



Rhodesia and Nyasaland Act 1963

1963 CHAPTER 34

An Act to confer on Her Majesty in Council powers requisite to provide for the dissolution of the Federation of Rhodesia and Nyasaland, or the secession therefrom of any of the Territories comprised in the Federation; and for purposes connected with the matters aforesaid. [31st July 1963]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Provision for dissolution of Federation.

- (1) Her Majesty may by Order in Council provide for the dissolution of the Federation of Rhodesia and Nyasaland (herein after referred to as " the Federation "), with the consequential: distribution of functions of the Federal Government and Legislature among the Territories; and an Order in Council under this section may make, or authorise the making of, such incidental, supplemental and consequential provisions as appear necessary or expedient for the purposes of the Order.
- (2) Without prejudice to the generality of the foregoing subsection, the incidental, supplemental and consequential provisions which may be made by or under an Order under this section shall include provisions—
 - (a) for the apportionment and transfer of property, rights, liabilities, powers or duties of the Federation or the Government or Legislature thereof or of institutions operating for Federal purposes;
 - (b) as to the armed forces and public service of the Federation and persons being members or former members thereof and as to other persons employed or formerly employed for the purpose of institutions operating for Federal purposes (including provision for the discharge of obligations to, or otherwise compensating, such persons and for the apportionment of liabilities arising therefrom);
 - (c) for the determination of matters pending before Federal courts and tribunals;

- (d) for the continuance, as respects any of the Territories, of existing law as in force in the Territory immediately before dissolution, subject however to the powers of the authority having power to legislate for the Territory after dissolution and to any modifications or adaptations prescribed, by any authority in the Territory designated by Order under this section, in the exercise of powers conferred by such an Order;
- (e) for modifying or adapting any Act of Parliament (and in particular the enactments relating to citizenship) or any instrument having effect under an Act of Parliament, so however that this section shall not authorise the amendment of the constitution of any of the Territories;

and if it is agreed between the Governments of all or any two of the Territories that it is expedient that provision should be made by Order in Council for the exercise, from the dissolution of the Federation or from any earlier date, of judicial or executive functions specified in the agreement by institutions or bodies constituted jointly for those Territories, Her Majesty may by Order in Council make that provision.

- (3) In so far as appears expedient for facilitating the transition to the state of affairs which will be produced by the dissolution of the Federation, an Order under this section may be made so as to make provision for any matter falling within the foregoing subsection, and specified in the Order, as from such time before the dissolution as may be so specified.
- (4) The power conferred by subsection (1) of this section shall include power by Order in Council to make provision whereby any of the Territories ceases to be included in the Federation, and references in the foregoing provisions of this section to the dissolution of the Federation shall be construed accordingly. 2. Supplementary provisions as to Orders.

2 Supplementary provisions as to Orders.

- (1) Any Order in Council under this Act may be varied or revoked by a subsequent Order in Council, or, to such extent as may be specified by Order in Council, in such other manner as may be so specified.
- (2) No recommendation shall be made to Her Majesty in Council to make an Order under this Act unless a draft of the Order has been laid before Parliament and approved by Resolution of each House of Parliament.
- (3) The foregoing subsection shall not apply in relation to the making of an Order at any time before the 1st October 1963, but any Order so made shall be subject to annulment in pursuance of a Resolution of either House of Parliament.

3 Short title and interpretation.

- (1) This Act may be cited as the Rhodesia and Nyasaland Act 1963.
- (2) In this Act—
 - " the Federation " has the meaning assigned by section 1(1) of this Act, and " Federal " shall be construed accordingly;
 - " the Territories " means Southern Rhodesia, Northern Rhodesia and Nyasaland, and " Territory " shall be construed accordingly.
- (3) The powers conferred by this Act shall be in addition to, and not in derogation of, the powers conferred by any other enactment.