STATUTORY INSTRUMENTS

1963 No. 1923

AFRICA

The Northern Rhodesia (Native Reserves) (Amendment No. 2) Order in Council 1963

Made - - - -	*27th November* 1963
Laid before Parliament	*3rd December* 1963
Coming into Operation	*4th December* 1963

At the Court at Buckingham Palace, the 27th day of November 1963

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers by the Foreign Jurisdiction Act 1890(a) or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Citation, construction and commencement.

1.—(1) This Order may be cited as the Northern Rhodesia (Native Reserves) (Amendment No. 2) Order in Council 1963.

(2) This Order shall be included among the Orders in Council that may be cited together as the Northern Rhodesia (Crown Lands and Native Reserves) Orders in Council 1928 to 1963(b) and shall be construed accordingly.

(3) This Order shall come into operation on 4th December 1963.

(4) This Order shall be published in the Northern Rhodesia Gazette and in such other manner as the Governor thinks fit.

Amendment of article 2 of Order of 1928.

2. In article 2 of the Northern Rhodesia (Crown Lands and Native Reserves) Order in Council 1928(c), for the definition of the expression "the Secretary of State" there is substituted the following definition:—

"The expression 'the Secretary of State' means Her Majesty's Principal Secretary of State for the Colonies.".

Native Reserves vested in Secretary of State for the Colonies.

3. All Native Reserves that immediately before the date of the coming into operation of this Order were vested in the First Secretary of State are on that date hereby transferred to and vested in Her Majesty's Principal Secretary of State for the Colonies; and the Northern Rhodesia (Crown Lands and Native Reserves) Orders in Council 1928 to 1963 shall have effect accordingly.

(a) 53 & 54 Vict. c. 37.

(b) S.R. & O. 1928/246, 1936/1380 (Rev. VIII, p. 173: 1928, p. 601; 1936 I, p. 936); 1929/103, 651, 1931/167, 849, 1933/227, 488, 1937/760, 1943/76, 1947/194 (Rev. VIII, p. 182: 1929, pp. 457, 467; 1931, pp. 453, 458; 1933, pp. 824, 828; 1937, p. 809; 1943 I, p. 295; 1947 I, p. 778); 1929/1002, 1938/181 (Rev. VIII, p. 193: 1929, p. 468; 1938 I, p. 1309); 1947/2214 (Rev. VIII, p. 201: 1947 I, p. 779); S.I. 1950/1966, 1951/1168, 1955/1953, 1956/1892, 1960/2209, 1961/1503, 1962/403, 633, 1335, 1873, 1963/1045 (1950 II, p. 95; 1951 II, p. 96; 1955 II, p. 2211; 1956 II, p. 1990; 1960 III, p. 2906; 1961 II, p. 3057; 1962 I, pp. 370, 642; II, pp. 1442, 2193; 1963 II, p. 1786).

(c) S.R. & O. 1928/246 (Rev. VIII, p. 173: 1928, p. 601).

Substitution of article 5 of Order of 1928.

4.—(1) Article 5 of the Northern Rhodesia (Crown Lands and Native Reserves) Order in Council 1928 is revoked and the following article is substituted:—

"5.—(1) Subject to the provisions of any law in force in Northern Rhodesia and of any instructions given to him by Her Majesty through a Secretary of State, the Governor, on behalf of Her Majesty, may make grants and dispositions of Crown Lands and of any other immovable property that may for the time being be vested in Her Majesty or in the Governor on behalf of Her Majesty.

(2) (*a*) The powers conferred upon the Governor by this article may be exercised on behalf of the Governor by any person so authorized, whether by name or by reference to an office, by the Governor by notice published in the Gazette.

(*b*) Any such authority shall be subject to such conditions and restrictions (if any) as may be specified in the notice by which it is conferred, and may be varied or revoked by the Governor by notice published in the Gazette.".

(2) All estates, interests or rights in or over immovable property which the Governor or any other officer or authority of the Government of Northern Rhodesia, acting in exercise or purported exercise of any power in that behalf conferred by any law, has at any time before the commencement of this Order created, granted or recognised are hereby confirmed as having been validly created, granted or recognised.

Modification of Order of 1962.

5. The Northern Rhodesia (Native Reserves) (Amendment) Order in Council 1962(**a**) shall have effect, and shall be deemed always to have had effect, as if article 3 were omitted and as if the reference in article 4 to the commencement of that Order were a reference to the commencement of the Northern Rhodesia (Crown Lands and Native Reserves) (Amendment) Order in Council 1963(**b**).

W. G. Agnew.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order vests in the Secretary of State for the Colonies all Native Reserves hitherto vested in the First Secretary of State. It also removes doubts concerning the validity of certain grants of land by the Government of Northern Rhodesia.

(**a**) S.I. 1962/403 (1962 I, p. 370). (**b**) S.I. 1963/1045 (1963 II, p. 1786).