EXPLANATORY NOTE

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

These Regulations, which are made by the Treasury in pursuance of Representation of the People Act, 1949, s. 20 (2), prescribe, in relation to Northern Ireland, a revised scale increasing the maximum charges in respect of services rendered and expenses incurred by a returning officer at an Imperial parliamentary election.

RHODESIA AND NYASALAND FEDERATION

1958 No. 1520

The Northern Rhodesia (Electoral Provisions) Order in Council, 1958

Made - - - -	11*th September*, 1958
Laid before Parliament	17*th September*, 1958
Coming into Operation	18*th September*, 1958

At the Court at Balmoral, the 11th day of September, 1958

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 Council (hereinafter referred to as "the proposed Council") containing twenty-two Elected Members in addition to certain other members;

And Whereas it is expedient that, for the avoidance of delay in constituting the proposed Council, certain provisions should be made with respect to the election of those Elected Members, including provision empowering the existing Legislature of Northern Rhodesia to make laws with respect thereto, notwithstanding that the proposed Council has not yet been established by Order of Her Majesty in Council:

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 vested, 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 Northern Rhodesia (Electoral Provisions) Order in Council, 1958, and shall come into operation on the eighteenth day of September, 1958.

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

Interpretation

2.—(1) In this Order, unless it is otherwise expressly provided or the context otherwise requires—

"Crown Lands" shall be construed in the same manner as in the Northern Rhodesia (Crown Lands and Native Reserves) Orders in Council, 1928 to 1956(**a**);

"the existing Orders" mean the Northern Rhodesia (Legislative Council) Orders in Council, 1945 to 1954(**b**);

"the Governor" means the Governor of Northern Rhodesia and includes the Officer for the time being Administering the Government and, to the extent to which a Deputy for the Governor is authorised to act, that Deputy;

"Native Reserve" shall be construed in the same manner as in the Northern Rhodesia (Crown Lands and Native Reserves) Orders in Council, 1928 to 1956;

"Native Trust Land" shall be construed in the same manner as in the Northern Rhodesia (Native Trust Land) Orders in Council, 1947 to 1954(**c**);

"prescribed" means prescribed by or under any law enacted under the existing Orders;

"voter" includes an ordinary voter and a special voter; and

"the Western, Central and Southern Provinces" mean, respectively, those parts of Northern Rhodesia which, at the date of commencement of this Order, are so defined by a Proclamation made by the Governor under paragraph (1) of Article 13 of the Northern Rhodesia Order in Council, 1924(**d**), as amended by the Northern Rhodesia Order in Council, 1949(**e**).

(2) The Interpretation Act, 1889(**f**), shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

Electoral districts

3.—(1) For the purpose of returning Elected Members to the proposed Council, Northern Rhodesia shall be divided into the following electoral districts, that is to say—

(*a*) twelve electoral districts (hereinafter referred to as "ordinary constituencies") which shall together comprise the Crown Lands in the Western, Central and Southern Provinces (with such exceptions as may be prescribed) and such adjoining areas of Native Reserve and Native Trust Land as may be prescribed;

(**a**) S.R. & O. 1928/246, 1936/1380, 1947/2214 (Rev. VIII, p. 173: 1928, p. 601; 1936 I, p. 936; 1947 I, p. 779). S.R. & O. 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). S.R. & O. 1929/1002, 1938/181 (Rev. VIII, p. 193: 1929, p. 468; 1938 I, p. 1309). S.I. 1950/1966, 1951/1168, 1955/1953, 1956/1892 (1950 II, p. 95; 1951 II, p. 96; 1955 II, p. 2211; 1956 II, p. 1990)

(**b**) S.R. & O. 1945/620, S.I. 1948/340, 2064 (Rev. VIII, p. 163: 1945 I, p. 403; 1948 I, pp. 1344, 1348); S.I. 1953/1907, 1954/145, 482, 1376 (1953 II, p. 1514; 1954 II, pp. 1928, 1932, 1934).

(**c**) S.R. & O. 1947/2214 (Rev. VIII, p. 201: 1947 I, p. 79), S.I. 1954/1142, 1374 (1954 II, pp. 1937, 1938).

(**d**) S.R. & O. 1924/324 (Rev. VIII, p. 154: 1924, p. 395). (**e**) S.I. 1949/1054 (1949 I, p. 1858). (**f**) 52 & 53 Vict. c. 63.

(*b*) six electoral districts (hereinafter referred to as "special constituencies") which shall together comprise all parts of Northern Rhodesia not included in the ordinary constituencies;

(*c*) two electoral districts (hereinafter referred to as "reserved African constituencies") which shall together comprise all parts of Northern Rhodesia included in the ordinary constituencies; and

(*d*) two electoral districts (hereinafter referred to as "reserved European constituencies") which shall together comprise all parts of Northern Rhodesia included in the special constituencies.

(2) Subject to the provisions of subsection (1) of this section, provision may be made by or under a law enacted under the existing Orders for the delimitation of the constituencies mentioned in that subsection and for the division of such constituencies for any purpose connected with elections.

Qualifications and disqualifications of voters

4.—(1) For the purposes of elections to the proposed Council, the electorate shall consist of persons who are registered as voters.

(2) Subject to the provisions of subsection (5) of this section, no person shall be qualified for registration as a voter unless he is so qualified under either subsection (4) or subsection (6) of this section and—

(*a*) he is a citizen of the United Kingdom and Colonies or a citizen of Rhodesia and Nyasaland or is a British protected person by virtue of his connection with Northern Rhodesia; and

(*b*) he has attained the age of 21 years; and

(*c*) he has such residence qualifications as may be prescribed; and

(*d*) he is able to complete, in English and without assistance, such form of application for registration as may be prescribed or, if unable so to do by reason solely of some physical incapacity, has an adequate knowledge of the English language.

(3) The question whether any person who is unable to complete the prescribed form of application for registration as required by paragraph (*d*) of subsection (2) of this section has an adequate knowledge of the English language for the purposes of that paragraph shall be determined in such manner as may be prescribed.

(4) Subject to the provisions of subsections (2) and (7) of this section, a person who has any of the qualifications specified in Part I of the Schedule to this Order shall be qualified to be registered as an ordinary voter.

(5) Subject to the provisions of subsection (7) of this section, a person who on the date of commencement of this Order is registered as a voter for the purpose of electing Elected Members of the Legislative Council established by the existing Orders shall be qualified to be registered as an ordinary voter.

(6) Subject to the provisions of subsections (2) and (7) of this section, a person who is not qualified under the provisions of subsections (4) or (5) thereof for registration as an ordinary voter but who has any of the qualifications specified in Part II of the Schedule to this Order shall be qualified to be registered as a special voter.

(7) Provision may be made by or under any law enacted under the existing Orders for the imposition of disqualifications for registration as a voter and for the removal from the register of voters of persons who have become disqualified for registration as such, but, subject to the provisions of subsection (8) of this section, no person who has been registered as an ordinary or a special voter shall be removed from the register of ordinary or special voters by reason only of the fact that he no longer possesses any of the qualifications specified in Part I or Part II (as the case may be) of the Schedule to this Order.

(8) Any person who is registered as a special voter and who subsequently becomes qualified to be registered as an ordinary voter may apply in the prescribed manner to be registered as an ordinary voter and thereupon he shall be registered accordingly and his previous registration shall be cancelled.

(9) Part III of the Schedule to this Order shall apply for the interpretation of Parts I and II thereof.

Qualifications and disqualifications for election as a member

5.—(1) No person shall be qualified to be elected as a member of the proposed Council—

(*a*) for an ordinary constituency, unless he is registered as an ordinary voter ;

(*b*) for a special constituency, unless he is registered as an ordinary voter or a special voter and has obtained a certificate in the prescribed form to the effect that they have no objection to his being a candidate for election from at least two-thirds of the chiefs recognised under the Native Authority Ordinance(**a**), or the Barotse Native Authority Ordinance(**b**), or any Ordinance amending or replacing the same, as native authorities for areas contained within the constituency concerned ;

(*c*) for a reserved African constituency, unless he is an African and is registered as an ordinary voter ; or

(*d*) for a reserved European constituency, unless he is a European and is registered as an ordinary voter.

(2) Provision may be made by or under any law enacted under the existing Orders prescribing residence qualifications for election to the proposed Council that are additional to the residence qualifications prescribed for registration as a voter and imposing disqualifications for election as aforesaid that are additional to the disqualifications imposed for registration as a voter.

Provision for elections

6.—(1) Subject to the foregoing provisions of this Order, provision may be made by or under any law enacted under the existing Orders for the election of twenty-two members to the proposed Council.

(2) In particular and without prejudice to the generality of the provisions of subsection (1) of this section or to any other power in that behalf conferred by this Order, any such law as aforesaid may provide for—

(*a*) the registration of voters ;

(*b*) the ascertainment of the qualifications and disqualifications of candidates for election and of voters ;

(**a**) Laws of Northern Rhodesia, Rev. 1957, Vol. 5, c. 157.
(**b**) Laws of Northern Rhodesia, Rev. 1957, Vol. 5, c. 159.

(*c*) the holding of elections ;

(*d*) the determination of any question whether a person has been validly elected as a member of the proposed Council or the seat of an Elected Member of that Council has become vacant ;

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

(3) A law enacted in pursuance of this section may provide that no person shall be registered as a voter unless he has taken an oath or affirmation of allegiance to Her Majesty in such form and manner as may be prescribed.

(4) No election of members to the proposed Council shall be held under any law enacted in pursuance of this section until provision has been made by Order of Her Majesty in Council for the establishment of the proposed Council and that provision has come into operation ; but registration of voters in pursuance of any such law may take place at any time after the commencement of this Order.

W. G. Agnew.

SCHEDULE

Qualifications for Registration as Ordinary or Special Voters

PART I. QUALIFICATIONS FOR REGISTRATION AS AN ORDINARY VOTER

1. An income qualification of not less than seven hundred and twenty pounds.

2. A property qualification of not less than one thousand five hundred pounds.

3. (In the case of a person who has completed a course of primary education of the prescribed standard) either an income qualification of not less than four hundred and eighty pounds or a property qualification of not less than one thousand pounds.

4. (In the case of a person who has attended at the first four years of a course of secondary education of the prescribed standard) either an income qualification of not less than three hundred pounds or a property qualification of not less than five hundred pounds.

5. Membership of such classes of Ministers of religion or such membership of any of such religious bodies as may be prescribed.

6. Membership of any of such classes of chiefs as may be prescribed.

7. Being the wife of a person who possesses any of the other qualifications specified in this Part of this Schedule.

PART II. QUALIFICATIONS FOR REGISTRATION AS A SPECIAL VOTER

1. An income qualification of not less than one hundred and fifty pounds.

2. A property qualification of not less than five hundred pounds.

3. (In the case of a person who has attended at the first two years of a course of secondary education of the prescribed standard) an income qualification of not less than one hundred and twenty pounds.

4. Membership of any of such classes of village headmen, tribal councillors and pensioners as may be prescribed.

5. Being the wife of a person who possesses any of the other qualifications specified in this Part of this Schedule.

PART III. INTERPRETATION

For the purposes of this Schedule—

(1) a person shall be deemed to have an income qualification of a particular amount if, during each of the two years immediately preceding his application for registration as a voter, he has been in bona fide receipt in his own right of an income of that amount;

(2) a person shall be deemed to have a property qualification of a particular amount if, at the date of his application for registration as a voter, he is the owner of property within Northern Rhodesia of that amount in value;

(3) a person shall be deemed to have completed a course of primary education of the prescribed standard or to have attended at the first four years or the first two years (as the case may be) of a course of secondary education of the prescribed standard if he possesses such alternative educational qualifications as may respectively be prescribed;

(4) in the computation of income—

(*a*) the value of any board or lodging which is provided for an employee by virtue of his employment and in respect of which he is not liable for any payment or deduction from his wages, and any money which, by virtue of his employment, is paid to any employee in respect of his board or lodging, shall be included; and

(*b*) regard shall be had only to the net gain resulting from any trade, business, undertaking, profession or calling;

(5) "owner" means—

(*a*) a holder in fee simple;

(*b*) a lessee in occupation under a lease of which the unexpired term is not less than ten years; or

(*c*) an African who is the holder under native law and custom of developed land in a Native Reserve or in Native Trust Land:

Provided that—

(*a*) where any property is held in trust for any person, he shall be deemed to be the owner thereof to the extent of his beneficial interest therein;

(*b*) where any property is beneficially owned by two or more persons as joint tenants, they shall be deemed to own it in equal undivided shares;

(*c*) where any property is owned by two or more persons in undivided shares, each of them shall be deemed to be the owner thereof to the extent of his share therein; and

(*d*) a mortgagor in possession shall be deemed to be the owner of the property mortgaged;

(6) the value of any property shall be deemed to be—

(*a*) in the case of property held in fee simple, the amount which such property, free of all encumbrances, would realise if, at the date of the application for registration as a voter by the owner thereof, it were sold in the open market by a willing seller to a willing buyer;

(*b*) in the case of leasehold property, the amount which a fee simple interest in such property, free of all encumbrances, would realise if, at the date of the application for registration as a voter by the lessee, it were sold in the open market by a willing seller to a willing buyer, or, for each year of the lease unexpired at that date, one-hundredth part of that amount, whichever is the less;

(*c*) in the case of land held under native law and custom in a Native Reserve or in Native Trust Land, the value (to be assessed in such manner as may be prescribed) of any buildings erected on and any prescribed improvements effected to such land;

(7) where a man is married under a system permitting of polygamy and has more than one wife, the wife to whom he has been married for the longest period, or, if the system under which he is married recognises any other wife to be the senior wife, that other wife, shall be deemed to be his sole wife.

EXPLANATORY NOTE

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

This Order makes certain provisions with respect to the election of members to a new Legislative Council which it is proposed should hereafter be established for Northern Rhodesia, including provision empowering the existing Legislature of Northern Rhodesia to make laws with respect to the election of such members and enabling registration of voters in pursuance of any such law to take place.

RIVER, ENGLAND

1958 No. 1046

The Rivers Pollution (Restriction on Proceedings) (Continuance) Order, 1958

Made - - - - 25*th June*, 1958

At the Court at Buckingham Palace, the 25th day of June, 1958

Present,

The Queen's Most Excellent Majesty in Council

Whereas by subsection (2) of section eight of the Rivers (Prevention of Pollution) Act, 1951(a), a river board may not institute proceedings or make applications to the court for orders in respect of contraventions and apprehended contraventions, respectively, of subsection (1) of section two of the said Act without the consent of the Minister of Housing and Local Government:

And whereas by the proviso thereto the said subsection (2) is not to apply to any contravention occurring or apprehended after the end of the period of seven years beginning with the first day of August, nineteen hundred and fifty-one:

And whereas it is provided by subsection (3) of the said section eight that if at any time an Address is presented to Her Majesty by each House of Parliament praying that the said period shall be extended for a further year

(a) 14 & 15 Geo. 6. c. 64.