STATUTORY INSTRUMENTS

1972 No. 1583

SOUTHERN RHODESIA

The Southern Rhodesia (Immigration Act 1971) Order 1972

Made - - - -	23*rd October* 1972
Laid before Parliament	31*st October* 1972
Coming into Operation	1*st January* 1973

At the Court at Windsor Castle, the 23rd day of October 1972

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**) (read with section 34(6) of the Immigration Act 1971(**b**)), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows :—

Citation and operation

1. This Order may be cited as the Southern Rhodesia (Immigration Act 1971) Order 1972 and shall come into operation on 1st January 1973.

Revocations

2.—(1) The Southern Rhodesia (Commonwealth Immigrants Act 1962) Order 1965(**c**) is hereby revoked.

(2) Article 13 of the Southern Rhodesia (United Nations Sanctions) (No. 2) Order 1968(**d**) is hereby revoked.

Interpretation

3.—(1) In this Order any reference to the principal Act is a reference to the Immigration Act 1971.

(2) Except where the context otherwise requires, in this Order any reference to an Article is a reference to an Article thereof.

(3) The Interpretation Act 1889(**e**) shall apply, with the necessary adaptations, for the purpose of interpreting this Order and otherwise in relation thereto as it applies for the purpose of interpreting and in relation to Acts of Parliament.

(**a**) 1965 c. 76. (**b**) 1971 c. 77. (**c**) S.I. 1965/1956 (1965 III, p. 5821).
(**d**) S.I. 1968/1020 (1968 II, p. 2683). (**e**) 1889 c. 63.

Persons to whom Order applies

4. This Order shall apply to the following persons, that is to say: —

(*a*) any Commonwealth citizen who, on seeking entry into the United Kingdom—

(i) does not satisfy an immigration officer that he is a citizen of the United Kingdom and Colonies ; and

(ii) tenders to an immigration officer a document being or purporting to be a current passport or other document establishing a person's identity or nationality issued by, in the name of, on behalf of, or under the authority of the Government of Southern Rhodesia or the Governor or any Minister or any other officer of the Government of Southern Rhodesia, or any person or body of persons in Southern Rhodesia exercising or claiming to exercise any governmental functions in relation to that country, by whatever name described (including any person or body of persons claiming to be the Government of that country or to be a Minister or Ministers or any officer of such a Government or otherwise to exercise authority on behalf of such a Government) ; and

(*b*) any Commonwealth citizen whom the Secretary of State has reason to believe—

(i) to be ordinarily resident in Southern Rhodesia ; and

(ii) to have furthered or encouraged or to be likely to further or encourage any unconstitutional action in Southern Rhodesia or any action calculated to evade or contravene or to facilitate the evasion of or contravention of the Southern Rhodesia (United Nations Sanctions) (No. 2) Order 1968 or any of the previous Orders within the meaning thereof or of any provision of law with respect to similar matters from time to time in force in any country or place to which the Southern Rhodesia Act 1965 extends.

Right of abode

5. Notwithstanding anything in section 2 of the principal Act, a person to whom this Order applies shall not under that Act have the right of abode in the United Kingdom and, accordingly, such a person shall not be patrial for the purposes of the provisions of the principal Act.

Deportation

6. In the case of a person to whom this Order applies who, but for the provisions of Article 5, would be patrial for the purpose of the principal Act—

(*a*) section 3(5) of the principal Act shall have effect as if paragraphs (*b*) and (*c*) were omitted ;

(*b*) in section 3(6) of the principal Act the reference to an offence punishable with imprisonment shall be construed as a reference to an offence against the principal Act which is so punishable.

Application of Order to Channel Islands and Isle of Man

7. For the purpose of the operation of this Order in the Bailiwick of Guernsey, the Bailiwick of Jersey or the Isle of Man—

(*a*) any reference therein to the principal Act shall be construed as a reference to that Act as extended to the Bailiwick of Guernsey, the Bailiwick of Jersey or, as the case may be, the Isle of Man ;

(*b*) the reference in Article 4(*b*) to the Southern Rhodesia (United Nations Sanctions) (No. 2) Order 1968 or any of the previous Orders within the meaning thereof shall be construed as a reference to the Southern Rhodesia (United Nations Sanctions) (Channel Islands) Order 1969(**a**) or the existing Order within the meaning thereof or, as the case may be, to the Southern Rhodesia (United Nations Sanctions) (Isle of Man) Order 1969(**b**) or the existing Order within the meaning thereof ;

(*c*) the references in Articles 4 and 5 to the United Kingdom shall be construed as references to the Bailiwick of Guernsey, the Bailiwick of Jersey or, as the case may be, the Isle of Man.

W. G. Agnew.

EXPLANATORY NOTE

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

This Order modifies the Immigration Act 1971 in relation to certain persons belonging to, or connected with, Southern Rhodesia ; the persons to whom the Order applies are specified in Article 4. It comes into operation on 1st January 1973, the date on which the Act of 1971 becomes fully operative.

Article 5 provides that a person to whom the Order applies shall not be patrial for the purposes of the Act of 1971. Article 6 limits the cases in which such a person may be deported if, but for Article 5, he would be patrial.

The provisions revoked by Article 2 comprise analogous modifications of the Commonwealth Immigrants Act 1962 (c.21), which is repealed by the Act of 1971.

(**a**) S.I. 1969/860 (1969 II, p. 2405). (**b**) S.I. 1969/861 (1969 II, p. 2424).

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