1968 No. 885

SOUTHERN RHODESIA

The Southern Rhodesia (United Nations Sanctions) Order 1968

Made - - - -	*7th June* 1968
Laid before Parliament	10*th June* 1968
Coming into Operation	14*th June* 1968

At the Court at Buckingham Palace, the 7th day of June 1968

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**), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows :—

Importation of certain goods into the United Kingdom

1.—(1) Except under the authority of a licence granted by the Minister, all goods that are exported from Southern Rhodesia after the commencement of this Order are prohibited to be imported into the United Kingdom.

(2) This Article shall have effect for the purposes of the Customs and Excise Act 1952(**b**) as an enactment relating to customs and as an enactment with respect to the importation of goods, and the provisions of that Act shall apply accordingly.

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

Exportation of goods from Southern Rhodesia

2.—(1) Except under the authority of a licence granted by the Minister, no person shall export any goods from Southern Rhodesia.

(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.

(a) 1965 c. 76. (b) 1952 c. 44.

(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 ; or

(*b*) is a citizen of Southern Rhodesia ; or

(*c*) is a body incorporated or constituted under the law of the United Kingdom or the law of any other country or place to which the Southern Rhodesia Act 1965 extends,

shall 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 United Kingdom

3.—(1) Except under the authority of a licence granted by the Minister, all goods are prohibited to be exported to Southern Rhodesia.

(2) This Article shall have effect for the purposes of the Customs and Excise Act 1952 as an enactment relating to customs and as an enactment with respect to the exportation of goods, and the provisions of that Act shall apply accordingly.

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

Supply of goods to Southern Rhodesia

4.—(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 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.

(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 ; or

(*b*) is a citizen of Southern Rhodesia ; or

(*c*) is a body incorporated or constituted under the law of the United Kingdom or the law of any other country or place to which the Southern Rhodesia Act 1965 extends,

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

Importation of goods into Southern Rhodesia

5.—(1) Except under the authority of a licence granted by the Minister, no person shall import any goods into Southern Rhodesia.

(2) Except under such authority as aforesaid, no citizen of Southern Rhodesia or person in Southern Rhodesia shall—

(*a*) accept delivery outside Southern Rhodesia of any goods 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.

Carriage of certain goods exported from or destined for Southern Rhodesia

6.—(1) Without prejudice to the generality of Article 2 of this Order, no ship or aircraft to which this Article applies and no land transport vehicle within the United Kingdom 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 2(1) of this Order.

(2) Without prejudice to the generality of Articles 3, 4 and 5 of this Order, no ship or aircraft to which this Article applies and no land transport vehicle within the United Kingdom 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 registered in the United Kingdom or in any other country or place to which the Southern Rhodesia Act 1965 extends, to aircraft so registered 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 ; or

(*b*) a citizen of Southern Rhodesia ; or

(*c*) a body incorporated or constituted under the law of the United Kingdom or the law of any other country or place to which the Southern Rhodesia Act 1965 extends.

(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 registered in the United Kingdom or in any other country or place to which the Southern Rhodesia Act 1965 extends or any aircraft so registered, the owner and 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*) or sub-paragraph

(*c*) 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 2(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 registered in the United Kingdom or in any other country or place to which the Southern Rhodesia Act 1965 extends or any aircraft so registered, 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*) or sub-paragraph (*c*) 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 goods in respect of which a licence granted by the Minister is in force under any other provision of 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

7.—(1) Except under the authority of a licence granted by the Minister, 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.

(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 ; or

(*b*) is a citizen of Southern Rhodesia ; or

(*c*) is a body incorporated or constituted under the law of the United Kingdom or the law of any other country or place to which the Southern Rhodesia Act 1965 extends,

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

Investigation, etc. of suspected British ships and aircraft

8.—(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 in the United Kingdom or in any other country or place to which the Southern Rhodesia Act 1965 extends has been or is being or is about to be used in contravention of paragraph (1) or paragraph (2) of Article 6 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

(a) 1894 c. 60.

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 6(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 the United Kingdom or in any other country or place to which the Southern Rhodesia Act 1965 extends, to cause her to remain there until the master is notified by any authorised officer that the ship may depart ;

(*c*) if the ship is then in any other place, to take her to any such port specified by the officer and to cause her to remain there until the master is notified as mentioned in sub-paragraph (*b*) of this paragraph ; and

(*d*) 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 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 Board of Trade or any person authorised by them for that purpose either generally or in a particular case or any officer of customs and excise has reason to suspect that any aircraft registered in the United Kingdom or in any other country or place to which the Southern Rhodesia Act 1965 extends has been or is being or is about to be used in contravention of paragraph (1) or paragraph (2) of Article 6 of this Order or of Article 10 of this Order, the Board or that authorised person or that officer 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 their or his inspection such documents so relating and such cargo as they or he may specify, and that authorised person or that officer 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 the United Kingdom, the Board or any such authorised person or any such officer (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 United Kingdom 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 Board of Trade or any person authorised by them as aforesaid or any such officer as aforesaid has reason to suspect that any request that an aircraft should remain in the United Kingdom that has been made under paragraph (3) of this Article may not be complied with, the Board or that authorised person or that officer may take such steps as appear to them or 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) A person authorised by or under the authority of the Board of Trade to exercise any power for the purposes of paragraph (3) or paragraph (4) of this Article shall, if requested to do so, produce evidence of his authority before exercising that power.

(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 place to which the Southern Rhodesia Act 1965 extends; 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 place to which the Southern Rhodesia Act 1965 extends.

(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

9.—(1) The property to which this Article applies is property of any description situated outside the United Kingdom 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 transferred; 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 all bodies incorporated or constituted under the law of the United Kingdom.

(3) If it appears to the Minister 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

10.—(1) Except under the authority of a licence granted by the Minister, 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 the United Kingdom, 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 in the United Kingdom or in any other country or place to which the Southern Rhodesia Act 1965 extends;

(*b*) aircraft that are not registered in the United Kingdom or in any other country or place to which the Southern Rhodesia Act 1965 extends but that are operated by or on behalf of a body incorporated or constituted under the law of the United Kingdom or the law of any other country or place to which the Southern Rhodesia Act 1965 extends; 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; or

(ii) a citizen of Southern Rhodesia; or

(iii) a body incorporated or constituted under the law of the United Kingdom or the law of any other country or place to which the Southern Rhodesia Act 1965 extends.

(3) If any aircraft is flown in contravention of paragraph (1) of this Article, then—

(*a*) in the case of an aircraft such as is referred to in sub-paragraph (*a*) of paragraph (2) of this paragraph, the operator and the commander of the aircraft; or

(*b*) in the case of an aircraft such as is referred to in sub-paragraph (*b*) of paragraph (2) of this paragraph, the operator of the aircraft and, if he is a citizen of the United Kingdom and Colonies or a British subject without citizenship or a British protected person or a citizen of Southern Rhodesia, the commander of the aircraft; or

(*c*) in the case of an aircraft such as is referred to in sub-paragraph (*c*) of paragraph (2) of this paragraph, the person to whom the aircraft is for the time being chartered and, if he is such a person as aforesaid, the operator or the commander of the aircraft,

shall be guilty of an offence against this Order.

Restrictions on certain air service linking arrangements

11.—(1) Except under the authority of a licence granted by the Minister, 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 10 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 10 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 10 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 ; or

(*b*) is a citizen of Southern Rhodesia ; or

(*c*) is a body incorporated or constituted under the law of the United Kingdom or the law of any other country or place to which the Southern Rhodesia Act 1965 extends,

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

Restrictions on entry into the United Kingdom

12.—(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 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

(**a**) 1962 c. 21.

(*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 any of the Orders 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 place to which the Southern Rhodesia Act 1965 extends.

(2) In relation to a person to whom this Article applies the Commonwealth Immigrants Act 1962 shall have effect subject to the following modifications, that is to say:—

(*a*) notwithstanding anything in section 1 of that Act (which relates to the application of the provisions of Part I of that Act for controlling the immigration into the United Kingdom of Commonwealth citizens and excepts certain persons therefrom) the said section 1 shall apply to a person to whom this Article applies and, subject to sub-paragraph (*b*) of this paragraph, the provisions of the said Part I shall have effect accordingly ;

(*b*) nothing in subsection (3) of section 2 of that Act (which relates to admission for the purposes of employment or education and admission of a person in a position to support himself) shall prevent an immigration officer from exercising his power under that section to refuse admission into the United Kingdom to a person to whom this Article applies or to admit him subject to conditions and, accordingly, the said section 2 shall have effect as if subsection (3) were omitted ;

(*c*) notwithstanding anything in section 6 of that Act (which relates to the application of the provisions of Part II of that Act for authorising the deportation of Commonwealth citizens from the United Kingdom pursuant to the recommendation of a court and excepts certain persons therefrom) the provisions of the said section 6 shall apply to a person to whom this Article applies as if the reference therein to offences punishable with imprisonment were a reference to offences against that Act as it has effect by virtue of this paragraph and, subject to sub-paragraph (*d*) of this paragraph, the provisions of the said Part II shall have effect accordingly ; and

(*d*) section 7 of that Act (which relates to the power of a court to recommend a Commonwealth citizen for deportation in certain circumstances) shall have effect as if the reference therein to an offence punishable with imprisonment were a reference to an offence against that Act as it has effect by virtue of this paragraph.

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

(4) References in this Article to a Commonwealth citizen shall be construed in like manner as in Part I of the Commonwealth Immigrants Act 1962 and references in this Article to that Act shall be construed as references to that Act as modified, amended or extended by or under any enactment.

Restrictions on certain activities promoting emigration to Southern Rhodesia

13.—(1) Except under the authority of a licence granted by the Minister, 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

14. The provisions of Schedule 1 to this Order shall have effect in order to facilitate the obtaining, by or on behalf of the Secretary of State or the Board of Trade or the Commissioners of Customs and Excise, of evidence and information for the purpose of securing compliance with or detecting evasion of this Order and in order to facilitate the obtaining, by or on behalf of the Secretary of State or the Board of Trade or the Commissioners of Customs and Excise, of evidence of the commission of an offence against this Order or, with respect to any of the matters regulated by this Order, of an offence relating to customs.

Penalties and Proceedings

15.—(1) Any person guilty of an offence against 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 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 9(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) 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.

(5) 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.

(6) Proceedings for an offence against this Order shall not be instituted except by, or with the consent of, the Secretary of State or the Board of Trade or, in England or Wales, the Director of Public Prosecutions or, in Northern Ireland, the Attorney-General for Northern Ireland:

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 of the Minister

16.—(1) The Minister may, to such extent and subject to such restrictions and conditions as he may think proper, delegate or authorise the delegation of any of his powers under this Order (other than the power to give authority under Schedule 1 to this Order to apply for a search warrant) to any person, or class or description of persons, approved by him, and references in this Order to the Minister shall be construed accordingly.

(2) 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.

Interpretation

17.—(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, 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;

"Minister" means the Secretary of State, the Board of Trade or the Minister of Power;

"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 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) Any provision of this Order which prohibits the doing of a thing except under the authority of a licence granted by the Minister shall not have effect in relation to any such thing done in a country or place (other than the United Kingdom) to which the Southern Rhodesia Act 1965 extends or done elsewhere outside the United Kingdom by a person who is ordinarily resident in, or by a body incorporated or constituted under the law of, that country or place, provided that it is so done under the authority of a licence or with permission granted, in accordance with any law in force in that country or place (being a law substantially corresponding to the relevant provision of this Order), by the authority competent in that behalf under that law.

(6) References in this Order to countries or places to which the Southern Rhodesia Act 1965 extends shall, in relation to any foreign country or territory in which for the time being Her Majesty has jurisdiction, be construed as applying to that country or territory only to the extent that Her Majesty has jurisdiction in that behalf; and references in this Order to British protected persons shall, in relation to a person who has that status by virtue of his connection with such a foreign country or territory, be likewise construed as applying to him only to the extent that Her Majesty has jurisdiction in that behalf.

(7) The Interpretation Act 1889(a) 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

18.—(1) The Orders specified in Schedule 2 to this Order (hereinafter referred to as "the existing Orders") are revoked.

(2) Without prejudice to the provisions of section 38 of the Interpretation Act 1889 as applied by Article 17 of this Order, references to this Order, or

(a) 1889 c. 63.

to a particular provision thereof, in Articles 8 and 14 (together with Schedule 1) of this Order shall be construed as including references to the existing Orders or, as the case may require, to the corresponding provision of any of the existing Orders.

(3) Notwithstanding the revocation of the existing Orders, any directions given under Article 8A of the Southern Rhodesia (Prohibited Trade and Dealings) Order 1966(a) (as inserted in that Order by Article 2 of the Southern Rhodesia (Prohibited Trade and Dealings) (Amendment) Order 1967(b)) and subsisting immediately before the commencement of this Order shall have effect, as from such commencement, as if they had been given under Article 9 of this Order.

(4) The references in Articles 2(3) and 6 of this Order to goods that have been exported from Southern Rhodesia in contravention of Article 2(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 Southern Rhodesia (Prohibited Trade and Dealings) Order 1966.

Citation, commencement and extent

19.—(1) This Order may be cited as the Southern Rhodesia (United Nations Sanctions) Order 1968 and shall come into operation on 14th June 1968.

(2) Articles 2, 4, 5, 7, 10 and 18 of this Order, and Articles 15 and 17 so far as applicable thereto, shall extend to Southern Rhodesia and for that purpose the references in Article 15 to the United Kingdom shall be construed as references to Southern Rhodesia; but, save as aforesaid, the provisions of this Order shall not extend, as part of the law thereof, to any country or place (other than the United Kingdom) to which the Southern Rhodesia Act 1965 extends.

W. G. Agnew.

Article 14

SCHEDULE 1

Evidence and Information

1.—(1) Without prejudice to any other provision of this Order, or any provision of any other law, the Secretary of State or the Board of Trade (or any person authorised by him or them for that purpose either generally or in a particular case) or the Commissioners of Customs and Excise may request any person in or resident in the United Kingdom to furnish to him or them (or to that authorised person) any information in his possession or control, or to produce to him or them (or to that authorised person) any document in his possession or control, which he or they (or that authorised person) 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 counsel or solicitor for any person to disclose any privileged communication made to him in that capacity.

(3) Where a person is convicted on indictment 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

(a) S.I. 1966/1595 (1966 III, p. 5020). (b) S.I. 1967/394 (1967 I, p. 1324).

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.

2.—(1) If any justice of the peace is satisfied by information on oath given by a person authorised by the Secretary of State or the Board of Trade or the Commissioners of Customs and Excise to act for the purposes of this paragraph either generally or in a particular case—

(*a*) that there is reasonable ground for suspecting that an offence against this Order or, with respect to any of the matters regulated by this Order, an offence against any enactment relating to customs 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 constable, together with any other persons named in the warrant and any other constables, 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 Scotland any reference to a justice of the peace includes a reference to the sheriff.

3. A person authorised by the Secretary of State or the Board of Trade to exercise any power for the purposes of this Schedule shall, if requested to do so, produce evidence of his authority before exercising that power.

4. 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 place to which the Southern Rhodesia Act 1965 extends; 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 to 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 place to which the Southern Rhodesia Act 1965 extends.

5. 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.

Article 18

SCHEDULE 2

REVOCATION

Titles of Orders	*References*
The Southern Rhodesia (Petroleum) Order 1965.	S.I. 1965/2140 (1965 III, p. 6287).
The Southern Rhodesia (Prohibited Exports and Imports) Order 1966.	S.I. 1966/41 (1966 I, p. 64).
The Southern Rhodesia (Prohibited Exports) (Chrome) Order 1966.	S.I. 1966/42 (1966 I, p. 67).
The Southern Rhodesia (Prohibited Exports) (Tobacco) Order 1966.	S.I. 1966/115 (1966 I, p. 233).
The Southern Rhodesia (Prohibited Exports) (Sugar) Order 1966.	S.I. 1966/292 (1966 I, p. 755).
The Southern Rhodesia (Prohibited Exports) (Iron Ore) Order 1966.	S.I. 1966/407 (1966 I, p. 910).
The Southern Rhodesia (Prohibited Exports) (Asbestos) Order 1966.	S.I. 1966/660 (1966 II, p. 1461).
The Southern Rhodesia (Prohibited Exports) (Pig Iron) Order 1966.	S.I. 1966/661 (1966 II, p. 1462).
The Southern Rhodesia (Prohibited Trade and Dealings) Order 1966.	S.I. 1966/1595 (1966 III, p. 5020).
The Southern Rhodesia (Prohibited Trade and Dealings) Order 1967.	S.I. 1967/99 (1967 I, p. 203).
The Southern Rhodesia (Prohibited Trade and Dealings) (Amendment) Order 1967.	S.I. 1967/394 (1967 I, p. 1324).

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order revokes and replaces, in some cases with modifications, certain earlier Orders restricting 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 United Kingdom of goods exported from Southern Rhodesia and the exportation from the United Kingdom of goods intended for Southern Rhodesia. It also imposes restrictions, both in the law of the United Kingdom and, in some respects, in the law of Southern Rhodesia, on the exportation from Southern Rhodesia of the former goods and the supply to Southern Rhodesia and the importation into 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 United Kingdom 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.