1967 No. 18

UNITED NATIONS

The Southern Rhodesia (Prohibited Trade and Dealings) (Overseas Territories) Order 1967

Made - - - -	11*th January* 1967
Laid before Parliament	17*th January* 1967
Coming into Operation	20*th January* 1967

At the Court at Sandringham, the 11th day of January 1967

Present,

The Queen's Most Excellent Majesty in Council

Whereas under Article 41 of the Charter of the United Nations the Security Council of the United Nations has, by a resolution passed on 16th December 1966, called upon Her Majesty's Government in the United Kingdom and all other Members of the United Nations to prevent certain activities described in that resolution, being activities relating to trade and dealings in certain goods originating in Southern Rhodesia and to the supply of certain other goods to Southern Rhodesia, including shipment of any such goods in vessels or aircraft of their registration, and to undertakings in Southern Rhodesia for the manufacture or assembly of aircraft or motor vehicles:

Now, therefore, Her Majesty, in exercise of the powers conferred on Her by section 1 of the United Nations Act 1946(a), 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 (Prohibited Trade and Dealings) (Overseas Territories) Order 1967 and shall come into operation on 20th January 1967.

Extent of Order.

2.—(1) This Order extends to the territories (including the dependencies thereof) mentioned in Schedule 1 to this Order:

Provided that this Order shall extend to Bahrain, Qatar and the Trucial States only to the extent that Her Majesty has jurisdiction therein.

(2) In the application of this Order to any of the said territories the expression " the Territory " in this Order means that territory.

Importation of certain goods into the Territory.

3.—(1) All goods to which this Article applies that are exported from Southern Rhodesia after the commencement of this Order are prohibited to be imported into the Territory.

(a) 1946 c. 45.

(2) Any person who imports any goods into the Territory in contravention of paragraph (1) of this Article shall be guilty of an offence against this Order.

(3) The goods to which this Article applies are the goods specified in Schedule 2 to this Order.

(4) Nothing in this Article shall be construed so as to prejudice any other provision of law prohibiting or restricting the importation of goods into the Territory.

Exportation of certain goods from Southern Rhodesia.

4.—(1) No person shall export from Southern Rhodesia any goods to which Article 3 of this Order applies.

(2) No person shall—

(*a*) make or carry out any contract for the exportation from Southern Rhodesia after the commencement of this Order of any goods to which Article 3 of this Order applies ; or

(*b*) make or carry out any contract for the sale of any such goods which he intends or has reason to believe that another person intends to export from Southern Rhodesia after the commencement of this Order ; or

(*c*) do any act calculated to promote the exportation from Southern Rhodesia of any such goods.

(3) No person shall deal in any goods to which Article 3 of this Order applies that have been exported from Southern Rhodesia in contravention of paragraph (1) of this Article, that is to say, shall, by way of trade or otherwise for gain, acquire or dispose of such goods or of any property or interest in them or any right to or charge upon them or process them or do any act calculated to promote any such acquisition, disposal or processing by himself or any other person.

(4) Without prejudice to any other provision of this Order—

(*a*) any such contract as is referred to in sub-paragraph (*a*) or sub-paragraph (*b*) of paragraph (2) of this Article, whether made before or after the commencement of this Order ; and

(*b*) any transfer made, after the commencement of this Order and in pursuance of any such contract, of any property or interest in or any right to or charge upon any goods to which Article 3 of this Order applies,

shall be absolutely void:

Provided that no money paid after the commencement of this Order in pursuance of any such contract shall be recoverable in any court of law.

(5) No person shall carry out any of the following transactions, that is to say :—

(*a*) make any payment to or for the credit of a person resident in Southern Rhodesia ; or

(*b*) make any payment to or for the credit of a person resident outside Southern Rhodesia by order of or on behalf of a person resident in Southern Rhodesia ; or

(*c*) place any sum to the credit of a person resident in Southern Rhodesia ; or

(*d*) make any payment to or for the credit of a person resident outside Southern Rhodesia as consideration for or in association with—

(i) the receipt by any person of a payment made in Southern Rhodesia or the acquisition by any person of any property or thing which is in Southern Rhodesia ; or

(ii) the transfer to any person, or the creation in favour of any person, of a right (whether present or future and whether vested or contingent) to receive a payment in Southern Rhodesia or to acquire any property or thing which is in Southern Rhodesia,

if that transaction is carried out for the purposes of any act that is forbidden by any of the provisions of this Article.

(6) Any person who contravenes the foregoing provisions of this Article shall be guilty of an offence against this Order and, in the case of a person who—

(*a*) is a citizen of the United Kingdom and Colonies or a British subject without citizenship or a British protected person and is ordinarily resident in the Territory ; or

(*b*) is a body incorporated or constituted under the law of the Territory,

shall be guilty of such an offence wherever the contravention takes place.

(7) Nothing in this Article shall be construed so as to prejudice any other provision of law prohibiting or restricting the exportation of goods from Southern Rhodesia or acts incidental or related thereto or prohibiting or restricting payments to or for the credit of or connected with persons resident in Southern Rhodesia.

Exportation of certain goods from the Territory.

5.—(1) All goods to which this Article applies are prohibited to be exported to Southern Rhodesia.

(2) Any person who exports any goods from the Territory in contravention of paragraph (1) of this Article shall be guilty of an offence against this Order.

(3) The goods to which this Article applies are the goods specified in Schedule 3 to this Order.

(4) Nothing in this Article shall be construed so as to prejudice any other provision of law prohibiting or restricting the exportation of goods from the Territory.

Supply of certain goods to Southern Rhodesia.

6.—(1) No person shall—

(*a*) supply or deliver or agree to supply or deliver to or to the order of any person in Southern Rhodesia any goods to which this Article applies that are not in that country ; or

(*b*) supply or deliver or agree to supply or deliver any such goods to any person knowing or having reasonable cause to believe that they will be supplied or delivered to or to the order of a person in Southern Rhodesia ; or

(*c*) do any act calculated to promote the supply or delivery of any such goods in contravention of the foregoing provisions of this paragraph.

(2) Any person who contravenes the foregoing provisions of this Article shall be guilty of an offence against this Order and, in the case of a person who—

(*a*) is a citizen of the United Kingdom and Colonies or a British subject without citizenship or a British protected person and is ordinarily resident in the Territory ; or

(*b*) is a body incorporated or constituted under the law of the Territory,

shall be guilty of an offence wherever the contravention takes place.

(3) The goods to which this Article applies are the goods specified in Schedule 3 to this Order.

Manufacture or assembly in Southern Rhodesia of aircraft or motor vehicles.

7.—(1) No person shall—

(*a*) operate or use any undertaking in Southern Rhodesia, whether established before or after the commencement of this Order, as an undertaking to which this Article applies ; or

(*b*) authorise any undertaking in Southern Rhodesia to be operated or used by any other person as an undertaking to which this Article applies or give his consent to or connive in or by his neglect contribute to such operation or use.

(2) No person shall—

(*a*) establish in Southern Rhodesia any undertaking to which this Article applies ; or

(*b*) convert any undertaking in Southern Rhodesia into an undertaking to which this Article applies ; or

(*c*) dispose (whether absolutely or for any lesser interest) of any undertaking in Southern Rhodesia to any other person if he knows or has reasonable cause to believe that that other person intends to use it as an undertaking to which this Article applies ; or

(*d*) acquire (whether absolutely or for any lesser interest) any undertaking in Southern Rhodesia with the intention of using it as an undertaking to which this Article applies ; or

(*e*) except with the consent of the Governor of the Territory, dispose (whether absolutely or for any lesser interest) of any property or assets of or forming part of any undertaking in Southern Rhodesia to which this Article applies to any other person otherwise than in the ordinary course of the business of that undertaking or acquire any such property or assets disposed of as aforesaid.

(3) No person shall—

(*a*) make or carry out any contract for any of the following transactions, that is to say:—

(i) the use or operation of any undertaking or the authorisation of, or the giving of consent to, the use or operation of any undertaking ; or

(ii) the establishment, conversion, disposal or acquisition of any undertaking ; or

(iii) the disposal or acquisition of the property or assets of or forming part of any undertaking,

if that transaction would be in contravention of the foregoing provisions of this Article ; or

(*b*) do any other act calculated to promote any such transaction.

(4) Without prejudice to any other provision of this Order—

(*a*) any such contract as is referred to in sub-paragraph (*a*) of paragraph (3) of this Article, whether made before or after the commencement of this Order ; and

(*b*) any transfer made, after the commencement of this Order and in pursuance of any such contract, of any property or interest in or any right to or charge upon any undertaking to which this Article applies or any property or assets of or forming part of any such undertaking,

shall be absolutely void :

Provided that no money paid after the commencement of this Order in pursuance of any such contract shall be recoverable in any court of law.

(5) The undertakings to which this Article applies are undertakings for the manufacture or assembly of aircraft or motor vehicles.

(6) Any person who contravenes the foregoing provisions of this Article shall be guilty of an offence against this Order and, in the case of a person who—

(*a*) is a citizen of the United Kingdom and Colonies or a British subject without citizenship or a British protected person and is ordinarily resident in the Territory ; or

(*b*) is a body incorporated or constituted under the law of the Territory,

shall be guilty of such an offence wherever the contravention takes place.

Carriage of certain goods exported from or destined for Southern Rhodesia.

8.—(1) Without prejudice to the generality of Article 4 of this Order, no British ship and no aircraft, being a ship or aircraft to which this Article applies, shall be used for the carriage of any goods to which Article 3 of this Order applies if those goods are being or have been exported from Southern Rhodesia in contravention of Article 4(1) of this Order.

(2) Without prejudice to the generality of Articles 5 and 6 of this Order, no British ship and no aircraft, being a ship or aircraft to which this Article applies, shall be used for the carriage of any goods to which Article 5 or Article 6 of this Order applies if the carriage is, or forms part of, carriage from any place outside Southern Rhodesia to any destination therein.

(3) If any ship or aircraft is used in contravention of paragraph (1) 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 goods were being or had been exported from Southern Rhodesia in contravention of Article 4(1) of this Order.

(4) If any ship or aircraft is used in contravention of paragraph (2) 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—

(i) that the carriage of the goods in question was, or formed part of, carriage from any place outside Southern Rhodesia to any destination therein ; or

(ii) that the goods in question were goods to which Article 5 or Article 6 of this Order applies.

(5) This Article applies to British ships registered in the United Kingdom or any territory to which this Order extends and to aircraft so registered or registered in Southern Rhodesia.

(6) Nothing in this Article shall be construed so as to prejudice any other provision of law prohibiting or restricting the use of ships or aircraft.

Investigation, etc., of suspected British ships and aircraft.

9.—(1) Where any authorised officer, that is to say, any such officer as is referred to in section 692(1) of the Merchant Shipping Act 1894(a), has reason to suspect that any British ship registered in the United Kingdom or any territory to which this Order extends has been or is being or is about to be used in contravention of paragraph (1) or paragraph (2) of Article 8 of this Order, he may (either alone or accompanied and assisted by persons under his authority) board the ship and search her and, for that purpose, may use or authorise the use of reasonable force, and he may request the master of the ship to furnish such information relating to the ship and her cargo and produce for his inspection such documents so relating and such cargo as he may specify ; and an authorised officer (either there and then or upon consideration of any information furnished or document or cargo produced in pursuance of such a request) may, in the case of a ship that is reasonably suspected of being or of being about to be used in contravention of Article 8(2) of this Order, exercise the following further powers with a view to the prevention of the commission (or the continued commission) of any such contravention or in order that enquiries into the matter may be pursued, that is to say, he may either direct the master to refrain, except with the consent of an authorised officer, from landing at any port specified by the officer any part of the ship's cargo that is so specified or request the master to take any one or more of the following steps :—

(*a*) to cause the ship not to proceed with the voyage on which she is then engaged or about to engage until the master is notified by any authorised officer that the ship may so proceed ;

(*b*) if the ship is then in a port in the United Kingdom or any territory to which this Order extends, to cause her to remain there until the master is notified by any authorised officer that the ship may depart ;

(*c*) if the ship is then in any other place, to take her to any such port specified by the officer and to cause her to remain there until the master is notified as mentioned in sub-paragraph (*b*) of this paragraph ; and

(*d*) to take her to any other destination that may be specified by the officer in agreement with the master ;

and the master shall comply with any such request or direction.

(a) 1894 c. 60.

(2) Without prejudice to the provisions of paragraph (8) of this Article, where a master refuses or fails to comply with a request made under this Article that his ship shall or shall not proceed to or from any place or where an authorised officer otherwise has reason to suspect that such a request that has been so made may not be complied with, any such officer may take such steps as appear to him to be necessary to secure compliance with that request and, without prejudice to the generality of the foregoing, may for that purpose enter upon, or authorise entry upon, that ship and use, or authorise the use of, reasonable force.

(3) Where the Governor of the Territory or any person authorised by him for that purpose either generally or in a particular case has reason to suspect that any aircraft registered in the United Kingdom, Southern Rhodesia or any territory to which this Order extends has been or is being or is about to be used in contravention of paragraph (1) or paragraph (2) of Article 8 of this Order, the Governor or that authorised person may request the operator and the commander of the aircraft or either of them to furnish such information relating to the aircraft and its cargo and produce for his inspection such documents so relating and such cargo as he may specify, and that authorised person may (either alone or accompanied or assisted by persons under his authority) board the aircraft and search it and, for that purpose, may use or authorise the use of reasonable force; and, if the aircraft is then in the Territory, the Governor or any such authorised person (either there and then or upon consideration of any information furnished or document or cargo produced in pursuance of such a request) may further request the operator and the commander or either of them to cause the aircraft to remain in the Territory until notified that the aircraft may depart; and the operator and the commander shall comply with any such request.

(4) Without prejudice to the provisions of paragraph (8) of this Article, where the Governor of the Territory or any person authorised by him as aforesaid has reason to suspect that any request that an aircraft should remain in the Territory that has been made under paragraph (3) of this Article may not be complied with, the Governor or that authorised person may take such steps as appear to him to be necessary to secure compliance with that request and, without prejudice to the generality of the foregoing, may for that purpose—

(*a*) enter, or authorise entry, upon any land and upon that aircraft;

(*b*) detain, or authorise the detention of, that aircraft; and

(*c*) use, or authorise the use of, reasonable force.

(5) A person authorised by or under the authority of the Governor to exercise any power for the purposes of paragraph (3) or paragraph (4) of this Article shall, if requested to do so, produce evidence of his authority before exercising that power.

(6) No information furnished or document produced by any person in pursuance of a request made under this Article shall be disclosed except—

(*a*) with the consent of the person by whom the information was furnished or the document was produced:

Provided that a person who has obtained information or is in possession of a document only in his capacity as servant or agent of another person may not give consent for the purposes of this

sub-paragraph but such consent may instead be given by any person who is entitled to that information or to the possession of that document in his own right; or

(*b*) to any person who would have been empowered under this Article to request that it be furnished or produced or to any person holding or acting in any office under or in the service of the Crown in respect of the Government of the United Kingdom or under or in the service of the Government of any territory to which this Order extends; or

(*c*) with a view to the institution of, or otherwise for the purposes of, any proceedings for an offence against this Order (whether in the Territory or in any other territory to which this Order extends) or for an offence against any provision of law with respect to matters similar to those regulated by this Order that is for the time being in force in the United Kingdom.

(7) Any power conferred by this Article to request the furnishing of information or the production of a document or of cargo for inspection shall include a power to specify whether the information should be furnished orally or in writing and in what form and to specify the time by which and the place in which the information should be furnished or the document or cargo produced for inspection.

(8) The following persons shall be guilty of an offence against this Order, that is to say:—

(*a*) a master of a ship who disobeys any direction given under paragraph (1) of this Article with respect to the landing of any cargo; or

(*b*) a master of a ship or an operator or a commander of an aircraft who, without reasonable excuse, refuses or fails within a reasonable time to comply with any request made under this Article by any person empowered to make it or who wilfully furnishes false information or produces false documents to such a person in response to such a request; or

(*c*) a master or a member of the crew of a ship or an operator or a commander or a member of the crew of an aircraft who wilfully obstructs any such person (or any person acting under the authority of any such person) in the exercise of his powers under this Article.

(9) Nothing in this Article shall be construed so as to prejudice any other provision of law conferring powers or imposing restrictions or enabling restrictions to be imposed with respect to ships or aircraft.

Obtaining of evidence and information.

10. The provisions of Schedule 4 to this Order shall have effect in order to facilitate the obtaining, by or on behalf of the Governor of the Territory, of evidence and information for the purpose of securing compliance with or detecting evasion of this Order and in order to facilitate the obtaining, by or on behalf of the Governor of the Territory, of evidence of the commission of an offence against this Order.

Penalties and proceedings.

11.—(1) Any person guilty of an offence against 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 of, 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 the Territory, may be commenced 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 the Territory where any person charged with that offence is for the time being.

(5) Proceedings for an offence against this Order shall not be instituted in the Territory except by, or with the consent of, the Attorney-General:

Provided that this paragraph shall not prevent the arrest, or the issue or execution of a warrant for the arrest, of any person in respect of such an offence, or the remanding, in custody or on bail, of any person charged with such an offence, notwithstanding that the necessary consent to the institution of proceedings for the offence has not been obtained.

(6) In paragraph (5) of this Article "the Attorney-General" means the Attorney-General or other principal law officer of the Territory:

Provided that—

(*a*) if there is no such office established for the Territory the reference to the Attorney-General in that paragraph shall be construed as if it were a reference to the Governor; and

(*b*) if by the law of the Territory power is vested to the exclusion of any other person in some officer other than the principal law officer to take over and continue criminal proceedings instituted before any civil court of the Territory by any other person or authority the said reference shall be construed as if it were a reference to that other officer.

Interpretation.

12.—(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, and includes any person who is for the time being in charge or command of the aircraft;

"Governor" means the Governor or other officer administering the government of the Territory:

Provided that in the case of Brunei it means Her Majesty's High Commissioner for Brunei, and in the case of Bahrain, Qatar and the Trucial States it means Her Majesty's Political Resident in the Persian Gulf;

" 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 ;

" person in Southern Rhodesia " includes any body constituted or incorporated under the law of Southern Rhodesia and any body carrying on business (whether within Southern Rhodesia or not) which is controlled by persons or bodies resident in Southern Rhodesia or constituted or incorporated as aforesaid.

(2) In this Order any reference to the holder of an office by a term designating or describing his office shall be construed as including, to the extent of his authority, a reference to any person for the time being authorised to perform the functions of that office.

(3) Any provision of this Order which relates to goods exported from Southern Rhodesia (or to the exportation of goods from Southern Rhodesia) shall not have effect in respect of goods exported (or the exportation of goods) which have only passed through Southern Rhodesia in transit and have not there been the subject of any transaction other than a transaction relating solely to their transportation.

(4) Any provision of this Order which relates to the exportation of goods to Southern Rhodesia, the supply or delivery of goods to or to the order of any person in Southern Rhodesia or the importation of goods into Southern Rhodesia shall not have effect in relation to goods which are so exported, supplied, delivered or imported, as the case may be, for the purposes of the Central African Power Corporation, Rhodesia Railways or the Central African Airways Corporation.

(5) For the purpose of this Order, the entry into Southern Rhodesia of an aircraft or a motor vehicle shall not be regarded as constituting the supply or delivery of that aircraft or vehicle to or to the order of any person in Southern Rhodesia or as constituting its importation into Southern Rhodesia if the entry is merely for the purpose of the aircraft or vehicle transporting persons or goods into, out of or across Southern Rhodesia and is not part of or associated with a transaction involving a transfer of the ownership of the aircraft or vehicle or of any interest therein.

(6) For the purposes of Article 4(5) of this Order, a personal representative of a deceased person shall, unless the Governor of the Territory otherwise directs, be treated as resident in the territory where the deceased person was resident for the purposes in question at the time of his death and as not resident elsewhere, so far as relates to any matters in which the personal representative is concerned solely in his capacity as such.

(7) The Governor of the Territory may give directions declaring that for all or any of the purposes of Article 4(5) of this Order a person is to be treated as resident or not resident in Southern Rhodesia.

(8) Any directions given by the Governor for the purposes of paragraph (4) or paragraph (5) of this Article may be either general or special and may be revoked or varied by subsequent such directions.

(9) The Governor may, to such extent and subject to such restrictions and conditions as he may think proper, delegate any of the powers conferred on him by paragraphs (6), (7) and (8) of this Article or his powers under Schedule 4 to this Order to authorise a person to act for the purposes of any provision of that Schedule to any person or class or description of persons, and references in those paragraphs or that Schedule to the Governor shall be construed accordingly.

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

W. G. Agnew.

SCHEDULES

Article 2.

SCHEDULE 1

TERRITORIES TO WHICH THIS ORDER EXTENDS

Aden.
Antigua.
Bahama Islands.
Bahrain.
Bermuda.
British Honduras.
British Solomon Islands Protectorate.
British Virgin Islands.
Brunei.
Cayman Islands.
Cyprus: Sovereign Base Areas of Akrotiri and Dhekelia.
Dominica.
Falkland Islands.
Fiji.
Gibraltar.
Gilbert and Ellice Islands Colony.
Grenada.
Hong Kong.
Kamaran.
Kuria Muria Islands.
Mauritius.
Montserrat.
Perim.
Qatar.
Seychelles.
Swaziland.
St. Christopher, Nevis and Anguilla.
St. Helena.
St. Lucia.
St. Vincent.
The Trucial States.
Turks and Caicos Islands.

Article 3.

SCHEDULE 2

GOODS TO WHICH ARTICLE 3 APPLIES

1. Asbestos.
2. Chromium ore (chromite or chrome iron ore) and concentrates thereof; ferro-chromium and ferro-silico-chromium.

(a) 1889 c. 63.

3. Iron ore and concentrates thereof and roasted iron pyrites and roasted cupreous iron pyrites.

4. Pig iron, cast iron and spiegeleisen, in pigs, blocks, lumps and similar forms.

5. Copper ore, concentrates, slag, ash and residues; copper matte, cement copper, unwrought copper (refined or not); copper waste, scrap, powder and flakes; alloys (except copper phosphide (phospher copper) containing more than 8 per cent. by weight of phosphorus) of copper with other materials in any proportion, not usefully malleable and commonly used as a raw material in the manufacture of other alloys or as deoxidants, de-sulphurising agents or for similar uses in the metallurgy of non-ferrous metals; wrought copper, including wrought copper alloys in which copper predominates by weight over each of the other metals, and other articles of copper, including articles of such copper alloys.

6. Sugar, that is to say, sugar cane, sugar and sugar syrups (whether or not flavoured or coloured), molasses and caramel.

7. Tobacco, whether unmanufactured or manufactured, and including tobacco refuse and tobacco extracts and essences.

8. Meat and meat offals, including dead poultry and poultry offals, suitable for human consumption; preparations thereof, including extracts and juices; unrendered pig and poultry fat.

9. Raw hides and skins, whether fresh, salted, dried, pickled or limed, excluding furskins but including sheepskins in the wool; leather, imitation patent leather and composition leather with a basis of leather or leather fibre.

SCHEDULE 3 Articles 5 and 6.

GOODS TO WHICH ARTICLES 5 AND 6 APPLY

PART I

Specified Goods

1. Arms.

2. Ammunition.

3. Aircraft.

4. Motor vehicles.

5. Equipment or materials for the manufacture, assembly or maintenance in Southern Rhodesia of arms, ammunition, aircraft or motor vehicles.

6. Petroleum.

PART II

Interpretation

1. In this Schedule—

(*a*) the expression "equipment or materials" includes plant and machinery;

(*b*) references to equipment or materials for the manufacture, assembly or maintenance of arms, ammunition, aircraft or motor vehicles include references to—

(i) parts and components of, and accessories for, arms, ammunition, aircraft or motor vehicles; and

(ii) completely knocked-down packs and unassembled arms, ammunition, aircraft or motor vehicles,

for use in the manufacture, assembly or maintenance of arms, ammunition, aircraft or motor vehicles;

(*c*) the expression "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.

2. For the purposes of the operation of this Schedule in relation to Article 5 of this Order, equipment or materials shall be regarded as being for the manufacture, assembly or maintenance of arms, ammunition, aircraft or motor vehicles if (and shall not be so regarded unless) the person exporting them or seeking to export them intends, or has reasonable cause to believe that another person intends, that they should be used for that purpose.

3. For the purposes of the operation of this Schedule in relation to Article 6 of this Order, equipment and materials shall be regarded as being for the manufacture, assembly or maintenance of arms, ammunition, aircraft or motor vehicles if (and shall not be so regarded unless) the person performing or seeking to perform any act in relation to them that is specified in any of the sub-paragraphs of paragraph (1) of that Article (being an act which is prohibited by that sub-paragraph in relation to goods to which that Article applies) intends, or has reasonable cause to believe that another person intends, that they should be used for that purpose.

Article 10. SCHEDULE 4

EVIDENCE AND INFORMATION

1.—(1) Without prejudice to any other provision of this Order, or any provision of any other law, the Governor (or any person authorised by him for that purpose either generally or in a particular case) may request any person in or resident in the Territory to furnish to the Governor (or to that authorised person) any information in his possession or control, or to produce to the Governor (or to that authorised person) any document in his possession or control, which the Governor (or that authorised person) may require for the purpose of securing compliance with or detecting evasion of this Order; and any person to whom such a request is made shall comply with it within such time and in such manner as may be specified in the request.

(2) Nothing in the foregoing sub-paragraph shall be taken to require any person who has acted as counsel or solicitor for any person to disclose any privileged communication made to him in that capacity.

(3) Where a person is convicted before a superior court for failing to furnish information or produce a document when requested so to do under this paragraph, the court may make an order requiring him, within such period as may be specified in the order, to furnish the information or produce the document.

(4) The power conferred by this paragraph to request any person to produce documents shall include power to take copies of or extracts from any document so produced and to request that person, or, where that person is a body corporate, any other person who is a present or past officer of, or is employed by, the body corporate, to provide an explanation of any of them.

2.—(1) If any judge, magistrate or justice of the peace is satisfied by information on oath given by a person authorised by the Governor to act for the purposes of this paragraph either generally or in a particular case—

(*a*) that there is reasonable ground for suspecting that an offence against this Order has been or is being committed and that evidence of the commission of the offence is to be found on any premises specified in the information, or in any vehicle, vessel or aircraft so specified; or

(*b*) that any documents which ought to have been produced under paragraph 1 of this Schedule and have not been produced are to be found on any such premises or in any such vehicle, vessel or aircraft,

he may grant a search warrant authorising any police officer, together with any other persons named in the warrant and any other police officers, to enter the premises specified in the information or, as the case may be, any premises upon which the vehicle, vessel or aircraft so specified may be, at any time within one month from the date of the warrant and to search the premises, or, as the case may be, the vehicle, vessel or aircraft.

(2) A person authorised by any such warrant as aforesaid to search any premises or any vehicle, vessel or aircraft may search every person who is found in, or whom he has reasonable ground to believe to have recently left or to be about to enter, those premises or that vehicle, vessel or aircraft and may seize any document or article found on the premises or in the vehicle, vessel or aircraft or on such person which he has reasonable ground to believe to be evidence of the commission of any offence against this Order or any document which he has reasonable ground to believe ought to have been produced under paragraph 1 of this Schedule or to take in relation to any such article or document any other steps which may appear necessary for preserving it and preventing interference with it:

Provided that no female shall, in pursuance of any warrant issued under this paragraph, be searched except by a female.

(3) Where, by virtue of this paragraph, a person is empowered to enter any premises, vehicle, vessel or aircraft he may use such force as is reasonably necessary for that purpose.

(4) Any documents or articles of which possession is taken under this paragraph may be retained for a period of three months or, if within that period there are commenced any proceedings for an offence against this Order to which they are relevant, until the conclusion of those proceedings.

3. A person authorised by the Governor to exercise any power for the purposes of this Schedule shall, if requested to do so, produce evidence of his authority before exercising that power.

4. No information furnished or document produced (including any copy or extract made of any document produced) by any person in pursuance of a request made under this Schedule and no document seized under paragraph 2(2) of this Schedule shall be disclosed except—

(*a*) with the consent of the person by whom the information was furnished or the document was produced or the person from whom the document was seized:

Provided that a person who has obtained information or is in possession of a document only in his capacity as servant or agent of another person may not give consent for the purposes of this sub-paragraph but such consent may instead be given by any person who is entitled to that information or to the possession of that document in his own right; or

(*b*) to any person who would have been empowered under this Schedule to request that it be furnished or produced or to any person holding or acting in any office under or in the service of the Crown in respect of the Government of the United Kingdom or under or in the service of the Government of any territory to which this Order extends; or

(*c*) with a view to the institution of, or otherwise for the purposes of, any proceedings for an offence against this Order (whether in the Territory or any other territory to which this Order extends) or for an offence against any provision of law with respect to matters similar to those regulated by this Order that is for the time being in force in the United Kingdom.

5. Any person who—

(*a*) without reasonable excuse, refuses or fails within the time and in the manner specified (or, if no time has been specified, within a reasonable

time) to comply with any request made under this Schedule by any person who is empowered to make it ; or

(*b*) wilfully furnishes false information or a false explanation or otherwise wilfully obstructs any person in the exercise of his powers under this Schedule ; or

(*c*) with intent to evade the provisions of this Schedule, destroys, mutilates, defaces, secretes, or removes any document,

shall be guilty of an offence against this Order.

EXPLANATORY NOTE

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

This Order, made under the United Nations Act 1946, applies to each of the territories specified in Schedule 1. It prohibits the importation into the territory of certain goods exported from Southern Rhodesia and the exportation from the territory of certain goods intended for Southern Rhodesia. It also prohibits certain activities and dealings relating to the exportation from Southern Rhodesia of the former goods and the supply to Southern Rhodesia of the latter goods, including carriage of these goods in British ships or aircraft. The Order also imposes restrictions with respect to undertakings in Southern Rhodesia for the manufacture or assembly of aircraft or motor vehicles. It also makes provision for the investigation of ships and aircraft that are suspected of contravening this Order. It confers certain powers relating to the obtaining of evidence and information for the purposes of the Order.