

OD (79) 40

COPY NO 42

26 November 1979

CABINET

DEFENCE AND OVERSEA POLICY COMMITTEE

SOUTHERN RHODESIA: ZIMBABWE INDEPENDENCE BILL

Memorandum by the Secretary of State for  
Foreign and Commonwealth Affairs

1. The paper which I annex deals with the policy questions raised by the Zimbabwe Independence Bill, which we shall need to bring in shortly after the conclusion of the Constitutional Conference. The Bill itself, which is also attached, has been agreed with officials of departments whose interests are affected by it.
2. If the outcome of the Conference is an agreement between all the parties, independence would probably be granted in February, though I cannot exclude an earlier date if, for example, the cease-fire were to break down and it became necessary to advance the date of elections. If we achieve a settlement with the Salisbury parties alone then independence would follow elections in mid-January. In either event, therefore, we shall want to have the Bill enacted before the Christmas recess.
3. The Bill will be considered by Legislation Committee on 27 November. I invite my colleagues to agree the policy as explained in the annex.

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Foreign and Commonwealth Office  
26 November 1979

## SOUTHERN RHODESIA: ZIMBABWE INDEPENDENCE BILL

1. The main purpose of the Bill is to establish the new state and withdraw United Kingdom jurisdiction. Most of the Bill and its Schedules are concerned with the amendments to United Kingdom law which will be necessary as a consequence of Rhodesia becoming independent and leaving the Commonwealth. The Government will have the power to set the date of independence by Order-in-Council.

2. The Bill assumes that Rhodesia will come to independence outside the Commonwealth. This is inevitable, since most Commonwealth governments are unlikely to pronounce on any application for membership until after elections have been held and have been certified as fair by Commonwealth observers, and they are satisfied that no attempt will be made to overturn the results by undemocratic means. But transitional provisions are included which allow citizens of Zimbabwe to be treated, in several important respects, as Commonwealth citizens for a period of 12 months after independence. The Bill also gives the power to make necessary adjustments in United Kingdom law by Order-in-Council should Zimbabwe later become a Commonwealth member.

3. There are two main issues which are likely to prove controversial:

i. Citizenship

4. It is usual in an Independence Bill to provide that those who become citizens of the new state on independence lose (with certain exceptions) citizenship of the United Kingdom and Colonies (CUKC).

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5. No such provision is necessary in the case of Rhodesia, since Rhodesians have had separate citizenship since 1949. Those Rhodesian citizens who also have CUKC status do so for reasons unconnected with Rhodesia and their position will not be affected by independence. Equally, the Bill will not create any additional CUKCs on independence.

6. To minimise possible hardship to individuals who are citizens of Zimbabwe but not also citizens of the United Kingdom and Colonies, the Bill provides for a transitional period of one year after independence during which they can continue to apply to register as CUKC and to enjoy the right of abode in the United Kingdom on the same terms as Commonwealth citizens. The facility whereby Rhodesians of remote British ancestry who have other close connections with the United Kingdom and intend to settle here can be registered as CUKC will also be retained for the same period. Twelve months was regarded as an appropriate transitional period at the time of Pakistan's departure from the Commonwealth and I see no reason to vary it in the case of Rhodesia. There would be considerable opposition in Parliament and from the Asian community in this country were we to give Rhodesians more favourable terms.

7. These provisions do not represent a new commitment to accept Rhodesians for settlement, though it is possible that greater use will be made of them than in recent years if the prospects for the White population deteriorate after independence. If there were, at some point in the future, a mass exodus of White Rhodesians, the Government would have to decide at that time whether to make some special provision to allow those who were not CUKC to enter the United Kingdom.

ii. Amnesty

8. In bringing Rhodesia to legal independence we shall want to put an end to the bitterness and controversy of the last 14 years. An amnesty will wipe the slate clean and allow a fresh start to be made. The Bill therefore provides amnesty

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in the law of the United Kingdom for "political" offences and would apply both to acts in connection with the Illegal Declaration of Independence and acts in opposition to the illegal regime, for example the resistance activities of the Patriotic Front. It is important that we should be even-handed. The practical effect will be to prevent prosecution in the United Kingdom after the Bill is enacted of all those held to have committed such offences. But judgements already given would not be re-opened.

9. Amnesty will also be required in the law of Southern Rhodesia. Powers for this have already been conferred by the Southern Rhodesia Act 1979. I propose to instruct the Governor to grant a general amnesty on the same basis as the amnesty in United Kingdom law from the date of his arrival in Rhodesia. This will allow opponents of the present regime to take part in the election campaign without the threat of prosecution for their resistance activities. If the Patriotic Front were subsequently to form a government, the amnesty would give some protection from prosecution to members of the present regime.

10. Amnesty for sanctions offences is likely to be more controversial. We have the power to grant this by Order-in-Council under the 1979 Act and I would propose to do so at about the time the Independence Bill becomes law. The Director of Public Prosecutions' decision on matters relating to the Bingham enquiry will have been announced before then.

Financial Matters

11. The Bill also provides for the regularisation of certain financial matters in relation to this country. The transitional provisions to the Independence Constitution will legislate into the law of Southern Rhodesia acknowledgement of pre-UDI debts and liabilities. A wide measure of agreement has been reached with officials of the present Administration in Salisbury on the identification of these.

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## Zimbabwe Bill

### EXPLANATORY MEMORANDUM

The object of this Bill is to make provision for the attainment by Southern Rhodesia of fully responsible status as a republic outside the Commonwealth under the name of Zimbabwe and for connected matters, including the grant of an amnesty.

*Clause 1* provides for the establishment of the independent Republic of Zimbabwe and, in consequence, for the cessation of the responsibility for Southern Rhodesia of the Parliament and Government of the United Kingdom. The date of independence will be set by an Order in Council to be laid before Parliament after having been made.

*Clause 2* and *Schedule 1* make provision relating to nationality. *Clause 2* would amend the British Nationality Act 1948 to remove "Southern Rhodesia" (which, exceptionally for a dependency, has a separate citizenship) from the list of countries whose citizens are also British Subjects or Commonwealth citizens. *Schedule 1* saves for a limited period the right of certain categories of persons to be registered as citizens of the United Kingdom and Colonies, notwithstanding that they cease to have one of the qualifying factors, namely Commonwealth citizenship, on the independence of Zimbabwe. (There is a consequential provision modifying the law relating to deportation in *Schedule 2*.)

*Clause 3* provides for an amnesty in the law of the United Kingdom, including immunity from any action in tort or reparation, in respect of certain acts. These include the purported declaration of independence on 11 November 1965, the making of purported constitutions for Southern Rhodesia, and acts of guerrilla organisations etc in resisting the successive administrations which purported to be the government of Southern Rhodesia or Zimbabwe Rhodesia.

*Clause 4* enables Her Majesty by Order in Council to modify enactments of the United Kingdom Parliament, or any instrument made under such an enactment, in consequence of Zimbabwe becoming independent as a republic. Provision may also be made for regulating the payment of claims against the Government of Zimbabwe out of assets in the United Kingdom. Orders under this Clause would be required to be laid in draft before both Houses of Parliament and approved by resolution of both Houses before being made.

Clause 5 makes provision for modifying any law in the event of Zimbabwe subsequently becoming a member of the Commonwealth. Orders under this Clause would be subject to the same procedure as that proposed for Orders under Clause 4.

Clause 6 and Schedule 2 provide for the continuance after independence of certain laws in relation to persons and things connected with Zimbabwe notwithstanding its change in status. Clause 6 and Schedule 3 would repeal a number of measures and provisions relating to Southern Rhodesia in consequence of the change in its status.

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26th November, 1979

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EXPLANATORY  
MEMORANDUM

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**Zimbabwe Bill**

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Make provision for, and in connection with, the attainment by Zimbabwe of fully responsible status as a Republic.

**B**E IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

- 5 1.—(1) On such day as Her Majesty may by Order in Council appoint (in this Act referred to as "Independence Day") for Zimbabwe, Southern Rhodesia shall become an independent Republic under the name of Zimbabwe, and the unexpired provisions of the Southern Rhodesia Act 1965 shall cease to have effect. 1965 c. 76.
- 10 (2) On and after Independence Day Her Majesty's Government in the United Kingdom shall have no responsibility for the government of Zimbabwe; and no Act of the Parliament of the United Kingdom passed on or after that day shall extend, or be deemed to extend, to Zimbabwe as part of its law.
- 15 (3) An Order in Council under this section shall be laid before Parliament after being made.

2.—(1) In section 1(3) of the British Nationality Act 1948 (which specifies the countries whose citizens are by virtue of that citizenship British subjects) the words "Southern Rhodesia" are hereby repealed as from Independence Day; and accordingly any person who immediately before that day is a British subject by virtue only of his citizenship of Southern Rhodesia shall cease to be a British subject on that day. 1948 c. 56.

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(2) The transitional provisions contained in Schedule 1 shall have effect as to applications by citizens of Zimbabwe for registration as citizens of the United Kingdom and Colonies.

Amnesty in respect of certain acts.

3.—(1) No criminal proceedings or proceedings in tort or for reparation shall be instituted in any court of law in any part of the United Kingdom in respect of any act to which this section applies done, whether in the United Kingdom or in Southern Rhodesia or elsewhere, before [ ] 1979.

(2) The acts to which this section applies are—

- (a) the making with respect to Southern Rhodesia of the 10 purported declaration of independence on 11th November 1965;
- (b) the purported making of constitutional provision for Southern Rhodesia otherwise than under the authority of the Parliament of the United Kingdom, and in 15 particular the making of any of the instruments styling themselves respectively "the Constitution of Rhodesia 1965", "the Constitution of Rhodesia 1969" and "the Constitution of Zimbabwe Rhodesia 1979";
- (c) any act (including any act by way of conspiracy or 20 incitement) preparatory or incidental to any act falling within paragraph (a) or (b);
- (d) any act which would have been lawful if the instruments mentioned in paragraph (b) had been lawfully made;
- (e) any act done on or after 11th November 1965 in the 25 conduct or on the orders of any organisation established for the purpose of resisting or frustrating the administration purporting to be the Government of Rhodesia or of Zimbabwe Rhodesia established under any of the instruments mentioned in paragraph (b), being an act 30 done exclusively in furtherance of that purpose.

(3) Any criminal proceedings or proceedings in tort or for reparation in respect of any act to which this section applies which are pending in any court in the United Kingdom on the day on which this Act is passed shall be treated as discontinued 35 on that day; and any judgment, order or decree of any court in the United Kingdom given or made before that day in any proceedings in tort or for reparation in respect of any act to which this section applies shall, so far as not enforced before that day, be unenforceable. 40

(4) In this section "act" includes an omission, and references to the doing of an act shall be construed accordingly.

4.—(1) Her Majesty may by Order in Council—

- (a) make such modifications of any enactment of the Parlia- Powers exercisable in connection with Zimbabwe's becoming independent.  
ment of the United Kingdom or of any instrument having effect by virtue of such an enactment as appear to Her to be necessary or expedient in consequence of section 1;
- (b) make such provision as appears to Her to be necessary or expedient for regulating the satisfaction of claims against any assets in the United Kingdom owned by, or held by any person on behalf of, the Government of Zimbabwe as the successor in title of the Government of Southern Rhodesia.

(2) An Order in Council under this section may be made at any time after the passing of this Act but, if made before Independence 15 Day, shall not come into force before that day.

(3) Any provision made by Order in Council under this section after Independence Day may be made with retrospective effect as from Independence Day or any later date.

(4) Subject to subsection (5), any provision made by an Order 20 in Council under this section with respect to any such enactment or instrument as is mentioned in subsection (1)(a) shall, except in so far as the Order otherwise provides, have effect as part of the law of every place to which the enactment or instrument in question extends.

(5) An Order in Council under this section shall not have effect as part of the law of any associated state or of any country or territory for whose government, at the date on which the Order is made, Her Majesty's Government in the United Kingdom have no responsibility.

(6) The power of modification conferred by subsection (1)(a) 30 applies to enactments and instruments whenever passed or made.

(7) No recommendation shall be made to Her Majesty to make an Order in Council under this section unless a draft of the Order has been laid before Parliament and has been approved by 35 resolution of each House of Parliament.

5.—(1) If at any time Zimbabwe becomes a member of the Provision in event of Zimbabwe becoming a member of the Commonwealth, Her Majesty may by Order in Council make such modifications of any enactment of the Parliament of the United Kingdom or of any instrument having effect by virtue of such an enactment as appear to Her to be necessary or expedient in consequence of that event. 40

(2) Without prejudice to the generality of subsection (1), an Order in Council under this section—

1948 c. 56.

(a) may modify subsection (3) of section 1 of the British Nationality Act 1948 (Commonwealth countries having separate citizenship) so as to add Zimbabwe to the countries mentioned in that subsection; and

(b) may repeal or modify any provision contained in Schedule 1 or 2 to this Act.

(3) Any provision made by Order in Council under this section after Zimbabwe becomes a member of the Commonwealth may be made with retrospective effect as from the date of that event or any later date.

(4) No recommendation shall be made to Her Majesty to make an Order in Council under this section unless a draft of the Order has been laid before Parliament and has been approved by 15 resolution of each House of Parliament.

Other provisions as to existing laws.

1958 c. 45.

6.—(1) The provisions of Schedule 2 (continuation of certain provisions in relation to Zimbabwe, and savings) shall have effect.

(2) Section 26(5) of the Prevention of Fraud (Investments) Act 1958 (construction of references to Her Majesty's dominions) shall be amended as from Independence Day by the insertion of the words "and Zimbabwe" after the words "South Africa".

(3) The enactments and instruments mentioned in Schedule 3 are hereby repealed as from Independence Day to the extent specified in the third column of that Schedule.

Citation etc.

7.—(1) This Act may be cited as the Zimbabwe Act 1979.

(2) An Order in Council under any provision of this Act may contain such transitional or other incidental and supplementary provisions as appear to Her Majesty to be expedient.

(3) In this Act "modifications" includes additions, omissions and alterations, and related expressions shall be construed accordingly.

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## Zimbabwe Bill

### ARRANGEMENT OF CLAUSES

## Clause

1. Independence for Zimbabwe.
2. Nationality.
3. Amnesty in respect of certain acts.
4. Powers exercisable in connection with Zimbabwe's becoming independent.
5. Provision in event of Zimbabwe becoming a member of the Commonwealth.
6. Other provisions as to existing laws.
7. Citation etc.

## SCHEDULES:

- Schedule 1—Transitional provisions as to applications for registration as a citizen of the United Kingdom and Colonies.
- Schedule 2—Continuation of certain provisions in relation to Zimbabwe, and savings.
- Schedule 3—Repeals.

## SCHEDULES

## SCHEDULE 1

Section 2

TRANSITIONAL PROVISIONS AS TO APPLICATIONS FOR  
REGISTRATION AS A CITIZEN OF THE UNITED KINGDOM  
AND COLONIES

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1. A person whose application for registration as a citizen of the United Kingdom and Colonies was received but not determined before Independence Day shall be treated for the purposes of his application as if Zimbabwe were a country mentioned in section 1(3) of the 1948 Act.

2. A person whose application for registration as a citizen of the United Kingdom and Colonies is received on or after Independence Day shall be treated for the purposes of his application as if Zimbabwe were a country mentioned in section 1(3) of the 1948 Act if the application is made under section 5A(1) of the 1948 Act or section 6(1) thereof as modified by Schedule 1 to the Immigration Act 1971, and is received before the first anniversary of Independence Day or such later date as the Secretary of State may in the special circumstances of any particular case allow. 1971 c. 77.

3. Notwithstanding the provision in paragraph (a) of section 3(1) of the British Nationality Act 1958 that (subject to limited exceptions) no person shall be registered as a citizen of the United Kingdom and Colonies under section 12(6) of the 1948 Act (as amended by the said section 3(1)) on an application made after the end of the year 1962, a citizen of Zimbabwe (and any of his minor children) may be so registered— 1958 c. 10.

(a) on an application made on or after 18th November 1965 but not determined before Independence Day; or  
(b) on an application received before the first anniversary of Independence Day or such later date as the Secretary of State may in the special circumstances of any particular case allow. 30

4. In this Schedule "the 1948 Act" means the British Nationality Act 1948. 56.

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## SCHEDULE 2

Section 6(1)

CONTINUATION OF CERTAIN PROVISIONS IN RELATION  
TO ZIMBABWE, AND SAVINGS*Temporary saving from certain disabilities*

1.—(1) Until the end of the period of twelve months beginning with Independence Day, a citizen of Zimbabwe shall not be subject, in respect of any office, place, or employment held by him immediately before that day, or any qualification to act in any capacity in which he was acting immediately before that day, to any disability imposed in 40



- Sch. 2 the case of aliens by or by virtue of any of the following enactments, that is to say—
- 1700 c. 2. (a) section 3 of the Act of Settlement;
- 1919 c. 92. (b) sections 4 to 6 of the Aliens Restriction (Amendment) Act 1919;
- (c) any Northern Ireland legislation, or any regulations in force under any such legislation.
- (2) For the purposes of sub-paragraph (1) a person who immediately before Independence Day was on leave or otherwise temporarily absent from employment in any capacity mentioned in section 5(1) of the Aliens Restriction (Amendment) Act 1919 (master etc. of British merchant ship) shall be treated as if he were employed in such employment immediately before that day; and where sub-paragraph (1) applies to any person in respect of any office, place or employment held by him immediately before that day, it shall apply to him also in respect of any office, place or employment to or in which he may be appointed thereafter by way of re-engagement or transfer.
- (3) If, at the end of the period of twelve months mentioned in sub-paragraph (1), a person to whom that sub-paragraph applies is awaiting determination of an application by him for registration as a citizen of the United Kingdom and Colonies, that sub-paragraph shall apply as to if for the period of twelve months there mentioned there were substituted a period ending on the determination of his application.
- (4) A person who by virtue of section 2(1) ceases to be a British subject shall not for that reason be precluded from remaining a member of a local authority until his membership ceases on some other ground.

#### Colonial probates

- 1892 c. 6. 2.—(1) The Colonial Probates Act 1892 (which provides for the recognition in the United Kingdom of probates and letters of administration granted in British possessions) shall apply in relation to Zimbabwe as it applies in relation to a British possession, and any Order in Council in force under that Act in relation to Southern Rhodesia immediately before Independence Day shall have effect on and after that day as if any reference to Southern Rhodesia were a reference to Zimbabwe.
- (2) Nothing in sub-paragraph (1) shall affect the operation of the said Act of 1892 with respect to probate or letters of administration granted before Independence Day by a court in Southern Rhodesia.

#### Maintenance orders

- 1920 c. 33. 3.—(1) The Maintenance Orders (Facilities for Enforcement) Act 1920 (which provides for the enforcement in England, Wales and Northern Ireland of maintenance orders made in parts of Her Majesty's dominions outside the United Kingdom, and vice versa) shall apply in relation to Zimbabwe as it applies in relation to a part of Her Majesty's dominions, and any Order in Council in force under that Act in relation to Southern Rhodesia immediately before Independence Day shall have effect on and after that day as if any reference to Southern Rhodesia were a reference to Zimbabwe.

- (2) For the purposes of the application of the said Act of 1920 in accordance with sub-paragraph (1), references in that Act to the governor of a part of Her Majesty's dominions shall, in the case of Zimbabwe, be construed as references to the Minister of Justice.
- 5 (3) Nothing in sub-paragraph (1) or (2) shall affect the operation of the said Act of 1920 with respect to any maintenance order made before Independence Day by a court in Southern Rhodesia.
- (4) An order under section 49(2) of the Maintenance Orders (Reciprocal Enforcement) Act 1972 appointing a day for the coming into operation of the repeal by that Act of the Maintenance Orders (Facilities for Enforcement) Act 1920 may include provision, to take effect on that day, for the repeal of the preceding provisions of this paragraph.

#### Company registers

- 15 4. The following provisions, namely—
- (a) sections 119 to 122 of the Companies Act 1948 and sections 116 to 118 of the Companies Act (Northern Ireland) 1960 (which enable a company registered in Great Britain, or in Northern Ireland, to keep in any other part of Her Majesty's dominions a branch register of its members resident there);
- 20 and
- (b) section 123 of the said Act of 1948 (which enables a company registered in another part of Her Majesty's dominions to keep in Great Britain a branch register of its members resident there),
- 25 shall apply in relation to Zimbabwe as they apply in relation to a part of Her Majesty's dominions.

#### Parliamentary and local elections

- 5.—(1) Where a person by virtue of section 2(1) ceases to be a British subject—
- (a) if immediately before Independence Day he was registered in a register of parliamentary electors or local government electors, he shall be treated as remaining a British subject for the purposes of any election at which that register is used;
- 35 (b) if—
- (i) on the qualifying date for a parliamentary or local government election held within the period of twelve months beginning with 16th February in a year to which this paragraph applies he is awaiting determination of an application received before the first anniversary of Independence Day for his registration as a citizen of the United Kingdom and Colonies, and
- 40 (ii) where the application was made under section 5A of the British Nationality Act 1948 or section 6(1) thereof as modified by Schedule 1 to the Immigration Act 1971, he
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was throughout the relevant period ending with that qualifying date ordinarily resident in the United Kingdom, he shall be treated as a British subject for the purposes of any election at which a register of parliamentary electors or local government electors published in that year is used. 5

(2) For the purposes of sub-paragraph (1)(b)(ii) "the relevant period" ending as there mentioned—

- (a) in the case of an application under section 5A of the British Nationality Act 1948, is the period of five years so ending;
- (b) in the case of an application under section 6(1) of that Act, is the period beginning with 1st January 1973 and ending as aforesaid. 10

(3) Paragraph (b) of sub-paragraph (1) applies to the year 1980 and any subsequent year, not being later than such year as the Secretary of State may specify in an order (made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament) as the final year to which that paragraph is to apply. 15

S.I. 1974/648.  
S.I. 1969/905.  
S.I. 1975/850.

(4) The Representation of the People Regulations 1974, the Representation of the People (Northern Ireland) Regulations 1969 and the Representation of the People (Scotland) Regulations 1975 shall each have effect as if the requirements that may be made under regulation 24(1), regulation 10(1) and regulation 24(1) respectively included a requirement that a person who asserts that he is entitled to be registered by virtue of sub-paragraph (1) should make a statutory declaration as to any fact relevant in establishing that entitlement. 25

*Dentists and veterinary surgeons*

6. A person who on Independence Day is registered by virtue of a qualification granted in Southern Rhodesia—

1957 c. 28.

(a) in the Commonwealth list contained in the dentists register kept under the Dentists Act 1957, or 30

1966 c. 36.

(b) in the Commonwealth list contained in the veterinary surgeons register kept under the Veterinary Surgeons Act 1966,

shall not cease to be so registered by reason of anything contained in this Act or of any decision as to Zimbabwe's membership of the Commonwealth. 35

*Right of abode in the United Kingdom*

7.—(1) Until the end of the period of twelve months beginning with Independence Day—

1971 c. 77.

(a) subsection (1)(d) of section 2 of the Immigration Act 1971 (right of abode) shall have effect in the case of a person who— 40

- (i) is a citizen of Zimbabwe, and
- (ii) was immediately before that day a citizen of Southern Rhodesia,

as if he had remained a Commonwealth citizen; and

(b) subsection (2) of that section shall have effect accordingly. 45

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Zimbabwe Bill

DRAFT  
OF A  
BILL

To make provision for, and in connection with, the attainment by Zimbabwe of fully responsible status as a Republic.

CXLIX—A (3)

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(2) Section 36 of the said Act of 1971 (power to extend provisions to Channel Islands and Isle of Man) shall apply to the provisions of this paragraph as it applies to provisions of that Act.

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*Liability to deportation*

5 8.—(1) Until the end of the period of twelve months beginning with Independence Day section 7 of the Immigration Act 1971 (which provides that certain Commonwealth citizens ordinarily resident in the United Kingdom are not liable to deportation) shall continue to apply to a person who by virtue of section 2(1) of this Act ceases to be a 10 Commonwealth citizen on that day.

(2) If when that period expires such a person is awaiting the determination of an application made by him for registration as a citizen of the United Kingdom and Colonies, the said section 7 shall continue to apply to him until that application is determined, subject to sub- 15 paragraph (3).

(3) In the further period provided for by sub-paragraph (2) a recommendation for deportation under section 3(6) of the said Act of 1971 (recommendation by court convicting of offence punishable with imprisonment) may be made in respect of a person to whom that sub- 20 paragraph applies, but no effect shall be given to such a recommendation unless and until that person's application for registration as a citizen of the United Kingdom and Colonies is refused.

(4) Section 36 of the said Act of 1971 (power to extend provisions to Channel Islands and Isle of Man) shall apply to the provisions of this 25 paragraph as it applies to provisions of that Act.

## SCHEDULE 3

Section 6(3).

REPEALS  
Acts

Chapter	Short title	Extent of repeal	
15 & 16 Geo. 5. c. xvii.	Imperial Institute Act 1925.	In Schedule 2, in paragraph (1)(b), the words "one by the Government of Southern Rhodesia".	5
16 & 17 Geo. 5. c. 40.	Indian and Colonial Divorce Jurisdiction Act 1926.	In section 2(2), the words "the Colony of Southern Rhodesia".	10
18 & 19 Geo. 5. c. 35.	Easter Act 1928.	In the Schedule, in Part I, the words "Southern Rhodesia".	
9 & 10 Geo. 6. c. 45.	United Nations Act 1946.	In section 1(2), the words "Southern Rhodesia".	15
12, 13 & 14 Geo. 6. c. 67.	Civil Aviation Act 1949.	Section 66(2).	
9 & 10 Eliz. 2. c. 11.	Diplomatic Immunities (Conferences with Commonwealth Countries and Republic of Ireland) Act 1961.	In section 1(5), the words "Southern Rhodesia".	20
10 & 11 Eliz. 2. c. 2.	Southern Rhodesia (Constitution) Act 1961.	The whole Act.	25
1964 c. 81.	Diplomatic Privileges Act 1964.	Section 8(2).	
1965 c. 76.	Southern Rhodesia Act 1965.	The whole Act.	
1973 c. 45.	Domicile and Matrimonial Proceedings Act 1973.	Section 17(3).	30
1978 c. 2.	Commonwealth Development Corporation Act 1978.	In section 17(1), in the definition of "dependent territory", the words "excluding Southern Rhodesia".	35
1978 c. 33.	State Immunity Act 1978.	In section 4(5), the words "or a citizen of Southern Rhodesia".	
1979 c. 52.	Southern Rhodesia Act 1979.	Section 3(4) and (5).	40

## Instruments

Sch. 3

Number	Title	Extent of repeal
S.I. 1964/2043.	Diplomatic Privileges (Citizens of the United Kingdom and Colonies) Order 1964.	In Article 2(2), the words "to Southern Rhodesia".
5 S.I. 1965/1125.	Judicial Committee (Southern Rhodesia) Order 1965.	The whole Order.
S.I. 1965/1952.	Southern Rhodesia Constitution Order 1965.	The whole Order.
10 S.I. 1965/1957.	Southern Rhodesia (British Nationality Act 1948) Order 1965.	The whole Order.
S.I. 1970/892.	Southern Rhodesia (Higher Authority for Power) Order 1970.	The whole Order.
15 S.I. 1970/1540.	Southern Rhodesia (Matrimonial Jurisdiction) Order 1970.	The whole Order.
S.I. 1970/1903.	Consular Relations (Merchant Shipping) (Republic of Austria) Order 1970.	In Article 4(a)(i), the words "a citizen of Southern Rhodesia".
20 S.I. 1970/1904.	Consular Relations (Merchant Shipping) (Kingdom of Belgium) Order 1970.	In Article 4(a)(i), the words "a citizen of Southern Rhodesia".
25 S.I. 1970/1905.	Consular Relations (Merchant Shipping) (Kingdom of Denmark) Order 1970.	In Article 4(a)(i), the words "a citizen of Southern Rhodesia".
S.I. 1970/1907.	Consular Relations (Merchant Shipping) (Federal Republic of Germany) Order 1970.	In Article 4(a)(i), the words "a citizen of Southern Rhodesia".
30 S.I. 1970/1909.	Consular Relations (Merchant Shipping) (Italian Republic) Order 1970.	In Article 4(a)(i), the words "a citizen of Southern Rhodesia".
35 S.I. 1970/1910.	Consular Relations (Merchant Shipping) (Japan) Order 1970.	In Article 4(a)(i), the words "a citizen of Southern Rhodesia".
S.I. 1970/1911.	Consular Relations (Merchant Shipping) (United States of Mexico) Order 1970.	In Article 3(a), the words "a citizen of Southern Rhodesia".
40 S.I. 1970/1913.	Consular Relations (Merchant Shipping) (Spanish State) Order 1970.	In Article 4(a)(i), the words "a citizen of Southern Rhodesia".
S.I. 1970/1917.	Consular Relations (Merchant Shipping) (Socialist Federal Republic of Yugoslavia) Order 1970.	In Article 4(a)(i), the words "a citizen of Southern Rhodesia".
45 S.I. 1972/1718.	Southern Rhodesia (Marriages, Matrimonial Causes and Adoptions) Order 1972.	The whole Order.
50 S.I. 1979/1374.	Southern Rhodesia (Immunity for Persons attending Meetings and Consultations) (No. 2) Order 1979.	The whole Order.

Existing  
offices.

88. (1) Subject to the other provisions of the Constitution, a person who immediately before the day of Independence holds or acts in an office in the service of the Government of the New Hebrides shall, as from that day, hold or act in that office or the corresponding office established by or under the Constitution on the same terms and conditions as those on which he holds or acts in the office immediately before that day.
- (2) Paragraph (1) is without prejudice to the power of Parliament to provide for the compulsory retirement of non-citizen officers to promote localisation of offices.
- (3) Notwithstanding Article 55 (2), until a citizen of the New Hebrides is qualified for appointment to a public office a non-citizen may be appointed to that office but, except in the case of a judge of the Supreme Court, shall be appointed for a limited period.

Judges of the  
Supreme Court.

89. Notwithstanding Chapter 8, any person who immediately before the day of Independence holds office as a judge of the pre-Independence Supreme Court or of a District Court shall as from that day act in the office of judge of the Supreme Court until a substantive appointment is made to that office in accordance with Chapter 8. The President of the Republic may appoint one of them to act as Chief Justice until a substantive appointment is made to that office.

Rights, Lia-  
bilities and  
Obligations.

90. (1) All rights, liabilities and obligations of the Government of the New Hebrides, whether arising out of contract or otherwise, shall, as from the day of Independence, be rights, liabilities and obligations of the Republic.
- (2) Nothing in paragraph (1) shall prevent the Government of the Republic renegotiating rights, liabilities or obligations assumed under that paragraph.

Electoral  
System.

91. After the general elections next following the Exchange of Notes providing for the entry into force of this Article, the Representative Assembly shall set up a Committee with equal representation of all political groups to make recommendations on an electoral system based on Article 17 (1).

The recommendations of the Committee shall be included in a law enacted by Parliament by a two-thirds majority of its members at a special sitting of Parliament when at least three-fourths of the members are present. If there is no such quorum at the first sitting, Parliament may meet and make a decision by the same majority a week later even if only two-thirds of the members are present.

Legal  
Proceedings.

92. All legal proceedings, whether civil or criminal, pending immediately before the day of Independence before any court in the New Hebrides shall be disposed of on and after that day in accordance with general or specific directions given by the Supreme Court subject to any law which may be enacted for that purpose.

Existing  
Law.

93. (1) Until otherwise provided by Parliament, all Joint Regulations and subsidiary legislation made thereunder in force immediately before the day of Independence shall continue in operation on and after that day as if they had been made in pursuance of the Constitution and shall be construed with such adaptations as may be necessary to bring them into conformity with the Constitution.
- (2) Until otherwise provided by Parliament, the British and French laws in force or applied in the New Hebrides immediately before the day of Independence shall on and after that day continue to apply to the extent that they are not expressly revoked or incompatible with the independent status of the New Hebrides and wherever possible taking due account of custom.
- (3) Customary law shall continue to have effect as part of the law of the Republic.

Regional  
Councils  
before  
Independence.

94. (1) Regional Councils shall be elected in Tanna and Santo on the same day as the general elections to the Representative Assembly next following the Exchange of Notes providing for the entry into force of this Article.
- (2) The modalities of this election shall be established by an Exchange of Notes between the British and French Governments, which shall in particular provide for the representation of custom chiefs within such Regional Councils.
- (3) As soon as they are elected the Regional Councils of Tanna and Santo shall start negotiations with the Government in order to prepare proposals for legislation providing for their powers and their manner of administration. The law on decentralisation for Tanna and Santo shall be adopted by the Representative Assembly before Independence.
- (4) The Council of Ministers may provide for the election of regional councils in other constituencies before Independence in accordance with modalities established in an Exchange of Notes between the British and French Governments.

SCHEDULE 1

(Article 32)

ELECTION OF THE PRESIDENT OF THE REPUBLIC

1. The election of the President of the Republic shall take place within 3 weeks of the end of the term of office of the previous President.
2. (1) The electoral college may proceed to elect the President of the Republic at its first meeting if at least three fourths of its members are present.  
  
(2) If there is no such quorum, the electoral college shall meet again 48 hours later and may lawfully proceed to elect the President if at least two thirds of its members are present.
3. The candidate who obtains the support of two thirds of the members of the electoral college shall be elected President of the Republic.