STATUTORY INSTRUMENTS

1969 No. 860

UNITED NATIONS

The Southern Rhodesia (United Nations Sanctions) (Channel Islands) Order 1969

Made - - - -	*25th June* 1969
Laid before Parliament	*1st July* 1969
Coming into Operation	*2nd July* 1969

At the Court at Buckingham Palace, the 25th day of June 1969

Present,

The Queen's Most Excellent Majesty in Council

Whereas under Article 41 of the Charter of the United Nations the Security Council of the United Nations has, by a resolution passed on 29th May 1968, called upon Her Majesty's Government in the United Kingdom and other Members of the United Nations to take certain measures in relation to Southern Rhodesia including measures relating to trade and dealing in, and the carriage of, goods, the operation of airlines and aircraft, entry into their territories of persons connected with Southern Rhodesia and the promotion of emigration to Southern Rhodesia:

And whereas the said resolution reaffirmed, to the extent that it did not supersede, the resolution passed on 16th December 1966 by which the Security Council of the United Nations so called upon Her Majesty's Government in the United Kingdom and other Members of the United Nations to take certain measures in relation to Southern Rhodesia, including measures relating to undertakings in Southern Rhodesia for the manufacture or assembly of aircraft and motor vehicles:

Now, therefore, Her Majesty, in exercise of the powers conferred on Her by section 1 of the United Nations Act 1946(a), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Citation, commencement and extent

1.—(1) This Order may be cited as the Southern Rhodesia (United Nations Sanctions) (Channel Islands) Order 1969 and shall come into operation on 2nd July 1969.

(2) This Order shall extend to the Channel Islands so as to be law, respectively, in the Bailiwick of Guernsey and in the Bailiwick of Jersey only.

(a) 1946 c. 45.

Interpretation

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

"the Bailiff" means, in the application of this Order to the Bailiwick of Guernsey, the Bailiff of Guernsey and, in its application to the Bailiwick of Jersey, the Bailiff of Jersey and, in either case, includes a person lawfully performing the functions of the Bailiff;

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

"land transport vehicle" includes a barge;

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

"operator", in relation to an aircraft or to a land transport vehicle, means the person for the time being having the management of the aircraft or the vehicle;

"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; and

"person in Southern Rhodesia" includes any body constituted or incorporated under the law 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.

(2) Any provision of this Order which relates to goods exported from Southern Rhodesia (or to the exportation of goods from Southern Rhodesia) shall not have effect in respect of goods exported (or the exportation of goods) which have only passed through Southern Rhodesia in transit and have not been the subject of any transaction there other than a transaction relating solely to their transportation; and any provision of this Order which relates to the exportation of goods to Southern Rhodesia, the supply or delivery of goods to or to the order of any person in Southern Rhodesia or the importation of goods into Southern Rhodesia shall not have effect in relation to goods which are intended only to pass through Southern Rhodesia in transit and not to be the subject of any transaction there other than a transaction relating solely to their transportation.

(3) For the purposes of this Order, the entry into Southern Rhodesia of a vehicle shall not be regarded as constituting the supply or delivery of that vehicle to or to the order of any person in Southern Rhodesia or as constituting its importation into Southern Rhodesia if the entry is merely for the purpose of the vehicle transporting persons into, out of or across Southern Rhodesia or transporting goods across Southern Rhodesia and is not part of or associated with a transaction involving a transfer of the ownership of the vehicle or of any interest therein.

(4) This Order applies to or in relation to any ship or aircraft or any body corporate that purports to be registered in any particular place or, as the case may be, that purports to be incorporated or constituted under the law of that place as it applies to or in relation to any ship or aircraft that is so registered or any body corporate that is so incorporated or constituted.

(5) For the purposes of this Order a reference to a country or territory specified in this paragraph is a reference to a country or territory hereinafter mentioned, that is to say to—

(*a*) the United Kingdom;

(*b*) any of the Channel Islands;

(*c*) the Isle of Man;

(*d*) an associated state within the meaning of the West Indies Act 1967(**a**);

(*e*) a colony or protectorate within the meaning of the British Nationality Act 1948(**b**); or

(*f*) any foreign country in which for the time being Her Majesty has jurisdiction;

and a reference to a British ship or aircraft registered as mentioned in this paragraph is a reference to such a ship or aircraft registered in any of the said countries and territories.

(6) Any provision of this Order which prohibits the doing of a thing except under the authority of a licence shall not have effect in relation to the doing of that thing outside the Bailiwick of Guernsey or, as the case may be, the Bailiwick of Jersey under the authority of a licence granted—

(*a*) under this Order, otherwise than in its application to the Bailiwick in question, where the thing is done elsewhere in the Channel Islands;

(*b*) under the corresponding law of a country or territory specified in paragraph (5) (*c*), (*d*), (*e*) or (*f*) of this Article, where the thing is done in that country or territory, or

(*c*) under the corresponding law of the United Kingdom, wherever the thing is done;

and, for the purposes of this paragraph, any reference to the corresponding law of a country or territory is a reference to any provision of law, for the time being in force therein, which substantially corresponds to the relevant provision of this Order.

(7) The Interpretation Act 1889(**c**) 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.

Revocation and transitional provisions

3.—(1) The Southern Rhodesia (Prohibited Trade and Dealings) (Channel Islands) Order 1967(**d**) (hereinafter referred to as "the existing Order") is hereby revoked.

(2) Without prejudice to the provisions of section 38 of the Interpretation Act 1889 as applied by Article 2 of this Order, references to this Order, or to a particular provision thereof, in Articles 10 and 16 (together with Schedule 2) of this Order shall be construed as including references to the existing Order or, as the case may require, to the corresponding provision of the existing Order.

(**a**) 1967 c. 4.
(**b**) 1948 c. 56.
(**c**) 1889 c. 63.
(**d**) S.I. 1967/19 (1967 I, p. 25).

(3) The references in Articles 5(3) and 8 of this Order to goods that have been exported from Southern Rhodesia in contravention of Article 5(1) of this Order shall be deemed to include references to goods which have been exported from Southern Rhodesia in contravention of Article 2(1) of the existing Order.

Importation of certain goods into the Channel Islands

4.—(1) All goods that are exported from Southern Rhodesia after the commencement of this Order are prohibited to be imported into any of the Channel Islands except under the authority of a licence granted by the Board of Administration of the States of Guernsey or, as the case may be, by the Finance Committee of the States of Jersey.

(2) Nothing in this Article shall be construed so as to prejudice any other provision of law prohibiting or restricting the importation of goods into any of the Channel Islands.

Exportation of goods from Southern Rhodesia

5.—(1) No person shall export any goods from Southern Rhodesia except under the authority of a licence granted by the Board of Administration of the States of Guernsey or, as the case may be, by the Finance Committee of the States of Jersey.

(2) Except under such authority as aforesaid, no person shall—

(*a*) make or carry out any contract for the exportation of any goods from Southern Rhodesia after the commencement of this Order; or

(*b*) make or carry out any contract for the sale of any goods which he intends or has reason to believe that another person intends to export from Southern Rhodesia after the commencement of this Order; or

(*c*) do any act calculated to promote the exportation of any goods from Southern Rhodesia.

(3) Except under such authority as aforesaid, no person shall deal in any goods that have been exported from Southern Rhodesia in contravention of paragraph (1) of this Article, that is to say, shall, by way of trade or otherwise for gain, acquire or dispose of such goods or of any property or interest in them or any right to or charge upon them or process them or do any act calculated to promote any such acquisition, disposal or processing by himself or any other person.

(4) 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 citizen of the United Kingdom and Colonies or a British subject without citizenship or a British protected person and is ordinarily resident in the Bailiwick of Guernsey or, as the case may be, the Bailiwick of Jersey; or

(*b*) is a body incorporated or constituted under the law of the Bailiwick of Guernsey or, as the case may be, the Bailiwick of Jersey,

shall, in the Bailiwick in question, be guilty of such an offence wherever the contravention takes place.

(5) Nothing in this Article shall be construed so as to prejudice any other provision of law prohibiting or restricting the exportation of goods from Southern Rhodesia or acts incidental or related thereto.

Exportation of certain goods from the Channel Islands

6.—(1) All goods are prohibited to be exported from any of the Channel Islands to Southern Rhodesia except under the authority of a licence granted by the Board of Administration of the States of Guernsey or, as the case may be, by the Finance Committee of the States of Jersey.

(2) Nothing in this Article shall be construed so as to prejudice any other provision of law prohibiting or restricting the exportation of goods from any of the Channel Islands.

Supply of goods to Southern Rhodesia

7.—(1) No person shall—

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

(*b*) supply or deliver or agree to supply or deliver any such goods to any person, knowing or having reasonable cause to believe that they will be supplied or delivered to or to the order of a person in Southern Rhodesia or that they will be used for the purposes of any business carried on in or operated from Southern Rhodesia; or

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

except under the authority of a licence granted by the Board of Administration of the States of Guernsey or, as the case may be, by the Finance Committee of the States of Jersey.

(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 citizen of the United Kingdom and Colonies or a British subject without citizenship or a British protected person and is ordinarily resident in the Bailiwick of Guernsey or, as the case may be, the Bailiwick of Jersey; or

(*b*) is a body incorporated or constituted under the law of the Bailiwick of Guernsey or, as the case may be, the Bailiwick of Jersey,

shall, in the Bailiwick in question, be guilty of such an offence wherever the contravention takes place.

Carriage of certain goods exported from or destined for Southern Rhodesia

8.—(1) Without prejudice to the generality of Article 5 of this Order, no ship or aircraft to which this Article applies and no land transport vehicle within any of the Channel Islands shall be used for the carriage of any goods if those goods are being or have been exported from Southern Rhodesia in contravention of Article 5(1) of this Order.

(2) Without prejudice to the generality of Articles 6 and 7 of this Order, no ship or aircraft to which this Article applies and no land transport vehicle within any of the Channel Islands shall be used for the carriage of any goods if the carriage is, or forms part of, carriage from any place outside Southern Rhodesia to any destination therein or to any person for the purposes of any business carried on in or operated from Southern Rhodesia.

(3) This Article applies to British ships and aircraft registered as mentioned in Article 2(5) of this Order and to any other ship or aircraft that is for the time being chartered to any person who is—

(*a*) a citizen of the United Kingdom and Colonies or a British subject without citizenship or a British protected person and is ordinarily resident in the Bailiwick of Guernsey or, as the case may be, the Bailiwick of Jersey; or

(*b*) a body incorporated or constituted under the law of the Bailiwick of Guernsey or, as the case may be, the Bailiwick of Jersey.

(4) If any ship, aircraft or land transport vehicle is used in contravention of paragraph (1) of this Article, then—

(*a*) in the case of a British ship or aircraft registered as mentioned in Article 2(5) of this Order, the owner and the master of the ship or, as the case may be, the operator and the commander of the aircraft; or

(*b*) in the case of any other ship or aircraft, the person to whom the ship or aircraft is for the time being chartered and, if he is such a person as is referred to in sub-paragraph (*a*) or sub-paragraph (*b*) of paragraph (3) of this Article, the manager or the master of the ship or, as the case may be, the operator or the commander of the aircraft; or

(*c*) in the case of a land transport vehicle, the operator of the vehicle,

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 goods were being or had been exported from Southern Rhodesia in contravention of Article 5(1) of this Order.

(5) If any ship, aircraft or land transport vehicle is used in contravention of paragraph (2) of this Article, then—

(*a*) in the case of a British ship or aircraft registered as mentioned in Article 2(5) of this Order, the owner and the master of the ship or, as the case may be, the operator and the commander of the aircraft; or

(*b*) in the case of any other ship or aircraft, the person to whom the ship or aircraft is for the time being chartered and, if he is such a person as is referred to in sub-paragraph (*a*) or sub-paragraph (*b*) of paragraph (3) of this Article, the manager or the master of the ship or, as the case may be, the operator or the commander of the aircraft; or

(*c*) in the case of a land transport vehicle, the operator of the vehicle,

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 goods in question was, or formed part of, carriage from any place outside Southern Rhodesia to any destination therein or to any person for the purposes of any business carried on in or operated from Southern Rhodesia.

(6) Nothing in this Article applies to any goods in so far as those goods are being carried for the purposes of the doing of any thing which, by virtue of the grant of any licence or permission, is not prohibited by this Order.

(7) Nothing in this Article shall be construed so as to prejudice any other provision of law prohibiting or restricting the use of ships, aircraft or land transport vehicles.

Manufacture or assembly in Southern Rhodesia of aircraft or motor vehicles

9.—(1) No person shall—

(*a*) operate or use any undertaking in Southern Rhodesia, whether established before or after the commencement of this Order, as an undertaking to which this Article applies; or

(*b*) authorise any undertaking in Southern Rhodesia to be operated or used by any other person as an undertaking to which this Article applies or give his consent to or connive in or by his neglect contribute to such operation or use,

except under the authority of a licence granted by the Board of Administration of the States of Guernsey or, as the case may be, by the Finance Committee of the States of Jersey.

(2) Except under such authority as aforesaid, no person shall—

(*a*) establish in Southern Rhodesia any undertaking to which this Article applies; or

(*b*) convert any undertaking in Southern Rhodesia into an undertaking to which this Article applies; or

(*c*) dispose (whether absolutely or for any lesser interest) of any undertaking in Southern Rhodesia to any other person if he knows or has reasonable cause to believe that that other person intends to use it as an undertaking to which this Article applies; or

(*d*) acquire (whether absolutely or for any lesser interest) any undertaking in Southern Rhodesia with the intention of using it as an undertaking to which this Article applies; or

(*e*) dispose (whether absolutely or for any lesser interest) of any property or assets of or forming part of any undertaking in Southern Rhodesia to which this Article applies to any other person otherwise than in the ordinary course of the business of that undertaking or acquire any such property or assets disposed of as aforesaid.

(3) No person shall—

(*a*) make or carry out any contract for any of the following transactions, that is to say:—

(i) the use or operation of any undertaking or the authorisation of, or the giving of consent to, the use or operation of any undertaking; or

(ii) the establishment, conversion, disposal or acquisition of any undertaking; or

(iii) the disposal or acquisition of the property or assets of or forming part of any undertaking,

if that transaction would be in contravention of the foregoing provisions of this Article; or

(*b*) do any other act calculated to promote any such transaction.

(4) The undertakings to which this Article applies are undertakings for the manufacture or assembly of aircraft or motor vehicles.

(5) 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 citizen of the United Kingdom and Colonies or a British subject without citizenship or a British protected person and is ordinarily resident in the Bailiwick of Guernsey or, as the case may be, the Bailiwick of Jersey; or

(*b*) is a body incorporated or constituted under the law of the Bailiwick of Guernsey or, as the case may be, the Bailiwick of Jersey,

shall, in the Bailiwick in question, be guilty of such an offence wherever the contravention takes place.

Investigation, etc. of suspected British ships and aircraft

10.—(1) Where any authorised officer, that is to say, any such officer as is referred to in section 692(1) of the Merchant Shipping Act 1894(**a**), has reason to suspect that any British ship registered as mentioned in Article 2(5) of this Order has been or is being or is about to be used in contravention of paragraph (1) or paragraph (2) of Article 8 of this Order, he may (either alone or accompanied and assisted by persons under his authority) board the ship and search her and, for that purpose, may use or authorise the use of reasonable force, and he may request the master of the ship to furnish such information relating to the ship and her cargo and produce for his inspection such documents so relating and such cargo as he may specify; and an authorised officer (either there and then or upon consideration of any information furnished or document or cargo produced in pursuance of such a request) may, in the case of a ship that is reasonably suspected of being or of being about to be used in contravention of Article 8(2) of this Order, exercise the following further powers with a view to the prevention of the commission (or the continued commission) of any such contravention or in order that enquiries into the matter may be pursued, that is to say, he may either direct the master to refrain, except with the consent of an authorised officer, from landing at any port specified by the officer any part of the ship's cargo that is so specified or request the master to take any one or more of the following steps:—

(*a*) to cause the ship not to proceed with the voyage on which she is then engaged or about to engage until the master is notified by any authorised officer that the ship may so proceed;

(*b*) if the ship is then in a port in any of the Channel Islands, to cause her to remain there until the master is notified by any authorised officer that the ship may depart; and

(*c*) to take her to any other destination that may be specified by the officer in agreement with the master;

and the master shall comply with any such request or direction.

(2) Without prejudice to the provisions of paragraph (8) of this Article, where a master refuses or fails to comply with a request made under this Article that his ship shall or shall not proceed to or from any place or where an authorised officer otherwise has reason to suspect that such a request that has been so made may not be complied with, any such officer may take such

(**a**) 1894 c. 60.

steps as appear to him to be necessary to secure compliance with that request and, without prejudice to the generality of the foregoing, may for that purpose enter upon, or authorise entry upon, that ship and use, or authorise the use of, reasonable force.

(3) Where the Bailiff has reason to suspect that any aircraft registered as mentioned in Article 2(5) of this Order has been or is being or is about to be used in contravention of paragraph (1) or paragraph (2) of Article 8 of this Order or Article 12 of this Order, the Bailiff may request the operator and the commander of the aircraft or either of them to furnish such information relating to the aircraft and its cargo and produce for his inspection such documents so relating and such cargo as he may specify, and the Bailiff may (either alone or accompanied and assisted by persons under his authority) board the aircraft and search it and, for that purpose, may use or authorise the use of reasonable force; and, if the aircraft is then in any of the Channel Islands, the Bailiff (either there and then or upon consideration of any information furnished or document or cargo produced in pursuance of such a request) may further request the operator and the commander or either of them to cause the aircraft to remain in the Bailiwick of Guernsey or, as the case may be, the Bailiwick of Jersey until notified that the aircraft may depart; and the operator and the commander shall comply with any such request.

(4) Without prejudice to the provisions of paragraph (8) of this Article, where the Bailiff has reason to suspect that any request that an aircraft should remain in the Bailiwick of Guernsey or, as the case may be, the Bailiwick of Jersey that has been made under paragraph (3) of this Article may not be complied with, the Bailiff may take such steps as appear to him to be necessary to secure compliance with that request and, without prejudice to the generality of the foregoing, may for that purpose—

(*a*) enter, or authorise entry, upon any land and upon that aircraft;

(*b*) detain, or authorise the detention of, that aircraft; and

(*c*) use, or authorise the use of, reasonable force.

(5) Without prejudice to Article 18(1) of this Order, any reference in this Article to the Bailiff shall be construed as including a reference to any person authorised by him for the purposes thereof, either generally or in a particular case; and a person so authorised shall, if requested to do so, produce evidence of his authority before exercising any power thereunder.

(6) No information furnished or document produced by any person in pursuance of a request made under this Article shall be disclosed except—

(*a*) with the consent of the person by whom the information was furnished or the document was produced:

Provided that a person who has obtained information or is in possession of a document only in his capacity as servant or agent of another person may not give consent for the purposes of this sub-paragraph but such consent may instead be given by any person who is entitled to that information or to the possession of that document in his own right; or

(*b*) to any person who would have been empowered under this Article to request that it be furnished or produced or to any person holding or acting in any office under or in the service of the Crown in respect of the Government of the United Kingdom or under or in the service of the Government of any other country or territory specified in Article 2(5) of this Order; or

(*c*) on the authority of the Secretary of State, to any organ of the United Nations or to any person in the service of the United Nations or of the Government of any other country for the purpose of assisting the United Nations or that Government in securing compliance with or detecting evasion of measures in relation to Southern Rhodesia decided upon by the Security Council of the United Nations; or

(*d*) with a view to the institution of, or otherwise for the purposes of, any proceedings for an offence against this Order or, with respect to any of the matters regulated by this Order, for an offence against any enactment relating to customs or for an offence against any provision of law with respect to similar matters that is for the time being in force in any country or territory specified in Article 2(5) of this Order.

(7) Any power conferred by this Article to request the furnishing of information or the production of a document or of cargo for inspection shall include a power to specify whether the information should be furnished orally or in writing and in what form and to specify the time by which and the place in which the information should be furnished or the document or cargo produced for inspection.

(8) The following persons shall be guilty of an offence against this Order, that is to say:—

(*a*) a master of a ship who disobeys any direction given under paragraph (1) of this Article with respect to the landing of any cargo; or

(*b*) a master of a ship or an operator or a commander of an aircraft who, without reasonable excuse, refuses or fails within a reasonable time to comply with any request made under this Article by any person empowered to make it or who wilfully furnishes false information or produces false documents to such a person in response to such a request; or

(*c*) a master or a member of the crew of a ship or an operator or a commander or a member of the crew of an aircraft who wilfully obstructs any such person (or any person acting under the authority of any such person) in the exercise of his powers under this Article.

(9) Nothing in this Article shall be construed so as to prejudice any other provision of law conferring powers or imposing restrictions or enabling restrictions to be imposed with respect to ships or aircraft.

Transfer of certain property overseas

11.—(1) The property to which this Article applies is property of any description situated outside the United Kindgom, the Channel Islands and the Isle of Man in which a person to whom this Article applies has any such interest as is hereinafter described, that is to say, that he owns it or that the ownership of it can be transferred only with his consent or concurrence or that there is vested in him any power (whether alone or when used together with a power vested in any other person) to determine whether the ownership of it should be tranferred; and, for the purposes of this Article, the expression "property" includes any interest in or right over any property (whether that interest or right be present or future and whether it be vested or contingent).

(2) The persons to whom this Article applies are all persons who are citizens of the United Kingdom and Colonies, British subjects without citizenship or British protected persons and are ordinarily resident in the Bailiwick of Guernsey

or, as the case may be, the Bailiwick of Jersey and all bodies incorporated or constituted under the law of the Bailiwick of Guernsey or, as the case may be, the Bailiwick of Jersey.

(3) If it appears to the Bailiff that the transfer of the ownership of any property to which this Article applies may facilitate the contravention or evasion of this Order, he may, for the purpose of preventing or restricting the transfer of the ownership of that property, give to any person to whom this Article applies and who has such an interest in it as aforesaid directions in writing requiring him to take or, as the case may require, to refrain from taking such action in relation to that property as the directions may specify; and any person to whom directions are given under this Article shall comply with them.

(4) Any directions given under this Article may be either general or special, may be subject to or without conditions and may be revoked or varied by subsequent such directions.

(5) Any person who contravenes paragraph (3) of this Article shall be guilty of an offence against this Order.

Restrictions on the use of certain aircraft

12.—(1) Except under the authority of a licence granted by the Board of Trade, no aircraft to which this Article applies shall fly on any flight between any place that is within Southern Rhodesia and any place, whether within or outside any of the Channel Islands, that is outside Southern Rhodesia for the purpose of carrying passengers or cargo between those places.

(2) The aircraft to which this Article applies are—

(*a*) aircraft registered as mentioned in Article 2(5) of this Order;

(*b*) aircraft that are not so registered but that are operated by or on behalf of a body incorporated or constituted under the law of the Bailiwick of Guernsey or, as the case may be, the Bailiwick of Jersey; and

(*c*) any other aircraft that is for the time being chartered to any person who is—

(i) a citizen of the United Kingdom and Colonies or a British subject without citizenship or a British protected person and is ordinarily resident in the Bailiwick of Guernsey or, as the case may be, the Bailiwick of Jersey; or

(ii) a body incorporated or constituted under the law of the Bailiwick of Guernsey or, as the case may be, the Bailiwick of Jersey.

(3) If any aircraft is flown in contravention of paragraph (1) of this Article then the operator and the commander of the aircraft, and, when it is chartered as mentioned in paragraph (2)(*c*) of this Article, the person to whom it is for the time being chartered, shall be guilty of an offence against this Order and, in the case of such a person as is mentioned in the said paragraph (2)(*c*), shall, in the Bailiwick in question, be guilty of such an offence wherever the contravention takes place.

Restrictions on certain air service linking arrangements

13.—(1) Except under the authority of a licence granted by the Board of Trade, no person shall, whether alone or together with any other person or body, make or carry out any arrangement or agreement to which this Article applies.

(2) This Article applies to any arrangement or agreement—

(*a*) for co-ordinating any air transport service provided by means of an aircraft to which Article 12 of this Order applies and which is not a Southern Rhodesian aircraft with any air transport service provided by means of a Southern Rhodesian aircraft; or

(*b*) whereby a person operating an air transport service by means of an aircraft to which Article 12 of this Order applies and which is not a Southern Rhodesian aircraft provides any civil aviation facility for or on behalf of, or in collaboration or association with, a person operating an air transport service by means of a Southern Rhodesian aircraft, or for the purposes of or in connection with a civil aviation facility provided by any such last-mentioned person.

(3) In this Article—

(*a*) "air transport service" means any carriage of passengers or cargo by air, whether or not for reward, and whether organised on regular schedules or for one or more specific occasions;

(*b*) "civil aviation facility" means any facility or service provided for the purposes of or in connection with the carriage of passengers or cargo by air or for the purposes of or in connection with the operation of aircraft therefor; and

(*c*) an aircraft is deemed to be a Southern Rhodesian aircraft if, and only if, it is an aircraft to which Article 12 of this Order applies and—

(i) it is registered in Southern Rhodesia; or

(ii) it is operated by or on behalf of a body incorporated or constituted under the law of Southern Rhodesia; or

(iii) it is for the time being chartered to such a body.

(4) Any person who contravenes paragraph (1) of this Article shall be guilty of an offence against this Order and, in the case of a person who—

(*a*) is a citizen of the United Kingdom and Colonies or a British subject without citizenship or a British protected person and is ordinarily resident in the Bailiwick of Guernsey or, as the case may be, the Bailiwick of Jersey; or

(*b*) is a body incorporated or constituted under the law of the Bailiwick of Guernsey or, as the case may be, the Bailiwick of Jersey,

shall, in the Bailiwick in question, be guilty of such an offence wherever the contravention takes place.

Restrictions on entry into the Channel Islands

14.—(1) This Article applies to the following persons, that is to say—

(*a*) any Commonwealth citizen to whom section 1 of the Commonwealth Immigrants Act 1962(a) applies (not being a person for the time being exempt by virtue of section 17 of that Act from control under Part I thereof or from deportation under Part II thereof) who, on seeking entry into any of the Channel Islands—

(i) does not satisfy an immigration officer or, as the case may be, an aliens officer that he is a citizen of the United Kingdom and Colonies, and

(ii) tenders to such an officer a document being or purporting to be a current passport or other document establishing a person's identity

(a) 1962 c. 21.

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 or contravention of this Order or of the Order revoked by this Order or of any provision of law with respect to similar matters from time to time in force in any country or territory specified in Article 2(5) of this Order.

(2) Subject to the next following paragraph, an immigration officer or, as the case may be, an aliens officer may, on the examination under Part I of the Commonwealth Immigrants Act 1962 of any person to whom this Article applies, under this Article—

(*a*) refuse him admission into the Bailiwick of Guernsey or, as the case may be, the Bailiwick of Jersey, or

(*b*) admit him into the Bailiwick of Guernsey or, as the case may be, the Bailiwick of Jersey subject to conditions.

(3) The power to refuse admission or to admit subject to conditions under the preceding paragraph shall not be exercised on any occasion in respect of any person, whether or not he is a Commonwealth citizen to whom section 1 of the Commonwealth Immigrants Act 1962 applies, save in so far as the person could have been refused admission or, as the case may be, admitted subject to the like condition, under section 2 of that Act—

(*a*) had subsection (3) thereof been omitted, and

(*b*) where he is not a Commonwealth citizen to whom the said section 1 applies, had he been such a citizen.

(4) Subject to the next following paragraph, where a person is convicted of an offence under this Article, the court by or before which he is convicted, or any court to which his case is brought by way of appeal against conviction or sentence, may, under this Article, recommend that a deportation order be made in respect of him; and where such a recommendation for deportation is in force in respect of a person the Lieutenant Governor may, if he thinks fit, make an order requiring him to leave the Bailiwick of Guernsey or, as the case may be, the Bailiwick of Jersey.

(5) A court shall not recommend, under the preceding paragraph, the making of a deportation order in respect of a person save in so far as it could have recommended, under section 7 of the Commonwealth Immigrants Act 1962, the making of such an order in respect of him or could have so recommended had he been a Commonwealth citizen to whom section 6 of that Act applies.

(6) The provisions of Schedule 1 to this Order shall have effect for the purposes of this Article.

(7) Nothing in this Article shall be construed as derogating from any powers conferred by the Commonwealth Immigrants Act 1962 in relation to a person to whom this Article applies.

(8) Any reference in this Article to an immigration officer or, as the case may be, an aliens officer shall be construed as a reference to such an officer within the meaning of the Commonwealth Immigrants Act 1962 and any reference, in this Article or in Schedule 1 to this Order, to that Act shall be construed as a reference thereto (as modified, amended or extended by or under any enactment) as it has effect as part of the law of the Bailiwick of Guernsey or, as the case may be, the Bailiwick of Jersey.

Restrictions on certain activities promoting emigration to Southern Rhodesia

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

(*a*) publish, or be a party to the publication of, any advertisement or any public notice or announcement soliciting or encouraging other persons to take up employment or residence in Southern Rhodesia; or

(*b*) do any other act calculated to solicit or encourage members of the public generally or members of any particular class of the public to take up such employment or residence.

(2) Any person who contravenes paragraph (1) of this Article shall be guilty of an offence against this Order unless, in the case of a person who publishes, or is a party to the publication of, an advertisement or a public notice or announcement of such a character as is described in sub-paragraph (*a*) of that paragraph, he proves that he did not know and could not with reasonable diligence have ascertained that the advertisement, notice or announcement was of that character.

(3) Nothing in paragraph (1)(*b*) of this Article shall be construed as prohibiting the publication of factual accounts of actions. events, places or things.

Obtaining of evidence and information

16. The provisions of Schedule 2 to this Order shall have effect in order to facilitate the obtaining, by or on behalf of the Bailiff, of evidence and information for the purpose of securing compliance with or detecting evasion of this Order and in order to facilitate the obtaining of evidence of the commission of an offence against this Order.

Penalties and proceedings

17.—(1) Any person guilty of an offence against this Order shall be liable on conviction to imprisonment for a term not exceeding two years or to a fine or to both.

(2) Where any body corporate is guilty of an offence against this Order and that offence is proved to have been committed with the consent or connivance of, 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) In any proceedings against any person for a contravention of Article 11(3) of this Order, if it is proved that, notwithstanding any directions given to him under that Article in relation to any property, the ownership of that property or of any interest in or right over that property has been transferred, the burden of proving that he complied with those directions shall lie on him.

(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 Channel Islands where any person charged with that offence is for the time being.

(5) Proceedings for an offence against this Order, in its application to the Bailiwick of Jersey, shall not be instituted except by, or with the consent of, the Attorney-General for Jersey:

Provided that this paragraph shall not prevent the arrest, or the issue or execution of a warrant for the arrest, of any person in respect of such an offence, or the remanding in custody or on bail, of any person charged with such an offence, notwithstanding that the necessary consent to the institution of proceedings for the offence has not been obtained.

Exercise of powers

18.—(1) An authority specified in paragraph (2) of this Article may, to such extent and subject to such restrictions and conditions as they may think proper, delegate or authorise the delegation of any of their powers under this Order (other than the power to grant a search warrant under paragraph 2 of Schedule 2 to this Order) to any person, or class or description of persons, approved by them, and references in this Order to such an authority shall be construed accordingly.

(2) The authorities referred to in paragraph (1) of this Article are the Lieutenant Governor, the Bailiff and the Board of Trade.

(3) Any licences granted under this Order may be either general or special, may be subject to or without conditions, may be limited so as to expire on a specified date unless renewed and may be varied or revoked by the authority that granted them.

W. G. Agnew.

SCHEDULE 1

Article 14

Supplementary Provisions Connected With Restrictions of Entry

1. The provisions of the Commonwealth Immigrants Act 1962 set out in the first column of the table contained in this Schedule (which relate to the matters described in the second column thereof) shall have effect for the purposes of Article 14 of this Order as if they were set out in that Article subject, however, to the general modifications set out in the next following paragraph and the particular modifications set out in the third column of the said table.

2. Any such provision shall have effect, as aforesaid, as if—

(*a*) any reference therein to a Commonwealth citizen to whom section 1 applies or who is subject to control under Part I of the Act were a reference to a person to whom Article 14 of this Order applies;

(*b*) any reference therein to refusal of admission or admission subject to conditions under section 2 were a reference to refusal of admission or admission subject to conditions under Article 14 of this Order, and

(*c*) any reference therein to any other provision of the Act, or to the Act, were a reference to that provision, or to the provisions of the Act, as it has effect for the purposes of Article 14 of this Order.

TABLE

Provision	Subject Matter	Particular Modifications
S. 3(1), (2) and (3)	Supplementary provisions as to control of immigration	—
S. 4	Offences	—
S.8	Procedure and appeals in respect of deportation recommendations	Subs. (1)(*b*) shall be omitted.
S. 9(2) and (3)	Deportation orders	—
S.10	Supplementary provisions as to deportation	—
S. 11	Offences in connection with deportation orders	—
S. 13	General provisions as to detained persons	—
S. 14	Penalties, proceedings, etc.	—
S. 15	General provisions as to orders, etc.	—
S. 16(3) and (4)	Exercise of functions by officers	—
S. 18(4)	Expenses	—
S. 21(2), (3) and (4)	Interpretation	—
Schedule 1, except paras. 5, 6 and 7	Supplementary provisions as to control of immigration	The second reference in para. 1(1) to Pt. I shall be construed as including a reference to Article 11 of this Order.
Schedule 2	Supplementary provisions as to deportation	—

SCHEDULE 2 Article 16

EVIDENCE AND INFORMATION

1.—(1) Without prejudice to any other provision of this Order, or any provision of any other law, the Bailiff may request any person in or resident in the Bailiwick of Guernsey or, as the case may be, the Bailiwick of Jersey to furnish to him any information in his possession or control, or to produce to him any document in his possession or control, which he may require for the purpose of securing compliance with or detecting evasion of this Order ; and any person to whom such a request is made shall comply with it within such time and in such manner as may be specified in the request.

(2) Nothing in the foregoing sub-paragraph shall be taken to require any person who has acted as advocate or solicitor for any person to disclose any privileged communication made to him in that capacity.

(3) Where a person is convicted for failing to furnish information or produce a document when requested so to do under this paragraph, the court may make an order requiring him, within such period as may be specified in the order, to furnish the information or produce the document.

(4) The power conferred by this paragraph to request any person to produce documents shall include power to take copies of or extracts from any document so produced and to request that person, or, where that person is a body corporate, any other person who is a present or past officer of, or is employed by, the body corporate, to provide an explanation of any of them.

(5) Without prejudice to Article 18(1) of this Order, any reference in this paragraph to the Bailiff shall be construed as including a reference to any person authorised by him for the purposes thereof, either generally or in a particular case ; and a person so authorised shall, if requested to do so, produce evidence of his authority before exercising any power thereunder.

2.—(1) If the appropriate officer mentioned in sub-paragraph (5) of this paragraph is satisfied by information given on oath—

(*a*) that there is reasonable ground for suspecting that an offence against this Order has been or is being committed and that evidence of the commission of the offence is to be found on any premises specified in the information, or in any vehicle, vessel or aircraft so specified ; or

(*b*) that any documents which ought to have been produced under paragraph 1 of this Schedule and have not been produced are to be found on any such premises or in any such vehicle, vessel or aircraft,

he may grant a search warrant authorising any police officer, together with any other persons named in the warrant and any other police officers, to enter the premises specified in the information or, as the case may be, any premises upon which the vehicle, vessel or aircraft so specified may be, at any time within one month from the date of the warrant and to search the premises, or, as the case may be, the vehicle, vessel or aircraft.

(2) A person authorised by any such warrant as aforesaid to search any premises or any vehicle, vessel or aircraft may search every person who is found in, or whom he has reasonable ground to believe to have recently left or to be about to enter, those premises or that vehicle, vessel or aircraft and may seize any document or article found on the premises or in the vehicle, vessel or aircraft or on such person which he has reasonable ground to believe to be evidence of the commission of any such offence as aforesaid or any documents which he has reasonable ground to believe ought to have been produced under paragraph 1 of this Schedule or to take in relation to any such article or document any other steps which may appear necessary for preserving it and preventing interference with it:

Provided that no female shall, in pursuance of any warrant issued under this paragraph, be searched except by a female.

(3) Where, by virtue of this paragraph, a person is empowered to enter any premises, vehicle, vessel or aircraft, he may use such force as is reasonably necessary for that purpose.

(4) Any documents or articles of which possession is taken under this paragraph may be retained for a period of three months or, if within that period there are commenced any proceedings for such an offence as aforesaid to which they are relevant, until the conclusion of those proceedings.

(5) In the application of this paragraph to the Bailiwick of Guernsey, the reference in sub-paragraph (1) to the appropriate officer shall be construed—

(*a*) in relation to the Islands of Guernsey, Herm and Jethou, as a reference to the Bailiff;

(*b*) in relation to the Island of Alderney, as a reference to the Chairman of the Court of Alderney; and

(*c*) in relation to the Island of Sark, as a reference to the Seneschal of Sark,

and, in the application of this paragraph to the Bailiwick of Jersey, that reference shall be construed as a reference to the Bailiff.

(6) In the application of this paragraph to the Bailiwick of Guernsey any reference in sub-paragraph (1) to a police officer shall be construed as a reference to a member of the salaried police force of the Island of Guernsey, and—

(*a*) in relation to the Islands of Guernsey, Herm and Jethou, within the limits of his jurisdiction, as a reference to a member of the special constabulary of the Island of Guernsey;

(*b*) in relation to the Island of Alderney, as a reference to a member of any police force which may be established by the States of Alderney; and

(*c*) in relation to the Island of Sark, as a reference to the Constable and to the Vingtenier.

3. No information furnished or document produced (including any copy or extract made of any document produced) by any person in pursuance of a request made under this Schedule and no document seized under paragraph 2(2) of this Schedule shall be disclosed except—

(*a*) with the consent of the person by whom the information was furnished or the document was produced or the person from whom the document was seized:

Provided that a person who has obtained information or is in possession of a document only in his capacity as servant or agent of another person may not give consent for the purposes of this sub-paragraph but such consent may instead be given by any person who is entitled to that information or to the possession of that document in his own right; or

(*b*) to any person who would have been empowered under this Schedule to request that it be furnished or produced or to any person holding or acting in any office under or in the service of the Crown in respect of the Government of the United Kingdom or under or in the service of the Government of any other country or territory specified in Article 2(5) of this Order; or

(*c*) on the authority of the Secretary of State, to any organ of the United Nations or to any person in the service of the United Nations or of the Government of any other country for the purpose of assisting the United Nations or that Government in securing compliance with or detecting evasion of measures in relation to Southern Rhodesia decided upon by the Security Council of the United Nations; or

(*d*) with a view to the institution of, or otherwise for the purposes of, any proceedings for an offence against this Order (in its application to either the Bailiwick of Guernsey or the Bailiwick of Jersey) or for an offence against any provision of law with respect to similar matters that is for the time being in force in any country or territory specified in Article 2(5) of this Order.

4. Any person who—

(*a*) without reasonable excuse, refuses or fails within the time and in the manner specified (or, if no time has been specified, within a reasonable time) to comply with any request made under this Schedule by any person who is empowered to make it ; or

(*b*) wilfully furnishes false information or a false explanation or otherwise wilfully obstructs any person in the exercise of his powers under this Schedule ; or

(*c*) with intent to evade the provisions of this Schedule, destroys, mutilates, defaces, secretes or removes any document,

shall be guilty of an offence against this Order.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order, made under the United Nations Act 1946, applies to the Channel Islands.

The Order revokes and replaces, in some cases with modifications, the Southern Rhodesia (Prohibited Trade and Dealings) (Channel Islands) Order 1967, which restricted trade and dealings in or in connection with Southern Rhodesia. It also introduces certain further restrictions and confers certain further powers in connection with Southern Rhodesia.

The Order restricts the importation into the Channel Islands of goods exported from Southern Rhodesia and the exportation from the Channel Islands of goods intended for Southern Rhodesia. It also imposes restrictions, in the law of the Channel Islands, on the exportation from Southern Rhodesia of the former goods and the supply to Southern Rhodesia of the latter goods, as well as certain related activities and dealings, including the carriage of these goods in British ships or aircraft. The Order imposes restrictions with respect to undertakings in Southern Rhodesia for the manufacture or assembly of aircraft or motor vehicles. It authorises the imposition of restrictions on the transfer of certain property if this might facilitate an evasion of the Order. It restricts the use of certain aircraft operating to or from Southern Rhodesia and certain related civil aviation transactions. It authorises restrictions upon the entry into the Channel Islands of certain persons connected with Southern Rhodesia and it prohibits certain advertisements and similar activities aimed at encouraging emigration to Southern Rhodesia.

The Order also makes provision for the investigation of ships and aircraft that are suspected of contravening the Order and it confers powers to obtain evidence and information for the purposes of the Order.