STATUTORY INSTRUMENTS

1963 No. 1922

AFRICA

The Northern Rhodesia (Electoral Provisions) (No. 2) Order 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

Whereas it is proposed that in due course there should be established for Northern Rhodesia a Legislative Assembly (in this Order referred to as " the proposed Legislative Assembly "):

Now, therefore, Her Majesty, by virtue and in exercise of the powers in that behalf 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 (Electoral Provisions) (No. 2) Order 1963 and shall be construed as one with the Northern Rhodesia (Constitution) Order in Council 1962(b).

(2) This Order and the Northern Rhodesia (Electoral Provisions) Order 1963(c) may be cited together as the Northern Rhodesia (Electoral Provisions) Orders 1963.

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

Qualifications for membership of proposed Legislative Assembly.

2.—(1) Subject to the provisions of section 3 of this Order, a person shall be qualified to be elected as a member of the proposed Legislative Assembly if, and shall not be qualified to be so elected unless, he

(*a*) has attained the age of twenty-one years ;

(*b*) is qualified for registration as a voter ;

(*c*) satisfies the appropriate authority that he can speak, write and understand English well enough to take an active part in the proceedings of the Assembly ; and

(*d*) has been ordinarily resident in Northern Rhodesia—

(i) for a period of not less than two years immediately before the date of his nomination as a candidate ; or

(ii) for periods amounting in the aggregate to not less than three years during the ten years immediately before that date.

(a) 53 & 54 Vict. c. 37. (b) S.I. 1962/1874 (1962 II, p. 2195).
(c) S.I. 1963/1489 (1963 II, p. 2628).

(2) For the purposes of subsection (1)(*c*) of this section—

(*a*) a person shall be deemed to have the required knowledge of English if—

(i) English is his native tongue;

(ii) he has completed a full course of primary education of the prescribed standard; or

(iii) he has been a member of the Legislative Council of Northern Rhodesia.

(*b*) "the appropriate authority" means the returning officer for the constituency in which the candidate seeks election or, if the returning officer decides that the candidate does not possess the qualification required by that subsection and the candidate appeals against the decision in such manner as may be prescribed, the Speaker.

(3) In this section the reference to the Speaker shall, for the purposes of the first general election to the proposed Legislative Assembly, be construed as a reference to the Speaker of the Legislative Council constituted by the Northern Rhodesia (Constitution) Order in Council 1962.

Disqualifications for membership of proposed Legislative Assembly.

3.—(1) No person shall be qualified to be elected a member of the proposed Legislative Assembly who—

(*a*) is, by virtue of his own act, under any acknowledgment of allegiance, obedience or adherence to a foreign power or state;

(*b*) has been adjudged or otherwise declared bankrupt under any law in force in any part of the Commonwealth, the Republic of South Africa or the Republic of Ireland and has not been discharged, or has made a composition with his creditors and has not paid his debts in full;

(*c*) is certified to be insane or otherwise adjudged or declared to be of unsound mind under any law for the time being in force in Northern Rhodesia;

(*d*) subject to such exceptions as may be prescribed by any law for the time being in force in Northern Rhodesia, if he holds or is acting in any public office, any office in the armed forces of the Crown or any other office specified by any law for the time being in force in Northern Rhodesia;

(*e*) is under sentence of death imposed on him by a court in any part of the Commonwealth, the Republic of South Africa or the Republic of Ireland, or is under a sentence of imprisonment (by whatever name called), imposed on him by such a court or substituted by competent authority for some other sentence imposed on him by such a court.

(2) No person shall be qualified to be elected a member of the proposed Legislative Assembly who holds, or is acting in, any office the functions of which involve any responsibility for, or in con-

nection with, the conduct of any elections to the Assembly, or the compilation or revision of any electoral register for the purposes of such elections.

(3) No person shall be qualified to be elected as a member of the proposed Legislative Assembly who, under the provisions of any law for the time being in force in Northern Rhodesia, is disqualified for election to the Legislative Council constituted by the Northern Rhodesia (Constitution) Order in Council 1962 by reason of his having been convicted of an offence connected with elections.

(4) Until other provision is made by law, a person shall be excepted from the disqualification specified in subsection (3)(*i*)(*d*) of this section relating to public offices or offices in the armed forces of the Crown if, under the provisions of section 29(1) of the Constitution annexed to the Northern Rhodesia (Constitution) Order in Council 1962 or under any law made under section 29(2) of that Constitution which is for the time being in force, he would not be treated as holding or acting in a public office for the purposes of Part III of that Constitution.

(5) In this section references to a sentence of imprisonment shall be construed as including a sentence of imprisonment the execution of which is suspended but not as including a sentence of imprisonment imposed in default of payment of a fine.

Regulations relating to holding of elections.

4.—(1) The Governor, acting in his discretion, may by regulation published in the Gazette, make provision for—

(*a*) the holding of elections to the proposed Legislative Assembly and matters incidental thereto;

(*b*) the definition and trial of offences relating to elections and the imposition of penalties therefor, including disqualification for membership of the proposed Legislative Assembly or for registration as a voter, or for voting at elections, of any person concerned in any such offence.

(2) No election of members to the proposed Legislative Assembly shall be held under any regulations made in pursuance of this section until provision has been made by Order of Her Majesty in Council for the establishment of the proposed Legislative Assembly and that provision has come into operation; but—

(*a*) the Governor may appoint a day for the nomination of candidates for the first general election to the proposed Assembly and nomination of those candidates may take place and objections to those nominations may be made and determined;

(*b*) the Governor may appoint a day (not being earlier than 20th January 1964) for the taking of the poll at that election.

Amendment of section 2 of Order of 1963.

5. References in section 2 of the Northern Rhodesia (Electoral Provisions) Order 1963 to the proposed Council shall be construed, as from the coming into operation of this Order, as references to the proposed Legislative Assembly.

W. G. Agnew

EXPLANATORY NOTE

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

This Order prescribes the qualifications and disqualifications of candidates for election to the proposed new Legislative Assembly for Northern Rhodesia and enables the Governor to make further provision by regulation for the electoral law relating to the Assembly. The Order permits certain preliminary steps in the holding of the first election to the proposed Legislative Assembly to take place.