STATUTORY INSTRUMENTS

1979 No. 1653

SOUTHERN RHODESIA

The Southern Rhodesia (Commonwealth Forces) (Jurisdiction) Order 1979

Made - - - -	12*th December* 1979
Coming into Operation	12*th December* 1979
Laid before Parliament	13*th December* 1979

At the Court at Buckingham Palace, the 12th day of December 1979

Present,
The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred on Her by section 3(1)(*c*) of the Southern Rhodesia Constitution Order 1965(**a**), 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 Southern Rhodesia (Commonwealth Forces) (Jurisdiction) Order 1979 and shall come into operation on 12th December 1979.

Interpretation

2. In this Order—

" appropriate service authorities " means those authorities (including courts martial) having jurisdiction over the members of a Commonwealth force under the relevant service discipline act;

" Commonwealth force " means any unit or part of the forces of Her Majesty raised in the United Kingdom for the time being serving in Southern Rhodesia, and any unit or part of the forces of any other member of the Commonwealth which, in accordance with an arrangement made with Her Majesty's Government in the United Kingdom, is for the time being serving in Southern Rhodesia;

" member ", in relation to a Commonwealth force, includes any member of the forces of such member of the Commonwealth who, in accordance with his duty, is in Southern Rhodesia, and a member of the civilian component of such force who is subject to the relevant service discipline act;

(a) S.I. 1965/1952.

" service discipline act ", in relation to a Commonwealth force, means the legislation of the relevant member of the Commonwealth which provides for the regulation and discipline of that force.

Jurisdiction of service authorities

3. Notwithstanding the provision of any other law in force in Southern Rhodesia, the appropriate service authorities shall have and may exercise jurisdiction in Southern Rhodesia in respect of the members of the Commonwealth force concerned in accordance with the service discipline act.

Exclusion of jurisdiction of courts of Southern Rhodesia

4.—(1) No criminal proceedings shall be prosecuted before any court of Southern Rhodesia against a member of a Commonwealth force.

(2) No civil proceedings shall be entertained by any court of Southern Rhodesia with respect to any act or omission of a member of a Commonwealth force.

Powers of arrest etc.

5. Nothing in this Order shall affect any power of arrest, search, seizure or custody exercisable under the law of Southern Rhodesia or otherwise with respect to offences committed or believed to have been committed against that law, or with respect to the arrest of a person under any of the provisions of a service discipline act as a person suspected of being a deserter or absent without leave, but any person so arrested or held shall be handed over to the appropriate service authorities without delay.

Coroners

6. Any coroner having jurisdiction in Southern Rhodesia to hold an inquest touching a death shall not hold an inquest into the death of a member of a Commonwealth force.

Exemptions of Commonwealth force from certain duties

7. No duty (within the meaning ascribed to that expression in the Customs and Excise Act of Southern Rhodesia) shall be payable on goods imported into Southern Rhodesia, or acquired from stocks in bond, for the use of a Commonwealth force and, where any goods are acquired from duty-paid stocks in Southern Rhodesia for the use of a Commonwealth force, any such duty paid on such goods shall be refunded to that force.

Evidence

8. A certificate under the hand of the Governor, or of any person appointed for the purpose by the Governor by notice in the official Gazette of Southern Rhodesia, that any person is or was during a stated period a member of a force which is a Commonwealth force within the meaning of this Order shall be conclusive evidence of the facts stated therein in any court in Southern Rhodesia.

N. E. Leigh,
Clerk of the Privy Council.

EXPLANATORY NOTE

(*This Note is not part of the Order.*)

This Order makes provision in relation to Commonwealth forces stationed in Southern Rhodesia. Such forces are to be subject to the service law of the Commonwealth country to which they belong and are to be exempt from criminal and civil process (but not arrest) under the law of Southern Rhodesia. There is also provision for exempting Commonwealth forces in Southern Rhodesia from certain duties in Southern Rhodesia.

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