1965 No. 1958

SOUTHERN RHODESIA

The Southern Rhodesia (Fugitive Offenders Act 1881) Order 1965

Made - - - -	-	16*th November* 1965
Coming into Operation	-	16*th November* 1965
Laid before Parliament	-	17*th November* 1965

At the Court at Buckingham Palace, the 16th day of November 1965

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred on Her by section 2 of the Southern Rhodesia Act 1965(a), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows :—

1.—(1) A warrant for the return of a fugitive to Southern Rhodesia shall not be issued under section 6 of the principal Act unless the Secretary of State or other person by whom the warrant falls to be issued is satisfied that the return of the fugitive has not been rendered inexpedient by any unconstitutional action taken in Southern Rhodesia or circumstances resulting therefrom.

(2) Where a warrant for the return of a fugitive to Southern Rhodesia has been issued under section 6 of the principal Act before the coming into operation of this Order but the fugitive has not been returned in pursuance thereof, the warrant shall be withdrawn by the Secretary of State or other person by whom it was issued unless he is satisfied as aforesaid.

2.—(1) Where a warrant for the return of a prisoner to Southern Rhodesia has been issued under section 14 of the principal Act in any British possession (whether before or after the coming into operation of this Order) the prisoner shall not be returned in pursuance of the warrant unless the Governor of the possession in question is satisfied that the return of the prisoner has not been rendered inexpedient by any unconstitutional action taken in Southern Rhodesia or circumstances resulting therefrom.

(2) Where the Governor is not satisfied as aforesaid, he may order the prisoner to be discharged out of custody.

(a) 1965 c. 76.

3. For the purposes of the operation of this Order in Basutoland it shall have effect as if :—

(*a*) Article 1 were omitted ;

(*b*) the reference in Article 2 to section 14 of the principal Act included a reference to section 6 thereof, and

(*c*) any reference in Article 2 to the Governor were a reference to the British Government Representative in Basutoland.

4.—(1) In this Order any reference to the principal Act is a reference to the Fugitive Offenders Act 1881(**a**), so however that any such reference shall, for the purposes of the operation of this Order in any place outside Her Majesty's dominions, be construed as a reference to that Act as it has effect in that place.

(2) In this Order any reference to a British possession is a reference to such a possession within the meaning of the principal Act, so however that any such reference shall include a reference to any place to which that Act applies as if it were a British possession or to which that Act has been extended by or under any subsequent enactment ; and in relation to any such possession or place the expression " the Governor " has the meaning assigned to it by the principal Act.

(3) The Interpretation Act 1889(**b**) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

5. This Order may be cited as the Southern Rhodesia (Fugitive Offenders Act 1881) Order 1965 and shall come into operation forthwith.

W. G. Agnew.

EXPLANATORY NOTE

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

Article 1 of this Order provides that a fugitive offender shall not be returned to Southern Rhodesia in pursuance of Part I of the Fugitive Offenders Act 1881 unless the Secretary of State or other person issuing the warrant for his return is satisfied that it is not inexpedient that the fugitive should be so returned having regard to any unconstitutional action taken in Southern Rhodesia.

Article 2 makes similar provision in relation to the return of a prisoner to Southern Rhodesia in pursuance of Part II of the 1881 Act.

Article 3 modifies the Order in its application to Basutoland and provides that the question whether or not it is expedient that a person should be returned to Southern Rhodesia (in pursuance of Part I or Part II of the 1881 Act) should be determined by the British Government Representative in Basutoland.

(a) 44 & 45 Vict. c. 69. (b) 52 & 53 Vict. c. 63.