STATUTORY INSTRUMENTS

1979 No. 1445

SOUTHERN RHODESIA

The Southern Rhodesia (Expiring Orders) (Consequential Provisions) Order 1979

Made - - - -	*14th November* 1979
Laid before Parliament	*15th November* 1979
Coming into Operation	*On the expiration of section 2 of the Southern Rhodesia Act* 1965(a)

At the Court at Buckingham Palace, the 14th day of November 1979

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred on Her by section 3 of the Southern Rhodesia Act 1979(b) 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 and commencement

1. This Order may be cited as the Southern Rhodesia (Expiring Orders) (Consequential Provisions) Order 1979 and shall come into operation on the expiration of section 2 of the Southern Rhodesia Act 1965.

Reserve Bank of Rhodesia Orders 1965 *and* 1967

2.—(1) All things done or omitted to be done, and all transactions entered into or carried out, by any person in good faith whether in the discharge of the functions of any office to which he was appointed under the Reserve Bank of Rhodesia Order 1965(c) or the Reserve Bank of Rhodesia Order 1967(d), or on the instructions of a Secretary of State in relation to the affairs of the Reserve Bank of Rhodesia while either such Order was in force, shall be regarded as having been validly done or omitted to be done or, as the case may be, as having been validly entered into or carried out; and in particular (without prejudice to the generality of the foregoing) no such person shall be subject to any civil or criminal liability or penalty in respect of the discharge of those functions by reason of any alleged contravention of any purported law made in Southern Rhodesia during the period between 11th November 1965 and the commencement of this Order.

(2) Notwithstanding the expiration of the Orders specified in paragraph (1) of this Article, no person holding any monies or other assets of the Reserve

(a) 1965 c. 76.
(b) 1979 c. 52.
(c) S.I. 1965/2049.
(d) S.I. 1967/478.

Bank of Rhodesia, or otherwise accountable to the Reserve Bank of Rhodesia for or in respect of such monies or assets, shall be required to comply with any directions in relation thereto which purport to issue from the Reserve Bank of Rhodesia or any person claiming to hold any office in or of that Bank, unless such first-mentioned person is satisfied that the person from whom such instructions emanate is, as a consequence of action taken by a Governor appointed by Her Majesty for Southern Rhodesia under powers contained in the Southern Rhodesia Act 1979, authorised to discharge the functions of such office.

(3) This Article shall extend to Southern Rhodesia as part of its law.

Proceedings against, and liabilities of, Southern Rhodesia Government

3.—(1) For the purposes of any proceedings in any court of law in any part of the United Kingdom for the enforcement of any liability of the Crown arising in respect of the Government of Southern Rhodesia relating to stock issued by that Government or stock issued by the Government of the former Federation of Rhodesia and Nyasaland for which the Government of Southern Rhodesia became responsible under the Federation of Rhodesia and Nyasaland (Dissolution) Order in Council 1963(a), no period of time between 11th November 1965 and the day on which paragraph (3) of this Article expires shall be taken into account in the calculation of any time limit imposed by any law in force in that part of the United Kingdom relating to prescription or to the limitation of actions.

(2) Where any civil proceedings other than proceedings to which paragraph (1) of this Article applies could have been brought in any part of the United Kingdom at any time during the period between 11th November 1965 and the commencement of this Order against the Crown or any other person for the purpose of obtaining a judgment, decree or other order that the Crown was under a liability arising in respect of the Government of Southern Rhodesia to make a payment to another person but could not, by reason of any time limit imposed by any law in force in that part of the United Kingdom relating to prescription or to the limitation of actions, be brought before the commencement of this Order or, as the case may be, after the expiry of a period of six months therefrom, that time limit shall not apply in relation to the bringing of those proceedings at any time within the period of six months from the commencement of this Order.

(3) So long as this paragraph is in operation, no person having possession in the United Kingdom of any moneys of the Crown in right of the Government of Southern Rhodesia, being moneys received by him on or after the commencement of this Order, shall without the consent of a Secretary of State use those moneys for the purpose of satisfying, in whole or in part, a liability of the Crown arising in respect of that Government to make a payment to another person, being a liability which accrued before the commencement of this Order or a liability to which paragraph (1) of this Article applies; and the provisions of this paragraph shall have effect notwithstanding any judgment, decree or other order given in civil proceedings in any part of the United Kingdom to the effect that any moneys in the United Kingdom are moneys of the Crown in right of that Government available in the United Kingdom to satisfy any such liability as aforesaid.

(a) S.I. 1963/2085.

(4) Paragraph (3) of this Article shall expire on such day after the commencement of this Order as may be specified by a Secretary of State by notice in the London, Edinburgh and Belfast Gazettes.

Payments in discharge of liabilities of Southern Rhodesia Government

4.—(1) Where during the period between 11th November 1965 and the commencement of this Order any payment made in purported discharge or satisfaction, in whole or in part, of any liability of the Government of Southern Rhodesia to any person has been made to that person or to his agent, assigns or personal representatives by or under the purported authority of any person or body of persons in Southern Rhodesia claiming to be the Government of that country or to be an officer or authority of that Government, that liability shall be regarded as having been duly discharged or satisfied in whole or, as the case may be, in part as if the payment had been lawfully made on behalf of the Crown in right of that Government.

(2) Where any entry was made in any register or other written record kept in Southern Rhodesia during the period between 11th November 1965 and the commencement of this Order relating to any such payment as is referred to in paragraph (1) of this Article, a copy of that entry certified to be a true copy under the hand of a person appointed by Her Majesty to administer the Government of Southern Rhodesia or any officer of the Government of Southern Rhodesia acting on his behalf shall on its mere production from the custody of an officer or agent of the Government of Southern Rhodesia be evidence or, in Scotland, sufficient evidence of the matters in that entry relating to that payment and shall, unless the contrary is proved, be presumed correctly to state those matters.

(3) This Article shall extend to Southern Rhodesia as part of its law.

Liability of registrar or trustees of the sinking fund of Southern Rhodesia Government stock

5.—(1) The liability of the registrar, or the trustees of the sinking fund, of any stock issued by the Government of Southern Rhodesia or any stock issued by the Government of the former Federation of Rhodesia and Nyasaland for which the Government of Southern Rhodesia became responsible under the Federation of Rhodesia and Nyasaland (Dissolution) Order in Council 1963 to satisfy any judgment, decree or other order given against him or, as the case may be, against them for the payment of any sum due in respect of the interest upon, or in respect of the redemption of, that stock shall be limited to such moneys (if any) of the Crown in right of the Government of Southern Rhodesia as may be in his or their possession in his capacity of registrar of that stock or, as the case may be, in their capacity as trustees of the sinking fund of that stock, and accordingly he or they shall not be liable to satisfy any such judgment, decree or other order out of any moneys of the Crown in right of that Government as may be in his or their possession in some other capacity.

(2) This Article shall extend to Southern Rhodesia as part of its law.

Records relating to Southern Rhodesia Government stock

6.—(1) Subject to the provisions of Article 4 of this Order, if there is any inconsistency between the entries in any register kept in the United Kingdom relating to stock issued by the Government of Southern Rhodesia or stock

issued by the Government of the former Federation of Rhodesia and Nyasaland for which the Government of Southern Rhodesia became responsible under the Federation of Rhodesia and Nyasaland (Dissolution) Order in Council 1963 or any other records kept in the United Kingdom by the registrar of the stock relating to any such stock and the entries in any records kept in Southern Rhodesia between 11th November 1965 and the commencement of this Order relating thereto, the entries in the register or, as the case may be, the records kept in the United Kingdom shall prevail over the entries in the records kept in Southern Rhodesia for the purposes of determining any question that may arise as to the ownership of the stock or the rights of the owner of the stock.

(2) This Article shall extend to Southern Rhodesia as part of its law.

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

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order makes provision consequential on the lapse of a number of Orders made under section 2 of the Southern Rhodesia Act 1965. When that section expires a number of Orders relating to sanctions and other economic measures lapse with it.

The Order contains provisions relating to the Reserve Bank of Rhodesia Orders 1965 and 1967, to proceedings against, and liabilities of, the Government of Southern Rhodesia, to the liability of the registrar and trustees of the sinking fund of any stock issued by that Government or for which that Government is responsible and to the records relating to such stock.

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