STATUTORY INSTRUMENTS

1968 No. 1094

UNITED NATIONS

The Southern Rhodesia (United Nations Sanctions) (Overseas Territories) Order 1968

Made - - - -	12*th July* 1968
Laid before Parliament	18*th July* 1968
Coming into Operation	31*st July* 1968

At the Court at Buckingham Palace, the 12th day of July 1968

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 dealings 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 and commencement

1. This Order may be cited as the Southern Rhodesia (United Nations Sanctions) (Overseas Territories) Order 1968, and shall come into operation on 31st July 1968.

Extent of Order

2.—(1) This Order extends to the territories (including the dependencies thereof) mentioned in Schedule 1 to this Order :

Provided that this Order shall extend to Bahrain, Qatar, the Trucial States and the New Hebrides only to the extent that Her Majesty has jurisdiction therein and in particular, and without prejudice to the generality of the foregoing provision, Article 12 of this Order shall not extend to those territories.

(2) In the application of this Order to any of the said territories as part of its law the expression " the Territory " in this Order means that territory.

(a) 1946 c. 45.

Importation of certain goods into the Territory

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

(2) Any person who imports any goods into the Territory in contravention of paragraph (1) of this Article shall be guilty of an offence against this Order.

(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 Territory.

Exportation of goods from Southern Rhodesia

4.—(1) Except under the authority of a licence granted by the Governor, 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.

(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, Southern Rhodesia, the Channel Islands, the Isle of Man, an associated state, Tonga or any territory to which this Order 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 Territory

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

(2) Any person who exports any goods from the Territory in contravention of paragraph (1) of this Article shall be guilty of an offence against this Order.

(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 Territory.

Supply of goods to Southern Rhodesia

6.—(1) Except under the authority of a licence granted by the Governor, 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, Southern Rhodesia, the Channel Islands, the Isle of Man, an associated state, Tonga or any territory to which this Order extends,

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

Carriage of certain goods exported from or destined for Southern Rhodesia

7.—(1) Without prejudice to the generality of Article 4 of this Order, no ship or aircraft to which this Article applies and no land transport vehicle within the Territory 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 4(1) of this Order.

(2) Without prejudice to the generality of Articles 5 and 6 of this Order, no ship or aircraft to which this Article applies and no land transport vehicle within the Territory 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, the Channel Islands, the Isle of Man, an associated state, Tonga or any territory to which this Order extends, to aircraft so registered or registered in Southern Rhodesia 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, Southern Rhodesia, the Channel Islands, the Isle of Man, an associated state, Tonga or any territory to which this Order 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, the Channel Islands, the Isle of Man, an associated state, Tonga or any territory to which this Order extends or any aircraft so registered or registered in Southern Rhodesia, 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 4(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, the Channel Islands, the Isle of Man, an associated state, Tonga or any territory to which this Order extends or any aircraft so registered or registered in Southern Rhodesia, 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 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

8.—(1) Except under the authority of a licence granted by the Governor, 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, Southern Rhodesia, the Channel Islands, the Isle of Man, an associated state, Tonga or any territory to which this Order extends,

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

Investigation, etc. of suspected British ships and aircraft

9.—(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, the Channel Islands, the Isle of Man, an associated state, Tonga or any territory to which this Order extends has been or is being or is about to be used in contravention of paragraph (1) or paragraph (2) of Article 7 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 7(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, the Channel Islands, the Isle of Man, an associated state, Tonga or any territory to which this Order 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 Governor or any person authorised by him for that purpose either generally or in a particular case has reason to suspect that any aircraft registered in the United Kingdom, Southern Rhodesia, the Channel Islands, the Isle of Man, an associated state, Tonga or any territory to which this Order extends has been or is being or is about to be used in contravention of paragraph (1) or paragraph (2) of Article 7 of this Order or of

(a) 1894 c. 60.

Article 10 of this Order, the Governor or that authorised person 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 that authorised person 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 Territory, the Governor or any such authorised person (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 Territory 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 Governor or any person authorised by him, as aforesaid has reason to suspect that any request that an aircraft should remain in the Territory that has been made under paragraph (3) of this Article may not be complied with, the Governor or that authorised person 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) A person authorised by or under the authority of the Governor 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 the Channel Islands, the Isle of Man, an associated state, Tonga or any territory to which this Order extends; or

(*c*) on the authority of a 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 (whether in the Territory or in any other territory to which this Order extends) or for an offence against any provision of law with respect to similar matters that is for the time being in force in the United Kingdom, the Channel Islands, the Isle of Man, any associated state or Tonga.

(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.

Restrictions on the use of certain aircraft

10.—(1) Except under the authority of a licence granted by the Governor, 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 Territory, 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, Southern Rhodesia, the Channel Islands, the Isle of Man, an associated state, Tonga or any territory to which this Order extends ;

(*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 any country or territory referred to in sub-paragraph (*a*) of this paragraph ; 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 any country or territory referred to in sub-paragraph (*a*) of this paragraph.

(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 Article, 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 Article, 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 Article, 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 Governor, 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, Southern Rhodesia, the Channel Islands, the Isle of Man, an associated state, Tonga or any territory to which this Order extends,

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

Restrictions on entry into the Territory

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

(*a*) any person who, on seeking to enter the Territory, 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, or in the name of, or on behalf of, or under the authority of, the Government of Southern Rhodesia, or the Governor or any Minister of Southern Rhodesia, or any persons 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 person whom the Governor 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 Orders revoked by this Order or of any provision of law with respect to similar matters from time to time in force in the United Kingdom, the Channel Islands, the Isle of Man, an associated state or Tonga.

(2) Subject to paragraph (3) of this Article, an immigration officer may, in the case of a person to whom this Article applies who seeks to enter the Territory—

(i) refuse to admit him to the Territory (which refusal shall remain in force until expressly revoked) ; or

(ii) admit him to the Territory subject to a condition restricting the period for which he may remain there, with or without conditions for restricting his employment or occupation.

(3) The power to refuse admission conferred by paragraph (2) of this Article shall not be exercised on any occasion in respect of a person who—

(*a*) being a woman, satisfies an immigration officer that she is the wife of a person who is resident in the Territory or of a person who enters or seeks to enter the Territory with her ; or

(*b*) satisfies an immigration officer that he is under the age of sixteen and that at least one of his parents is resident in the Territory or is entering or seeking to enter the Territory with him ;

and the references in this paragraph to a person entering or seeking to enter the Territory shall be construed as not including a person who, on the occasion in question, is refused admission to the Territory.

(4) If any person to whom this Article applies—

(*a*) enters or remains within the Territory, otherwise than in accordance with the directions or under the authority of an immigration officer,

while a refusal of admission under paragraph (2) of this Article is in force in relation to him ; or

(*b*) contravenes or fails to comply with any conditions imposed on him under that paragraph,

he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £200 or to imprisonment for a term not exceeding three months or to both ; and a person convicted of such an offence shall be deemed to be a prohibited immigrant and may be removed from the Territory in accordance with, and subject to the restrictions contained in, the law of the Territory relating to the removal of prohibited immigrants.

(5) Nothing in this Article shall apply to any person who under any provision of the Constitution of the Territory has a right to enter the Territory or who under any other provision of law has the status of a person belonging to the Territory or of a permanent resident of the Territory or any other like status which carries with it a right to enter the Territory ; and nothing in this Article shall be construed as derogating from the powers conferred by any other provision of law in relation to restrictions on the entry to or remaining in the Territory of any person to whom this Article applies.

(6) In this Article—

" immigration officer " means any person who under the law of the Territory is, or has the powers of, an immigration officer and includes any person appointed by the Governor to be an immigration officer for the purposes of this Article ;

" prohibited immigrant " means a person belonging to a category, however described, the members of which are, under the law of the Territory, declared to be prohibited from entry into the Territory (whether or not the prohibition may be raised) and to be liable to deportation from the Territory.

Restrictions on certain activities promoting emigration to Southern Rhodesia

13.—(1) Except under the authority of a licence granted by the Governor, 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 2 to this Order shall have effect in order to facilitate the obtaining, by or on behalf of the Governor, 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 Governor, of evidence of the commission of an offence against this Order.

Penalties and Proceedings

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

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

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

(5) Proceedings for an offence against this Order shall not be instituted in the Territory except by, or with the consent of, the Attorney-General ;

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.

(6) In paragraph (5) of this Article "the Attorney-General" means the Attorney-General or other principal law officer of the Territory:

Provided that—

(*a*) if there is no such office established for the Territory the reference to the Attorney-General in that paragraph shall be construed as if it were a reference to the Governor ; and

(*b*) if by the law of the Territory power is vested to the exclusion of any other person in some officer other than the principal law officer to take over and continue criminal proceedings instituted before any civil court of the Territory by any other person or authority the said reference shall be construed as if it were a reference to that other officer.

(7) Nothing in this Article shall apply in respect of an offence under Article 12 of this Order or proceedings for such an offence.

Exercise of powers of the Governor

16.—(1) The Governor 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 2 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 Governor 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;

"Governor" means the Governor or other officer administering the government of the Territory:

Provided that in the case of Brunei it means Her Majesty's High Commissioner for Brunei, in the case of Bahrain, Qatar and the Trucial States it means Her Majesty's Political Resident in the Persian Gulf, in the case of Swaziland it means Her Majesty's Commissioner for Swaziland, and in the case of the New Hebrides it means Her Majesty's High Commissioner for the Western Pacific;

"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) In this Order any reference to the holder of an office by a term designating or describing his office shall be construed as including, to the extent of his authority, a reference to any person for the time being authorised to perform the functions of that office.

(3) 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.

(4) 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.

(5) 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.

(6) Any provision of this Order which prohibits the doing of a thing except under the authority of a licence granted by the Governor of the Territory shall not have effect in relation to any such thing done outside the Territory provided that it is so done under the authority of a licence granted in accordance with any law in force in the United Kingdom (being a law substantially corresponding to the relevant provision of this Order) by the authority competent in that behalf under that law; and any such provision as aforesaid of this Order shall also not have effect in relation to any such thing—

(*a*) done in the Channel Islands, the Isle of Man, an associated state, Tonga or any territory (other than the Territory) to which this Order extends; or

(*b*) done elsewhere outside the Territory by a person who is ordinarily resident in, or by a body incorporated or constituted under the law of, a territory referred to in sub-paragraph (*a*) of this paragraph,

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 territory (being the relevant provision of this Order in the case of a territory to which this Order extends and a law substantially corresponding to that provision in any other case) by the authority competent in that behalf under that law.

(7) References in this Order to any country or territory (other than the Territory) 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.

(8) 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 Southern Rhodesia (Prohibited Trade and Dealings) (Overseas Territories) Order 1967(b) and the Southern Rhodesia (Prohibited Trade and Dealings) (Overseas Territories) (Amendment) Order 1967(c) (hereinafter referred to as "the existing Orders") are revoked in so far as they are part of the law of any territory to which this Order extends.

(a) 1889 c. 63. (b) S.I. 1967/18 (1967 I, p. 10). (c) S.I. 1967/248 (1967 I, p. 952).

(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 to a particular provision thereof, in Articles 9 and 14 (together with Schedule 2) 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) In the application of this Order as part of the law of any territory to which the Southern Rhodesia (Prohibited Trade and Dealings) (Overseas Territories) Order 1967 extended, the references in Articles 4(3) and 7 of this Order to goods that have been exported from Southern Rhodesia in contravention of Article 4(1) of this Order shall be deemed to include references to goods which have been exported from Southern Rhodesia in contravention of Article 4(1) of the Southern Rhodesia (Prohibited Trade and Dealings) (Overseas Territories) Order 1967.

W. G. Agnew.

Article 2

SCHEDULE 1

Territories to which this Order extends

Bahama Islands.
Bahrain.
Bermuda.
British Honduras.
British Solomon Islands Protectorate.
British Virgin Islands.
Brunei.
Cayman Islands.
Cyprus: Sovereign Base Areas of Akrotiri and Dhekelia.
Falkland Islands.
Fiji.
Gibraltar.
Gilbert and Ellice Islands Colony.
Hong Kong.
Montserrat.
New Hebrides.
Qatar.
Seychelles.
Swaziland.
St. Helena.
St. Vincent.
The Trucial States.
Turks and Caicos Islands.

Article 14

SCHEDULE 2

Evidence and Information

1.—(1) Without prejudice to any other provision of this Order, or any provision of any other law, the Governor (or any person authorised by him for that purpose either generally or in a particular case) may request any person in or resident in the Territory to furnish to the Governor (or to that authorised person) any information in his possession or control, or to produce to the Governor (or to that authorised person) any document in his possession or control, which the Governor (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 before a superior court 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.

2.—(1) If any judge, magistrate or justice of the peace is satisfied by information on oath given by a person authorised by the Governor 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 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 offence against this Order 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 an offence against this Order to which they are relevant, until the conclusion of those proceedings.

3. A person authorised by the Governor 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 the Channel Islands, the Isle of Man, an associated state, Tonga or any territory to which this Order extends; or

(*c*) on the authority of a 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 (whether in the Territory or in any other territory to which this Order extends) or for an offence against any provision of law with respect to similar matters that is for the time being in force in the United Kingdom, the Channel Islands, the Isle of Man, any associated state or Tonga.

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.

EXPLANATORY NOTE

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

This Order, made under the United Nations Act 1946, applies to each of the territories specified in Schedule 1. It revokes the Southern Rhodesia (Prohibited Trade and Dealings) (Overseas Territories) Order 1967 as respects those territories and replaces, with modifications, the provisions of that Order. It also introduces certain further restrictions and confers certain further powers in connection with Southern Rhodesia.

The Order restricts the importation into each territory of goods exported from Southern Rhodesia and the exportation from the territory of goods intended for Southern Rhodesia. It also imposes restrictions on the exportation of goods from Southern Rhodesia and the supply of goods to Southern Rhodesia as well as certain related activities and dealings, including the carriage of 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 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 territory 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.