RHODESIA AND NYASALAND FEDERATION

1953 No. 1199

The Federation of Rhodesia and Nyasaland (Constitution) Order in Council, 1953

Made - - - - 1*st August*, 1953

ARRANGEMENT OF ORDER

Establishment of the Federation

Section
1. Establishment of Federation.
2. Provisions with respect to interim period.

Transfer of assets and liabilities

3. Apportionment Commission.
4. Transfer of assets and liabilities.
5. Outstanding public debt of Territories.

Temporary provision for Federal public service

6. Interim Federal Public Service Commission.
7. Power to second officers.
8. Conditions of service during secondment.
9. Termination of secondment.
10. Abolition of office.
11. Pensions etc. of seconded officers.

General

12. Interpretation.
13. Adaptation of enactments, etc.
14. Amendment of Territorial constitutions.
15. Citation.

ANNEX

THE CONSTITUTION OF THE FEDERATION OF RHODESIA AND NYASALAND

PREAMBLE

CHAPTER I

THE FEDERATION—GENERAL

Article
1. The Federation.
2. The Governor-General.
3. Acting Governor-General.
4. Deputy to Governor-General.
5. Construction of references to Governor-General.
6. Seat of Federal Government.
7. Official language of Federation.

CHAPTER II

THE FEDERAL LEGISLATURE

Composition of the Federal Legislature

Article
8. The Legislature.
9. The Federal Assembly.

Elections to Federal Assembly

10. Election of elected members.
11. Transitional provisions as to elected members from Southern Rhodesia and Northern Rhodesia.
12. Transitional provisions as to elected members from Nyasaland.
13. Election of specially elected members.

Qualifications of and vacation of seats by specially elected and specially appointed members

14. Qualifications etc. of specially elected and specially appointed members.
15. Vacation of seats by specially elected and specially appointed members.

The Speaker and Deputy Speaker

16. Election etc. of Speaker.
17. Deputy Speaker.

Provisions as to procedure in Assembly

18. Oath to be taken by Speaker and members.
19. Procedure in Federal Assembly.
20. Recommendation of money votes.
21. Privileges, etc. of Assembly.
22. Penalty for sitting or voting in Assembly when unqualified.
23. Certain offices not to disqualify.

Assent to Bills, etc.

24. Assent to or lapse of Bills.
25. Disallowance of laws.

Sessions of Assembly, etc.

26. Sessions of Assembly.
27. Dissolution and prorogation of Assembly.
28. General elections.

CHAPTER III

LEGISLATIVE POWERS WITHIN THE FEDERATION

29. Legislative powers within the Federation.
30. Trade unions and industrial conciliation.
31. Power to add certain matters to Concurrent Legislative List.
32. Power to make and revoke additions to Concurrent Legislative List.
33. Special provisions as to acquisition of land.
34. Special provision as to certain Federal laws.
35. Effect of Federal and Territorial laws on one another.

CHAPTER IV

EXECUTIVE POWERS WITHIN THE FEDERATION

Article
36. Executive powers of Federation.
37. Ministers.
38. Executive Council.
39. Exercise of Governor-General's powers, etc.
40. Federal public service.
41. Delegation of executive authority of Federation.
42. Co-ordination of executive authority of Federation and Territories.
43. Governor-General's powers of pardon, etc.
44. Saving for certain agreements.

CHAPTER V

JUDICIAL POWERS WITHIN THE FEDERATION

Jurisdiction in Federal matters

45. Enforcement of Federal laws.

Federal Supreme Court

46. Establishment of Federal Supreme Court.
47. Appointment, qualifications and tenure of office of judges.
48. Acting Chief Justice.
49. Acting judges.
50. Salaries, etc. of judges.
51. Places where Court to sit.
52. Expenses and receipts of Court.

Jurisdiction of the Federal Supreme Court

53. Exclusive jurisdiction in certain matters.
54. Exclusive jurisdiction to decide questions as to interpretation of Constitution referred by lower court.
55. Exclusive appellate jurisdiction on interpretation of Federal or Territorial Constitution.
56. Power for Federation to confer appellate jurisdiction.
57. Power for Federation or Territory to confer non-appellate jurisdiction.
58. Enforcement of orders, etc.
59. Rules of court.
60. Power for Federal law to make provision as to procedure, enforcement of orders, etc.

Appeals from the Federal Supreme Court and Territorial High Courts

61. Appeals to Privy Council from Federal Supreme Court.
62. Further provision as to appeals from Federal Supreme Court and Territorial High Courts.
63. Saving for appeals to Privy Council with special leave.

Transitional provisions

64. Exercise of functions of Federal Supreme Court before Court assume those functions.
65. Saving for appeals etc. in progress.
66. Assumption of functions by Federal Supreme Court.

CHAPTER VI

THE AFRICAN AFFAIRS BOARD

Constitution of the Board

Article
67. The African Affairs Board.
68. Making of decisions by Board.
69. Power to sit and act when Assembly not in session.

Functions of the Board

70. General functions of Board.
71. Particular functions with respect to legislation etc.
72. Expenses of Board.

Functions of the Board with respect to Bills

73. Proposed Bills to be sent to Board before introduction.
74. Power to report Bill as differentiating measure.
75. Power to cause Bill to be reserved for Her Majesty's pleasure.
76. Standing Orders of Assembly may make additional provision for referring Bills to Board.

Functions of the Board with respect to subordinate legislation

77. Report and disapproval of subordinate legislation as differentiating measure.

CHAPTER VII

FINANCE

Appropriation and audit

78. Consolidated Revenue Fund of the Federation.
79. Auditor-General of the Federation.

Special provisions as to taxation

80. Taxes on income or profits.
81. Federal Emergency Tax.
82. Territorial surcharge.
83. Export duties.
84. Sales taxes, etc.
85. Transitional provisions with respect to certain taxes and duties.
86. Freedom of inter-Territorial trade.
87. Taxation of Government property, etc.

Control of external borrowing

88. The Loan Council.
89. Submission of external loan programmes.
90. Decisions of Loan Council as to external loan programmes.
91. Loans not to be raised without approval of Loan Council.
92. Special provisions as to certain loans.

Miscellaneous

93. Discharge of responsibility for certain loans etc.
94. Guarantees by Federal Government of loans.
95. Financial assistance to Territories.
96. Review of certain provisions.

CHAPTER VIII

AMENDMENT AND REVIEW OF CONSTITUTION

Article
97. Amendment of Constitution.
98. Restriction of power to amend Constitution.
99. Review of Constitution.

SCHEDULES:
FIRST SCHEDULE—Forms of oaths and affirmations.
SECOND SCHEDULE—Matters with respect to which the Federal Legislature may make laws.
Part I. The Federal Legislative List.
Part II. The Concurrent Legislative List.
Part III. Provisions with respect to certain orders.

At the Court at Buckingham Palace, the 1st day of August, 1953

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue of the powers conferred on Her by the Rhodesia and Nyasaland Federation Act, 1953(a), 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:—

Establishment of the Federation

Establishment of Federation

1.—(1) Subject to the provisions of this Order, Southern Rhodesia, Northern Rhodesia and Nyasaland (in this Order referred to as " the Territories ") shall be associated in a Federation in accordance with the Constitution set out in the Annex to this Order (in this Order referred to as " the Constitution ").

(2) The following provisions of the Constitution, that is to say—

(*a*) Chapter I;

(*b*) article thirty-five;

(*c*) Chapter IV; and

(*d*) articles forty-five, fifty-three to fifty-five, sixty-four and sixty-six,

shall come into force on such date as Her Majesty may by Order in Council appoint; but at any time after the making of this Order Her Majesty may appoint a person to be Governor-General of the Federation (in this Order referred to as " the Governor-General ").

(3) Subject to the next following section, the remaining provisions of the Constitution shall not come into force until such date as the Governor-General may by proclamation appoint; and any such proclamation shall be published in the official Gazette of each of the Territories.

(a) 1 & 2 Eliz. 2. c. 30.

Provisions with respect to interim period

2.—(1) During the period commencing with the date appointed under subsection (2) of section one of this Order and ending when the Federal Assembly established under the Constitution first meets, the Governor-General may, whether before or after the date appointed under subsection (3) of that section, by regulations exercise any of the legislative powers conferred upon the Federal Legislature by the Constitution to such extent as may, in his opinion, be necessary or expedient for the purpose of enabling the Constitution to function as from the date appointed under the said subsection (3).

(2) Any such regulations shall be published in the official Gazette of each Territory to which they apply and shall not come into force in any Territory until they have been so published in that Territory.

(3) Any regulations made under this section during the period aforesaid shall on their coming into force be deemed to be laws made by the Federal Legislature in accordance with the Constitution and, if subsisting at the date when the Federal Assembly first meets, shall continue to have effect thereafter as if duly enacted as law by the Federal Legislature except in so far as they are amended or revoked by a subsequent law of the Federal Legislature.

(4) Notwithstanding anything in article thirty-nine of the Constitution, during the period aforesaid the Governor-General may in his discretion, and in relation to any matter, act otherwise than in accordance with the advice of the Executive Council formed from the Ministers appointed by him during that period, so, however, that in that case he shall report his views to, and comply with any instructions of, a Secretary of State.

(5) There shall be made available by the Territories to the Governor-General, in such instalments and at such times as the Governor-General may require, the following aggregate sums respectively towards the initial expenses of the Federal Government, that is to say—

(*a*) in the case of Southern Rhodesia, one hundred and thirty thousand pounds;

(*b*) in the case of Northern Rhodesia, ninety thousand pounds; and

(*c*) in the case of Nyasaland, thirty thousand pounds.

(6) During the period aforesaid, any sums received on account of the Federation, whether under the last foregoing subsection or otherwise, may be appropriated by the Governor-General to such purposes of the Federal Government as he sees fit.

(7) Notwithstanding anything in subsection (2) of section one of this Order, proviso (*a*) to paragraph (1) of article thirty-seven of the Constitution shall not have effect during the period aforesaid, but any person appointed as a Minister of the Federal Government during that period shall cease to be a Minister at the date when the Federal Assembly first meets or at the date when he completes four consecutive months in office, whichever date is the later, unless in the meantime he has become a member of the Federal Assembly.

(8) Notwithstanding anything in the constitution of any of the Territories, during the period aforesaid a member of the Legislature of any of the Territories who is appointed as a Minister of the Federal Government shall not by reason of that appointment be required to vacate his seat in that Legislature.

Transfer of assets and liabilities

Apportionment Commission

3.—(1) The Governor-General shall as soon as practicable appoint an Apportionment Commission consisting of—

(*a*) a chairman, who shall be nominated by the Governor-General with the agreement of the Governors of the three Territories ; and

(*b*) five other members, of whom two shall be nominated by the Governor-General, one by the Governor of Southern Rhodesia, one by the Governor of Northern Rhodesia, and one by the Governor of Nyasaland.

(2) It shall be the duty of the Commission—

(*a*) to designate, as at the coming into force of the Constitution, the assets and liabilities of each Territory relating to any purpose of the Government of that Territory which in the opinion of the Commission will under the Constitution become a purpose of the Federal Government, not being liabilities forming part of the outstanding public debt of that Territory within the meaning of section five of this Order ;

(*b*) to perform with respect to the outstanding public debt aforesaid the functions specified in the said section five.

(3) Save as the Governor-General may otherwise direct, the Commission shall complete the performance of their duties under subsection (2) of this section not later than twelve months after the date of their appointment.

(4) For the purposes of the determination of any question arising in the course of the performance of the Commission's duties under subsection (2) of this section—

(*a*) if all the members, other than the chairman, are unanimous, the decision of those members shall be deemed to be the decision of the Commission ;

(*b*) if all the members, other than the chairman, are not unanimous, the decision of the chairman shall be deemed to be the decision of the Commission.

(5) Subject to the foregoing provisions of this section the Governor-General may make regulations as to the terms of appointment of the members of the Commission, the filling of vacancies on the Commission, the appointment of deputies to act in the place of members, and generally for the conduct of the business of the Commission.

Transfer of assets and liabilities

4.—(1) All assets designated by the Apportionment Commission in pursuance of the last foregoing section shall be transferred to the Federation and vest in such person or authority as the Governor-General may direct on behalf of the Federation, free of all liabilities not designated as aforesaid and without any payment being made therefor and without payment of any transfer duty, stamp duty, fee of office or other duty, tax or charge otherwise payable under any law in respect of the transfer of any property or right.

(2) All liabilities designated as aforesaid shall be transferred to and assumed by the Federation.

(3) The Governor-General may by regulations make provision for carrying into effect the provisions of this section and in particular—

(*a*) may make provision as to the time when, and the manner in which, any such assets or liabilities are to be transferred; and

(*b*) may, with the agreement of the Governor of the Territory concerned, make provision for excepting any such assets or liabilities from transfer.

Outstanding public debt of Territories

5.—(1) The outstanding public debt of a Territory shall remain the liability of the Territory and, in the case of a loan, continue to be secured on the revenues of, and on the assets retained by or accruing to, that Territory, but the Federation shall assume such responsibility therefor as may be prescribed under the subsequent provisions of this section.

(2) The Apportionment Commission shall determine the amount of the said debt which ought in their opinion to become a responsibility of the Federation, and shall prescribe the extent to which and the method by which the Federation shall assume responsibility for that amount, and may make different provision with respect to different parts of that amount:

Provided that the amount for which the Federation becomes responsible shall not be less than—

(*a*) in the case of Southern Rhodesia, sixty million pounds;

(*b*) in the case of Northern Rhodesia, seventeen million pounds;

(*c*) in the case of Nyasaland, seven million pounds.

(3) In performing their functions under subsection (2) of this section, the Apportionment Commission shall, so far as practicable, be guided by the following general principles, that is to say—

(*a*) that the Federation should assume responsibility for any part of the outstanding public debt of a Territory which is attributable to any assets transferred to the Federation;

(*b*) that no Territory should be left with a volume of debt which would be excessive having regard to the assets and revenues remaining to the Territory after the transfer to the Federation of assets and revenues relating to purposes which under the Constitution become purposes of the Federal Government;

(*c*) that where the method of assuming responsibility for any amount of a loan forming part of the outstanding public debt of a Territory is to be the payment by the Federation of such annual sums as may be necessary to meet the interest and amortisation charges thereon, the annual payment in respect of amortisation charges should be at the rate of not less than one pound for every hundred pounds of that amount and all annual payments should cease not later than fifty years after the coming into force of the Constitution.

(4) In this section, the expression "outstanding public debt" in relation to any Territory means the amount outstanding at the date of the coming into force of the Constitution on all loans secured on the revenues and assets of that Territory at that date and, without prejudice

to the discretion of the Apportionment Commission under subsection (2) of this section, also includes—

(*a*) so much of any loan raised by, and secured on the revenues and assets of, that Territory between that date and the thirtieth day of June, nineteen hundred and fifty-four, as is raised in respect of expenditure incurred before the said date of the coming into force of the Constitution ; and

(*b*) the amount of any other expenditure so incurred in respect of which notice has been given to the Apportionment Commission before the said thirtieth day of June that the Territory proposes to raise a loan to be secured on the revenues and assets of that Territory.

Temporary provision for Federal public service

Interim Federal Public Service Commission

6.—(1) The Governor-General shall, as soon as practicable and in any case before the date when the Federal Assembly first meets, appoint a Commission, to be known as the Interim Federal Public Service Commission, consisting of—

(*a*) a chairman, who shall be nominated by the Governor-General ; and

(*b*) three other members, of whom one shall be nominated by the Governor of Southern Rhodesia, one by the Governor of Northern Rhodesia, and one by the Governor of Nyasaland,

to advise the Governor-General on matters connected with the Federal public service.

(2) The terms and conditions of appointment of the members of the Commission, and the powers, duties and procedure of the Commission, shall be such as the Governor-General may by regulations prescribe ; and any such regulations may provide for the filling of vacancies on the Commission and may be made after as well as before the date aforesaid.

(3) The Interim Federal Public Service Commission shall continue in existence, and the power to make regulations under this section shall continue, until the Federal Legislature by law otherwise provides.

(4) As soon as practicable after any regulations have been made under this section, the Governor-General shall cause a copy thereof to be laid before the Federal Assembly.

Power to second officers

7.—(1) During the period commencing with the date appointed under subsection (2) of section one of this Order and ending on the expiration of two years from the coming into force of the Constitution, the Governor-General may at any time, by notice in writing addressed to the Governor of any Territory, designate for the purposes of this subsection any department, part of a department or office of the public service of that Territory which is primarily concerned with any matter in respect of which the Federal Government has executive authority ; and with effect from such date, not being later than the end of the period aforesaid, as may be specified in the notice, every Territorial public service officer who is at that date employed in the department, part of a department or office so designated shall, save as the Governor-General may in any particular case or class of cases otherwise direct,

be posted by the Governor of the Territory to the Federal public service on secondment for employment in that service for a period of five years subject to the conditions set out in the four next following sections.

(2) During the period aforesaid, the Governor of a Territory may at any time, if so requested by the Governor-General, post any other Territorial public service officer to the Federal public service on secondment as aforesaid.

(3) In this section and in the four next following sections, the expression "Territorial public service officer" means any person who is either—

(*a*) a contributor to the Consolidated Revenue Fund of Southern Rhodesia under the Public Services Act (being an Act of the Legislature of Southern Rhodesia)(**a**) or any Act of that Legislature amending or replacing that Act; or

(*b*) the substantive holder of a paid office in the public service of Northern Rhodesia or of Nyasaland, being an office which has been declared by or under any law for the time being in force in that Territory to be a pensionable office,

but does not include a judge of the High Court of any Territory; and the expression "substantive holder" in relation to any office includes a person holding that office on probation but not a person holding that office for a specified term under a contract or agreement.

Conditions of service during secondment

8.—(1) Any Territorial public service officer posted on secondment under the last foregoing section to the Federal public service—

(*a*) shall continue to be the substantive holder of the office in the Territorial public service which he held immediately before the date of his secondment and to enjoy or be subject to all the terms and conditions of service which applied to him immediately before that date, including any rights or liabilities which may accrue to him under those terms and conditions, so, however, that he may accept any other terms and conditions which are subsequently brought into force with respect to that Territorial public service and which are applicable in his case;

(*b*) shall not, unless he has given his consent, be employed during the period of his secondment on any duties other than duties corresponding to those which he could have been called upon to perform in the Territorial public service at the time of his secondment;

(*c*) shall not, unless he has given his consent, be required to serve during the period of his secondment outside the Territory from whose public service he is seconded.

(2) If it is necessary to take any disciplinary action against any such officer in respect of his conduct during the period of his secondment, that action shall be taken against him as an officer of the Territorial public service from which he has been seconded in accordance with the provisions for the time being in force with respect to officers in that service.

(a) Chapter 68.

Termination of secondment

9.—(1) The secondment of a Territorial public service officer under section seven of this Order may be terminated at any time—

(*a*) by the Governor-General, with the concurrence of the Governor of the Territory from whose public service the officer is seconded ; or

(*b*) by the officer, with the concurrence of the Governor-General and the Governor aforesaid ; or

(*c*) by the officer, on giving not less than one month's notice in writing to the Governor-General, if he accepts appointment to any other office in the public service of any part of Her Majesty's dominions.

(2) Without prejudice to the foregoing subsection, any such secondment as aforesaid may be terminated, with effect from any date after the expiration of two years from the coming into force of the Constitution, either by the Governor-General giving to the officer, or by the officer giving to the Governor-General, not less than three months' notice in writing of the intention to terminate.

(3) Any such secondment as aforesaid shall be terminated if the officer accepts an offer of transfer to the Federal public service, whether on promotion or otherwise, and in that case he shall be transferred to the Federal public service on the terms and conditions of that service.

(4) If a Territorial public service officer completes the five year period of his secondment under section seven of this Order and at the expiration thereof either the Governor-General or the officer has not consented to his transfer to the Federal public service, the officer shall thereupon retire from the Territorial public service from which he was seconded unless the Governor of the Territory has agreed, with the officer's consent, to continue to employ him in that service.

Abolition of office

10.—(1) Where the secondment of a Territorial public service officer has been, or is to be, terminated under paragraph (*a*) of subsection (1) of the last foregoing section, the Governor of the Territory from whose public service that officer was seconded may, if he sees fit, by notice in writing declare that the office in the Territorial public service of which that officer is the substantive holder shall be abolished as from the date specified in that notice, not being earlier than the date of the termination of that secondment.

(2) Where under section seven of this Order the person who is the substantive holder of an office in a Territorial public service has been seconded to the Federal public service, that office shall continue in existence so long as it is held by that person but, if the functions of that office are no longer functions of the Territorial public service and the office has not previously been abolished under subsection (1) of this section, shall be deemed to be abolished immediately after he vacates it.

Pensions, etc., of seconded officers

11.—(1) Where in the case of an officer who has been seconded from the public service of a Territory under section seven of this Order—

(*a*) he retires from that service under subsection (4) of section nine of this Order on the completion of the five year period of his secondment ; or

(*b*) he is permitted or required to retire from that service on the earlier termination of his secondment under paragraph (*a*) of subsection (1) of the said section nine and his office is abolished under subsection (1) of the last foregoing section ; or

(*c*) he is permitted or required to retire on the termination of his secondment in accordance with subsection (2) of the said section nine,

a pension, gratuity or other like allowance may be granted to him in accordance with the law in force in the Territory at the date of the coming into force of the Constitution or at the date of the officer's retirement, whichever law is the more favourable, on the basis that his office has been abolished.

(2) Where an officer is entitled to exercise an option between two or more laws which may be applicable in his case, the law specified by him in exercising that option shall be deemed for the purposes of the foregoing subsection to be more favourable than the other law or laws.

(3) For the avoidance of doubt it is hereby declared that any law relating to pensions, gratuities or other like allowances shall continue to apply in relation to any officer seconded to the Federal public service under section seven of this Order as if service in the Federal public service on secondment were service in the Territorial public service from which the officer was seconded.

General

Interpretation

12.—(1) In this Order, the expression " public service " in relation to the Federation, a Territory or any other area means service of the Crown in a civil capacity in respect of the government of the Federation, Territory or area, as the case may be, otherwise than as a Minister of the Government, or a member of the Executive Council, of the Federation or a Territory.

(2) In this Order, except where the context otherwise requires, the expression " law " in relation to any Legislature includes any instrument having the force of law made in the exercise of a power conferred by a law of that Legislature.

(3) Any reference in this Order to the coming into force of the Constitution shall be construed as a reference to the date appointed under subsection (3) of section one of this Order.

(4) Save where the context otherwise requires, any reference in this Order to the Governor-General or to the Governor of a Territory shall be construed as including a reference to any person who, under and to the extent of any authority to act therein, is for the time being performing the functions of that office.

(5) Save where the context otherwise requires, any reference in this Order to Her Majesty's dominions shall be construed as including a reference to all territories under Her Majesty's protection or in which Her Majesty has for the time being jurisdiction.

(6) Until such time as a public seal has been provided for the Federation and the Governor-General has directed that that seal shall be used, any reference in this Order to the public seal of the Federation shall be construed as a reference to such stamp or other mark as may be approved by the Governor-General for use as the public seal of the Federation.

(7) Save where the context otherwise requires, any reference in this Order to any enactment or instrument shall be construed as a reference to that enactment or instrument as amended by or under any other enactment or instrument, including this Order.

(8) Subject to the provisions of this section and save where the context otherwise requires, the Interpretation Act, 1889(a), shall apply for the purpose of interpreting this Order as it applies for the purpose of interpreting an Act of Parliament.

(9) For the avoidance of doubt, it is hereby declared that any reference in the foregoing provisions of this section to this Order includes a reference to the Constitution.

(10) Any reference in the Constitution to the provisions of the Constitution shall, except where the context otherwise requires, be deemed to include a reference to the foregoing provisions of this Order.

Adaptation of enactments, etc.

13.—(1) In any Act passed before the date of the making of this Order, the expressions "British possession" and "part of Her Majesty's dominions" shall, in relation to any matter for the time being within the authority of the Government, Legislature or judicature of the Federation, be construed as if they included a reference to the Federation as a whole:

Provided that, until the Federal Legislature by law otherwise provides, the Colonial Prisoners Removal Act, 1869, the Extradition Acts, 1870 to 1935, the Fugitive Offenders Acts, 1881 and 1915, and the Colonial Prisoners Removal Act, 1884(b), shall have effect as if there were no Federal Legislature.

(2) Without prejudice to the foregoing subsection, the following enactments(b) shall have effect as if the expression "colony" therein included a reference to the Federation as a whole, that is to say—

(a) section twenty of the Judicial Committee Act, 1833;
(b) the (Colonies) Evidence Act, 1843;
(c) the Slave Trade Act, 1843;
(d) the Habeas Corpus Act, 1862;
(e) the Colonial Fortifications Act, 1877;
(f) the Colonial Stock Acts, 1877 to 1948;
(g) the Pensions (Colonial Service) Act, 1887;
(h) the Regimental Debts Act, 1893;
(i) the Colonial Boundaries Act, 1895;
(j) section ninety-one A of the Patents and Designs Act, 1907;
(k) the Evidence (Foreign, Dominion and Colonial Documents) Act, 1933;
(l) section five of the Visiting Forces (British Commonwealth) Act, 1933;
(m) section three of the Geneva Convention Act, 1937;
(n) section nine of the Patents &c. (International Conventions) Act, 1938;
(o) the Colonial Development and Welfare Acts, 1940 to 1950;
(p) subsection (1) of section sixty-six of the Civil Aviation Act, 1949;
(q) subsection (2) of section sixty-eight of the Patents Act, 1949;
(r) subsection (2) of section thirteen of the Registered Designs Act, 1949;
(s) subsection (3) of section fifteen of the Visiting Forces Act, 1952.

(a) 52 & 53 Vict. c. 63.
(b) For session and chapter of Acts referred to in this section see Table at end of Order.

(3) The Overseas Resources Development Acts, 1948 to 1951(a), shall have effect as if the expression "colonial territory" therein included a reference to the Federation as a whole.

(4) Any corporation or company incorporated under a law of the Federal Legislature shall be deemed to be a colonial corporation or company within the meaning of section four of the Finance Act, 1899(a).

(5) In the Indian and Colonial Divorce Jurisdiction Act, 1926(a), in subsection (2) of section two, after the words "Southern Rhodesia" there shall be added the words "and the Federation of Rhodesia and Nyasaland".

(6) In the United Nations Act, 1946(a), in subsection (2) of section one, for the words "Southern Rhodesia" there shall be substituted the words "the Federation of Rhodesia and Nyasaland".

(7) In the Civil Aviation Act, 1949(a), in subsection (2) of section sixty-six, after the words "Southern Rhodesia" there shall be inserted, in the first place where those words occur, the words "or by the Legislature of the Federation of Rhodesia and Nyasaland" and, in the second place where those words occur, the words "or, as the case may be, in the Federation".

(8) In the Income Tax Act, 1952(a), in subsections (2) and (3) of section four hundred and sixty-one, after the word "Ceylon" there shall in each case be inserted the words "or for the Federation of Rhodesia and Nyasaland".

(9) Her Majesty may by Order in Council—

(*a*) amend or revoke any of the foregoing provisions of this section;

(*b*) make such adaptations and modifications of any further enactment or of any Order in Council, order, regulations or other instrument, being an enactment or instrument relating or referring to any of the Territories and passed or made before the making of this Order, as appear to Her Majesty to be necessary or expedient by reason of the provisions of this Order; or

(*c*) amend or revoke any previous Order in Council made under this subsection,

and any Order in Council made under this subsection shall be deemed for the purposes of the Statutory Instruments Act, 1946(a), to be made in pursuance of a power conferred by an Act of Parliament and be subject to annulment in pursuance of a resolution of either House of Parliament.

(10) Nothing in the last foregoing subsection shall prejudice any other power to amend or revoke any Order in Council, order, regulations or other instrument.

Amendment of Territorial constitutions

14.—(1) Subject to the Colonial Laws Validity Act, 1865(b), as applied by subsection (1) of the last foregoing section, any provision of the constitution of any of the Territories made before the coming in force of the Constitution set out in the Annex to this Order shall have effect subject to the provisions of this Order.

(2) Any power to amend the constitution of any of the Territories subsisting at the date of the making of this Order shall continue after

(a) For session and chapter of Acts referred to in this section see Table at end of Order.

(b) 28 & 29 Vict. c. 63.

that date, so, however, that any amendment made after that date in pursuance of that power which is inconsistent with the provisions of this Order shall to the extent of that inconsistency be void.

Citation

15. This Order may be cited as the Federation of Rhodesia and Nyasaland (Constitution) Order in Council, 1953, and the Annex thereto may be cited separately as the Constitution of the Federation of Rhodesia and Nyasaland, 1953.

W. G. Agnew.

ANNEX

THE CONSTITUTION

OF

THE FEDERATION OF RHODESIA AND NYASALAND

Preamble

Whereas the Colony of Southern Rhodesia is part of Her Majesty's dominions and Northern Rhodesia and Nyasaland are territories under Her Majesty's protection;

And whereas the said Colony and territories are the rightful home of all lawful inhabitants thereof, whatever their origin;

And whereas the Colony of Southern Rhodesia should continue to enjoy responsible government in accordance with its constitution;

And whereas Northern Rhodesia and Nyasaland should continue, under the special protection of Her Majesty, to enjoy separate Governments for so long as their respective peoples so desire, those Governments remaining responsible (subject to the ultimate authority of Her Majesty's Government in the United Kingdom) for, in particular, the control of land in those territories, and for the local and territorial political advancement of the peoples thereof;

And whereas the association of the Colony and territories aforesaid in a Federation under Her Majesty's sovereignty, enjoying responsible government in accordance with this Constitution, would conduce to the security, advancement and welfare of all their inhabitants, and in particular would foster partnership and co-operation between their inhabitants and enable the Federation, when those inhabitants so desire, to go forward with confidence towards the attainment of full membership of the Commonwealth;

Now, therefore, the said Colony and territories shall be associated in a Federation in accordance with the following provisions:—

CHAPTER I

THE FEDERATION—GENERAL

The Federation

1. The Federation shall consist of Southern Rhodesia, Northern Rhodesia and Nyasaland (in this Constitution referred to as "the Territories") and, unless and until the Federal Legislature by law otherwise provides, shall be known as the Federation of Rhodesia and Nyasaland.

The Governor-General

2.—(1) There shall be a Governor-General and Commander-in-Chief of the Federation who shall be appointed by Her Majesty by commission under Her Sign Manual and Signet and hold office during Her Majesty's pleasure and who shall be Her Majesty's representative in the Federation.

(2) The Governor-General shall have such powers and duties as are conferred on him by or under this Constitution or any other law, and such other powers as Her Majesty may from time to time be pleased to assign to him, and, subject to the provisions of this Constitution and of any law by which any such powers or duties are conferred or imposed, shall do and execute all things that belong to his office (including the exercise of any powers and the performance of any duties with respect to which he is empowered by this Constitution to act in his discretion) according to such instructions, if any, as Her Majesty may from time to time see fit to give him:

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

(3) Before entering upon the duties of his office, the Governor-General shall make oaths or affirmations of allegiance and for the due execution of the office of Governor-General and Commander-in-Chief in the forms set out in the First Schedule to this Constitution.

(4) There shall be charged on, and paid to Her Majesty out of, the Consolidated Revenue Fund of the Federation for the salary of the Governor-General an annual sum which, unless and until the Federal Legislature by law otherwise provides, shall be five thousand pounds:

Provided that the salary of a Governor-General shall not be reduced during his continuance in office.

Acting Governor-General

3.—(1) During any period when the office of Governor-General is vacant, or the Governor-General is absent from the Federation or is from any other cause prevented from or incapable of performing the functions of his office, those functions shall be performed by such person as Her Majesty may under Her Sign Manual and Signet appoint.

(2) Before assuming the functions of the Governor-General, any person so appointed shall make the oaths or affirmations directed by the last foregoing article to be made by the Governor-General.

(3) Any person so appointed shall hold his appointment during Her Majesty's pleasure or until such time as a duly appointed Governor-General, or some other person with a prior right to perform the functions of the Governor-General, notifies him that he is ready to assume or resume those functions.

(4) The Governor-General shall not be regarded for the purposes of this article as absent from the Federation or prevented from or incapable of performing the functions of his office at any time when there is a subsisting appointment of a deputy under the next following article.

Deputy to Governor-General

4.—(1) If at any time the Governor-General—

(*a*) has occasion to be absent from the seat of the Federal Government but not from the Federation; or

(*b*) has occasion to be absent from the Federation for a period which he has reason to believe will be of short duration ; or

(*c*) by reason of illness, which he has reason to believe will be of short duration, considers it desirable so to do,

he may, by instrument under the public seal of the Federation, appoint any person in the Federation to be his deputy for the purpose of performing during that absence or illness such of the functions of the Governor-General as may be specified in that instrument.

(2) The power and authority of the Governor-General shall not be abridged, altered or in any way affected by the appointment of a deputy under this article, and subject to article thirty-nine of this Constitution a deputy shall conform to and observe all instructions which the Governor-General in his discretion may from time to time address to him for his guidance:

Provided that the question whether or not a deputy has conformed to or observed any such instructions shall not be enquired into in any court.

(3) The appointment of a deputy may be revoked at any time by Her Majesty or by the Governor-General.

Construction of references to Governor-General

5. Any reference in this Constitution to the Governor-General shall, except where the context otherwise requires, be construed as including a reference to any person for the time being performing the functions of the Governor-General under article three of this Constitution or, to the extent to which he is authorised to act, under the last foregoing article.

Seat of Federal Government

6.—(1) The seat of the Federal Government shall be at such place as the Federal Legislature may by law provide, but unless and until that Legislature otherwise so provides shall be at Salisbury in Southern Rhodesia.

(2) The Federal Government may, on any land vested in Her Majesty for the purposes of the Federation or vested in any person or authority on behalf of the Federation, set aside an area or areas required for use as, or in conjunction with, the seat of that Government.

(3) Within any such area, any law applicable to the Territory in which the area is situated shall have effect, but the Federal Legislature may make for that area special laws, notwithstanding that those special laws are not otherwise within the legislative competence of that Legislature, and to the extent that it does so those special laws shall, within that area, prevail over any law of that Territory.

Official language of Federation

7.—(1) The official language of the Federation shall be English and, except as may be provided by any law of the Federal Legislature—

(*a*) all proceedings, records and Bills of the Federal Assembly ;

(*b*) any law of the Federal Legislature and any instrument made under any such law or under this Constitution ;

(*c*) all documents issued by the Federal Government ; and

(*d*) all proceedings and records of the Federal Supreme Court or of any body authorised or established by or under this Constitution or by any law of the Federal Legislature,

shall be in the English language:

Provided that nothing in this article shall be deemed to prohibit the use of any other language as well as English for the purpose of bringing any matter to the notice of any person concerned therewith.

CHAPTER II

THE FEDERAL LEGISLATURE

Composition of the Federal Legislature

The Legislature

8. The legislative powers of the Federation shall be vested in a Federal Legislature consisting of Her Majesty and a Federal Assembly.

The Federal Assembly

9.—(1) The Federal Assembly shall consist of a Speaker and thirty-five members made up as follows, that is to say—

(*a*) twenty-six members (in this Constitution referred to as "elected members") of whom fourteen shall be elected in Southern Rhodesia, eight in Northern Rhodesia and four in Nyasaland;

(*b*) six African members (in this Constitution referred to as "specially elected African members") of whom two shall be elected in Southern Rhodesia, two in Northern Rhodesia and two in Nyasaland; and

(*c*) three European members charged with special responsibilities for African interests of whom one shall be elected in Southern Rhodesia (in this Constitution referred to as "the specially elected European member") and two shall be appointed, one by the Governor of Northern Rhodesia and the other by the Governor of Nyasaland (in this Constitution referred to as the "specially appointed European members").

(2) For the purposes of this Constitution, the expression "member" in relation to the Federal Assembly does not include the Speaker.

Elections to Federal Assembly

Election of elected members

10.—(1) Except with respect to the first general election to the Federal Assembly, and subject to the provisions of the last foregoing article, this article and article twelve of this Constitution, the Federal Legislature may by law make provision with respect to the election of elected members and, in particular, as to—

(*a*) qualifications and disqualifications for election;

(*b*) the circumstances in which such members shall vacate their seats in the Federal Assembly;

(*c*) qualifications and disqualifications for registration as a voter or for voting at elections;

(*d*) the registration of voters;

(*e*) the holding of elections, direct or indirect;

(*f*) the delimitation of electoral districts for the purpose of returning such members to the Federal Assembly and the allocation to those districts of seats in the Assembly ; and

(*g*) the definition and trial of offences relating to elections and the imposition of penalties therefor, including the disqualification for election of any person concerned in such an offence.

(2) If, in the opinion of the Speaker or, in his absence, of the person for the time being performing the functions of the Speaker, any Bill proposed to be passed by the Federal Assembly makes provision for—

(*a*) qualifications or disqualifications for election as an elected member ; or

(*b*) the circumstances in which an elected member shall vacate his seat ; or

(*c*) qualifications or disqualifications for registration as a voter, or for voting, at elections of elected members,

other than provision for disqualifying a person for election or for registration as a voter or for voting at elections by reason of his being concerned in any offence relating to elections, or provision requiring an elected member to vacate his seat by reason of his being so concerned, the Speaker or person aforesaid shall inform the Assembly accordingly, and in that case the Bill—

(i) shall not be deemed to be passed unless at the final vote thereon it receives the affirmative vote of not less than two-thirds of all the members of the Federal Assembly ; and

(ii) if passed, shall be endorsed with the certificate of the Speaker or person aforesaid that it makes such provision ; and

(iii) when presented to the Governor-General for assent shall be reserved by him for the signification of Her Majesty's pleasure.

(3) If any person who is elected as an elected member of the Federal Assembly is also a member of the Legislature of a Territory, he shall not take his seat in the Federal Assembly until he has ceased to be a member of the Legislature of that Territory.

(4) If an elected member of the Federal Assembly becomes a member of the Legislature of a Territory, he shall thereupon vacate his seat in the Federal Assembly.

Transitional provisions as to elected members from Southern Rhodesia and Northern Rhodesia

11.—(1) For the first general election to the Federal Assembly and thereafter until the Federal Legislature by law otherwise provides, the election of elected members and, in relation to such members, the other matters referred to in paragraph (1) of the last foregoing article shall, subject to the provisions of this Constitution, be governed—

(*a*) as regards Southern Rhodesia, by the law which, immediately before the date of the making of the Order in Council to which this Constitution is annexed, governs such matters in relation to the election of members of the Legislative Assembly of Southern Rhodesia ; and

(*b*) as regards Northern Rhodesia, by the law which immediately before the said date governs such matters in relation to the election of elected members of the Legislative Council of Northern Rhodesia,

subject in either case to such modifications, if any, as the Governor-General may by regulations make therein for the purpose of elections to the Federal Assembly:

Provided that the electoral districts for the purpose of returning elected members and the allocation to those districts of seats in the Assembly shall be such, and the voters' rolls shall be compiled in such manner, as the Governor-General may by regulations prescribe.

(2) The power to make regulations under this article shall not be exercisable after the date when the Federal Assembly first meets and no such regulations shall be made unless a draft thereof has been approved by a Secretary of State.

(3) Any regulations made under this article shall be published in the official Gazette of the Territory to which they relate and shall not come into force until they have been so published; and a notification by the Governor-General in that Gazette that a Secretary of State has approved a draft of the regulations shall be sufficient evidence of that approval.

Transitional provisions as to elected members from Nyasaland

12.—(1) For the first general election to the Federal Assembly and thereafter until such date as the Legislative Council of Nyasaland may by resolution appoint, the election of elected members in Nyasaland and, in relation to such members from Nyasaland, the other matters referred to in paragraph (1) of article ten of this Constitution shall, subject to the provisions of this Constitution, be governed by regulations made by the Governor-General with the agreement of the Governor of Nyasaland.

(2) No such regulations shall be made unless a draft thereof has been approved by a Secretary of State.

(3) Any regulations made under this article shall be published in the official Gazette of Nyasaland and shall not come into force until they have been so published; and a notification by the Governor-General in that Gazette that the Governor of Nyasaland has agreed to the making of the regulations and that a Secretary of State has approved a draft thereof shall be sufficient evidence of that agreement and that approval.

Election of specially elected members

13.—(1) The specially elected European member and the two specially elected African members from Southern Rhodesia shall, subject to the provisions of the next following article, be elected in accordance with regulations made by the Governor of Southern Rhodesia.

(2) The two specially elected African members from Northern Rhodesia shall, subject to the provisions of the next following article, be elected, in accordance with regulations made by the Governor of Northern Rhodesia, by such body as that Governor may for the purposes of this paragraph from time to time designate as a body representative of Africans.

(3) The two specially elected African members from Nyasaland shall, subject to the provisions of the next following article, be elected, in accordance with regulations made by the Governor of Nyasaland, by such body as that Governor may for the purposes of this paragraph from time to time designate as a body representative of Africans.

(4) Any regulations made under this article may, where appropriate, include in relation to specially elected members provision with respect to any of the matters mentioned in sub-paragraphs (*c*) to (*g*) of paragraph (1) of article ten of this Constitution.

(5) Any regulations made under this article shall be published in the official Gazette of the Territory to which they relate and shall not come into force until they have been so published.

Qualification of and vacation of seats by specially elected and specially appointed members

Qualification etc. of specially elected and specially appointed members

14.—(1) Subject to the next following paragraph—

(*a*) in Southern Rhodesia, a person shall be qualified to be elected as the specially elected European member or as a specially elected African member if, and shall not be so qualified unless, he is a Southern Rhodesian citizen ;

(*b*) in Northern Rhodesia or Nyasaland, a person shall be qualified to be elected as a specially elected African member or to be appointed as a specially appointed European member if, and shall not be so qualified unless, he is a British subject or a British protected person.

(2) No person shall be qualified to be elected as the specially elected European member or as a specially elected African member or to be appointed as a specially appointed European member who—

(*a*) is, by virtue of his own act, under any acknowledgment of allegiance, obedience, or adherence to a foreign power or state ; or

(*b*) holds or is acting in any paid office in the service or appointment of the Crown ; or

(*c*) has been adjudged or otherwise declared bankrupt or insolvent under any law in force in any part of Her Majesty's dominions and has not been discharged or rehabilitated ; or

(*d*) not having received a free pardon in respect of the offence for which he was sentenced, is under sentence of death, or is serving, or has within the immediately preceding five years completed the serving of, a sentence of imprisonment (by whatever name called) exceeding six months imposed in any part of Her Majesty's dominions, or is under, or has within the said five years been awarded, such a sentence of imprisonment the execution of which has been suspended ; or

(*e*) is a person certified to be insane or otherwise adjudged to be of unsound mind under any law for the time being in force in the Federation or in any part thereof ; or

(*f*) is disqualified for election or appointment as a member of the Federal Assembly by virtue of any provision relating to offences connected with elections contained in any law or regulations for the time being in force under any of the four last foregoing articles.

(3) If any person who—

(*a*) is elected as the specially elected European member or as a specially elected African member ; or

(*b*) accepts appointment as a specially appointed European member,

is also a member of the Legislature of a Territory, he shall not take his seat in the Federal Assembly until he has ceased to be a member of the Legislature of that Territory.

Vacation of seats by specially elected and specially appointed members

15. The specially elected European member, a specially elected African member or a specially appointed European member shall vacate his seat in the Federal Assembly—

(*a*) on a dissolution of the Assembly; or

(*b*) if he resigns his seat by notice in writing under his hand addressed to the Speaker; or

(*c*) if he is absent from twenty-one consecutive sittings of the Assembly and at the expiration of one month after the last of those sittings the Speaker or, in his absence, the person for the time being performing the functions of the Speaker has not, by writing under his hand, excused that absence; or

(*d*) if he becomes a member of the Legislature of a Territory; or

(*e*) if, in the case of a member from Southern Rhodesia, he ceases to be a Southern Rhodesian citizen or, in the case of a member from Northern Rhodesia or Nyasaland, he ceases to be a British subject or ceases to be a British protected person without becoming a British subject; or

(*f*) if any circumstances arise which, if he were not a member of the Assembly, would cause him to be disqualified for election or appointment thereto under paragraph (2) of the last foregoing article.

The Speaker and Deputy Speaker

Election etc. of Speaker

16.—(1) When the Federal Assembly first meets after any general election and before it proceeds to the despatch of any other business, the members thereof shall elect a person to be the Speaker of the Federal Assembly, and, if the office of Speaker falls vacant otherwise than by reason of a dissolution of the Assembly, the members thereof shall as soon as practicable elect another person to that office.

(2) The Speaker may be elected either from among the members of the Assembly or from outside the Assembly:

Provided that—

(*a*) if a member of the Assembly is elected and agrees to serve as Speaker he shall thereupon vacate his seat as a member of the Assembly;

(*b*) if a person from outside the Assembly is elected and agrees to serve as Speaker and he is a member of the Legislature of a Territory, he shall forthwith resign his membership of that Legislature.

(3) The Speaker may at any time resign his office by notice in writing addressed to the Federal Asembly and shall vacate his office—

(*a*) on a dissolution of the Assembly; or

(*b*) if he becomes a Minister; or

(*c*) if he accepts nomination as a candidate for election to, or accepts appointment as a member of, the Federal Assembly or the Legislature of a Territory.

(4) Any functions conferred on the Speaker by or under this Constitution or any law of the Federal Legislature which may require to be performed between a dissolution of the Federal Assembly and the

date when the Federal Assembly first meets thereafter shall be performed by the person who was Speaker immediately before that dissolution, unless he relinquishes those functions by notice in writing addressed to the Governor-General or is for any reason unable to perform them, in which case they shall be performed by such person as the Federal Legislature may by law provide or, in default of such provision, by such person as the Governor-General may appoint in that behalf.

Deputy Speaker

17.—(1) When the Federal Assembly first meets after any general election and before it proceeds to the despatch of any other business except the election of the Speaker, the members thereof shall elect one of their number to be Deputy Speaker of the Federal Assembly and as often as the office of Deputy Speaker becomes vacant the members of the Assembly shall again elect one of their number to that office.

(2) The Deputy Speaker may at any time resign his office by notice in writing addressed to the Federal Assembly and shall vacate his office—

(*a*) if he ceases to be a member of the Assembly ; or

(*b*) if he becomes a Minister.

Provisions as to procedure in Assembly

Oath to be taken by Speaker and members

18. Every member of the Federal Assembly shall before being permitted to sit or vote therein otherwise than for the purpose of electing the Speaker and Deputy Speaker, and the Speaker of the Federal Assembly shall before entering upon the duties of his office, make and subscribe before the Governor-General or some person authorised by the Governor-General in that behalf an oath or affirmation of allegiance in the form set out in the First Schedule to this Constitution.

Procedure in Federal Assembly

19.—(1) The Speaker, or in his absence the Deputy Speaker, or if they are both absent such person as the members of the Federal Assembly may elect in that behalf from among their number, shall preside at any sitting of the Federal Assembly.

(2) No business except that of adjournment shall be transacted by the Federal Assembly if objection is taken by any member present that there are less than twelve members present besides any member presiding.

(3) Subject to paragraph (2) of this article, the Federal Assembly may transact any business notwithstanding any vacancy in the office of Speaker or among the members thereof, and any proceedings therein shall be valid notwithstanding that some person not entitled to do so sat or voted in the Assembly or otherwise took part in those proceedings.

(4) Save as otherwise provided in this Constitution, all questions proposed for decision in the Federal Assembly shall be determined by a majority of votes of the members present and voting.

(5) The Speaker or other person presiding in his absence shall not vote unless there is an equality of votes, but he shall in that case have and exercise a casting vote.

(6) Subject to the provisions of this Constitution, the Federal Assembly may make Standing Orders with respect to the regulation and orderly conduct of its business and proceedings and the despatch of business, and for the passing, intituling and numbering of Bills, and the presentation of Bills to the Governor-General for assent.

(7) The Governor-General shall make and cause to be laid before the Federal Assembly when it first meets such Standing Orders with respect to any of the matters mentioned in the last foregoing paragraph as appear to him expedient to enable the Federal Assembly to commence the transaction of its business in an orderly manner, but any such Orders may be amended or revoked by the Federal Assembly.

Recommendation of money votes

20. No vote, resolution, address or Bill for the appropriation of any part of the revenues or other funds of the Federation shall be passed by the Federal Assembly unless the purpose of the appropriation has in the same session been recommended to the Assembly by message of the Governor-General.

Privileges etc. of Assembly

21.—(1) The privileges, immunities and powers of the Federal Assembly and of the Speaker, members and committees thereof and the remuneration and allowances, if any, to be paid to the Speaker or members shall be such as the Federal Legislature may by law prescribe, so, however, that the said privileges, immunities or powers shall not exceed those for the time being held or enjoyed by the Commons House of Parliament of the United Kingdom or the Speaker, members or committees thereof.

(2) Until the Federal Legislature by law otherwise provides, the privileges, immunities and powers aforesaid shall be such as the Governor-General may by regulations made before the date when the Federal Assembly first meets prescribe, and any such regulations shall be published in the official Gazette of each Territory and be laid before the Federal Assembly when it first meets.

Penalty for sitting or voting in Assembly when unqualified

22.—(1) Any person who sits or votes in the Federal Assembly knowing or having reasonable ground for knowing that he is not entitled to do so shall be liable to a penalty not exceeding twenty pounds for each day on which he so sits or votes.

(2) Any such penalty shall be recoverable by civil action in the Federal Supreme Court at the suit of such person as the Federal Legislature may by law prescribe.

Certain offices not to disqualify

23.—(1) For the purposes of this Chapter of this Constitution, a person shall not be deemed to hold a paid office in the service or appointment of the Crown by reason of—

(*a*) being in receipt of any remuneration or allowances as a Minister of the Federal Government or as the chairman or deputy chairman of the African Affairs Board hereinafter mentioned ; or

(*b*) being in receipt of a pension or other like allowance from the Crown ; or

(*c*) being an officer of Her Majesty's armed forces on retired or half pay ; or

(*d*) being an officer or member of any of the defence forces of the Federation whose services are not wholly employed by the Federation or a Territory,

or, subject to any law of the Federal Legislature, by reason of the holding of any office in the service or appointment of the Crown or the performance of any functions on behalf of the Crown, being an office or functions in respect of which he receives payment by way only of travelling or subsistence allowances or a refund of out-of-pocket expenses.

(2) The Federal Legislature may by law provide that any other office specified in that law shall not be deemed to be a paid office in the service or appointment of the Crown for the purposes of this Chapter of this Constitution.

Assent to Bills etc.

Assent to or lapse of Bills

24.—(1) When a Bill has been passed by the Federal Assembly, it shall be presented to the Governor-General who, except in the case of a Bill which he is required by article ten, article seventy-five or article ninety-seven of this Constitution to reserve for the signification of Her Majesty's pleasure, shall thereupon in his discretion either—

(*a*) in Her Majesty's name and on Her Majesty's behalf—

(i) himself assent to the Bill and sign the Bill in token thereof ; or

(ii) himself declare that assent is withheld from the Bill ; or

(*b*) reserve the Bill for the signification of Her Majesty's pleasure.

(2) Subject to the provisions of article ninety-seven of this Constitution, when a Bill has been reserved for the signification of Her Majesty's pleasure and Her Majesty is pleased to assent thereto, that assent shall be given through a Secretary of State.

(3) A Bill passed by the Federal Assembly shall become a law upon the Governor-General making known by proclamation in the official Gazette of the Federation that the Bill has been assented to by or on behalf of Her Majesty.

(4) A Bill which has been passed by the Federal Assembly shall lapse on the declaration by the Governor-General that assent is withheld therefrom or if at the expiration of twelve months from the date on which the Bill was presented to the Governor-General for assent it has not become a law under the last foregoing paragraph.

Disallowance of laws

25.—(1) Her Majesty may through a Secretary of State disallow any law of the Federal Legislature assented to by the Governor-General at any time within twelve months after it has been so assented to, and any law so disallowed shall be annulled with effect from the day on which the disallowance is made known by the Governor-General by speech or message to the Federal Assembly or by proclamation in the official Gazette of the Federation.

(2) On the annulment of any law under this article, any enactment repealed or amended by or in pursuance of that law shall have effect as from the date of the annulment as if that law had not been made, but save as provided in the foregoing provisions of this paragraph the provisions of subsection (2) of section thirty-eight of the Interpretation Act, 1889(a), shall apply to that annulment as they apply to the repeal of an Act of Parliament.

Sessions of Assembly, etc.

Sessions of Assembly

26.—(1) The Federal Assembly shall be summoned to meet at least once in every year, and subject to the provisions of this Constitution the sessions of the Federal Assembly shall be held at such place and commence at such time on such date as the Governor-General may from time to time by proclamation in the official Gazette of the Federation appoint.

(2) The first session of the Federal Assembly shall commence within twelve months of the making of the Order in Council to which this Constitution is annexed, and thereafter twelve months shall not intervene between the last sitting of the Assembly in one session and the date appointed for its first sitting in the next session.

(3) In this Constitution, the expression "session" in relation to the Federal Assembly means a period commencing when the Assembly first meets after a general election or prorogation and ending when the Assembly is next thereafter either prorogued or dissolved without having been prorogued.

Dissolution and prorogation of Assembly

27. The Governor-General may at any time prorogue or dissolve the Federal Assembly and, unless it has been sooner dissolved, shall dissolve the Federal Assembly at the expiration of five years from the date when it first meets after any general election.

General elections

28. A general election shall be held within such period, not exceeding three months, after any dissolution of the Assembly as the Governor-General may by proclamation in the official Gazette of the Federation appoint.

CHAPTER III

LEGISLATIVE POWERS WITHIN THE FEDERATION

Legislative powers within the Federation

29.—(1) Subject to the provisions of this Constitution, the Federal Legislature shall have power to make laws for the peace, order and good government of the Federation with respect to any matter included in the Second Schedule to this Constitution and with respect to any other matter incidental to the execution of any power conferred by or under this Constitution on the Governor-General, the Federal Legislature or the Federal judicature, including the appointment of persons for the execution of any such power.

(a) 52 & 53 Vict. c. 63.

(2) Subject to the provisions of this Constitution, the power of the Federal Legislature to make laws with respect to any matter included in Part I of the said Second Schedule (in this Constitution referred to as " the Federal Legislative List ") shall be to the exclusion of any power of the Legislature of a Territory:

Provided that where immediately before the coming into force of this Constitution the Legislature of any Territory had power to make laws with respect to any matter included in the Federal Legislative List, that power shall not cease with respect to that matter until such date as the Governor-General may by notice which shall be published in the official Gazette of that Territory prescribe, and until that date that matter shall in relation to that Territory be deemed to be included in the Concurrent Legislative List mentioned in paragraph (3) of this article.

(3) Subject to the provisions of this Constitution and of the constitution of any of the Territories, the Legislature of a Territory as well as the Federal Legislature shall have power to make laws with respect to any matter included in Part II of the said Second Schedule (in this Constitution referred to as " the Concurrent Legislative List ").

(4) The Federal Legislature shall not have power to make any other laws than those authorised by or under this article or any other provision of this Constitution, and save as provided by or under this Constitution the legislative powers of the Legislature of any Territory shall continue in accordance with the constitution of that Territory.

(5) Any provision of any law of the Federal Legislature or of the Legislature of a Territory which at the date of the making of that law is not within the legislative competence of that Legislature under this Constitution shall be void.

(6) For the avoidance of doubt it is hereby declared that, subject to paragraph (3) of article eighty and paragraph (2) of article eighty-one of this Constitution, a law of the Federal Legislature may make provision for part only of the Federation or may make different provision for different parts of the Federation.

(7) Nothing in this Constitution shall affect any power to make laws for the Federation or any of the Territories conferred on Her Majesty by any Act of the Parliament of the United Kingdom.

Trade unions and industrial conciliation

30.—(1) Save as provided in paragraph (2) of this article, the Federal Legislature shall not have power to make laws with respect to—

(*a*) trade unions or other like associations ; or

(*b*) the settlement of disputes between employers and employees, or between employees, being disputes connected with the employment or non-employment, or with the terms of employment or conditions of labour, of any persons.

(2) The Federal Legislature shall, and the Legislature of a Territory shall not, have power to make laws for the settlement of disputes between Federal officers and the Federal Government or between Federal officers, being disputes connected with the employment or non-employment, or with the terms of employment or conditions of service,

of Federal officers, and that power shall include power to provide for the recognition by the Federal Government of any association of Federal officers.

(3) In this article, the expression "Federal officer" means the substantive holder of a paid office in the Federal public service, being an office service in which is pensionable service under any law of the Federal Legislature, and includes any person holding such an office on probation and any person holding a paid office in the Federal public service for a specified term under a contract or agreement.

Power to add certain matters to Concurrent Legislative List

31.—(1) The Legislature of Northern Rhodesia or the Legislature of Nyasaland may by a law of that Legislature provide that, in the application of the Concurrent Legislative List to Northern Rhodesia or, as the case may be, to Nyasaland, there shall be included in that list as from the commencement of that law or from such later date as may be fixed by or under that law and to such extent as may be specified in that law any matter so specified relating to—

(*a*) such agriculture as is defined by that law as non-African; or

(*b*) animal health, including animal diseases and animal pests other than tsetse; or

(*c*) plant pests and diseases.

(2) Any law made by virtue of paragraph (1) of this article may be amended or replaced by a subsequent law of the Legislature by which it was made, so, however, that the extent to which any matter is included in the Concurrent Legislative List shall not thereby be diminished.

(3) Where by virtue of any law made under paragraph (1) of this article the administration of any matter included in that paragraph is undertaken by the Federation in place of a Territory, then until such time as some adjustment in the percentages for the time being prescribed by articles eighty, eighty-three and ninety of this Constitution is next thereafter made and has come into force, there shall be paid into the Consolidated Revenue Fund of the Federation out of the revenues or other funds of that Territory such sums in respect of the costs of that administration, at such times, and in such manner, as may be agreed between the Governor-General and the Governor of that Territory or, in default of agreement, as may be determined by an arbitrator appointed by the Chief Justice of the Federation.

(4) In this article, the expression "agriculture" means agriculture in general, including animal husbandry, dairies and dairy-farming, horticulture, poultry-farming and bee-keeping, but does not include forestry or irrigation.

(5) Nothing in this article shall be construed as empowering the Legislature of Northern Rhodesia or of Nyasaland to provide that the control in that Territory of game, game reserves or fishing rights shall be included in the Concurrent Legislative List.

Power to make and revoke additions to Concurrent Legislative List

32.—(1) The Federal Legislature may by law confer upon the Legislature of a Territory authority to make laws for that Territory with respect to any matter included in the Federal Legislative List which may be specified in the law by which the authority is conferred.

(2) The Legislature of a Territory may, subject to the provisions of the constitution of that Territory, by law confer upon the Federal Legislature authority to make laws for that Territory with respect to any matter not included in the Federal or Concurrent Legislative List which may be specified in the law by which the authority is conferred—

(*a*) for the purpose of the creation and regulation of any authority to exercise functions in respect of more than one Territory ; or

(*b*) for the purpose of the establishment or regulation of schools for any special category of pupils ; or

(*c*) for the purposes of tsetse control and the establishment of such services as may be necessary for tsetse control ; or

(*d*) for the purposes of such other matter, being a matter included in the Federal or Concurrent Legislative List, as may be specified in the law by which the authority is conferred.

(3) Any such authority may be general or may be granted for such period or subject to such conditions or restrictions as may be specified in the law by which it is conferred, and while that authority remains in force the matter to which the authority extends shall, in relation to the Territory concerned and to the extent of the authority conferred, be deemed to be included in the Concurrent Legislative List.

(4) Any authority conferred upon the Federal Legislature or the Legislature of a Territory under this article, whether granted generally or for a specified period, may be revoked at any time by a subsequent law of the Legislature by which it was conferred, but notwithstanding anything contained therein that law shall not come into force earlier than the expiration of six months from the date of the making thereof.

Special provisions as to acquisition of land

33.—(1) Notwithstanding anything in this Constitution, the Federal Legislature shall not have power to make provision for the acquisition, whether compulsorily or by agreement, of any African land, or of interests in or rights over any African land, otherwise than in accordance with the provisions of any of the African land laws applicable to the land in question ; and any power for the compulsory acquisition of land conferred by a law of the Federal Legislature shall, notwithstanding anything in that law, not be exercisable in relation to African land for the purpose of settling immigrants thereon.

(2) Notwithstanding anything in this Constitution or in any law of the Federal Legislature, it shall not be lawful for any purpose whatever, except with the consent of the Chief of the Barotse and with the approval of a Secretary of State, to alienate from the Chief and people of the Barotse the territory reserved from prospecting by virtue of the concessions from Lewanika to the British South Africa Company dated the seventeenth day of October, nineteen hundred, and the eleventh day of August, nineteen hundred and nine, respectively ; and all rights reserved to or for the benefit of natives by the said concessions as approved by a Secretary of State shall continue to have full force and effect.

(3) For the purposes of the African land laws, except as may be expressly provided therein after the coming into force of this Constitution and without prejudice to the requirements of those laws as to the acquisition of African land or of interests in or rights over

African land, any reference therein (however expressed) to public purposes shall be construed as including a reference to Federal public purposes.

(4) For the purposes of this article—

(*a*) "African land" means land forming part of any African trust land, native trust land, native reserve, native area or special native area within the meaning of any of the African land laws;

(*b*) "African land laws" means—

(i) the Southern Rhodesia Constitution Letters Patent, 1923;

(ii) the Land Apportionment Act, 1941 (an Act of the Legislature of Southern Rhodesia);

(iii) the Northern Rhodesia (Crown Lands and Native Reserves) Orders in Council, 1928 to 1951(**a**);

(iv) the Nyasaland Protectorate (African Trust Land) Order in Council, 1950(**b**),

and any instrument, whether made before or after the coming into force of this Constitution, amending or substituted for any of those laws.

Special provision as to certain Federal laws

34. Where a law of the Federal Legislature makes provision in relation to any Territory with respect to any matter which is not itself included in the Federal or Concurrent Legislative List and is within the legislative competence of the Federal Legislature by reason only of the inclusion in the Federal Legislative List of the power to implement treaties, conventions and agreements with, and other obligations towards, countries or organisations outside the Federation, that provision shall not have effect in relation to that Territory unless and until the Governor of the Territory has declared by notice in the official Gazette of the Territory that it shall so have effect.

Effect of Federal and Territorial laws on one another

35.—(1) If any provision of a law of the Legislature of a Territory is inconsistent with any provision of a law of the Federal Legislature which the Federal Legislature was competent to enact, whether the Federal law was made before or after the Territorial law, then, subject to paragraph (2) of this article, the Federal law shall prevail and the Territorial law shall to the extent of the inconsistency be void; and a law of the Federal Legislature with respect to any matter for the time being within the legislative competence of that Legislature may amend or repeal, or provide for the amendment or repeal of, any law of the Legislature of a Territory with respect to that matter.

(2) Where the Legislature of a Territory has under article thirty-two of this Constitution conferred on the Federal Legislature authority to make laws with respect to any matter and that authority is subsequently revoked, the law by which the authority is revoked, or any subsequent law of the Legislature of that Territory coming into force after the

(**a**) S.R. & O. 1928/246; 1929/103, 651, 1002; 1931/167, 849; 1933/227, 488; 1936/1380; 1937/760; 1938/181; 1943/76; 1947/194, 2214; and S.I. 1950/1966; 1951/1168—Rev. VIII, pp. 173, 182, 193, 201—S.R. & O. 1928, p. 601; 1929, pp. 457, 467, 468; 1931, pp. 453, 458; 1933, pp. 824, 828; 1936 I, p. 936; 1937, p. 809; 1938 I, p. 1309; 1943 I, p. 295; 1947 I, pp. 778, 779; S.I. 1950 II, p. 95; 1951 II, p. 96.
(**b**) S.I. 1950/1183; 1950 II, p. 156.

revocation becomes effective, may amend or repeal, or provide for the amendment or repeal of, any law of the Federal Legislature made in pursuance of that authority; but save as aforesaid, and except as may be further expressly provided by any law of the Federal Legislature, the Legislature of a Territory shall not have power to amend or repeal any law of the Federal Legislature.

(3) Where authority to make laws with respect to any matter has been conferred as aforesaid on the Federal Legislature and has subsequently been revoked, any law of the Federal Legislature made in pursuance of that authority shall continue to have effect after the revocation has become effective except in so far as it is amended or repealed, by virtue of paragraph (2) of this article, by a law of the Legislature of the Territory by which the authority was conferred and revoked.

(4) Subject to paragraph (1) of this article, in the case of any matter for the time being within the exclusive legislative competence of the Federal Legislature, any law of the Legislature of a Territory with respect to that matter in force immediately before the date when that matter ceased to be within the legislative competence of that Legislature shall continue to have effect except in so far as it is amended or repealed by a subsequent law of the Federal Legislature.

(5) Where a law of the Federal Legislature makes in a Territorial law, or a law of the Legislature of a Territory makes in a Federal law, any amendment or repeal which a law of that Legislature is, by or in pursuance of any provision of this Constitution, empowered to make, then any repeal of the law by which the amendment or repeal was made shall not revive the provisions amended or repealed by that law.

CHAPTER IV

EXECUTIVE POWERS WITHIN THE FEDERATION

Executive powers of Federation

36.—(1) The executive powers of the Federation shall be vested in Her Majesty and may be exercised on Her Majesty's behalf by the Governor-General or such other persons as may be authorised in that behalf by the Governor-General or by any law of the Federal Legislature.

(2) The executive authority of the Federation shall extend to the execution and maintenance of this Constitution and to all matters with respect to which the Federal Legislature has for the time being power to make laws.

Ministers

37.—(1) The Governor-General shall appoint a Prime Minister and other Ministers of the Federal Government and assign functions to those Ministers, and any person so appointed shall hold office during Her Majesty's pleasure:

Provided that—

(*a*) a person who holds office as a Minister of the Federal Government for any period of four consecutive months without also being a member of the Federal Assembly shall cease to be a Minister at the expiration of that period or, if that period expires at a time when the Federal Assembly is dissolved and he is not elected as a member of the Federal Assembly at the general election following upon that dissolution, at the date when the Federal Assembly first meets thereafter;

(*b*) a person who holds office as a Minister of the Federal Government and who is at no time while holding that office also a member of the Federal Assembly shall be ineligible for reappointment as such a Minister before the Federal Assembly is next dissolved after he ceases to hold that office, unless in the meantime he has become a member of that Assembly;

(*c*) a person shall not hold office at the same time both as a Minister of the Federal Government and as a Minister of the Government or a member of the Executive Council of a Territory;

(*d*) a Minister of the Federal Government may at any time by notice in writing addressed to the Governor-General resign his office.

(2) Any person appointed under this article shall before entering upon his office make before the Governor-General or some person authorised by the Governor-General in that behalf oaths or affirmations of allegiance and for the due execution of his office in the forms set out in the First Schedule to this Constitution.

Executive Council

38.—(1) There shall be an Executive Council to advise the Governor-General in the government of the Federation consisting of the Prime Minister of the Federal Government and such other persons, being Ministers of that Government, as the Governor-General may, on the recommendation of the Prime Minister, from time to time appoint.

(2) A member of the Executive Council shall hold office during Her Majesty's pleasure:

Provided that—

(*a*) he shall cease to hold office if he ceases to be a Minister;

(*b*) he may at any time by notice in writing addressed to the Governor-General resign his office.

(3) Any person appointed under this article shall before entering upon his office make before the Governor-General or some person authorised by the Governor-General in that behalf oaths or affirmations of allegiance and for the due execution of his office in the forms set out in the First Schedule to this Constitution.

Exercise of Governor-General's powers, etc.

39. In relation to any power conferred or duty imposed on the Governor-General, any reference to the Governor-General in any of the provisions of this Constitution other than article twenty-seven and the two last foregoing articles shall, unless an express reference is made to his discretion, be construed as a reference to the Governor-General acting in accordance with the advice of the Executive Council:

Provided that the question whether any, and if so what, advice has been tendered to the Governor-General by the Executive Council on any matter shall not be enquired into in any court.

Federal public service

40.—(1) Unless and until otherwise provided by any law of the Federal Legislature, the power to appoint, promote, transfer and dismiss, and to exercise disciplinary control over, officers of the Federal public service shall be vested in the Governor-General.

(2) No person domiciled within the Federation who is a subject of Her Majesty or a person under Her Majesty's protection shall on

ground of race only be ineligible for employment in the Federal public service, and in appointing or recommending any person for such employment regard shall be had only to his competence, experience and suitability.

(3) In determining the suitability of any person for any employment in the Federal public service, regard may be had to the circumstances of the locality in which that person would be employed.

(4) For the purposes of the constitution of any of the Territories, except as may be expressly provided therein after the coming into force of this Constitution, any reference (however expressed) in the constitution of a Territory to the public service, or to an office in, or the holder of an office in, the public service shall not include a reference to the Federal public service or, as the case may be, to an office in, or the holder of an office in, the Federal public service.

Delegation of executive authority of Federation

41.—(1) The Governor-General may, with the consent of the Governor of a Territory, entrust either conditionally or unconditionally to that Governor or to any officer or authority of that Territory functions in relation to any matter to which the executive authority of the Federation extends falling to be performed within that Territory.

(2) A law of the Federal Legislature may, notwithstanding that it relates to a matter with respect to which a Territorial Legislature has not power to make laws, include provision conferring powers or imposing duties, or authorising the conferring of powers or imposition of duties, upon the Governor of a Territory or any officer or authority of a Territory:

Provided that no such provision shall have effect in any Territory unless and until the Governor of that Territory has declared by notice in the official Gazette of that Territory that it shall so have effect.

Co-ordination of executive authority of Federation and Territories.

42.—(1) Subject to the provisions of this Constitution, the executive authority of each of the Territories shall continue in accordance with the constitution of that Territory.

(2) The Governments of the Federation and of the Territories shall, in so far as it is practicable, consult together on all matters which are of common interest and concern.

(3) The Governor of a Territory may, with the consent of the Governor-General, entrust either conditionally or unconditionally to the Governor-General or to an officer or authority of the Federation functions in relation to any matter to which the executive authority of the Territory extends and which, in the opinion of the Governor, is ancillary or directly related to any matter to which the executive authority of the Federation extends.

(4) The executive authority of a Territory shall be so exercised as not to impede or prejudice the exercise of the executive authority of the Federation within that Territory and in such manner as to ensure respect for this Constitution and for the laws of the Federal Legislature which apply to that Territory:

Provided that the question whether the executive authority of a Territory has in any case been exercised in accordance with the provisions of this paragraph shall not be enquired into in any court.

Governor-General's powers of pardon, etc.

43.—(1) The Governor-General may, in Her Majesty's name and on Her Majesty's behalf—

(*a*) grant to any person concerned in or convicted of an offence against any law of the Federal Legislature a pardon, either free or subject to lawful conditions ; or

(*b*) grant to any person a respite, either indefinite or for a specified period, of the execution of any sentence passed on that person for such an offence ; or

(*c*) substitute a less severe form of punishment for that imposed by any sentence for such an offence ; or

(*d*) remit the whole or any part of any sentence passed for such an offence or of any penalty or forfeiture otherwise due under any such law to Her Majesty.

(2) Any power of the Governor of a Territory to grant any pardon, respite, reprieve, commutation or remission shall not extend to any offence or alleged offence against a law of the Federal Legislature.

Saving for certain agreements

44. Where, immediately before the date of the making of the Order in Council to which this Constitution is annexed, Her Majesty's Government in the United Kingdom were bound by any written agreement affecting any Territory or any rights exercisable in any Territory, being an agreement under which that Government declare that they regard themselves as responsible for securing the carrying out of the agreement by the Government for the time being of that Territory, then the Federal Government shall, so far as the matters dealt with in the agreement are within the executive or legislative authority of the Federation, be bound to observe the provisions of that agreement.

CHAPTER V

JUDICIAL POWERS WITHIN THE FEDERATION

Jurisdiction in Federal matters

Enforcement of Federal laws

45. Subject to the provisions of articles twenty-two and fifty-three to fifty-seven of this Constitution with respect to the jurisdiction of the Federal Supreme Court, jurisdiction in civil or criminal proceedings arising under this Constitution or any law of the Federal Legislature shall, except as may be otherwise provided by a law of that Legislature, vest in and be exercisable by the courts of any Territory as if that law were a law of the Legislature of that Territory.

Federal Supreme Court

Establishment of Federal Supreme Court

46.—(1) There shall be established a Federal Supreme Court consisting of—

(*a*) a Chief Justice of the Federation ;

(*b*) such number of other judges (in this Chapter referred to as "Federal justices") as the Governor-General may deem necessary, not being less than two but, except upon an address by the Federal Assembly to the Governor-General praying for the appointment of additional judges, not being more than six ; and

(*c*) the Chief Justice of each of the three Territories.

(2) In this article and in the subsequent provisions of this Chapter of this Constitution, any reference to the Chief Justice of a Territory shall include a reference to any person for the time being performing the functions of the Chief Justice of a Territory.

Appointment qualifications and tenure of office of Judges

47.—(1) The Chief Justice of the Federation and any Federal justice shall be appointed by the Governor-General by instrument under the public seal of the Federation, and the Chief Justice of a Territory shall be a judge of the Federal Supreme Court by virtue of his office.

(2) A person shall not be qualified to be appointed as the Chief Justice of the Federation or as a Federal justice unless—

(*a*) he is or has been a judge of a court having unlimited jurisdiction in civil and criminal matters in some part of Her Majesty's dominions ; or

(*b*) he is, and has for not less than ten years been, qualified to practise as an advocate in a court or courts having such jurisdiction.

(3) In computing for the purposes of the last foregoing paragraph the period during which any person has been qualified to practise as an advocate, any period during which he has held judicial office after becoming so qualified shall be included.

(4) Every judge of the Federal Supreme Court shall before he enters upon the functions of his office make and subscribe before the Governor-General or some person authorised by the Governor-General in that behalf oaths or affirmations of allegiance and for the due execution of his office in the forms set out in the First Schedule to this Constitution.

(5) The Chief Justice of the Federation shall be President of the Federal Supreme Court and take precedence of all other judges of that Court, and the seniority of the other judges of that Court shall be determined in accordance with directions to be given from time to time by the Governor-General.

(6) The Chief Justice of the Federation or a Federal justice shall hold office until he attains the age of sixty-five years:

Provided that—

(*a*) he may at any time by notice in writing addressed to the Governor-General resign his office ;

(*b*) the Governor-General may by instrument under the public seal of the Federation remove him from his office on an address from the Federal Assembly praying for his removal on the ground of misbehaviour or of infirmity of body or mind.

Acting Chief Justice

48.—(1) If the office of Chief Justice of the Federation is vacant, or if the Chief Justice of the Federation is for any reason temporarily unable to perform the functions of his office, then, until some other person has been appointed to and has assumed the functions of that office, or, as the case may be, until the Chief Justice has resumed those functions, those functions shall be performed by such one of the other judges of the Federal Supreme Court as the Governor-General may appoint for that purpose.

(2) Save when the context otherwise requires, any reference in this Constitution to the Chief Justice of the Federation shall be construed as including a reference to any person who under this article is for the time being performing the functions of the Chief Justice of the Federation.

Acting judges

49.—(1) If the office of any Federal justice is vacant, or if any Federal justice is appointed to act temporarily as the Chief Justice of the Federation or is for any reason temporarily unable to perform the functions of his office, the Governor-General may appoint a person qualified for appointment as a Federal justice to act as a judge of the Federal Supreme Court, and any person so appointed shall continue so to act until his appointment is revoked by the Governor-General;

Provided that he may at any time by notice in writing addressed to the Governor-General resign his acting office.

(2) Any person appointed under this article shall before he first acts as a judge of the Federal Supreme Court make and subscribe before the Governor-General or some person authorised by the Governor-General in that behalf the oaths or affirmations directed by paragraph (4) of article forty-seven of this Constitution to be made by a judge of that Court.

Salaries etc. of judges

50. There shall be charged on the Consolidated Revenue Fund of the Federation and paid thereout—

(*a*) to the Chief Justice of the Federation, to any Federal justice and to any acting judge of the Federal Supreme Court such salary and allowances, and

(*b*) to any other judge of that Court such allowances,

as may be respectively prescribed by any law of the Federal Legislature:

Provided that the salary of any judge such as is mentioned in paragraph (*a*) of this article shall not be reduced during his continuance in office.

Places where court to sit

51. The Federal Supreme Court shall be a superior court of record and shall sit at a place to be prescribed by the Governor-General and at such other places, if any, as the Chief Justice of the Federation may, with the approval of the Governor-General, from time to time appoint.

Expenses and receipts of court

52. The administrative expenses of the Federal Supreme Court, including all salaries, pensions and allowances payable to or in respect of persons in the service of the Court, shall be paid out of moneys provided by the Federal Legislature; and any fees or other moneys taken by the Court shall be paid into the Consolidated Revenue Fund of the Federation.

Jurisdiction of the Federal Supreme Court

Exclusive jurisdiction in certain matters

53. The Federal Supreme Court shall, to the exclusion of any other court, have original jurisdiction—

(*a*) in any dispute between the Federation and a Territory or between Territories, if and in so far as that dispute involves any question (whether of law or fact) on which the existence or extent of a legal right depends ;

(*b*) to determine any question as to the right of any person to be or remain a member of the Federal Assembly ;

(*c*) in any matter in which a writ or order of mandamus or prohibition or an injunction or interdict is sought against an officer or authority of the Federation as such.

Exclusive jurisdiction to decide questions as to interpretation of Constitution referred by lower Court

54.—(1) The Federal Supreme Court shall, to the exclusion of any other court, have original jurisdiction to determine any question as to the interpretation of this Constitution which is referred to them under the subsequent provisions of this article or which may be required by any law of the Federal Legislature or of the Legislature of a Territory to be referred by a lower court to a higher court for decision.

(2) If any question as to the interpretation of this Constitution arises in any proceedings in the High Court of a Territory, that High Court may, if they see fit, refer that question to the Federal Supreme Court.

(3) If any question as to the interpretation of this Constitution arises in any proceedings in any other court of a Territory, the person presiding in that court may apply to the High Court of that Territory for an order of that High Court referring that question to the Federal Supreme Court, and the High Court may as they see fit either make the order or refuse it.

(4) If any party to the proceedings referred to in the last foregoing paragraph requests that the person presiding in the court shall make such an application as is so referred to, then, unless in his opinion the request is frivolous or vexatious, that person shall do so.

Exclusive appellate jurisdiction on interpretation of Federal or Territorial Constitution

55. Notwithstanding anything in any law of the Federal Legislature or of the Legislature of any Territory, the Federal Supreme Court shall, to the exclusion of any other court, have jurisdiction to hear and determine appeals from the High Court of any Territory on any question as to the interpretation of any provision of this Constitution or of the constitution of that Territory.

Power for Federation to confer further appellate jurisdiction

56. The Federal Legislature may by law confer upon the Federal Supreme Court jurisdiction to hear and determine appeals from the High Court of any Territory on any other matter in addition to the questions mentioned in the last foregoing article:

Provided that the Federal Supreme Court shall not exercise that jurisdiction in relation to any matter for the time being within the

exclusive legislative competence of the Legislature of a Territory with respect to which a law of that Legislature provides that the decision of the High Court of that Territory is to be final.

Power for Federation or Territory to confer additional non-appellate jurisdiction

57. Provision conferring upon the Federal Supreme Court jurisdiction, other than appellate jurisdiction, in addition to that conferred by articles twenty-two, fifty-three and fifty-four of this Constitution may be made by a law of the Federal Legislature or of the Legislature of a Territory with respect to any matter within the legislative competence, whether exclusive or concurrent, of the Legislature by which the law is made:

Provided that—

(*a*) the Federal Supreme Court shall not have original jurisdiction in any criminal matter, and any law of the Federal Legislature or of the Legislature of a Territory purporting to confer such jurisdiction on the Court shall to that extent be void ;

(*b*) the Federal Supreme Court shall not exercise any jurisdiction conferred upon them by a law of the Legislature of a Territory unless the Speaker of the Federal Assembly has given notice in writing addressed to the Chief Justice of the Federation that the Federal Assembly has by resolution approved the conferment of that jurisdiction.

Enforcement of orders etc.

58.—(1) All authorities throughout the Federation shall act in aid of the Federal Supreme Court.

(2) Without prejudice to article sixty of this Constitution, the Federal Supreme Court shall have power to make any order for the purpose of securing the attendance of any person, the discovery or production of any document, or the investigation or punishment of any contempt of court, which the High Court of any Territory have power to make as respects the area within their jurisdiction ; and any such order, and any other order of the Federal Supreme Court, shall be enforceable by all courts and authorities in any of the three Territories as if it were an order duly made by the High Court of that Territory.

Rules of court

59.—(1) Subject to the provisions of any law of the Federal Legislature made by virtue of the next following article, the Federal Supreme Court may from time to time, with the approval of the Governor-General, make rules of court for regulating generally the practice and procedure of the Court and with respect to appeals to or reviews by the Court, including rules as to the persons practising before the Court, as to the time within which any requirement of the rules is to be complied with, as to the costs of and incidental to any proceedings in the Court, and as to the fees to be charged in respect of proceedings therein, and in particular may make rules providing for the summary determination of any appeal which appears to the Court to be frivolous or vexatious or to be brought for the purpose of delay.

(2) Rules made under this article may fix the minimum number of judges who are to sit for any purpose, so, however, that no matter shall be finally determined by less than three judges.

(3) Subject to the provisions of any law of the Federal Legislature made by virtue of the next following article or of any rules of court, the Chief Justice of the Federation shall determine what judges are to sit for any purpose.

(4) Subject as aforesaid, any final determination by the Federal Supreme Court shall require the concurrence of a majority of the judges present at the hearing of the matter and shall be delivered in open court:

Provided that nothing in this paragraph shall be deemed to prevent a judge who does not concur from delivering a dissenting opinion.

Power for Federal law to make provision as to procedure, enforcement of orders, etc.

60. The Federal Legislature may by law make provision with respect to any of the matters referred to in the last foregoing article or confer upon the Federal Supreme Court such additional or supplemental powers with respect to the matters mentioned in article fifty-eight of this Constitution, or make such further provision, as may appear necessary or desirable and be consistent with this Constitution for enabling the Court more effectively to exercise any jurisdiction conferred upon them by this Constitution or by any law of the Federal Legislature or of the Legislature of a Territory.

Appeals from the Federal Supreme Court and Territorial High Courts

Appeal to Privy Council from Federal Supreme Court

61. The Federal Legislature may by law provide for conferring a right of appeal to Her Majesty in Council from a determination of the Federal Supreme Court in such cases or classes of cases and in such circumstances as may be prescribed in that law, with or without any conditions as to the consent of the Federal Supreme Court, but save as provided by or under any such law there shall be no right of appeal to Her Majesty in Council against any determination of the Federal Supreme Court.

Further provisions as to Appeals from Federal Supreme Court and Territorial High Courts

62. There shall, as from the date when the Federal Supreme Court assume their functions, be no right of appeal—

(*a*) save as may be provided under the last foregoing article, from the Federal Supreme Court; or

(*b*) save as provided by or under this Constitution, from the High Court of any Territory.

Saving for appeals to Privy Council with special leave

63. Nothing in the two last foregoing articles shall be construed as impairing any right which Her Majesty in Council may be pleased to exercise to grant special leave to appeal to Her Majesty in Council—

(*a*) from the Federal Supreme Court; or

(*b*) from the High Court of a Territory:

Provided that paragraph (*b*) of this article shall not apply in relation to any decision of the High Court of a Territory—

(i) from which an appeal lies to the Federal Supreme Court; or

(ii) from which no such appeal lies, but which a law of the Federal Legislature, or, where it is not inconsistent with a law of the Federal Legislature, a law of the Legislature of that Territory, provides shall be final.

Transitional provisions

Exercise of functions of Federal Supreme Court before Court assume those functions

64.—(1) Until the Federal Supreme Court have been duly established and have assumed their functions, any functions conferred on that Court by or under articles twenty-two and fifty-three to fifty-seven of this Constitution shall be performed by the Rhodesia and Nyasaland Court of Appeal and, subject to any provision made by or under the said articles, any provision contained in any law of the Legislature of a Territory with respect to appeals or references to the said Court of Appeal or to the Appellate Division of the Supreme Court of the Union of South Africa on any other matter shall continue to have effect.

(2) Article fifty-two of this Constitution shall not apply in relation to the performance of any functions by the Rhodesia and Nyasaland Court of Appeal, but any expenses incurred or moneys received by that Court by virtue of this article shall be defrayed or dealt with in like manner as any other expenses or receipts of that Court.

Saving for appeals, etc., in progress

65. Without prejudice to any other provision made by a law of the Legislature of any Territory, nothing in article sixty-two of this Constitution shall affect—

(*a*) any appeal which, on the date when the Federal Supreme Court assume their functions, has already been noted in the Appellate Division of the Supreme Court of the Union of South Africa or in the Rhodesia and Nyasaland Court of Appeal; or

(*b*) any reference which on the date aforesaid has already been made by the High Court of Southern Rhodesia to the said Appellate Division of any question of law for the consideration of that Division.

Assumption of functions by Federal Supreme Court

66. For the purposes of this Constitution, the Federal Supreme Court shall be deemed to assume their functions on such date as the Governor-General may by proclamation in the official Gazette of the Federation appoint.

Chapter VI

The African Affairs Board

Constitution of the Board

African Affairs Board

67.—(1) There shall be a Standing Committee of the Federal Assembly, to be known as the African Affairs Board, consisting of the following members of the Federal Assembly, that is to say—

(*a*) the two specially appointed European members and the specially elected European member; and

(*b*) one specially elected African member from each of the three Territories, to be selected by a majority vote of the specially elected African members and the members referred to in sub-paragraph (*a*) of this paragraph acting together.

(2) The Governor-General in his discretion shall appoint a chairman and a deputy chairman from among the members of the Board.

Making of decisions by Board

68.—(1) Any decision of the Board shall be made by a majority vote of the members present and voting.

(2) At any sitting of the Board at which any decision is taken—

(*a*) the chairman or, in the absence of the chairman, the deputy chairman shall preside, who shall be entitled to vote as a member of the Board and, in the event of an equality of votes, shall in addition have and exercise a casting vote ;

(*b*) the quorum of the Board shall be three.

(3) In exercising his casting vote, the chairman or deputy chairman shall vote in such a manner as to enable further consideration to be given to the matter.

Power to sit and act when Assembly not in session

69. Subject to the last foregoing article the Board may sit and act—

(*a*) notwithstanding any vacancy among its members ; and

(*b*) notwithstanding that the Federal Assembly is adjourned or prorogued,

and in the event of a dissolution of the Assembly the persons who immediately before that dissolution are members of the Board may continue to sit and act as the Board until the Assembly first meets after that dissolution.

Functions of the Board

General functions of Board

70. It shall be the general function of the Board—

(*a*) to make to the Prime Minister, or through the Prime Minister to the Executive Council, such representations in relation to any matter within the legislative or executive authority of the Federation as the Board may consider to be desirable in the interests of Africans ;

(*b*) if the Government of any Territory so request, to give to that Government any assistance which the Board can provide in relation to the study of matters affecting Africans, and in particular assistance in the exchange of information relating to any such matter.

Particular functions with respect to legislation etc.

71.—(1) It shall be the particular function of the Board to draw attention to any Bill introduced in the Federal Assembly and any instrument which has the force of law and is made in the exercise of a power conferred by a law of the Federal Legislature if that Bill or instrument is in their opinion a differentiating measure ; and for that purpose they shall have the powers conferred by the subsequent provisions of this Chapter of this Constitution.

(2) In this article and in the subsequent provisions of this Chapter of this Constitution, the expression " differentiating measure " means a Bill or instrument by which Africans are subjected or made liable to any

conditions, restrictions or disabilities disadvantageous to them to which Europeans are not also subjected or made liable, or a Bill or instrument which will in its practical application have such an effect.

Expenses of Board

72. There shall be paid out of moneys provided by the Federal Legislature to the Board or to the members thereof such special allowances and other sums as that Legislature may determine for the purpose of enabling the Board and the members thereof to discharge their functions under this Chapter of this Constitution.

Functions of the Board with respect to Bills

Proposed Bills to be sent to Board before introduction

73. Before any Bill is introduced in the Federal Assembly, a copy of the proposed Bill shall be sent to the Board unless the Governor-General in his discretion has certified in writing that the proposed Bill—

(*a*) is of such a nature that it is not in the public interest that it should be published before its introduction in the Assembly ; or

(*b*) is so urgent that it is not in the public interest to delay its introduction in the Assembly until a copy has been sent to the Board.

Power to report Bill as differentiating measure

74. If at any stage during the passage of any Bill through the Federal Assembly that Bill, whether as originally introduced or as amended at any stage, is in the opinion of the Board a differentiating measure, the Board may lay before the Assembly a report on the Bill stating their reasons for considering the Bill to be such a measure ; and, if at any time after such a report has been laid the Board no longer consider the Bill to be such a measure, they may lay before the Assembly a further report to that effect.

Power to cause Bill to be reserved for Her Majesty

75.—(1) On the passing of any Bill by the Federal Assembly the Board may present to the Speaker of the Federal Assembly a request in writing that the Bill shall be reserved by the Governor-General for the signification of Her Majesty's pleasure on the ground that it is a differentiating measure, and any such request shall include the reasons why in the opinion of the Board the Bill is such a measure, and, if the decision to make the request was not unanimous, a statement to that effect.

(2) Where such a request is received by the Speaker, he shall cause it to be delivered to the Governor-General when the Bill is presented to him for assent.

(3) Where such a request is delivered to the Governor-General, then, except as provided in paragraph (4) of this article, he shall not himself assent to the Bill but shall reserve it for the signification of Her Majesty's pleasure and send the Board's request to a Secretary of State together with the Bill.

(4) Notwithstanding any such request by the Board, the Governor-General in his discretion may himself assent to the Bill—

(*a*) if he satisfies himself that it is not a differentiating measure and that the reasons given by the Board for considering it to be such a measure are of an irrelevant or frivolous nature ; or

(*b*) if he is satisfied, upon representations made by the Prime Minister, that it is essential in the public interest that the Bill be brought into immediate operation ;

but if he does so assent the Governor-General shall forthwith send to a Secretary of State the Bill to which he has assented together with the Board's request and a statement of his reasons for assenting.

(5) Nothing in paragraph (4) of this article shall be construed as authorising the Governor-General himself to assent to any Bill which he is required by article ten or article ninety-seven of this Constitution to reserve for the signification of Her Majesty's pleasure.

Standing Orders of Assembly may make additional provision for referring Bills to Board

76. The provisions of the two last foregoing articles shall not be construed as prejudicing any additional provision which may be made by Standing Orders of the Federal Assembly with respect to the referring of Bills or proposed amendments thereto to the Board for the Board's report thereon at any stage or with respect to the action to be taken by the Assembly on any report by the Board.

Functions of the Board with respect to subordinate legislation

Report and disapproval of subordinate legislation as differentiating measure

77.—(1) If any instrument which has the force of law and is made in the exercise of a power conferred by a law of the Federal Legislature is in the opinion of the Board a differentiating measure, the Board may at any time within thirty days after the publication of the instrument send to the Prime Minister a report in writing to that effect stating the reasons why in the opinion of the Board the instrument is such a measure.

(2) When such a report in respect of any instrument is received by the Prime Minister, he shall within thirty days, unless the Board have in the meantime by notice in writing withdrawn the report, send the report and his comments thereon to the Governor-General, and the Governor-General shall forward the report and the Prime Minister's comments thereon to a Secretary of State.

(3) A Secretary of State may at any time within twelve months after receiving such a report with respect to an instrument disapprove of that instrument, and after receiving notification of such a disapproval the Governor-General shall cause notice of the disapproval to be published in the official Gazette of the Federation and the instrument shall be deemed to be annulled as from such date, not being earlier than the publication of the notice, as the Governor-General in his discretion may by that notice appoint.

(4) On the annulment of any instrument under this article, any other instrument or law amended, revoked or repealed by the instrument annulled shall have effect from the date of the annulment as if the instrument annulled had not been made, but save as provided in the foregoing provisions of this paragraph the provisions of subsection (2) of section thirty-eight of the Interpretation Act, 1889, shall apply to that annulment as they apply to the repeal of an Act of Parliament.

CHAPTER VII

FINANCE

Appropriation and audit

Consolidated Revenue Fund of the Federation

78.—(1) All revenues or other moneys raised or received by the Federation shall form one Consolidated Revenue Fund.

(2) The costs, charges and expenses incidental to the collection and management of the Fund shall form the first charge thereon.

(3) Save as expressly provided by this Constitution, no moneys shall be withdrawn from the Consolidated Revenue Fund except under appropriation made by a law of the Federal Legislature:

Provided that the Federal Legislature may by law make provision for making moneys available in advance of appropriation by that Legislature for the purpose of meeting unforeseen expenditure or to cover any period not exceeding four months between the end of a financial year and the coming into force of the law authorising the appropriation for the next following financial year.

Auditor-General of the Federation

79.—(1) There shall be an Auditor-General of the Federation who shall be appointed by the Governor-General and hold office until he attains the age for the time being prescribed by any law of the Federal Legislature for retirement from the Federal public service:

Provided that—

(*a*) he may at any time by notice in writing addressed to the Governor-General resign his office;

(*b*) the Governor-General may remove him from his office on an address from the Federal Assembly praying for his removal on the ground of misbehaviour or of infirmity of body or mind.

(2) The salary of an Auditor-General shall not be reduced during his continuance in office.

(3) The Auditor-General shall perform such duties and exercise such powers in relation to the public accounts of the Federal Government as the Federal Legislature may by law prescribe.

(4) The Governor of a Territory may, with the consent of the Governor-General, entrust to the Auditor-General of the Federation any functions in relation to the public accounts of the Government of that Territory, and the Auditor-General shall in that case perform those functions and report thereon to the appropriate authority of that Territory.

Special provisions as to taxation

Taxes on income or profits

80.—(1) Subject to the next following article, where any tax on income or profits or both is levied under any law of the Federal Legislature, not being a Territorial surcharge levied under article eighty-two of this Constitution, there shall be payable to the Territories amounts equal to the following percentages respectively of the proceeds of that tax remaining after the deduction of the cost of its collection, that is to say—

(*a*) to Southern Rhodesia, thirteen per cent.:

(*b*) to Northern Rhodesia, seventeen per cent. ;

(*c*) to Nyasaland, six per cent.

(2) The amount due to any Territory by virtue of this article shall be paid out of the Consolidated Revenue Fund of the Federation to the Governor of that Territory before the end of the quarter next following that in which the said proceeds are collected, or before the expiration of such longer period, not exceeding one year, as may from time to time be agreed between the Governor-General and that Governor.

(3) Notwithstanding anything in paragraph (6) of article twenty-nine of this Constitution, the incidence in like circumstances of any tax to which this article applies shall not vary between different parts of the Federation.

Federal Emergency Tax

81.—(1) Where, in respect of any period of emergency, that is to say, any period during which—

(*a*) Her Majesty is at war ; or

(*b*) there is in force a proclamation made by the Governor-General with the consent of the Governors of the three Territories declaring that a situation exists which is a threat to the security of the Federation as a whole,

the Federal Legislature by law provides for the levying of a special tax on income or profits or both and designates that special tax as a Federal Emergency Tax, the last foregoing article shall not apply in relation to that special tax.

(2) Notwithstanding anything in paragraph (6) of article twenty-nine of this Constitution, the incidence in like circumstances of any Federal Emergency Tax shall not vary between different parts of the Federation.

Territorial surcharge

82.—(1) In respect of any year of assessment for the purposes of any tax on income or profits or both to which article eighty of this Constitution applies (in this article referred to as " the basic tax ") a law of the Legislature of a Territory may, subject to the provisions of this article, authorise the Federal Government to levy and collect on behalf of that Territory a tax (in this article referred to as a " Territorial surcharge ")—

(*a*) upon the income of, or, as the case may be, profits accruing to, any person resident in that Territory during that year, not being a body corporate, including any income or, as the case may be, profits which that person derives from participation in a partnership ; or

(*b*) upon the income or, as the case may be, profits derived by any body corporate from sources within that Territory,

subject to such exemptions, if any, as may be provided for in that law.

(2) A Territorial surcharge—

(*a*) in the case of a person other than a body corporate, shall be an amount equal to such percentage, not exceeding twenty per cent., of the total amount payable by that person as basic tax in respect of the said year as may be specified in the law by which the surcharge is authorised ;

(*b*) in the case of a body corporate, shall be in the form of a levy on each pound of income or, as the case may be, profits liable to the basic tax which is derived by the body during the said year from sources within the Territory, being a levy at such rate, not exceeding one-fifth of the rate of the basic tax, as may be specified in the said law.

(3) For the purposes of any Territorial surcharge upon persons other than bodies corporate, a person shall not in respect of any one year of assessment be treated as resident in more than one Territory.

(4) The Federal Legislature shall by law provide for the levying and collection on behalf of a Territory of any Territorial surcharge authorised by the Legislature of that Territory in accordance with this article, and any such law shall provide for the determination of any question as to the Territory in which any person is to be treated as resident for the purposes of Territorial surcharge and for the ascertainment of the amount of the income or profits derived from sources within any Territory by any body corporate.

(5) An amount equal to the proceeds of any Territorial surcharge remaining after the deduction of the cost of its collection shall be paid out of the Consolidated Revenue Fund of the Federation to the Governor of the Territory on whose behalf the surcharge is levied before the end of the quarter next following that in which those proceeds are collected, or before the expiration of such longer period, not exceeding one year, as may from time to time be agreed between the Governor-General and that Governor.

Export duties

83.—(1) Where any export duty is levied under any law of the Federal Legislature, there shall be payable to the Territories amounts equal to the following percentages respectively of the proceeds of that duty remaining after the deduction of the cost of its collection, that is to say—

(*a*) to Southern Rhodesia, thirteen per cent.;

(*b*) to Northern Rhodesia, seventeen per cent.;

(*c*) to Nyasaland, six per cent.

(2) The amount due to any Territory by virtue of this article shall be paid out of the Consolidated Revenue Fund of the Federation to the Governor of that Territory before the end of the quarter next following that in which the said proceeds are collected, or before the expiration of such longer period, not exceeding one year, as may from time to time be agreed between the Governor-General and that Governor.

Sales taxes etc.

84. Where any tax on amounts paid or payable on the sale of goods is levied under any law of the Federal Legislature, there shall be paid to the Territories amounts representing such proportions respectively of the proceeds of that tax remaining after the deduction of the cost of its collection, at such times and in such manner as the Federal Legislature may by law prescribe:

Provided that the aggregate of the amounts paid to the three Territories under this article in respect of any period shall not be less than two-thirds of the total of those proceeds collected during that period.

Transitional provisions with respect to certain taxes and duties

85. Notwithstanding anything in the proviso to paragraph (2) of article twenty-nine or in paragraph (4) of article thirty-five of this Constitution and save as the Federal Legislature may by law otherwise provide, an amount equal to any proceeds arising after the coming into force of this Constitution—

(*a*) of any taxes on income or profits or both ; and

(*b*) of any duties of customs or excise, including export duties,

levied under a law of the Legislature of any Territory, whether or not amended by any law of the Federal Legislature, not being a Territorial surcharge levied under article eighty-two of this Constitution, shall be made available out of the revenues of which those proceeds for the time being form part for distribution between the Federation and all or any of the Territories in such proportions respectively, at such times, and in such manner, as the Governor-General, after consultation with the Governors of the three Territories, may by regulations prescribe:

Provided that this article shall not apply in relation to any duty on motor spirit.

Freedom of inter-territorial trade

86.—(1) As from such date as the Governor-General may by proclamation which shall be published in the official Gazette of each of the Territories appoint, no law of the Legislature of any Territory shall provide for the imposition of any tax which has the effect of restricting the freedom of movement of goods between Territories, and any such law then in force or thereafter made shall to the extent that it makes such provision be void:

Provided that this article shall not apply—

(*a*) in relation to any tax on motor spirit ;

(*b*) to any law under which a tax is levied to the proceeds of which the last foregoing article applies.

(2) In this article, the expression " tax " includes impost, cess and duty.

Taxation, of Government property etc.

87.—(1) Where a law of the Federal Legislature imposes any tax with respect to property within, or imported into or exported from, the Federation, or with respect to moneys arising, accruing or received within the Federation, then if, but only if, that law expressly so provides, that law shall apply with respect to the property or moneys of a Territory as it applies with respect to any other property or moneys, subject to such exceptions and modifications, if any, as may be specified in that law.

(2) Where a law of the Legislature of a Territory imposes any tax with respect to property within that Territory or with respect to moneys arising, accruing or received within that Territory, then if, but only if, that law expressly so provides, that law shall apply with respect to property or moneys of the Federation as it applies to any other property or moneys, subject to such exceptions and modifications, if any, as may be specified in that law.

(3) For the purposes of this article—

" property " includes goods, animals and any other form of property whatsoever other than moneys ;

" property or moneys of a Territory " means property or moneys vested in Her Majesty for the purposes of a Territory or vested in any person or authority on behalf of a Territory, but does not include the proceeds of any tax ;

" property or moneys of the Federation " means property or moneys vested in Her Majesty for the purposes of the Federation or vested in any person or authority on behalf of the Federation, but does not include the proceeds of any tax ;

" tax " includes impost, cess, rate and duty.

Control of external borrowing

The Loan Council

88.—(1) There shall be a Loan Council consisting of four members, namely—

(*a*) a Minister of the Federal Government, nominated from time to time by the Governor-General ; and

(*b*) a representative of the Government of each Territory, nominated from time to time by the Governor of that Territory.

(2) In the absence of any of the members of the Loan Council, a deputy may act in his place.

(3) Each member of the Loan Council, or in his absence his deputy, shall have one vote and, without prejudice to the requirements of article ninety of this Constitution, the Minister of the Federal Government, or in his absence his deputy, shall, in the event of an equality of votes, in addition have and exercise a casting vote.

(4) Subject to the provisions of this article and of the said article ninety, the Governor-General may, after consultation with the Governors of the three Territories, make regulations as to the appointment of deputies, the quorum of the Council, and generally as to the conduct of the business of the Council.

(5) The expenses of the Loan Council shall be defrayed out of moneys provided by the Federal Legislature.

Submission of external loan programmes

89.—(1) The Federal Government and the Governments of the Territories shall, when so required by the Loan Council, each submit to the Council, after consultation between the four Governments, a programme (in this and the next following article referred to as " an external loan programme ") covering such period as the Council may prescribe and setting forth in respect of each year included in that period the amount, if any, which that Government desire to raise by loans outside the Federation in that year.

(2) The Federal Government shall include in their external loan programme any amount desired to be raised by a federal corporation, and the Government of a Territory shall include in their external loan programme any amount desired to be raised by a territorial corporation or by any local government authority within the Territory.

(3) Subject to the provisions of this article and article ninety-two of this Constitution, the Loan Council may make regulations as to the information to be set out in any external loan programme.

(4) In this article, the expression " federal corporation " means a body incorporated directly by a law of the Federal Legislature, and

the expression " territorial corporation " means, in relation to any Territory, a body incorporated directly by a law of the Legislature of that Territory.

Decisions of Loan Council as to external loan programmes

90.—(1) The Loan Council shall consider the external loan programmes submitted to them by the four Governments under the last foregoing article and in respect of any year may—

(*a*) approve the amounts, if any, proposed to be raised under all four programmes in that year ; or

(*b*) approve an aggregate amount to be raised in that year which is smaller than the aggregate of any amounts proposed to be raised under the four programmes.

(2) No approval shall be given under paragraph (1) of this article except by the unanimous vote of the whole Council, and in deciding whether or not to grant their approval the Council shall have regard to the amounts which, in their opinion, it is possible or desirable, or in the economic interests of the Federation or of the Territories, to borrow in the year in question, and in deciding whether to approve any aggregate amount under sub-paragraph (*b*) of that paragraph may have regard to the purposes for which it is proposed to use any money borrowed.

(3) Where the Loan Council approve an aggregate amount under sub-paragraph (*b*) of paragraph (1) of this article, that amount shall be allocated between the Federation and the Territories in such manner as the Council may unanimously agree or, failing such agreement, in the following proportions, that is to say—

(*a*) to the Federation, sixty-four per cent. ;

(*b*) to Southern Rhodesia, thirteen per cent. ;

(*c*) to Northern Rhodesia, seventeen per cent. ;

(*d*) to Nyasaland, six per cent.

Loans not to be raised without approval of Loan Council

91.—(1) Subject to the next following article, the aggregate amount borrowed outside the Federation in any year—

(*a*) by the Federal Government and any federal corporation ; or

(*b*) by the Government of any Territory, any territorial corporation and any local government authority within that Territory,

shall not exceed the amount, if any, approved for or allocated to the Federation or, as the case may be, that Territory under the last foregoing article.

(2) The Federal Government or the Government of a Territory may in respect of any year by notice in writing to the Loan Council surrender in whole or in part the right to raise any amount approved for or allocated to the Federation or, as the case may be, the Territory under the last foregoing article.

(3) In this article, the expressions " federal corporation " and " territorial corporation " have the same meanings as in article eighty-nine of this Constitution.

Special provisions as to certain loans

92.—(1) Where the Federal Assembly has approved the raising of any loan outside the Federation to meet expenditure connected with a period of emergency within the meaning of article eighty-one of this Constitution, the amount of that loan to be raised in any year

shall not require the approval of the Loan Council and shall be left out of account for the purposes of the last foregoing article, but—

(*a*) the Federal Government shall inform the Loan Council of the amount proposed to be raised in any year ; and

(*b*) the Loan Council may take that amount into account in deciding whether or not to grant any approval under article ninety of this Constitution.

(2) Nothing in the three last foregoing articles shall apply in relation to any money advanced or proposed to be advanced to the Federal Government or to the Government of a Territory by Her Majesty's Government in the United Kingdom.

Miscellaneous

Discharge of responsibility for certain loans etc.

93. There shall be charged on and paid out of the Consolidated Revenue Fund of the Federation any amounts payable by the Federation in the discharge of any responsibility assumed by the Federation under section five of the Order in Council to which this Constitution is annexed in respect of the outstanding public debt of any Territory within the meaning of that section.

Guarantees by Federal Government of loans

94. If so authorised by a law of the Federal Legislature, the Federal Government may guarantee any loan raised by the Government of a Territory.

Financial assistance to Territories

95. The Federal Legislature may by law authorise the provision of financial assistance to any Territory, whether by loans, grants or otherwise, on such terms or conditions, if any, as may be prescribed by that law.

Review of certain provisions

96.—(1) The Governor-General shall from time to time, after consultation with the Governors of the three Territories, appoint a commission to consider whether the proportions set out in articles eighty, eighty-three and ninety of this Constitution for the distribution between the Federation and the three Territories of the proceeds of taxes on income or profits, the proceeds of export duties and the amounts to be raised by borrowing outside the Federation respectively are satisfactory and to report to him thereon.

(2) The Governor-General shall cause any report made in pursuance of this article to be laid before the Federal Assembly.

(3) The first commission under this article shall be appointed not less than three nor more than four years after the coming into force of this Constitution, and thereafter successive commissions shall be appointed at intervals not exceeding, unless the Governor-General and the Governors of the three Territories otherwise agree, five years.

CHAPTER VIII

AMENDMENT AND REVIEW OF CONSTITUTION

Amendment of Constitution

97.—(1) Subject to the next following article, the Federal Legislature may by law amend any of the provisions of this Constitution:

Provided that any Bill for the amendment of this Constitution (in this article referred to as a " constitutional Bill ")—

(*a*) shall not be deemed to be passed unless at the final vote thereon by the Federal Assembly it receives the affirmative vote of not less than two-thirds of all the members of that Assembly; and

(*b*) if passed, shall not be assented to by the Governor-General but shall be reserved by him for the signification of Her Majesty's pleasure.

(2) If in the case of any constitutional Bill—

(*a*) the Legislative House of any Territory by resolution objects to the Bill or to any provision thereof within sixty days after the Bill has been passed by the Federal Assembly; or

(*b*) that Bill is also required by article seventy-five of this Constitution to be reserved by the Governor-General for the signification of Her Majesty's pleasure,

Her Majesty shall not assent thereto otherwise than by Order in Council.

(3) No Order proposed to be made for the purposes of paragraph (2) of this article shall be submitted to Her Majesty in Council unless a draft thereof has been laid before each House of the Parliament of the United Kingdom and neither House has, within a period of forty days beginning with the day on which the draft is laid before it, resolved that the Order should not be submitted to Her Majesty; and, in reckoning the said period of forty days, no account shall be taken of any time during which that Parliament is dissolved or prorogued or during which both of those Houses are adjourned for more than four days.

(4) In the case of any constitutional Bill to which paragraph (2) of this article does not apply and to which Her Majesty is pleased to assent, that assent shall be signified through a Secretary of State, but assent to a constitutional Bill shall not be signified under this paragraph earlier than sixty-five days after the Bill has been passed by the Federal Assembly unless within that time the Legislative House of each of the three Territories has passed a resolution that it does not object to the Bill.

(5) The power conferred on the Federal Legislature by this article to amend this Constitution shall include power to establish and constitute a second chamber of the Federal Legislature, to prescribe the functions of any such second chamber, and generally to make such amendments of this Constitution as may appear necessary or expedient in consequence of the establishment of such a second chamber.

Restriction on power to amend Constitution

98. Notwithstanding anything in the last foregoing article, no Bill to amend the provisions of this Constitution relating to the matters with respect to which the Federal Legislature may make laws, or to amend this article or the next following article, shall be introduced in the

Federal Assembly until after the expiration of ten years from the date of the coming into force of this Constitution unless a draft of that Bill has been laid before the Legislative House of each of the three Territories and each of those Houses has passed a resolution that it does not object to the introduction of that Bill in the Federal Assembly.

Review of Constitution

99. Not less than seven nor more than nine years from the date of the coming into force of this Constitution, there shall be convened a conference consisting of delegations from the Federation, from each of the three Territories and from the United Kingdom, chosen by their respective Governments, for the purpose of reviewing this Constitution.

SCHEDULES

FIRST SCHEDULE

FORMS OF OATHS AND AFFIRMATIONS

A. OATH OF ALLEGIANCE

I,....., do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her heirs and successors, according to law. So help me God.

B. AFFIRMATION OF ALLEGIANCE.

I,....., do solemnly and sincerely affirm and declare that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her heirs and successors, according to law.

C. OATH FOR DUE EXECUTION OF OFFICE.

I,....., do swear that I will well and truly serve Her Majesty Queen Elizabeth the Second in the office of (*here insert the description of the office*). So help me God.

D. AFFIRMATION FOR DUE EXECUTION OF OFFICE.

I,....., do solemnly and sincerely affirm and declare that I will well and truly serve Her Majesty Queen Elizabeth the Second in the office of (*here insert the description of the office*).

SECOND SCHEDULE

MATTERS WITH RESPECT TO WHICH THE FEDERAL LEGISLATURE MAY MAKE LAWS

PART I

THE FEDERAL LEGISLATIVE LIST

(*being, in relation to any Territory, matters with respect to which the Federal Legislature has, and the Legislature of the Territory has not, power to make laws.*)

Item

1. External affairs, that is to say—
   (*a*) such external relations as may from time to time be entrusted to the Federation by Her Majesty's Government in the United Kingdom; and
   (*b*) the implementation of treaties, conventions and agreements with, and other obligations towards, countries or organisations outside the Federation affecting the Federation as a whole or any one or more of the Territories, whether entered into—
      (i) either before or after the date of the coming into force of this Constitution, by Her Majesty, or by Her Majesty's Government in the United Kingdom on behalf of the Federation or any of the Territories; or

Item

(ii) after the said date, by the Federation with the authority of Her Majesty's Government in the United Kingdom; or

(iii) before the said date, by any of the Territories with the said authority;

but not including relations between the United Kingdom and any of the Territories.

2. Extradition, fugitive offenders, and the removal of prisoners, both as between Territories and as between the Federation or a Territory and some country outside the Federation.
3. Defence.
4. Immigration into and emigration from the Federation.
5. Aliens.
6. Citizenship of the Federation.
7. Banks and banking, other than land banks as defined in item 50 in Part II of this Schedule; control of capital issues.
8. Control of imports into and exports from the Federation; exchange control.
9. Promotion of exports from the Federation.
10. The distribution, disposal, purchase and sale of such manufactured and unmanufactured commodities and such animals and poultry as the Governor-General may by order specify, the control of the wholesale and retail price of any commodities, animals or poultry so specified, and the payment by the Federation of subsidies in respect of any commodities, animals or poultry so specified (subject to the provisions of Part III of this Schedule), so, however, that a law of the Federal Legislature relating to animals or poultry made by virtue of this item shall not have effect in relation to any Territory unless and until the Governor of that Territory has declared by notice in the official Gazette of the Territory that it shall so have effect.
11. Duties of customs and excise (including export duties) other than duties on motor spirit, whether the proceeds of those duties are to be used for Federal or for Territorial purposes (subject to the provisions of article eighty-three of this Constitution).
12. Taxes on income and profits, and taxes on amounts paid or payable on the sale of goods other than motor spirit, whether the proceeds of those taxes are to be used for Federal or for Territorial purposes (subject to the provisions of articles eighty to eighty-two and eighty-four of this Constitution).
13. Currency, coinage and legal tender.
14. Guarantees by the Federal Government of loans.
15. Companies, that is to say, general provision as to the incorporation, regulation and winding up of bodies corporate, other than bodies incorporated directly by a law of the Legislature of a Territory or incorporated under a law of such a Legislature for special purposes specified in that law, and other than co-operative societies or co-operative companies.
16. Insurance, other than insurance undertaken by the Government of a Territory.
17. Bills of exchange, cheques and promissory notes.
18. Copyright, patents, trade marks, designs and merchandise marks.
19. The construction, alteration and maintenance of all roads (in so far as they lie within the Federation) scheduled as inter-territorial in the Final Act of the Transport Conference held at Johannesburg in the year nineteen hundred and fifty, and any other roads within the Federation which may be prescribed as inter-territorial by any law of the Federal Legislature.

Item

20. Railways and ancillary services, including ancillary transport services.

21. Shipping, harbours and ancillary services, including ancillary transport services.

22. Aviation, aerodromes and ancillary services, including ancillary transport services and the safety of aircraft.

23. Meteorology.

24. In relation to Southern Rhodesia, agriculture, that is to say—
    (*a*) agriculture in general, including animal husbandry, dairies and dairy-farming, horticulture, poultry-farming, bee-keeping, fish-farming, pounds and agricultural colleges;
    (*b*) agricultural research, including pasture, tobacco, veterinary and tsetse research;
    (*c*) the provision and use of specialist services in connection with agriculture and agricultural products, including veterinary services and services dealing with chemistry, entomology and plant pathology; and
    (*d*) conservation,
    but not including forestry, irrigation or such agriculture as the Governor-General and the Governor of Southern Rhodesia acting jointly shall by order have designated as African agriculture (subject to the provisions of Part III of this Schedule).

25. In relation to Southern Rhodesia, animal health, including animal pests and diseases.

26. In relation to Southern Rhodesia, plant pests and diseases.

27. Posts, telegraphs, telephones, wireless (other than broadcasting, television and other like forms of communication) and Post Office savings banks.

28. Such irrigation works and water works as the Governor-General may by order designate as major irrigation or water works or as works ancillary to such major works (subject to the provisions of Part III of this Schedule).

29. The generation, supply and use of nuclear energy.

30. Primary and secondary education of persons other than Africans.

31. Higher education (including higher education of Africans), that is to say, institutions or other bodies offering courses of a university, technological or professional character.

32. Weights and measures.

33. The Federal public service.

34. Federal public relations.

35. Audit of Federal public accounts.

36. The establishment, training, maintenance and administration of a Federal police force for service in the employment of, or use in, any Territory at the request and under the operational control of the Governor of that Territory in addition to or in substitution for the police force of that Territory; and the conditions (including conditions as to payment by the Territory) on which the Federation will make that police force available for such use or employment.

37. The establishment, constitution, jurisdiction and powers of any Federal courts other than the Federal Supreme Court (subject to the provisions as to the jurisdiction of the Federal Supreme Court contained in articles twenty-two and fifty-three to fifty-five of this Constitution).

38. Legal proceedings between the Federation and a Territory or between Territories (subject to article fifty-three of this Constitution).

Item

39. Legal proceedings by or against the Federation other than proceedings against or by a Territory.

40. Professional qualifications in respect of such professions as, and to the extent that, the Governor-General with the consent of the Governor of any Territory concerned may by order designate (subject to the provisions of Part III of this Schedule).

41. The payment of old age pensions by the Federal Government.

42. The control of any area which may be designated as a National Park by an order made by the Governor-General with the consent of the Governor of the Territory in which that area is situated, being control with respect to such matters and to such extent as may be specified in that order (subject to the provisions of Part III of this Schedule).

43. Any monument designated as a National Monument by an order made by the Governor-General with the consent of the Governor of the Territory in which that monument is situated (subject to the provisions of Part III of this Schedule).

44. Any other matter, whether or not otherwise within the exclusive legislative competence of the Federal Legislature, with respect to which for the time being, under or by virtue of any provision of this Constitution, the Federal Legislature has, and the Legislature of the Territory has not, power to make laws, or in relation to which reference is made in this Constitution to a law of the Federal Legislature but not to a law of the Legislature of a Territory.

PART II

THE CONCURRENT LEGISLATIVE LIST

(being, in relation to any Territory, matters with respect to which both the Federal Legislature and the Legislature of that Territory have power to make laws).

45. Deportation.

46. Naturalisation.

47. Control of the voluntary movement of persons between Territories.

48. Control of movement of goods and animals between Territories.

49. Development of industries.

50. Land banks, that is to say, government institutions or institutions set up by or under a law of the Federal Legislature or of the Legislature of a Territory, being institutions of which the main purpose is the granting of credits for housing or agricultural purposes.

51. Co-operative societies and co-operative companies, being such societies and companies with objects connected with agriculture, except where a majority of the members are African.

52. Bankruptcy and insolvency; assignments to and compositions with creditors.

53. Hire purchase.

54. Roads, other than those referred to in item 19 in Part I of this Schedule

55. Road-rail crossings.

56. Regulation of road traffic.

57. Electricity.

58. Scientific and industrial research, including, in relation to Northern Rhodesia and Nyasaland, agricultural, veterinary and tsetse research.

Item

59. The service and execution in any Territory of the civil and criminal processes, judgments, decrees, orders, and decisions of the courts of any other country and the attendance of persons from any Territory at the courts of any other country, whether that other country is within or outside the Federation.

60. Prisons and other institutions for the treatment of, and methods of treating, offenders against any law, whether or not that law is within the legislative competence of the Federal Legislature or, as the case may be, of the Legislature of the Territory.

61. Care and protection of minors.

62. Fingerprints, identification and criminal records.

63. Security information.

64. Health (other than silicosis in Northern Rhodesia).

65. Promotion of tourist traffic.

66. Town planning.

67. Geological, trigonometrical, topographical and cadastral surveys.

68. Production and distribution of Government films.

69. Broadcasting, television and other like forms of communication.

70. Archives.

71. Census and statistics.

72. Indemnity in respect of acts or omissions, so, however, that the Federal Legislature shall not have power to make laws with respect to indemnity in respect of acts or omissions in breach of a law of the Legislature of a Territory which is within the exclusive legislative competence of the Legislature of that Territory.

73. Registration of births and deaths.

74. Registration and record of printed publications.

75. Commissions of inquiry.

76. Any other matter, whether or not otherwise within the legislative competence of the Federal Legislature or, as the case may be, of the Legislature of the Territory, with respect to which under or by virtue of any provision of this Constitution both the Federal Legislature and the Legislature of the Territory have for the time being power to make laws, or in relation to which reference is made in this Constitution to laws both of the Federal Legislature and of the Legislature of a Territory.

Part III

Provisions with Respect to Certain Orders

A. Any order made for the purposes of any of the following items in Part I of this Schedule, that is to say, items 10, 24, 28, 40, 42 and 43, shall be published in the official Gazette of the Federation and of any Territory to which the order applies and shall not have effect until it has been so published.

B. The Federal Legislature shall not have power to make laws with respect to any matter included in the said item 24 until the order referred to in that item has been made and published as aforesaid.

C. Where any consent is required to the making of any such order as aforesaid, a notification in the Gazettes aforementioned that the necessary consent has been given shall be sufficient evidence of that consent.

D. Any order made for the purposes of any of the said items other than item 24 may be varied or revoked by a subsequent order made and published in like manner as the original order.

Table showing session and chapter of Acts referred to in section thirteen of the Order

Short Title	Session and Chapter
The Judicial Committee Act, 1833	3 & 4 Will. 4. c. 41
The (Colonies) Evidence Act, 1843	6 & 7 Vict. c. 22
The Slave Trade Act, 1843	6 & 7 Vict. c. 98
The Habeas Corpus Act, 1862	25 & 26 Vict. c. 20
The Colonial Prisoners Removal Act, 1869	32 & 33 Vict. c. 10
The Extradition Acts, 1870 to 1935	33 & 34 Vict. c. 52 36 & 37 Vict. c. 60 58 & 59 Vict. c. 33 6 Edw. 7. c. 15 22 & 23 Geo. 5. c. 39 25 & 26 Geo. 5. c. 25, ss. 4, 6
The Colonial Fortifications Act, 1877	40 & 41 Vict. c. 23
The Colonial Stock Acts, 1877 to 1948	40 & 41 Vict. c. 59 55 & 56 Vict. c. 35 63 & 64 Vict. c. 62 24 & 25 Geo. 5. c. 471 12, 13 & 14 Geo. 6. c.
The Fugitive Offenders Acts, 1881 and 1915	44 & 45 Vict. c. 69 5 & 6 Geo. 5. c. 39
The Colonial Prisoners Removal Act, 1884	47 & 48 Vict. c. 31
The Pensions (Colonial Service) Act, 1887	50 & 51 Vict. c. 13
The Regimental Debts Act, 1893	56 & 57 Vict. c. 5
The Colonial Boundaries Act, 1895	58 & 59 Vict. c. 34
The Finance Act, 1899	62 & 63 Vict. c. 9
The Patents and Designs Act, 1907	7 Edw. 7. c. 29
The Indian and Colonial Divorce Jurisdiction Act, 1926	16 & 17 Geo. 5. c. 40
The Evidence (Foreign, Dominion and Colonial Documents) Act, 1933	23 & 24 Geo. 5. c. 4
The Visiting Forces (British Commonwealth) Act, 1933	23 & 24 Geo. 5. c. 6
The Geneva Convention Act, 1937	1 Edw. 8 & 1 Geo. 6. c. 15
The Patents &c. (International Conventions) Act, 1938	1 & 2 Geo. 6. c. 29
The Colonial Development and Welfare Acts, 1940 to 1950	3 & 4 Geo. 6. c. 40 8 & 9 Geo. 6. c. 20 12, 13 & 14 Geo. 6. c. 49 14 & 15 Geo. 6. c. 4
The Statutory Instruments Act, 1946	9 & 10 Geo. 6. c. 36
The United Nations Act, 1946	9 & 10 Geo. 6. c. 45
The Overseas Resources Development Acts, 1948 to 1951	11 & 12 Geo. 6. c. 15 12, 13 & 14 Geo. 6. c. 65 14 & 15 Geo. 6. c. 20
The Civil Aviation Act, 1949	12, 13 & 14 Geo. 6. c. 67
The Patents Act, 1949	12, 13 & 14 Geo. 6. c. 87
The Registered Deisgns Act, 1949	12, 13 & 14 Geo. 6. c. 88
The Income Tax Act, 1952	15 & 16 Geo. 6 & 1 Eliz. 2. c. 10
The Visiting Forces Act, 1952	15 & 16 Geo. 6 & 1 Eliz. 2. c. 67