STATUTORY INSTRUMENTS

1968 No. 727

AFRICA

The Swaziland Constitution (Amendment) Order 1968

Made - - - -	*8th May* 1968
Laid before Parliament	*14th May* 1968
Coming into Operation	*15th May* 1968

At the Court at Buckingham Palace, the 8th day of May 1968

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers in that behalf by the Foreign Jurisdiction Act 1890(a) or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Citation, construction and commencement.

1.—(1) This Order may be cited as the Swaziland Constitution (Amendment) Order 1968 and shall be construed as one with the Swaziland Constitution Order 1967(b) (hereinafter referred to as the "principal Order") and the Swaziland Constitution (Amendment) Order 1967(c).

(2) The principal Order, the Swaziland Constitution (Amendment) Order 1967 and this Order may be cited together as the Swaziland Constitution Orders 1967 and 1968.

(3) This Order shall come into operation on 15th May 1968 and shall be published in the Gazette.

Amendment of principal Order.

2.—(1) The principal Order is amended by the insertion, immediately after section 10, of the following sections:—

"Transfer of rights and obligations.

10A.—(1) All rights, liabilities and obligations of Her Majesty in right of the Government of Swaziland subsisting under the law of Swaziland immediately before the appointed day shall, as from the appointed day, be rights, liabilities and obligations of the Government of the Kingdom of Swaziland and, subject to the provisions of any law, shall be enforceable by or against the Government.

(2) In this section the reference to rights, liabilities and obligations includes rights, liabilities and obligations arising under contract or otherwise but, except in the case of any agreement expressed to be between Swaziland and the International Bank for Reconstruction and Development or between Swaziland and the International Development Association, shall not include rights, liabilities and obligations arising under any treaty, convention or agreement with another country or with any international organisation.

(a) 1890 c. 37. (b) S.I. 1967/241 (1967 I, p. 857).
(c) S.I. 1967/975 (1967 II, p. 2950).

Transfer of property and assets.

10B.—(1) Any property and assets which immediately before the appointed day were vested in Her Majesty for the purposes of the Government of Swaziland shall, as from the appointed day, vest in the Government of the Kingdom of Swaziland.

(2) The property and assets referred to in subsection (1) of this section shall vest in the Government of the Kingdom of Swaziland subject to any subsisting rights or interests which before the appointed day have been granted to or recognised as vested in any other person.

(3) Nothing in this section shall apply in relation to any property to which section 89 of the Constitution applies.".

(2) The amendments made by the foregoing provisions of this section shall have effect for all purposes as though they had been included in and formed part of the principal Order on the day on which that Order came into operation.

W. G. Agnew.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order amends the Swaziland Constitution Order 1967 so as to transfer to the Government of the Kingdom of Swaziland rights, liabilities and obligations, and also property and assets of the Crown in right of the former Government of Swaziland. The amendments made by the Order take effect from the date upon which the Swaziland Constitution Order 1967 came into operation.