STATUTORY INSTRUMENTS

1964 No. 1656

AFRICA

The Zambia (Trust Land) Order 1964

Made - - - - 15*th October* 1964

Coming into Operation *Immediately before* 24*th 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 (Trust Land) 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 (Native Trust Land) Orders in Council 1947 to 1963(b).

Amendment of Order of 1947.

2. The Northern Rhodesia (Native Trust Land) Order in Council 1947(c), as amended, is further amended in the respects specified in the Schedule to this Order.

Vesting of native trust lands in President.

3. All Native Trust Land that immediately before the commencement of this Order is 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.

4. Nothing in this Order or the Zambia Independence Order 1964(d) shall affect any estate right or interest in or over any land which 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 (Native Trust Land) Order in Council 1947 or any Order amending that Order has at any time before the commencement of this Order created, granted, recognised or otherwise acknowledged, 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.

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

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

(b) S.R. & O. 1947/2214 (Rev. VIII, p. 201: 1947 I, p. 779); S.I. 1954/1142, 1374, 1959/2204, 1961/335, 995, 1962/404, 634, 1336, 1872, 1963/1050, 1328, 1924, 2091 (1954 II, pp. 1937, 1938; 1959 II, p. 2340; 1961 I, p. 529; II, p. 1920; 1962 I, pp. 372, 644; II, pp. 1444, 2191; 1963 II, pp. 1809, 2309; III, pp. 3777, 4606).

(c) S.R. & O. 1947/2214 (Rev. VIII, p. 201: 1947 I, p. 779).

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

THE SCHEDULE

AMENDMENTS TO THE NORTHERN RHODESIA (NATIVE TRUST LAND) ORDER IN COUNCIL 1947

1. There shall be substituted in sections 1 to 10 (inclusive)—

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

(*b*) for the words "Northern Rhodesia" wherever they occur the word "Zambia";

(*c*) for the word "Governor" wherever it occurs the word "President";

(*d*) for the expression "Crown Lands" wherever it occurs the expression "State Lands".

2. In section 1 the words "and shall be read and construed as one with the Northern Rhodesia Order in Council, 1924, as from time to time amended" shall be deleted.

3. In section 2—

(*a*) for the definition of "Native Trust Land" there shall be substituted the following definition:—

'"Trust Land" means the land set apart by section 3 of this Order, as from time to time amended, for the sole use and benefit, direct or indirect, of the natives of Zambia;'

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

4. In section 3—

(*a*) there shall be substituted for the word "Crown" in subsection (2) the word "President";

(*b*) in subsection (3) the words "with the approval of the Secretary of State" shall be deleted, and there shall be substituted for the words "on such approval being given" the words "provided further that".

5. For section 4(1) there shall be substituted the following:—

"(1) All Trust land is hereby vested in the President and shall, subject to the provisions of this Order, be administered and controlled by the President for the use or common benefit, direct or indirect, of the natives of Zambia.".

6. In section 5(1) the words "subject to the general or special directions of the Secretary of State" shall be deleted.

7. In section 7(3) there shall be substituted for the expression "Governor in Council" the word "President".

8. In section 10 the words "with the approval of the Secretary of State" shall be deleted.

9. There shall be substituted for section 10A 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.".

10. Sections 10B and 10C 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 1964 (which is the day upon which Northern Rhodesia will become an independent Republic under the name of Zambia) for vesting Native Trust Land in the territory in the President of Zambia and for making such other amendments to the Northern Rhodesia (Native Trust Land) Orders in Council 1947 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.