
STATUTORY INSTRUMENTS

1963 No. 2085

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

PART III

ELECTRIC POWER

Constitution of Higher Authority for Power

33.—(1) There is hereby constituted jointly for the Territories an authority which shall be known as the Higher Authority for Power.

(2) The Higher Authority shall consist of four members, of whom two shall be Ministers of the Government of Northern Rhodesia appointed by the Government of that Territory and two shall be Ministers of the Government of Southern Rhodesia appointed by the Government of that Territory.

Functions of Higher Authority

34.—(1) The Higher Authority shall have such functions in relation to the supply of electricity and the control of the Corporation and such other functions as are conferred by this Order or otherwise by law.

(2) The Higher Authority may, after consultation with the Corporation, give to it such directions of a general character as to the exercise and carrying out of its functions in accordance with the provisions of this Order as appear to the Authority to be requisite, and the Corporation shall give effect to any such directions.

Procedure of Higher Authority

35.—(1) Subject to the provisions of this Part of this Order and of any other law, the Higher Authority shall determine its own procedure.

(2) No decision of the Higher Authority shall have effect unless it is unanimous.

Constitution of Central African Power Corporation

36. There is hereby constituted jointly for the Territories a corporation, to be known as the Central African Power Corporation, which shall be a body corporate with a common seal and capable of suing and being sued and, subject to the provisions of this Order and any law, of doing all such acts as a body corporate may perform.

Member-ship of Corporation

37.—(1) The Corporation shall consist of a Chairman, who shall be appointed on the first occasion by the Governments of Northern and Southern Rhodesia jointly and thereafter by the Higher Authority, and seven other members of whom three shall be appointed by the Government of

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Northern Rhodesia, three by the Government of Southern Rhodesia and one, who shall be a person acceptable to the Commonwealth Development Corporation, by the Higher Authority.

(2) The Governments of the Territories shall each designate one of the three members appointed by them to be Deputy Chairmen of the Corporation.

(3) Each member of the Corporation shall be paid out of the funds of the Corporation such remuneration and allowances, if any, and, subject to the provisions of this Part of this Order, shall have such other conditions of service, as the Higher Authority may determine.

Disqualifications for membership

38. No person shall be appointed to be a member of the corporation who—

- (a) is a member of the Legislature of a Territory; or
- (b) has, under any enactment in force in any part of the Commonwealth—
 - (i) been adjudged or otherwise declared bankrupt or insolvent and has not been discharged or rehabilitated; or
 - (ii) made an assignment to, or arrangement or composition with, his creditors which has not been rescinded or set aside; or
- (c) has within the immediately preceding five years served a sentence of imprisonment (by whatever name called) exceeding six months imposed (otherwise than as an alternative to, or in default of, the payment of a fine) in any part of the Commonwealth, and has not received a free pardon in respect of the offence for which he was sentenced.

Tenure of office of members

39.—(1) Subject to the provisions of this section, a member of the Corporation shall hold office for a period of three years from the date of his appointment or such shorter period as may be specified in his instrument of appointment.

(2) The office of a member shall become vacant—

- (a) if he resigns it by notice in writing given to the Higher Authority; or
- (b) if any circumstances arise which, if he were not a member, would cause him to be disqualified for appointment as a member under paragraph (a) or (b) of section 38; or
- (c) if he begins to serve a sentence such as is referred to in paragraph (c) of section 38; or
- (d) if the Higher Authority removes him from office for improper conduct as a member or failure to perform efficiently the functions of his office (whether due to infirmity of body or mind or any other cause) or to take all possible steps to cause the Corporation to comply with any court order requiring it to remedy a default; or
- (e) in the case of a member other than the Chairman, if he is absent without the permission of the Chairman from three successive meetings of the Corporation of which he has had notice; or
- (f) if the Higher Authority is satisfied that the private interests of the member conflict or are liable to conflict with his duties as a member and that consequently it is inexpedient for him to continue to hold office as a member.

(3) A notice of resignation given under paragraph (a) of subsection (2) shall take effect on the expiration of one month, or such shorter period as may be agreed between the Higher Authority and the member concerned, from the date on which it is given.

(4) A member vacating his office may, unless disqualified for appointment, be again appointed as a member from time to time.

Acting appointments

40.—(1) During any period when the Chairman of the Corporation is unable to perform the functions of his office by reason of illness, absence from the Territories or any other cause or when the office of the Chairman is vacant, one of the Deputy Chairman of the Corporation, selected in accordance with such procedure as the Higher Authority shall determine, shall perform those functions.

(2) If a member of the Corporation, other than the Chairman, is unable to perform the functions of his office by reason of illness, absence from the Territories or any other cause, the Authority by which that member was appointed may appoint a person, not being a person disqualified for appointment as a member, to act in his place; and any person so appointed shall, subject to section 39, continue so to act until the expiration of such period as may be specified in his instrument of appointment or until that member resumes the performance of those functions, whichever is the earlier.

Procedure of Corporation

41.—(1) Subject to the provisions of this Part of this Order and of any other law and to any direction given to the Corporation by the Higher Authority, the Corporation shall determine its own procedure.

(2) If at a meeting of the Corporation the Chairman and both Deputy Chairman are absent, the members present may elect one of their number to preside as chairman of the meeting.

(3) Not less than five members shall form a quorum at a meeting of the Corporation.

(4) Decisions of the Corporation shall be made according to the majority of the votes of the members present and voting at a meeting of the Corporation at which a quorum is present, and in the event of an equality of votes the member presiding shall have a casting vote.

(5) Decisions taken in accordance with subsection (4) shall be valid notwithstanding any vacancy among the members of the Corporation or that some person who was not entitled so to do voted or otherwise acted as a member.

Dissolution of existing Board and vesting of assets and liabilities in the Corporation

42.—(1) In this section “the Board” means the Federal Power Board established by section 19 of the Electricity Act 1956 of the Federation.

(2) On the dissolution of the Federation, the Board shall be dissolved and all assets, rights, liabilities and obligations of the Board shall vest in the Corporation by virtue of this section, and accordingly—

(a) all agreements and instruments giving rise or otherwise relating to such assets, rights, liabilities or obligations which were subsisting immediately before the dissolution shall on and after the dissolution have effect and be enforceable as if references therein to the Board were references to the Corporation and, where the Board was a party thereto, as if the Corporation had been a party thereto instead of the Board; and

(b) in any legal proceedings connected with such assets, rights, liabilities or obligations which were pending immediately before the dissolution by or against the Board, the Corporation shall be substituted for the Board as a party.

(3) Where any person who was in the service of the Board immediately before the dissolution becomes by virtue of this section a person in the service of the Corporation, his service under the Board shall be treated as service under the Corporation for the purposes of determining rights to or eligibility for pension, gratuity or leave in respect of his service.

(4) Where title to any immovable property or any right or obligation relating to such property is vested in the Corporation by virtue of this section, and such title, right or obligation or any deed

relating thereto has been registered before the dissolution under any law, the officer having charge of the register concerned shall, on application by the Corporation or any person having an interest in such property, make the necessary alterations in the register and, if presented therefor, endorsements on the deeds relating to the title, right or obligation concerned; and no stamp or other duties shall be payable in respect thereof.

(5) The provisions of subsection (2) shall have effect subject to any agreement entered into or instrument executed by virtue of section 44.

Functions of Corporation

43.—(1) The Corporation shall have such functions within or outside a Territory in relation to the supply of electricity and matters connected therewith as are conferred by this Part of this Order or otherwise by law.

(2) The general function of the Corporation shall be to supply electricity to undertakings within the Territories.

(3) For the purposes of the discharge of its general function, the Corporation shall—

- (a) continue to operate and develop the system for the generation and transmission of electricity associated with the Kariba scheme;
- (b) establish such additional undertakings for the bulk supply of electricity as the Higher Authority may direct;
- (c) investigate new or additional facilities for the bulk supply of electricity within such areas as the Higher Authority may direct and new or additional facilities for the co-ordination and cooperation of existing undertakings and advise the Higher Authority of the result of such investigations;
- (d) generate or acquire electricity.

(4) In addition to the functions conferred by this section the Corporation may at no additional expense to itself carry out such further activities on an agency basis as the Higher Authority may approve.

Power of Corporation to execute certain instruments

44. Notwithstanding any other provision of this Order, the Corporation may before 1st January 1964—

- (a) enter into any agreement with the International Bank for Reconstruction and Development, the Commonwealth Development Corporation, the Commonwealth Development Finance Company Limited, the Government of Northern Rhodesia and the Government of Southern Rhodesia, or with any of them, for the purpose of the assumption by the Corporation as from that date of any obligations of the Federal Power Board to them or to the Federation; and
- (b) execute any instrument or do any other thing which it deems necessary to enable it to assume its functions on that date.

Power of Legislature of Territory to amend Part III

45. The provisions of this Part of this Order may, as respects each Territory, be amended or revoked by a law of the Legislature of the Territory.

Interpretation

46. In this Part of this Order, except where the context otherwise requires—

“the Corporation” means the Central African Power Corporation constituted by section 36;

“the Higher Authority” means the Higher Authority constituted by section 33;

“the Territories” means Southern Rhodesia and Northern Rhodesia, and “Territory” shall be construed accordingly;

“undertaking” means any undertaking which generates, imports and either additionally or alternatively transmits, distributes, or supplies electricity.