1965 No. 1952

SOUTHERN RHODESIA

The Southern Rhodesia Constitution Order 1965

Made - - - -	16*th November* 1965
Laid before Parliament	17*th November* 1965
Coming into Operation	
Sections 2 *and* 3 -	16*th November* 1965
Remainder - -	18*th November* 1965

At the Court at Buckingham Palace, the 16th day of November 1965

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred on Her by section 2 of the Southern Rhodesia Act 1965(a) and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows :—

Citation, commencement and construction.

1.—(1) This Order may be cited as the Southern Rhodesia Constitution Order 1965 and, save as provided by sections 2(2) and 3(5) of this Order, shall come into operation on 18th November 1965.

(2) Save where the context otherwise requires, expressions used in this Order have the same meaning as in the Constitution of Southern Rhodesia 1961(b) (hereinafter referred to as " the Constitution ") and the provisions of sections 116 and 117 of the Constitution (other than section 117(8)) shall apply for the purpose of interpreting this Order as they apply for the purpose of interpreting the Constitution.

(3) Any reference in this Order to a law made before the commencement of this Order shall, unless the context otherwise requires, be construed as a reference to that law as it had effect immediately before the commencement of this Order.

(4) Subject to the foregoing provisions of this section, the Interpretation Act 1889(c) shall apply, with the necessary adaptations, for the purpose of interpreting this Order and any instrument made thereunder and otherwise in relation to this Order and any such instrument as it applies for the purpose of interpreting and in relation to Acts of Parliament.

Invalidity of purported new Constitution.

2.—(1) It is hereby declared for the avoidance of doubt that any instrument made or other act done in purported promulgation of any Constitution for Southern Rhodesia except as authorised by Act of Parliament is void and of no effect.

(2) This section shall come into operation forthwith and shall then be deemed to have had effect from 11th November 1965.

(a) 1965 c. 76.

(b) Annex to S.I. 1961/2314 (1961 III, p. 4078): see also S.I. 1964/923 (1964 II, p. 2067) and Acts No. 13 of 1964 and No. 41 of 1965 of the Legislature of Southern Rhodesia.

(c) 52 & 53 Vict. c. 63.

Legislature and legislative powers.

3.—(1) So long as this section is in operation—

(*a*) no laws may be made by the Legislature of Southern Rhodesia, no business may be transacted by the Legislative Assembly and no steps may be taken by any person or authority for the purposes of or otherwise in relation to the constitution or reconstitution of the Legislative Assembly or the election of any person to be a member thereof ; and Chapters II and III of the Constitution shall have effect subject to the foregoing provisions of this paragraph ;

(*b*) a Secretary of State may, by order in writing under his hand, at any time prorogue the Legislative Assembly ; and

(*c*) Her Majesty in Council may make laws for the peace, order and good government of Southern Rhodesia, including laws having extra-territorial operation.

(2) Orders in Council made under subsection (1)(*c*) of this section may confer powers (including the power to make laws) and impose duties upon persons and authorities as well outside as within Southern Rhodesia.

(3) References in the Constitution or in any other law in force in Southern Rhodesia to a law of the Legislature of Southern Rhodesia or to an Act of that Legislature shall be construed as including references to an Order in Council made under subsection (1)(*c*) of this section.

(4) Orders in Council made under subsection (1)(*c*) of this section shall, for the purposes of the Statutory Instruments Act 1946(a), be statutory instruments within the meaning of that Act and shall be laid before Parliament after being made.

(5) This section shall come into operation forthwith and shall then be deemed to have had effect from 11th November 1965.

Executive powers.

4.—(1) So long as this section is in operation—

(*a*) the executive authority of Southern Rhodesia may be exercised on Her Majesty's behalf by a Secretary of State ;

(*b*) sections 43, 44, 45 and 46 of the Constitution shall not have effect ;

(*c*) subject to the provisions of any Order in Council made under section 3(1)(*c*) of this Order and to any instructions that may be given to the Governor by Her Majesty through a Secretary of State, the Governor shall act in his discretion in the exercise of any function which, if this Order had not been made, he would be required by the Constitution to exercise in accordance with the advice of the Governor's Council or any Minister ;

(*d*) a Secretary of State may exercise any function that is vested by the Constitution or any other law in force in Southern Rhodesia in a Minister or a Deputy Minister or a Parliamentary Secretary ; and

(*e*) without prejudice to any other provision of this Order, a Secretary of State may exercise any function that is vested by the Constitution or any other law in force in Southern Rhodesia in any officer or authority of the Government of Southern Rhodesia (not being a court of law) or (whether or not he exercises that function himself) prohibit or restrict the exercise of that function by that officer or authority.

(a) 9 & 10 Geo. 6. c. 36.

(2) Where, in pursuance of subsection (1)(*d*) or subsection (1)(*e*) of this section, a Secretary of State exercises any function that is vested by the Constitution or any other law in force in Southern Rhodesia in a Minister, a Deputy Minister, a Parliamentary Secretary or any other officer or authority of the Government of Southern Rhodesia, he shall be exempt from any requirement imposed on that Minister, Deputy Minister, Parliamentary Secretary or other officer or authority to consult with, or to seek or act in accordance with the advice of, any other person or authority.

(3) Notwithstanding the provisions of any other law, any function that is vested by this section in a Secretary of State may be exercised by him by order in writing under his hand or in such other manner as he considers appropriate.

(4) References in this section to an officer of the Government of Southern Rhodesia shall be construed as including references to the Governor.

Public expenditure.

5. So long as this section is in operation, monies may be issued from the Consolidated Revenue Fund on the authority of a warrant issued by a Secretary of State, or by the Governor in pursuance of instructions from Her Majesty through a Secretary of State, directed to an officer of the Treasury of the Government of Southern Rhodesia.

Invalidity of certain actions.

6. It is hereby declared for the avoidance of doubt that any law made, business transacted, step taken or function exercised in contravention of any prohibition or restriction imposed by or under this Order is void and of no effect.

W. G. Agnew.

EXPLANATORY NOTE

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

This Order makes temporary provision for the exercise of legislative and executive powers in respect of Southern Rhodesia and for the manner in which monies may be withdrawn from the Consolidated Revenue Fund. By virtue of the authority conferred by the Southern Rhodesia Act 1965, sections 2 and 3 of the Order have retrospective effect.