

CHAPTER 475
RHODESIA AND NYASALAND ACT, 1963

1963c. 34

ARRANGEMENT OF SECTIONS

Section

1. Provision for dissolution of Federation
2. Supplementary provisions as to Orders
3. Short title and interpretation

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]

1. (1) Her Majesty may by Order in Council provide for the dissolution of the Federation of Rhodesia and Nyasaland (hereinafter 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.

Provision for
dissolution of
Federation

(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 Supplementary provisions as to 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. (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. (1) This Act may be cited as the Rhodesia and Nyasaland Act, 1963.

Short title and interpretation

(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.

THE FEDERATION OF RHODESIA AND NYASALAND (DISSOLUTION) ORDER IN COUNCIL, 1963

**AT THE COURT AT
BUCKINGHAM PALACE, THE**

20TH DAY OF DECEMBER, 1963

Present:

THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL

WHEREAS the Governments of the Territories or, as the case may require, the Governments of Southern Rhodesia and Northern Rhodesia have agreed that it is expedient that provision hereinafter contained should be made by Order in Council for the exercise of certain functions by institutions or bodies constituted jointly for those Territories:

NOW, THEREFORE, HER MAJESTY, in pursuance of sections 1 and 2 (1) of the Rhodesia and Nyasaland Act, 1963, and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered as follows:

PART I

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.

Dissolution of the
Federation

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.

Continuation and
adaptation of
existing law

(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.

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

Constitution of
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.

4. The Liquidating Agency shall be a body corporate and capable of Agency to be a suing and being sued and of purchasing or otherwise acquiring, holding body corporate 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.

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

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

6. (1) It shall be the general function of the Liquidating Agency to Functions of
wind up the affairs of the Federation and, subject to the provisions of Agency
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.

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-

Powers of
Agency

(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.

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.

Performance of
functions and
powers of
Agency

(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.

*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. Termination of Liquidating Agency

*Liquidating Agency ceased to exist on 15th December, 1969. (Gazette Notice No. 2050 of 1969.)

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. Property of the Federation

(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.

* Liquidating Agency ceased to exist on 15th December, 1969. (Gazette Notice No. 2050 of 1969.)

(3) Property vested in 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.

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. Claims by and against the Federal Government

(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.

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: Outstanding internal public debt of the Federation

(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).

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. Federal tax reserve certificates

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. Post Office Savings Bank

(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.

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. Post Office savings certificates

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 Outstanding external public debt of the

follows:

Federation

(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 subsection (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 Government 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 therefor 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.

17. (1) This section applies to the following bodies, that is to say-

Winding up of
certain bodies
established by
Federal law

(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.

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.

Pending legal proceedings

(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.

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-

Temporary continuation of certain Federal courts

(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 subsection (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 subsection (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

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").

Temporary provision for seconded Federal officers

(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.

*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.

Constitution of Staff Authority and Staff Commission

* Staff Authority and Staff Commission appointed by Government Notice No. 440 of 1963.

(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.

* Staff Authority and Staff Commission appointed by Government Notice No. 440 of 1963.

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.

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

(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.

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.

Staff and expenses of Staff Authority and Staff Commission

(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.

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

Establishment of
Central African
Pension 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.

25. (1) The Fund shall consist of-

Assets of Fund

(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.

26. (1) The Fund shall vest in trustees (hereinafter referred to as "the Vesting of Fund Trustees") to be appointed by the Governments of the United Kingdom, in Trustees 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.

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. Establishment of Central African Pension Agency

(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.

28. (1) The Trustees shall- Functions of Trustees

(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.

(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.

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. Charges on 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.

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, Further powers and duties of Pension Agency

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.

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

(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.

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. Valuation by actuary

(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

Repealed by *Act No 17 of 1987* now Chapter 467

PART IV

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. Constitution of 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.

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. Functions of
Higher Authority

(2) *(Repealed by Act No. 38 of 1967)*

(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.

49. (1) Subject to the provisions of this Part of this Order and of any law, the Higher Authority shall determine its own procedure. Procedure of
Higher Authority

(2) No decision of the Higher Authority shall have effect unless it is unanimous.

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. Constitution of
Central African
Airways
Corporation

51. (1) The Corporation shall consist of- Membership of
Corporation

(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.

52. No person shall be appointed to be a member of the Corporation who- Disqualifications
for membership

(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.

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. Tenure of office
of members

(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.

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. Acting
appointments

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 Procedure of
Corporation

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.

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.

Dissolution of former Corporation and vesting of assets and liabilities in new Corporation

(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 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.

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. Functions of Corporation

(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.

58. Notwithstanding any other provision 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 Corporation to execute certain instruments

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. Power of Legislature of Territory to amend Part IV

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

"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

61-65. (Repealed by *Act No. 56 of 1967*)

PART VI

Obsolete.

PART VII

Obsolete.

PART VIII

MISCELLANEOUS

74. (1) As from the dissolution of the Federation the British Modification of

Nationality Acts, 1948 and 1958, shall have effect as if-

British
Nationality Acts

(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 period of residence in a protectorate included any period of residence in Northern Rhodesia or Nyasaland before the dissolution of the Federation, any period of residence in Northern Rhodesia after the dissolution of the Federation but before 24th October, 1964, and any period of residence in Nyasaland after the dissolution of the Federation but before 6th July, 1964.

(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 he then becomes a citizen of Southern Rhodesia.

(As amended by section 3 of the Zambia Independence Act, 1964)

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.

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

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 provision having the force of law in any Territory;

Interpretation

"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 provision 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.

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. Revocation

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

(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

SCHEDULE I

(Sections 12 and 16)

PUBLIC DEBT OF THE FEDERATION

PART A

Federation of Rhodesia and Nyasaland 4 $\frac{1}{2}$ % Local Registered Stock, 1970-73.

Federation of Rhodesia and Nyasaland 4 $\frac{1}{2}$ % Local Registered Stock, 1969-71.

Federation of Rhodesia and Nyasaland 5% Local Registered Stock, 1974-76.

Federation of Rhodesia and Nyasaland 5 $\frac{1}{4}$ % Local Registered Stock, 1975-77.

Federation of Rhodesia and Nyasaland 5 $\frac{3}{4}$ % Local Registered Stock, 1979-81.

Federation of Rhodesia and Nyasaland 5% Local Registered Stock, 1964.

Federation of Rhodesia and Nyasaland 6% Local Registered Stock, 1976-79.

Federation of Rhodesia and Nyasaland 5 $\frac{1}{4}$ % Local Registered Stock, 1964.

Federation of Rhodesia and Nyasaland 6 $\frac{1}{4}$ % Local Registered Stock, 1980-85.

Federation of Rhodesia and Nyasaland 6 $\frac{1}{2}$ % Local Registered Stock, 1981-86.

Federation of Rhodesia and Nyasaland 6 $\frac{1}{2}$ % Local Registered Stock, 1982-87.

Federation of Rhodesia and Nyasaland 5 $\frac{1}{2}$ % Local Registered Stock, 1965.

Federation of Rhodesia and Nyasaland 6 $\frac{1}{2}$ % Local Registered Stock, 1982-87 (No. 3/62).

Federation of Rhodesia and Nyasaland 5% Local Registered Stock, 1965 (No. 4/62).

Federation of Rhodesia and Nyasaland 5% Local Registered Stock, 1966 (No. 1/63).

British South Africa Company Investments Limited Loan: 5%, 1969.

Central African Airways "A" Loan: 6 $\frac{1}{4}$ % 1959-67.

Central African Airways "B" Loan: 6 $\frac{1}{4}$ %, 1962-66.

Central African Airways "C" Loan: 6 $\frac{1}{4}$ %, 1963-67.

Central African Airways "D" Loan: 6 $\frac{1}{4}$ %, 1963-67.

Federal Power Board Loan: 6 $\frac{1}{4}$ %, 1962-65.

Rhodesian Anglo American Limited Loan: 5 $\frac{1}{2}$ %, 1976-88.

Rhodesia Railways Contributory Pension Fund Loan: 6 $\frac{1}{4}$ %, 1967.

PART B

British South Africa Company Loan: 5%, 1966-85.

Federation of Rhodesia and Nyasaland 5% Local Registered Stock, 1977.

Federation of Rhodesia and Nyasaland 5% Local Registered Stock, 1978.

Federation of Rhodesia and Nyasaland 5% Local Registered Stock, 1959-79.

Federation of Rhodesia and Nyasaland 5% Local Registered Stock, 1960-80.

Federation of Rhodesia and Nyasaland 4 $\frac{1}{2}$ % Local Registered Development Bonds, 1957-84.

Federation of Rhodesia and Nyasaland 4 $\frac{1}{2}$ % Local Registered Development Bonds, 1958-85.

Federation of Rhodesia and Nyasaland 4 $\frac{1}{2}$ % Local Registered Development Bonds, 1959-86.

Federation of Rhodesia and Nyasaland 4 $\frac{1}{2}$ % Local Registered Development Bonds, 1960-87.

Federation of Rhodesia and Nyasaland 4 $\frac{1}{2}$ % Local Registered Development Bonds, 1961-88.

Federation of Rhodesia and Nyasaland 4 $\frac{1}{2}$ % Local Registered Development Bonds, 1962-89.

PART C

British South Africa Company Investments Limited Loan: 5%, 1966-78-to Southern Rhodesia.

Housing Loan from Southern Rhodesia Government: 4 $\frac{1}{2}$ %, 1975-to Southern Rhodesia.

Southern Rhodesia Government (Interim Expenditure) "A" Loan: 5%, 1954-79-to Southern Rhodesia.

Southern Rhodesia Government (Interim Expenditure) "B" Loan: 4 $\frac{3}{4}$ %, 1954-79-to Southern Rhodesia.

Housing Loan from Northern Rhodesia Government: 4 $\frac{1}{2}$ %, 1974-to Northern Rhodesia.

Federal Government Promissory Notes for Internal Floating Debt-as follows:

Of the total amount of Federal Government Floating Debt (Promissory Notes) outstanding at the date of dissolution, the portion relating to expenditure from Federal Loan Account up to 30th June, 1963, and to Funded Debt redemptions during the period 1st July, 1963, to 31st December, 1963, to an amount not exceeding 7,410,070 pounds, shall be apportioned

52.120% to Southern Rhodesia.

37.127% to Northern Rhodesia.

10.753% to Nyasaland.

Any balance of Floating Debt outstanding as ascertained by the Liquidating Agency shall be apportioned between the Territories in direct relation to the net expenditure from Federal Loan Votes in or on behalf of each Territory during the period 1st July, 1963, to 31st December, 1963, except that such of the balance as is outstanding in respect of money lent by the Federal Government to statutory corporations shall be apportioned by the Liquidating Agency amongst the Territories.

PART D

Federation of Rhodesia and Nyasaland 4% Registered Stock, 1972-74.

Federation of Rhodesia and Nyasaland 5% Registered Stock, 1975-80.

Federation of Rhodesia and Nyasaland 6% Registered Stock, 1976-79.

Federation of Rhodesia and Nyasaland 6% Registered Stock, 1978-81.

PART E

Federation of Rhodesia and Nyasaland 5 $\frac{3}{4}$ % External Loan Bonds, 1973.

Barclays Bank D.C.O. Credit 5 $\frac{3}{4}$ %, 1964.

The Standard Bank Limited Credit 5 $\frac{3}{4}$ %, 1964.

PART F

International Bank Loan (197 R.N.), 1961-76.

PART G

(a) International Bank Loan (253 R.N.), 1962-69-to Southern Rhodesia.

(b) United Kingdom/Federation of Rhodesia and Nyasaland Credit Agreement, 1962-as follows:

The liability of 1,140,000 pounds outstanding at 30th June, 1963, is apportioned 52.120% to Southern Rhodesia, 37.127% to Northern Rhodesia and 10.753% to Nyasaland: the further liability incurred in the period 1st July, 1963, to 31st December, 1963, to be apportioned between the Territories in direct relation to the net Loan Vote Expenditure by the Federal Government in or on behalf of the Territories in this period, as ascertained by the Liquidating Agency.

(c) Foreign Operations Administration, Rhodesia Railways Loan, 1957-76-

The liability to be apportioned as agreed between Southern Rhodesia, Northern Rhodesia, and the lenders.

PART H

International Bank Loan (197 R.N.), 1961-76.

International Bank Loan (253 R.N.), 1962-69.

Foreign Operations Administration, Rhodesia Railways Loan, 1957-76.

Barclays Bank D.C.O. Credit 5³/₄%, 1964.

The Standard Bank Limited Credit 5³/₄%, 1964.

SCHEDULE II

(Sections 24 (2), 25 (1) (b), 29 (1) and 31 (1))

PENSIONS AND OTHER BENEFITS FOR THE FEDERAL PUBLIC SERVICE

PART I

INTERPRETATION OF TERMS

1. (1) In this Schedule, unless inconsistent with the context-

"Branch IV employee" means a person who immediately before the dissolution of the Federation was-

- (a) employed in Branch IV of the Federal Public Service; or
- (b) a Federal Assembly employee;

"date of the termination of his services", in relation to an officer, employee, Prison officer or member who is not transferred to the service of the Government of a Territory, means the date of the dissolution of the Federation or, if he is seconded to such service, the date of the termination of his secondment;

"employee" means a Public Service employee or Federal Assembly employee;

"established officer" means an officer who was an established officer or confirmed employee under the Public Service Regulations or the Federal Assembly Regulations;

"established Prison officer" means a Prison officer who was an established officer under the Prisons Regulations;

"Federal Assembly employee" means a person who immediately before the dissolution of the Federation was employed in a non-pensionable post in the Federal Assembly;

"Federal Assembly officer" means a person who immediately before the dissolution of the Federation was employed in a pensionable post in the Federal Assembly, whether or not he was contributing towards a pension;

"the Fund" means the Fund established by section 24;

"home Territory", in relation-

(a) to an officer who is not a Rhodesia House employee or Mocambique employee or to a Prison officer, means-

(i) if he was born within a Territory, the Territory in which he was born:

Provided that if, immediately prior to his joining the service of the Federal Government he was serving the Government of a Territory other than that in which he was born, that Territory shall be his home Territory;

(ii) if he was not born within a Territory, the Territory in which he has had the longest Government service, whether with the Federal Government or in the service of the Government of a Territory:

Provided that-

(A) if his periods of service in two Territories differ by less than twelve months and his service, if any, in the third Territory is less than his service in either of those two Territories, he may choose either of those two Territories as his home Territory; and

(B) if he joined the service of the Government of a Territory before he joined the service of the Federal Government, he may choose that Territory as his home Territory;

(b) to a Rhodesia House employee or Mocambique employee, means Southern Rhodesia;

(c) to a member means-

(i) in the case of an African member serving in-

(A) the King's African Rifles or the Northern Rhodesia Regiment, the Northern Rhodesia and Nyasaland Command;

(B) the Rhodesian African Rifles, Southern Rhodesia;

(C) a corps, other than the Corps of Infantry, or in the Royal Rhodesian Air Force, such Territory as he may elect;

(ii) in the case of a European member serving in the Rhodesian Light Infantry, the Rhodesian Special Air Service or the Royal Rhodesian Air Force, Southern Rhodesia;

(iii) in the case of a European member not referred to in sub-paragraph (ii) of this paragraph, such Territory as he may choose:

Provided that a European member shall not be eligible to choose Nyasaland as his home Territory unless-

(I) he is or has been on the posted or permanently attached strength of the King's African Rifles or of the Headquarters, Nyasaland area, and its ancillary units; or

(II) he has connections with Nyasaland; or

(III) he intends to take a short service commission or engagement for service in Nyasaland;

"member" means a person who immediately before the dissolution of the Federation was an officer, non-commissioned officer or soldier of the Regular Force of the Army or the Air Force of the Federation, but does not include any person who was-

(a) appointed to honorary commissioned rank; or

(b) the holder of an honorary appointment;

"Mocambique employee" means a person who immediately before the dissolution of the Federation was employed in Portuguese East Africa by the Federal Government in the Customs Department of the Federal Public Service in Portuguese East Africa and was subject to the provisions of the Federal Public Service (Mocambique Permanent Employees) Regulations, 1963, of the Federation;

"Northern Prison officer" means a person who immediately before the dissolution of the Federation was a Prison officer who was a "northern officer" as defined in the Prisons (Senior and Junior Officers) (Pensions) Regulations, 1963, of the Federation and who had not made the election provided for by section 34 of the said Regulations;

"Nyasaland member" means a member who was not born or is not domiciled in Nyasaland and whose home Territory is Nyasaland;

"Nyasaland officer" means an officer or Prison officer who was not born or is not domiciled in Nyasaland and whose home Territory is Nyasaland;

"officer" means a Public Service officer or Federal Assembly officer;

"pensionable emoluments", in relation to an officer, Prison officer or member, means his pensionable emoluments for the purposes of the Pensions Regulations;

"pensionable service", in relation to an officer, Prison officer or member, means pensionable service for the purposes of the Pensions Regulations;

"pension under contract" means a person who immediately before the dissolution of the Federation was employed by the Federal Government or Federal Assembly on contract and who was not an officer or an employee;

"Prison officer" means a person who immediately before the dissolution of the Federation was an officer of the Federal Prison Service established by the Prisons Act, 1955, of the Federation;

"Public Service employee" means a person who immediately before the dissolution of the Federation was in the employment of the Federal Government and who was-

(a) a Branch IV employee; or

(b) an "other Government servant" as defined in section 2 (1) of the Federal Public Service Act, 1959, of the Federation and was not a Rhodesia House employee or Mocambique employee;

"Public Service officer" means a person who immediately before the dissolution of the Federation-

(a) was not employed in Branch IV of the Federal Public Service; and

(b) was an officer or employee as defined in the Public Service Regulations or had elected to remain subject to his Territorial Regulations and was subject to the Old Territorial Regulations;

"Rhodesia House employee" means a person who immediately before the dissolution of the Federation was a permanent employee on pensionable conditions of service employed by

the Federal Government in Rhodesia House, London;

"teacher" means a Public Service officer who immediately before the dissolution of the Federation was appointed to a grade in the Nurse, Matron or Teaching Branch in the Education Group in the Federal Public Service;

"the Federal Assembly Regulations", in relation to a Federal Assembly officer, means the conditions of service applicable to him which were fixed by the Speaker of the Federal Assembly;

"the Old Territorial Regulations", in relation to a Public Service officer in Branch III of the Federal Public Service who elected to remain subject to his Territorial regulations, means the conditions of service applicable to him by virtue of that election;

"the Pensions Regulations", in relation to-

(a) a Public Service officer, means the Public Service Regulations as read with sections 42 and 43 of the Federal Public Service Act, 1959, of the Federation;

(b) a Federal Assembly officer, means the Federal Assembly Regulations;

(c) a Prison officer, means the Prisons Regulations;

(d) a member, means the Regular Force Regulations;

"the Prisons Regulations", in relation to-

(a) a senior or junior officer in the Federal Prison Service, means the Prisons (Senior and Junior Officers) (Pensions) Regulations, 1963, of the Federation;

(b) a subordinate officer, means the Prisons (Subordinate Officers) (Pensions) Regulations, 1963, of the Federation;

"the Public Service Regulations", in relation to a Public Service officer, means the-

(a) Federal Public Service (European Pensionable Branch) Regulations, 1955; or

(b) Federal Public Service (Married Women) Regulations, 1958; or

(c) Federal Public Service (European Pensionable Branch) (Retained Married Women) Regulations, 1958; or

(d) Federal Public Service (Branch I) Regulations, 1959; or

(e) Federal Public Service (Branch II) Regulations, 1957; or

(f) Federal Public Service (Branch III) (Uniform) Regulations, 1961; or

(g) Federal Public Service (Branch III) (Southern Rhodesia) Regulations, 1956; or

(h) Federal Public Service (Branches III and IV) (Northern Rhodesia) Regulations, 1957; or

(i) Federal Public Service (Branches III and IV) (Nyasaland) Regulations, 1957; or

(j) Old Territorial Regulations; or

(k) Federal Public Service Act (Pensions) Regulations, 1963; or

(l) Federal Public Service Act (Branch I) (Pensions) Regulations, 1961; or

(m) Federal Public Service Act (Branch II) (Pensions) Regulations, 1960; or

- (n) Federal Public Service Act (Branch III) (Pensions) Regulations, 1960; or
- (o) Federal Public Service Act (Rhodesia House Permanent Employees) (Pensions) Regulations, 1962; or
- (p) Federal Public Service (Mocambique Permanent Employees) Regulations, 1963; of the Federation, whichever were applicable to him on the date of the termination of his services;

"the Regular Force Regulations", in relation to a member, means the-

- (a) Defence (Regular Force) (African Members) Regulations, 1962; or
- (b) Defence (Regular Force) (European Members) Regulations, 1961; or
- (c) Defence (Regular Forces) (Officers) Regulations, 1960;

of the Federation, whichever were applicable to him on the date of the termination of his services;

"the service of the Government of a Territory" includes the service of the Legislative Assembly or Legislative Council, as the case may be, of that Territory;

"the Terminal Benefits Regulations", in relation to-

- (a) a Public Service officer who is not a Rhodesia House employee or Mocambique employee, means-
 - (i) in the case of a Public Service officer who is not a teacher, the Federal Public Service (Terminal Benefits) Regulations, 1963, or the Federal Public Service Act (Terminal Benefits) Regulations, 1963, of the Federation, as the case may be;
 - (ii) in the case of a Public Service officer who is a teacher, the Federal Public Service (Terminal Benefits) (Teachers) Regulations, 1963, or the Federal Public Service Act (Terminal Benefits) (Teachers) Regulations, 1963, of the Federation, as the case may be;
- (b) a Prison officer, means the Prisons (Terminal Benefits) Regulations, 1963, of the Federation.

(2) For the purposes of the definition of "home Territory" in sub-paragraph (1) of this paragraph, if on the date of the termination of his services-

- (a) an officer or Prison officer who could, under proviso A or B to sub-paragraph (ii) of paragraph (a) of that definition, have chosen a particular Territory as his home Territory has not made a choice thereunder, his home Territory shall be that determined in accordance with the provisions of the said sub-paragraph (ii);
- (b) a member who could, under paragraph (c) of that definition, have chosen a particular Territory as his home Territory has not made a choice thereunder, his home Territory shall be that determined by the Pension Agency.

(As amended by Statutory Instrument No. 244 of 1965)

PART II

PENSIONS AND ALLOWANCES FOR PENSIONERS AT THE DATE OF THE

DISSOLUTION OF THE FEDERATION

Pensions and allowances to be paid from the Fund

2. Subject to the provisions of paragraph 18, any person who immediately before the dissolution of the Federation, whether or not he was employed by the Federal Government, was entitled to-

- (a) a pension;
- (b) in the case of a person who was a member, a children's allowance;
- (c) in the case of a person who has suffered an injury or disability, an allowance in respect of such injury or disability;

from the Federal Government shall continue to be paid any such pension and, additionally or alternatively, allowance from the Fund.

Payment of pensions

3. Any pension or allowance payable under paragraph 2 shall be paid subject to the conditions applicable to its payment by the Federal Government and on the death of the recipient of the pension there shall be paid to or in respect of any dependent of his any pension provided for in such conditions.

PART III

TERMINAL BENEFITS FOR PERSONS IN THE EMPLOYMENT OF THE FEDERAL GOVERNMENT WHO ARE NOT TRANSFERRED TO THE SERVICE OF THE GOVERNMENT OF A TERRITORY

Payment of terminal benefits

4. (1) Subject to the provisions of paragraphs 18 and 22, the terminal benefits under this Part of this Schedule shall be payable to-

- (a) any person who-
 - (i) was employed by the Federal Government immediately before the dissolution of the Federation on pensionable conditions of service; and
 - (ii) is not transferred to the service of the Government of a Territory on pensionable conditions of service on his ceasing to be employed on or after the dissolution of the Federation on the conditions of service referred to in sub-paragraph (i) of this sub-paragraph;

or

- (b) any person who-
- (i) was employed by the Federal Government immediately before the dissolution of the Federation on non-pensionable conditions of service; and
 - (ii) is not transferred to the service of the Government of a Territory on his ceasing to be employed on or after the dissolution of the Federation on the conditions of service referred to in sub-paragraph (i) of this sub-paragraph.
- (2) The benefits payable to or in respect of any person under this Part of this Schedule shall be paid by the Pension Agency from the Fund:

Provided that any benefit referred to in paragraph 13, 14, 15 or 16 or sub-paragraph (2) of paragraph 17 shall be paid by the Liquidating Agency and shall not be paid from the Fund.

Pension or gratuity for established Public Service officers or Federal Assembly officers

5. On the date of the termination of his services an established officer shall be entitled to-
- (a) if the Pensions Regulations provide for the payment of a pension on retirement, an earned pension equal to that which would have been payable to him under the Pensions Regulations had he retired on attaining pensionable age after ten or more years' pensionable service on the date of the termination of his services, calculated-
 - (i) in respect of the period of his pensionable service; and
 - (ii) on his pensionable emoluments on the date of the termination of his services;
 - (b) if the Pensions Regulations do not provide for the payment of a pension on retirement, an earned gratuity equal to that which is payable under the Pensions Regulations on retirement.

Additional abolition of office pension or gratuity for established Public Service officers or Federal Assembly officers

6. (1) An established officer referred to in paragraph 5 who-
- (a) is a Nyasaland officer; or
 - (b) has not rejected or has not indicated that he will not accept an offer of employment on pensionable conditions of service by the Government of his home Territory; or
 - (c) whether or not he has rejected or indicated that he will not accept an offer of employment on pensionable conditions of service by the Government of his home Territory, has accepted an offer of service on contract with the Government of Nyasaland to commence immediately after the date of the termination of his services; shall, in addition to his earned pension or gratuity under paragraph 5, be entitled to an abolition of office pension or gratuity, calculated in accordance with sub-paragraph (2) of this paragraph.
- (2) The additional abolition of office pension or gratuity referred to in sub-paragraph (1) of this paragraph shall be-

- (a) in the case of an established officer who is entitled to a pension, a pension equal to
 - (i) one-third of his earned pension under paragraph 5; or
 - (ii) the amount, if any, by which his earned pension under paragraph 5 is less than two-thirds of his pensionable emoluments on the date of the termination of his services; or
 - (iii) the pension which he would earn under the Pensions Regulations for a period of pensionable service from the date of the termination of his services to the date when he would attain the age of sixty-five years;

whichever is the least;

- (b) in the case of an established officer who is entitled to a gratuity, an amount equal to the additional gratuity, if any, payable to him under the Pensions Regulations on loss of office.

Pension or gratuity plus refund of pension contributions for established Prison officers

7. (1) On the date of the termination of his services an established Prison officer shall be entitled to-

- (a) in the case of a Northern Prison officer, an earned pension equal to that which would have been payable to him under the Prisons Regulations, had he retired on attaining pensionable age after ten or more years' pensionable service on the date of the termination of his services, calculated-

- (i) in respect of the period of his pensionable service; and
- (ii) on his pensionable emoluments on the date of the termination of his services;

- (b) in the case of a Prison officer who is not a Northern Prison officer, either an earned pension with no refund of pension contributions or an earned gratuity plus a refund of his pension contributions, as he may elect, calculated in accordance with the Prisons Regulations.

(2) The election referred to in sub-paragraph (b) of sub-paragraph (1) of this paragraph may be made by the Prison officer at any time before or within fourteen days after the date of the termination of his services and shall be-

- (a) made in writing to the Pension Agency; and
- (b) irrevocable.

(3) If a Prison officer has not made the election referred to in sub-paragraph (b) of sub-paragraph (1) of this paragraph within fourteen days after the date of the termination of his services he shall be deemed to have elected to be paid an earned gratuity plus a refund of his pension contributions.

Additional abolition of office pension or gratuity for established Prison officers

8. (1) An established Prison officer referred to in paragraph 7 who-

- (a) is a Nyasaland officer; or
- (b) has not rejected or has not indicated that he will not accept an offer of employment on pensionable conditions of service by the Government of his home Territory; or
- (c) whether or not he has rejected or indicated that he will not accept an offer of employment on pensionable conditions of service by the Government of his home Territory, has accepted an offer of service on contract with the Government of Nyasaland to commence immediately after the date of the termination of his services;

shall, in addition to his earned pension, be entitled to an abolition of office pension or, if he has elected under paragraph 7 to be paid an earned gratuity plus a refund of his pension contributions, an abolition of office gratuity, calculated in accordance with sub-paragraph (2) of this paragraph.

(2) The additional abolition of office pension or gratuity referred to in sub-paragraph (1) of this paragraph shall be-

- (a) in the case of a Northern Prison officer, a pension equal to-
 - (i) one-third of his earned pension under paragraph 7; or
 - (ii) the amount, if any, by which his earned pension under paragraph 7 is less than two-thirds of his pensionable emoluments on the date of the termination of his services; or
 - (iii) the pension which he would earn under the Prisons Regulations for a period of pensionable service from the date of the termination of his services to the date when he would attain the age of sixty-five years;

whichever is the least;

- (b) in the case of a Prison officer who is not a Northern Prison officer, a pension or gratuity, as the case may be, equal to one-third of his earned pension or gratuity, as the case may be, under paragraph 7:

Provided that, if the aggregate of the additional abolition of office pension or gratuity and the earned pension or gratuity exceeds a pension or gratuity, as the case may be, calculated in respect of a period of pensionable service of 420 months, the additional abolition of office pension or gratuity shall be reduced by the amount of the excess.

(As amended by Government Notice No. 283 of 1964)

Pension or gratuity plus refund of pension contributions for members with two or more years' pensionable service

9. (1) On the date of the termination of his services a member whose pensionable service amounts to two years or more and who is not transferred to the British Army or Royal Air Force on a permanent regular commission or engagement shall be entitled to either an earned pension with no refund of pension contributions or an earned gratuity plus a refund of his pension contributions, as he may elect, calculated in accordance with the Regular Force Regulations.

(2) The election referred to in sub-paragraph (1) of this paragraph may be made by the

member at any time before or within fourteen days after the date of the termination of his services and shall be-

- (a) made in writing to the Pension Agency; and
- (b) irrevocable.

(3) If a member has not made the election referred to in sub-paragraph (1) of this paragraph within fourteen days after the date of the termination of his services he shall be deemed to have elected to be paid an earned gratuity plus a refund of his pension contributions.

(4) In the case of a member whose pensionable service amounts to two years or more and who is transferred to the British Army or Royal Air Force on a permanent regular commission or engagement, there shall be paid to the United Kingdom Government on the transfer of that member an amount equal to the earned gratuity that would otherwise have been paid to that member, calculated in accordance with the Regular Force Regulations.

Additional abolition of office pension or gratuity for members with two or more year's pensionable service

10. (1) A member referred to in sub-paragraph (1) of paragraph 9 who-

- (a) is a Nyasaland member; or
- (b) has not rejected or has not indicated that he will not accept an offer of employment on pensionable conditions of service by the Government of his home Territory;

shall, in addition to his earned pension, be entitled to an abolition of office pension or, if he has elected under paragraph 9 to be paid an earned gratuity plus a refund of his pension contributions, an abolition of office gratuity, calculated in accordance with sub-paragraph (2) of this paragraph.

(2) The additional abolition of office pension or gratuity referred to in sub-paragraph (1) of this paragraph shall be a pension or gratuity, as the case may be, equal to-

- (a) one-third of his earned pension or gratuity, as the case may be, under paragraph 9; or
- (b) the difference between his earned pension or gratuity, as the case may be, under paragraph 9 and the maximum pension or gratuity he could have earned under the Regular Force Regulations, calculated on his pensionable emoluments on the date of the termination of his services; or
- (c) the pension or gratuity, as the case may be, which he would earn under the Regular Force Regulations for a period of pensionable service from the date of the termination of his services to the date when he would attain the age of fifty-five years;

whichever is the least.

Benefits for Branch IV employees

11. (1) Save as is otherwise provided in sub-paragraph (2) of this paragraph, on the date

of the termination of his services a Branch IV employee who has been confirmed in his appointment or, in the case of a Southern Rhodesia employee, whose qualifying service under his conditions of service amounts to ten years or more shall be entitled to a gratuity or pension, as the case may be, equal to the gratuity or pension that he would have been paid under his conditions of service had he retired on that date.

(2) A Branch IV employee who-

(a) has not rejected or has not indicated that he will not accept an offer of employment by the Government of the Territory in which he was employed; and

(b) has been confirmed in his appointment or, in the case of a Southern Rhodesia employee, has qualifying service under his conditions of service amounting to four years or more;

shall, on the date of the termination of his services, be entitled to a gratuity or pension, as the case may be, equal to the gratuity or pension that he would have been paid under his conditions of service had he been discharged on that date on the grounds of abolition of office.

(3) For the purposes of sub-paragraph (2) of this paragraph-

"Southern Rhodesia employee" means a Branch IV employee who has been employed in Southern Rhodesia for all or most of the period of his service with the Federal Government.

Refund of pension contributions

12. On the date of the termination of his services a refund of his pension contributions, if any, calculated in accordance with the provisions of the Pensions Regulations, shall be paid to-

(a) an officer on probation;

(b) a Prison officer on probation;

(c) a member whose pensionable service amounts to less than two years;

(d) a member whose pensionable service amounts to two years or more and who is transferred to the British Army or Royal Air Force on a permanent regular commission or engagement.

Cash in lieu of notice

13. (1) Subject to the provisions of sub-paragraph (4) of this paragraph, on the date of the termination of his services there shall be paid-

(a) to an established officer who is not a teacher, to an established Prison officer or to a member whose pensionable service amounts to two years or more, three months' pay;

(b) to an officer on probation who is not a teacher, to a Prison officer on probation or to a member whose pensionable service amounts to less than two years, one month's pay;

calculated at the rate of his salary or, in the case of a member, at the rate of his pensionable

emoluments, on the date of the termination of his services, less the aggregate of his salary or, in the case of a member, the aggregate of his pensionable emoluments, if any, in respect of the period-

- (i) if he was notified on the first day of any month of the date of the termination of his services, from that day;
 - (ii) if he was notified on a day other than the first day of a month of the date of the termination of his services, from the first day of the month following that in which he was so notified;
- until the date of the termination of his services.

(2) Subject to the provisions of sub-paragraph (4) of this paragraph, on the date of the termination of his services there shall be paid to a Public Service officer who is a teacher and who is not seconded to the service of the Government of a Territory-

- (a) in the case of an established officer, four months' pay;
 - (b) in the case of an officer on probation, one month's pay;
- calculated at the rate of his salary on the date of the termination of his services.

(3) Subject to the provisions of sub-paragraph (4) of this paragraph, on the date of the termination of his services there shall be paid to an employee or person under contract who has not been given notice under his conditions of service or contract, as the case may be, or who has been given notice thereunder the period of which has not expired, an amount equal to his salary for the period of such notice or the unexpired portion of such period, as the case may be:

Provided that if, in the case of a person under contract, his contract would have expired before the end of the period of such notice or the unexpired portion of such period, he shall be paid an amount equal to his salary in respect of the period until his contract would have expired.

(4) No payment in terms of this paragraph shall be made to-

- (a) an officer or Prison officer who has accepted employment on contract with the Government of Nyasaland; or
- (b) a member who has accepted employment on contract with the Government of Northern Rhodesia or Nyasaland; or
- (c) a member who is transferred to the British Army or Royal Air Force; or
- (d) an officer, Prison officer or member who is serving on secondment with the Government of a Territory and who terminates his secondment; or
- (e) an employee or person under contract who on the termination of his services with the Federal Government is employed by the Government of a Territory.

Cash in lieu of leave

14. (1) On the date of the termination of his services there shall be paid to-

(a) an officer, Prison officer, employee or person under contract, if his service with the Federal Government or Federal Assembly, as the case may be, amounts to not less than one year; and

(b) a member, if his pensionable service amounts to not less than one year;

the cash equivalent of any vacation leave accrued to him, calculated-

(i) in the case of a Public Service officer who is not a Rhodesia House employee, at the rate of salary of that officer together with any allowance received by him which the Federal Minister of Finance has declared to be part of the salary of an officer for the purposes of the Terminal Benefits Regulations in calculating the cash in lieu of leave payable under those Regulations;

(ii) in the case of a Federal Assembly officer, a Prison officer, a Rhodesia House employee or a person under contract, at the rate of salary received by him;

(iii) in the case of an employee, at the rate of pay received by him, including, in the case of a Branch IV employee who is a Southern Rhodesia employee as defined in sub-paragraph (3) of paragraph 11, any quarters allowance received by him as part of his emoluments;

(iv) in the case of a member, at the rate of pay and allowances that he would have received had he proceeded on vacation leave on the day immediately preceding the date of the termination of his services.

(2) For the purposes of sub-paragraph (1) of this paragraph-

(a) a member who is serving on an initial engagement and whose pensionable service amounts to not less than one year shall be treated as though he had accrued vacation leave at the rate of twenty days per annum during the period of his engagement:

Provided that any fraction of a day of such vacation leave shall be ignored;

(b) a Public Service officer or Public Service employee who was appointed to the Federal Public Service on the 2nd January, 1963, and whose date of the termination of his services is the 31st December, 1963, shall be deemed to have had one year's service with the Federal Government.

Transport allowance

15. (1) Subject to the provisions of this paragraph, there shall be paid to-

(a) an officer, other than a Rhodesia House employee; or

(b) a Public Service employee who, immediately before the dissolution of the Federation, was employed as an artisan or leading hand in the Federal Ministry of Works in Southern Rhodesia; or

(c) a Branch IV employee who has been confirmed in his appointment; or

(d) a Prison officer; or

(e) a member;

who moves residence from the place where he was stationed at the date of the termination of his services, the cost of transporting himself, his dependants and his household effects, not

exceeding 5,000 lb., to such place within the Territories or, in the case of an employee referred to in sub-paragraph (b) of this sub-paragraph, to such place within Southern Rhodesia, as he may elect.

(2) The cost referred to in sub-paragraph (1) of this paragraph shall be calculated in accordance with the costs which would have been paid to that person under his conditions of service had he been transferred by the Federal Government or, in the case of a Federal Assembly officer, in accordance with the costs that would have been paid to him had he been a Public Service officer:

Provided that-

(i) in the case of a person other than a member, no subsistence or other allowance under his conditions of service shall be paid to him in respect of himself or any dependant;

(ii) in the case of a member, no subsistence allowance or allowance, other than a rations allowance, under the Regular Force Regulations shall be paid to him in respect of himself or any dependant.

(3) The cost referred to in sub-paragraph (1) of this paragraph shall not include the cost of transporting a motor vehicle save in the case of a person who on the date of the termination of his services was stationed in Nyasaland and whose motor vehicle is transported by rail.

(4) A person referred to in sub-paragraph (1) of this paragraph shall not be entitled to any benefits under this paragraph unless he moves residence and submits a claim for the benefits within six months of the date of the termination of his services.

(5) No benefit under this paragraph shall be paid to-

(a) an officer or Prison officer who has accepted employment on contract with the Government of Nyasaland; or

(b) a member who has accepted employment on contract with the Government of Northern Rhodesia or Nyasaland; or

(c) a member who is transferred to the British Army or Royal Air Force.

Travel grant

16. (1) Subject to the provisions of sub-paragraph (4) of this paragraph, on the date of the termination of his services a travel grant calculated in accordance with the provisions of sub-paragraph (2) of this paragraph shall be paid to-

(a) an established officer, other than a Rhodesia House employee;

(b) an established Prison officer;

(c) a member who on the date of the termination of his services was subject to the provisions of the Defence (Regular Force) (European Members) Regulations, 1961, or Defence (Regular Forces) (Officers) Regulations, 1960, of the Federation, and whose pensionable service amounts to two years or more.

(2) The travel grant referred to in sub-paragraph (1) of this paragraph shall be-

- (a) in the case of a Category A officer or member-
 - (i) if he is not married or is a married woman officer, 25 pounds; or
 - (ii) if he is married and is not a married woman officer, 50 pounds; and
 - (iii) if he has dependent children under 18 years of age-
 - (A) in respect of each such child who is 7 years of age or over but under 16 years of age, 10 pounds;
 - (B) in respect of each such child who is 16 years of age or over, 25 pounds;
- (b) in the case of a Category B officer-
 - (i) if he is not married, 16 pounds; or
 - (ii) if he is married, 32 pounds;
- (c) in the case of a Category C officer-
 - (i) if he is not married, 6 pounds; or
 - (ii) if he is married, 12 pounds.

(3) For the purposes of sub-paragraph (2) of this paragraph-

"Category A officer or member" means-

- (a) a Public Service officer who on the dissolution of the Federation was in the European Pensionable Branch or Branch I of the Federal Public Service; or
- (b) a Federal Assembly officer who contributed under the Federal Assembly Regulations towards a pension; or
- (c) a Prison officer who on the date of the termination of his services was a senior or junior officer in the Federal Prison service; or
- (d) a member referred to in sub-paragraph (c) of sub-paragraph (1) of this paragraph;

"Category B officer" means a Public Service officer who on the dissolution of the Federation was in Branch II of the Federal Public Service;

"Category C officer" means-

- (a) a Public Service officer who on the dissolution of the Federation was in Branch III of the Federal Public Service; or
- (b) a Federal Assembly officer who did not contribute under the Federal Assembly Regulations towards a pension; or
- (c) a Prison officer who on the date of the termination of his services was a subordinate officer in the Federal Prison Service.

(4) No travel grant under this paragraph shall be paid to-

- (a) a married woman officer who is married to an officer; or
- (b) an officer or Prison officer who has accepted employment on contract with the Government of Nyasaland; or
- (c) a member who has accepted employment on contract with the Government of

Northern Rhodesia or Nyasaland; or

(d) a member who is transferred to the British Army or Royal Air Force.

Persons under contract

17. (1) A person under contract who is serving on terms which are the same as those for a Public Service officer and who, under his contract, is entitled to a pension on the termination of his contract shall be entitled to the benefits he would have been paid under this Part had he been a Public Service officer and-

(a) for the purposes of calculating his earned pension and abolition of office pension, if any, the provisions of his contract shall be deemed to be the Public Service Regulations;

(b) for the purpose of calculating any travel grant under paragraph 16 he shall be deemed to have been in that Branch of the Federal Public Service the regulations applicable to which resemble most closely the conditions of his contract.

(2) A person under contract who, under his contract, is entitled to any transport benefits on the termination of his contract shall, on the termination of his services, be entitled to such benefits as are provided for in his contract but, in such a case, shall not be entitled to any transport benefits by virtue of the provisions of sub-paragraph (1) of this paragraph.

Members of the Federal Public Service Commission

18. On the dissolution of the Federation any member of the Federal Public Service Commission who, on the day prior to the dissolution of the Federation, was a "service member" as defined in section 2 of the Federal Public Service Act, 1959, of the Federation, shall be entitled to such of the benefits provided for in this Part of this Schedule as he would have been paid had he remained an officer in the European Pensionable Branch of the Federal Public Service, and, if he retired from the Federal Public Service Commission on the day prior to the dissolution of the Federation, he shall cease to be entitled to and shall not be paid any benefit under Part I of the said Act.

Children's allowances for members

19. On the date of the termination of his services a member-

(a) who has attained the age of fifty years; or

(b) whose pensionable service amounts to twenty years or more; or

(c) who has not been made an offer of employment on pensionable conditions of service by the Government of any Territory and-

(i) has attained the age of forty-five years; or

(ii) whose pensionable service amounts to fifteen years or more;

and who would have been eligible for the payment of a children's allowance had he retired on that date shall be paid such allowance in respect of his children born on or before that

date in accordance with the conditions under which such allowance was paid before the dissolution of the Federation.

Payments of pensions under this Part

20. A person who becomes entitled to a pension under this Part of this Schedule shall be paid such pension or any commutation thereof in accordance with the provisions of the Pensions Regulations and on his death there shall be paid to or in respect of any dependant of his any pension provided for in the Pensions Regulations:

Provided that, if that person applies for the commutation of his pension or a portion thereof before the date of the termination of his services or after that date but within one month thereof, he shall not be required to complete a declaration of health nor to submit to examination by a medical board and the Pension Agency may grant the commutation in terms of the Pensions Regulations without first granting provisional approval therefor.

Provisions as to what constitutes rejection of offers of employment

21. (1) For the purposes of paragraphs 6 and 8-

(a) an established officer or established Prison officer shall be deemed not to have rejected an offer of employment on pensionable conditions of service made by the Government of Southern Rhodesia unless-

(i) he has rejected both an offer of permanent transfer and an offer of provisional transfer; or

(ii) he has accepted an offer of permanent or provisional transfer and before being transferred he terminates his secondment or refuses to be transferred;

(b) subject to the provisions of sub-paragraph (a) of this sub-paragraph an established officer or established Prison officer shall be deemed to have rejected an offer of employment on pensionable conditions of service by the Government of his home Territory if-

(i) he does not accept such an offer within a reasonable time of its being made to him; or

(ii) he accepts an offer of employment on pensionable conditions of service by the Government of a Territory other than his home Territory or an offer of employment on contract by the Government of Nyasaland and before being transferred or commencing such employment, as the case may be, he terminates his secondment or refuses to be transferred or to commence such employment, as the case may be.

(2) For the purposes of paragraph 10 a member shall be deemed to have rejected an offer of employment on pensionable conditions of service by the Government of his home Territory if-

(a) he does not accept such an offer within a reasonable time of its being made to him; or

(b) he accepts an offer of employment on pensionable conditions of service by the Government of a Territory other than his home Territory or an offer of employment on

contract by the Government of Nyasaland and before being transferred or commencing such employment, as the case may be, he terminates his secondment or refuses to be transferred or to commence such employment, as the case may be.

Benefits in respect of officers, Prison officers or members on secondment who are discharged or dismissed or who die

22. Notwithstanding anything to the contrary contained in the foregoing provisions of this Part of this Schedule, if an officer, Prison officer or member who is seconded to the service of the Government of a Territory is discharged or dismissed or dies whilst on such secondment, that officer, Prison officer or member or his widow, child or estate, as the case may be, shall be paid from the Fund the benefits payable under the Pensions Regulations on the discharge, dismissal or death, as the case may be, of that officer, Prison officer or member and no benefits provided for in the foregoing provisions of this Part of this Schedule shall be payable to that officer, Prison officer or member, or to or in respect of his widow, child or estate.

PART IV

PENSION RIGHTS OF PERSONS IN THE EMPLOYMENT OF THE FEDERAL GOVERNMENT TRANSFERRED TO THE SERVICE OF AN APPROVED GOVERNMENT, INSTITUTION OR EMPLOYER ON PENSIONABLE CONDITIONS OF SERVICE

Interpretation of terms

23. In this Part of this Schedule, unless inconsistent with the context-

"approved", in relation to a Government, institution or employer, means approved under and for the purposes of the Pensions Regulations;

"average retiring emoluments", in relation to a transferred officer who retires or is discharged from or dies while serving with the Government of a Territory, means the pensionable emoluments accepted by that Government for the purpose of calculating that officer's pension or gratuity, or the pensionable emoluments which would have been accepted by that Government for the purpose of calculating that officer's pension or gratuity had he retired at the date of his death;

"date of transfer", in relation to a transferred officer, means the date on which he is transferred to the service of the Government of a Territory;

"emoluments accepted as pensionable", in relation to a transferred officer, means the emoluments of that officer during his pensionable employment which are accepted by the Government of the Territory as pensionable under his conditions of service with that Government;

"emoluments factor", in relation to a transferred officer, means the aggregate of his pensionable emoluments during his pensionable service divided by the aggregate of his

pensionable emoluments during his pensionable service and his emoluments accepted as pensionable during his pensionable employment;

"officer", includes a person who immediately before the dissolution of the Federation was a "service member" as defined in section 2 of the Federal Public Service Act, 1959, of the Federation;

"pensionable employment", in relation to-

(a) a transferred officer who before he became a transferred officer was a Southern Rhodesia officer, means his period of employment with the Government of a Territory after his date of transfer;

(b) a transferred officer other than a transferred officer referred to in paragraph (a) of this definition, means his period of employment with the Government of a Territory, whether that employment was before or after his pensionable service, which is recognised by that Government as pensionable;

"Southern Rhodesia officer" means an officer, Prison officer or member who had served with the Government of Southern Rhodesia on pensionable or gratuitable conditions of service immediately prior to his appointment or transfer to the service of the Federal Government or Federal Assembly;

"transferred officer" means an officer, Prison officer or member who on or after the dissolution of the Federation is transferred to the service of the Government of a Territory on pensionable conditions of service.

Persons seconded or transferred before the dissolution of the Federation

24. Any person who-

(a) was employed by the Federal Government on pensionable conditions of service; and

(b) before the dissolution of the Federation had been seconded to the service of an approved Government, institution or employer or transferred to the service of an approved Government, institution or employer on conditions that conferred on him rights to a pension in respect of his pensionable service with the Federal Government; and

(c) immediately before the dissolution of the Federation was still serving with the approved Government, institution or employer on secondment or transfer;

shall on the termination of his services with that approved Government, institution or employer, or any other approved Government, institution or employer to whom he may have been subsequently seconded or transferred, be paid from the Fund such pension or other benefit as was provided in the conditions under which he was seconded or transferred, as the case may be, or, if he dies whilst he is still serving with an approved Government, institution or employer, the appropriate benefits provided in such conditions shall be paid to or in respect of any dependant of his or to his estate, as the case may be, in accordance with the provisions of such conditions:

Provided that if in the case of any such person the actual conditions under which he had been transferred were not fixed he shall be deemed to have been transferred on the

conditions provided in paragraph 25 of this Schedule.

(As amended by Statutory Instrument No. 244 of 1965)

Persons transferred to the service of the Government of a Territory after the dissolution of the Federation

25. (1) The provisions of the Pensions Regulations other than those provisions relating to the transfer of officers from the service of the Federal Government, shall apply in relation to the pension, gratuity, refund of pension contributions or other benefit payable to a transferred officer who retires, resigns or is discharged or dismissed from the service of the Government of a Territory, or to or in respect of the widow, child or estate of such an officer, subject to the following modifications:

(a) the pensionable age of a transferred officer who retires from the service of the Government of a Territory shall be the age at which he is permitted or required to retire from that service;

(b) with effect from his date of transfer a transferred officer who contributes towards his pension shall cease to contribute to the Fund but any balance of contributions together with interest thereon due from him under the Pensions Regulations immediately before his date of transfer shall be paid into the Fund in accordance with the provisions of the Pensions Regulations;

(c) subject to the provisions of this paragraph, on the retirement, resignation, discharge or dismissal of a transferred officer from the service of the Government of a Territory or on his death the sum payable from the Fund to the transferred officer as a portion of the pension, gratuity or refund of pension contributions due to such officer, his widow, child or estate shall be determined as though he had retired or resigned or been discharged or dismissed from the service of the Federal Government or had died as a pensioner or as an established officer, established Prison officer or member, as the case may be, in like circumstances:

Provided that if, in the case of an officer or Prison officer, at the time of his resignation, discharge or dismissal from the service of the Government of that Territory or his death he was on probation in that service he shall be deemed to have resigned or been discharged or dismissed from the service of the Federal Government or died as an officer on probation or Prison officer on probation in like circumstances;

(d) for the purpose of determining whether a transferred officer has completed a period of pensionable service amounting to five, ten, fifteen, twenty, twenty-five or thirty years, as the case may be, his period of pensionable employment shall be deemed to be continuous with and form part of his pensionable service;

(e) in calculating any refund of pension contributions payable to a transferred officer the reference, if any, in the Pensions Regulations to the number of complete years in respect of which he has paid contributions shall be read and construed as a reference to the number of complete years from the date from which he first contributed for purposes of the Pensions Regulations to the date of his resignation or discharge, as the case may be, from the service of the Government of the Territory;

(f) the pension or gratuity payable to or in respect of a transferred officer shall be the appropriate pension or gratuity, as the case may be, calculated in accordance with the provisions of the Pensions Regulations, as read with this paragraph, and multiplied by the emoluments factor:

Provided that no payment shall be made in respect of-

- (i) an additional pension awarded as compensation for loss of office with that Government;
- (ii) an additional period added to a period of pensionable employment as compensation for loss of office with that Government;
- (iii) a pension, gratuity or other benefit awarded as compensation for ill health, physical unfitness, physical incapacity, personal injury or loss of life caused or aggravated by the discharge of his official duties with the Government of that Territory, although a transferred officer shall be entitled to compensation in respect of an injury which occurred prior to his date of transfer, even though the injury does not manifest itself until after the date of transfer;
- (g) any reference in the Pensions Regulations to "average pensionable emoluments" or "retiring pensionable emoluments", as the case may be, shall be read and construed as a reference to "average retiring emoluments";
- (h) in calculating for the purposes of Part V of the Federal Public Service (European Pensionable Branch) Regulations, 1955, of the Federation the "deficit" as defined in section 51 of the said Regulations, any pension payable to the widow, child or beneficiary, as the case may be, of that officer by the Government of the Territory in respect of his services with that Government after his date of transfer shall be included in the aggregate referred to in paragraph (b) of the said definition.

(2) Notwithstanding anything to the contrary contained in sub-paragraph (1) of this paragraph, in the case of a transferred officer who, had he not been transferred to the service of the Government of a Territory, could have been paid an earned pension in terms of paragraph 5, 7 or 9, as the case may be, of this Schedule-

(a) if, on his retirement from the service of the Government of a Territory, he is entitled under the Pensions Regulations, as read with sub-paragraph (1) of this paragraph, to a gratuity or refund of pension contributions he may, by notice in writing to the Pension Agency, elect at any time prior to the date of his retirement, which election shall be irrevocable, to be paid a pension in lieu of that gratuity or refund of pension contributions, as if he had qualified for a pension in terms of the Pensions Regulations;

(b) if he dies while in the service of the Government of a Territory and leaves a widow or child and the aggregate of his pensionable service and his pensionable employment amounts to less than ten years, there shall be paid to his widow or in respect of his child in lieu of any refund of pension contributions, the pension or gratuity that would have been paid to his widow or in respect of his child had the aggregate of his pensionable service and his pensionable employment amounted to more than ten years, calculated under the Pensions Regulations, as read with sub-paragraph (1) of this paragraph, on his pensionable service.

(3) Notwithstanding anything to the contrary contained in sub-paragraph (1) of this paragraph, in the case of a transferred officer who had been transferred to the service of the Federal Government from the service of the Government of a Territory-

(a) if any period of his pensionable employment prior to his pensionable service is recognised under the Pensions Regulations for the purpose of calculating the pension or other benefit payable to or in respect of that officer, such period of pensionable employment shall not be included a second time for the purposes of sub-paragraph (1) of this paragraph;

(b) any reference in the Pensions Regulations or the conditions of such transfer to the "emoluments factor" shall be ignored.

*(As amended by Government Notice No. 283 of 1964
and Statutory Instrument No. 244 of 1965)*

Persons who are subsequently transferred from the service of the Government of a Territory

26. If a transferred officer is subsequently transferred from the service of the Government of a Territory to the service of another Government or of an approved institution his rights to the payment of a pension, gratuity or refund of pension contributions from the Fund shall be such as may be fixed by the Pension Agency:

Provided that on the ultimate termination of his services the pension, gratuity or refund of pension contributions payable to him or to or in respect of his widow, dependant or estate shall be not less than that which would have been paid to him or to or in respect of his widow, dependant or estate under paragraph 25 had his services terminated in like circumstances on the date of his transfer from the service of the Government of the Territory.

(As amended by Government Notice No. 283 of 1964)

Payment of benefits

27. Any pension, gratuity or refund of pension contributions payable to or in respect of any person under this Part of this Schedule shall be paid by the Pension Agency from the Fund.

PART V

TERMINAL BENEFITS FOR JUDGES OF THE FEDERAL SUPREME COURT

Interpretation of terms

28. In this Part of this Schedule, unless inconsistent with the context-

"conditions of service", in relation to a Federal judge, means the terms and conditions fixed by the Governor-General of the Federation under section 3 of the Federal Supreme Court (Judges Salaries, Pensions and Allowances) Act, 1955, of the Federation, on which a

pension is payable to that judge or his dependants;

"date of the termination of his services", in relation to a Federal judge, means the date he ceases to hold office as such otherwise than by resignation;

"Federal judge" means a person who, immediately before the dissolution of the Federation, was a judge of the Federal Supreme Court.

Terminal benefits for Federal judges

29. (1) Subject to the provisions of paragraph 30, on the date of the termination of his services a Federal judge shall be entitled to-

(a) an earned pension equal to the pension which would have been paid to him under his conditions of service had he retired on that date;

(b) an additional abolition of office pension equal to one-third of his earned pension under paragraph (a) of this sub-paragraph;

(c) a gratuity equal to one and one-half month's salary for each complete year of his service as a Federal judge or as a judge of the High Court of Southern Rhodesia:

Provided that if the gratuity calculated under this sub-paragraph exceeds one year's salary it shall be reduced by the amount of the excess;

(d) the cash equivalent of any vacation leave accrued to him, calculated at his rate of salary;

(e) the transport allowance that would have been paid to him under paragraph 15 had he been a Public Service officer.

(2) A Federal judge who becomes entitled to a pension under sub-paragraph (1) of this paragraph may at any time apply to the Pension Agency for the commutation of a portion thereof, not exceeding one-third of the aggregate of his earned pension under sub-paragraph (a) and his abolition of office pension under sub-paragraph (b) of sub-paragraph (1) of this paragraph, and the Pension Agency may grant the commutation in accordance with the provisions of the Pensions Regulations that would have been applicable had that judge been a Public Service officer in the European Pensionable Branch of the Federal Public Service:

Provided that if that judge applies for the commutation of a portion of his pension before the date of the termination of his services or after that date but within one month thereof, he shall not be required to complete a declaration of health nor to submit to examination by a medical board and the Pension Agency may grant the commutation under the Pensions Regulations without first granting provisional approval therefor.

(3) A Federal judge who resigns from office shall be entitled to a pension and other benefits in accordance with his conditions of service.

Federal judges transferring to the service of the Government of a Territory

30. If on the date of the termination of his services a Federal judge, without a break in

service, assumes judicial office with the Government of a Territory he shall not be entitled to any pension, gratuity or benefit under paragraph 29 but on the termination of his services with that Government he shall be entitled to a pension in accordance with his conditions of service as a Federal judge.

Pensions for widows and dependants of Federal judges

31. (1) If a Federal judge becomes entitled to a pension under paragraph 29 or 30 or a Federal judge referred to in paragraph 30 dies while in office on his death, there shall be payable to his widow and to or in respect of any dependent child of his the pension that would have been payable under the Public Service Regulations had that judge been a Public Service officer in the European Pensionable Branch of the Federal Public Service, calculated in relation to the pension and, if applicable, additional pension, to which that judge was entitled, irrespective of any commutation thereof, under paragraph 29 or 30.

(2) If a Federal judge dies while holding office as such, his widow and any dependent child of his shall be paid the pension provided for in his conditions of service.

Payment of benefits

32. The benefits payable to or in respect of any person under this Part of this Schedule shall be paid by the Pension Agency from the Fund:

Provided that any benefit referred to in sub-paragraph (d) or (e) of sub-paragraph (1) of paragraph 29 shall be paid by the Liquidating Agency and shall not be paid from the Fund.

PART VI

DISABILITY BENEFITS

Benefits for injured or disabled persons

33. Any person who was employed by the Federal Government or the Federal Assembly and who on or after the dissolution of the Federation suffers an injury or disability which-

(a) occurred or originated prior to the date of the dissolution of the Federation; and

(b) was caused or aggravated by or due to his work with the Federal Government or the discharge of his duties with the Federal Government; and

(c) but for the dissolution of the Federation would have entitled him to the award of a pension and, additionally or alternatively, other benefits under his conditions of service with the Federal Government;

shall be entitled to any such pension and, additionally or alternatively, other benefits as he would have been paid under his conditions of service with that Government, subject to the provisions of such conditions of service.

Pensions for dependants

34. On the death of a person referred to in paragraph 33 if, but for the dissolution of the Federation, his widow and any children would, under his conditions of service with the Federal Government, have been entitled to receive a pension from that Government, his widow and any child shall be entitled to the pension they would have been paid under the conditions of service of that person with the Federal Government, subject to the provisions of such conditions of service.

Payment of benefits

35. The Pension Agency shall pay from the Fund to a person referred to in paragraph 33 or 34 any pension or other benefits to which that person is entitled under the said paragraph and any powers conferred in the conditions of service referred to in the said paragraph on the Federal Minister of Finance or any other authority of the Federal Government in relation to the payment of any pension or other benefits or the medical examination or treatment of the injured or disabled person may be exercised by the Pension Agency:

Provided that until the 31st May, 1964, in exercising any powers conferred by this paragraph the Pension Agency shall act on the recommendation of the Staff Authority.

PART VII

PAYMENTS INTO THE FUND

36. (1) There shall be paid into the Fund-

(a) all pension contributions which were payable into the Federal Pension Fund and had not been paid into that fund before the dissolution of the Federation;

(b) any arrears of pension contributions which immediately before the dissolution of the Federation were owing by a person employed by the Federal Government or Federal Assembly on pensionable conditions of service who after the dissolution of the Federation is transferred to the service of the Government of a Territory on pensionable conditions of service;

(c) all pension contributions paid by a person who was employed by the Federal Government or Federal Assembly on pensionable conditions of service and who is serving on secondment in the service of the Government of a Territory;

(d) such sums as would but for the dissolution of the Federation have been payable out of the Consolidated Revenue Fund of the Federation under section 7 of the Federal Pension Fund Act, 1956, of the Federation, in respect of contributions referred to in sub-paragraph (a), (b) or (c) of this paragraph;

(e) such sums as would but for the dissolution of the Federation have become payable to the Federal Government by the Southern Rhodesia Government in relation to any pension, gratuity, refund of pension contributions or other benefit payable to or in respect of an

officer, including a person who was a "service member" as defined in section 2 of the Federal Public Service Act, 1959, of the Federation, Prison officer or member who had served with the Government of Southern Rhodesia on pensionable or gratuitable conditions of service immediately prior to his appointment or transfer to the service of the Federal Government or the Federal Assembly.

(2) The sums referred to in sub-paragraph (e) of sub-paragraph (1) shall be paid by the Government of Southern Rhodesia to the Fund.

(As amended by Government Notice No. 283 of 1964)

PART VIII

GENERAL

Exemption of certain payments from income tax

37. Any sum paid under this Schedule by way of commutation of a pension or a portion thereof and any gratuity paid under sub-paragraph (c) of sub-paragraph (1) of paragraph 29 shall be exempt from tax under any law of a Territory providing for the imposition of taxes on income.

Additional payments from the Fund

37A. In addition to the pensions, gratuities and other payments provided for in the foregoing Parts of this Schedule there shall be paid out of the Fund-

(a) to the Government of a Territory, such amounts as would, but for the dissolution of the Federation, have been payable by the Federal Government to that Territorial Government in respect of any abolition of office pension paid by that Territorial Government to or in respect of a person who was employed by that Territorial Government on pensionable conditions of service and was seconded to the service of the Federal Government;

(b) to the Government of Northern Rhodesia or Nyasaland, such amounts as would, but for the dissolution of the Federation, have been payable by the Federal Government to that Territorial Government in respect of-

(i) any pension paid by that Territorial Government to or in respect of a person who had been seconded from the service of that Territorial Government to the service of the Federal Government in respect of such period of secondment; or

(ii) any pension or allowance paid by that Territorial Government to or in respect of a person who had been granted an award in respect of a war disability;

(c) to the Government of Nyasaland, such amounts as would, but for the dissolution of the Federation, have been payable by the Federal Government to the Government of Nyasaland in respect of any pension paid by the Government of Nyasaland to or in respect of a person who was employed by the Nyasaland Electricity Supply Commission

established in terms of the Electricity Act, 1956, of the Federation and who, immediately prior to entering such employment, was employed in the Department of Electrical Services of the Government of Nyasaland;

(d) to the Government of Southern Rhodesia or Northern Rhodesia, as the case may be in respect of a transferred officer as defined in paragraph 23 of this Schedule who-

(i) is transferred to the service of the Government of Southern Rhodesia on provisional transfer and retires from that service after not less than two or more than five years from his date of transfer; or

(ii) is transferred to the service of the Government of Northern Rhodesia and retires from or dies while in that service after not less than two or more than twelve years from his date of transfer or retires from that service before two years on notice from that Government;

an amount equal to such proportion of the additional abolition of office pension or gratuity that would have been payable to that transferred officer in terms of paragraph 6, 8 or 10, as the case may be, of this Schedule had he not been transferred as is paid by that Government to him or to or in respect of his widow and any child of his under the conditions of his transfer to the service of that Government;

(e) to the Southern Rhodesia Public Services Medical Aid Society, an employers' contribution, at the same rate as the employers' contribution by the Government of Southern Rhodesia, in respect of any person who is a member of that Society and who was employed by the Federal Government or the Federal Assembly on pensionable conditions of service and ceased to be so employed-

(i) before the 1st September, 1963, and thereupon became entitled to a pension from the Federal Government; or

(ii) on or after the 1st September, 1963, and-

A. was not transferred to the service of the Government of a Territory on pensionable conditions of service; and

B. thereupon became entitled to a pension from the Federal Government or the Fund; and

C. had attained the age of fifty-five years or, in the case of a female, fifty years;

(f) during the lifetime of Neville Kahn, an annual payment of pound 249 payable on the 1st July each year to the parents or guardian of the said Neville Kahn.

(Government Notice No. 283 of 1964)

Variation of this Schedule

38. The provisions of this Schedule may be varied at any time by the Pension Agency with the concurrence of the Governments of the Territories, so however that no such variation shall be made which would have the effect of diminishing the benefits to which any person is entitled under this Schedule.

SCHEDULE III

(Section 75)

MODIFICATIONS AND ADAPTATIONS OF ACTS OF PARLIAMENT AND INSTRUMENTS HAVING EFFECT UNDER AN ACT OF PARLIAMENT

**Acts of Parliament*

*See Table of Statutes at the end of this Schedule.

1. Subsections (1) and (2) of section 13 of the Federation of Rhodesia and Nyasaland (Constitution) Order in Council, 1953 (which provide for the application to the Federation as a whole of certain enactments applying to parts of Her Majesty's dominions), shall cease to have effect except in relation to the Pensions (Colonial Service) Act, 1887, and subject, in the case of the Colonial Stock Acts, 1877 to 1948, to the provisions of section 16 (8) of this Order.

2. In paragraph (1) (b) of the Second Schedule to the Imperial Institute Act, 1925 (as varied by the Imperial Institute (Variation of the Act of 1925) Order, 1953, and the Commonwealth Institute Order, 1959), for the words "one by the Government of the Federation of Rhodesia and Nyasaland" there shall be substituted the words "one by the Government of Southern Rhodesia".

3. In section 2(2) of the Indian and Colonial Divorce Jurisdiction Act, 1926, the words "the Federation of Rhodesia and Nyasaland" shall be omitted.

4. In section 1 (2) of the United Nations Act, 1946, for the words "the Federation of Rhodesia and Nyasaland" there shall be substituted the words "Southern Rhodesia".

5. In subsections (2) and (3) of section 461 of the Income Tax Act, 1952, for the words "the Federation of Rhodesia and Nyasaland" there shall be substituted the words "Southern Rhodesia".

6. In section 1 (6) of the Diplomatic Immunities (Commonwealth Countries and Republic of Ireland) Act, 1952, for the words "the Federation of Rhodesia and Nyasaland" there shall be substituted the words "Southern Rhodesia".

7. In the Import Duties Act, 1958-

(a) the words "the Federation of Rhodesia and Nyasaland" in section 2 (4) shall be omitted;

(b) in section 2 (9) there shall be substituted for the words "the Federation of Rhodesia and Nyasaland" the words "Southern Rhodesia, Northern Rhodesia, Nyasaland" and for the words "the said Federation or Protectorate" the words "Southern Rhodesia, Northern Rhodesia, Nyasaland or the Bechuanaland Protectorate".

(As amended by Schedule 1 to the Zambia Independence Act, 1964)

8. In the definition of "excepted ship or aircraft" in paragraph 3 of the Third Schedule to the Emergency Laws (Repeal) Act, 1959, for the words "the Federation of Rhodesia and Nyasaland" there shall be substituted the words "Southern Rhodesia".

9. In section 2 (7) of the Civil Aviation (Licensing) Act, 1960, there shall be substituted for the words "a citizen of the Federation of Rhodesia and Nyasaland" in paragraph (a) the words "a citizen of Southern Rhodesia" and for the words "the said Federation" wherever they appear in paragraph (b) the words "Southern Rhodesia".

10. In the definition of "Commonwealth country" in section 50 (1) of the Films Act, 1960, the words "the Federation of Rhodesia and Nyasaland" shall be omitted.

11. In section 1 (5) of the Diplomatic Immunities (Conferences with Commonwealth Countries and Republic of Ireland) Act, 1961, for the words "the Federation of Rhodesia and Nyasaland" there shall be substituted the words "Southern Rhodesia".

**See Table of Statutes at the end of this Schedule.*

Instruments having effect under an Act of Parliament

12. In Article 1 of the Patents, Etc. (Federation of Rhodesia and Nyasaland) (Convention) Order, 1958, for the words "the Federation of Rhodesia and Nyasaland is a Convention country" there shall be substituted the words "Southern Rhodesia, Northern Rhodesia and Nyasaland are Convention countries".

13. In Regulation 10A of the Air Navigation (General) Regulations, 1960 (as amended by the Air Navigation (General) (Amendment) Regulations, 1963), the words "Federation of Rhodesia and Nyasaland" shall be omitted and in substitution therefor there shall be inserted in the appropriate places according to the alphabetical order of the names of the countries listed in the Regulation the words "Northern Rhodesia", "Nyasaland", and "Southern Rhodesia".

14. In Article 2 (1) of the Fugitive Offenders (Grouping of Territories) Order in Council, 1961, the words "the Federation of Rhodesia and Nyasaland" shall be omitted.

15. In Part I of the Schedule to the Carriage by Air (Parties to Convention) Order, 1962, the words "Federation of Rhodesia and Nyasaland" in the second column and the words in the third column relating to the Federation shall be omitted and in substitution therefor there shall be inserted in those columns (in the appropriate places according to the alphabetical order of the names of the territories in respect of which the United Kingdom is a party to the Convention) the following:

"Northern Rhodesia	..	..	..	..	3rd March, 1935"
"Nyasaland	..	..	..	..	3rd March, 1935"
"Southern Rhodesia	..	..	..	..	3rd April, 1935".

TABLE OF STATUTES REFERRED TO IN SCHEDULE III

<i>Short Title</i>	<i>Chapter</i>
Colonial Stock Acts, 1877 to 1948	40 & 41 Vict. c. 59 55 & 56 Vict. c. 35 63 & 64 Vict. c. 62
Pensions (Colonial Service) Act, 1887	12, 13 & 14 Geo. 6. c. I
Imperial Institute Act, 1925	50 & 51 Vict. c. 13
Indian and Colonial Divorce Jurisdiction Act, 1926	15 & 16 Geo. 5. c. xvii
United Nations Act, 1946	16 & 17 Geo. 5. c. 40
Income Tax Act, 1952	9 & 10 Geo. 6. c. 45
	15 & 16 Geo. 6 & 1 Eliz. 2. c. 10
	15 & 16 Geo. 6 & 1 Eliz. 2. c. 18
Diplomatic Immunities (Commonwealth Countries and Republic of Ireland) Act, 1952.	6 & 7 Eliz. 2. c. 6
Import Duties Act, 1958	7 & 8 Eliz. 2. c. 19
Emergency Laws (Repeal) Act, 1959	8 & 9 Eliz. 2. c. 38
Civil Aviation (Licensing) Act, 1960	8 & 9 Eliz. 2. c. 57
Films Act, 1960	9 & 10 Eliz. 2. c. 11
Diplomatic Immunities (Conferences with Commonwealth Countries and Republic of Ireland) Act, 1961.	

REPUBLIC OF ZAMBIA

THE ZAMBIA AND ZIMBABWE (BOUNDARIES) ACT

APPENDIX 2

**THE ZAMBIA AND ZIMBABWE (BOUNDARIES)
ORDER IN COUNCIL, 1963**

**AT THE COURT AT BUCKINGHAM PALACE, THE
20TH DAY OF DECEMBER, 1963**

Present:

THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL

WHEREAS, as a consequence of the creation of Lake Kariba, it is expedient to alter such part of the boundary between Zambia and Zimbabwe as runs through the Lake by describing it as a series of straight lines approximately following the existing boundary consisting of the old course of the River Zambezi:

AND WHEREAS it is further expedient to describe precisely the remainder of the boundary between Zambia and Zimbabwe:

NOW THEREFORE, Her Majesty, by virtue and in exercise of Her powers in that behalf by the Colonial Boundaries Act, 1895, and the Foreign Jurisdiction Act, 1890, or otherwise in Her Majesty vested, is pleased, by and with the advise of Her Privy Council, to order, and it is hereby ordered, as follows:

1. This Order may be cited as the Zambia and Zimbabwe (Boundaries) Order in Council, 1963, and shall come into operation on 1st January, 1964. Citation and commencement

2. The boundary between Zambia and Zimbabwe shall be as described in the Schedule hereto. Description of boundary

W. G. AGNEW

SCHEDULE

Starting at the point where the Mozambique International boundary intersects the medium filum of the Zambezi river, the boundary between Zambia and Zimbabwe follows this medium filum westwards to the Katengathumbi group of islands, thence along the medium filum between these islands and the mainland of Zimbabwe, thence along the medium filum of the Zambezi river to the Chikwenya group of islands, thence along the medium filum between this group of islands and the mainland of Zambia, thence along the medium filum of the Zambezi river to Kanyemba island, thence along the medium filum between Kanyemba island and Chipara island, thence along the medium filum of the Zambezi river to Umairi island, thence along the medium filum between this island and the mainland of Zimbabwe, thence along the medium filum of the Zambezi river to a point on the Kariba dam wall marked by a brass stud numbered NRT/T 153 at approximate Latitude 16° 31' 20" South and approximate Longitude 28° 45' 40" East, thence from this point in a straight line on an approximate true bearing of 221° 26' for a distance of approximately 3,383.28 metres to a point at Latitude 16° 32' 40" South and Longitude 28° 44' 30" East, thence in a straight line on an approximate true bearing of 259° 06' for a distance of approximately 11,338.56 metres to a point at Latitude 16° 33' 50" South and Longitude 28° 38' 20" East, thence in a straight line on an approximate true bearing of 247° 11' for a distance of approximately 44,287.44 metres to a point at Latitude 16° 43' 20" South and Longitude 28° 15' 20" East,

thence in a straight line on an approximate true bearing of 229° 03' for a distance of approximately 17,007.84 metres to a point at Latitude 16° 49' 20" South and Longitude 28° 08' 10" East, thence in a straight line on an approximate true bearing of 245° 44' for a distance of approximately 35,844.48 metres to a point at Latitude 16° 57' 30" South and Longitude 27° 49' 50" East, thence in a straight line on an approximate true bearing of 214° 39' for a distance of approximately 38,191.44 metres to a point at Latitude 17° 14' 40" South and Longitude 27° 37' 50" East, thence in a straight line on an approximate true bearing of 185° 44' for a distance of approximately 9,448.8 metres to a point at Latitude 17° 19' 50" South and Longitude 27° 37' 20" East, thence in a straight line on an approximate true bearing of 221° 06' for a distance of approximately 120,395 metres to a point at Latitude 17° 24' 50" South and Longitude 27° 33' 00" East, thence in a straight line on an approximate true bearing of 232° 18' for a distance of approximately 31,120.08 metres to a point at Latitude 17° 35' 20" South and Longitude 27° 19' 10" East, thence in a straight line on an approximate true bearing of 218° 16' for a distance of approximately 30,480 metres to a point at Latitude 17° 48' 20" South and Longitude 27° 08' 40" East, thence in a straight line on an approximate true bearing of 166° 25' for a distance of approximately 3,291.84 metres to a point at Latitude 17° 50' 10" South and Longitude 27° 09' 10" East, thence in a straight line on an approximate true bearing of 226° 51' for a distance of approximately 10,485.12 metres to a point at Latitude 17° 54' 00" South and Longitude 27° 05' 00" East, thence in a straight line on an approximate true bearing of 214° 10' for a distance of approximately 7,833.35 metres to a point at Latitude 17° 57' 40" South and Longitude 27° 02' 30" East, thence in a straight line on an approximate true bearing of 282° 36' for a distance of approximately 27,432 metres to a point at approximate Latitude 17° 57' 20" South and approximate Longitude 27° 01' 00" East on the medium filum of the Zambezi river, thence along the medium filum of the Zambezi river to Mapeta island, thence along the medium filum between Mapeta island and the mainland of Zambia, thence along the medium filum of the Zambezi river to its intersection with the middle of the main gorge to the south of Rainbow falls and Livingstone island, thence following a line along the middle of this gorge round to the west of Livingstone island, thence along the middle of the channel between Livingstone island and the unnamed island nearest to and to the west of Livingstone island, thence along the middle of the channel between Livingstone island and Princess Victoria island, thence following the middle of the channel having on its west Princess Victoria island, Princess Christian island, Princess Marie Louise island and Princess Elizabeth island and on its east, Princess Helena Victoria island and Princess Margaret island, to King George VI island, thence along the middle of the channel to the south of this island and an unnamed group of islands to the north of Princess Elizabeth island to the medium filum between King George VI island and the mainland of Zimbabwe, thence along this medium filum and the media fila between the islands named Queen Elizabeth island, King George VI island, Canary island and the mainland of Zimbabwe to the medium filum of the Zambezi river, thence along this medium filum to Kandahar island, thence along the medium filum between this island and Palm island, thence along the medium filum of the Zambezi river to its intersection with the boundary of the Republic of Botswana.

The boundary described above is shown on Maps deposited in the offices of the Surveyor-General, Zambia, and the Surveyor-General, Zimbabwe signed by them and dated 19th December, 1963, which Maps are numbered:

DCS 1953 1/50,000 1530 SW1.
DCS 1953 1/50,000 1530 SW2.
DCS 1949 Preliminary 1/50,000 1529 SE1.
DCS 1950 Preliminary 1/50,000 1529 SE2.
DCS 1950 Preliminary 1/50,000 1529 SW2.
Federal Surveys 1961 1/50,000 1528 D4.
Federal Surveys 1959 1/50,000 1529 C3.
Federal Surveys 1959 1/50,000 1529 C4.
Federal Surveys 1959 1/50,000 1628 B2.
Federal Surveys 1961 1/50,000 1628 B4.
Federal Surveys 1960 1/50,000 1628 D2.
Federal Surveys 1959 1/250,000 SE-35-3.
Federal Surveys 1962 1/250,000 SE-35-4.
Federal Surveys 1959 1/250,000 SE-35-7.
Federal Surveys 1961 1/50,000 1726 D4.
Federal Surveys 1961 1/50,000 1727 C3.
Federal Surveys 1962 Preliminary 1/50,000 1826 B1.
Federal Surveys 1959 1/50,000 1826 B2.
Federal Surveys 1961 1/50,000 1725 D4.
Federal Surveys 1963 1/50,000 1726 C3.
Federal Surveys 1963 1/50,000 1726 C4.
Federal Surveys 1963 1/50,000 1726 D3.
Federal Surveys 1959 1/20,000 Tourist street map of Livingstone and the Victoria Falls.
Surveys Northern Rhodesia 1950 1/50,000 1725 SE3.
Surveys Northern Rhodesia 1950 1/50,000 1725 SW3 and 4.

REPUBLIC OF ZAMBIA

THE ADMINISTRATION OF JUSTICE ACT

APPENDIX 3

ADMINISTRATION OF JUSTICE ACT, 1920 10 & 11 GEO, 5, C. 81

PART II

RECIPROCAL ENFORCEMENT OF JUDGMENTS IN THE UNITED KINGDOM AND IN OTHER PARTS OF HIS MAJESTY'S DOMINIONS

9. (1) Where a judgment has been obtained in a superior court in any part of His Majesty's dominions outside the United Kingdom to which this Part of this Act extends, the judgment creditor may apply to the High Court in England or Ireland, or to the Court of Session in Scotland, at any time within twelve months after the date of the judgment, or such longer period as may be allowed by the court, to have the judgment registered in the court, and on any such application the court may, if in all the circumstances of the case they think it is just and convenient that the judgment should be enforced in the United Kingdom, and subject to the provisions of this section, order the judgment to be registered accordingly.

Enforcement in the United Kingdom of judgments obtained in superior courts in other British dominions

(2) No judgment shall be ordered to be registered under this section if-

(a) the original court acted without jurisdiction; or

(b) the judgment debtor, being a person who was neither carrying on business nor ordinarily resident within the jurisdiction of the original court, did not voluntarily appear or otherwise submit or agree to submit to the jurisdiction of that court; or

(c) the judgment debtor, being the defendant in the proceedings, was not duly served with the process of the original court and did not appear, notwithstanding that he was ordinarily resident or was carrying on business within the jurisdiction of that court or agreed to submit to the jurisdiction of that court; or

(d) the judgment was obtained by fraud; or

(e) the judgment debtor satisfies the registering court either that an appeal is pending, or that he is entitled and intends to appeal, against the judgment; or

(f) the judgment was in respect of a cause of action which for reasons of public policy or for some other similar reason could not have been entertained by the registering court.

(3) Where a judgment is registered under this section-

(a) the judgment shall, as from the date of registration, be of the same force and effect, and proceedings may be taken thereon, as if it had been a judgment originally obtained or entered up on the date of registration in the registering court;

(b) the registering court shall have the same control and jurisdiction over the judgment as it has over similar judgments given by itself, but in so far only as relates to execution under this section;

(c) the reasonable costs of and incidental to the registration of the judgment (including the costs of obtaining a certified copy thereof from the original court and of the application for registration) shall be recoverable in like manner as if they were sums payable under the judgment.

(4) Rules of court shall provide-

(a) for service on the judgment debtor of notice of the registration of a judgment under this section; and

(b) for enabling the registering court an application by the judgment debtor to set aside the registration of a judgment under this section on such terms as the court thinks fit; and

(c) for suspending the execution of a judgment registered under this section until the expiration of the period during which the judgment debtor may apply to have the registration set aside.

(5) In any action brought in any court in the United Kingdom on any judgment which might be ordered to be registered under this section,

the plaintiff shall not be entitled to recover any costs of the action unless an application to register the judgment under this section has previously been refused or unless the court otherwise orders.

10. Where a judgment has been obtained in the High Court in England or Ireland, or in the Court of Session in Scotland, against any person, the court shall, on an application made by the judgment creditor and on proof that the judgment debtor is resident in some part of His Majesty's dominions outside the United Kingdom to which this Part of this Act extends, issue to the judgment creditor a certified copy of the judgment.

Issue of certificates of judgments obtained in the United Kingdom

11. Provision may be made by rules of court for regulating the practice and procedure (including scales of fees and evidence), in respect of proceedings of any kind under this Part of this Act.

Power to make rules

12. (1) In this Part of this Act, unless the context otherwise requires: Interpretation

the expression "judgment" means any judgment or order given or made by a court in any civil proceedings, whether before or after the passing of this Act, whereby any sum of money is made payable, and includes an award in proceedings on an arbitration if the award has, in pursuance of the law in force in the place where it was made, become enforceable in the same manner as a judgment given by a court in that place;

the expression "original court" in relation to any judgment means the court by which the judgment was given;

the expression "registering court" in relation to any judgment means the court by which the judgment was registered;

the expression "judgment creditor" means the person by whom the judgment was obtained, and includes the successors and assigns of that person;

the expression "judgment debtor" means the person against whom the judgment was given, and includes any person against whom the judgment is enforceable in the place where it was given.

(2) Subject to rules of court, any of the powers conferred by this Part of this Act on any court may be exercised by a judge of the court.

13. His Majesty may by Order in Council declare that this Part of this Act shall apply to any territory which is under His Majesty's

Power to apply Part II of Act to

protection, or in respect of which a mandate is being exercised by the Government of any part of His Majesty's dominions, as if that territory were part of His Majesty's dominions, and on the making of any such Order this Part of this Act shall, subject to the provisions of the Order, have effect accordingly. territories under His Majesty's protection

14. (1) Where His Majesty is satisfied that reciprocal provisions have been made by the legislature of any part of His Majesty's dominions outside the United Kingdom for the enforcement within that part of His dominions of judgments obtained in the High Court in England, the Court of Session in Scotland, and the High Court in Ireland, His Majesty may by Order in Council declare that this Part of this Act shall extend to that part of His dominions, and on any such Order being made this Part of this Act shall extend accordingly. Extent of Part II of Act

(2) An Order in Council under this section may be varied or revoked by a subsequent Order.

ORDER IN COUNCIL APPLYING PART II OF THE
ADMINISTRATION OF JUSTICE ACT, 1920, TO
NORTHERN RHODESIA

AT THE COURT AT BUCKINGHAM PALACE, THE 20TH DAY OF
JUNE, 1922

Present:

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL

WHEREAS by Part II of the Administration of Justice Act, 1920, provision has been made for the reciprocal enforcement of judgments in the United Kingdom and in other parts of His Majesty's dominions:

AND WHEREAS by the said Act it is amongst other things provided that where His Majesty is satisfied that reciprocal provisions have been made by the Legislature of any part of His Majesty's dominions outside the United Kingdom for the enforcement within that part of His dominions of judgments obtained in the High Court in England, the Court of Session in Scotland, and the High Court in Ireland, His Majesty may by Order in Council declare that the said Part of that Act shall extend to that part of His dominions and that on any such Order being made the said Part of that Act shall extend accordingly:

AND WHEREAS by the said Act it is further provided that His

Majesty may by Order in Council declare that the said Part of that Act shall apply to any territory which is under His Majesty's protection, or in respect of which a mandate is being exercised by the Government of any part of His Majesty's dominions, as if that territory were part of His Majesty's dominions, and that on the making of any such Order the said Part of that Act shall, subject to the provisions of the Order, have effect accordingly:

AND WHEREAS His Majesty is satisfied that the Legislatures of the territories which are under His Majesty's protection hereinafter mentioned have made reciprocal provisions for the enforcement within those territories of judgments obtained in the High Court in England, the Court of Session in Scotland, and the High Court in Ireland:

NOW, THEREFORE, His Majesty, by virtue and in exercise of the powers by the above-recited Act in His Majesty vested, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:

Part II of the Administration of Justice Act, 1920, shall extend to the territories under His Majesty's protection hereunder mentioned:

Northern Rhodesia.

Uganda Protectorate.

And the Right Honourable Winston Spencer Churchill, one of His Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

ALMERIC FITZROY

COLONIAL PROBATES ACT, 1892

55 VICT. C. 6

AN ACT TO PROVIDE FOR THE RECOGNITION IN THE UNITED KINGDOM OF PROBATES AND LETTERS OF ADMINISTRATION GRANTED IN BRITISH POSSESSIONS

[20th May, 1892]

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. Her Majesty the Queen may, on being satisfied that the legislature of any British possession has made adequate provision for the recognition in that possession of probates and letters of administration granted by the courts of the United Kingdom, direct by Order in Council that this Act shall, subject to any exceptions and modifications specified in the Order, apply to that possession, and thereupon, while the Order is in force, this Act shall apply accordingly. Application of Act by Order in Council

2. (1) Where a court of probate in a British possession to which this Act applies has granted probate or letters of administration in respect of the estate of a deceased person, the probate or letters so granted may, on being produced to, and a copy thereof deposited with, a court of probate in the United Kingdom, be sealed with the seal of that court, and, thereupon, shall be of the like force and effect, and have the same operation in the United Kingdom, as if granted by that court. Sealing in United Kingdom of colonial probates and letters of administration

- (2) Provided that the court shall, before sealing a probate or letters of administration under this section, be satisfied-

- (a) that probate duty has been paid in respect of so much (if any) of the estate as is liable to probate duty in the United Kingdom; and

- (b) in the case of letters of administration, that security has been given in a sum sufficient in amount to cover the property (if any) in the United Kingdom to which the letters of administration relate; and may require such evidence, if any, as it thinks fit as to the domicile of the deceased person.

- (3) The court may also, if it thinks fit, on the application of any creditor, require, before sealing, that adequate security be given for the payment of debts due from the estate to creditors residing in the United Kingdom.

- (4) For the purposes of this section, a duplicate of any probate or

letters of administration sealed with the seal of the court granting the same, or a copy thereof certified as correct by or under the authority of the court granting the same, shall have the same effect as the original.

(5) Rules of court may be made for regulating the procedure and practice, including fees and costs, in courts of the United Kingdom, on and incidental to an application for sealing a probate or letters of administration granted in a British possession to which this Act applies. Such rules shall, so far as they relate to probate duty, be made with the consent of the Treasury, and subject to any exceptions and modifications made by such rules, the enactments for the time being in force in relation to probate duty (including the penal provisions thereof) shall apply as if the person who applies for sealing under this section were a person applying for probate or letters of administration.

3. This Act shall extend to authorise the sealing in the United Kingdom of any probate or letters of administration granted by a British court in a foreign country, in like manner as it authorises the sealing of a probate or letters of administration granted in a British possession to which this Act applies, and the provisions of this Act shall apply accordingly with the necessary modifications.

Application of Act to British courts in foreign countries

4. (1) Every Order in Council made under this Act shall be laid before both Houses of Parliament as soon as may be after it is made, and shall be published under the authority of Her Majesty's Stationery Office.

Orders in Council

(2) Her Majesty the Queen in Council may revoke or alter any Order in Council previously made under this Act.

(3) Where it appears to Her Majesty in Council that the legislature of part of a British possession has power to make the provision requisite for bringing this Act into operation in that part, it shall be lawful for Her Majesty to direct by Order in Council that this Act shall apply to that part as if it were a separate British possession, and thereupon, while the Order is in force, this Act shall apply accordingly.

5. This Act when applied by an Order in Council to a British possession shall, subject to the provisions of the Order, apply to probates and letters of administration granted in that possession either

Application of Act to probates, etc., already

before or after the passing of this Act.

granted

6. In this Act-

Interpretation

the expression "court of probate" means any court or authority, by whatever name designated, having jurisdiction in matters of probate, and in Scotland means the sheriff court of the county of Edinburgh;

the expressions "probate" and "letters of administration" include confirmation in Scotland, and any instrument having in a British possession the same effect which under English law is given to probate and letters of administration respectively;

the expression "probate duty" includes any duty payable on the value of the estate and effects for which probate or letters of administration is or are granted;

the expression "British court in a foreign country" means any British court having jurisdiction out of the Queen's dominions in pursuance of an Order in Council, whether made under any Act or otherwise.

7. This Act may be cited as the Colonial Probates Act, 1892.

Short title

COLONIAL PROBATES (PROTECTED STATES AND MANDATED TERRITORIES) ACT, 1927

17 & 18 GEO. 5, C. 43.

AN ACT TO ENABLE THE COLONIAL PROBATES ACT, 1892, TO BE APPLIED TO CERTAIN PROTECTED STATES AND MANDATED TERRITORIES

[22nd December, 1927]

BE it enacted by the King'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. The power of His Majesty to apply the Colonial Probates Act, 1892, to British possessions shall include a power to apply the said Act to any territories, being either territories under His Majesty's protection or territories in respect of which a mandate on behalf of the League of Nations has been accepted by His Majesty, to which it cannot be applied by virtue of the provisions of the Foreign Jurisdiction Acts, 1890 and 1913, and the said Act shall accordingly have effect as if references therein to British possessions included references to such territories as aforesaid. Extension of Colonial Probates Act, 1892, to certain protected states and mandated territories. 55 & 56 Vict. c. 6

2. This Act may be cited as the Colonial Probates (Protected States and Mandated Territories) Act, 1927, and the Colonial Probates Act, 1892, and this Act may be cited together as the Colonial Probates Acts, 1892 and 1927. Short title

RULES UNDER COLONIAL PROBATES ACT, 1892

By virtue and in pursuance of the provisions of the Statutes 20 & 21 Vict. c. 77, 38 & 39 Vict. c. 77, and 55 Vict. c. 6, I, the Right Honourable Sir Francis Henry Jeune, Knight, President of the Probate, Divorce and Admiralty Division of the High Court of Justice, with the concurrence of the Right Honourable Farrer Baron Herschell, Lord High Chancellor of Great Britain, and of the Right Honourable John Duke Baron Coleridge, Lord Chief Justice of England, do make and issue the following additional rules and orders for the Registrars of the Principal Probate Registry in respect of non-contentious business.

Dated the 7th day of December, 1892.

(Signed) F. H. JEUNE, *P.*

Approved:

(Signed) HERSCHELL, C.

COLERIDGE, C. J.

FOR THE REGISTRARS OF THE PRINCIPAL PROBATE
REGISTRY IN NON-CONTENTIOUS BUSINESS FOR CARRYING
OUT THE PROVISIONS OF THE COLONIAL PROBATES ACT,
1892

- 92.** Application to seal a grant of Probate or Letters of Administration, or copy thereof, under the Colonial Probates Act, 1892, may be made in the Principal Probate Registry by the executor or administrator or the attorney (lawfully authorised for the purpose) of such executor or administrator, either in person or through a solicitor.
- 93.** Such application must be accompanied by an oath of the executor, administrator, or attorney, in the form in the Appendix, or as nearly thereto as the circumstances of the case will allow.
- 94.** The Registrars are to be satisfied that notice of such application has been duly advertised. (Form of advertisement in Appendix.)
- 95.** On application to seal Letters of Administration the administrator or his attorney shall give bond (in the form set out in the Appendix) to cover the personal estate of the deceased within the jurisdiction of the Court. The same practice as to sureties and amount of penalty in bond is to be observed as on application for Letters of Administration.
- 96.** Application by a creditor under section 2, subsection (3), of the Colonial Probates Act is to be made by summons before one of the Registrars, supported by an affidavit setting out particulars of the claim.
- 97.** In every case, and especially when the domicile of the deceased at the time of death as sworn to in the affidavit differs from that suggested by the description in the grant, the Registrars may require further evidence as to domicile.
- 98.** If it should appear that the deceased was not at the time of death domiciled within the jurisdiction of the Court from which the grant issued, the seal is not to be affixed unless the grant is such as would have been made by the High Court of Justice in England.
- 99.** The grant (or copy grant) to be sealed and the copy to be deposited in the Registry must include copies of all testamentary papers admitted to Probate.

100. When the application to seal a Probate or Letters of Administration is made after the lapse of three years from the death of the deceased, the reason of the delay is to be certified to the Registrars. Should the certificate be unsatisfactory the Registrars are to require such proof of the alleged cause of delay as they may think fit.

101. Special or limited or temporary grants are not to be sealed without an order of one of the Registrars.

102. Notice of the sealing in England of a grant is to be sent to the Court from which the grant is issued.

103. When intimation has been received of the re-sealing of an English grant, notice of the revocation of, or any alteration in such grant is to be sent to the Court by whose authority such grant was re-sealed.

104. The affidavit for Inland Revenue pursuant to the Customs and Inland Revenue Acts, 1880 and 1881, shall be transmitted to the Commissioners of Inland Revenue as if the person who applied for sealing under the Colonial Probates Act, 1892, were a person applying for Probate or Letters of Administration.

105. The affidavit for Inland Revenue and accounts and schedules forming part thereof, shall be in such form as may be prescribed by the Commissioners of Her Majesty's Treasury.

[NOTE.-The affidavit to be used will in fact be Form A with some few modifications to suit the circumstances.]

APPENDIX

FORMS (COLONIAL PROBATES ACT, 1982)

Oath

In the High Court of Justice, Probate, Divorce and Admiralty Division (Probate).

In the goods of A.B., deceased.

I, *C.D.*, [or *E.F.*], of

make oath and say:

1. That a Grant of Probate of the will [*or* Letters of Administration of the personal estate] of *A.B.*, late of _____ deceased, was granted to me [*or C.D.*] by the _____ Court at _____ on the day of _____

2. That the said deceased was at the time of his death domiciled at _____, [*the following words to be struck out if inapplicable*] within the jurisdiction of the said Court.

3. That the notice hereunder annexed was inserted in the *Times* newspaper on the _____ day of _____.

4. That I am the attorney lawfully appointed of *C.D.* under his hand and seal, and am duly authorised to apply to this Court for the sealing of the said grant. [*This paragraph to be struck out if inapplicable.*]

5. That the value of the personal estate in England amounts in value to the sum of _____ and no more, to the best of my knowledge, information and belief.

Sworn, etc.

Advertisement

A.B., deceased.

Notice is hereby given that after the expiration of eight days, application will be made in the Principal Probate Registry of the High Court of Justice for the sealing of the probate of the will (*or* Letters of Administration on the personal estate) of *A.B.*, late of _____, deceased, granted by the _____ Court at _____ on the _____ day of 18 _____.

Solicitors for

[*To be advertised in the "Times" newspaper unless otherwise directed by one of the Registrars.*]

Administration Bond (with or without Will)

Know all men by these presents, that we, *A.B.*, of _____, *C.D.*, of _____ and *E.F.*, of _____ are jointly and severally bound unto *G.H.*, the President of the Probate, Divorce, and Admiralty Division of Her Majesty's High Court of Justice, in the sum of _____ pounds, of good and lawful money of Great Britain, to be paid to the said *G.H.*, or to the President of the said Division for the time being, for which payment well and truly to be made we bind ourselves and each of us, for the whole, our heirs, executors, and administrators, firmly by these presents.

Sealed with our seals.

Dated the _____ day of _____ in the year of our Lord One thousand eight hundred and ninety _____

The condition of this obligation is such, that if the above-named *A.B.*, the administrator (with the will dated the _____ day of _____ annexed) by authority of the _____ Court at _____, acting under Letters of Administration granted to _____ on the _____ day of _____, and now about to be sealed in England under the Colonial Probates Act, 1892, of the personal estate of *K.L.*, late of _____ deceased, who died on the _____ day of _____, 18_____, do, when lawfully called on in that behalf, make, or cause to be made, true and perfect inventory of the personal estate of the said deceased in England which has or shall come to _____ hands, possession or knowledge, or into the hands and possession of any other person for _____, and the same so made do exhibit, or cause to be exhibited into the Principal Probate Registry of Her Majesty's High Court of Justice, whenever required by law so to do, and the same personal estate do well and truly administer according to law; and further do make, or cause to be made, a true and just account of _____ said administration, whenever required by law so to do, then this obligation to be void and of none effect, or else to remain in full force and virtue.

Signed, Sealed, and Delivered by
the within-named

in the presence of }
A Commissioner for Oaths.

Administration Bond (*with or without Will*) on application by Attorney

Know all men by these presents, that we, *A.B.*, of _____, *C.D.*, of _____ and *E.F.*, of _____, are jointly and severally bound unto *G.H.*, the President of the Probate, Divorce, and Admiralty Division of Her Majesty's High Court of Justice, in the sum of _____ pounds, of good and lawful money of Great Britain, to be paid to the said *G.H.*, or to the President of the said Division for the time being, for which payment well and truly to be made we bind ourselves and each of us, for the whole, our heirs, executors, and administrators, firmly by these presents.

Sealed with our seals.

Dated the _____ day of _____ in the year of our Lord One thousand eight hundred and ninety.

The condition of this obligation is such, that if *K.L.*, of _____, the administrator (with the will dated the _____ day of _____, annexed), by authority of the _____ Court at _____, acting under Letters of Administration granted to _____ on the _____ day of _____, and now about to be sealed in England under the Colonial Probates Act, 1892, of the personal estate of *M.N.*, late of _____ deceased, who died on the _____ day of _____, 18_____

, do, when lawfully called on in that behalf, make, or cause to be made, a true and perfect inventory of the personal estate of the said deceased in England which has or shall come to hands, possession, or knowledge, or into the hands and possession of any other person for , and the same so made do exhibit, or cause to be exhibited, into the Principal Probate Registry of Her Majesty's High Court of Justice, whenever required by law so to do, and the same personal estate do well and truly administer according to law; and further do make, or cause to be made, a true and just account of

said administration, whenever required by law so to do, then this obligation to be void and of none effect, or else to remain in full force and virtue.

Signed, Sealed, and Delivered by
the within-named

in the presence of }

A Commissioner for Oaths.

ORDER IN COUNCIL APPLYING THE COLONIAL PROBATES ACT, 1892, TO NORTHERN RHODESIA

AT THE COURT AT BUCKINGHAM PALACE, THE 6TH DAY OF NOVEMBER, 1916

Present:

THE KING'S MOST EXCELLENT MAJESTY

LORD PRESIDENT

LORD STEWARD

EARL OF DESART
COLEBROOKE

LORD

WHEREAS by the Foreign Jurisdiction Acts, 1890 and 1913, it is, amongst other things, provided that it shall be lawful for His Majesty in Council by Order to direct that the Colonial Probates Act, 1892, shall extend, with or without any exceptions, adaptations, or modifications, in the Order mentioned, to any foreign country in which for the time being His Majesty has jurisdiction and that thereupon the said Act shall, to the extent of that jurisdiction, operate as if that country were a British possession, and as if His Majesty in Council were the Legislature of that possession:

AND WHEREAS by Treaty, grant, usage, sufferance, and other lawful means, His Majesty the King has power and jurisdiction in the East Africa Protectorate, the Bechuanaland Protectorate, Northern Rhodesia, Southern Rhodesia, Swaziland and Weihaiwei:

AND WHEREAS His Majesty the King is satisfied that the Legislatures of the said Protectorates have made adequate provision for the recognition therein respectively of Probates and Letters of Administration granted by the Courts of the United Kingdom:

AND WHEREAS it is expedient that the Colonial Probates Act, 1892, should be extended to the said Protectorates:

NOW THEREFORE His Majesty, by virtue and in exercise of the powers in this behalf by the Foreign Jurisdiction Acts, 1890 and 1913, or otherwise in His Majesty vested, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered as follows:

1. "The Colonial Probates Act, 1892" shall from the date of this Order apply to the East Africa Protectorate, the Bechuanaland Protectorate, Northern Rhodesia, Southern Rhodesia, Swaziland, and Weihaiwei, as though each of the said Protectorates were a British possession within the meaning of the said Act.
2. The Order of His late Majesty King Edward VII in Council, bearing date the 28th day of July, 1906, and declaring that the Colonial Probates Act, 1892, shall extend to authorise the sealing in the United Kingdom of Probates or Letters of Administration granted by the High Court of Southern Rhodesia, shall be and the same is hereby revoked, without prejudice to anything lawfully done thereunder.

And the Right Honourable Andrew Bonar Law, His Majesty's Principal Secretary of State for the Colonies, is to give the necessary directions herein accordingly.

ALMERIC FITZROY

**ORDER IN COUNCIL APPLYING TO NORTHERN RHODESIA
SECTION 1 OF THE MARRIAGE OF BRITISH SUBJECTS
(FACILITIES) ACT, 1915**

**AT THE COURT AT BUCKINGHAM PALACE, THE 28TH DAY
OF
MARCH, 1919
Present:**

THE KING'S MOST EXCELLENT MAJESTY

LORD PRESIDENT
INNES

SIR JAMES ROSE

LORD CHAMBERLAIN
SCHREINER

MR. W. P.

LORD JUSTICE ATKIN

Whereas by section 1 of the Marriage of British Subjects (Facilities) Act, 1915, it is (amongst other things) enacted as follows:

"Where His Majesty is satisfied that the law in force in any part of His Majesty's dominions outside the United Kingdom makes due provision for the publication of banns or for the giving of notice in respect of marriages between British subjects intended to be solemnised or contracted in the United Kingdom, and for the recognition of certificates for marriage issued by Superintendent Registrars in England and of certificates for marriage issued by Registrars, and certificates of proclamation of banns, in Scotland, and of certificates for marriage issued by Registrars in Ireland as sufficient notice in respect of marriages between British subjects intended to be solemnised or contracted in that part of His Majesty's dominions, His Majesty may, by Order in Council, declare that this section shall apply to that part of His dominions, and in such case:

"(a) Where a marriage is intended to be solemnised or contracted in the United Kingdom between a British subject resident in England, Scotland, or Ireland and a British subject resident in that part of His Majesty's dominions, a certificate of the publication of banns or a certificate of notice of marriage issued in accordance with such law shall in England have the same effect as a certificate for marriage issued by a Superintendent Registrar, and in Scotland and Ireland have the same effect as a certificate for marriage issued by a Registrar in Scotland and Ireland respectively; and

"(b) Where a marriage is intended to be solemnised or contracted in that part of His Majesty's dominions between a British subject resident in that part and a British subject resident in England, Scotland, or Ireland, a certificate for marriage may be issued in England by a

Superintendent Registrar, or in Scotland or Ireland by a Registrar, in the like manner as if the marriage was to be solemnised or contracted under circumstances requiring the issue of such a certificate, and as if both such British subjects were resident in England, Scotland, or Ireland, as the case may be:"

AND WHEREAS by section 1 of the Marriage of British Subjects (Facilities) Amendment Act, 1916, it is enacted as follows:

"If His Majesty is satisfied that, for the purposes of a marriage to be solemnised or contracted in any part of His dominions outside the United Kingdom between a British subject resident in that part and a British subject resident in England, Scotland, or Ireland, no notice of the marriage is, under the law in force in that part of His dominions, required on the part of the person resident in England, Scotland, or Ireland, His Majesty may, by Order in Council, declare that section 1 of the Marriage of British Subjects (Facilities) Act, 1915, shall apply to that part of His dominions, notwithstanding that the law in force in that part does not make provision for the recognition of certificates for marriage issued in England, Scotland, and Ireland, and of certificates of proclamation of banns issued in Scotland, as sufficient notice in respect of such marriages as aforesaid, provided that the other conditions required by that section are fulfilled:"

AND WHEREAS by section 2 of the first hereinbefore recited Act it is enacted that His Majesty may, by Order in Council, extend the said Act to any British protectorate, and on the making of any such Order the said Act shall, subject to the provisions of the Order, have effect as if the protectorate were part of His Majesty's dominions:

AND WHEREAS His Majesty is satisfied that, for the purposes of a marriage to be solemnised or contracted in the British protectorate hereinafter mentioned between a British subject resident therein and a British subject resident in England, Scotland, or Ireland, no notice of the marriage is under the law in force in that protectorate required on the part of the person resident in England, Scotland, or Ireland, and that under the said law the other conditions required by the hereinbefore recited section 1 of the Marriage of British Subjects (Facilities) Act, 1915, are fulfilled:

NOW, THEREFORE, His Majesty, by virtue and in exercise of the powers by the above-recited Acts in His Majesty vested, is pleased, by

and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:

Section 1 of the Marriage of British Subjects (Facilities) Act, 1915, shall apply to the British Protectorate hereunder mentioned:

Northern Rhodesia.

And the Right Honourable Viscount Milner, one of His Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

ALMERIC FITZROY

ARBITRATION (FOREIGN AWARDS) ACT, 1930

20 GEO. 5, C. 15

AN ACT TO GIVE EFFECT TO A CERTAIN CONVENTION ON THE EXECUTION OF ARBITRAL AWARDS AND TO AMEND SUBSECTION (1) OF SECTION 1 OF THE ARBITRATION CLAUSES (PROTOCOL) ACT, 1924

[6th February, 1930]

BE it enacted by the King'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:

PART I

ENFORCEMENT OF FOREIGN ARBITRAL AWARDS

WHEREAS a Convention, set out in the Schedule to this Act, on the Execution of Arbitral Awards was on the twenty-sixth day of September, nineteen hundred and twenty-seven, signed at Geneva on

behalf of His Majesty:

AND WHEREAS it is expedient that such provisions should be enacted by Parliament as will enable the said Convention to become operative in the United Kingdom:

NOW, THEREFORE, be it enacted as follows:

- 1.** (1) This Part of this Act applies to any award made after the twenty-eighth day of July, nineteen hundred and twenty-four- Application of Part I
- (a) in pursuance of an agreement for arbitration to which the protocol set out in the Schedule to the Arbitration Clauses (Protocol) Act, 1924, applies; and
- (b) between persons of whom one is subject to the jurisdiction of some one of such Powers as His Majesty, being satisfied that reciprocal provisions have been made, may by Order in Council declare to be parties to the said Convention, and of whom the other is subject to the jurisdiction of some other of the Powers aforesaid; and 14 & 15 Geo, 5, c. 39
- (c) in one of such territories as His Majesty, being satisfied that reciprocal provisions have been made, may by Order in Council declare to be territories to which the said Convention applies;
- and an award to which this Part of this Act applies is in this Act referred to as "a foreign award".
- (2) His Majesty may by a subsequent Order in Council vary or revoke any Order previously made under this section.

- 2.** (1) A foreign award shall, subject to the provisions of this Part of this Act, be enforceable in England either by action or under the provisions of section 12 of the Arbitration Act, 1889. Effect of foreign awards. 52 & 53 Vict. c. 49

(2) Any foreign award which would be enforceable under this Part of this Act shall be treated as binding for all purposes on the persons as between whom it was made, and may accordingly be relied on by any of those persons by way of defence, set off or otherwise in any legal

proceedings in England, and any references in this Part of this Act to enforcing a foreign award shall be construed as including references to relying on an award.

3. (1) In order that a foreign award may be enforceable under this Part of this Act it must have-

Conditions for enforcement of foreign awards

(a) been made in pursuance of an agreement for arbitration which was valid under the law by which it was governed;

(b) been made by the tribunal provided for in the agreement or constituted in manner agreed upon by the parties;

(c) been made in conformity with the law governing the arbitration procedure;

(d) become final in the country in which it was made;

(e) been in respect of a matter which may lawfully be referred to arbitration under the law of England;

and the enforcement thereof must not be contrary to the public policy or the law of England.

(2) Subject to the provisions of this subsection, a foreign award shall not be enforceable under this Part of this Act if the court dealing with the case is satisfied that-

(a) the award has been annulled in the country in which it was made; or

(b) the party against whom it is sought to enforce the award was not given notice of the arbitration proceedings in sufficient time to enable him to present his case, or was under some legal incapacity and was not properly represented; or

(c) the award does not deal with all the questions referred or contains decisions on matters beyond the scope of the agreement for arbitration:

Provided that, if the award does not deal with all the questions referred, the court may, if it thinks fit, either postpone the enforcement of the award or order its enforcement subject to the giving of such security by the person seeking to enforce it as the court may think fit.

(3) If a party seeking to resist the enforcement of a foreign award proves that there is any ground other than the non-existence of the conditions specified in paragraphs (a), (b) and (c) of subsection (1) of this section, or the existence of the conditions specified in paragraphs (b) and (c) of subsection (2) of this section, entitling him to contest the validity of the award, the court may, if it thinks fit, either refuse to enforce the award or adjourn the hearing until after the expiration of such period as appears to the court to be reasonably sufficient to enable that party to take the necessary steps to have the award annulled by the competent tribunal.

4. (1) The party seeking to enforce a foreign award must produce- Evidence

(a) the original award or a copy thereof duly authenticated in manner required by the law of the country in which it was made; and

(b) evidence proving that the award has become final; and

(c) such evidence as may be necessary to prove that the award is a foreign award and that the conditions mentioned in paragraphs (a), (b) and (c) of subsection (1) of the last foregoing section are satisfied.

(2) In any case where any document required to be produced under subsection (1) of this section is in a foreign language, it shall be the duty of the party seeking to enforce the award to produce a translation certified as correct by a diplomatic or consular agent of the country to which that party belongs, or certified as correct in such other manner as may be sufficient according to the law of England.

(3) Subject to the provisions of this section, rules of court may be made under section 99 of the Supreme Court of Judicature (Consolidation) Act, 1925, with respect to the evidence which must be furnished by a party seeking to enforce an award under this Part of this Act. 15 & 16 Geo. 5, c. 49

5. For the purposes of this Part of this Act, an award shall not be deemed final if any proceedings for the purpose of contesting the validity of the award are pending in the country in which it was made.

Meaning of "final award"

6. Nothing in this Part of this Act shall-

Saving

(a) prejudice any rights which any person would have had of enforcing in England any award or of availing himself in England of any award if this Part of this Act had not been enacted; or

(b) apply to any award made on an arbitration agreement governed by the law of England.

7. (1) In the application of this Part of this Act to Scotland, the following modifications shall be made:

Application to Scotland and Northern Ireland

(a) For the references to England there shall be substituted references to Scotland;

(b) The following shall be substituted for subsection (1) of section 2:

(1) A foreign award shall, subject to the provisions of this Part of this Act, be enforceable by action, or if the agreement for arbitration contains consent to the registration of the award in the Books of Council and Session for execution and the award is so registered, it shall, subject as aforesaid, be enforceable by summary diligence;"

(c) The following shall be substituted for subsection (3) of section 4:

(3) The Court of Session shall, subject to the provisions of this section, have power to make rules by Act of Sederunt with respect to the evidence which must be furnished by a party seeking to enforce in Scotland an award under this Part of this Act."

(2) In the application of this Part of this Act to Northern Ireland, the following modifications shall be made:

(a) For the references to England there shall be substituted references to Northern Ireland;

(b) The following shall be substituted for subsection (1) of section 2:

(1) A foreign award shall, subject to the provisions of this Part of this Act, be enforceable either by action or in the same manner as the award of an arbitrator under the provisions of the Common Law Procedure Amendment Act (Ireland), 1856;" 19 & 20 Vict. c. 102

(c) For the reference to section 99 of the Supreme Court of Judicature (Consolidation) Act, 1925, there shall be substituted a reference to section 61 of the Supreme Court of Judicature (Ireland) Act, 1877, as amended by any subsequent enactment. 40 & 41 Vict. c. 57

PART II

AMENDMENT OF ARBITRATION CLAUSES (PROTOCOL) ACT, 1924, AND SHORT TITLE

8. Section 1 of the Arbitration Clauses (Protocol) Act, 1924 (which provides for the staying of legal proceedings in a court in respect of matters to be referred to arbitration under agreements to which the Protocol applies), shall have effect as though in subsection (1) thereof after the words "unless satisfied that the agreement or arbitration has become inoperative or cannot proceed" there were inserted the words "or that there is not in fact any dispute between the parties with regard to the matter agreed to be referred". Amendment of s. 1 of 14 & 15 Geo. 5, c. 39

9. This Act may be cited as the Arbitration (Foreign Awards) Act, 1930. Short title

SCHEDULE

CONVENTION ON THE EXECUTION OF FOREIGN ARBITRAL AWARDS

ARTICLE 1

In the territories of any High Contracting Party to which the present Convention applies, an

arbitral award made in pursuance of an agreement, whether relating to existing or future differences (hereinafter called "a submission to arbitration") covered by the Protocol on Arbitration Clauses, opened at Geneva on September 24th, 1923, shall be recognised as binding and shall be enforced in accordance with the rules of the procedure of the territory where the award is relied upon, provided that the said award has been made in a territory of one of the High Contracting Parties to which the present Convention applies and between persons who are subject to the jurisdiction of one of the High Contracting Parties.

To obtain such recognition or enforcement, it shall, further, be necessary:

- (a) That the award has been made in pursuance of a submission to arbitration which is valid under the law applicable thereto;
- (b) That the subject-matter of the award is capable of settlement by arbitration under the law of the country in which the award is sought to be relied upon;
- (c) That the award has been made by the Arbitral Tribunal provided for in the submission to arbitration or constituted in the manner agreed upon by the parties and in conformity with the law governing the arbitration procedure;
- (d) That the award has become final in the country in which it has been made, in the sense that it will not be considered as such if it is open to *opposition*, *appeal* or *pourvoi en cassation* (in the countries where such forms of procedure exist) or if it is proved that any proceedings for the purpose of contesting the validity of the award are pending;
- (e) That the recognition or enforcement of the award is not contrary to the public policy or to the principles of the law of the country in which it is sought to be relied upon.

ARTICLE 2

Even if the conditions laid down in Article 1 hereof are fulfilled, recognition and enforcement of the award shall be refused if the Court is satisfied:

- (a) That the award has been annulled in the country in which it was made;
- (b) That the party against whom it is sought to use the award was not given notice of the arbitration proceedings in sufficient time to enable him to present his case; or that, being under a legal incapacity, he was not properly represented;
- (c) That the award does not deal with the differences contemplated by or falling within the terms of the submission to arbitration or that it contains decisions on matters beyond the scope of the submission to arbitration.

If the award has not covered all the questions submitted to the arbitral tribunal, the competent authority of the country where recognition or enforcement of the award is sought can, if it thinks fit, postpone such recognition or enforcement or grant it subject to such guarantee as that authority may decide.

ARTICLE 3

If the party against whom the award has been made proves that, under the law governing the arbitration procedure, there is a ground, other than the grounds referred to in Article 1 (a)

and (c), and Article 2 (b) and (c), entitling him to contest the validity of the award in a Court of Law, the Court may, if it thinks fit, either refuse recognition or enforcement of the award or adjourn the consideration thereof, giving such party a reasonable time within which to have the award annulled by the competent tribunal.

ARTICLE 4

The party relying upon an award or claiming its enforcement must supply, in particular:

- (1) The original award or a copy thereof duly authenticated, according to the requirements of the law of the country in which it was made;
- (2) Documentary or other evidence to prove that the award has become final, in the sense defined in Article 1 (d), in the country in which it was made;
- (3) When necessary, documentary or other evidence to prove that the conditions laid down in Article 1, paragraph 1 and paragraph 2 (a) and (c), have been fulfilled.

A translation of the award and of the other documents mentioned in this Article into the official language of the country where the award is sought to be relied upon may be demanded. Such translation must be certified correct by a diplomatic or consular agent of the country to which the party who seeks to rely upon the award belongs or by a sworn translator of the country where the award is sought to be relied upon.

ARTICLE 5

The provisions of the above Articles shall not deprive any interested party of the right of availing himself of an arbitral award in the manner and to the extent allowed by the law or the treaties of the country where such award is sought to be relied upon.

ARTICLE 6

The present Convention applies only to arbitral awards made after the coming into force of the Protocol on Arbitration Clauses, opened at Geneva on September 24th, 1923.

ARTICLE 7

The present Convention, which will remain open to the signature of all the signatories of the Protocol of 1923 on Arbitration Clauses, shall be ratified.

It may be ratified only on behalf of those Members of the League of Nations and non-Member States on whose behalf the Protocol of 1923 shall have been ratified.

Ratifications shall be deposited as soon as possible with the Secretary-General of the League of Nations, who will notify such deposit to all the signatories.

ARTICLE 8

The present Convention shall come into force three months after it shall have been ratified on behalf of two High Contracting Parties. Thereafter, it shall take effect, in the case of each High Contracting Party, three months after the deposit of the ratification on its behalf with the Secretary-General of the League of Nations.

ARTICLE 9

The present Convention may be denounced on behalf of any Member of the League or non-Member State. Denunciation shall be notified in writing to the Secretary-General of the League of Nations, who will immediately send a copy thereof, certified to be in conformity with the notification, to all the other Contracting Parties, at the same time informing them of the date on which he received it.

The denunciation shall come into force only in respect of the High Contracting Party which shall have notified it and one year after such notification shall have reached the Secretary-General of the League of Nations.

The denunciation of the Protocol on Arbitration Clauses shall entail, *ipso facto*, the denunciation of the present Convention.

ARTICLE 10

The present Convention does not apply to the Colonies, Protectorates or territories under suzerainty or mandate of any High Contracting Party unless they are specially mentioned.

The application of this Convention to one or more of such Colonies, Protectorates or territories to which the Protocol on Arbitration Clauses, opened at Geneva on September 24th, 1923, applies, can be effected at any time by means of a declaration addressed to the Secretary-General of the League of Nations by one of the High Contracting Parties.

Such declaration shall take effect three months after the deposit thereof.

The High Contracting Parties can at any time denounce the Convention for all or any of the Colonies, Protectorates or territories referred to above. Article 9 hereof applies to such denunciation.

ARTICLE 11

A certified copy of the present Convention shall be transmitted by the Secretary-General of the League of Nations to every Member of the League of Nations and to every non-Member State which signs the same.

**THE ARBITRATION (FOREIGN AWARDS) NO. 3
ORDER, 1931**

**AT THE COURT AT BUCKINGHAM PALACE, THE
7TH DAY OF
OCTOBER, 1931**

Present:

**THE KING'S MOST EXCELLENT MAJESTY IN
COUNCIL**

WHEREAS a Convention on the Execution of Arbitral Awards was, on the twenty-sixth day of September, nineteen hundred and twenty-seven, signed at Geneva on behalf of His Majesty:

AND WHEREAS by subsection (1) of section 1 of the Arbitration (Foreign Awards) Act, 1930, it is provided that Part I of that Act applies to any award made after the twenty-eighth day of July, nineteen hundred and twenty-four-

- (a) in pursuance of an agreement for arbitration to which the protocol set out in the Schedule to the Arbitration Clauses (Protocol) Act, 1924, applies; and
- (b) between persons of whom one is subject to the jurisdiction of some one of such Powers as His Majesty, being satisfied that reciprocal provisions have been made, may by Order in Council declare to be parties to the said Convention and of whom the other is subject to the jurisdiction of some other of the Powers aforesaid; and
- (c) in one of such territories as His Majesty, being satisfied that reciprocal provisions have been made, may by Order in Council declare to be territories to which the said Convention applies:

AND WHEREAS His Majesty is satisfied that reciprocal provisions have been made as aforesaid by the Foreign Powers set out in the first column of Part II of the Schedule to this Order and as respects the territories belonging to such Powers set out in the second column of that Part:

NOW, THEREFORE, His Majesty, by and with the advice of the Privy Council, in pursuance of the powers conferred upon Him by the said Act and of all other powers enabling Him in that behalf, is pleased to declare, and it is hereby declared as follows:

1. The Powers set out in the first column of the Schedule to this Order are parties to the said Convention.

2. The territories set out in the second column of the said Schedule are territories to which the said Convention applies.

3. This Order may be cited as the Arbitration (Foreign Awards) No. 3 Order, 1931, and shall come into force on the 13th day of October, 1931.

M. P. A. HANKEY

SCHEDULE*

First Column	Second Column
Powers parties to the Convention	Territories to which the Convention applies
	Part I
His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India.	Northern Rhodesia. Mauritius.
	Part II
His Majesty the King of Roumania	Roumania.
His Majesty the King of Siam	Siam.

* Other Orders declare parties to the Convention and territories to which the Convention applies as follows:

The Arbitration (Foreign Awards) No. 1 Order, 1930

Powers parties to the Convention	Territories to which the Convention applies
His Britannic Majesty	The United Kingdom of Great Britain and Northern Ireland. The Dominion of New Zealand, including the Mandated Territory of Western Samoa.
His Majesty the King of the Belgians	Belgium.
His Majesty the King of Denmark	Denmark.
The President of the Estonian Republic	Estonia.
His Majesty the King of Spain	Spain.
His Majesty the King of Sweden	Sweden.
	The Arbitration (Foreign Awards) No. 2 Order, 1930
The Federal President of the Austrian Republic	Austria.
His Majesty the King of the Belgians	Belgian Congo. The Mandated Territory of Ruanda-Urundi.
The President of the German Reich	Germany.
H.R.H. The Grand Duchess of Luxemburg	Luxemburg.
The President and Federal Council of the Swiss Confederation	Switzerland.

Note-continued

Powers parties to the Convention	Territories to which the Convention applies
	The Arbitration (Foreign Awards) No. 1 Order, 1931
His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India.	Newfoundland.
His Majesty the King of Italy	Italy.
The President of the Portuguese Republic	Portugal.
	The Arbitration (Foreign Awards) No. 2 Order, 1931
His Majesty the King of Great Britain, and the British Dominions beyond the Seas, Emperor of India.	Bahamas. British Guiana. British Honduras. Falkland Islands.

	Gibraltar.
	Gold Coast:
	(a) Colony.
	(b) Ashanti.
	(c) Northern Territories.
	(d) Togoland under British Mandate.
	Jamaica (including Turks and Caicos Islands and Cayman Islands).
	Kenya.
	Palestine (excluding Trans-Jordan).
	Tanganyika Territory.
	Uganda Protectorate.
	Windward Islands:
	Grenada.
	St. Lucia.
	St. Vincent.
	Zanzibar.
	France.
The President of the French Republic . . .	The Arbitration (Foreign Awards) No. 4 Order, 1931
The President of the Czechoslovak Republic.	Czechoslovakia.
The President of the Finnish Republic . . .	Finland.
Her Majesty the Queen of the Netherlands.	The Netherlands.

**THE COLONIAL AND OTHER TERRITORIES
(DIVORCE JURISDICTION) ORDER IN COUNCIL,
1953**

**AT THE COURT AT BUCKINGHAM PALACE, THE
28TH DAY OF
MAY, 1953**

Present:

THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL

WHEREAS by section 2 of the Indian and Colonial Divorce Jurisdiction Act, 1926, it is enacted that Her Majesty may by Order in Council, provide for applying the provisions of section 1 of the said Act, subject to the necessary modifications, to any part of Her Majesty's dominions other than a self-governing dominion (as therein defined) in like manner as they apply to India, and, in particular, such Order in Council may determine the Court by which the jurisdiction conferred by those provisions is to be exercised:

AND WHEREAS section 1 of the Indian and Colonial Divorce Jurisdiction Act, 1926, was amended by the Indian and Colonial Divorce Jurisdiction Act, 1940:

AND WHEREAS by subsection (4) of section 17 of the Indian Independence Act, 1947, it is enacted that the power conferred by section 2 of the Indian and Colonial Divorce Jurisdiction Act, 1926, to apply certain provisions of that Act to other parts of Her Majesty's dominions as they apply to India shall be deemed to be power to apply those provisions as they would have applied to India if the Indian Independence Act, 1947, had not passed:

AND WHEREAS by subsection (1) of section 2 of the Colonial and Other Territories (Divorce Jurisdiction) Act, 1950, it is enacted that the power of Her Majesty under section 2 of the Indian and Colonial Divorce Jurisdiction Act, 1926, subject to the necessary modifications to apply to certain parts of Her dominions the provisions of section 1 of that Act shall extend to the application as aforesaid of those provisions, as amended by section 1 of the Colonial and Other Territories (Divorce Jurisdiction) Act, 1950, to any protectorate or United Kingdom trust territory:

AND WHEREAS it is expedient to provide for applying the aforesaid provisions to the Protectorates of Kenya, Northern Rhodesia, Nyasaland and Uganda and the Trust Territory of Tanganyika (hereinafter called the said territories):

NOW, THEREFORE, Her Majesty, by virtue and in exercise of the powers vested in Her by the Colonial and Other Territories (Divorce Jurisdiction) Acts, 1926 to 1950, and all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order and it is hereby ordered, as follows:

1. This Order may be cited as the Colonial and Other Territories (Divorce Jurisdiction) Order in Council, 1953, and shall come into force on the ninth day of July, 1953.

Short title and commencement
2. The provisions of the first section of the Indian and Colonial Divorce Jurisdiction Act, 1926, as amended by the Indian and Colonial Divorce Jurisdiction Act, 1940, shall apply to the said territories in like manner as they would have applied in relation to India if the Indian Independence Act, 1947, had not passed.

Application of section 1 of Indian and Colonial Divorce Jurisdiction Act, 1926, to certain territories

3. In the application of the said provisions-

Interpretation

(a) to each of the said territories-

(i) the Court which is to exercise the jurisdiction thereby conferred shall be the Supreme Court or the High Court, as the case may be, of that territory, and references in the said first section to a High Court in India shall be read as references to such Supreme Court or High Court;

(ii) references in the said first section to India shall be read as references to that territory; and

(iii) the reference to the Secretary of State in Council of India in the said section shall be read as referring to the Secretary of State for the Colonies;

(b) to the Protectorates of Northern Rhodesia and Nyasaland paragraph (b) of subsection (4) of the said first section shall be omitted.

W.G. AGNEW

THE NORTHERN RHODESIA (NON-DOMICILED PARTIES) DIVORCE RULES, 1953

Government Notices

369 of 1953

Rules by the Secretary of State for the Colonies, with the concurrence of the Lord Chancellor, under the Colonial and Other Territories (Divorce Jurisdiction) Acts, 1926 to 1950, and the Colonial and Other Territories (Divorce Jurisdiction) Order in Council, 1953

365 of 1958

194 of 1960

Citation, commencement and interpretation

1. (1) These Rules may be called "The Northern Rhodesia (Non-Domiciled Parties) Divorce Rules, 1953".

(2) They shall come into operation on the twenty-sixth day of November, 1953.

(3) In these Rules the expression "the Acts" means the Colonial and Other Territories (Divorce Jurisdiction) Acts, 1926 to 1950.

Appointment of judges

2. (1) As soon as may be after the coming into operation of these Rules the Chief Justice of the High Court of Northern Rhodesia shall submit to the Lord Chancellor through the Secretary of State for the Colonies the names of such number of judges of the Court not exceeding five (including, if he thinks fit, the name of the Chief Justice himself) as he may consider necessary for the purpose of exercising jurisdiction under the Acts and these Rules.

(2) Upon the approval of the Lord Chancellor to any nomination so submitted being signified to the Chief Justice by the Secretary of State for the Colonies, the Chief Justice shall cause the names so approved to be notified in the Northern Rhodesia Gazette as judges appointed to exercise jurisdiction under the Acts, and the judges whose names shall have been so notified shall thereupon have power to exercise jurisdiction accordingly.

(3) At any time after the first nominations under these Rules have been approved, the Chief Justice may propose the names of a further judge or judges to take the place of, or to exercise jurisdiction in addition to, the judge or judges for the time being having powers under the Acts, and when such further nominations are approved they shall be notified as aforesaid.

(As amended by No. 194 of 1960)

Hearing of petitions

3. Every petition under the Acts shall be heard by a single judge nominated and approved as hereinbefore provided, sitting without a jury.

Application for leave to present a petition within three years of marriage

4. (1) An application for leave to present a petition for divorce before three years have passed since the date of the marriage shall be made by originating summons.

(2) There shall be filed in support of the summons an affidavit by the applicant stating the grounds on which the application is made, particulars of the hardship or depravity alleged, whether there has been any previous application under this rule, whether there are living any children of the marriage, and, if so, the names and dates of birth or ages of such children, where and with whom they are residing, whether any, and if so what, attempts at reconciliation have been made and any circumstances which may assist the Court to determine the question whether there is reasonable probability of a reconciliation between the parties. A copy of the intended petition shall be exhibited to the affidavit.

(3) When the summons is issued, it shall be made returnable for a fixed date before a judge in chambers and shall be accompanied by a form of acknowledgment of service.

(4) Unless otherwise directed, the summons shall be served on the respondent at least five clear days before the return date.

(5) No appearance need be entered to the summons and no affidavit need be filed in reply, and the intended respondent may be heard without entering an appearance.

Commencement of proceedings

5. (1) Save as provided by rule 4, all proceedings under the Acts shall be commenced by filing a petition to which shall be attached a certified copy of the certificate of the marriage.

(2) A petition shall not be filed if there is before the Court another petition by the same petitioner which has not been dismissed or otherwise disposed of by a final order.

Contents of petition

6. (1) In the body of a petition praying for the dissolution of a marriage there shall be stated-

(i)vii the names of the parties to the marriage, the place and date of marriage and the name, status and domicile of the wife before the

marriage;

(ii)vi the status of the husband and his domicile at the time of the marriage and at the time when the petition is presented, and his occupation and the place of residence of the parties at the time of institution of the suit;

(iii)v the principal addresses where the parties have cohabited, including the addresses where they last resided together in Northern Rhodesia;

(iv)ii whether there is living issue of the marriage, and if so the names and dates of birth or ages of such issue;

(v)iii whether there have been in the Divorce Division of the High Court of Justice in England or in the Court of Session in Scotland or in the High Court of Northern Ireland or in the High Court of Northern Rhodesia any, and if so what, previous proceedings with reference to the marriage by or on behalf of either of the parties to the marriage, and the result of such proceedings;

(vi)ii the matrimonial offences charged set out in separate paragraphs with the times and places of their alleged commission;

(vii)i in the case of a petition for presumption of death and dissolution of the marriage, the last place of cohabitation of the parties, the circumstances in which the parties ceased to cohabit, the date when and the place where the respondent was last seen or heard of, and the steps which have been taken to trace the respondent;

(viii) in the case of a petition for nullity of marriage on any ground mentioned in section 8 (1) (b), (c) or (d) of the Matrimonial Causes Act, 1950, whether the petitioner was at the time of the marriage ignorant of the facts alleged and whether marital intercourse with the consent of the petitioner has taken place since the discovery by the petitioner of the existence of grounds for a decree;

(ix)ii the claim for damages, if any;

(x)iii the grounds on which the petitioner claims that in the interests of justice it is desirable that the suit should be determined in Northern Rhodesia.

(2) The petition shall conclude with a prayer setting out particulars of the relief claimed, including the amount of any claim for damages, any claim for costs and any order for custody of children which is sought.

Verification of petition

7. (1) Every petition shall be supported by an affidavit by the petitioner verifying the facts of which he or she has personal knowledge and deposing as to belief in the truth of the other facts.

(2) In cases where the petitioner is seeking a decree of dissolution of marriage, the affidavit shall include a declaration that no collusion or connivance exists between the petitioner and the other party to the marriage, that the petitioner has not condoned the adultery or, as the case may be, the cruelty alleged in the petition, and that neither the petitioner nor, within the knowledge of the petitioner, the other party to the marriage, has instituted proceedings which are still pending for the dissolution of the marriage in the United Kingdom.

(3) The affidavit in support of the petition shall be contained in the same document as the petition and shall follow at the foot or end thereof.

Co-respondents and interveners

8. Unless the Court shall otherwise direct, where a husband's petition alleges adultery, the alleged adulterer shall, if living at the date of filing of the petition, be made a co-respondent in the suit and where a wife's petition alleges adultery with a woman named and contains a claim for costs against her, she shall be made a respondent in the suit.

9. Where a person charged with adultery is not made a co-respondent or respondent under rule 8, a copy of the pleading containing such charge shall, unless the Court for good cause shown otherwise directs, be served upon such person accompanied by a notice that he or she is entitled, within the time therein specified, to apply for leave to intervene in the cause.

Service of petition, etc.

10. Every petition, originating summons, or notice referred to in these Rules shall be served on the party to be affected thereby, either within or without Northern Rhodesia, in the manner prescribed by the rules relating to matrimonial causes for the time being in force in England.

(As amended by No. 194 of 1960)

Answer and subsequent pleadings

11. A respondent or co-respondent, or person to whom leave to intervene has been granted under rule 9, may file in the Court an answer to the petition.

12. (1) Every answer containing matter other than a simple denial of the facts stated in the petition shall-

(i) if filed by the husband or wife of the petitioner, be supported by an affidavit, and the provisions of rule 7 shall, with the necessary modifications, apply to such affidavit;

(ii) in every other case, be signed by the respondent or co-respondent, as the case may be.

(2) Where the answer of a husband alleges adultery and prays for relief or where the answer of a husband or wife contains a claim for costs against an alleged adulterer, he or she shall, if living at the date of filing of the answer, be added to the title of the suit as "A.B. cited" and shall be served with a copy of the answer, together with a notice to appear in like manner as a petition. Where no relief is claimed a copy of the answer shall be served upon the alleged adulterer together with a notice as under rule 9 that he or she is entitled within the time therein specified to apply for leave to intervene in the suit, and upon application such person may be allowed to intervene, subject to such direction as shall then be given by the Court.

13. (1) If it appears to the Court that proceedings for the dissolution of the marriage have been instituted in the United Kingdom before the date on which the petition was filed in Northern Rhodesia, the Court shall either dismiss the petition or stay further proceedings thereon until the proceedings in the United Kingdom have terminated, or until the

Court shall otherwise direct.

(2) If it appears that such proceedings were instituted after the filing of the petition in Northern Rhodesia, the Court may proceed, subject to the provisions of the Acts, with the trial of the suit.

Discretion statement

14. (1) Every party to a matrimonial cause praying that the Court shall exercise its discretion to grant a decree nisi notwithstanding his adultery shall file a statement (in this rule called "a discretion statement") signed by him, stating that the Court will be asked to exercise its discretion in his favour notwithstanding his adultery, and setting forth particulars of the acts of adultery committed and of the facts which it is material for the Court to know for the purpose of the exercise of its discretion.

(2) The discretion statement shall be contained in a sealed envelope endorsed with a certificate that the statement is signed and dated, and that paragraph (4) of this rule does not apply or has been complied with.

(3) A discretion statement shall be open to the inspection of the Proctor but, except by the direction of the judge, shall not be open to inspection by any other person.

(4) Where a discretion statement contains an allegation of adultery or other matrimonial offence on the part of the other spouse which is not referable to any specific allegation in the pleadings, notice of the allegation shall be given forthwith to that spouse:

Provided that the Court may at the trial dispense with the notice if it is satisfied that failure to give the notice was justified.

(5) Neither the fact that a discretion statement has been lodged or that such notice as aforesaid has been given nor the contents of the discretion statement or notice shall be given as evidence against the party lodging or giving the same in any matrimonial cause or matter except when that party has put the discretion statement or notice or the

contents thereof in evidence in open court.

Showing cause against a decree nisi

15. The Attorney-General shall undertake within the jurisdiction of the High Court of Northern Rhodesia the duties assigned to Her Majesty's Proctor by sections 10 and 11 of the Matrimonial Causes Act, 1950, and references in these Rules to the Proctor shall mean references to the Attorney-General in the exercise of his duties as Proctor.

16. (1) If any person during the progress of the proceedings or before the decree nisi is made absolute gives information to the Proctor of any matter material to the due decision of the case, the Proctor may take such steps as he considers necessary or expedient.

(2) If in consequence of any such information or otherwise the Proctor suspects that any parties to the petition are or have been in collusion for the purpose of obtaining a decree contrary to the justice of the case, he may after obtaining the leave of the Court intervene and produce evidence to prove the alleged collusion.

17. (1) When the Proctor desires to show cause against making absolute a decree nisi he shall enter an appearance in the suit in which such decree nisi has been pronounced and shall within a time to be fixed by the Court file his plea setting forth the grounds upon which he desires to show cause as aforesaid, and a copy of his plea shall be served upon the petitioner or person in whose favour such decree has been pronounced or his advocate and, if the plea alleges collusion, upon the other party or parties to the alleged collusion. On entering an appearance the Proctor shall be made a party to the proceedings, and shall be entitled to appear in person or by advocate.

(2) Where such plea alleges a petitioner's adultery with any named person a copy of the plea shall be served upon each such person, omitting such part thereof as contains any allegation in which the person so served is not named.

(3) All subsequent pleadings and proceedings in respect of such plea shall be filed and carried on in the same manner as hereinbefore directed in respect of an original petition except as hereinafter

provided.

(4) If the charges contained in the plea of the Proctor are not denied or if no answer to the plea of the Proctor is filed within the time limit or if an answer is filed and withdrawn or not proceeded with the Proctor may apply forthwith for the rescission of the decree nisi and dismissal of the petition.

18. Where the Proctor intervenes or shows cause against a decree nisi in any proceedings for divorce, the Court may make such order as to the payment by other parties to the proceedings of the costs incurred by him in so doing, or as to the payment by him of any costs incurred by any of the said parties by reason of his so doing, as may seem just.

19. Any person other than the Proctor wishing to show cause against making absolute a decree nisi shall, if the Court so permits, enter an appearance in the suit in which such decree nisi has been pronounced, and at the same time file an affidavit setting forth the facts upon which he relies. A copy of the affidavit shall be served upon the party or the advocate of the party in whose favour the decree nisi has been pronounced and, if the affidavit alleges collusion, upon the other party or parties to the alleged collusion.

20. The party in the suit in whose favour the decree nisi has been pronounced may within a time to be fixed by the Court file an affidavit in answer, and the person showing cause against the decree nisi being made absolute may within a further time to be so fixed file an affidavit in reply.

Decree absolute

21. Every decree for the dissolution of a marriage under the Acts shall in the first instance be a decree nisi not to be made absolute until after the expiration of three months from the pronouncing thereof unless the Court by general or special order from time to time fixes a shorter time:

Provided that no decree nisi against which an appeal has been filed, including an appeal to Her Majesty in Council, shall be made absolute until after the decision of the appeal.

(As amended by No. 365 of 1958)

22. (1) Application to make absolute a decree nisi shall be made to the Court by filing a petition setting forth that application is made for such decree absolute, which will thereupon be pronounced in open court at a time appointed for that purpose. In support of such application it must be shown by affidavit filed with the said petition that no proceedings for the dissolution of the marriage have been instituted and are pending in the United Kingdom, and that search has been made in the proper books at the Court up to within six days of the time appointed, and that at such time no person had intervened or obtained leave to intervene in the suit, and that no appearance has been entered nor any affidavits filed on behalf of any person wishing to show cause against the decree nisi being made absolute; and in case leave to intervene had been obtained, or appearance entered or affidavits filed on behalf of such person, it must be shown by affidavit what proceedings, if any, have been taken thereon.

(2) If more than twelve calendar months have elapsed since the date of the decree nisi, an affidavit by the petitioner, giving reasons for the delay, shall be filed.

Alimony, maintenance and custody of children

23. Proceedings relating to alimony, maintenance, custody of children, and to the payment, application or settlement of damages assessed by the Court shall be conducted in accordance with the provisions of the law and practice relating to such matters where the parties are British subjects domiciled in Northern Rhodesia:

Provided that when a decree is made for the dissolution of a marriage the parties to which are domiciled in Scotland the Court shall not make an order for the securing of a gross or annual sum of money:

Provided further that the High Court of Northern Rhodesia shall not entertain an application for the modification or discharge of an order for alimony, maintenance or the custody of children unless the person on whose petition the decree for the dissolution of the marriage was pronounced is at the time such application is made resident in Northern Rhodesia.

Certifying Officer

24. The certificate referred to in subsection (2) of section 1 of the Indian and Colonial Divorce Jurisdiction Act, 1926, as amended by the Indian and Colonial Divorce Jurisdiction Act, 1940, shall be in the form set out in the Schedule to these Rules and shall be signed by the Registrar of the High Court of Northern Rhodesia and sealed with the seal of the Court.

Procedure generally

25. Subject to the provisions of these Rules, all proceedings under the Acts between party and party shall be regulated by the law and practice relating to divorce and matrimonial causes and matters as provided by the High Court Ordinance (Chapter 3 of the Laws of Northern Rhodesia, 1948).

26. The forms used in divorce and matrimonial causes and matters where the parties are British subjects domiciled in Northern Rhodesia, with such variation as the circumstances of each case and these Rules may require, may be used for the purposes of these Rules.

Given under my hand this twelfth day of November, 1953.

OLIVER LYTTELTON,

Secretary of State for the Colonies

I concur.

SIMONDS, C.

SCHEDULE

(See Rule 24)

I, A.B. (Registrar) of the High Court of Northern Rhodesia at

hereby certify that the foregoing is a true copy of a made by the aforesaid High Court acting in exercise of the matrimonial jurisdiction conferred by the Colonial and Other Territories (Divorce Jurisdiction) Acts, 1926 to 1950, in Suit No.

of

Appeal No.

of from judgment

and decree in Suit No. of

in which the above-named C.D. was petitioner and the above-named E.F. was respondent

and the above-named G.H. was

Signed

Registrar

REPUBLIC OF ZAMBIA

THE GENEVA CONVENTIONS ACT

APPENDIX 4

**BRITISH PROTECTORATES (GENEVA
CONVENTION) ORDER IN COUNCIL, 1917**

**AT THE COURT AT BUCKINGHAM PALACE, THE
23RD DAY OF
OCTOBER, 1917**

Present:

THE KING'S MOST EXCELLENT MAJESTY

LORD PRESIDENT

MR. SECRETARY LONG

LORD STEWARD
PONSONBY

SIR FREDERICK

WHEREAS by the Geneva Convention Act, 1911, provision was made for the carrying into effect within His Majesty's Dominions of certain provisions of the Second Geneva Convention:

AND WHEREAS by treaty, grant, usage, sufferance and other lawful means His Majesty the King has power and jurisdiction in the British Protectorates specified in the Schedule to this Order (hereinafter referred to as the "Scheduled Protectorates"):

AND WHEREAS it is expedient that provision should be made to enable the said provisions to be carried into effect in the Scheduled Protectorates:

NOW, THEREFORE, His Majesty, by virtue and in exercise of the powers in this behalf by the Foreign Jurisdiction Act, 1890, or otherwise in His Majesty vested, is pleased, by and with the advice of His Majesty's Privy Council, to order, and it is hereby ordered, as follows:

1. This Order may be cited as "The British Protectorates (Geneva Convention) Order in Council, 1917".
2. This Order shall apply to the Protectorates specified in the Schedule hereto, and in this Order the term "the Protectorate" means any Scheduled Protectorate, the term "Governor" means the person for the time being administering the Government of the Protectorate, the term "Attorney-General" means the Principal Law Officer of the Protectorate, and, if there shall be no such Law Officer in or for any Scheduled Protectorate, then the Principal Executive Officer next to the Governor of such Protectorate, and the term "Gazette" means the official Government Gazette of the Protectorate.

NOTE.-The former Protectorate of Northern Rhodesia is not included

among the territories to which the Geneva Conventions Act, 1957, has been extended by the Geneva Conventions Act (Colonial Territories) Order in Council, 1959 (S.I. 1959 No. 1301).

3. (1) As from the commencement of this Order it shall not be lawful for any person to use for the purpose of his trade or business, or for any other purpose whatsoever, in the Protectorate without the authority of the Governor, the heraldic emblem of the red cross on a white ground formed by reversing the Federal colours of Switzerland, or the words "Red Cross" or "Geneva Cross", and if any person acts in contravention of this provision he shall be guilty of an offence against this Order, and shall be liable on summary conviction to a fine not exceeding ten pounds and to forfeit any goods upon or in connection with which the emblem or words were used.

(2) Where a company or society is guilty of any such contravention, without prejudice to the liability of the company or society, every director, manager, secretary, and other officer of the company or society, who is knowingly a party to the contravention, shall be guilty of an offence against this Order, and liable to the like penalty.

(3) Proceedings under this Order shall not be instituted in the Protectorate without the consent of the Attorney-General.

4. This Order shall be published in the Gazette* or, if there shall be no Gazette in or for any Scheduled Protectorate, then in such manner as the Governor shall direct, and shall thereupon commence and come into operation; and the Governor shall give directions for the publication of this Order, at such place, and in such manner, and for such time or times, as he thinks proper for giving due publicity thereto.

* Published in Gazette of 9th March, 1918, p. 26.

5. His Majesty may from time to time revoke, alter, add to, or amend this Order.

And the Right Honourable Walter Hume Long, one of His Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

ALMERIC FITZROY

SCHEDULE

Northern Rhodesia

Northern Territories of the Gold Coast

Nyasaland Protectorate

Southern Rhodesia

Weihaiwei

Zanzibar Protectorate

*** Published in *Gazette* of 9th March, 1918, p. 26.**

GENEVA CONVENTIONS

STATUTORY RULES AND ORDERS, 1937, NO. 1219

GENEVA CROSS

**THE BRITISH PROTECTORATES (GENEVA
CONVENTION) ORDER IN COUNCIL, 1937**

**AT THE COURT AT BUCKINGHAM PALACE, THE
21ST DAY OF DECEMBER, 1937**

Present:

THE KING'S MOST EXCELLENT MAJESTY

LORD PRESIDENT
BROWN

MR. ERNEST

LORD RUSHCLIFFE

SIR FELIX CASSEL

WHEREAS by the British Protectorates (Geneva Convention) Order in Council, 1917* (*a*), provision was made for the carrying into effect within the British Protectorates specified in the Schedule to that Order of certain provisions of the Second Geneva Convention:

* (*a*) S.R. and O. 1917 (No. 1143) p. 380.

AND WHEREAS by the Geneva Convention Act, 1937 *(b)*, provision has been made to enable effect to be given to Article 28 of the International Convention for the amelioration of the condition of the wounded and sick in armies in the field done at Geneva on the twenty-seventh day of July, nineteen hundred and twenty-nine, and for purposes connected therewith:

* *(b)* 1 Edw. 8 and 1 Geo. 6 c. 15.

AND WHEREAS by treaty, grant, usage, sufferance and other lawful means His Majesty the King has power and jurisdiction in the British Protectorates specified in the Schedule to this Order (hereinafter referred to as the "Scheduled Protectorates"):

AND WHEREAS it is expedient that provision should be made to enable effect to be given within the Scheduled Protectorates to Article 28 of the said International Convention:

NOW, THEREFORE, His Majesty, by virtue and in exercise of the powers in this behalf by the Foreign Jurisdiction Act, 1890, or otherwise in His Majesty vested, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:

1. This Order may be cited as "The British Protectorates (Geneva Convention) Order in Council, 1937", and this Order and the British Protectorates (Geneva Convention) Order in Council, 1917, may be cited together as "The British Protectorates (Geneva Conventions) Orders in Council, 1917 and 1937".

(a) S.R. and O. 1917 (No. 1143) p. 380.

(b) 1 Edw. 8 and 1 Geo. 6 c. 15.

2. (1) This Order shall apply to the Protectorates specified in the Schedule hereto.

(2) In this Order-

"Protectorate" means any Scheduled Protectorate;

"Governor" means the person for the time being administering the Government of the Protectorate, or in the case of Zanzibar the British

Resident or the person lawfully discharging his functions;

"Attorney-General" means the Principal Law Officer of the Protectorate, and, if there shall be no such Law Officer, in or for any Scheduled Protectorate, then the Principal Executive Officer next to the Governor of such Protectorate;

"Gazette" means the official Government Gazette of the Protectorate.

3. (1) It shall not be lawful for any person without the authority of the Governor, to use for the purposes of his trade or business, or for any other purpose whatsoever, in the Protectorate-

(a) any design consisting of a white or silver cross on a red ground, none of the limbs of which extends to the margin of the ground, being the cross comprised in the Arms of the Swiss Confederation; or

(b) any design being a colourable imitation of the design mentioned in the last foregoing paragraph; or

(c) any design being a colourable imitation of the heraldic emblem of the red cross on a white ground mentioned in subsection (1) of section 3 of the British Protectorates (Geneva Convention) Order in Council, 1917, or any words so nearly resembling the words "Red Cross" or "Geneva Cross" as to be capable of being understood as referring to the said emblem.

(2) If any person contravenes the provisions of subsection (1) of this section, he shall, subject as hereafter provided, be guilty of an offence under this Order and liable on summary conviction to a fine not exceeding ten pounds and to forfeit any goods upon or in connection with which the design or words was or were used.

(3) Nothing in this section shall apply to a trade mark registered before the twenty-third day of December, nineteen hundred and thirty-one, and consisting of or containing any such design as is mentioned in paragraph (a) or paragraph (b) of subsection (1) of this section and where a person is charged with using such a design for any purpose and it is proved that he used it otherwise than as or as part of a trade mark registered as aforesaid, it shall be a defence for him to prove-

(a) that he lawfully used that design for that purpose before the said twenty-third day of December; or

(b) in a case where he is charged with using the design upon goods, that the design had been applied to the goods before he acquired them by some other person who had manufactured or dealt with the goods in the course of trade, and that that other person lawfully used the design upon similar goods before the said twenty-third day of December.

(4) Where an offence under this Order committed by a body corporate is proved to have been committed with the consent or connivance of any director, manager, secretary or other officer of the body corporate, he, as well as the body corporate, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(5) Proceedings under this section shall not be instituted in the Protectorate without the consent of the Attorney-General.

4. This Order shall be published in the Gazette*or if there shall be no Gazette in or for the Protectorate, then in such manner as the Governor shall direct, and shall come into operation on a day to be fixed by the Governor.*

*Published in Gazette of 25th March, 1938, p. 45.** In operation 1st April, 1938 (Government Notice No. 27 of 1938).

M. P. A. HANKEY

SCHEDULE

Northern Rhodesia

Northern Territories of the Gold Coast

Nyasaland Protectorate

Zanzibar Protectorate

*** Published in *Gazette* of 25th March, 1938, p. 45.**

**** In operation 1st April, 1938 (Government Notice No. 27 of 1938).**

REPUBLIC OF ZAMBIA

THE EVIDENCE ACT

APPENDIX 5

EVIDENCE (COLONIAL STATUTES) ACT, 1907

7 EDW. 7, C. 16.

AN ACT TO FACILITATE THE ADMISSION IN EVIDENCE OF STATUTES PASSED BY THE LEGISLATURES OF BRITISH POSSESSIONS AND PROTECTORATES, INCLUDING CYPRUS.

[21st August, 1907]

BE it enacted by the King'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. (1) Copies of Acts, ordinances, and statutes passed (whether before or after the passing of this Act) by the Legislature of any British possession, and of orders, regulations, and other instruments issued or made, whether before or after the passing of this Act, under the authority of any such Act, ordinance, or statute, if purporting to be printed by the Government printer, shall be received in evidence by all courts of justice in the United Kingdom without any proof being given that the copies were so printed.

Proof of statutes
of British
possessions

(2) If any person prints any copy or pretended copy of any such Act, ordinance, statute, order, regulation, or instrument which falsely purports to have been printed by the Government printer, or tenders in evidence any such copy or pretended copy which falsely purports to have been so printed, knowing that it was not so printed, he shall on

conviction be liable to be sentenced to imprisonment with or without hard labour for a period not exceeding twelve months.

(3) In this Act-

The expression "Government printer" means, as respects any British possession, the printer purporting to be the printer authorised to print the Acts, ordinances, or statutes of the Legislature of that possession, or otherwise to be the Government printer of that possession:

The expression "British possession" means any part of His Majesty's dominions exclusive of the United Kingdom, and, where parts of those dominions are under both a central and a local Legislature, shall include both all parts under the central Legislature and each part under a local Legislature.

(4) Nothing in this Act shall affect the Colonial Laws Validity Act, 1865. 28 & 29 Vict. c. 63

(5) His Majesty may by Order in Council extend this Act to Cyprus and any British protectorate, and where so extended this Act shall apply as if Cyprus or the protectorate were a British possession, and with such other necessary adaptations as may be made by the Order.

2. This Act may be cited as the Evidence (Colonial Statutes) Act, 1907. Short title

ORDER IN COUNCIL EXTENDING THE EVIDENCE (COLONIAL STATUTES) ACT, 1907, TO NORTHERN RHODESIA

**AT THE COURT AT BUCKINGHAM PALACE, THE
14TH DAY OF DECEMBER, 1922**

Present:

THE KING'S MOST EXCELLENT MAJESTY

LORD PRESIDENT

MR. E. F. L. WOOD

LORD CHAMBERLAIN
PONSONBY

SIR FREDERIC

LORD SOMERLEYTON

WHEREAS by the Evidence (Colonial Statutes) Act, 1907, it is provided that His Majesty may by Order in Council extend that Act to Cyprus and any British Protectorate, and where so extended that Act shall apply as if Cyprus or the Protectorate were a British possession:

AND WHEREAS by an Order in Council dated the 18th of October, 1909 (hereinafter called the principal Order), it was ordered that the said Act should extend to Cyprus and to the British Protectorates named in the Schedule thereto:

AND WHEREAS in consequence of the constitutional changes since effected in the status of certain territories by the Orders named in the First Schedule hereto, it is expedient that the said principal Order should be amended and that a revised Schedule should be substituted for the Schedule thereto:

NOW, THEREFORE, His Majesty, by and with the advice of His Majesty's Privy Council, is pleased to order, and it is hereby ordered, that the said Act shall extend to the British Protectorates named in the Second Schedule hereto, which as from the date of this Order shall be deemed to be substituted for the Schedule to the principal Order: Provided nevertheless that such last-mentioned Schedule shall continue in full force and effect with regard to any British Protectorate included therein but not included in the Second Schedule to this Order.

ALMERIC FITZROY

FIRST SCHEDULE

<i>Name of Order in Council</i>	<i>Date</i>
The Northern Rhodesia Order in Council, 1911 . .	4th May, 1911
The Nigeria Protectorate Order in Council, 1913 . .	22nd November, 1913
The Cyprus (Annexation) Order in Council, 1914 . .	5th November, 1914

The Gilbert and Ellice Islands Order in Council, 1915. . . 10th November, 1915

The Kenya (Annexation) Order in Council, 1920 . . . 11th June, 1920

SECOND SCHEDULE

Bechuanaland Protectorate

British Solomon Islands

Nigeria

Northern Rhodesia

Northern Territories of the Gold Coast

Nyasaland

Somaliland

Southern Rhodesia

Swaziland

Uganda

Zanzibar

THE AFRICAN TERRITORIES (IMPERIAL STATUTE
EXTENTION) ORDER, 1936

AT THE COURT AT BUCKINGHAM PALACE, THE 28TH DAY OF
MAY, 1936

Present:

THE KING'S MOST EXCELLENT MAJESTY

HIS ROYAL HIGHNESS THE DUKE OF YORK

ARCHBISHOP OF CANTERBURY LORD COLEBROOKE

LORD CHANCELLOR SECRETARY SIR JOHN

PRIME MINISTER SIMON

LORD PRESIDENT
MALCOLM

MR. SECRETARY

EARL MARSHAL

MACDONALD

HIS HIGHNESS THE AGA

MR. ORMSBY-GORE

KHAN

SIR ISAAC ISAACS

LORD CHAMBERLAIN

MR. EARLE PAGE

SIR MICHAEL MYERS

WHEREAS by section 5 of the Foreign Jurisdiction Act, 1890, it is provided that it shall be lawful for His Majesty in Council if He thinks fit by Order to direct that all or any of the enactments described in the First Schedule to that Act, or any enactments for the time being in force amending or substituted for the same, shall extend, with or without any exceptions, adaptations, or modifications in the Order mentioned, to any foreign country in which for the time being His Majesty has jurisdiction, and that thereupon those enactments shall, to the extent of that jurisdiction, operate as if that country were a British possession, and as if His Majesty in Council were the Legislature of that possession:

AND WHEREAS by treaty, grant, usage, sufferance and other lawful means, His Majesty has power and jurisdiction within the territories of Africa known as Northern Rhodesia, the Northern Territories of the Gold Coast, Togoland under British Mandate, the Cameroons under British Mandate, and the Protectorate of Sierra Leone:

AND WHEREAS by the South African Protectorates (Extension of Imperial Acts) Order in Council, 1900, sections seven and eleven of the Evidence Act, 1851 (being one of the enactments described in the First Schedule to the Foreign Jurisdiction Act, 1890), were extended to that portion of the said territory of Northern Rhodesia which was formerly known as Barotseland, North-Western Rhodesia:

AND WHEREAS it is expedient that the said sections seven and eleven of the Evidence Act, 1851, should be extended to the whole of Northern Rhodesia, and also to the Northern Territories of the Gold Coast, to Togoland under British Mandate, to the Cameroons under British Mandate, and to the Protectorate of Sierra Leone:

NOW, THEREFORE, His Majesty, by virtue and in exercise of the powers in this behalf by the Foreign Jurisdiction Act, 1890, or otherwise in His Majesty vested, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:

1. Sections seven and eleven of the Evidence Act, 1851, shall extend to Northern Rhodesia, to the Northern Territories of the Gold Coast, to Togoland under British Mandate, to the Cameroons under British Mandate, and to the Protectorate of Sierra Leone.

2. This Order may be cited as the African Territories (Imperial Statute Extension) Order, 1936.

M. P. A. HANKEY

REPUBLIC OF ZAMBIA

THE FOREIGN JURISDICTION ACT

APPENDIX 6

THE FOREIGN JURISDICTION ACT, 1890

53 & 54 VICT. C. 37

AN ACT TO CONSOLIDATE THE FOREIGN JURISDICTION ACTS

[4th August, 1890]

WHEREAS by treaty, capitulation, grant, usage, sufferance, and other lawful means, Her Majesty the Queen has jurisdiction within divers foreign countries, and it is expedient to consolidate the Acts relating to the exercise of Her Majesty's jurisdiction out of Her dominions:

BE it therefore 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. It is and shall be lawful for Her Majesty the Queen to hold, exercise, and enjoy any jurisdiction which Her Majesty now has or may at any time hereafter have within a foreign country in the same and as ample a manner as if Her Majesty had acquired that jurisdiction by the cession or conquest of territory. Exercise of jurisdiction in foreign country

2. Where a foreign country is not subject to any government from whom Her Majesty the Queen might obtain jurisdiction in the manner recited by this Act, Her Majesty shall by virtue of this Act have jurisdiction over Her Majesty's subjects for the time being resident in or resorting to that country, and that jurisdiction shall be jurisdiction of Her Majesty in a foreign country within the meaning of the other provisions of this Act. Exercise of jurisdiction over British subjects in countries without regular governments

3. Every act and thing done in pursuance of any jurisdiction of Her Majesty in a foreign country shall be as valid as if it had been done according to the local law then in force in that country. Validity of acts done in pursuance of jurisdiction

4. (1) If in any proceeding, civil or criminal, in a court in Her Majesty's dominions or held under the authority of Her Majesty any question arises as to the existence or extent of any jurisdiction of Her Majesty in a foreign country, a Secretary of State shall, on the application of the court, send to the court within a reasonable time his decision on the question, and his decision shall for the purposes of the proceeding be final. Evidence as to existence or extent of jurisdiction in foreign country

- (2) The court shall send to the Secretary of State, in a document under the seal of the court, or signed by a judge of the court, questions framed so as properly to raise the question, and sufficient answers to those

questions shall be returned by the Secretary of State to the court, and those answers shall, on production thereof, be conclusive evidence of the matters therein contained.

5. (1) It shall be lawful for Her Majesty the Queen in Council, if She Power to extend thinks fit, by Order to direct that all or any of the enactments described enactments in in the First Schedule to this Act, or any enactments for the time being inFirst Schedule force amending or substituted for the same, shall extend, with or without any exceptions, adaptations, or modifications in the Order mentioned, to any foreign country in which for the time being Her Majesty has jurisdiction.

(2) Thereupon those enactments shall, to the extent of that jurisdiction, operate as if that country were a British possession, and as if Her Majesty in Council were the legislature of that possession.

6. (1) Where a person is charged with an offence cognizable by a British court in a foreign country, any person having authority derived from Her Majesty in that behalf may, by warrant, cause the person so charged to be sent for trial to any British possession for the time being appointed in that behalf by Order in Council, and upon the arrival of the person so charged in that British possession, such criminal court of that possession as is authorised in that behalf by Order in Council, or if no court is so authorised, the supreme criminal court of that possession, may cause him to be kept in safe and proper custody, and so soon as conveniently may be may inquire of, try, and determine the offence, and on conviction punish the offender according to the laws in force in that behalf within that possession in the same manner as if the offence had been committed within the jurisdiction of that criminal court: Power to send persons charged with offences for trial to a British possession

Provided that-

(a) A person so charged may, before being so sent for trial, tender for examination to a British court in the foreign country where the offence is alleged to have been committed any competent witness whose evidence he deems material for his defence and whom he alleges himself unable to produce at the trial in the British possession:

(b) In such case the British court in the foreign country shall proceed in the examination and cross-examination of the witness as though he had been tendered at a trial before that court, and shall cause

the evidence so taken to be reduced into writing, and shall transmit to the criminal court of the British possession by which the person charged is to be tried a copy of the evidence, certified as correct under the seal of the court before which the evidence was taken, or the signature of a judge of that court:

(c) Thereupon the court of the British possession before which the trial takes place shall allow so much of the evidence so taken as would have been admissible according to the law and practice of that court, had the witness been produced and examined at the trial, to be read and received as legal evidence at the trial:

(d) The court of the British possession shall admit and give effect to the law by which the alleged offender would have been tried by the British court in the foreign country in which his offence is alleged to have been committed, so far as that law relates to the criminality of the act alleged to have been committed, or the nature or degree of the offence, or the punishment thereof, if the law differs in those respects from the law in force in that British possession.

(2) Nothing in this section shall alter or repeal any law, statute, or usage by virtue of which any offence committed out of Her Majesty's dominions may, irrespectively of this Act, be inquired of, tried, determined, and punished within Her Majesty's dominions, or any part thereof.

7. Where an offender convicted before a British court in a foreign country has been sentenced by that court to suffer death, penal servitude, imprisonment, or any other punishment, the sentence shall be carried into effect in such place as may be directed by Order in Council or be determined in accordance with directions given by Order in Council, and the conviction and sentence shall be of the same force in the place in which the sentence is so carried into effect as if the conviction had been made and the sentence passed by a competent court in that place. Provision as to place of punishment of persons convicted

8. Where, by Order in Council made in pursuance of this Act, any British court in a foreign country is authorised to order the removal or deportation of any person from that country, that removal or deportation, and any detention for the purposes thereof, according to the provisions of the Order in Council, shall be as lawful as if the order of the court were to have effect wholly within that country. Validity of acts done under Order in Council

9. It shall be lawful for Her Majesty the Queen in Council, by Order, to assign to or confer on any court in any British possession, or held under the authority of Her Majesty, any jurisdiction, civil or criminal, original or appellate, which may lawfully by Order in Council be assigned to or conferred on any British court in any foreign country, and to make such provisions and regulations as to Her Majesty in Council seem meet respecting the exercise of the jurisdiction so assigned or conferred, and respecting the enforcement and execution of the judgments, decrees, orders, and sentences of any such court, and respecting appeals therefrom.

Power to assign jurisdiction to British courts in cases within Foreign Jurisdiction Act

10. It shall be lawful for Her Majesty the Queen in Council to revoke or vary any Order in Council made in pursuance of this Act.

Power to amend Orders in Council

11. Every Order in Council made in pursuance of this Act shall be laid before both Houses of Parliament forthwith after it is made, if Parliament be then in session, and if not, forthwith after the commencement of the then next session of Parliament, and shall have effect as if it were enacted in this Act.

Laying before Parliament, and effect of Orders in Council

12. (1) If any Order in Council made in pursuance of this Act as respects any foreign country is in any respect repugnant to the provisions of any Act of Parliament extending to Her Majesty's subjects in that country, or repugnant to any order or regulation made under the authority of any such Act of Parliament, or having in that country the force and effect of any such Act, it shall be read subject to that Act, order, or regulation, and shall, to the extent of such repugnancy, but not otherwise, be void.

In what cases Orders in Council void for repugnancy

(2) An Order in Council made in pursuance of this Act shall not be, or be deemed to have been, void on the ground of repugnancy to the law of England unless it is repugnant to the provisions of some such Act of Parliament, order, or regulation as aforesaid.

13. (1) An action, suit, prosecution, or proceeding against any person for any act done in pursuance or execution or intended execution of this Act, or of any enactment repealed by this Act, or of any Order in Council made under this Act, or of any such jurisdiction of Her Majesty as is mentioned in this Act, or in respect of any alleged neglect or default in the execution of this Act, or of any such enactment, Order in

Provisions for protection of persons acting under Foreign Jurisdiction Acts

Council, or jurisdiction as aforesaid, shall not lie or be instituted-

(a) in any court within Her Majesty's dominions, unless it is commenced within six months next after the act, neglect, or default complained of, or in case of a continuance of injury or damage within six months next after the ceasing thereof, or where the cause of action arose out of Her Majesty's dominions within six months after the parties to the action, suit, prosecution, or proceeding have been within the jurisdiction of the court in which the same is instituted;
nor

(b) in any of Her Majesty's courts without Her Majesty's dominions, unless the cause of action arose within the jurisdiction of that court, and the action is commenced within six months next after the act, neglect, or default complained of, or, in case of a continuance of injury or damage, within six months next after the ceasing thereof.

(2) In any such action, suit, or proceeding, tender of amends before the same was commenced may be pleaded in lieu of or in addition to any other plea. If the action, suit, or proceeding was commenced after such tender, or is proceeded with after payment into court of any money in satisfaction of the plaintiff's claim, and the plaintiff does not recover more than the sum tendered or paid, he shall not recover any costs incurred after such tender or payment, and the defendant shall be entitled to costs, to be taxed as between solicitor and client, as from the time of such tender or payment; but this provision shall not affect costs on any injunction in the action, suit, or proceeding.

14. It shall be lawful for Her Majesty the Queen in Council to make any law that may seem meet for the government of Her Majesty's subjects being in any vessel at a distance of not more than one hundred miles from the coast of China or of Japan, as fully and effectually as any such law might be made by Her Majesty in Council for the government of Her Majesty's subjects being in China or Japan.

Jurisdiction over ships in certain Eastern seas

15. Where any Order in Council made in pursuance of this Act extends to persons enjoying Her Majesty's protection, that expression shall include all subjects of the several princes and states in India.

Provision as to subjects of Indian princes

16. In this Act-

Definitions

The expression "foreign country" means any country or place out of

Her Majesty's dominions:

The expression "British court in a foreign country" means any British court having jurisdiction out of Her Majesty's dominions in pursuance of an Order in Council whether made under any Act or otherwise:

The expression "jurisdiction" includes power.

17. The Acts mentioned in the Second Schedule to this Act may be revoked or varied by Her Majesty by Order in Council. Power to repeal or vary Acts in Second Schedule

18. The Acts mentioned in the Third Schedule to this Act are hereby repealed to the extent in the third column of that Schedule mentioned:

Provided that-

(1) Any Order in Council, commission, or instructions made or issued in pursuance of any enactment repealed by this Act, shall, if in force at the passing of this Act, continue in force, until altered or revoked by Her Majesty as if made in pursuance of this Act; and shall, for the purposes of this Act, be deemed to have been made or issued under and in pursuance of this Act; and

(2) Any enactment, Order in Council, or document referring to any enactment repealed by this Act shall be construed to refer to the corresponding enactment of this Act.

19. (1) This Act may be cited as the Foreign Jurisdiction Act, 1890. Short title

(2) The Acts whereof the short titles are given in the First Schedule to this Act may be cited by the respective short titles given in that Schedule.

SCHEDULES

Sections
5, 19

*FIRST SCHEDULE

Session and Chapter	Title	Enactments which may be extended by Order in Council	Short Title
12 & 13	An Act to provide for	The whole Act.	Admiralty Offences

Vict. c. 96.	the Prosecution and Trial in Her Majesty's Colonies of Offences committed within the jurisdiction of the Admiralty.		(Colonial) Act, 1849.
14 & 15 Vict. c. 99. 17 & 18 Vict. c. 104. 19 & 20 Vict. c. 113.	An Act to amend the law of evidence. The Merchant Shipping Act, 1854.	Sections seven and eleven. Part X.	Evidence Act, 1851.
19 & 20 Vict. c. 113.	An Act to provide for taking evidence in Her Majesty's Dominions in relation to civil and commercial matters pending before Foreign tribunals.	The whole Act.	Foreign Tribunals Evidence Act, 1856.
22 Vict.c.20.	An Act to provide for taking evidence in Suits and Proceedings pending before Tribunals in Her Majesty's Dominions, in places out of the jurisdiction of such tribunals.	The Whole Act.	Evidence by Commission Act, 1859.
22 & 23 Vict. c. 63.	An Act to afford Facilities for the more certain Ascertainment of the Law administered in one Part of Her Majesty's Dominions, when pleaded in the Courts of another Part thereof.	The whole Act.	British Law Ascertainment Act, 1859.
23 & 24 Vict.	An Act to enable the	The whole Act.	Admiralty Offences

c. 122.	Legislatures of Her Majesty's Possessions Abroad to make Enactments similar to the Enactment of the Act ninth George the Fourth, chapter thirty-one, section eight.		(Colonial) Act, 1860.
24 & 25 Vict. c. 11.	An Act to afford facilities for the better ascertainment of the law of Foreign Countries when pleaded in Courts within Her Majesty's Dominions.	The whole Act.	Foreign Law Ascertainment Act, 1861.

* Note.-This Schedule has been extended by the Foreign Jurisdiction Act, 1913.

30 & 31 Vict. c. 124.	The Merchant Shipping Act, 1867.	Section eleven.	
37 & 38 Vict. c. 94.	The Conveyancing (Scotland) Act, 1874.	Section fifty-one.	
44 & 45 Vict. c. 69.	The Fugitive Offenders Act, 1881.	The whole Act.	
48 & 49 Vict. c. 74.	The Evidence by Commission Act, 1885.	The whole Act.	

* Note.-This Schedule has been extended by the Foreign Jurisdiction Act, 1913.

SECOND SCHEDULE

Acts which may be revoked or varied by Order in Council

Section
17

Session and Chapter	Title	Extent of Repeal
24 & 25 Vict. c. 31.	An Act for the prevention and punishment of offences committed by Her Majesty's subjects within certain territories adjacent to the colony of Sierra Leone.	The whole Act.
26 & 27 Vict. c. 35.	An Act for the prevention and punishment of offences committed by Her Majesty's subjects in South Africa.	The whole Act.

THIRD SCHEDULE

Enactments Repealed

Section
18

Session and Chapter	Title or Short Title	Extent of Repeal
---------------------	----------------------	------------------

6 & 7 Vict.c.94.	The Foreign Jurisdiction Act, 1843	The whole Act.
20 & 21 Vict. c. 75.	An Act to confirm an Order in Council concerning the exercise of jurisdiction in matters arising within the kingdom of Siam.	The whole Act.
28 & 29 Vict. c. 116.	The Foreign Jurisdiction Act Amendment Act, 1865.	The whole Act.
29 & 30 Vict. c. 87.	The Foreign Jurisdiction Act Amendment Act, 1866	The whole Act.
33 & 34 Vict. c. 55.	The Siam and Straits Settlements Jurisdiction Act, 1870.	The whole Act.
38 & 39 Vict. c. 85.	The Foreign Jurisdiction Act, 1875	The whole Act.
39 & 40 Vict. c. 46.	An Act for more effectually punishing offences against the laws relating to the slave trade.	Sections four and six.
41 & 42 Vict. c. 67.	The Foreign Jurisdiction Act, 1878	The whole Act.

FOREIGN JURISDICTION ACT, 1913

3 & 4 GEO. 5, C. 16

AN ACT TO AMEND THE FOREIGN JURISDICTION ACT, 1890

[15th August, 1913]

BE it enacted by the King'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. The Foreign Jurisdiction Act, 1890, shall have effect as if to the enactments mentioned in the First Schedule to that Act (being enactments which may be applied by Order in Council to foreign countries in which for the time being His Majesty has jurisdiction) there were added the enactments mentioned in the Schedule to this Act. Power to extend additional enactments. 53 & 54 Vict. c. 37

2. This Act may be cited as the Foreign Jurisdiction Act, 1913, and the Foreign Jurisdiction Act, 1890, and this Act may be cited together as the Foreign Jurisdiction Acts, 1890 and 1913. Short title

SCHEDULE

Section 1

ENACTMENTS WHICH MAY BE EXTENDED

Session and Chapter	Title	Enactments which may be extended by Order in Council
32 & 33 Vict.	The Colonial Prisoners Removal Act, 1869. ..	The whole Act.

c. 10.					
55 & 56 Vict.	The Colonial Probates Act, 1892	..	..		The whole Act.
c. 6.					
57 & 58 Vict.	The Finance Act, 1894	..	..	..	Section twenty.
c. 30.					
63 & 64 Vict.	The Colonial Solicitors Act, 1900	..	..		The whole Act.
c. 14.					
8 Edw. 7, c. 69	The Companies (Consolidation) Act, 1908.	..			Sections thirty-four, thirty-five, and thirty-six.

REPUBLIC OF ZAMBIA

THE SOLICITORS ACT

APPENDIX 7

THE OVERSEAS SOLICITORS (ADMISSION) ORDER, 1964

AT THE COURT AT BUCKINGHAM PALACE, THE 20TH DAY OF NOVEMBER, 1964

Present:

THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL

WHEREAS Her Majesty, on the report of a Secretary of State, is satisfied as respects the Superior Courts in the territories specified in Schedule 1 to this Order-

- (a) that the regulations respecting the admission of solicitors of those courts are such as to secure that those solicitors possess proper qualifications and competency;
- (b) that by the law of the territories specified in the said Schedule 1, solicitors of the Supreme Court in England will be admitted as solicitors of the Superior Courts in those territories on terms as favourable as those on which it is proposed to admit solicitors of the Superior Courts of those territories as solicitors of the Supreme Court in England in pursuance of subsection (1) of section 4 of the Solicitors Act, 1957 *(a); and

* (a) 5 & 6 Eliz.2. c.27.

(c) that by the law of the territories specified in the said Schedule 1, other than of West Australia and West Bengal, solicitors in Scotland will be admitted as solicitors of the Superior Courts of those territories on terms as favourable as those on which it is proposed to admit solicitors of the Superior Courts in those territories to be solicitors in Scotland in pursuance of the Colonial Solicitors Act, 1900 *(b).

* (b) 63 & 64 Vict. c.14.

NOW THEREFORE, Her Majesty, in pursuance of the powers conferred on Her by section 4 of the Solicitors Act, 1957, as regards England and by sections 2 and 6 of the Colonial Solicitors Act, 1900, as regards Scotland and of all other powers thereunto Her enabling, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

1. (1) This Order may be cited as the Overseas Solicitors (Admission) Order, 1964.

(2) The Interpretation Act, 1889 *(c), 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.

* (c) 52 & 53 Vict. c.63.

(a) 5 & 6 Eliz.2. c.27.

(b) 63 & 64 Vict. c.14.

(c) 52 & 53 Vict. c.63.

2. Subsection (1) of section 4 of the Solicitors Act, 1957, as respects England shall apply to the Superior Courts and territories specified in Schedule 1 to this Order and the Colonial Solicitors Act, 1900, as respects Scotland shall apply to the Superior Courts and territories specified in the said Schedule 1 other than to the Supreme Court of Western Australia and to Western Australia and to the High Court of West Bengal and to West Bengal and to the High Court of Zambia and to Zambia.

(As amended by the Overseas Solicitors (Admission) (Zambia) Order, 1965)

3. Subject to the provisions of this Order solicitors of any of the

Courts specified in Schedule 1 to this Order may be admitted by virtue of the Solicitors Act, 1957, to be solicitors in England and solicitors of any of the Courts specified in the said Schedule 1 except of the Supreme Court of Western Australia and of the High Court of West Bengal and of the High Court of Zambia may be admitted by virtue of the Colonial Solicitors Act, 1900, to be solicitors in Scotland subject to the following conditions:

- (i) an applicant for admission shall be a British subject or Commonwealth citizen;
- (ii) an applicant shall have passed such qualifying examination as is required by the laws or regulations in force in the territory specified in Schedule 1 to this Order in which he is a solicitor of a person applying for admission as a solicitor in that territory who has not qualified for admission in any other territory;
- (iii) an applicant shall, four calendar months at least before the first day of the month in which he proposes to be admitted, leave, if he proposes to be admitted in England with the Office of the Law Society in London or, if he proposes to be admitted in Scotland, with the Registrar of Solicitors in Scotland, his original certificate of admission in the Superior Court of the territory in which he has been admitted as a solicitor together with-
 - (a) a certificate from the authority of the territory in whose custody the Roll of the Solicitors of that Court is kept, dated not earlier than one calendar month before the date on which it is left with the Law Society, or, as the case may be, the said Registrar, stating that his name is still upon the Roll and has never been removed therefrom and that no order has ever been made directing him to be suspended from practising his profession and that no charge is pending against him for professional or other misconduct;
 - (b) one or more certificates of fitness and character signed by two practising solicitors resident in the said territory of at least five years' standing in the said Court and either by at least one of the Judges or Officers next in rank of such Court or by the President or Secretary or other such officer of the Law Society or similar professional association in the said territory;
 - (c) a certificate from the appropriate authority that he has passed the qualifying examination referred to in paragraph (ii) of this Article;
 - (d) a statutory declaration in the terms of or to the effect of the form set out in Schedule 2 to this Order;

- (iv) an applicant for admission in England shall make formal application by petition to the Law Society;
- (v) an applicant for admission in Scotland shall make formal application by petition to the Court of Session;
- (vi) an applicant shall on admission in England and before his name is entered on the Roll of Solicitors pay to the Law Society a fee of 20 pounds;
- (vii) an applicant for admission in Scotland shall pay to the said Registrar the following fees:

			£	s.	d.
Fee for Certificate of Fitness	..	..	4	4	0
Fee for Petition	..	..	10	10	0
Fee Fund Dues	..	..	<u>1</u>	<u>0</u>	<u>0</u>
Extract Dues, etc.	..	..	<u>18</u>	<u>0</u>	<u>0</u>
Certificate of Enrolment in the Roll of Solicitors	..	..	2	2	0
Admission Fee	..	..	<u>5</u>	<u>0</u>	<u>0</u>
			£23	14	0

- (viii) an applicant for admission in England who is a solicitor of any of the Courts specified in Part II of Schedule 1 to this Order shall in addition pass the accounts paper in Part II of the Law Society's qualifying examination, and an applicant for admission in England who is a solicitor of any of the Courts specified in Part III of Schedule 1 to this Order shall in addition pass Part II of the Law Society's qualifying examination;
- (ix) an applicant for admission in England shall comply in other respects with the provisions of section 4 of the Solicitors Act, 1957;
- (x) an applicant for admission in Scotland shall comply in other respects with the provisions of the Colonial Solicitors Act, 1900.

(As amended by the Overseas Solicitors (Admission) (Zambia) Order, 1965 and the Overseas Solicitors (Admission) (Amendment) Order, 1969)

4. On the Master of the Rolls being satisfied by a certificate issued by the Law Society that an applicant for admission in England has complied with the provisions of section 4 of the Solicitors Act, 1957, and of this Order, the Master of the Rolls shall cause him to be admitted a solicitor in England and his name to be enrolled on the Roll of Solicitors.

5. On the Court of Session being satisfied that the applicant for admission in Scotland has complied with the provisions of the Colonial

Solicitors Act, 1900, and of this Order, the Court shall ordain him to undergo the examinations in law prescribed for the time being for applicants for admission as solicitors in Scotland, and on the Court being satisfied that the applicant has duly passed such examinations then and not otherwise the Court shall cause him to be admitted a solicitor and his name to be enrolled as such. The rules in force in Scotland for the time being as to the presentation of Petitions for admission as solicitor and the proceedings under the rules, shall be applicable to all applications under this Order for admission as a solicitor in Scotland.

6. Notice of intention to apply for admission within the meaning of the Acts regulating the admission of solicitors in England or, as the case may be, in Scotland, shall be deemed to have been given upon the documents mentioned in Article 3 of this Order being left with the Law Society or the said Registrar.

7. The Orders in Council specified in Part I of Schedule 3 to this Order are hereby revoked provided that the revocation of the Orders in Council relating to South Africa shall not affect their continuance in force for the purpose of paragraph 5 of Schedule 3 to the South Africa Act, 1962 *(a)*. The Orders in Council specified in Part II of the said Schedule 3 are hereby revoked except so far as the same relate to Northern Ireland.

* (a) 10 & 11 Eliz.2. c.23.

W. G. AGNEW

(a) 10 & 11 Eliz.2. c.23.

SCHEDULE 1

PART I

<i>Court</i>	<i>Territory</i>
Superior Court	Barbados
Supreme Court	British Guiana (Guyana)
Supreme Court	Grenada
Supreme Court	Hong Kong
Supreme Court	Jamaica
Supreme Court	Trinidad and Tobago
High Court	Zambia

(As amended by the Overseas Solicitors (Admission) (Zambia) Order,

1965)

PART II

<i>Court</i>	<i>Territory</i>
Supreme Court	New South Wales
Supreme Court	Queensland
Supreme Court	South Australia
Supreme Court	Tasmania
Supreme Court	Victoria
Supreme Court	Western Australia
Supreme Court	New Zealand
Supreme Court	Ceylon (Sri Lanka)
Supreme Court	Ontario
Supreme Court	Alberta
High Court	Bombay
High Court	West Bengal

PART III

Supreme Court	British Columbia
Court of Queen's Bench and Court of Appeal	Manitoba
Superior Court	Saskatchewan
High Court	Malawi
High Court (Zimbabwe)	Southern Rhodesia

SCHEDULE 2

In the matter *Section 4 of the Solicitors Act, 1957.
the Colonial Solicitors Act, 1900.

In the matter of

I , do solemnly
and sincerely declare as follows:

- (1) I am a citizen of
- (2) I have passed the qualifying examination as required by the laws or regulations in force in
of a person applying for admission as a solicitor there who has not qualified for admission in any other territory.
- (3) I was on the day of admitted to practise as a of the Court of
and I have *been in practice before that Court for not less than three years. *I was articled for not
served bona fide as a clerk to a solicitor in England.
less than . My name remains on the Roll of the said Court, and I have not at any time been suspended
from practice by the Court or by any Judge thereof, nor are any proceedings pending to strike my name off the said Roll or to
suspend me from practice and no charge is pending against me for professional or other misconduct. I beg to refer to the
certificate of marked "A" now produced by me in proof of the statements in this paragraph.

I have not been bankrupt or insolvent nor have I made a composition or arrangement with my creditors. (If this is not the case, state the facts with dates, and show that a complete discharge has been obtained.)

*Strike out the inappropriate words.

(5) The document now produced and shown to me and marked "B" is the certificate from the appropriate authority in that I have passed the qualifying examination referred to in paragraph (2) of this declaration and the document now produced and shown to me and marked "C" is my original certificate of admission in the said Court, and the documents now produced and shown to me and marked respectively "D" and "E" are respectively certificates of character and as to my fitness to be admitted a solicitor * of the Supreme Court of England signed respectively by

in Scotland
one of the Judges/Officers of the said Court President/Secretary/Officer of the Law
Society/professional association in the said territory and by
and two practising solicitors of the said Court of at least five years' standing.
And I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Statutory Declarations Act, 1835 (a).

(To be signed and attested)

(As amended by the Overseas Solicitors (Admission) (Amendment) Order, 1969)

SCHEDULE 3

Orders in Council Revoked

(Omitted)

*Strike out the inappropriate words.

(a) 5 & 6 Will. 4. c.62.

REPUBLIC OF ZAMBIA

THE COLONIAL STOCK ACT

APPENDIX 8

COLONIAL STOCK ACT, 1877

40 & 41 Vict. c. 59

*[Printed as amended by 54 & 55 Vict. c. 39; 56 & 57 Vict. c. 53;
57 & 58 Vict. c. 56, and 11 & 12 Geo. 5, c. 38]*

**AN ACT TO AMEND THE LAW WITH RESPECT TO
THE TRANSFER OF STOCK FORMING PART OF
THE PUBLIC DEBT OF ANY COLONY, AND THE
STAMP DUTY ON SUCH TRANSFER**

[14th August, 1877]

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:

Application of Act

1. Where provision has been made by the legislature of a colony and otherwise for the inscription and transfer in a register kept in the United Kingdom by some bank, colonial officer, or person (which bank, officer, or person is in this Act referred to as the registrar) of any stock forming the whole or part of the public debt of such colony, and the government of such colony cause a declaration under the seal of such colony, or by some person in that behalf authorised under that seal, stating such provision, and identifying the stock with respect to which it has been made, to be left with the Commissioners of Inland Revenue, those Commissioners, upon payment of the proper fee, shall record the same; and such record and declaration shall be open to inspection at all reasonable times, in manner directed by the said Commissioners, upon payment of the proper fee.
- Registration by colony with Commissioners of Inland Revenue of colonial stock to which this Act applies

Upon such declaration being recorded, this Act shall apply to the stock specified in the declaration, and this Act shall not apply to any colonial stock not specified in a declaration recorded as provided by this section.

The proper fee for the purposes of this section shall be such fee not exceeding, in the case of recording a declaration, five pounds, and in the case of inspection five shillings, as the Treasury from time to time

fix, and shall be paid into the Exchequer.

Stamp Duty on Colonial Stock to which this Act applies

- | | |
|--|--|
| <p>2. <i>(Repealed by 54 & 55 Vict. c. 39, s. 123)</i></p> | <p>Stamp duty on stock to which this Act applies</p> |
| <p>3. <i>(Paragraph 1 repealed by 54 & 55 Vict. c. 39, s. 123)</i></p> | <p>Composition for stamp duty on transfer of stock to which this Act applies</p> |

The registrar shall from time to time give to the Commissioners of Inland Revenue such information as they may require respecting the stock of any colony inscribed in the register kept by him.

Transfers and Dividends

- | | |
|---|---|
| <p>4. Colonial stock to which this Act applies, while inscribed in a register kept in the United Kingdom, shall be transferred as follows:</p> <p>(1) The transfer shall be made only in the register, and shall be signed by the transferor, or, if he is absent, by his attorney thereunto lawfully authorised by some writing executed under his hand and seal and attested:</p> <p>(2) The transferee may, if he thinks fit, underwrite his acceptance of the transfer:</p> <p>(3) The executors or administrators of a deceased stockholder shall alone be recognised by the registrar as having any title to the stock or any dividend thereon:</p> <p>(4) The person becoming entitled to any stock or dividend thereon in consequence of the death, bankruptcy, or marriage of the stockholder, or of any devolution in law from the stockholder, or otherwise than by transfer of the stock, shall produce such evidence of his title as may be reasonably required by the registrar, but the person so becoming entitled to any stock may transfer such stock to another person without being registered himself.</p> | <p>Transfer of colonial stock to which this Act applies</p> |
|---|---|

5. The registrar may, for such period not exceeding fourteen days as he may from time to time fix previous to each payment of dividend on any colonial stock to which this Act applies, close the register of that stock as regards transfers, upon giving not less than seven days' notice of such closing by advertisement in some newspaper circulating generally in the place where the register is kept.

Closing of
register for
dividend

The persons who on the day of such closing are inscribed as stockholders shall as between them and their transferees of colonial stock be entitled to the dividend then next payable thereon.

6. Where colonial stock to which this Act applies is standing in the name of an infant or person of unsound mind jointly with any person not under legal disability, a letter of attorney for the receipt of the dividends on the stock shall be sufficient authority in that behalf, if given under the hand and seal of the person not under disability, and attested.

Dividends in case
of infancy, etc.,
of a joint
stockholder

The registrar, before acting on the letter of attorney, may require proof to his satisfaction of the alleged infancy or unsoundness of mind, by the declaration of competent persons made under the Statutory Declarations Act, 1835, or in such other manner as he may reasonably require.

5 & 6 Will. 4, c.
62

Stock Certificates to Bearer

7. The registrar, if so authorised by the government of a colony issuing stock to which this Act applies, shall on application and payment of the fees and stamp duty, if any, chargeable in respect of the certificate, grant to a stockholder a certificate (in this Act called a stock certificate to bearer) which shall entitle the bearer to the stock therein described, and shall be transferable by delivery.

Stock certificate
to bearer

There shall be attached to such certificate coupons entitling the bearer of or person named in the coupons to the dividends on the stock for a limited period.

Any stock in respect of which a stock certificate to bearer has been so issued shall, so long as such certificate is outstanding, cease to be dealt with through the medium of the register.

A coupon so issued shall be deemed to be a cheque on a banker within the meaning of any law or enactment for the time being in force relating to cheques other than any enactment relating to stamp duties.

8. Where a composition has not been paid in respect of the stamp duty chargeable on the transfer of any stock to which this Act applies, a stock certificate to bearer issued in respect of that stock shall be charged with a stamp duty of two shillings and sixpence for every full sum of one hundred pounds, and also for every fraction less than one hundred pounds, or over and above one hundred pounds or a multiple of one hundred pounds, of the nominal amount of stock described in such certificate. Stamp duty on a stock certificate to bearer*

9. On the expiration of the period for which the coupons attached to a stock certificate to bearer have been issued under this Act, the certificate may be exchanged for another certificate with coupons for a further period: Provided, that the certificate issued in exchange, if the stamp duty has not been compounded, shall be duly stamped, but in such case the Commissioners of Inland Revenue shall, on production to them of both certificates duly stamped, and subject to such regulations as they may from time to time make, grant allowance for the stamp on the former certificate. Renewal of coupons or certificate

10. On delivery to the registrar of a stock certificate to bearer issued under this Act and of all unpaid coupons belonging thereto, the registrar shall enter the bearer in the register as proprietor of the stock described in the certificate, and thereupon that stock shall become transferable and the dividends thereon payable as if no stock certificate had been issued in respect of that stock. Conversion into nominal stock of stock in certificate to bearer

* Duty increased. 10 & 11 Geo. 5, c. 18, s. 38.

11. If the bearer of a stock certificate to bearer issued under this Act insert therein the name, address, and quality of some person, such certificate shall cease to be transferable, and the person so named, or some person deriving title from him by devolution in law, shall be recognised by the registrar as entitled to the stock described in the certificate, and shall be entitled to be entered in the register as proprietor of that stock in like manner as if he were the bearer of a stock certificate to bearer, but if deriving his title by devolution in law he shall produce such evidence of his title as the registrar may Conversion of stock certificate to bearer into nominal certificate

reasonably require.

12. *(Repealed except as to Scotland, 56 & 57 Vict. c. 53, s. 51; as to Scotland, 11 & 12 Geo. 5, c. 58. s. 36, Schedule C.)*

Trustee not to apply for stock certificate to bearer

13. If any stock certificate to bearer issued under this Act is lost, mislaid, or destroyed, the registrar shall, on such indemnity being given as he may reasonably require, and on payment of the expense of the issue, issue a fresh stock certificate to bearer in the place of the certificate so lost, mislaid, or destroyed.

Loss of stock certificate to bearer

14. Stock described in a stock certificate to bearer issued under this Act shall, save as relates to the mode of transfer and payment of dividends, be subject to the same incidents in all respects as if it had continued to be transferable in the register.

Stock in certificate to bearer to have incidents of other stock, except as to transfer, etc.

Register

15. No notice of any trust in respect of any colonial stock, or of any certificate thereof, or of any coupon annexed to such certificate, shall be entered in the register or receivable by the registrar or by the government of the colony.

Notice of trust

16. The registrar may, before the inscription of any stock, make with respect to the transfer of such stock, or otherwise in relation to such stock, reasonable regulations not inconsistent with the provisions of this Act.

Entry in register of conditions and regulations

A printed copy of the documents containing the authority for and conditions of the issue of stock to which this Act applies, and of all regulations with respect to the transfer of such stock or otherwise in relation to such stock, shall be entered in the register of the stock.

17. The register kept in pursuance of this Act shall on its mere production from the custody of the registrar be evidence of all matters entered therein, and, as regards persons entered therein as proprietors of colonial stock to which this Act applies, of the title of those persons to

Register to be evidence

that stock.

18. The registrar shall keep in a separate book a list of the stockholders on whose stock the dividends have been unclaimed for ten years, together with their registered addresses and description, and such register list shall be open for inspection at the usual hours of transfer upon payment of such fee, not exceeding two shillings and sixpence, as may be fixed by the regulations. Information to be given respecting

The registrar shall give within a reasonable time after application a certificate stating the following particulars in relation to any colonial stock of which he is registrar, or any part of such stock, or such of those particulars as may be required by the applicant, namely-

- (a) The total amount issued by the colony, and the total inscribed in the register; and
- (b) The total number of the persons in whose names the stock or part is originally inscribed, or after the register of such stock or part has been once closed as regards transfers, the total number of the stockholders at the last preceding date at which the transfer books were closed; and
- (c) The total number of each class of persons in whose names the stock or part is originally inscribed, or after the register of the stock or part has been once closed as regards transfers, of each class of stockholders at the last preceding date at which the transfer books were closed, the classification being according to the amount held, omitting fractions of two hundred pounds; and
- (d) A copy or extract certified by the registrar or by some officer appointed for the purpose to be a true copy or extract of any conditions or regulations required by this Act to be entered in the register.

Provided that the registrar shall not be required to give any such certificate in relation to any colonial stock, or part of such stock, until after the expiration of one month after the stock or part of the stock to which the certificate relates has been inscribed.

Within a reasonable time after the application of any person who is a stockholder of any colonial stock to which this Act applies, the registrar shall give him a list of the registered names and addresses of the stockholders of such stock at the last preceding date at which the register was closed as regards transfers.

The registrar before giving a certificate or list under this section may require payment of such fee not exceeding five shillings and a further sum of twopence for every folio of seventy-two words, or in the case of a list of names and addresses of sixpence for each name and address, as the registrar may from time to time fix.

Any certificate or list given under this section shall be admissible in evidence.

Miscellaneous

19. The declaration respecting colonial stock to which this Act applies, recorded with the Commissioners of Inland Revenue, and the document containing the conditions of the issue of the stock, and every prospectus and notice inviting persons to subscribe for or take the stock, and every stock certificate to bearer, and every coupon and dividend warrant and every other certificate and document issued to a stockholder in relation to stock held by him, shall state that the revenues of the colony alone are liable in respect of the stock and the dividends thereon, and that the Consolidated Fund of the United Kingdom and the Treasury are not directly or indirectly liable or responsible for the payment of the stock or of the dividends thereon, or for any matter relating thereto, and if the Treasury require the statement to be made in any particular terms, those terms shall be adopted.

Particulars to be contained in prospectus, certificates, etc.

A declaration not in conformity with this section shall not be recorded, and every person publishing or issuing or entering in the register any such document, prospectus, notice, stock certificate, coupon, warrant, certificate or document as aforesaid not in conformity with this section shall be liable to a penalty not exceeding fifty pounds.

20. In any legal proceeding in a court in the United Kingdom in relation to the register of colonial stock to which this Act applies, or to an entry in or omission from such register, or to a right or title to or interest in any such colonial stock, or any dividend thereon, the jurisdiction of such court shall not be objected to on the ground only that the registrar is the agent of a colonial government, and the registrar, whether a party or not to such proceeding, shall comply with any order made by such court in relation to the matters aforesaid.

Jurisdiction of courts as to colonial stock

Any person claiming to be interested in colonial stock to which this Act applies, or in any dividend thereon, may present a petition of right in England in relation to such stock or dividend, and the like proceedings may be had upon such petition as in the case of any other petition of right, subject to this qualification, that the certificate of the judgment, decree, rule, or order of the court may be left with the registrar instead of with the Treasury, and such judgment, decree, rule or order shall be complied with by the registrar or other agent of the colonial government having possession in England of moneys of such government instead of by the Treasury.

21. For the purposes of the Act of the session of the twenty-fourth and twenty-fifth years of the reign of Her present Majesty, chapter ninety-eight, intituled "An Act to consolidate and amend the Statute Law of England relating to indictable offences by forgery", colonial stock to which this Act applies shall be deemed to be capital stock of a body corporate. Forgery of transfers of stock and of stock certificates, and personation of owners of stock, etc.

The Forgery Act, 1870, shall apply to a stock certificate and a coupon issued in pursuance of this Act, and to colonial stock to which this Act applies, in like manner as if the same were a stock certificate, coupon, or stock mentioned in that Act. 33 & 34 Vict. c. 58

22. Colonial stock to which this Act applies shall be personal estate, and shall not be liable to any foreign attachment by the custom of London or otherwise. Stock to which this Act applies to be personal estate

23. The registrar may charge such fees (if any) in respect of any certificate issued under this Act with reference to colonial stock and in respect of any transfer thereof in the register, and otherwise in respect of any act done by the registrar with respect to such stock, as may be fixed by the government issuing the stock, not exceeding in any case five shillings. Fees

All fees charged by the registrar in pursuance of this Act may be retained by him for his own use.

24. Any discretion or power vested by this Act in the registrar shall, subject to any agreement between the registrar and the government of Control of discretion of

the colony issuing the stock inscribed in the register kept by such registrar, be exercised subject to and in accordance with the directions of that government.

25. Nothing in this Act shall prevent any colonial stock inscribed in the register being transferred upon the application of the stockholder to a register in the colony or elsewhere. Saving for transfer of stock to colony

26. In this Act, unless the context otherwise requires: Definitions

the expression "colony" means any dominion, colony, island, territory, province, or settlement situate within Her Majesty's dominions, but not within the United Kingdom, the Channel Islands, or Isle of Man, and not forming part of India as defined for the purposes of the Acts for the time being in force relating to the Government of India; and for the purposes of this Act the whole of the dominion, colonies, islands, territories, provinces, and settlements under one central legislature, and also such part of the said dominion and such of the said colonies, islands, territories, provinces, and settlements as is under a local legislature is deemed to be a colony;

the expression "legislature" means any bodies or body of persons or person who can exercise legislative authority in a colony, and where there are local legislatures as well as a central legislature, includes both each of the local legislatures and the central legislature;

the expression "colonial stock" includes any share or interest in colonial stock;

the expression "register" includes any books kept by the registrar for the purpose of colonial stock in which the names and addresses of the several persons for the time being entitled to such stock, and the amounts to which they are entitled, and the transfers thereof, are entered;

the expression "stockholder" means a person holding colonial stock, being entered as proprietor thereof in the register kept under this Act;

the expression "person" includes a corporation.

27. This Act may be cited as the Colonial Stock Act, 1877.

Short title

COLONIAL STOCK ACT, 1892

55 & 56 Vict. c. 35

AN ACT TO AMEND THE COLONIAL STOCK ACT, 1877 SO FAR AS REGARDS THE MODE OF TRANSFER OF STOCK TO WHICH THAT ACT APPLIES

[27th June, 1892]

**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. This Act may be cited as the Colonial Stock Act, 1892, and this Act and the Colonial Stock Act, 1877, may be cited together as the Colonial Stock Acts, 1877 and 1892.

Short title. 40 &
41 Vict. c. 59

2. (1) Any stock issued after the passing of this Act to which the Colonial Stock Act, 1877, applies may, if so provided by regulations under section 16 of that Act (which regulations the registrar is hereby authorised to make), be transferred by deed according to the form in the Schedule to this Act, or to the like effect, and such deed, when duly executed by all parties, shall be delivered to the registrar and kept by him, and a memorial thereof shall be entered in the register.

Amendment of
40 & 41 Vict. c.
59, as respects
the mode of transfer
of stock

(2) On demand of the holder of any stock transferable by deed the registrar shall cause a certificate of the proprietorship thereof to be delivered to each holder, and such certificate shall be *prima facie* evidence of the title of the holder to the stock therein specified; nevertheless the want of such certificate shall not prevent the holder of any stock from disposing thereof.

(3) Where stock of a colony has been issued before the passing of this

Act, and the regulations for the transfer of such stock provide for its transfer in like manner as is authorised by this Act, the government of the colony, if desirous that the Colonial Stock Act, 1877, as amended by this Act, should apply to the said stock, may, by a declaration made, deposited, and recorded in like manner as a declaration adopting that Act, declare such desire, and identify the stock with reference to which the declaration is made and thereupon this Act shall apply as if it had been enacted before the issue of the stock and the said regulations had been made in pursuance of section 16 of the Colonial Stock Act, 1877.

(4) Section 19 of the Colonial Stock Act, 1877, shall not apply to any stock in respect to which the provisions of that section have not been observed before the passing of that Act.

(5) A declaration under this Act may be made whether there has or has not been a prior declaration applying to the stock the Colonial Stock Act, 1877.

3. This Act shall apply to the Isle of Man in like manner as if section 6 of the Isle of Man Loans Act, 1880, referred to the Colonial Stock Act, 1877, as amended by this Act, and that section shall be deemed to have authorised the Government of the Isle of Man to provide for the transfer of stock in manner provided by this Act.

Application of
this Act to Isle of
Man. 43 & 44
Vict. c. 8

SCHEDULE

STOCK

[Here identify stock]

I, or we, _____ of _____ in consideration of Seller
the sum of £ _____ Money
paid by _____ being the consideration money for

_____ stock do hereby transfer the said stock [together with the interest accrued ^{Buyer}
thereon since the last half-yearly payment of such interest] to the said transferee.

And _____ the said transferee hereby accepts the transfer of
the same subject to the conditions on which the transferor held the same.

Witness our hands and seals this _____ day of
one thousand eight hundred and ninety

Signed, sealed, and delivered by the above-named
in the presence of
Signature of witness
Address
Occupation

Signed, sealed, and delivered by the above-named
in the presence of
Signature of witness
Address
Occupation

COLONIAL STOCK ACT, 1900

63 & 64 Vict. c. 62

AN ACT TO AMEND THE COLONIAL STOCK ACTS, 1877 AND 1892, AND THE TRUSTEE ACT, 1893

[8th August, 1900]

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. For the purpose of enabling the Colonial Stock Acts, 1877 and 1892, to be applied to stock issued before the passing of this Act, it shall not be necessary that any prospectus, notice, stock certificate, coupon, dividend warrant, or other certificate or document issued before the passing of this Act in relation to the stock, should state the particulars required to be stated therein by section 19 of the Colonial Stock Act, 1877. Amendment of 40 & 41 Vict. c. 59 s. 19, as to colonial stock
2. The securities in which a trustee may invest under the powers of the Trustee Act, 1893, shall include any colonial stock which is registered in the United Kingdom in accordance with the provisions of the Colonial Stock Acts, 1877 and 1892, as amended by this Act, and Power for trustees to invest in colonial stock. 56 & 57 Vict. c.

with respect to which there have been observed such conditions (if any) 53 as the Treasury may by order notified in the London Gazette prescribe.

The restrictions mentioned in section 2 subsection (2) of the Trustee Act, 1893, with respect to the stocks therein referred to shall apply to colonial stock. The Treasury shall keep a list of any colonial stocks in respect of which the provisions of this Act are for the time being complied with, and shall publish the list in the London and Edinburgh Gazettes, and in such other manner as may give the public full information on the subject.

3. In the application of this Act to Scotland the words "Trusts (Scotland) Amendment Act, 1884," shall be substituted for the words "Trustee Act, 1893," where those words first occur in section 2, and the restrictions mentioned at the end of the said section shall apply. Application to Scotland

4. This Act may be cited as the Colonial Stock Act, 1900, and the Colonial Stock Acts, 1877 and 1892, and this Act may be cited collectively as the Colonial Stock Acts, 1877 to 1900. Short title. 40 & 41 Vict. c. 59 55 & 56 Vict. c. 35

THE COLONIAL STOCK ACTS EXTENSION (NORTHERN RHODESIA) ORDER, 1931

AT THE COURT AT BUCKINGHAM PALACE, THE 11TH
DAY OF AUGUST, 1931

Present:

THE KING'S MOST EXCELLENT MAJESTY

LORD PRESIDENT
KILLOWEN

LORD RUSSELL OF

VISCOUNT LEE OF FAREHAM

MR. SECRETARY SHAW

WHEREAS by section 3 of the Colonial Development Act, 1929, it is amongst other things provided that His Majesty may, if a representation is made to Him by the Treasury and the Secretary of State that it is desirable so to do, make an Order in Council directing that the Colonial

Stock Acts, 1877 to 1900, shall be extended, subject to such modifications and to such conditions as may appear expedient to His Majesty, so as to apply to stock issued after the passing of that Act and forming part of the public debt of any territory specified in the Order which is under His Majesty's protection:

AND WHEREAS a representation has been made to His Majesty by the Treasury and the Secretary of State that it is desirable that an Order should be made directing that the Colonial Stock Acts, 1877 to 1900, shall, subject to the modifications for which provision is made by this Order, be extended so as to apply to stock issued after the passing of the said Act and forming part of the public debt of Northern Rhodesia as if Northern Rhodesia were a colony:

NOW, THEREFORE, His Majesty, in pursuance of the powers vested in Him by the said section 3 of the Colonial Development Act, 1929, and of all other powers enabling Him in that behalf, is pleased by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:

(1) The Colonial Stock Acts, 1877 to 1900, shall, subject to the modifications set out in the next succeeding paragraph of this Order, be extended so as to apply to stock issued after the passing of the Colonial Development Act, 1929, and forming part of the public debt of Northern Rhodesia as if Northern Rhodesia were a colony.

(2) For the purposes of section 2 of the Colonial Stock Act, 1900, the following conditions shall have effect in relation to stock to which the Colonial Stock Acts, 1877 to 1900, apply by virtue of this Order as if they had been prescribed by the Treasury under that section:

(a) Provision must be made by legislation of Northern Rhodesia for the payment out of the revenues of Northern Rhodesia of any sums which may become payable to stockholders under any judgment, decree, rule or order of a court in the United Kingdom:

(b) The Government of Northern Rhodesia must satisfy the Treasury that adequate funds, as and when required, will be made available in the United Kingdom to meet any such judgment, decree, rule or order:

(c) The Government of Northern Rhodesia must place on record a formal expression of their opinion that any legislation of Northern Rhodesia which appears to the Imperial Government to alter any of the provisions affecting the stock to the injury of the stockholders or to involve a departure from the original contract in regard to the stock would properly be disallowed, and that no legislation, whereby the control of the Secretary of State over the finances of Northern Rhodesia is impaired, ought to be passed unless and until the Treasury are satisfied that satisfactory arrangements have been made for safeguarding the interests of the stockholders.

(3) This Order may be cited as the Colonial Stock Acts Extension (Northern Rhodesia) Order, 1931.

M. P. A. HANKEY

REPUBLIC OF ZAMBIA

STATE LANDS, RESERVES AND TRUST LAND

APPENDIX 9

PART I

ORDERS

THE ZAMBIA (STATE LANDS AND RESERVES) ORDERS, 1928 TO 1964

**AT THE COURT AT BUCKINGHAM PALACE, THE
22ND DAY OF
MARCH, 1928**

Present:

**THE KING'S MOST EXCELLENT MAJESTY IN
COUNCIL**

WHEREAS the territories of Africa formerly known as North-Eastern Rhodesia and North-Western Rhodesia but known since the 17th day of August, 1911, the date of the commencement of the Northern Rhodesia Order in Council, 1911, as Northern Rhodesia are under the protection of His Majesty the King:

AND WHEREAS by treaty grant usage sufferance and other lawful means His Majesty has power and jurisdiction in Northern Rhodesia:

AND WHEREAS by an Order of His Majesty in Council bearing date the 4th day of May, 1911, and entitled "The Northern Rhodesia Order in Council, 1911", provision was made for the exercise of His Majesty's jurisdiction in Northern Rhodesia and for the general administration of affairs therein by the British South Africa Company, subject to certain provisions in the said Order contained with regard to the occupation by natives of land in Northern Rhodesia:

AND WHEREAS by an Agreement bearing date the 29th day of September, 1923, made between His Majesty's Principal Secretary of State for the Colonies on behalf of His Majesty (in the said Agreement referred to as "the Crown") of the one part and the British South Africa Company (therein and hereinafter referred to as "the Company") of the other part it was amongst other things provided that the Crown should as from the 1st day of April, 1924, relieve the Company of the administration of Northern Rhodesia and that:

(a) The Company as from the 1st day of April, 1924, assigned and transferred to the Crown all such rights and interests in lands as it claimed to have acquired by virtue of the concessions granted by Lewanika, upon which date the full and entire control of the lands throughout North-Western Rhodesia as well as elsewhere in Northern Rhodesia should be taken over by the Crown and thereupon (subject to certain provisions with regard to the rights of the Company to lands and

minerals contained in the said Agreement) the Crown should be completely free to administer such lands in such manner as the Crown might in its discretion deem best in the interest of the native population and in the public interests generally:

(b) The Crown should recognise all alienations of land which had been made by the Company in Northern Rhodesia before the 1st day of April, 1924:

(c) As regards the Concession granted by the Company to the Northern Charterland Exploration Company the Crown reserved the right to set apart such Native Reserves in the area granted to that Company, such area being wholly within the limits of Northern Rhodesia, as the Crown might deem proper:

AND WHEREAS in accordance with the said Agreement the Crown did as from the 1st day of April, 1924, relieve the Company of the administration of Northern Rhodesia and by an Order of His Majesty in Council bearing date the 20th day of February, 1924, and entitled the Northern Rhodesia Order in Council, 1924, provision was made for the administration of Northern Rhodesia by a Governor to be appointed by His Majesty:

AND WHEREAS the Governor appointed Commissioners on the 10th day of October, 1924, to make inquiry as to what land should be reserved for natives within the area granted by the said Concession to the North Charterland Exploration Company and received a report accordingly from the said Commissioners:

AND WHEREAS by reason of the premises it is desirable to declare what land within Northern Rhodesia shall be Crown Land and Native Reserves respectively and to confirm certain alienations of land within Northern Rhodesia:

NOW, THEREFORE, His Majesty, by virtue and in exercise of the powers by the Foreign Jurisdiction Act, 1890, or otherwise in His Majesty vested, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:

1. This Order may be cited as the Zambia (State Lands and Reserves) Orders, 1928 to 1964.

(As amended by Article 2 of the Order of 1964)*

* Statutory Instrument No. 4 of 1964.

2. (1) In this Order, unless the subject or context otherwise requires:

The expression "public purpose" includes the following purposes:

(a) for exclusive Government use or for the general benefit of the native inhabitants of Zambia;

(b) for or in connection with sanitary improvements of any kind including reclamations; Cap. 480

* Statutory Instrument No. 4 of 1964.

(c) for or in connection with the laying out of any new township or the extension or improvement of any existing township;

(d) for or in connection with aviation;

(e) for the construction of any railway authorised by legislation;

(f) for obtaining control over land contiguous to any railway, road or other public works constructed or intended at any time to be constructed by Government;

(g) for obtaining control over land required for or in connection with hydro-electric or other electricity generation and supply purposes;

(h) for or in connection with the preservation, conservation, development or control of forest produce, fauna, soil, water and other natural resources;

The expression "the Reserves" means the lands set apart by Article 6 of this Order, as from time to time amended, for the sole and exclusive use of the natives of Zambia;

The expression "rural council" means a rural council established or deemed to have been established under the Local Government Act;

The expression "State Lands" means all lands and rights or interests in any lands in Zambia other than (1) the three freehold areas hereinafter referred to vested in the Company, (2) lands and any rights or interests therein vested in any person deriving title from the Company, (3) any mineral rights of which the Company has been recognised as the owner by the Crown under the hereinbefore recited Agreement of the 29th day of September, 1923, (4) (*deleted by Act No. 47 of 1970*), (5) lands granted in perpetuity to any person by the Governor of Northern Rhodesia between the 1st day of April, 1924, and the coming into operation of this Order, (6) Reserves and (7) Trust Land.

(2) The Interpretation and General Provisions Act shall apply for the purpose of interpreting this Order and otherwise in relation thereto as it applies for the purpose of interpreting, and in relation to, the written laws of Zambia. Cap. 2

(As amended by the Northern Rhodesia (Native Trust Land) Order in Council, 1947, Article 2 of Order No. 1 of 1962, Article 2 of Order No. 4 of 1962,* Article 2 of Order No. 1 of 1963,* Article 2 of Order No. 2 of 1963,* Article 2 of the Order of 1964, Act No. 69 of 1965 and Act No. 47 of 1970)*

* Government Notice No. 335 of 1963.

Government Notice No. 256 of 1962.

Government Notice No. 275 of 1963.

Government Notice No. 54 of 1964.

3. (1) The title of the Company to the three freehold areas in that part of Zambia formerly known as North-Eastern Rhodesia held by the Company by virtue of the Concessions approved by the Certificates of Claim issued by Sir H. H. Johnston, and dated as to two of them the 18th day of September, 1893, and as to the third the 20th day of September, 1893, is hereby recognised and confirmed.

(2) All alienations of land made by the Company prior to the 1st day of April, 1924, and duly registered according to law are hereby recognised and confirmed.

(3) All alienations of land made by the Governor of Northern Rhodesia between the 1st day of April, 1924, and the coming into operation of this Order and duly registered according to law are hereby recognised and confirmed.

(As amended by Article 2 of the Order of 1964)

4. All rights in or in relation to State Lands shall vest in the President.

(Substituted by Article 2 of the Order of 1964)

5. Subject to the provisions of any law in force in Zambia, the
*President may make grants and dispositions of State Lands and of any
other immovable property that may for the time being be vested in the
President.

* Power to make grants of State Lands delegated to the public officer
for the time being holding the office or executing the duties of
Commissioner of Lands, subject to the directions of the Minister
responsible for land matters. (Statutory Instrument No. 7 of 1964.)

(Substituted by Article 2 of the Order of 1964)

6. (1) The lands described in the Schedule hereto and known as
Reserves, and the appendant rights set forth in the said Schedule, are
hereby vested in the President and, subject to the provisions of this
Article and of Article 6A of this Order, are hereby set apart for the sole
and exclusive use of the natives of Zambia.

(2) No person other than a native shall occupy any portion of a
Reserve which is not set aside for public purposes under paragraph (2)
of Article 6A of this Order save:

(a) by special permission given in accordance with such regulations
as may be issued by the President; or

(b) under the authority of a grant or disposition made under Article
6A of this Order.

* Power to make grants of State Lands delegated to the public officer
for the time being holding the office or executing the duties of
Commissioner of Lands, subject to the directions of the Minister
responsible for land matters. (Statutory Instrument No. 7 of 1964.)

(3) The President may make such adjustments of the boundaries of
any Reserve that may appear to be necessary or desirable, provided
always that in case of any such adjustment, the area of no Reserve shall
be materially affected or diminished thereby and on such approval
being given the land excepted from a Reserve shall be deemed to be no
longer subject to the provisions of this Order with regard to Reserves
and the land assigned to a Reserve shall be deemed to be subject to the
said provisions.

(Substituted by Article 3 of Order No. 1 of 1963 as amended by Article

2 of the Order of 1964)

6A. (1) The *President may make grants or dispositions of land in the Reserves to any person:

* Power to make grants of land in Reserves delegated to the public officer for the time being holding the office or executing the duties of Commissioner of Lands, subject to the directions of the Minister responsible for land matters. (Statutory Instrument No. 7 of 1964.)

Provided that the President shall not grant or dispose of land in a Reserve to a person, other than a native or a rural council, for a period exceeding-

- (a) ninety-nine years in the case of land set aside for public purposes;
- (b) *(Repealed by Act No. 46 of 1969)*
- (c) thirty-three years in the case of a grant or disposition to a missionary society or body or a charitable organisation for the purposes of that society, body or organisation;
- (d) five years in any other case.

(2) The President may set aside land in any Reserve for public purposes and any land so set aside shall thereupon cease to be land in a Reserve and shall become State Lands.

(3) The powers of the President under paragraph (1) of this Article shall be exercised in accordance with any regulations made under Article 7 of this Order or any law applying in relation to Reserves.

(4) Before making a grant or disposition of land under paragraph (1) of this Article to any person the President shall consult the rural council within whose area that land is situate.

(5) References in this Article to grants or dispositions include, without prejudice to the generality of those expressions, grants or dispositions

by way of licence, wayleave or easement.

(Added by Article 4 of Order No. 1 of 1963 as amended by Article 2 of the Order of 1964, Act No. 69 of 1965, Act No. 46 of 1969 and Act No. 47 of 1970)

* Power to make grants of land in Reserves delegated to the public officer for the time being holding the office or executing the duties of Commissioner of Lands, subject to the directions of the Minister responsible for land matters. (Statutory Instrument No. 7 of 1964.)

7. The President shall within each Reserve assign lands to natives, whether as tribes or portions of tribes, and may from time to time make, alter, amend and revoke regulations for the general purposes of this Order and in particular may by such regulations control and limit in the interests of native occupation the entry upon or use of land in any Reserve by any persons other than natives, and may prescribe as penalties for the breach of any regulation a fine not exceeding £100, or imprisonment with or without hard labour for a term not exceeding 12 months, or both such fine and imprisonment.

(As amended by Article 2 of the Order of 1964)

8. Notwithstanding anything contained in this Order or in any regulations from time to time made thereunder, the holder of a mining right granted or acquired under the Mines and Minerals Act* over any part of a Reserve may enter upon land within the Reserve together with the persons employed by him for the purpose of exercising rights under the mining right and may exercise the said rights subject to the provisions of the said Act and any regulations made thereunder.

Cap. 213 of the
1971 Edition of
the Laws

* The Mines and Minerals Act appears as Cap. 213 in this Edition.

9. *(Had its effect)*

10. All sums which have accrued or shall accrue under the provisions of any regulations made under this Order or under any appropriation made in that behalf by Ordinance shall be paid into the Trust Land Fund established under the Zambia (Trust Land) Orders, 1947 to 1964.

Provided that if the President so directs, any such sums that shall accrue in respect of any land included in the area of a Reserve set aside under paragraph (2) of Article 6A of this Order for the purpose of a township shall be paid to such authority (being an authority established by law for the local administration of the township) as the President may specify.

(Substituted by the Northern Rhodesia (Native Trust Land) Order in Council, 1947, as amended by Article 5 of Order No. 1 of 1963 and Article 2 of the Order of 1964)

10A. The President may, by order, authorise any person or authority to exercise for and on behalf of the President, subject to such exceptions and conditions as he may specify, any of the functions of the President under this Order.

(Substituted by Article 2 of the Order of 1964)

10B. *(Revoked by Article 2 of the Order of 1964)*

11. *(Revoked by Article 2 of the Order of 1964)*

* The Mines and Minerals Act appears as Cap. 213 in this Edition.

12. This Order shall come into operation forthwith, and shall be published in the *Northern Rhodesia Gazette* and the Governor shall give directions for the publication of this Order at such places and in such manner and for such times as he thinks proper for giving due publicity thereto.

And the Right Honourable Leopold Charles Maurice Stennett Amery, one of His Majesty's Principal Secretaries of State, is to give the necessary directions herein.

M. P. A. HANKEY

SCHEDULE

I-MSANDILI RESERVE

Boundaries:

Starting from the point where the northern boundary of Farm No. 111 is intersected by the old Shinunda Road, near Luona Hill, the boundary shall follow the said road in a northerly direction to the point where it

meets the Msandili-Rukuzi watershed; thence it shall follow the said watershed in a south-easterly direction to the beacon on the Fort Jameson-Lundazi Road, south-west of Ngubudu's Village; thence it shall follow the said road northwards to the point where it intersects the Maskala Stream; thence it shall pass in straight lines successively in a north-westerly direction to Masupi Hill, in a north-easterly direction to Kalungu Hill, in a south-easterly direction to Nikunku Hill and to a beacon on the Fort Jameson-Lundazi Road where it intersects the Rukuzi-Rukusuzi watershed; thence it shall pass in a straight line to the north-west beacon of Tamanda Mission Estate; thence it shall follow the western and southern boundaries of the said farm to the south-east beacon on the Zambia-Malawi boundary; thence it shall follow the said boundary to the beacon at the north-east edge of the basin of the Katapola Stream; thence it shall follow the northern edge of the Katapola basin to the point where the eastern boundary of Farm No. 41 (Kapatamoyo's) intersects it; thence it shall follow the eastern boundary of the said farm southwards to the point where it meets the north-eastern boundary of Farm No. 35; thence it shall follow the north-eastern boundary of Farm No. 35, the eastern boundary of Farm No. 36, the southern and eastern boundaries of Farm No. 115, and the northern boundaries of Farms Nos. 116 114 and 111 to the point of starting.

II-NGONI RESERVE

Boundaries:

Starting from the point where the Kaungo Stream is intersected by the Fort Jameson-Msoro Road (Kozza's Village), the boundary shall pass northwards in a straight line to the highest peak of Mkwawa Hills; thence it shall pass westwards in a straight line to a beacon on the Chivundula Stream; thence it shall pass in straight lines in a northerly direction to Kapemba Hill and to a beacon on the northern boundary of the North Charterland Exploration Company's Concession; thence it shall follow the said Concession boundary in a north-easterly direction to the point where it meets the western boundary of Chikowa Farm; thence it shall follow the western, southern and eastern boundaries of the said farm to the point where the eastern boundary is intersected by the northern boundary of the North Charterland Exploration Company's Concession; thence it shall pass in a straight line in a south-easterly direction to the confluence of the Tambo Stream with the Lutembwe River; thence it shall follow the Lutembwe River upstream to a beacon situated due west of Champaku Hill; thence it shall pass in straight lines to Champaku Hill, and the western beacon of Farm No. 129; thence it shall follow the south-western boundary of Farm No. 129, the southern boundary of Farm No. 121, the western and south-western boundaries of Farm No. 126, the south-west boundary of Farm No. 125, the north-west boundaries of Farms Nos. 107 and 25 (Government

Farm), the northern boundary of Farm No. 105, the north-western boundaries of Farms Nos. 106 and 103, to the south-east beacon of Farm No. 133; thence it shall follow the north-eastern and north-western boundaries of the said farm to the north-west beacon on the Lutembwe River; thence it shall follow the Lutembwe River upstream to the western beacon of Farm No. 22; thence it shall follow the south-west boundary of Farm No. 22, the southern boundary of Farm No. 31, the western boundary of Farm No. 33, the western and south-eastern boundaries of Farm No. 83 to the eastern beacon of the said farm; thence it shall follow the south-eastern boundary of Farm No. 82 to its north-east beacon; thence it shall follow the north-east boundary of Farm No. 82, the eastern boundary of Farm No. 32, the south-east boundaries of Farms Nos. 34 and 27, the southern boundary of Farm No. 28 to its south-east beacon on the Zambia-Malawi boundary; thence it shall follow the said boundary to the north beacon of Farm No. 90; thence it shall follow the north-west boundary of the said farm to the north-west beacon of Farm No. 73; thence it shall follow the western and southern boundaries of the said farm to the point where it intersects the Mwami River; thence it shall follow the Mwami River downstream in a southerly direction to its confluence with the Katete Stream; thence it shall pass in a straight line to the eastern beacon of Farm No. 54 on Bwaunka Hill; thence it shall follow the north-eastern and north-western boundaries of the said farm, the northern boundary of Farm No. 53, and the northern and north-western boundaries of Farm No. 52 to the south-west beacon; thence it shall pass to the nearest point on the Kapundi River; thence it shall follow the Kapundi River downstream to the point where it is intersected by the eastern boundary of the unnumbered farm, known as the Soldiers' Settlers Farms Area; thence it shall follow the said boundary to the north-east beacon near Mawalu Hill; thence it shall pass in straight lines in a north-westerly and northerly direction to Luli Hill and the eastern beacon of Farm No. 49 on Kazimuli Hill; thence it shall follow the north-eastern and western boundaries of the said farm to the south-west beacon; thence it shall pass in straight lines to the southern peak of Chiswa Hill, and the north-east beacon of Farm No. 77; thence it shall follow the north-eastern boundary of the said farm to the north-west beacon; thence it shall pass in a straight line to the south-east beacon of Farm No. 76 (Mkoma Ranch) on Yangombe Hill; thence it shall follow the eastern boundary of the said farm to the point where it meets the Chigumo Stream; thence it shall follow the Chigumo Stream to its confluence with the Mwangazi River; thence it shall follow the Mwangazi River downstream to a beacon situated south of an unnamed hill; thence it shall pass in straight lines in a northerly direction to the said unnamed hill, and to a beacon on the Mwangazi-Kasenengwa watershed; thence it shall follow the said watershed to a beacon on the Fort Jameson-Msoro Road; thence it shall follow the Fort Jameson-Msoro Road in an

easterly direction to the point of starting.

III-CHEWA RESERVE

Boundaries:

Starting at Beacon XIX on the Zambia-Portuguese Boundary, the boundary shall pass in a northerly direction to the confluence of the Chiwuyu Stream with the Kapoche River; thence it shall follow the Chiwuyu Stream to a beacon near Katuta's (1924) Village (in the Petauke sub-district); thence it shall pass in a north-easterly direction in a straight line to the Mlambe-Chamvuka confluence; thence it shall follow the Mzimi-Katete watershed in a south-easterly direction to Chimwa Hill; thence it shall pass in straight lines successively to Mlanze Hill, Kamtuzi Hill, to the southern beacon of Farm No. 55a (Tongoli Extension); thence it shall follow the south-eastern boundary of Farm No. 55a, and the eastern boundary of Farm No. 55 to the north-east beacon of the said farm; thence it shall follow the northern boundary of Farm No. 55 to the point where it intersects the Msadzu River; thence it shall follow the Msadzu River in a northerly direction to the south-west beacon of Farm No. 118 (D.R.C.M.); thence it shall follow the southern boundary of the said farm to the south-east beacon; thence it shall pass in straight lines successively to Chipiri Hill, the south-east beacon of Farm No. 48 (Mrs. Purchase), the eastern beacon of Farm No. 54 (on Bwanunka Hill), Mbozi Hill, and the south-west beacon of Farm No. 101; thence it shall follow the southern boundary of Farm No. 101 to the south-east beacon on the Vubwi River; thence it shall follow the Vubwi River upstream to the south-west beacon of Farm No. 99; thence it shall follow the southern boundary of the said farm to its south-east beacon; thence it shall pass in a southerly direction in a straight line to Nyangamalomo Hill; thence it shall pass to the nearest point on the Sengelezi Stream; thence it shall follow the Sengelezi Stream to the western beacon of Mr. Lewin's unnumbered farm; thence it shall follow the south-west boundary of the said farm to its southern beacon on Palipali Hill; thence it shall pass in a straight line to Beacon XXXI on the Zambia-Portuguese Boundary (Menyani Hill); thence it shall follow the said Zambia-Portuguese Boundary to the point of starting.

(As amended by Article 2 of the Order of 1936)*

* Government Notice No. 28 of 1937.

IV-ZUMWANDA RESERVE

Boundaries:

Starting from a beacon on the southern peak of Chilongamabwe Hills, the boundary shall pass in a straight line to the Lupande-Chisali

confluence; thence it shall follow the Lupande River downstream in a northerly direction to the western beacon of the Mwangazi Farm (Mr. Davidson); thence it shall follow the southern boundary of the said farm to the south-east beacon on the Mtetezi River; thence it shall follow the said river upstream to the Chipapira-Mtetezii confluence; thence it shall pass in a straight line to a beacon on an unnamed hill south-east of Zinaka Stream; thence it shall pass in a straight line to the Mataundula-Mtetezi confluence; thence it shall pass in a straight line to the Mataundula-Mtetezi confluence; thence it shall follow the Mtetezi upstream to the nearest point to the north-east beacon of Farm No. 57 on Msala Hill; thence it shall follow the northern boundary of the said farm to the north-west beacon; thence it shall pass in a straight line to the northern beacon of the North Charterland Exploration Company's unsurveyed Estate, known as the Katete Estate; thence it shall pass in a straight line to the point of starting. Also that triangular area, which lies between the Lusandwa and Lupande Rivers with the northern apex at the confluence of these rivers, and the southern base formed by a line which for the purposes of this description may be defined as starting from the Lupande River at the north-eastern corner of the farm known as Greer's Farm, and following the northern boundary of that farm to its north-western beacon and thence running due west to the Lusandwa River.

* Government Notice No. 28 of 1937.

V-NSENGA RESERVE

Boundaries:

Starting from Beacon XI on the Zambia-Portuguese Boundary, the boundary shall pass in a straight line in a north-westerly direction to Menyani Hill; thence it shall pass in a straight line to the confluence of an unnamed stream with the Nyimba River near Matonje's (1924) Village; thence it shall follow the Nyimba River downstream to the confluence of an unnamed stream with the Nyimba River, south-east of Chutika's Village; thence it shall pass in a north-easterly direction by straight lines successively to Chinunu Hill, Ngolwe Hill, and the south-east beacon of the Minga Mission (White Fathers) Estate; thence it shall follow the eastern boundary of the said estate to the north-east beacon; thence it shall pass in a straight line to the confluence of the Msambazi Stream with the Mvuvia River; thence it shall follow the Mvuvia River upstream to a beacon near Ndewe's Village; thence it shall follow the Lusowe-Kaulo watershed to Nyakala Hill; thence it shall pass in straight lines successively to Mafumba Hill, Kapungwe Hill, Chumbi Hill, Mbewa Hill and the western beacon of Nyanje Mission on Nyanje Hill; thence it shall follow the south-western and south-eastern boundaries of the said Mission Estate to the eastern

beacon; thence it shall pass in a straight line in a northerly direction to Sivea Hill; thence it shall pass to a beacon at the headwaters of the Kapoche River; thence it shall follow the Kapoche River downstream to its confluence with the Chiwuyu Stream; thence in a southerly direction to Beacon XIX on the Zambia-Portuguese Boundary; thence it shall follow the Zambia-Portuguese Boundary to the point of starting.

(As amended by Article 2 of the Order of 1936)

VI-LUSANDWA RESERVE

Boundaries:

Starting from the south-east beacon of Farm No. 79, the boundary shall follow the eastern boundary of the said farm to its north-east beacon; thence it shall follow the northern boundary to the point where it intersects the Lusangazi River; thence it shall follow the Lusangazi River downstream to a beacon near Mkuza's Village; thence it shall pass by convenient beacons in an easterly direction to the Lusandwa-Kasangazi confluence; thence it shall follow the Kasangazi to a convenient beacon near Mchilwa's Village; thence it shall pass in a straight line in a south-easterly direction to the confluence of an unnamed stream with the Nyamadzi River; thence it shall follow the Nyamadzi River upstream to the confluence with it of another unnamed stream (south of Chipapila's Village); thence it shall pass in a straight line to the junction of the Fort Jameson-Petauke motor road with the Fort Jameston-Petauke mail road (near Machewo's Village); thence it shall pass in a straight line to the point of starting.

VII-PETAUKE RESERVE

Boundaries:

Starting from the point where the Petauke River (marked Mtikila on the Zambia Provisional Sheet No. 46, Sasare) is intersected by the northern boundary of the North Charterland Exploration Company's Concession, the boundary shall follow the said Concession boundary to the point where it intersects the Msanzara River; thence it shall follow the said river upstream to the confluence with it of the Chidiamanyama Stream; thence it shall pass in a straight line to the headwaters of the Lutwazi Stream; thence it shall follow the Msanzara-Mtikila watershed to the point where it is intersected by the Fort Jameson-Petauke mail road; thence it shall follow the said road in a westerly direction to the point where it intersects the Petauke River; thence it shall follow the said river upstream to its source; thence it shall pass in a straight line to a convenient beacon on the range of hills north-west of Petauke Station; thence it shall pass in a straight line to a beacon on the Mtikila River about 4.827 kilometres above Mulilo's Village; thence it shall pass in a

straight line to a beacon near Mkunta's Village; thence it shall pass in a straight line to the Petauke-Mtikila confluence; thence it shall follow the Petauke River downstream to the point of starting.

VIII-WAMBO RESERVE

Boundaries:

Starting from a point on the North Charterland Exploration Company's Concession western boundary due east of Ndefu's Village, the boundary shall follow the said Concession boundary in a north-easterly direction, to the point where it intersects the Uмба Stream; thence it shall follow the Uмба Stream in an easterly direction to its source; thence it shall pass southwards in a straight line to a point on the Mazingwa River 3.218 kilometres above the village of Simulema; thence it shall pass in a straight line to the point of starting.

IX-CHILINGA RESERVE

Boundaries:

Starting from the point on the North Charterland Exploration Company's Concession eastern boundary, where the Fort Jameson-Fundu Road as marked on the Zambia-Portuguese Boundary Commission Map crosses it, the boundary shall follow the eastern boundary of the said Concession to a point on it 1.609 kilometres north of the Ngora Stream; thence it shall pass in a straight line to a convenient beacon 3.218 kilometres due east; thence it shall pass in a straight line to the Chilinga-Matondera confluence; thence it shall pass in a straight line to the unnamed hill about 6.436 kilometres south-west of it; thence it shall pass in a straight line to the point of starting.

APPENDANT RIGHTS

Any rights or interests in land or water the property of the Crown enjoyed by the natives resident within the neighbourhood of the East Luangwa District contiguous to the Reserves herein created prior to and at the time of the promulgation of the present Order in Council such as salt-pan rights in the low country, fishing rights in the Luangwa River and its tributaries with due access thereto are hereby confirmed and assigned by the Crown to the Secretary of State in trust for the native inhabitants of the Reserves in perpetuity.

X-LAMBA-LIMA RESERVE

Boundaries:

Commencing at the south-west corner beacon of Chondwe Siding

Reserve, the boundary passes along the southern boundary of that Reserve to the railway strip; thence down the railway strip to the Kafulafuta River; thence down the river to the junction with the Luankuni River; thence up the Luankuni River to its source; thence in a westerly direction along the watershed between the Kafue and Lukanga Rivers to the source of the Ipumbu River and down that river to its confluence with the Kafue River; thence down the Kafue River to its confluence with the Luswishi River; thence up the Luswishi River to its junction with the Mininga River; and thence in a straight line due west to the boundary of the Ndola sub-district; thence northwards along the watershed of the Lunga and Luswishi Rivers to the source of the Luawona Stream and down that stream to its confluence with the Luswishi River; thence down the Luswishi River to its junction with the Muchema River; thence up the Muchema River to its confluence with the Luambowo Stream and up the Luambowo Stream to its source; thence in a straight line in an easterly direction to the Chinemu Stream and down that stream to the Lufwanyama River; thence down that river to its junction with the Katembula River; thence in a straight line due east to the source of the Kalulushi River and down that river to the Kafue River; thence down the Kafue River to the Mpata Gorge; thence in a straight line in a south-easterly direction to the junction of the Luanshya Stream with the Kafuu River; thence up the Kafuu River for about 1.609 kilometres to the western boundary of Farm No. 866 Roan Antelope Pumping Station site; thence in a southerly direction along that boundary through Beacon A154 (which is the south-western beacon of the aforesaid Farm No. 866) to a point 402.336 centimetres from the Kafuu River; thence in an easterly direction for a distance of 1.609 kilometres parallel more or less with the Kafuu River and about 402.336 centimetres therefrom; thence in a northerly direction to the Kafuu River and up the Kafuu River to the "Big" Munkulungwe River; thence up the "Big" Munkulungwe River for 6.436 kilometres and from there in a straight line in a south-easterly direction to the point of starting.

Included within the boundaries defined above, but excluded from the Reserve:

Kafulafuta Mission (unsurveyed) 99.5562 hectares in extent, situated at the confluence of the Kafulafuta and Kafuu Rivers.

(Substituted by Article 2 of Order No. 2 of 1933)*

* Government Notice No. 119 of 1933.

Tracts of land set aside for public purposes:

CHERA SIDING RESERVE LEFT

Starting at a point on the western edge of the Rhodesia Railways 91.44 metres Strip Reserve approximately 371.856 metres north of Mile Peg 1421, the boundary proceeds westwards at right angles to this strip reserve for a distance of 48.768 metres; thence northwards parallel to and 48.768 metres from the strip reserve for a distance of 787.298 metres; thence eastwards at right angles to this line for a distance of 48.768 metres back to the western edge of the Rhodesia Railways 91.44 metres Strip Reserve; thence southwards along this strip reserve for a distance of 787.2984 metres to a point thereon approximately 371.856 metres north of Mile Peg 1421, the point of starting.

The area described above is approximately 3.8397 hectares in extent.

(Government Notice No. 186 of 1961)

* Government Notice No. 119 of 1933.

That area of land in the Lamba-Lima Reserve No. X approximately 240.7965 hectares in extent and 17.95644 kilometres in length on the route of the Kariba-Copperbelt power transmission line shown on map No. MISC. R.21 dated 5th April, 1960, and deposited in the office of the Surveyor-General, extending 39.624 metres to the east and 94.488 metres to the west of the transmission line.

(Government Notice No. 236 of 1964)

XI-SWAHILI RESERVE

Boundaries:

Starting from a point on the Zambia-Congo Border 1.609 kilometres east of where the railway crosses that border, the boundary passes in a straight line due south until it reaches the eastern boundary of the railway area and then follows the said boundary to the north-west corner of Farm No. 747; thence east and south along the boundaries of Farms Nos. 747 and 746 to the south-east beacon of Farm No. 746; thence south by a straight line to the Mwatesi River to Beacon V51, the north-west corner of Farm No. 730, Cleveland Park; thence up the Mwatesi River to Beacon V55; thence along the northern boundary of Farm No. 730 to Beacon V53; thence in a straight line to the north-west corner beacon of Farm No. 733, Ishiku Lake Reserve; thence along the northern and eastern boundaries of that farm to the south-east corner beacon; thence in a straight line to line Beacon 53 on the northern boundary of Farm No. 731; thence southwards in a straight line to line Beacon 21 on the southern boundary of Farm No. 731; thence eastwards along the southern boundary of Farm No. 731 to Beacon C; thence along the eastern and southern boundaries of Farm No. 416a,

Bwana Mkubwa East, to the railway area; thence following the railway area southwards to Mile Peg 1430; thence in a straight line eastwards to Beacon 10 on the Zambia-Congo Border and then along the Congo Border, passing Beacons 11, 12, 13 and 14, to the point of starting.

(Substituted by Article 2 of Order No. 2 of 1931, as amended by Article 2 of the Order of 1943†)*

XII-NORTH SWAKA RESERVE

Boundaries:

Starting from the Zambia-Congo Border Beacon 7, the boundary passes in a straight line to the nearest point on the Muwalashi River; thence down the Muwalashi River to the junction of the Mushimbiri River; and thence in a straight line in an easterly direction to the confluence of the Musofu River with the Lunsemfwa River; thence up the Lunsemfwa River to its source; thence in a straight line to the nearest point on the Congo Border and then along the Congo Border passing Beacons 4, 5 and 6 to the point of starting.

(Added by Article 2 of Order No. 1 of 1929‡)

XIII-SOUTH SWAKA RESERVE

Boundaries:

Starting at the confluence of the Lunchu River and Kampashi Stream, the boundary proceeds up the latter to its northernmost source; thence south-eastwards to the western most source of the Kapila Stream thence down this stream to the point where it crosses the westerly boundary of Farm No. 2225; thence following the westerly, southerly and easterly boundaries of this farm to the point where the Munda River crosses its easterly boundary; thence up this river to its southernmost source; thence south-westwards in a straight line to the source of the Katukutu Stream; thence eastwards, southwards, south-westwards, westwards and south-eastwards along the watershed between the Mkushi and Lunsemfwa River systems to the source of the Kuyumba Stream; thence down this stream to its confluence with the Lunsemfwa River; thence down this river to its confluence with the Kashapo Stream; thence up this stream to its north-western most source; thence westwards to the minor road from Lunsemfw Power Station to Broken Hill; thence along this road to the point where it forks northwards to the Mita Hills and southwards to Kampumba Mining claims; thence in a straight line to the nearest point on the watershed between the Muwofwe and Luamabwe River systems; thence north-westwards, northwards and again north-westwards along this watershed and the

watershed between the Yongwe and Mteteshi River systems to the watershed between the Yongwe and Kafwaka Rivers; thence north-eastwards along this watershed to the Lunchu River at a point approximately 3,657.6 metres west of its confluence with the Kampashi Stream; thence down the Lunchu River to its confluence with the Kampashi Stream, the point of starting.

(Substituted by Article 2 of the Order of 1961§)

* Government Notice No. 156 of 1931.

† Government Notice No. 95 of 1943.

‡ Government Notice No. 25 of 1929.

§ Government Notice No. 206 of 1961

XIV-LUANO-LALA RESERVE

Boundaries:

Commencing at the confluence of the Mlembo River with the Lukasashi River, the boundary follows the Lukasashi River southwards to the north-east beacon of Farm No. 726; thence it follows the northern and western boundaries of that farm to the Lunsemfwa River; thence down the Lunsemfwa River to its confluence with the Luangwa River; thence in a westerly direction along the Muchinga escarpment to the Muchinga River at the point where it goes through the escarpment; thence in a straight line south-west to Changali Hill; thence in a straight line westwards to Kasokwe Hill; thence in a straight line north-west to Beacon V11, the south-east corner beacon of Farm No. 695 Fig Trees; thence along the eastern boundary of that farm to Beacon V17; thence in a north-easterly direction along the eastern boundaries of the proposed farms marked D.372 and D.374 on the maps accompanying the report of the Agricultural Survey Commission of 1930 to the north-east corner of the latter farm; thence along the northern boundary of this farm to Beacon V91, the south-east corner beacon of Farm No. 696 Chipembi Mission; thence along the eastern and northern boundaries of that farm to the north-west corner beacon; thence a straight line in a westerly direction to the junction of the Kamano Stream with the Kalangwa River; thence a straight line in a north-easterly direction to the junction of the Muyama Stream with the Mwomboshi River; thence up the Muyama Stream to the southern side of the Chikonkomene Hills; thence a straight line due east to the Lombwa Stream; thence down the Lombwa Stream to the Mwomboshi River and then down the Mwomboshi River to its junction with the Mulungushi River and down the Mulungushi River to the Muchinga escarpment; thence along the

Muchinga escarpment in an easterly direction to the north-western beacon of Farm No. 216a on the Mlengi River; thence along the western and southern boundaries of the farm to its south-eastern beacon on the Lunsemfwa River; thence up the Lunsemfwa River to the north-eastern beacon of the farm; thence along the Muchinga escarpment in an easterly direction to the source of the Fitete Stream; thence in a north-east and northerly direction through Namwami Hill along the watershed between the Mkushi River and the Chipawa, Tumbwe and Kampoko Rivers to the old Government Station on the Mkushi River; thence up the Mkushi River to its junction with the Lesser Mkushi River; thence up the Lesser Mkushi River to its junction with Luanga River and then up the Luanga River to its source; thence a straight line to the source of the Amankanda Stream; thence down the Amankanda Stream to its junction with the Inambo River and then down the Inambo River to its junction with the Mlembo River and down the Mlembo River to the point of starting.

Included within the boundaries defined above, but excluded from the Reserve:

Farm No. 217a, Formoshi, 833.682 hectares in extent, situated on the Formoshi River.

Farm No. 94a, Chingombe, 406.3188 hectares in extent, situated on the Chingombe River.

Fiwila Mission (unsurveyed), 60.705 hectares in extent, situated on the Fiwila Stream.

(Substituted by Article 2 of Order No. 2 of 1933)

Tract of land set aside for public purposes:

That area of land in the Luano-Lala Reserve No. XIV approximately 311.619 hectares in extent and 23.1696 kilometres in length on the route of the Kariba-Copperbelt power transmission line shown on map No. MISC. R.21 dated 5th April, 1960, and deposited in the office of the Surveyor-General, extending 39.624 metres to the east and 94.488 metres to the west of the transmission line.

(Government Notice No. 236 of 1964)

XV-LENJE RESERVE

Boundaries:

Commencing at the confluence of the Ipumbu River with the Kafue River, the boundary follows the Ipumbu River eastwards to its source; thence a straight line in a southerly direction to the source of the Musipashi River and down that river to its junction with the Lukanga River; thence up the Lukanga River in an easterly direction to its

junction with the Kalenda Stream; thence up the Kalenda Stream to its source; thence a straight line to Lupumba Hill; thence in a southerly direction along the watershed between the Mulungushi River and the Lukanga Swamp to the north-west corner beacon of Mr. J. Harrison Clark's farm (Permit of Occupation No. 516 being extension of Permit of Occupation No. 496); thence along the west boundary of Mr. Harrison Clark's farm to the Munga River; thence eastwards along the Munga River to the north-western beacon of Farm No. 135a; thence along the western boundary of that farm to the Broken Hill-Lusaka Road; and thence to a point to the south of and adjoining Chamunkula Pool in a straight line passing through the north-western end of the Mukamwanji Hills; thence in a straight line to the source of Kalola Stream; thence down the Kalola Stream to its confluence with the Kembe Stream; thence in an easterly direction through Tundwe Hill, Nkanda Hill and Chikombwe Hills to the source of the Karubwe River and down that river to the railway strip; thence southwards along the railway strip and the alternate square kilometre railway farms to the northern boundary of Farm No. 375a; thence along the north, west and south boundaries of that farm to the western boundary of the Railway Farm at Ngwerere Siding; thence along the western and southern boundaries of that farm to the railway strip; thence southwards along the railway strip and the alternate square kilometre railway farms to a point on the railway strip opposite the south-western beacon of Farm No. 441a, Roma, on the east side of the railway; thence in a straight line to the source of the Chunga River; thence westwards down the Chunga River to the elbow where it turns northwards near the junction of the Chitumbwe Stream; thence a straight line to the north-east corner beacon of Farm No. 190a on the Namayani Stream and down that stream to the junction with the Mwembeshi River; thence down the Mwembeshi River to the junction with the Kabile Stream; thence down the Mwembeshi River to the junction with the Kabile Stream; thence up the Kabile Stream to its source; thence a straight line north-west to the source of the Lunjofwa River; thence north-west passing the sources of the Mafuta and Mundu Streams to the junction of the Mwapula Stream with the Musingashi River; thence a straight line to the source of the Kamwale Stream; thence a straight line to the Lukanga-Kafue confluence; thence northwards up the Kafue River to the junction of the Kasanga Stream; thence up the Kasanga stream to its source on the Kafue-Lunga watershed; thence northwards along this watershed to a point due west of the Mininga-Luswishi confluence; thence in a straight line eastwards to the Mininga-Luswishi confluence; thence down the Luswishi River to its confluence with the Kafue River; thence up the Kafue River to the point of starting.

(Substituted by Article 2 of Order No. 2 of 1933)

XVI-SOLI SHAMIFWE RESERVE

Boundaries:

Commencing at the source of the Nyangwena River in the Chainama Hills, the boundary follows the Nyangwena River to its junction with the Chongwe River; thence down the Chongwe River to the junction with the Chindaluwe Stream; thence a straight line in a north-easterly direction to the source of the Nyamashimbi Stream; thence down that stream to its junction with the Musangashi River; thence a straight line to the nearest point on the Mwambashi River; thence up the Mwambashi River to the confluence with the Shamilonga Stream, then following that stream to its source in the Mulunduyanjati Hills; thence a straight line to the Nyawukundwe Hills; thence a straight line to the Nyamiwengi Hills; then a straight line in a north-west direction to the nearest point on the Pola Stream; thence up the Pola Stream to its source; thence a straight line to the Chainama Hills, then westwards along the Chainama Hills to the point of starting.

(Added by Article 2 of Order No. 1 of 1929)

Included within the boundaries defined above, but excluded from the Reserve:

Tract of land set aside for public purposes, namely, for inclusion in the International Game Park (Lower Zambezi):

Starting at a point on the Great East Road near Mile Peg 66, the boundary follows the Great East Road for approximately 2 kilometres to where the Great East Road is intersected by Trust Land No. V; thence on a bearing of approximately 105° for a distance of approximately 5G kilometres to a point on the Nyawukundwe Hill; thence on a bearing of approximately 150° for a distance of approximately 9 kilometres to a point on the Mulundunyati Hill; thence on a bearing of approximately 110° for a distance of approximately 3 kilometres to the source of the Mwambashi River; thence down the Mwambashi River to its confluence with the Chisagmosa River; thence on a bearing of approximately 218° to the confluence of the Musangashi and Ikanda Rivers; thence up the Ikanda River to its source; thence on a bearing of approximately 250° for a distance of approximately 11 kilometres to the Chongwe River; thence up the Chongwe River for approximately 16 kilometres to its confluence with an unnamed tributary; thence northwards up the unnamed tributary to its source in the Nyamfuta Hills; thence following a track in an easterly and north-easterly direction for approximately 22 kilometres to the Chakwenga Road; thence northwards along this road to its junction with the Great East Road near Mile Peg 66, the point of starting.

(Gazette Notice No. 1562 of 1972)

XVII-SOLI WA MANYIKA RESERVE

Boundaries:

Commencing at the southern corner beacon of Kasisi Mission Farm No. 591, the boundary passes along the south-eastern and north-eastern borders of the Kasisi Mission land to the Ngwerere River; thence down that river to its junction with the Chongwe River; thence down the Chongwe River to its junction with the Luimba River; thence a straight line in a south-west direction to the Chalenga Hills; thence in a north-west direction to the south-east corner of Farm No. 322; thence along the eastern boundary of that farm to the Luimba River; thence up the Luimba River to the confluence with the Kalanga Stream; then up that stream to the south-east corner beacon of Farm No. 319a; then along the eastern boundary of that farm and the southern and eastern boundaries of Farm No. 317a and the eastern, northern and western boundaries of Farm No. 316a; thence along the north-east boundary of Farm No. 315a and the eastern boundary of Farm No. 448a; thence along the east, north and west boundaries of Farm No. 447a to the north-east corner beacon of Farm No. 87aH; thence in a north-west direction along the northern boundaries of the subdivisions G, F, E, D, C, B and A of Farm No. 87a and the north-east boundary of Farm No. 33a to the point of starting.

(Added by Article 2 of Order No. 1 of 1929)

Included within the boundaries defined above, but excluded from the Reserve:

Tract of land set aside for public purposes:

That area of land in the Soli Wa Manyika Reserve No. XVII approximately 125.457 hectares in extent and 9.28393 kilometres in length on the route of the Kariba-Copperbelt power transmission line shown on map No. MISC. R.21 dated 5th April, 1960, and deposited in the office of the Surveyor-General, extending 39.624 metres to the east and 94.488 metres to the west of the transmission line.

(Government Notice No. 236 of 1964)

XVIII-SALA RESERVE

Boundaries:

Commencing at the confluence of the Mukombwe Stream with the Mwembeshi River, the boundary follows the Mukombwe Stream to the north-west corner beacon of Farm No. 516; thence along the western and southern boundaries of that farm to Changula Hill; thence southwards along the western boundaries of Farms Nos. 899, 520 and 524 to Sanje Hill; thence a straight line south to Mamfwa Hill; thence a

straight line almost due west to the north of the swamp on the Mwembeshi River; thence up the Mwembeshi River to the point of starting.

(Substituted by Article 2 of the Order of 1937)*

XIX-TONGA (SIGONGO) RESERVE

Boundaries:

Commencing at the south-east corner beacon of Farm No. 486a, the boundary passes in an easterly direction along the Dombwi Hills to the Keshia River; thence down that river to its confluence with the Kafue River; thence down the Kafue River to the north-east corner beacon of Farm No. 88a, thence along the north, west and south boundaries of that farm to the Kafue River; thence down the Kafue River to its junction with the Zambezi River; thence up the Zambezi River to the north-east beacon of Farm No. 80a; thence along the northern, western and southern boundaries of that farm to the Zambezi River; thence up the Zambezi River to a point about 19.308 kilometres beyond the junction of the Pondela Stream with the Zambezi River and about 16.09 kilometres below the point where the proposed Sinoia-Kafue railway crosses the Zambezi River; thence a straight line in a north-westerly direction passing the western side of Sibamenda pan to the point of starting.

Included within the boundaries defined above, but excluded from the Reserve:

Ibwe Munyama Mission (unsurveyed) 404.7 hectares in extent, situated on the Mulolobela Stream.

Chirundu Township, 14.5692 hectares in extent, situated on the Zambezi River.

(Added by Article 2 of Order No. 1 of 1929 as amended by Article 3 of Order No. 2 of 1929† and by Article 2 of the Order of 1947‡)

* Government Notice No. 112 of 1937.

† Government Notice No. 76 of 1929.

‡ Government Notice No. 50 of 1947.

XX-TONGA (MAGOYE) RESERVE

Boundaries:

Commencing at the most easterly beacon of Farm No. 108a, the boundary passes in a south-easterly direction till it reaches the Lusito River; thence down the Lusito River to its nearest point at the North Kariba Coal Syndicate area; thence a straight line to the north-east corner beacon of that Syndicate's area; thence along the northern border of that area to the north-west corner thereof; thence a straight line in a westerly direction to Chilala Hill; thence a straight line in a south-westerly direction to Mabwituba Hill; thence a straight line due south to Nakasonsa Hill; thence a straight line south-east to the Zambezi River at a point where the Inyubwe Stream flows into it; thence in a south-westerly direction up the Zambezi River to the junction with the Cheziya Stream; thence up the Cheziya Stream for about 19.308 kilometres to a point where the stream turns westwards; thence a straight line north-west to Chisingwe Hill; thence a straight line in a westerly direction to the north-east corner beacon of Hay and Tarr's Farm No. 500; thence along the east and north-west boundaries of that farm to the north-east corner beacon of Farm No. 501; thence along the northern boundary of that farm to its north-west corner beacon; thence a straight line in a north-westerly direction to the north-east corner beacon of the Railway Farm on the Magoye River; thence down the Magoye River to a point due west of the north-west corner beacon of Farm No. 273a; thence in a straight line to that beacon; thence along the southern boundaries of this farm, to the most southern beacon of Farm No. 9a; thence along the eastern boundaries of that farm back to the Magoye River; thence down the Magoye River to the north-east corner beacon of Farm No. 268a; thence along the northern boundary of that farm to the railway strip; thence northwards along the railway strip to the south-west corner beacon of Farm No. 628; thence along the southern boundaries of that farm and Farm No. 627 to the south-west corner beacon of Farm No. 511; thence along the southern boundary of that farm to the Magoye River; thence down the Magoye River to the north-east corner beacon of Farm No. 583; thence in a southeasterly direction for a distance of 8.44725 kilometres; thence due east for a distance of 3.218 kilometres; thence due north for a distance of 4.827 kilometres; thence in a northeasterly direction to the junction of Mambwe-a-weneni Stream with the Nawachindo Stream; thence down the Nawachindo Stream to the Magoye River; thence down the Magoye River to the south-west corner beacon of Farm No. 581; thence along the southeast boundary of that farm to its most easterly beacon; thence a straight line to the south-west corner beacon of Farm No. 214a and along the south-east boundary of that farm to the Ngwezi River; thence up the Ngwezi River to the south-east corner beacon of Farm No. 655; thence along the eastern boundary of that farm to Farm No. 172a; thence along the southern and eastern boundaries of that farm to the north-east corner beacon thereof; thence a straight line to the south-east corner beacon of Farm No. 542; thence along the eastern boundaries of

Farms Nos. 542, 253a and 493a to the Lusito River; thence down the Lusito River in an easterly direction to the south-east corner beacon of Farm No. 108a; thence along the eastern boundary of that farm to the point of starting.

(Substituted by Article 2 of Order No. 1 of 1931)*

* Government Notice No. 78 of 1931.

XXI-TONGA (CHOMA) RESERVE

Boundaries:

Commencing at Kauba Hill, the boundary runs due west till it meets the Nachiwa or Siamambo Stream at a point about 19.308 kilometres south-east of Choma Siding; thence it veers in a south-west direction crossing the Muzuma Stream about 22.526 kilometres south of Choma Station; thence to the south-east corner beacon of Farm No. 53a; thence a straight line to the north-east corner beacon of Farm No. 29a; thence along the eastern boundary of that farm to its most southerly beacon on the Kalongashya Stream; thence south down that stream for 4.827 kilometres and from that point a straight line due south to the Zambezi River; thence down the Zambezi River in an easterly direction to the north-eastern beacon of Longo Mission; thence along the boundaries of that Mission to its north-eastern beacon on the Zambezi River; thence down the Zambezi River to the south-eastern beacon of Kanchindu Mission; thence along the boundaries of that Mission to its eastern beacon on the Zambezi River; thence down the Zambezi River to the junction of the Nangombe Stream; thence up the Nangombe Stream to its source; thence a straight line in a northerly direction to the point of starting.

Included within the boundaries defined above, but excluded from the Reserve:

Farms Nos. 54a and 352a, Kaula Ranch, 7,584.078 hectares in extent, situated on the Mafuta River.

(Added by Article 2 of Order No. 1 of 1929)

* Government Notice No. 78 of 1931.

XXII-ILA-TONGA RESERVE

Boundaries:

Commencing at the confluence of the Musa River with the Kafue River, the boundary follows the western boundary of the Northern Copper Company's mineral grant to the south-west corner beacon

thereof; thence a line in a southerly direction to the north-west beacon of Nanzela Mission Farm No. 207a, including 809.4 hectares on the western side of that line surrounding the village of Shezongo; thence along the northern and eastern boundaries of Nanzela Mission Farm to its south-eastern beacon on the Nanzela River; thence a straight line in a southerly direction to Dundumwense Hill; thence a straight line in an easterly direction to Siakaunda Hill; thence in a south-easterly direction to the junction of the Simakoya Stream with the Chechekwenkwe Stream; thence up the Chechekwenkwe Stream to its source; thence a straight line in a north-easterly direction to the source of the Mbabala Stream; thence down that stream to the south-west corner beacon of Farm No. 35a; thence along the west and north-west boundaries of that farm to the most westerly beacon of Farm No. 36a; thence along the north-west boundary of that farm to the most southerly beacon of Farm No. 598; thence along the western boundary of that farm to its most northerly beacon; thence along the south-west, north-west and northern boundaries of Farm No. 64a, to its most easterly beacon; thence along the eastern boundary of Farm No. 37a, to the north-west corner beacon of Farm No. 56a; thence along the northern boundary of that farm to the north-east corner beacon thereof, on the Mahumba River; thence a straight line in a north-easterly direction to the most westerly beacon of Farm No. 8a; thence along the north-west boundary of that farm to the most westerly beacon of Farm No. 256a; thence along the northern boundary of that farm to the most northerly beacon of Farm No. 258a; thence along the north-eastern boundary of that farm to the most northerly beacon of Farm No. 260a; thence along the eastern boundary of that farm to the most northerly beacon of Farm No. 262a; thence along the north-eastern boundary of that farm to the most northerly beacon of Farm No. 7a; thence along the northern boundary of Farm No. 6a to the north-western beacon of Farm No. 267a; thence along the northern boundary of that farm to the railway strip; thence northwards along the railway strip to the south-east corner of Farm No. 513 at Monze Siding; thence along the southern boundary of that farm to the south-west corner beacon thereof; thence along the southern boundary of Farm No. 276a to the north-east corner beacon of Farm No. 512; thence along the south-eastern and western boundaries of that farm to its most westerly beacon; thence west along the southern boundary of Farm No. 276a to its most westerly beacon; thence along its western boundary to the most westerly beacon of Farm No. 588; thence along the western boundaries of Farms Nos. 588 and 587 to the north-west corner beacon of Farm No. 587; thence in a straight line in a north-easterly direction to the most westerly beacon of Farm No. 543; thence along the north-west boundary of that farm to the Magoye River; thence down the Magoye River in a northerly direction till it loses itself in the Kafue Flats; thence in a straight line in a north-westerly direction to the Kafue River at a point 24.135 kilometres east of Lochinvar

Ranch; thence in a westerly direction up the Kafue River to Lockinvar Ranch; thence along the eastern, southern and western boundaries of Lockinvar Ranch to the north-west corner beacon thereof; thence eastwards down the Kafue River for a distance of 6.436 kilometres; thence in a straight line in a north-westerly direction to a point 9.654 kilometres south-west of the north-west beacon of Farm No. 570; thence north-westwards in a straight line to a point on the Chibila Stream 1.609 kilometres south of the crossing of the old Mumbwa-Namwala mail path; thence in a straight line north-westwards to Chalobeti Hill; thence in a straight line south-westwards to Chinenga Old Boma; thence in a straight line westwards to the confluence of the Mwangwa Stream with the Kafue River; thence down the Kafue River to the point of starting.

Included within the boundaries defined above, but excluded from the Reserve are:

Farm No. 445a, Macha Mission, 1,215.3141 hectares in extent, situated on the Macha Stream.

Farm No. 184a, Mapanza Mission, 39.2559 hectares in extent, situated on the Munyeke River.

Farm No. 185a, Shakashina Mission, 8.9034 hectares in extent, situated on the Munyeke River.

Lot 267/M, Kasenga Mission, 40.47 hectares in extent.

Farm No. 191a, Ibamba Ranch, 2,429.4141 hectares in extent, situated on the Kafue River, and Farm No. 712, Ibamba Ranch Extension, 808.5906 hectares in extent, situated on the Kafue River.

Namwala Township (*G.N. No. 146 of 1962*).

Monze Aerodrome (provisional), 404.7 hectares, unsurveyed.

(Substituted by Article 2 of Order No. 1 of 1933, as amended by Article 2 of the Order of 1960* and by Government Notice No. 146 of 1962)*

* Government Notice No. 81 of 1933. Government Notice No. 3 of 1961.

* Government Notice No. 81 of 1933.

Government Notice No. 3 of 1961.

Tract of land set aside for public purposes:

FARM NO. 3602-MUCHILA SETTLEMENT SCHEME

Starting at the most northerly point of Farm No. 3601 at latitude 16° 15' 48" S and longitude 26° 37' 48" E approximately, the boundary follows in a straight line in a general easterly direction to a point at latitude 16° 16' 08" S and longitude 26° 40' 04" E approximately; thence in a straight line in a south-easterly direction to a point at latitude 16° 16' 30" S and longitude 26° 40' 13" E approximately; thence in a straight line in a general southerly direction to a point at latitude 16° 16' 55" S and longitude 26° 40' 07" E approximately; thence in a straight line in a westerly direction to a point at latitude 16° 16' 57" S and longitude 26° 39' 46" E approximately; thence in a straight line in a southerly direction to a point at latitude 16° 17' 08" S and longitude 26° 39' 48" E approximately; thence in a straight line in a westerly direction to a point at latitude 16° 17' 05" S and longitude 26° 38' 04" E approximately; thence in a straight line in a north-westerly direction to a point at latitude 16° 16' 58" S and longitude 26° 37' 54" E approximately; thence in a straight line in a north-westerly direction to a point at latitude 16° 16' 08" S and longitude 26° 37' 37" E approximately; thence in a straight line in a north-easterly direction to the point of starting.

(Statutory Instrument No. 41 of 1970)

XXIII-NKOYA RESERVE

Boundaries:

Commencing at the point on the Machili River where the old Kalomo-Mongu wagon road crosses it, the boundary follows the Machili River to the place near its source where the Mankoya, Namwala, Kalomo and Livingstone sub-districts meet; thence it follows in an easterly direction the boundary between the Kalomo and Livingstone sub-districts; thence it veers in a southern direction along the same boundary to the old Kalomo-Mongu wagon road and thence in a westerly direction along the old Kalomo-Mongu road to the point of starting.

(Added by Article 2 of Order No. 1 of 1929)

XXIV-TOKA RESERVE

Boundaries:

Commencing at the north-west corner beacon of Farm No. 11a on the Sinde River, the boundary follows the Sinde River in a northerly direction to the south-east corner beacon of Farm No. 420a; thence along the southern, western and northern boundaries of that farm to its north-east corner beacon on the Sinde River; thence up the Sinde River in a northerly direction to the south-east corner beacon of the Church of Christ Mission Land Grant; thence along the southern, western and northern boundaries of that Land Grant to its north-east corner beacon

on the Sinde River; thence northwards up the Sinde River to the junction of the Simwida River; thence up the Simwida River to its source; thence a straight line northwards to the junction of the Nampongo Stream with the Ngwezi River northwards up the Ngwezi River to the junction of the Mukwere Stream; thence a straight line due north to the boundary between the Kalomo and Livingstone sub-districts; thence west along the boundary between these sub-districts to the Mulumetawe Stream; thence a straight line due west to a point on the Machili River about 28.962 kilometres north of its confluence with the Zambezi River; thence southwards along the Machili and Kasai Rivers to the confluence of the latter with the Zambezi; thence down the Zambezi to the south-west beacon E158 of Farm No. 719, Butesi; thence along the western and northern boundaries of that farm to Beacon E156 on the Butesi Stream; thence up the Butesi Stream to its junction with the Bovu or Kalamba Stream; thence up the Bovu or Kalamba Stream to its junction with the Kaola Stream; thence in a straight line eastwards to the point of starting.

(Added by Article 2 of Order No. 1 of 1929)

Included within the boundaries defined above, but excluded from the Reserve:

Tract of land set aside as a Government Station:

KAZUNGULA QUARANTINE AREA

An area approximately 809.4 hectares in extent bounded by a fence starting from the Zambezi River bank at a point 2.4135 kilometres east of the Livestock Officer's house, and running north for 0.8045 kilometres; thence north-west for 7.2405 kilometres; thence south-west to the Zambezi River and by the Zambezi; thence to the point of starting.

Chief Sikute's area of 0.8045 kilometres of river frontage with a depth of 411.48 metres at the downstream end and of 45.72 metres at the upstream end, reached by a 12.192 metres wide access strip from the fence on the north lies within, but is excluded from, the quarantine area.

The area is shown on a plan deposited in the office of the Surveyor-General and numbered T.338.

(Government Notice No. 229 of 1950)

XXV-BALEYA RESERVE

Boundaries:

Commencing on the Zambezi River at the point where it is intersected by the south-eastern boundary of the land granted to the Victoria Falls and Transvaal Power Company, the boundary follows along the south-eastern and eastern boundaries of that grant to its north-east corner beacon; thence a straight line due north to the Nansanzu Stream; thence up the Nansanzu Stream to the south-east corner beacon of Farm No. 432a (Heywood Extension); thence along the eastern boundary of that farm to the most southerly beacon of Farm No. 2a; thence along the eastern boundaries of Farms Nos. 2a, 430a, 429a and 426a to the north-east corner beacon of Farm No. 426a; thence a straight line in a north-easterly direction to Kenda Hill; thence a straight line due east crossing the Zimba River to the Kalomo-Livingstone sub-district boundary; thence along the boundary of these sub-districts in a southerly direction to the Kalomo River; thence down the Kalomo River to its junction with the Zambezi River thence in a westerly direction up the Zambezi River to the point of starting.

(Added by Article 2 of Order No. 1 of 1929)

XXVI-LUBA RESERVE

Boundaries:

Starting at the confluence of the Mwegwa Stream with the Kafue River, the boundary passes in a straight line eastwards to Chinenga Old Boma; thence in a straight line north-eastwards to Chalobeti Hill; thence in a straight line south-eastwards to a point on the Chibila Stream 1.609 kilometres south of the crossing of the old Mumbwa-Namwala mail path; thence in a straight line south-eastwards to a point 9.654 kilometres south-west of the north-western beacon of Farm No. 570; thence in a straight line in a south-easterly direction to a point on the Kafue River 6.436 kilometres east of the north-west corner beacon of Lochinvar Ranch; thence eastwards down the Kafue River to the north-east corner beacon of Lochinvar Ranch; thence a straight line in a north-easterly direction to the junction of the Nangoma River with the Namwagu Lagoon; thence in an easterly direction along the Namwagu Lagoon to the south-west corner beacon of the Blue Lagoon Ranch, Farm No. 570; thence along the western boundary of that ranch to its north-west corner beacon; thence in a straight line in a north-westerly direction to Chalobeti Hill; thence in a straight line westwards to a point on the Nansenga River due east of Mwako Hill; thence in a northerly direction up the Nansenga River to its junction with the Kachereka Stream to its source; thence a straight line in a westerly direction to the junction of the Nangomba Stream with the Kafue River; thence down the Kafue River in a southerly direction to the point of starting.

(Added by Article 2 of Order No. 1 of 1933, as amended by

Article 2 of the Order of 1950)*

* Government Notice No. 21 of 1951.

XXVII-LUNGU (ZOMBE) RESERVE

Boundaries:

Commencing at the mouth of the Kalambo River where it flows into Lake Tanganyika, the boundary follows the border of Tanzania and the Kalambo Falls Reserve to the source of the Nkomba Stream; thence down the Nkomba Stream to its junction with the Lumi Stream; thence up the Lumi Stream to the south-eastern corner beacon of Nakatali Farm No. T.31; thence along the northern and eastern boundaries of that farm to the north-western beacon thereof; thence in a straight line in a south-westerly direction to the north-eastern beacon of Farm No. 10 N.E.R., now No. T.5; thence along the northern boundary of that farm to the north-western beacon thereof; thence in a straight line to the most northerly beacon of Isanya Farm No. T.33, on the Luchenche Stream; thence along the north-western boundary of that farm to the Isanya Stream; thence down the Isanya Stream to its junction with the Mwambezi Stream; thence down the Mwambezi Stream to its confluence with the Lunzua River; thence down the Lunzua River to Lake Tanganyika; thence along the Lake shore in a southerly direction to the most westerly beacon of Farm No. 14 N.E.R., now No. T.9, Kituta; thence along the south-western, south-eastern and north-eastern boundaries of the said farm to its most northerly beacon on Lake Tanganyika; thence along the Lake shore in a northerly direction to the point of starting.

(Added by Article 7 of Order No. 1 of 1963)

* Government Notice No. 21 of 1951.

XXVIII-LUNGU (TAFUNA) RESERVE

Boundaries:

Commencing at the mouth of the Izi River where it flows into Lake Tanganyika, the boundary follows the river and western boundary of Farm No. T.80 to the south-western beacon thereof on the Izi River; thence up the Izi River in the Mwenda escarpment to the summit thereof; thence up the Izi River-which is called the Chirombo at this point-to its source; thence in a straight line to the source of the Kapondwa Stream; thence down the Kapondwa Stream to its junction with the Musengeshi River; thence down the Musengeshi River to its junction with the Mululwe River; thence up the Mululwe River to its

source; thence in a straight line to the source of the Mpanga Stream; thence down the Mpanga Stream to its junction with the Musombezi Stream; thence down the Musombezi Stream to the Abercorn-Kasama motor road; thence in a southerly direction along the Abercorn-Kasama motor road to its junction with the Abercorn-Mporokoso motor road; thence along the Mporokoso motor road to the Wili Stream; thence down the Wili Stream to its junction with the Luchenche Stream; thence down the Luchenche Stream to the Lufu River; thence up the Lufu River to its junction with the Chalonkanda Stream; thence up the Chalonkanda Stream to its source on the Mporokoso motor road; thence along the Mporokoso motor road to the turn off to Kapatu Mission; thence in a north-westerly direction along the watershed between the Lufu and Luangwa Rivers to the source of the Chitete Stream; thence down the Chitete Stream to the Lufu River; thence up the Lufu River to the junction of the Mufumwe Stream; thence up the Mufumwe Stream, to its junction with the Namukonda Stream; thence up the Namukonda Stream to its source; thence in a straight line to the source of the Namuka Stream; thence down the Namuka Stream to its junction with the Kalongolo River; thence down the Kalongolo River to its junction with the Chambezi River; thence down the Chambezi River to its junction with the Lufu River; thence down the Lufu River to lake Tanganyika; thence along the Lake shore in an easterly direction to the point of starting.

Included within the boundaries as defined above, but excluded from the Reserve:

Kambole Mission Farm No. 4 N.E.R., 2,435.2284 hectares in extent, situated on the Kambole Stream.

Senga Hill Mission Farm No. T.29, 26.761596 hectares in extent, situated by Mpwani Hill.

(Added by Article 7 of Order No. 1 of 1963)

XXIX-LUNGU (MUKUPA) RESERVE

Boundaries:

Commencing at the junction of the Chundu Stream with the Luangwa River, the boundary follows the Luangwa River to its source; thence in a straight line in a southerly direction to the source of the Kafubu River; thence in a straight line to the source of the Lesser Mwelakumbi River; thence down the Lesser Mwelakumbi River to its junction with the Lukulu River; thence up the Lukulu River to its source; thence in a straight line in a northerly direction, cutting the Kalungwisi River, to the source of the Fiwale Stream; thence down the Fiwale Stream for 8.045 kilometres; thence in a straight line to the source of the Kanona Stream; thence down the Kanona Stream to its junction with the

Lupansa River; thence in a straight line to the source of the Chundu Stream; thence down the Chundu Stream to the point of starting.

(Added by Article 7 of Order No. 1 of 1963)

XXX-MAMBWE (FWAMBO) RESERVE

Boundaries:

Commencing at the north-eastern corner beacon of Kawimbi Mission land grant, the boundary follows the Lumi River to its junction with the Saisi River; thence up the Saisi River to the most westerly beacon of Farm No. 16 N.E.R. now T.10 (Jericho); thence along the south-western boundary of that farm to the Mwambala River; thence up the Mwambala River to its junction with the Chipila Stream; thence up the Chipila Stream to its junction with the Chisenga Stream; thence up the Chisenga Stream to its source; thence in a straight line to the south-eastern corner beacon of Farm No. 569, now No. T.28; thence along the eastern and northern boundaries of that farm to the Saisi River; thence down the Saisi River to the north-easterly beacon of Itimbwe Farm No. T.30; thence along the northern boundary of that farm to the north-west corner beacon thereof; thence in a straight line to the south-west corner beacon of Farm No. 43 N.E.R., now No. T.14; thence along the southern, eastern and northern boundaries of that farm to the north-west corner beacon thereof; thence in a straight line to the most easterly beacon of Farm No. 40 N.E.R., now No. T.13; thence in a straight line to the south-west corner beacon of Nakatali Farm No. T.31; thence along the southern border of that farm to the south-west corner beacon of Kawimbi Mission land grant; thence along the southern and eastern boundaries of that land grant to the point of starting.

(Added by Article 7 of Order No. 1 of 1963)

XXXI-MAMBWE (NSOKOLO) RESERVE

Boundaries:

Commencing at Beacon W231, the south-western corner beacon of Farm No. 563, now No. T.22, the boundary follows the southern boundaries of this farm and Farms Nos. 564, now No. T.23, 565, now No. T.24, 566, now No. T.25, 567, now No. T.26, to the Kamuswadzi River; thence up the Kamuswadzi River to its source; thence in an easterly direction along the watershed between the Saisi and Chozi Rivers to Beacon B309 on Nausu Hill; thence in a straight line to the source of the Chisanzu Stream; thence down the Chisanzu Stream to the Chozi River; thence in a straight line to the junction of the Sansi Stream with the Itende River; thence up the Itende River to its source; thence in a straight line to Beacon B307 between the source of the Kayesuma Stream and the source of the Nyando Stream; thence in a

straight line to Ponya Hill; thence in a straight line to the junction of the Kasinda Stream with the Mwambe Stream; thence down the Mwambe Stream to its junction with the Kasenda Stream; thence in a straight line to the source of the Kamalungu Stream; thence down the Kamalungu Stream to its junction with the Fiula Stream; thence up the Fiula Stream to its source; thence in a straight line to the source of the Tiswe Stream; thence down the Tiswe stream to its junction with the Kabishya River; thence down the Kabishya River to its junction with the Munongo (Mwanamonga) Stream; thence up the Munongo Stream to its source; thence in a westerly and southerly direction along the watershed between the Kabishya and Kaonya Rivers to the source of the Pambwe Stream; thence down the Pambwe Stream to its junction with the Kaonya River; thence down the Kaonya River to the Chambezi River; thence up the Chambezi River to the Abercorn-Kasama motor road; thence in a northerly direction along the Abercorn-Kasama motor road to where the Masamba Stream crosses the road; thence eastward to Beacon W231, the point of starting.

(Added by Article 7 of Order No. 1 of 1963)

XXXII-TABWA RESERVE

Boundaries:

Commencing at the northern point of Sumbu Bay, the boundary follows the watershed between the Mungera Stream and the Chisala Stream in a westerly and southerly direction round the source of the Chikuka Stream; thence in a straight line to Lake Kako cutting through the centre of that lake; thence in a southerly direction to a point on the Lufu River 1.609 kilometres north of the Mukotwe-Lufu confluence; thence up the Lufu River to the Mukotwe junction; thence up the Mukotwe River to the top of the Muchinga escarpment; thence along the Muchinga Range in a westerly direction to the source of the Mwambeshi River; thence down the Mwambeshi River to the Mweru Marsh; thence along the eastern boundary of the Mweru Marsh to the mouth of the Chisyera River; thence up the Chisyera and, or, the Mukongi River to where it crosses the boundary of the Republic of the Congo at approximately latitude 8° 17' South and longitude 30° 13' East; thence along the international boundary to Cape Pungu on Lake Tanganyika; thence in a southerly direction along the Lake shore to the point of starting.

(Added by Article 7 of Order No. 1 of 1963)

XXXIII-WEMBA (MPOROKOSO) RESERVE

Boundaries:

Commencing at the Lupupa Falls on the Mukuwe River, the boundary

follows the Mukuwe River to the Chiengi District border; thence along the border of the Chiengi District to the source of the Mwambeshi River in the Muchinga escarpment; thence along the Muchinga escarpment in an easterly direction to the source of the Chitete Stream; thence in an easterly and southerly direction along the watershed between the Lufu and Luangwa Rivers to the Mporokoso-Abercorn motor road at the turn-off to Kapatu Mission and near the source of the Lufu River; thence along the Abercorn-Mporokoso motor road in an easterly direction to the source of the Luendawe Stream; thence down the Luendawe Stream to its junction with the Luombe River; thence down the Luombe River to its junction with the Kafubu River; thence up the Kafubu River to its source; thence in a straight line to the source of the Luangwa River; thence down the Luangwa River to Chimbofuma Stream; thence up the Chimbofuma Stream to its source; thence in a straight line to the source of the Itabo River; thence in a straight line to the point of starting.

Included within the boundaries as defined above, but excluded from the Reserve:

Kapatu Mission Farm No. 64 N.E.R., 396.606 hectares in extent, situated on the Chilenge Stream.

Kashindu Mission Farm No. 65 N.E.R., 203.27393 hectares in extent, situated on the Kashindu Stream.

Mporokoso Government Reserve, unsurveyed, 404.7 hectares in extent, situated around Mporokoso Government Station.

(Added by Article 7 of Order No. 1 of 1963)

XXXIV-WEMBA (MAKASA) RESERVE

Boundaries:

Commencing at the junction of the Songolwe Stream with the Chamfubu River, the boundary follows the Songolwe Stream to its source; thence in a northerly direction along the watershed between the Luombe and Losa Rivers to the source of the Losa River; thence in a straight line to the source of the Luela Stream; thence down the Luela Stream to its junction with the Chambezi River; thence up the Chambezi River to its junction with the Kaonya Stream; thence up the Kaonya Stream to its intersection with Parallel of Latitude 9° 30' South; thence eastward along the said Parallel of Latitude to its point of intersection with the Luchewe River; thence down the Luchewe River to the Luwala Swamp; thence in a straight line in a south-westerly direction to the junction of the Mifunsu Stream with the Chambezi River; thence up the Chambezi River to the junction of the Chamfubu River; thence up the Chamfubu River to the point of starting.

Included within the boundaries as defined above, but excluded from the

Reserve:

Farm No. 1089, Rosa Mission, 169.974 hectares in extent, situated on the left bank of the Losa River.

(Added by Article 7 of Order No. 1 of 1963)

XXXV-WEMBA (MUWANGA) RESERVE

Boundaries:

Commencing at the confluence of the Kasawira Stream with the Katonga River, the boundary follows the Kasawira Stream to its junction with the Vilonge Stream; thence up the Vilonge Stream to its source; thence in a straight line in a northerly direction to the Chirundula River; thence down the Chirundula River to its junction with the Chilunda River; thence down the Chilunda River to its junction with the Mbewa Stream; thence up the Mbewa Stream to its source; thence in a straight line in a southerly direction to the source of the Mansenke Stream; thence down the Mansenke Stream to its junction with the Vilolo Stream; thence up the Vilolo Stream to its source; thence in a straight line in a westerly direction to the source of the Katonga River; thence down the Katonga River to the point of starting.

(Added by Article 7 of Order No. 1 of 1963)

XXXVI-INAMWANGA RESERVE

Boundaries:

Commencing at the junction of the Chozi River with the Kalungu River, the boundary follows the Kalungu River to its junction with the Nakonde Stream; thence up the Nakonde Stream to the confluence of the Ikawa Stream; thence up the Ikawa Stream to the Tanzania border; thence along the Tanzania border in a westerly and northerly direction to the source of the Ntanana Stream; thence down the Ntanana Stream to its junction with the Nombwe Stream; thence down the Nombwe Stream to its junction with the Luchinde Stream; thence down the Luchinde Stream to its junction with the Chozi River; thence down the Chozi River to the point of starting.

Included within the boundaries as defined above, but excluded from the Reserve:

Msanza Farm, No. 1 N.E.R., now No. T.1, 2,578,829.3 hectares in extent, situated at the headwaters of the Msanza Stream.

Mwenzu Mission Farm No. 2 N.E.R., now No. T.2, 1,239.3366 hectares in extent, situated at the headwaters of the Nakonde Stream.

Tract of land set aside as a Government Station:

A rectangular area 4,047 hectares in extent situated to the east of the new Isoka-Tunduma Road. The area has a frontage of 914.4 metres to the road and a depth of 442.5696 metres at right angles to it, the north-west corner of the area being a point 548.64 metres north of the Nakonde Stream.

(Added by Article 7 of Order No. 1 of 1963)

XXXVII-IWA (MWENI MPANZA) RESERVE

Boundaries:

Commencing at the confluence of the Miwanga Stream with the Mwimbwe Stream, the boundary follows the Mwimbwe Stream in an easterly direction to Nyimbo Hill; thence in a northerly and westerly direction along the Malawi and Tanzania borders to the source of the Munsamu Stream; thence down the Munsamu Stream to its junction with the Miwanga Stream; thence down the Miwanga Stream to the point of starting.

(Added by Article 7 of Order No. 1 of 1963)

XXXVIII-IWA (KAFWIMBI) RESERVE

Boundaries:

Commencing at the junction of the Mbewa Stream with the Chirunda River, the boundary follows the Chirunda River to its junction with the Lwanga Lagoon (Katonga River); thence up the centre of the Lwanga Lagoon to the merging of the lagoon in the Lwanga Plain; thence through the Plain to its junction with the Kawanga Plain or dambo; thence up the centre of the Kawanga Plain until the Mwenda Stream is recognisable and up the Mwenda Stream to its source; thence in a straight line in an easterly direction to the source of the Chisanga Stream; thence down the Chisanga Stream to its junction with the Mulungwizi Stream; thence down the Mulungwizi Stream to its junction with the Mwangwe Stream; thence in a southerly direction along the peaks of the Chisote Hills to the junction of the Nansolo Stream and Kawandama River; thence up the Nansolo Stream to its source; thence along the watershed between the Katonga and Kawandama Rivers to the source of the Chiwonga Stream; thence down the Chiwonga Stream to its junction with the Kawumba Stream; thence down the Kawumba Stream to its junction with the Lualizi Stream; thence in a straight line south-east to Chilundubwe Hill; thence in a westerly direction along the watershed between the Nkanka River and the Lualizi River to the source of the Mwitakuwiri Stream; thence down the Mwitakuwiri Stream to the Nkanka River; thence up the Nkanka River to its junction with the Kachinga Stream; thence up the Kachinga Stream to its source; thence in a straight line to the source of

the Mitawa Stream; thence down the Mitawa Stream to its junction with the Kasakalambwe Stream; thence down the Kasakalambwe Stream to the Malalo Stream; thence up the Malalo Stream to its source; thence in a westerly direction to the source of the Vilolo Stream; thence down the Vilolo Stream to its junction with the Mansenke Stream; thence up the Mansenke Stream to its source; thence in a northerly direction to the source of the Mbewa Stream; thence down the Mbewa Stream to the point of starting.

Included within the boundaries as defined above, but excluded from the Reserve:

Dell Farm No. 61 N.E.R., 3,088.530 acres in extent, situated at the headwaters of the Lungu River.

Isoka Government Reserve, unsurveyed, 1,000 acres in extent, situated around Isoka Government Station on the Isoka River.

(Added by Article 7 of Order No. 1 of 1963)

XXXIX-TAMBO-FUNGWE-KAMANGA RESERVE

Boundaries:

Commencing at the junction of the Mulungwizi River with the Luangwa River, the boundary follows the Luangwa River to its junction with the Songole Stream; thence up the Songole Stream to its junction with the Mpembe Stream; thence up the Mpembe Stream to its source on the Malawi border; thence in a south-easterly and south-westerly direction along the Malawi border to the source of the Shinunu Stream; thence down the Shinunu Stream to its junction with the Luwumbu River; thence up the Luwumbu River to the Nkande Stream; thence up the Nkande Stream to its source; thence in a straight line to the source of the Kakuyu Stream; thence down the Kakuyu Stream to the Mpande River; thence down the Mpande River to its junction with the Kasamba Stream; thence in a straight line north to the source of the Chendela Stream; thence down the Chendela Stream to its junction with the Wila River; thence up the Wila River to its junction with the Chimilila Stream; thence up the Chimilila Stream to its source; thence in a straight line due east to the Luwuwuzi Stream; thence up the Luwuwuzi Stream to its source; thence in a westerly direction along the watershed between the Kawundi and Kamimbi Rivers to the source of the Kasunsu Stream; thence down the Kasunsu Stream to its junction with the Chilumbi Stream; thence down the Chilumbi Stream to its junction with the Kamimbi River; thence in a straight line in a westerly direction to the junction of the Vitukutu Stream with the Luangwa River; thence down the Luangwa River to the junction of the Lualizi River; thence up the Lualizi River to its junction with the Kawumba Stream; thence up the Kawumba Stream to its junction with the

Chiwonga Stream; thence up the Chiwonga Stream to its source; thence in a northerly direction along the watershed between the Katonga and Kawandama Rivers to the source of the Nansolo Stream; thence down the Nansolo Stream to its junction with the Kawandama River; thence in a north-easterly direction along the ridge of the Chisote Hills to the junction of the Mwangwe and Mulungwizi rivers; thence down the Mulungwizi Rivers to the point of starting.

(Added by Article 7 of Order No. 1 of 1963)

APPENDANT RIGHTS

The rights of the natives residing in the Abercorn and Isoka Districts to fish in the Chambezi, Chozi and Kalungu Rivers and in the Luanga Lagoon and the swamp adjacent thereto existing on 27th December, 1929, with due access for the purpose of exercising and said rights are hereby confirmed and assigned to the Secretary of State in trust for the aforesaid natives in perpetuity.

(Added by Article 7 of Order No. 1 of 1963)

XL-WESTERN PROVINCE RESERVE

Boundaries:

Starting at the source of the Machili River, the boundary follows this river in a general southerly direction to a point opposite Beacon Y8, the north-western corner beacon of Farm No. 946; thence along the northern, eastern and southern boundaries of this farm passing through Beacons Y8, Y7, Y6, Y5, Y4, Y3 and Y2 to Beacon Y1 on the left bank of the Machili River; thence down the Machili River to its confluence with the Kasaya River; thence down the Kasaya River to its confluence with the Zambezi River; thence westwards along the international boundary between Zambia and Namibia up the Zambezi River to the beacon of the said international boundary on the right bank of the Zambezi River at the Katima Mulilo Rapids; thence in a straight line south-westwards continuing along the international boundary to its point common with the Zambia-Angola international boundary at the edge of the floodwater of the Kwando or Mashi River on the left bank of that river; thence in a north-westerly direction along the said international boundary up the floodwater line on the left bank of the Kwando or Mashi River to Beacon H37 on the 22nd meridian east longitude; thence northwards following the said international boundary to its intersection with the Lutembwe River near boundary pillar M10; thence down the right bank of the Lutembwe River to the confluence of that river with the Lungwebungu River; thence following the right bank of the Lungwebungu River to its confluence with the Litapi River; thence northwards to the source of the Kawelele Stream; thence down

the Kawelele Stream to its confluence with the Chinonwe River; thence due north-eastwards to a point on the watershed between the Chinonwe and Kashizhi rivers; thence south-eastwards along this watershed to a point south-west of the confluences of the Kashizhi and Mukumba rivers; thence in a straight line to this confluence; thence up the Mukumba River to its source on the watershed between the Kashizhi and Zambezi rivers; thence southwards along this watershed to the source of the Kabulu Stream; thence down the Kabulu Stream to its confluence with the Zambezi River; thence down the Zambezi River to its confluence with the Kabompo River; thence up the Kabompo River to its confluence with the Dongwe River; thence up the Dongwe River to its confluence with the Lalafuta River; thence up the Lalafuta River to its source; thence southwards along the watershed of the Zambezi and Kafue rivers to the source of the Machili River, the point of starting.

(Act No. 47 of 1970)

THE ZAMBIA (STATE LANDS AND RESERVES) ORDERS, 1964

**AT THE COURT AT BUCKINGHAM PALACE, THE
15TH DAY OF
OCTOBER, 1964**

Present:

THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL

HER MAJESTY, by virtue and in exercise of the powers vested in Her in that behalf by the Foreign Jurisdiction Act, 1890, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

1. (1) This Order may be cited as the Zambia (State Lands and Reserves) Order, 1964.

Citation,
commencement
and construction

(2) This Order shall come into operation immediately before 24th October, 1964.

(3) This Order shall be construed as one with the Northern Rhodesia (Crown Lands and Native Reserves) Orders in Council, 1928 to 1963.

2. (*Had its effect*)

3. All rights in or in relation to Crown lands or other immovable property in Northern Rhodesia that are vested in Her Majesty immediately before the commencement of this Order shall, on the commencement of this Order, be transferred to and vest in the President of the Republic of Zambia. Vesting of rights in Crown lands, etc., in President

4. All native reserves that, immediately before the commencement of this Order, are vested in the Secretary of State shall, on the commencement of this Order, be transferred to and vest in the President of the Republic of Zambia. Vesting of native reserves in President

5. Nothing in this Order or the Zambia Independence Order, 1964, shall affect any estate, right or interest in or over any land or other immovable property which- Saving of existing rights

(a) the Governor or any other officer or authority of the Government of Northern Rhodesia, acting in exercise of any power in that behalf conferred by or under the Northern Rhodesia (Crown Lands or Native Reserves) Order in Council, 1928, or any Order amending that Order, has at any time before the commencement of this Order created, granted recognised or otherwise acknowledged; or

(b) is recognised or otherwise acknowledged by any provision of the Northern Rhodesia (Crown Lands and Native Reserves) Order in Council, 1928, or any Order amending that Order as an estate, right or interest of any person other than Her Majesty or the Secretary of State; and accordingly those estates, rights and interests shall continue to have the same validity as they had before the commencement of this Order and the Zambia Independence Order, 1964.

W. G. AGNEW

THE ZAMBIA (TRUST LAND) ORDERS,

1947 TO 1964

AT THE COURT AT BUCKINGHAM PALACE, THE 14TH
DAY OF
OCTOBER, 1947

Present:

THE KING'S MOST EXCELLENT MAJESTY

WHEREAS a Commission was appointed by His Excellency the Governor of Northern Rhodesia in the year 1942 to inquire into what land in Northern Rhodesia not already alienated should be set aside as Crown Land and what land should be constituted Native Trust Land:

AND WHEREAS the Commission has made certain recommendations to which it is expedient to give effect in manner hereinafter appearing:

Now, THEREFORE, His Majesty, in pursuance of the powers vested in Him by the Foreign Jurisdiction Act, 1890, and of all other powers enabling Him in that behalf, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:

1. This Order may be cited as the Zambia (Trust Land) Orders, 1947 to 1964.

(As amended by section 2 of the Order of 1964)*

* Statutory Instrument No. 5 of 1964.

* Statutory Instrument No. 5 of 1964.

2. (1) In this Order, unless the context otherwise requires:

"the Fund" means the Trust Land Fund established under section 7;

"the *Gazette*" means the official *Gazette* of the Government of Zambia;

"native" means any member of the aboriginal tribes or races of Africa and includes any person having the blood of any such tribe or race and

living among and after the manner of any such tribe or race;

"occupier" means any person to whom a right of occupancy has been granted under section 5, a person whose title has been confirmed under section 4, and a native or native community lawfully using or occupying land in accordance with native law and custom;

"public purposes" includes the following purposes:

- (a) for exclusive Government use, for the use of the native inhabitants of Zambia, or for general public use;
- (b) for or in connection with sanitary improvements of any kind including reclamations;
- (c) for or in connection with the laying out of any new township or Government station, or the extension or improvement of any existing township or Government station;
- (d) for or in connection with aviation;
- (e) for the construction of any railway authorised by legislation;
- (f) for obtaining control over land contiguous to any railway, road or other public works constructed or intended at any time to be constructed by Government;
- (g) for obtaining control over land required for or in connection with mining or hydro-electric purposes;
- (h) for the conservation and production of forest produce;

"rural council" means a rural council established or deemed to have been established under the Local Government Act;*

Cap. 480 of the
1971 Edition of
the Laws

* The Local Government Act is Cap. 281 in this Edition.

"Trust Land" means the land set apart by section 3 of this Order, as from time to time amended, for the sole use and benefit, direct or indirect, of the natives of Zambia;

"unexhausted improvement" means anything or any quality permanently attached to the land directly resulting from the expenditure of capital or labour by an occupier or any person acting on his behalf, and increasing

the productive capacity, the utility or the amenity thereof, but does not include the result of ordinary cultivation other than growing crops or other produce.

(2) 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 purposes of interpreting, and in relation to, Acts of Parliament of the United Kingdom.

(As amended by section 2 of Order No. 2 of 1954, section 2 of Order No. 1 of 1962,† section 2 of Order No. 4 of 1962,‡ section 2 of Order No. 3 of 1963,§ section 2 of the Order of 1964 and Act No. 69 of 1964)*

3. (1) The land described in the Schedule hereto is hereby declared to be Trust Land.

(2) When any land lying within the boundary of Trust Land as set out in the Schedule hereto but expressly stated in the Schedule not to be Trust Land is surrendered or reverts to the President it shall become Trust Land or continue to be excluded as the President may declare by notice in the *Gazette*.

(3) The President may make such adjustments of the boundaries of any area of Trust Land as may appear to him to be necessary or desirable, provided that in the case of any such adjustment the area of Trust Land concerned shall not be materially affected or diminished thereby, and provided further that the land excepted from the area concerned shall thereupon cease to be Trust Land and shall become State Lands and the land assigned to such area in exchange therefor shall become Trust Land.

(As amended by section 2 of Order No. 1 of 1961¶ and section 2 of the Order of 1964)

4. (1) All Trust Land is hereby vested in the President and shall, subject to the provisions of this Order, be administered and controlled by the President for the use or common benefit, direct or indirect, of the Natives of Zambia.

(2) No titles claimed by persons other than natives to the use and occupation of any such land shall be valid unless and until they have

been confirmed by the President.

(As amended by section 2 of the Order of 1964)

* Government Notice No. 291 of 1954.

† Government Notice No. 335 of 1963.

‡ Government Notice No. 255 of 1962.

§ Government Notice No. 53 of 1964.

¶ Government Notice No. 56 of 1961.

5. (1) The *President may, when it appears to him to be in the general interests of the community as a whole-

(a) *make grants or dispositions of Trust Land to individual natives or rural councils in accordance with the provisions of any regulations made under section 10 of this Order and, subject to those provisions, the provisions of any law enacted in that behalf by the Parliament of Zambia;

* Power to make grants of Trust Land delegated to the public officer for the time being holding the office or executing the duties of Commissioner of Lands, subject to the directions of the Minister responsible for land matters. (Statutory Instrument No. 7 of 1964.).

(b) grant rights of occupancy of Trust Land to natives or non-natives and demand a rental for the use of any land so granted;

(c) revise the said rentals at intervals of not more than thirty-three years;

(d) acquire Trust Land for public purposes;

(e) set aside in Trust Land forest and game reserves and national parks and take such measures as may be necessary for the development and control of such reserves and national parks;

(f) take such measures to control settlements and methods of cultivation on Trust Land as may be necessary for the preservation of

the natural resources of the land;

(g) take such measures, whether or not similar to the above measures, which may be necessary to conserve forest produce, water and the natural resources of the land;

(h) grant a right of occupancy in any Trust Land in exchange for any interest in State Lands:

Provided that the hectarage of such State Lands shall not be less than the hectarage of Trust Land in which the right of occupancy is granted, and on such exchange the President may declare by notice in the *Gazette* that the land surrendered shall become Trust Land or remain State Lands.

(2) In exercise of his powers under the preceding subsection the President shall have regard to the native laws and customs existing in the district in which the land is situated; and, before any Trust Land in an area over which a rural council has been established is disposed of, the rural council shall be consulted.

* Power to make grants of Trust Land delegated to the public officer for the time being holding the office or executing the duties of Commissioner of Lands, subject to the directions of the Minister responsible for land matters. (Statutory Instrument No. 7 of 1964.).

(3) The whole of the proceeds accruing from the exercise of any of the powers conferred upon the President by subsection (1) of this section other than under paragraph (e) thereof shall, subject to the provisions of clause (3) (C) of the Agreement dated 29th September, 1923, between the Secretary of State for the Colonies and the British South Africa Company, be paid into the Fund:

Provided that where any right of occupancy is granted in pursuance of an exchange effected in accordance with the provisions of paragraph (h) of subsection (1) of this section the proceeds of such disposal may be paid into the general revenues of the Republic.

(4) In the event of any Trust Land being acquired for public purposes Cap. 180 of the compensation shall be paid to any occupier for the value at the date of 1971 Edition of acquisition of his unexhausted improvements and for the inconvenience the Laws caused by his disturbance, and compensation for the land acquired shall be paid into the Fund, but no compensation shall be payable merely on the ground that land may at some unascertainable future date be cultivated. The compensation payable to the occupier shall be fixed by agreement or, failing agreement, by arbitration in accordance with the provisions of the Arbitration Ordinance, 1933, or of any Ordinance

amending or substituted for that Ordinance. The compensation payable for the land acquired shall be determined by the President.

Notwithstanding the preceding provisions of this subsection compensation for the land acquired may be made either in whole or in part by an exchange of an area of State Lands and any area so exchanged shall be declared by the President by notice in the *Gazette* to be Trust Land and shall thereupon become Trust Land.

(5) Out of the profits or rents accruing from any area of Trust Land set aside as a forest or game reserve under the provisions of section 5 (1) (e) of this Order there shall, subject to the provisions of the Agreement referred to in subsection (3) above, be paid first the expenditure necessarily incurred by the Government in connection with the said area, whether by way of maintenance, development, or otherwise, and the balance shall be paid into the Fund, or into the treasury of the rural council concerned, as the President shall direct.

(6) Rights of occupancy shall be for any term not exceeding ninety-nine years and shall be granted subject to the terms of any contract which may be made between the President and the occupier, but the President shall not (save in the case of a right granted in connection with a mining grant or mining location) grant rights of occupancy to any non-native free of rent or upon any condition which may preclude him from revising the rent at intervals of not more than thirty-three years.

(7) Any Trust Land acquired under the provisions of paragraph (d) of subsection (1) of this section shall thereupon cease to be Trust Land and shall become State Lands.

(As amended by section 2 of the Order of 1959, section 3 of Order No. 1 of 1961,† section 2 of Order No. 3 of 1962,‡ section 2 of the Order of 1964 and Act No. 69 of 1965)*

* Government Notice No. 4 of 1960. These amendments shall be deemed to have had effect as from the date of coming into force of the principal Order. (Section 5 (a) of the Order of 1959.)

† This amendment shall be deemed to have had effect as from the date of coming into force of the principal Order. (Section 5 (a) of Order No. 1 of 1961.)

‡ Government Notice No. 157 of 1962.

6. Notwithstanding anything contained in this Order or in any regulations from time to time made thereunder, the holder of a mining right granted or acquired under the Mines and Minerals Act* over Trust Land may enter upon such land together with the persons employed by him for the purpose of exercising rights under the mining right and may exercise the said rights subject to the provisions of the said Act and any regulations made thereunder. Cap. 329 of the 1971 Edition of the Laws

* The Mines and Minerals Act is Cap. 213 in this Edition.

(Substituted by Act No. 46 of 1969)

7. (1) There shall be established a Trust Land Fund.

(2) The Fund shall consist of all moneys paid into it pursuant to this Order or under any law or any resolution of the National Assembly or otherwise.

(3) The Fund shall be vested in the Minister of Finance and shall be administered by such †persons and in such manner as the President shall determine for the purpose of making grants to rural councils or for such other purposes for the use and common benefit of the natives of Zambia as the President may decide.

† Minister responsible for finance and Minister responsible for local government. (Government Notice No. 237 of 1964.)

(As amended by section 3 of the Order of 1959 and section 2 of the Order of 1964)

8. *(Had its effect)*

9. *(Had its effect)*

10. The president may, from time to time, make, amend and revoke regulations for the purposes of this Order, and in particular may by such regulations control and limit the entry upon or use of Trust Land by any person other than natives and may prescribe as penalties for the breach of any such regulations a fine not exceeding one hundred pounds or imprisonment for a term not exceeding twelve months or both such fine and imprisonment.

(As amended by section 2 of the Order of 1964)

10A. The President may, by order, authorise any person or authority to exercise for and on behalf of the President, subject to such exceptions and conditions as he may specify, any of the functions of the President under this Order.

(Substituted by section 2 of the Order of 1964)

10B. *(Revoked by section 2 of the Order of 1964)*

10C. *(Revoked by section 2 of the Order of 1964)*

* The Mines and Minerals Act is Cap. 213 in this Edition.

† Minister responsible for finance and Minister responsible for local government. (Government Notice No. 237 of 1964.)

11. This Order shall come into operation on the date of its publication in the Gazette.

E. C. E. LEADBITTER

SCHEDULE

TRUST LAND

All land included within boundaries of the areas hereunder defined which at this date is held-

- (a) under a leasehold title;
- (b) under a registered mining title;

shall for the duration of the lease or mining title be excluded from Trust Land.

No. I

Boundaries:

Starting at the confluence of the Kabompo and Zambezi Rivers, the boundary follows the latter river upstream to its confluence with the Kabata Stream; thence westwards up this stream to its source; thence northwards along the Zambezi-Kashizhi watershed to the source of the Mukumba Stream; thence down this stream to its confluence with the Kashizhi River; thence it crosses this river in a westerly direction to a point on the Kashizhi-Chinonwe watershed; thence north-westwards

following this watershed to a point due north-east of the confluence of the Kaselele Stream and the Chinonwe River; thence in a straight line south-westwards to this confluence; thence up the Kawelele Stream to its source; thence southwards in a straight line to the confluence of the Lipoti and Lungwebungu Rivers; thence up the latter to its confluence with the Lutembwe River; thence up this river to the point where it crosses the Zambia-Portuguese West Africa International Boundary near Boundary Pillar No. M10; thence starting northwards it follows this boundary to Boundary Pillar No. 1 common to Zambia, Portuguese West Africa and the Congo; thence along the international boundary between Zambia and the Congo to a point nearest to the source of the Kamisoshi Stream; thence to the source of this stream; and continuing downstream to its confluence with the Chitunta River; thence down this river to the confluence with the Luakela River; thence in a south-westerly direction to the source of an unnamed tributary of the Munjanyama River approximately 1.609 kilometres north of its confluence with the Mpalapala Stream; thence down the tributary and the river to the confluence of the latter with the Lunga river; thence down this river to its confluence with the Kamikomboshi Stream; thence up this stream to the point where it is crossed by the proposed Nchanga-Lobito Bay Railway Location; thence along this railway location in an easterly direction to the point where it crosses the Kabompo River; thence up this river for approximately 11.263 kilometres to a point due north of Boundary Pillar No. 7 on the Zambia-Congo International Boundary; thence southwards to that boundary pillar; thence along the international boundary in an easterly direction to Boundary Pillar No. 30 VII; thence generally south-eastwards along the watershed between the Lunga, Kashekesha, Luswishi and Lufwanyama Rivers on the south and the Munyunshi and Kafue Rivers on the north to a point near the source of the Pafu Stream; thence south-eastwards to the source of the Katembula River; thence down this river to its confluence with Felunda Stream; thence up this stream to its source; thence south-westwards to the northern boundary of the Lamba-Lima Reserve, No. X; thence starting westwards it follows that boundary and the boundary of the Lenje Reserve, No. XV, to the confluence of the Chibili and Mwembeshi Rivers; thence down the latter river to the south-western corner of the Sala Reserve, No. XVIII; thence south-westwards to a point approximately 3.218 kilometres north-west of the northernmost reach of the Hambalu Inlet on the Kafue River; thence due south to the Kafue River; thence along the left bank of this river to a point opposite the north-western corner of the Mazabuka Central Research Station; thence across the river and along the western boundary of this station to the Kaleya River; thence up this river and along the northern boundaries of Farms Nos. 1343, 549 and 1433 to the eastern boundary of the Ila-Tonga Reserve, No. XXII; thence starting northwards it follows the boundaries of this

reserve to a point on the Kafue River opposite the south-eastern corner of the Luba Reserve, No. XXVI; thence across the Kafue River and along the boundary of this reserve to the south-western corner of Farm No. 3131, the Blue Lagoon Ranch; thence along the southerly, easterly and northerly boundaries of this farm to the northern boundary of the Luba Reserve, No. XXVI; thence starting westwards it follows the boundaries of this reserve and the Ila-Tonga Reserve, No. XXII, to the Sichikwenkwe River; thence down this river to the south-western corner of Farm No. 1636; thence along the southern boundaries of this farm and Farms Nos. 3190 and 3191 to the western boundary of the Zambia Railways Strip Reserve; thence southwards along this reserve skirting the boundaries of the former Tara Township to the south-eastern corner of Farm No. 2328; thence along the northerly boundaries of this farm and Farms Nos. 1754 and 1755 to the Sichikwenkwe River; thence along this river to the easterly boundary of Farm No. 626; thence starting north-eastwards it skirts the boundaries of Farms Nos. 626, 2726, 2725, 3055, 357a, 358a, 1770 and 73a to the Ngwezi River; thence southwards along this river to its confluence with the Nalutabi Stream; thence up this stream to the south-western corner of Farm No. 3240; thence skirting the boundaries of this farm and Farms Nos. 3241 and 3464 to the western boundary of the Zambia Railways Strip Reserve; thence southwards along this reserve skirting the boundaries of Farms Nos. 816, 2067, 821, 833, 844, 3431, 3260, 3259, 846, 3432, 3434, 854, 856, 859, 3436, 975, 3437, 3462, 1585, 981, 3439, 983, 3440 and 985, the former Senkobo Township, Farms Nos. 1a, 3232 and 997 to the south-western corner of the latter; thence north-westwards along the production of the south-western boundary of Farm No. 997 to the Kabondo Stream; thence along this stream to its confluence with the Sinda River on the eastern boundary of the Toka Reserve, No. XXIV; thence starting northwards it follows the boundaries of this reserve to the Machili River; thence northwards along this river to the southerly boundary of Farm No. 946 "Machili Protected Forest Area"; thence eastwards along the southerly boundary of this area and Malavwe-Nachitwe Forest Reserve No. 24 to the southern boundary of Nkoya Reserve, No. XXIII; thence starting eastwards along the boundaries of this reserve to its north-western corner on the Machili River; thence up this river to its source; thence along the watershed of the Kafue and Zambezi Rivers to the source of the Talafuta River; thence down this river to its confluence with the Dongwe River; thence down this river to its confluence with the Kabompo River; thence down this river to its confluence with the Zambezi River, the point of starting.

Included in the boundaries described above but excluded from Trust Land are the following:

1. Farms Nos. 83a, 206a, 207a, 707, 708, 709, 710, 711, 724, 1045, 1046, 1051, 1052, 1054, 1055, 1077, 1093, 1101, 2750,

2751 and 2945.

2. Lots Nos. 48/M, 144/M and 145/M.
3. Balovale Township, Kabompo Township, Kasempa Township, Mumbwa Township, Solwezi Township.
4. All that piece of land bounded as follows:

Starting at a point on the left bank of the Kafue River on the eastern boundary of Farm No. 156a, "the Big Concession", the boundary follows the eastern, southern and western boundaries of this farm to the south-eastern corner of Farm No. 3132; thence along the southern and western boundaries of this farm to the left bank of the Kafue River; thence eastwards along the left bank of this river to the western boundary of Subdivision XX of Farm No. 156a; thence along the western, southern and eastern boundaries of this subdivision back to the left bank of the Kafue River; thence eastwards along the left bank of this river to the eastern boundary of Farm No. 156a, the point of starting.

5. Forest Reserve No. 25: Bombwe.
6. All that parcel of land known as Kalengwa Mine Estate bounded as follows:

Starting at the trigonometrical station on Kavambu Hill, the boundary runs on a true bearing of approximately 276° for approximately 25,283.16 metres to the top of a hill; thence due north for approximately 11,414.76 metres; thence on a true bearing of approximately 120° for approximately 28,956 metres back to the point of starting.

(Substituted by Statutory Instrument No. 122 of 1968)

No. II

Boundaries:

Starting at Beacon No. 10 of the Zambia-Congo International Boundary, the boundary follows that boundary in a general south-easterly direction to boundary Beacon No. 7; thence starting south-westwards it follows the boundary of the North Swaka Reserve No. XII to Beacon V592 of Farm No. 923, Mount Isabelle; thence starting south-westwards it passes round the boundaries of that farm to the point where the Lunsemfwa River emerges therefrom; thence it follows that river down to the north-western boundary of the Lunsemfwa Mineral Area No. 636; thence it passes in a straight line along that boundary and its production through Beacon M222 to its point of intersection with the Kapiri Mposhi-Fiwila Mission motor road; thence it follows that road in a south-easterly direction to the nearest point to the unsurveyed Lunsemfwa Dam site; thence it passes in a straight line to

the nearest point on the boundary of that site; thence it follows the northern and western boundaries of that site to the northern boundary of the South Swka Reserve No. XIII, thence starting westwards it follows the boundary of that reserve to a point on the Kashapo Stream approximately 4.827 kilometres from its junction with the Lunsemfwa River; thence it passes southwards along a line approximately 4.827 kilometres west of the Lunsemfwa River to a point due west of the junctions of the Mkushi and Lunsemfwa Rivers; thence it passes in a straight line to that junction; thence it follows the Lunsemfwa River down to the north boundary of Farm No. 216a Molenje; thence it follows the northern boundary of that farm westwards to its easternmost beacon on the northern boundary of the Luano-Lala Reserve, No. XIV; thence starting westwards it follows the boundary of that reserve to Beacon SE 48 at the south-eastern corner of Farm No. 2452 on the Chikonkomene Hills; thence it passes northwards along the eastern boundaries of Farms Nos. 2452, 2229, 1835 and 2443 through Beacons SE 47, CG 67, CG 68, CG 69 and CG 469 to Beacon CG 468 on the northern boundary of the last named farm and on the southern boundary of Forest Reserve No. 31: Broken Hill, thence it follows the southern boundary of that reserve eastwards to the south-west corner Beacon T219 of Farm No. 1019, Mayimba Extension; thence it follows the southern boundary of that farm eastwards to T221; thence starting north-eastwards it follows the boundary of Forest Reserve No. 31: Broken Hill to the Broken Hill-Mkushi Road, thence it follows that road to the Mulungushi River; thence it follows that river up to its junction with the Chitakata Stream; thence it follows that stream up to its junction with the Lukale Stream, thence it follows the latter stream up to the southernmost corner of the unsurveyed farm leased to Mr. A. O. Olivier; thence starting north-eastwards it passes round the boundaries of that farm to the Lukale Stream; thence it follows that stream and the northern boundary of Farm No. 384a, Lukali, to the eastern boundary of the Lenje Reserve, No. XV; thence starting north-westwards it follows the boundaries of that reserve and of the Lamba-Lima Reserve, No. X, to the junction of the Munkulungwe and Kafubu Rivers; thence it follows the latter river up to a point on the watershed between the Kaloko and Mwangwe Streams; thence it follows the said watershed north-eastwards to the south-western boundary of Farm No. 417a, Kavuu; thence starting south-eastwards it follows the boundaries of that farm and of Farm No. 415a, Bwana Mkubwa Block West, to the western boundary of the Rhodesia Railway Strip; thence it follows that boundary southwards to a point opposite the south-west corner of the Swahili Reserve, No. XI, thence it crosses the Railway Strip and follows the southern boundary of that reserve to the point of starting. *(As amended by section 4 (d) and (e) of Order No. 1 of 1961*)*

* This amendment shall be deemed to have had effect as from the date

of coming into force of the principal Order. (Section 5 (b) of Order No. I of 1961.)

Included within the boundaries thus defined but excluded from the area are the following:

- (a) The Rhodesia Railway Strip.
- (b) The area within the following boundaries:

Starting at Beacon U286 of the Miengwe Township Reserve, the boundary follows the northern boundaries of that reserve and Farms Nos. 1130 and 1097, Miengwe, to U277, the northwest beacon of the latter farm, thence it passes in a straight line north-westwards to the north-eastern corner of the unsurveyed farm leased to Mr. C. A. Keefer; thence it follows the northern and western boundaries of that farm to the south-western corner thereof; thence it passes due south for a distance of 1.609 kilometres; thence it passes due east to the western boundary of Farm No. 1097, Miengwe; thence it follows the boundaries of that farm southwards and eastwards to the Rhodesia Railway Strip; thence it crosses that strip and follows the eastern boundary thereof to Beacon U281 of the Miengwe Township Reserve; thence it follows the southern, eastern and northern boundaries of that township across the Rhodesia Railway Strip to the point of starting.

- (c) Farms: 103a Kashitu.
343a Chondwe.
836 Mulungushi Dam.
837 Mulungushi Falls.
922 Lady Good Hope.
1013 Mpelabusi.
1098 Hillside.
Mpelabusi Extension (unsurveyed).
- (d) Townships: Chibwe.
Chondwe.
Kafulafuta.
Kapiri Mposhi.
Kashitu.
Katanino.

(As amended by section 4 of the Order of 1959)

- (e) Forest Reserves: Chondwe.
Miengwe.
Katanino
Songwe-we-lala.
Lukanga.
Kansamfwe.

* This amendment shall be deemed to have had effect as from the date of coming into force of the principal Order. (Section 5 (b) of Order No. I of 1961.)

(f) Railway Sidings:

Lot 57/M	Mulungushi.
Lot 58/M	Mulungushi.
Lot 59/M	Lwanshimba.
Lot 60/M	Lwanshimba.
Lot 398/M	Mile 1358S.
Lot 399/M	Mile 1358S.
Lot 61/M	Shipungu.
Lot 62/M	Shipungu.
Lot 381/M	Lukanda.
Lot 383/M	Kampoyo.
Lot 63/M	Kebamba.
Lot 64/M	Kebamba.
Lot 405/M	Kebamba.
Lot 384/M	Filato.
Lot 385/M	Filato.
Lot 65/M	Chera.
Lot 66/M	Chikululu.

(Excluded by Government Notice No. 364 of 1961 as amended by Government Notice No. 321 of 1963)

(g) The area within the following boundaries:

Starting at Beacon GW634 on the Zambia Railways Strip Reserve near Lukanda Siding (Lot No. 381/M), the boundary proceeds on a bearing of 78° for a distance of 45 metres to Beacon GW633; thence on a bearing of 348° for a distance of 300 metres to Protected Forest Area No. 63: Kapiri Mposhi; thence following this boundary on a bearing of 90° for a distance of 270 metres; thence on a bearing of 180° for a distance of 370 metres to the Great North Road Reserve; thence westwards along the Great North Road Reserve to where it is intersected by the Zambia Railways Strip Reserve; thence northwards along the Zambia Railways Strip Reserve to Beacon GW634, the point of starting.

(Excluded by Gazette Notice No. 1731 of 1972)

No. III

Boundaries:

Starting near the Ndabala Landing Ground at the point on the Great

North Road where it crosses the straight line between the source of the Mlembo River and Boundary Pillar 1 of the Zambia-Congo International Boundary, the boundary follows the Great North Road in a south-westerly direction to the point where it crosses the eastern boundary of the remaining extent of Farm No. 596, Kantawe; thence starting north-westwards it follows the boundaries of that farm and of Farms Nos. A of 596, 102a, 101a, Chiwefwe, and 595, Mapiri Muwandika, to the point where the Great North Road crosses the south-western boundary of the latter farm; thence it follows the Great North Road south-westwards to the point where it crosses the eastern boundary of Farm No. 923, Mount Isabelle; thence it follows the eastern boundary of that farm to its north-eastern corner on the south-eastern boundary of the North Swaka Reserve, No. XII; thence, starting north-eastwards it follows the boundary of that reserve to the point where it meets the Zambia-Congo International Boundary, thence it follows that boundary in a south-easterly direction to Boundary Pillar 1; thence it passes in a straight line to the point of starting.

Included within the boundaries thus defined but excluded from the area are the following:

- (a) Farm No. 2865;
- (b) Mkushi Township.

(As amended by section 4 of the Order of 1959)*

* This amendment in so far as it relates to the exclusion of Farm No. 2865 shall be deemed to have had effect as from the date of coming into force of the principal Order. (Section 5 (b) of the Order of 1959.)

No. IV

Boundaries:

Starting at the point where the Mwomboshi River crosses the western boundary of Farm No. 1029, the boundary follows that river upstream to its junction with the Katungwe Stream; thence up the course of the latter to Beacon ID 68 at the north-eastern corner of the Farm No. 2563; thence westwards along the northern boundaries of Farms Nos. 2563, 2157 and 2161 through Beacons ID 67, ID 10, ID 66, ID 65, ID 64, ID 63 and C887 to Beacon C884 on the boundary of the Lenje Reserve, No. XV; thence generally north-eastwards along this boundary to Beacon BH 169 at the north-western corner of Farm No. 2112; thence southwards to Beacon BH 168 of this farm; thence along the south-easterly boundaries of Farms Nos. 2112 and 2113 through Beacons BH167 and BH166 to Beacon BH165; thence eastwards along the southerly boundaries of Farms Nos. 2117 and 2118 through Beacon BH158 to Beacon BH167; thence in a straight line south-eastwards to

Beacon L 169 at the north-western corner of Farm No. 964; thence southwards to Beacon L 230 at the south-western corner of the latter farm; thence south-westwards to Beacon L 245 at the north-western corner of Farm No. 966; thence southwards to Beacon L 228 at its south-western corner; thence in a straight line to Beacon L 227 at the north-western corner of Farm No. 968; thence southwards and eastwards along the western and southern boundaries of this farm, through Beacon L 226 to Beacon T22R at its south-eastern corner and on the western boundary of the Rhodesia Railways Strip Reserve; thence southwards down the latter boundary to the point where it is intersected by the southern boundary of Farm No. 969, produced westwards; thence eastwards across the strip reserve to Beacon L 249; thence eastwards, northwards and westwards along the southern, eastern and northern boundaries of Farm No. 969 through Beacons L 248 and L 247 to Beacon T22L on the eastern boundary of the railway strip; thence starting northwards, up the latter boundary to Beacon 54L at the south-western corner of Farm No. 2562; thence eastwards and north-eastwards along the southerly and easterly boundaries of this farm, through Beacons GW 28 and GW 27 to Beacon GW 26 at its north-eastern corner and on the southern boundary of Farm No. 963; thence eastwards along the latter boundary to Beacon L 242; thence southwards along a portion of the western boundary of Farm No. 1833, through Beacon CG 80 to the south-western corner of that farm; thence eastwards along its southern boundary, through Beacon CG 79 to Beacon CG 78 at the south-western corner of Farm No. 1834; thence eastwards along the southern boundary of the latter farm to the point where it crosses the Muyama Stream; thence southwards down the Muyama Stream to its junction with the Mwomboshi River; thence westwards up the Mwomboshi River to the point where it crosses the eastern boundary of Farm No. 1030; thence northwards and westwards along the eastern and northern boundaries of this farm through Beacon T 236 to Beacon T 248; thence across the railway strip to Beacon T 235 at the north-eastern corner of Farm No. 1029; thence westwards and southwards along the northern and western boundaries of this farm, through Beacon T 232 to the point where the Mwomboshi River crosses the western boundary, the point of starting.

Included within the boundaries thus defined but excluded from the area is the Rhodesia Railways Strip.

(Substituted by section 4 (f) of Order No. 1 of 1961)

* This amendment in so far as it relates to the exclusion of Farm No. 2865 shall be deemed to have had effect as from the date of coming into force of the principal Order. (Section 5 (b) of the Order of 1959.)

No. V

Boundaries:

Starting south-eastwards at the south-eastern corner Beacon VII of Farm No. 696, Fig Trees, on the boundary of the Luano-Lala Reserve, No. XIV the boundary follows the boundary of that reserve to the Luangwa River; thence it follows the right bank of that river down to the Zambezi River, passing round the boundaries of Farms Nos. 89a, Katondwe Mission, and 92a, Kapoche Mission, and Feira Township; thence it follows the left bank of the Zambezi River up to its junction with the Kafue River; thence it follows the left bank of the Kafue River up to its junction with the Fungwe Stream; thence it follows that stream up for a distance of 1.609 kilometres; thence it passes in a westerly direction along a line distant 1.609 kilometres from the left bank of the Kafue River to the Muchuto River; thence it passes in a straight line in a south-westerly direction to the north-western corner Beacon J306 of Farm No. 1201, Iolanda Extension; thence it follows the north-eastern boundary of that farm to its most northerly Beacon J307; thence it passes in a northerly and north-westerly direction along the ridge upon which that beacon is situated to the most southerly corner Beacon W89 of Farm No. 479a; thence starting south-westwards it follows the boundaries of that farm and of Farm No. 467a, Honey Kloof, to the north-westerly corner Beacon W42 thereof; thence it passes in a general north-easterly direction along the Mpande Hills to the most southerly corner Beacon C.R. of Farm No 200a Longwait; thence starting north-eastwards it follows the boundaries of that farm and of Farm No. 460a, Chipongwe, to the Rhodesia Railway Strip; thence it follows the eastern boundary of that strip in a north-easterly direction, skirting the boundaries of Chipongwe Township Reserve, to the most westerly Beacon N17 of Farm No. 642, Glen Carradale; thence starting eastwards it follows the boundaries of that farm and of Farms Nos. 407a, Chilanga Estate, and 406a, Springvale, to the most easterly corner Beacon B153 of the latter farm; thence it follows the southern boundary of the Lusaka Fuel Reserve in an easterly direction to the south-east corner thereof; thence it passes in a straight line to the south-west corner Beacon F90 of Farm No. 311, Potkom; thence it follows the southern boundary of that farm to the southwest corner Beacon F98 thereof; thence it passes in a straight line south-eastwards to the most westerly corner Beacon F13 of Farm 902 on Ndashika Hill; thence starting south-eastwards it follows the boundaries of that farm to the most easterly Beacon F17 thereof; thence starting south-eastwards it follows the boundaries of the Soli wa Manyika Reserve, No. XVII, and of the Soli Shamifwe Reserve, No XVI, to the junction of the Nyangwena and Chongwe Rivers; thence it follows the latter river up for a distance of approximately 20.917 kilometres to a point to the north of the north-east corner Beacon W108 of Farm No. 446a, Onze Rust; thence it passes in a straight line in a northerly direction to the

Kanakantapu Stream; thence it follows that stream up to the Chainama Hills; thence it passes westwards to Kanakampuyu Hill; thence it passes in a straight line north-westwards to the north-east corner Beacon T411 of Farm No. 1350, Nimrod; thence it passes in a northerly direction round the source of the Chipilipili Stream to the most southerly corner of the unsurveyed Farm No. D375; thence starting eastwards it follows the boundaries of that farm to the point of starting.

Included within the boundaries thus defined but excluded from the area are the following:

(a) Farms:

93a Katondwe.

*97a Ulungu Estate.

100a Msesezi.

727

* Exclusion continued by Government Notice No. 47 of 1958.

(As amended by section 4 (g) of Order No. 1 of 1961)*

* This amendment shall be deemed to have had effect as from the date of coming into force of the principal Order. (Section 5 (b) of Order No. 1 of 1961.)

(b) Railway Siding:

Lot 404/M Mile 1232K.

(Excluded by Government Notice No. 363 of 1961)

(c) Lusaka Military Training Area:

Starting at Beacon F13 at the western corner of Farm No. 902a, the boundary runs south-westwards to 750 730, thence westwards to 690 730; thence northwards to the southerly boundary of Farm No. 3153 at approximately 690 794; thence south-eastwards along the southerly boundaries of Farms Nos. 3153 and 3274, through Beacon QD39 to Beacon F13, the point of starting.

Map references are referred to 1/50,000 sheet 1528 D1 and are based on the U.T.M. map grid.

(Excluded by Government Notice No. 458 of 1964)

(d) Area for inclusion in the International Game Park (Lower Zambezi):

Starting at a point on the Chipoko rocks on the Zambezi River the boundary follows the Zambia/Rhodesia international boundary in a westerly direction upstream to the confluence of the

Zambezi and Munyemeshi rivers; thence up the Munyemeshi River to its source; thence northwards along a line of beacons for approximately 4 kilometres to a track; thence northwards along this track to where it meets the Chongwe River at a point approximately 1 kilometre downstream from the confluence of the Chongwe and Kenyere rivers; thence up the Chongwe River for approximately 3 kilometres; thence on a bearing of approximately 70° for a distance of approximately 11 kilometres to the source of the Ikanda River; thence down the Ikanda River to its confluence with the Musangashi River; thence on a bearing of 38° to the confluence of the Chisagmosa and Mwambashi rivers; thence up the Mwambashi River to its source; thence on a bearing of 290° for a distance of approximately 3 kilometres to a point on the Mulundunyati Hill; thence on a bearing of 330° for a distance of approximately 9 kilometres to a point on the Nyawukundwe Hill; thence on a bearing of approximately 285° for a distance of 5G kilometres to a point on the Great East Road where it is intersected by the Soli Shamifwe Reserve No. XVI; thence eastwards along the Great East Road for approximately 45 kilometres to where it crosses the Rufunsa River; thence down the Rufunsa River to a point approximately 5 kilometres downstream from Chipebete School; thence due east for approximately 24 kilometres to a point approximately 3 kilometres south of Chitope; thence due south for approximately 47 kilometres to the Chipoko rocks, the point of starting.

(Excluded by Gazette Notice No. 1563 of 1972)

* Exclusion continued by Government Notice No. 47 of 1958.

This amendment shall be deemed to have had effect as from the date of coming into force of the principal Order. (Section 5 (b) of Order No. 1 of 1961.)

No. VI

Boundaries:

Starting at the most northerly corner Beacon M of Farm No. 85a, Crookston, on the Kafue River, the boundary follows the right bank of that river to a point opposite its junction with the Muchuto River; thence it passes southwards for a distance of 1.609 kilometres; thence it passes eastwards along a line distant 1.609 kilometres from the right bank of the Kafue River to a point opposite the junction of that river with the Fungwe River; thence it passes in a straight line northwards to the Kafue River; thence it follows the right bank of that river down to the point where it meets the northern boundary of the Tonga (Sigongo) Reserve No. XIX; thence starting south-westwards it follows the boundary of that reserve to the point where it meets the south-eastern

boundary of Farm No. 85a, Crookston; thence it follows the south-eastern boundaries of that farm to the point of starting.

No. VII

Boundaries:

Starting at the north-east corner Beacon G321 of Farm No. 140a, Highlands, the boundary passes in a straight line to the south-east corner of the Nega Nega Township Reserve; thence it follows the eastern boundary of the said reserve to the southern boundary of the Rhodesia Railway Strip; thence it follows the said boundary eastwards to the right bank of the Kafue River; thence it follows the said bank down to the most northerly Beacon W125 of Farm No. 485a, Siakoma; thence starting south-eastwards it follows the boundaries of that farm and of Farm No. 486a to Beacon W121 of the latter on the south-western boundary of the Tonga (Sigongo) Reserve, No. XIX on Dombwi Hill; thence starting south-eastwards it follows that boundary to a point 3.218 kilometres distant from the left bank of the Zambezi River, thence it passes south-westwards along a line 3.218 kilometres distant from the Zambezi River to a point opposite the entrance to the Kariba Gorge; thence it passes southwards to the left bank of the Zambezi River; thence it follows the left bank of the said river up to the south-east corner of the Tonga (Magoye) Reserve, No. XX; thence starting north-westwards it follows the boundaries of the said reserve to the north-east corner Beacon M94 of Farm No. 108a; thence starting north-westwards it follows the boundaries of that farm and of Farms Nos. 106a, 105a to the most northerly Beacon M90 of the latter farm on the Muvuma Hills; thence it passes north-westwards along the said hills and the north-eastern boundaries of Farms Nos. 574, Highlands Extension, and 140a, Highlands, to the point of starting.

Included within the boundaries thus defined but excluded from the area are the following:

(a) An area of 165.76 square kilometres enclosing the North Kariba Coal Location.

(b) Railway Siding:

Lot 52/M Naluama.

(Excluded by Government Notice No. 362 of 1961)

*(c) Siavonga-the areas within the following boundaries:

* For area of State Lands exchanged as compensation, see Government Notice No. 44 of 1963.

i(i) Starting at Beacon O.H.668, the boundary proceeds south-westwards to Beacon O.H.772; thence on a true bearing of 220 degrees for 533.4 metres to an unbeaconed point; thence on a bearing of 177 degrees for 609.6 metres to a second such point; thence on a bearing of 81 degrees for 822.96 metres to a third such point; thence on a bearing of 357 degrees 25 minutes 14 seconds to Beacon O.H.673 and continuing in the same direction to Beacon O.H.668, the point of starting. (Bearings, with the exception of the last such quoted, and distances are approximate.)

(ii) Starting at Beacon O.H.771, the boundary proceeds northwards and eastwards through Beacons O.H.750, O.H.751, O.H.752 and O.H.753 to Beacon O.H.755; thence south-westwards to Beacon O.H.771, the point of starting.

(Excluded by Government Notices Nos. 43 and 249 of 1963)

No. VIII

Boundaries:

Starting at the point where the Nalubwe Stream crosses the north-western boundary of the Tonga (Magoye) Reserve, No. XX, the boundary follows that stream down to its junction with the Magoye River; thence it follows the right bank of that river down to the south-west corner of Farm No. 665, Simonde opposite Beacon V218 on the left bank of the said river; thence starting eastwards it follows the southern boundary of that farm and the south-western boundaries of Farms Nos. 152a, Hangata, 651, 150a, Marinta, 245a and 214a, Dora, to the most southerly corner Beacon P of the latter farm on the north-western boundary of the Tonga (Magoye) Reserve, No. XX, thence it follows that boundary south-westwards to the point of starting.

* For area of State Lands exchanged as compensation, *see* Government Notice No. 44 of 1963.

No. IX

Boundaries:

Starting at a point on the Magoye River opposite the north-east corner Beacon K7 of Farm No. 583, The Moorings, the boundary passes in a south-easterly direction for a distance of 8.44725 kilometres; thence it passes due east for a distance of 3.218 kilometres; thence it passes due north for a distance of 4.827 kilometres; thence it passes in a north-westerly direction to the junction of the Mambwe-a-weneni and Mawachindo Streams; thence it follows the latter stream down to its junction with the Magoye River; thence it follows the said river up to the point of starting.

No. X

Boundaries:

Starting at the most northerly Beacon H165 of Farm No. 588, Henton (Inishofin) on the south-eastern boundary of the Ila-Tonga Reserve, No. XXII the boundary follows the boundary of that reserve in a north-easterly direction for a distance of approximately 9.654 kilometres; thence it passes in a straight line south-eastwards to the most northerly corner Beacon H154 of Farm No. 585, Malambu; thence it follows the north-western boundaries of that farm and of Farms Nos. 586, Fossmore, and 277a, Dambilo, to the north-east corner beacon of the aforesaid Farm No. 688; thence it follows the north-eastern boundary of that farm to the point of starting.

No. XI

Boundaries:

Starting at the south-west corner Beacon II of Farm No. 1024 on the Rhodesia Railway Strip, the boundary follows the south-western boundary of that farm to the south-eastern corner Beacon Z240 thereof; thence it passes in a straight line south-eastwards to the most northerly corner Beacon F373 of Farm 502, Colsters; thence starting south-westwards it follows the boundaries of that farm and of Farms Nos. 1160, 503, Maeooma, and No. 701, to the most easterly Beacon F381 of the latter farm; thence it passes in a straight line north-eastwards to the most southerly Beacon Z575 of Farm No. 1164; thence starting north-eastwards it follows the boundaries of that farm and of Farms Nos. 1204 and 500 to the most easterly corner Beacon F364 of the latter farm on the southern boundary of the Tonga (Magoye) Reserve, No. XX; thence passing north-eastwards and south-eastwards it follows the boundary of the Tonga (Magoye) Reserve, No. XX, to the Zambezi River; thence it follows the left bank of that river up to the point where it meets the north-eastern boundary of the Tonga (Choma) Reserve, No. XXI; thence starting north-westwards it follows the boundary of that reserve to a point 4.0225 kilometres approximately south-east of Simomgwangwa Hill; thence it passes in a straight line to that Hill; thence it passes in a straight line north-westwards to the south-east corner Beacon C115 of Farm No. 697; thence it follows the north-eastern boundary of that farm to the most northerly corner Beacon C114 thereof on the eastern boundary of the Rhodesia Railway Strip; thence it follows the eastern boundary of the Rhodesia Railway Strip, skirting the boundaries of the Muzoka Township Reserve, to the point of starting.

Included within the boundaries thus defined but excluded from the area

are the following:

(a) An unsurveyed area of 165.76 square kilometres enclosing the Chongola Coal Location.

(b) Railway Siding:

Lot 61/M Nachibanga.

(Excluded by Government Notice No. 359 of 1961)

No. XII

Boundaries:

Starting at the point where the road from Farm No. 502, Colsters, crosses the northern boundary of Farm No. 1024, the boundary passes along this road in a north-westerly direction to the boundary of the Pemba Township Reserve; thence it passes along the south-eastern and north-eastern boundaries of this reserve to the eastern boundary of the Rhodesia Railways 91.44 metres strip; thence it passes along this boundary in a north-easterly direction to the boundary of the Mission Township Reserve; thence it passes along the south-western boundaries of this reserve, Mr. V. F. Couveras's unsurveyed farm and Farm No. 272a, to the Magoye River; thence, crossing that river, it follows the right bank downstream to the most westerly corner beacon of Farm No. 9a, Chikuni Mission; thence it passes along the south-western boundary of this farm to the boundary of the Tonga (Magoye) Reserve No. XX; thence it passes along the boundary of the said reserve in a south-westerly direction to the point where the Magoye River crosses the northern boundary of Farm No. 1024; thence it passes along the said boundary in a westerly direction to the point of starting.

Included within the boundaries thus defined but excluded from the area is Farm No. 2548 Siwili.

(Excluded by Government Notice No. 360 of 1981)

No. XIII

Boundaries:

Starting at the confluence of the Mbabala and Chikaka Rivers on the south-eastern boundary of the Ila-Tonga Reserve, No. XXII, the boundary follows the left bank of the latter river upstream to a point thereon opposite Beacon OH 16, a beacon on the western boundary of Farm No. 1630; thence south-eastwards in a straight line along this boundary through Beacons OH 16 and OH 15 to the left bank of the Semahwa River; thence south-westwards up the left bank of this river to its confluence with the Musamumunene River; thence south-westwards up the left bank of this river to a point thereon opposite

Beacon OH 14, the north-western corner of Farm No. 2107; thence south-westwards in a straight line through Beacon OH 14 to Beacon M 174 at its most westerly corner; thence in a straight line in a north-westerly direction to a point on the south-eastern boundary of the Ila-Tonga Reserve, No. XXII, approximately midway between the sources of the Mbabala and Sichikwenkwe Rivers; thence it follows that boundary in a general north-easterly direction to the confluence of the Mbabala and Chikaka Rivers, the point of starting.

(Substituted by section 4 (h) of Order No. 1 of 1961)*

* This amendment shall be deemed to have had effect as from the date of coming into force of the principal Order. (Section 5 (b) of Order No. 1 of 1961.)

No. XIV

Boundaries:

Starting at a point on the southern boundary of the Rhodesia Railway Strip opposite Mile Peg 1103, the boundary passes in a straight line southwards to the north-west corner of the unsurveyed Farm B181; thence it follows the western boundary of that farm to its south-western corner on the northern boundary of the Tonga (Choma) Reserve, No. XXI; thence starting westwards it follows the boundary of that reserve to the point where it meets the Siamambo River; thence it follows that river up to the south-eastern boundary of Farm No. 63; thence it follows the south-eastern boundary of that farm to the north-east corner Beacon I8 thereof; thence it passes in a straight line in a northerly direction to the south-west corner of Sikalongo Township Reserve; thence it follows the southern and eastern boundaries of that reserve to the southern boundary of the Rhodesia Railway Strip; thence it follows the southern boundary of that strip eastwards to the point of starting.

No. XV

Boundaries:

Starting at a point on the Siamambo River where it is intersected by the northern boundary of the Tonga (Choma) Reserve, No. XXI, the boundary follows the north-western boundary of the latter reserve in a south-westerly direction to the south-eastern corner of Farm No. 53a; thence north-westwards following the eastern boundaries of this farm and Farms Nos. 2946 and 1763 to the south-easterly boundary of the Rhodesia Railways 91.44 metres strip reserve; thence north-eastwards along the latter boundary to the south-western corner of Farm No. 2036; thence south-eastwards along the southerly boundaries of this farm and of Farms Nos. 2300 and 2137 to the most southerly corner of

Farm No. 2552; thence north-eastwards along the easterly boundary of this farm and the south-easterly boundaries of Farms Nos. 27a, 1647 and 1646 to the Monzuma River; thence up the Monzuma River to the point where it is intersected by the line Z.364-Z.363 produced; thence northwards in a straight line through Beacon Z.363 to Beacon Z.364; thence to Beacon Z.253, thence to Beacon OH 10 on the southern boundary of Farm No. 1641; thence north-eastwards along this boundary to Beacon OH 3 at the most easterly corner of the latter farm; thence eastwards along the southern boundaries of Farms Nos. 2498 and 2055 through Beacons Z.266, Z.252, Z.251, Z.265 and Z.254 to Beacon L.395 at the south-eastern corner of the latter farm; thence continuing eastwards, in a straight line to the point of starting.

(Substituted by section 4 (i) of Order No. 1 of 1961)*

* This amendment shall be deemed to have had effect as from the date of coming into force of the principal Order. (Section 5 (b) of Order No. 1 of 1961.)

No. XVI

Boundaries:

Starting south-eastwards at the easternmost corner of Farm No. 53a on the boundary of the Tonga (Choma) Reserve, No. XXI, the boundary follows that boundary skirting the boundaries of Farm No. 29a to the Zambezi River; thence it follows this river to the eastern boundary of the Baleya Reserve No. XXV; thence starting northwards it follows the boundaries of this reserve to the easternmost corner of Farm No. 426a; thence northwards along the easterly boundaries of this farm and Farm No. 422a to the northernmost corner of the latter; thence northwards to the southernmost corner of Farm No. 972; thence skirting the boundaries of this farm and Farm No. 860 to the eastern edge of the Zambia Railways Strip Reserve; thence generally north-eastwards along the boundary of this reserve to the south-western boundary of Farm No. 824; thence starting south-eastwards it follows the southerly boundaries of this farm and Farm No. 3377 to the Nekoya River; thence along this river to its confluence with the Kalomo River; thence along this river to its confluence with the Mwemba River; thence along this river, skirting the boundaries of Farm No. 355a, to its confluence with the Namuzunga Stream; thence along this stream to the western boundary of Farm No. 53a; thence along the western and southern boundaries of this farm to its easternmost corner, the point of starting.

Included in the above description but excluded from Trust Land are Farms Nos. 845, 847, 855, 3129, 3435.

(Substituted by Statutory Instrument No. 440 of 1969)

* This amendment shall be deemed to have had effect as from the date of coming into force of the principal Order. (Section 5 (b) of Order No. 1 of 1961.)

No. XVII

Boundaries:

Starting at a point on the left bank of the Zambezi River approximately 1.609 kilometres west of the south-west corner Beacon C166 of Farm No. 749, Constantia, the boundary follows the left bank of the river up to the south-east corner Beacon E184, of Farm No. 720, Kakuyu; thence starting north-westwards it follows the boundaries of that farm and of Farm No. 906 to the point of the Livingstone-Katambora Road crossing of the northern boundary of the latter; thence it follows that road northwards to its junction with the Livingstone-Kazungula Road; thence it follows the latter road westwards to the point where it crosses the southern boundary of the Toka Reserve, No. XXIV; thence starting northwards it follows the boundary of that reserve to a point due north of the point of starting; thence it passes in a straight line to the point of starting.

No. XVIII

Boundaries:

Starting at the south-west corner of the Baleya Reserve, No. XXV, on the left bank of the Zambezi River, the boundary follows that bank up to its junction with the Songwe Stream, thence it follows that stream up to its junction with the Lutwa Stream; thence it follows the Lutwa Stream up to the point where it crosses the western boundary of the Baleya Reserve, No. XXV; thence it follows that boundary southwards to the point of starting.

No. XIX

Boundaries:

The following farms:

Nos. 88a, 267a, 520, 521, 545 and 623.

Included within the boundaries thus defined but excluded from the area is Lot 396/M Mile 1178G.

(Excluded by Government Notice No. 361 of 1961)

No. XX

Boundaries:

Starting westwards at the junction of the Inambo and Mlembo Rivers on the northern boundary of the Luano-Lala Reserve, No. XIV, the boundary follows the boundary of that reserve to the point where it crosses the Lunsemfwa River; thence it follows the left bank of that river up to its junction with the Mkushi River; thence it follows the latter river up to a point approximately 4.827 kilometres from the Lunsemfwa River; thence it passes northwards along a line approximately 4.827 kilometres distant from the Lunsemfwa River to a point on the Miloswe Stream approximately 4.827 kilometres from the Lunsemfwa River on the southern boundary of the South Swaka Reserve, No. XIII; thence starting north-eastwards it follows the boundary of that reserve to the point where it meets the eastern boundary of the unsurveyed Lunsemfwa Dam Site; thence it follows the eastern and north-eastern boundaries of that site to the nearest point to the Kapiri Mposhi-Fiwila motor road; thence it passes in a straight line to that road; thence it follows the Kapiri-Fiwila motor road in a general easterly direction to its junction with the Mkushi-Chiwefwe motor road known as Piccadilly Circus, thence it follows the latter road in a northerly direction to the southern foot of the Mwansa Chawa Hills; thence it follows that foot of those hills in an easterly direction for a distance of approximately 6.436 kilometres; thence it passes in a northerly direction to the south-eastern foot of Maseve Hills; thence it follows that foot of the latter hills in an easterly direction for a distance of approximately 3 miles to the source of the Chimbulwe Stream; thence it follows that stream to its junction with the Mkushi River; thence it follows that river up to its junction with the Muchila wa Samba Stream, thence it follows that stream to its source; thence it follows the Mkushi-Kakushi watershed in a general northerly direction to a point south-west of the junction of the Kakushi and Buluya Streams; thence it passes in a straight line to that junction; thence it follows the Buluya Stream to its source; thence it passes round the headwaters of the Inambo River and in a general south-easterly direction along the watershed between the Inambo and Ntekete Streams to the source of the Sambashi Stream; thence it follows that stream down to its junction with the Mlembo River; thence it follows that river up to its source; thence it passes in a straight line north-eastwards to Boundary Pillar No. 1 on the Zambia-Congo International Boundary; thence starting northwards it follows that international boundary to the point where it meets the western boundary of the Tabwa Reserve, No. XXXII, near Lake Tanganyika; thence starting southwards it follows the boundaries of that reserve, and the Wemba (Mporokoso) Reserve, No. XXXIII, and the Lungu (Mukupa) Reserve, No. XXIX, the Wemba (Mporokoso) Reserve, No. XXXIII, and the Lungu (Tafuna) Reserve, No. XXVIII, to the point where the eastern boundary of the latter reserve meets the Musombezi River; thence it follows that river down

to its junction with the Chambezi River on the boundary of the Mambwe (Nsokolo) Reserve No. XXXI; thence starting southwards it follows the boundary of that reserve to the most southerly Beacon W195 of Farm No. T27; thence it follows the south-eastern boundary of that farm to the most easterly Beacon W207 thereof on the boundary of the Mambwe (Fwambo) Reserve, No. XXX; thence starting eastwards it follows the boundary of that reserve to the most southerly Beacon C700, of Farm No. T10, Jericho; thence it follows the south-western and north-western boundaries of that farm to the most northerly corner thereof on the south-eastern boundary of the Mambwe (Fwambo) Reserve, No. XXX; thence starting north-eastwards it follows the boundary of that reserve to the point where it meets the Zambia-Tanzania International Boundary; thence it follows that boundary in a general south-easterly direction, skirting the boundaries of Farms Nos. T6, Chiresia Estate, T11, Mambwe Estate, and T12, Mambwe Estate Extension, to the point where it meets the northern boundary of the Inamwanga Reserve, No. XXXVI; thence starting westwards it follows the boundary of that reserve back to the Zambia-Tanzania International Boundary; thence it follows that boundary and the Zambia Malawi International Boundary in a south-easterly direction to the point where the latter boundary meets the eastern boundary of the Iwa (Mweni Mpanza) Reserve, No. XXXVII; thence starting south-westwards it follows the boundary of that reserve back to the Zambia-Malawi International Boundary; thence it follows the latter boundary south-eastwards to the point where it meets the northern boundary of the Tambo Fungwe Kamanga Reserve, No. XXXIX; thence starting westwards it follows the boundaries of that reserve and the Iwa (Kafwimbi) Reserve, No. XXXVIII, and the Wemba (Muwanga) Reserve, No. XXXV, and the Iwa (Kafwimbi) Reserve, No. XXXVIII, and the Tambo Fungwe Kamanga Reserve, No. XXXIX, to the point where the latter meets the right bank of the Luangwa River; thence it follows the right bank of that river down to its junction with the Lunsemfwa River; thence it follows the Lunsemfwa River up to its junction with the Lukushashi River; thence it follows the latter river up to its junction with the Mlembo River; thence it follows the latter river up to its source; thence it follows in a straight line to the point of starting.

Included within the boundaries thus defined but excluded from the area are the following:

- (a) The Wemba (Makasa) Reserve, No. XXXIV.
- (b) Farms:
- | | | | |
|-----------------|------------|---------|------------|
| T4 | Kayambi. | 914 | Ruanga. |
| NER7 Kilibula. | *930 | Mbesuma | Extension. |
| NER62 | Scotsdale. | 1090 | Winambo. |
| *NER67 Chienje. | | 1092 | Muzamanzi. |
| NER68 | Mbereshi. | 1099 | Kalwa. |

	(Remaining Extent)	1128 Malole.
99a	Graylands.	1199 Lubushi.
NER70	Munwa.	1200 Lufubu.
NER72	Sancta Maria.	1363
Johnston Falls.		
T169	Chibwa.	1365 Kabundu.
*526	Lualua.	1366 Mapula.
611	Chitambo.	1367 Katibunga.
612	The Monument.	1369 Ilondola.
614	St. Joseph's.	1370 Chalabesa.
615	Chipili.	1371 Mulobola.
616	Ipusukiro.	1372 Lubwa.
617	Chibote.	1389 Lwena.
825	Kaombi.	1982 The Two Leopards
826	Shiwa Ngandu.	Hotel.
827	Kawangama.	2077U Kanona Hotel.
*911	Mbesuma.	Lot No. 23/M Mulanga.
912	Chunga.	Lot No. 209/M Malole.
913	Chinungu.	

* Exclusion continued by Government Notices Nos. 304 of 1951 and 47 of 1958.* Exclusion continued by Government Notices Nos. 304 of 1951 and 47 of 1958.* Exclusion continued by Government Notices Nos. 304 of 1951 and 47 of 1958.* Exclusion continued by Government Notices Nos. 304 of 1951 and 47 of 1958.

(As amended by section 4 of the Order of 1959,† section 4 (j), (k), (l) and (m) of Order No. 1 of 1961‡ and by Government Notices Nos. 217 of 1959, 126 of 1960 and 411 of 1963)

(c) Townships: Chiengi. Kawambwa.
Chinsali. Luwingu.
Fort Rosebery. Mpika.
Kasama. Serenje.
Kasama Extension (*G.N. No. 52 of 1961*).

(As amended by Government Notice No. 52 of 1961)

* Exclusion continued by Government Notices Nos. 304 of 1951 and 47 of 1958.

† These amendments shall be deemed to have had effect as from the date of coming into force of the principal Order. (Section 5 (a) of the Order of 1959.)

‡ These amendments, except that relating to Lot No. 209/M Malole, shall be deemed to have had effect as from the date of coming into force of the principal Order. (Section 5 (b) of Order No. 1 of 1961.)

(d) All that piece of unsurveyed land, in extent approximately 40.47 hectares, situated on the Mubende River in the Fort Rosebery District and formerly leased to William Lammond of the Garanganze Mission under Lease No. 1548.

(Excluded by Government Notice No. 19 of 1953)

(e) An area of approximately 162.6894 hectares bounded as follows:

Starting at a point on the shore of Lake Bangweulu due east of Beacon YR718, the boundary runs due west to that beacon; thence in a westerly direction to Beacon YR717; thence it follows the north-eastern edge of the 30.48 metres wide road reserve to Beacon YR716; thence due south to Beacon YR715; thence due east to Beacon YR714; thence in a south-easterly direction to Beacon YR713, which is on the southern edge of the Mukula Dambo; thence in an easterly direction along the southern edge of the Mukula Dambo to the Samba Stream; thence down the right bank of the Samba Stream to the point where it enters Lake Bangweulu; thence along the lake shore in a general northerly direction and north-westerly direction to the point of starting.

(Excluded by Government Notice No. 126 of 1954)

(f) The area within the following boundaries:

Starting at a point on the west bank of the Lwela River approximately 11.66525 kilometres upstream from its junction with the Mulungushi River, the boundary runs north-westwards for approximately 320.04 metres; thence north-eastwards for approximately 256.032 metres; thence south-eastwards for approximately 320.04 metres, to the west bank of the Lwela River; thence south-westwards down this bank to the point of starting. The area comprised within these boundaries is approximately 8.094 hectares.

(Excluded by Government Notice No. 301 of 1956)

(g) Lot 306/M.
Lot 307/M.
Lot 704/M.

(Excluded by Government Notice No. 422 of 1962 and Statutory

Instrument No. 259 of 1965)

No. XXI

Boundaries:

Starting at the point where the south-eastern boundary of the Tabwa Reserve, No. XXXII, meets Lake Tanganyika, the boundary follows the lake shore in a general south-easterly direction to the point where it meets the north-western boundary of the Lungu (Tafuna) Reserve, No. XXVIII; thence starting south-westwards it follows the boundaries of that reserve, the Wemba (Mporokoso) Reserve, No. XXXIII, and the Tabwa Reserve, No. XXXII, back to the point of starting.

Included within the boundaries thus defined but excluded from the area is Farm No. NER 15.

(As amended by section 4 (n) of Order No. 1 of 1961)*

No. XXII

Boundaries:

Starting at the point where the eastern boundary of the Lungu (Tafuna) Reserve, No. XXVIII, meets Lake Tanganyika, the boundary follows the lake shore north-eastwards to the most northerly corner Beacon B532 of Farm No. T176, Lanchester; thence starting south-eastwards it follows the boundaries of that farm and of Farm No. T8, Kasakalwe, to the most easterly corner Beacon E of the latter farm; thence it passes in a general south-easterly direction along the crest of the Chibulula Hills to a point on the Abercorn-Mbete motor road due north of Kanwantondwe Hill; thence it follows that motor road in a south-easterly direction for a distance of approximately 8.045 kilometres; thence it passes in a straight line westwards towards Kapurumuka Hill to the Lunzua River; thence it follows that river upstream to the point where it crosses the southern boundary of the old Tanganyika Estate; thence starting westwards it follows the boundary of that estate to the point where it crosses the north-eastern boundary of the Lungu (Tafuna) Reserve, No. XXVIII; thence starting north-eastwards it follows the boundary of that reserve to the point of starting.

Included within the boundaries thus defined but excluded from the area are the following:

- (a) Farm No. T175.
- (b) Lot 298/M 0.480 acres.
Lot 300/M 0.382 acres.

(Excluded by Government Notice No. 127 of 1964)

* This amendment shall be deemed to have had effect as from the date of coming into force of the principal Order. (Section 5 (b) of Order No. 1 of 1961.)

No. XXIII

Boundaries:

Starting at the most westerly corner Beacon U54 of Farm No. T154, the boundary passes along the crest of the Kuntunangulu Hills in a north-westerly direction down to the southern boundary of the Lungu (Zombe) Reserve No. XXVII; thence it follows that boundary eastwards for a distance of approximately 6.436 kilometres; thence it passes in a southerly direction to the point where the Abercorn-Mpulungu road crosses the Katula Stream, thence it follows that stream down to the most northerly corner of Farm No. T154 near Beacon U219 thereof; thence it follows the northern boundary of that farm westwards to the point of starting.

No. XXIV

Boundaries:

Starting south-eastwards at the point where the Luangwa emerges from the Tambo Fungwe Kamanga Reserve, No. XXXIX, the boundary follows the boundary of that reserve to the Zambia-Malawi International Boundary; thence it follows that boundary southwards to the most easterly Beacon G457 of Farm No. D190, Tamanda Mission; thence it follows the northern boundary of that farm to the eastern boundary of the Msandili Reserve No. I; thence starting northwards it follows the boundary of that reserve to the point where it meets the northern boundary of Farm No. DIII, Lorne Estate; thence starting north-westwards it follows the boundaries of that farm and of Farms No. D193, Luona, D192, Masupe, D130 and D214, Kapara, to the most southerly corner Beacon D34 of the latter farm on the boundary of the Ngoni Reserve, No. II; thence starting westwards it follows the boundary of that reserve to the point where it meets the boundary of Farm No. 948 Chikowa; thence starting north-westwards it passes round the boundaries of Farms Nos. 948, 949, Chaumbwa, 950, Kandafulu, 951, Lupande, 950, 949 and 948 to the point where the south-western boundary of the latter farm meets the boundary of the Ngoni Reserve, No. II; thence starting south-westwards it follows the boundary of that reserve to the north-west corner of Farm No. D208 near Beacon BM51 of that farm; thence starting south-westwards it passes round the boundaries of Farms Nos. D208, D209 and D210, Chongo, to the most southerly corner of the latter near its beacon BM55

on the boundary of the Ngoni Reserve, No. II; thence starting south-westwards it follows the latter boundary to the point where it meets the eastern boundary of Farm No. D76, Mchuma; thence starting north-eastwards it passes round the boundaries of that farm to the south-east corner Beacon D thereof on Yangombe Hill; thence it continues eastwards along the boundary of the Ngoni Reserve to the most northerly corner Beacon L of Farm No. D77, Chechere; thence starting southwards it passes round the boundaries of Farms Nos. D77 and D78, Chimkule, to the point where the western boundary of the latter crosses the Great East Road; thence it follows that road westwards to the point where it crosses the north-eastern boundary of Farm No. D169; thence it passes north-westwards along the boundaries of that farm and of Farm No. D170, Walubwe, to the north-east corner of the latter on the Mtetezi River near Beacon J133 of that farm; thence starting northwards it follows the boundary of the Zumwanda Reserve, No. IV; skirting the boundaries of Farm No. D60, Msoro, to the most northerly corner Beacon J144 of Farm No. D165, Katete Estate; thence starting south-westwards it follows the boundaries of Farms Nos. D165, D164, D163, D162, D161, Kangwelema, D171, Uplands and D160, Chiringonde, to the south-east corner of the latter at the junction of the Chiringonde Stream and the Katete River; thence it passes in a straight line in an easterly direction to a point on the western boundary of Farm No. D204 about 1.609 kilometres south of Beacon H thereof; thence starting south-westwards it follows the boundaries of Farms Nos. D204 and D55A to the south-west corner Beacon E of the latter farm on the boundary of the Chewa Reserve, No. III; thence starting westwards it follows the boundaries of that reserve and of Nsenga Reserve, No. V, skirting the boundaries of Farms Nos. D58, Nyanje Mission, D197, Minga Mission, and of the unsurveyed farm Nyimba, to boundary Beacon 11 on the Zambia-Portuguese East Africa International Boundary; thence it follows that boundary south-westwards to the point where it meets the Luangwa River; thence it follows the left bank of the Luangwa River up to the point of starting.

Included within the boundaries thus defined, but excluded from the area. are the following:

- (a) the Lusandwa Reserve, No. VI;
the Petauke Reserve, No. VII;
the Wambo Reserve, No. VIII;
the Chilinga Reserve, No. IX.
- (b) The areas included within the boundaries defined hereunder:

(1) Starting at a beacon marked C on the Great East Road west of Chassa Mission, the boundary follows that road in a south-westerly direction for a distance of approximately 16.09 kilometres to a beacon marked GI thereon; thence it passes in a northerly direction along a cut line for a distance of approximately 9.654 kilometres to a

beacon marked C4; thence it passes in a straight line eastwards to the point of starting.

(2) Starting at the point where the Great East Road enters the Elephant Dambo approximately 9.654 kilometres west of Mafumba Hill, the boundary passes northwards for a distance of approximately 2.4135 kilometres; thence it passes eastwards along a line distant approximately 2.4135 kilometres from the Great East Road for a distance of approximately 6.435 kilometres; thence it passes southwards to the point of starting.

(3) Starting at the most easterly Beacon A1 of Farm No. D200, the boundary goes south-eastwards for a distance of approximately 8.045 kilometres; thence it passes south-westwards for a distance of approximately 3.218 kilometres; thence it passes north-westwards to the southern boundary of Farm No. D45 approximately 1.20675 kilometres from Beacon O thereof; thence starting north-eastwards it follows the boundaries of Farms Nos. D45 and D200 to the point of starting

(c) The following Farms:

D44 Sasare Mining Reserve.	D211 Woodlands.
D45 Sasare.	D212.
D79 Lusangazi.	D213 Mzooli.
D120 Milianyama.	D215 Nyambuli
D172 Marambe.	D216 Chipengali.
D191 Kokwe.	D217 Ngwata.
D194 Sasare West.	D218 Chinkumba.
D195 Chassa Mission.	D219 Sinda.
D196 Merwe Mission.	D728.
D198 Hofmeyr Mission.	D729 Chipapa.
D199.	D951 Lupandi.
D200.	D952 Kasiya.
D205 Kavalamungu.	D953 Mchacha.
The unsurveyed Farm Makali.	
The unsurveyed Farm Chasefu Mission.	

(d) Lundazi Township.
Petauke Township.

No. XXV

Boundaries:

Starting on the Zambia-Malawi International Boundary at RN, the most easterly corner beacon of Farm No. D39, Fort Jameson Township, the boundary follows that international boundary south-eastwards to the most easterly corner of the Ngoni Reserve, No. II; thence it follows the boundary of that reserve north-westwards to the most easterly corner

Beacon S5 of Farm No. D28; thence starting north-westwards it passes round the boundaries of Farms Nos. D28, D89, D26, Magwero, D88 and D87 to the point of starting.

No. XXVI

Boundaries:

Starting eastwards at the most easterly Beacon B2 of Farm No. D54 on Bwanunka Hill, the boundary follows the boundary of the Ngoni Reserve, No. II, to the point where the Mwami River crosses the western boundary of Farm No. D73A, Mwami Mission; thence starting south-westwards it follows the boundaries of Farms Nos. D73A, D74, D74A, D90C, D90E, D90B to the Zambia-Malawi International Boundary; thence it follows that boundary in a general south-easterly direction to the most northerly Beacon J207 of Farm No. D187, Msambira; thence starting south-westwards it follows the boundaries of Farms Nos. D187 and D173, Missale, to the south-west corner Beacon J167 of the latter farm on the Zambia-Portuguese East Africa International Boundary; thence it follows that boundary south-westwards to Boundary Pillar No. 31 on Manyani Hill; thence starting north-eastwards it follows the boundary of the Chewa Reserve, No. III, skirting Farms Nos. D223, Mpalepale, D99, Chamkoko, D98, D97, Dide Mall, D96, Kasungude D92, Choli Estate, D93, Vubwe Gorge, D94, D95, D100, D104 to the point of starting.

No. XXVII

Boundaries:

Starting at the most westerly corner of Farm No. D179, Lowlands, near Beacon J237 thereof on the Zambia-Portuguese East Africa International Boundary, the boundary follows that international boundary south-eastwards to the most easterly corner Beacon J196 of Farm No. D180; thence it follows the north-eastern boundary of that farm to the most northerly corner Beacon J209 thereof on the Zambia-Malawi International Boundary; thence starting north-eastwards it follows that international boundary, skirting the boundaries of Farms Nos. D176, Chimimbi Estate, D177, Chigumukila Estate to the most westerly corner Beacon J293 of Farm No. D184; thence starting south-eastwards it follows the boundaries of Farms Nos. D184, D182, Kellynure, D181, D220, Winslow, D222, D221 and D179 to the point of starting.

No. XXVIII

Boundaries:

Starting at the most easterly corner Beacon B2 of Farm No. D54 on Bwanunka Hill, the boundary passes in a straight line south-westwards along the boundary of the Chewa Reserve, No. III, to the most easterly corner Beacon FA of Farm No. D119, Chadzombe; thence starting north-westwards it follows the boundaries of Farms Nos. D119, D48, Chadzombe, D47, D50, D141, D142, D144, Nsadzu to the point where the south-eastern boundary of the latter crosses the Kapundi Stream; thence it follows the boundary of the Ngoni Reserve, No. II, to the most westerly corner Beacon J of Farm No. D52; thence starting eastwards it follows the boundaries of Farms Nos. D52, D53 and Kapundi, D54 to the point of starting.

No. XXIX

Boundaries:

Starting south-westwards at the most easterly corner Beacon FA of Farm No. D119, Chadzombe on the boundary of the Chewa Reserve, No. III the boundary follows the boundary of that reserve to the south-east corner Beacon F of Farm No. D118, Nsadzu Mission; thence starting northwards it follows the boundaries of Farms Nos. D118, 1477, D50, D47 and D119 to the point of starting.

No. XXX

Boundaries:

Starting north-eastwards at the point where the Great East Road crosses the south-western boundary of Farm No. D78, Chimkuli, the boundary follows the boundaries of Farms Nos. D78, D77, Chechere, to the north-east corner Beacon M of the latter farm, on the boundary of the Ngoni Reserve No. II; thence starting southwards the boundary follows the boundary of that reserve to the point where it is crossed by the Great East Road; thence it follows that road south-westwards to the point of starting.

**THE ZAMBIA (TRUST LAND) ORDER, 1964
AT THE COURT AT BUCKINGHAM PALACE, THE
15TH DAY OF
OCTOBER, 1964**

Present:

THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL

HER MAJESTY, by virtue and in exercise of the powers vested in Her in that behalf by the Foreign Jurisdiction Act, 1890, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

1. (1) This Order may be cited as the Zambia (Trust Land) Order, 1964. Citation, commencement and construction

(2) This Order shall come into operation immediately before 24th October, 1964.

(3) This Order shall be construed as one with the Northern Rhodesia (Native Trust Land) Orders in Council, 1947 to 1963.

2. (*Had its effect*)

3. All Native Trust Land that immediately before the commencement of this Order is vested in the Secretary of State shall, on the commencement of this Order, be transferred to and vest in the President of the Republic of Zambia. Vesting of native trust lands in President

4. Nothing in this Order or the Zambia Independence Order, 1964, shall affect any estate, right or interest in or over any land which the Governor or any other officer or authority of the Government of Northern Rhodesia, acting in exercise of any power in that behalf conferred by or under the Northern Rhodesia (Native Trust Land) Order in Council, 1947, or any Order amending that Order, has at any time before the commencement of this Order created, granted, recognised or otherwise acknowledged, and, accordingly, those estates, rights and interests shall continue to have the same validity as they had before the commencement of this Order and the Zambia Independence Order, 1964. Saving of existing rights

W. G. AGNEW

**THE ZAMBIA (GWEMBE DISTRICT) ORDERS
1959 AND 1964**

**AT THE COURT AT BUCKINGHAM PALACE, THE 20TH
DAY OF
FEBRUARY, 1959**

Present:

**THE QUEEN'S MOST EXCELLENT MAJESTY IN
COUNCIL**

WHEREAS it is in the interests of the Government and people of Northern Rhodesia and of the Federation of Rhodesia and Nyasaland that there should be established at the Kariba Gorge in the valley of the River Zambezi a hydro-electric generating station, and that the waters of the River Zambezi should be used for that purpose:

AND WHEREAS for the aforesaid purpose it is necessary to create a lake the waters of which will cover certain lands in Northern Rhodesia:

AND WHEREAS the creation of the said lake will afford the opportunity to develop certain other lands in Northern Rhodesia:

AND WHEREAS some of the lands so affected are Native Reserves and Native Trust Land within the meaning of the Northern Rhodesia (Crown Lands and Native Reserves) Orders in Council, 1928 to 1963 (hereinafter called the Reserves Order), and the Northern Rhodesia (Native Trust Land) Orders in Council, 1947 to 1963 (hereinafter called the Trust Land Order), respectively:

AND WHEREAS it is expedient to make provision for the well-being of the African inhabitants of the lands so affected:

NOW, THEREFORE, Her Majesty, by virtue and in exercise of the powers by the Foreign Jurisdiction Act, 1890, or otherwise in Her

Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

1. (1) This Order may be cited as the Zambia (Gwembe District) Orders, 1959 and 1964. Short title and commencement

(2) This Order shall come into operation on the twenty-seventh day of February, 1959, and shall be published in the Northern Rhodesia Government Gazette.

(As amended by section 2 of the Order of 1964)*

* Statutory Instrument No. 6 of 1964.

2. This Order applies to the Gwembe Administrative District (hereinafter called "the District") as defined by any Proclamation made under any law or, subject thereto, by the President. Application of Order

(As amended by section 2 of the Order of 1964)

3. (1) In this Order, unless it is otherwise provided or required by the Interpretation context-

"the affected areas" means those parts of the District which are also parts of-

(a) the Tonga (Sigongo) Reserve XIX, the Tonga (Magoye) Reserve XX, and the Tonga (Choma) Reserve XXI, as described in the Schedule to the Reserves Order; and

(b) the Trust Land areas No. VII and No. XI as described in the Schedule to the Trust Land Order;

"the Corporation" means the Central African Power Corporation or any other body corporate established by any law of Zambia for the purpose of supplying electricity from the hydro-electric generating station situated on the Zambezi River at Kariba Gorge;

"forest produce" includes trees, timber, plants, grass, reeds, fruits, seeds, roots and generally everything of a like nature but does not include cultivated crops;

"the Fund" means the Gwembe District Special Fund established under section 9 of this Order;

" the *Gazette*" means the official *Gazette* of the Government of Zambia;

"the President" includes any person for the time being lawfully performing the functions of that office;

"the rural council" means the Gwembe Rural Council deemed to have been established under the Local Government Act.† Cap. 480 of the 1971 Edition

* Statutory Instrument No. 6 of 1964.

† The Local Government Act is Cap. 281 in this Edition.

(2) Save as is in this Order otherwise provided, or required by the context, the Interpretation Act, 1889, shall apply for the purpose of interpreting this Order as it applies for the purpose of interpreting an Act of Parliament.

(As amended by section 2 of the Order of 1964 and Act No. 69 of 1965)

4. The Corporation may inundate any of the lands to which this Order applies by the construction of a dam at the Kariba Gorge for the purposes of the generation of hydro-electric power, provided that the normal operating level of the dam shall be not more than 484.632 metres above sea level at Beira. The Corporation permitted to inundate lands

(As amended by section 2 of the Order of 1964)

5. (1) The Reserves Order and the Trust Land Order shall on the commencement of this Order continue to apply to the affected areas only in so far as those Orders are not inconsistent with the provisions of this Order, and if any provision of either of those Orders is inconsistent with any provision of this Order the provisions of this Order shall prevail, and the Reserves Order or the Trust Land Order, as the case may be, shall, to the extent of the inconsistency, be of no effect. Effect of this Order on other Orders

(2) For the purpose of this section a reference to the Reserves Order or the Trust Land Order shall include a reference to any law amending or replacing either of those Orders.

6. The *President may by notice in the *Gazette* designate any area of the affected areas and in any such area so designated may- President may lease land

* Power to make grants of land in designated areas delegated to the public officer for the time being holding the office or executing the duties of Commissioner of Lands, subject to the directions of the Minister responsible for land matters. (Statutory Instrument No. 7 of 1964.)

(a) grant to the Corporation by lease for a period not exceeding 999 years and upon such terms and conditions as he may think fit any area of land which he may consider necessary for or ancillary to the construction and operation of a hydro-electric generating station at the Kariba Gorge and the supply therefrom of hydro-electric power;

(b) grant to any person by lease for a period not exceeding 99 years any area of land upon such terms and conditions and for such purposes as he may think fit, and in respect of any such lease the President may grant an option of renewal;

(c) demand a rental for the use of any lands so granted upon lease and revise the said rental at intervals of not more than 33 years;

(d) grant to the Corporation upon such terms and conditions as he may think fit any wayleave or right to place any power transmission lines over any land, and such terms and conditions may include a provision for payment by the Corporation in respect of such grant.

(As amended by section 2 of the Order of 1964)

* Power to make grants of land in designated areas delegated to the public officer for the time being holding the office or executing the duties of Commissioner of Lands, subject to the directions of the Minister responsible for land matters. (Statutory Instrument No. 7 of 1964.)

7. (1) The President may by notice in the *Gazette* declare- President's powers in relation to fishing, forests and other matters

(a) the fishing rights in any waters in the District to be reserved for any person who is a native or group of persons who are natives;

(b) any waters in the District to be a controlled fishing zone;

(c) any area of land in the District to be a national park, game reserve or game-controlled area;

(d) any area of land in the District to be a protected forest.

(2) The President, or any *person authorised by the President in writing in that behalf, may grant to any person the right to work, cut or take away any forest produce in any area in the District.

* The Chief Conservator of Forests authorised by Government Notice No. 37 of 1960.

(3) The President may by notice in the *Gazette* vary or revoke any declaration made by him under subsection (1) of this section.

(As amended by section 2 of the Order of 1964)

8. (1) The President, after consultation with the rural council, may Regulations make regulations for the conservation of any fish in any waters of the District declared to be a controlled fishing zone under paragraph (b) of subsection (1) of section 7 of this Order, and for prohibiting, restricting or regulating fishing in any such waters.

(2) The President may make regulations-

(a) for the purpose of facilitating the establishment and development of a fishing industry in the District, or in any part thereof, and without prejudice to the generality of the foregoing power for the following matters:

(i) the issue of fishing licences;

(ii) the registration of fishing boats and fishing appliances;

(iii) the keeping of records of fish taken or of fish exported from the District;

(iv) the promotion of research for the better development of fisheries in the waters of the District;

(v) the regulation of trade in and sale of fish from the District;

(b) for the preservation, development and control of any areas of land declared by the President under paragraph (c) or (d) of subsection (1) of section 7 of this Order to be national parks, game reserves, game-controlled areas or protected forests, and for the issue of licences or permits in connection with the exercise of such powers;

(c) prescribing the terms and conditions upon which a person may be granted the right to work, cut or take away any forest produce under subsection (2) of section 7 of this Order;

(d) for the licensing of, and control of any matters relating to, shipping, ferries and boats, of whatever description in the District, or in any part thereof, and whether such ships, ferries or boats ply for reward or otherwise;

(e) prescribing the form of any licence, permit or other document issued in pursuance of the powers conferred under this section and the fees payable thereon.

(3) Regulations made under this section may prescribe as penalties for breach of any such regulations a fine not exceeding £100 or imprisonment for a period not exceeding 12 months or both such fine and imprisonment.

(As amended by section 2 of the Order of 1964 and Act No. 69 of 1965)

* The Chief Conservator of Forests authorised by Government Notice No. 37 of 1960.

9-11. *(Repealed by Act No. 5 of 1968)*

12. (1) In the exercise of the powers conferred on him by this Order the President shall have regard to the native laws and customs and traditional or customary rights existing in the District. President to have regard to native law and custom

(2) Before the President under the powers conferred on him by this Order grants to any person, who in his opinion is not a native normally and lawfully resident in the District any rights over land or in waters

covering land in the affected areas, the President shall arrange for the rural council to be consulted.

(As amended by section 2 of the Order of 1964 and Act No. 69 of 1965)

12A. *(Revoked by section 2 of the Order of 1964)*

13. (1) Anything which has been done by the Corporation before the Validation commencement of this Order which would have been lawfully done if this Order had come into operation on the first day of December, 1958, shall be deemed to have been lawfully done.

(2) All lands in the Tonga (Choma) Reserve XXI used on or after the first day of June, 1958, for the construction of airstrips, buildings or camps for purposes connected with bush clearance shall be deemed to have been occupied from or after the aforesaid date as if this Order had then been in force and as if the President had under section 6 of this Order by notice in the *Gazette* designated the area of land affected and as if leases had been granted in respect of such lands to the occupiers thereof under paragraph (b) of the said section 6.

(As amended by section 2 of the Order of 1964)

W. G. AGNEW

**THE ZAMBIA (GWEMBE DISTRICT) ORDER, 1964
AT THE COURT AT BUCKINGHAM PALACE, THE
15TH DAY OF
OCTOBER, 1964**

Present:

THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL

HER MAJESTY, by virtue and in exercise of the powers vested in Her in that behalf by the Foreign Jurisdiction Act, 1890, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

1. (1) This Order may be cited as the Zambia (Gwembe District) Order, 1964.

Citation,
commencement
and construction

(2) This Order shall come into operation immediately before 24th October, 1964.

(3) This Order shall be construed as one with the Northern Rhodesia (Gwembe District) Order in Council, 1959.

2. (*Had its effect*)

3. Nothing in this Order or the Zambia Independence Order, 1964, shall affect any estate, right or interest in or over land which the Governor, acting in exercise of any power in that behalf conferred by or under the Northern Rhodesia (Gwembe District) Order in Council, 1959, has at any time before the commencement of this Order created, granted, recognised or otherwise acknowledged, and, accordingly, those estates, rights and interests shall continue to have the same validity as they had before the commencement of this Order and the Zambia Independence Order, 1964. Saving of existing rights

W. G. AGNEW

SUBSIDIARY LEGISLATION

STATE LANDS, RESERVES AND TRUST LAND

*Government
Notices*
149 of 1928
25 of 1930
6 of 1931
17 of 1931
115 of 1945
230 of 1951
125 of 1960
497 of 1964
*Statutory
Instrument*
117 of 1965

THE RESERVES REGULATIONS

Regulations by the President under Article 7 of the Zambia (State Lands and Reserves) Orders, 1928 to 1964

1. These Regulations may be cited for all purposes as the Reserves Title Regulations.

2. In these Regulations, unless the context otherwise requires- Interpretation

"Assistant District Secretary" means the Assistant District Secretary placed in charge of any Reserve or part of a Reserve;

"native occupant" means, as regards any Reserve, a native entitled under the Order to enter and occupy land in that Reserve;

"Reserve" means a Reserve constituted under the Order;

"the Order" means the Zambia (State Lands and Reserves) Orders, 1928 to 1964.

3. No person, unless he is a native occupant or otherwise in lawful occupation of land within a Reserve, shall enter or remain in such Reserve unless he shall show lawful cause for so entering or remaining. Entering or remaining in Reserves

4. No person, unless he is a native occupant or otherwise in lawful occupation of land within a Reserve, shall in travelling through such Reserve, take a longer time in doing so than is reasonably necessary for the lawful purposes that occasion such travelling. Travelling through Reserves

5. Any person contravening regulation 3 or 4 shall, in addition to any of the penalties to which he may be liable under regulation 24, also be liable to be removed from a Reserve by order of the President if, in the opinion of the President, such removal is desirable in the interests of the native occupants. Removal from Reserve of persons contravening regulation 3 or 4

TRADING SITES

6. On the recommendation of the rural council concerned, the Lease of trading

President, if he is satisfied that it will be in the interests of the inhabitants of the Reserve, may grant a lease of a site to any suitable person or firm for purposes of trading in any Reserve at a rent and for a period not exceeding five years to be agreed upon between him and the lessee. The said lease shall be subject to the terms of these Regulations and such other terms and conditions as the President may require.

(As amended by No. 230 of 1951)

7. The area of any site granted in accordance with the terms of regulation 6 shall not exceed in extent 2.0235 hectares of land, and the President may require the lessee to enclose such land with a suitable and sufficient fence.

8. The land leased in accordance with regulation 6 shall be used for purposes to be specified in the lease, and the lessee shall be bound to erect upon such land and keep in repair suitable and sufficient premises for such purposes together with suitable sanitary offices.

9. (1) The Assistant District Secretary for the time being may, on application to him by the lessee, subject to there being available that will not interfere with the convenience of native rights of grazing, grant permission to the lessee to graze stock on such land near the site leased to him as may be pointed out to him by the Assistant District Secretary, and shall specify a grazing fee payable by the lessee not being less than two ngwee* per head for large stock and half an ngwee per head for small stock per mensem for a limited period not exceeding three months at any one time, but except as hereinafter provided permission shall not be given for grazing more than 100 head of stock at any one time during such period:

* Under the Fees and Fines Act this converts to 3 fee units.

Provided that, in the event of the lessee being in possession of a permit granted under any law in that behalf, to purchase cattle, the Assistant District Secretary may, in his discretion and subject to any general or special directions from the President, grant to the lessee the right to graze such number of stock and for such period not exceeding the term of the lease as the Assistant District Secretary shall specify.

(2) Any lessee who grazes stock in excess of the number permitted or who neglects to comply with any conditions or directions imposed or

issued under this regulation or otherwise shall be deemed to have contravened the provisions of these Regulations and shall be liable to the penalties provided in regulation 24.

(No. 25 of 1930 as amended by No. 17 of 1931)

10. The lessee shall not, without the consent in writing of the President, assign or sublet the land leased to him or appoint any person other than a native approved by the Assistant District Secretary as manager or substitute in any business carried on upon the said site. Subletting, etc.

11. The lessee shall waive any right he may have or acquire under the provisions of the Mines and Minerals Act* , by the building of any house, to object to any prospecting outside the limits of the said land and within a radius of 321.8 kilometres of such building. Waiver of right to object to prospecting. Cap. 329 of the 1971 Edition

* The Mines and Minerals Act is Cap. 213 in this Edition.

* Under the Fees and Fines Act this converts to 3 fee units.

The Mines and Minerals Act is Cap. 213 in this Edition

12. The lessee shall not open or have any interest in any other store or trading station in a Reserve within a radius of 32.18 kilometres of the said site. Distance between stores

13. The President shall have the right of immediately cancelling the lease and the lessee shall thereupon be required to evacuate the site- Cancellation of lease

(a) on failure of the lessee to pay rent in accordance with the terms of the lease, or on a breach of any of the conditions of the lease or of these Regulations by the lessee; or

(b) if the lessee is not in possession of such licence as may be necessary for carrying on the business for which the site is leased; or

(c) if the lessee or his agent or any person residing on the site, with his consent, either-

(i) by act, speech or conduct attempts to incite any inhabitant of the Reserve or any area adjacent thereto to disturb the public peace or attempts to excite discontent or disaffection amongst the inhabitants or to promote feelings of ill-will or hostility towards the Government or its officers or to constituted authority; or

(ii) in any manner whatsoever so conducts himself or the business carried on under such licence as to exercise an influence which, in the opinion of the President, is detrimental to the welfare of the population of the Reserve.

14. (1) Any buildings or improvements put up or made by the lessee shall be at his own risk and cost, and no compensation shall be claimable in respect of the same at the expiration or determination of the lease save as otherwise expressly provided in these Regulations or in the lease: Buildings and improvements

Provided that, within a period of three months after the termination of the lease by effluxion of time or otherwise, the lessee shall, unless the lease otherwise provides, have the right to remove or dispose of any buildings on the site, but such removal shall be effected without injury to the site.

(2) If the site be needed for public purposes, the lease may be cancelled on three months' notice given at any time:

Provided that, in the event of such cancellation, the lessee shall be entitled to reasonable compensation for damages to improvements thereon, as may be mutually agreed upon or determined by arbitration.

MISSION SITES

Lease of mission sites

15. On the recommendation of the rural council concerned, the President, if he is satisfied that it will be in the interests of the inhabitants of the Reserve, may grant to any missionary society a permit to occupy temporarily a site not exceeding 40.47 hectares in a Reserve for the purposes of such mission, and may, on the completion of the occupation in conformity with the terms of such permit, grant a lease of such site for such purposes. The said lease shall be subject to the terms of these Regulations and such other terms and conditions as the President may require:

Provided that in special circumstances the President may grant permits and leases of sites exceeding 40.47 hectares but not exceeding 80.94 hectares.

(As amended by No. 115 of 1945 and No. 230 of 1951)

16. The provisions of regulations 11, 13 and 14 shall apply, *mutatis mutandis* and so far as applicable, to sites occupied under permits or leases in terms of regulation 15. Regulations 11, 13 and 14 to apply to mission sites

TIMBER CUTTING

17. (1) For the purposes of this regulation, "forest produce" includes Felling, etc., of the following things when found in or brought from a Reserve, namely, forest produce trees, timber, branchwood, poles, bamboos, slabs, chips, sawdust, plants, grass, reeds, thatch, bedding, creepers, fibres, leaves, fruits, seeds, roots, bark resin, rubber, sap, charcoal and, generally, everything of a like nature growing or contained within the Reserve, but does not include cultivated crops nor finished articles manufactured or made up from forest produce.

(2) No person, unless he is a native occupant within a Reserve, shall fell, cut, take, work or remove any forest produce within a Reserve without the express permission in writing of the Assistant District Secretary.

(3) No person, unless he is a native occupant within a Reserve, shall employ any person to fell, cut, take, work or remove any forest produce within a Reserve without the express permission in writing of the Assistant District Secretary

(4) No native occupant nor any person in lawful occupation of land within a Reserve shall deliver or supply any forest produce of a Reserve to any person residing outside a Reserve without the express permission in writing of the Assistant District Secretary.

(5) The Assistant District Secretary may, in granting any permission required under this regulation, attach conditions thereto including the payment of royalties.

(6) No person shall knowingly buy or receive any forest produce obtained in contravention of this regulation. The burden of proof that forest produce was lawfully obtained in or removed from a Reserve

shall be on the person purchasing or receiving the same.

HOTEL SITES

18. (1) The President may grant a lease of a site for an hotel or place of lodging on a public road leading through a Reserve for the accommodation of travellers on such conditions as he shall think fit: Lease of hotel sites

Provided that-

(i) the sale or supply of intoxicating liquor of any kind shall not be permitted at such hotel or place of lodging;

(ii) no lease for such hotel or place of lodging shall be granted if any other hotel or place of lodging shall exist within 32.18 kilometres thereof.

(2) Any such lease shall be subject to the provisions of regulations 11, 13 and 14, *mutatis mutandis* and so far as applicable.

TOURIST CAMPS

19. (1) On the recommendation of the rural council concerned, the President may grant leases of land in any Reserve for use as tourist camps on such conditions as he shall think fit: Lease of tourist camp sites

Provided that the hectarage of land granted for use as any one tourist camp by any such lease shall not exceed 4.047 hectares.

(2) Any such lease shall be subject to the provisions of regulations 11, 13 and 14, *mutatis mutandis* and so far as applicable.

(No. 125 of 1960)

CHARITABLE ORGANISATIONS

20. (1) On the recommendation of the rural council concerned, the President may grant leases of land in any Reserve for the use of charitable organisations on such conditions as he shall think fit. Lease for use of charitable organisations

(2) Any such lease shall be subject to the provisions of regulations 11, 13 and 14, *mutatis mutandis* and so far as applicable.

(No. 125 of 1960)

EASEMENTS, WAYLEAVES AND LICENCES

21. (1) The President may on such conditions as he shall think fit grant leases of land in any Reserve for the purposes of easements, wayleaves, licences or access by railways, roads or otherwise to any premises or place whether or not such premises or place is situated on Reserves. Leases for easements, wayleaves, licences or access

(2) Any such lease shall be subject to the provisions of regulations 11, 13 and 14, *mutatis mutandis* and so far as applicable.

(No. 125 of 1960)

LABOUR DEPOT SITES

22. (1) The President may grant to approved labour agents lease of land not exceeding 4.047 hectares in extent in any Reserve for use as rest camps and recruiting depots for labourers for any term not exceeding five years. Such leases shall be in the form in the Schedule or as nearly approximating to the said form as circumstances permit. Leases for labour rest camps, etc. Schedule

(2) The President shall have power to add any special conditions to any lease.

(No. 6 of 1931)

GENERAL

23. Nothing in these Regulations shall be deemed to affect the lawful rights and interests of any persons in respect of any existing leases of trading, mission or school sites, acquired before the promulgation of these Regulations: Existing leases 12th October, 1928

Provided that the President may, for any reason deemed sufficient by him, cancel any such lease in respect of any unexpired period and may, for the purpose of effecting such cancellation, exercise either the

powers vested in him under these Regulations or those which he could have exercised under such lease before the promulgation of these Regulations.

24. Any person contravening any of the provisions of these Regulations shall be liable, on conviction, for a first contravention to a fine not exceeding fifty kwacha* or to imprisonment with or without hard labour for a period not exceeding three months, or to both such fine and such imprisonment, and, for a second or any subsequent contravention, to a fine not exceeding one hundred kwacha or to imprisonment with or without hard labour for a period not exceeding six months, or to both such fine and such imprisonment. Penalties

* Under the Fees and Fines Act, K50 converts to seven hundred and fifty penalty units, and K100 converts to one thousand five hundred penalty units.

SCHEDULE

(Regulation 22)

THIS INDENTURE made the _____ day of _____
BETWEEN

President of Zambia (hereinafter called "the Lessor") of the one part and
of _____ (hereinafter called "the Lessee") of the other part;

WHEREAS the Lessee has applied to the Lessor for the lease of a certain piece of land hereinafter more fully described, situate within the _____ Reserve in the Province of _____ for the purpose of providing a rest camp and recruiting depot for labourers:

AND WHEREAS the Lessor is prepared to grant such application in pursuance of the provisions of the Reserves Regulations (hereinafter referred to as "the Regulations"):

NOW THIS INDENTURE WITNESSETH:

1. The Lessor hereby demises unto the Lessee all that piece of land in extent _____ acres more or less situate in the _____ Reserve in the Province which piece of land is more particularly delineated and described on the plan annexed to these presents and thereon edged _____ TO HOLD to the Lessee from the _____ day of _____ for the term of 5 (five) years but determinable as hereinafter mentioned paying therefor the yearly rent of K _____ annually in advance with the option of renewal for 5 (five) years at the yearly rent of K _____ payable annually in advance and with similar option of renewal at the expiration of each period of 5 (five) years.

2. The Lessee for himself and his assigns and to the intent that the obligations may

continue throughout the term hereby created hereby covenants with the Lessor as follows:

- (1) To pay the reserved rent at the times and in the manner aforesaid.
- (2) To pay all taxes rates assessments impositions and outgoings now or hereafter payable in respect of the demised land.
- (3) To use the demised land for the purpose of providing a rest camp and recruiting depot for labourers and for purposes ancillary thereto and for no other purpose.
- (4) To erect upon the said land and keep in proper repair suitable and sufficient premises for the said purpose together with suitable sanitary offices.
- (5) Not to assign underlet or part with the possession of the demised land or any part thereof without first obtaining the written consent of the Lessor.
- (6) To yield up the demised land with the buildings and fixtures thereon and additions thereto at the determination of the tenancy in good and tenantable repair and condition in accordance with the covenants hereinbefore contained.
- (7) To permit the Lessor and his agents and servants and all persons authorised by him to enter upon the demised land at all reasonable times and view the state of repair of the premises and upon notice given by the Lessor to amend in accordance therewith.
- (8) To permit the Lessor and his agents and servants and all persons authorised by him to enter upon the demised land at all times and inspect the method or methods of conducting the said rest camp and recruiting depot and upon notice given by the Lessor to amend in accordance therewith.
- (9) To place the said recruiting depot under the direct supervision of an approved resident male person and any rest camp under the direct supervision of an approved resident male person.

3. The Lessor hereby covenants with the Lessee as follows:

- (1) THAT the Lessee paying the rent hereby reserved and observing and performing the several covenants and stipulations herein on his part contained shall peaceably hold and enjoy the demised land during the said term without any interruption by the Lessor or any person rightly claiming under or in trust for the Lessor.
- (2) THAT the Lessee shall have the right to graze the following stock on such ground to be agreed upon by the rural council and the District Secretary of the District in the vicinity of the land leased as the District Secretary after consultation with the rural council shall direct viz.:

..... head of small stock

..... head of large stock

at a grazing fee to be paid annually to the Lessor at the rate of _____ per head for small stock and _____ per head for large stock per mensem.

4. PROVIDED ALWAYS and it is hereby agreed as follows:

- (1) The term hereby created shall be determinable at any time by either party giving to the other three calendar months' previous notice in writing and upon the expiration of the said notice this demise shall determine accordingly but without prejudice to any right of action

(No. 6 of 1931)

THE RESERVES FUND REGULATIONS

*Government
Notices
26 of 1930
94 of 1935
176 of 1937
497 of 1964*

Regulations by the President under Articles 7 and 10 of the Zambia
(State Lands and Reserves) Orders, 1928 to 1964

1. These Regulations may be cited as the Reserves Fund Regulations. Title
2. In these Regulations, unless the context otherwise requires- Interpretation

"Fund" means the Reserves Fund established in accordance with Article 10 of the Zambia (State Lands and Reserves) Orders, 1928 to 1964.
3. Moneys received from the following sources shall be credited to the Fund: Sources of the Fund
 - (a) rents, fees or royalties paid to the Government in respect of land situate in Reserves;
 - (b) grazing fees in respect of Reserves;
 - (c) fees and royalties arising from fuel, timber and other forest produce in Reserves;
 - (d) any other public moneys which the President directs shall be credited to the Fund.
4. The Accountant-General shall keep the accounts of the Fund, which shall be subject to audit by the Auditor-General. Separate accounts shall be kept of money received and paid out in respect of each separate Reserve. Accounts of the Fund

(As amended by No. 176 of 1937)
5. The Fund shall be administered by the Minister responsible for Administration of

finance in consultation with the Minister responsible for local government, but subject to the directions of the President, for the benefit of the inhabitants occupying the Reserve in respect of which the moneys have been received. the Fund

(As amended by No. 176 of 1937)

6. The Minister responsible for finance shall apply the moneys of the Fund to the following purposes in Reserves: Purposes

(a) the establishment, maintenance and endowment of schools for the education and industrial training of the inhabitants;

(b) the prevention of disease and improvement of sanitary conditions amongst the inhabitants, including the erection and maintenance of hospitals and dispensaries;

(c) the prevention of disease amongst stock and the erection of dipping tanks and fencing;

(d) the improvement and development of agriculture including the experimental introduction of new agricultural products for cultivation;

(e) the improvement of stock;

(f) the supply of water for domestic farming and irrigation purposes, including the making of wells and dams;

(g) generally, such other purposes for the direct benefit of the inhabitants as may be approved by the President but for no other purposes whatsoever.

(As amended by No. 176 of 1937)

7. Any moneys (whether consisting of capital or income) at any time in the hands of the Accountant-General and not immediately required for any of the purposes set forth in regulation 6 may be invested at the discretion of the Accountant-General. Investment of moneys

(As amended by No. 176 of 1937)

8. The Accountant-General shall as soon as possible after the 31st December in each year furnish to the President an annual statement of the income and expenditure of the Fund. The annual statement to be furnished next after the 31st December, 1935, shall cover the period from the 1st April, 1935, to the 31st December, 1935. Subsequent annual statements shall cover the successive periods from the 1st January to the 31st December inclusive of each year. Annual statement of income and expenditure

(No. 94 of 1935)

THE RESERVES (WESTERN TIMBER CONCESSION) REGULATIONS

*Government
Notices
202 of 1953
497 of 1964*

Regulations by the President under Article 7 of the Zambia
(State Lands and Reserves) Orders, 1928 to 1964

1. These Regulations may be cited as the Reserves (Western Timber Title
Concession) Regulations.

2. In these Regulations, unless the context otherwise requires- Interpretation

"Concession Area" means the area of which the boundaries are set out
in the Schedule;

"forest produce" includes trees, timber, branchwood, firewood, poles,
bamboos, slabs, chips, sawdust, plants, grass, reeds, thatch, bedding,
creepers, fibres, leaves, fruits, seeds, roots, bark, resin, rubber, sap,
charcoal, honey, wax, fungi, galls, earth and such other things as the
President may, by statutory notice, declare to be forest produce;

"licence" means a licence granted under regulation 3 and "licensee"
means a person to whom such licence is granted.

3. (1) The President may grant an exclusive licence authorising a Grant of licences
person on payment of such fees as the President may prescribe to enter
the Concession Area for the purposes of cutting and taking away forest
produce from the areas declared to be Protected Forest Areas in
accordance with regulation 4 and exercising such other rights as the
licence may provide:

Provided that-

(i) the President may, during the period of such licence, permit the
felling and removal of trees within the areas declared to be Protected
Forest Areas in accordance with regulation 4 by the inhabitants of the

Concession Area for their own use within such area, and by departments of the Government for their operations in the Concession Area;

(ii) such licence shall not prevent any person from exercising his rights under the Mines and Minerals Act*;

Cap. 329 of the 1971 Edition of the Laws

* The Mines and Minerals Act is Cap. 213 in this Edition.

(iii) the grant of a licence shall not prevent any inhabitant within the Concession Area from exercising any right which he would otherwise be entitled to exercise within such area.

(2) A licence may contain such conditions as the President may deem fit.

4. The President may declare a Protected Forest Area under the provisions of the Forests Act* within the Concession Area and may prohibit any acts within such Protected Forest Area which are prohibited by the provisions of section *four* of the Forests Act.

Protected Forest Areas Cap. 311 of the 1971 Edition of the Laws

* The Forests Act is Cap. 199 in this Edition.

5. No licence or the rights conferred thereby shall be assigned by the licensee.

Licence not assignable

6. No forest produce derived from the operations of the licensee, other than the produce which the licensee is authorised to take in terms of the licence, shall become the property of the licensee.

Forest produce

7. (1) Any licence issued under regulation 3 (1) shall provide that the licensee shall observe all the provisions of the Forests Act in addition to licence, etc. any other provisions in such licence and such licence shall be declared to have been issued under the said Act.

Cap. 311

(2) If the licensee fails to observe any provision of the Forests Act, or of any regulations made thereunder or fails to comply with the terms and conditions of his licence, in addition to any other penalty to which he may be liable, the President may revoke his licence.

8. The licensee may do any of the acts authorised by his licence subject to the conditions set out therein:

Exercise of licensee's authority

Provided that where the licence authorises the licensee to-

(a) erect and operate timber depots, sawmills, store-rooms, workshops and garages;

(b) erect houses and communal buildings for his employees and servants;

(c) make gardens for the growth of vegetables and crops for the maintenance of his employees;

the licensee shall first obtain the approval of the President for the performance of any such acts and such approval may only be given after consultation with the rural council concerned.

* The Mines and Minerals Act is Cap. 213 in this Edition.

The Forests Act is Cap. 199 in this Edition.

9. (1) Upon the termination or expiry of his licence, the licensee shall offer to the President a first option valid for a period not greater than six months to purchase plant, equipment, buildings, bridges, railways or water installations within the Concession Area.

Disposal of equipment, etc., on expiry of licence

(2) Within twelve months after the date upon which the President has opted to purchase or opted not to purchase or the period within which such option may be exercised has expired, the licensee shall remove all his plant, equipment, buildings and installations:

Provided that any roads, dams, boreholes or wells shall not be destroyed or removed but shall be deemed to form part of the land on which they are situated.

10. Where the licensee desires to occupy any land within the Concession Area for the purpose of the licence, the President may, subject to the provisions of the Zambia (State Lands and Reserves) Orders, 1928 to 1964, grant special permission therefor.

Permit to occupy land

11. (1) Any person other than an indigenous inhabitant of the

Penalties

Concession Area who commits any act relating to the entry or user of land therein which is prohibited by the terms of any licence granted under regulation 3 shall be liable to a fine not exceeding two hundred kwacha* or to imprisonment for a term not exceeding twelve months, or to both such fine and imprisonment.

* Under the Fees and Fines Act No. 13 of 1994, this converts to three thousand penalty units.

(2) Any employee of the licensee shall be liable to be removed from the Concession Area at any time by order of the President if the President considers it desirable in the interests of the indigenous inhabitants of the Concession Area.

12. The provisions of regulation 17 of the Reserves Regulations shall not apply to the Concession Area. Saving

* Under the Fees and Fines Act No. 13 of 1994, this converts to three thousand penalty units.

SCHEDULE

(Regulation 2)

Starting at the confluence of the Luswishi River and the Muchema (or Mukema) River, the boundary follows the Muchema River upstream in an easterly and northerly direction to its confluence with the Luambowo (or Sowa) Stream; thence south-eastwards up the Luambowo Stream to its source; thence eastwards in a straight line to the source of the Chinemu Stream; thence down the Chinemu Stream to its confluence with the Lufwanyama River; thence down the Lufwanyama River in a southerly direction for a distance of approximately 28.962 kilometres to its confluence with the Katembula River; thence in a straight line in an easterly direction along the northern boundary of the Lamba-Lima Reserve No. X for a distance of approximately 22,860 metres to the Kafubu River; thence in a straight line on a true bearing of approximately 143 degrees for a distance of approximately 202,692 metres to the source of an unnamed tributary of the Kafubu River; thence down this unnamed stream in a south-easterly direction for a distance of approximately 8,839.2 metres to its junction with an unnamed tributary flowing northwards; thence up this unnamed stream in a south-westerly direction for a distance of approximately 3,048 metres to its source; thence in a straight line on a true bearing of approximately 260 degrees for a distance of approximately 3,291.84 metres to the confluence of the Lufwanyama River and an unnamed

tributary near Beacon AC13; thence westwards and north-westwards up this unnamed stream to its source, thence north-westwards in a straight line for a distance of approximately 3,048 metres to the source of an unnamed tributary of the Funda River; thence south-westwards down this unnamed stream to its confluence with the Funda River; thence south-westwards down the Funda River to its confluence with the Luswishi River, thence in a general northerly direction up the Luswishi River for a distance of approximately 96.54 kilometres to its confluence with the Muchema (or Mukema) River, the point of starting.

The above-described area, in extent 299,599.41 hectares approximately, is shown on Plan No. F.R. 64, deposited in the office of the Surveyor-General and dated the 26th June, 1963.

THE RESERVES (APPLICATION OF LEGISLATION) REGULATIONS *Government Notices*
338 of 1963
497 of 1964

Regulations by the President under *Article 6 (4) of the Zambia (State Lands and Reserves) Orders, 1928 to 1964

*Paragraph (4) of Article 6 of the Zambia (State Lands and Reserves) Orders, 1928 to 1964, was revoked by section 2 of the Order of 1964

1. These Regulations may be cited as the Reserves (Application of Legislation) Regulations. Title

2. The Roads and Road Traffic Act and the Fish Conservation Act shall apply to Reserves without modification. Application of Caps. 766 and 314

3. The Natural and Historical Monuments and Relics Act shall apply to Reserves subject to the following exceptions and modifications: Application of Cap. 266
 - (a) the provisions of paragraph (e) of subsection (1) of section seven and the provisions of section eleven of the said Act shall not apply in Reserves;
 - (b) the word "owner" as it appears in section ten of the said Act shall in relation to any area of Reserves within the control of a rural council be deemed to mean such rural council.

4. The Forests Act† shall apply to Reserves subject to the following modifications: Application of Cap. 311 of the 1971 Edition of the Laws
- (a) before the Minister may exercise any of the powers conferred upon him by sections *three* and *five* of the said Act, the rural council having control within any such area of Reserves as is to be declared to be a Forest Reserve or Protected Forest Area shall be consulted;
- (b) such proportion as the President may direct of revenue accruing under the provisions of the said Act in its application to Reserves shall be paid into the Trust Land Fund.

* Paragraph (4) of Article 6 of the Zambia (State Lands and Reserves) Orders, 1928 to 1964, was revoked by section 2 of the Order of 1964.

† The Forests Act is Cap. 199 in this Edition.

5. The Game Act shall apply to Reserves subject to the following modifications: Application of Cap. 106 of the 1962 Edition of the Laws
- Before the President may exercise his powers under section *three* of the said Act to declare any Reserve to be a national park or to alter the limits of any national park within Reserves, the rural council having control within such area as is to be included within the national park by such declaration or alteration shall be consulted.

6. Part VIII of the Town and Country Planning Act* shall apply to Reserves subject to the following modifications: Application of Cap. 475 of the 1971 Edition of the Laws
- * The Town and Country Planning is Cap. 283 in this Edition.

Before any regional plan may be approved or modified in accordance with the provisions of sections *forty-six* and *forty-seven* of the said Act, the rural council having control within any area of Reserve to which such regional plan relates shall be consulted.

7. The Water Act* shall apply to Reserves subject to the following modifications: Application of Cap. 312 of the 1971 Edition of the Laws
- * The Water Act is Cap. 198 in this Edition.

Before any application for a grant under the provisions of Part V of the said Act of any right to take water from Reserves or any right in or over Reserves may be approved, the rural council having control within the area to which such application relates shall be consulted.

8. The Natural Resources Act shall apply to Reserves subject to the following exceptions and modifications: Application of Cap. 315

(a) the words "occupier", "owner" and "tenant" wherever they occur in the said Act or in this regulation shall be deemed to include the following:

(i) any person to whom a grant or disposition of land has been made in terms of sub-article (1) of Article 6A of the Zambia (State Lands and Reserves) Orders, 1928 to 1964;

(ii) any person occupying land by special permission in terms of paragraph (a) of sub-article (2) of Article 6 of the Zambia (State Lands and Reserves) Orders, 1928 to 1964;

(iii) any person occupying land in accordance with customary law;

* The Town and Country Planning is Cap. 283 in this Edition.

The Water Act is Cap. 198 in this Edition.

(b) (i) before the Board may give any order in accordance with the provisions of subsections (1) and (2) of section *eleven* of the said Act it shall first consult the Resident Secretary for the Province in which any area of Reserve to which such order relates is situate;

(ii) the Resident Secretary shall thereupon consult the rural council having control within the said area and shall forward the views of such rural council together with his own views to the Board;

(iii) in the event of the rural council opposing the giving of an order, the Board shall either-

A. inform the Resident Secretary and the rural council that it does not intend to give such order; or

B. refer the matter to the President;

(iv) where on a reference made under the requirements of the preceding paragraph, the President is satisfied that the rural council has had a reasonable opportunity of expressing its views and that the

giving of an order would be in the best interests of the occupiers of land within the geographical limits of control of the said rural council he may, on such terms as he shall think fit, direct the Board to give an order;

(v) the Board shall send any order relating to any area of Reserve to the Resident Secretary concerned who shall forward it to the rural council concerned who shall make such order known to the occupiers in the area to which the order relates in such manner as is customary in such area;

(vi) any occupier of land to which an order given by the Board in accordance with this regulation relates who contravenes or fails to comply with such order shall be guilty of an offence and may be tried before any subordinate court or local court within whose jurisdiction the said land is situate;

(vii) where the Minister is of the opinion that the provisions of an order issued in terms of section *eleven* of the said Act as modified by this regulation are not being complied with, he may cause to be carried out or completed any works which are necessary to give effect to the order and subject to the agreement of the Resident Secretary he may impose such conditions as to payments as he shall deem fit;

(viii) the provisions of subsections (5), (10) and (11) of section *eleven* of the said Act shall not apply to Reserves;

(c) the provisions of section *twelve* of the said Act shall not apply to Reserves;

(d) before the President may consider any recommendation by the Board under the provisions of section *fourteen* of the said Act relating to any area of Reserve, the rural council having control within the said area shall be consulted;

(e) no conservation committee or natural resources committee or natural resources sub-committee shall be constituted in accordance with the provisions of sections *sixteen* or *twenty* of the said Act without the agreement of the rural council having control within any area of Reserve with reference to which any such committee or sub-committee is formed;

(f) neither Part IV nor Part V of the said Act shall be applied to any area of Reserve within the geographical limits of control of any rural council without the agreement of such rural council, provided that

where a rural council withholds its agreement the Minister may refer the matter to the President; and the President may, if he thinks fit, authorise the Minister to apply Parts IV and V or either of such Parts without the agreement of the rural council;

(g) section *fifty-one* of the said Act shall not apply to Reserves.

9. The Fauna Conservation Act shall apply to Reserves subject to the following modifications:

Application of
Cap. 241 of the
1964 Edition of
the Laws

Before any Reserve may be declared to be a game reserve, private game area, game management area or controlled hunting area or the boundaries of any such reserve or area as is within such Reserve may be altered, the rural council having control within such Reserve as is to be included within the reserve or area by such declaration or alteration shall be consulted.

THE RESERVE GRANTS REGULATIONS

*Government
Notices
258 of 1962
497 of 1964*

Regulations by the President under Article 7 of the Zambia
(*State Lands and Reserves*) Orders, 1928 to 1964

1. These Regulations may be cited as the Reserve Grants Regulations.

Title

2. The President may make a grant, hereinafter called a Reserve Grant, of any land within a Reserve to any African recommended for that purpose in accordance with the provisions of a law enacted by the Parliament of Zambia.

Power to make
grants of land in
Reserves

3. Subject to the other provisions of these Regulations, a Reserve Grant made to an African shall vest in such African an estate in fee simple in the land comprised in the Reserve Grant.

Interest created
by Reserve Grant

4. (1) A Reserve Grant made to an African shall not enable any dealing, without the prior consent of the President, with the land comprised in the Reserve Grant or any part thereof-

Restrictions on
dealing with land
in Reserve Grant

(a) whereby any interest in such land or part thereof is granted to any person who is not an African; or

(b) within five years of the commencement of the grant.

(2) A Reserve Grant made to an African shall not enable, without the prior consent of the President, any subdivision of the land comprised therein.

(3) Save as may be provided by a law enacted by the Parliament of Zambia, a Reserve Grant made to an African shall not enable any disposition by will of the land comprising the grant, or any part thereof or interest therein.

5. Any instrument purporting to deal with land within a Reserve contrary to any of the provisions of regulation 4 shall to the extent that it so purports be void. Invalidation of certain instruments

6. The transmission of land comprised in a Reserve Grant upon the death of the holder of such grant shall be as determined by a law enacted by the Parliament of Zambia. Transmission of Reserve Grant

7. The President may delegate to any person the power to give consent for the purposes of regulation 4. Delegation of power

KAFUE NATIONAL PARK

*Government
Notices
210 of 1961
497 of 1964*

Proclamation by the President under Section 5 (1) (e) of the *Zambia (Trust Land) Orders, 1947 to 1964*

The area of Trust Land set out in the Schedule has been set, aside as a National Park.

SCHEDULE

Starting from Ndumdumwense Hill on the boundary of the Ila-Tonga Reserve, No. XXII, the boundary runs due west to a point on the eastern boundary of the Nkoya Reserve, No. XXIII; thence in a northerly and westerly direction to the point where the boundary of the Nkoya Reserve meets the boundary of the Western Province; thence in a northerly direction along the latter boundary to the source of the Lalafuta River; thence in a north by north-easterly direction to the source of the Kasompe Stream; thence down the Kasompe Stream to its confluence with the Lufupa River; thence in an easterly direction to the confluence of the Kabanga East and Ntemwa Streams; thence up the Kabanga East Stream to its source; thence in a south-easterly direction to the source of the Kayefu Stream; thence down the Kayefu Stream to its confluence with the Lunga River; thence in an easterly direction to the point where the Kasempa-Mumbwa motor road is intersected by the Lupemba Stream; thence southwards along this motor road to the Kafue River; thence up the Kafue River to a point therein on the prolongation north-westwards of the western boundary of Farm No. 3132; thence south-eastwards and eastwards along the western and southern boundaries of this farm through Beacons KY3, KY9, KY10, KY11, KY12, KY13, KY2 and KY14 to Beacon KY1 on the western boundary of Farm No. 156a "The Big Concession" (Remaining Extent), thence south-eastwards along this boundary for a distance of approximately 8.045 kilometres; thence southwards to a point on the Mumbwa-Kaoma road approximately 6.1142 kilometres east of the Nalusanga road bridge; thence in a westerly direction along the Mumbwa-Kaoma road to the Kafue River; thence down the Kafue River to its junction with the Musa River; thence up the Musa River to the crossing of the old Barotse-Namwala Cattle Cordon Road, thence along this road in a southerly direction to Cordon Post No. 3; thence in a straight line south-eastwards crossing the Nanzhila River approximately 8.045 kilometres south of the Nanzhila Mission to a point on the western boundary of the Ila-Tonga Reserve No. XXII, thence along this boundary in a southerly direction to the point of starting.

GAME RESERVES

*Government
Notices
1 of 1962
497 of 1964*

Notice by the President under Section 5 (1) (e) of the *Zambia (Trust Land) Orders, 1947 to 1964*

The areas described in the Schedule, being within and part of Trust

Land No. I, have been set aside as game reserves.

SCHEDULE

MUSHINGASHI GAME AREA: CHIEF MUJIMANZOVU

Starting at the confluence of the Lunga River and Ndesha Stream, the boundary follows this stream to its source; thence on a true bearing of approximately 91 degrees for a distance of approximately 1.7699 kilometres; thence on a true bearing of approximately 182 degrees for a distance of approximately 7.5623 kilometres to the source of the Selauke Stream, thence down this stream to its confluence with the Chipupushi Stream; thence down this stream to its confluence with the Mushingashi River, thence down this river to its confluence with the Lunga River; thence up this river to its confluence with the Ndesha Stream, the point of starting.

LUBANZHILA GAME AREA: CHIEF KAPIJIMPANGA

Starting at the confluence of the Milu and Lunga Rivers, the boundary follows the latter river upstream to its confluence with the Luanzhila River; thence up this river to its confluence with the Mpembela Stream, thence up this stream to its source; thence southwards along the watershed between the Mikilingi and Nkyingwe Rivers to the point nearest the easterly source of this latter river; thence to that source; thence down the Nkyingwe River to its confluence with the Kachingwana Stream; thence up this stream to its source; thence in a straight line in a south-easterly direction to the nearest point on the watershed between the Kachingwana Stream and the Musankazhi River, thence generally south-westwards along this watershed to the point thereon nearest to the source of the Milu River; thence to the source of this river; thence down this river to its confluence with the Lunga River, the point of starting.

JIWUNDU GAME AREA: CHIEF MUSELE

Starting at a point on the Zambia-Congo International Boundary on the watershed between the Kamikora and Jiwundu Rivers, the boundary follows this watershed southwards for a distance of approximately 23.8132 kilometres; thence on a true bearing of approximately 283 degrees for a distance of approximately 12.3893 kilometres to the point where the Kamaboka Stream enters the Jiwundu Swamp; thence up this stream to its source; thence to the nearest point on the watershed between the Ngoshe and Jiwundu Rivers; thence northwards along this

watershed to the point where it meets the Zambia-Congo International Boundary; thence southwards, north-eastwards and south-eastwards along this international boundary to the point thereon on the watershed between the Kamikora and Jiwundu Rivers, the point of starting.

THE TRUST LAND GRANTS REGULATIONS

*Government Notices
257 of 1962
497 of 1964*

Regulations by the President under Section 10 of the *Zambia (Trust Land) Orders, 1947 to 1964*

- | | |
|---|--|
| <p>1. These Regulations may be cited as the Trust Land Grants Regulations.</p> | <p>Title</p> |
| <p>2. The President may make a grant (hereinafter called a Trust Land Grant) of any land within Trust Land to any African recommended for that purpose in accordance with the provisions of a law enacted by the Parliament of Zambia.</p> | <p>Power to make grants of land in Trust Land</p> |
| <p>3. Subject to the other provisions of these Regulations, a Trust Land Grant made to an African shall vest in such African an estate in fee simple in the land comprised in the Trust Land Grant.</p> | <p>Interest created by Trust Land Grant</p> |
| <p>4. (1) A Trust Land Grant made to an African shall not enable any dealing, without the prior consent of the President, with the land comprised in the Trust Land Grant or any part thereof-</p> <p>(a) whereby any interest in such land or part thereof is granted to any person who is not an African; or</p> <p>(b) within five years of the commencement of the grant.</p> | <p>Restrictions on dealing with land in Trust Land Grant</p> |
| <p>(2) A Trust Land Grant made to an African shall not enable, without the prior consent of the President, any subdivision of the land comprised therein.</p> | |

(3) Save as may be provided by a law enacted by the Parliament of Zambia, a Trust Land Grant made to an African shall not enable any disposition by will of the land comprising the grant or any part thereof or interest therein.

- | | |
|--|-----------------------------------|
| <p>5. Any instrument purporting to deal with Trust Land contrary to any of the provisions of regulation 4 shall to the extent that it so purports be void.</p> | Invalidity of certain instruments |
| <p>6. The transmission of land comprised in a Trust Land Grant upon the death of the holder of such grant shall be as determined by a law enacted by the Parliament of Zambia.</p> | Transmission of Trust Land Grant |
| <p>7. The President may delegate to any person the power to give consent for the purposes of regulation 4.</p> | Delegation of power |

THE TRUST LAND (APPLICATION OF LEGISLATION) REGULATIONS

Regulations by the President under *Section 10B of the *Zambia (Trust Land) Orders, 1947 to 1964*

*Section 10B of the *Zambia (Trust Land) Orders, 1947 to 1964*, was revoked by section 2 of the Order of 1964.

- | | |
|---|--|
| <p>1. These Regulations may be cited as the Trust Land (Application of Government Legislation) Regulations.</p> | <i>Notices</i>
339 of 1963
497 of 1964
Title |
| <p>2. The Roads and Road Traffic Act and Fish Conservation Act shall apply to Trust Land without modification.</p> | Application of Caps. 766 and 314 of the 1971 Edition of the Laws |
| <p>3. The Natural and Historical Monuments and Relics Act shall apply to Trust Land subject to the following exceptions and</p> | Application of Cap. 266 of the |

modifications:

1971 Edition of
the Laws

(a) the provisions of paragraph (e) of subsection (1) of section *seven* and the provisions of section *eleven* of the said Act shall not apply in Trust Land;

(b) the word "owner" as it appears in section *ten* of the said Act shall in relation to any area of Trust Land within the control of a rural council be deemed to mean such rural council.

4. The Forests Act† shall apply to Trust Land, subject to the following modifications:

Application of
Cap. 311 of the
1971 Edition of
the Laws

* The Forests Act is Cap. 199 in this Edition.

(a) before the Minister may exercise any of the powers conferred upon him by sections *three* and *five* of the said Act, the rural council having control within any such area of Trust Land as is to be declared to be a Forest Reserve or Protected Forest Area shall be consulted;

(b) such proportion as the President may direct of revenue accruing under the provisions of the said Act in its application to Trust Land shall be paid into the Trust Land Fund.

5. The Game Act shall apply to Trust Land subject to the following modifications:

Application of
Cap. 106 of the
1962 Edition of
the Laws

Before the President may exercise his powers under section *three* of the said Act to declare any Trust Land to be a national park or to alter the limits of any national park within Trust Land, the rural council having control within such area as is to be included within the national park by such declaration or alteration shall be consulted.

* Section 10B of the Zambia (Trust Land) Orders, 1947 to 1964, was revoked by section 2 of the Order of 1964.

† The Forests Act is Cap. 199 in this Edition.

6. Part VIII of the Town and Country Planning Act* shall apply to Trust Land subject to the following modifications:

Application of
Cap. 475 of the
1971 Edition of
the Laws

* The Town and Country Planning Act is Cap. 283 in this Edition.

Before any regional plan may be approved or modified in accordance with the provisions of sections *forty-six* and *forty-seven* of the said Act, the rural council having control within any area of Trust Land to which such regional plan relates shall be consulted.

7. The Water Act* shall apply to Trust Land subject to the following modifications: Application of Cap. 312 of the 1971 Edition of the Laws
- * The Water Act is Cap. 198 in this Edition.

Before any application for a grant under the provisions of Part V of the said Act or any right to take water from Trust Land or any right in or over Trust Land may be approved, the rural council having control within the area to which such application relates shall be consulted.

8. The Natural Resources Act shall apply to Trust Land subject to the following exceptions and modifications: Application of Cap. 315 of the 1971 Edition of the Laws
- (a) the words "occupier", "owner" and "tenant" wherever they occur in the said Act or in this regulation shall be deemed to include the following:

(i) any person to whom a grant or disposition of land has been made in terms of section *five* (1) (a) of the Zambia (Trust Land) Orders, 1947 to 1964;

(ii) any person who holds a Right of Occupancy granted in terms of section *five* (1) (b) of the said Orders;

(iii) any person occupying land in accordance with customary law;

(b) (i) before the Board may give any order in accordance with the provisions of subsections (1) and (2) of section *eleven* of the said Act, it shall first consult the Resident Secretary for the Province in which any area of Trust Land to which such order relates is situate;

(ii) the Resident Secretary shall thereupon consult the rural council having control within the said area and shall forward the views of such rural council together with his own views to the Board;

(iii) in the event of the rural council opposing the giving of an order, the Board shall either-

A. inform the Resident Secretary and the rural council that it does not intend to give such order; or

B. refer the matter to the President;

* The Town and Country Planning Act is Cap. 283 in this Edition.

The Water Act is Cap. 198 in this Edition.

(iv) where on a reference made under the requirements of the preceding paragraph, the President is satisfied that the rural council has had a reasonable opportunity of expressing its views and that the giving of an order would be in the best interests of the occupiers of land within the geographical limits of control of the said rural council he may, on such terms as he shall think fit, direct the Board to give an order;

(v) the Board shall send any order relating to any area of Trust Land to the Resident Secretary concerned who shall forward it to the rural council concerned who shall make such order known to the occupiers in the area to which the order relates in such manner as is customary in such area;

(vi) any occupier of land to which an order given by the Board in accordance with this regulation relates who contravenes or fails to comply with such order shall be guilty of an offence and may be tried before any subordinate court or local court within whose jurisdiction the said land is situate;

(vii) where the Minister is of the opinion that the provisions of an order issued in terms of section *eleven* of the said Act as modified by this regulation are not being complied with, he may cause to be carried out or completed any works which are necessary to give effect to the order and subject to the agreement of the Resident Secretary he may impose such conditions as to payments as he shall deem fit;

(viii) the provisions of subsections (5), (10) and (11) of section *eleven* of the said Act shall not apply to Trust Land;

(c) the provisions of section *twelve* of the said Act shall not apply to Trust Land;

(d) before the President may consider any recommendation by the Board under the provisions of section *fourteen* of the said Act relating to any area of Trust Land, the rural council having control within the said area shall be consulted;

(e) no conservation committee or natural resources committee or natural resources sub-committee shall be constituted in accordance with the provisions of sections *sixteen* or *twenty* of the said Act without the agreement of the rural council having control within any area of Trust Land with reference to which any such committee or sub-committee is formed;

(f) neither Part IV nor Part V of the said Act shall be applied to any area of Trust Land within the geographical limits of control of any rural council without the agreement of such rural council, provided that where a rural council withholds its agreement the Minister may refer the matter to the President, and the President may, if he thinks fit, authorise the Minister to apply Parts IV and V or either of such Parts without the agreement of the rural council;

(g) section *fifty-one* of the said Act shall not apply to Trust Land.

9. The Fauna Conservation Act shall apply to Trust Land subject to the following modifications:

Before any Trust Land may be declared to be a game reserve, private game area, game management area or controlled hunting area or the boundaries of any such reserve or area as is within Trust Land may be altered, the rural council having control within such Trust Land as is to be included within the reserve or area by such declaration or alteration shall be consulted.

Application of
Cap. 241 of the
1964 Edition of
Laws

DESIGNATION OF AREAS

Notices by the President under Section 6 of the *Zambia (Gwembe District) Orders, 1959 and 1964*

The areas of land described in the Schedule are hereby designated for the purposes of section 6 of the *Zambia (Gwembe District) Orders, 1959 and 1964*.

*Government
Notice
1985 of 1962*

SCHEDULE

1. Island No. 31 in Reserve No. XXI.
2. Island No. 32 in Reserve No. XXI.
3. Island No. 47 in Reserve No. XX.
4. Island No. 48 in Reserve No. XX.
5. Island No. 102 in Trust Land No. VII.

6. Gwena Peninsula in Trust Land No. VII.

All the above as shown in Plan No. SDT/352 deposited with the Surveyor-General on 14th April, 1962.

The areas of land described in the Schedule are hereby designated for the purposes of section 6 of the Zambia (Gwembe District) Orders, 1959 and 1964.

*Government
Notice
15 of 1863*

SCHEDULE

SINAZONGWE

Starting at map reference 483 924 on an unnamed stream, the boundary proceeds on a grid bearing of 70 degrees approximately to the 1590 foot contour on the shore of Lake Kariba and continues in the same straight line for 91.44 metres; thence starting eastwards and continuing southwards, south-eastwards, westwards and finally northwards it follows a line parallel to and 91.44 metres offshore from the 1590 foot contour to the point where the aforesaid stream enters the lake; thence up this stream to the point of starting.

The above description is by reference to the 1/50,000 Federal Map No. 1727A4.

CHIPEPO

Starting at map reference 903 424, the boundary proceeds in a straight line on a grid bearing of 68 degrees approximately to the 1590 foot contour on the shore of Lake Kariba and continues in the same straight line for 91.44 metres; thence starting north-eastwards and continuing generally southwards and westwards, it follows a line parallel to and 91.44 metres offshore from the 1590 foot contour to a point due south of the starting point; thence due north to the latter.

The above description is by reference to the 1/50,000 Federal Map No. 1627D4.

The areas of land described in the Schedule are hereby designated for the purposes of section 6 of the Zambia (Gwembe District) Orders, 1959 and 1964.

*Government
Notice
238 of 1964*

SCHEDULE

1. That area of land in the Tonga (Sigongo) Reserve, No. XIX,

approximately 696.084 hectares in extent and 51.89025 kilometres in length on the route of the Kariba-Copperbelt power transmission line shown on map No. MISC. R.21 dated 5th April, 1960, and deposited in the office of the Surveyor-General extending 39.624 metres to the east and 94.488 metres to the west of the transmission line.

2. That area of land in the Trust Land No. VII approximately 226.632 hectares in extent and 16.95886 metres in length on the route of the Kariba-Copperbelt power transmission line shown on map No. MISC. R.21 dated 5th April, 1960, and deposited in the office of the Surveyor-General, extending 39.624 metres to the east and 94.488 metres to the west of the transmission line.

THE FISH CONTROL (KARIBA) REGULATIONS

*Government
Notices
325 of 1960
73 of 1964
103 of 1964
497 of 1964*

Regulations by the President, after consultation with the Gwembe Rural Council, under Section 8 (1) of the *Zambia (Gwembe District) Orders, 1959 and 1964*

1. These Regulations may be cited as the Fish Control (Kariba) Regulations. Title

2. In these Regulations, unless the context otherwise requires- Interpretation

"the area" means that area of the District which is inundated by reason of the construction of the Kariba Dam, and includes the waters of all rivers flowing into the lake so formed for a distance of 457.2 metres upstream from the point of entry of such rivers into such lake, together with the verges of such lake and of such part of such rivers respectively to a distance of 182.88 metres from the water mark as it may vary from time to time;

"authorised officer" in relation to any matter means a person duly authorised by the Minister to act in such matter;

"the District" means the Gwembe Administrative District;

"fish" means any vertebrate fish;

"fishing" includes any act directed at the taking, killing or injuring of any fish or the eggs thereof, and "to fish" with its grammatical variations shall be construed accordingly;

"gill net" means any net used for fishing which is customarily left drifting or stationary in the water;

"long-line" means a line bearing 4 or more fish hooks and set in or drawn through the water for the purpose of fishing;

"rod and line" means a rod and line used for fishing and furnished with not more than 3 fish hooks at any one time.

3. (1) Except as may be otherwise provided by these Regulations, any person who fishes, or who is found in circumstances showing that it is his intention to fish, within the area by any means other than- Restrictions on means of fishing

(a) a gill net which complies with such measurements as the Minister may, from time to time by statutory notice, prescribe; or

(b) rod and line; or

(c) long-line; or

(d) a spear;

shall be guilty of an offence.

(2) Nothing in this regulation contained shall be deemed-

(a) to prohibit the use of a gaff or a landing net to remove from the water any fish being lawfully taken on a line;

(b) to relieve any person from the necessity to take out any licence which may be required by the provisions of any other law;

(c) to prohibit fishing by means of a gill net by any person holding a licence mentioned in regulation 6 of the Fishing Industry (Kariba) Regulations.

(As amended by No. 73 of 1964)

4. (1) The Minister or an authorised officer may, by statutory notice, Temporary at any time declare that such part of the area as may be specified in closure of water such notice shall be closed, either permanently or for such period as may be so specified, for fishing therein by any means whatsoever or by such means as may be so specified.

(2) Any person who fishes, or is found in circumstances showing that it is his intention to fish, in contravention of any notice issued under sub-regulation (1) shall be guilty of an offence.

(As amended by No. 73 of 1964)

5. Any person who, within the area, sets, shoots or works any net, or Prohibition of constructs any weir, in such a manner that such net or weir stretches obstruction of across more than two-thirds of the width, measured from bank to bank, waters of any river, channel or lagoon shall be guilty of an offence.

6. (1) The Minister may, for the furtherance of any scientific Fishing for purpose, give written permission to any person to fish within the area in scientific such manner and at such time or times as may be specified in such purposes permission, and, notwithstanding any other provision of these Regulations, the person to whom such permission is given shall be entitled to fish in compliance therewith.

(2) A permission given under sub-regulation (1) shall be subject to such conditions, if any, as the Minister may impose, and any person who contravenes or fails to comply with any such condition or any of the terms of such permission shall be guilty of an offence.

7. (1) Any person who, within the area, possesses or uses for fishing Illegal apparatus, any apparatus or other thing designed or adapted for the taking of fish etc. otherwise than in accordance with the provisions of these Regulations shall be guilty of an offence.

(2) The Minister may, by statutory notice, declare that the provisions of

sub-regulation (1) shall not, from such date as may be specified in such notice, apply to any apparatus or thing so specified, and may, at any time and in like manner, vary, suspend or revoke any such notice.

8. Any person guilty of an offence under these Regulations shall be Penalty liable to a fine not exceeding two hundred kwacha* or to imprisonment for a period not exceeding twelve months, or to both such fine and imprisonment.

* Under the Fees and Fines Act, No. 13 of 1994, this converts to three thousand penalty units.

TEMPORARY CLOSURE OF WATER

*Government
Notice
398 of 1963*

Declaration by the Minister under Regulation 4 (1) of the
Fish Control (Kariba) Regulations

No person during the months of November, December and January in any year shall fish by means of any type of gill net in that part of the area enclosed within a boundary starting at the mouth of the Zambezi River on the west bank of Devil's Gorge, thence in a north-easterly direction following the highwater mark on the west bank of the area to the northernmost point of the area opposite the Sebungwe narrows, thence to the thalweg of the narrows and down the thalweg to a point opposite the original starting point, and thence to the original starting point on the west bank of the area.

RESTRICTION ON MEANS OF FISHING

*Government
Notice
71 of 1964*

Declaration by the Minister under Regulation 4 (1) of the
Fish Control (Kariba) Regulations

No person shall fish at any time within any part of the area defined by regulation 2 of the Fish Control (Kariba) Regulations by the driving of

fish into any type of net which method of fishing is known as "Kutumpula".

THE FISHING INDUSTRY (KARIBA) REGULATIONS *Government Notices*
326 of 1960
72 of 1964
103 of 1964
497 of 1964

Regulations by the President under Section 8 (2) *of the Zambia (Gwembe District) Orders, 1959 and 1964*

1. These Regulations may be cited as the Fishing Industry (Kariba) Title Regulations.

2. In these Regulations, unless the context otherwise requires- Interpretation

"the area" means that area of the District which is inundated by reason of the construction of the Kariba Dam, and includes the waters of all rivers flowing into the lake so formed for a distance of 457.2 metres upstream from the point of entry of such rivers into such lake, together with the verges of such lake and of such part of such rivers respectively to a distance of 182.88 metres from the high water mark as it may vary from time to time;

"the Control Regulations" means the Fish Control (Kariba) Regulations;

"the District" means the Gwembe Administrative District;

"fish" means any vertebrate fish;

"fishing" includes any act directed at the taking, killing, or injuring of any fish or the eggs thereof, and "to fish" with its grammatical variations shall be construed accordingly;

"gill net" means any net used for fishing which is customarily left drifting or stationary in the water;

"licence" means any licence issued or recognised as valid under the provisions of these Regulations;

"licensing authority" means the District Secretary of, or any Assistant District Secretary stationed in, the District, and any official of the Gwembe Rural Council duly authorised by the said District Secretary in that behalf.

3. (1) Notwithstanding the provisions of sub-regulation (2) of regulation 3 of the Control Regulations, any person who possesses or uses for fishing any gill net within the area except under the authority of a valid licence shall be guilty of an offence.

Gill net licences

(2) The Minister may, in his discretion, exempt any person or persons from the provisions of sub-regulation (1).

4. (1) Licences shall be in the form set out in the Schedule to these Regulations and, upon payment of a fee of one kwacha in respect of each 22.86 metres length or part of 14,287.5 metres length, of gill net authorised by such licence, may be issued by any licensing authority.

Issues, etc., of licences

(2) Fees received in respect of licences shall be paid into the general revenues of the Republic.

(3) Every licence shall expire on the 31st December next following the date of issue thereof.

(No. 72 of 1964)

5. (1) Every licence issued under the provisions of these Regulations shall be personal to the person to whom it is issued and shall not be transferable.

Licences not transferable

(2) Any person who-

(a) makes any alteration or erasure in any licence; or

(b) allows any licence issued to him to be carried by any other

person for the purpose of concealing any offence against these Regulations;

shall be guilty of an offence.

6. (1) Where the Minister is satisfied that reciprocal provisions have Reciprocity for been made by or under the legislation of Southern Rhodesia entitling Southern the holders of licences issued under the provisions of these Regulations Rhodesia licences to fish in the waters of Lake Kariba in Southern Rhodesia he may, by statutory notice, declare that licences issued in Southern Rhodesia shall be deemed to be valid licences for the purposes of these Regulations and, notwithstanding the provisions of regulation 3 of the Control Regulations, so long as such licences are carried by the persons to whom they were issued, such persons may fish by means of a gill net within the area.

(2) The Minister may at any time vary, suspend or revoke any notice issued under sub-regulation (1).

7. Any person who, without the written permission of the Minister, Introduction of introduces into any water within the area any fish not natural to such exotic fish water shall be guilty of an offence.

8. (1) Any person duly authorised in that behalf by the Minister may, Records and for the purpose of keeping records and statistics, demand the statistics production, by any person who is in possession within the District of fish taken in the area, of such fish, and may measure and check such fish.

(2) Any person who, without reasonable excuse, fails to comply with any demand made under the provisions of subregulation (1), or who hinders or obstructs any person making such demand in the carrying out of his duties shall be guilty of an offence.

9. Any person guilty of an offence under these Regulations shall be Penalty liable to a fine not exceeding two hundred kwacha* or to imprisonment for a period not exceeding twelve months, or to both such fine and imprisonment.

* Under the Fees and Fines Act, No. 13 of 1994, this converts to three thousand penalty units.

SCHEDULE

(Regulation 4)

THE FISHING INDUSTRY (KARIBA) REGULATIONS

GILL NET LICENCE

Name

..... of village

Chief

..... District

is hereby authorised to possess and use (number) gill
nets within the area defined by regulation 2 of the Regulations.

FEE PAID K.....

Amount in words kwacha

FEE	Fee units
For each 22.86 metres length, or part of 22.86 metres length. . . . .	. . . . .15

.....
Licensing Authority

NOTE.-This licence shall expire on the 31st December next following the date of issue thereof.

(No. 72 of 1964)

* Under the Fees and Fines Act, No. 13 of 1994, this converts to three thousand penalty units.

REPUBLIC OF ZAMBIA

RETIRING BENEFITS

APPENDIX 10

THE ZAMBIA (COMPENSATION AND RETIRING BENEFITS) ORDER, 1964

AT THE COURT AT BUCKINGHAM PALACE, THE 15TH DAY OF OCTOBER, 1964

Present :

THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL

HER MAJESTY, by virtue and in exercise of the powers in that behalf by the Foreign Jurisdiction Act, 1890(*a*) or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

(a) 53 & 54 Vict. c. 37.

1. (1) This Order may be cited as the Zambia (Compensation and Retiring Benefits) Order, 1964.

Citation and commencement

(2) This Order shall come into operation immediately before 24th October, 1964.

2. (1) In this Order-

Interpretation

(a) "Zambia" means the territories that immediately before 24th October, 1964 are comprised in the Protectorate of Northern Rhodesia and, in relation to any period prior to the commencement of this Order, that Protectorate;

(b) "the limited compensation scheme" means the scheme of retirement benefits for pensionable overseas officers who retire in the interests of localisation or are required to retire to facilitate the introduction of constitutional changes that was published by the Government of Northern Rhodesia on 6th January, 1964 and "the general compensation scheme" means the Scheme of retirement benefits for members of Her Majesty's Overseas Civil Service and for

officers designated under the Overseas Service (Northern Rhodesia) Agreement, 1961 that was published by the Government of Northern Rhodesia on 6th January, 1964.

(2) The Interpretation Act, 1889(*b*) 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 of the United Kingdom.

(b) 52 & 53 Vict. c. 63.

3. The provisions contained in the Schedule to this Order shall have Application of effect in relation to the public service of Zambia. Schedule

4. (1) Where any officer or authority has before the commencement Transitional of this Order in pursuance of any provision of the limited compensation provisions scheme or the general compensation scheme given any permission or consent or prescribed any condition or granted any benefit or made any payment or made any declaration or done any other thing for the purposes of that scheme, that permission, consent, condition, benefit, payment, declaration or other thing shall be deemed to have been given, prescribed, granted, made or done, as the case may be, under the corresponding provision of the Schedule to this Order, and the provisions of that Schedule shall have effect accordingly.

(a) 53 & 54 Vict. c. 37.

(b) 52 & 53 Vict. c. 63.

(2) Where any officer has before the commencement of this Order in pursuance of any provision in the limited compensation scheme or the general compensation scheme given any undertaking or given or received any notice or retired or received any benefit he shall, provided that any conditions prescribed or deemed to have been prescribed by or under the Schedule to this Order are satisfied, be deemed to have given that undertaking, to have given or received that notice, or to have retired, or to have been granted or received that benefit, as the case may be, under the corresponding provision in that Schedule, and the provisions of that Schedule shall have effect accordingly.

(3) Any officer who has, before the commencement of this Order, been required under the provisions of the general compensation scheme, to

retire to facilitate the localisation of the public service of Northern Rhodesia shall, for the purposes of the Schedule to this Order, be deemed to have retired under section 16 of the Zambia Independence Order, 1964(a).

(a) S.I. 1964/1652.

(4) The notice prescribed by the general compensation scheme to be given by officers who elect to retire from the public service shall be deemed to have been prescribed by the appropriate Service Commission under paragraph 4 of the Schedule to this Order; any declaration made by the Governor under the limited or general compensation scheme as to whether an officer has been or is required to retire in the circumstances described in paragraph 9 of that Schedule shall be deemed to have been made by the appropriate Service Commission under that paragraph; and any permission to retire given by the Governor under the limited compensation scheme in the circumstances described in paragraph 10 of that Schedule shall be deemed to have been given by the appropriate Service Commission under that paragraph.

(5) Any conditions or notices prescribed by the appropriate Service Commission for the purpose of paragraph 4 or paragraph 8 of the Schedule to this Order shall be not less favourable to any officer than any condition or notices prescribed by or for the purpose of the corresponding provision of the limited compensation scheme or the general compensation scheme, as the case may be.

(6) Any compensation, gratuity, disturbance grant or interest paid under the limited compensation scheme or the general compensation scheme in Northern Rhodesia before the commencement of this Order may, if the person entitled to the payment so requests, be transferred to any one of the countries to which reference is made in head (a), (c), (d) or (e) of paragraph 15 of the Schedule to this Order.

5. If the Government of the United Kingdom and the Government of Zambia agree that, in their application to any officer, the foregoing provisions of this Order and the provisions of the Schedule thereto shall have effect subject to such modifications or exceptions as those Governments may agree, then those provisions shall have effect accordingly. Modified application

W. G. AGNEW

SCHEDULE

**COMPENSATION AND RETIREMENT BENEFITS FOR
CERTAIN OFFICERS
IN THE PUBLIC SERVICE OF ZAMBIA**

1. (1) In this Schedule, unless the context otherwise requires- Interpretation

"appropriate law" in relation to an officer in the public service means the law in force in Zambia that governs the grant of pensions, gratuities and other like benefits in respect of the service of that officer in the public service;

"appropriate Service Commission"-

(a) in relation to an officer who can be removed from his office by the Judicial Service Commission, means that Commission; and

(b) in any other case, means the Public Service Commission;

"entitled officer" means an overseas officer in the public service who on the operative date has not attained the age of fifty-five years or, in the case of a judge of the Court of Appeal or the High Court, sixty-two years and who-

(a) was before the operative date appointed or selected for appointment to an office in the public service being a pensionable office for the purposes of the appropriate law;

(b) was on the operative date the substantive holder of an office that was at that date a pensionable office for the purposes of the appropriate law;

(c) is a member of Her Majesty's Overseas Civil Service or Her Majesty's Overseas Judiciary, or a designated officer for the purposes of the Overseas Service (Northern Rhodesia) Agreement, 1961;

(d) has since the operative date been the substantive holder of an office service in which may during his tenure thereof be taken into account in computing his pension under the appropriate law; and

(e) has been confirmed in his appointment, where his appointment is subject to confirmation;

and includes an officer in the public service on and since the operative date to whom the provisions of the Overseas Superannuation Scheme (Consolidation) Regulations apply;

"General Orders" means the General Orders of the Government;

"Government" means the Government of Zambia;

"operative date" means 1st May, 1964;

"Oversea Superannuation Scheme (Consolidation) Regulations" means any regulations so entitled made by a Secretary of State;

"overseas officer" means an officer who has not at any time accepted

transfer to the Northern Rhodesia Civil Service (Local Conditions) whether or not that officer's transfer to the said Northern Rhodesia Civil Service (Local Conditions) was subsequently cancelled unless such cancellation was made with the concurrence of Her Majesty's Government;

"pensionable emoluments" means emoluments that may be taken into account in computing the pension of an officer under the appropriate law or the Oversea Superannuation Scheme (Consolidation) Regulations, as the case may be;

"pensionable service" means the aggregate amount of service that may be taken into account for the purpose of computing the pension of an officer under the appropriate law or the Oversea Superannuation Scheme (Consolidation) Regulations, as the case may be, and in the case of an officer to whom the Oversea Superannuation Scheme (Consolidation) Regulations apply includes service that could be taken into account for the purpose of computing pensions under the European Officers' Pensions Ordinance of Zambia;

"public service" means the public service of Zambia;

"substantive holder" in relation to any office includes a person serving in that office on probation but does not include a person (other than a person serving under a probationary agreement) serving in that office for a specified term under a contract.

Cap. 400* of the
1971 Edition of
the Laws

(2) For the purposes of this Schedule-

- (a) a person shall not be regarded as holding any office on the operative date if on that date he was on leave of absence pending his retirement otherwise than under this Schedule;
- (b) a person whose office has been abolished and who retires in consequence of the abolition of his office shall be deemed to be the substantive holder of that office during the period between the date on which the office was abolished and the date of expiration of any leave of absence granted to him pending his retirement;
- (c) when an officer on probation is required to retire-
 - (i) under section 16 of the Zambia Independence Order, 1964;
 - (ii) to facilitate the introduction of constitutional changes;
 - (iii) in consequence of injury or ill health;
 - (iv) in consequence of the abolition of his office or for the purpose of facilitating improvements in the organisation of that part of the public service to which he belongs by which greater economy or efficiency may be effected; or
 - (v) on the grounds of age in accordance with the provisions of the

appropriate law;

he shall be deemed to have been confirmed in his appointment immediately before the day upon which he was given notice requiring him to retire;

(d) subject to the provisions of head (a) of this sub-paragraph, an officer who satisfies the conditions specified in heads (a), (b), (c) and (e) of the definition of "entitled officer" in sub-paragraph (1) of this paragraph, and who has, before the date of the commencement of this Order, retired or died, shall be deemed to have become entitled to compensation under paragraph 2 or paragraph 9, as the case may be, of this Schedule and the provisions of this Schedule shall have effect in relation to such officer as if he were an entitled officer immediately before such retirement or death.

(3) For the purposes of calculating the compensation to which an officer is entitled under this Schedule, where the officer is seconded to the service of another government or authority on the date taken for calculation, he shall be deemed to have such annual pensionable emoluments on that date as he would have had on that date if he had not been so seconded but had continued until that date to hold the office in the public service that he was holding immediately before his secondment and had been granted all increments and other increases of salary for which he would thus have been eligible.

(4) An entitled officer who is required to retire and who, immediately before being so required acted for a period of six months to the satisfaction of the appropriate Service Commission in a pensionable office the pensionable emoluments of which were higher than those of the office of which he was the substantive holder, shall be deemed to have been confirmed in the pensionable office in which he was acting.

(5) Where an officer was on any date appointed or selected for appointment to an office in the public service upon transfer from pensionable employment under the Government of the United Kingdom in a public office as defined by the Superannuation Act, 1892(a) and for any period thereafter was entitled to return to such pensionable employment he shall not for the purposes of this Schedule be regarded as having been on that date appointed or, as the case may be, selected for appointment as the substantive holder of an office in the public service but shall for those purposes be regarded as having been so appointed or selected on the date on which he ceases to be entitled to return to such pensionable employment if on that date he was holder of an office in the public service.

(As amended by Statutory Instrument No. 168 of 1965)

(a) 55 & 56 Vict. c. 40.

* Cap. 266 in this Edition.

2. (1) Subject to the provisions of this Schedule, every entitled officer shall, at the commencement of this Order or, in the case of a person who becomes an entitled officer after that date, at the date on which he becomes an entitled officer, become entitled to compensation which shall be assessed in accordance with the provisions of this paragraph and at each assessment shall be calculated by multiplying the amount of his annual pensionable emoluments on the date taken for calculation by the appropriate factor and the resulting amount, or twelve thousand pounds, whichever is the less, shall be the amount to which he is entitled. Entitlement to compensation

(2) The compensation of each entitled officer under this paragraph which has not already been provisionally assessed shall be provisionally assessed as soon as is reasonably practicable after the commencement of this Order or, in the case of a person who becomes an entitled officer after the commencement of this Order, as soon as is reasonably practicable after that person becomes an entitled officer and for that purpose the date to be taken for calculation shall be the operative date or, in the case of a person who becomes an entitled officer after the operative date, the date on which that person became an entitled officer.

(3) The compensation under this paragraph of each person who is serving as an entitled officer shall be provisionally reassessed upon each anniversary of the date in relation to which his compensation was assessed under subparagraph (2) of this paragraph and shall be finally assessed upon his retirement or death while still serving as an entitled officer and for the purposes of this sub-paragraph the date to be taken for calculation shall be such date (not being earlier than the date in relation to which his compensation was assessed under subparagraph (2) of this paragraph or later than the date upon which his compensation is provisionally reassessed or finally assessed, as the case may be) as is most advantageous in relation to the officer.

(4) In this paragraph "the appropriate factor" in relation to an officer means the factor obtained from Table I of the Annex to this Schedule (or, in the case of a judge of the Court of Appeal or the High Court, Table II of that Annex) that is appropriate to the age and pensionable service of that officer on the date taken for calculation reckoned in completed years and months or if it is more favourable to the officer, reckoned in completed years without regard to parts of a year.

3. (1) When the compensation of an entitled officer has been provisionally assessed under paragraph 2 (2) of this Schedule, a payment shall be made to that officer, which- Payment of compensation

(a) in the case of an entitled officer who has undertaken, otherwise than in relation to his promotion in the public service, to serve as such for any period (not being less than two years beginning on the operative date, or, if he was not an entitled officer on the operative date, on the date on which he became an entitled officer, exclusive of any period in which he is on leave of absence) shall be an amount equal to the amount of the compensation or two thousand pounds, whichever is the less;

(b) in any other case, shall be an amount equal to the amount of the compensation as so assessed or, if that amount exceeds one thousand pounds, then one-sixth of the amount of compensation or one thousand pounds, whichever is the greater:

Provided that if an entitled officer gives such an undertaking after a payment has been made to him under this sub-paragraph, but not later than twelve months after the date in relation to which his compensation was assessed under paragraph 2 (2) of this Schedule, he shall be paid as soon as is reasonably practicable after the date on which he gave that undertaking and in any case within three months of that date, an amount which when added to the amount already paid to him equals the amount he would have been paid under this sub-paragraph if he had given that undertaking before any payment had been made to him under this sub-paragraph.

(2) Subject to the provisions of paragraph 13 of this Schedule, a further payment shall be made to every person who has become entitled to compensation under paragraph 2 of this Schedule and who has not already received the whole of that compensation (whether that person is serving as an entitled officer or has retired) upon each anniversary of the date in relation to which his compensation was assessed under sub-paragraph (2) of that paragraph, which-

(a) in the case of a payment made upon the first, second, third or fourth anniversary, shall be an amount equal to the appropriate fraction of the balance of compensation then outstanding; and

(b) in the case of a payment made upon the fifth or any later anniversary, shall be an amount equal to the balance of compensation then outstanding:

Provided that-

(i) where the balance of compensation outstanding upon the first, second, third or fourth anniversary exceeds five hundred pounds and, in the case of an officer to whom sub-paragraph (1) (a) of this paragraph applies, where that balance, if added to the amount of compensation already paid under this paragraph, would exceed two thousand pounds, an amount equal to the appropriate fraction of that balance or four hundred pounds, whichever is the greater, shall be paid;

(ii) where the balance so outstanding is less than five hundred pounds, or, in the case of an officer to whom sub-paragraph (1) (a) of this paragraph applies, where that balance exceeds five hundred pounds but would not, if added to the amount of compensation already paid under this paragraph, exceed two thousand pounds, an amount equal to that balance shall be paid.

(3) In this section "the appropriate fraction"-

(a) in relation to an assessment made upon the first anniversary, means one-fifth;

(b) in relation to an assessment made upon the second anniversary, means one-quarter;

(c) in relation to an assessment made upon the third anniversary, means one-third; and

(d) in relation to an assessment made upon the fourth anniversary, means one-half.

4 (1) Subject to the provisions of this paragraph, an entitled officer may, after giving such notice as may be prescribed by the appropriate Service Commission, retire at any time. Retirement

(2) An entitled officer who has given notice of his intention to retire under this paragraph on any date may, with the consent of the appropriate Service Commission, withdraw the notice at any time before that date.

(3) No entitled officer shall retire under this paragraph without the permission of the appropriate Service Commission:

Provided that the Commission shall not withhold permission unless disciplinary proceedings are being taken, or are about to be taken, against the officer and those proceedings might lead to his dismissal.

(4) An entitled officer-

(a) who is permitted to retire by reason of injury or ill health;

(b) who is required to retire on or after his attainment of any age prescribed by law;

(c) who is required to retire in consequence of the abolition of his office or for the purpose of facilitating improvements in the organisation of the part of the public service to which he belongs by which greater economy or efficiency may be effected;

(d) who is required to retire in the public interest;

(e) who is required to retire under section 16 of the Zambia Independence Order, 1964; or

(f) in the case of a woman officer, who is required to retire upon

her marriage;

shall be deemed to have retired under this paragraph.

(5) In the case of an entitled officer who retires under sub-paragraph (1) of this paragraph and-

(a) who is on leave of absence after completing a tour of residential service-

(i) if he returns to Zambia for further duty at the requirement of the Government he shall be provided with such passages for himself and his family and such baggage facilities as an officer of similar status is entitled to under General Orders when returning to Zambia for a tour of duty, and when retiring from the public service having attained the age of fifty-five years and having completed a final tour of residential service;

(ii) if he returns to Zambia to settle his affairs and on his return completes a tour of residential service of not less than twelve months, he will be paid the cost of the passages for himself and his family and of transporting his baggage to Zambia (but not exceeding the cost of such passages and baggage facilities as an officer of similar status is entitled to under General Orders when returning to Zambia for a tour of duty) and provided with such passages for himself and his family and such baggage facilities as an officer of similar status is entitled to under General Orders when retiring from the public service having attained the age of fifty-five years and having completed a final tour of residential service;

(iii) if he does not return to Zambia, he shall be provided with such baggage facilities as an officer of similar status is entitled to under General Orders when retiring from the public service having attained the age of fifty-five years and having completed a final tour of residential service;

(b) who retires in any other circumstances, he shall be provided with such passages and baggage facilities for himself and his family as an officer of similar status is entitled to under General Orders when retiring from the public service having attained the age of fifty-five years and having completed a final tour of residential service.

(6) In the case of the retirement of an entitled officer who is required to retire in the circumstances described in sub-paragraph (4) (c) or (e) of this paragraph (except in the case of an officer to whom paragraph 16 of this Schedule applies) and-

(a) who is on leave of absence after completing a tour of residential service-

(i) he shall, if the period of leave on full pensionable emoluments for which he is eligible on the date upon which he is given notice under

that section requiring him to retire is less than six months, be granted such additional leave on full pensionable emoluments as will bring the aggregate period of such leave of absence from that date up to six months;

(ii) he shall (if he returns to Zambia to settle his affairs) be provided with a passage to Zambia for his own use as if he were returning to Zambia for a further tour of residential service and such passage and such baggage facilities as an officer of similar status is entitled to under General Orders when retiring from the public service having attained the age of fifty-five years and having completed a final tour of residential service; and

(iii) in the case of the retirement of an entitled officer who is required to retire in circumstances described in sub-paragraph (4) (e) of this paragraph and who returns to Zambia to settle his affairs, he shall be paid a subsistence allowance at the rate prescribed by General Orders for the period (but not exceeding twenty-one days) of his stay in Zambia;

(b) who retires in any other circumstances-

(i) he shall not be required to depart from Zambia on leave of absence pending his retirement until the expiration of a period of six months from the date upon which he was given notice requiring him to retire;

(ii) he shall be provided with such passages and baggage facilities as an officer of similar status is entitled to under General Orders when retiring from the public service having attained the age of fifty-five years and having completed a final tour of residential service;

(iii) he shall, if the period of leave on full pensionable emoluments for which he is eligible is less than six months, be granted such additional leave on full pensionable emoluments as will bring the aggregate period of such leave of absence pending his retirement up to six months.

5. (1) Where an entitled officer dies and it is lawful under the provisions of the appropriate law for a gratuity to be granted to his personal representatives, there shall be granted to his personal representatives either that gratuity or a gratuity equal to the maximum gratuity that could have been granted to that officer under the provisions of paragraph 11 of this Schedule if he had retired under this Schedule at the date of his death, whichever is the greater:

Special gratuity on the death of certain officers

Provided that, in the case of an officer to whom Part II of the European Officers' Pensions Regulations of Zambia applied, in respect of that proportion of the pensions for which he would have been eligible, if he had retired under this Schedule at the date of his death and which is

Cap. 400* of the 1971 Edition of the Laws

attributable to his pensionable service otherwise than in the public service, the provisions of paragraph 11 (1) (c) of this Schedule shall not apply and the permitted fraction referred to in that paragraph shall not be less than three-quarters.

(2) For the purposes of the proviso to sub-paragraph (1) of this paragraph the proportion of a pension which is attributable to the pensionable service of an officer otherwise than in Zambia shall be that proportion of the pension for which the officer would have been eligible if his pensionable service had been wholly in Zambia as the aggregate amount of his pensionable emoluments during his pensionable service otherwise than in Zambia bears to the aggregate amount of his pensionable emoluments throughout his pensionable service.

(3) Where an entitled officer to whom the Oversea Superannuation Scheme (Consolidation) Regulations apply dies and a gratuity is payable to his personal representatives under those Regulations, there shall be granted to his personal representatives a gratuity equal to the amount produced by subtracting the amount of the gratuity payable under those Regulations from the amount of the maximum gratuity which could have been granted to that officer under paragraph 11 of this Schedule if that paragraph and the European Officers' Pensions Ordinance of Zambia had applied to him and he had retired under this Schedule at the date of his death.

(4) The Permanent Secretary, Ministry of Finance, may direct that instead of being paid to the personal representatives, any gratuity payable under this paragraph shall be paid to one of the dependants of the deceased or to two or more of those dependants in such proportions as the Permanent Secretary may think fit. Cap. 400* of the 1971 Edition of the Laws

6. (1) This paragraph applies to an entitled officer or an officer to whom paragraph 9 or 10 of this Schedule applies, who has retired under this Schedule and- Officers Underreappointed to United Kingdom service

(a) who was transferred to the public service from pensionable employment under the Government of the United Kingdom either in a public office as defined by the Superannuation Act, 1892 or in employment pensionable under the Federated Superannuation System for Universities; and

(b) who not later than twelve months after he retired has (other than as the result of a competition conducted by the Civil Service Commissioners of the United Kingdom) returned to such pensionable employment.

(2) A person to whom this paragraph applies shall cease to be entitled to compensation under paragraph 2 or paragraph 9 or paragraph 10 of this Schedule, as the case may be, but shall be entitled to compensation of

an amount equal to-

- (a) one-half of the amount he would receive if he were entitled to compensation under paragraph 2 of this Schedule; or
 - (b) the amount he would receive if he were entitled to compensation under paragraph 7 of this Schedule, having been transferred to the pensionable employment referred to in sub-paragraph (1) (b) of this paragraph on the date on which he retired;
- whichever is the less.

(3) If the provisions of this paragraph become applicable to any person, his compensation shall forthwith be reassessed, and-

(a) if the amount of compensation as so reassessed exceeds the amount he has already received under this Schedule, the balance of compensation then outstanding shall be paid, together with any unpaid interest that has accrued under this Schedule before the reassessment, in the manner prescribed by paragraph 3 of this Schedule for the payment of compensation assessed under paragraph 2 of this Schedule; or

(b) if the amount of compensation he has already received under this Schedule exceeds the amount of compensation to which he is entitled under this paragraph, the excess shall forthwith become repayable, but in any such case any interest received on account of such excess shall not be repayable.

7. (1) This paragraph applies to an entitled officer and to an officer to whom paragraph 10 of this Schedule applies who is transferred from the public service- Transfer to other public service

(a) to the service of a government or authority that is a Scheduled Government for the purposes of Part II of the European Officers' Pensions Regulations of Zambia in circumstances in which he remains eligible for the grant of a pension under the appropriate law or the Oversea Superannuation Scheme (Consolidation) Regulations, as the case may be, upon his eventual retirement; or Cap. 400* of the 1971 Edition of the Laws

(b) to service in the office of Governor in such circumstances that he is or may become eligible for a pension under the Governors' Pensions Act, 1957(a);

Provided that-

(a) it does not apply to an officer to whom paragraph 6 of this Schedule applies;

(b) it applies to any officer-

(i) who but for the provisions of paragraph 1 (5) of this Schedule, would be an entitled officer; and

(ii) who in the opinion of the appropriate Service Commission,

would have had a reasonable prospect of becoming an entitled officer if no constitutional changes had been introduced; and

(iii) who unless prevented by circumstances beyond his control, serves for a period of not less than two years' residential service beginning on the operative date; and

(iv) who returns to pensionable employment under the Government of the United Kingdom in a public office as defined in the Superannuation Act, 1892; as if he were an entitled officer.

(a) 5 & 6 Eliz. 2. c. 62.

* Cap 266 in this Edition.

(2) An officer to whom this paragraph applies shall cease to be entitled to compensation under paragraph 2 or 10 of this Schedule, as the case may be, but if the amount of his annual pensionable emoluments immediately before his transfer exceeds the amount of the annual emoluments payable to him immediately after his transfer (being emoluments that may be taken into account for the purposes of his pension under the law or regulations relating to his service in that other public service) he shall be entitled to compensation equal to-

(a) the amount of the excess multiplied by the appropriate factor; or

(b) the amount he would receive if he were entitled to compensation under paragraph 2 of this Schedule, having retired on the date of his transfer; whichever is the less.

(3) If the provisions of this paragraph become applicable to any person, his compensation shall forthwith be reassessed, and-

(a) if the amount of compensation as so reassessed exceeds the amount he has already received under this Schedule, the balance of compensation then outstanding shall be paid, together with any unpaid interest that has accrued under that paragraph before the reassessment, in the manner prescribed by paragraph 3 of this Schedule for the payment of compensation assessed under paragraph 2 of this Schedule; or

(b) if the amount of compensation which has already been received under that paragraph exceeds the amount of compensation to which he is entitled under this paragraph, the excess shall forthwith become repayable, but in any such case any interest received on account of such excess shall not be repayable.

(4) In this paragraph "the appropriate factor" in relation to an officer means the factor obtained from Table III of the Annex to this Schedule that is appropriate to the age of the officer at the date of his transfer reckoned in completed years and completed months.

(As amended by Statutory Instrument No. 168 of 1965)

8. (1) If an entitled officer who has given an undertaking for the purposes of paragraph 3 (1) (a) of this Schedule ceases to serve in accordance with the terms of that undertaking at any time before the end of the period to which the undertaking relates otherwise than with the consent of the Government or by reason of his death, his retirement in circumstances beyond his control or his transfer to other public service in the circumstances described in paragraph 7 of this Schedule, then the amount of compensation to which he would otherwise be entitled under paragraph 2 of this Schedule shall be reduced by an amount equal to one-half per centum for each month or part of a month during that period in which he has not served in accordance with the undertaking, or two hundred pounds, whichever is the less.

Penalties for breach of undertakings

(2) If an entitled officer has been granted promotion in the public service after the operative date upon his giving an undertaking to serve upon such conditions as may be prescribed by the appropriate Service Commission for any period ceases to serve in accordance with the terms of that undertaking at any time before the end of the period to which the undertaking relates otherwise than with the consent of the Government or by reason of his death or his retirement in circumstances beyond his control, then the amount of compensation to which he is entitled under paragraph 2 of this Schedule shall be reassessed and the amount of his compensation shall be determined as if his annual pensionable emoluments in relation to the date of his promotion or any subsequent date were the amount of the pensionable emoluments which would have been used in accordance with regulation 9 of the European Officers' Pensions Regulations of Zambia for the purpose of pension as if he had retired on that date, and in the case of a judge of the Court of Appeal or the High Court promoted to that office after the commencement of this Order on the basis that the appropriate factor is that obtained from Table I of the Annex to this Schedule.

Cap. 400* of the 1971 Edition of the Laws

(3) If any of the provisions of this paragraph become applicable to any entitled officer, his compensation shall be reassessed accordingly and paid in accordance with paragraph 3 of this Schedule and if the amount of compensation he has already received under that paragraph exceeds the amount of compensation to which he is entitled under the reassessment the excess shall forthwith become repayable.

* Cap. 266 in this Edition.

9. (1) This paragraph applies-

(a) to any officer in the public service who has been declared by the appropriate Service Commission to be an officer required before the operative date to retire to facilitate the reconstruction of the Government; and

(b) to any entitled officer who is declared by the appropriate

Retirement to facilitate constitutional changes

Service Commission to be an officer required to relinquish the duties of his office and thereafter to retire in order to facilitate the introduction of constitutional changes.

(2) An officer to whom this paragraph applies shall retire at the expiration of the period of leave of absence for which he is eligible:

Provided that if the period of leave of absence on full pensionable emoluments for which he is eligible is less than six months he shall be granted such additional leave on full pensionable emoluments as will bring the aggregate period of such leave of absence up to six months and shall retire at the expiration of that additional leave of absence.

(3) (a) An officer to whom sub-paragraph (1) (a) of this paragraph applies shall not be entitled to compensation under paragraph 2 of this Schedule but shall (except in the case of an officer to whom paragraph 16 of this Schedule applies) be entitled to and shall as soon as reasonably practicable be paid compensation equal to the amount he would be entitled to if he were entitled to compensation under that paragraph; and

(b) the compensation of an entitled officer to whom sub-paragraph (1) (b) of this paragraph applies and to whom paragraph 16 of this Schedule does not apply shall as soon as reasonably practicable be finally assessed and paid to him:

Provided that for the purposes of calculating the compensation to which an officer to whom this paragraph applies is entitled, the date to be taken for calculation shall be such date (not being earlier than the operative date or, in the case of an officer who was, before the operative date, notified that he would be required to retire, the date on which he was so notified or later than the date of the expiration of his leave of absence pending retirement) as is most advantageous to the officer.

(4) An officer to whom this paragraph applies shall as soon as reasonably practicable be paid a disturbance grant equal to one-quarter of his annual pensionable emoluments at his retirement.

(5) An officer to whom this paragraph applies shall be provided with such passages and baggage facilities as an officer of similar status is entitled to under General Orders when retiring from the public service having attained the age of fifty-five years and having completed a final tour of residential service.

(6) The provisions of paragraphs 5, 11, 12, 15 and 16 of this Schedule shall apply to an officer to whom sub-paragraph (1) (a) of this paragraph applies as if that officer were an entitled officer.

10. (1) This paragraph shall apply to an officer in the public service Voluntary who has before the operative date been given permission to retire from retirement on

that public service by the appropriate Service Commission on the permission given ground that his retirement will enable a qualified local candidate to be before operative appointed to an office in that public service, or that that officer has been date superseded for promotion by a local officer in pursuance of the policy of the Government of giving preference to local officers in respect of promotion.

(2) An officer to whom this paragraph applies shall not be entitled to compensation under paragraph 2 of this Schedule but shall (except in the case of an officer to whom paragraph 16 of this Schedule applies), on the date upon which he was given permission to retire by the appropriate Service Commission, be entitled to compensation calculated by multiplying the amount of his annual pensionable emoluments on the date to be taken for calculation by the appropriate factor and the resulting amount or twelve thousand pounds whichever is the less, shall be the amount to which he is entitled.

(3) For the purposes of this paragraph the date to be taken for calculation shall be such date (not being earlier than the date upon which the officer was given permission to retire by the appropriate Service Commission or later than the date of the expiration of his leave of absence pending retirement) as is most advantageous to the officer.

(4) Subject to the provisions of paragraph 13 of this Schedule, the compensation to which an officer to whom this paragraph applies becomes entitled under this paragraph shall be paid to him in the manner following, that is to say-

(a) a payment to be made at least three months before the date upon which such officer departs from Zambia on leave of absence pending retirement, which payment shall be an amount equal to the amount of compensation to which the officer is entitled or if that amount exceeds one thousand pounds then one-sixth of the amount of that compensation or one thousand pounds, whichever is the greater;

(b) a second payment to be made to every such officer who has not already received the whole of that compensation, at the expiration of six months from the date upon which his leave of absence pending retirement commenced, and further payments on the first, second, third and fourth anniversaries of the date upon which the second payment was made, which-

(i) in the case of the second payment and the payment made on the first, second or third anniversary, shall be an amount equal to the appropriate fraction of the balance of compensation then outstanding; and

(ii) in the case of the payment made on the fourth anniversary, shall be equal to the balance of compensation then outstanding:

Provided that-

(a) where the balance of compensation outstanding at the date when

the second payment is due to be made or upon the first, second or third anniversary of that date exceeds five hundred pounds an amount equal to the appropriate fraction of that balance or four hundred pounds, whichever is the greater, shall be paid; and

(b) where the balance so outstanding is less than five hundred pounds an amount equal to that balance shall be paid.

(5) In this paragraph-

(a) "the appropriate factor" has the same meaning as in paragraph 2 of this Schedule;

(b) "the appropriate fraction"-

- (i) in relation to the second payment means one-fifth;
- (ii) in relation to the first anniversary means one-quarter;
- (iii) in relation to the second anniversary means one-third; and
- (iv) in relation to the third anniversary means one-half.

(6) Subject to the provisions of paragraph 13 of this Schedule, if an officer to whom this paragraph applies does not retire from the public service in accordance with the permission given to him by the appropriate Service Commission he shall cease to be entitled to compensation under this paragraph and any compensation that may have been paid to him under the provisions of sub-paragraph (4) of this paragraph shall be repaid by him to the Government.

(7) The provisions of paragraphs 4 (6) (a) (ii), 5, 11, 12, 13, 15 and 16 of this Schedule shall apply in relation to an officer to whom this paragraph applies as if that officer were an entitled officer.

11. (1) Subject to the provisions of paragraphs 16 and 17 of this Schedule, an entitled officer, on his retirement under this Schedule, may be granted at his option (such option to be exercised in accordance with the provisions of regulation 16 of the European Officers' Pensions Regulations of Zambia) either-

Grant of pensions
and gratuities
Cap. 266

(a) a pension of such amount as may be granted under the appropriate law;

(b) a reduced pension equal to such fraction as he may desire of the pension that may be granted under the appropriate law (not being, in the case of an officer who retires within twelve years of the operative date, less than the permitted fraction) together with a gratuity equal to the annual amount of the remaining fraction of that pension multiplied by the appropriate factor; or

(c) in the case of an officer who retires not less than twelve years after the operative date, a gratuity equal to the annual amount of the pension that may be granted under the appropriate law multiplied by

the appropriate factor.

(2) For the purposes of this paragraph an officer shall be deemed to be eligible for the grant of a pension under the appropriate law-

(a) notwithstanding that he may have retired before attaining the age specified in the appropriate law as qualifying him for the grant of a pension; and

(b) notwithstanding that he may not have completed at the date of his retirement the period of qualifying service required by the appropriate law to render him eligible for the grant of a pension.

(3) Where an officer retires by reason of injury or ill health in circumstances in which he could under the appropriate law be granted an additional pension the provisions of this paragraph shall have effect in relation to that officer as if references to the pension that may be granted under the appropriate law included references to that additional pension.

(4) Where an officer to whom this paragraph applies retires in consequence of the abolition of his office or for the purpose of facilitating improvements in the organisation of the part of the public service to which he belongs by which greater economy or efficiency may be effected in circumstances in which he could under the appropriate law be granted an additional pension, the provisions of this paragraph shall have effect in relation to that officer as if references to the pension that may be granted under the appropriate law did not include references to that additional pension.

(5) For the purposes of this paragraph the amount of the pension or gratuity that an officer who is required to retire in the circumstances described in paragraph 4 (4) (c) or (e) or paragraph 9 of this Schedule or on the grounds of age before attaining the age of fifty-five years or in the case of a judge of the Court of Appeal or the High Court, sixty-two years may be granted under the appropriate law shall be calculated by reference to the full annual pensionable emoluments enjoyed by him on the date immediately prior to his retirement.

(6) If an officer has not exercised the option conferred upon him by subparagraph (1) of this paragraph within the period in which it is required to be exercised he shall be deemed to have opted for the grant of a pension of such amount as may be granted under the appropriate law.

(7) In this paragraph-

"the appropriate factor" in relation to an officer means the factor obtained from Table IV of the Annex to this Schedule that is appropriate to the age of that officer on the date immediately prior to his retirement reckoned in completed years and completed months;

"the permitted fraction"-

(a) in relation to an officer who retires within one year of the operative date, means three-quarters; Cap. 266

(b) in relation to an additional pension granted on account of injury under regulation 13 (1) of the European Officers' Pensions Regulations of Zambia, means three-quarters; and

(c) subject to head (b) of this definition, in relation to an officer who retires within not less than one and not more than twelve years of the operative date, means such fraction as is obtained by subtracting one-sixteenth for each complete year of his pensionable service after the operative date from three-quarters:

Provided that in reckoning for the purposes of this sub-paragraph the years of pensionable service of an officer who is granted leave of absence pending his retirement, leave of absence granted in respect of service prior to the operative date the enjoyment of which had on the operative date been deferred shall not be taken into account.

(As amended by Statutory Instrument No. 168 of 1965)

12. (1) Subject to the provisions of paragraphs 16 and 17 of this Schedule, where any entitled officer to whom Part II of the European Officers' Pensions Regulations of Zambia applies retires under this Schedule and is granted by any government or other authority that is a Scheduled Government for the purposes of that Part both a pension and a gratuity, having elected to receive that pension and that gratuity in lieu of a pension of greater amount, he may be granted (in addition to any gratuity that may be granted to him under paragraph 11 of this Schedule) a gratuity equal to the amount (if any) by which the amount produced by-

Special gratuity
for certain
officers
Cap. 266

(i) subtracting the annual amount of the pension granted to him by the Scheduled Government from the annual amount of the pension that would have been granted to him by that Government had he not elected to receive the gratuity granted to him by the Scheduled Government; and

(ii) multiplying the resulting amount by the appropriate factor; exceeds the amount of the gratuity granted to him by the Scheduled Government.

(2) Subject to the provisions of paragraphs 16 and 17 of this Schedule, where an entitled officer to whom the provisions of the Oversea Superannuation Scheme (Consolidation) Regulations apply retires under this Schedule and is granted under those Regulations a pension and a lump sum-

(a) he may be granted a gratuity equal to the amount produced by subtracting that lump sum from the sum arrived at by multiplying by the appropriate factor one-quarter of the annual amount of the pension he would have received if his pension had been calculated under the European Officers' Pensions Ordinance of Zambia; and

Cap. 400* of the 1971 Edition of the Laws

(b) he may be granted (in addition to any gratuity that may be granted to him under head (a) of this sub-paragraph) at his option-

(i) on assigning to the Government a part of the annual amount of the pension granted to him under those Regulations (not being in the case of an officer who retires within twelve years of the operative date, more than the permitted fraction); or

(ii) in the case of an officer who retires not less than twelve years after the operative date, on assigning the whole of the annual amount of such pension;

a gratuity equal to the amount of his pension so assigned multiplied by the appropriate factor; such option to be exercised before the date of retirement or, in the case of an officer to whom paragraph 4 (4) of this Schedule applies, within one month after that date.

* Cap. 266 in this Edition.

(3) In this paragraph-

"the appropriate factor" has the same meaning as in paragraph 11 of this Schedule;

"the permitted fraction"-

(a) in relation to an officer who retires within not less than one year but within two years of the operative date, means one-twelfth;

(b) in relation to an officer who retires within not less than two years of the operative date, means the fraction obtained by adding one-twelfth for each completed year of his pensionable service after the operative date to one-twelfth:

Provided that in reckoning for the purposes of this sub-paragraph the years of pensionable service of an officer who is granted leave of absence pending his retirement leave of absence granted in respect of service prior to the operative date enjoyment of which had on the operative date been deferred shall not be taken into account.

13. (1) Whenever-

(a) a person who has become entitled to compensation under paragraph 2 or paragraph 10 of this Schedule but who has not already received the whole of that compensation (and in the case of an entitled officer whether he is still serving as such or has already retired) attains

Special provisions as to compensation

the age of fifty-five years or, in the case of a person who is or was when he retired a judge of the Court of Appeal or the High Court, sixty-two years, or dies before attaining that age;

(b) an entitled officer who has not already received the whole of the compensation to which he is entitled under paragraph 2 retires in the circumstances described in paragraph 4 (4) (a), (c) or (d) of this Schedule before he has attained that age or is required to retire in the circumstances described in paragraph 4 (4) (b) of this Schedule; or

(c) an entitled officer who has not already received the whole of the compensation to which he is entitled under paragraph 2 or paragraph 10 of this Schedule retires in any other circumstances before he has attained that age but on or after the fifth anniversary of the operative date or, in the case of a person who became an entitled officer after that date, of the date on which he became an entitled officer;

the balance then outstanding of the compensation to which he is entitled shall be paid to that person or, if that person is dead, to his personal representatives .

(2) Whenever an entitled officer, who has not already received the whole of the compensation to which he is entitled under paragraph 2 of this Schedule, is required to retire under section 16 of the Zambia Independence Order, 1964 before attaining the age of fifty-five years, or, in the case of a person who is or was when he retired a judge of the Court of Appeal or the High Court, sixty-two years, the balance then outstanding of the compensation to which he is entitled under that paragraph shall be paid to him-

(a) if notice requiring him to retire is given to him while he is engaged upon a tour of residential service, before his departure from Zambia; or

(b) if such notice is given to him while on leave of absence after completing a tour of residential service, as soon as reasonably practicable after the date upon which such notice is given to him

(3) The Permanent Secretary, Ministry of Finance, may direct that instead of any payment being made to the personal representatives of a deceased person payment shall be made to one of the dependants of the deceased or to two or more of those dependants in such proportions as the Permanent Secretary may think fit.

(4) Whenever any payment of compensation becomes due under paragraph 3, paragraph 9 (1) (b) or paragraph 10 of this Schedule interest at the rate of five per centum per annum shall accrue from day to day-

(a) in cases where the compensation has not been finally assessed, during the period between the date on which the amount of the compensation was last due to be assessed and the date on which the

next following assessment is to be made;

(b) in cases where the compensation has been finally assessed, during the period between the date on which that payment of compensation became due and the date on which the next following payment of compensation will become due;

upon any part of the compensation that did not then become payable and that interest shall become payable at the end of the period during which it accrued:

Provided that in the case of compensation payable under paragraph 10 of this Schedule the period during which interest accrues shall begin at the date upon which the first payment of compensation becomes payable under paragraph 10 (4) (a) of this Schedule or the date on which the officer was given permission to retire under that paragraph, whichever is the later.

14. (1) When disciplinary proceedings are taken, or are about to be taken, against any person who is serving as an entitled officer and those proceedings might lead to his dismissal, the payment of compensation under this Schedule and interest thereon shall be withheld pending the determination of those proceedings. Disciplinary proceedings and dismissal

(2) Where any person who is serving as an entitled officer is dismissed, any compensation that he has not already received may, with the approval of the appropriate Service Commission, be withheld.

15. Any compensation, gratuity, disturbance grant or interest payable under this Schedule to an officer or to his personal representatives or dependants shall be paid, in accordance with any request made from time to time by such officer, his personal representatives or his dependants, as the case may be, in any of the following countries- Place of payment and rate of exchange

(a) in the United Kingdom;

(b) in Zambia;

(c) in the country from which the officer was recruited or where he intends to reside;

(d) in the case of payment to the personal representatives of an officer or his dependants, in the country in which the personal representatives or the dependants, as the case may be, reside; or

(e) in such other country as the officer or his personal representatives or dependants may, with the concurrence of the Permanent Secretary, Ministry of Finance, select;

in the currency of the country in which payment is to be made; and, where payment is to be made in a country other than Zambia, the amount of the payment shall be such as would produce, at the official rate of exchange prevailing at the date of the payment, the amount in

sterling of the compensation, gratuity, disturbance grant or interest as calculated at the official rate of exchange prevailing on the operative date.

16 (1) An entitled officer who, before he receives his initial payment of compensation, gives notice of retirement under paragraph 4 of this Schedule, or is required to retire under section 16 of the Zambia Independence Order 1964 or paragraph 9 (1) (b) or 10 of this Schedule may at his option (such option to be exercised within three months of the commencement of this Order or, in the case of an officer who was not an entitled officer on the operative date, within three months of the date on which he became an entitled officer) become an officer to whom this paragraph applies.

Right to opt for abolition

(2) An officer to whom this paragraph applies shall not be entitled to compensation under this Schedule or be granted a pension, gratuity or disturbance grant under this Schedule but, subject to the provisions of paragraph 17 of this Schedule may, on his retirement under this Schedule, be granted such benefits as may be granted under the appropriate law to an officer whose office has been abolished.

(3) An officer to whom this paragraph applies shall repay the amount of any compensation that may have been paid to him.

17. The provisions of the appropriate law shall, subject to the provisions of this Schedule, apply in relation to the grant of any pension or gratuity under this Schedule and to any pension or gratuity granted thereunder as they apply in relation to the grant of a pension or gratuity, and to any pension or gratuity granted, under the appropriate law:

Application of appropriate law

Provided that *section 11 of the European Officers' Pensions Ordinance of Zambia or any law amending or replacing that section shall not apply in relation to any pension granted under the provisions of this Schedule.

Cap. 400* of the 1971 Edition of the Laws

* Repealed by Statutory Instrument No. 144 of 1965.

*Cap. 266 in this Edition.

18. Any compensation, gratuity or disturbance grant payable under any of the provisions of this Schedule shall be exempt from tax under any law in force in Zambia relating to the taxation of incomes or imposing any other form of taxation

Exemption from tax

19. Any option exercisable by any person for the purposes of this Schedule-

Exercise of options

- (a) shall be irrevocable after the end of the period within which it is to be exercised;
- (b) shall be exercised by notice in writing to the appropriate Service Commission;
- (c) shall be deemed to have been exercised on the date on which the notice is received:

* Repealed by Statutory Instrument No. 144 of 1965.

* Cap. 266 in this Edition.

Provided that the appropriate Service Commission may, if it thinks fit, generally or in respect of a particular person and subject or not to conditions, extend the period for the exercise of an option.

ANNEX

INSTRUCTIONS FOR OBTAINING THE APPROPRIATE FACTOR FROM TABLE I

FOR OFFICERS AGED 28 YEARS OR MORE

- I. Read off from the table the factor for the officer's age at his last birthday and his completed years of service.
- II. Read off from the table the factor for ten years' service and the officer's age in years and completed months by interpolation arithmetically.
- III. Divide II by 120 and multiply the result by the number of completed months of service not exceeding 120, adjusting the answer to the nearest second decimal place (when the third decimal place is 5 exactly, take the next highest second place).
- IV. The greater of I and III is the factor required.

For Officers under the age of 28 years

- I. Read off from the table the factor for the officer's age at his last birthday and his completed years of service.
- II. Read off from the table the highest factor given against the officer's age in completed years and interpolate arithmetically for the factor corresponding to his age in years and completed months.
- III. Divide II by the figure corresponding to the number of months contained in the years of service against which the factor in II was read off and multiply the result by the number of completed months of service, adjusting the answer to the nearest second decimal place (when

the third decimal place is 5 exactly, take the next highest second place).

IV. The greater of I and III is the factor required.

INSTRUCTIONS FOR OBTAINING THE APPROPRIATE FACTOR FROM TABLE II, III OR IV

I. Read off from the Table the factors for the officer's age-

(a) at his last birthday;

(b) at his next birthday.

II. Divide the difference between I(a) and I(b) by twelve and multiply by the number of completed months of age since the last birthday.

III. If I(b) is greater than I(a), add II to I(a).

III. If I(b) is less than I(a), subtract II from I(a).

III. III is the factor required.

In calculating factors by interpolation in respect of Tables II to IV the calculations should be taken to three places of decimals.

Table I

The Schedule, Paragraphs 2, 8 (2) and 10

Age of Officer	Factor When Length of Service is							
	3 years	4 years	5 years	6 years	7 years	8 years	9 years	10 years or more
21	.16							
22	.19	.25						
23	.22	.29	.36					
24	.25	.33	.41	.49				
25	.28	.37	.46	.55	.64			
26	.31	.41	.52	.62	.72	.82		
27	.34	.46	.58	.69	.80	.92	1.04	
28	.39	.52	.64	.77	.90	1.03	1.16	1.29
29	.44	.58	.73	.88	1.02	1.17	1.31	1.46
30	.50	.67	.84	1.00	1.17	1.34	1.50	1.67
31	.58	.77	.96	1.16	1.35	1.54	1.74	1.93
32	.68	.90	1.12	1.35	1.58	1.80	2.02	2.25
33	.78	1.04	1.30	1.57	1.83	2.09	2.35	2.61
34	.89	1.19	1.49	1.79	2.09	2.38	2.68	2.98
35	1.00	1.34	1.67	2.00	2.34	2.67	3.01	3.34
36	1.10	1.47	1.84	2.20	2.57	2.94	3.30	3.67
37	1.18	1.58	1.97	2.36	2.76	3.15	3.55	3.94
38	1.24	1.65	2.06	2.48	2.89	3.30	3.72	4.13
39	1.28	1.70	2.12	2.55	2.98	3.40	3.82	4.25
40	1.29	1.72	2.16	2.59	3.02	3.45	3.88	4.31
41	1.30	1.73	2.16	2.59	3.02	3.46	3.89	4.32
42	1.28	1.70	2.13	2.56	2.98	3.41	3.83	4.26
43	1.24	1.65	2.06	2.47	2.88	3.30	3.71	4.12

44	1.17	1.56	1.95	2.34	2.73	3.12	3.51	3.90
45	1.09	1.45	1.82	2.18	2.54	2.90	3.27	3.63
46	1.00	1.34	1.67	2.00	2.34	2.67	3.01	3.34
47	.91	1.22	1.52	1.82	2.13	2.43	2.74	3.04
48	.82	1.10	1.37	1.64	1.92	2.19	2.47	2.74
49	.73	.98	1.22	1.46	1.71	1.95	2.20	2.44
50	.64	.85	1.06	1.28	1.49	1.70	1.92	2.13
51	.54	.72	.90	1.08	1.26	1.44	1.62	1.80
52	.43	.57	.72	.86	1.00	1.14	1.29	1.43
53	.30	.40	.50	.60	.70	.80	.90	1.00
54	.15	.20	.25	.30	.35	.40	.45	.50
55 and above	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL

Table II

The Schedule, Paragraphs 2 and 10

Age of Officer	Factor	Age of Officer	Factor
40	3.94	55	2.48
41	4.12	56	2.26
42	4.24	57	2.03
43	4.31	58	1.76
44	4.32	59	1.42
45	4.28	60	1.00
46	4.19	61	.50
47	4.07	62	NIL
48	3.92	and above	
49	3.75		
50	3.57		
51	3.37		
52	3.15		
53	2.93		
54	2.70		

Note.-These factors apply where the judge has at least ten years' service.

Table III

The Schedule, Paragraph 7

Age	Factor
30 and below	5.00
31	5.08
32	5.21
33	5.47
34	5.90
35	6.56
36	7.44
37	8.10
38	8.53
39	
40	
41	

42	...	...	...	...	...	8.79
43	...	...	...	...	...
44	...	...	...	...	...	8.92
45	...	...	...	...	...	9.00
46	...	...	...	...	...	8.92
47	...	...	...	...	...	8.77
48	...	...	...	...	...	8.77
49	...	...	...	...	...	8.40
50 and above	...	...	...	...	...	8.40
						7.61
						6.39
						5.60
						5.23
						5.08
						5.00

Table IV

The Schedule, Paragraphs 11 and 12

Age of Officer	Factor	Age of Officer	Factor
25 or under	17.08	40	15.07
26	16.97	41	14.90
27	16.86	42	14.73
28	16.74	43	14.55
29	16.62	44	14.36
30	16.50	45	14.17
31	16.38	46	13.97
32	16.25	47	13.76
33	16.12	48	13.54
34	15.98	49	13.32
35	15.84	50	13.08
36	15.70	51	12.84
37	15.55	52	12.59
38	15.40	53 and above	12.50
39	15.24		

REPUBLIC OF ZAMBIA

FUGITIVE OFFENDERS APPENDIX 11

***FUGITIVE OFFENDERS ACT, 1881**

* On the coming into operation of Part X of the Extradition Act (Cap. 94), this Act shall cease to apply to Zambia.

44 & 45 Vict. c. 69

*[Printed as amended by the Statute Law Revision Act, 1894
(57 & 58 Vict. c. 56)]*

**An Act to amend the Law with respect to Fugitive
Offenders in Her Majesty's Dominions, and for other
Purposes Connected with the Trial of Offenders.**

[27th August, 1881]

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; that is to say:

1. This Act may be cited as the Fugitive Offenders Act, 1881. Short title

PART I-RETURN OF FUGITIVES

2. Where a person accused of having committed an offence (to which this Part of this Act applies) in one part of Her Majesty's dominions has left that part, such person (in this Act referred to as a fugitive from that part) if found in another part of Her Majesty's dominions, shall be liable to be apprehended and returned in manner provided by this Act to the part from which he is a fugitive. Liability of fugitive to be apprehended and returned

A fugitive may be so apprehended under an endorsed warrant or a

provisional warrant.

3. Where a warrant has been issued in one part of Her Majesty's dominions for the apprehension of a fugitive from that part, any of the following authorities in another part of Her Majesty's dominions in or on the way to which the fugitive is or is suspected to be; that is to say: Endorsing of warrant for apprehension of fugitive

(1) A judge of a superior court in such part; and

(2) In the United Kingdom a Secretary of State and one of the magistrates of the metropolitan police court in Bow Street; and

(3) In a British possession the Governor of that possession;

if satisfied that the warrant was issued by some person having lawful authority to issue the same, may endorse such warrant in manner provided by this Act, and the warrant so endorsed shall be a sufficient authority to apprehend the fugitive in the part of Her Majesty's dominions in which it is endorsed, and bring him before a magistrate.

* On the coming into operation of Part X of the Extradition Act (Cap. 94), this Act shall cease to apply to Zambia.

4. A magistrate of any part of Her Majesty's dominions may issue a provisional warrant for the apprehension of a fugitive who is or is suspected of being in or on his way to that part on such information, and under such circumstances, as would in his opinion justify the issue of a warrant if the offence of which the fugitive is accused had been committed within his jurisdiction, and such warrant may be backed and executed accordingly. Provisional warrant for apprehension of fugitive

A magistrate issuing a provisional warrant shall forthwith send a report of the issue, together with the information or a certified copy thereof, if he is in the United Kingdom, to a Secretary of State, and if he is in a British possession, to the Governor of that possession, and the Secretary of State or Governor may, if he think fit, discharge the person apprehended under such warrant.

5. A fugitive when apprehended shall be brought before a magistrate, who (subject to the provisions of this Act) shall hear the case in the same manner and have the same jurisdiction and powers, as near as may be (including the power to remand and admit to bail), as if the fugitive were charged with an offence committed within his jurisdiction. Dealing with fugitive when apprehended

If the endorsed warrant for the apprehension of the fugitive is duly authenticated, and such evidence is produced as (subject to the provisions of this Act) according to the law ordinarily administered by the magistrate, raises a strong or probable presumption that the fugitive committed the offence mentioned in the warrant, and that the offence is one to which this Part of this Act applies, the magistrate shall commit the fugitive to prison to await his return, and shall forthwith send a certificate of the committal and such report of the case as he may think fit, if in the United Kingdom to a Secretary of State, and if in a British possession to the Governor of that possession.

Where the magistrate commits the fugitive to prison he shall inform the fugitive that he will not be surrendered until after the expiration of fifteen days, and that he has a right to apply for a writ of *habeas corpus*, or other like process.

A fugitive apprehended on a provisional warrant may be from time to time remanded for such reasonable time not exceeding seven days at any one time as under the circumstances seems requisite for the production of an endorsed warrant.

6. Upon the expiration of fifteen days after a fugitive has been committed to prison to await his return, or if a writ of *habeas corpus* or other like process is issued with reference to such fugitive by a superior court, after the final decision of the court in the case: Return of fugitive by warrant

(1) if the fugitive is so committed in the United Kingdom, a Secretary of State; and

(2) if the fugitive is so committed in a British possession, the Governor of that possession;

may, if he thinks it just, by warrant under his hand order that fugitive to be returned to the part of Her Majesty's dominions from which he is a fugitive, and for that purpose to be delivered into the custody of the persons to whom the warrant is addressed, or some one or more of them, and to be held in custody, and conveyed by sea or otherwise to the said part of Her Majesty's dominions, to be dealt with there in due course of law as if he had been there apprehended, and such warrant shall be forthwith executed according to the tenor thereof.

The governor or other chief officer of any prison, on request of any person having the custody of a fugitive under any such warrant, and on

payment or tender of a reasonable amount for expenses, shall receive such fugitive and detain him for such reasonable time as may be requested by the said person for the purpose of the proper execution of the warrant.

7. If a fugitive who, in pursuance of this Part of this Act, has been committed to prison in any part of Her Majesty's dominions to await his return, is not conveyed out of that part within one month after such committal, a superior court, upon application by or on behalf of the fugitive, and upon proof that reasonable notice of the intention to make such application has been given, if the said part is the United Kingdom to a Secretary of State, and if the said part is a British possession to the Governor of the possession, may, unless sufficient cause is shown to the contrary, order the fugitive to be discharged out of custody.

Discharge of person apprehended if not returned within one month

8. Where a person accused of an offence and returned in pursuance of this Part of this Act to any part of Her Majesty's dominions, either is not prosecuted for the said offence within six months after his arrival in that part, or is acquitted of the said offence, then if that part is the United Kingdom a Secretary of State, and if that part is a British possession the Governor of that possession, may, if he think fit, on the request of such person, cause him to be sent back free of cost and with as little delay as possible to the part of Her Majesty's dominions in or on his way to which he was apprehended.

Sending back of persons apprehended if not prosecuted within six months or acquitted

9. This Part of this Act shall apply to the following offences, namely, to treason and piracy, and to every offence, whether called felony, misdemeanour, crime, or by any other name, which is for the time being punishable in the part of Her Majesty's dominions in which it was committed, either on indictment or information, by imprisonment with hard labour for a term of twelve months or more, or by any greater punishment; and for the purposes of this section, rigorous imprisonment, and any confinement in a prison combined with labour, by whatever name it is called, shall be deemed to be imprisonment with hard labour.

Offences to which this Part of this Act applies

This Part of this Act shall apply to an offence notwithstanding that by the law of the part of Her Majesty's dominions in or on his way to which the fugitive is or is suspected of being it is not an offence, or not an offence to which this Part of this Act applies; and all the provisions of this Part of this Act, including those relating to a provisional warrant and to a committal to prison, shall be construed as if the offence were

in such last-mentioned part of Her Majesty's dominions an offence to which this Part of this Act applies.

10. Where it is made to appear to a superior court that by reason of the trivial nature of the case, or by reason of the application for the return of a fugitive not being made in good faith in the interests of justice or otherwise, it would, having regard to the distance, to the facilities for communication, and to all the circumstances of the case, be unjust or oppressive or too severe a punishment to return the fugitive either at all or until the expiration of a certain period, such court may discharge the fugitive, either absolutely or on bail, or order that he shall not be returned until after the expiration of the period named in the order, or may make such other order in the premises as to the court seems just. Powers of superior court to discharge fugitive when case frivolous or return unjust

11. In Ireland the Lord Lieutenant, also the chief secretary, may, as well as a Secretary of State, execute any portion of the powers by this Part of this Act vested in a Secretary of State.* Power of Lord Lieutenant in Ireland

* As amended by 57 & 58 Vict. c. 56.

PART II-INTER-COLONIAL BACKING OF WARRANTS, AND OFFENCES

Application of Part of Act

12. This Part of this Act shall apply only to those groups of British possessions to which, by reason of their contiguity or otherwise, it may seem expedient to Her Majesty to apply the same. Application of Part of Act to group of British possessions

It shall be lawful for Her Majesty from time to time by Order in Council to direct that this Part of this Act shall apply to the group of British possessions mentioned in the Order, and by the same or any subsequent Order to except certain offences from the application of this Part of this Act, and to limit the application of this Part of this Act by such conditions, exceptions, and qualifications as may be deemed expedient.

Backing of Warrants

13. Where in a British possession of a group to which this Part of this Act applies a warrant has been issued for the apprehension of a person accused of an offence punishable by law in that possession, and such person is or is suspected of being in or on the way to another British possession of the same group, a magistrate in the last-mentioned possession, if satisfied that the warrant was issued by a person having lawful authority to issue the same, may endorse such warrant in manner provided by this Act, and the warrant so endorsed shall be a sufficient authority to apprehend, within the jurisdiction of the endorsing magistrate, the person named in the warrant, and bring him before the endorsing magistrate or some other magistrate in the same British possession.

Backing in one
British
possession of
warrant issued in
another of same
group

* As amended by 57 & 58 Vict. c. 56.

14. The magistrate before whom a person so apprehended is brought, if he is satisfied that the warrant is duly authenticated as directed by this Act and was issued by a person having lawful authority to issue the same, and is satisfied on oath that the prisoner is the person named or otherwise described in the warrant, may order such prisoner to be returned to the British possession in which the warrant was issued, and for that purpose to be delivered into the custody of the persons to whom the warrant is addressed, or any one or more of them, and to be held in custody and conveyed by sea or otherwise into the British possession in which the warrant was issued, there to be dealt with according to law as if he had been there apprehended. Such order for return may be made by warrant under the hand of the magistrate making it, and may be executed according to the tenor thereof.

Return of
prisoner
apprehended
under backed
warrant

A magistrate shall, so far as is requisite for the exercise of the powers of this section, have the same power, including the power to remand and admit to bail a prisoner, as he has in the case of a person apprehended under a warrant issued by him.

15. Where a person required to give evidence on behalf of the prosecutor or defendant on a charge for an offence punishable by law in a British possession of a group to which this Part of this Act applies, is or is suspected of being in or on his way to any other British possession of the same group, a judge, magistrate, or other officer who would have lawful authority to issue a summons, requiring the attendance of such witness, if the witness were within his jurisdiction, may issue a summons for the attendance of such witness, and a magistrate in any

Backing in one
British
possession of
summons, etc., of
witness issued in
another
possession of
same group

other British possession of the same group, if satisfied that the summons was issued by some judge, magistrate, or officer having lawful authority as aforesaid, may endorse the summons with his name; and the witness, on service in that possession of the summons, so endorsed, and on payment or tender of a reasonable amount for his expenses, shall obey the summons, and in default shall be liable to be tried and punished either in the possession in which he is served or in the possession in which the summons was issued, and shall be liable to the punishment imposed by the law of the possession in which he is tried for the failure of a witness to obey such a summons. The expression "summons" in this section includes any subpoena or other process for requiring the attendance of a witness.

16. A magistrate in a British possession of a group to which this Part of this Act applies, before the endorsement in pursuance of this Part of this Act of a warrant for the apprehension of any person, may issue a provisional warrant for the apprehension of that person, on such information and under such circumstances as would in his opinion justify the issue of a warrant if the offence of which such person is accused were an offence punishable by the law of the said possession, and had been committed within his jurisdiction, and such warrant may be backed and executed accordingly; provided that a person arrested under such provisional warrant shall be discharged unless the original warrant is produced and endorsed within such reasonable time as may under the circumstances seem requisite.

Provisional warrant in group of British possessions

17. If a prisoner in a British possession whose return is authorised in pursuance of this Part of this Act is not conveyed out of that possession within one month after the date of the warrant ordering his return, a magistrate or a superior court, upon application by or on behalf of the prisoner, and upon proof that reasonable notice of the intention to make such application has been given to the person holding the warrant and to the chief officer of the police of such possession or of the province or town where the prisoner is in custody, may, unless sufficient cause is shown to the contrary, order such prisoner to be discharged out of custody.

Discharge of prisoner not returned within one month to British possession of same group

Any order or refusal to make an order of discharge by a magistrate under this section shall be subject to appeal to a superior court.

18. Where a prisoner accused of an offence is returned in pursuance of this Part of this Act to a British possession, and either is not prosecuted for the said offence within six months after his arrival in

Sending back of prisoner not prosecuted or

that possession or is acquitted of the said offence, the Governor of that possession, if he thinks fit, may, on the requisition of such person, cause him to be sent back, free of cost, and with as little delay as possible, to the British possession in or on his way to which he was apprehended. acquitted to British possession of same group

19. Where the return of a prisoner is sought or ordered under this Part of this Act, and it is made to appear to a magistrate or to a superior court that by reason of the trivial nature of the case, or by reason of the application for the return of such prisoner not being made in good faith in the interests of justice or otherwise, it would, having regard to the distance, to the facilities of communication, and to all the circumstances of the case, be unjust or oppressive, or too severe a punishment, to return the prisoner either at all or until the expiration of a certain period, the court or magistrate may discharge the prisoner either absolutely or on bail, or order that he shall not be returned until after the expiration of the period named in the order, or may make such other order in the premises as to the magistrate or court seems just. Any order or refusal to make an order of discharge by a magistrate under this section shall be subject to an appeal to a superior court. Refusal to return prisoner where offence too trivial

PART III-TRIAL, ETC., OF OFFENCES

20. Where two British possessions adjoin, a person accused of an offence committed on or within the distance of five hundred yards from the common boundary of such possessions may be apprehended, tried, and punished in either of such possessions. Offences committed on boundary of two adjoining British possessions

21. Where an offence is committed on any person or in respect of any property in or upon any carriage, cart or vehicle whatsoever employed in a journey, or on board any vessel whatsoever employed in a navigable river, lake, canal, or inland navigation, the person accused of such offence may be tried in any British possession through a part of which such carriage, cart, vehicle, or vessel passed in the course of the journey or voyage during which the offence was committed; and where the side, bank, centre, or other part of the road, river, lake, canal, or inland navigation along which the carriage, cart, vehicle, or vessel passed in the course of such journey or voyage is the boundary of any British possession, a person may be tried for such offence in any British possession of which it is the boundary: Offences committed on journey between two British possessions

Provided that nothing in this section shall authorise the trial for such offence of a person who is not a British subject, where it is not shown that the offence was committed in a British possession.

22. A person accused of the offence (under whatever name it is known) of swearing or making any false deposition, or of giving or fabricating any false evidence, for the purposes of this Act, may be tried either in the part of Her Majesty's dominions in which such deposition or evidence is used, or in the part in which the same was sworn, made, given, or fabricated, as the justice of the case may require.

Trial of offence of false swearing or giving false evidence

23. Where any Part of this Act provides for the place of trial of a person accused of an offence, that offence shall, for all purposes of and incidental to the apprehension, trial, and punishment of such person, and of and incidental to any proceedings and matters preliminary, incidental to, or consequential thereon, and of and incidental to the jurisdiction of any court, constable, or officer with reference to such offence, and to any person accused of such offence, be deemed to have been committed in any place in which the person accused of the offence can be tried for it; and such person may be punished in accordance with the Courts (Colonial) Jurisdiction Act, 1874.

Supplemental provision as to trial of person in any place
37 & 38 Vict. c. 27

24. Where a warrant for the apprehension of a person accused of an offence has been endorsed in pursuance of any Part of this Act in any part of Her Majesty's dominions, or where any Part of the Act provides for the place of trial of a person accused of an offence, every court and magistrate of the part in which the warrant is endorsed or the person accused of the offence can be tried shall have the same power of issuing a warrant to search for any property alleged to be stolen or to be otherwise unlawfully taken or obtained by such person, or otherwise to be the subject of such offence, as that court or magistrate would have if the property had been stolen or otherwise unlawfully taken or obtained, or the offence had been committed wholly within the jurisdiction of such court or magistrate.

Issue of search warrant

25. Where a person is in legal custody in a British possession either in pursuance of this Act or otherwise, and such person is required to be removed in custody to another place in or belonging to the same British possession, such person, if removed by sea in a vessel belonging to Her Majesty or any of Her Majesty's subjects, shall be deemed to continue in legal custody until he reaches the place to which he is required to be

Removal of prisoner by sea from one place to another

removed; and the provisions of this Act with respect to the retaking of a prisoner who has escaped, and with respect to the trial and punishment of a person guilty of the offence of escaping or attempting to escape, or aiding or attempting to aid a prisoner to escape, shall apply to the case of a prisoner escaping while being lawfully removed as aforesaid, in like manner as if he were being removed in pursuance of a warrant endorsed in pursuance of this Act

PART IV-SUPPLEMENTAL

Warrants and Escape

26. An endorsement of a warrant in pursuance of this Act shall be signed by the authority endorsing the same, and shall authorise all or any of the persons named in the endorsement, and of the persons to whom the warrant was originally directed, and also every constable, to execute the warrant within the part of Her Majesty's dominions or place within which such endorsement is by this Act made a sufficient authority, by apprehending the person named in it, and bringing him before some magistrate in the said part or place, whether the magistrate named in the endorsement or some other.

Endorsement of
warrant

For the purposes of this Act every warrant, summons, subpoena, and process, and every endorsement made in pursuance of this Act thereon, shall remain in force, notwithstanding that the person signing the warrant or such endorsement dies or ceases to hold office.

27. Where a fugitive or prisoner is authorised to be returned to any part of Her Majesty's dominions in pursuance of Part One or Part Two of this Act, such fugitive or prisoner may be sent thither in any ship belonging to Her Majesty or to any of her subjects.

Conveyance of
fugitives and
witnesses
17 & 18 Vict. c.
104

For the purpose aforesaid, the authority signing the warrant for the return may order the master of any ship belonging to any subject of Her Majesty bound to the said part of Her Majesty's dominions to receive and afford a passage and subsistence during the voyage to such fugitive or prisoner, and to the person having him in custody, and to the witnesses, so that such master be not required to receive more than one fugitive or prisoner for every hundred tons of his ship's registered tonnage, or more than one witness for every fifty tons of such tonnage.

The said authority shall endorse or cause to be endorsed upon the agreement of the ship such particulars with respect to any fugitive prisoner or witness sent in her as the Board of Trade from time to time require.

Every such master shall, on his ship's arrival in the said part of Her Majesty's dominions, cause such fugitive or prisoner, if he is not in the custody of any person, to be given into the custody of some constable, there to be dealt with according to law.

Every master who fails on payment or tender of a reasonable amount for expenses to comply with an order made in pursuance of this section, or to cause a fugitive or prisoner committed to his charge to be given into custody as required by this section, shall be liable on summary conviction to a fine not exceeding fifty pounds, which may be recovered in any part of Her Majesty's dominions in like manner as a penalty of the same amount under the Merchant Shipping Act, 1854, and the Acts amending the same.

28. If a prisoner escapes, by breach of prison or otherwise, out of the custody of a person acting under a warrant issued or endorsed in pursuance of this Act, he may be retaken in the same manner as a person accused of a crime against the law of that part of Her Majesty's dominions to which he escapes may be retaken upon an escape. Escape of prisoner from custody

A person guilty of the offence of escaping or of attempting to escape, or of aiding or attempting to aid a prisoner to escape, by breach of prison or otherwise, from custody under any warrant issued or endorsed in pursuance of this Act, may be tried in any of the following parts of Her Majesty's dominions, namely, the part to which and the part from which the prisoner is being removed, and the part in which the prisoner escapes and the part in which the offender is found.

Evidence

29. A magistrate may take depositions for the purposes of this Act in the absence of a person accused of an offence in like manner as he might take the same if such person were present and accused of the offence before him. Depositions to be evidence, and authentication of depositions and

Depositions (whether taken in the absence of the fugitive or otherwise) and copies thereof, and official certificates of or judicial documents stating facts, may, if duly authenticated, be received in evidence in proceedings under this Act:

Provided that nothing in this Act shall authorise the reception of any such depositions, copies, certificates, or documents in evidence against a person upon his trial for an offence.

Warrants and depositions, and copies thereof, and official certificates of or judicial documents stating facts, shall be deemed duly authenticated for the purposes of this Act if they are authenticated in manner provided for the time being by law, or if they purport to be signed by or authenticated by the signature of a judge, magistrate, or officer of the part of Her Majesty's dominions in which the same are issued, taken, or made, and are authenticated either by the oath of some witness, or by being sealed with the official seal of a Secretary of State, or with the public seal of a British possession, or with the official seal of a Governor of a British possession, or of a colonial secretary, or of some secretary or minister administering a department of the government of a British possession.

And all courts and magistrates shall take judicial notice of every such seal as is in this section mentioned, and shall admit in evidence without further proof the documents authenticated by it.

Miscellaneous

- 30.** The jurisdiction under Part One of this Act to hear a case and commit a fugitive to prison to await his return shall be exercised: Provision as to exercise of jurisdiction by magistrates
- (1) In England, by a chief magistrate of the metropolitan police courts or one of the other magistrates of the metropolitan police court at Bow Street; and
 - (2) In Scotland, by the sheriff or sheriff substitute of the county of Edinburgh; and
 - (3) In Ireland, by one of the police magistrates of the Dublin metropolitan police district; and

(4) In a British possession, by any judge, justice of the peace, or other officer having the like jurisdiction as one of the magistrates of the metropolitan police court in Bow Street, or by such other court, judge, or magistrate as may be from time to time provided by an Act or ordinance passed by the legislature of that possession.

If a fugitive is apprehended and brought before a magistrate who has no power to exercise the jurisdiction under this Act in respect of that fugitive, that magistrate shall order the fugitive to be brought before some magistrate having that jurisdiction, and such order shall be obeyed.

31. It shall be lawful for Her Majesty in Council from time to time to make Orders for the purposes of this Act, and to revoke and vary any Order so made, and every Order so made shall while it is in force have the same effect as if it were enacted in this Act. Power as to making and revocation of Orders in Council

An Order in Council made for the purposes of this Act shall be laid before Parliament as soon as may be after it is made if Parliament is then in session, or if not, as soon as may be after the commencement of the then next session of Parliament.

32. If the legislature of a British possession pass any Act or ordinance: Power of legislature of British possession to pass laws for carrying into effect this Act

(1) For defining the offences committed in that possession to which this Act or any Part thereof is to apply; or

(2) For determining the court, judge, magistrate, officer, or person by whom and the manner in which any jurisdiction or power under this Act is to be exercised; or

(3) For payment of the costs incurred in returning a fugitive or a prisoner, or in sending him back if not prosecuted or if acquitted, or otherwise in the execution of this Act; or

(4) In any manner for the carrying of this Act or any Part thereof into effect in that possession;

it shall be lawful for Her Majesty by Order in Council to direct, if it seems to Her Majesty in Council necessary or proper for carrying into effect the objects of this Act, that such Act or ordinance, or any part thereof, shall with or without modification or alteration be recognised and given effect to throughout Her Majesty's dominions and on the high seas as if it were part of this Act.

Application of Act

33. Where a person accused of an offence can, by reason of the nature of the offence, or of the place in which it was committed, or otherwise, be, under this Act or otherwise, tried for or in respect of the offence in more than one part of Her Majesty's dominions, a warrant for the apprehension of such person may be issued in any part of Her Majesty's dominions in which he can, if he happens to be there, be tried; and each Part of this Act shall apply as if the offence had been committed in the part of Her Majesty's dominions where such warrant is issued, and such person may be apprehended and returned in pursuance of this Act, notwithstanding that in the place in which he is apprehended a court has jurisdiction to try him:

Application of Act to offences at sea or triable in several parts of Her Majesty's dominions

Provided that if such person is apprehended in the United Kingdom a Secretary of State, and if he is apprehended in a British possession, the Governor of such possession, may, if satisfied that, having regard to the place where the witnesses for the prosecution and for the defence are to be found, and to all the circumstances of the case, it would be conducive to the interests of justice so to do, order such person to be tried in the part of Her Majesty's dominions in which he is apprehended, and in such case any warrant previously issued for his return shall not be executed.

34. Where a person convicted by a court in any part of Her Majesty's dominions of an offence committed either in Her Majesty's dominions or elsewhere, is unlawfully at large before the expiration of his sentence, each Part of this Act shall apply to such person, so far as is consistent with the tenor thereof, in like manner as it applies to a person accused of the like offence committed in the part of Her Majesty's dominions in which such person was convicted.

Application of Act to convicts

35. Where a person accused of an offence is in custody in some part of Her Majesty's dominions, and the offence is one for or in respect of which, by reason of the nature thereof or of the place in which it was committed or otherwise, a person may under this Act or otherwise be tried in some other part of Her Majesty's dominions, in such case a superior court, and also if such person is in the United Kingdom a Secretary of State, and if he is in a British possession the Governor of that possession, if satisfied that, having regard to the place where the witnesses for the prosecution and for the defence are to be found, and

Application of Act to removal of person triable in more than one part of Her Majesty's dominions

to all the circumstances of the case, it would be conducive to the interests of justice so to do, may by warrant direct the removal of such offender to some other part of Her Majesty's dominions in which he can be tried, and the offender may be returned, and, if not prosecuted or acquitted, sent back free of cost in like manner as if he were a fugitive returned in pursuance of Part One of this Act, and the warrant were a warrant for the return of such fugitive, and the provisions of this Act shall apply accordingly.

36. It shall be lawful for Her Majesty from time to time by Order in Council to direct that this Act shall apply as if, subject to the conditions, exceptions, and qualifications (if any) contained in the Order, any place out of Her Majesty's dominions in which Her Majesty has jurisdiction, and which is named in the Order, were a British possession, and to provide for carrying into effect such application.

Application of Act to foreign jurisdiction

37. This Act shall extend to the Channel Islands and Isle of Man as if they were part of England and of the United Kingdom, and the United Kingdom and those islands shall be deemed for the purpose of this Act to be one part of Her Majesty's dominions; and a warrant endorsed in pursuance of Part One of this Act may be executed in every place in the United Kingdom and the said islands accordingly.

Application of Act to, and execution of warrant in United Kingdom, Channel Islands, and Isle of Man

38. This Act shall apply where an offence is committed before the commencement of this Act, or, in the case of Part Two of this Act, before the application of that Part to a British possession or to the offence, in like manner as if such offence had been committed after such commencement or application.

Application of Act to past offences

Definitions and Repeal

39. In this Act, unless the context otherwise requires:

Definition of terms

The expression "British possession" means any part of Her Majesty's dominions, exclusive of the United Kingdom, the Channel Islands, and Isle of Man; all territories and places within Her Majesty's dominions which are under one legislature shall be deemed to be one British possession and one part of Her Majesty's dominions:

"British possession"

The expression "legislature", where there are local legislatures as well as a central legislature, means the central legislature only: "Legislature"

The expression "governor" means any person or persons administering the government of a British possession: "Governor"

The expression "constable" means, out of England, any policeman or officer having the like powers and duties as a constable in England: "Constable"

The expression "magistrate" means, except in Scotland, any justice of the peace, and in Scotland means a sheriff or sheriff substitute, and in the Channel Islands, Isle of Man, and a British possession means any person having authority to issue a warrant for the apprehension of persons accused of offences and to commit such persons for trial: "Magistrate"

The expression "offence punishable on indictment" means, as regards India, an offence punishable on a charge or otherwise: "Offence punishable on indictment"

The expression "oath" includes affirmation or declaration in the case of persons allowed by law to affirm or declare instead of swearing, and the expression "swear" and other words relating to an oath or swearing shall be construed accordingly: "Oath"

The expression "deposition" includes any affidavit, affirmation, or statement made upon oath as above defined: "Deposition"

The expression "superior court" means: "Superior court"

(1) In England, Her Majesty's Court of Appeal and High Court of Justice; and

(2) In Scotland, the High Court of Justiciary; and

(3) In Ireland, Her Majesty's Court of Appeal and Her Majesty's High Court of Justice at Dublin; and

(4) In a British possession, any court having in that possession the like criminal jurisdiction to that which is vested in the High Court of Justice in England, or such court or judge as may be determined by any Act or ordinance of that possession.

(As amended by Article 2 and Schedule, Part II, of the Government of India (Adaptation of Acts of Parliament) Order, 1937)

40 and 41. (*Repealed by Statute Law Revision Act, 1894, 57 & 58 Vict. c. 56*)

RELIEF FROM DOUBLE TAXATION

APPENDIX 12

APPLICATION TO THIS TERRITORY OF SECTION 20 (3) OF THE FINANCE ACT, 1894, AS MODIFIED BY ARTICLE 14 OF THE GOVERNMENT OF IRELAND (ADAPTATION OF THE TAXING ACTS) ORDER, 1922, AND BY ARTICLE 2 OF THE IRISH FREE STATE (CONSEQUENTIAL ADAPTATION OF ENACTMENTS) ORDER, 1923, IN RESPECT OF DEATH DUTIES PAYABLE IN GREAT BRITAIN

Published under
Government
Notice
195 of 1939

AT THE COURT AT BUCKINGHAM PALACE, THE 28TH DAY OF SEPTEMBER, 1939

Present:

THE KING'S MOST EXCELLENT MAJESTY

LORD PRESIDENT LORD ATKIN

EARL OF LUCAN SECRETARY SIR KINGSLEY

WOOD

WHEREAS by subsection (3) of section 20 of the Finance Act, 1894, as modified by Article 14 of the Government of Ireland (Adaptation of the Taxing Acts) Order, 1922, and by Article 2 of the Irish Free State (Consequential Adaptation of Enactments) Order, 1923, it is provided that His Majesty may, by Order in Council, apply that section to any British possession where His Majesty is satisfied that, by the law of such possession, either no duty is leviable in respect of property situate

in Great Britain when passing on death, or that the law of such possession as respects any duty so leviable is to the like effect as the foregoing provisions of that section:

AND WHEREAS by virtue of section 5 of the Foreign Jurisdiction Act, 1890, and the First Schedule to that Act, as amended by the Foreign Jurisdiction Act, 1913, it is lawful for His Majesty in Council by Order to direct that section 20 of the Finance Act, 1894, shall extend, with or without any exceptions, adaptations or modifications in the Order mentioned, to any foreign country in which for the time being His Majesty has jurisdiction, and that thereupon the said section shall, to the extent of that jurisdiction, operate as if that country were a British possession:

AND WHEREAS His Majesty is satisfied that the law of Northern Rhodesia as respects the duty leviable in respect of property situate in Great Britain and passing on death is to the like effect as the provisions of subsection (1) of section 20 of the Finance Act, 1894:

AND WHEREAS it is expedient that section 20 of the Finance Act, 1894, should be extended and applied to Northern Rhodesia accordingly:

AND WHEREAS by treaty, grant, usage, sufferance and other lawful means His Majesty has power and jurisdiction in Northern Rhodesia:

NOW, THEREFORE, His Majesty, by virtue and in exercise of the powers conferred on Him by the Foreign Jurisdiction Acts, 1890 and 1913, and the Finance Act, 1894, and of all other power's enabling Him in that behalf, is pleased, by and with the advice of His Privy Council to order, and it is hereby ordered, that section 20 of the Finance Act, 1894, shall extend and apply to Northern Rhodesia as from the sixth day of January, one thousand nine hundred and thirty-nine.

RUPERT B. HOWARTH

**APPLICATION TO THIS TERRITORY OF SECTION 20 (3) OF
THE FINANCE ACT, 1894, IN RESPECT OF DEATH DUTIES
PAYABLE IN NORTHERN IRELAND**

Published under
Government
Notice
196 of 1939

AT THE COURT AT BUCKINGHAM PALACE THE 28TH DAY OF
SEPTEMBER, 1939

Present:

THE KING'S MOST EXCELLENT MAJESTY

LORD PRESIDENT LORD ATKIN

EARL OF LUCAN SECRETARY SIR KINGSLEY
WOOD

WHEREAS by subsection (3) of section 20 of the Finance Act, 1894, it is enacted that His Majesty may, by Order in Council, apply that section to any British possession where His Majesty is satisfied that, by the law of such possession, either no duty is leviable in respect of property situate in the United Kingdom when passing on death, or that the law of such possession as respects any duty so leviable is to the like effect as the foregoing provisions of that section:

AND WHEREAS by Article 14 of the Government of Ireland (Adaptation of the Taxing Acts) Order, 1922, it is provided that the reference to the United Kingdom in the said section 20 of the Finance Act, 1894, shall in the application of the provisions of that section to Northern Ireland, be construed as a reference to Northern Ireland:

AND WHEREAS by virtue of section 5 of the Foreign Jurisdiction Act, 1890, and the First Schedule to that Act, as amended by the Foreign Jurisdiction Act, 1913, it is lawful for His Majesty in Council by Order to direct that section 20 of the Finance Act, 1894, shall extend, with or without any exceptions, adaptations or modifications in the Order mentioned, to any foreign country in which for the time being His Majesty has jurisdiction, and that thereupon the said section shall, to the extent of that jurisdiction, operate as if that country were a British possession:

AND WHEREAS His Majesty is satisfied that the law of Northern Rhodesia as respects the duty leviable in respect of property situate in Northern Ireland when passing on death is to the like effect as the provisions of subsection (1) of section 20 of the Finance Act, 1894:

AND WHEREAS it is expedient that section 20 of the Finance Act, 1894, should be extended and applied as respects death duties payable

in Northern Ireland to Northern Rhodesia accordingly:

AND WHEREAS by treaty, grant, usage, sufferance and other lawful means His Majesty has power and jurisdiction in Northern Rhodesia:

NOW, THEREFORE, His Majesty, by virtue and in exercise of the powers conferred on Him by the Foreign Jurisdiction Acts, 1890 and 1913, and the Finance Act, 1894, and of all other powers enabling Him in that behalf, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, that section 20 of the Finance Act, 1894, as in force in Northern Ireland, shall extend and apply, as respects death duties payable in Northern Ireland, to Northern Rhodesia as from the sixth day of January, one thousand nine hundred and thirty-nine.

RUPERT B. HOWARTH

NOTE.-See the Income Tax Act, Chapter 323 of the Laws of Zambia, for an Agreement for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income concluded with the Government of the United Kingdom of Great Britain and Northern Ireland.

=====

=====

=====