STATUTORY INSTRUMENTS

1965 No. 2168

SOUTHERN RHODESIA

The Southern Rhodesia (Carriage of Petroleum) (Overseas Territories) Order 1965

Made - - - -	*22nd December* 1965
Laid before Parliament	*23rd December* 1965
Coming into Operation	*24th December* 1965

At the Court at Buckingham Palace, the 22nd day of December 1965

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred on Her by Article 7(3) of the Southern Rhodesia (Petroleum) Order 1965(a) (hereinafter referred to as " the principal Order "), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Citation and commencement.

1. This Order may be cited as the Southern Rhodesia (Carriage of Petroleum) (Overseas Territories) Order 1965 and shall come into operation on 24th December 1965.

Extension of certain provisions of principal Order to overseas territories.

2. Articles 2, 4, 5 and 6 of the principal Order, modified as set out in Schedule 1 to this Order, are hereby extended to the territories mentioned in Schedule 2 to this Order.

W. G. Agnew.

SCHEDULE 1

PROVISIONS OF PRINCIPAL ORDER EXTENDED WITH MODIFICATIONS

Restriction on carriage of petroleum to Southern Rhodesia.

Article 2.—(1) No British ship and no aircraft, being a ship or aircraft to which this Article applies, shall be used, except under the authority of a licence granted by a competent authority, for the carriage of petroleum as cargo if the carriage is, or forms part of, carriage from any place outside Southern Rhodesia to any destination therein.

(2) If any ship or aircraft is used in contravention of the foregoing provisions of this Article—

(*a*) the owner and the master of the ship; or

(*b*) the operator and the commander of the aircraft,

as the case may be, shall be guilty of an offence against this Order, unless he proves that he did not know and had no reason to suppose that the carriage of the petroleum was, or formed part of, carriage from any place outside Southern Rhodesia to any place therein.

(3) This Article applies to British ships registered in the United Kingdom or in any other country or place to which the Southern Rhodesia Act 1965(b) extends, and to aircraft so registered.

(a) S.I. 1965/2140 (1965 III, p. 6287). (b) 1965 c. 76.

(4) The provisions of this Article shall be without prejudice to any provision made by or under any law of the legislature of a Territory for the imposition of restrictions on the supply of petroleum to Southern Rhodesia additional to that provided for by this Article.

Penalties and proceedings.

Article 4.—(1) Any person guilty of an offence under this Order shall be liable—

(*a*) on conviction before a superior court to imprisonment for a term not exceeding two years or to a fine or to both; or

(*b*) on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding £500 or to both.

(2) Where any body corporate is guilty of an offence under this Order and that offence is proved to have been committed with the consent or connivance, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(3) Summary proceedings for an offence against this Order, being an offence alleged to have been committed outside a Territory, may be commenced in that Territory at any time not later than twelve months from the date on which the person charged first enters the Territory after committing the offence.

(4) Proceedings for an offence against this Order may be taken, and the offence may for all incidental purposes be treated as having been committed, in any place in a Territory where any person charged with that offence is for the time being.

Licences.

Article 5. Any licence granted for the purposes of this Order may be either general or special, may be subject to or without conditions and may be revoked by the authority by whom it was granted.

Interpretation.

Article 6.—(1) In this Order the following expressions have the meanings hereby respectively assigned to them, that is to say—

" commander ", in relation to an aircraft, means the person designated as commander of the aircraft by the operator thereof, or failing such person the person who is for the time being in command of the aircraft;

" competent authority " means, in relation to the grant of a licence in the United Kingdom, the Minister of Power of the Government of the United Kingdom and, in relation to the grant of a licence in a Territory, the Governor or other officer for the time being administering the Government of the Territory:

provided that in relation to the grant of a licence in Brunei it means the person for the time being performing the functions of the office of the High Commissioner for Brunei;

" master ", in relation to a ship, includes any person (other than a pilot) for the time being in charge of the ship;

" operator ", in relation to an aircraft, means the person for the time being having the management of the aircraft;

" owner ", in relation to a ship, includes any person for the time being having the management of the ship and any person to whom it is chartered;

" petroleum " means mineral oil and natural gas and hydrocarbons derived wholly or mainly therefrom or from coal, bituminous shale or other mineral but excludes pharmaceutical, insecticide and pesticide products;

" Territory " means a territory to which the provisions of this Order mentioned in Article 7(3) of this Order are for the time being extended under that Article.

(2) The Interpretation Act 1889(a) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

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

SCHEDULE 2

Antigua
Bechuanaland Protectorate
Bermuda
British Guiana
British Honduras
Brunei
Cayman Islands
Fiji
Gibraltar
Hong Kong
Mauritius
Montserrat
St. Christopher, Nevis and Anguilla
St. Lucia
St. Vincent
Seychelles
Turks and Caicos Islands

EXPLANATORY NOTE

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

This Order extends Article 2 and related provisions of the Southern Rhodesia (Petroleum) Order 1965, modified as set out in Schedule 1 to this Order, to the territories mentioned in Schedule 2 to this Order.