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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**

**Dissolution of the Federation**

1. The Federation of Rhodesia and Nyasaland and, with it, the Federal Government, the Federal Legislature and, except as provided in section 19, the other Federal authorities established by the Constitution of the Federation shall be dissolved immediately before 1st January 1964; and accordingly the Constitution of the Federation shall, except as aforesaid, thereupon cease to have effect.

**Continuation and adaptation of existing law**

2.—(1) Subject to the provisions of this section, all law in force in a Territory immediately before the dissolution of the Federation shall continue to have effect as respects that Territory, subject however to amendment or repeal by the Legislature of the Territory or other authority empowered in that behalf.

(2) The Governor of a Territory may, by order made before the dissolution of the Federation, declare that any law of the Federal Legislature specified in the order shall cease to have effect as respects that Territory on the dissolution of the Federation, and that law shall cease to have effect accordingly.

(3) The Governor of a Territory may, by regulation made before 1st July 1964, make as respects that Territory such modifications or adaptations in any law made by the Legislature of the Territory or the Federal Legislature in force immediately before the dissolution of the Federation and continuing to have effect in that Territory as appear to him necessary or expedient in consequence of any provision of this Order:

Provided that this subsection shall not have effect in relation to any of the Acts specified in section 68.

(4) Subsections (1), (2) and (3) shall have effect subject to the other provisions of this Order.

(5) A regulation made under subsection (3) shall have effect from such time, not being earlier than the dissolution of the Federation, as may be specified therein:

Provided that where by virtue of any such regulation a power is conferred to make any regulation, order or appointment or to do any other act, the power may be exercised at any time after the making of the first-mentioned regulation, so however that any regulation, order or appointment made or other act done under the power shall not have effect before the first-mentioned regulation has effect.

(6) In this section, any reference to a law made by any legislature includes a reference to any instrument having the force of law made under such a law.

### **Constitution of Liquidating Agency**

3.—(1) There is hereby constituted jointly for the Territories an authority which shall be known as the Liquidating Agency.

(2) The Liquidating Agency shall consist of three members, namely the persons for the time being holding or acting in the office of Secretary to the Treasury of Southern Rhodesia, Permanent Secretary to the Ministry of Finance of Northern Rhodesia, and Secretary to the Treasury of Nyasaland, or any office which may be substituted therefor.

(3) A person referred to in subsection (2) may act through a deputy appointed by him.

### **Agency to be a body corporate**

4. The Liquidating Agency shall be a body corporate and capable of suing and being sued and of purchasing or otherwise acquiring, holding and alienating movable or immovable property and, subject to the provisions of this Order, of doing all such acts as a body corporate may perform.

### **Procedure and exemptions of Agency**

5.—(1) The Liquidating Agency shall determine its own procedure; and the question whether it has acted in accordance with the procedure so determined shall not be enquired into by any court.

(2) The Liquidating Agency shall be exempt from any law of a Territory imposing taxation, stamp duties or other duties, or registration fees.

### **Functions of Agency**

6.—(1) It shall be the general function of the Liquidating Agency to wind up the affairs of the Federation and, subject to the provisions of this Order, to dispose of its assets and liabilities.

(2) The Liquidating Agency shall have the following particular functions—

- (a) to apportion and distribute as may be agreed between the Governments of the Territories the assets and liabilities of the Federation or of any other body vesting in or devolving upon the Agency by virtue of any provision of this Order;
- (b) to exercise until 31st March 1965 the functions of the Commissioner of Taxes of levying and collecting taxes on income or profits under the Income Tax Act 1954 or other Act of the Legislature of the Federation, and Territorial surcharge under the Territorial Surcharges Act 1959 of the Federation, in respect of periods of assessment up to and including the period ended on 31st March 1963; and
- (c) to collect excise duty and surtax payable under section 122 of the Customs and Excise Act 1955 of the Federation in respect of any month up to and including December 1963.

(3) The Liquidating Agency shall have such further functions as are conferred by any other provision of this Order or, if within the scope of subsection (1), by agreement between the Governments of the Territories.

### **Powers of Agency**

7. The Liquidating Agency shall have power to do anything which is calculated to facilitate the discharge of its functions or which is incidental or conducive thereto, including in particular, but without prejudice to the generality of the foregoing power, power—

- (a) to declare forfeit to the Agency, after three months' notice, any unclaimed moneys or other property held to the order of the Exchange Control Suspense Account of the Federation;
- (b) to dispose of outstanding matters in relation to the Commonwealth Assistance Loan under the Federation of Rhodesia and Nyasaland Credit Agreement 1962;

- (c) to pay to the Government of a Territory any expenditure incurred by it in the performance of functions on behalf of Territories jointly;
- (d) to invest moneys in such bonds, stock or other securities as it may think fit;
- (e) to borrow sums required by it for meeting any of its obligations or discharging any of its functions;
- (f) to write off debts or settle claims;
- (g) to delegate the exercise of any of its functions or powers; and
- (h) to arrange for the audit of accounts relating to the winding up of the affairs of the Federation.

### **Performance of functions and powers of Agency**

**8.—(1)** Any law in force in a Territory immediately before the dissolution of the Federation shall continue in force in that Territory so far as may be necessary to enable the Liquidating Agency to discharge its functions and exercise its powers under this Order and shall be construed with such modifications and adaptations as may be required for that purpose.

(2) In particular, any provision in any such law conferring or imposing rights, powers or duties on any officer in relation to any matter shall be construed as conferring or imposing such rights, powers or duties on the Liquidating Agency so far as may be necessary to enable it to discharge its functions and exercise its powers in relation to that matter; and the rights, duties and liabilities (including criminal liabilities) of all persons in relation to that matter shall remain as provided by that law.

(3) Nothing in this section shall be construed as giving any person a right of recourse to any court or tribunal mentioned in section 19.

### **Termination of Liquidating Agency**

**9.** When the Liquidating Agency is satisfied, with the concurrence of the Governments of the Territories, that it has completed the performance of its functions and made any other arrangements necessary for bringing the Agency to an end, it shall so certify, and thereupon the Agency shall cease to exist.

### **Property of the Federation**

**10.—(1)** Freehold property of the Federation situate in a Territory shall on the dissolution of the Federation vest in Her Majesty, or such other person or authority as the Governor of the Territory may by order have designated, for the purposes of the Government of the Territory; and any such property not so situate shall on the dissolution of the Federation vest in the Liquidating Agency.

(2) The movable property of the Federation including currency notes, coin, bonds, securities, money in any bank and other funds shall, unless otherwise provided by this Order or allocated to the Government of a Territory by agreement made before the dissolution of the Federation, vest on the dissolution in the Liquidating Agency.

(3) Property vested by this section shall be vested subject to any liabilities or obligations relating to that property existing immediately before the dissolution of the Federation.

(4) The officer having charge of any register relating to property vested by this section shall, on application, make the required alterations in the register, and endorsements on the deeds relating to the property, if presented therefor; and no stamp duty or other duties or fees shall be payable in respect thereof.

(5) In this section “property of the Federation” means property vested immediately before the dissolution of the Federation in the Federal Government or Her Majesty or any other person or authority for the purposes of that Government, and includes any rights in respect of such property.

### **Claims by and against the Federal Government**

**11.**—(1) Save as otherwise provided by this Order, sums of whatsoever nature due to be paid to or by the Federal Government before the dissolution of the Federation and any sum payable after the dissolution in respect of a period before the dissolution, shall be paid to or by the Liquidating Agency, or to or by the Government of a Territory if that Government so agrees with the Liquidating Agency; and any right of action in respect of such sums, or otherwise in contract, tort or delict, by or against the Federal Government existing immediately before the dissolution of the Federation may be prosecuted by or against the Liquidating Agency, or the Government of a Territory if that Government so agrees with the Liquidating Agency.

(2) In any action brought in pursuance of this section any defence which would have been available to or against the Federal Government shall be available to or against the Liquidating Agency or the Territorial Government, as the case may be.

### **Outstanding internal public debt of the Federation**

**12.**—(1) The liabilities of the Federation in respect of each of the loans raised in the Federation and specified in Parts A, B and C of Schedule I are hereby apportioned amongst the Territories as follows—

- (a) those in Part A as to 52.120 per cent. to Southern Rhodesia, 37.127 per cent. to Northern Rhodesia, and 10.753 per cent. to Nyasaland;
- (b) those in Part B as to 50.000 per cent. to Southern Rhodesia and 50.000 per cent. to Northern Rhodesia; and
- (c) those in Part C, in the manner set out in that Part.

(2) The liabilities of the Federation as apportioned by subsection (1) are hereby transferred to the respective Territories in accordance with the provisions of this section.

(3) The Government of each Territory, to the extent of the liability apportioned to it by subsection (1), is hereby authorised to and shall issue bonds or stock of that Government in substitution for any bonds or stock (in this section referred to as “original bonds or stock”) issued under any Act of the Federal Legislature in respect of any loan referred to in subsection (1).

(4) Any document of title relating to original bonds or stock shall be valid as against the Territories in proportion to the liability apportioned to them by subsection (1) in respect of the loan concerned until such time as new documents of title are issued in substitution therefor.

(5) In respect of bonds or stock issued under this section—

- (a) interest thereon shall be paid at the place stated therein and in the currency of the Territory of issue, and on the dates and at the percentage rate and on the terms and conditions applicable to the payment of interest on the original bonds or stock;
- (b) they shall be redeemable or repayable at the place stated therein and in the currency of the Territory of issue, and otherwise be redeemable or repayable on the terms and conditions applicable to the original bonds or stock; and
- (c) they shall be held by the holder in the same right and on the same trusts and subject to the same powers, privileges, charges, restraints and liabilities as those in, on or subject to which he held the original bonds or stock, and any provision of any deed, will, disposition or other instrument shall have the same effect in relation to the bonds or stock issued under this section as it would have had in relation to the original bonds or stock.

(6) In relation to any loans in respect of which no bonds or stock have been issued the lenders shall, subject to the provisions of subsection (1) and of any agreement entered into with the respective Territories, continue to enjoy the same rights as they enjoyed immediately before the dissolution of

the Federation, except that interest on the loans shall be paid, and the loans shall be redeemed or repaid, both in, and in the currency of, the respective Territories.

(7) The Government of each Territory, to the extent of the liability apportioned to it by subsection (1), shall establish a sinking fund for any bonds or stock for which a sinking fund was required to be established by the Federal Government, and on the same terms and conditions, and shall maintain the sinking fund until the bonds or stock for which it was established are redeemed or repaid.

(8) The sinking funds established by the Federal Government in respect of any loan referred to in subsection (1) are hereby apportioned amongst the Territories in the same proportions as the relevant loans are apportioned by that subsection and shall be transferred accordingly to the appropriate sinking funds established under subsection (7).

(9) The trustees of any such sinking fund established by the Federal Government shall—

- (a) as soon as may be after the dissolution of the Federation, submit to the Government of each Territory a full account of the assets of the fund subsisting immediately before the dissolution of the Federation;
- (b) take such steps as may be necessary to give effect to the provisions of subsection (8); and
- (c) continue to have all the powers that at present appertain to them in relation to the fund until effect is given to the provisions of subsection (8) in relation to that fund;

and no stamp duty, transfer fee or any other duty shall be payable in respect of anything done for the purposes of subsection (8).

(10) Notwithstanding any other provision of this section, the liabilities apportioned and transferred by subsections (1) and (2) shall be calculated to the nearest penny, and bonds or stock issued under subsection (3) shall be expressed in units of one pound nominal or multiples thereof, so however that the aggregate amount of bonds or stock issued shall be of the same face value as the bonds or stock for which they are substituted, and shall be issued to each holder in proportion to the liability in respect of the loan apportioned to the Territory by subsection (1).

### **Federal tax reserve certificates**

**13.** The sums standing to the credit of the Tax Reserve Certificates Fund of the Federation immediately before the dissolution of the Federation are hereby vested in the Liquidating Agency and, the Agency shall redeem any Federal Tax Reserve certificates unredeemed before dissolution.

### **Post Office Savings Bank**

**14.—(1)** The assets and liabilities of the Post Office Savings Bank of the Federation as existing immediately before the dissolution of the Federation are hereby vested in the Liquidating Agency and, subject to the provisions of this section, the Agency shall be responsible for the management of the assets and liabilities in accordance with the laws of the Federal Legislature relating thereto immediately before the dissolution.

(2) The Liquidating Agency shall apportion the liabilities of the Savings Bank amongst the Territories according to the Territory in which the passbook held by a depositor was issued, or, if a new passbook was issued to him in replacement of a lost passbook, according to the Territory in which the lost passbook was issued; and the assets of the Savings Bank shall be apportioned in accordance with the liabilities.

(3) The Liquidating Agency shall transfer to the Territories the assets and liabilities existing immediately before the transfer in accordance with such apportionment, and on such transfer the functions of the Liquidating Agency under this section shall cease.

### **Post Office savings certificates**

**15.** The liabilities of the Federation in respect of Post Office savings certificates issued under the Post Office Savings Bank and Savings Certificates Act 1954 of the Federation are hereby apportioned and transferred to the Government of Southern Rhodesia, and the assets of the Post Office Savings Certificates Fund established by the said Act are hereby vested in that Government.

### **Outstanding external public debt of the Federation**

**16.—(1)** The liabilities of the Federation in respect of each of the loans raised outside the Federation and specified in Parts D, E, F and G of Schedule I are hereby apportioned amongst the Territories as follows—

- (a) those in Parts D and E as to 52.120 per cent. to Southern Rhodesia, 37.127 per cent. to Northern Rhodesia, and 10.753 per cent. to Nyasaland;
- (b) those in Part F as to 50.000 per cent. to Southern Rhodesia and 50.000 per cent. to Northern Rhodesia; and
- (c) those in Part G, in the manner set out in that Part.

(2) The liabilities of the Federation as apportioned by sub-section (1) are hereby transferred to the respective Territories.

(3) In respect of any of the said loans—

- (a) any bonds or stock issued under any Act of the Federal Legislature shall continue to be valid and, subject to the provisions of subsection (1) and of any agreement entered into by the respective Territories with the lenders in relation to the loans specified in Part H of Schedule I, continue to confer on the holders thereof the same rights as those enjoyed by the holders immediately before the dissolution of the Federation; and
- (b) in relation to which no bonds or stock have been issued the lenders shall, subject to the provisions of subsection (1) and of any agreement entered into by the respective Territories with the lenders in relation to the loans so specified, continue to enjoy the same rights as they enjoyed immediately before the dissolution of the Federation.

(4) The sinking funds established by the Federal Government in respect of the loans specified in Part D of Schedule I shall continue in existence and the Territories shall, to the extent of the liabilities apportioned to them in respect of those loans by subsection (1), discharge the liabilities of the Federal Government in relation to the said sinking funds.

(5) The existing trustees of the sinking funds referred to in subsection (4) shall continue as trustees on the existing terms and conditions and shall administer each sinking fund until the stock for which it is established is redeemed or repaid.

(6) If before the dissolution of the Federation the Governments of the United Kingdom, the Federation and the Territories agree that the liability in respect of any loan apportioned amongst the Territories by subsection (1) should be transferred to the Territories in accordance with the provisions of section 12 instead of this section, then the provisions of section 12 (except subsection (1)) shall apply to that loan in substitution for the provisions of subsections (2) to (5) of this section but subject to the following modifications—

- (a) the references to subsection (1) of section 12 shall be construed as references to subsection (1) of this section;
- (b) the references in subsection (5) to the Territory of issue shall be construed as references to the place of issue;
- (c) in subsection (6) the words “except that interest on the loans shall be paid, and the loans shall be redeemed or repaid both in, and in the currency of, the respective Territories” shall be omitted;

- (d) in subsection (8) the reference to any loan referred to in subsection (1) shall be construed as a reference to the loan which is the subject of the agreement under this subsection; and
  - (e) in subsection (10) for the words “be expressed in units of one pound nominal or multiples thereof, so however that” there shall be substituted the words “issued so that”.
- (7) The Governments of the Territories shall cause notice of any agreement under subsection (6) in respect of a loan to be given to the lenders in such manner as they consider appropriate.
- (8) Notwithstanding anything to the contrary contained in the Colonial Stock Acts 1877 to 1948, the Trustee Investments Act 1961 or any other law, the registration under the said Colonial Stock Acts of the stock relating to loans specified in Part D of Schedule I shall have the same effect as if the stock had been issued by the Territories and any stock issued by virtue of subsection (6) in substitution therefore shall be deemed to be registered under those Acts, and the stock shall continue to be, or as the case may be, shall be investments in which a trustee may invest.

### **Winding up of certain bodies established by Federal law**

- 17.—(1) This section applies to the following bodies, that is to say—
- (a) the Agricultural Marketing Council established by the Agricultural Marketing Council Act 1956 of the Federation;
  - (b) the Cold Storage Commission established by the Cold Storage Commission Act 1960 of the Federation;
  - (c) the Dairy Marketing Board established by the Dairy Produce Marketing and Levy Act 1961 of the Federation;
  - (d) the Federal Broadcasting Corporation established by the Broadcasting Act 1957 of the Federation;
  - (e) the Grain Marketing Board established by the Grain Marketing Act 1957 of the Federation;
  - (f) the Pig Industry Board established by the Pig Industry Act 1959 of the Federation;
  - (g) the North-Eastern Tobacco Marketing Board established by the Tobacco Marketing and Levy Act 1960 of the Federation;
  - (h) the South-Western Tobacco Marketing Board established by the said Tobacco Marketing and Levy Act; and
  - (i) the Tobacco Export Promotion Council of Rhodesia and Nyasaland established by the said Tobacco Marketing and Levy Act.

(2) Each body to which this section applies shall, for the purpose of winding up its affairs before the dissolution of the Federation, and notwithstanding anything in the Act relating to it, have power to do anything which is necessary or expedient for that purpose or is incidental thereto, including in particular, but without prejudice to the generality of that power, power to enter into and carry out agreements for the transfer of its property, rights, liabilities and obligations to any other body or person.

(3) On the dissolution of the Federation each body to which this section applies shall be dissolved, and any property of the body remaining undisposed of shall vest in the Liquidating Agency.

(4) The provisions of subsections (3) and (4) of section 10 shall apply to any property vested in the Liquidating Agency by this section, and the provisions of the said subsection (4) shall apply to any property transferred under subsection (2), as they apply to property vested by section 10.

(5) The provisions of section 11 shall apply in relation to sums due to or by a body to which this section applies and in relation to any right of action by or against such a body as they apply in relation to sums due to or by, and rights of action by or against, the Federal Government.

### **Pending legal proceedings**

**18.**—(1) In any legal proceedings pending on the dissolution of the Federation there shall be made such substitution of one party for another as may be necessary to take account of any transfer by this Order of functions, rights, liabilities or obligations.

(2) Any appeal brought after the dissolution of the Federation against a decision given in any legal proceedings before the dissolution of the Federation may be brought by or against the party who should, by virtue of subsection (1), have been the appellant or respondent if the proceedings had continued after the 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 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.

## PART II

### THE PUBLIC SERVICE

#### **Temporary provision for seconded Federal officers**

**20.**—(1) This section applies to any person who is an officer of the public service of the Federation immediately before the dissolution of the Federation and who is at that time employed on secondment in the public service of a Territory, or is so employed as from the dissolution (hereinafter referred to as a “seconded officer”).

(2) A seconded officer shall, subject to the provisions of this Part, continue as from the dissolution of the Federation to enjoy or be subject to all the terms and conditions of service which applied to him immediately before the dissolution, so however that he may accept any other terms and conditions in substitution therefor.

(3) This section shall cease to apply to any person on 1st June 1964, or before that date if his employment on secondment is terminated by transfer to the public service of a Territory or otherwise.

#### **Constitution of Staff Authority and Staff Commission**

**21.**—(1) There is hereby constituted an authority which shall be known as the Staff Authority and shall consist of a person appointed before the dissolution of the Federation by the Federal Government with the concurrence of the Governments of the Territories.

(2) There is hereby constituted an authority which shall be known as the Staff Commission and shall consist of a person appointed before the dissolution of the Federation by the Federal Government with the concurrence of the Governments of the Territories.

(3) The person constituting the Staff Commission may at any time, with the consent of the Liquidating Agency, appoint to the Commission, on such terms as he may determine, not more than two further persons.

(4) In the event of the death of the person appointed to be the Staff Authority, or appointed under subsection (2) to be the Staff Commission, or in the event of his becoming incapable of performing his functions, the Governments of the Territories jointly may appoint another person in his place, but before doing so they shall, in the case of an appointment to the Staff Authority, consult the Staff Commission, and in the case of an appointment to the Staff Commission, consult the Staff Authority.

(5) The Staff Authority and the Staff Commission shall cease to exist on 1st June 1964.

### **Powers of Staff Authority and Staff Commission in relation to seconded officers**

**22.**—(1) The Staff Authority may exercise in relation to seconded officers such powers of or relating to their disciplinary control, suspensions from duty, discharge, and resignation and otherwise as to their conditions of service as were vested immediately before the dissolution of the Federation in the Governor-General of the Federation.

(2) The Staff Commission may exercise in relation to seconded officers such of the said powers as were then vested in the Federal Public Service Commission or any other Federal authority not being the Governor-General.

(3) The Staff Commission shall further have general responsibility for the welfare of seconded officers.

(4) The Staff Authority and the Staff Commission shall exercise their powers under subsections (1) and (2) in relation to any seconded officer as nearly as may be in accordance with the provisions applicable to him immediately before the dissolution of the Federation.

### **Staff and expenses of Staff Authority and Staff Commission**

**23.**—(1) The Staff Authority and the Staff Commission respectively may, with the approval of the Liquidating Agency, employ staff to assist them in the discharge of their functions and determine the terms and conditions of service of members of such staff.

(2) The expenses of the Staff Authority and the Staff Commission, including all remuneration and allowances payable to the persons constituting the Authority and the Commission and to members of their staffs, shall be paid out of moneys in the hands of the Liquidating Agency.

### **Establishment of Central African Pension Fund**

**24.**—(1) There is hereby established a Fund to be called the Central African Pension Fund (hereinafter referred to as “the Fund”).

(2) The purposes of the Fund shall be the payment of pensions, sums by way of commutation of pension and refund of pension contributions, and gratuities, allowances and other benefits to or in respect of persons employed or formerly employed in the public service of the Federation and other persons, in accordance with the provisions of Schedule II.

### **Assets of Fund**

**25.**—(1) The Fund shall consist of—

- (a) the sums and other assets standing immediately before the dissolution of the Federation to the credit of the Federal Pension Fund established by the Federal Pension Fund Act 1956 of the Federation;
- (b) all sums paid into the Fund in accordance with Part VII of Schedule II;

(c) such sums as may be provided for the purposes of the Fund by the Government of the United Kingdom or the Government of a Territory or any other authority; and

(d) any other sums or assets which vest in or accrue to the Fund in the course of the operation of the Fund or otherwise.

(2) Sums accruing to the Fund shall be exempt from income tax and any other tax imposed by the law of a Territory.

### **Vesting of Fund in Trustees**

**26.**—(1) The Fund shall vest in trustees (hereinafter referred to as “the Trustees”) to be appointed by the Governments of the United Kingdom, the Federation, Southern Rhodesia, Northern Rhodesia and Nyasaland jointly.

(2) The Trustees, shall be domiciled in the United Kingdom.

(3) If the Trustees are not appointed before the dissolution of the Federation, the function of the Federal Government under subsection (1) shall be discharged by the Staff Authority, and the Fund shall on dissolution vest in the Liquidating Agency, which shall perform the functions of the Trustees until the latter are appointed.

(4) If the Fund so vests in the Liquidating Agency, the Fund shall, on the appointment of the Trustees, vest in them.

(5) The Governments of the Territories may at any time jointly appoint new trustees of the Fund.

### **Establishment of Central African Pension Agency**

**27.**—(1) There is hereby established a Central African Pension Agency (hereinafter referred to as “the Pension Agency”) which shall consist of the officer for the time being performing the functions of Pensions Officer of the Government of Southern Rhodesia.

(2) In carrying out the duties of the Pension Agency such officer shall not be deemed to be acting on behalf of the Government of Southern Rhodesia; and the Pension Agency shall so far as possible, in any matter concerning persons resident in either Northern Rhodesia or Nyasaland, act through the agency of the Pensions Officer of the Government of Northern Rhodesia or of Nyasaland, as the case may be.

(3) The Governments of the three Territories may at any time, in accordance with any representations made by or otherwise with the agreement of the Trustees, jointly appoint another person or body to be the Pension Agency.

### **Functions of Trustees**

**28.**—(1) The Trustees shall—

(a) invest such moneys in the Fund as are available for investment, and shall have power to realise or vary any investment:

Provided that they shall not realise or vary investments representing any of the loans described in section 12 before maturity unless it is in their opinion necessary to do so to meet the outgoings of the Fund;

(b) make available to the Pension Agency out of the Fund such sums as the Agency may require to make the payments described in section 29;

(c) make periodical reports to the Governments of the United Kingdom and the Territories as to the state of the Fund, with a view to the payment into the Fund by such Governments of such amounts as may be required to meet any deficit in the Fund; and

(d) arrange for the audit of the accounts of the Pension Agency.

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(2) The Trustees shall have power to borrow money for the purposes of the Fund, to charge remuneration for their services, and such further functions (if any) in relation to the Fund as may be provided by instrument executed by the Trustees and the Governments of the United Kingdom and the Territories.

### **Charges on Fund**

**29.**—(1) There shall be charged on the Fund, and paid by the Pension Agency, the pensions, gratuities and other payments provided for in Schedule II and required by the provisions of the Schedule to be paid out of the Fund.

(2) There shall further be charged on the Fund—

- (a) the expenses incurred by the Trustees and the Pension Agency in performing their functions under this Order, and any charges or losses incurred by the Fund; and
- (b) any remuneration payable to the Trustees, the Pension Agency and the staff of the Pension Agency.

### **Further powers and duties of Pension Agency**

**30.**—(1) The Pension Agency shall have, for the purposes of this Order, the powers conferred by any law of the Federal Legislature or instrument made thereunder in force immediately before the dissolution of the Federation or by any contract of service on the Governor-General of the Federation, the Speaker of the Federal Assembly, the Federal Minister of Finance or any other authority of the Federal Government in relation to the payment, discontinuance, suspension, forfeiture, withholding or commutation of a pension or other benefit.

(2) The Pension Agency shall furnish the Trustees with such information as they may from time to time require to enable them to perform their functions under this Order.

### **Contributions to Fund**

**31.**—(1) The contributions required by Schedule II to be paid to the Fund shall be paid to the Pension Agency.

(2) The Pension Agency may apply contributions so received to meet the payments chargeable to the Fund, and shall pay over any contributions not so applied to the Trustees for payment into the Fund.

### **Valuation by actuary**

**32.**—(1) The Fund shall be valued by an actuary appointed by the Trustees at intervals not exceeding five years, and the Trustees shall communicate the actuary's report to the Governments of the United Kingdom and the Territories if so required by them.

(2) The actuary shall state in his report what in his opinion is the cause of any surplus or deficit in the Fund.

## **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 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;

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(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.

## **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—

- (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 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.

## **PART V**

### **AGRICULTURAL RESEARCH**

#### **Constitution of Agricultural Research Council of Central Africa**

61.—(1) There is hereby constituted jointly for the Territories a council, to be known as the Agricultural Research Council of Central Africa (hereafter in this Part referred to as “the Council”) 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.

(2) The Council shall consist of a Chairman, who shall be appointed by the Governments of the Territories jointly, three other members, of whom one shall be appointed by the Government of Southern Rhodesia, one by the Government of Northern Rhodesia and one by the Government of Nyasaland, and such additional members as the Governments of the Territories may agree should be appointed as members of the Council.

(3) The qualifications and disqualifications for membership of the Council, and the tenure of office and other conditions of service of members, shall be such as may be determined by the Governments of the Territories jointly.

(4) The Council shall determine its own procedure.

#### **Functions of Council**

62.—(1) The functions of the Council shall be to promote, direct, control and carry out agricultural research, including veterinary and tsetse research, in the Territories, particularly in regard to soils, vegetation, crops, livestock, forestry, hydrology, wild life and fisheries.

(2) Research shall be in accordance with programme, approved by the Governments of the Territories, and in co-operation, where appropriate, with other research organisations within or outside the Territories.

(3) The Council shall have such further functions connected with agricultural research as may be conferred on it by law or by the Governments of the Territories in agreement; and such incidental powers as are necessary to enable it to carry out its functions.

### **Dissolution of existing Council and vesting of assets and liabilities in new Council**

**63.**—(1) In this section “the former council” means the Agricultural Research Council of Rhodesia and Nyasaland established under section 18 of the Research Act 1959 of the Federation.

(2) On the dissolution of the Federation the former council shall be dissolved and all assets, rights, liabilities and obligations of the former council shall vest in the Council 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 or after its coming into operation have effect and be enforceable as if references therein to the former council were references to the Council and, where the former council was a party thereto, as if the Council had been a party thereto instead of the former council; 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 former council the Council shall be substituted for the former council as a party.

(3) Where any person who was in the service of the former council immediately before the dissolution of the Federation becomes by virtue of this section a person in the service of the Council, his service under the former council shall be treated as service under the Council 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 Council by virtue of this section and such title, right or obligation or any deed relating thereto has been registered before the dissolution of the Federation under any law, the officer having charge of the register concerned shall, on application by the Council 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.

### **Discoveries and inventions to vest in Council**

**64.**—(1) The rights in all discoveries, inventions and in all improvements in respect of processes, apparatus and machines made by officers of the Council, or persons holding research bursaries awarded by the Council, shall be vested in the Council.

(2) The discoveries, inventions and improvements shall be made available by the Council for use in the public interest subject to such conditions and the payment of such fees or royalties as the Council may determine.

(3) The Council may apply for letters patent in respect of any discovery, invention or improvement referred to in sub-section (1) and shall, for that purposes, be regarded as the assignee of the discoverer or inventor.

### **Power of Legislature of Territory to amend Part V**

**65.** 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.

## PART VI

### CURRENCY AND BANK OF RHODESIA AND NYASALAND

#### **Provision for the currency**

**66.** The currency of the Federation shall continue to be legal tender in the Territories until 1st January 1965 or such later date, not being later than 1st June 1965, as may be appointed by the Committee of Ministers constituted by section 68 (which date is hereinafter referred to as the “date of demonetisation”); and the value of the one pound unit of currency of the Federation shall remain at one pound sterling until the date of demonetisation.

#### **Capital of Bank**

**67.** The capital stock of the Bank of Rhodesia and Nyasaland held by the Federal Government shall on the dissolution of the Federation be held by the Liquidating Agency or, in the event of the Liquidating Agency ceasing to exist before the date upon which the Bank of Rhodesia and Nyasaland ceases to exist, by some other person or body appointed by the Committee of Ministers.

#### **Constitution of Committee of Ministers**

**68.**—(1) There is hereby constituted jointly for the Territories a Committee of Ministers to consist of three members, who shall be the Minister of the Treasury of Southern Rhodesia, the Minister of Finance of Northern Rhodesia and the Minister of Finance of Nyasaland.

(2) The functions of the Committee of Ministers shall be—

- (a) to exercise the functions conferred on the Governor-General of the Federation and the Minister of Finance of the Federation by any provision of the Bank of Rhodesia and Nyasaland Act 1956, the Banking Act 1959, the Exchange Control Act 1954 or the Currency and Exchange Control (Temporary) Act 1961 of the Federation in force at the dissolution of the Federation, except as otherwise provided by regulations made under section 69; and
- (b) to perform such other functions as may be conferred on the Committee by or under this Order.

(3) No decision of the Committee of Ministers shall have effect unless it is unanimous.

(4) The Committee of Ministers shall determine its own procedure.

#### **Regulations to adapt existing law**

**69.** The Governor of the Bank of Rhodesia and Nyasaland, with the concurrence of the three Ministers named in section 68, may, by regulations made before the dissolution of the Federation, make with effect from the dissolution such modifications or adaptations in the Acts specified in section 68 as appear necessary or expedient in consequence of the provisions of this Order.

#### **Dissolution of Bank and distribution of assets**

**70.**—(1) The Bank of Rhodesia and Nyasaland shall be dissolved on 31st December 1965, or on such earlier date as may be appointed by the Committee of Ministers.

(2) On the dissolution of the Bank, the assets remaining to it at that date shall be disposed of as follows—

- (a) the gold, cash, securities, outstanding loans and other financial assets of the Bank shall be allocated amongst the Central Banks established in the Territories and transferred to them

in proportion to the amount of Federal currency (whether coin or notes) which shall before the date of demonetisation have been handed in by each of the Central Banks to the Bank of Rhodesia and Nyasaland and redeemed by that Bank; and

(b) the immovable property of the Bank, and the movable property other than that described in paragraph (a), shall vest in the Central Bank of the Territory in which the property is situate.

(3) The provisions of subsections (3) and (4) of section 10 shall apply to property vested by this section as they apply to property vested by section 10.

## PART VII

### RAILWAYS

#### **Rhodesia Railways**

**71.**—(1) The body corporate known as the Rhodesia Railways and operating in Southern Rhodesia and Northern Rhodesia immediately before the dissolution of the Federation by virtue of the Rhodesia Railways Act 1949 of Southern Rhodesia and the Rhodesia Railways Ordinance 1949 of Northern Rhodesia (in this section referred to as “the existing laws”) shall be a body corporate for Southern Rhodesia and Northern Rhodesia jointly.

(2) The Rhodesia Railways shall consist of a board of management, comprising a Chairman, who shall be appointed by the Higher Authority for Railways, and six other members, of whom three shall be appointed by the Government of Southern Rhodesia and three shall be appointed by the Government of Northern Rhodesia.

(3) The Rhodesia Railways shall be capable of suing and being sued and, subject to the provisions of any law, of doing all such acts as a body corporate may perform; and the body corporate established by this section shall for all purposes be the same body corporate as that operating under the existing laws immediately before the dissolution of the Federation.

(4) There is hereby constituted jointly for Southern Rhodesia and Northern Rhodesia an authority which shall be known as the Higher Authority for Railways and shall consist of four members, of whom two shall be Ministers of the Government of Southern Rhodesia appointed by that Government and two shall be Ministers of the Government of Northern Rhodesia appointed by that Government.

(5) The functions and procedure of the board of management and the Higher Authority for Railways and the qualifications and disqualifications for membership of the board and the tenure of office and other conditions of service of members of the board, shall be such as may be determined by or in pursuance of the existing laws or any laws amending or replacing the same.

#### **Constitution of Railways Court**

**72.**—(1) There is hereby constituted jointly for Southern Rhodesia, Northern Rhodesia and Bechuanaland a court which shall be known as the Railways Court.

(2) The Court shall consist of a President who shall be appointed by the Governments of Southern Rhodesia and Northern Rhodesia jointly after consultation with the Government of Bechuanaland, and four other members who shall be appointed by the President in such manner as may be determined by law.

(3) The procedure of the Court and the qualifications and disqualifications for membership thereof and the tenure of office and other conditions of service of the members shall be such as may be determined by law.

(4) The Court shall have the function of hearing appeals and settling industrial disputes on matters concerning the Rhodesia Railways as may be provided by law and such other functions as may be conferred upon it by law.

(5) The decisions of the Court shall be final and not subject to appeal in any court.

(6) In this section “law” includes any provision having the force of law in Bechuanaland.

### **Power of Legislature of Territory to amend sections 71 and 72**

73. The provisions of sections 71 and 72 may, as respects Southern Rhodesia or Northern Rhodesia, be amended or revoked by a law of the Legislature of the Territory.

## **PART VIII**

### **MISCELLANEOUS**

#### **Modifications of British Nationality Acts**

74.—(1) As from the dissolution of the Federation the British Nationality Acts 1948 and 1958 have effect as if—

- (a) in section 1(3) of the Act of 1948 (which, as amended by the Act of 1958, includes the Federation among Commonwealth countries with separate citizenship from that of the United Kingdom and Colonies) for the words “the Federation of Rhodesia and Nyasaland” there were substituted the words “Southern Rhodesia”; and
- (b) any reference in those Acts to a protectorate operated to include the protectorates of Northern Rhodesia and Nyasaland, and any such reference to a period of residence in a protectorate operated, in relation to those protectorates, to include residence therein before the dissolution of the Federation.

(2) Notwithstanding anything in the British Nationality Acts 1948 and 1958, any person who immediately before the dissolution of the Federation is a citizen of the Federation but is not a citizen of the United Kingdom and Colonies shall become a citizen of the United Kingdom and Colonies on the dissolution of the Federation unless the then becomes a citizen of Southern Rhodesia.

#### **Modification of Acts of Parliament and instruments having effect under an Act**

75. The Acts of Parliament and instruments having effect under an Act of Parliament referred to in Schedule III shall have effect subject to the modifications and adaptations specified in the Schedule.

#### **Interpretation**

76.—(1) In this Order, except where the context otherwise requires—

“the Federation” means the Federation of Rhodesia and Nyasaland;

“functions” includes duties and powers;

“Governor” includes any person who, under and to the extent of any authority to act therein, is for the time being performing the functions of the office of Governor;

“law” means any provisions having the force of law in any Territory;

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



(2) Any reference in this Order to an Act of the Federation or an Act or Ordinance of a Territory shall be construed as a reference to that Act or Ordinance as amended by any Act or Ordinance passed before the dissolution of the Federation.

(3) Where any law ceases to have effect by virtue of any provisions of this Order section 38(2) of the Interpretation Act 1889 shall apply to the cesser of that law as it applies to the repeal of an Act of Parliament.

(4) Any reference in this Order to a Schedule, section, subsection or paragraph not otherwise identified is a reference to that Schedule to, or section of, this Order, or to that subsection or paragraph of the section or Schedule in which the reference occurs, as the case may be.

(5) Any regulations or order made under the provisions of this Order shall be published in the official Gazette of the Territory in which they have effect.

(6) The Interpretation Act 1889 shall apply, with the necessary adaptations, for the purpose of interpreting this Order and otherwise in relation thereto as it applies for the purpose of interpreting, and in relation to, Acts of Parliament.

### **Revocation**

77. The Federation of Rhodesia and Nyasaland Order in Council 1963 is hereby revoked, but without prejudice to any law or regulation made or other thing done by virtue of that Order.

### **Citation and commencement**

78.—(1) This Order may be cited as the Federation of Rhodesia and Nyasaland (Dissolution) Order in Council 1963.

(2) Save as provided in subsection (3), this Order shall come into operation immediately before 1st January 1964.

(3) Sections 2 (except subsection (1)) and 17(2), the provisions of Part III except sections 42, 43 and 45, the provisions of Part IV except sections 48(2), 56, 57 and 59, and section 69 shall come into operation on 21st December 1963.

*W. G. Agnew*