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STATUTORY INSTRUMENTS

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**1963 No. 2085**

The Federation of Rhodesia and Nyasaland  
(Dissolution) Order in Council 1963

PART I

DISSOLUTION OF THE FEDERATION

**Temporary continuation of certain Federal courts**

**19.**—(1) For the purpose of hearing and determining proceedings pending before them immediately before the dissolution of the Federation, except any such proceedings in respect of matters arising from Nyasaland,—

- (a) the Federal Supreme Court,
- (b) the Court Martial Appeal Court,
- (c) the Special Court for income tax appeals, and
- (d) the Patents Tribunal,

(in this section referred to as “the courts”) shall, subject to the provisions of this section, continue in existence notwithstanding the dissolution of the Federation; and accordingly the persons holding the offices of the Chief Justice of the Federation, the Federal Justices, the President of the Special Court for income tax appeals and the President of the Patents Tribunal immediately before the dissolution of the Federation shall, subject as aforesaid, continue to hold their respective offices and to enjoy, or be subject to, all the terms and conditions of service which applied to them immediately before the dissolution of the Federation.

(2) In relation to the Federal Supreme Court as continued in existence by this section, paragraph (6) of Article 47 and Articles 48 and 49 of the Constitution of the Federation shall apply as if references therein to the Governor-General were references to the Secretary of State and as if in the said paragraph (6) the words “by instrument under the public seal of the Federation” and the words “on an address from the Federal Assembly praying for his removal” were omitted.

(3) For the purpose of the performance of functions requiring to be performed in order to give effect to this section in relation to the other courts continued in existence thereby, the laws of the Federal Legislature hereinafter mentioned shall be modified as follows—

- (a) section 120 of the Defence Act 1955 (providing for the appointment of a Registrar of the Court Martial Appeal Court) shall apply as if the reference to the Minister of Defence were a reference to the Chief Justice of the Federation;
- (b) section 57 of the Income Tax Act 1954 (providing for the establishment of the Special Court for income tax appeals) shall apply as if the reference in subsection (1) to the Governor-General were a reference to the Chief Justice of the Federation, the reference in subsection (3) to the Minister of Home Affairs after consultation with the President were a reference to the President of the Special Court, the reference in sub-section (4) to

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the Governor-General were a reference to the Liquidating Agency, and the reference in subsection (5) to the Minister were a reference to the said President;

- (c) section 71 of the Patents Act 1957 (providing for the establishment of a Patents Tribunal) shall have effect as if the reference in sub-section (1) to the Minister were a reference to the Chief Justice of the Federation, the reference in subsection (4) to the Minister acting with the approval of the Minister of Finance were a reference to the Liquidating Agency, and the reference in subsection (5) to the Minister were a reference to the President of the Patents Tribunal.

(4) The administrative expenses of the courts, including all remuneration and allowances payable to the judges, officers and servants of the courts, shall be paid out of moneys in the hands of the Liquidating Agency; and any fees or other moneys taken by the courts shall be paid to the Agency.

(5) The provisions of the Constitution of the Federation and of any law or rules of court in force immediately before the dissolution of the Federation with respect to the jurisdiction, powers, practice and procedure of the courts shall continue to have effect for the purpose of the hearing and determining by the courts of proceedings pending before them immediately before the dissolution of the Federation; and the courts and authorities of Southern Rhodesia and Northern Rhodesia shall continue to act in aid of the courts in respect of such proceedings.

(6) When the Chief Justice of the Federation is satisfied that the Federal Supreme Court or any other court continued in existence by this section has disposed of all business which can in his opinion be reasonably dealt with by it under the provisions of this Order he shall by writing under his hand, so certify, whereupon the court shall cease to exist; and any business outstanding shall be dealt with in accordance with such provision as may be made by the law of Southern Rhodesia or Northern Rhodesia in relation to matters arising from that Territory.

(7) If the Special Court for income tax appeals or the Patents Tribunal continue in existence after the Federal Supreme Court has ceased to exist, the function conferred by subsection (6) on the Chief Justice of the Federation shall be performed by the President of the Special Court or the President of the Patents Tribunal, as the case may be.