STATUTORY INSTRUMENTS

1961 No. 335

RHODESIA AND NYASALAND FEDERATION

The Northern Rhodesia (Native Trust Land) (Amendment) Order in Council, 1961

Made - - - -	*27th February*, 1961
Laid before Parliament	*3rd March*, 1961
Coming into Operation	*4th March*, 1961

At the Court of Saint James, the 27th day of February, 1961

Present,

Her Majesty Queen Elizabeth The Queen Mother
Her Royal Highness The Princess Margaret

Lord President	**Mr. Secretary Maclay**
Mr. Secretary Profumo	**Mr. Powell**

Whereas Her Majesty, in pursuance of the Regency Acts, 1937 to 1953, was pleased by Letters Patent dated the seventeenth day of January, 1961, to delegate to the following Counsellors of State (subject to the exceptions hereinafter mentioned) or any two or more of them, that is to say, His Royal Highness Prince Philip, Duke of Edinburgh, Her Majesty Queen Elizabeth The Queen Mother, Her Royal Highness The Princess Margaret, His Royal Highness The Duke of Gloucester, His Royal Highness The Duke of Kent and Her Royal Highness The Princess Alexandra of Kent, full power and authority during the period of Her Majesty's absence from the United Kingdom to summon and hold on Her Majesty's behalf Her Privy Council and to signify thereat Her Majesty's approval for anything for which Her Majesty's approval in Council is required:

And whereas Her Majesty was further pleased to except from the number of the said Counsellors of State His Royal Highness Prince Philip, Duke of Edinburgh, and His Royal Highness The Duke of Kent and Her Royal Highness The Princess Alexandra of Kent, while absent from the United Kingdom:

Now, therefore, Her Majesty Queen Elizabeth The Queen Mother and Her Royal Highness The Princess Margaret, being authorised thereto by the said Letters Patent, and in pursuance of the powers conferred on Her Majesty by the Foreign Jurisdiction Act, 1890(a), or otherwise in Her Majesty vested, do hereby, by and with the advice of Her Majesty's Privy Council, on Her Majesty's behalf order, and it is hereby ordered, as follows:—

Citation, construction and commencement.

1.—(1) This Order may be cited as the Northern Rhodesia (Native Trust Land) (Amendment) Order in Council, 1961, and shall be construed as one with the Northern Rhodesia (Native Trust Land) Orders in Council, 1947 to 1959(b).

(a) 53 & 54 Vict. c. 37. (b) S.R. & O. 1947/2214 (Rev. VIII, p. 201: 1947 I, p. 779); S.I. 1954/1142, 1374, 1959/2204 (1954 II, pp. 1937, 1938; 1959 II, p. 2340).

(2) This Order and the Northern Rhodesia (Native Trust Land) Orders in Council, 1947 to 1959, may be cited together as the Northern Rhodesia (Native Trust Land) Orders in Council, 1947 to 1961.

(3) This Order shall come into operation on the fourth day of March, 1961, and shall be published in the Northern Rhodesia Gazette and in such other manner as the Governor shall think fit.

Amendment of section 3 of the Northern Rhodesia (Native Trust Land) Order in Council, 1947.

2. Section 3 of the Northern Rhodesia (Native Trust Land) Order in Council, 1947 (hereinafter called " the principal Order ") is amended by the addition immediately after subsection (2) of the following new subsection—

" (3) The Governor may, with the approval of the Secretary of State, make such adjustments of the boundaries of any area of native trust land as may appear to him to be necessary or desirable, provided that in the case of any such adjustment the area of native trust land concerned shall not be materially affected or diminished thereby, and on such approval being given the land excepted from the area concerned shall thereupon cease to be native trust land and shall become Crown lands and the land assigned to such area in exchange therefor shall become native trust land."

Amendment of section 5 of the principal Order.

3. Subsection (1) of section 5 of the principal Order is amended by the deletion of paragraph (*e*) and the substitution therefor of the following paragraph—

" (*e*) set aside in native trust land forest and game reserves and national parks and take such measures as may be necessary for the development and control of such reserves and national parks."

Amendment of the Schedule to the principal Order.

4. The Schedule to the principal Order, as amended, is further amended—

(*a*) by the deletion in the description of the boundaries of Area No. 1 of the words and figures " Ila Reserve No. XIII to the Sichikwenkwe River; thence it passes in a straight line south-eastwards to a point on the western boundary of the Rhodesia Railways Strip at Mile Peg 1072; thence it follows that boundary " and the substitution therefor of the following:—" Ila Reserve No. XIII to the Sichikwenkwe River; thence it passes down the Sichikwenkwe River to the south-western corner of Farm No. 1636 near Beacon MC 25; thence it passes eastwards along the southern boundary of this farm to Beacon MC 27; thence it continues eastwards to Beacon D on the western boundary of the Rhodesia Railways 100 yards strip reserve; thence it follows that boundary ";

(*b*) by the deletion of paragraph (*a*) from the areas excluded from Area No. I;

(*c*) by the addition to the list of farms excluded by paragraph (*b*) from Area No. I of the following farms—

" 1045 1046 2750 2751 2945 Chifubwa ";

(*d*) by the deletion in the description of the boundaries of Area No. II of the passage commencing with the words " a point on the Chikonkomene Hills " and ending with the words " on the southern boundary of the Broken Hill Fuel Reserve " and the substitution therefor of the following—

" Beacon SE 48 at the south-eastern corner of Farm No. 2452 on the Chikonkomene Hills; thence it passes northwards along the eastern boundaries of Farms Nos. 2452, 2229, 1835 and 2443

through Beacons SE 47, CG 67, CG 68, CG 69 and CG 469 to Beacon CG 468 on the northern boundary of the last named farm and on the southern boundary of Broken Hill Forest Reserve No. 31";

(*e*) by the deletion in the description of the boundaries of Area No. II of the words "Broken Hill Fuel Reserve to the Broken Hill-Mkushi Road" and the substitution therefor of the words "Broken Hill Forest Reserve No. 31 to the Broken Hill-Mkushi Road";

(*f*) by the deletion of the description of the boundaries of Area No. IV and of the areas excluded therefrom and the substitution therefor of the description contained in the First Schedule to this Order;

(*g*) by the addition to the list of farms excluded from Area No. V of the following farm—"727";

(*h*) by the deletion of the description of the boundaries of Area No. XIII and the substitution therefor of the description contained in the Second Schedule to this Order;

(*i*) by the deletion of the description of the boundaries of Area No. XV and the substitution therefor of the description contained in the Third Schedule to this Order;

(*j*) by the addition to the list of farms excluded by paragraph (*b*) from Area No. XX of the following farm—

"Lot No. 23/M Mulanga";

(*k*) by the deletion of the words and figures "1129 Malole Extension" from the list of farms excluded by paragraph (*b*) from Area No. XX and the substitution therefor of the words and figures "Lot No. 209/M, Malole";

(*l*) by the deletion of the words and figures "1892 U The Two Leopards Hotel" from the list of farms excluded by paragraph (*b*) from Area No. XX and the substitution therefor of the words and figures "1982 The Two Leopards Hotel";

(*m*) by the deletion of the word and figures "1364 Mulilansolo" from the list of farms excluded by paragraph (*b*) from Area No. XX;

(*n*) by the addition after the description of the boundaries of Area No. XXI of the following—"Included within the boundaries thus defined but excluded from the area is Farm No. NER 15".

Retrospective effect of certain provisions.

5. The provisions of—

(*a*) section 3 and paragraph (*a*) of section 4 and, in so far as it relates to the exclusion of Farm No. 2945, paragraph (*c*) of section 4 of this Order, and

(*b*) paragraphs (*d*), (*g*), (*h*), (*i*), (*j*), (*l*), (*m*) and (*n*) of section 4 of this Order,

shall be deemed to have had effect as from the coming into force of the principal Order.

W. G. Agnew.

Section 4(f)

FIRST SCHEDULE

Starting at the point where the Mwomboshi river crosses the western boundary of Farm No. 1029, the boundary follows that river upstream to its junction with the Katungwe stream; thence up the course of the latter to Beacon ID 68 at the north-eastern corner of the Farm No. 2563; thence westwards along the northern boundaries of Farms Nos. 2563, 2157 and 2161 through Beacons ID 67, ID 10, ID 66, ID65, ID 64, ID 63 and C887 to Beacon C884 on the Lenje Native Reserve Boundary; thence generally north-eastwards along this boundary to Beacon BH 169 at the north-western corner of Farm No. 2112; thence southwards to Beacon BH 168 of this farm; thence along the south-easterly boundaries of Farms Nos. 2112 and 2113 through Beacons BH 167 and BH 166 to Beacon BH 165; thence eastwards along the southerly boundaries of Farms Nos. 2117 and 2118 through Beacon BH 158 to Beacon BH 157, thence in a straight line south-eastwards to Beacon L 159 at the north-western corner of Farm No. 964; thence southwards to Beacon L 230 at the south-western corner of the latter farm; thence south-westwards to Beacon L 245 at the north-western corner of Farm 966; thence southwards to Beacon L 228 at its south-western corner; thence in a straight line to Beacon L 227 at the north-western corner of Farm No. 968; thence southwards and eastwards along the western and southern boundaries of this farm, through Beacon L 226 to Beacon T22R at its south-eastern corner and on the western boundary of the Rhodesia Railways strip reserve; thence southwards down the latter boundary to the point where it is intersected by the southern boundary of Farm No. 969, produced westwards; thence eastwards across the strip reserve to Beacon L 249; thence eastwards, northwards and westwards along the southern, eastern and northern boundaries of Farm No. 969 through Beacons L 248 and L 247 to Beacon T22L on the eastern boundary of the railway strip; thence starting northwards, up the latter boundary to Beacon 54L at the south-western corner of Farm No. 2562; thence eastwards and north-eastwards along the southerly and easterly boundaries of this farm, through Beacons GW 28 and GW 27 to Beacon GW 26 at its north-eastern corner and on the southern boundary of Farm No. 963; thence eastwards along the latter boundary to Beacon L 242; thence southwards along a portion of the western boundary of Farm No. 1833, through Beacon CG 80 to the south-western corner of that farm; thence eastwards along its southern boundary through Beacon CG 79 to Beacon CG 78 at the south-western corner of Farm No. 1834; thence eastwards along the southern boundary of the latter farm to the point where it crosses the Muyama stream; thence southwards down the Muyama stream to its junction with the Mwomboshi river; thence westwards up the Mwomboshi river to the point where it crosses the eastern boundary of Farm No. 1030; thence northwards and westwards along the eastern and northern boundaries of this farm through Beacon T 236 to Beacon T 248; thence across the railway strip to Beacon T 235 at the north-eastern corner of Farm No. 1029; thence westwards and southwards along the northern and western boundaries of this farm, through Beacon T 232 to the point where the Mwomboshi river crosses the western boundary, the point of starting.

Included within the boundaries thus defined but excluded from the area is the Rhodesia Railways strip.

Section 4(h)

SECOND SCHEDULE

Starting at the confluence of the Mbabala and Chikaka Rivers on the south-eastern boundary of the Ila Tonga Native Reserve No. XIII, the boundary follows the left bank of the latter river upstream to a point thereon opposite Beacon OH 16, a beacon on the western boundary of Farm No. 1630; thence south-eastwards in a straight line along this boundary through Beacons OH 16 and OH 15 to the left bank of the Semahwa River; thence south-westwards up the left bank of this river to its confluence with the Musamumunene River; thence south-westwards up the left bank of this river to a point thereon opposite Beacon OH 14,

the north-western corner of Farm No. 2107; thence south-westwards in a straight line through Beacon OH 14 to Beacon M 174 at its most westerly corner; thence in a straight line in a north-westerly direction to a point on the south-eastern boundary of the Ila Tonga Native Reserve No. XIII, approximately mid-way between the sources of the Mbabala and Sichikwenkwe Rivers; thence it follows that boundary in a general north-easterly direction to the confluence of the Mbabala and Chikaka Rivers, the point of starting.

THIRD SCHEDULE

Section 4 (1)

Starting at a point on the Siamambo River where it is intersected by the northern boundary of the Tonga (Choma) Native Reserve No. XII, the boundary follows the north-western boundary of the latter reserve in a south-westerly direction to the south-eastern corner of Farm No. 53a; thence north-westwards following the eastern boundaries of this farm and Farms Nos. 2946 and 1763 to the south-easterly boundary of the Rhodesia Railways 100 yards strip reserve; thence north-eastwards along the latter boundary to the south-western corner of Farm No. 2036; thence south-eastwards along the southerly boundaries of this farm and of Farms Nos. 2300 and 2137 to the most southerly corner of Farm No. 2552; thence north-eastwards along the easterly boundary of this farm and the south-easterly boundaries of Farms Nos. 27a, 1647 and 1646 to the Monzuma River; thence up the Monzuma River to the point where it is intersected by the line Z.364–Z.363 produced; thence northwards in a straight line through Beacon Z.363 to Beacon Z.364; thence to Beacon Z.253; thence to Beacon OH 10 on the southern boundary of Farm No. 1641; thence north-eastwards along this boundary to Beacon OH 3 at the most easterly corner of the latter farm; thence eastwards along the southern boundaries of Farms Nos. 2498 and 2055 through Beacons Z.266, Z.252, Z.251, Z.265 and Z.254 to Beacon L.395 at the south-eastern corner of the latter farm; thence continuing eastwards, in a straight line to the point of starting.

EXPLANATORY NOTE

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

This Order amends the Northern Rhodesia (Native Trust Land) Order in Council, 1947, and enables the Governor, with the approval of the Secretary of State, to make adjustments of the boundaries of native trust land. It also makes a number of amendments to the Schedule to that Order.