1964 No. 1655

AFRICA

The Zambia (State Lands and Reserves) Order 1964

Made - - - - *15th October* 1964
Coming into Operation *Immediately before 24th October* 1964
* *To be laid before Parliament*

At the Court at Buckingham Palace, the 15th day of October 1964

Present,

The Queen's Most Excellent Majesty in Council

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

Citation, commencement and construction.

1.—(1) This Order may be cited as the Zambia (State Lands and Reserves) Order 1964.

(2) This Order shall come into operation immediately before 24th October 1964.

(3) This Order shall be construed as one with the Northern Rhodesia (Crown Lands and Native Reserves) Orders in Council 1928 to 1963(**b**).

Amendment of Order of 1928.

2. The Northern Rhodesia (Crown Lands and Native Reserves) Order in Council 1928(**c**), as amended, is further amended in the respects specified in the Schedule to this Order.

Vesting of rights in Crown lands, etc. in President.

3. All rights in or in relation to Crown lands or other immovable property in Northern Rhodesia that are vested in Her Majesty immediately before the commencement of this Order shall, on the commencement of this Order, be transferred to and vest in the President of the Republic of Zambia.

Vesting of native reserves in President.

4. All native reserves that, immediately before the commencement of this Order, are vested in the Secretary of State shall, on the commencement of this Order, be transferred to and vest in the President of the Republic of Zambia.

Saving of existing rights.

5. Nothing in this Order or the Zambia Independence Order 1964(**d**) shall affect any estate, right or interest in or over any land or other immovable property which—

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* This Instrument was laid before Parliament on 27th October 1964.

(**a**) 53 & 54 Vict. c. 37.

(**b**) S.R. & O. 1928/246, 1936/1380 (Rev. VIII, p. 173: 1928, p. 601; 1936 I, p. 936); 1929/103, 651, 1931/167, 849, 1933/227, 488, 1937/760, 1943/76, 1947/194 (Rev. VIII, p. 182: 1929, pp. 457, 467; 1931, pp. 453, 458; 1933, pp. 824, 828; 1937, p. 809; 1943 I, p. 295; 1947 I, p. 778); 1929/1002, 1938/181 (Rev. VIII, p. 193: 1929, p. 468; 1938 I, p. 1309); 1947/2214 (Rev. VIII, p. 201: 1947 I, p. 779): S.I. 1950/1966, 1951/1168, 1955/1953, 1956/1892, 1960/2209, 1961/1503, 1962/403, 633, 1335, 1873, 1963/1045, 1923, 2090 (1950 II, p. 95; 1951 II, p. 96; 1955 II, p. 2211; 1956 II, p. 1990; 1960 III, p. 2906; 1961 II, p. 3057; 1962 I, pp. 370, 642; II, p. 1442, 2193; 1963 II, p. 1786; III, pp. 3775, 4604).

(**c**) S.R. & O. 1928/246 (Rev. VIII, p. 173: 1928, p. 601).

(**d**) S.I. 1964/1652 (1964 III, p. 3643).

(*a*) the Governor or any other officer or authority of the Government of Northern Rhodesia, acting in exercise of any power in that behalf conferred by or under the Northern Rhodesia (Crown Lands and Native Reserves) Order in Council 1928 or any Order amending that Order, has at any time before the commencement of this Order created, granted, recognised or otherwise acknowledged; or

(*b*) is recognised or otherwise acknowledged by any provision of the Northern Rhodesia (Crown Lands and Native Reserves) Order in Council 1928 or any Order amending that Order as an estate, right or interest of any person other than Her Majesty or the Secretary of State,

and accordingly those estates, rights and interests shall continue to have the same validity as they had before the commencement of this Order and the Zambia Independence Order 1964.

W. G. Agnew.

THE SCHEDULE

AMENDMENTS TO THE NORTHERN RHODESIA (CROWN LANDS AND NATIVE RESERVES) ORDER IN COUNCIL 1928

1. Subject to the provisions of this Schedule there shall be substituted in articles 1 to 10 (inclusive)—

(*a*) for the expression "Crown Lands" wherever it occurs the expression "State Lands";

(*b*) for the expression "Native Reserves" wherever it occurs the expression "Reserves";

(*c*) for the expression "Native Trust Land" wherever it occurs the expression "Trust Land";

(*d*) for the words "Northern Rhodesia" wherever they occur (except in paragraph (5) of the definition of Crown Lands in article 2 and in article 3(3)) the word "Zambia".

2. In article 1 the words "and shall be read and construed as one with the Northern Rhodesia Order in Council 1924" shall be deleted.

3. In article 2—

(*a*) for the definition of the expression "Native Reserves" there shall be substituted—

'"the Reserves" means the lands set apart by article 6 of this Order, as from time to time amended, for the sole and exclusive use of the natives of Zambia;';

(*b*) the definition of the expression "the Secretary of State" shall be deleted.

4. For article 4 there shall be substituted—

"4. All rights in or in relation to State Lands shall vest in the President.".

5. For article 5 there shall be substituted—

"5. Subject to the provisions of any law in force in Zambia the President may make grants and dispositions of State Lands and of any other immovable property that may for the time being be vested in the President.".

6. In article 6—

(*a*) there shall be substituted for the words "Secretary of State" in paragraph (1) the word "President";

(*b*) there shall be substituted for the words "Governor with the approval of the Secretary of State" in paragraph 2(*a*) the word "President";

(*c*) there shall be substituted for the words "Governor may with the approval of the Secretary of State" in paragraph (3) the words "President may";

(*d*) paragraph (4) shall be deleted.

7. In article 6A—

(*a*) there shall be substituted for the word "Governor" wherever it occurs the word "President";

(*b*) the proviso to paragraph (2) shall be deleted;

(*c*) there shall be substituted for paragraph (3)—

"(3) The powers of the President under paragraph (1) of this article shall be exercised in accordance with any regulations made under article 7 of this Order or any law applying in relation to Reserves.".

8. In article 7—

(*a*) there shall be substituted for the word "Governor" the word "President";

(*b*) the words "subject to the approval of the Secretary of State" shall be deleted.

9. In article 8(2) there shall be substituted for the word "Governor" wherever it occurs the word "President".

10. In article 10 there shall be substituted for the word "Governor" wherever it occurs the word "President".

11. For article 10A there shall be substituted the following—

"10A. The President may, by order, authorise any person or authority to exercise for and on behalf of the President, subject to such exceptions and conditions as he may specify, any of the functions of the President under this Order.".

12. Articles 10B and 11 shall be revoked.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order makes provision having effect from 24th October (which is the day upon which Northern Rhodesia will become an independent Republic under the name of Zambia) for vesting Crown lands and immovable property and native reserves in the territory in the President of Zambia and for such other amendments to the Northern Rhodesia (Crown Lands and Native Reserves) Orders in Council 1928 to 1963 as are necessary to bring those Orders into accord with the constitutional arrangements which will come into operation on that day. The Order also provides for the continuation of existing estates, rights or interests derived from those Orders in Council.