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 S T A T U T O R Y I N S T R U M E N T S
 

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1979 No. 1571

## SOUTHERN RHODESIA

**The Southern Rhodesia Constitution (Interim Provisions)  
Order 1979**

<i>Made</i> - - - -	<i>3rd December 1979</i>
<i>Laid before Parliament</i>	<i>4th December 1979</i>
<i>Coming into Operation</i>	
<i>Sections 1 and 3</i> -	<i>4th December 1979</i>
<i>Remainder</i> - - -	<i>In accordance with section 1(2)</i>

At the Court at Buckingham Palace, the 3rd day of December 1979

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred on Her by section 3 of the Southern Rhodesia Act 1979(a), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

*Citation, commencement and construction*

1.—(1) This Order may be cited as the Southern Rhodesia Constitution (Interim Provisions) Order 1979.

(2) This section and section 3 shall come into operation on 4th December 1979. The other provisions of this Order shall come into operation on a day to be appointed by the Secretary of State by notice under his hand.

(3) A notice under this section shall be published in the London Gazette.

(4) This Order shall be read as one with the Southern Rhodesia Constitution Order 1965(b).

(5) In this Order, the "appointed day" means the day appointed by the Secretary of State under subsection (2).

*Revocation and suspension*

2.—(1) Sections 3(1)(a), 3(1)(b), 4, 5 and 6 of the Southern Rhodesia Constitution Order 1965 are hereby revoked.

(2) So long as this Order is in operation, the Constitution of Southern Rhodesia 1961(c) shall be suspended.

(3) So long as this Order is in operation, no appeal shall lie to Her Majesty in Council from any court in Southern Rhodesia.

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(a) 1979 c. 52.

(b) S.I. 1965/1952.

(c) S.I. 1961/2314.

*Governor and Deputy Governor*

3.—(1) There shall be a Governor of Southern Rhodesia who shall be appointed by Her Majesty and shall hold office during Her Majesty's pleasure.

(2) The Governor shall have such powers and functions as are conferred on him by or under this Order or any other law for the time being in force in Southern Rhodesia and, subject to the provisions of this Order or, as the case may be, such other law, shall act, and shall make provision for the government of Southern Rhodesia, according to such instructions as may from time to time be given to him by Her Majesty through a Secretary of State:

Provided that the question whether or not the Governor has in any matter complied with any such instructions shall not be enquired into in any court.

(3) The Secretary of State may appoint a Deputy Governor, who shall hold office during Her Majesty's pleasure. If the office of Governor is vacant (including any vacancy during the period immediately following the making of this Order), and in such other circumstances as may be provided for by Ordinance, the Deputy Governor shall exercise the powers and functions of the Governor, and references in this Order to the Governor shall include references to the Deputy Governor in the exercise of the powers and functions of the Governor.

(4) The Governor may, whether in Southern Rhodesia or elsewhere, exercise any power or function conferred upon him by or under this Order at any time after the making of this Order, so however that any law made by him before the appointed day shall not have effect until the appointed day.

*Legislative power*

4.—(1) The Governor may make laws for the peace, order and good government of Southern Rhodesia, including laws having extra-territorial application.

(2) Laws made by the Governor shall be in the form of Ordinances signed by the Governor.

(3) Without prejudice to the generality of subsection (1), a law made by the Governor may make provision for the manner of publication and authentication, and for the effect, of any Ordinance, and for any other matter incidental thereto.

(4) Without prejudice to the generality of subsection (1), in the exercise of the legislative power the Governor may, notwithstanding anything contained in section 2 of the Southern Rhodesia Constitution Order 1965, make provision for—

- (a) the continuation, with such adaptations, qualifications, exceptions and modifications as he may deem appropriate, of provisions purporting to have effect as law immediately before the appointed day (and references to laws in this Order shall be deemed to include any such provisions with such adaptations, qualifications, exceptions or modifications aforesaid);
- (b) the validation of transactions done, entered into or carried out during the period between 11th November 1965 and the appointed day;
- (c) the continuance of legal proceedings commenced before the appointed day;
- (d) the rights and liabilities of the government of Southern Rhodesia.

(5) Any Ordinance, which makes constitutional provision for Southern Rhodesia (including any law made pursuant to subsection (3)), may be expressed to come into operation, and shall come into operation on a date appointed therein, notwithstanding that it has not been promulgated.

*Executive authority*

5.—(1) The executive authority of Southern Rhodesia is vested in the Governor and, subject to the provisions of this Order, may be exercised by the Governor either directly or by or through such officers, authorities or other persons as the Governor may appoint or direct or as may be authorised by any law.

(2) Subject to the provisions of this Order but notwithstanding the provisions of any other law, the Governor may constitute offices in the public service and on his personal staff, may make appointments to any office or authority (whether so constituted or otherwise) and may terminate or suspend the appointment of any person holding any office or authority.

(3) All officers and all authorities in Southern Rhodesia, and all other persons by or through whom executive power is to be exercised as herein provided, shall be obedient to the Governor and shall comply with his directions.

(4) Without prejudice to the foregoing provisions of this section, the commanders of the military and air forces in Southern Rhodesia, the Commissioner of the police force, and any other officer or member of any such force, shall be obedient to the Governor and shall comply with his directions.

(5) A person to whom directions are given by the Governor shall comply with those directions as required by subsection (3) or subsection (4) notwithstanding that they relate to a matter in respect of which that person is, according to some other law, required or authorised to act in his discretion or not subject to the control or direction of any other person or authority:

Provided that nothing in this subsection shall apply to any person in the exercise of a judicial function.

(6) Reference in this section to offices in the public service, or to officers or authorities, shall include references to offices, officers or authorities purporting to exercise governmental or other public functions immediately before the appointed day.

*Prerogative of Mercy*

6. The exercise of the prerogative of mercy is vested in the Governor.

*Assets and liabilities of Government of Southern Rhodesia*

7.—(1) The Governor shall take all appropriate steps for safeguarding the assets of the government of the territory.

(2) It is hereby declared, for the avoidance of doubt, that the rights and liabilities of the Government of Southern Rhodesia remain enforceable by or against that Government notwithstanding any unconstitutional action taken in Southern Rhodesia on or after 11th November 1965 and notwithstanding any modification of the constitution that has been made in consequence thereof under the authority of the Parliament of the United Kingdom, including any modification made by this Order.

*N. E. Leigh,*  
Clerk of the Privy Council.

## EXPLANATORY NOTE

*(This Note is not part of the Order.)*

This Order makes temporary provision for the government of Southern Rhodesia. The legislative and executive powers, and the prerogative of mercy, are, by the Order, vested in a Governor and the Governor may give directions as to the authorities by whom executive powers may be exercised. All authorities in Southern Rhodesia are required to comply with the Governor's directions.

The Order also makes provision for the revocation or suspension of a number of earlier constitutional provisions and for the suspension of appeals to Her Majesty in Council.

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