
STATUTORY INSTRUMENTS

1963 No. 2085

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

PART IV

CIVIL AIR TRANSPORT

Constitution of Higher Authority for Civil Air Transport

47.—(1) There is hereby constituted jointly for the Territories an authority which shall be known as the Higher Authority for Civil Air Transport.

(2) The Higher Authority shall consist of three members, of whom one shall be a Minister of the Government of Southern Rhodesia, one a Minister of the Government of Northern Rhodesia and one a Minister of the Government of Nyasaland, appointed by their respective Governments.

Functions of Higher Authority

48.—(1) The Higher Authority shall have such functions in relation to air services and the control of the Corporation as are conferred by this Part of this Order or any law.

(2) The Higher Authority may exercise the powers of the Government of any Territory and such other powers as may be entrusted to the Higher Authority to obtain from, and grant to, other governments, rights or concessions in connection with air services.

(3) The Higher Authority may, after consultation with the Corporation, give to it such directions as to the performance of its functions in accordance with the provisions of this Part of this Order and any law as appear to the Higher Authority to be requisite, and the Corporation shall give effect to any such directions.

Procedure of Higher Authority

49.—(1) Subject to the provisions of this Part of this Order and of any 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 Airways Corporation

50. There is hereby constituted jointly for the Territories a corporation, to be known as the Central African Airways 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.

Membership of Corporation

51.—(1) The Corporation shall consist of—

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- (a) a Chairman who shall be appointed on the first occasion by the Governments of the Territories jointly and thereafter by the Higher Authority;
- (b) five other members, of whom two shall be appointed by the Government of Southern Rhodesia, two by the Government of Northern Rhodesia, and one by the Government of Nyasaland; and
- (c) so long as the agreement between the Central African Airways Corporation and the Colonial Development Corporation concluded on 6th September 1954 so requires, one additional member who shall be appointed by the Higher Authority with the approval of the Commonwealth Development Corporation.

(2) 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

52. 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

53.—(1) Subject to the provisions of this section, a member of the Corporation shall hold his 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 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 52; or
- (c) if he begins to serve a sentence such as is referred to in paragraph (c) of section 52; 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 with his duties as a member and that consequently it is inexpedient for him to continue to hold office as such a member.

(3) A notice of resignation given in terms of 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

54. If a member of the Corporation 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 any person, not being a person disqualified for appointment as a member, to act in his place; and any person so appointed shall, subject to the provisions of section 53, 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

55.—(1) Subject to the provisions of this Part of this Order and of any 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 any person appointed to act as Chairman are absent, the members present may elect one of their number to preside as chairman of the meeting.

(3) Not less than four 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 the provisions of 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 former Corporation and vesting of assets and liabilities in new Corporation

56.—(1) In this section—

“former Corporation” means the Central African Airways Corporation established by the Central African Airways Corporation Act 1960 of the Federation;

“new Corporation” means the Corporation constituted by section 50.

(2) On the dissolution of the Federation, the former Corporation shall be dissolved and all assets, rights, liabilities and obligations of the former Corporation shall vest in the new 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 former Corporation were references to the new Corporation and, where the former Corporation was a party thereto, as if the new Corporation had been a party thereto instead of the former Corporation;

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

(3) Where any person who was in the service of the former Corporation immediately before the dissolution becomes by virtue of this section a person in the service of the new Corporation, his service under the former new Corporation shall be treated as service under the new Corporation

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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 new 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 new 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 58.

Functions of Corporation

57.—(1) The Corporation shall have such functions within the Territories, within one or more Territories, or outside the Territories, as are conferred by this Part of this order or any law.

(2) The general function of the Corporation shall be to supply the needs of the Territories for air services within, into, from and through the Territories to the fullest possible extent consistent with the resources of the Corporation.

Power of Corporation to execute certain instruments

58. Notwithstanding any other provisions in this Order, the Corporation may, before 1st January 1964, enter into any agreement, 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 IV

59. 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

60. In this Part of this Order, unless inconsistent with the context—

“air services” includes ancillary services and ancillary transport services;

“Corporation” means the Central African Airways Corporation constituted by section 50;

“Higher Authority” means the Higher Authority for Civil Air Transport constituted by section 47.