

1972 No. 1718

SOUTHERN RHODESIA

**The Southern Rhodesia (Marriages, Matrimonial Causes
and Adoptions) Order 1972**

Made - - - - 14th November 1972
Laid before Parliament 20th November 1972
Coming into Operation 12th December 1972

At the Court at Buckingham Palace, the 14th day of November 1972

Present,

The Queen's Most Excellent Majesty in Council

Whereas hardship has been or may be occasioned to persons outside Southern Rhodesia by reason that ceremonies of marriage, grants of dissolution or annulment of marriage, authorisations of adoption and determinations of the status of a child or of the validity or subsistence of a marriage have been on or after 11th November 1965, or may hereafter be, performed, made or given in Southern Rhodesia without lawful authority and it is desirable, for humanitarian reasons, to take steps to mitigate such hardship:

Now, therefore, Her Majesty, in exercise of the powers conferred by section 3(1)(c) of the Southern Rhodesia Constitution Order 1965(a), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Effect of certain ceremonies, grants, authorisations and determinations under Southern Rhodesia law

1.—(1) Where at any time on or after 11th November 1965 (whether before or after the commencement of this Order)—

- (a) a ceremony of marriage has been solemnised in Southern Rhodesia by any person in purported exercise of authority conferred upon him by or under any relevant laws in accordance with the requirements of those laws;
- (b) the dissolution or annulment of a marriage has been granted, the adoption of a person as the child of another person has been authorised or the status of a person as being (or not being) the child of another person or any question as to the validity or subsistence of a marriage has been determined, as the case may be, by a person or persons purporting

(a) S.I. 1965/1952 (1965 III, p. 5812).

to have been appointed as a member or members of a court in Southern Rhodesia in accordance with any relevant laws and purporting to exercise powers and jurisdiction vested in that court by any relevant laws in accordance with the requirements of those laws ; or

- (c) any entry in a register or other record has been made, or any certificate has been given, in Southern Rhodesia relating to a marriage, adoption, or determination of the status of a child as being (or not being) the child of another person by any person in purported exercise of authority conferred upon him by or under any relevant laws in accordance with requirements of those laws,

such ceremony of marriage, grant, authorisation, determination, entry or certificate, as the case may be, shall not be regarded as having been unlawfully solemnised, made or given under the law of Southern Rhodesia by reason only that—

- (i) any of the laws concerned had not been duly enacted or made before 11th November 1965 but was merely a purported law being, or promulgated under or in pursuance of, a constitution unlawfully introduced in Southern Rhodesia on or after that date ; or
- (ii) a person purporting to exercise authority, powers or jurisdiction under any of those laws had not been lawfully appointed in that behalf before 11th November 1965 but merely held a purported appointment unlawfully made on or after that date under or in pursuance of any of those laws or, as the case may be, such a person had acted on or after that date in furtherance of such a constitution although he had been validly appointed before that date to an office lawfully established before that date,

and such ceremony of marriage, grant, authorisation, determination, entry or certificate, shall have effect accordingly under the law of Southern Rhodesia as if it had been lawfully solemnised, made or given under that law.

(2) Where under the law of Southern Rhodesia the validity of any such ceremony of marriage, grant, authorisation or determination as is referred to in paragraph (1) of this article depends upon the lawful performance of any prior act, then, for the purposes of the application of that paragraph to that ceremony, grant, authorisation or determination, references therein to the solemnisation thereof or, as the case may be, to the making or giving thereof shall be construed as including references to the performance of that prior act.

(3) References in this article to a law shall be construed as including references to a purported law being, or promulgated under or in pursuance of, any constitution unlawfully introduced in Southern Rhodesia on or after 11th November 1965 ; and references therein to a grant, authorisation or determination shall be construed as including references to the variation or rescission of a grant, authorisation or determination.

Citation and commencement

2. This Order may be cited as the Southern Rhodesia (Marriages, Matrimonial Causes and Adoptions) Order 1972 and shall come into operation on 12th December 1972.

W. G. Agnew.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order provides that ceremonies of marriages, grants of dissolution or annulment of marriage, authorisations of adoption and determinations of the status of a child or the validity or subsistence of a marriage taking place in Southern Rhodesia since the illegal declaration of independence on 11th November 1965 shall not be regarded as having been unlawfully performed, made or given because the officers or authorities concerned have acted or may act in pursuance of or in furtherance of an unlawful constitution or by virtue of an appointment made or measure promulgated under such a constitution and that such ceremonies, grants, authorisations and determinations shall have effect accordingly under the law of Southern Rhodesia as if lawfully performed, made or given under that law. It also makes similar provision in relation to certain records and certificates.

SI 1972/1718
ISBN 0-11-021718-7

