act 1957, or
  - (b) in the Commonwealth list contained in the veterinary surgeons register kept under the Veterinary Surgeons Act 1966,shall not cease to be so registered by reason of anything contained in this Act or of any decision as to Zimbabwe's membership of the Commonwealth.

*Right of abode in the United Kingdom*

- 7 (1) Until the end of the period of twelve months beginning with Independence Day—
  - (a) subsection (1)(d) of section 2 of the Immigration Act 1971 (right of abode) shall have effect in the case of a person who—

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- (i) is a citizen of Zimbabwe, and
  - (ii) was immediately before that day a citizen of Southern Rhodesia, as if he had remained a Commonwealth citizen; and
- (b) subsection (2) of that section shall have effect accordingly.
- (2) Section 36 of the said Act of 1971 (power to extend provisions to Channel Islands and Isle of Man) shall apply to the provisions of this paragraph as it applies to provisions of that Act.

*Liability to deportation*

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- (1) Until the end of the period of twelve months beginning with Independence Day section 7 of the Immigration Act 1971 (which provides that certain Commonwealth citizens ordinarily resident in the United Kingdom are not liable to deportation) shall continue to apply to a person who by virtue of section 2(1) of this Act ceases to be a Commonwealth citizen on that day.
  - (2) If when that period expires such a person is awaiting the determination of an application made by him for registration as a citizen of the United Kingdom and Colonies, the said section 7 shall continue to apply to him until that application is determined, subject to subparagraph (3).
  - (3) In the further period provided for by sub-paragraph (2) a recommendation for deportation under section 3(6) of the said Act of 1971 (recommendation by court convicting of offence punishable with imprisonment) may be made in respect of a person to whom that subparagraph applies, but no effect shall be given to such a recommendation unless and until that person's application for registration as a citizen of the United Kingdom and Colonies is refused.
  - (4) Section 36 of the said Act of 1971 (power to extend provisions to Channel Islands and Isle of Man) shall apply to the provisions of this paragraph as it applies to provisions of that Act.