STATUTORY INSTRUMENTS

1965 No. 2140

SOUTHERN RHODESIA

The Southern Rhodesia (Petroleum) Order 1965

Made - - - -	-	17*th December* 1965
Coming into Operation	-	17*th December* 1965
Laid before Parliament	-	18*th December* 1965

At the Court at Buckingham Palace, the 17th day of December 1965

Present,

The Queen's Most Excellent Majesty in Council

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

Restriction on supply of petroleum to Southern Rhodesia

1.—(1) Except under the authority of a licence granted by the Minister, no person shall—

(*a*) supply or deliver or agree to supply or deliver to or to the order of a person in Southern Rhodesia any petroleum which is not in that country;

(*b*) supply or deliver or agree to supply or deliver such petroleum to any person knowing or having reasonable cause to believe that it will be supplied or delivered to or to the order of a person in Southern Rhodesia; or

(*c*) do any act calculated to promote the supply or delivery of petroleum in contravention of the foregoing provisions of this paragraph.

(2) Any person who contravenes the foregoing provisions of this Article shall be guilty of an offence against this Order and, in the case of a person who—

(*a*) is a body incorporated under the law of the United Kingdom; or

(*b*) is a citizen of the United Kingdom and Colonies or a British protected person and is ordinarily resident in the United Kingdom,

shall be guilty of such an offence wherever the contravention takes place.

Restriction on carriage of petroleum to Southern Rhodesia

2.—(1) Without prejudice to the generality of the foregoing Article, no British ship and no aircraft, being a ship or aircraft to which this Article applies, shall be used, except under the authority of a licence granted by the Minister, for the carriage of petroleum as cargo if the carriage is, or forms part of, carriage from any place outside Southern Rhodesia to any destination therein.

(a) 1965 c. 76.

(2) If any ship or aircraft is used in contravention of the foregoing provisions of this Article—

(*a*) the owner and the master of the ship; or

(*b*) the operator and the commander of the aircraft,

as the case may be, shall be guilty of an offence against this Order, unless he proves that he did not know and had no reason to suppose that the carriage of the petroleum was, or formed part of, carriage from any place outside Southern Rhodesia to any place therein.

(3) This Article applies to British ships registered in the United Kingdom or in any other country or place to which the Southern Rhodesia Act 1965 extends, and to aircraft so registered.

Restriction on importation of petroleum into Southern Rhodesia

3.—(1) Except so far as may be authorised by regulations of the Secretary of State, no person shall import any petroleum into Southern Rhodesia.

(2) Except so far as may be authorised as aforesaid, no citizen of Southern Rhodesia or person in Southern Rhodesia shall—

(*a*) accept delivery outside Southern Rhodesia of any petroleum which he intends to import or has reason to believe that another person intends to import into Southern Rhodesia; or

(*b*) make or carry out any contract providing for such importation or delivery.

(3) Any person who contravenes the foregoing provisions of this Article shall be guilty of an offence against this Order.

(4) Nothing in this Article applies to petroleum in respect of which a licence of the Minister is in force under Article 1 or Article 2 of this Order.

Penalties and proceedings

4.—(1) Any person guilty of an offence under this Order shall be liable—

(*a*) on conviction on indictment to imprisonment for a term not exceeding two years or to a fine or to both; or

(*b*) on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding £500 or to both.

(2) Where any body corporate is guilty of an offence under this Order and that offence is proved to have been committed with the consent or connivance, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(3) Summary proceedings for an offence against this Order, being an offence alleged to have been committed outside the United Kingdom, may be commenced at any time not later than twelve months from the date on which the person charged first enters the United Kingdom after committing the offence.

(4) Proceedings for an offence against this Order may be taken, and the offence may for all incidental purposes be treated as having been committed, in any place in the United Kingdom where any person charged with that offence is for the time being.

Licences

5. Any licence granted for the purposes of this Order may be either general or special, may be subject to or without conditions and may be revoked by the Minister.

Interpretation

6.—(1) In this Order the following expressions have the meanings hereby respectively assigned to them, that is to say—

" commander ", in relation to an aircraft, means the person designated as commander of the aircraft by the operator thereof, or failing such person the person who is for the time being in command of the aircraft;

" master ", in relation to a ship, includes any person (other than a pilot) for the time being in charge of the ship;

" the Minister " means the Minister of Power;

" operator ", in relation to an aircraft, means the person for the time being having the management of the aircraft;

" owner ", in relation to a ship, includes any person for the time being having the management of the ship and any person to whom it is chartered;

" person in Southern Rhodesia " includes any body constituted or incorporated under the laws of Southern Rhodesia and any body carrying on business (whether within Southern Rhodesia or not) which is controlled by persons or bodies resident in Southern Rhodesia or constituted or incorporated as aforesaid;

" petroleum " means mineral oil and natural gas and hydrocarbons derived wholly or mainly therefrom or from coal, bituminous shale or other mineral but excludes pharmaceutical, insecticide and pesticide products.

(2) The Interpretation Act 1889(a) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

Citation, commencement and extent

7.—(1) This Order may be cited as the Southern Rhodesia (Petroleum) Order 1965 and shall come into operation on 17th December 1965.

(2) Article 3 of this Order, and Articles 4 and 6 so far as applicable thereto, shall extend to Southern Rhodesia, and for that purpose the references in Article 4 to the United Kingdom shall be construed as references to Southern Rhodesia.

(3) Her Majesty may by Order in Council direct that Article 2 of this Order, and Articles 4 to 6 so far as applicable thereto, shall extend, subject to such modifications as may be specified in the Order in Council, to the Channel Islands, the Isle of Man, any colony or protectorate within the meaning of the British Nationality Act 1948(b) or (to the extent of Her Majesty's jurisdiction therein) to any foreign country or territory in which for the time being Her Majesty has jurisdiction.

(4) Any Order in Council under paragraph (3) of this Article shall, for the purposes of the Statutory Instruments Act 1946(c), be a statutory instrument within the meaning of that Act and shall be laid before Parliament after being made ; and any such Order may be revoked or varied by a subsequent Order.

W. G. Agnew.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order prohibits the supply or delivery of petroleum to Southern Rhodesia, and the use of British ships and aircraft for the carriage of petroleum to Southern Rhodesia, except with the licence of the Minister of Power (Articles 1 and 2). It also makes provision, as part of the law of Southern Rhodesia, for prohibiting the importation of petroleum into Southern Rhodesia and certain ancillary transactions except so far as may be authorised by regulations of the Secretary of State (Article 3).

(a) 52 & 53 Vict. c. 63. (b) 11 & 12 Geo. 6. c. 56. (c) 9 & 10 Geo. 6. c. 36.